

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

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

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

Also Present: Brad Laverty (Howard Building Inspector/Code Enforcer) Richard Stewart, Mike Kidder, Barry Kidder, JC Richtmeyer, Stacy Winnie

The Pledge to the flag was led by Town Supervisor Don 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 June 12, 2024 minutes.

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

Public Comment: Barry Kidder expressed a concern with the spraying of pesticides for weed control in the park where children are playing. He also wanted to clarify a statement made by Howard resident, Deb Travis regarding the planting of trees (bordering properties and the salt storage building) that was in the Town Board Minutes. He said he spoke with her and she said that it was not that she did not want the trees, she said she did not care. He also spoke of the condition of certain properties in the town as well as mentioning names of these property owners. He mentions that there are people in the community that are complaining about the conditions of these properties. He claims there were also complaints about the appearance of the Highway's Salt Storage Building. He quoted the Town's "Land Use Law" 1.4-12, one of the goals is to improve the appearance of the town. He brought back up the subject of the planting of trees around the back side of it to improve the appearance. He quotes the Refuse Disposal Ordinance that was enacted in 1967 and he goes on to read some of it, "By the adoption of this ordinance the Town Board of the Town of Howard declares this intent to be the establishment of a clean, wholesome attractive environment within the Town of Howard for the health and safety of the inhabitants" ... and after reading more of the ordinance, he asked the Board what their thoughts are on this issue. Supervisor Evia comments that it could be open to interpretation. Councilman Rice claims, not recalling the year, that was a law proposed for run down properties and it was voted down. Brad Laverty claims that there is a Demo permit for one of the properties in question and that it is up for renewal, he also said that if he could make contact with these individuals, he would be happy to have conversation with them. Mike Kidder also comments that there are properties in the town that do need attention, however, the whole town would have to be looked at. Supervisor Evia makes that comment that what they are talking about is "Zoning" and there is no Zoning in Howard. Councilman Dyer comments that you can still go through the Codes however you are going to have look at everybody not just certain ones and that people look at their property differently than what

others might. Councilman Frey comments that this is an opinion of looks compared to law. And that economic issues or the owners themselves that are having issues that could be causing some of this. He also commented that when you start something like this where does it end. People are struggling trying to pay for their properties, taxes. Councilman Frey also warned on singling out individuals and when talking about this issue the town as a whole has to be looked at. Mike Kidder talks about meeting up with Councilman OBrochta at the library and that Councilman OBrochta comments that this was the first time he has been over at the library and wanted to apologize for the condition of the building. Mike thanked him for that. Council OBrochta commented about getting the pot holes filled in and after the repairs get done with the building, they will be bringing in top soil and seeding it back to a grass between the church and library and all involved loves the idea. He comments that he has not gotten back any estimates for the repairs to the library as of yet. Mr. Kidder also brings up that a group of people at the Lake would like to start a petition and asked the Supervisor Evia if there is special way to do this. The issue is over boats/jet skis. Councilman OBrochta explained that when he discussed the subject of a petition to the Lake residents, he told them to circulate a petition and get him signatures of people who live on the Lake and he will bring it up to the Board as a matter of concern so they can look at the law at a later date. Councilman OBrochta also commented that an individual from the Lake said they supposedly sent a petition that showed signatures that were only against jet skis to the town's email. According to the Town Clerk, Fran Sharp she has not received this petition. Councilman Dyer informs Mike of a website called NYS Citizens Guide to Petitioning. Stacy Winnie, lake resident, comments that she wanted to make it clear that not everyone agrees that the jet skis should be banned and she thinks that the law as it is written is sufficient. Councilman Frey asked if the wording in the ruling dated 1986 says water craft or boats (it only says boats, jet skis were not a thing back then). He further comments that motorized water craft would be the correct language if there is going to be a petition to change the wording in the law. Councilman OBrochta expresses a concern that if jet skis are allowed and with a number of them on the lake at once, that could present a safety factor. He reiterates that the Board will take a look at this. Richard Stewart asked in the Supervisor's Report was done and Supervisor Evia responded that it was not and that Mr. Blafield is working on it.

