

**HOWARD TOWN BOARD MEETING  
WEDNESDAY  
January 9, 2019**

The regular meeting of the Howard Town Board was called to order at 7:00 p.m. by Supervisor Donald Evia. Councilmen present were Lowell Smith, Richard Stewart, Robert Palmer and Gary Rice. Also present were Town Clerk David Price, Robert Cleeves, representing the Fire Department, and Eric Hosmer.

Supervisor Donald Evia led the pledge to the flag.

The minutes of the previous meeting were reviewed by the Board. Councilman Stewart noted several spelling errors, and several statements and comments that he believed were either inaccurate or confusing. The Town Clerk agreed to make the spelling corrections and annotate the inaccurate or confusing statements and comments as he felt appropriate to maintain historical integrity. A motion was made by Councilman Stewart and seconded by Councilman Palmer to approve the minutes of the previous meeting, once the foregoing corrections and annotations were made. Carried: Stewart, Aye; Palmer, Aye; Smith, Aye; Rice, Aye; Evia, Aye.

Supervisor Evia asked for public comment. Eric Hosmer thanked Highway Superintendent Pyer for taking care of a fallen tree adjacent to his property. He noted that Mr. Pyer had come himself on a day that the town crew was off.

Mr. Hosmer suggested that the Town post legal notices in the Southern Tier Shopper (the "Shopper"). He stated that every resident of Howard received the Shopper weekly. Supervisor Evia thought that there were some parts of the Town that didn't receive it. Mr. Evia canvassed the Board members, who told him that they all received the Shopper. It was agreed by the Board to add it to the official newspapers of record.<sup>1</sup>

At this point in the meeting Supervisor Evia announced that the Board would address the 2019 Appointments and Policies for the Town. It was agreed that all of the following appointments would be voted on individually.

**2019 TOWN APPOINTMENTS**

**Highway Superintendent**

**Lee Pyer**

**\$60,000.00**

A motion was made by Councilman Palmer and seconded by Councilman Rice to approve Mr. Pyer's appointment. Carried: Palmer Aye; Rice, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

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<sup>1</sup> Upon review, Councilman Stewart noted that for a publication to be a "newspaper of record," it needed to contain editorial comment and news. As the Shopper has neither, it could not be an official "newspaper of record."

**Deputy Highway Superintendent Kevin Learn \$55,000.00**

Appointed by Highway Superintendent Lee Pyer. A motion was made by Councilman Rice and seconded by Councilman Smith to approve Mr. Learn's appointment. Carried: Rice Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

**\Deputy Town Supervisor Lowell Smith**

Appointed by Supervisor Donald Evia. A motion was made by Councilman Rice and seconded by Councilman Palmer to approve Councilman Smith's appointment. Carried: Rice Aye; Palmer, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

**Dog Control Officer Gary Hadsell \$2,850.00.**

A motion was made by Councilman Rice and seconded by Councilman Smith to approve Mr. Hadsell's appointment. Carried: Rice Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

**Health Officer Dr. Richard Parker \$418.00**

A motion was made by Councilman Stewart and seconded by Councilman Palmer to approve Dr. Parker's appointment. Carried: Stewart Aye; Palmer, Aye; Rice, Aye; Smith, Aye; Evia, Aye.

**Historians Robert and Marsha Patrick \$300.00**

A motion was made by Councilman Rice and seconded by Councilman Smith to approve Mr. and Mrs. Patrick's appointment. Carried: Rice Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

**Registrar of Vital Statistics David Price 100.00**

A motion was made by Councilman Stewart and seconded by Councilman Palmer to approve Mr. Price's appointment. Carried: Stewart Aye; Palmer, Aye; Rice, Aye; Smith, Aye; Evia, Aye.

**Deputy Town Clerk and Registrar Colleen Schutt \$12.00/hour**

Appointed by Town Clerk and Registrar David Price. A motion was made by Councilman Rice and seconded by Councilman Palmer to approve Ms. Schutt's appointment. Carried: Rice Aye; Palmer, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

**Building Inspector/**

**Code Enforcement Officer Robert Riekofski \$8,000.00**

A motion was made by Councilman Palmer and seconded by Councilman Smith to approve Mr. Riekofski's appointment. Carried: Palmer Aye; Smith, Aye; Rice, Aye; Stewart, Aye; Evia, Aye.

**Bookkeeper/Payroll Clerk Leanne Wightman \$8,000.00**

Appointed by Supervisor Evia. A motion was made by Councilman Rice and seconded by Councilman Smith to approve Ms. Wightman's appointment. Carried: Rice Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

**Flood Plain Regulations Officer Donald Evia**

A motion was made by Councilman Rice and seconded by Councilman Palmer to approve Supervisor Evia's appointment. Carried: Rice Aye; Palmer, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

**Bank Citizens and Northern Bank and Five Star Bank**

A motion was made by Councilman Palmer and seconded by Councilman Rice to approve Citizens and Northern and Five Star Bank as depositories for the Town of Howard. Carried: Palmer, Aye; Rice, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

**Mileage Rate \$0.45**

A motion was made by Councilman Smith and seconded by Councilman Palmer to approve \$0.45/mile for official Town travel. Carried: Smith Aye; Palmer, Aye; Rice, Aye; Stewart, Aye; Evia, Aye.

**Official Newspaper Hornell Evening Tribune and  
~~The Southern Tier Shopper~~<sup>2</sup>**

A motion was made by Councilman Stewart and seconded by Councilman Palmer to approve the Hornell Evening Tribune and the Southern Tier Shopper as official publications. Carried: Stewart Aye; Palmer, Aye; Rice, Aye; Smith, Aye; Evia, Aye.

