

A regular meeting of the Town Board of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York on the 13th day of July, 2009.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Joan M. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Robert E. Hutchison, Jr., Town Assessor; Carmen Kesner, Chief of Police; Andrew Reilly, Planning Consultant; Thomas Best, Sr, Highway Superintendent; Gerard Kapsiak, Town Engineer.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters notes that there will be some awards presented prior to prefiled resolutions. Suzanne McKenney isn't able to be at the meeting to present the award but John Cervoni is available to do so.

John Cervoni notes that the recognition program is called Integrity in Action. This month the character virtue is "Gentleness". This award is presented to Jennifer Eroni.

Supervisor Walters adds that several of our bravest will be honored tonight. The meeting is turned over to Councilman, Kevin Smardz.

Councilman Smardz notes this is to publicly show the residents of Hamburg what we have here. We have probably the best first responders in Erie County. From Hamburg Vol. Fire, Fireman of

the Year, Michael Crawley; Scranton Vol. Fire, Drew Martz; Big Tree, Chris Mazur; Newton Abbott, Josh Taylor; Lake Shore, Larry Januchowski; Armor, Bob Guggemos.

The Town Board thanks these recipients for their time and service. Immediately following the meeting there will be a cake reception in the main lobby.

1.

On a motion of Councilman Quatroche, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the minutes of the following meetings:

06/22/09 Town Board Meeting

2.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in promoting NICHOLAS BUDNEY, to the vacant position of Lieutenant effective July 19, 2009. Mr. Budney is currently on the Police Lieutenant Civil Service List, established November 24, 2008, Exam #074029. Salary is \$40.41 per hour, funds available in B3120.100.

Supervisor Walters asks Carmen Kesner, Chief of Police, to come forward for the presentation of the badge.

Chief Kesner notes that right from the beginning you could tell he had something special. He is a very diligent worker and is respected by all the men.

3.

On a motion of Councilman Quatroche, seconded by Councilman Smardz, the following

resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED that the Town Clerk be authorized to advertise for a public hearing to review the requests of the various volunteer fire companies and fire protection districts for their 2010 contracts with the Town. The public hearing will be scheduled for September 28, 2009 at 7:00 p.m. local time.

4.

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 3 Walters, Kesner, Quatroche
 Noes 0
 Abstain 1 Smardz

RESOLVED, that Steven J. Walters, Supervisor, accepts the resignation of Thomas M. Best, Sr. as Deputy Town Supervisor effective immediately.

BE IT RESOLVED, that Steven J. Walters, Supervisor, appoints Kevin Smardz, Deputy Town Supervisor.

5.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution

was

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0

WHEREAS, bids were opened for five (5) 2010 Unused Single Axle Plow/Dump Trucks with Equipment for the Town of Hamburg Highway Department on June 8, 2009; and

WHEREAS, thirteen (13) bids were received as follows:

Bidder Name	Equipment	Bid
1. Hunter Buffalo Peterbilt	Gorman Equipment	\$648,870.00
2. Hunter Buffalo Peterbilt	Henderson Equipment	\$666,385.00
3. Hunter Buffalo Peterbilt	Valley Fab & Equipment	\$649,140.00
4. Hunter Buffalo Peterbilt	Viking Cives	\$643,690.00
5. Hunter Buffalo	Cyncon Equipment	\$667,860.00
6. Fleet Maintenance Inc.	Valley Fab & Equipment	\$699,410.00
7. Fleet Maintenance Inc.	Viking Cives	\$662,678.85
8. Fleet Maintenance Inc.	Cyncon Equipment	\$689,630.00
9. Kenworth of Buffalo	Valley Fab & Equipment	\$687,530.00
10. Regional International	Viking Cives	\$700,228.00
11. Regional International	Cyncon Equipment	\$727,179.15
12. Regional International	Henderson Equipment	\$722,474.15
13. Regional International	Valley Fab & Equipment	\$706,959.15

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Highway Superintendent, Thomas Best, to accept the bid of Hunter Buffalo Peterbilt in the amount of \$649,140.00, since they are the only bidder to meet all the specifications.

Ferd Garcia questions what will happen to the used equipment.

and June 22, 2009 and,

WHEREAS, the Town has conducted a coordinated SEQR process and has determined that this Zoning Law Amendment will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic consideration;

NOW THEREFORE, BE IT RESOLVED, that the Hamburg Town Board has determined that the proposed Law Amendments are not anticipated to result in any significant negative affect on the environment and that a Negative Declaration is hereby issued.

8.

