

**TOWN OF NORTH HARMONY  
TOWN BOARD MEETING  
MONDAY, 3/11/2024 7:00 PM**

<b>ROBERT YATES, SUPERVISOR</b>	<b>PRESENT</b>
<b>LOUISE ORTMAN, COUNCIL</b>	<b>PRESENT</b>
<b>RICHARD SENA, COUNCIL</b>	<b>PRESENT</b>
<b>NIKIEL ADAMS, COUNCIL</b>	<b>PRESENT</b>
<b>BRUCE M. PFEIL, COUNCIL</b>	<b>ABSENT</b>

**OTHERS PRESENT:** Robin Miller, Bookkeeper; Stephanie Gibbs, Town Clerk; Kelly Johnson, Attorney; Benny Karlson, Highway Superintendent; Howard Peacock, Justice; Brad Lawson, Zoning CEO; Anne Golley, Assessor; Pierre Chagnon, Legislator; Helen & Clayton Emick; Jane Conroe.

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

- **PLEDGE**
- **MINUTES: 2/12/2024 and 2/24/2024 (Joint Board Work session)**
- **MOTION # 43 OF 2024**  
MR. SENA MOTIONED TO ADOPT THE MINUTES OF THE 2/12/2024 AND 2/24/2024 (JOINT BOARD WORK SESSION) TOWN BOARD MEETING AS PRESENTED BY THE TOWN CLERK. MRS. ORTMAN SECONDED. YES (4): YATES, ORTMAN, SENA, ADAMS. NO (0). THE MOTION WAS CARRIED.
- **ANNOUNCEMENTS:**

APRIL TOWN BOARD MEETING – Tuesday, 4/9/2024 – Due to predicted solar eclipse events.

SOLAR GLASSES WILL BE AVAILABLE AT THE TOWN OF NORTH HARMONY BUILDING – FREE

LITTLE AMERICA HISTORICAL MARKER UNVEILING – Sat. 4/6/2024 at 1PM at 7175 Sherman-Stedman Rd.

FREE RABIES IMMUNIZATION CLINIC – Sat. 3/23/2024 from 10AM – 12PM at the Village of Falconer Highway Dept.

- **PUBLIC COMMENT:**

HELEN EMICK – LAKELAND AVE.

Mrs. Emick said possibly because of changes to the website when she logs in either on her computer or her phone it gives her a message that the connection to the townofnorthharmony.com is not secure. She stated she had never seen that before and provided a copy of the alert to Mrs. Gibbs.

- **RESOLUTIONS:**

**RESOLUTION #9 OF 2024 – TOWN OF NORTH HARMONY JUSTICE COURT BOOKS AUDIT**

- **MOTION # 44 OF 2024**

**MRS. ORTMAN MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #9 OF 2024 TO ACCEPT THE TOWN OF NORTH HARMONY JUSTICE COURT AUDIT.**

**WHEREAS**, the Town of North Harmony Justice Court submitted its Cash Books, Bank Statements, Year End Report of closed cases and balanced check books from Town Justice Howard E. Peacock for Audit to the North Harmony Town Board on March 8, 2024.

**THEREFORE, LET IT BE RESOLVED**, to accept records as presented.

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

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

**THE MOTION WAS CARRIED.**

**RESOLUTION #10 OF 2024 – TOWN OF NORTH HARMONY TOWN CLERK BOOKS AUDIT**

- **MOTION # 45 OF 2024**

**MRS. ADAMS MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #10 OF 2024 TO ACCEPT THE TOWN OF NORTH HARMONY TOWN CLERK AUDIT.**

**WHEREAS**, the Town of North Harmony Town Clerk submitted its Cash Books, Bank Statements, Tax Records, Year End Report and balanced check books from Town Clerk Stephanie N. Gibbs for Audit to the North Harmony Town Board on March 7, 2024.

