

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 3rd day of August, 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; Robert Hutchison, Town Assessor; Kurt Allen, Supervising Code Enforcement Officer; Drew Reilly, Planning Consultant; Gerard Kapsiak, Town Engineer; Kenneth Farrell, Town Attorney; Thomas Best, Sr., Highway Superintendent; Martin Denecke, Director of Recreation; Carmen Kesner, Chief of Police; Tamara Harbold, Human Resources Consultant.

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters notes there will be an award presentation by the Character Initiative.

John Cervoni, Character Council, the character trait being recognized is Faith. Josh Brunner is recognized for exemplifying the character trait of Faith.

Catherine Rybczynski, Town Clerk, reads the legal notice as published.

7:00 p.m. Public Hearing

LEGAL NOTICE
TOWN OF HAMBURG

REZONING OF TOPS MARKET - 4250 MCKINLEY PARKWAY

PLEASE TAKE NOTICE that there has been presented to the Town Board on July 13, 2009, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #8, 2009; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for eight (8) acres of vacant land and five (5) acres of developed land located at the south west corner of McKinley Parkway and Southwestern Boulevard. The property is identified as tax map parcels S.B.L. No. 160.18-1-12 and 160.18-1-13. The property is to be rezoned from C-1 (Local Business District) to C-2 (General Commercial District).

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on August 3, 2009 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: July 13, 2009

Catherine Rybczynski

Town Clerk
Town of Hamburg

Catherine A. Rybczynski, Town Clerk, notes there was no correspondence received.

Drew Reilly gives a brief presentation on the rezoning.

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 memberships into the Lakeshore Volunteer Fire Co., Inc. as follows:

Kevin Sanderson
5007 Morgan Pkwy
Hamburg, NY 14075

Danielle Steiner
5455 Southwestern Blvd
Lot #28
Hamburg, NY 14075

Allison Jean Convissar
5305 Briercliff Dr
Hamburg, NY 14075

Patrick Fay
4559 Mount Vernon Blvd
Hamburg, NY 14075

Anthony Burghezi
3106 Amsdell Rd
Hamburg, NY 14075

Laurie Burghezi
3106 Amsdell Rd
Hamburg, NY 14075

12.

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 one and termination of three in the Buildings and Grounds Department as follows:

- | | | | |
|-----------------------|----------------|----------|-----------|
| 1. Smith, Christopher | Laborer, Seas. | 07/11/09 | Terminate |
| 2. Taylor, Aaron | Laborer, Seas. | 07/25/09 | Terminate |
| 3. Deinzer, Deborah | Cleaner, P/T | 06/27/09 | Terminate |
| 4. Deinzer, Deborah | Cleaner, Seas. | 06/28/09 | \$9.92 |

13.

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

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

WHEREAS, Colley’s Pools & Spas applied for a building permit #2009-935; to construct a fence located at 4231 Victorian Drive and,

WHEREAS, the property owner decided to put up their own fence,

THEREFORE, BE IT RESOLVED, that Colley’s Pools & Spas be issued a refund for the building permit in the amount of \$45.00;

Colley’s Pools & Spas
4953 Camp Road
Hamburg, NY 14075

14.

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

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

WHEREAS, following the recent installation of new poles and relocation of street lights along Heltz Road by National Grid, together with the review of requests from area residents for improved street lighting in the area, the Town Engineer has recommended that one additional street light is warranted along the portion of Heltz Road between Schultz Road and Pleasant Avenue,

THEREFORE BE IT RESOLVED, that the Town Board authorizes National Grid to install one, 100 watt high pressure sodium fixture on National Grid Pole No. 21, located in front of 6301 Heltz Road, in accordance with the terms and conditions of the current National Grid street light tariff. National Grid has estimated that this will result in an increased billing to the Town of Hamburg of approximately \$234 per year for street lighting costs.

BE IT FURTHER RESOLVED, that the Town Clerk is requested to provide two certified copies of this resolution to the Engineering Department, for transmittal to National Grid.

15.

