

TOWN OF NORTH HARMONY  
PUBLIC HEARING  
TUESDAY, 5/13/2024 6:30 PM

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ROBERT YATES, SUPERVISOR	PRESENT
LOUISE ORTMAN, COUNCIL	PRESENT
RICHARD SENA, COUNCIL	PRESENT
NIKIEL ADAMS, COUNCIL	PRESENT
BRUCE M. PFEIL, COUNCIL	PRESENT

OTHERS PRESENT: Robin Miller, Bookkeeper; Stephanie Gibbs, Town Clerk; Kelly Johnson, Attorney

**PUBLIC HEARING – LOCAL LAW #2 OF 2024 - ENACTING A  
TEMPORARY MORATORIUM ON COMMERCIAL SOLAR AND  
BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF NORTH  
HARMONY.**

Mr. Yates brought the Public Hearing to order at 6:30 PM

Mr. Yates asked the board if they had anything to say about the Moratorium.

Mr. Sena said there are a lot of T's to cross and I's to cross with ongoing discussion with the planning board.

Mr. Yates asked if there were any other comments.

**MOTION #74 OF 2024**

ON A MOTION MADE BY MRS. ORTMAN SECONDED BY MR. SENA AND NONE BEING  
OPPOSED, THE PUBLIC HEARING WAS ADJOURNED AT 6:33 PM.

*Stephanie Gibbs*  
*Town Clerk*

TOWN OF NORTH HARMONY  
TOWN BOARD MEETING  
TUESDAY, 5/13/2024 7:00 PM

ROBERT YATES, SUPERVISOR	PRESENT
LOUISE ORTMAN, COUNCIL	PRESENT
RICHARD SENA, COUNCIL	PRESENT
NIKIEL ADAMS, COUNCIL	PRESENT
BRUCE M. PFEIL, COUNCIL	PRESENT

OTHERS PRESENT: Robin Miller, Bookkeeper; Stephanie Gibbs, Town Clerk; Kelly Johnson, Attorney; Benny Karlson, Highway Superintendent; Jonathan Henck; Brad Lawson, Zoning CEO; Chuck Rugg; Pierre Chagnon, Legislature; Howard Peacock, Justice; Frank Schoenacker; Gary Card

Mr. Yates brought the Town Board meeting to order at 7:00 PM

- **PLEDGE**
- **MINUTES: 4/8/2024**
- **MOTION # 75 OF 2024**  
MRS. ADAMS MOTIONED TO ADOPT THE MINUTES OF THE 4/8/2024 TOWN BOARD MEETING AS PRESENTED BY THE TOWN CLERK. MR. SENA SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). THE MOTION WAS CARRIED.
- **ANNOUNCEMENTS:**

MEMORIAL DAY SERVICE: SUNDAY, 5/26/2024 @ 1PM AT THE TOWN OF NORTH HARMONY VETERANS PARK

ASSESSMENT GRIEVANCE DAY: WEDNESDAY, MAY 29, 2024

29<sup>TH</sup> ANNUAL LOCAL GOVERNMENT CONFERENCE THURSDAY, 6/6/2024 FROM 7:30 AM – 4:00 PM – REGISTER BY 6/1. (TOWN CLERK’S OFFICE WILL BE CLOSED)

- **PUBLIC COMMENT:**

FRANK SCHOENACKER – 5146 LAKEVIEW AVE.

Mr. Schoenacker said he would like to speak about the use of herbicides on Chautauqua Lake. He said he operates a fishing charter on Chautauqua Lake and Lake Erie. Mr. Schoenacker said he can see herbicides used in small areas, but he sees them being applied in large areas. He said they kill everything so there is no place for the small fish to go and he said he is also concerned for the wildlife. He questioned if we don’t have any fish left what will happen to the ospreys and eagles. Mr. Schoenacker said there is a problem with the walleye population already, and he feels there is a lot of political pressure on the DEC to use herbicides and he is worried they will not re-stock this lake again if the fish population is affected.

ROE WOODARD – MARKER BUOYS NORTH SIDE OF FERRY/SPEED LIMIT

**Mr. Yates** said Mrs. Woodward was going to come back in this month but due to the fact that the DOT has been working on and under the bridge they are placing buoys under the bridge and they will change all the time so they agreed that they should not place any downstream and that they should get a permit to place two of them on the North side of the bridge. She has put that package together and he (Mr. Yates) and the Mayor of Bemus Point need to work out some details in terms of a municipal contract.

**Mrs. Johnson** said as soon they have details; she can complete the contract.

#### JONATHAN HENCK – 3518 ROSS ST.

**Mr. Henck** recommended everyone to attend the meeting that will be held on May 25<sup>th</sup> at the Casino in Bemus Point. He said to his understanding herbicides may be the topic. Mr. Henck said Hadley Bay has so much junk piled up and asked what can be done.

**Mr. Yates** said he suggested to the HOA to come up with a plan so they could get funding. He said we could get a bond anticipation note and have it put on the tax roll. Mr. Yates said they would need to establish a fund for maintenance because it is going to come back.