**THEREFORE, LET IT BE RESOLVED**, to accept records as presented.

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

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

**THE MOTION WAS CARRIED.**

**RESOLUTION #11 OF 2024 – TOWN OF NORTH HARMONY TOWN SUPERVISOR BOOKS AUDIT**

- **MOTION # 46 OF 2024**

**MR. SENA MOTIONED TO ADOPT THE FOLLOWING RESOLUTION #11 OF 2024 TO ACCEPT THE TOWN OF NORTH HARMONY TOWN SUPERVISOR AUDIT.**

**WHEREAS**, the Town of North Harmony Town Supervisor submitted its Cash Books, Bank Statements, Year End Report and balanced check books from Supervisor, Robert Yates for Audit to the North Harmony Town Board on February 21, 2024.

**THEREFORE, LET IT BE RESOLVED**, to accept records as presented.

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

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

**THE MOTION WAS CARRIED.**

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

ASSESSOR – JANUARY PROPERTY TRANSFERS: A/V: \$51,700.00 S/P: \$65,000.00 (+\$13,300.00)

#### **CHARTER/SPECTRUM**

Spectrum Northeast, LLC (“Spectrum”) is making its customers aware that TBN Enlace has notified us that it will discontinue programming on or around March 18, 2024. Accordingly, Spectrum will cease carriage of TBN Enlace on channel 946 on the channel lineup serving your community. On March 18, 2024, Spectrum will display a slate message that programming is no longer available.

Spectrum Northeast, LLC (“Spectrum”) is also making its customers aware that TV Japan has notified us that it will discontinue programming on or around March 31, 2024. Accordingly, Spectrum will cease carriage of TV Japan on channels 1500 and 2587 on the channel lineup serving your community.

#### **SENIOR CITIZENS CENTER – THANK YOU CARD**

**Mrs. Gibbs** read the card out loud for all present.

- **OLD BUSINESS:**

#### **FEE SCHEDULE – MOTION TO SET PUBLIC HEARING**

**Mr. Sena** suggested setting the public hearing before our next Town Board meeting on April 9, 2024. He said the fees are set and ready for review.

- **MOTION # 47 OF 2024**

MR. SENA MOTIONED TO ADOPT A RESOLUTION TO SET A PUBLIC HEARING ON THE TOWN OF NORTH HARMONY BUILDING PERMIT FEE SCHEDULE ON TUESDAY, APRIL 9, 2024, AT 6:30PM. MRS. ADAMS SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

- **NEW BUSINESS:**

#### **MOTION TO APPROVE THE TOWN HISTORIANS ANNUAL REPORT**

- **MOTION # 48 OF 2024**

MRS. ADAMS MOTIONED TO APPROVE THE TOWN HISTORIANS ANNUAL REPORT AS PRESENTED. MR. SENA SECONDED. YES (4): YATES, ORTMAN, SENA, ADAMS. NO (0). THE MOTION WAS CARRIED.

AUTHORIZE TOWN SUPERVISOR TO SIGN SEWER EASEMENT AGREEMENT FOR THE TOWN BUILDING.

- **MOTION # 49 OF 2024**

MRS. ORTMAN MOTIONED TO ADOPT A RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE SOUTH CHAUTAUQUA LAKE SEWER DISTRICT EASEMENT AGREEMENT FOR THE TOWN BUILDING. MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

THE MOTION WAS CARRIED.

MOTION TO AUTHORIZE DESTRUCTION OF TOWN RECORDS AS OUTLINED IN APPENDIX C DATED 1990-2017 (6-YEAR RETENTION) (BOOKKEEPER RECORDS) AND IN LOCAL GOVERNMENT SCHEDULE 1 (LGS -1)

- **MOTION # 50 OF 2024**

MRS. ADAMS MOTIONED TO ADOPT A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF TOWN RECORDS AS OUTLINED IN APPENDIX C DATED 1990-2017 (6-YEAR RETENTION) (BOOKKEEPER RECORDS) AND IN LOCAL GOVERNMENT SCHEDULE 1 (LGS -1). MR. SENA SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

THE MOTION WAS CARRIED.

