

John A. Bowles
4826 Purdy Creek Road
Hornell, New York 14843
(607) 698-4411

RECEIVED
PUBLIC SERVICE
COMMISSION
EXEC-FILES-ALBANY

2015 JUL -7 PM 4: 25

July 2, 2015

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Department of Public Service
Agency Building 3
Albany, New York 12223-1350

RE: Case 15-F-0122 – Application of Baron Winds, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 300 MW Wind Energy Project

Dear Secretary Burgess,

This letter is written in support of the Baron Winds, LLC project. Because of a significant effort by the Hartsville Town Board to function out of sight and mind of the taxpayers, we were not aware of the resolution signed by the Board members condemning the possibility of wind turbines in Hartsville that was sent to you. This was a very inappropriate exercise by the Board members on several levels.

Although the Board (the conspiracy) unanimously signed the document, the resolution was NOT a reflection of the taxpayers' wishes or interests.

The problem revolves around a small group that has spent thousands of taxpayer dollars for lawyers to write such a restrictive "wind law" so that no wind turbines could be built in our totally rural Township in Steuben County. Before the "Local Law #2 of 2009" (the restrictive wind law) was signed, a petition signed by Hartsville land owners/ taxpayers to scrap the new highly restrictive wind law was presented to the Board. Interest was so high that in two weeks, the volunteers gathered signatures that represented 29% of the taxable property in Hartsville. Unfortunately, our petition was rejected by the Town Board with the comment "we listen to the voters, not the taxpayers" and the restrictive law was signed.

The wind company (E.on) walked away in 2009 so no legal action was attempted by the Town people. Then came a renewed Article 10 and Everpower Wind came to town. The "do nothing" Town Board got worse.

Financial documents continue to be very hard to get. Sometimes months go by without response (exhibit #2) and the Town Clerk always maintains she does not have them. She blamed the Town Supervisor and the bookkeeper for not giving them to her. In January 2015, "the conspiracy" added an illegal procedure (per Robert Freeman of the Committee on Open Government) to further inhibit access to public records. (Town Law states the minutes of the Board meetings are to be available, in draft, in two weeks and E-mailed to those that request them. Not in this Town.) Because of a lack of oversight by State Officials, our only option is to sue the Town. An unfortunate situation for taxpayers to find themselves in.

The Town Board regularly tables issues that come to Town Hall. Copies of the Town Board meeting "minutes" (exhibit #3) show how little interest they have in everyday matters. The "minutes" also show how little financial issues were ever discussed and/or resolved in an open Town Board meeting. i.e. Although thousands of dollars have been spent on legal bills, nothing concerning these bills has ever been openly discussed in a Board meeting. The taxpayers/residents have been kept in the dark where spending and issue resolutions are concerned.

The poor treatment of the Highway Department is another issue that has come together with other issues that have inspired letters to the Town Board and editorials in the local paper (Exhibit #4). So far, the accusations have elicited no response from any Town Board member, thus the "conspiracy".

More to the point of this letter is the fact that there are literally MILLIONS of dollars at stake for the Town. We are the poorest Town in Steuben County and certainly one of the poorest in the State. i.e. The Town has no hard topped roads.

Because of our petition drive in 2009, we know that the taxpayers want the financial boon that the wind turbines represent. Without discussion in the Board meetings about the wind turbines, lawyer expenses, and minutes four to eight weeks after Board meetings (we still have not been given April or May meeting minutes), we are unable to keep track of what the Board is doing in a timely manner.

We were stunned to learn that the possible wind farm in Hartsville was further undermined by the dishonest "conspiracy's" decision to take their anti-wind agenda to the PSC. The Town residents at the Board meeting in April 2015, when Resolution #3 was brought up and passed, were never given the significance or the intentions of the Board concerning the resolution. Also, FYI, there was no requests from the Town for the \$50.00 yearly fee arrearage for the Meteorological permit. What multimillion dollar company do you know that would send money out without receiving an invoice?

The Town Law Manual addresses protocol on resolution, referendums, open meetings and etc. for indebtedness, but no mention of how the probability of millions of dollars

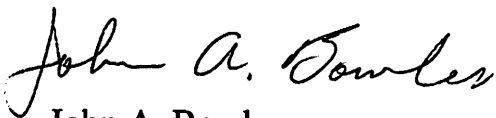
coming to the town is supposed to be dealt with. The Town Board conspiracy has kept any information about these millions out of Town Board meetings and not allowed wind power information to be freely dispensed in the Board meetings. No discussions at all about the fantastic tax abatement potential the wind farms would provide. No public discussion of Resolution #3, no open meeting on the wind issue, no call for a referendum, (although the petition drive in 2009 showed outstandingly that the people were in favor of the wind farm) nothing to the public about the wind and the financial boon. Article 10 discussion has also been missing.

The people in town that are somewhat aware have been waiting for the Board to call for some kind of public input concerning positive potential available to the town. Instead, the people were blindsided by Resolution #3 of 2015 and what the Board did with it. The Board conspiracy does not want the wind and has spent at least \$50,000 of tax money to stop the wind development. This Board is NOT representing the taxpayers in their efforts. A referendum or an updated petition drive would certainly disprove the merit of Resolution #3 and show the Town's support of a wind farm.

I would respectfully ask you to evaluate the enclosed exhibits and my explanation of circumstances and consider the possibility that the Hartsville Town Board has failed in their responsibilities to the people and for their own selfish reasons wish to deprive the Town the large financial windfall that is at stake. An unbiased consideration of Hartsville's future would be appreciated.

I would respectfully ask that this correspondence be entered into the record for Case # 15-F-0122. If I can be of any further assistance or fill in any details please feel free to contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "John A. Bowles".

John A. Bowles

Enclosures

Judge slams Lyme on turbine law

PROTEST UPHELD: State court faults town's criteria in rejecting petition against placement regulations

By **BRIAN KELLY**
TIMES STAFF WRITER
SATURDAY, AUGUST 23, 2008

CHAUMONT — A state Supreme Court judge has ruled the Lyme Town Council acted "arbitrarily and capriciously" when it rejected 10 property owners' petition protesting the adoption of a local law regulating the siting of wind turbines.

Judge Hugh A. Gilbert also declared Thursday the town law adopted May 6, which, among other things, required a minimum setback of 4,500 feet from the high-water marks of Lake Ontario and the Chaumont River, is invalid.

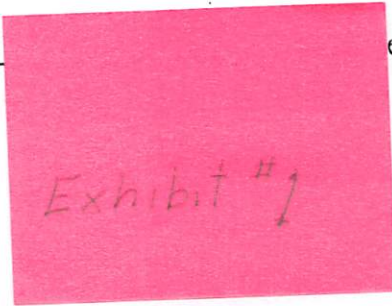
The 10 property owners brought an Article 78 proceeding against the board in early July, claiming the amendment to town zoning law includes setback requirements for turbines that are "excessive" and effectively bans the development of wind-generating facilities within the town.

The owners had submitted a protest petition to the board April 17 expressing their concerns, but the town rejected it after its assessor reviewed the petition and concluded the property owners did not represent 20 percent or more of the total acreage in the town required to support the petition.

While a local law dealing with zoning changes can be adopted by a majority vote of the board, once a protest petition is filed, a three-fourths majority vote is required to pass it.

The town board passed its law regarding turbine siting on a 3-2 vote.

The property owners argued the signatures on their protest petition represented 9,610 acres, or



nearly 27 percent, of the town's 35,920 acres.

A representation of at least 7,184 acres would be needed to comprise at least 20 percent of the acreage. The town countered that after removing parcels for which not all owners signed the petition and removing other ineligible signers, the petitioners represented just 5,302 valid acres.

According to the assessors' report from May 6, the foremost reason for rejecting parcels was that not all of the property owners of the parcels had signed the petition.

For example, if a husband signed the petition but not his wife, when both are listed on the tax roll, the husband's signature would be invalid. That accounted for about 4,167 acres that were rejected.

Judge Gilbert, citing state law governing towns and villages, disagreed with the town's contention that each owner's signature was required, ruling that "the signature of one joint tenant counts for the entire parcel."

"Therefore, each parcel for which at least one owner signed must be included in the threshold calculation," the judge wrote in his decision. "Since very few were excluded for other reasons, we conclude the Protest Petition contained the signatures of twenty percent or more of the total area."

The town also rejected the petition because each page of the document had not been notarized and the attached signatures not otherwise witnessed. Judge Gilbert ruled there is no statutory basis for the town's requirement that the signatures be witnessed and notarized.

The landowners bringing the Article 78 all are part of the pro-wind-power group Voters for Wind. They had expected to be a part of BP's Cape Vincent Wind Farm before the zoning amendment was designed and passed.

1 copy
1.

November 23, 2009

STATE OF NEW YORK
COUNTY OF STEUBEN

IN THE MATTER OF A PROTEST PETITION UNDER
NEW YORK STATE TOWN LAW SECTION 265
IN OPPOSITION TO PROPOSED CHANGES UNDER PROPOSED
TOWN OF HARTSVILLE LOCAL LAW NO. 2 OF 2009
ENTITLED "WIND ENERGY FACILITIES LOCAL LAW".

PETITIONERS:

OWNERS OF TWENTY PERCENT OR MORE OF THE LAND
INCLUDED IN THE AREA OF LAND SUBJECT TO THE PROPOSED CHANGES

SUBMITTED TO:

TOWN OF HARTSVILLE TOWN BOARD
5150 Purdy Creek Road
Hornell, New York 14843

The Protest Petition pursuant to New York State Town Law § 265 that is attached hereto is respectfully submitted to the Town Board of the Town of Hartsville by the undersigned property owners in the Town of Hartsville (the "Petitioners"), to protest and oppose the proposed changes set forth in the proposed Local Law No. 2 of 2009 entitled the "Wind Energy Facilities Local Law" (the "Wind Energy Law").

The Petitioners are property owners that own twenty (20) percent or more of the area of land included in the proposed changes set forth in the proposed Wind Energy Law.

Attachment "1" annexed hereto shows: (i) the total area of land included in the area of the proposed changes, and (ii) the applicable area of such land represented by the Petitioners, to establish the fact that the Petitioners signing below are the owners of twenty (20) percent or more of the area of land included in such proposed changes, pursuant to Town Law §265(1)(a). (Attachment to follow.)

Wherefore, by this Protest Petition, formally protesting and opposing the changes contained in the Wind Energy Law pursuant to Town Law §265, the approval of the proposed changes require the approval of at least three-fourths of the members of the Town Board.

PROTEST PETITION PURSUANT TO NEW YORK STATE TOWN LAW SECTION 265, FILED BY OWNERS OF LAND LOCATED WITHIN THE TOWN OF HARTSVILLE, TO OBJECT TO THE PROPOSED CHANGES SET FORTH IN THE TOWN OF HARTSVILLE PROPOSED LOCAL LAW NO. 2 OF 2009, ENTITLED THE "WIND ENERGY FACILITIES LOCAL LAW"

To the Town Board of the Town of Hartsville, New York:

The undersigned are the owners of record of the real property in the Town of Hartsville that is included in and affected by the proposed changes set forth in the proposed Local Law No. 2 of 2009 referred to as the "Wind Energy Facilities Local Law" (the "Wind Energy Law"). The undersigned landowners (the "Petitioners") own twenty (20) percent or more of the area of land included in the proposed change set forth in the proposed Wind Energy Law (as set forth on Attachment "1" annexed hereto).

Pursuant to New York State Town Law § 265, the Petitioners hereby protest and formally object to the proposed changes in the Wind Energy Law, which include and affect the parcels listed next to the respective signers' names. The Petitioners protest and oppose the proposed changes in the Wind Energy Law because the limitations and constraints that are contained therein far exceed what is reasonable and necessary to mitigate potential visual and noise impacts of wind energy facilities. The restrictions in the proposed Wind Energy Law go well beyond what is needed to protect the health, safety and welfare of property owners and the general community, and are simply not consistent with the wishes voiced by a majority of landowners. The proposed Wind Energy Law thus places onerous, excessive limitations on the development of wind energy facilities, infringing upon our rights as landowners to the use of our land.

We, the undersigned landowners of the Town of Hartsville, New York, and representing over twenty (20) percent of the land ownership in the Town, hereby protest and formally object to the proposed changes in Town of Hartsville proposed Local Law No. 2 of 2009, entitled the "Wind Energy Facilities Local Law," and voice our support for wind energy as a clean, renewable source of power.

Respectfully,

Name	Signature	Address	Date	Acreage	Tax Map No(s). of Property(ies)
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January 7, 2015

To all Town of Hartsville Board Members.

As you may know, we have requested financial documents from the Town of Hartsville each month. We are writing to each of you to seek assistance with several issues that continue to be problems in receiving these copies.

We are attaching a copy of our formal request for copies of financial and other information that we expect to receive each month. We have been requesting this same information for several years now. Unfortunately we have had to put in second and third requests for information that is missing from each month's records. WHY IS THIS???? We always expect and have requested the SAME information. Why are the Town's records incomplete??? We should not have a problem asking for and receiving this information. They should be in the Town Clerk's records at the end of each month. When we question the Town Clerk about the lack of some of the reports, she does not have them in her records and has to then contact the bookkeeper for the missing reports. Isn't it the bookkeeper's job to give ALL reports to the Town Clerk EACH and EVERY month? If this is not being done then the bookkeeper is not doing her job and the Town records are incomplete.

Does the Supervisor not review these reports? Does the Town Board care if the financial records are complete or not? What is the story? This is a formal request and we expect a formal response concerning our right to complete access to any and all public documents.

Also, we have repeatedly asked that the minutes from each meeting be e-mailed to us as soon as they are transcribed. The "Office of the Town Clerk" manual states that "the minutes be available within two weeks from the date of the meeting" and that they "would have to be made available for public inspection and copying" at that time. Why is this request not fulfilled? We were told that we can not receive the minutes until after the next month's meeting. Why can't we get draft copies (hard copy or e-mail) of the minutes as soon as they are transcribed per the Town Clerk Manual?

We would also request that the reports for the Schedule of Revenue and Expenditures for the General Fund and the Highway Fund **indicate what month** they apply to. If you review these reports there is no designation as to the month to which they pertain. We were told they are a year to date report that covers the current year to the date printed. It would seem that this report should be printed every month so that the accounting can be tracked. This is not being done. We were also told that the bookkeeper **cannot go back** and print it out to a specific date. This makes it very hard to follow the flow of finances. The other reports show the month they are for. Why is this not done on the Schedules of Revenues and Expenditures? We were also told that the Month Report of Revenues and Disbursements is the same as the Schedule. We do not believe this is true as the Schedule is an accumulation to date of Revenue and Disbursements and the Monthly report shows only what occurred in the month to which it pertains. This does not make sense to us. Who is the bookkeeper working for?

We also find it offensive that the method of CHIPS reimbursement is going to cost the tax payers because of improper budget procedures that the supervisor was warned about on numerous occasions.

We have listed some items that we find disturbing in the Town of Hartsville's financial reporting. We feel these items should be addressed immediately. If anyone would like more information or some evidence of specific problems, we would be glad to discuss it with them. Our number is 698-4411.

We hope that this will be remedied as we begin 2015.

Thank you,

John and Carole Bowles

Cc: Edward V. Grant, Jr., Chief Examiner, Office of State Comptroll

Exhibit #2

John and Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

January 7, 2015

Town of Hartsville
Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

RE: Annual Request for Financial Documents

Dear Kay;

Thank you for all your help in the past. We are putting in this formal request for 2015 as these are the financial documents and copies that we want after each monthly board meeting (this is the same information that we have always requested in the past).

1. Complete copies of Attorney bills for each month.
2. Abstracts for the General Fund and Highway Fund for each month.
3. Highway Fund - Month Report of Revenue & Expenditures, Schedule of Revenues & Expenditures, Profit and Loss and Balance Sheet for each month.
4. General Fund – Monthly Report of Revenues & Disbursements, Schedule of Revenue & Expenditures, Profit and Loss and Balance Sheet for each month.
5. Supervisor's Report prepared for each monthly Board meeting.
6. Minutes of all meetings held each month. We would appreciate having these minutes e-mailed to us at cbowles@stny.rr.com as soon as you have completed transcribing them.
7. Copies of check registers on a monthly basis for each account (Highway, General and Trust and Agency)

We would also like a copy of the 2014 Annual Financial Report that is filed with the Comptroller's Office in January of 2015 for the previous year – please do not copy pages that have no figures or pertinent information on them. If there is any question, we will be glad to look at it before you run the copies.

Please call if you have any questions or problems concerning this request. We appreciate your time and assistance. As always, please call each month when these copies are ready for us to pick up.

Thank you,

John and Carole Bowles
698-4411

Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

February 23, 2015

Town of Hartsville
Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

Kay,

After picking up my copies on February 18, 2015, I find I am lacking several items that were requested.