**Mr. Henck** asked for an update on Ball Creek.

**Mr. Yates** said we are still working on Ball Creek.

#### GARY CARD – BLOCKVILLE WATTS FLATS

**Mr. Card** said he recently opened a business. He said he has a 20-foot barbeque trailer that is currently set up in the Town of Harmony. Mr. Card said he is here to see if there are any permits he needs to set up in North Harmony. He said he would like to set up next to the Ferry of the four corners of Ashville. He said he would be happy to donate to the ferry and the church in Ashville.

**Mr. Lawson** said the town will require a business license and New York State has code requirements for food carts. He said he can meet with him.

**Mr. Sena** said we would probably need a certificate of insurance and feels like it would be great for the town.

**Mr. Yates** asked Mr. Lawson if Mr. Card could have a temporary sign.

**Mr. Lawson** said yes.

**Mrs. Miller** asked Mr. Card if he would supply his own trash bins.

**Mr. Card** said yes.

#### CHUCK RUGG – ASHVILLE FIRE DEPARTMENT

**Mr. Rugg** gave an update on the Ashville Fire Department Ambulance Services and stated that the Fire Department has signed on with the county for EMS services for the following reasons:

- There is a requirement to bill for ambulance services.
- Starting next year, they will require performance standards that you must crew up 80% or more to keep your Certificate of Need (CON) which is their license to drive an ambulance. Two months ago, the department was at 56% and now they are at 52%.
- An ambulance would be maintained at the Ashville Fire Department, it would be manned by the county from 6 AM – 4:30 PM and the department would need man it outside those hours.
- The county will outfit the ambulance, license it, stock it, etc...
- The department would meet their 80% requirement.
- It would be at no cost to the town.
- They would have a quick response vehicle in case the ambulance is out on a call.
- Help the town and neighboring communities.

**Mr. Rugg** said he would rather work with that county and be a leader rather than the state coming down the road and taking the ambulance.

- **RESOLUTIONS:**

RESOLUTION #16 OF 2024 – RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2024

- **MOTION # 76 OF 2024**

MRS. ORTMAN MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #16 OF 2024 TO ADOPT LOCAL LAW NO. 2 OF 2024

**WHEREAS**, proposed Local Law No. 2 of 2024 of the Town of North Harmony entitled “A Local Law Enacting a Temporary Moratorium on Commercial Solar and Battery Energy Storage Systems in the Town of North Harmony, County of Chautauqua and State of New York” which proposed Local Law in its final form was presented to the Town Board at the meeting held on April 8, 2024, and a copy thereof was kept with the Town Clerk and copies were provided to each member of the Town Board, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on May 13, 2024, before this Town Board, pursuant to public notice published in The Post Journal, and posted on the Town of North Harmony’s website, according to law, at which time all interested persons were heard; and

**WHEREAS**, the Town Board of the Town of North Harmony, New York, is of the opinion that adoption of said proposed Local Law No. 2 of 2024 is in the best interests of the Town of North Harmony, New York,

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of North Harmony, New York that said proposed Local Law No. 2 of 2024, be and the same hereby adopted, and such Local Law shall be entered in the minutes of the North Harmony Town Board; and

**BE IT FURTHER RESOLVED**, that certified copies of said Local Law No. 2 of 2024 in its final form be filed with the New York State Secretary of State in accordance with Law; and

**BE IT FURTHER RESOLVED**, that this Local Law in its final form shall become effective as provided by law upon its filing in the Office of the Secretary of State.

MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louise Ortmann, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

RESOLUTION CONTRACT CONCRETE FOR PAVILION AT STOW FERRY.

**Mr. Yates** said the town received one bid from Flatworx for \$16,128.00. He said this is the second time the town has gone out to bid and there was no motion to accept this bid. Mr. Yates said at this time they will cancel the project.

RESOLUTION #17 OF 2024 – RESOLUTION CONTRACT FOR TOWN BUILDING PARKING LOT SEALING AND RESTRIPING.

- **MOTION # 77 OF 2024**

MR. PFEIL MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #17 OF 2024 TO CONTRACT WITH KINGSVIEW ENTERPRISES, INC.

**WHEREAS**, The Town of North Harmony has the need to have the parking lot sealed and re- striped at the Town Building located at 5350 Stow Road, Ashville, New York;

**WHEREAS**, the Town of North Harmony received (1) bids:

Kingsview Enterprise, Inc.	\$2,865.00
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Which have been attached hereto and made part hereof;

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of North Harmony authorizes the Supervisor to sign a contract with Kingsview Enterprise, Inc. for the parking lot sealing and re-striping at the Town Building located at 5350 Stow Road, Ashville, New York; and

**BE IT FURTHER RESOLVED**, that this resolution shall become effective upon its passage by the Town Board of the Town of North Harmony.

MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louise Ortmann, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

#### RESOLUTION CONTRACT CODIFICATION SERVICES WITH GENERAL CODE.

Mr. Sena said due to councils' recommendation he thinks we should table contracting with General Code until after having further discussions.

- **MOTION # 78 OF 2024**

MR. SENA MOTIONED TO TABLE ADOPTING A RESOLUTION TO CONTRACT CODIFICATION SERVICES WITH GENERAL CODE. MRS. ORTMAN SECONDED. YES (3): ORTMAN, SENA, ADAMS. NO (2) YATES, PFEIL. THE MOTION WAS CARRIED.

#### RESOLUTION #18 OF 2024 - RESOLUTION AUTHORIZING THE PURCHASE OF A 2017 WESTERN STAR DUMP TRUCK [VIN5KKDAXCY8HPJE7902]

- **MOTION # 79 OF 2024**

MR. SENA MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #18 OF 2024 AUTHORIZING THE PURCHASE OF A 2017 WESTERN STAR DUMP TRUCK [VIN5KKDAXCY8HPJE7902]

**WHEREAS**, the Town of North Harmony Highway Department is in need of a truck.

**WHEREAS**, the Town of North Harmony issued an Invitation for Bids for a 2017 or Newer 4700 SB Snowplow Dump Truck on Thursday, April 11, 2024, and received sealed bid by 12:00 noon on Monday, April 22, 2024; and

**WHEREAS**, the lowest responsive and responsible bid was submitted by Fleet Maintenance Inc. for a 2017 Western Star Dump Truck [VIN 5KKDAXCY8HPJE7902] at \$130,000.00 and met all required specifications and submitted all required documentation.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board authorizes the purchase of a 2017 Western Star Dump truck [VIN 5KKDAXCY8HPJE7902] in the amount of One Hundred Thirty Thousand dollars (\$130,000.00) to be paid from the 2024 Budget and shall be paid as specified:

From: A99019 \$130,000.00 (\$100,000.00 from capitol reserve A870)

To: H5031 - \$130,000 (Purchase will be made from account DA5130.2)

MRS. ADAMS SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louise Ortmann, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**RESOLUTION #19 OF 2024 - AMEND HIGHWAY BUDGET TO INCLUDE CHIPS FUNDS**

• **MOTION # 80 OF 2024**

**MR. PFEIL MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #19 OF 2024 TO AMEND HIGHWAY BUDGET TO INCLUDE CHIPS FUNDS**

**WHEREAS**, the Town of North Harmony received notification by letter dated April 30, 2024 that DOT CHIPS funding is for \$347,210.34, and

**WHEREAS**, the Town of North Harmony had budgeted \$100,000.00, and

**WHEREAS**, Schedule 284 Agreement for the Expenditure of Highway Monies was completed on the budgeted \$100,000.00, and

**NOW THEREFORE BE RESOLVED**, that the budgeted DOT CHIPS \$100,000.00 be increased to \$347,210.34 to reflect the April 30, 2024, notification, and

**FURTHER RESOLVED**, that the Schedule 284 Agreement for the Expenditure of Highway Monies be adjusted to reflect the DOT CHIPS funding of \$347,210.34, and

**FURTHER RESOLVED**, that \$247,210.34 will be transferred from General Fund Unassigned Fund Balance to Highway Chips Fund Revenue- DA3501/Expenditure – DA5112.2

**MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:**

Robert Yates, Supervisor	Yes
Louise Ortman, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**RESOLUTION #20 OF 2024 – TOWN OF NORTH HARMONY CREDIT CARD ACCEPTANCE POLICY**

• **MOTION # 81 OF 2024**

**MR. PFEIL MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #20 OF 2024 TO ACCEPT THE TOWN OF NORTH HARMONY CREDIT CARD ACCEPTANCE POLICY.**

**WHEREAS** the State Comptroller's Office states in General Municipal Law §5 and §5-b that this responsibility of the Town Clerk needs to be stated in a resolution to accept such payments for a specific purpose (i.e. real property taxes, clerk fees and code officer fees), and

**WHEREAS** the Town of North Harmony Town Clerk has requested such a Resolution of Authorization from the Town of North Harmony Town Board, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of North Harmony Town Board authorizes the Town of North Harmony Town Clerk/Tax Collector to accept credit card payments as part of the local tax collection system and town clerk system, which payments would include a Consumer Convenience Fee, and

**BE IT FURTHER RESOLVED** that the Town Clerk/Tax Collector be authorized to enter into a contract with Elavon through Community Bank for the Town Clerk/Tax Collector to handle credit card transactions on behalf of the Town of North Harmony and that a 3% convenience fee will be charged to the consumer.