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

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

WHEREAS, stone rip-rap previously placed along the streambank of Eighteenmile Creek adjacent to Hamptonbrook Drive has eroded at the base and dropped down into the creek. This situation has adversely affected the integrity of the highway pavement and guardrail along the edge of an approximately 200 feet long portion of Hamptonbrook Drive, resulting in the road being restricted to a single lane of traffic; and

WHEREAS, the Town Engineer and Highway Department have discussed this matter with representatives of the Erie County Soil and Water Conservation District, who recommended that various streambank stabilization measures be undertaken to properly address the situation; and

WHEREAS, at the request of the Town Engineer, Greenman-Pedersen, Inc., Consulting Engineers, prepared and submitted a proposal for providing survey, design, and engineering services during construction of the proposed remedial measures, at a total fee not to exceed \$18,800. This proposal has been reviewed by the Town Engineer, who has determined that Greenman-Pedersen is experienced and qualified in streambank stabilization projects of this type, and that their fee is reasonable and acceptable for the services to be provided,

THEREFORE BE IT RESOLVED, that Greenman-Pedersen, Inc. is awarded an engineering services contract for this project, at a total fee not to exceed \$18,800, and that the Supervisor is authorized to sign their 7/24/09 proposal/agreement in this regard. Funding for these services is available in drainage improvement Capital Fund Account No. H63-8540.440.

Diane Walczyk questions how this will effect the flow and velocity of the creek.

Mr. Kapsiak, Town Engineer, responds that as the development proceeds they will be contacting each effected property owner to give more details.

Supervisor Walters adds that the assurance that can be given right now is that once the engineering plans are completed all property owners to be effected will be contacted.

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 to promote Police Officer JOSEPH KLEINFELDER to the vacant position of DETECTIVE-TEMPORARY, effective August 23, 2009. Salary is \$35.20 per hour, funds available in B3120.100

Supervisor Walters asks Detective Kleinfelder and Chief Kesner to come forward for the presentation of the badge.

17.

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 received a request from EduKids to rezone property located at 5235 Robert Road from R-1 to R-3 in order to replace the existing building, and

WHEREAS, the Code Review Committee reviewed the application and found merit in the rezoning of this property;

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby refers this rezoning request to the Planning Board for its review and recommendation.

18.

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

resolution was

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

WHEREAS, the Town of Hamburg has received \$475,000 in Federal funding and \$50,000 in State funding for use in establishing a railroad quiet zone within the area of the Rogers Road and Cloverbank Road railroad crossings; and

WHEREAS, this funding is proposed to be used for the installation of four quadrant gates at these crossings, which will serve to completely block motor vehicle traffic across the entire width of the road at these locations, in order to prevent drivers from going around a lowered gate as a train is approaching the crossing; and

WHEREAS, the railroads involved (CSX and Norfolk Southern) are responsible for undertaking the planning, design, and installation of the four quadrant gates, for which agreements between the Town and each railroad are necessary; and

WHEREAS, CSX has prepared and sent the Town a Preliminary Study Agreement for this purpose, which has been reviewed by the Town Engineer and Town Attorney, and for which CSX requires an advance payment of \$10,000 to cover their anticipated costs for providing services under this agreement,

THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign the 7/15/09 agreement with CSX Transportation, Inc., and that the \$10,000 advance payment to CSX is to be paid from the Town Trust and Agency account, which is to be reimbursed following receipt of grant payments for such from the Federal and State funding agencies.

Councilman Quatroche notes that this is the first step in the quiet zone efforts. Congressman Higgins, Senator Schumer, Assemblyman Quinn and Senator Stachowski are instrumental with us receiving this funding. It is estimated that the study and design work will occur during the remainder of this year into early 2010 and the installation of all four should be completed by late 2010. Gerard Kapsiak has put many hours into this project and has been the champion of this project from the beginning.

Gerard Kapsiak recognizes former Councilwoman Hochal for being the one who initiated it in the first place about five years ago.

19.

