

Town of Howard
Town Board Meeting
Public Hearing (TOH Logging Law #2009 – 2)
Wednesday, December 09, 2020

A regular meeting of the Howard Town Board was called to order by Supervisor Donald Evia at 19:00. Roll was called and Councilmen present were Richard Stewart, Lowell Smith, and Eric Hosmer. Absent / Excused: Councilman Gary Rice. Also attending: Michael Adams, Ed Frey, Bob Cleeves, Mary Kaye DeSilva, Geniese Brewster, Keith Brewster, David Dockstader, Chase Weeks, Ethan Hosmer, Josh Ferguson, Jack Bossard, Ed O'Brochta, David Hulett, Jim Fodge, Amanda Glick, Matt Glick, Fran Sharp and Andy Matarazzo.

The Pledge to the American Flag was led by Town Supervisor Donald Evia.

Previous minutes: Reviewed. Motion to accept, with two corrections made, by Councilman Hosmer, second by Councilman Smith. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

Public Comment: The floor was opened to Public Comment with a reminder by Supervisor Evia that the Public Hearing would commence at 19:10. David Dockstader opened the Public Comment by informing the Town Board that his farm will be hosting an Off-road Event on June 27, 2021. This will involve approximately 1,200 people on his 40 acre off-road property with ATV's and campers. Fremont Fire and Ambulance Service will be standing by for the event. He will provide the TOH with proof of insurance. No permit is required for this event, but Mr. Dockstader will meet with Highway Superintendent Pyer prior to the event to evaluate any potential involvement with town roads. Informational.

Jack Bossard commented that he felt that the Planning Board should have had more time to study / evaluate the proposed changes to the Town Logging Law.

Public Hearing:

At 19:10, a motion was made by Councilman Stewart to open the Public Hearing. Second by Councilman Smith. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

This Public Hearing is to address TOH Law #2009 – 2, the Logging Law. Concerns regarding changes or the complete rescission of the law have been noted in previous meeting minutes by the TOH Board as well as the TOH Planning Board, and copies of those have been available in the Town Clerk's Office. Also available in the Town Clerk's office were copies of the proposed changes.

A great deal of conversation ensued, with multiple townspeople offering opinions. For the sake of brevity, the opinions presented factored down to the following points:

- Change the current law

- Completely repeal the current law
- Multiple people stated that they felt NYS and the NYSDEC already had laws currently on the books covering this issue, and therefore a local law was not necessary
- A possibility that the law be repealed and replaced by an ordinance that requires registration with the town
- Repeal the law, but ask that landowners contact TOH Highway Superintendent so that he could assess the site prior to commencement of logging
- Point presented that numerous towns in the County did NOT have logging laws

At 19:57 after extensive dialogue among those present, Supervisor Evia asked for any further discussion.

Councilman Stewart made a motion to repeal TOH Law #2009 – 2. Seconded by Councilman Hosmer. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia nay.*

Local Law #2020 – 1: A local law to repeal Local Law #2020 – 9, commonly known as the “Logging Permit Law” and titled “Local Law for the Protection of Highways and Public Safety during Logging Operations in the Town of Howard.”

At 20:00, Councilman Smith made the motion to close the Public Hearing. Seconded by Councilman Hosmer. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

Public Comment (cont):

Ms. Mary Kaye DeSilva introduced herself to the group. She asked if there was a TOH Ethics Committee. (There is no current Ethics Committee.) She also asked why there were no current posted Town Clerk Office Hours. Clerk Burdin stated that with the current upswing in Covid, there are no posted hours. The answering machine in the office clearly states to leave a message, and the Clerk checks messages daily and returns calls. In addition, there is a drop box for constituents to leave correspondence. The Clerk checks mail and dropbox daily, and provides her personal phone number for those who wish to arrange a private appointment. The Clerk noted that there have been no concerns raised regarding this practice to her directly, to the Town Supervisor, nor to any member of the Town Board. Apparently this concern was made public only by Social Media practices, in which the Clerk chooses not to participate. Clear and concise instructions are on the message phone at the Town Hall and are now posted on the door.