**MRS. ADAMS SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:**

Robert Yates, Supervisor	Yes
Louise Ortman, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes

Nikiel Adams, Council

Yes

**THE MOTION WAS CARRIED.**

**RESOLUTION #21 OF 2024 – AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO THE HARMONY – NORTH HARMONY HISTORICAL SOCIETY AGREEMENT**

• **MOTION # 82 OF 2024**

**MR. YATES MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #21 OF 2024 TO AUTHORIZE THE TOWN SUPERVISOR TO ENTER INTO THE HARMONY-NORTH HARMONY HISTORICAL SOCIETY AGREEMENT.**

**WHEREAS**, TOWN is a municipal corporation existing under and by virtue of the State of New York; and

**WHEREAS**, ORGANIZATION is a not-for-profit organization providing services to both its members and the general public; and

**WHEREAS**, TOWN and ORGANIZATION desire to enter into a contract wherein; and

**WHEREBY** ORGANIZATION will provide services to TOWN and its residents;

**NOW, THEREFORE**, it is hereby agreed by and between TOWN and ORGANIZATION as follows:

1. ORGANIZATION agrees to provide the following services to TOWN for the period commencing January 1, 2024, to December 31, 2024: Maintenance of historical landmark, the Historical Society Campus, and historical programs for education and general public.
2. TOWN shall pay to ORGANIZATION the sum of \$5,250.00 for such services on or before the 13 day of May, 2024.
3. ORGANIZATION shall provide office space and file storage for the managing and retention of historical records as the TOWN may from time to time provide to the ORGANIZATION.
4. TOWN shall assist with improvement and maintenance of the ORGANIZATION's parking lot from time to time as required.
5. ORGANIZATION agrees to hold TOWN harmless as a consequence of any action for damages which may be brought against TOWN by reason of ORGANIZATION providing such services to TOWN.
6. This agreement is authorized by the following statute or statutes: General Municipal Law and Town Law.

**MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:**

Robert Yates, Supervisor	Yes
Louise Ortman, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**RESOLUTION #22 OF 2024 - ENGINEER SELECTION FOR TOWN OF NORTH HARMONY BALL CREEK STABILIZATION STUDY PHASE 1**

**Mr. Sena** asked if there were other bids.

**Mr. Yates** said he has a few.

**Mr. Sena** said he didn't know about this.

• **MOTION # 83 OF 2024**

**MR. YATES MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #21 OF 2024 FOR ENGINEER SELECTION FOR TOWN OF NORTH HARMONY BALL CREEK STABILIZATION STUDY PHASE 1.**

**WHEREAS**, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it including the Town of North Harmony (“Town”), but has been designated as an impaired water body and its health and usability are threatened; and

**WHEREAS**, Town and the Chautauqua Lake and Watershed Management Alliance (“Alliance”) are partnering to complete an engineering design report for a problematic section of Ball Creek that will guide future restoration efforts; and

**WHEREAS**, Town was awarded a Round 3 Nonpoint Source Planning Grant (“NPG”) Number T01464GG, from the New York State (“NYS”) Department of Environmental Conservation (“DEC”) for the Town of North Harmony Ball Creek Stabilization Engineering Study Phase 1 (“Project”), and

**WHEREAS**, Town is committed to retain the professional services of a licensed professional engineer to provide the services described in the Town’s solicitation documents for the Project; and

**WHEREAS**, Town issued a Request for Proposals (“RFP”) for Engineering Services dated March 6, 2024, and has identified an engineer best-suited to perform these professional services based on the specifics of the Project and in accordance with the Town’s Procurement Policy; and

**WHEREAS**, the engineer is able and willing to perform the professional services for the Project; therefore be it

**RESOLVED**, that the Town Board of the Town of North Harmony awards the engineering contract for the Town of North Harmony Ball Creek Stabilization Study Phase 1 to JM Davidson Engineering D.P.C. for an amount not to exceed \$30,150.00; and that the Town Supervisor is authorized to execute a contract with JM Davidson Engineering D.P.C. and act in all matters related to the contract.

**MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:**

Robert Yates, Supervisor	Yes
Louise Ortman, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**Mr. Sena** questioned why they didn’t have a bid opening for engineering.

**Mrs. Johnson** said bid openings are required to be public.

**Mr. Yates** said there wasn’t a bid opening. He said they worked with the alliance. Mr. Yates asked if it was required. He said he had never done it before.

**Mr. Chagnon** said he has questions about this that he will raise with the alliance. He said, he thinks there is an RFQ process required not an RFP process. Mr. Chagnon said he needs to do some research. He said when hiring engineers and there are high dollars involved, they need to do a request for qualifications and that process is different as is they solicit the qualifications of engineers and they are required to interview at least three of the proposers and they select the one they feel is most qualified, then they negotiate and there is no bid process. Mr. Chagnon said he would be in touch with what he finds out.

**Mrs. Johson** said they can always rescind the resolution later.

- **CORRESPONDENCE:** The following correspondence has been received by the Supervisor and is available for review:

**ASSESSOR –FEBRUARY PROPERTY TRANSFERS: A/V: \$0 S/P: \$0 (+\$0)**

#### **CHARTER/SPECTRUM**

On or around May 20, 2024, Spectrum Northeast, LLC (“Spectrum”), will launch UPTv on channel 124 in high definition (165 and 817 in Plattsburgh) on SPP Select.