Department Reports:

A. Monthly Highway Report- Highway Superintendent Lee Pyer speaks about the subject of the library in regards to top soil and changing the driveway into a yard. He requests a resolution on this. Councilman Rice asked if the church and the library were in agreement with this and Supervisor Evia and Councilman OBrochta claims all parties, Nichole Hogan (Library Chairperson) and Maria Patrick (Church and Historian) are fine with this change.

A Resolution (#17-2024) was made upon a motion by Councilman OBrochta and seconded by Councilman Dyer for the Highway Department to haul top soil over between the library and church to eliminate the driveway and make into a yard.

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

Highway Superintendent Pyer comments that he will do this after the construction repairs are complete on the library. He asked about putting up gutters on the library and that he was going to have it hydro-seeded and that without gutters a rainstorm would wash away the seed. Councilman Frey says he knows a contractor that could give them a quote on gutters.

Superintendent Pyer asked Richard Stewart where he would like them to put a fire-proof file cabinet at the Historical Building that was donated to them from Marcia Patrick, Historian.

Superintendent Pyer continues with the department report. He reports that the department has been working on grading roads, mowing roadsides and filling pot holes. He comments that the oil, stone, and black top is finished and they have been hauling gravel on Feenaughty Road, Hammer Creek Road and Bennett Road.

Lee goes on to talk about the insurance on the department Dump trucks and that the information is in their packets. He explains to the Board how the insurance works with the existing plan. He asks the Board if they should increase the coverage on the Dump trucks to new pricing. With Board discussion they decide to get a quote from Sprague Insurance Company for replacement cost on the Dump trucks.

Mr. Richtmeyer from Lake Demmon addresses Lee with an issue with the road by his house on the East Shore side, he says that the stone is already being washed off the top of the road and leaving ruts. Lee explains that what is not seated in will wash off. He asked if the pavement was coming up and Mr. Richtmeyer said that it was not. Lee said he will look at it along with the other roads he has to look at following the recent heavy rainstorm.

B. Monthly Planning Board Report- No Report

C. Monthly Fire Department Report- No Report

D. Monthly Assessor's Report- No Report

E. Monthly Building Inspector's Report- Brad Laverty, Building Inspector, reports that there are a couple houses and a couple of barns being built in Howard. He informs the Board of a problem house in Towlesville that was not built to code and he is addressing the issue. Brad also announced that an individual wants to open a small country store in Towlesville. He reports that he receives approx. 4 to 5 calls a week. Brad also addressed the Board in regards to the condition of properties in the Town of Howard, that he has had conversations with the owners in the past. Brad also mentioned that Southern Tier Central would come here to do a 4-hour training with the Planning Board and cost would approx. be \$1500.00 instead of going down to Corning Community College for the training. The Board agrees this will be good.

- F. Monthly Town Justice Report-** Written report consisting of cases and fines for the month of June. Justice Cornell wrote a check to the town in the amount of \$368.00 for June 2024.
- G. Monthly Animal Control Report-** Written report, reporting that there was 1 dog running at large on Cty. Rt. 70A, Avoca, NY.
- H. Monthly Library Report-** Written report consisting of a letter addressed to the Town Board members, Expense Sheet, miscellaneous attendance sheet, July and August Summer Reading Calendars and an instruction sheet on how the reading portion of the program works. In the letter it gives thanks to the Howard Town Board members for the attentiveness of their building it has received this past month.
- I. Monthly Town Clerk's Report-** Written report for June 2024 consisting of revenue brought in from 2 building permits (\$287.00) and 17 dog licenses (\$159.00). Disbursements: Paid out to Town Supervisor \$446.00 and NYS Animal Population Control Program (\$21.00) totally \$467.00. Town Clerk, Fran Sharp also reports that we had a successful rabies clinic on July 8, 2024. There were 89 animals vaccinated. Total donations brought in from the clinic was \$419.00 (\$209.50 going to the town and \$209.50 going to Steuben County Public Health). She informs the Board that in another year we will need more storage for the town records and suggests fire proofing the small room off the conference hall and using that for more storage. She addresses the Board with upgrading the computer's Anti-Virus from the free version to a Premium version. It was suggested to contact Ed Flaitz (Ed's Computer) for his expertise. She informs the members she has put the Steuben County Newsletter in their packets.
- J. Monthly Town Supervisor's Report-** Supervisor Evia talks about the money brought in from the town fees and the rabies clinic donations to deposit. He informs the Board members that they went and picked up the new Dump truck from the Town of Eaton. Councilman Rice said it looks like the same quality they have been getting right along from them.