Ms. DeSilva then questioned the Justice’s salary , stating that the TOH Board has ceased paying the Judge. The present Board members addressed the group and explained that the Justice salary was set at \$11,000.00 annually at the beginning of his new term January 2018. This amount was determined after the Judge and Mrs. DeSilva presented their concerns at the budget proposal meeting in 2017 after the Board proposed dropping the annual salary from \$13,500.00 to \$9,000.00. At that meeting, the Board entered into Executive Session and raised the salary to \$11,000.00. **These notes are on file and available in the Clerk’s Office.** Unfortunately, there was a clerical error – origin still to be determined – in which the Judge started receiving the equivalent of annual salary of \$13,500.00 in 2019. This was noticed by the Board members in September of 2020, when it became apparent that the allotment for the Judge’s salary was incorrect having exceeded the annual amount by that timeframe. The Judge had

received in excess of the annual salary of \$11,000.00. The Board decided that the judge's annual compensation had been satisfied with no further payments due until the new fiscal year in January 2021. Ms. DeSilva and her cadre of supporters present at tonight's meeting felt that the Judge was due \$13,500.00 annually for the remainder of his term. After much discussion, the Board remains in agreement with the decision as set in January 2018. Justice salary to remain at \$11,000.00 annually with correct payments to be resumed in January 2021. The source of the error will be investigated by Supervisor Evia.

Old Business: handled during Public Hearing

New Business: none.

Highway Report: under separate cover / no discussion. Councilman Hosmer made a motion to accept any final bid greater than \$5,000.00 on the truck currently up for auction. Seconded by Councilman Smith. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

Planning Board Report: under separate cover / no discussion.

Assessor's Report: none.

Fire Department Report: under separate cover. Verbal by Bob Cleeves. (Holding limited Fire Dept. meetings due to Covid.)

Supervisor's Report: under separate cover.

Building Inspector's Report: none.

Justice Report: not available to clerk prior to meeting.

Town Clerk's Report: Clerk Burdin reported that the TOH will be needing to prepare a Comprehensive Emergency plan in response to Covid / other Public Health Crises. A template has been provided by the Association of Towns (AOT). The Clerk and Town Supervisor will prepare an initial draft and present at

next meeting. The TOH also has been asked to file for participation in the Steuben County Diversion Inter-Municipal Agreement. Supervisor Evia will do the initial draft and present at next month's meeting. The AOT will be having virtual training in 2021. Information available in the Clerk's office for anyone wishing to enroll. Routine report of November disbursements under separate cover.

Bills were presented for audit. Councilman Smith made a motion that the bills for the evening be paid. Councilman Stewart seconded the motion. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Superintendent Evia aye.*

Bills for the evening:

General	Abstracts #208 – 234	(\$ 30,672.47)
Lighting	Abstract #207	(\$ 289.20)
Highway	Abstracts #198 - 216	(\$ 52,845.02)

Public Comment: nothing further.

Board discussion: At 21:42, a motion was made by Councilman Stewart to move funds from the sale of Sterling parts at auction and from the sale of used equipment and scrap material to the Machinery Reserve Fund. Seconded by Councilman Hosmer. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

There was some discussion regarding open positions on the TOH Planning Board. There has been some interest in participation from a community member.

At 21:45 Councilman Hosmer made the motion to appoint Robin Phenes to the TOH Planning Board. Seconded by Councilman Stewart. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

At 21:51, a motion was made by Councilman Smith and seconded by Councilman Hosmer to adjourn the meeting. *Carried: Councilman Stewart aye, Councilman Smith aye, Councilman Hosmer aye, Supervisor Evia aye.*

Adjourned at 21:51.

Rhonda Burdin

Town Clerk

Town of Howard