

HOWARD TOWN BOARD MEETING
WEDNESDAY
October 10, 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, and Richard Stewart. Councilman Robert Palmer was not in attendance. Also present were Town Clerk David Price, Planning Board Chairman Gary Rice, Highway Superintendent Lee Pyer, Eric Hosmer, Robin Holevinski¹, Jason Holevinski, William Holevinski, Sean Turner, Jay Cleaves, Robert Patrick, and County District 7 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 several statements that were either incorrect or didn't reflect the speaker's intention. The Town Clerk agreed to make changes and/or annotate these instances. A motion was made by Councilman Stewart and seconded by Lowell Smith to approve the minutes of the previous meeting, once the foregoing changes and notations were made. Carried: Stewart, aye; Smith, aye; Evia, aye.

Supervisor Evia asked for public comment. Planning Board Chairman Gary Rice questioned Superintendent Lee Pyer regarding road repairs. Supervisor Evia asked about sand delivery. Mr. Pyer informed the Board that he was stockpiling sand from Knight Settlement because, "Knight might not have sand after the first of the year."

Robin Holevinski asked Supervisor Evia about yearly town audits. Supervisor Evia said, he did not think we should incur the expense. Ms. Holevinski then asked Supervisor Evia about the final payout made to the former highway superintendent. Mr. Evia responded by stating that he would bring the paperwork to the next meeting.

Councilman Stewart informed the Board that the State Auditor had cited a legal case, *Bookhout v. Levitt*, 43 N.Y.2d 612 (1978), which the State Comptroller's office felt addressed the issue of the final accrued vacation and sick time payout made to the former Highway Superintendent.

Eric Hosmer asked, "What the Town's policy was regarding employee retirement?" Councilman Stewart stated that the Town didn't have a policy. He then posited the question to Supervisor Evia, "Did the payroll clerk make the payment without your knowing about it?" Supervisor Evia stated that he had in fact been aware of the payment prior to its being made. Supervisor Evia brought the discussion to a close and invited Representative Aaron Mullen to give the County Supervisors Report.

¹ Upon review, Councilman Stewart pointed out that Robin Holevinski and Robin Phenes were one in the same person. The Clerk explained that he identified those in attendance at Town meetings by the names that they signed in with on the attendance sheet provided for that purpose.

Representative Mullen proceeded to give the Supervisor's report, which dealt with several issues. The first topic concerned the new county office building. The second topic discussed was the new law that requires all defendants to have an attorney present for their arraignment. He stated that the new plan would not affect Town Justices, although there was a plan to have Judges take-part in as "on-call" rotation.

Lee Pyer suggested that there should be "Justice Districts." Representative Mullen replied that under the law, contiguous towns could in fact have districts.

Planning Board Chairman Gary Rice presented the Planning Board's proposed land use law amendment concerning gravel pit location and setbacks. Councilmen Smith responded that he had talked to several people, and felt that the DEC requirements were adequate. Councilman Stewart stated that he had looked up the regulations, and the DEC requires 500 feet from an existing building. Councilman Stewart further stated that he had never seen the Planning Board review the DEC regulations.

Planning Board Chairman Rice responded, "the Planning Board had reviewed the DEC regulations prior to Councilman Stewart's involvement." Mr. Stewart, continued by reiterating, that he was not in favor of changing the setbacks.

Chairman Rice asked, if the Board was going to go forward and schedule a hearing on the proposed amendment? Councilman Stewart responded that the Board would not make a motion to schedule a hearing.

Planning Board Chairman Rice reported that he was trying to make contact with local Representatives regarding Broad Band. He has attempted to contact Congressman Tom Reed, State Senator Tom O'Mara, and Assemblyman Phil Palmesano. Mr. Rice further reported that it appeared that our area had been short-changed.

Jay Cleeves reported that the loan on the fire truck had been paid off. He then gave the Fire Department's report. Rob Patrick read a statement to the Board. In addition, he presented evidence that he claimed showed that taxes had not risen after the Fire Department had been given an increase in the Town Budget².

Supervisor Evia asked Mr. Patrick, if he had a chance to take a look at the Greenville Cemetery. Mr. Patrick responded, "He was not sure, if he had time to take on upkeep of another cemetery." Councilman Stewart noted that the Greenville Cemetery Association might be defunct.

Supervisor Evia had nothing to add to the Supervisor's report that he had presented to the Board members.

Building Inspector, Robert Riekofski's report was reviewed.

The Justice Report was reviewed.

² Upon review, Councilman Stewart restated his position that the taxes had risen, in both rate and amount.

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 \$695.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia in the amount of \$678.00, and the other made payable to NYS Animal Population Control Program in the amount of \$17.00.

The date for the budget workshop was set for Wednesday, October 24th at 6:00 pm, with alternative date of Tuesday, October 23rd.