For the General Fund:

1. Monthly Report of Revenue and Disbursements for December 2014 and January 2015
2. Profit and Loss for December 2014 and January 2015
3. Balance Sheet for January 2015
4. Check Register through January 31, 2015

For the Highway Fund:

1. Schedule of Revenue and Expenditures for December 2014 and January 2015
2. Month Report of Revenue and Expenditures for December 2014 and January 2015
3. Profit and Loss for December 2014 and January 2015
4. Balance Sheet for December 2014 and January 2015
5. Check Register through December 31, 2014 and January 31, 2015

For Trust and Agency:

1. Profit and Loss for January 2015
2. Balance Sheet for January 2015
3. Check Register through January 31, 2015

Miscellaneous Items:

1. Supervisor's Report for December 2014 and January 2015
2. Annual Financial Report for Year Ending 2014
3. Minutes of the February 11, 2015 Board meeting, e-mailed or hard copy by February 25, 2015

I will expect to have these copies at your earliest. If any portion of this request is denied, I want the reason for denial expressly stated in writing (i.e. no access to Supervisor's computer or failure of bookkeeper to provide). Please call when ready.

Thank you,

Carole Bowles
698-4411

John and Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

February 25, 2015

Town of Hartsville
Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

Dear Kay,

John and I have spoken with Robert Freeman from the Committee on Open Government concerning the problems we have getting copies of financial documents. He states that you are to have access to all financial documents and be able to produce them in a timely manner when requested. He also stated that there is no way the Supervisor or Board (by resolution or statement) can restrict you from e-mailing documents to the public when you are requested to do so.

Mr. Freeman asked us to ask you to call him as he would be glad to talk to you concerning what your duties are as Town Clerk and what information you should have in your records that should be available to the public at any time during business hours. His number is (518) 474-2518. The website is www.dos.ny.gov/coog. There have been several advisory opinion letters written concerning what is considered "public information in the town" and as "keeper of the records" you should have access to all of it.

Please call and talk to him.

Sincerely,

John and Carole Bowles

(Sent Certified mail with Return Receipt requested)

Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

March 27, 2014

Town of Hartsville
Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

RE: Annual Request for Financial Documents

Dear Kay;

Thank you for all your help in the past. I am putting in this formal request for 2014 as these are the financial documents and copies that I would appreciate after each monthly board meeting (this is the same information that I have received in the past).

1. Complete copies of Attorney bills for each month.
2. Abstracts for the General Fund and Highway Fund for each month.
3. Highway Fund - Monthly report of Revenue & Expenditures, Schedule of Revenues & Expenditures and Balance Sheet for each month.
4. General Fund – Monthly Report of Revenues & Disbursements, Schedule of Revenue & Expenditures and Balance Sheet for each month.
5. Supervisor Reports prepared for each monthly Board meeting.
6. Minutes of all meetings held each month. I would appreciate having these minutes e-mailed to me at cbowles@stny.rr.com as soon as you have completed transcribing them.
7. Copies of check registers on a monthly basis for each account (Highway, General and Trust and Agency)

I would also like a copy of the 2014 Annual Financial Report that is filed with the Comptroller's Office in January of 2015 for the previous year – please do not copy pages that have no figures or pertinent information on them. If there is any question, I will be glad to look at it before you run the copies.

Please call if you have any questions or problems concerning this request. I appreciate your time and assistance. As always, please call each month when these copies are ready for me to pick up.

Thank you,

Carole Bowles
698-4411

Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

March 27, 2014

Town of Hartsville, Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

RE: Missing copies as of March 27, 2014

Dear Kay,

I have reviewed my records for the 2013 calendar year and find I am missing several items. The records I need for the year 2013 are as follows:

1. Highway Fund Balance Sheet for December 2013.
2. Highway Fund Monthly Report of Revenues and Expenditures for December 2013.
3. Highway Fund Check Register for December 2013.
4. Highway Fund Abstract for the end of year meeting in December 2013.
5. General Fund Balance Sheet for December 2013.
6. General Fund Monthly Revenues and Disbursements for December 2013.
7. General Fund Check Register for December 2013.
8. Attorney Bill for December in the amount due of \$179.00.
9. Minutes for all of December 2013 meetings. (regular monthly and end of year)
10. Supervisor's Report for December 2013.
11. Annual Financial Report for the year 2013.
12. All requested financial documents for January, February and March 2014. (I do have the Abstracts for both General Fund and Highway for January, February and March and copies of the minutes for January and February 2014, but no other requested documents).

I would appreciate these items as soon as possible. If there are any questions, please call.

Thank you,

Carole Bowles
698-4411

Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

May 22, 2014

Town of Hartsville, Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

RE: Missing copies as of May 22, 2014

Dear Kay,

I have reviewed the copies you gave to me on Monday. Attached is another copy of the request from March 27, 2014 with several items still missing. (Numbers 2, 6, 8, 9, 10)

I have also gone through all the information you gave me and I am still missing many items for the 2014 calendar year. Please get these copies for me and call as soon as available. I would think 3 or 4 months to get items I always ask for is too much. What is the problem?????

Here are the items I need for 2014.

1. Minutes for March 2014
2. Highway Fund – Schedule of Revenues and Expenditures – January thru April 2014
3. Highway Fund – Month Report of Revenues and Expenditures – January thru April 2014
4. General Fund – Schedule of Revenues and Expenditures – January thru April 2014
5. General Fund – Monthly revenues and Disbursements – January thru April 2014
6. Trust and Agency – Check Register for December 2013
7. Trust and Agency – Check Registers – January thru April 2014
8. Trust and Agency – Balance Sheet – January thru April 2014

These items should be in your records every month as soon as completed by the Bookkeeper. If you don't have them, someone is NOT doing their job.

Please call when these are available.

Carole Bowles – 698-4411

Carole Bowles
4826 Purdy Creek Road
Hornell, New York 14843

October 29, 2014

Town of Hartsville, Town Clerk Kay Miles
5150 Purdy Creek Road
Hornell, New York 14843

RE: Missing copies as of October 28, 2014

Dear Kay,

I have reviewed the copies you gave to me and find I am missing several items as follows:

1. Meeting Minutes for August, 2014
2. Highway Fund – Monthly Report of Revenues and Expenditures – June and September 2014
3. Highway Fund – Balance Sheet – September 2014
4. Highway Fund – Profit and Loss – May and August 2014
5. General Fund – Abstracts – June, August and September 2014

Please call when these are available.

I am also enclosing a check in the amount of \$12.50 for the copies that I received.
Thank you for allowing me to review the information.

Carole Bowles
698-4411

Carole Bowles
4826 Purdy Creek Road, Hornell, NY

December 29, 2014

ITEMS MISSING

GENERAL FUND

Check Register – October and November

Monthly Revenues and Disbursements – October & November

Profit & Loss – May, July, August, September & November

Schedule of Revenues and Expenditures – What month???

HIGHWAY DEPARTMENT

Month Report of Revenues & Expenditures – June, September,
October & November

Schedule of Revenues & Expenditures – October & November

Why doesn't the month designation show on the Schedules of Revenues and Expenditures for the Highway Fund and the General Fund? How do you know what month the report pertains to????

December 9, 2013

✓ Mike

Town Clerk
Kay Miles

Dear Kay,

I am missing the following reports and information.

ABSTRACTS:

got ✓ General Fund – September and October
got ✓ Highway – September and October

MINUTES:

got ✓ Need for all October and November meetings

Monthly Report of Revenues and Expenditures

got ✓ Highway Fund – need July

CHECK REGISTERS:

Carole needs

- +* Highway Fund – need July
- +* General Fund – need September
- +* Trust and Agency – need March and April

Thank you,

Carole

Carole Bowles
698-4411

TOWN OF HARTSVILLE
REGULAR MEETING
01/14/ 2015

The 2015 Organization Meeting of the Hartsville Town Board was held January 14, 2015 . Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. Followed by a moment of silence for our neighbors and loved ones.

Resolution # 1

Councilperson/Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 14th day of January, 2015 by the Town Board of Hartsville, Steuben County, NY as Follows:

Whereas: The following appointments for the year 2015 were made by the board.

1. Official Newspaper: The Evening Tribune
2. Official Radio Station: WCKR.92.1
3. Official Depositories: Citizens & Northern Bank, Canisteo, NY
4. Town meetings: Meetings held on second Wednesday each month at 7:00 pm.
5. Insurance Broker: NYMIR- Sprague Insurance of Corning, NY
6. Attorney/Special Council: David Pullen Esq, Gary a Abraham, Esq.
7. Animal Control Officer: Michael Henry
8. Board of Assessment Review: Martin Pernesky, Larry Newhart, George
9. Animal Shelter: Canisteo Animal Shelter
10. Bookkeeper: Vickie Willis
11. Registrars of Vital Statistics: Kay Miles
12. Records Management Officer: Kay Miles
13. Health Officer: Maurice Mullen
14. Town Historian: Nancy Owen
15. Building Inspector and Code Enforcement Officer: William Ells

Town Clerks Appointments: Deputy Jessica Dobell, Darwin Miles

Whereas: The Standard Milage rates for reimbursement will be .57.5 cents per mile for business miles driven.

Whereas: The board agrees to the above appointments & designations.

Resolve: the board authorizes to pay the bills in advance of audit by the Town Council for the following: Payroll, payroll taxes, hospitalization, utilities,(including Time Warner and Canon Financial Services, Inc) postage, gas, oil, diesel, And propane, fees ordered by any court and amounts due State Comptroller Office.

Such motion was seconded by Councilperson Dobell and following a discussion of the propose, the Supervisor instructed the Town Clerk to call the roll of the entire Town Board, which was done with

the following results: Supervisor Muhleisen, Aye, Councilpersons Perry, Dobell, McEvoy, Howe, Aye
The Supervisor declared that the Foregoing Resolution was Approved.

Any other additional announcements:

Town calender Councilperson suggested having a short term calendar. Councilperson Howe suggested having the calender posted, Supervisor Muhleisen suggested having the Rules of Procedure posted for all to see.

1- June Bond the other would be new tax freeze due in June this year. The 21st of January we have to submit decimation saying that we were compliant with the 2 % override that we will freeze that tax for the remainder of 2015 levy. We also need to have a plan by June in writing to submit to the Comptrollers Office on moving forward on#1-Merger of town with another 2-shared services 3-designation of 2% per Adam towards a tax cap override reserve. Supervisor asked the board to submit any ideas they might have so that he may complete by next week.

Motion to adjourn by Supervisor Muhleisen Seconded by Councilperson Dobell at 7:13 pm.

Resolution # 2

Supervisor Muhleisen, moved that the following resolution be adopted: Be it resolved this 14th day of January, 2015, by the Town Board Of Hartsville, Steuben County NY as Follows:

RULES OF PROCEDURE

WHEREAS, §63 of New York State Town law provides that the Town Board may determine the rules of its procedures:

THEREFORE BE IT RESOLVED, that the following "Rules of Procedure" for regular Town Board meetings be adopted.

The Town Supervisor, as Chairman of the Town Board, shall call meetings of the Town Board to order and shall be the Presiding Officer or Chair of the meeting, and as such shall officiate, maintain order and decorum, and choose to permit public participation in an orderly manner and in accordance with the rules stated below.

1.**PLEDGE**: Call to order shall be followed by the pledge of allegiance to the flag of the United States of America.

2.**ROLL CALL**: The Chair shall request Roll Call of the Town Board members by the Town Clerk, and after determining that a quorum exists, the Town Supervisor shall declare the meeting open. The Town Supervisor shall read the agenda to the Town Board and make adjustments to the agenda suggested and favored by the majority of the Town Board members. The Town Supervisor will then proceed to the business of the Town Board at hand.

3.**MINUTES**: At each meeting following the new Town Board's January Special Organizational Meeting, the Chair may elect to provide opportunity for the Town Board to review the minutes of the previous meeting of the Town Board. Thereafter, the Chair shall entertain a motion to approve the minutes as presented or to amend.

4.**CORRESPONDENCE**: The Chair shall first call for acknowledgment and summary of any petitions or written communications received by the Town Board. Copies shall be given to the Town Clerk for recording into the minutes.

5. **COMMITTEE REPORTS:** The Chair shall recognize committee chairmen for their committees report.

6. **PUBLIC PARTICIPATION:** The Open Meetings Law gives the public the right to attend town board meetings and to listen to town board deliberations.

However, the public may not participate in the meeting except upon the invitation of the board and also, except in the case of public hearings called as required by law, for the consideration of special matters

The town board may invite and permit residents of the town to participate therein so long as such participation is orderly and constructive and does not interfere with the business and purpose of the meeting. If time allows, residents of the town will be permitted to speak at the conclusion of all agenda items by the Town Board. This period of comment will have a maximum time limit of 20 minutes. Residents are requested to be brief with their comments. All residents interested in speaking will be heard prior to a resident be heard again.

Any persons speaking to the town board with the consent of the supervisor should address their remarks to the town board, not to other members of the audience in the form of a debate. Also, no person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the supervisor, who may choose to answer them, refer them to the town attorney, if present, or to a town board member, or choose to provide a response at a subsequent meeting.

7. **VOUCHERS:** All vouchers to be considered for review by the town board at a regularly scheduled meeting, must be submitted by close of business on the Monday preceding this regular meeting. Vouchers submitted after this time will be reviewed at the following month's board meeting.

8. **CONSIDERATION TO BE ADDED TO AGENDA:** Any public entity or individual may request to be added to a monthly agenda as long as such requests are made within two weeks of the board meeting they wish to speak. Such requests are to be directed to the town supervisor or town clerk. In addition, the entity or individual will disclose their purpose for addressing the board. Requests will then be reviewed and a decision to accept or deny the request will be at the discretion of the town supervisor.

9. **RECORDS:** Records that are reviewed at a town meeting will be made available to the public at no charge during the meeting they are reviewed. Requests for this documentation at a later date will be available by request and review of the town clerk, in writing. If reviewed in person, during posted hours, no charge will apply. Requests for copies of documentation will be made to the town clerk at a rate of 25 cents per copy. Partial document dissemination will not be considered; the entire document will be copied. All town records must remain at the town hall; no member of the public may take records home for their review. Only requests for existing documentation will be made to the town clerk. Requests for electronic transmission (email) of town documents will not be accepted by the town clerk.

Such motion was seconded by Councilperson Howe, and following a discussion of the proposal, the Supervisor instructed the Town Clerk to call the roll of the entire Town Board, which was done with the following results:

Supervisor Michael Muhleisen -Aye

Councilperson James Perry -Aye

Councilperson David McEvoy -Aye

Councilperson Thomas Dobell -Aye

Councilperson Duane Howe -Aye

The Supervisor declared that the foregoing resolution was Approved.

Town Clerk Kay Miles

TOWN OF HARTSVILLE
REGULAR MEETING
01/14/ 2015

Exhibit # 3

The 2015 Organization Meeting of the Hartsville Town Board was held January 14, 2015 . Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. Followed by a moment of silence for our neighbors and loved ones.

Resolution # 1

Councilperson/Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 14th day of January, 2015 by the Town Board of Hartsville, Steuben County, NY as Follows:

Whereas: The following appointments for the year 2015 were made by the board.

1. Official Newspaper: The Evening Tribune
2. Official Radio Station: WCKR.92.1
3. Official Depositories: Citizens & Northern Bank, Canisteo, NY
4. Town meetings: Meetings held on second Wednesday each month at 7:00 pm.
5. Insurance Broker: NYMIR- Sprague Insurance of Corning, NY
6. Attorney/Special Council: David Pullen Esq, Gary a Abraham, Esq.
7. Animal Control Officer: Michael Henry
8. Board of Assessment Review: Martin Pernesky, Larry Newhart, George
9. Animal Shelter: Canisteo Animal Shelter
10. Bookkeeper: Vickie Willis
11. Registrars of Vital Statistics: Kay Miles
12. Records Management Officer: Kay Miles
13. Health Officer: Maurice Mullen
14. Town Historian: Nancy Owen
15. Building Inspector and Code Enforcement Officer: William Ells

Town Clerks Appointments: Deputy Jessica Dobell, Darwin Miles

Whereas: The Standard Milage rates for reimbursement will be .57.5 cents per mile for business miles driven.

Whereas: The board agrees to the above appointments & designations.

Resolve: the board authorizes to pay the bills in advance of audit by the Town Council for the following: Payroll, payroll taxes, hospitalization, utilities,(including Time Warner and Canon Financial Services, Inc) postage, gas, oil, diesel, And propane, fees ordered by any court and amounts due State Comptroller Office.

Such motion was seconded by Councilperson Dobell and following a discussion of the propose, the Supervisor instructed the Town Clerk to call the roll of the entire Town Board, which was done with

the following results: Supervisor Muhleisen, Aye, Councilpersons Perry, Dobell, McEvoy, Howe, Aye
The Supervisor declared that the Foregoing Resolution was Approved.

Any other additional announcements:

Town calender Councilperson suggested having a short term calendar. Councilperson Howe suggested having the calender posted, Supervisor Muhleisen suggested having the Rules of Procedure posted for all to see.

1- June Bond the other would be new tax freeze due in June this year. The 21st of January we have to submit decimation saying that we were compliant with the 2 % override that we will freeze that tax for the remainder of 2015 levy. We also need to have a plan by June in writing to submit to the Comptrollers Office on moving forward on #1-Merger of town with another 2-shared services 3-designation of 2% per Adam towards a tax cap override reserve. Supervisor asked the board to submit any ideas they might have so that he may complete by next week.