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

was

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

BE IT RESOLVED that the Town Board approve the purchase of 7 (seven) petroleum storage tanks by Kurk Fuel Oil Company from the Buildings and Grounds Department and the Highway Department. Kurk Fuel is to purchase the tanks at a total cost of \$6,001.00 including the containment tubs and electric pumps. All tanks have been emptied of all product and made readily accessible for removal. All tanks while in Kurk’s possession will only be used for above ground storage applications. The purchase price includes the removal of all said equipment and all tanks have been properly disconnected from the Town’s electrical service and have been emptied of all product.

20.

On a motion of Supervisor Walters, seconded by Councilman Quatroche, 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 IT 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
4426 Big Tree Road	07/03/09	\$130.00

5671 Minerva	07/07/09	\$140.00
4056 Park Avenue	07/03/09	\$140.00
4110 West Highland	06/17/09	\$348.00
3644 South Creek Rd	07/20/09	\$120.00
3679 Commerce Place	07/20/09	\$235.00
6463 Taylor Road	06/17/09	\$255.00

FURTHER RESOLVED, Funds are available in Account A3620.469

BE IT FURTHER RESOLVED, the Town Attorney is authorized to commence appropriate action to collect reimbursement of said money.

21.

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

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

WHEREAS, the County of Erie has been notified by the New York State Department of Transportation that the dead-end portions of Big Tree Road, resulting from the Seven Corners reconstruction, will be turned over to the County; and

WHEREAS, the County has requested the Town to assume ownership of these portions of roadway; and

WHEREAS, in consideration for assuming ownership of these portions of roadway, the County has agreed to place a traffic signal at McKinley Parkway and Quinby Drive, and pay for all expenses necessary for the installation of said traffic signal;

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg hereby accepts the ownership of these portions of roadways, subject to the inspection and approval of the Town Superintendent of Highways, that such portions of these roadways meet all requirements and regulations established by the Town of Hamburg, the New York State Highway Law, and the New York State Commissioner of Highways; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign an agreement with the County of Erie for this purpose; and

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to County Executive Chris Collins, Legislator Robert Reynolds, and Legislator Daniel Kozub, and County Commissioner of Public Works Gerard Sentz.

22.

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

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

RESOLVED, that the Town Board authorize the Supervisor to sign an agreement with UtiliTarget for a review of the town’s utility bills. There is no cost for the review.

23.

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

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

WHEREAS, the Town of Hamburg previously prosecuted Michael J. Hilty for violations of the Zoning Ordinance based on an illegal tree service business being conducted and unlawful burning at the premises located at 6514 Boston State Road, and Mr. Hilty was found guilty of said violations; and

WHEREAS, Mr. Hilty was directed to pay \$250 per week for each week said violations continued; and

WHEREAS, Mr. Hilty has failed to cease the activities which constitute said violations, and

WHEREAS, Hamburg Town Justice Court does not have the authority to direct injunctive relief to stop the continuing violations,

BE IT RESOLVED, The Town Board authorizes the Town of Hamburg to commence litigation, along with other named Plaintiffs, in Erie County Supreme County against Michael J. Hilty, individually and d/b/a Hilty Tree Service, to enjoin Mr. Hilty from violating Section 280-17 and 280-17(A)(7) of the Zoning ordinance of the Town of Hamburg, and continuing his nuisance and damage to adjoining properties,

BE IT FURTHER RESOLVED that Kurt Allen, the Supervising Code Enforcement Officer for the Town of Hamburg, and Kenneth Farrell, Town Attorney, are hereby authorized to execute the Summons and Complaint

24.

On a motion of Supervisor Walters, with a unanimous second, the following resolution was

ADOPTED

Ayes 4

Walters, Kesner, Quatroche, Smardz

Noes 0



Town of Hamburg
Office of Supervisor

CLOVERBANK ELEMENTARY SCHOOL DAY

WHEREAS, today we are celebrating 50 years of education at Cloverbank Elementary School; and

WHEREAS, Cloverbank Elementary School opened its doors to its students for the first time in September 1959; and

WHEREAS, a high quality of students have attended Cloverbank Elementary School over the past fifty years; and

WHEREAS, these students have become lifelong learners; and

WHEREAS, Cloverbank Elementary School is truly "where learning and fun become one!"

