

**HOWARD TOWN BOARD MEETING**  
**WEDNESDAY**  
**September 11, 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 Richard Stewart, Lowell Smith, Robert Palmer and Gary Rice. Also present were Town Clerk David Price, Highway Superintendent Lee Pyer, Eric Hosmer, Tracy Smith and Sonia Ellison.

Supervisor Donald Evia led the pledge to the flag.

A moment of silence was observed in remembrance of the victims and first responders who lost their lives on 9/11.

The minutes of the previous meeting were reviewed by the Board. A motion was made by Councilman Stewart and seconded by Councilman Palmer to approve the minutes of the previous meeting. Carried: Stewart, Aye; Palmer, Aye; Smith, Aye; Rice, Aye; Evia, Aye.

Supervisor Evia asked for public comment. Ms. Tracy Smith informed the Board that she was requesting the use of the Public Park as the Boy Scouts were going to be using the Friends of Howard Building for a *Jamboree on the Air* that will be taking place on October 18 – 20, 2019. The board informed her that there was no formal policy on using the park, but she should put a sign up indicating the dates the Scouts would be using it. It was also suggested that the Town Clerk inform Larry's Latrines that they should leave the porta-john in place through that weekend.

Highway Superintendent Pyer reviewed his monthly report. He also reported that his crew had been ditching and grading. In addition, he informed the Board that the pipe on Mill Road would be installed starting on Monday the 16<sup>th</sup> and completed by Wednesday the 18<sup>th</sup>.

Mr. Pyer informed the Board that he expected to receive a CHIPS reimbursement on the 16<sup>th</sup> of September.

The Superintendent then informed the Board that he had been approached by an individual who was planning on putting up a log home on Middle Road. Middle Road is a seasonal road and building a domicile at the location indicated would require the Town to build approximately ½ mile of full use road. Said road would require widening the Road by 50ft and would cost the Town approximately 50 to 75 thousand dollars.

A discussion followed regarding alternative sites for the house as well as the feasibility of construction at the proposed location. Mr. Pyer told the owner that he would not start road construction until the home was built, and C of O issued.

On a different topic, Mr. Pyer informed the Board that he had been approached by a member of the Fire Department regarding black topping of the Fire Hall's parking lot. It was the position of Superintendent Pyer as well as the Board that it was not something the Town would want to get involved with.

Supervisor Evia asked Councilman Rice if he knew anything about the parking lot. Councilman Rice offered that the Fire Department was just in the investigation stage. It was the Councilman's understanding that representatives of the fire department had spoken with several private contractors. He further opined; it's going to take a lot of fund raising before it gets off the ground. Councilman Rice noted that he had "stepped away" in this matter from the Fire Department. It was agreed that the parking lot had many potholes, but they had spread a load of 1A stone in advance of the upcoming *Howard Old Home Day* celebration.

Supervisor Evia addressed the need for a public hearing regarding a Town Law to override the tax levy cap of 2% (as established in General Municipal Law 3-c.) Councilman Stewart had several questions for the Supervisor revolving around the need to exceed the cap. Supervisor Evia informed the Board that he and the Bookkeeper were preparing a Tentative Budget and would be presenting it as per statute to the Town Clerk on or before September 20<sup>th</sup>.

**Resolution (#16-2019)** was made upon a motion of Councilman Robert Palmer and seconded by Councilman Lowell Smith to hold a public hearing. The purpose of said hearing is to solicit public input relative to the proposed Local Law #1 for the year 2019 concerning an Override to the Tax Levy Cap established in General Municipal Law 3-c. The aforesaid hearing to take place at the regularly scheduled Town Board Meeting on October 9<sup>th</sup> and begin at 7:15 p.m. Adopted: Councilman Palmer, Aye; Councilman Smith, Aye; Councilman Stewart, Aye; Councilman Rice, Aye; Supervisor Evia, Aye.

Supervisor Evia then alerted the Board that the Town Assessor, Laura Snow's appointment was up at the end of September and she would need to be reappointed for another six-year term.

