

**TOWN OF HOWARD
TOWN BOARD MEETING
JANUARY 10, 2024**

The regular meeting of the Howard Town Board was called to order by Deputy Town Supervisor/Councilman Gary Rice at 7:00pm.

Present: Deputy Supervisor/Councilman Gary Rice, Councilman Ed Frey, Councilman Ed Obrochta, Councilman Ron Dyer and Highway Superintendent Lee Pyer.

Absent: Town Supervisor Donald Evia

Also present: David Walden, Andrew Burdin, Richard Stewart, Atty. Aaron Mullen.

The pledge to the flag was led by Deputy Supervisor Rice.

Councilman Ed Frey read off the 2024 Appointments.

A Blanket Resolution (#1-2024) was made upon a motion by Councilman Obrochta and seconded by Councilman Dyer to approve these Appointments.

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

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

A Motion was made by Councilman Dyer and seconded by Councilman Frey to approve the December 13, 2023 minutes.

Carried: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

Public Comment: David Walden asked for an update on the use of UTV's on the road and Deputy Supervisor/Councilman Rice responded that the Town Supervisor Evia and Councilman Obrochta went down to Deputy at the Sheriff Department to discuss the matter and Councilman Obrochta responded that it was information that they already knew, to follow the law.

Richard Stewart asked about the Unallocated Fund balance and the Supervisor's Report for the end of December and Deputy Supervisor Rice responded that he didn't have that information available since the Town's Bookkeeper has been off sick and not available. Richard also asked about the Howard Re-Power project. Deputy Supervisor Rice asked Atty. Mullen about that, and he said that what he knows about it is Supervisor Evia told him that they had just contacted him about this and wanted to meet with Atty. Mullen to go over it and Deputy Supervisor Rice added that it would not change the footprint. Atty Mullen commented that the new state tax formulas make it tougher to negotiate with the Wind Companies.

Department Reports:

- A. Monthly Highway Report-** Highway Superintendent Lee Pyer reports that in December they filled potholes, worked on the trucks, plowing and sanding, cutting

brush along the roadsides. He comments that last month the Board gave him authorization to put the 5083 John Deere tractor on Auction International and the final bid was \$21,700.00. He asked the Board for a resolution to go ahead and sell it. The Board agrees.

A Resolution (#2- 2024) was made upon a motion by Councilman Obrochta and seconded by Councilman Dyer to sell the 5083 John Deere tractor.

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor/Councilman Rice, Aye.

Superintendent Pyer also mentioned that next month he would like to discuss with the Board gravel costs and a quote on a new roller.

- B. Monthly Planning Board Report-** No meeting/no report
- C. Monthly Fire Department Report-** No meeting/no report
- D. Monthly Assessor's Report-** No report
- E. Monthly Building Inspector's Report-** No report
- F. Monthly Town Justice Report-** Written report consisting of cases and fines. Justice Cornell wrote a check to the town in the amount of \$1,971.00.
- G. Monthly Animal Control Report-** Written report stating there was nothing to report for the month of December.
- H. Monthly Library Report-** Written report consisting of a letter addressed to the Board, Expense sheet, miscellaneous attendance sheet and January and February calendars for their planned activities.
- I. Monthly Town Clerk Report-** Written report for December consisting of revenue that was brought in from 2 Building permits (\$50.00), 9 Dog licenses (\$87.00). Disbursements: \$137.00 paid to the Supervisor for the General Fund and \$13.00 paid to the NYS Animal Population Control Program totaling \$150.00.
- J. Monthly Town Supervisor's Report-** There is no Supervisor's report due to the Bookkeeper being ill. Deputy Supervisor Rice reports that he has the Ambulance Contract for Fremont and Canisteo. He is requesting that they get signed and returned.
A Motion was made by Councilman Frey and seconded by Councilman Obrochta to accept the Fremont Ambulance Contract as written.

Carried: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

A Motion was made by Councilman Frey and seconded by Councilman Obrochta to accept the Canisteo Ambulance Contract as written.

Carried: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

Councilman Frey asked about the Hornell Ambulance Contract and Deputy Supervisor Rice said their contract ends in April 2024.

Old Business: Atty. Aaron Mullen reports on the Wind Project. He passed out informational packets which contained Information from LeBella, Shadow Flicker reports, Draft permit notice regarding comment period, hearing, etc., Prattsburg Wind draft permit, List of parcel ID's and receptors within parcels to the Board members. He also explains in detail what each item topic is. He also explains that you can find a lot of this information online and that it is not easy to navigate through it, so he provided a Table of Contents/Matter Master which is the layout of the application that they make. He explains that you can get on "Ores" on the internet, get on their completed application section. Deputy Supervisor acknowledges that there is a Public Hearing in Atlanta on February 27, 2024. Atty. Mullen responded that is another reason why he brought this information so the Board could see all the hearings, when public comments need to be submitted by issue determinations which he also explains that the deadline for filing is March 5, 2024 and the issue statement is due around the same time. Aaron also explains the information from LaBella such as: Turbine height, Wildlife impact, Construction hours, Various setback requirements, Decommissioning security, Environmental monitoring. Further items requiring review by the Town: Impact of wind turbine visual effects, Sufficiency of visual mitigation measures, Sufficiency of wildlife mitigation, Sufficiency of shadow mitigation, Traffic impact, Sound level impacts. Aaron told the Board that he would have more of a report on the decommissioning next month. It will also be at that time when the Board will have to get serious about any issues that they will want Atty. Mullen to work on to get filed.