AUTHORIZE THE ZONING AND PLANNING BOARD CLERK TO ATTEND UP TO 3 HOURS OF TRAINING WITH EDMUNDS GOVTECH (ZONING PROGRAM) AT \$450.00.

Mr. Lawson said he believes it is a good idea.

Mrs. Gibbs said it is online training.

- **MOTION # 51 OF 2024**

MR. SENA MOTIONED TO ADOPT A RESOLUTION TO AUTHORIZE THE ZONING AND PLANNING BOARD CLERK TO ATTEND UP TO 3 HOURS OF TRAINING WITH EDMUNDS GOVTECH (ZONING PROGRAM) AT \$450.00. MRS. ORTMAN SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes

Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**MOTION TO DISCUSS SIX-MONTH MORATORIUM ON SOLAR LAW RECOMMENDED BY THE PLANNING BOARD**

- **MOTION # 52 OF 2024**

MR. SENA MOTIONED TO DISCUSS A SIX-MONTH MORATORIUM ON SOLAR LAW RECOMMENDED BY THE PLANNING BOARD. MRS. ORTMAN SECONDED. YES (4): YATES, ORTMAN, SENA, ADAMS. NO (0). THE MOTION WAS CARRIED.

**Mr. Sena** said the problem with our current solar law is the maintenance portion of the law. He said the Planning Board has been talking about roads for emergency access, bonds, cleanup, mowing, forfeiture clause and different items that still need to be discussed. Mr. Sena said to give them the time to discuss these items the Planning Board recommends a moratorium to give them more time to review those topics. He said there are other solar farms that are not being properly taken care of in the maintenance aspect. Mr. Sena stated that we would like to see our laws be stricter on the maintenance aspect.

- **MOTION # 53 OF 2024**

MR. SENA MOTIONED TO ADOPT A RESOLUTION AUTHORIZING A SIX-MONTH MORATORIUM ON SOLAR LAW AS RECOMMENDED BY THE PLANNING BOARD. MRS. ORTMAN SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

GENERAL CODE: Online Code Portal – Codification Services – Code-Centric Solutions – Enhanced Zoning Graphics – Interactive Zoning Map. GeneralCode.com

-eCode Webinar: [bit.ly/ecode\\_webinar](https://bit.ly/ecode_webinar)  
- MapLink Webinar: [bit.ly/maplink\\_webinar](https://bit.ly/maplink_webinar)

**Mrs. Gibbs** gave a brief description of what General Code is and invited the public to go to the links provided to get familiar with the program.

- **ALL OTHER BUSINESS AS NECESSARY**

2024 SNOW TOTAL: 91”

**Mr. Sena** said he did some research on the weather for April 8<sup>th</sup> for the solar eclipse and he said you can't even predict what it will be like because the last 5 years the weather has been all over the place.

**ADVERTISE FOR BIDS FOR CONCRETE AROUND THE STOW FERRY PAVILION**

**Mr. Sena** said he would like permission to go out to bid for concrete at the Stow Ferry Pavilion.

**Mr. Yates** thanked Mr. Sena for the work and generous donation of labor on the Stow Ferry Pavilion. He said the pavilion looks great.

- **MOTION # 54 OF 2024**

MRS. ADAMS MOTIONED TO ADOPT A RESOLUTION TO AUTHORIZE THE TOWN TO ADVERTISE FOR BIDS FOR CONCRETE AT STOW FERRY PARK PAVILION. MRS. ORTMAN SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**AUTHORIZATION TO PURCHASE ROPE FOR THE FLAGPOLE AT THE STOW FERRY**

Mr. Yates said we need 300ft. of a 1 ¼” rope for the Ferry Landing. He said the rope that is currently there is rotten and falling apart. Mr. Yates said he doesn’t have a price for the rope now.

