

**HOWARD TOWN BOARD MEETING
WEDNESDAY
December 12, 2018**

The regular meeting of the Howard Town Board was called to order at 7:02 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, Town Bookkeeper/Payroll Clerk Leanne Wightman, John Swierkos, Jr. (representing The Dolomite Group), Jim Fodge, Dick Lattimer, Mike Slayton, Karen Palmer, Bill Holevinski, Eric Hosmer, and Sean Turner.

Supervisor Donald Evia led the pledge to the flag.

The minutes of the previous meeting were reviewed by the Board. Councilman Stewart noted several typos and misspellings, Councilman Smith directed the Clerk's attention to the fact that what was referred to as Greenwood Cemetery was in fact Greenville Cemetery. The Town Clerk agreed to make the aforesaid changes. A motion was made by Councilman Stewart and seconded by Councilman Smith to approve the minutes of the previous meeting, once the foregoing changes were made. Carried: Stewart, Aye; Smith, Aye; Palmer, Aye; Rice, Aye; Evia, Aye.

Supervisor Evia asked for public comment. Mr. John Swierkos, Jr. introduced himself as a representative of The Dolomite Group ("Dolomite".) He expressed his desire for Dolomite to be considered a "good Neighbor," and disagreed with the premise of Mrs. Katie Harrell's letter that was presented to the Board at last month's Town Board Meeting. He stated that the new setbacks proposed by the Planning Board would have no effect on Dolomite, as the original permit granted (to Blades) in 1995 was "Grandfathered in." He continued, they had to renew their permit every five years, and he claimed that they are very good at keeping control of their pit.

At 7:12 pm, Supervisor Evia asked for a motion to open the Public Hearing. The motion was made by Councilman Stewart and seconded by Councilman Palmer. Carried: Stewart, Aye; Palmer, Aye; Smith, Aye; Rice, Aye; Evia, Aye.

Mr. Swierkos, continued, stating that he would be willing to meet with Ms. Harrell and discuss her concerns. He hoped that, "Dolomite could meet her half way."¹

There commenced a discussion, at times heated, concerning new access roads to the current pit off County Route 70A, including concerns regarding the safety of children entering and exiting school buses at the new access road.

Highway Superintendent, Lee Peyer, explained that the Town's need for gravel was ongoing. If the proposed setbacks were adopted, we would limit the gravel available locally, which would force us to purchase gravel at higher rates. He further reported that the Town had 70 miles of dirt roads, all needing gravel for maintenance.

¹ Councilman Stewart suggested that Mr. Swierkos' comment might be considered confusing in a historical document. However, Mr. Swierkos' statement, as recorded in the minutes, is an accurate reflection of what he said.

Councilman Palmer recounted the fact that Blades/Dolomite had promised him that his property would be reclaimed after mining was completed, but it never was. Mr. Swierkos gave Councilman Palmer his business card and told him to get in touch directly with him.

Mr. Swierkos said that he had been with Dolomite for over 28 and 1/2 years. Reclamation takes time and money. He also stated, "They have a new, young, engineer, Jarrod Mori, who was going to be in charge down there."²

Councilman Rice noted that the Planning Board had made provision for variances to be issued.

Mr. Swierkos explained that Dolomite was exploring new areas to mine in Howard. The Blades' Pit was the last commercially viable site in Howard. When they were finished at the Blades' site, Dolomite would be done in Howard.

Supervisor Evia wondered if there might be a happy medium. One thousand feet might be too much. He posited that we should talk to some people in the industry. Mr. Swierkos responded that he thought that they might be able to make some compromises. He also opined, "The costs are going up. If the Board went forward with the new setback, Howard will not be attractive for future investment."

Ms. Karen Palmer stated, regarding several residents' concerns, that she had been on the Planning Board, and it was not the Planning Boards' job to inform prospective property buyers of the possibility of new pits near their purchase site. Then added, "Buyer-beware."

A motion was made by Councilman Smith to close the Public Hearing at 8:05 pm. The motion was seconded by Councilman Palmer. Carried: Smith, Aye; Palmer, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

Councilman Stewart made a motion not to accept changes in the Land Use Laws proposed by the Planning Board. Seconded by Councilman Palmer. Motion carried: Stewart, Aye; Palmer, Aye; Smith, Aye; Rice, Nay; Evia, Abstain.³

Supervisor Evia stated, "There has to be a happy medium that would protect the owners, and still let land owners exploit resources on their property."

