

**TOWN OF HOWARD
TOWN BOARD MEETING
SEPTEMBER 11, 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: Richard Stewart, Wilma Stewart, Barry Kidder (P.B.), Robin Phenex (P.B.) Mike Kidder, Nicole Hogan (Library), Leah Kidder (Library), Marcia Patrick (Historian), Dave Margeson, Joel Margeson, Mildred Harris, David Harris, Lynn Karr.

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

Supervisor Evia asked for a moment of silence recognizing 9/11.

Previous Minutes: The minutes for the previous meeting was reviewed by the Board. Highway Superintendent Lee Pyer pointed out that there was a money amount correction in the Public Comment section regarding FEMA Administration fees, the amount \$31,700.00 is incorrect, the correction is \$3,105.00. Town Clerk, Fran Sharp made a note to make the correction. Supervisor Evia asked if there were any other corrections, there was not.

A Motion was made by Councilman Rice and seconded by Councilman Frey to approve the August 14, 2024 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 Rice and seconded by Councilman OBrochta to open the Public Hearing for Local Law #2- 2024 Residential Property Law at 7:10pm.

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

Supervisor Evia starts out explaining that this is basically a law that provides the tools for property owners and leaseholders to protect their properties from squatters (individuals that do not have permission to enter and inhabit property that does not belong to them). This law also speeds up the process of getting squatters evicted immediately instead of a lengthy court process. It also imposes fines. The town's Attorney looked the law over and commented that it is a good law. Councilman Frey comments that this law will give the Sherriff's Office the right to remove the squatters right away as opposed to waiting for a court order. Richard Stewart comments about the term residential property being used and how they would apply to hunting cabins or barns. Councilman Frey responded that they would still be considered residential. He also comments the importance of getting the law in place now and they can always amend the language to apply to specifics later. Supervisor Evia asked if there were any more questions or concerns regarding this law. Councilman Rice states that with the town Attorney looking it over, he is good with it. Supervisor Evia suggests if there are no other comments, is there a motion to close the hearing.

A Motion was made by Councilman Rice and seconded by Councilman OBrochta to close the meeting at 7:20pm.

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 Rice to Adopt Local Law #2-2024 Residential Property Law as written.

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

Public Comment: Mike Kidder asked about the library and the park situation. Supervisor Evia commented that those topics will be addressed later in the meeting. Richard Stewart comments that Howard Old Home Days is Saturday, September 14th and he is hoping for good weather and a good crowd. He expresses a concern that there is no chicken BBQ and that could affect the attendance. He also mentions that the Howard Church will be putting on their pancake breakfast and the Historical Society will have their float. Marcia Patrick encourages everyone to visit the Museum, there has been a tremendous amount of work done in the Museum and acknowledges Wilma Stewart, Beverly Sharp Falvey for their hard work and many hours in getting the Museum ready. Supervisor Evia also commented on how nice the museum looked when he and an Individual from the town's Insurance Carrier was over there doing a walk through, a nice tribute to a job well done.

Department Reports:

A. Monthly Highway Report- Superintendent Pyer reports that the highway department has been working on unplugging and replacing pipes, cleaning ditches and fixing washouts from the previous rain storm. He reports that West Buena Vista Road (seasonal road) has been closed early this year due to the heavy rain storm and will be closed till spring. Lee stated that they did fix some of the driveways to the camps because of hunting season and that people were driving the road regardless of the "Road Closed" signs being in place. He also commented that it would be mid-October before they get all the other road damage complete from the flooding. He also commented that the Town will be receiving the CHIP payment (\$525,165.82) around September 17, 2024. Superintendent Pyer addresses the Board regarding 2 chipper boxes that were on Auction International and that he placed a bid on each one for \$45.00 each and he was the high bidder at the close of the auction and waiting for approval of his bid from the town that has them. He comments that a new chipper box is \$7,200.00. He explains that the chipper boxes are mainly for patches, intersections, cold patch on oil & stone roads resulting in some savings for the town. The Board discusses the possibility of the town not accepting the bid and wanting more money and what would be the maximum amount they are willing to pay for the 2 chipper boxes.

A Motion was made by Councilman Frey and seconded by Councilman OBrochta allowing Superintendent Lee Pyer to purchase both chipper boxes together at a maximum amount of \$500.00.

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

Councilman Frey asked Lee if there were any other expenditures for the rest of the year. Lee responded that they would be needing tires for the tractor and grader. Also, need cutting edges, plow rubbers and wings, salt, and fuel. Councilman OBrochta questioned about a new grader in the near future and it that wouldn't make sense to get tires if purchasing or trading it off. Supervisor Evia thoughts on new tires and assuming to keep the grader was to purchase a set and put in them in storage. However not looking to replace the grader at this time. He also announced that Scott OBrochta and is opening his tire business back up. Councilman Frey asked Lee to check out the trade-in value of the grader for a future purchase.

Lee states that the Haam Roller is at the Case service shop in Campbell, NY. getting worked on, it was surging due to steel shavings in the fuel line from the metal fuel tank and it will be serviced while there.