On or around May 15, 2024, Spectrum Northeast, LLC (“Spectrum”), will launch Univision on channels 16, 26, 36, 38., 42, 60, 61, 62, 65, 66 or 70 in standard definition and channel 801 in high definition (237 and 877 in Plattsburgh) on SPP Select on the channel lineup serving your community.



NOTICE OF COMPLETION OF TENTATIVE ASSESSMENT ROLL – AVAILABLE IN TOWN CLERK’S OFFICE AND THE TOWN WEBSITE FOR REVIEW.

FINAL PAYMENT ON THE WARRANT TO THE COUNTY - \$1,784,454.57

SUPERVISORS ANNUAL REPORT.

- **MOTION # 84 OF 2024**

MRS. ADAMS MOTIONED TO ACCEPT THE SUPERVISORS’ ANNUAL REPORT. MR. SENA SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). **THE MOTION WAS CARRIED.**

- **OLD BUSINESS:**

CLAYTON EMICK – MOTION TO ACCEPT RESIGNATION FROM THE BOARD OF ASSESSMENT REVIEW BOARD AND REAPPOINT TO THE ASSESSMENT REVIEW BOARD EFFECTIVE IMMEDIATELY THROUGH 6/1/2024.

- **MOTION # 85 OF 2024**

MR. SENA MOTIONED TO ACCEPT CLAYTON EMICK’S RESIGNATION FROM THE BOARD OF ASSESSMENT REVIEW BOARD AND REAPPOINT TO THE ASSESSMENT REVIEW BOARD EFFECTIVE IMMEDIATELY THROUGH 6/1/2024. MRS. ORTMAN SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). **THE MOTION WAS CARRIED.**

HELEN EMICK – MOTION TO ACCEPT RESIGNATION FROM THE ZONING BOARD OF APPEALS BOARD.

- **MOTION # 86 OF 2024**

MRS. ORTMAN MOTIONED TO ACCEPT HELEN EMICKS RESIGNATION FROM THE ZONG BOARD OF APPEALS BOARD EFFECTIVE APRIL 5, 2024. MR. SENA SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). **THE MOTION WAS CARRIED.**

JIM LEVESQUE – MOTION TO ACCEPT RESIGNATION FROM THE ZONING BOARD OF APPEALS BOARD.

- **MOTION # 87 OF 2024**

MRS. ORTMAN MOTIONED TO ACCEPT JIM LEVESQUES RESIGNATION FROM THE ZONING BOARD OF APPEALS BOARD EFFECTIVE APRIL 5, 2024. MR. SENA SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). **THE MOTION WAS CARRIED.**

SALT DOME/FUEL PUMPS

Mr. Karlson said the salt dome needs repairs, but the fuel pumps need some repairs as well. He said he feels we need to postpone the salt dome repairs and pursue the fuel pump repairs. Mr. Karlson said he is unsure of what we will get into, but it could be quite costly.

- **NEW BUSINESS:**

DICK SENA - WATER QUALITY MONITORING STATIONS (SHEDS) ALONG THE CREEK.

Mr. Sena said he wanted to put on record what the sheds going up along the creek are. He said they are monitoring stations that the Jefferson Project put in and the main thing they are looking for with the stations is salt runoff. He said the gentlemen he talked to said they are on a big campaign to reduce the salt usage on the roads. Mr. Sena said they are monitoring all the water coming through the streams to the lake.

HIGHWAY M.E.O. STEPHEN PIHL - \$1/HR. RAISE EFFECTIVE 6/7/2024 (\$24/HR.; \$36/HR. OT)

- **MOTION # 88 OF 2024**

MR. SENA MOTIONED TO AUTHORIZE M.E.O. STEPHEN PIHL A \$1/HR. RAISE EFFECTIVE 6/7/2024 (\$24/HR.; \$36/HR. OT). MRS. ADAMS SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louise Ortman, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

- **ALL OTHER BUSINESS AS NECESSARY**

- **REPORTS**

**PIERRE CHAGNON, LEGISLATOR**

- I presented a commendation to Matthew Trim, NYS 215-pound Wrestling Champion, representing Maple Grove High School.
- County Executive PJ Wendel presented an inspiring multi-media state of the County address, highlighting past accomplishments and future expectations.
- We confirmed re-appointments to the County Parks Commission, including Martha Anderson and Jacob Bodway of Bemus Point.
- We accepted a NYSDEC grant and appropriated the local match to develop a Sediment and Debris Management Plan for Bemus Creek due to tributary flooding associated with Bemus Creek watershed.
- We authorized an MOU with New York State Energy Research and Development Authority to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at Dunkirk airport.

**ANNE GOLLEY, ASSESSOR**

Mr. Yates read the following report into the record.

**TOWN OF NORTH HARMONY  
ASSESSOR'S REPORT  
May 2024**

The valuation for new construction, demolition, and any reviews requested by the property owners have been completed. The 2024 tentative assessment roll has been sent to Chautauqua County, and all notices for properties that had an assessment change have been mailed out.

