

**HOWARD TOWN BOARD MEETING
WEDNESDAY
February 13, 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 Lowell Smith, Richard Stewart, Robert Palmer, and Gary Rice. Also present were Town Clerk David Price, Highway Superintendent Lee Pyer, Bob Cleeves, representing the Fire Department, Jack Bossard, Bill Holevinski, and Eric Hosmer.

Supervisor Donald Evia led the pledge to the flag.

The minutes of the previous meeting were reviewed by the Board. Councilman Stewart noted that for a publication to be a “newspaper of record,” it needed to contain editorial comment, news *and have paid subscriptions*.¹ As the *Southern Tier Shopper* has none of the aforementioned, it could not be an official “newspaper of record.” Councilman Stewart requested that the Town Clerk remove *The Southern Tier Shopper* as an official newspaper. The Clerk stated that it would be improper to make a change in the minutes regarding a previously voted on motion, without a new motion by the Board. Councilman Stewart agreed to present a new motion at the appropriate time and then pointed out a typo. He wanted to clarify several motions regarding the Town Appointments that he felt were needed for clarification.

After a brief discussion the Town Clerk agreed to make changes and fix the typos. A motion was made by Councilman Rice and seconded by Councilman Smith to approve the minutes of the previous meeting, once the foregoing corrections, clarifications, and annotations were made. Carried: Rice, Aye; Smith, Aye; Palmer, Aye; Stewart, Aye; Evia, Aye.

Supervisor Evia asked for public comment. Eric Hosmer asked for further details regarding the *Southern Tier Shopper*. Councilman Stewart explained his reasoning and told Mr. Hosmer that he had found the information on line, although he was unable to recall with his specific source.

Councilman Stewart made a motion which was seconded by Councilman Smith to remove the *Southern Tier Shopper* as an “official Town Paper of record.” Carried: Stewart, Aye; Smith, Aye; Palmer, Aye; Rice, Aye; Evia, Aye. It was further decided that although not an official publication, notices could be placed in the *Southern Tier Shopper*, by direction of the Town Council, in addition to the Evening Tribune, as the *Southern Tier Shopper* has a wide circulation in the Town of Howard.

The Highway Superintendent, Lee Pyer, presented his report for review. He supplemented his report by discussing the Town highway department equipment to be put up for online auction. He further requested that the Board adopt a Resolution to form a highway committee.

¹ Upon review Councilman Stewart requested “and have a paid subscription,” be added to the requirements for being a “newspaper of record.”

Mr. Pyer reported on the 2012 Western Star truck that the Town of Eaton was selling for \$90,000.00. In addition, he explained that he is required to prepare a 284 Agreement that needed to be submitted to the County. Upon being queried by the Board, he stated that he usually waits until April to make his submission. Mr. Pyer then reviewed which roads he would use CHIPS for and reported that Nicholson Road Bridge will be closed for repairs from April 1st until June 1st.

The Board thought that they would wait until next month's meeting to address the 284 Agreement.

Resolution (#3-2019) was made by Councilman Stewart and seconded by Councilman Smith to establish a Town Highway Committee for the purpose of consulting, advising, and to recommend policies for the efficient and economical operation of the Town of Howard's Highway Department. The Committee shall consist of the Town Highway Superintendent and two Town of Howard Board members. Adopted: Stewart, Aye; Smith, Aye; Palmer, Aye; Rice, Aye; Evia, Aye.

Councilman Stewart suggested that Councilmen Palmer and Smith represent the Board on the Highway Committee. Councilman Rice responded that he had something to contribute. Councilman Stewart dismissed him out-of-hand saying that Councilman Rice, "Never had a nickel in any of the trucks," (for which he had responsibility.)