Superintendent Pyer also mentioned that Floyd Helm is selling his 37-acre gravel pit before the first of the year and the town still has about 800 ton of gravel in this pit. Lee explains to the Board that due to the flood; they needed rock so he went to Pfitzenmaier's pit where there was plenty. Lee called each individual Board member for emergency approval to rent an excavator with a jackhammer from George-n-Swede to jackhammer all the rock (devil's concrete) up for the stone needed for road repairs.

A Motion was made at the September Board Meeting by Councilman Frey and seconded by Councilman OBrochta to rent the Excavator with a jackhammer from George-n-Swede in that emergency situation for a maximum of \$8,700.00.

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

Lee informs the Board that during the process of jackhammering the devils concrete a lot more of gravel was discovered.

He goes on the explain that Hubbard's Gravel is getting a wind mill contract and will be tied up and not able to go to Pfitzenmaier's pit to crush so, he called Steve Hess to get a price per ton to crush at Pfitzenmaier's. Mr. Hess said if the Board hires him to crush, he will come in November and pay him after January out of the 2025 budget.

- B. Monthly Planning Board Report-** Barry Kidder reports that they would be looking at the park surveys. Councilman Rice asked if the Community meeting had been canceled and he replied that he had spoken with Supervisor Evia and commented that the Planning Board was out of it. Supervisor Evia responded that if they were going to have a community meeting with the public, it should be scheduled when all the Board members could be present and that William Thew being the Chairman of the Board, he should be the one to run it. Councilman Rice suggested that it should be a Planning Board meeting and Comment Period regarding the park. Barry Kidder talks about the different ideas that would be part of the meeting. Councilman Rice cautions Barry in getting peoples hopes up that things with the park would be

getting done right away and that it is going to take time. The Board and Barry continue to discuss the best way to move forward the planning of the park projects. It was suggested by Robin Phenes to do a mailing of the survey to reach more people and the Planning Board would ask for approval from the Board to fund the mailing. Councilman Frey comments again how things should work, he explains the Planning Board collects the list of ideas from the public on what they would like to see in the park and they pass that information onto the Board to give to an Architect. Councilman Rice suggests coming up with a questionnaire that the Planning Board is comfortable with and have the Board look it over and if it is approved, then do a mailing to all the town residents. The Board agrees.

- C. Monthly Fire Department Report-** 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 for the month of August. Justice Cornell wrote a check to the town in the amount of \$168.00 for August 2024.
- G. Monthly Animal Control Report-** Written report/Nothing to report for August 2024.
- H. Monthly Library Report-** Written report consisting of a letter addressed to the Town Board Members, Expense Sheet, Miscellaneous attendance sheet and August and September Program Calendars. In the letter they express their gratitude to the Town Board for taking the time to look at the library roof that needs repair and they are happy to see dedication from the town in the upkeep of the community's library. Leah Kidder (Library Representative) states that she and Nicole Hogan were there to address the Board with the Library's Budget Proposal for 2025 that was sent to the Town earlier. She also personally thanked the Board for addressing the pot holes in the driveway, power washing the library and addressing the other issues with the exterior of the library. Leah asked if there were any questions or concerns regarding their proposed budget. The Supervisor acknowledges receipt of the budget and explains they are just getting started putting the budget together and have not gotten to that line yet. Supervisor Evia suggests that if there are questions, that he can get ahold of Leah Kidder and discuss them. Leah asks when they vote on the budget and Supervisor Evia said they approve the budget in November and there will be at least one budget workshop prior to that and there will be a Public Hearing on the budget in November. Richard Stewart asks how much is the library budget and Leah's responded that it is just over \$47,000.00. Councilman Frey questioned what their anticipated expenses would be by the end of the year when they are at

\$22,915.00 at the present time and Leah responded that by the end of the year it will be very close to the asking \$47,000.00. Councilman Rice questioned line labeled "Billing Impound" and asked what it was. Nicole Hogan explained that it was part of "STLS" cost share and a requirement to be able to transport books.

- I. Monthly Town Clerk's Report-** Written report for August 2024 consisting of revenue brought in from 7 Certified Copies (\$70.00), 1 Building Permit (\$35.00), 24 Dog Licenses (\$231.00).

Disbursements: Paid out to Town Supervisor (\$336.00) and NYS Animal Population Control Program (\$34.00) totally \$370.00.

Town Clerk, Fran Sharp asks the Boards approval to purchase to 2 waterproof entrance mats, one for the Meeting Hall entrance and one for the entrance to the Clerk's office. The estimated cost will be \$65.00 - \$70.00.

A Motion was made by Councilman Rice and seconded by Councilman Frey approving the purchase of the 2 entrance mats.

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

- J. Monthly Town Supervisor's Report-** Supervisor Evia reports that he received a check in the amount of \$168.00 from the Justice Department and a check from the Town Clerk of \$336.00. Supervisor Evia reports that he has started working on the budget for 2025. Councilman Rice recognized that the format for the budget is different. Supervisor Evia explained that it is Williamson Law Book format.

