

**HOWARD TOWN BOARD MEETING
WEDNESDAY
March 13, 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, Highway Superintendent Lee Pyer, Margie Rixford, Robin Phenes, Bill Holevinski, 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 requested that the Clerk delete several paragraphs from the February 13th minutes. When queried by the clerk regarding the veracity of the requested deletions, the Councilman confirmed that the statements in question were accurate.

After a brief discussion, wherein the other Councilmen felt the deletions were unnecessary, the Town Clerk declined to make the requested changes although the typos noted by Councilman Stewart were fixed as well as an addition to the requirements for being a Newspaper of Record. A motion was made by Councilman Palmer and seconded by Councilman Rice to approve the minutes of the previous meeting. Carried: Palmer, Aye; Rice, Aye; Smith, Aye; Evia, Aye; Stewart, Nay.

Supervisor Evia asked for public comment. Eric Hosmer and Superintendent Pyer discussed the bridge replacement on Nicholson Road vis-à-vis the amount CHIPS will pay for the bridge and road maintenance. Mr. Pyer explained that CHIPS would be used for the Bridge and about 100 feet of the road on either side.

Mr. Hosmer asked Supervisor Evia, if he had heard anything regarding *The Ad-Hoc Municipal Coordination Committee* meeting on the “potential partnership” between the County and local municipalities’ Assessors? He referred to the March/April 2019 Steuben County Newsletter. Supervisor Evia acknowledged that he had spoken with Laura Snow the Town Assessor about the meeting.” He continued, “she is well regarded and one of the few assessors that was invited to the meeting. Ms. Snow had reported to the Supervisor that when asked if the Town of Howard would be interested, she had responded, “Maybe.”

Councilman Stewart stated, “Ms. Snow should have spoken with the Town Board before she made a commitment for the Town.” Councilman Smith worried that the County would start charging too much. Supervisor Evia pointed out that “Maybe” was not much of a commitment.

At approximately 7:15 pm Supervisor Evia requested that the Town Clerk open all the sealed bids that we had received regarding our purchase of a mowing tractor with flail mower. As only one bid had been received, the Clerk opened the bid from Mr. Joe DeSantis and read it to the public.

Councilman Stewart reviewed his visit to Connecticut to inspect the tractor.

Councilman Rice made a motion to accept the bid and notify Mr. DeSantis that the Town of Howard intended to purchase the tractor from him for \$28,000.00. The Motion was seconded by Councilman Palmer. Carried. Councilman Rice, Aye; Councilman Palmer, Aye; Councilman Smith, Aye; Councilman Stewart, Aye; Supervisor Evia, Aye.

Supervisor Evia asked for public comment. There being none, Councilman Rice asked the Board to recognize Superintendent Pyer for all the work he did on locating the tractor as well as other pieces of equipment that the Town is buying and his efforts to place the Town's unused and unneeded equipment on the online auction site.

Highway Superintendent Lee Pyer presented the bids that we received in the online auction: The Board was generally satisfied with the bids, except for the grader, which had only gotten up to \$3,300.00. Mr. Pyer stated that he'd seen these going for as high as \$15,000.00. Councilman Palmer replied, that for \$3,300.00 we should keep it for a back-up.

Superintendent Pyer informed the Board that he needed to get in touch with the auction site and decline the bid. He asked, if there was a minimum amount that the Town would accept. After a brief discussion, it was the consensus of the Board that we should not accept less than \$8,000.00.

Superintendent Pyer presented his 284 Agreement. After a discussion regarding amendments that would be made later and with the agreement that the work on Mill Road should stipulate that it would start at the intersection of Mill Road and Craig Road, a resolution was requested to approve the 284 agreement.

Resolution (#5-2019) was made by Councilman Smith and seconded by Councilman Rice to accept the 284 Agreement as presented with the change regarding Mill Road. Adopted: Smith, Aye; Rice, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

Superintendent Pyer described his need for 24 summer tires and rims. A discussion ensued regarding the price for various brands of tires. Councilman Palmer asked Mr. Pyer how many years he thought the re-caps would last. The Superintendent responded, "About six years." Councilman Stewart asked how much Mr. Pyer was requesting in the Resolution. Mr. Pyer thought \$15,000.00 would be an adequate amount.

Resolution (#6-2019) was made by Councilman Stewart and seconded by Councilman Palmer to authorize Superintendent Pyer to purchase 24 summer tires and 24 rims for the maximum cost of \$15,000.00. Adopted: Stewart, Aye; Palmer, Aye; Rice, Aye; Smith Aye; Evia, Aye.

Superintendent Pyer requested a Resolution authorizing him to purchase a new grader. Councilman Stewart expressed concern that our current grader might not get sold. Mr. Pyer stated that the Town of Middlesex had committed via letter to its purchase. If delivery on the grader that we purchased was held up, Councilman Stewart was concerned that the rental grader we were to be supplied with would not arrive at a useful time Mr. Pyer explained that it would be up to him when we got the rental.

Councilman Stewart requested to view the commitment letter from the Town of Middlesex. The Clerk retrieved it from his office during which time the Board adopted the following Resolution:

Resolution (#7-2019)¹ was made by Councilman Rice and seconded by Councilman Palmer to authorize Superintendent Pyer to purchase one new 2019 672G John Deere Motor Grader from Five Star Equipment for a maximum price of \$259,848.66, delivered to the town of Howard Highway Department on or before June 2019. Adopted: Rice Aye; Palmer, Aye; Stewart, Aye; Smith Aye; Evia, Aye.