During a discussion of the trucks, tractor, and equipment that Superintendent Pyer was investigating for purchase by the town, Councilman Palmer suggested that Mr. Pyer get the serial numbers for him. The Councilman informed the Board that he could obtain the repair history of almost any vehicle.²

Superintendent Pyer agreed to get Councilman Palmer the serial numbers. Mr. Pyer informed the Board that we needed to move quickly regarding a tractor located in Middlebury, Connecticut. The seller wanted to relist the tractor, if the Town wasn't going to make a commitment. Mr. Pyer did not want to take the trip to Connecticut for the inspection, but so far it was the best deal.

A motion was made by Councilman Stewart and seconded by Councilman Palmer to approve the sale of the 401B John Deere Tractor, 78 Root Snow Blower, Snow Way 9ft Pick-up Truck Plow, 83 Champion Grader, 2008 F350 Pick-up (for parts), and 99 Sterling Cab and Chassis. Superintendent Pyer had listed the aforesaid sales on an online auction site. Carried: Stewart Aye; Palmer, Aye; Smith, Aye; Rice, Aye; Evia, Aye.

Superintendent Pyer introduced the topic of a close call that one of the drivers had had earlier in the day. While on his plowing run, a resident who was snow blowing his driveway, stepped out on the shoulder of the road. It was only due to the driver's quick reaction that he

² Councilman Stewart requested that the Clerk delete this paragraph. When queried by the clerk regarding the veracity of the requested deletion, the Councilman confirmed that the statement in question was accurate. Councilman Palmer did not feel that it needed to be deleted. The Town Clerk declined to make the requested deletion.

was able to avoid a tragic accident. Mr. Pyer stated, “As you can imagine the driver was very shaken up.”

There followed a discussion about what action the Town might take to prevent an occurrence like this from happening in the future. Councilman Smith suggested that we place a notice in the paper when we place our Seasonal Road Closing Notice. After further discussion, it was concluded that we would do that next Fall when we placed notices. Mr. Pyer said that in any case, he would pay a visit to the resident in question and ask him to be more vigilant in the future.

Superintendent Pyer noted that the Clerk had received calls from residents complaining that their roads had not been plowed. In all cases, Mr. Pyer, had investigated. He found that the roads had been plowed but had been re-covered in sections by blowing snow. Mr. Pyer had the crew re-plow. He added that the plow routes took about 3 ½ hours to complete. It was his desire to keep the residents and the Board happy. He asked the Board if they wanted his crews to plow continuously. Councilmen Palmer and Smith, speaking for the Board said, “No.”

A discussion followed about school bus routes and the time of the bus runs. There are 92 miles of roads. The drivers come in at 3:45 am, and if there is a two-hour school delay, it’s virtually impossible to get the trucks back on the road by 9:00 am. Councilman Stewart wondered how many miles of roads were actually “school bus roads?” Bob Cleeves stated that there are four school districts, and virtually all the town roads are “school bus roads.”³

Eric Hosmer asked Superintendent Pyer if CHIPS would cover all the maintenance of Nichols Road? Mr. Pyer said, “No just the Bridge.”

Supervisor Evia announced that the Board would take up the new State mandated Sexual Harassment Policy, which had been put off from last month’s meeting. The Board reviewed the draft.

Councilman Palmer made a motion to accept the Sexual Harassment Policy and the Policy Against Discrimination and Harassment. The motion was seconded by Councilman Smith. Adopted: Palmer, Aye; Smith, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

Planning Board report was presented by Jack Bossard. He asked that Jim Fodge be reappointed.

A motion was made by Councilman Rice to reappoint Jim Fodge to the Planning Board. The Motion was seconded by Councilman Palmer. Adopted: Rice, Aye; Palmer, Aye; Smith, Aye; Stewart, Aye; Evia, Aye.

³ Councilman Stewart requested that the Clerk delete this statement. When queried by the clerk regarding the veracity of the requested deletion, the Councilman confirmed that the statement in question was made by Mr. Cleeves but the Councilman did not feel that Mr. Cleeves’ statement was correct. The Town Clerk declined to make the requested deletion.

There was no Assessor's report.