Old Business: Supervisor Evia talks more about the library and the park. He talks about working on the 2025 budget and mentions that there is possibly \$100,000.00 from the fund balance that could be aside in a reserve fund for the park. He also commented that he has started working on getting some money donated towards the park, commenting that this is would provide some money to get started. Supervisor Evia continues with the topic of the library. He comments that Councilman OBrochta has gotten a quote from Bullfrog Construction LLC on the roof repairs, front porch, and the exterior of the building. Marcia Patrick (Historian) brings up the upstairs kitchen ceiling is need of repair and asked if this could also be taken care of, she also mentioned a spot in the Museum floor would need repairs this year. Councilman OBrochta said they would get Elise from Bullfrog Construction to look at these 2 issues. Marcia also requests if things could move along a little faster because all the town history is in her home and she would like to get it moved into the designated office space in the upstairs of the library. Councilman OBrochta explained that he has worked on trying to get Contractors out to do quotes on the library since June. He explains that one of the Contractors that came out said he would get back with him and never did and the other 3 he called said they were too busy. He finally got Bullfrog Construction to commit and they are available to get started right away. Councilman OBrochta gives a description of what Bullfrog Construction's quotes entails. He comments that their work is second to none and their pricing is reasonable.

Mike Kidder expresses a concern of “non-employee’s” doing repairs to the playground equipment at the park in the case that the equipment falters and who would be responsible and is a “non-employee” covered under insurance. This concern was brought up because Councilman OBrochta went to the park and replaced and tightened up some loose bolts and replaced the seats on the swing set. Supervisor Evia commented that he is an elected official. Councilman OBrochta comments that he is getting paid and receives a W-2. Councilman Frey asked Mr. Kidder what if a group of volunteers were to get together to make repairs at the park, would that be the same. Mr. Kidder commented that he is just looking out for the town as far as liabilities. Supervisor Evia followed up and said he will contact our Insurance Carrier regarding this would work.

Supervisor Evia asked if there was any other questions or comments regarding the library or park. Councilman Dyer shares that he was looking through the park surveys in response to Barry Kidders comments concerning “other” and he noticed the restrooms was noted a lot and that pickleball was also noted. Marcia Patrick stated a bike path would be good to add to the list. It was noted by Councilman OBrochta that Lynell Farber, Hunt Engineering, had it already list as a walking path around the perimeter of the property. Supervisor Evia questioned the type of surface. It was suggested a paved surface would be best and who would they get to do the job and the concern of making sure it meets the standards for people with disabilities.

Supervisor Evia questioned if there was a surface that could be done more economically and that would be suffice. Councilman Dyer suggested putting it in the design as bike/walking path because at this time unsure of the material to be used. Barry Kidder asked about the park being ADA Compliance. The Board explains that it is Hunt Engineering’s job to know all this. Marcia Patrick makes the comment from a Historians perspective that the park from established in 1981 and she brings up the fact that the town has not put a lot of money in the park and Supervisor Evia agrees. She states that people have commented to her that no one uses the park and that is the case because there are not the activities in the park that people would enjoy doing. She makes the comment that Rob and Dawn Patrick would be good ones to talk to about getting ideas for the park because they are the ones that do the Summer Youth Program in the park. It was also suggested by Barry Kidder that the Board should think about giving them more money to help fund this program. Supervisor Evia responded that the Board has never had a problem funding this program and that if they needed more money, they should address the Board.

Richard Stewart asked the Board if they were surprised with the library budget.

New Business: The Board reviewed the following policies and adopted:

A Motion was made by Councilman Rice and seconded by Councilman Frey to adopt the “Fund Balance Policy” and it was dated Sept. 11, 2024.

Adopted: 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 OBrochta to accept the “The Town of Howard Internet and Acceptable Use Policy.

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 accept the “The Town of Howard Cyber Security Citizens’ Notification Policy”

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 OBrochta to accept the “Cyber Incident Response Policy”

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 accept the policy “Guidelines for Backing up Information”

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 OBrochta to accept the policy “Erasing Information and Disposal of Electronic Media.”

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

Supervisor Evia requested Town Clerk Fran Sharp read the description and quote/contract regarding work to be done on the roof of the library (\$20,301.00) and the description and quote/contract regarding work to be done on the front entrance of the library (\$14,858.00) from Bullfrog Construction LLC.

A Motion was made by Councilman OBrochta and seconded by Councilman Frey to accept the quote and sign the contract from Bullfrog Construction LLC for the library roof work in the amount of \$20,301.00.

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 accept the quote and sign the contract from Bullfrog Construction LLC for the library’s front entrance work in the amount of \$14,858.00.

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

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

Highway Fund	(Abstract #101 – 112)	\$16,998.86
General Fund	(Abstract #420 – 444)	\$27,601.63
Street Lighting	(No Abstract/Credit)	\$0.00

A Motion was made by Councilman OBrochta and seconded by Councilman Frey 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: None

Adjournment:

A Motion was made by Councilman Dyer and seconded by Councilman OBrochta to adjourn the meeting at 8:40pm.

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

Frances Sharp
Howard Town Clerk