

HOWARD TOWN BOARD MEETING
WEDNESDAY
December 11, 2019

The regular meeting of the Howard Town Board was called to order at 7:02 p.m. by Supervisor Donald Evia. Councilmen present were Richard Stewart, Lowell Smith, Robert Palmer and Gary Rice. Also present were Town Clerk David Price, Highway Superintendent Lee Pyer, Eric Hosmer, Fire Department Representative Sam Webb, and County Representative Aaron Mullen.

Supervisor Donald Evia led the pledge to the flag.

The minutes of the previous meeting were reviewed by the Board. Councilman Stewart noted a typographical error and requested that a comment made by him be deleted. The Clerk refused to make the requested deletion. Councilman Stewart made a motion to have the Clerk remove the comment that he had made at the previous meeting. It was not seconded. A subsequent motion was made by Councilman Rice and seconded by Councilman Palmer to approve the minutes of the previous meeting with the noted typographical correction. Carried: Rice Aye; Palmer, Aye; Stewart, abstain; Smith, Aye; Evia, Aye.

Legislative Representative Mullen presented the County Legislative report. He reviewed several points relating to increases in the County budget and areas that the County will be able to save in.

There followed a lively discussion regarding the new cash bail laws and how they would affect the Sheriff's Department. The discussion touched on the new mandates regarding the District Attorney's office. There was some concern regarding the increase in legislative pay and benefits.

Supervisor Evia presented a letter from Darcy C. Knoll, the recently elected Town Clerk. In said letter Ms. Knoll thanked the Board of Elections and voters of Howard for their support but stated that she had moved out of state and did not intend to return.

Having received a letter, dated December 10, 2019, from Darci C. Knoll, recently duly elected to the office of Town Clerk in the Town of Howard. Stating that she no longer lived in the Town of Howard, County of Steuben, State of New York and had no intention of returning thereto,

Resolution (25- 2019) was made upon the Motion of Councilman Gary Rice and seconded by Councilman Lowell Smith to accept the declination of Darci C. Knoll and to declare the position of Town Clerk of the Town of Howard vacant as of January 1, 2020.

The vacancy to be filled by appointment of a Town Clerk by the Town Board.

ADOPTED: Councilman Gary Rice, aye; Councilman Lowell Smith, aye; Councilman Richard Stewart, aye; Councilman Robert Palmer, aye; Supervisor Donald Evia, aye.

Councilman Stewart suggested that an advertisement for the position of Town Clerk be placed in the local paper.

Supervisor Evia felt that as the Town would be without a Clerk/Tax Collector on January 1, 2020 it would be advisable to appoint the current Town Clerk. The delay entailed in placing an ad, waiting for responses and doing interviews would be detrimental, as tax collection begins on the first of January.

A Resolution (#26-2019) was made upon the Motion of Councilman Gary Rice and seconded by Councilman Lowell Smith to hold a Special Meeting of the Board to appoint a Town Clerk for the Town of Howard. Said meeting to be held on January 2, 2020 at 8:00 a.m. ADOPTED: Councilman Gary Rice, aye; Councilman Lowell Smith, aye; Councilman Richard Stewart, aye; Councilman Robert Palmer, aye; Supervisor Donald Evia, aye.

The Board requested that the Clerk put a Legal Notice in the *Evening Tribune* and the *Southern Tier Shopper*.

Supervisor Evia presented a proposed Reserve Fund Policy explaining that the State required the Town to have a reserve policy and 5-year-plan.

Councilman Stewart felt that we did not necessarily need to have a reserve policy or 5-year plan just because the State said so.

Supervisor Evia explained that the Town's response to the recent audit by the State Comptroller's office included a commitment to establish the aforesaid policies.

Councilman Stewart responded that a Reserve Policy would be nice to have, but the State can change the amount that we receive. He continued that he would like the 5-year-plan to be presented in a budget format. Councilman Smith felt he needed more complete information.

Supervisor Evia proceeded to explain the breakdown of trucks and equipment vis-à-vis the 5-year-plan and fund balance.

Superintendent Pyer explained how CHIPS works regarding how much road and bridge maintenance materials costs the town as opposed to how much we received back from CHIPS. He stated that there was a specific amount that the Town could charge per mile for use of Town Trucks.

Superintendent Pyer requested the Board pass a Resolution authorizing him to make repairs on the F-350 pick-up truck that is driven by Kevin Learn.

Supervisor Evia requested that Highway Superintendent Pyer provide a record of the CHIPS payments.