NOW THEREFORE, on behalf of the Town Board of the Town of Hamburg, we congratulate Cloverbank Elementary School on 50 years of education in the Frontier Central School District. I, Steven J. Walters, Supervisor of the Town of Hamburg, do hereby also proclaim Wednesday, September 9, 2009 "Cloverbank Elementary Day" in the Town of Hamburg.

IN WITNESS WHEREOF, I have caused the seal of the Town of Hamburg to be affixed this 9th day of September 2009.



STEVEN J. WALTERS
Supervisor
Town of Hamburg

Joan A. Kesner, Councilwoman
Thomas J. Quatroche, Councilman
Kevin Smardz, Councilman



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 Audit of Cash Disbursements as follows:

TOWN BOARD August 3, 2009
 AUDIT OF CASH DISBURSEMENTS

		VOUCHER #'S
OPERATING FUND:		
BATCH # 75	\$22,732.08	35162
BATCH # 76	\$304,921.26	35174-35270
BATCH # 77	\$201,077.94	35280-35424
BATCH # 78	\$69,169.20	35429-35521
BATCH # 79	\$467,695.57	35523-35654
BATCH # 80	\$200.00	35671

TOTAL OPERATING FUND DISBURSEMENTS: \$1,065,796.05

TRUST & AGENCY:

BATCH # 18	\$1,000.00
BATCH # 19	\$0.88

TOTAL TRUST & AGENCY DISBURSEMENTS: \$1,000.88

CAPITAL FUND DISBURSEMENTS:

BATCH # 39	\$46,556.89	35163-35173
BATCH # 40	\$7,526,437.49	352.71
BATCH # 41	\$14,159.60	35272-35279
BATCH # 42	\$138,626.45	35425-35428
BATCH # 43	\$1,400,000.00	35522
BATCH # 44	\$112,234.46	35655-35670

TOTAL CAPITAL FUND DISBURSEMENTS: \$9,238,014.89

PAYROLL:

PR #15	\$629,988.24
PR #	

TOTAL PAYROLL DISBURSEMENTS:		\$629,988.24
PETTY CASH	\$140.37	\$140.37
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$10,934,940.43

Reports of the Town Board:

Councilman Quatroche reports they had a shoreline revitalization committee meeting before tonight's meeting to review some projects. The Athol Springs project is continuing to move along. The gateway project was reviewed by the committee and the public can review the design work if they wish in the Town Engineer's Office.

Councilwoman Kesner reports the Town of Hamburg Senior Services is sponsoring their annual Dancing under the stars on August 15th rain or shine. Gates open at 5:15pm, music is from 7:00 to 9:00pm and the location is the Hamburg Town Park, admission is free. For additional information call Councilwoman Kesner or Senior Services. Blast on the Beach was a great success. Thanks to the Hamburg Rejuvenation Committee and Rosemary McManus, B&G, Police, Lakeshore Fire Dept., and all the vendors for such a wonderful success.

Supervisor Walters reports that Tuesday, Aug. 4th at 6:30pm is National Night Out here at the Town Hall. This is spearheaded by George Lee, former Village of Blasdell Trustee. Secondly, thank you to the residents of the Brompton-Sheldon area for turning out to the public meeting a couple weeks ago by the developers of the proposed student housing for ECC. The developers have decided to look to different avenues. There is a meeting tonight on the senior housing complex on Cloverbank Rd that is going on now.

Cathy Rybczynski, Town Clerk, reports she received notification from Sharen Trmbath, she is the Lake Erie Coordinator for the Great Lakes Beach Sweep. It's the 24th annual beach sweep on September 19th from 10:00 to noon and volunteers are needed and you can sign up for your favorite beach to clean up or show up at Woodlawn Beach at 9:30am. If anyone needs her email or phone number it is in the Town Clerk's Office.

Carmen Kesner, Police Chief, reports they are looking into procedures for black bears and there is a temporary plan and Amherst Police is hosting a class this and two of our officers will be attending.

