

**TOWN OF HOWARD
TOWN BOARD MEETING
FEBRUARY 14, 2024**

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

Present: Town Supervisor Donald Evia, Councilman Ed Frey, Councilman Gary Rice, and Highway Superintendent Lee Pyer.

Absent: Councilman Ed OBrochta, Councilman Ron Dyer

Also Present: Amarae Glick, Barry Kidder, Andrew Burdin, Richard Stewart, Sean Turner, and Atty. Aaron Mullen.

The pledge to the flag was led by Town Supervisor Don Evia.

Town Supervisor Evia presented the Board with a letter of resignation, effective Dec. 31, 2023 from Leann Wightman the Town's Bookkeeper.

A Motion was made by Councilman Frey and seconded by Councilman Rice to accept the resignation of Leann Wightman, Bookkeeper for the Town of Howard.

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

Town Supervisor Evia announced to the Board the Appointment of Christine Haar as the new Bookkeeper for The Town of Howard. He addresses Christine's experiences as she has been working with the Town of Avoca as their Bookkeeper and has experience with the Williamson Law Program.

A Motion was made by Councilman Rice and seconded by Councilman Frey to accept the appointment of Christine Haar as Bookkeeper for The Town of Howard.

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

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

A Motion was made by Councilman Rice and seconded by Councilman Frey to approve the January 10, 2024 minutes.

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

Public Comment: Barry Kidder talks about the subject of planting trees properly. Supervisor Evia comments the according to the survey it is correct and nothing must be moved to accommodate the planting of trees. Barry also requests the help of Councilman Ron Dyer in the lay out of the trees. Supervisor Evia points out that there should be a discussion with the Board and the fact that this is going to cost the taxpayers quite a bit of money and that the cost of purchasing the trees are not included in the grant. Councilman Rice points out that there is no urgency in this matter and that the Board needs to be in agreement with this matter. Councilman Rice informs Barry that the Board will take it from this point going forward. Councilman Frey comments that he is not sure he is in agreement now and comments on the high quotes for the trees. Barry remarks that he was the one that let the Board know there was a grant for the Salt Barn building and that at the Planning Board meeting it was discussed and

the neighbors' bordering the Salt Barn wanted trees planted. The Board thanks Barry for his work on this project and again reiterated that they will take it going forward.

Richard Stewart comments that he spoke to one of the Greenbacker people concerning the windmill blade that had fallen off and they do not know if they are going to fix it or wait until the re-powering project because it costs approx. 1 million dollars to change blades. Supervisor Evia responds that he has been in contact with the Wind Company and he said they have been checking the other turbines and they do not have a reason for the failure on this one yet. Highway Superintendent Lee Pyer comments that he was not notified by the Wind Company when the blade fell off. He also commented that it did not look like it broke, it looked like the bolts came out. Mr. Stewart also comments that NYS is considering a new Holiday, Superbowl Monday and Councilman Rice also added Lunar New Year.

Department Reports:

- A. Monthly Highway Report-** Highway Superintendent Lee Pyer reports that the department has been filling pot holes, working on the trucks, plowing, and sanding and cutting brush on the roadsides. Lee also addresses the Board with the concern of the CHIP funding that Governor Hochel is proposing to cut by 80%. He explains that the 284 Road Agreement is on hold for now until he knows for sure what is going to happen with the CHIP's funding. He informs the Board that the roads that are open for oil and stone this year 2024, Braston, Nicholson, Smith Pond and Dublin will get done. Superintendent Pyer also discusses the topic of Gravel. He says he still has not gotten a quote from Steve Hess. He did get a 3-year quote from Tim Hubbard and that was also with the cost of sand. He also mentioned that he has a pipe to replace on McBeth Rd. that needs to be done this spring or summer. He also mentions that there is a meeting in Big Flats, NY. on Feb. 15, 2024 with NY Representatives O'Mara and Palmesano discussing the CHIP's issue. He also informs the Board that he has 2,000 ton of 1A's and 1,000 ton of 1's at Hanson's and they want it removed by the end of March 2024. He asks the Board if they want to wait because of the CHIP's ordeal. He reminds the Board that they have committed to this tonnage. The Board agrees to honor the commitment and get the stone haul out of Hanson's. Supervisor Evia sends around a letter from Mayor Buckley proposing a resolution to oppose the proposed cut to CHIP's funding in the Governor's budget. In this letter Mayor Buckley is urging the cities, villages, and towns to consider passing a resolution to not only oppose any cut to crucial road and highway funding, but to advocate for annual increases to offset inflationary costs. Supervisor Evia does not believe that there will be an 80% cut to CHIPS. Superintendent Pyer comments that if there is a cut, there will be less work being done in the town this summer. He also mentions that he put Spencer Hill and Hungry Hollow on an extended October finish date through FEMA because its deadline was on April 5 or 6, 2024. He tells the Board the trucks and equipment are holding up good with only a couple minor issues. He says the bills are the same as last month and that he turned in a reimbursement for CHIPS of \$104,000.00 and that will close out 2023.

