

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 28th day of September, 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; Gerard Kapsiak, Town Engineer; Andrew Reilly, Planning Consultant; Tim Ellis, Traffic Safety Coordinator; Thomas Best, Highway Superintendent; Robert Hutchison, Jr., Town Assessor; Kurt Allen, Supervising Code Enforcement Officer; Martin Denecke, Director of Recreation; Kenneth Farrell, Town Attorney; Carmen Kesner, Chief of Police; Wayne Drescher, Town Financial Consultant

Pledge of Allegiance was recited.

Information on fire exits was provided.

Supervisor Walters notes that Fred Harrington from the Farm Bureau is here to make a presentation along with Legislator, Robert Reynolds.

Mr. Harrington gives thanks from Erie County Farm Bureau and the farmers in the Town of Hamburg for the passage of the right to farm legislation.

Legislator Reynolds notes there are only four towns left in Erie County who do not have the Right to Farm Community signs up right now. If we can get homegrown food right here in this county, which is our second largest employer, agriculture, we have to protect it. He thanks the Town Board for joining the rest of the community for the protection of the right to farm laws.

Catherine A. Rybczynski, Town Clerk, reads the public notice as published.

**LEGAL NOTICE/TOWN OF HAMBURG
NOTICE OF HEARING**

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will hold a public hearing on September 28, 2009, at 7:00 p.m. (local time) at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, in accordance with Section 184 of the Town Law, to provide for changes in the fire protection contracts as follows:

<u>NAME OF COMPANY</u>	<u>2009 CONTRACT</u>	<u>Requested 2010 CONTRACT</u>
Armor Volunteer Fire Co., Inc.	\$228,649	\$245,361

A representative from Armor notes the increase is due to state mandates, turn up gear and training for members.

Big Tree Volunteer Fire Co., Inc.	\$429,760	\$429,760.21
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A representative of Big Tree notes at this time the fire company is holding its own and maintaining their 2009 budget.

Lake Shore Volunteer Fire Co., Inc.	\$469,200	\$488,500
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John Wall notes the increase is due to the cost of everything going up such as training, turn up gear and insurance.

Lake View Fire District (Town wide fire protection district)	\$60,000	\$61,200
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John Wicka notes the increase of less than 2% is due to turn up gear and insurance.

Newton Abbott Volunteer Fire Co., Inc.	\$412,590	\$424,090
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Dave Jensen notes the 2% increase is due to utilities, protective gear and adding a vehicle

replacement.

Scranton Volunteer Fire Co., Inc.	\$418,506	\$426,500
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Dave Domell, President, notes the increase of less than 2% which will allow the tax rate to go down approximately \$.03 per thousand of assessed value.

Village of Hamburg Volunteer Fire Co., Inc. (Town wide fire protection district)	\$148,991	\$150,354
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Beth Moses, President, notes the increase of less than 1%. They have increased their fundraising and adjusted their long range plan. They are also working with the other fire companies to obtain a grant to save the town money in radio equipment.

Woodlawn Volunteer Fire Co., Inc.	\$342,075	\$352,337
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Pat McAnaney, President, notes the increase is approximately 3% due to the state mandated audit along with fundraising being down.

These contracts provide for fire protection and ambulance service within and/or outside the boundaries of the respective districts. The term of the above contracts shall be for a period of one (1) year with a privilege of renewal for four (4) additional year terms, as provided in and under the conditions stated in each contract. Full opportunity to be heard will be given to all citizens and parties interested.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: August 11, 2009

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine A. Rybczynski notes there was no correspondence received.

Supervisor Walters thanks the fire companies for their assistance once again this year in putting together these budgets and for the work they do by keeping our town and residents protected.

Councilwoman Kesner thanks the members of the volunteer fire companies for being the jewel of our community. They are always looking for way to save but making services better.

Councilman Quatroche thanks the members for working very hard and answering the call. We are very blessed to have them serving our community.

Councilman Smardz thanks and commends the members for working together to provide a better service to the community.

George Lee questions that Lakeview is only \$60,000 going to \$61,000 and how can they do that.

John Wicka responds that Lakeview is a fire district in itself. The town wide fire protection is for the area commonly called the Nike Base area.

