

**Town of Howard  
Town Board Meeting  
November 8, 2023**

The regular meeting of the Howard Town Board was called to order by Supervisor Donald Evia at 7:00pm.

Present were: Councilman Ed Frey, Councilman Ed OBrochta, Councilman Ron Dyer, Councilman Gary Rice, and Supervisor Donald Evia.

Absent: Highway Superintendent Lee Pyer

Also present: Barry Kidder (P.B.), Mike Kidder, Richard Stewart, David Walden, Jeramee Walden, Seth Walden, and Aaron Mullen (Atty.)

The pledge to the flag was led by Supervisor Evia.

**Previous Minutes:** The minutes for the previous meeting were reviewed by the Board

**A Motion** was made by Councilman Rice and seconded by Councilman Dyer to approve the October 11, 2023 minutes.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

**A Motion** was made by Councilman Rice and seconded by Councilman Dyer to approve the October 23, 2023 Preliminary Budget Workshop minutes.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

**Public Hearing: A Motion** was made by Councilman Gary Rice and seconded by Councilman Ed OBrochta to open the Public Hearing on the 2024 Preliminary Budget at 7:10pm.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

Richard Stewart asked if the library learned of the cut in their 2024 Budget and Supervisor Evia said that he had spoken with them. Mr. Stewart asked about the appropriation by the school and if the Howard library was going to try this and Supervisor Evia said they did not say they were going to however to his understanding the Avoca library is going to try and go that route. Mr. Stewart preceded to ask how much was the budget, what was the total appropriations. Councilman Rice gave him the total appropriations (\$1,908,298.00), the town appropriation (\$1,805,798.00) and the levy (\$636,641.00) which is 2½% lower than last year. Mr. Stewart congratulated the Town Board on the levy being down. Mr. Stewart ask Supervisor Evia if he thought the Total Appropriations could total 2 million next year, Supervisor Evia responded that he does not look at it that way, he explains that he does not start with a rate, he starts at where are we, what have we spent on things throughout the year and what is the increase in costs of things and then work through it. He said he does not ever look at a rate until it is all done and gone through. Richard asked if there was an increase in the tax base and Supervisor Evia said it changed slightly, if you look at just General and Highway it went from \$5.97 to \$5.79 per \$1,000. Councilman Rice said that the Fire District and the Street Lighting District did not change. Supervisor Evia comments that some things increased and some things decreased. He

said they tried to make sure they covered any potential issues and any cost increases with the Highway equipment. Councilman Rice also explained that the highway workers all got 2% wage increase per the Union Contract. Supervisor Evia does not believe that services will diminish in the least. The Board feels they have made a good budget.

**A Motion** was made by Councilman Rice and seconded by Councilman OBrochta to close the Public Hearing at 7:34pm.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

**A Resolution (#33-2023)** was made upon a motion by Councilman Rice and seconded by Councilman Frey to adopt the 2024 Town Budget as presented.

**Adopted:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

**Public Comment:** Barry Kidder asked how Jeff Gilbert, Surveyor, was coming on the re-establishing the property pins/property lines regarding the tree planting for the Salt Barn. Supervisor Evia responded that he did come out and placed flags and said there was room for the trees. Barry claims there is a discrepancy with the survey lines. Councilman Frey asked if he was looking at the current Deeds and Abstract and explains that Jeff is a Certified Surveyor and is going by the Abstract. Barry continues with history from property line agreements. Councilman Frey explains to Barry how the call lines of a deed are read. Councilman Rice states that he was present when Jeff Gilbert, Surveyor at the property lines in question and Mr. Gilbert showed those present the map and what was deeded off to the Karr's and what was deeded off to the Fire Department. He had found where all the pins were. Councilman Rice claims that if they go with the trees there will not be an issue with keeping off the lines and when they get to the next stage which will have to wait until next year, to late to order trees, they will be planted on Town property. Councilman Frey also explains that a Certified Surveyor notes any boundary line agreements when looking at the abstracts, it is all in the abstracts. Councilman Rice asked if Mr. Gilbert, Surveyor, had dropped any surveys off to the town yet and Supervisor Evia said he had not. Barry expressed his concern about making sure all the lines are correct before moving forward. Everyone agrees to wait until they get the copies of the survey from Jeff Gilbert.