Deputy Supervisor Rice asked Atty. Mullen if the wind turbines furthest to the west were going to be smaller due to the airport and he responded that they were talking about it, and he would check into it. Atty. Mullen suggests to the Board that when they are being addressed by the residents concerning the progress of the wind project they can direct them to the "Ores" website.

The Board thanks Aaron for his work.

Councilman Frey talks about the Internet access in the Town of Howard and whether the rural areas will get internet coverage soon or not. First, he thanks Richard Stewart for sending him a letter. He had also mentioned this in the last couple Board meetings about the Time Warner/Spectrum Contract with the town and what it said concerning whether we had competition or not with other companies because Empire Excess has a fiber optic line coming through the village to get to Hornell from Bath, he wanted to see if Empire could compete. The letter that Mr. Stewart sent Councilman Frey contained information from the Public Service Commission and there was a section for the Town of Howard, it was a waiver with Time Warner Cable when they were waiving their process with a franchise agreement. Councilman Frey was

able to look up through the Public Service Commission Website and find the Towns Contract, which he did find. The Town of Howard franchise agreement said there could have internet competition, there is no monopoly on the Town, it is an open Contract. Councilman Frey also called Empire Excess and asked if they could come to Howard, he found out that they cannot do that. Councilman Frey asked the Representative with Empire why it was that they had a franchise agreement with the surrounding towns. He also spoke to the Chief Engineer, Eric Fedimore, which he found out from this person that Howard was not on the radar because of the population. However, Mr. Fedimore said that now he is aware that there are people in the town that would like to have internet service, he explains that his company has a parent company, First Light, that bought Empire and they have larger funds and they have been slowly working on getting internet service to the underserved and they are already working in Howard coming out of Hornell. Mr. Fedimore explained that he will put Howard on the list has having more interest and that it will be a 2-year target time of trying to develop more in our township. The Board thanked Councilman Frey for his work and research on this matter.

New Business: A Resolution (#3-2024) was made upon a motion by Councilman Dyer and seconded by Councilman Obrochta to keep the Town Board meetings on the second Wednesday of the month at 7:00pm.

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

A Resolution (#4-2024) was made upon a motion by Councilman Frey and seconded by Councilman Obrochta to authorize signatures of Town Supervisor Donald Evia and Deputy Town Supervisor Gary Rice at Citizen & Northern Bank and Five Star Bank.

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

A Resolution (#5-2024) was made upon a motion by Councilman Obrochta and seconded by Councilman Dyer to authorize signatures of Town Clerk/Tax Collector Frances Sharp and Deputy Town Clerk/Tax Collector Loreen Karr at Citizen & Northern Bank and Five Star Bank.

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

A Resolution (#6-2024) was made upon a motion by Councilman Frey and seconded by Councilman Obrochta to approve the Town Policies, "Americans with Disabilities Act Employment Policy", "Equal Employment Opportunity Policy", "Procurement Policies and Procedures", "Investment Policy".

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

A Resolution (#7-2024) was made upon a motion by Councilman Frey and seconded by Councilman Dyer to appoint Larry Rose – term 10/01/2023 – 09/30/2028 to the Board of Assessment Review.

Adopted: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

Regular Business: The following bills were presented for Audit. Deputy Supervisor/Councilman Rice reports that at the time these bills were audited by the Board there were no Abstracts reports or Abstract numbers due to the Town's Bookkeeper being off ill.

Highway	\$16,259.74
General Fund:	\$3,878.70
Street Lighting:	\$479.12

A Motion was made by Councilman Obrochta and seconded by Councilman Frey to pay these bills.

Carried: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

Town Board Discussion: Councilman Dyer gives an update on the Grant Process with the Salt Barn. He reports that they are going through a new financial data base change, and they must get re-educated on it and would get back with Councilman Dyer by January 18th to move forward. Councilman Dyer also explains that this will not change all the work that he has put into this grant process.

Deputy Supervisor/Councilman Rice gives an update on the Street Lighting issue.

He reports that NYSEG got all the lights working except 2, one by Donberts on County Route 70A and one in the park. Councilman Obrochta and Deputy Supervisor both agree that according to the contract with NYSEG the town should get credited for the lights that are still out.

Adjournment:

A Motion was made by Councilman Dyer and seconded by Councilman Obrochta to adjourn the meeting at 8:21pm.

Carried: Councilman Frey, Aye; Councilman Obrochta, Aye; Councilman Dyer, Aye and Deputy Supervisor Rice, Aye.

Frances Sharp
Town Clerk