Legislator, Bob Reynold notes Scranton has presented their budget to the taxpayer group and they go over the budget before it goes to the town board.

Ferd Garcia thinks this represents a \$500,000 increase and everyone needs to tighten up their belt. It's his understanding there is more fire equipment in the town of Hamburg than there is in the city of Buffalo.

Supervisor Walters responds that he isn't sure where he came up with that figure.

Ken Farrell responds that it is approximately \$63,000.

Joe Killian questions if the fire companies have an umbrella insurance policy.

Supervisor Walters responds that they have been companies and Lakeview is a district and they do not have an umbrella insurance.

Joe Killian questions if everyone submitted an audit.

Supervisor Walters responds that they have received audits from some and still waiting for some of the other companies.

Laura Hahn questions which ones have not submitted their audit.

Supervisor Walters responds that the Town Attorney has that information. They will be asked again to submit it if they hadn't already. Nothing is being approved tonight.

Councilman Smardz notes that last year they started the process and met with the companies to review their audits and budgets and that will be done again this year.

Ken Farrell notes the audit requirement is a contractual obligation and they are aware of that. Half have submitted and the rest is expected to comply as well.

FURTHER RESOLVED, Funds are available in Account A3620.469

BE IT FURTHER RESOLVED, that the Town Attorney initiate proceedings to recover such funds.

Supervisor Walters asks Kurt Allen to please remember to put in the provision to recoup the funds in further resolutions.

3.

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

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

BE IT RESOLVED, that Janet Plarr, 3494 Heatherwood Drive, Hamburg, N.Y. 14075 be appointed to serve as a member of the Town of Hamburg Industrial Development Agency to replace Paul Pellicano as a result of a request from the Frontier Central Board of Education.

4.

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

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

RESOLVED, the Town Board authorize Heather E. Hopkins, a student at Hilbert College, to do Internship in the Police Department at no cost to the Town.

5.

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 membership of two into the Woodlawn Vol. Fire Co. as follows:

Cody Seufert
185 Labelle Ave.
Blasdell, NY 14219

Coyle Atkinson
123 East Canyon Dr
Hamburg, NY 14075

6.
On a motion of Councilman Smardz, seconded by Councilman Quatroche, the following resolution was

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

RESOLVED, that the Town Board approve the membership of three into the Lakeshore Vol. Fire Co., as follows:

Kevin Meek
4973 Mt. Vernon Blvd
Hamburg, NY 14075

Erika Wall
5327 Rogers Rd Apt C
Hamburg, NY 14075

Jordan Snyder
43 Brookridge Dr
Hamburg, NY 14075

7.
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 Medicare Secondary Payer (MSP) Mandatory Reporting Provisions in Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 requires that any municipality which qualifies as a Responsible Reporting Entity must report all payments of medical benefits paid to Medicare beneficiaries, and

WHEREAS, such reporting must be made to the Federal Government via the Centers for Medicare and Medicaid Services (CMS) beginning on January 1, 2010, or face the imposition of fines of up to \$1,000.00 per day per claim,

NOW THEREFORE BE IT RESOLVED, that the Town Attorney is hereby directed to register the Town of Hamburg with CMS naming the Town Attorney as the Town of Hamburg's authorized representative with the authority to bind the Town for all purposes as required by Section 111,

BE IT FURTHER RESOLVED ,that First Niagara Risk Management, Inc., which currently acts as the Third Party Administrator for the Town of Hamburg's self-insured claims, is hereby appointed as the Town of Hamburg's Account Manager for purposed of Section 111 compliance.

8.

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

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

WHEREAS, voters residing within the Woodlawn Fire Protection District in the Town of Hamburg approve a referendum to establish a Service Award Program for members of the Woodlawn Volunteer Fire Company, Inc., effective January 1, 1991, in accordance with Article 11-A of the New York State General Municipal Laws;

WHEREAS, persons who continued to serve as active volunteer firefighter members of the Woodlawn Volunteer Fire Company, Inc., after having attained the "entitlement age" of 60 and having begun to be paid monthly payment service awards have been denied the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after the attainment of age 60; and

WHEREAS, such denial is age discrimination, which is prohibited under both federal and New York State laws; and