The appropriate legal notice for the Tentative Assessment Roll appeared on May 1, 2024, in the Post Journal, as required by the State of New York Real Property Tax Law.

Grievance Day for the 2024 assessment roll will be Wednesday, May 29<sup>th</sup> by appointment at the Town of Chautauqua office.

As always, thank you for your continued support of the Assessor's Office.

**HOWARD PEACOCK, JUSTICE**

Mr. Peacock read the following report into the record.

**COURT REPORT FOR THE MONTH OF  
APRIL 2024**

**For the month of April:**

**\$39,124.00** in fines, fees, and surcharges was collected by the Court and was given to the Town of North Harmony CFO for the court cases reported to the NYS Comptroller for **April 2024**. We **opened 294** new cases and **closed 225** cases.

Respectfully Submitted,

Katie A. Zimmer

Court Clerk

**BENNY KARLSON, HIGHWAY SUPERINTENDENT (Copy of Report in Minute Book)**

Mr. Karlson said he had nothing further to add to his report.

**BRAD LAWSON, ZONING C.E.O. (Copy of Report in Minute Book)**

Mr. Lawson read his report into the record.

Mr. Yates said he would like the board to appoint Mike Gleason to the position of Assistant Inspector. He said he has been helping and is very qualified. Mr. Yates said it will be part time just to help us out and he said Mr. Lawson recommended him for the position at \$25/hr.

• **MOTION # 89 OF 2024**

MR. SENA MOTIONED TO APPOINT MIKE GLEASON AS A PART TIME ASSISTANT INSPECTION AT \$25/HR. EFFECTIVE APRIL 5, 2024. MR. PFEIL SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FIVE VOTING MEMBERS PRESENT:

ROBERT YATES, SUPERVISOR	Yes
Louise Ortman, Council	Yes
Richard Sena, Council	Yes
Bruce Pfeil, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**JOHN STOW, DCO**

Mr. Yates read the following report into the record.

I had one call for a dog caught near Niets Crest this month. I recognized the dog and returned it to the owner. I also had several calls for lost dogs, none have been found that I know of. My wife lost our dog last night while making a salad. If anybody "Ceasar", "Lettuce" know.

John Stow  
DCO

**STEPHANIE GIBBS, DEPUTY TOWN CLERK (Copy of Report in Minute Book)**

Mrs. Gibbs said she had nothing further to add to her report.

**ROBERT YATES, SUPERVISOR (Copy of Report in Minute Book)**

Mr. Yates said he had nothing further to add to his written report.

**MOTION # 90 OF 2024**

MR. SENA MOTIONED TO ACCEPT THE REPORTS OF THE TOWN CLERK AND SUPERVISOR AS PRESENTED. MRS. ORTMAN SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). THE MOTION WAS CARRIED.

**MOTION # 91 OF 2024**

MRS. ORTMAN MOTIONED TO APPROVE THE FOLLOWING VOUCHERS FOR PAYMENT AS REVIEWED AND AUDITED EARLIER:

GENERAL FUND                      \$54,938.71

HIGHWAY FUND                      \$116,109.87

MR. YATES SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). THE MOTION WAS CARRIED.

**EXECUTIVE SESSION**

**MOTION # 92 OF 2024**

MS. SENA MOTIONED TO ENTER INTO EXECUTIVE SESSION AT 8:35 PM TO DISCUSS PERSONNEL. MR. PFEIL SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). THE MOTION WAS CARRIED.

**MOTION # 93 OF 2024**

MR. PFEIL MOTIONED TO ADJOURN EXECUTIVE SESSION AT 9:01 PM. MR. SENA SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). THE MOTION WAS CARRIED.

**MOTION # 94 OF 2024**

MRS. ORTMAN MOTIONED TO ENTER BACK INTO THE REGULAR TOWN BOARD MEETING AT 9:02 P.M. MR. SENA SECONDED. YES (5): YATES, ORTMAN, SENA, PFEIL, ADAMS. NO (0). THE MOTION WAS CARRIED.

**MOTION # 95 OF 2024**

ON A MOTION MADE BY MR. PFEIL, SECONDED BY MR. YATES AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 9:03 PM.

*Stephanie Gibbs*  
*Town Clerk*

Town of North Harmony  
Office of Code Enforcement  
PO Box 167 Stow, NY 14785

Bradley N Lawson  
PH 789-3445  
cell 450-0641



North Harmony  
Zoning and Building Report  
April 2024

Permits 2  
ZBA 1  
Inspections 5  
Hours worked 10  
Meetings 1  
Estimated building cost \$75,000  
Permits fees \$ 100.00  
Mileage 50

This month was slow for me but back on my feet. I want to thank Juile for all the work she has done in keeping me up to date and Mike Gleason for doing some inspection for us. The month of May will be a bit different as we are getting busy, we will have some new home starts and some other smaller projects. I have some complaints to catch up on and will be investigating them shortly. I will be off one more Thursday evening then should be back at regular schedule.