- **MOTION # 55 OF 2024**

MR. SENA MOTIONED TO ADOPT A RESOLUTION TO AUTHORIZE THE PURCHASE OF ROPE FOR THE FERRY LANDING. MRS. ORTMAN SECONDED. A ROLL CALL VOTE WAS TAKEN BY MRS. GIBBS, TOWN CLERK OF THE FULL FOUR VOTING MEMBERS PRESENT:

Robert Yates, Supervisor	Yes
Louis Ortman, Council	Yes
Richard Sena, Council	Yes
Nikiel Adams, Council	Yes

**THE MOTION WAS CARRIED.**

**BEMUS POINT – STOW FERRY DONATION - \$2,000.00**

- **REPORTS**

**PIERRE CHAGNON - LEGISLATOR**

Mr. Chagnon read the following report into the record.

- We adopted a Local Law increasing the salary of the County Executive by \$16,210 effective January 1, 2026
- We adopted a Local Law increasing the salary of the County Clerk by \$17,880 effective January 1, 2026
- We adopted a Local Law increasing the salary of the County Sheriff by \$10,355 effective January 1, 2027
- We adopted a Local Law increasing the salary of the County Legislators by \$5,732 effective January 1, 2026
- We adopted a Local Law increasing the salary of County Legislators annually by the percentage increase in the U.S. Department of Labor Consume Price Index for the prior year.
- We adopted a Local Law directing a bi-partisan County Salary Commission be appointed at least every 4 years to make sure these salaries are reviewed more frequently.

I have noted media reports expressing concern that the Salary Commission analyzed counties with comparable population, but many of those counties did not have similar median household income. So, we prepared a salary comparison of the five Southern Tier counties that at one time constituted the 39th

Congressional District of New York, and which all have a similar median household income. We found how significantly Chautauqua County is lagging amongst our smaller neighbors in what it offers in compensation to its elected officials.

- Chautauqua County has the highest population, 49% above the average.
- Chautauqua County has the 3<sup>rd</sup> highest median household income, 1% above the average.
- The per capita 2024 County Budget appropriations for Chautauqua County is the second lowest and 14% below the average.
- Chautauqua County Executive receives the lowest salary, 30% below the average.
- Chautauqua County Sheriff receives the second lowest salary, 16% below the average (The lowest paid Sheriff serves a county with 63% less population and does not operate a road patrol)
- Chautauqua County Clerk receives the lowest salary, 21% below the average.
- Chautauqua County Legislators receive the lowest salary, 33% below the average.

In my view, the Salary Commission's recommendation that our elected official salaries be advanced only 1/2 of the distance to average among counties of similar population was in recognition that such other New York counties were not identical to Chautauqua County. Most importantly, however, if Chautauqua County hopes to attract the most qualified leaders from both the private and public sector to run for our elected offices, our salaries need to be competitive. Ideally, those individuals at the height of their energy, creativity, experience, and earning potential in their 40s and 50s need to be part of the pool of potential candidates.

Comparing ourselves to other states is crucial as we compete against other states for economic resources, for jobs, for a high quality of life and an affordable lifestyle. These things are necessary to entice businesses and people to come to New York.

Medicaid expenses are 43.9% of the entire County tax levy. Most counties in the USA have no mandated Medicaid contribution, but New York State requires counties to contribute more than all counties in the U.S combined.

Safety Net expense is 5.1% of the entire County tax levy. Most counties in the USA have no mandated Safety Net contribution, but New York State requires counties to contribute. NYS has the sixth highest cash assistance amount, is one of only 16 states with no time limit on assistance and offer assistance to asylees and migrants.

Preschool Special Education expense is 4.6% of the entire County tax levy. Most counties in the USA have no mandated Preschool Special Education contribution, but New York State requires counties to pay 40% of program costs.