Motion to adjourn by Supervisor Muhleisen Seconded by Councilperson Dobell at 7:13 pm.

Resolution # 2

Supervisor Muhleisen, moved that the following resolution be adopted: Be it resolved this 14th day of January, 2015, by the Town Board Of Hartsville, Steuben County NY as Follows:

RULES OF PROCEDURE

WHEREAS, §63 of New York State Town law provides that the Town Board may determine the rules of its procedures:

THEREFORE BE IT RESOLVED, that the following "Rules of Procedure" for regular Town Board meetings be adopted.

The Town Supervisor, as Chairman of the Town Board, shall call meetings of the Town Board to order and shall be the Presiding Officer or Chair of the meeting, and as such shall officiate, maintain order and decorum, and choose to permit public participation in an orderly manner and in accordance with the rules stated below.

1.PLEDGE: Call to order shall be followed by the pledge of allegiance to the flag of the United States of America.

2.ROLL CALL: The Chair shall request Roll Call of the Town Board members by the Town Clerk, and after determining that a quorum exists, the Town Supervisor shall declare the meeting open. The Town Supervisor shall read the agenda to the Town Board and make adjustments to the agenda suggested and favored by the majority of the Town Board members. The Town Supervisor will then proceed to the business of the Town Board at hand.

3.MINUTES: At each meeting following the new Town Board's January Special Organizational Meeting, the Chair may elect to provide opportunity for the Town Board to review the minutes of the previous meeting of the Town Board. Thereafter, the Chair shall entertain a motion to approve the minutes as presented or to amend.

4.CORRESPONDENCE: The Chair shall first call for acknowledgment and summary of any petitions or written communications received by the Town Board. Copies shall be given to the Town Clerk for recording into the minutes.

5. **COMMITTEE REPORTS:** The Chair shall recognize committee chairmen for their committees report.

6. **PUBLIC PARTICIPATION:** The Open Meetings Law gives the public the right to attend town board meetings and to listen to town board deliberations.

However, the public may not participate in the meeting except upon the invitation of the board and also, except in the case of public hearings called as required by law, for the consideration of special matters

The town board may invite and permit residents of the town to participate therein so long as such participation is orderly and constructive and does not interfere with the business and purpose of the meeting. If time allows, residents of the town will be permitted to speak at the conclusion of all agenda items by the Town Board. This period of comment will have a maximum time limit of 20 minutes. Residents are requested to be brief with their comments. All residents interested in speaking will be heard prior to a resident be heard again.

Any persons speaking to the town board with the consent of the supervisor should address their remarks to the town board, not to other members of the audience in the form of a debate. Also, no person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the supervisor, who may choose to answer them, refer them to the town attorney, if present, or to a town board member, or choose to provide a response at a subsequent meeting.

7. **VOUCHERS:** All vouchers to be considered for review by the town board at a regularly scheduled meeting, must be submitted by close of business on the Monday preceding this regular meeting. Vouchers submitted after this time will be reviewed at the following month's board meeting.

8. **CONSIDERATION TO BE ADDED TO AGENDA:** Any public entity or individual may request to be added to a monthly agenda as long as such requests are made within two weeks of the board meeting they wish to speak. Such requests are to be directed to the town supervisor or town clerk. In addition, the entity or individual will disclose their purpose for addressing the board. Requests will then be reviewed and a decision to accept or deny the request will be at the discretion of the town supervisor.

9. **RECORDS:** Records that are reviewed at a town meeting will be made available to the public at no charge during the meeting they are reviewed. Requests for this documentation at a later date will be available by request and review of the town clerk, in writing. If reviewed in person, during posted hours, no charge will apply. Requests for copies of documentation will be made to the town clerk at a rate of 25 cents per copy. Partial document dissemination will not be considered; the entire document will be copied. All town records must remain at the town hall; no member of the public may take records home for their review. Only requests for existing documentation will be made to the town clerk. Requests for electronic transmission (email) of town documents will not be accepted by the town clerk.

Such motion was seconded by Councilperson Howe, and following a discussion of the proposal, the Supervisor instructed the Town Clerk to call the roll of the entire Town Board, which was done with the following results:

Supervisor Michael Muhleisen -Aye

Councilperson James Perry -Aye

Councilperson David McEvoy -Aye

Councilperson Thomas Dobell -Aye

Councilperson Duane Howe -Aye

The Supervisor declared that the foregoing resolution was Approved.

Town Clerk Kay Miles

Motion to adjourn by Supervisor Muhleisen, Seconded by Councilperson Howe @ 7:30

Regular Town of Hartsville Board Meeting January 14, 2015

Started at 7:00 with the Pledge of Allegiance to the Flag and a moment of silence for ore loved ones and neighbors.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Roll call completed all present.

Minutes were approved by the board.

Motion made by Councilperson Howe to move Ever Power repersentive Keven Sheen down after the business portion is completed. Seconded by Councilperson McEvoy

Assessor Kelly Jo Landers Report: No Report.

Code Officer Bill Ells Report: Turned his yearly report. \$602.00 in fees seven properties. Permit value of \$107,300.00.

Dog Control Officer Mike Henry Report: Nothing to report.

Highway Superintendent Ian Henderson: Since Dec. Meeting we have plowed and sanded 21 times. Filled pot holes on Hinkley Hill and Ells Rd. And will continue to do so when the frost goes out on all the roads. We have hauled sand a few times, and have been working in the shop. The cutting edge the back hoe has been replaced and the teeth on the rear bucket have been re- placed. We tore the engine down on the loader and the head gaske: was bad around #6 and between #5&6, all the parts should be here tomorrow and plan on having back on line by Friday if all goes well. Also we have been working on the Mack (h-4) so we have a spare ten wheeler to plow with. We patched holes on the box.

Town Clerk/ Tax Collector Kay Miles -- DEC. 2014Nine dogs @ 8.50 town share 91.50

Supervisor asked board to review the Dec. Minutes one correction noted Regular meeting instead of Special meeting. Minutes were approved.

Old Business: Supervisor reported the loan (bond) was approved and deposited in the Highway account. Also received \$ 15,000.00 from FEMA for flooding damage, This will cover the legal bills occurred for this project.

Discussed the application for a WTG on the Lawrence property this will be covered at the Feb. Meeting, they in the mean time will send out letters to their neighbors explaining the change in the meeting date.

Councilperson Howe brought forward a motion to create a future resolution for contracting a noise acoustician: for the purpose of determining the background ambient sound levels town wide. Howe suggested working with the board on a resolution for the next meeting, to come up with several companies that are willing to step in and do this for us. Seconded by Supervisor Muhleisen ayes—5
Perry, Dobell, McEvoy, Howe, Muhleisen

New Business: Papers signed for our Attorney re- appointment

Discussed with the board that two government programs could prove costly for the town/residents. The Affordable care act, that will effect the town's current insurance standing. Supervisor Muhleisen contacted the association of towns (Lori Mithan-Demise) who is Counsel for the NYS Association of Towns she was unable to give him a clear answer, that it would take a week or two to research. Also called our Attorney David Pullen he gave him referrals to other law firms that specialize in this matter. Supervisor muhleisen also spoke wit other Attorneys in the Buffalo area, he expects a call back from them. This matter was tabled until more information is available.

Discussed the tax freeze, in June the town has to submit a plan to the comptroller's Office outlining the towns plans to become compliänt. Councilperson Perry outlined for the board a conversation he had with an unidentified Steuben County official who told him, " There's an agenda going on at the state to merge towns with other towns" Councilperson Perry said if Hartsville were to merge with another town we could see a 40 percent tax increase overnight.

Councilperson Howe asked for a update on the road Preservation Law, board was to review the information Attorney Pullen sent. Supervisor Muhleisen stated that he met with a local resident and he made several suggestions which he underlined to review. Supervisor Muhleisen suggested the committee of Councilperson Howe & Perry meet during the month he is also waiting on our Attorney for feed back on this issue.

Kevin Sheen spoke to the board, informing them that the avian studies and FCC studies were completed without any major setbacks. Kevin Sheen asked the town board members if they would consider changing the setback requirements in the wind law; stating the 2500 foot setback from property lines might require that Ever Power speak to more property owners than they originally anticipated. Members from the town board corrected Kevin Sheen; informing him that the setbacks are not from property lines, but from residences. It was also noted that the requirements for setbacks are cited in Hartsville's wind law; one of which was taken from pre-screening recommendations published on the internet by another wind company. Duane Howe also noted that similar setback requirements were present in another town's law; and that Ever Power was pursuing that project.

In addition, the town board corrected Kevin Sheen's statements surrounding the wind law's ambient background sound requirements. Sheen had stated that the town law required that the sound level generated by a wind turbine generator not exceed 3 DB over A and C weighted background. Kevin Sheen was corrected by the town board; the amounts are 6 and 5 dB over A and C-weighted background noise, respectively.

Kevin Sheen of Ever Power told the town board that his company would most likely not pursue a

project in Hartsville, but would further review the wind law and provide a definitive answer to the town board in the next month or two.

To remain in compliance with the requirements of Local Law No. 2 of 2009 (Wind Energy Facilities), Kevin Sheen was asked to renew the MET tower permit by Town Supervisor Muhleisen. Kevin Sheen asked for the cost of renewal (\$200), and agreed to arrange having a check sent via Fed Ex to the town of Hartsville, as soon as possible.
Annually = owed 7/100 \$50

Discussed Mr. Johnson from S C I D A to come for a Simple Power point presentation on for what S.C.I.D.A. can do or does for town ships supervisor Muhleisen thinks it would be a good idea to hear what he has to offer and what he can do for us. On March 11, 2015 at our town regular board meeting.

On a motion of Supervisor Muhleisen , seconded by Councilperson McEvoy , meeting adjourned at 8:30 pm.

Respectfully Submitted,

Kay Miles Town
Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
2/11/2015

The Regular Meeting of the Hartsville Town Board was held February 11, 2015. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. Followed by a moment of silence for our loved ones and Bradley Matacle who is serving in Kuwait.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

All board members present.

No submitted request to speak.

Board reviewed minutes corrections made. (Permits are \$50.00 yearly) Ever power to pay \$1 00.00.

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Checked on a open permit on Clark Rd.

Dog Control Officer Mike Henry Report: Nothing to report. Discussed the repair of our dog shelter. Discussion followed and our Dog control Officer will look into forming volunteers to help with project and will present all repairs to be done next month with the board.

Councilperson Howe asked how our residents could take advantage of the neutering program that we send monies to each month (to Albany) this program isn't of the ground yet our Dog Control Officer said you have to be almost broke to qualify it goes by your income and is handled by the Hornell Humane Society.

Highway Superintendent Ian Henderson Absent. Highway crew have been busy plowing and repairs in the shop. Councilperson Perry had discussed with, Ian, about obtaining software to handle daily budgeting in his department. Jessica, Ian's wife had attended classes that Ferna presented and she is going to prepare a template to use along with information from our town bookkeeper Mrs. Willis.

Town Clerk Kay Miles Report Check given to Supervisor and placed into the general checking for \$107.15 from the Decals sales 2014. Sold (5) landfill tickets-\$3.75 to town-(20) dog licenses \$192.00 To town. Total of \$307.55 clerk to town. Councilperson Howe asked about the neutering program and how our residents could utilize using it. This program goes by income and it is thru the Humane

Society in Hornell, our Dog Control Officer said that they are trying to get this program organized so he was informed at a meeting he attended in Bath presented by the Ag and Market from Albany.

Supervisor Michael Muhleisen Report: No mail reported

Old Business: Supervisor reported that the town as received close to \$200,000.00 from FEMA. The Supervisor will pay the Bond at Citizens & Northern \$85,000.00. There will also be a quarterly report on the FEMA reimbursement.

Discussed Insurance for the full time employees have to have quotes for the family plan coverage, he is still looking into different companies that would offer our small town coverage to our full time employees.

Russ Gerow's opening comments were directed towards Supervisor Muhleisen in a threatening matter. Supervisor Muhleisen said such comments will not be tolerated and that he would notify local authorities if they persisted.

Supervisor Muhleisen reviewed the following code violation items with Mr. Gerow:

- 1) Having a non- code compliant foundation. That includes tie downs for wind resistance.
- 2) Occupying the unit without a Certificate of occupancy.
- 3) Starting work without a Building Permit.

Mr. Gerow acknowledged and agreed that all these items were not code compliant.

Mr. Gerow asked the board for an extension on the code issues, stating the weather was not conducive to completing the required work. A possible date of May 31, 2015 was discussed, but not agreed upon.

Mr. Kilmer asked the Board to consider a Temporary Certificate of Occupancy. Supervisor Muhleisen asked Mr. Kilmer to consult the town attorney.

Road Usage Agreement: Councilperson Perry reported that the committee has been gathering information on different permits that include weight limit, areas that would be exempt like local deliveries, noise, Etc. There is a web site with Richard James that has a good number of areas to offer information on this.

New Business: An initial review of the Small Wind Turbine Generator application from Matthew Lawrence has been completed. Mr. Lawrence's application request an area variance for the tower height. The current law permits tower heights up to 80 feet: Mr. Lawrence is requesting a tower height of 140 feet.

Supervisor Muhleisen spoke of Town Law 267-b (3) (b), the consideration of safety, health, and welfare: and five criteria that were evaluated by the board.

- 1) Whether an undesirable change in the character of the neighborhood or detriment to nearby properties.
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue other than the variance.

3) Whether the requested area variance is substantial.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

5) Whether the alleged difficulty was self-created.

Based on these and the application content, Supervisor Muhleisen suggested that the request for variance be denied.

In addition to these considerations, Supervisor Muhleisen brought forward that when a difficulty within the provisions of Article IV of the Wind Law exist (such as the variance requested by the Lawrence's, Article 11 provisions supercede Article IV.

Members of the board determined that some data provided in the application was not site specific or complete.

Supervisor Muhleisen responded to the claim in the application that "the existing ordinance unreasonably restricts the landowners right to develop their wind resource". Supervisor Muhleisen noted that the applicant provided no support of this claim: either legal or factual, therefore the board cannot arrive at a determination on that matter until the applicant provided data that supported that claim.

No alternatives that would achieve a similar results as desired by the Lawrence's were addressed in the application. Councilperson Howe provided data to members of the board for consideration on this matter, which showed that a 20kw generator-with an 80 foot tower- would provide the same projected resource as the applicant sought, without the need for a variance.

After further discussion with the board this matter was tabled until the resident can review the Lawyers letter of recommendation.

Vouchers reviewed and signed by the board. General-\$35,779.27 — Highway-\$28,824.91.

On a motion of Supervisor Muhleisen , seconded by Councilperson McEvoy , meeting adjourned at 8:30 P.M..

Respectfully Submitted,

Kay Miles Town Clerk
Kay Miles , Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
3/11/2015

The Regular Meeting of the Hartsville Town Board was held March 11, 2015. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. moment of silence for our loved ones and for our bookkeeper husband Paul Willis.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Board members all present

Review of February minutes with no corrections, approved.

SAIDA Presentation, by James Johnson, Executive Director. Discussed, and showed slides showing the areas that the agency can provide for Towns, financial wise. he went over some of the Goals and Accomplishments, such as Tourism, Manufacturing, touching on Wind Power and Solar Energy and areas they can be of assistance to the towns. He did explain that the wind towers are being built higher as it would take less wind, the State is going towards solar power.

Small WTG, Matt Lawrence and Matt Vanderbrook addressed the board regarding the wind turbine. The town board members reviewed the additional information provided by Matt Lawrence. Visual impact photos were provided with estimated drawings of the turbine from various viewing angles. Sound attenuation was discussed in reference to ambient background levels in Hartsville. Residents voiced concerns over noise levels as well as the tree lines; wind rose data was reviewed in consideration. Alternate tower height as well as turbine types were discussed and a representative from the installing company provided the board with a list of all approved turbine types they would install. The board tabled a decision in favor of reviewing all information gathered and presented at the meeting.

Justine Katherine Burdick Report: Nothing to report.

Assessor Kelly Jo Landers Report: Nothing to report.

Code Officer Bill Ells Report: Reported on the progress of the Dooris property on Slate Ck. Finished, electric was inspected, no problems. Reporting that he has given Mr. Gerow all information that was requested on the foil request. He also talked with the State and everything is O.K. with his permits.

Hartsville Town Board Minutes

TOWN OF HARTSVILLE
REGULAR MEETING
3/11/2015

The Regular Meeting of the Hartsville Town Board was held March 11, 2015. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. moment of silence for our loved ones and for our bookkeeper husband Paul Willis.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Board members all present

Review of February minutes with no corrections, approved.

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CHARLES BLISS, P.E. Senior Building Construction Engineer, Southern Tier Regional Office discussed different areas the codes cover. Not only issuing building permits but follow up of all he has issued, inspection of properties when completed, issuing certificate of occupancy.