Brad Lawson  
CEO North Harmony

Bradley N Lawson  
CEO North Harmony

# Permit Monthly Report

04/01/2024 - 04/30/2024

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
April	2024					
2024-0008	04/02/2024	Timothy Loomis	Other Res. Permit	2752 Open Meadows Rd	3,600	\$45.00
				SBL#: 365.00-2-3		
2024-0009	04/02/2024	Anthony & Virginia Azzolina Trust	Storage Building	2373 Erickson Rd	72,400	\$55.00
				SBL#: 382.00-1-11		
April 2024 Total:					\$0.00	\$100.00
Reporting Period Total:					\$0.00	\$100.00

# TOWN CLERK'S MONTHLY REPORT

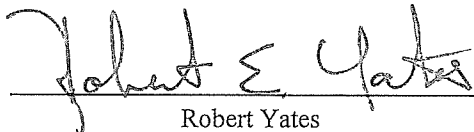
APRIL, 2024

page 2

## DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	2,493.00
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	51.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	22.50
<b>TOTAL DISBURSEMENTS</b>	<b>2,566.50</b>

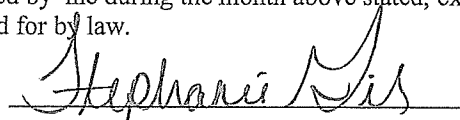
MAY 1, 2024

  
Robert Yates

, SUPERVISOR

## STATE OF NEW YORK, COUNTY OF CHAUTAUQUA, TOWN OF NORTH HARMONY

I, Stephanie Gibbs, being duly sworn, says that I am the Clerk of the Town of North Harmony that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

  
Town Clerk

# TOWN CLERK'S MONTHLY REPORT

TOWN OF NORTH HARMONY, NEW YORK

APRIL, 2024

TO THE SUPERVISOR:

PAGE 1

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

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## A1255

<u>1</u>	MARRIAGE LICENSES	NO. 24002 TO 24002	<u>17.50</u>
<u>2</u>	CERTIFIED COPIES		<u>20.00</u>
<u>10</u>	XEROX COPIES		<u>1.50</u>
<u>5</u>	TRANSFER STATION STICKER		<u>5.00</u>

TOTAL TOWN CLERK FEES

44.00

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## A2190

<u>3</u>	GRAVE LOT SALE	<u>1,800.00</u>
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TOTAL A2190

1,800.00

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## A2192

<u>1</u>	BURIAL	<u>400.00</u>
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TOTAL A2192

400.00

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## A2544

<u>39</u>	DOG LICENSES	<u>249.00</u>
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TOTAL A2544

249.00

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## GENERAL FUND APRIL 2024

Monthly Statement of The Supervisor:

To the Town Board of the Town of North Harmony pursuant to Section 119 of the Town Law, I hereby render the following detailed statement of all monies received and disbursed by me, as Supervisor, during the month of: APRIL 2024

### RECEIPTS

<u>DATE</u>	<u>Description</u>	<u>Account Code</u>	<u>AMOUNT</u>
4/2-4/11	Savings to Checking		100,000.00
	TC Fees		994.00
4/30	Check # 276 - Merbership Ware Void	A1410.4	621.00
<b>FEBRUARY TOTAL</b>			<b>101,615.00</b>

### DISBURSEMENTS

4/10	T & A (Payroll #119 )	27,856.37
	T & A (TnshSS # 120 )	1,999.11
	Void Check# 319, #342 )	-
4/1,4/12-4/30	Abstract # 118A # 121- # 150	32,519.06
	Abstract # 153, #154	9,335.96
<b>TOTAL</b>		<b>\$ 71,710.50</b>

<b>BALANCE</b>	<b>3,543.34</b>
Revenues	101,615.00
Disbursements	\$ (71,710.50)
<b>APRIL 30 , 2024</b>	<b>\$33,447.84</b>

CERTIFIED Deposit 90 day M&T BANK 4.85% maturity 4/11/2024	\$308,476.02
<b>TOTAL GENERAL/SAVINGS FUND</b>	<b>\$ 723,162.25</b>
ARPA NEU FUNDS 2021	\$ -
CEMETERY FUNDS Gen Fund	\$ 38,590.31
TOTAL Gen Fund CHECKING	\$ 33,447.84
TOTAL HWY /SAVINGS FUND	\$ 582,346.13
TOTAL Hwy Checking Fund	\$8,955.82
TOTAL CAPITAL FUND SAVINGS	\$33,681.97
TOTAL CAPITAL FUND CHECKING	\$ 5,133.87
TOTAL SPECIAL DISTRICT FUND	19,484.58
TOTAL HEALTH MANAGmt FUND	\$ 2,656.53