**Resolution (#1-2019)** was made by Councilman Rice to hold monthly Town Board Meetings on the second Wednesday of the Month at 7:00 pm. The Resolution was seconded by Councilman Palmer. Adopted: Rice Aye; Palmer, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

A motion was made by Councilman Rice and seconded by Councilman Palmer to continue the contract with Betty Walden for the town to use her facility by the Town Dog Control Officer. Carried: Rice Aye; Palmer, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

Councilman Stewart suggested that we need to designate a Town Attorney. He has already reached out to Attorney Joe Pelch, who will be sending Supervisor Evia a letter.

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<sup>2</sup> For reasons noted in the previous footnote, Councilman Stewart requested that the Town Clerk remove The Southern Tier Shopper as an official newspaper. The Clerk stated that it would be inappropriate to make a change in the minutes regarding a previously voted on motion, without a new motion by the Board. The Clerk requested the Board make the appropriate motion, which they did as follows: At the Town meeting held on February 13, 2019, a motion was made by Councilman Stewart and seconded by Councilman Smith to remove the Southern Tier Shopper as an official publication. Carried: Stewart Aye; Smith, Aye; Rice, Aye; Palmer, Aye; Evia, Aye. It was further decided that although not an official publication, notices could be placed in the shopper, by direction of the Town Council, in addition to the Evening Tribune, as the Shopper has a wide circulation in the Town of Howard.

The following policies were discussed and approved:

Americans with Disabilities Act;  
Equal Opportunity;  
Procurement Policy; and  
Investment Policy.

A motion was made by Councilman Rice and seconded by Councilman Smith to approve the aforesaid policies. Carried: Rice Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

The new State mandated Sexual Harassment Policy will be reviewed and addressed at next month's meeting.

At this time, the Board went back to the business of the Monthly Board Meeting.

There was no Planning Board report.

There was no Assessor's report.

Robert Cleeves presented the Fire Department's report. He also mentioned that there were 130 calls last year, which represented an increase from the year before.

Supervisor Evia had nothing to add to his report.

Councilman Stewart was skeptical that we would receive our core deposit from Frey Heavy Duty on the transmission if we paid them first for the rebuilt transmission, we had purchased from them. Councilman Rice explained that the value of the core could not be established until it was sent back to the rebuilder.

Building Inspector Robert Riekofski's report was reviewed.

The Justice Report was reviewed.

Town Clerk David Price reported that the Clerk's office received payments from sales of dog licenses, building permits, and certified copies in the amount of \$401.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia in the amount of \$390.00 and the other made payable to NYS Animal Population Control Program in the amount of \$11.00. The Clerk also reported that there had been an attempted break in to his office. A report had been filed by the Sheriff's Department, which had been reported by the responding Deputy as "Suspicious Activity."

Supervisor Evia presented a review of trucks and equipment that were needed by the Highway Department in the coming months. The review included the projected costs and budget requirements of these purchases.

There followed a discussion regarding the best options for a tractor and mower. Councilman Stewart thought the New Holland that Superintendent Pyer had located looked good. Supervisor Evia didn't think that we needed to entail the extra expense of 4WD, but Councilman Smith is in favor of 4WD. Councilman Rice noted that the Town of Eaton trades their trucks. He had been looking into a 2012 model with 63,000 miles on it and included a wing and sander. The price was reported between \$100,000 and \$125,000.

Review of the Highway, General, and Lighting District vouchers commenced at this time.

During the review, the discussion continued about the equipment that was need by the Highway Department. Supervisor Evia emphasized that we needed to get moving on our equipment needs. He suggested that Superintendent Pyer should be given some guidance by the Board. Councilman Stewart thought that Mr. Pyer be given some leeway as to purchases.

Councilman Rice mentioned that Superintendent Pyer wanted a resolution to allow him to put our current equipment on online auction sites.

**Resolution (#2-2019)** was made by Councilman Rice to authorize Highway Superintendent Peyer to post equipment that we wanted to sell on online auction sites. The Resolution was seconded by Councilman Smith. Adopted: Rice, Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

The following bills were presented for audit:

Highway (Abstract #1 – 6)	\$ 22,989.96
General (Abstract #1 –29)	\$ 59,544.99
Street Lighting (Abstract #5)	\$ 290.00

A motion was made by Councilman Smith and seconded by Councilman Palmer to pay these bills. Carried, Smith Aye; Palmer, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

After a brief discussion it was the consensus of the Board, we should swap the grader. Councilman Stewart suggested that Superintendent Pyer be informed that he should plan on replacing the loader, grader and mowing tractor. Councilman Rice noted that Mr. Pyer wanted to go with the 4WD tractor.

Councilman Stewart queried the status of the Magistrate's account that was discussed at last month's Board meeting. Supervisor Evia said, "It was not from fines." He would not hesitate to use it.

Councilman Rice noted that the Highway Department tools were in disrepair. Several tools, including their  $\frac{3}{4}$  in impact wrench, were nonfunctional. He wondered if they could use funds obtained from scrap to purchase new tools. Councilman Stewart stated, "If they need tools, they should have them." Councilman Palmer responded that the Highway

Department had a Procurement Policy that allowed them to spend up to \$2,000.00. Councilman Rice reiterated, "They do need the tools."

Supervisor Evia solicited public comment. Eric Hosmer wondered why we can use the Magistrate account now, but before we couldn't. There followed a brief discussion regarding our various accounts.

A motion to adjourn at 9:05 p.m. was made by Councilman Smith and seconded by Councilman Palmer. Adopted: Smith, Aye; Palmer, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

David Price  
Town Clerk