Bob Cleeves presented the Fire Department's report. He reported that they were updating their turn-out gear. Their Gun Raffle was scheduled for April 27th. Physicals for all members are scheduled for February 27. He also wondered if the Fire Department had a contract signed with the Town, and if they needed a new one.

Supervisor Evia presented his report and noted that we had received a check in the amount of \$67,523.92 from the County as our portion of sales tax. Councilman Stewart pointed out that last year's check was higher, \$74,619.00. Supervisor Evia explained that last year's check reflected an "adjustment."

Building Inspector Robert Riekofski's report was reviewed.
The Justice Report was reviewed.

The 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 \$294.00. He further reported that he had dispersed funds via two checks, one made payable to Supervisor Donald F. Evia in the amount of \$275.00 and the other made payable to NYS Animal Population Control Program in the amount of \$19.00. In addition, the Clerk reported that he had collected \$908,079.36 in Town and County Property Taxes. He had presented a check in the amount of \$514,050.00 to Supervisor Evia, the Town's portion of the Tax Warrant. He had also sent a check in the amount of \$325,000.00 to County Finance, which represented partial payment of the County's \$858,963.63 portion of the Tax Warrant.

In addition, the Clerk presented a supplemental report, documenting that he had worked 69 uncompensated hours in the prior five weeks. Having established the fact that his salary was based on the number of hours worked times an hourly rate, it is important to keep an accurate record of hours needed to fulfill the obligations of the position of Town Clerk/Tax Collector.⁴

Councilman Stewart then questioned Supervisor Evia, stating that there were irregularities in the Supervisor's Report. He asked Supervisor Evia why there was a difference from last month to this month in the Trust and Agency Account. Supervisor Evia responded that he was sure there was a simple explanation, and he would speak with the Bookkeeper.

At this point, it was noted that the Gary Hadsell, the Animal Control Officer had filed a report. He had been involved with the SPCA in the taking of 32 dogs from a property in Howard. The dogs had been sheltered at various locations, including Betty Walden's facility.⁵

Councilman Smith asked Supervisor Evia, "Are we going to be responsible for all these dogs?" Supervisor Evia replied, "No." Councilman Stewart asked if we are paying Betty

⁴ Councilman Stewart requested that the Clerk delete this paragraph. A discussion ensued wherein Councilman Palmer stated, "He (the Clerk) is not asking for anything," and saw no reason to delete it. The Town Clerk declined to make the requested deletion.

⁵ Upon review, it was unclear if Ms. Walden's facility had been used, as nobody had asked her.

(Walden) for her facility, and if we are using it. The Supervisor replied, “We are paying Betty for its use, and we are using it.”

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

During the review, Councilman Stewart asked, “Has the Fire Department complied with the law? They were supposed to provide the required form 990.” Councilman Rice responded, “They’re working on it.”

The following bills were presented for audit:

Highway (Abstract #9 – 28)	\$ 98,446.89
General (Abstract #31 –54)	\$ 52,575.51
Street Lighting (Abstract #40)	\$ 295.60
Fire District (Abstract #50)	\$ 97,500.00 ⁶

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

Supervisor Evia solicited public comment. Eric Hosmer asked if the Board had heard anything about losing our AIM funds that we receive from the state. Supervisor Evia stated, “The State Budget had not been approved yet.”

There then followed a brief discussion between several Board members, Eric Hosmer and Bill Holevinski regarding the pros and cons of different types of mowers, and the snow blower that had been sold on line.⁷

A motion to adjourn at 9:00 p.m. was made by Councilman Smith and seconded by Councilman Palmer. Adopted: Smith, Aye; Palmer, Aye; Stewart, Aye; Rice, Aye; Evia, Aye.

David Price
Town Clerk

⁶ The Town’s check to the Volunteer Fire Company will be held, pending receipt of Form 990.

⁷ Councilman Stewart requested that the Clerk delete this paragraph. When queried by the clerk regarding the veracity of the requested deletion, the Councilman confirmed that the statement in question was accurate but saw no reason to include it. The Town Clerk declined to make the requested deletion.