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

County Supervisor Report: No one from the County office was present.

Councilman Rice stated that only three members of the Planning Board attended the meeting. Since there was no quorum, no official meeting was held.

² Mr. Swierkos is referring to the Blades' pit.

³ Councilman Stewart requested the wording of the motion be changed to: "reject all changes to the Town of Howard Land Use Laws, as proposed by the Planning Board."

The Fire Department report was reviewed. There was no representative from the Fire Department, but Councilman Rice stated that the department had bought turnout gear.

Supervisor Evia introduced our new bookkeeper, Leanne Wightman, who had been looking into our accounting and banking programs. She suggested that we forego our Money Market account. At one time, it might have been advantageous; however, currently, there was no benefit to the Town.

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 \$125.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia in the amount of \$117.00, and the other made payable to NYS Animal Population Control Program in the amount of \$8.00.

Supervisor Evia announced that the Board had some new business to discuss. The first topic was the adoption of the new Sexual Harassment Policy, in order to comply with 2018 legislation. Several Councilmen had comments, and the matter was tabled until the next Board Meeting.

The second topic was the "Town Website" that Eric Hosmer has been working on. Mr. Hosmer created the site, but it is not the official Howard Town Website. The Town Clerk had requested legal requirements of official websites from the Association of Town's legal department. The Town Board members and Mr. Hosmer concurred that the legal requirements were too onerous, and therefore, it was agreed to keep his site unofficial.

Review of the Highway vouchers commenced at this time.

During the review, Councilman Stewart mentioned to Leanne Wightman that there was \$100,000.00 in our "Justice account."⁴ A discussion followed regarding the Magistrate's account. Questions were raised as to the source of the funds. Ms. Wightman was unsure of the source. She will investigate. She thought the Town could use the funds but would have to reclaim them.

The general vouchers were reviewed at this time. A general discussion ensued regarding the Town's CD's and using Williamson Lawbooks accounting programs to produce next year's budget. Ms. Wightman explained the plan she had discussed with Highway Superintendent Pyer to break down repair invoices by individual trucks.

⁴ Upon review, Councilman Stewart suggested that "Justice account" be changed to "Magistrate account" to conform to the reference later in the paragraph. Note: there are two accounts one is the "Justice account" and the other is the "Magistrate account." The Magistrate account is the one in question.

Councilman Stewart noted that one of the invoices from the Highway account was from a company, Sedam Tire that he was unfamiliar with. Ms. Wightman said she would investigate the matter, and the invoice (voucher #160) was held back from payment.

The following bills were presented for audit:

Highway (Abstract #1397 – 159)	\$ 136,810.92
General (Abstract #220 –247)	\$ 36,101.61
Street Lighting (Abstract #240)	\$ 290.93

A motion was made by Councilman Palmer and seconded by Councilman Smith to pay these bills (except as noted voucher #160). Carried, Palmer Aye; Smith, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

Several highway matters were discussed, including installation of snow fencing, and replacement of the transmission in one of the plow trucks. Superintendent Pyer requested a resolution to continue with the 2-year buyback plan on the CAT Back Hoe.

Resolution (#22-2018) was made by Councilman Rice to move to continue with the 2-year buy-back program on the CAT Back Hoe. The Resolution was seconded by Councilman Smith. Adopted: Rice Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

Superintendent Pyer requested that the Board meet with him to discuss purchasing a new mower, as well as other trucks and equipment that need to be replaced. Councilman Stewart suggested that the requested meeting be held off until January.

Councilman Palmer noted that one of the Town Trucks had broken down at the gravel pit. Mr. Pyer told him that it should be fixed by the next day. He is hoping to get 1,500 tons a day to the crusher. He also mentioned that the brine used for dust suppression needed to be tested before the Town can obtain a permit.

Superintendent Pyer requested that he be authorized to purchase a bandsaw to cut steel for the bed of the Peterbilt in order to mount the water tank. Councilman Smith suggested that it could be cut by hand using a steel cutting blade on a circular saw.

A motion to adjourn at 9:22 p.m. was made by Councilman Palmer and seconded by Councilman Smith. Adopted: Palmer, Aye; Smith, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

David Price
Town Clerk