On a motion of Councilman Smardz, seconded by Supervisor Walters, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

WHEREAS, the Town of Hamburg Code Review Committee has been referred an issue related to the establishment of glass shops and the installation of glass at said establishments in the Neighborhood Commercial (NC) zoning district and,

WHEREAS, the Code Review Committee has drafted an amendment to the Zoning Law and has held the appropriate public hearing and,

WHEREAS, the Town Board has determined that the proposed Law Amendment is not anticipated to result in any significant negative affect on the environment and has issued a Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the zoning Code of the Town of Hamburg be amended as per the attached law.

In Article XII, Neighborhood Commercial General Residence District, make the following changes:

Under Section 280-60- Permitted uses and structures, amend item (13) to read “Personal Service establishments, including but not limited to barbershops, beauty parlors, glove or hat cleaning or repair, hand laundry, Laundromats, dry cleaning, glass shops, and small appliance repair.

And

Under Item B. Accessory uses and structures, add a new item (3), “Installations of glass at an approved glass shop”.

9.

On a motion of Councilman Quatroche, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of four and termination of three in the Recreation Department as follows:

1. Sadowski, Christopher	Rec. Att'd P/T Seas	07/05/09	\$8.75
2. Carpenter, Katelyn	Rec. Att'd P/T Seas.	06/29/09	\$7.15
3. Tobia, Katie	Rec. Att'd P/T Seas.	06/29/09	\$7.15
4. Ryan, Wendy	Lifeguard P/T	06/30/09	\$10.84
5. Sztaba, James	Rec. Att'd	07/06/09	Terminate
6. Suchyna, Nathaniel	Rec. Att'd	07/06/09	Terminate
7. Majer, Richard	Lifeguard	07/06/09	Terminate

10.

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of two and terminations of two in the Buildings & Grounds Department as follows:

1. Bilka, Peter	Laborer, P/T	06/28/09	Terminate
2. Bilka, Peter	Laborer, Seas.	06/29/09	\$8.00
3. Larosa, Barbara	Clerk, Seas.	06/27/09	Terminate
4. Larosa, Barbara	Clerk, P/T	06/28/09	\$11.43

11.

On a motion of Councilman Smardz, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the hiring of three, termination of one and leave of absence of one in the Senior Services/Adult Day Services Department as follows:

- | | | | |
|------------------------|----------------|-------------------------------|-----------|
| 1. Lewis, Kathleen | Rec. Att'd P/T | 06/26/09 | Terminate |
| 2. Rust, Pamela K. | Rec. Att'd P/T | 07/01/09 | \$11.00 |
| 3. Sullivan, Ashley M | Rec. Att'd P/T | 07/01/09 | \$11.00 |
| 4. Spaulding, Ashley L | Rec. Att'd P/T | 07/01/09 | \$11.00 |
| 5. Doody, Joseph | Rec. Att'd P/T | Leave of absence until 9/1/09 | |

12.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the recommendation of the Chief of Police in hiring CHRISTOPHER BUTERA to the vacant position of POLICE OFFICER, effective July 26, 2009. Mr. Butera is currently on the Civil Service List for Police Officer, established April 11, 2008, Exam #063533. Salary is \$23.02 per hr, funds available in B3120.100

Supervisor Walters asks Chief of Police, Carmen Kesner, to present the badge to Mr. Christopher Butera.

Chief Kesner notes that tonight he hopes starts a wonderful tradition within the family of police officers in the Town of Hamburg. Angelo is one of the Town's finest detectives who has put many hard years in the department and he is sure his son will give the same quality as Angelo has all these years.

13.

On a motion of Councilman Smardz, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, the Town of Hamburg has received a letter from Tops Markets, LLC concerning its property located at 4250 McKinley Parkway, requesting that the property be rezoned to General Commercial (C-2), and

WHEREAS, this area of the Town was subject to a previous rezoning initiative by the Town, and

WHEREAS, the previous research into this area resulted in the recommendation that various properties at “Seven Corners” be rezoned to C-2 in accordance with the Comprehensive Plan and to make the uses conforming uses, and

WHEREAS, the Tops property was recommended for rezoning but was not rezoned because the owner of the site could not be reached for input, and

WHEREAS, the owner of the site has now requested this change, noting the non-conformity of the property caused by the Town’s Code Amendments, and the possible need to sell the property and make changes to it.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby sets a public hearing on the proposed rezoning of this property from Local Retail Business (C-1) District to General Commercial (C-2) District for August 3, 2009 at 7:00 p.m.

BE IT FURTHER RESOLVED, that the Planning Department complete the appropriate paperwork (with assistance from the property owner) and perform a Lead Agency mailing (establishing the Town Board as Lead Agent) and 239m Referral.