Dog Control Officer Mike Henry Report: Discussed the dog that is being held at the Canisteo Dog Shelter for Over 16 days. Canisteo Clerk states that its been over the 10 day period to keep dogs in the kennel. Councilperson McEvoy will call around and see if he can find a place to place the dog. Progress on Hartsville Dog kennel, Mike reported Ian Highway Superintendent, suggested building on the back of the shop, As he would like the old dog kennel for storage. Mike said several residents have offered to help with the building. The Supervisor asked him to get together with Ian and have the specifications and materials that will need to be gotten quotes for the next meeting as the weather is clearing and work could be started .

Highway Superintendent Ian Henderson Absent. The Highway crew have been busy with plowing and thawing out driveway pipes.

Town Clerk Kay Miles Report: February, Landfill-2 \$1.50, two searches \$15.00, Licenses Dogs Twelve \$120.00. Building Permit, One @ \$76.00, Clerk to town \$212.50.

Supervisor Michael Muhleisen Report:

OLD BUSINESS

Shared with the Board letter received during the month.

Association of Towns and the N Y S Office of the State Comptroller to present the 15th Annual Town Finance Schools. May 14-15, 2015 Double Tree Hotel Rochester, NY info. on Supervisors desk.

Bond paid in full, with interest. Discussed going over legal fees that encored because of loan, interest payoff.

Road use template (road usage) received from Lawyer.

Discussed the employee health insurance will be finalized by April meeting.

New Business:

Gutter repair from ice build up. Councilperson McEvoy reported that our insurance is \$1,000.00 deductible. He has reported the damage to our insurance company. Total damage\$2,900.00 town to pay the \$!000.00. Dan McEvoy, contractor will do the work when the weather clears, and when the insurance company approves the amount.

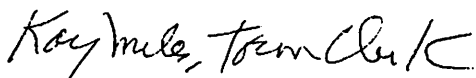
Freezing Pipes: Supervisor Muhleisen discussed the repair of this on going problem with the board the pipe needs to be deeper in the ground. Councilperson McEvoy will discuss this with the Superintendent of Highways and decide how to correct this. Appointing Councilperson Grounds keeper.

April meeting quarterly budge twill be worked on, and April Transfer Allocations.

On a motion of Supervisor Muhleisen, seconded by Councilperson Howe , meeting adjourned at 8:40 P.M.

Respectfully Submitted,

Kay Miles, Town Clerk



Hartsville Town Board Minutes

TOWN OF HARTSVILLE
REGULAR MEETING
4/08/2015

The Regular Meeting of the Hartsville Town Board was held April 8, 2015. Supervisor Muhleisen, called the meeting to order at 7:00 PM with the Pledge Allegiance to the Flag and a moment of silence for our loved ones.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell		X
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Roll call taken Councilperson Dobell absent, Board introduced themselves to new residents. March minutes reviewed and corrections made. Minutes were approved by the board.

Justice Catherine Burdick report: Three fines collected.

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Checked on open building permits and new ones. Attended Code Officers School in Rochester Discussed changes to be made. Talking about changing fees for Building permits. He will go over new Codes when residents apply for a permit. Received a letter from Affordable Homes they will not be involved with the Gerow project on Slate Ck. Discussed the foil from Gerow made copies of the Building Permits for the last five years. New code books will be issued by the State for no charge.

Dog Control Officer Mike Henry Report: Reminder dog rabies clinic on April 23, at the shop.

Highway Superintendent Ian Henderson: Since the last board meeting we have been busy steaming sluice pipes that were frozen, and plowed and sanded a few times. We have all the equipment serviced and ready for grading season. We have started working on pot holes and will continue till we can start grading. We have started cutting brush on the Mullen and Bearlick Hollow, Clair Road and the Dumham Rds. Chips work this year will be finished up Post Road, Mullen Road, and Cook Hill Road. They will be ditching in many spots, changing pipes that are plugged, and papering and graveling the spots where we get a whole patch of pot holes (spots on Ells, Landis, and Fall Creek) Discussed hanging onto the screening plant. They completed their CPR . Discussed Highway employees as it stands one full time and two part time for this dept. Ian will present a budget amount to hire another

part for the summer and present these amounts budget wise to the board.

Town Clerk Kay Miles Report: Landfill—60.00 Town share 2.25. 304 copies— 76.00. Dog licence 22—275.00 Town share—231.00 State— 44.00. Check given to Supervisor for 309.25.

Discussed using the shared service thru Steuben County Purchasing. They don't always have what the towns need but what they do have is quite a savings. Supervisor gave permission to use this shared service. Unpaid taxes were taken to Steuben County Tax Department and Tax role finalized.

Supervisor Michael Muhleisen Report: Discussed letters received, 22nd Annual Local Government Conference MAY 6, 2015 @ HOUGHTON, NY. Steuben county legislation regarding your shared services for our municipality. NYMIR, Letter regarding the annual meeting.

Old Business: Discussed the material provided by our Lawyer in regards to the Road Usage notes template. The committee will discuss this and finalize the road agreement and present it to the board.

New Business:

Discussed the repair of the gutters on the town hall caused by ice build up. Councilperson McEvoy will contact the insurance company in regards to the process of the repair check. Check was given to Dan McEvoy for supplies to get started weather permitting replacing the gutters.

Discussed the frozen pipe that has been a problem for years, Highway Superintendent stated that he has discussed this with Mike Palmer, Plumbing and the footage has to be deeper, Superintendent Muhleisen asked Ian to handle this problem.

Supervisor Muhleisen brought forward a motion to reject the Lawrence proposal to put a Small WTG on his property. Motion seconded by Councilperson McEvoy. Ayes-four Perry. McEvoy, Howe, Muhleisen. Nays- 0. Absent- Dobell.

Councilperson Howe brought forward a resolution in regards to the (Wind Energy Facilities) Everpower wind project.

Resolution # 3 of 2015

Councilperson/Supervisor Duane Howe moved that the following resolution be adopted: Be it resolved this 8th day of April, by the Town Board of Hartsville, Steuben County, NY as Follows;

Whereas: The Town of Hartsville, NY Local Law No. 2 of 2009 (Wind Energy Facilities) was enacted to protect the Health, Safety and Welfare of the community as a whole.

Where as: The Town Board of the Town of Hartsville enacted this Local Law under the authority granted by:

- I. Article ix of New York State Constitution, # 2 © (6) and (10)
- ii. New York Statute of Local Governments, # 10 (1) and (7)
- iii. New York Municipal Rule Laws, # 10 (1) and (20 and # 10 (1) (a)(6), (11), (12), and (14)
- iv. New York Town Law # 130(1) (Building Code), (3) (Electrical Code), (5) 9Fire Prevention, (7) (Use Of Streets and Highways), (7-a) (Location of Driveways), (11) (Peace, Good Order and Safety), (15) (Promotion of Public Welfare), (15-a) (Excavated Lands), (16) (Unsafe Buildings), (19) (Trespass), and (25) (building Lines).

V. New York Town Law # 64 (17-a) (protection of Aesthetic Interests) (23) (General Powers).

Where as; Everpower entered into agreement and compliance with the Town of Hartsville's Local Law No. 22 of 2009 (Wind Energy Facilities) law when applying for and subsequently installing a Meteorological Tower in the last quarter of 2013.

Whereas: Changes to Local Law Of 2009 (Wind Energy Facilities) law have been requested and denied by the Town of Hartsville's board.

Whereas: At the Town of Hartsville monthly board meeting of January 18th 2015, an Everpower (Baron Winds Project) representative stated that the Town of Hartsville Local Wind Law, as is, would need a lot of waivers to go forward, or modification to the existing law. The representative of Everpower stated that without interest in making changes to the law - or obtaining waivers - the wind company would seek business elsewhere.

Whereas: The NYS Department of Public Service responded to Everpower's draft of the Public involvements could be obviated by design changes to the proposed Project.

Whereas: Repeated request by The Town of Hartsville for delinquent Meteorological annual permit renewal fees from Everpower are two years in arrears.

Therefore Be It Resolved: The Town of Hartsville is not willing to host the Baron Winds Project (Everpower)

Such motion was seconded by Councilperson Perry and following a discussion of the proposal, the supervisor instructed the Town Clerk to call the roll of the Town Board, which was done with the following results: Ayes- four Perry, McEvoy, Howe, Muhleisen, Nays- 0 Absent- Dobell.

The supervisor declared that the foregoing resolution was; Approved

Quarterly Budget review discussed, each department was reviewed.

Abstracts reviewed and signed by the board. General- \$9,030.02 Highway-\$43,160.21

On a motion of Supervisor Muhleisen , seconded by Councilperson Howe , meeting adjourned at 9:08 P.M..

Respectfully Submitted,

Kay Miles, town Clerk

Kay Miles, Town Clerk

TOWN OF HARTSVILLE AGENDA
April 2015 Meeting

Call meeting to Order
Pledge
Role, Minutes, Agenda

Reports

Assessor – Kelly Jo Landers
Justice Report – No Fines Collected
Code Enforcement Officer – Bill Ells
Dog Control Officer – Mike Henry
Highway – Ian Henderson
Town Clerk/Tax Collector – Kay Miles

Old Business

Everpower – Received check

New Business & Announcements

Assessment Q&A
Steuben County consolidated Efficiency Program
Gutter Repairs – Check Received
Town Cohocton Letter
Baron Winds Project – PIP Update
Roadside Clean-up Week

Motion to Adjourn by _____ Seconded by _____

Chase

TOWN OF HARTSVILLE
REGULAR MEETING
1/08/2014

The Regular Meeting of the Hartsville Town Board was held January 08, 2014 . Supervisor Muhleisen , called the meeting to order at 7:05 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Justice Katherine Burdick Report: Absent, Discussed concerns about the parking out back. The conclusion by the board is to give her a key to the front entrance. In the spring it will be evaluated to see what can be done. The Justice has court every other Tuesday. This year the court made a profit of close to \$3,000.00.

Assessor Mary Jo Landers report: Explained her new hours to be Wed. 9a.m. to 1 p.m. and thurs. By appointment. Star exemptions have been coming in at a steady.

Code Officer Bill Ells Report: Absent

Dog Control Officer Mike Henry Report: Nothing to report.

Highway Superintendent Ian Henderson: Since the last board meeting we have plowed and sanded the roads in the Town 23 times, using just over 700 tons of sand since the beginning of November. Repaired the side of H-2 where the hydraulic cylinder pushed through the side of box where it was rotten. Replaced walking beams, 2 tires and a hydraulic hose on H-2. Replaced sander chain, 2 sprockets, a bearing and 2 hydraulic hoses, repaired head plow pivot point on H-3. The 550 broke down, idler pulley went and the serpentine belt broke, parts came in today for it to be repaired. Sander is in for 550, will make arrangements for installation after truck is back up and running. Grant for salt shed was filed with help from Kay Miles, Congressman Reed's office and the Steuben County Soil and Water. Bid for \$ 750.00 on the 1996 Dodge was rejected and it

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Cocole

TOWN OF HARTSVILLE
REGULAR MEETING
1/08/2014

The Regular Meeting of the Hartsville Town Board was held January 08, 2014 . Supervisor Muhleisen , called the meeting to order at 7:05 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Justice Katherine Burdick Report: Absent, Discussed concerns about the parking out back. The conclusion by the board is to give her a key to the front entrance. In the spring it will be evaluated to see what can be done. The Justice has court every other Tuesday. This year the court made a profit of close to \$3,000.00.

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Dog Control Officer Mike Henry Report: Nothing to report.

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was placed on the online auction with Teitsworth.

Town Clerk Kay Miles Report: 3- copies & searches -\$ 40.00 8- Dogs-\$84.00 Clerk to town \$124.25. Town & county taxes coming in at a steady rate.

Supervisor Michael Mulheisen Report: Will be revising the yearly calendar. Discussed the work to be done on eaves, this will take place weather permitting, also place of the signs and bulliten board outside.

New Business: 911 contacts updated and faxed to county today. Explained that Attorney Pullens rates will increase to \$120.00 hour. Workers Comp Paid- \$8,870.00 whice is less than last year.

Motion by Supervisor to adjourn the regular meeting at 7:33 seconded by Councilperson McEvoy to conduct the 2014 organizational meeting of which a resolution was addressed on the appointments.

Resolution # 1 of 2014

Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 8th day of January,2014, by the Town Board of Hartsville,Steuben County, NY as Follows:

Whereas: The following appointments for the year 2014 were made by the board

1. Official Newspaper The Hornell Evening Tribune
2. Official Radio Station: WCKR 92.1
3. Official Depositories: Citizens & Northern Bank, Canisteo,NY
4. Town Meetings: Meetings held on the second Wednesday each month at 7:00p.m.
5. Insurance Broker: NYMIR- Sprague Insurance of Corning, NY
6. Attorney: David Pullen Esq.
7. Animal Control Officer: Mike Henry
8. Board of Assessment Review, Martin Pernesky, Larry Newhart, George Atkins
9. Animal Shelter: Canisteo Animal Shelter
10. Bookkeeper: Vicki Willis
11. Registrars of Vital Statistics: Kay Miles
12. Records Management Officer: Kay Miles
13. Town Historian: Nancy Owen
14. Building Inspector and Code Enforcement Officer bill Ells

Town Clerk Appointments:

Deputy Town Clerk- Jessica Dobell & Darwin Miles

Deputy Supervisor- David McEvoy

Whereas: The standard mileage rates for reimbursement will be 56 cents per mile for business miles drives.

Whereas: The board agrees to the above Appointments & designations.

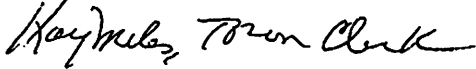
Resolved: The board authorizes to pay the bills in advance of audit by the Town Council for the following: Payroll, payroll taxes, hospitalization, utilities, (Time Warner and Canon Financial Services, Inc), Postage, gas, oil, diesel, and propane, fees ordered by any court and amounts due State Controller Office.

Such motion was seconded by Councilperson Howe. Ayes-5 Perry, Dobell, Howe, McEvoy, Searshes and copiesMuhelseisen. Nays-0 approved
Back to regular meeting at 7:34 p.m

Vouchers signed by board- General-\$ 4817.68 Highway \$18,595.33

On a motion of supervisor muhleisen, seconded by Councilperson McEvoy , meeting adjourned at 7:54.

Respectfully Submitted,



Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
2/12/2014

The Regular Meeting of the Hartsville Town Board was held February 12, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 p.m. with the Pledge Allegiance to the Flag, a moment of silence for our loved ones and neighbors.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Historian Nancy Owen Report: Presented the board with information regarding our Town celebrating its 170th anniversary this year. She said because of Hartsville turning 170, the Steuben County Historical Society's quarterly magazine, Steuben Echoes, will publish a story on the town's history in May. Nancy is reaching out to our town residents for help collecting any information they might have. Hearing stories from grandparents about our town, photos, anything they would like to share. The town will also our anniversary in August at the Old Home Day.

Discussed different ways to inform the public about the Old Home Day like placing a large sign for all to see. Also discussed different ways to utilize the town hall like for the computer group, Scout meeting etc.

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Absent

Dog Control Officer Mike Henry Report: Absent (Rabies clinic in April.)

Town Justice Katherine Burdick: Discussed the parking lot ice and snow build up is still a problem. Ian, reported that the area that was graveled didn't have a chance to settle before the weather change. She needs it attended to with in the next 90 days. She states she has a hard time

getting up the hill. She was given a key to the front door. Ian, also suggested that the area at the side of the building and the handicap area in front should be blacktopped.

Highway Superintendent Ian Henderson Since January meeting we have plowed and sanded 22 times, We have changed the cutting edge's on the plow and wing of H-2 AND H-3, The excavator has been serviced and the brush hog is on it and we took it over to Slate Creek to start the cleanup for the bridge job. The county plans on starting the bridge in May, and there will be a detour on site. They will furnish a dozer for filling in the area. We have had to replace the altinater's on H-1 and H-2. Also the guys have been hauling sand. We have had a few issues with the 550 but it is fixed now, and the sander has been installed and works great. Supervisor and Highway Supertendents discussed new tires for the grader State bid each \$984. Each for six tires approx. \$5,808, they are radial tires. He got quotes from three other dealers. The old ones can be sold for \$100 each, will discuss further at the next meeting and make a decision. Discussed upgrading the air compressor as the hose is to small to go the entire length of the shop and the air compressor needs upgrading. Sold the Dodge Truck for \$975. To someone from Albany who will be picking it up. Also they had to repair the excavator the gear drive snapped well cutting brush. Steuben County Highway Association is planning a bus trip to Albany to help support the Star program. Ian, will go to add his support.

Town Clerk/ Tax Collector: Town and County tax for town pd. All but \$32,265. Fire protection. Landfill-\$1.50-Search-3.50-19 dogs licenses-\$178.50 Town Clerk to town \$ 183,50. Stated to board there is a problem with parking at the side of building when the shop park in front of the shop there is no way for them to back up. Discussed with Ian and he will have them park out back when we are having hours. Discussed needing a heavy duty shredder for the records room will check prices and report to board.