Superintendent Pyer requested a resolution to purchase Pipe for Mill Road.

Resolution (#8-2019) was made by Councilman Stewart and seconded by Councilman Palmer to authorize Superintendent Pyer to purchase pipe for repairs on Mill Road in the amount of \$9,756.00. Adopted: Stewart, Aye; Palmer, Aye; Rice, Aye; Smith Aye; Evia, Aye.

Superintendent Pyer requested that the Board arrange to meet with him to discuss the budget for future purchases of trucks. Councilman Palmer thought that we should set up a program with the Town of Eaton to purchase their old trucks, as they became available. He told the Board that they took excellent care of their equipment, and we could pick up 5 – year old trucks for half the cost of new. Councilman Stewart noted that the weak point in the Highway Department was our trucks, but we should be able to get something for our old trucks, as we replace them. Mr. Pyer said, “he would like to get to the point where our oldest truck was five years old.”

Supervisor Evia said, “We need to give this some thought, but we don’t want to wait too long.” Councilman Stewart remarked, “We need some stability in our trucks.” Superintendent Pyer stated, “The last three months, we’ve had breakdown after breakdown. We could have paid for one half of a \$90,000.00 with the money we’ve spent on repairs.”

Superintendent Pyer informed the Board that he had received an email from the DEC informing him that we could not wash the trucks with hot water or use detergent. We have to use cold water or have tanks to hold the run-off.

Councilman Stewart wanted to know if that letter had gone out to everybody or just the Town of Howard? Supervisor Evia remarked that Mr. Pyer had spoken with Bob Riekofski. Mr. Pyer said that when we get the new trucks, we’ll need to wash them.

Councilman Rice volunteered, “It’s nothing new with the State, we just pumped out the top of the tank where the oil was floating. We used soap that did not emulsify the oil.”

There was no Assessor’s report.

¹ At the April Board Meeting, the Clerk was presented with a fully executed preprinted “Resolution Authorizing Town Highway Machinery Purchase,” prepared by Highway Superintendent Pyer. The Clerk numbered it Resolution #7-2019. It is contained within the records of the Town Clerk.

Bob Cleeves dropped off the Fire Departments Report at the Clerk's office, which was reviewed by the Board.

Supervisor Evia presented his report and noted that we had received a check from Howard Wind, LLC in the amount of \$265,000 for the PILOT program.

Building Inspector Robert Riekofski's report was reviewed.

Councilman Stewart wanted to know why Kevin Learn received more pay than Superintendent Pyer. Leanne Wightman explained that Kevin gets paid for his unused vacation time. She continued explaining that the books were very "screwed up" when she came on-board, but she was getting things straightened out.

The Justice Report was reviewed. Supervisor Evia noted that there was a letter from Justice David DeSilva regarding reinstatement of funds for payment of the Town Justice. No action was taken, nor was there comment on the request.

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 \$500.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia in the amount of \$469.00 and the other made payable to NYS Animal Population Control Program in the amount of \$31.00.

In addition, the Clerk presented a supplemental report, documenting that he had worked 99.5 uncompensated hours in the prior nine weeks. Having established the fact that his salary was based on the number of hours worked times an hourly rate. It is important to keep an accurate record of hours needed to fulfill the obligations of the position of Town Clerk/Tax Collector.²

Gary Hadsell, the Animal Control Officer, had filed a report stating, "Nothing to report."

At this time, the review of the Highway, General, and Lighting District vouchers commenced.

The following bills were presented for audit:

Highway (Abstract #30 – 50)	\$	41281.71
General (Abstract #57 –72)	\$	6,185.22
Street Lighting (Abstract #56)	\$	280.59

² Councilman Stewart demanded that the Clerk's Supplemental Report be removed from the Minutes. He was concerned that making it part of the official Town Record would expose the Town to liability. Councilman Stewart then suggested a motion be made. Councilman Smith made a motion to remove the Supplemental Report. Supervisor Evia suggested that the matter be discussed before a vote was held. Following said discussion Councilmen Stewart and Smith agreed to amend their proposed motion to allow reference to the Supplemental Report in the March Town Board Minutes but would preclude the April Board Minutes from including the updated Clerk's Supplemental Report.

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

Superintendent Pyer asked the Board if they had any ideas regarding the low band radios that were in storage and were no longer used by the town. Councilman Stewart suggested putting them in the County auction. Mr. Pyer said, he would investigate it.

Supervisor Evia solicited public comment. Eric Hosmer asked what the Town of Eaton's plan for their trucks was. Superintendent Pyer explained that they buy one new one every year.

Councilman Stewart made a motion to pay for the truck that we were buying from the Town of Eaton out of the Magistrate's Account. The motion was seconded by Councilman Smith. Carried, Stewart, Aye; Smith, Aye; Rice, Aye; Palmer, Aye; Evia, Aye.

A discussion regarding the Fund Balance containing excess funds followed. Councilman Stewart claimed that on December 31, 2018 the account had \$916,000.00. Supervisor Evia remarked that amount included CHIPS money. Superintendent Pyer said CHIPS would be different this year. He will be ordering stone in June. If the Nicholson Road Bridge is completed and the pipe is done, he will send the invoices in for CHIPS reimbursement.

A motion to adjourn at 9:03 p.m. was made by Councilman Palmer and seconded by Councilman Smith Carried: Palmer, Aye; Smith, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

David Price
Town Clerk