



Town of Diana February 13, 2024 - 6pm with a Public Hearing for Local Law for Well-Head Protection Plan, a Public Hearing to Establish the Hamlet of Harrisville Local Water Law , and the December Town Board Meeting following directly after.

Date: 02/13/2024

Supervisor Smith called the Public Hearings for the Local Law for Well-Head Protection Plan and Local Law to Establish the Hamlet of Harrisville Local Water Law to order at 6:00 PM
Supervisor Smith explained to all that the Department of Health required a different map to go with the Well-Head Protection law and the Department of State required new Law numbers for both local laws. Nothing else changed in these two laws. He stated we would wait the required 30 minutes before approving the laws again.

Supervisor Smith called the regular board meeting to order at 6:02 PM

ROLL CALL:

Supervisor Smith	Here
Councilman Bango	Here
Councilman Pierce	Here
Councilwoman Ritz	Here
Councilman Phipps	Here

All present. None Excused

Supervisor Smith call for a motion for the following:

Motion to accept or amend minutes from the January Operational Board meeting
Motion to accept by: Councilman Bango Seconded by: Councilman Pierce
All in favor. None opposed. Motion carried.

Motion to accept or amend minutes from the January Regular Board meeting with corrections to page 3 of the drafted minutes.
Motion to accept by: Councilman Pierce Seconded by: Councilman Phipps
All in favor. None opposed. Motion carried.

Supervisor's report & motion to accept
Motion to accept by: Councilman Bango Seconded by: Councilwoman Ritz
All in favor. None opposed. Motion carried.

Town Clerk's report & motion to accept
Motion to accept by: Councilman Pierce Seconded by: Councilman Bango
All in favor. None opposed. Motion carried.

Water Report & motion to accept
Motion to accept by: Councilman Bango Seconded by: Councilman Pierce
All in favor. None opposed. Motion carried.

Audit Bills & motion to pay
General Fund
Motion to pay by: Councilman Bango Seconded by: Councilwoman Ritz
All in favor. None opposed. Motion carried.

Water Fundst & motion to pay
Motion to pay by: Councilman Bango Second by: Councilman Phipps
All in favor. None opposed. Motion carried.

SI1 and SI2 Funds:
Motion to pay by: Councilman Pierce Seconded by: Councilman Bango
All in favor. None opposed. Motion carried.



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HighwayFund:

Motion to pay by: Councilman Pierce

Seconded by: Councilman Bango

All in favor: Aye. None opposed. Motion carried.

The privilege of the floor to the public: (A motion to limit debate could be in order)

- Jane Rose - Food Pantry

Mrs. Rose Thanked the Supervisor and Board members again for their support of the Food Pantry. She thanks Councilwoman Ritz for giving the food pantry report at the last board meeting. Mrs. Rose gave the town clerk a new qualifier sheet to upload to the Town website. She asked the board if they could put security cameras on the food pantry building. The food pantry will buy the cameras, they just need them put in. She also asked if there could be wifi internet installed in the building and could Supervisor Smith look into if the food pantry falls under the Town's insurance. She is worried if the power goes out, and they lose their frozen foods, how would they replace it? Superintendent Langs stated the Village had a portable generator that could be put in for the food pantry. He stated he would get a quote from Bobbie Weeks for installing a transfer. Supervisor Smith stated he would talk to the town insurance company and get back to her. Mrs. Rose also let the Supervisor and board members know that ice came off the roof and knocked the donation box for the food pantry off the building. She wanted to know if a roof or cover could be installed to prevent this from happening. She thought maybe the cost could be split between the Town of Diana and Town of Pitcairn, since the pantry services both communities. Supervisor Smith stated he would talk to Allison to see if the costs could be split. Supervisor Smith thanked her for coming and stated he would get back to her soon with answers to her questions.

At 6:30 pm, Supervisor Smith called a pause to the Regular Board Meeting to go back to vote and adjourn the Public Hearing for Local Laws

At 6:30 PM, Supervisor Smith called for a motion to pass Local Law #1 To Protect the Public Drinking Water Supplies of the Town of Diana, in the Hamlet of Harrisville, Lewis County, New York.

Motioned by: Councilman Bango

Seconded by: Councilman Phipps

Roll Call:

Supervisor Smith: Aye

Councilman Bango: Aye

Councilman Pierce: Aye

Councilwoman Ritz: Aye

Councilman Phipps: Aye

All in favor: Aye. None opposed. Motion carried.

Supervisor Smith called for a motion to pass Local Law #2 to Establish the Hamlet of Harrisville Water Law, in the Town of Diana, county of Lewis, New York.

Motioned by: Councilman Bango

Seconded by: Councilwoman Ritz

Roll Call:

Supervisor Smith: Aye

Councilman Bango: Aye

Councilman Pierce: Aye

Councilwoman Ritz: Aye

Councilman Phipps: Aye

All in favor: Aye. None opposed. Motion carried.

Supervisor Smith adjourned the Public Hearings at 6:35 PM and continued on with the regular meeting.