Supervisor Michael Mulheisen Report: Discussed the water filter system filters need changing each month if not done water gets real dirty and the toilets water is dirtying problem also problem flushing.

Supervisor stated we will be starting the quarterly budget review in March.

Old Business: Discussed updating the calendar after all the bills are paid.annual report will be filled tonight by , Vicki.

The work on the eaves will be done when the weather clears up.

There is no word on the Grant that was filed word is that it could be any time between now and May.

Discussed the Call Museum, there is money in trust question is how to obtain it. Councilperson Dobell will go over paper work with Mike after meeting, such as property value etc. Mike, has been in contact with Mr. Lyng in regards to this issues.

New Business: Discussed Mail received. Such as a new resolution from the Association of Towns Training schedule in Corning and Cornell that is aviable. Information placed on desk to review. Batteries will be replaced in all Fire detectors this week. Supervisor and Highway Superintendent

will meet and update the Employee Handbook. Several areas in the handbook needs to be updated.

On a motion of Supervisor Muhleisen, seconded by Councilperson Howe , meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Kay Miles, Town Clerk

Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
3/12/2014

The Regular Meeting of the Hartsville Town Board was held March 12, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 p.m. with the Pledge Allegiance to the Flag, followed by a moment of silence for our loved ones.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe		X
David McEvoy		X
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Supervisor Muhleisen opened the meeting requesting the board enter into an executive meeting for personnel issues, seconded by Councilperson Perry at 7:08 p.m. Codes Officer Ells and Steve Kilmer codes officer were invited to attend. Regular board meeting resumed at 7:21 p.m. Motion made by Supervisor Muhleisen to appoint Steve Kilmer to be Bill Ells Assistant Code Officer. Seconded by Councilperson Perry. Ayes--3 Perry, Dobell, Muhleisen. Nays-0 Absent--2 Howe, McEnvoy. Motion approved

Code Officer Bill Ells Report: Only one building permit open.

Assessor Kelly Jo Landers Report: Absent due to weather.

Dog Control Officer Mike Henry Report: Rabies clinic to be held at the Highway Shop April 8, 2014 from 6p.m to 7:30 p.m.

Justice Katherine Burdick Report: Had a busy month \$1,200.00 in fines for town.

Highway Superintendent Ian Henderson Absent due to weather, crew plowing all day.

Town Clerk Kay Mile: One Landfill--.75 Six dogs--51.00 total of \$ 51.75 to Town.

Supervisor Michale Mulheisen Report: see below

Old Business: sent e-mail regarding the Call Museum to Mr. Lyng stating records are still being looked over.

Still no news on the Grant.

Councilpersons Perry, Howe are still gathering information on property values.

New Business: Supervisor went over communication that he received . NYMIR meeting to be held inHenrietta, NY on March 28,14 Topic Employment Pracrices Liability: How Vulnerable Are ayou.

Discussed the frozen pipes at the Highway Shop. Councilperson Perry concerned about the boiler .

Discussed tht County Wide Shared Service Agreement that we entered into.

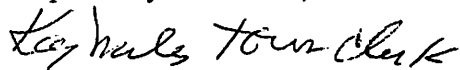
The Hiway Department has started the summer hours four days of ten hours.

Vouchers were signed by the board, General-3044.20----Highw22276.85.

The quarterly Budget Review will be discussed at the April meeting.

On a motion of Supervisor Muhleisen, seconded by Councilperson Perry , meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Handwritten signature of Kay Miles in cursive script.

Kay Miles, Town Clerk

Town of Hartsville (Clerk)

From: mike m. [javasource@hotmail.com]
Sent: Monday, March 17, 2014 2:35 PM
To: Kay Miles
Subject: RE: Grant opportunity
Attachments: image001.gif; image002.gif; image003.gif

Cool! Thanks for keeping me posted!

As far as the executive session:

* In executive session, the Hartsville Town Board members were asked to consider the appointment of Steve Kilmer (I think that is his name...) as assistant to William Ells, for the position of Code Enforcement Officer. In lieu of availability conflicts, the present town board members agreed that having an assistant or deputy CEO would be a wise decision.

Out of executive session, the available town board members made a motion to appoint Steve Kilmer as deputy CEO.

Is that ok?

Let me know if I need to do more! ;)

Hope everything goes ok for you this week, Kay. You're always in our thoughts.

Best,
Michael

From: hartsvilletownclerk@stny.rr.com
To: javasource@hotmail.com
Subject: Fw: Grant opportunity
Date: Mon, 17 Mar 2014 11:33:43 -0400

thought you would like to see this

Kay Miles

Hartsville Town Clerk

5051 Purdy Creek Rd

Hornell, NY 14843

Phone 1-607-698-4940

Fax 1-607-698-4940

E-Mail hartsvilletownclerk@stny.rr.com

----- Original Message -----

From: Hunt, Alison

To: HARTSVILLE TOWN CLERK

Sent: Monday, March 17, 2014 10:12 AM

Subject: RE: Grant opportunity

Hi Kay,

TOWN OF HARTSVILLE
REGULAR MEETING
4/09/ 2014

The Regular Meeting of the Hartsville Town Board was held April 09, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 p.m. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell		X
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Supervisor Muhleisen introduced Kevin Sheen from Everpower who gave a brief overview of what is going on in Hartsville. He stated that the wind company is not close at all to having wind farms in our town. They are still conducting various studies to determine if our town is a good location. They have a met tower in place to measure wind speed on Ells Rd. They are studying the Eagle population noting where they nest, tracking their activity. The wind company will also study the impact on bats. They are still contacting landowners. Public Questions were ans. A resident asked why the turbines in Howard not turning?--Ans. For the last several months they have had near record performance in that area, calm day, when the wind is blowing they are generating 95 %.

He plans on coming back to update quarterly.

Justice Katherine Burdick: Absent

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Attended school in Rochester. Discussed new code books for the yr. 2014 cost will be \$ 800.00. The code officers signed a petition to be sent to Albany and Bill encouraged the board to also sign the petition that is in their folders and sign them in, hoping to lower the price.

Highway Superintendent Ian Henderson: Since the last month's meeting we have plowed and sanded seven times. Built a steamer to thaw pipes, and have thawed multiple pipes across town. We will no longer have to borrow a steamer from another township as we now have are our own and have less than \$400.00 in making it. All new teeth have been installed on the stone rake, wheel bearings have been re-packed it is ready for grading season. Serviced the Tractor, Grader has been painted re-decaled and serviced. Detour on Slate creek is installed and ready for the bridge project to begin next month. DSS worker have been in for 4 days this month, they have cleaned the shop and assisted in hauling brush on Slate Creek. Started to fill potholes and will

aggressively attack pothole situation in town in weeks to come. Project roads for this year are POST ROAD, MULLEN ROAD, finish top of PURDY HILL where we ran out of time and gravel to finish last year, seasonal section of CALL HILL, and upper two miles of SLATE CREEK as that was started last year on CHIPS, MSHA refresher course has been completed for the year, planning to start in the pit the first week in MAY. Ian, said they will take scrap in this next week. He will order the new tires for the grader.

Town Clerk Kay Miles: one landfill--.75 one copier--4.50--22 dogs+plus 100.50 rabies donation-- 327.00. Check to Supervisor for \$ 332.25

Supervisor Michael Muhleisen Report: Old Business: Still no word on the Grant for the Salt shed. The new Bridge in Slate Creek will be started in May.

New Business:

The renewal lease for the copier maintenance was returned paid.

Discussed the roadside Mowing from the County, \$75.00 mile. Not interested at this time.

Announced a school to be held in Rochester on Town finance May 15&16 if any one interested.

Dog Control Officer Mike Henry Report: rabies clinic donations \$100.50. Mike also thanked all that helped.

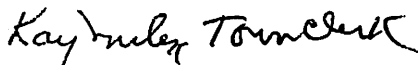
Town Historian Nancy Owen: Presented the board with a update on her article that will be in the Steuben County Historical Society Echoes in May

Quarterly Budget Review for the Highway department discussed. Ian reported that the winter weather really did a number on his salt and sand budget. Discussion followed in regards to solving the problem, monies will have to be moved into his budget.

Vouchers signed by the board—General-\$ 4455.82— Highway- \$ 33,352.10

On a motion of Supervisor Muhleisen, seconded by Councilperson Perry , meeting adjourned at 8:45 p.m..

Respectfully Submitted,



Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
5/14/2014

The Regular Meeting of the Hartsville Town Board was held May 14, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 p.m. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Justice Katherine Burdick: No report

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Absent

Highway Superintendent Ian Henderson: Report given by Supervisor: They have started grading, Cline, Hinkley and brush roads. Put radiator in the Mack truck. Have been making gravel for a couple weeks. Shut off furnace. Serviced the Chipper, Purchased a new chainsaw, tomorrow working on cemetery depending on weather. Discussed renting a sand screen unit. Councilperson Howe suggested looking into the grade of sand if it had clay. Councilperson Perry also discussed the time that would be spent in the pit doing the sand taking away man power on the roads, also he suggested asking someone like the environmental dept. to test it. More on this at the next meeting.

Town Clerk Kay Miles: Landfill sold three-\$2.25, Eight dogs registered-\$77.50-One building permit \$58.00. Check given to supervisor from clerk for \$137.75.

Dog Control Officer Mike Henry Report: Nothing to report.

Town Historian Nancy Owen: Supervisor read note from historian in regards to the article she wrote for the Steuben Echoes on the history of Hartsville. Noting the 170 year. She placed copies in each folder

Old Business: Reported still waiting weather wise for eaves to be installed on Shop. Received updated copies of the of the Wind Application Permits. Law for Weight Restrictions on our roads to be written. Would have to have a public meeting after it is written with our Lawyer present to file with the State. Example of the Angelica law to review we will need to change to

our town. Councilperson Perry suggested the board receive a copy of that Law to review to discuss at the June Meeting.

Councilperson Perry asked for a update on the Grant for the salt shed. Reported by Town Clerk that Congressman Reeds office called today and they are going to get a update for us.

New Business: Councilperson Howe asked about the payment on the grader left. Supervisor said that when the agreement was made there was to be two payments made on the grader only one was made so we do owe \$ 20,000.00 in August. Clerk will look up contract for Grader and Excavator and make copies for the Board and Supervisor.

Supervisor reported that there is possibly going to be a Primary election here in June.

State Equalization Rates published at 100 %.

Corrections were made on the Annual Report Submitted by our bookkeeper, Vicki.

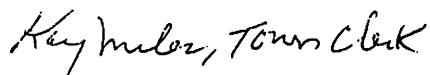
Resident Gerald Flaitz inquired about requirements of the CHIPS program. He had concerns about the conditions of Ells Road and the maintenance/repair schedule. Repair schedules were discussed by the board ,as they are available. Additionally, Flaitz asked the board several questions relating to the Pilot program associated with the wind turbine generators and if Hartsville could resume/reclaim its role as lead agent for the Pilot program. The Board directed Mr. Flaitz's questions to the Wind Developer.

Discussed the hazzard of having a step at the end of the sidewalk problem with not seeing it . Different ideas were discussed more next meeting.

Vouchers were reviewed and signed by the board. Highway-\$5858.23 General-\$3,805.70

On a motion of Supervisor Muhleisen , seconded by Councilperson McEvoy , meeting adjourned at 8:15 P.M. .

Respectfully Submitted,



Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
6/11/2014

The Regular Meeting of the Hartsville Town Board was held June 11, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy		X
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Supervisor opened the meeting with the Historian Nancy Owen and Kay Miles discussing the Old Home Day date and place (PULLMANS BARN) Aug.03 at 1:00 P.M. asking for volunteers and for the best times for committee meetings. Also being that it's the towns 170th Anniversivery we should make this a special day.

Justice Katherine Burdick: No fees to report.

Assessor Kelly Jo Landers Report: Absent, Supervisor read her request. Wants permission to paint her office a similar color? Supervisor will speak with her in regards to this, also her computer is running slow board discussed, Supervisor will look into a upgrade.

Resolution #

Resolution authorizing the 2015 Town-wide Reassessment Project for the 2015 Roll

Whereas: The Town of Hartsville strives to maintain Real Property Assessment at 100% of Market Value; and

Whereas: The Town'S Sloe Assessor, Kelly Jo Landers, advises that a Reassessment is required ans should be completed for 2015 Assessment Roll, which means that the field work should commence immediately for timely completion of the Reassessment;

Now therefore, it is resolved that the Town of Hartsville will do a Town Wide Reassessment for the 2015 Roll Year.

The Town Board of the Town of Hartsville authorizes the Town Supervisor to enter into an agreement with the NY State Department of Taxation & Finance and sign the Memorandum of Understanding outlining the requirements and standards for successful completion of the 2015

Reassessment.

On a motion made by Supervisor Muhleisen, Seconded by Councilperson Perry this Resolution approved. Ayes-4 Perry, Howe, Dobell, Muhleisen. Absent McEvoy

Code Officer Bill Ells Report: The only out satiating Building Permit is the Grant property and the Miles, L property. Discussed the flood map with board as on Slate Ck. A resident is wanting to build in the flood area, if he gave the O.K. the Town would be libel.

Highway Superintendent Ian Henderson: Unable to do much grading working on bridge. Because of the rain washing out what had been done they had to redo so they are two weeks behind on the road work. Waiting to see if FEMA will cover some of our losses. Allegheny County has to reevaluate there roads and come up with at least one million dollars more. Will be addressed at the July Town meeting. Discussed submitting next CHIPS in Aug. or Sept. Discussed Quarterly review Highway, where to move monies from in July meeting.

Town Clerk Kay Miles: One copy \$7.75-15 Dogs \$154.50 Check given to Town Supervisor for 191.50.

Dog Control Officer Mike Henry: Nothing to report

Old Business Reported that the Town Hall is now re- assessed at \$6200 from \$2.00.

New Business & Announcements:

Supervisor Michael Muhleisen Report

Democratic Commissioner Joe Welch resigning if interested contact Deputy Kelly.

Finalized Equalization Rate of 100%.

The new Rabies Vaccination storage memo w/log sheet explained this is to keep better control of the temp, of the vaccine as some was reported not in compliance with the temp. set forth. A gauge will be in cooler and must be logged every half hour.

The bridge on Slate Ck. Is under construction old bridge taken out by-pass in place.

First Aid, CPR, AED training completed by Ian, George , Steve.

Discussed a Government Finance Summer Seminar in, Batavia July 14 paper work with Supervisor if any one interested.

Motion made by Supervisor Muhleisen Seconded by Councilperson Howe that all vouchers be submitted by the Monday before the Board meeting. Ayes- 4 Dobell Perry, Howe, Muhleisen. Nays-0 One absent

Vouchers were reviewed and signed by the board. Highway-\$11,620,83 General- \$ 4,191.81

Motion to Adjourn by Supervisor, Seconded by Councilperson Howe at 8:45 P.M.

Respectfully Submitted,

Kay Miles Town Clerk
Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
7/09/2014

The Regular Meeting of the Hartsville Town Board was held July 09, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Assessor Laura Smalt Report: Absent The Town did receive statement that our equitation rate is 100%.

Code Officer Bill Ells Report: Checked on the two open permits both are doing well. He is still dealing with the State on the flood areas that a resident wants to build on. Bill contacted the DEC in Avon and Bath to ask if they could come out and look at the area. , as now another resident wants to build near the flood zone.

Assessor Kelly Jo Landers Report: Discussed upgrading her computer, Mike will call The Computer Mart (Sudie) and speak with him about the upgrade spending \$600.00. Motion made by Supervisor Muhleisen and seconded by Councilperson McEvoy to upgrade the Assessors Computer. Ayes-5 Perry, Howe, McEvoy, Dobell, Muhleisen. Nays-0 Approved

Dog Control Officer Mike Henry Report: Nothing to report.

Town Clerk Kay Miles: One marriage licence.-\$17,50,-11 dogs-\$106.50-two Building Permits-\$148.00. Check for \$272.00 given to Supervisor. Turned in \$54.39 from Decals 2013-14, town/county residents late fees \$1,110.82.

Highway Superintendent Ian Henderson We have been doing a lot of flood damage repair, 3500 tons of gravel have been used for repairs and pipes. So far \$5,000. Worth of pipes. One wall of the bridge is done and back filled. The other side will be dug out by tomorrow. Soil and Water will be in on Monday the 14th to work on Fall Creek. Monday we will be going back to our grading plan. Do to the weather we are one month behind with the grading.

Supervisor Michael Muhleisen Report: See below.

Old Business: Letter was sent to Dan McEvoy in regards to the work on the shop. Requesting a answer back within a month.

New Business: The Association of Towns Summer School to be held in late July on zoning information on desk.

Attorney Pullen clambake \$35.00 info. On table.

Bridge work on Slate Ck. Underway as reported by Highway Superdendant.

County offering assistance with washout on Fall Ck. Road is cracking.

FEMA , NYS has approved Steuben County for flood damage. Mike and Ian will attend a meeting next week to obtain information. Ian did do all paper work as well as photos.

The Board reviewed the abstracts and signed them for payment. General: \$ 2413.35
Highway, \$6,966.04

On a motion of Supervisor Muhleisen, seconded by Councilperson Dobell , meeting adjourned at 7:49 P.M.