Old Business: Councilman OBrochta gives updates on information via email (in the members packets) regarding a Grant for the Town Park. He explains that they suggest waiting till next spring to apply for a grant rather than trying to rush and get one in now, this way it can be done right. They explained that these grants are highly competitive. Lynnelle Farber (Hunt Engineering) said that the park is a great community property and has great potential and take time to plan it out and proceed from there. Councilman OBrochta agrees that is best and make it good for the next generation. Councilman Dyer asked if she had any ideas what she would have for a park. Councilman OBrochta said they discussed a new pavilion, full size basketball court which could double as 4 pickle ball courts, walking track on the outer edge of the

property. As far as playground equipment, there is an organization called "Gametime" which does a 100% match for a grant. Barry Kidder comments that the Planning Board would like to get a survey online to get resident input on their priorities in the park. He also mentions that he received information via email about another grant available for the park. Councilman OBrochta talks about the repairs that have been done at the park. He also mentions they put in a basketball hoop and suggests that people not lower it, it is a temporary set up. He had spoken with Highway Superintendent Pyer about bringing in some 1A stone to improve the fall zones.

Supervisor Evia speaks on the "Squatter's Law." He comments that the town Attorney, Brian Schu looked at it and commented that it looked good and that it would be nice to have this in Hornell, NY. Councilman Frey said that it would be best to be pro active now on this matter and get something in place. Councilman OBrochta commented that there was a situation at Lake Demmon. Supervisor Evia asked the Board if they want to move forward with this. The Board believes they should and he suggests that the Board Members read through it and he will be in touch with Atty. Schu to see if he thinks anything should be re-written. And by the next Town Board Meeting have it written for the township and set a Public Hearing if that is what the Board wants to do. Councilman OBrochta reiterates why it would be good for the town to do this.

Councilman Rice comments that he got an estimate for an emergency generator. He said he had contacted 3 businesses and he called "Hurricane Solutions" which he had mentioned about last month quoted \$26,000.00 for the cheapest version. He explained to that company that the town would have to budget that money in. He further explains that grants do not seem to be applicable to the town's needs, not as critical like hospitals would be.

New Business: Town Clerk, Fran Sharp, brings to the attention of the Board the "Reverse Fund Policy" and Fund Balance Policy" that needs to be reviewed and approved. She also presented them with the Town's Policy on Cyber Security/Citizens' Notification Policy, Cyber Incident Response Policy and Internet and Acceptable Use Policy. Supervisor Evia and Councilman Rice commented that they do not believe they approved the "Fund Balance Policy" and the "Reserve Fund Policy" for the last couple years. He suggests that the Board should read them over to see if they need to make any changes to them before they approve them. He also suggests as far as the Cyber Security policies, we should contact NYMIR or Ed Flaitz to see what they recommend for the town's internet set up. Supervisor Evia suggests that the Clerk scan and email all these policies to the Board Members for review before the next meeting.

Councilman Dyer suggests checking with our Internet Provider "Spectrum" to see what the level of their internet protection is.

Regular Business: The regular bills were presented to the Board for Audit

Highway Fund	(Abstract # 0 – 85)	\$516,748.37
General Fund	(Abstract # 378 – 400)	\$40,276.73
Street Lighting	(No Abstract/Credit)	\$0.00

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

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

Executive Session: None

Town Board Discussion: Councilman OBrochta brings up the subject of the town getting a credit card to be able to make online purchases. He asked what the Boards thought is on getting a credit card with checks and balances in place. Supervisor Evia comments that the town did have a credit card once that was through the bank and that He is not in favor of an individual's name being attached to it. Councilman OBrochta explains that it would be beneficial to have one so a person is not purchasing out of their pocket and waiting to get reimbursed. He also suggests that he would like to see the town move forward with the times to be able to purchase from online companies like Ebay and Amazon. Councilman Dyer comments that you can attach a debit card to your bank account. Supervisor Evia said that they can look into this possibility.

Adjournment:

A Motion was made by Councilman Rice and seconded by Councilman Frey to adjourn the meeting at 8:55pm.

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

Frances Sharp
Howard Town Clerk