On a motion of Councilman Smardz, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, the Town of Hamburg has received letters and a “petition” signed by property owners at 4828, 4862, 4882 and 4888 Southwestern Boulevard, as well as a vacant parcel on Southwestern Boulevard, asking that their properties be considered for Commercial Zoning, and

WHEREAS, the Town of Hamburg has studied this area in the past and has recommended commercial zoning in the past, and

WHEREAS, the Town of Hamburg has recently adopted a Comprehensive Plan amendment and based on the amendment would like to get a formal recommendation on the type and extent of Commercial Zoning in this area, including any required buffers or restrictions.

NOW, THEREFORE, BE IT RESOLVED, that this request be referred to the Planning Board for its input and recommendation.

15.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, certain properties within the Town have been neglected or abandoned and as consequence the growth of weeds, grass and other rank vegetation has exceeded twelve inches in height, the standard established by Town of Hamburg Local Law No 9-1974, Village of Blasdell Chapter 95 Article 1, Village of Hamburg Local Law No. 3 - 1998 Section 182-2

WHEREAS, the Town Code Enforcement Official has identified these properties to be violation of said local law and based on his formal inspections has mailed a notice of violation to the respective property owners with an order to cut and remove such grass and weeds on the premises.

WHEREAS, the Town has received no response by the listed owner nor has any remedial work been undertaken to alleviate the violations within the prescribed ten day period and subsequently the Town Code Enforcement Official has caused the grass and weeds to be cut and removed by a Town approved contractor.

NOW, THEREFORE BE RESOLVED, the Town Board approve the following invoices for

payment for the work contracted to Windsor Landscaping of Lakeview, New York to cut, mow, rake high grass and weeds including the proper disposal as directed by the Town Code Enforcement Official at the following locations:

Property Address	Service Date(s)	Invoice Amount
1615 Lakeview Rd	06/03/09	\$128.00
6767 Boston State Rd	06/12/09	\$358.50
4919 Rosetta	06/12/09	\$257.50
5939 Lakecrest	06/10/09	\$138.00
216 Kenton	06/10/09	\$326.50
6359 Smith Road	06/13/09	\$549.50
8 Silver Street	06/19/09	\$140.00
5641 Green Meadow	06/23/09	\$70.00
25 West Crescent	06/23/09	\$210.00
3692 White Street	06/24/09	\$210.00

To Property Care & Enhancements, Collins. New York to cut, mow, rake high grass and weeds including the proper disposal as directed by the Town Code Enforcement Official at the following locations:

Property Address	Service Date(s)	Invoice Amount
5815 Rosewood Terrace	06/16 & 06/17	\$416.00
5895 Rosewood Terrace	06/14 & 06/15	\$384.00
4220 Elmwood Avenue	06/11	\$400.00
33 Lake Avenue	06/24	\$96.00
34 Lake Avenue	06/24	\$32.00
114 Lake Avenue	06/24	\$96.00
3576 James Avenue	06/09 & 6/10	\$400.00
3196 Lakeshore Rd	06/24	\$30.00

FURTHER RESOLVED the Town Board approve the transfer of \$15,000 from Account A1990.419 to A3620.469 to finance this work throughout the season..

BE, IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the owners of the aforementioned properties plus an additional administrative overhead fee of twenty- percent for recovery of costs incurred by the Town in connection with these proceedings as provided by Town of Hamburg Local Law No. 9-1974 Section 75- 4 B.Village of Blasdell Chapter 95 Article 1, Village of Hamburg Local Law No. 3 - 1998 Section 182-2

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the transfer of funds in the Finance Department as follows:

From: Contingency Account A1990.419 \$20,000.00

Nature of account

To: Personnel-Cons. Fees A1430.456 \$20,000.00

To fund for consultant fees for second half of the year.

17.

On a motion of Councilman Quatroche, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board authorize the Town Supervisor to sign an agreement with Direct Hit Media, LLC. pending legal review and approval of said agreement. Direct Hit will pay the Town a percentage fee from sales they generate from advertisements on our fleet of golf carts.

18.

On a motion of Councilwoman Kesner, seconded by Supervisor Walters, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, each year the Village of Hamburg enters into a Cooperative Agreement with the Town of Hamburg to receive Community Development Block Grant funds, and

WHEREAS, the Village of Hamburg requested and received \$125,000.00 from the 2009 CDBG Grant year for water line reconstruction on Long Avenue and Hillview Place.

was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board approve the following recommendation from the Computer Committee to change the T-1 line services from Level 3 to PAETEC. The following quotes were submitted:

One Communications	\$ 1,165.00
PAETEC	\$ 1,395.00
Level 3	\$ 1,788.18
Verizon	\$ 2,214.00

The recommendation of the second lowest quote, PAETEC, is based on their reputation and qualifications.

