**Town of Howard**

**Town Board Meeting**

**December 13, 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, Supervisor Donald Evia and Highway Superintendent Lee Pyer.

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

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 Dyer and seconded by Councilman Rice to approved the November 8, 2023 minutes.

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

**Public Comment:** Richard Stewart presented an article from the Olean Times Herald dated November 29th regarding how the Office of Real Renewable Energy swept aside the entire “Road Use Agreement”. Supervisor Evia said he would have copies made so the Board could read through it.

David Walden re-visited the issue with Side by Sides (UTV) which he had brought to the attention of the Board at the November meeting. He said that he had met with Lieutenant Lock from the Sheriff’s Dept. and he had commented that according to Lt. Lock the use of UTVs/ATVs are illegal on Public Roads. Lieutenant Lock had also told Mr. Walden that if the Town should decide to make a law allowing the use of ATVs on the roads the Town could be faced with a law suit down the road. He also presented the Board with copies of the NYS law from the DMV site regarding Side by Side’s on Public roads. After Mr. Walden requested the help of the Town to enforce a law to restrict the use of UTVs/ATVs on the roads. Councilman Frey advised that there is already DMV law in place and that is it not up to the Town to enforce, it is Law Enforcements job. Mr. Walden also expressed that he had a problem with a Board member, Councilman OBrochta, for riding his Side by Side on the roads and showing up at his house on one to deliver information that he had gotten from Sheriff McNelis for Mr. Walden. Councilman OBrochta apologized for his actions. He also informed Mr. Walden that Sheriff McNelis advised that they would get education out on the use of UTVs/ATVs on the roads and increase patrols in the Howard area if they have the man power to do so. In further discussion and some exchanges of words, Supervisor Evia asked Mr. Walden what he wanted to see from the Town of Howard and his son Seth Walden responded to help enforce the restriction of UTVs/ATVs use on the roads. That the accident that he was in involving a side by side which the operator was ticketed for DWI was serious and he is lucky to be alive. Supervisor Evia explained that he was not aware of the DMV law and he thinks that they could have something stricter in the town and that he will be going to the Sheriff’s Dept. to discuss this matter with them. Councilman Rice adds that when he was on the Planning Board it had been discussed whether the town should have a law allowing ATVs on the road and he comments that he does not want any part of it. David Walden apologized for getting irate. Supervisor Evia thanked the Walden’s for bringing this to the Board.

**Department Reports:**

1. **Monthly Highway Report-** Highway Superintendent Lee Pyer reports that in November they did some plowing and sanding, filling pot holes, working on the trucks, cutting brush on the roadsides on Feenaughty and Burt Hill on State Lands with DEC approval. The Department also attended a PESH Training. Lee also reports that the town received a call from the State Troopers regarding a call put in to 911 from a Howard resident on Feenaughty Road regarding pot holes. He went out to follow up with the resident to address the issue. It was determined that the problem was with tractors making the pot holes and Lee explained to the resident that in the future to call him with any road issues. He also reports that they had a couple trucks break down, water pump in the 2010 Western Star and drive shaft in the Kenworth that runs the hydraulic pump for the sander and plow.Lee reports that he received CHIPS reimbursement of $148,760.00. Lee also reported that there was a car traveling on Harris Hill Rd. that a tree had fallen on, no one was hurt. Superintendent Pyer addresses the Board that the department has a 5083 John Deere tractor that they do not use and it asking the Board to be able to sell it. The Board agrees that they should sell it.

**A Resolution (#34-2023)** was made upon a motion by Councilman Rice and seconded by Councilman Frey to put up on auction to sell it and have a reserve bid of $18,000.00

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

Superintendent Pyer also brought to the Boards attention that Larry from the Town of Eaton (where the town gets their dump trucks) called him. He explains the town has a 2018 dump truck coming in July 2024 for $180,000.00. He explains that the prices on the trucks are going up by 13% and Larry will be ordering a new truck in 2026 when the town will be getting their next truck that they have a resolution in place for $200,000 and if there is an increase on that truck it will affect the price of the next truck. He explains that they will need to be considering if they should continue buying used or start buying new with that kind of increase in prices. The Board decided that they need to further the discuss on how to move forward with the roll over on big trucks and pickup trucks and equipment in 2024. Lee also mentioned that he has 3 people interested in the John Deere Grader, Allegany County, Town of Mount Morris and Town of Lester. He is waiting to hear back.

**A Resolution (#35-2023)** was made upon a motion by Councilman Rice and seconded by Councilman Dyer to put the “No Parking” from Dec. 1, 2023 to April 1, 2024 alongside of the road’s ad in the Shopper.

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

**A Resolution (#36-2023)** was made upon a motion by Councilman Frey and seconded by Councilman OBrochta to approve and post the list of Seasonal Roads from Dec. 1, 2023 to April 1, 2024.