Supervisor Evia reported that he had received information from Five Star Bank regarding their "Lock Box" program for collecting property taxes. Rather than collecting property taxes by the Town Clerk, taxes could be paid at any branch of Five Star Bank. Supervisor Evia noted that the Avoca School District was using the system successfully. Councilman Stewart asked, about the cost of the program to the Town. Supervisor Evia responded that it would be approximately \$1,200.00. Councilman Stewart felt that we would be better served to continue to have the Town Clerk perform the duties of Tax Collector.

At 8:52 pm, Councilman Smith made a motion to go into executive session for personnel reasons under Section 105.1 (f), and seconded by Councilman Stewart. Carried: Smith, aye; Stewart, aye; Evia, aye.

At 9:15 pm, a motion was made to come out of executive session by Councilman Smith and seconded by Councilman Stewart. Carried: Smith, aye; Stewart, aye; Evia, aye.

Councilman Stewart announced that Supervisor Evia would offer Leanne Wightman, \$10,000 per year to take over the duties of Bookkeeper and Payroll clerk.

The following bills were presented for audit:

Highway (Abstract #95 – 116)	\$ 67,148.27
Town (Abstract #175-193 & 195-197)	\$ 9,909.69
Street Lighting (Abstract #194)	\$ 280.72

A motion was made by Councilman Stewart and seconded by Councilman Smith to pay these bills. Carried: Stewart; Smith, aye; Evia, aye.

Highway Superintendent Lee Pyer reported that he had sent a copy of Resolution #13-2018 regarding the Nicholson Road Bridge construction project to Steve Catherman at the Steuben County Highway Department.

Mr. Pyer requested the Board pass a resolution implementing a parking ban on Town Roads December 1st thru April 1st.

Resolution (#16-2018) was made to move to restrict parking along the right-of-ways in the Town of Howard from December 1, 2018 to April 1, 2019 by Councilman Smith, and seconded by Councilman Stewart. Adopted: Smith, aye; Stewart, aye; Evia, aye.

Mr. Pyer requested an additional resolution to post 12 roads as seasonal.

Resolution (#17-2018) was made to move to “post” as seasonal use, 12 roads in the Town of Howard (including all or part of Avery, Buena Vista, Burleson, Landers, Lyke, Mackey, Middle, Puffer, Rice Woods, South Woods, Spencer Hill and Stewart) from November 1, 2018 to May 1, 2019 by Councilman Stewart, and seconded by Councilman Smith. Adopted: Stewart, aye; Smith, aye; Evia, aye.

Superintendent Pyer reported that truck #55 was “shot.” He requested that the Councilmen look at it, so he could take steps to replace it. He further reported that two old sanders were in extremely poor condition. One is totally unsalvageable and the other needs about \$2,500.00 in repairs. Mr. Pyer continued that he had looked into purchasing new electric sanders and found that they were available at a deep discount, \$4,000.00 each until the end of October.

Mr. Pyer found a used Peterbilt truck that was selling for \$15,000.00. He requested that the Board members take a look at it. He noted that Councilman Palmer had already inspected it and thought it was a good deal.

Resolution (#18-2018) was made to move to approve the purchase of sanders and a snowplow for one of the smaller trucks by Councilman Stewart, and seconded by Councilman Smith. Adopted: Stewart, aye; Smith, aye; Evia, aye.

Superintendent Pyer went on to report that the Jake Brakes on three trucks did not work. He requested a resolution to expend funds to make repairs.

Resolution (#19-2018) was made to move to authorize Superintendent Pyer to expend funds to repair the Jake Brakes on the trucks that required it by Councilman Stewart, and seconded by Councilman Smith. Adopted: Stewart, aye; Smith, aye; Evia, aye.

Superintendent Pyer asked Councilman Stewart to come by the town garage several times a month so that he could confer on needed repairs and replacement of equipment. He reported that he had three employees that were getting raises every 6 months until their salaries caught up with the other employees.

On another topic, Mr. Pyer reported that the cost per load of gravel was going up from \$12.00 to \$20.00. There followed a discussion about where the Town would be able to purchase gravel in the future. Vaughn Emo might have a location for a gravel pit on his property. Also, Helms may be selling his property. Of course, whoever bought the

property would own the gravel pit. Mr. Pyer was unsure of the actual acreage. Councilman Stewart thought it was something that should be investigated.

Councilman Stewart introduced the topic of the Town's legal fees. He stated that the Board of Assessment review had spent \$19,000.00 on attorney's fees. \$8,000.00 or \$9,000.00 had been spent on the Latimer matter. Councilman Stewart had been in contact with the Association of Towns attorneys', and had been told that the Town Board could not "step in" until the review had been denied, and the property owner had commenced a legal action. Once a suit was filed against the town, the Town Board could negotiate directly with the property owner.