Supervisor Walters notes that this change over will save approximately \$10,000 per year on the phone system. This will give the Town greater opportunity and flexibility with our phone service and new technologies and upgrading our system as well. Bob Hutchison and Cathy Rybczynski among others are on the committee and commend their work in reviewing this matter.

22.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

RESOLVED, that the Town Board approve the re-appointment of Leona Rockwood to the Erie County Environmental Management Council (ECEMC) for a two (2) year term commencing May 31, 2009 and ending May 31, 2011.

23.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution

was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, the property located at 81 Maple Avenue was left in an abandoned state.

WHEREAS, as the result of neglect due to the abandonment, the property has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the property being left in an unsafe manner, the Town Code Enforcement Officer contracted services to secure the property and make it safe. This action was executed in accordance with Local Law no. 5-1972, Section 80-5 and 80-6 of the Town of Hamburg.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$350.00 (three hundred and fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building.

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account A3620.469, (Clean up of properties) through Account A1990.419

24.

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, the property located at 216 Kenton place was left in an abandon state.

WHEREAS, as the result of neglect due to the abandonment, the property has become an attractive nuisance to the contiguous neighborhood and the general public.

WHEREAS, due to the property being left in an unsafe manner, the Town Code Enforcement Officer contracted services to secure the property and make it safe. This action was executed in accordance with Local Law No. 5-1972, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$150.00 (One hundred fifty dollars) to Dan Cappola, General Construction, to provide the necessary enclosures in order to secure the building.

BE IT FURTHER RESOLVED, the payment of such services, that the Town Board increase appropriations to Account A3620.469, (Clean-up of Properties) through Account A1990.419.



Town of Hamburg

Office of Supervisor

NATIONAL NIGHT OUT 2009

WHEREAS, the National Association of Town Watch (NATW) and TARGET is sponsoring a unique, nationwide crime, drug and violence prevention program on August 4, 2009 entitled "National Night Out"; and

WHEREAS, the "25th Annual National Night Out" provides a unique opportunity for Hamburg to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, Hamburg plays a vital role in assisting both Police Departments through joint crime, drug and violence prevention efforts in Hamburg and Blasdell and is supporting "National Night Out 2009" locally; and

WHEREAS, it is essential that all citizens of Hamburg be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Hamburg; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program.

NOW, THEREFORE, I, Steven J. Walters, Supervisor of Hamburg, do hereby call upon all citizens to join the National Association of Town Watch in supporting the "25th Annual National Night Out" on August 4, 2009.

FURTHER, LET IT BE RESOLVED THAT, I, Steven J. Walters, Supervisor of the Town of Hamburg, on behalf of the Town Board, do hereby proclaim Tuesday, August 4, 2009 as "NATIONAL NIGHT OUT" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 4th of August 2009.


STEVEN J. WALTERS, Supervisor

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Jr., Councilman



Supervisor Walters adds a special thanks to George Lee who spearheaded this National Night Out in Hamburg and Blasdell for a long time. Even though he retired as Village Trustee he's continuing his good efforts for both the Town and Villages.

George Lee thanks the Supervisor and the Town of Hamburg for welcoming Blasdell with open arms.

28.

On a motion of Supervisor Walters, seconded by Councilman Quatroche, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

BE IT RESOLVED, that the Town Board approve the audit of cash disbursements as follows:

TOWN BOARD JULY 13, 2009
 AUDIT OF CASH DISBURSEMENTS

		VOUCHER #'S
OPERATING FUND:		
BATCH #69	\$19,887.00	34843
BATCH #70	\$841,590.19	34848-34912
BATCH #71	\$408,865.63	34913-34985
BATCH #72	\$700,046.14	34986-35091
BATCH #73	\$75,404.60	35108-35160
BATCH #74	\$2,404.60	35161
BATCH #		
TOTAL OPERATING FUND DISBURSEMENTS:		\$2,048,198.16
TRUST & AGENCY:		
BATCH #15	\$4,800.00	
BATCH #16	\$14,227.78	
BATCH #17	\$4,000.00	
BATCH #		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$23,027.78
CAPITAL FUND DISBURSEMENTS:		
BATCH #		

BATCH #36	\$42,444.00	34844-34847
BATCH #37	\$9,056.09	35092-35100
BATCH #38	\$659,674.50	35101-35107
BATCH #		

TOTAL CAPITAL FUND DISBURSEMENTS:		\$711,174.59
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PAYROLL:

PR #13	\$588,578.20
PR#14	\$626,878.07

TOTAL PAYROLL DISBURSEMENTS:	\$1,215,456.27
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PETTY CASH	\$0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:	\$3,997,856.80
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Reports from the Town Board

Councilman Quatroche reports that July 25th is the Hamburg Fun Run and Blast on the Beach and looks forward to seeing everyone there.