A motion was made by Councilman Rice and Seconded by Councilman Smith to reappoint Laura Snow to a new six-year term as the Town Assessor. Carried: Rice, Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

David Price, the Town Clerk, informed the Board that he had received notification from the Town Clerk's Association that Governor Cuomo had signed legislation (S.3756/A.55) waiving the State fee for marriage licenses for active duty members of the U.S. armed forces or their spouses. The bill also gives local governments freedom to waive the fee they charge for marriage certificates for active duty service members or spouses.

The Clerk explained that the Marriage License fee is \$30.00, \$22.50 goes to the State and the Town retains \$7.50. He requested that the Board decide if they wanted to waive the fee in accordance with the aforesaid legislation.

A motion was made by Councilman Rice and Seconded by Councilman Smith to waive the Town's marriage license fee in accordance with State Legislation S.3756/A.55 for active duty service members or their spouses. Carried: Rice, Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

Supervisor Evia presented the Board with a Resolution to authorize the Town Bookkeeper to transfer funds in the amount of \$305.00 to be processed with the date August 11, 2019. Said funds were transferred to pay bills that were previously authorized for payment.

After a brief discussion regarding the increase in municipal dues subsequent to last year's budget being approved, the following Resolution was made:

**Resolution (#17-2019)** was made upon a motion of Councilman Gary Rice and seconded by Councilman Lowell Smith to authorize 2019 Budget Transfers as presented by the Town Bookkeeper, *to wit*, \$65.00 from Ledger # A1990.4 to A12220.4; \$90.00 from Ledger A1990.4 to A1920.4; and \$150.00 from A1990.4 to A5010.4. Adopted: Councilman Rice, Aye; Councilman Smith, Aye; Councilman Palmer, Aye; Councilman Stewart, Aye; Supervisor Evia, Aye

A motion was made to go into executive session for discussion regarding proposed, current or pending litigation under Section 105.1(d) by Councilman Smith and seconded by Councilman Smith at 7:37 p.m. Carried: Rice, Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

A motion was made to come out of executive session by Councilman Smith and seconded by Councilman Palmer at 7:53 p.m. Carried: Smith, Aye; Palmer, Aye; Rice, Aye; Stewart, Aye; Evia, Aye.

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

There was no Planning Board Report. Councilman Rice reported the Planning Board had voted to request that Sonia Ellison be appointed to the Planning Board by the Town Board. Councilman Stewart asked the Clerk if an ad had been run in the local paper soliciting applicants to serve on the Planning Board pursuant to a motion of the Board at the previous meeting.

The Clerk informed the Board that the ad had not been placed as the only communication he had received from the Planning Board was that they had had a Quorum at their last meeting and had voted to request Ms. Ellison be put on their Board. It was further explained that it was custom and practice for the Town Board to accede to the wishes of the Planning Board regarding their membership.

A motion was made by Councilman Stewart to table the matter pending an ad being run in the *Southern Tier Shopper* for two weeks. The motion was seconded by Councilman Smith. Carried: Stewart, Aye; Smith, Aye; Palmer, Aye; Rice, No; Evia, Aye.

The Clerk suggested that he would welcome some input from the Planning Board regarding the ad's wording. Councilman Stewart felt that would be appropriate.

There was no Assessor's report.

The Fire Department report was reviewed.

There was a brief discussion regarding ambulance service contracts for the upcoming budget workshop.

Supervisor Evia presented the Supervisor's report.

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 and building permits in the amount of \$422.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia, Supervisor in the amount of \$393.00 and the other made payable to NYS Animal Population Control Program in the amount of \$29.00.

Animal Control Report was reviewed.

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

Councilman Stewart discussed repairs to the flail mower with Superintendent Pyer and Supervisor Evia.

Superintendent Pyer requested that we get a UPS account.

The following bills were presented for audit:

Highway (Abstract #147 - 161)	\$	14,313.22
General (Abstract #176 - 195)	\$	3,581.92
Street Lighting (Abstract #175)	\$	260.75

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

Supervisor Evia solicited public comment.

Eric Hosmer asked what the topic of the executive session was. Councilman Stewart responded that it concerned litigation regarding an eminent domain proceeding.

Mr. Hosmer complimented the Board on the "vocalization" of the bills.

A motion to adjourn at 8:33 p.m. was made by Councilman Palmer and seconded by Councilman Rice. Carried: Palmer, Aye; Rice, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

David Price  
Town Clerk