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Capital Water Project:

- New Pre-Bid Walk Through 3/10/24 at 10 AM - Town Hall
Supervisor Smith introduced Charlie Prior to all present, and asked Mr. Prior if he could email the new required maps for our Local Law, and he stated he would right after the meeting. Mr. Prior explained the bid process to all, and some of the changes in 2023, like the rehabilitation and testing of well 1 by Woodwell Drilling. Mr. Prior explained he sent a letter to Zach that details what wasn't in the general job/design phase of the contract. This included allocations for budget for engineering, for design once the project is bid, they will have a contractor on board for the construction phase etc. He said by

Maybe they'll have a better idea of the project time frame. Supervisor Smith stated that the original agreement stated the local match was \$402,000, the budget updated this figure to \$580,000.00, and anything above that the Town would be reimbursed for. Mr Prior replied yes.

Supervisor Smith asked for a motion to amend the contract with EDR for the design phase.

Motion to amend Contract with EDR for the Design Phase, needing an additional \$43,500.00, reimbursable:

Motion to amend by: Councilman Pierce

Seconded by: Councilwoman Ritz

ROLL CALL:

- Supervisor Smith Aye
- Councilman Bango Aye
- Councilman Pierce Aye
- Councilwoman Ritz Aye
- Councilman Phipps Aye

All in favor: Aye. None opposed. Motion carried.

Mr. Prior asked Superintendent Langs to allow them to take 1 more sample from well 1 in the next few weeks. Superintendent Langs said that was fine.

- New Bid Date 3/27/24 at 11 am - Town Hall
- Review request from Harrisville Museum on water rate. (Tabled January)

Supervisor Smith asked for a motion to Waive the water bill for the Town of Diana Museum, since it is a town property.

Motion to Waive Water Bill for Town of Diana Museum:

Motion to Waive by: Councilman Pierce

Seconded by: Councilman Phipps

ROLL CALL:

- Supervisor Smith Aye
- Councilman Bango Aye
- Councilman Pierce Aye
- Councilwoman Ritz Aye
- Councilman Phipps Aye

All in favor: Aye. None opposed. Motion carried.

- **Start working on Lead Line Lateral Survey required by DOH** - Review pricing at March Meeting

General Discussion about the Lead Line Lateral Survey required by DOH.



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Reports of invited guests: NONE

Old Business

- **Review Resolution #13** to allow the supervisor to make the 2023 accounts whole
- **Grant update on zoning** - Grant application not accepted for GateWay Grant

Supervisor Smith informed all that the Town of Diana was denied the grant a second time, because only 20% of the town is in the Adirondack Park. They are looking for another option.

- **Harrisville Health Center** - Review the Draft Lease agreement with Attorney Hassler
 Supervisor Smith let all present know that the Town of Diana Attorney, Lawrence Hasseler had drawn up a new lease. Mr. Hasseler explained he used the previous lease from the medical building, made a few changes, but basically the lease remained the same and asked the board members to review the lease. Mr. Hasseler stated that with the hospital providing medical service to the town it is considered fair market value so the lease amount would be \$1.00. He also stated he included an early termination clause with 108 day notice required. The hospital would put in the times for hours of operation and days of operation. Supervisor Smith asked for a motion to approve the lease being sent to the Director of the Lewis County Hospital for his review. Councilman Bango asked for time to read the lease over before approving it. Mr. Bruce Bango stated "take 20 minutes and read it then." Councilman Bango stated he didn't want to hold up the meeting for 20 minutes while he goes over the lease. Councilman Pierce stated that they needed to approve this lease now, or we risk the hospital backouting out of the deal. Representative Frost stated he did not feel that the hospital was going to pull out of the deal. Councilman Pierce stated that they already had two picks to come into the building and if the town drags their feet any longer we risk the hospital backing out of this deal. Councilman Bango asked Councilman Pierce why he seemed to know so much more about this than the rest of us and those who we voted to handle the negotiations. Councilman Pierce stated because he talks to Doctor Shambaugh. Councilwoman Ritz stated she felt the board approving that Supervisor Smith send the lease to Lewis County Hospital shows Gerald Cayer that the Board is acting in good faith and wants to have Lewis County lease the medical building. Supervisor Smith asked the board again for a motion to send the lease asking them , "do I have the board's permission to send the lease to the director at Lewis County Hospital, so he can go over the lease, and if he makes changes, can get it back to me so we can finish negotiations." Councilman Pierce further stated that he feels, once the lease comes back from the Director at Lewis County Hospital the board should call a special meeting to approve the lease and move forward once the hospital agrees to the lease.

Supervisor Smith asked again for a motion to allow him to send the Lease Agreement for the Town Medical Building to the Director of Lewis County Hospital, Gerald Cayer, and call a special board meeting once the lease comes back from Mr. Cayer, to be able to approve the lease or not.

Motion to send the Medial Building Lease to the Director of Lewis County Hospital, Mr. Geral Cayer, and once it is received by Supervisor Smith a special board meeting will be called:

Motioned by: Councilman Pierce

Seconded by: Councilwoman Ritz

ROLL CALL:

Supervisor Smith	Aye
Councilman Bango	Aye
Councilman Pierce	Aye
Councilwoman Ritz	Aye
Councilman Phipps	Aye

All in favor: Aye. None opposed. Motion carried.