- B. Monthly Planning Board Report-** Barry Kidder reports that the Planning Board had a training session with Brian Toy, Southern Tier Planning Development, regarding Sub-Divisions of properties and that the Planning Board will probably be making some changes. He also reports that in the future they will be doing a mailing for the Town Park to see what interests there is with the Community. Councilman Rice asked if all Sub-Divisions must have a Public Hearing and Sean Turner (P.B.M.) said the short answer is yes and that it was being practiced Statewide. Councilman Frey asked what constitutes a Minor and Major Sub-Division of property and Sean explained that dividing 1 piece of property into 4 pieces and below is a Minor and 5 pieces and above is a Major and that is according to NYS.
- C. Monthly Fire Department Report-** Written reports consisting of Dec. 2023 Total Monthly Expenditures, Dec. 2023 Monthly Business Meeting and Jan. 2024 Monthly Business Meeting and February 2024 Monthly Meeting Minutes.
- 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 \$1,265.00.
- G. Monthly Animal Control Report-** Written report stating there was nothing to report for the month of January.
- H. Monthly Library Report-** Written report consisting of a letter addressed to the Board, Expense sheet, miscellaneous attendance sheet. The Librarian also comments that they are looking forward to being able to open their space up to the Town Historian and any accommodations she needs.
- I. Monthly Town Clerk's Report-** Written report for January 2024 consisting of revenue that was brought in from 11 Certified Copies (\$110.00), 12 Dog Licenses (\$123.00).
Disbursements: \$233.00 paid to the Supervisor for the General Fund and \$22.00 paid to the NYS Animal Population Control Program totaling \$255.00.
Town Clerk also reports on the progress of Property Tax collection and is happy to report that a check in the amount of \$739,141.00 has been paid in full to the Supervisor of the Town of Howard.
The Clerk also addressed the Board requesting permission to schedule a Rabies Clinic in July and the Board grants permission.

J. Monthly Town Supervisor's Report- No report for January due to the new Bookkeeper still needs to reconcile December 2023. Christine is targeting to have everything caught up by March. Supervisor Evia reports on the Justice check of \$1,265.00 and a Sales Tax check in the amount of \$76,750.52. He also comments that he has not heard anything regarding the re-powering, he said the Wind Company plans on using a replacement unit. He comments that Atty. Aaron Mullen will be speaking on the Wind Project north of the Expressway. Supervisor Evia said he received a letter from the Kanestio Valley Chapter Daughters of the American Revolution requesting a desire to place a historical sign with the Soldiers of War names in the village of Howard to honor 5 Revolutionary War Patriots that are in unmarked graves in Howard. Eleanor Silliman, Registrar, said the placing of the sign would be at the Town Boards choosing, suggestions would be in front of the Library or Historical Building. They are asking for the Town's assistance in placing an 8-foot pole in the ground and attaching the sign. The Board agrees to do this. The Board believes that putting the sign in front of the Historical building is best. Supervisor Evia also talks about Volunteer Fire and Ambulance workers in Steuben County. He states from an article regarding this that the County is going to get involved due to the decline of Volunteers. They have been working to get Supplemental Emergency Medical Services going for areas in the county that need more EMS assistance during medical emergencies. County Manager Jack Wheeler discussed how they plan on getting a county EMS team going. Councilman Rice mentioned that he read that the County is going to purchase an ambulance and man it. Councilman Rice also commented that all the calls that he has participated in they have had good response. He said that Fremont is keeping up with the Avoca end and Canisteo is doing a better job and that Hornell has only had to be called out twice for Howard.