*Robert E. Yates*

Signed Town of N. Harmony Supervisor

5/13/24

## TOWN OF NORTH HARMONY

**GENERAL FUND SAVINGS**

April 30, 2024

12/13/2012 AP TREE CARE Voucher #547	MG	\$1,349.00
10/13/2021 Maple Springs Tree Service # 253	MG	-\$2,200.00
5/10/22 Maple Springs Tree Service # 150	MG	-\$1,000.00
8/11/23 TomAllen Maintenance	MG	-\$1,352.50
MG Cemetery Fund		31,613.29
NH Cemetery Fund		6,977.02
Balance		<b>38,590.31</b>

**GENERAL FUND SAVINGS ACCOUNT**

(2012) UnAppropriated/Assigned Cemetery		38,590.31	
(2018) UnAppropriated / Assigned Capital BAN		0.00	
( 2021 ) UnAppropriated Assigned GRANT		14,220.17	
( 2021 ) Sale of Real Property CourtBldg BAN		10,272.00	
( 2022 ) Sale of Real Property 3445 Old Bridge		105,783.40	
2023-2024 CAPITAL RESERVE EQUIPMENT		100,000.00	
UNASSIGNED FUND BALANCE		563,642.56	
TOTAL		832,508.44	
4/2,4/11 Savings to Checking			(100,000.00)
4/5 Howard Peacock # 1470		35,006.00	
4/15 Savings to Checking A690 E			(22,483.00)
Savings to Checking A90E			(23,270.00)
APRIL Interest A2401		1,400.81	
APRIL TOTAL		<b>\$723,162.25</b>	

**90 DAY Certificate of Deposit January**

		\$304,780.56
90 day interest 4.85%	A2401.1	\$ 3,695.46
April TOTAL Reopened 4/11/24		<b>\$308,476.02</b>

**SPECIAL DISTRICT /BPU FUND**

Balance Forward		19,484.58	
- Special District Revenue SD1001		-	
4 National Grid SL5182.4			(607.53)
APRIL Balance 2024 TOTAL		<b>18,877.05</b>	

**HEALTH MANAGEMENT ACCOUNT**

Balance Forward	\$	3,542.21	
Withdrawals			(878.49)
Service charge			(7.19)
APRIL Balance 2024 TOTAL	\$	<b>2,656.53</b>	

**CAPITAL FUND Checking 2024**

Balance Forward 2024	\$5,133.87
	\$0.00
APRIL 2024 BALANCE	<b>\$5,133.87</b>

**CAPITAL FUND SAVINGS 2024**

	\$33,619.74
APRIL INTEREST H2401	\$ 62.23
APRIL BALANCE 2024	<b>\$33,681.97</b>

# HIGHWAY FUND CHECKING APRIL 2024

Monthly Statement of The Supervisor:

To the Town Board of the Town of North Harmony pursuant to Section 119 of the Town Law, I hereby render the following detailed statement of all monies received and disbursed by me, as Supervisor, during the month of: APRIL 2024

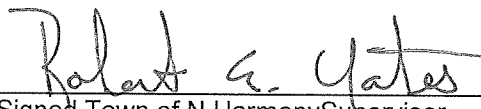
## RECEIPTS

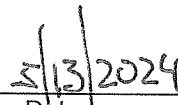
<u>Date</u>	<u>Description</u>	<u>Account Code</u>	
4/2	Savings to Checking		50,000.00
	John Mayr Reimbursement Clothing overcharge		11.37
4/15	Milton Cat Credit REFUND	DR5110.4	6,057.15
	TOTAL		56,068.52

## DISBURSEMENTS

4/10	T & A (Payroll # 75,#101)		22,761.40
	T & A (TnshSS # 76, #102)		1,670.32
	Abstract # 77- #100		52,794.95
	Abstract #103	\$	6,436.81
	TOTAL	\$	83,663.48
	Error correction	\$	0.02

Beginning Balance HIGHWAY	\$36,550.76
Revenues	56,068.52
Disbursements	-83,663.48
<b>April 2024 TOTAL</b>	<b>\$8,955.82</b>

  
Signed Town of N Harmony Supervisor

  
Date

# HIGHWAY FUND SAVINGS APRIL 2024

12/2022	CAPITAL RESERVE FUND DA2665	\$14,975.00
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## HIGHWAY FUNDS SAVINGS ACCOUNT

Date		Account Code	Amount	
	Capital RESERVE		\$	14,975.00
	Assigned Appropriated		\$	-
	Assigned Unappropriated Fund Balance		\$	616,214.32
	BALANCE FORWARD		\$	631,189.32
4/2	Savings to Checking			\$ (50,000.00)
	APRIL INTEREST	DA2401	\$	1,156.81
	TOTAL BALANCE		\$	582,346.13
	<u>7 Day Certified Deposit</u>		\$	-
	<u>30 day Certified Deposit</u>		\$	-

## TOTAL ALL FUNDS HIGHWAY

HighwayFund Savings	\$ 582,346.13
HighwayFund Checking	\$8,955.82
April 30/2024	\$ 667,740.08