Respectfully Submitted,

Kay Miles, Town Clerk

Kay Miles, Town Clerk

Code

TOWN OF HARTSVILLE
REGULAR MEETING
~~7/13/2014~~ 8/13/2014

The Regular Meeting of the Hartsville Town Board was held August 13, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe		X
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Justice Katherine Burdick Report No activity this month. She has been approached regarding a grant that she could apply for that could be used for the back parking area. Reported that the sheriff has been stopping speeders.

Assessor Kelly Jo Landers Report: Absent. She has completed the Tax Roll for 2014. She has finished painting her office.

Code Officer Bill Ells Report: The properties on Slate Ck. flooding problem resolved. The resident hired a DEC person from Elmira, NY who gave the O.K. on there property telling them that it was out of the flood area. also another resident wants to build a pole barn he has property across from the school house, that Bill said would be in the flood plan. Reported on building permits that are almost complete -Washburn -pole barn done, Matacle basement done, Hilsdorf -almost done, Nichols question on camper being used.

Dog Control Officer Mike Henry Report: Nothing to report.

Town Clerk/Tax Collector Kay Miles: Reported that the Old Home Day was a success thanked all for the help game wise, clean up, hot dog cooking and help in all areas. We did have a donation of \$ 150.00 from Marlene Andes who works in Elmira this along with what was left from the money that the board gave will be deposited in a checking account (Sherry Henry) volunteered to be the treasure for the committee. We plan on having a bake sale before Nov. To help towards 2015 Old Home Day. Also this last week the Town sold two grave sites in the Hartsville Hill cemetery. We need some one to be the overseer of our cemetery as when someone inquires interest in buying a lot they could go with them. The town is responsible for the cemetery in our town. Discussed the problems with the Decals mostly with the printing. Supervisor will help with this.

Clerk report: Marriage lic.—\$17.50, four Landfill—\$3.00, two copies \$19.00, four dog lic.\$29.50. Check given to Supervisor for \$69.50.

Old Business Also Highway Report

Supervisor Michael Muhleisen Report: Supervisor and Highway Superintendent met with FEMA for a kick off session last week. It was quite a interview with eight persons present. Discussed any hours spent on working on the paper work inc, the hours will be paid. All paper work was turned in for them to review also on site inspection was completed, photos. The monies that we will receive is from the damage for the month of May13 to the 22. So far the est. damage is \$ 270,000. We will receive 75% of this.

Grant Application still under review (for salt shed)

Chips update- Ian and Mike Ian went down to the State building for help filling out the paper work for next year. At this point the gravel that was made is all used up. We will receive in September \$108,676.00 from chips by utilizing all the material used on the Slate Ck bridge.

New Business: Reported Workers Compensation for 2015 is \$ 10,536 (22%increase) but 2nd lowest in country.

Public Right Away Issue Discussed the problem of the fence on Post Rd. Our lawyer sent them a letter regarding the fence in the right away. He advised them to attend a board meeting so all could discuss. Ian found out he has the right to take the fence down. The resident that lives on the property doesn't own the property they rent. Discussed contacting the owner, Supervisor will call them. Discussed having the committee for the Local Law on Road use(Road preservation Law) before the next meeting.

Discussed having a Special meeting Aug. 27 at 7:00P.M. to work on the budget.

Vouchers reviewed by board and signed. General—\$21,150.22—Highway—\$12,316.77.

Resolution # 4 Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 13th day of August, 2014, by the Town Board of Hartsville, Steuben County, NY as follows:

Whereas: The Highway Account has insufficient funds.

Whereas: The General has a surplus.

Resolved: That \$ 10,000.00 be transferred from our General Account to our Highway Account.

Such motion was seconded by Councilperson Dobell. Ayes—4 Perry, McEvoy, Dobell, Muhleisen.

Nays- 0 Councilperson Howe absent. Resolution approved.

Resolution # 5: Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 13th day of August ,2014, by the Town Board of Hartsville, Steuben County, NY as follows:

Whereas: The tax levy allocation to the General account was overpaid.

Whereas: The tax levy allocation to the Highway account was under paid.

Resolved: The board authorizes that \$3,786.00 be transferred from the General Account to the Highway Account.

Such motion was seconded by Councilperson Perry. Ayes: 4 McEvoy, Perry, Dobell, Muhleisen. Nays:0 Councilperson Howe absent, Resolution approved.

Resolution # 6: Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved

this 13th day of August, 2014, by the Town Board of Hartsville, Steuben County, NY as follows:

Whereas: The final payment on the town grader is due in the amount of \$20,527.09, in addition to a \$1.00 lease fee to finalize the purchase.

Whereas: The final payment will be made from the Highway account via a transfer from the General Account.

Resolved: The board authorizes final payment be issued.

Such motion was seconded by Councilperson Perry. Ayes- 4 Perry, Dobell, McEvoy, Muhleisen. Nays- 0 Councilperson Howe was absent. Resolution approved.

Board reviewed and signed the abstracts. General-\$21,150.22 Highway-\$21,150.22

On a motion of Supervisor Muhleisen, seconded by Councilperson McEvoy, meeting adjourned at 8:55 P.M..

Respectfully Submitted,


Kay Miles, Town Clerk

TOWN OF HARTSVILLE
REGULAR MEETING
09/10/2014

The Regular Meeting of the Hartsville Town Board was held September 10, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Justice Katherine Burdick: Turned in check for fines \$ 105.00.

Assessor Kelly Jo Landers Report: Nothing to report

Code Officer Bill Ells Report: Bill, received a phone call today from a resident on Hartsville Hill who wants to place a windmill on his property. Supervisor Muhleisen explained that we do have a Local Law pertaining to the windmills and explained the process of filing a building permit and they can be picked up at the town clerks office. The board will review the permit and determine cost. Bill, also discussed a new type of septic system, they require a lot the size of (13ftby 30 ft) from Jody Allen, Allen Engineering the company that installs them came and did the work on the Wood property, Bill, left the information on these smaller systems.

Highway Superintendent Ian Henderson: They pulled shoulder on Call Hill, Post road, Fall creek. Graveled Roads on Cook Hill, Ells Road. The Black Top has been completed on the Slate Creek Bridge. Mike, Ian and Jessica have been working with FEMA finalizing the needed paper work.

Reviewed the Local Road Use Law Councilperson Perry will present it to our Lawyer for review.

Councilperson Perry gave special thanks to Jessica Henderson for typing the Local Road Use Law and for all the photos and other paper work done.

Town Clerk Kay Miles: Discussed repairs to be made on the donated school house to the town, asking for the board to help with, volunteer Kenneth McLaughlin, and Darwin Miles. no other volunteers have come forward as yet. To start out the woodshed needs maiger repairs (leveling and floor). this will be used to store donated items. After discussing, Councilperson Perry, suggested meeting Saturday at 4:00 P.M. to discuss a plan to start with at the Town Hall.

Intake from clerk: Grave spaces-2 \$700.00, Marriage licence- 1 \$17.50, Landfill-1 0.75, Dog

Licenses -15 88.50, Building Permits- 2 \$222.00. Check to supervisor for \$1,028.75.

Dog Control Officer Mike Henry Report: No dogs. Discussed repairing the dog house or building a new one. Mike introduced, Terry McConnell, who discussed different ways to take care of the repairs, Supervisor told him to submit a B.I.D. to the Board.

Supervisor Michael Muhleisen Report:

Old Business: Discussed receiving the CHIP payment in Sept.

New Business: Received word from the Public Health Dept. That our Local Health Officer needs his a renewal on his paper work. Town Clerk will send to him .

Our Workers Compensation Notification from our insurance company will raise 22% more from last year.

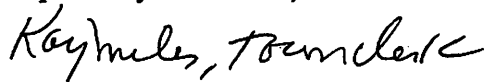
There will be a Real Property Tax Freeze meeting Sept. 30 2014 at the civil defense office from 6:30 to 8:00 P.M.

PERMA audit is completed

Vouchers signed by board. Highway-\$11375.18 General-

On a motion of Supervisor Muhleisen , seconded by Councilperson Perry , meeting adjourned at 8:35 P.M..

Respectfully Submitted,



Kay Miles , Town Clerk

C. White

TOWN OF HARTSVILLE
REGULAR MEETING
10/08/2014

The Regular Meeting of the Hartsville Town Board was held October 8, 2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. Followed with a moment of silence for our loved ones and who are ill.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy		X
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Supervisor Muhleisen opened the meeting with Andy Sprague from NYMIR insurance. Andy presented the board with a print out of the 2015 insurance plan. He then went over each category explaining each change. He is waiting for a inventory from the Highway on tools in the shop in order to insure all. Board approved the coverage. Cost of coverage should remain the same.

Justice Katherine Burdick: Check given to Supervisor for \$ 1008.00 for fines paid.

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Absent

Highway Superintendent Ian Henderson: Since last board meeting, we have pulled shoulders graveled and changed two pipes on Post rd., still need to finish ditching the Post rd. Graveled and graded the bottom half of Mullen rd. We have graded Purdy Hill, Fall Creek and Bearlick Hollow. Put gravel down on Ells rd. neat the Henry/Jenkins intersection. Started today putting¹ gravel down on Webb Hollow. Slate Creek bridge is now open and the box culvert on the upper end has new guardrail. H-2 the 1997 International dump truck and the Screening Plant have been placed on the online auction for October with Teitsworth Auction. Richard Gray has estimated that the truck should bring \$5,000 to \$7,000 and the Screening Plant \$7,000 plus. Auction will close next Tuesday @ 6p.m.

Street signs for the Road Preservation Law have been quoted at \$2167,40 for signs, post and hardware. They will be ordered Friday, There is a change on the wording on the sign to (Road Preservation Permit required.)

Motion made by Supervisor to allow Highway Superintendent Ian Henderson to purchase the road signs with changes made (Road Preservation Permit Required.) Seconded by Councilperson Howe. Ayes-4 Perry, Dobell, Howe, Muhleisen Nays-0

Met with Mike Raffle regarding the FEMA projects, I have signed two PWS for submission and he is attempting to get all of our PWS submitted before Thanksgiving. After next week all FEMA work except graveling Bearlick Hollow will be completed. So out of \$310,000 estimated revenue there will only be \$125,000 that will not be paid out for the cost of Bearlick Hollow.

Ian, Discussed the Alfred State College working on the Slate Creek School House. The supervisor and I have been in conversation about a bond to assist us in covering the cost of FEMA work until it can be reimbursed to us. See attached Spreadsheet for exact breakdown. We are recommending going with an \$85,000.00 bond.

Bond for FEMA work	
Steuben County SWCD (Fall Creek)	\$27,000.00
Trucking for gravel	\$16,280.00
Crushed Gravel	\$31,777.00
Sluice Pipe	\$5,000.00
Street Signs	\$2,167.40
Total	\$52,224.00

After board discussion Resolution #7

Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 8th day of October, 2014, by the Town Board of Hartsville, Steuben County, NY as Follows:

Whereas: FEMA Event Created excessive highway damage in the Town of Hartsville, depleting the Highway Department capital needed for regular operations.

Whereas: FEMA and State Representatives have helped the Highway Superintendent estimate the damages town wide, and have submitted multiple projects for financial restitution, estimating approximately \$300,000 in project cost. Upon project completion and approval, FEMA will release 75% of the project totals to the Town of Hartsville.

Whereas: The Town of Hartsville will require additional revenue-in the form of a bond-to complete road restorative work as the result of the FEMA event.

Whereas: Upon receiving restitution payments from FEMA, the Town of Hartsville will apply initial funds received- to pay off any and all debt incurred as a result of the FEMA event.

Resolved: The Town Board approves the application for a bond in the amount of \$ 85,000, with a repayment period of 5 years, and an option for payment deferment during the first year.

Such motion was seconded by Councilperson Perry, and following a discussion of the proposal, the supervisor instructed the Town Clerk to call the roll of the entire Town Board, which was done with the following results: Ayes- Dobell, Howe, Perry, Muhleisen. Nays-0 Absent- 1 McEvoy

Discussed problem with the walk out front unable to see step. Ian, will place solar lights at the end.

Town Clerk Kay Miles: Landfill--five tickets-3.75 =13 Dog licencee renewal- 127.50= one building permits-52.00 check to Town Supervisor for \$ 183.25

Supervisor Michael Muhleisen Report: Old Business:

Reported Email sent to our Lawyer Pullen Re: Road preservation and permitting discussion followed regarding the signs.

Discussed the eves that were installed on the shop, questions regarding the size of the down spot not being large enough to carry the heavier rain, also worries of ice build up.

Dog Control Officer Mike Henry Report: Looking into having a dog rabies clinic in October 23,2014 to be held at the Town Highway Shop . Ad will be placed in the Shopper as well as in the tribune and on the radio.

Supervisor Muhleisen Reports:

Old Business: E-Mail sent to Attorney Pullen regarding : The Road preservation and Permitting Law. Discussed the entry signs for Hartsville to read on back Road Preservation Permit Required. Also discussed the eves on the shop, questioning if down spots would be large enough to handle down flow of rain, also discussed fixing the roof with the ice jam spikes.

New Business: Discussed material sent on Lead Poisoning Supervisor place out information for board to read.

Supervisor discussed the cost of 2014-2015 Election cost update \$1,907.00.

Discussed the Justice to do annual audit, Supervisor stated she did one in January he will send copy to them.

Resident asked about having another Building Officer appointed to him from the town as he is having problems with our Code Officer. He states he is more then willing to pay the set amount but he will not work with our codes officer asa in the past when applying for a shed permit they had problems. He did call the State at the time and they told him he didn't need a permit as it is Agriculture. Supervisor told him that the board would reach out to Mr. Kilmer and Mr. Ells and try to solve this problem.

Vouchers were reviewed and signed by the board to be paid General-\$2,133.11
Highway-18,701.51

A Public hearing will be November 12, 2014 after the regular, Town Board, meeting to discuss the Budget for 2015 and have the budget approved by the Town Board. Ad will be placed in tribune as well as places in the Town Hall window.

On a motion of Supervisor Muhleisen, seconded by Councilperson Perry , meeting adjourned at 8:20 P.M..

Respectfully Submitted, Kay Miles, Town Clerk

Kay Miles, Town Clerk
Hartsville Town Board Minutes

TOWN OF HARTSVILLE
REGULAR MEETING
11/ 12/ 2014

The Regular Meeting of the Hartsville Town Board was held November 12,2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson	X	

Justice Katherine Burdick: Absent Supervisor reported large activity in her dept.

Assessor Kelly Jo Landers Report: Absent

Code Officer Bill Ells Report: Reported updates on Building Permits, progress on each. Discussed his years of service to our town, he has given out over 900 Building Permits. The Board gave him thanks for all he does.

Highway Superintendent Ian Henderson: Since the Last Board meeting we have hauled some sand, and fixed the sand siv. We have started putting up the new street signs, we are about half done with them. AS of right now we have two trucks ready to plow and sand, and by the end of the week will have a third one ready. On rainy days we have been cleaning the shop. FEMA has sent two blue books so far, totaling \$ 15,000.00. They plan on having all of the projects in by Thanksgiving. I would like to thank George and Darwin for donating their time on the weekend of 10/27/2014 to work with the State college on the school house. Today I went down to the DOT office and filed are chip claim for \$ 4,659.76. I have met with , Mike, on the changes to the budget and agree with him. Thanks Ian Henderson. Resident asked if the ditches on Post Rd. would be finished this year? Supervisor ans. this problem should be handled by, Ian, and he's working on a truck tonight.

Town Clerk Kay Miles: Sold--one landfill \$.75 one copy cert. copies--\$50.00-- eight dogs licences \$84.50 Donation from the rabies clinic \$ 72.00 Total to town \$207.25.

Dog Control Officer Mike Henry Report: Good turn out to our town Rabies clinic \$72.00 in donations. Went to a dog seminar in Bath put on by the State there are quite a few changes to the Dog Control Laws. Mike, has the print out that he will share with the Supervisor and Clerk. He also discussed a program that might come into effect for lower income families for a neutering program. More to come on this next year.

Supervisor Muhleisens Report:

New Business: Matt Lawrence, who has a residence on Landis Rd. and Matt Vanderbrook rep. With Sustainable Energy Developments presented written as well as verbalized the requirements to install a wind tower on there property. They discussed all areas of the written project. The Supervisor reviewed areas of our Local Wind Law. The Supervisor explained that the board would need six more copies of the proposed project along with additional information that the board inquired about such as Site information, Height, Development Standards, Setbacks. The tower is being leased by the Lawrence family. The board will review the permit and the Supervisor said the lawyer would have to review also.

Old Business:

Supervisor reported that he is meeting with the Citizens National Bank in regards to the loan on 11/14/2014 more on this later

Reported that the eaves for the shop as well as the snow guards placed on the shop are paid. Dan McEvoy placed them on free labor to the town.

Resident asked about his building permit, he has been waiting for approval. Bill Ells talked to Steve Kilmer and the permit has been approved .