Indigent Defense expense is 4.5% of the entire County tax levy. Only 20 states require counties to pay a share of indigent defense. In 35 states, the state pays the vast majority, not counties. Since 2007, New York State counties have paid an average of 78% of the program cost.

The county resources the state uses to pay for their programs are not visible in the state budget, nor accounted for in the state's financial plan, but would comprise an important share of the state's general fund if identified. By excluding these funds from public view and discourse, state leaders disregard how these local costs impact the overall affordability issue facing New Yorkers.

This analysis covered only four state-level programs, but there are dozens of other programs that require extensive county contributions to support state programs. These include, but are not limited to, child welfare, foster care, early intervention, probation, and public health, along with laws and regulations in the areas of environment, energy, procurement, construction, and insurance. All these costs contribute to affordability yet are not included in the annual state budget process or recognized by state leaders as part of the affordability problem facing New Yorkers.

The state cannot continue sweeping \$12 billion a year from local taxpayers and pretend like it doesn't exist. If state leaders want to address affordability, then we need better transparency, and a larger discussion must take place about how we pay for state programs and what is truly affordable.

**ANNE GOLLEY, ASSESSOR**

**Mrs. Golley** read the following report into the record.

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

Work continues for the valuation for new construction and demolition. All properties will be valued for the May release of the new assessments.

The appropriate legal notice for assessment inventory required by the State of New York Real Property Tax Law was filed with the Post Journal for publication on March 1, 2024.

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  
February 2024**

**For the month of February:**

**\$33,674.00** 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 **February 2024**. We **opened 314** new cases and **closed 206** cases.

Respectfully Submitted,

Katie A. Zimmer

Court Clerk

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

**Mr. Karlson** said the town was awarded the grant for the project on Carpenter-Pringle Rd. He said it is about a \$213,000.00 grant. He said after it is accepted there will still be a process, but we were awarded the grant. Mr. Karlson said he was honored to attend Advocacy Day in Albany. He said the state is asking to cut the road budget by \$100,000,000.00 and there were around 800 Highway Superintendents present to ask for that budget to be restored. Mr. Karlson said Eggleston Hill has put in a parking lot on the dirt section which will allow the fiberoptics to be moved which will allow the town to do ditching and someday turn the dirt road into a paved road.

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

**Mr. Lawson** read his report into the record.

**JOHN STOW, DCO**

**Mr. Yates** read the following report into the record.

I received one call this month for two dogs who escaped their enclosure. They ran loose for two days, apparently looking for their owners. They crossed rivers, encountered great beasts, and even had a cat join them on their great adventure. They eventually made it back to their previous residence about a mile away from their current home. The neighbor called them, and they came to pick them up. “Shadow”, “Chance”, and “Sassy” with porcupine quills and all were finally “Homeward Bound”.

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.

**Mr. Yates** added that he feels the town will need a traffic light at the on ramp and off ramp of I-86 due to bridge construction and backed up traffic. He said we will have updates about the bridge construction and closures on the town website.

**MOTION # 56 OF 2024**

**MR. SENA MOTIONED TO ACCEPT THE REPORTS OF THE TOWN CLERK AND SUPERVISOR AS PRESENTED. MRS. ORTMAN SECONDED. YES (4): YATES, ORTMAN, SENA, ADAMS. NO (0). THE MOTION WAS CARRIED.**

**MOTION # 57 OF 2024**

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

**GENERAL FUND                      \$24,392.38**

**HIGHWAY FUND                      \$26,653.49**

**MR. SENA SECONDED. YES (4): YATES, ORTMAN, SENA, ADAMS. NO (0). THE MOTION WAS CARRIED.**

**MOTION # 58 OF 2024**

**ON A MOTION MADE BY MR. SENA, SECONDED BY MRS. ORTMAN AND NONE BEING OPPOSED, THE MEETING WAS ADJOURNED AT 7:50 PM.**

*Stephanie Gibbs*  
*Town Clerk*