Councilwoman Kesner reports Robert Hutchison who heads the Assessing Department and the Town of Hamburg has been nominated for the International Association of Assessing Officers Program. His peers have recognized his hard work and dedication in this profession. Congratulations to Bob and thanks to his office staff for all the work they do for the Town. Blast on the Beach is Saturday, July 25th everything starts from noon on and at 9:45 p.m. the fireworks display will begin.

Supervisor Walters recognizes the Don Thiry Foundation which his family put together a memorial foundation for him that gives a lot of money to the Recreation/Youth Department. Also, this Saturday is the annual Burgerfest.

Gerard Kapsiak thanks Chris Hull and Tim Regan from Community Development for the funding that is referenced in resolution 20 that is being used toward the Town waterline project. These funds will help reduce the burden on the Town property owners toward that project.

Highway Superintendent Best thanks the Town Board for the decision to purchase the five plows they are a needed asset in this Town. This is the middle of the paving period and there may be some distraction in the neighborhoods. It was brought to his attention that the Erie County

Agricultural Society is again attempting to charge some of the seniors a fee for entering the fair. He asks the Town Board consider taking charge on this.

Supervisor Walters adds that they learned today Big Tree Rd between the seven corners and South Park is closed as part of the reconstruction project.

New Business from the floor

Joe Killian questions the cutting of the grass at the playing field on Orchard Ave.

Tom Best replies that the lease with them expired and they took that back over.

Mr. Killian questions if the Route 5 traffic calming grant is still active.

Councilman Quatroche responds that it is and they just finalized some plans regarding that and Shoreline Revitalization Committee has not had an opportunity to review them yet.

Mr. Killian adds that the Armor Inn is still half put together and wonders what's next.

Supervisor Walters responds that the Code Enforcement Office has been in constant contact with the owner of the property and he has recently been cited. Other avenues are aggressively been pursued to get that property cleaned up.

Mr. Killian is wondering if there is a plan in place incase the bears come into town.

Chief Kesner responds that in the past there were incidents with bears and they do have ideas on what to do and how they will do it.

Steve Strnad questions if the Town Board knows what the true amount is that is spent on town attorneys.

Supervisor Walters responds that off the top of his head he does not but that information can be forwarded to him.

Mr. Strnad questions the number of attorneys and wonders why consultants have to be called in.

Supervisor Walters responds that there are two attorneys and a prosecutor. There are certain specialties and certain things, because of the way the legal system works, where it's not recommended for our attorneys to represent the town on certain matters. In Ken's presentation he showed the cost going down dramatically for outside costs.

Patti Michalek notes that for the last two years the town received over 2 million dollars from the lottery and questions how the money was spent.

Supervisor Walters responds it was primarily spent to pay down the town debt.

Mrs. Michalek asks for an itemization of where all of the money went.

Supervisor Walters responds that he doesn't have it on him right now but he could get that for her.

Patti Michalek notes that last month she asked for a long term financial plan and she is under the understanding there is not one.

Supervisor Walters responds that it is not correct. She asked if there was a written one and he responded that there is a financial plan in place where forecasting is looked at as well as trends and the economy.

Patti Michalek questions that there is a plan, but it's not written.

Supervisor Walters continues that the result of how the town budgeted and the financial planning is that spending has been lowered in the town by 7% over the last three years. Even with losing sales tax and mortgage tax money taxes have still been able to be lowered it's a pretty good indication that the way they are planning is effective. The video lottery money has been used to pay a substantial portion of the town debt, saving the town if the plan continues. The final early payment would be in the summer of 2010 and would have over half a million dollar savings because of this smart long term financial planning. The final payment was scheduled for 2024, so we are paying it down 14 years early.

Patti Michalek asks if the two million dollars from the video lottery that was received in the past, is future money anticipated.

Supervisor Walters responds that the funds were received this year and the hope is there that there will be more but the state threatened to take it away two years in a row.

Patti Michalek asks if this money is in the planning or an extra bonus.

Supervisor Walters notes this is being used very conservatively. It is not being put into the operating account it's being used for one time costs.

Patti Michalek requests an itemization as to how that money is being used and if this would be available for the taxpayers on the town website.

Supervisor Walters responds that it will be put together and made available at the next meeting.