Clerk to place in the paper, and in window the required Public Hearing for the Tentative Budget. November 19,2014 at 7:00.

Supervisor discussed mail received ; Letter from Dept. Of Social services regarding information on different Low Income Assistance programs like Heap. Letter is posted for residents to read.

Vouchers reviewed by the board and signed. Highway-\$32,726.09 General- \$6429.80

On a motion of Supervisor Muhleisen, seconded by Councilperson Howe , meeting adjourned at 8:25 P.M..

Respectfully Submitted,

Kay Miles, Town Clerk
Kay Miles, Town Clerk

TOWN OF HARTSVILLE
PUBLIC HEARING
11/19/2014

The Public Hearing for the Tentative Budget of the Hartsville Town Board was held 11/19/2014. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

New Business: The Supervisor went over the changes that were made at the regular board meeting. Discussed the 2% tax levy and that because we didn't max this out last year we are well below the 2% even though it shows a 2.7 % increase, went over the budget once more. The meeting was open to the public .

Residents voiced their concerns on different areas of the budget, discuccion followed on each question. After all questions answered the Supervisor asked for the budget to be approved by the board. Supervisor asked for a short recess to print up the adopted budget time 8:05 reopened the meeting at 8:14P.M.

Resolution # 8

Supervisor Muhleisen moved that the following resolution be adopted: Be it resolved this 19th day of November, 2014, by the Town Board of Hartsville, Steuben County, NY as follows:

Whereas: The Town of Hartsville Board has deemed the budget for 2015 ready for adoption.

Resolved: The Town of Hartsville will adopt the 2015 budget on November 19, 2014.

Such motion was seconded by Councilperson Perry. Ayes-5 Perry, Dobell, McEvoy, Howe, Muhleisen. Nays-0 This resolution approved

On a motion of Supervisor Muhleisen , seconded by Councilperson Howe , meeting adjourned at 8:20 P.M.

Respectfully Submitted,

by Kay Miles, Town Clerk

Kay Miles, Town Clerk

Hartsville Town Board Minutes

TOWN OF HARTSVILLE
REGULAR MEETING
12/10, 2014

The Regular Meeting of the Hartsville Town Board was held December 10, 2015. Supervisor Muhleisen, called the meeting to order at 7:00 P.M. with the Pledge Allegiance to the Flag. A moment of silence for all that are sick and a prayer for anyone serving our country.

<u>Councilperson</u>	<u>Present</u>	<u>Absent</u>
James Perry	X	
Duane Howe	X	
David McEvoy	X	
Tom Dobell	X	
Mike Muhleisen	X	
Kay Miles	X	
Ian Henderson		X

Assessor Laura Smalt Report: No report. Hand out placed on table explaining each category she does in her office.

Code Officer Bill Ells Report: Gave a report on outstanding building permits. Councilperson Perry requested going into executive session @ 7:06 P.M. seconded by Supervisor Muhleisen for possible litigation. Board resumed at 7:20 P.M. Councilperson Perry stated no action taken.

JUSTICE KATHERINE BURDICK: No activity.

Town Clerk Kay Miles Report: Collected for the month of November. Landfill-\$1.50 - Copies 2 for \$20.00-3 Dogs for \$40.50- 2 Building Permits for \$106.00. Check given to Supervisor for \$168.00

Highway Superintendent Ian Henderson: Since the last board meeting we have been out 10 times plowing and sanding. We had to replace the sander control. Valve in H-1, and repair the chain in H-3. The sander chain is a problem with how it was built and I am working with Tenco to see if they will do anything with it. We have started cutting brush on Cook Hill RD. With the excavator. The guys have hauled sand a few times. Also we have been working in the shop. The grader has the regular blade on it for snow removal, and we are measuring the old snow plow on it. The cutting edge on the ditch bucket for the excavator has been flipped and is ready for next year. All my FEMA projects are in and I received the last blue book today. The 75% from FEMA will be around \$255,586.24 and if the state chips in their 25% it will bring us up to around \$319,000.

Dog Control Officer Mike Henry: No activity.

Supervisor Michael Muhleisen Report: Old Business: Supervisor Muhleisen announced that Kevin Sheen, Of Everpower, requested being added to the January agenda. Kay Miles mentioned the request had been made to her, as well. A Town resident asked if the permit renewal for the Met Tower installed on Gerald Flaitz's property had expired, and Kay Miles Town Clerk, provided the original permit for the members of the board. The permit for the Met tower has expired.

Resolution # 9

At a regular board meeting of the Town Board of the Town of Hartsville, County of Steuben, State of New York, held at the Town Hall, 5150 Purdy Ck. Rd. Hornell, New York, on December 10, 2014 7:00 P.M.

The following resolution was offered by Supervisor Muhleisen who moved its adoption, and seconded by Councilperson Howe to wit;

REVENUE ANTICIPATION NOTE RESOLUTION DATED DECEMBER 10, 2014
A RESOLUTION DELEGATING THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL NOT EXCEEDING EIGHTY-FIVE THOUSAND DOLLARS (\$85,000) REVENUE ANTICIPATION NOTES OF THE TOWN OF HARTSVILLE, STEUBEN COUNTY, NEW YORK, IN ANTICIPATION OF FEDERAL EMERGENCY MANAGEMENT (FEMA) FUNDS TO BE RECEIVED FROM THE UNITED STATES GOVERNMENT AND NEW YORK STATE, EMERGENCY MANAGEMENT (SEMO) FUNDS DURING FISCAL YEAR.

Be it resolved, by the Town Board of the Town of Hartsville, Steuben County, New York
(see terms attached)

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows: Ayes—5 Muhleisen, Perry, McEvoy, Dobell. Howe. Nays—0
The resolution was thereupon declared duly adopted.

Permitting process for the Local Road Use Law is being reviewed by the lawyer.

Discussed the permit for a WTG on the Lawrence property. Discussed forming a committee of two to over see this process (has to public serve)

New Business: Supervisor announced a 13th meeting to be held on December 29, 2014 @ 7:00 at the Town Hall.

January 14, 2015 will be the towns organization meeting @ 7:00 at the Town Hall. A notice for both will be posted on the window of town hall as well as in the paper.
Everpower rep. Requesting to speak at the January meeting.

Supervisor went over letters received and placed on the table for board to review. One from Association of Towns New By Laws, One from the Southern Tier Planning.

On a motion of Supervisor Muhleisen, seconded by Councilperson Perry, meeting adjourned at 8:19 P.M..

Abstracts were reviewed by the Board for payment: General

Highway:

Respectfully Submitted, Kay Miles

Section 1. The power to authorize the issuance of and to sell not exceeding \$85,000.00 revenue anticipation notes of the Town of Hartsville, Steuben County, New York, including renewals of said notes, in anticipation of receiving Federal Emergency Management Agency (FEMA) Funds from the United States Government and New York State Emergency Management (SEMO) Funds during fiscal year 2015, is hereby delegated to the Supervisor of said Town, its chief fiscal officer. Said notes shall bear interest at a rate not to exceed 5.0% per annum, shall be of such terms, form and contents as may be determined by the Town Supervisor, pursuant to the Local Finance Law.

Section 2. The total amount of Federal Emergency Management Agency (FEMA) Funds from the United States Government and New York State Emergency Management (SEMO) Funds which the Town of Hartsville expects to receive in the 2015 fiscal year is expected to be \$320,000.00, or more, as compensation for emergency road restoration work, of which the sum of \$85,000.00 is expected to be used to pay off the Revenue Anticipation Notes being authorized by this resolution.

Section 3. The Revenue Anticipation Notes authorized hereby shall mature six months after issuance, which is expected to be not later than the 20th day of June, 2015. Should the Federal Emergency Management Agency (FEMA) Funds from the United States Government and New York State Emergency Management (SEMO) Funds anticipated herein not be actually paid by the end of the month of May, 2015, the Town Supervisor is hereby authorized to issue renewal Revenue Anticipation Notes pending the receipt of the Federal Emergency Management Agency (FEMA) Funds from the United States Government and New York State Emergency Management (SEMO) Funds referred to above, which Notes shall be repaid in full when such Federal Emergency Management Agency (FEMA) Funds from the United States Government and New York State Emergency Management (SEMO) Funds are actually received.

Section 4. This resolution shall take effect immediately.

TOWN OF HARTSVILLE

Michael Muhleisen, Supervisor

5150 Purdy Creek Road

Hornell, NY 14843

P-607 698 4940

F-607 698 4940

Resolution # 10

Councilperson/Supervisor Michael Muhleisen moved that the following resolution be adopted: Be it resolved this 29th day of December, 2014, by the Town Board of Hartsville, Steuben County, NY as Follows:

WHEREAS: The budget needs to be adjusted for the year end.

General Fund Budget Amendment

Increase A1910.4 Unallocated Ins.	223.50
A1620.4 Buildings Contractual	937.08
A3310.4 Traffic Contractual	6,596.36
A5010.4 Supt Of Highway Contractual	<u>20.00</u>
Total Increases	7,776.94
Decrease A1990.4 Contingency	3,000.48
A1640.4 Highway Building Contractual	<u>4,776.46</u>
Total Decreases	7,776.94

Highway Fund Budget Amendment

Increase DA5110.1 Maintenance of Streets	6,886.29
DA5110.4 General Repairs	105,225.73
DA5130.2 Machinery Capital	4,545.03
DA5130.4 Machinery Contractual	16,532.59
DA5142.4 Snow Contractual	13,746.42
DA9030.8 Employee FICA & Medicare	<u>421.35</u>
Total Increases	147,357.41
Decrease DA5120.2 Bridges	7,500.00
DA5112.4 Chips Contractual	13,910.69
DA9050.8 Unemployment Insurance	477.20
DA9060.8 Hwy Hospital & Medical	500.00
DA9060.8 Other Employee Benefits	<u>239.29</u>
	22,681.18
Budget Deficit	124,676.23

=====

Overall Highway Budget Increase funded by the Following Unexpected Income:

DA2665 Sale of Equipment	10,225.00
DA2667 Sale of Scrap	7,353.80
DA3400 FEMA Funds	26,885.42
DA3501 Chips Additional Funding	<u>18,336.66</u>
Total Additional Unanticipated Funds	62,800.88
Interfund Transfer on 8/20/2014	34,314.09
Revenue Anticipation Note 12/29/2014	85,000.00
Total Funds	182,114.97
Check Book Balance 12/29/2014	

RESOLVED These Adjustment will bring budget lines in order for the year end.

Such motion was seconded by Councilperson Supervisor Perry, and following a discussion of the proposal, the Supervisor instructed the Town Clerk to call the roll of the entire Town Board, which was done with the following results:

Supervisor	Michael Muhleisen	<u>aye</u>
Councilperson	James Perry	<u>aye</u>
Councilperson	David McEvoy	<u>aye</u>
Councilperson	Thomas Dobell	<u>aye</u>
Councilperson	Duane Howe	<u>absent</u>

The Supervisor declared that the foregoing resolution was Approved yes Denied _____

Town Clerk Kay Miles Kay Miles Town Clerk (seal)
Signature

Exhibit #4

John Bowles
4826 Purdy Creek Road
Hornell, New York 14843

September 6, 2012

Supervisor Mike Muhleisen
5150 Purdy Creek Road
Hornell, New York 14843

Mr. Muhleisen,

It has come to my attention that you do not appear to working in the best interest of the taxpayers. To start with, Dombert, Perry, Parini, and Andrus resorted to harassment and lies being put out about the Highway Department (HD).

The Town's HD was virtually destroyed by your recent predecessors with their rude and inappropriate behavior. Dombert, Perry, Parini, and Andrus went through 5 (five) HD Superintendents all because of the same behavior you are exhibiting now. Unsubstantiated derogatory remarks and refusing available money for parts and equipment is behavior that is not part of your duties or responsibilities and has been extremely detrimental to the Town.

The present Superintendent has spent hundreds of hours, unpaid hours, of his own time working on junk town equipment to save the Town money and you arrogantly criticize him for being inefficient. You back it with phony computer stats that have no bearing and are dishonest and misleading.

We have the paperwork to prove there is over \$150,000 unencumbered by budget constraints available for HD equipment. That's right, one hundred and fifty thousand dollars. Why are you lying about it? Because Parini's budget had some inappropriate funding in the HD line items?

There is nothing in your job description that gives you the responsibility or authority to deny HD requests for parts and equipment needed to maintain NYS mandated Town highway standards.

You go outside your job description to harass the HD. Your job is to make sure the bills are paid in a timely fashion. You ignore your primary duty. The HD fuel bills are not being kept up to date. The HD ran out of fuel because you did not pay the bills. This is outrageous. Ms. Parini did the same thing and caused the HD a full month of inefficiency in 2011. You are guilty of the same breach of your job. Then you run off at the mouth and accuse the HD of being inefficient. You need to resign. The taxpayers need a break from the likes of you and your predecessors named above.

It has also come to our attention that with Article X, windmills are coming to town. This will mean significant tax relief for the taxpayers. The taxpayers have overwhelmingly said they want the tax relief

that the coming of the windmills offer. Those like Councilperson Perry that do not want to look at the windmills need to petition the wind company, NOT spend taxpayer money on lawyers (\$70,000 and counting) to stop what the taxpayers have said they want.

The benefits the Town of Howard is experiencing are readily available to Hartsville. Why are you not embracing the opportunity for tax relief? Whose side do you represent? You were elected to work for the taxpayers.

It appears you are working against the taxpayers by continuing to go outside your authority and responsibilities. It is forbidden under NYS law to remove public financial documents from the care and custody of the Town Clerk.

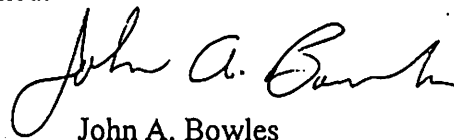
We can only believe that your removal of vendor invoices from the Town Hall is your effort to keep what is being spent on legal bills from the taxpayers. You do not have the right to remove public documents from the Town Hall, legally or ethically. So tell us, how can you now be trusted to do Town business in the best interest of the taxpayers?

You want another example of your bad behavior? How is it that you have ignored a FOIL request? What is it you are trying to prove? We really need to know what anti-wind Attorney Abraham is communicating to you. What are you committing the Town taxpayers to? With Article X, anything spent now to obstruct the windmills is a total waste of time and tax money.

It appears that at every turn you are setting up inappropriate and unnecessary taxpayer expenses by not doing the job you were elected to do. I find it pretty scary that the Town ended the year with more than \$89,000 that was unbudgeted and not shown as unexpended balance. Why? The taxpayers got an 8 ½% tax increase. Why? What are you planning to do with all this extra taxpayer moneys?

Past practices will show you that overruns such as the \$89,000 were put into interest bearing accounts to prevent any hint of possible misappropriation. Someone like yourself that has proven they cannot be trusted is not someone that I am comfortable with having the authority to remove that \$89,000 at any time. Eight months into the year and the \$89,000 has never been discussed in a Town Board meeting. That in itself is another reason not to trust you.

You are not doing the job you were elected to do. Also you have been keeping documents and information from the taxpayers and some board members about what you are doing and/or not doing. Your lack of integrity is showing. It is time you resigned.



John A. Bowles

cc: Hartsville Town Board members, Hartsville Town Clerk, Hartsville Highway Superintendent

John A. Bowles
4826 Purdy Creek Road
Hornell, New York 14843

September 27, 2012

Town of Hartsville Town Board
5150 Purdy Creek Road
Hornell, New York 14843

Dear Hartsville Town Board member,

Are you working for the taxpayers as you were elected to do? It certainly does not look like it.

Why the harassment to the Everpower representative? Enclosed are a few highlights from Article X. You are setting up an unnecessary lawsuit that would be an abomination for you to pay for with taxpayer funds. The taxpayers have already stated that they want the wind development. We have the signatures.

\$35,000 was spent in legal fees on a sham "law". The law will not stand up to a legal challenge, even less so now that Article X is part of the equation. If Jim Perry or Duane Howe or Mike Muhleisen want to spend their money to confront Article X, no problem, but do not use any more taxpayer money for it. The anti-wind mentality has been very damaging to the Town especially when Dombert, Perry, Parini, and Andrus wielded the taxpayers' checkbook. It cost the taxpayers a 100% increase in taxes with NOTHING for the taxpayers except a seriously damaged highway department.

On to another subject, it seems obvious that the bookkeeper should be fired. Month after month, miscoded General Fund line items find their way into Highway Department expense line items. Of course, it is Muhleisen who should be making sure that the money is where it belongs.

Again, it seems that the Supervisor is playing fast and loose with taxpayer funds. We already know that Muhleisen should resign for not doing his job as laid out by NYS, but what about the rest of the Town Board? Business as usual, just sit quiet while Muhleisen continues to harass and keep the HD work force from doing their job while he screws with the HD finances.

It appears the whole board is corrupt. You as a board have done nothing in your first 8 months for the taxpayers. Month after month items get tabled and are never brought up again. We have found at least 33 items in this category during your 8 months. 33 to 0. You as a board are totally complicit in what Muhleisen is doing and/or not doing.