At 10:16 p.m. a motion was made by Lowell Smith and seconded by Richard Stewart to recess the meeting and continue on October 24th as a Budget Workshop. Carried: Smith, aye; Stewart, aye; Evia, aye.

BUDGET WORKSHOP Wednesday, October 24, 2018

A budget Workshop of the Howard Town Board was called to order at 6:05 p.m. by Supervisor Donald Evia. Councilmen present were Lowell Smith, and Richard Stewart, and Robert Palmer. Also present were Town Clerk David Price, Planning Board Chairman Gary Rice, Highway Superintendent Lee Pyer, Eric Hosmer, and Robin Phenes.

The Town Clerk reported that a Legal Notice, regarding the budget workshop, had appeared in the *Evening Tribune* as required by statute.

The following discussions corresponded to related items in the Town Budget.

Supervisor Evia presented a letter from Justice David DeSilva. Said letter elicited a brief discussion. Superintendent Evia then introduced the topic of a new bookkeeper.

Supervisor Evia reported that Leanne Wightman had declined our offer to take over as Bookkeeper/Payroll Clerk. She decided that while she had offered Supervisor Evia two options regarding salary, she would not accept the position unless NYS Retirement was included. The Board revisited their decision and deputized Supervisor Evia to reach out to Leanne and re-offer the position at the rate of \$8,000 per year with NYS Retirement.

There followed a brief discussion regarding upgrading our internet services.

A discussion ensued regarding the Town Clerk's Hours. It was decided that an increase in hours to cover three Saturdays during tax season, and additional hours for Board, and Budget Meetings.

Highway Superintendent Pyer noted that there were new regulations for road signs. Fortunately, stop signs on roads that abutted county roads are paid for by the county, and the State paid for road signs abutting State roads. Mr. Pyer initiated a discussion regarding his deputy. After the aforementioned discussion, the Board decided that the deputy's increase in salary was warranted.

Superintendent Pyer informed the Board that he felt the garage needed to be insulated. The Board agreed that it was a good idea. It will save wear and tear on the equipment, as well as the employees.

Councilman Stewart took the position that the Planning Board should meet on an *ad hoc* basis. He did not think that monthly meetings were required. Councilman Smith said, he did not want to get rid of the Planning Board. Planning Board Chairman Gary Rice worried that the members would lose interest, if they did not meet on monthly basis.

Councilman Stewart wanted the budget, proffered, by the Fire Department to be more detailed. He did not think that they needed as much as requested. It was decided that Robbie Patrick would be asked to provide more details. The Fire Department budget would be addressed at the Preliminary Budget Hearing.

Highway Superintendent Pyer reported that the Loader would be paid off by 2020. There followed a discussion regarding "buy-back" programs on various pieces of equipment including the backhoe, and loader. It was the Board's consensus that "buy-back" programs were the way to proceed. Mr. Pyer also mentioned that they would need a new mower for next year. He proposed an expenditure of about \$60,000.00. Under new OSHA regulations, we could not buy an open cab on a new tractor. Superintendent Pyer thought, we should go forward with the purchase of a used Peterbilt. He requested a Resolution to authorize him to make the purchase.

There was a discussion regarding Five Star Bank collecting taxes. Councilman Stewart was steadfast in wanting tax collection to be done by the Town Clerk. Even though by law, the Tax Collector's office did not need to be open additional hours during the tax season (January – March), there was a question of whether the additional duties of collecting taxes could be accommodated without extra time. This additional time would need to be compensated.

Councilman Stewart noted that there was a reserve fund of \$800,000.00. He wondered if we needed that much. Supervisor Evia agreed that it was high, but felt that was necessary for contingencies. Councilman Stewart asked, Councilmen Palmer and Smith for their opinion on the matter. He then proceeded to inform the members that the Town of Hornby rolled their unused highway department funds into their next year's highway department budget.

Councilman Stewart initiated another discussion about the Fire Department regarding the \$10,000.00 per year payment for Workmen's Comp. Insurance. He restated that we need more detailed information from them.

Resolution (#20-2018) was made to move to approve the purchase of the Peterbilt truck by Councilman Palmer, and seconded by Councilman Smith. Adopted: Palmer, aye; Smith, aye; Stewart, aye; Evia, aye.

The Town Clerk notified the Board that they were required by statute to hold a hearing on the preliminary budget no later than two days after Election Day (November 6th). The Board members stated that by custom and practice the hearing would be held at the next regularly scheduled meeting of the Town Board on November 14th.³

At 10:15 p.m. a motion was made by Lowell Smith and seconded by Richard Stewart to adjourn the meeting. Carried: Smith, aye; Stewart, aye; Palmer, aye; Evia, aye.

David Price
Town Clerk

³ Upon review, Councilman Stewart asked that it be noted that the public's forbearance was appreciated.