Supervisor Evia in response to queries from the Board explained that reserves could be used for purposes other than specified in emergencies. He continued, stating that the State wants the Town to move forward and keep the Town trucks and equipment updated.

Superintendent Pyer reported that the 2005 Sterling (truck #17) needed extensive repairs and would be the next truck to be put up for auction when we purchase our new (used) truck from the Town of Eaton.

Superintendent Pyer continued that Truck 17 did have a good sander, trucks 12 and 16 had slide in sanders.

Supervisor Evia reiterated, "we need a plan going forward."

Superintendent Pyer, responded, "we're going to spend money one way or another." He continued, explain that we could buy or lease a new roller and excavator. OSHA will require an enclosed cab by 2021.

Councilman Stewart didn't think we needed to replace our equipment so frequently.

Superintendent Pyer explained some of the advantages in short term leasing vs. buy-back programs. In either case the equipment would stay under warranty while we used it and would be replaced before the need to purchase new tires.

There followed a discussion regarding regular replacement or running the equipment into the ground.

Superintendent Pyer asked the Board, "do we stay in the buy-back program with the backhoe and loader or not?"

Councilman Rice made a motion to stay in the buy-back program with the backhoe and loader, which was seconded by Councilman Smith. Carried: Rice Aye; Smith, Aye; Stewart, Aye; Palmer, Aye; Evia, Aye.

Supervisor Evia once again stated, "we have to move forward on the Reserve Plan whichever way we proceed."

A Resolution (#27-2019) was made upon the Motion of Councilman Gary Rice and seconded by Councilman Lowell Smith to authorize Superintendent Pyer to accept the bid that he received on the Freight-liner Truck that he received from the on-line auction. **ADOPTED:** Councilman Gary Rice, Aye; Councilman Lowell Smith, Aye; Councilman Richard Stewart, Aye; Councilman Robert Palmer, Aye; Supervisor Donald Evia, Aye.

At this time, Supervisor Evia commenced to present reports for review.

There was no Planning Board report, there had been no meeting. Councilman Rice notified the Board that there would be no meeting in December. He also mentioned

that he would propose a project for the Planning Board to work on regarding rules for using ATVs and UTVs on the local roads. He noted that he had read in a newspaper that several local communities were working on similar rules.

There was no Assessor's report.

The Fire Department Report was reviewed. Sam Hall reported that the pumper was back from Rochester and the transmission had been repaired, it now has reverse gear. He also reported that they had purchased a battery operated "Jaws-of-Life" and had sold their old hydraulic one to the Town of Avoca.

Supervisor Evia presented the Supervisor's report. He reported that Brad Laverty had sent him his resume and was interested in taking over the position of Code Enforcement Officer and Building Inspector.

Councilman Stewart thought we should put an ad in the paper soliciting applicants. Supervisor Evia responded that we had a qualified applicant, who had all the training required and was currently the Town of Baths part-time Code Enforcement Officer.

Councilman Palmer made a motion seconded by Councilman Smith to authorize the hiring of Brad Laverty as Code Enforcement Officer and Building Inspector. Carried: Palmer, Aye; Smith, Aye; Rice Aye; Stewart, Aye; Evia, Aye.

The Justice Report was reviewed.

Town Clerk David Price reported that the Clerk's office received payments from sales of dog licenses and building permits in the amount of \$177.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia, Supervisor in the amount of \$177.00 and the other made payable to NYS Animal Population Control Program in the amount of \$5.00. The Clerk noted that he had inadvertently given Supervisor Evia \$5.00 to much. As it had already been deposited he would make an adjustment next month.

Animal Control Report was reviewed.

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

The following bills were presented for audit:

Highway (Abstract #199-220)	\$	70,913.82
General (Abstract #233- 251)	\$	26,362.30
Street Lighting (Abstract #232)	\$	277.67

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.

A Resolution (#28-2019) was made upon the Motion of Councilman Robert Palmer and seconded by Councilman Gary Rice to authorize Superintendent Pyer to make repairs as necessary on the F-350 Pick-up driven by Kevin Learn. ADOPTED: Councilman Robert Palmer, Aye; Councilman Gary Rice, Aye; Councilman Richard Stewart, Aye; Councilman Lowell Smith, Aye; Supervisor Donald Evia, Aye.

At 9:20 p.m. a motion was made by Lowell Smith and seconded by Bob Palmer to adjourn the meeting. Carried: Smith, aye; Palmer, aye; Stewart, aye; Rice, aye; Evia, aye.

David Price
Town Clerk

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