Public comment

Joe Killian reports concerns with the Orchard play field.

Supervisor Walters responds that Tom Best is working with the school on this which is Frontier property.

Michael Maher, Treehaven Estates, reports that the negotiations between Eddy & Lewin and Ryan Homes seem to be going no where. There are two colonial homes going in and that's when the residents started picketing. The residents tried to reach an agreement but didn't get any response so they picketed again. Mr. Maher read an email he received from Chad Rush of Ryan Homes. They have done some research and in the Town Code there's a section referring to cluster housing, section 282 that reads cluster housing requires an architectural design to be submitted. The Planning Board has to consider cluster housing and a normal subdivision and explain why they put it in cluster housing etc. Mr. Reilly shot that down as nicely as he could and explain why that couldn't be done.

Drew Reilly responds that the purpose of the cluster development law was to provide for the ability to save green space.

Councilwoman Kesner notes that when they originally entertained building that community a patio home community was talked about. How can this change now.

Mr. Reilly responds that there isn't a definition of a patio home.

Councilwoman Kesner responds that when it was originally discussed with the Town their plan was patio homes and that is what was accepted. These residents come into the Town thinking everyone around is going to have something comparable and the atmosphere will be the same. She doesn't think this is fair for them to change things.

Mr. Reilly notes that this particular project was approved as a cluster development, everyone keeps saying patio homes but it was approved as a cluster development.

Councilwoman Kesner wants to see this brought back to the Planning Board to really visit this. She is seeing this in other subdivisions in the town.

Drew Reilly responds that a law has to be written for that.

Dave Pietrzak asks Mr. Reilly what other communities in Lakeview besides theirs is zoned as cluster housing.

Mr. Reilly responds he thinks this is the only one in the Lakeview area.

Mr. Pietrzak thanks the board for trying to help them. Other patio homes in other areas have appreciated in value but their has declined in value.

Cheryl Evans notes she Googled the definition of patio homes and came up with information explaining patio homes. This is what they bought into there was nothing else offered to them.

David Evans notes he wants to see a law put on the books to make patio homes a patio homes. He asks the board for their help.

Mr. Maher notes they are at the point where they aren't going to get anything from Eddy & Lewin. He notes they will be picketing, they will be there every weekend with signs out in their driveways on their cars. Unfortunately for the police if they have to come and put them in handcuffs and drag them away. They obviously lost sales because of the picketing and if they have to bankrupt Lewin by not selling enough lots, that's what they will have to do.

Councilwoman Kesner responds that the board is not real happy with the way they are treating our citizens.

Supervisor Walters notes that Kurt Allen and Drew Reilly have been in touch with Eddy & Lewin and Ryan Homes trying to push them as strongly as they could to reach a compromise.

Dave Pietrzak shows the board pictures of the signs that he made and put on his truck.

Tom Przewlocki comments that maybe they need a mediator to get this resolved.

Max Tresmond warns the board that despite however unfair it might be that the terms of the community may have changed and may harm property values, he doesn't feel it's within the discretion of this board to retroactively change the terms of the agreement.

Councilman Quatroche responds that he doesn't think they every eluded to that. He notes the board is not happy with the way the residents are being treated. There should be direct communication with customers and residents of our town.

Don Weiss notes he came from the meeting at the Southtown's Christian Center and he was not aware that developers are getting free meeting space there. He notes someone that doesn't own the property is upsetting the neighbors with the senior complex they want to put up. The town is not controlling the meeting at Southtown's and the residents aren't being informed properly. If the town allows developers who do not own the property to come in and apply for rezoning and hassle the neighbors, there will be problems similar to the problems in Lakeview.

Supervisor Walters interrupts to clarify there is a three minute time limit on the comments.

Mr. Weiss notes that this town needs to control what is coming in.

Patti Michalek questions if the board had a chance to get the itemization of the lottery money.