David Walden and his family expressed a complaint regarding ATVs on the road. His son Seth explains that he was in an accident involving a Side by Side putting him in the ditch and totaling his truck. They expressed that they would like the Town to do away with ATVs on the road and get the Sheriff's Department more involved with patrolling the town roads. Supervisor Evia responds that they could talk with them. Councilman OBrochta explains that everywhere in NYS now there is what they called a New York State law enforcement staffing shortage and they do not have the man power to patrol every single road. Councilman OBrochta offers to go and talk to Sheriff Allard regarding this issue. Mr. Walden thanked him.

Richard Stewart asked Supervisor Evia if he had received his F.O.I.L. request and Supervisor Evia said that he did and was sending it around the table so the Board Members could also see it.

Mike Kidder asked if there was any progress on the street lighting issue and about the agreement between the town and the electric company. Supervisor Evia responds that we did let the NYSEG Rep. know that we wanted to go forward with getting the LED lighting however,

he has not gotten back with the town with a cost or to be able to ask about a copy of the agreement. Mr. Kidder mentions as far as the road work issue with the Lake Demmon people that maybe the town could send a letter out to them asking each one their vote on whether they want the work done or not. He also expresses a concern that any drainage issues that requires work, that the same work be on both sides of the Lake.

#### **Department Reports:**

- A. Monthly Highway Report-** No written report from Superintendent Lee Pyer. Councilman Rice reports that they got 4,000 ton of sand hauled and most of it has been mixed. He also reports that they have been working around the town. They completed the graveling of the town roads. Councilman Frey suggests that Superintendent Pyer look at Landers Road on the lower side, explains he got a complaint. Supervisor Evia said the trucks are ready for winter and the truck repairs are done. He also reports that the highway bills total up to over \$95,000.00.
- B. Monthly Planning Board Report-** No written report. Barry Kidder reports that they are working on gathering information on the park. Getting input from the Parents that use the park. They have discussed putting a survey on the Towns Website regarding the park. And they may have a Public Hearing at some point.
- C. Monthly Fire Department Report-** No written report. Mike Kidder reports that they mostly did medical training. Councilman Rice reports that the Fire Department did not have their regular meeting on November 7<sup>th</sup> due to the Election. They will have their meeting on November 14, 2023.
- D. Monthly Assessor's Report- No written report**
- E. Monthly Building Inspector's Report-** Supervisor Evia reports the Brad Laverty has been working on a house that has had some code issues, trying to get it finished correctly. He also reports that Brad checked in with the Douglas Electric building being built, all is good.
- F. Monthly Town Justice Report-** Written report consisting of cases and fines. Justice Cornell wrote a check for \$295.00 to the Town.
- G. Monthly Animal Control Report-** Written report stating there was nothing to report.
- H. Monthly Library Report-** Written report consisting of a letter to the Board, event calendar for November and December, Expense sheet and miscellaneous attendance sheet and their 2024 Library Budget Proposal.

- I. **Monthly Town Clerk Report-** Written report consisting of revenue that was brought in from 1 Marriage License (\$7.50), 19 Dog Licenses (\$183.00). Disbursements: \$190.50 paid to the Supervisor for General fund and \$27.00 paid to the NYS Animal Population Control Program, and \$22.50 paid to the NYS Health Dept. for Marriage license totaling \$240.00.
  
- J. **Monthly Supervisor's Report-** Supervisor Evia reports that the town received the 3<sup>rd</sup> quarter sales tax check in the amount of \$76,055.00.