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

Superintendent Pyer also talks about the bills.

1. **Monthly Planning Board Report-** Nothing to report and there will be no meeting in December. Councilman Frey asked about the Logging Law and Barry Kidder responded that they had no further discussion on it.
2. **Monthly Fire Department Report-** Written reports consisting of Meeting minutes for the months of November and December and the November Business Financial report.
3. **Monthly Assessor’s Report-** Nothing to report
4. **Monthly Building Inspector’s Report-** Nothing to report
5. **Monthly Town Justice Report-** Written report consisting of cases and fines. Justice Cornell wrote a check for $3,092.00 to the Town.
6. **Monthly Animal Control Report-** Written report stating there was nothing to report.
7. **Monthly Library Report-** Written report consisting of a letter addressed to the Board, the letter also consisted of a “Thank you” to the Town Board/Highway Dept. for the installation of the “No Smoking” signs on the front and the back of the library. It also Thanked them for taking the time and effort into ensuring that the public library remains a welcome space for all. The library packet also consisted of an Expense sheet and miscellaneous attendance sheet.
8. **Monthly Town Clerk Report-** Written report for November consisting of revenue that was brought in from 1 Marriage License ($7.50), 1 Building Permit ($182.00), 7 Dog Licenses ($66.00). Disbursements: $255.50 paid to the Supervisor for the General fund and $9.00 paid to the NYS Animal Population Control Program, and $22.50 paid to the NYS Health Dept. for Marriage License totaling $287.00.
9. **Monthly Supervisor’s Report-** Detailed statement of all moneys received and disbursed by me during the month of November, 2023. Supervisor Evia sent around a copy of the survey that was done by Jeff Gilbert on the Town property to the Board Members. He instructs that the Clerk will have it on file in the office and have it accessible. He also brought up Street Lighting and advises that the Clerk will be emailing the signed agreement for LED lighting to NYSEG. He talked about getting numbers off the light poles to give to NYSEG to get the lights fixed that are not working. He also made note that those numbers had been given to the electric company twice before this by a NYSEG Lineman. He also sent around to the Board Members a copy of a 1965 NYSEG Agreement that Councilman OBrochta got from the County Building, which Supervisor Evia also made known this agreement to the NYSEG Rep. that he had been working with.

It was discussed by the Board that NYSEG according to the agreement, that the Town should credited back to the first contact for the months that the street lights were out.

Supervisor Evia also explains regarding the Budget that there were some line items that were over and some that were under. He presents the Board with a list and explains they should do a resolution to make these changes.

**A Resolution (#37-2023)** was made upon a motion by Councilman Rice and seconded by Councilman Frey to approve the changes to the 2023 Budget as presented by the Town Bookkeeper.

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

**Old Business:** Atty. Aaron Mullen presents the Board Members with a Wind Project informational packet which is Howard specific. The packet consists of a Confidential memorandum from LaBella that discusses the early parts of the application to help decide what issues to litigate, Area overview maps, Visual impacts minimization and mitigation plan, Visual impact assessment rating panel instructions and an email from Jim Muscato explaining language that can be added to the road use agreement regarding speed restrictions. He also brought the Town Board maps that show setbacks and Visual Impact overviews that show what the proposed turbines or electric lines will look like compared to current views from various viewpoints. Aaron also explains to the Board that they will need to have comments ready by a timeframe that LaBella and myself currently estimate to be the beginning of March or end of February. Aaron further explains the email regarding the speed control, that it is more than what was in the agreement before and the Wind Company is promising to address and work with the Town regarding the speed issue. Aaron believes that the Board should add more regarding the “Post Construction Repair” and he will follow up with the Board regarding this.

Aaron said that he would have more information on the Wind Project at the next Board meeting, January 10, 2024. Councilman Rice asked if the Wind Company determined the height of the turbines. Aaron did not have an answer and said he would check on it. He also relayed a matter from LaBella regarding an invoice of $70.00 that was apart from the Local Agency Fund and said that he would follow up on it. The Board thanked Aaron for his services.

**New Business:** None

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

Highway (Abstract #188 – 207) $198,932.20

General Fund (Abstract #236 – 258) $31,149.46

Street Lighting (Abstract #235) $456.87

**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.

**Town Board Discussion:** Councilman Frey talks about Spectrum and asked about a Contract that was signed by the Town Board. Supervisor Evia said he cannot answer that, he does not recall if there was one. Councilman Frey asked if there was any more that could be done for internet service for the underserved in the area and Supervisor Evia said that the Internet Companies had no further plans for expansion in the Town of Howard.

**Adjournment:**

**A Motion** was made by Councilman Rice and seconded by Councilman Dyer to adjourn the meeting at 9:10pm.

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

Frances Sharp

Town Clerk