Supervisor Walters responds that they did and they just finalized it today. He explains the itemization as follows:

VIDEO LOTTERY TERMINAL REVENUE

	<u>RECEIVED</u>
2007	\$1,184,331
2008	\$1,236,683
2009	<u>\$1,236,683</u>
TOTAL	<u>\$3,657,697</u>

2008- BOND DEFEASANCE-1996 7 1997 SERIAL BONDS \$1,236,500
 VARIOUS CAPITAL PROJECTS ON B.A.N. WERE PAID OFF:

1. WANAKAH SEAWAY TRAIL BLDG.	\$100,000
2. AIR CONDITIONING-TOWN HALL	\$240,800
3. DISPATCH CENTER	<u>\$300,000</u>
	\$640,800

TRANSFER TO CAPITAL PROJECTS \$229,400

PAVING OF GOLF COURSE PARKING LOT
 COMM. DEV. BLDG. ASBESTOS REMOVAL & EXT. WORK
 TEAR DOWN-LAKE VIEW COMM. CENTER & TOMAKA DR.
 BLDG. INCLUDING ASBESTOS REMOVAL
 BLACKTOP SOCCER PARKING LOT
 REPAIRS TO LITTLE RED SCHOOL HOUSE
 ROOF-ON POLICE DEPT. BLDG./GARAGE
 BRICKWALL AT BEACH
 GOLF COURSE ROOFING AND SIDING
 TOWN CLERKS OFFICE ASBESTOS REMOVAL

TRANSFER TO CAPITAL PROJECTS-DRAINAGE *\$50,000

2009- TRANSFER TO CAPITAL PROJECTS \$200,000
 COMM DEV. BLDG-INTERIOR WORK -45,000
 BLDG INSP. RENOVATION -38,551
 ADULT DAY BLDG-ROOF & REPAIRS (NOT YET COMPLETED)
 UNEXPENDED BALANCE **\$116,449**

TRANSFER TO CAPITAL PROJECTS-DRAINAGE * \$50,000

TRANSFER TO CAPITAL PROJECTS-GPS MONITER \$50,000

REMAINDER OF UNEXPENDED MONIES TO BE USED
 TOWARD SERIAL BOND PAYOFF IN 2010- \$1,782,532

* TO BE USED FOR HAMPTONBROOK BRIDGE REPAIRS

There will be a total savings of about \$500,000 to the town taxpayers through interest savings by paying this off early.

Patti Michalek thanks the Supervisor for researching this and giving this information and requests it be available in the minutes. She notes there was talk about downsizing and saving the town \$300,000 with the consolidation of the sewer and requests an explanation of this.

Supervisor Walters responds that the County can do it cheaper than the town can. The County is able to run a sewer department cheaper than we can.

Patti Michalek questions if we closed our sewer department.

Supervisor Walters responds that we no longer have a sewer department.

Mrs. Michalek questions what happened to the employees.

Supervisor Walters notes there were four employees there and they left the positions vacant in the Highway and B & G department in anticipation of that sewer department being abolished. Once that happened those employees were transferred into those vacant positions.

Patti Michalek responds that the four employees stayed in the town and what are their salaries.

Supervisor Walters responds that off the top of his head he couldn't tell her.

Patti Michalek notes that she still doesn't see how the \$300,000 was saved if the four people were kept.

Supervisor Walters responds that over the course of 2006 & 2007 in B & G and Highway employees retired and those positions were not filled. When the sewer department was abolished those positions from the sewer department were rolled over into the vacant positions at Highway and B & G.

Ken Farrell responds that there are four jobs that are not on the budget any longer in addition to that, there is less operation cost. The County does it on a much larger scale so they operate at higher efficiencies than we do.

Supervisor Walters adds that the four employees in Highway and B & G and four in the sewer department is eight employees. Those four from Highway and B & G retire now there is four employees left, those four get transferred to Highway and B & G. We went from eight employees to four.

Mrs. Killian adds with regard to the playground on Orchard if there is a strange car parked there everyone would notice, so the kids are very safe.

26.

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 move into Executive Session at 9:00 p.m. on three personnel issues and asks that the Town Attorney, Human Resources Director, Finance Director and Recreation Department to attend.

27.

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 close Executive Session at 10:55 p.m.

Catherine A. Rybczynski, Town Clerk