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- Broadcasting meetings on YouTube (Tabled January) - Thoughts on recording:

Supervisor Smith asked the board members how they felt about recording equipment verses broadcasting the board meetings through a free service. Councilwoman Ritz said no, that isn't what the people want. The Town Clerk asked if she could address the board. Supervisor Smith stated yes. Mrs. Paterson stated that the video broadcast of the previous meetings that Mrs. Ritz did before being elected back onto the board were very helpful to her, and that while digital voice recordings would be helpful, they will not protect the town in the event of a lawsuit. With a digital voice recording of the meetings, you hear only the voice and don't see the actions. It is also easy to not be sure on a recording who is saying what. The free video broadcasting is a better protection for the town and members of the audience. She further explained the Town of Manlius, Town Supervisor John Deer did training at the Clerk's convention and told us how their video broadcast recording saved the town from losing a lawsuit. The judge told him that had they only had the typed minutes, and he had not been able to see who was speaking and the behaviors and body language, he would have ruled in favor of the plaintiff and the town would have lost the lawsuit. The clerk stated that she has had calls from some of our older residents asking why the meetings were no longer being broadcast. Councilwoman Ritz also stated that it is part of what she ran on, transparency and letting the residents see the board members at work. Supervisor Smith added that there are many that work out of town and don't get back in time for our board meetings, snowbirds that are gone during the winter and summer residents who like to watch to know what is going on in the town. It is a free service. To go with digital voice recordings we will have to pay for equipment to do this. Supervisor Smith called for a motion to live stream the board meetings.

Motion to Live Stream Broadcast all of Town of Diana Board Meetings.

Motioned by: Councilwoman Ritz

Seconded by: Councilman Pierce

ROLL CALL:

Supervisor Smith	Aye
Councilman Bango	No
Councilman Pierce	Aye
Councilwoman Ritz	Aye
Councilman Phipps	Aye

4 in favor. 1 opposed. Motion carried.

New Business:

- **Motion to remove Rick Taylor from the Community Bank NA accounts - Add Allen Bango to the Community Bank NA Accounts.**

Motioned by: Councilman Phipps

Seconded by: Councilman Pierce

ROLL CALL:

Supervisor Smith	Aye
Councilman Bango	Aye
Councilman Pierce	Aye
Councilwoman Ritz	Aye
Councilman Phipps	Aye

All in favor: Aye. None opposed. Motion carried.

- **NYMIR - Insurance - Review Letter at March Meeting** - Requested Chrimea group to be at the April Meeting
- **Request from community to have debris cleaned up at various properties**

Supervisor Smith stated he has had a few calls about cleaning up debris in the Town of Diana, in the Hamlet and out by Natural Bridge. He stated he has been referring these to John Rose at Lewis County Zoning/Building Permits. He asked if any of the Board members or Clerk got any calls to get the address of the area in question, to give to him, and then refer them to Mr. John Rose.



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- Request to Move the April Board Meeting Date:

Supervisor Smith asked if the April Board meeting could be moved. His girlfriend, Joanne is receiving a very prestigious award and he wants to accompany her to LA and show his support. The Board members all agreed to move the April board meeting to April 15, 2024 at 6:00 pm

Communication: None

Highway update:

- Request to reduce speed zone on Washington Street

Superintendent Langs stated to all he received a call from Mrs. Vickie Irish, requesting that the speed be reduced on Washington Road, North Shore Extension road, to the intersection of North Shore road to 30 MPH. He explained she is in a wheelchair and likes to go for a ride in her motorized wheelchair in the spring, and so does another resident, and the 55 MPH speed limit is too fast, she doesn't feel safe.

Supervisor Smith called for a motion to change the speed limit on Washington Road/North Shore Extension road to 30 MPH.

Motion Have Superintendent Langs send a letter to Lewis County Highway Superintendent to request changing the speed limit to 30 MPH on Washington Road/North Shore Extension Road to the where it intersects with North Shore Road.

Motioned by: Councilman Pierce

Seconded by: Councilwoman Ritz

ROLL CALL:

Supervisor Smith	Aye
Councilman Bango	Aye
Councilman Pierce	Aye
Councilwoman Ritz	Aye
Councilman Phipps	Aye

All in favor: Aye. None opposed. Motion carried.

- Truck Quotes

- Update for Kimball Mills Bridge - BCA at March Meeting

Supervisor Smith let all know that BCA sent a layout map to him and BCA representatives will be at the March meeting with more information etc. He has the map if anyone wants to see it.

Reports of Committees:

Councilman /Town Clerk / Bookkeeper time: Nothing to report.

Bookkeeper: Not present at the meeting.

Supervisor Smith called for a motion to adjourn the board meeting.

Motion to Adjourn:

Motioned by: Councilwoman Ritz

Seconded by: Councilman Pierce

All in favor: Aye. None opposed. Motion carried.

Board Meeting adjourned at 7:37 PM.

Submitted by

Andrea M. Paterson
Town of Diana Clerk