**Old Business:** Aaron Mullen, Atty. requests an Executive session at the end of the meeting to discuss a Litigation. Aaron gives an update on the Prattsburg Wind Project. He reports that the application has been deemed complete on October 30, 2023. He had given the Board members a packet prior to the meeting for their review. He proceeds to go over the information which contains deadlines etc. in the packet with the Board. He explains to the Board that they will have to file any issues that the town may have with whether they have complied with any local laws or any issues with the application within 60 days starting at the 1<sup>st</sup> of the year, putting it in March 2024. He is hopeful that in January and February 2024 and get feedback on what the town wants to file such as local law compliance, set back compliance, etc. that the town would have say on. Councilman Rice asked if the 3<sup>rd</sup> set of Wind Project Binders that we received had correct information up to this point. Mr. Mullen said it depends on when they set to us because not all the changes are put in these binders. He explains that one of things he wants to get is final site plan maps for the next Board meeting. Aaron also brings up the map of the haul routes that is in the Board's packet and it was recognized that there was not a lot of the town roads being used and that in the "Road Use Agreement," the Wind Company is proposing to post a 5-million-dollar bond. Aaron implies that should be enough if not a little over kill. Supervisor Evia suggests asking the Highway Superintendent however, believes it should be good because they are not using as many roads as they did before. Aaron mentions in respect to the project that Avoca, Howard and Wheeler resolved 6 months ago that allowed Avoca to do all the reporting for the financials and receive the state money, Aaron had included an invoice in the packet for the last quarter his office had billed \$275.00 and LaBella had billed \$135.00 to keep the Board updated. As far as the "Road Use Agreement" Aaron said he is satisfied with it and asked if the Board had any questions or concerns about it. He comments that the Wind Company did not agree to a lower speed limit. David Walden a resident of Howard and Log truck driver said he believes the town should impose a lower speed limit. Aaron said he would push back on this issue but pretty sure the company will not go with it. Through discussion it was suggested that a "Construction Zone Speed" limit could be an option, this would be a temporary situation. The next topic that he has is an updated proposal from the Wind Company on the Host Community Agreement that just came in the last couple weeks. He does not recommend agreeing to this right away and he explains what he sees is outstanding on this. There are discrepancies which he points out to the Board Members. He also explains that there is less bargaining leverage with this Host Community Agreement than they did before because the State has made the tax on wind turbines so much cheaper. He

explains the issue would be, what would the wind company be paying if they go to taxes compared to pilot and host and that the Wind Company likes the Pilot because it is a fixed amount that they would be paying because they can budget and NYS could change their tax method at any time. He also brings to the Boards attention the Provision for Project Monitor and he suggests that they look at that part in their packet because for a Monitor the town would want someone that was going to be around the sites paying attention to what is going on, documenting, and corresponding with the Highway Superintendent, taking pictures, etc.... Aaron re-visits the "Road Use Agreement" and asks if the Board is comfortable with handling the speed issue outside of the Agreement. Supervisor Evia suggests waiting to see what the Board can do outside of the Agreement first and check with the other towns. However, with further discussion on the speed limits, the Board suggests that Atty. Mullen to go back and try to enact a speed limit on the General Contractor trucks.

In regards to the Logging Law and the form that the Planning Board put together, Councilman Rice said he is good with the Law and the form and the rest of the Board agrees. David Walden asked what the law and form was because he is in the Logging business and Supervisor Evia explains that the individual logging must come in and fill out the form notifying the town where they will be logging among other information required on the form. Mr. Walden suggests that because he is a log truck driver that there should be something included in the law that states a log truck cannot be loaded or unloaded under electric power lines. The Board decides to send back to the Planning Board and have that stipulation put in the Logging Law. Councilman Rice suggests to Mr. Walden to attend the next Planning Board Meeting.

**New Business:** No new business

**Regular Business:** The following bills were presented for Audit:

Highway	(Abstract #166 – 187)	\$95,441.64
General	(Abstract #219 – 233)	\$4,471.34
Street Lighting	(Abstract #218)	\$409.32

**A Motion** was made by Councilman Rice and seconded by Councilman OBrochta to pay these bills.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

**Executive session: A Motion** was made by Councilman Rice and seconded by Councilman OBrochta to move in to executive session at 9:00pm for Litigation at the request of Atty. Mullen.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

**A Motion** was made by Councilman Frey and seconded by Councilman OBrochta to move out of executive session at 9:15pm.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye, Councilman Rice, Aye and Supervisor Evia, Aye.

**Town Board Discussion:** None

**Adjournment:**

**A Motion** was made by Councilman Dyer and seconded by Councilman Rice to adjourn the meeting at 9:16pm.

**Carried:** Councilman Frey, Aye; Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

Frances Sharp  
Town Clerk