WHEREAS, Article 11-A has never included a provision which prohibited any active volunteer firefighter regardless of age or payment status from earning Service Award Program credit up to the maximum credit allowed under a program; and

WHEREAS, denying credit in the Program for volunteer firefighter service rendered at any age by volunteers is inconsistent with the intent of the Program to help the Town of Hamburg and the Woodlawn Fire Protection District recruit and retain active volunteer firefighters;

NOW THEREFORE BE IT FURTHER RESOLVED, to eliminate this discrimination in the administration of this program, the Town Board of the Town of Hamburg,

by the adoption of this resolution, directs that Woodlawn Volunteer Fire Company, Inc. Service Award Program administrative procedures shall be corrected retroactively to January 1, 1991, to allow post age 60 active volunteer firefighters to earn Service Award Program credit under the Point System and to thereby increase their monthly Service Award payments by Twenty Dollars (\$20) for each year of service credit earned under the Point System during a calendar year. Such payment increases shall be effective the January 1st immediately following the calendar year in which the additional service credit was earned and the payment certain period for an individual volunteer’s monthly service award payments shall be based on the effective date of the initial monthly payment commencement date; and

Due to this correction in administrative procedures, the total calendar year 2009 cost of funding the Woodlawn Volunteer Fire Company, Inc., Service Award Program may be as much as approximately \$30,685.00 for current firefighters including the cost of administration of approximately \$2000.00 and the cost of the insurance premiums of approximately \$28,685.00.

9.

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

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

WHEREAS, as part of the various waterline construction contracts which the Town of Hamburg has undertaken through the ongoing Hamburg Water System Improvement Project, a net total of 13 additional fire hydrants have been installed in order to comply with current hydrant spacing requirements, with their locations summarized as follows:

Contract No. 14

- 3642 Columbia Street
- 3802 Princeton Street

Contract No. 15

- 3594 Salisbury Avenue
- 3626 Salisbury Avenue
- 3710 Salisbury Avenue
- 4213 Sowles Road
- 4289 Sowles Road

Contract No. 16

- 4988 Mount Vernon Blvd.
- 5054 Mount Vernon Blvd.
- 5003 Clifton Pkwy.
- 6705 Burke Road

Contract No. 17

- 4172 Bay View Road (Removed Hydrant)
- 4033 Iroquois Avenue (Removed Hydrant)

Community Development/Town Contract

- 4938 Chapman Pkwy.
- 5012 Chapman Pkwy.
- 4251 Big Tree Road
- 4335 Big Tree Road

THEREFORE BE IT RESOLVED, that the Town of Hamburg agrees to pay the annual hydrant fee charged by the Erie County Water Authority for the maintenance of these 13 additional hydrants, which is presently \$160.80 per year for each hydrant.

BE IT FURTHER RESOLVED, that one certified copy of this resolution be provided to the Engineering Department, for transmittal to the Erie County Water Authority.

Councilwoman Kesner asks Councilman Smardz to get a list to the volunteer fire companies so they can put a marker on it

Councilman Smardz responds that he will.

10.

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

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

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

1. Lantzy, Raymond	Rec. Att'd P/T	9/28/09	\$9.00
2. Becker, Joshua	Rec. Att'd P/T	9/28/09	\$8.15
3. Gallson, Cameron	Lifeguard	9/09/09	Terminate
4. Przybysz, Dawn	Rec. Att'd P/T	9/28/09	\$9.00

Supervisor Walters adds that Civil Service Law requires the passing of this resolution but one of the lifeguards listed spent many years with the recreation department, tragically died not too long ago. He was a fantastic employee of the town and we were honored to have him. Supervisor Walters asks for a moment of silence prior to passing this resolution. He apologizes that this wasn't done at the beginning of the meeting.

11.

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 Section 6 of the PO-17 form requesting Erie County Department of Personnel to complete Section 7 for the classification of Sr. Personnel Clerk in the Finance department. Also to approve the Supervisor to sign Section 8 of the PO-17 form creating the position.

12.

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

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

WHEREAS, Dwayne Woodling applied to the Zoning Board of Appeals building permit #2009-01130, Zoning Board of Appeals No. 5268; to construct a detached garage located at 1350 North Creek Road.