You are literally stealing from the taxpayers. The taxpayers have already overwhelmingly said they want the economic development tax abatement that the wind generation represents. You are supposed to be working for the taxpayers. Every day you jerk Everpower around, you are

costing the taxpayers. NYS wants the development and says you do not have the right to interfere.

With the lies, financial manipulation and taxpayer funds WASTED during the Dombert, Perry, Parini, and Andrus days, there should have been criminal charges against them. With your obvious conspiracy to spend more taxpayer funds to resolve your personal dislike of the wind mills instead of what you were elected to do (33 tabled issues in 8 months with none resolved) certainly opens the door to this probability for you. You obviously took your elected positions under false pretenses.

You are all supposed to be working in the best interest of taxpayers and the town. When you support blatant bending of the law on multiple fronts, ignoring the taxpayers stated wishes and spend taxpayer money to deprive people of their property rights, there are those of us that are going to object.

It is time to focus on the high probability of getting our taxes reduced to pre-Dombert, Perry, Parini, and Andrus levels. A plan on how best to divide the potential income for the benefit of the taxpayers is going to be important. Having the new budget show reasonable income expectations from wind developer would be a positive start. Howard got several miles of improved roads, better HD equipment and support for their Fire Department. This is what most would call a NO-BRAINER.

Time and money spent on town road evaluation and phony excuses for denying permits is not in the best interest of the taxpayers. Get rid of the crap and START doing your jobs. 33 to 0.

If there are questions concerning accuracy of details in this letter, I may be reached for discussion at (607) 698-4411.

Truly yours,

John A. Bowles

Enc: Article X highlights

CC: Supervisor, Town Clerk, Highway Superintendent

10/11/12

Time for Hartsville to look at wind power again

As a resident of Hartsville, I know that there was a great deal of fighting in the past over the Airtricity Project. At that time the people who opposed the project presented statements that they called facts in order to scare people into voting against the project. It was a shame that things turned so ugly then, but it is time to take another look at what wind power could do in the community.

We need to look no further than the local wind farms in Cohocton and

Howard for proof that wind farms can and do work in communities. Yes — Cohocton did have some trouble with their turbines early on but those problems have been ironed out and things are running smoothly. Howard's turbines have been going for almost a year, and if you speak to people there, nearly everyone is satisfied with the project now that it is complete.

The small groups of anti-wind people are the same ones that complained before the project was completed. They are still complaining, but most of the people you speak with aren't bothered

by them and several are happy with the improvements that the project has brought. Just ask the residents along Hughes Road how much they like their road now.

Good paying jobs have been created and the towns, schools and county have or will receive much needed revenue in the form of PILOT.

A wind farm represents change in the community and now is the time for change. The town of Hartsville could use the revenue that a PILOT could bring, along with road improvements and jobs to our community.

I understand there is an

application pending to put up a test tower in Hartsville and start the process. The first step should be approved by the town board. It is time to heal the wounds of the past and move on to the future of the town.

Mike Hamilton
Alfred Station

John A. Bowles
4826 Purdy Creek Road
Hornell, New York 14843

October 30, 2012

Dear Taxpayer,

Enclosed is another copy of a letter to the Hartsville Town Board concerning the "lack of doing" by the board. Today, before the budget is passed, there is money (\$150,000 plus an extra \$5000 in the LEGAL line item) available to go a long way in upgrading the HD. Supervisor Muhleisen says he wants to save this money for a 5 year plan. The upgrades are needed now. In five years, the extra effort put in (unpaid OT) by the HD will all be lost because of high maintenance costs and neglect.

Enclosed are the phone numbers of the board members. At this point, I know that the calls that some of you have made have had an impact. Supervisor Muhleisen finds the calls so objectionable and has actually threatened me.

Also enclosed is the phone number for the Comptroller's District Office in Rochester. If there are items in the letters you have received that you feel strongly about, please call Chief Examiner Grant and voice your concerns.

Also, if you know of others that are concerned about the unnecessary problems in the Town that would be interested in copies of any of the letters, I would be glad to send them. Please let me know. 698-4411.

Another item unfortunately but necessary to address is that there will be an election of 3 board members in November 2013. Muhleisen, Perry, and Dobell's seats will need filling by people who will work in the Taxpayer's best interest. If any of you are interested or know someone that would be interested, please encourage them.

Sincerely,

John A. Bowles

Edward V. Grant, Jr., Chief Examiner
Office of the State Comptroller
The Powers Building
16 West Main Street, Suite 522
Rochester, New York 14614-1608
585-454-2460

Town of Hartsville Board Members

David McEvoy – 698-4680

4853 Purdy Creek Road, Hornell, NY 14843

Tom Dobell – 698-2572

4709 Purdy Creek Road, Hornell, NY 14843

Duane Howe – 698-4394

4792 Acker Road, Hornell, NY 14843

James Perry – 698-2305

692 Call Hill Road, Andover, NY 14806

Mike Muhleisen – 324-4274

360 Ells Road, Alfred Station, NY 14803

January 7, 2015

To all Town of Hartsville Board Members.

As you may know, we have requested financial documents from the Town of Hartsville each month. We are writing to each of you to seek assistance with several issues that continue to be problems in receiving these copies.

We are attaching a copy of our formal request for copies of financial and other information that we expect to receive each month. We have been requesting this same information for several years now. Unfortunately we have had to put in second and third requests for information that is missing from each month's records. WHY IS THIS???? We always expect and have requested the SAME information. Why are the Town's records incomplete??? We should not have a problem asking for and receiving this information. They should be in the Town Clerk's records at the end of each month. When we question the Town Clerk about the lack of some of the reports, she does not have them in her records and has to then contact the bookkeeper for the missing reports. Isn't it the bookkeeper's job to give ALL reports to the Town Clerk EACH and EVERY month? If this is not being done then the bookkeeper is not doing her job and the Town records are incomplete.

Does the Supervisor not review these reports? Does the Town Board care if the financial records are complete or not? What is the story? This is a formal request and we expect a formal response concerning our right to complete access to any and all public documents.

Also, we have repeatedly asked that the minutes from each meeting be e-mailed to us as soon as they are transcribed. The "Office of the Town Clerk" manual states that "the minutes be available within two weeks from the date of the meeting" and that they "would have to be made available for public inspection and copying" at that time. Why is this request not fulfilled? We were told that we can not receive the minutes until after the next month's meeting. Why can't we get draft copies (hard copy or e-mail) of the minutes as soon as they are transcribed per the Town Clerk Manual?

We would also request that the reports for the Schedule of Revenue and Expenditures for the General Fund and the Highway Fund **indicate what month** they apply to. If you review these reports there is no designation as to the month to which they pertain. We were told they are a year to date report that covers the current year to the date printed. It would seem that this report should be printed every month so that the accounting can be tracked. This is not being done. We were also told that the bookkeeper **cannot go back** and print it out to a specific date. This makes it very hard to follow the flow of finances. The other reports show the month they are for. Why is this not done on the Schedules of Revenues and Expenditures? We were also told that the Month Report of Revenues and Disbursements is the same as the Schedule. We do not believe this is true as the Schedule is an accumulation to date of Revenue and Disbursements and the Monthly report shows only what occurred in the month to which it pertains. This does not make sense to us. Who is the bookkeeper working for?

We also find it offensive that the method of CHIPS reimbursement is going to cost the tax payers because of improper budget procedures that the supervisor was warned about on numerous occasions.

We have listed some items that we find disturbing in the Town of Hartsville's financial reporting. We feel these items should be addressed immediately. If anyone would like more information or some evidence of specific problems, we would be glad to discuss it with them. Our number is 698-4411.

We hope that this will be remedied as we begin 2015.

Thank you,

John and Carole Bowles

Cc: Edward V. Grant, Jr., Chief Examiner, Office of State Comptroller

LETTER TO THE EDITOR

1/20/15

Recent articles in The Evening Tribune are inclined to make one question the unnecessary expenses the Town of Hartsville is incurring. Supervisor Mike Muhleisen has repeatedly ignored his responsibilities, such as bringing issues like state mandates to the town board before the budget was passed.

Now missed mandates and ignoring Comptroller rules are getting expensive for the taxpayers. The other board members seem to be uninterested in these ongoing financial issues as well as many of the day to day concerns of the town. The indifference is too often shown in the monthly minutes. They talk about things that need to be addressed for the good of the town but

there is a lack of follow-thru.

The majority of the board absolutely does not address the potential revenue the windmills would generate. These individuals are keeping taxpayers from having blacktopped roads with upgraded equipment to keep them maintained and having town taxes dramatically reduced. The Town of Howard is a prime example of what wind development can do for a small town. The board's efforts seem to be directed at keeping excessive spending on repairs for old, worn equipment, unnecessary spending on missed mandates and financing strategies to delay wind development.

Supervisor Muhleisen is willing to make dishonest statements to the newspaper

about the overly restrictive wind law. The past wind developer absolutely did not support or encourage the 2,000 foot setbacks. That item in the second wind law is the restriction that is making development virtually impossible. Before the law was passed, landowners representing nearly 40 percent of the taxable property in Hartsville signed a petition to scrap this very restrictive wind law. Precedent shows that only 20 percent of the taxpayer property (Chau-mont, N.Y.) is enough to overturn the law.

Now Muhleisen and two other board members seem focused on stopping the financial windfall that wind development represents by using the restrictive anti-taxpayer wind law as

justification.

There are state mandates (such as Article 10) prohibiting a town board from direct intervention in wind development, but our town board is spending taxpayer money to delay and/or force a lawsuit to discourage the wind development. And, there seems to be an unnecessary lack of civility by the board toward the wind developer when a representative comes to a board meeting to discuss benefits to the town.

Those on the board that routinely ignore everyday town business to focus primarily on stopping the wind development should be using their own money for that purpose, not taxpayer funds.

John A. Bowles
Hartsville

John A. Bowles
4826 Purdy Creek Road
Hornell, New York

March 10, 2015

Dear Town Board Member,

Someone in Hartsville Town government is lying. And correcting that problem rests on the Town Board. This is not the first time the issue has been brought to your attention. The Town Clerk says it is Muhleisen or the bookkeeper preventing her from doing her job. Unfortunately for Mrs. Miles, it is still her job to have "absolute" control of all Town documents. If an Article 78 were to be filed, it would be against her for not having all the public documents in her control. Even if she lies about not having them, she is still in the wrong, because her job specifies she is to have them and available to the public.

It gets worse. She says she e-mails the minutes to the Town Board members but, contrary to what Robert Freeman from the Committee on Open Government says, she says she cannot e-mail to us because we are residents. I know that to be a lie. I also know the recent enactment of new Procedures by the Town Board that relate to Town Clerk duties concerning all electronic transfers has no validity. Town Law mandates she must e-mail documents "if she has the capability" and "is requested to do so". If you have questions in this regard, please feel free to contact Robert Freeman from COOG. 1-(518) 474-2518.

As a resident and taxpayer, I have the right to fully expect the Town Board and Town Clerk to comply with their prescribed duties as NYS mandates in the various Town law books. My concerns are not new, but no Town Board member has ever bothered to answer any of my letters. Why is that? Are you ashamed of not following through on your duties or just too arrogant to bother? Board member McEvoy makes a big show of caring about the Town Clerk's dilemma, but instead of doing his job to correct the situation, he tries to blame the resident taxpayers for expecting him and his fellow Board members to correct the Town Clerk's declared problem.

I understand that there is a problem with the Town Clerk's credibility, (I have numerous recordings with numerous contradictory comments) but that is still yours and her problem. Calling 911 is not a solution. That effort has the potential to create more problems than already exist. The Town Board and the Town Clerk are not doing their job. Taxpayers /residents have the expectation that our elected officials should be doing their job. I am not going away nor stopping my efforts to track your, what seems to be, dishonest behavior in your job as elected Town officials.

If you are not doing anything dishonest, why do you work so hard at keeping public documents away from the taxpayers? Making resolutions outside your jurisdiction that are specifically designed to thwart timely release of public documents is inappropriate and illegal. If the Town Clerk called Robert Freeman, as Mr. Freeman asked, she would know for sure that the Board is in the wrong. What is really going on? I do have a right to know.

I am finding inconsistencies with what financial documents I have struggled to procure to date. Money is difficult to track with only partial documentation. Based on the documents I do have, it is not going

where it belongs. Copies of the overdue records would help cure this dilemma. Is there some reason you do not want the financial manipulations to be public. Is there criminal behavior going on? Why else would you not want the public to know what you are doing with the money?

With the resolution to further block access to public records, you, as a group, now show up as the problem. That makes it a conspiracy by the Board to break the law. I will eventually find the bottom line. Will you all become subject to criminal charges? The Town attorney can not charge the taxpayers to defend you for that.

Hassling taxpayers, phony newsletters, and keeping the Highway Department running on substandard equipment, lack of manpower and not paying Highway Department bills seem to be the only efforts to come out of the Board in the recent past. Correct me if I am wrong.

What possible reason do you have for leaving the Town Clerk to be subjected to disgruntled taxpayer's irritation? Diversion? Purposefully provoking taxpayers, not paying legitimate prepaid bills, running up attorney bills, and making it difficult to get public documents. Do you ever inspect the Vouchers and invoices before you sign them? The taxpayers are going to take a hit because you will expect them to pay for the Town Attorney defense of an Article 78 you people have set up. I really hope I can do something about that.

There seems to be a lot of effort by the Board to thwart the coming windmills. Why? The taxpayers have already said they want the windmills and want the highly restrictive wind law #2 scrapped. Why would you feel right spending more taxpayer money on this endeavor? I can fully understand some individuals having a problem looking at them. (There is no other legitimate negative issue that I am aware of.) It is an issue that should be between the individual and the wind developer. Taxpayer money should not be spent for this. In virtually all the cases that I am aware of the developer has made considerable effort to appease those that object. The very same ones that have no regard for others' property rights. Legal bills of \$40,000 for the wind law and \$33,000 in diversions are enough, especially with taxpayer money and questionable legal standing when considering stated taxpayer wishes.

How about doing the job you were elected to do and stop spending taxpayer funds for personal problems?

Sincerely,

John A. Bowles

cc: Kay Miles for Town Records

original sent to each Board member and Supervisor

4/22/15

LETTERS TO THE EDITOR

Letter: Dereliction of duty by Hartsville Town Board

When one goes to the polls to vote, they believe they are supporting a person or persons who represents a positive outcome for the future, be it a town, state or federal election. This premise has failed badly in Hartsville. Apathy and dereliction of duty are taking a toll on taxpayers. Apathy by the taxpayers and dereliction of duty by the Town Board.

The Hartsville Town Board is not working for the taxpayers. They are blatantly working against the taxpayers. And it is a conspiracy of board members

who make no effort to hide the fact they are not working for the taxpayers.

They work purposefully to keep the Highway Department underfunded and unable to reasonably perform its mandated duties. Time after time bills owed by the HD are screwed up, some going unpaid for months. It has happened too often that the employees don't get paid on time. This is not a new issue, the Town Financial Officer, Supervisor Mike Muhleisen, is either seriously incompetent or purposely screws up his primary responsibility. Over and over the HD bills leave Muhleisen's desk with errors. Over and over General Fund items are charged to the HD. Lack of fuel and

lack of parts because of unpaid bills are a real problem. The rest of the Town Board is definitely aware, but makes no effort to correct these problems. When formal inquires are made, none of the Board members, including the Supervisor, make any effort to respond to the inquires or address these financial issues.

Still not sure something is wrong with the Board? Then ask yourself, why is there a problem with access to public documents? Repeatedly, requests for specific documents are unavailable for several months at a time. The Town Clerk claims they are unavailable to her, but it is her job to have "control" of all public documents. The

only thing the Board does when taxpayers complain about the Town Clerk is to threaten the taxpayers. Still think nothing is wrong with this Town Board? Is the Board hiding improper financial dealings? We are still not able to track several thousand dollars that was unbudgeted two years in a row.

Even worse, they are purposefully giving certain taxpayers a bad time for no apparent good reason and spending thousands, yes thousands of dollars on legal bills to harass these taxpayers. For what purpose, to what end? Our understanding is that a Town employee did not do his job so the Town Board called a lawyer to harass the

taxpayer involved. This is the Hartsville Town Board we are talking about. The fact that they have all been advised of the problem and choose to ignore their responsibilities appears to be a conspiracy.

The Lawrence family is being denied a variance to put up a small personal windmill on their land to supplement their electrical use. They have been denied because the highly restrictive Town wind law (which the taxpayers have already overwhelming petitioned not to be put in place) prohibits anything over 80 feet. But in 2010 the Town Board supposedly gave Larry Newhart permission to put up a 97-foot tower. There exists an unsigned

building permit showing Mr. Newhart was to pay a \$150 fee for his "oversized" tower. But, the minutes of the Board meetings show no discussion by the Board for this and no vote to approve this tower. Also there is no entry in the financial documents/budget entries showing payment (of course we often do not have complete documentation because the Town Clerk does not give many of the Town's financial documents to us). So what happened? Who is responsible? Who okayed the tower? Who got the permit money?

What is really going on in the Hartsville Town Hall?

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Hartsville