Old Business: Supervisor Evia addresses the Logging Law/Notification form with the Board. Councilman Frey suggests that it is time for a hearing to adopt the law.

A Motion was made by Councilman Rice and seconded by Councilman Frey to set the date for the Public Hearing for the Logging Law on March 13, 2024 at 7:10pm.

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

Atty. Aaron Mullen presents the Board with a copy of the "Road Use Agreement" and he believes that it is about ready to be signed. He addresses the Board to read it over before the next meeting. As far as the Host Agreement, he had several discussions with the Wind Company on how the agreement is extended once the Pilot agreement goes away. He had to remind them of what they had been saying about it and if they did not do that than a whole bunch of provisions would not make sense. He spoke to Kevin Sheen, Wind Rep., after talking to the Lawyers and he feels they are going to have something reasonable worked out. Atty. Mullen also brought up the Environmental Monitor and he was told that the State already has someone monitoring how the project is built and he mentioned to Mr. Sheen that the Town still needs someone to monitor the roads and the Town should not have to pay someone out of their highway fund due to their use of the roads. Mr. Sheen said that they would agree to pay

someone to drive the roads for like an hour a day and a report on it. Councilman Rice asked whose responsibility is it to find a road monitor and Atty. Mullen said it would be the towns. Supervisor Evia suggested one person for multiple towns and then that would make it worth the person's time. Atty. Mullen agrees. He also comments that he does not have a new draft, he has been working on it and having talks with all involved. He states again that he feels comfortable with the "Road Use Agreement," there is plenty of money there and the procedures are good as far as checking the roads and they did agree that construction begins when tree clearing does.

Atty. Mullen requests an Executive Session to go over some Litigation items related to the project with the Board.

A Motion was made by Councilman Rice and seconded by Councilman Frey for Executive meeting with Atty. Aaron Mullen to discuss Litigation at 8:04pm.

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

A Motion was made by Councilman Frey and seconded by Councilman Rice to come out of Executive meeting with Atty. Aaron Mullen at 8:34pm.

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

Atty. Mullen asked Town Clerk, Fran Sharp to sign a confidentiality form.

New Business: Supervisor Evia addresses that the Board needs to do a Resolution to participate in Mutual Aid for the Fire Department to be used.

A Resolution (#8-2024) was made upon a motion by Councilman Rice and seconded by Councilman Frey to participate in the Mutual Aid for the Howard Fire Department.

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

Supervisor Evia presented the Board with the 2023 Justice Court Audit to be reviewed and a resolution to be made to accept it.

A Resolution (#9-2024) was made upon a motion by Councilman Rice and seconded by Councilman Frey to approve the 2023 Justice Court Audit.

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

Supervisor Evia addresses the Board with the re-appointment of Jim Fodge and Josh Ferguson as Alternate on the Planning Board and Richard Stewart as an Alternate.

A Motion was made by Councilman Rice and seconded by Councilman Frey to re-appoint Jim Fodge to the Planning Board.

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

A Motion was made by Councilman Frey and seconded by Councilman Rice to re-appoint Josh Ferguson as Alternate to the Planning Board.

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

There was no motion made to appoint Richard Stewart as an Alternate on the Planning Board.

Regular Business: The following bills were presented for Audit. The Board decided not to pay the NYSEG electric bills along with the Street Lighting bill until Supervisor Evia gives them a call to discuss them.

Highway	(Abstract # 218-226)	\$24,799.64
General Fund	(Abstract # 282-299)	\$42,510.29
Street Lighting	(Abstract # 282)	\$0.00

A Motion was made by Councilman Frey and seconded by Councilman Rice to pay the Highway and General Fund bills.

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

Town Board Discussion: None

Adjournment:

A Motion was made by Councilman Rice and seconded by Councilman Frey to adjourn the meeting at 8:50pm.

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

Frances Sharp
Town Clerk