WHEREAS, the property owner decided not to build the detached garage

THEREFORE BE IT RESOLVED, that Dwayne Woodling be issued a refund for the Zoning Board of Appeals application in the amount of \$150.00:

Dwayne Woodling
1350 North Creek Road
Lake View, New York 14085

13.

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 property located at 3576 James Street 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, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$100. (One Hundred 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

BE IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the owners of the aforementioned properties for recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law #5-1972 Section 80-7.

14.

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 6354 Southwestern Blvd 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, Sections 80-5 and 80-6 of the Town of Hamburg.

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve the payment of \$300. (Three Hundred 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 .

BE IT FURTHER RESOLVED, the Town Board authorize the Town Attorney to institute the appropriate actions against the owners of the aforementioned properties for recovery of costs incurred by the Town in connection with these proceedings as provided by Local Law #5-1972

Section 80-7.

15.

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 attendance at the October 1, Network in Aging of WNY seminar in Cheektowaga for Sr. Program Coordinator Shirley Spaulding and attendance at the October 20, WNY Assoc. for Activities Professionals seminar in Cheektowaga for Program Coordinator Rosanne Witryk. The costs are \$30.00 and \$65.00 respectively.

16.

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

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

WHEREAS, the Town of Hamburg has received a site plan application from K-Technologies, who are obtaining the property at 4199 Bayview Road (the former Krepe-Kraft site within Ravenwood North Industrial Park) to move their business there and further develop the site, and

WHEREAS, the application appeared before the Planning Board, who determined that the site plan was not in accordance with the Findings of the Generic Environmental Impact Statement (GEIS) issued for the Ravenwood North Industrial Park, because of a new entrance being placed on Bayview Road, and

WHEREAS, the Town of Hamburg Town Board would have to determine that either an amended Findings Statement must be prepared, or a Negative Declaration could be issued, or a supplement to the FGEIS would need to be prepared, and

WHEREAS, the Town Board has reviewed the situation with Town staff and Committees and has determined that the change, with conditions being placed on the change, would adequately address the potential impacts identified in the GEIS.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues an amended Findings statement that would allow this new entrance location based on the following reasons and conditions:

1. The exact configuration of the new entrance location will need to be addressed during site plan review with the Planning Board.
2. At the time of development of the two lots along Bayview within Ravenwood that were allowed under the GEIS to have an entrance onto Bayview, those applicants and this site owner (K-Technologies) will work out with the Town which entrance would work better and a cross access agreement will be obtained to allow the other to use the allowed entrance.
3. There will be only one entrance out to Bayview in the long term and that location will be determined at the time of the other lots development as discussed in item 2.
4. K-Technologies driveway at this proposed location will not be utilized for trucks (Trucks will need to access the Industrial Park roadway), and

BE IT FURTHER RESOLVED, that the other issues of concern raised by the residents of the area such as the volleyball court, parking lot location and other “Findings issues”, will have to be adequately addressed by the Planning Board during their review process, and

BE IT FINALLY RESOLVED, that the Town Board authorizes the Planning Department to draft this amended Findings to be incorporated into the Town’s files.

17.

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 Clerk is authorized to publish a legal notice for the Master Plumber License, Site Utility Contractor License and Journey Plumber License examination.

The examination is scheduled for October 27, 2009 at 6:00 p.m.

18.

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 conditions of the following properties within the Town have been deemed by the Town Code Enforcement Official to be an endangerment and attractive nuisance to the citizens of out Town.

<u>Address/location</u>	<u>Current/Last Known Property Owner</u>
5381 Abbott Road (SBL # 183.08-2-12.1)	Christopher Walter
3644 South Creek Road (SBL #195.15-2-13)	JMS-S Properties

WHEREAS, it was the determination of the Town Code Enforcement Official based on his formal inspections and reports to the Town Board and in accordance with the provisions of Local Law No. 5-1965, Section 76-13. and Local Law No. 5-1972, Section 80-3. did proceed to condemn the above three premises.

WHEREAS, the Town has received no response by the listed owners nor has any remedial work been undertaken to alleviate the known hazards. Currently the unsafe conditions and progressive deterioration which persist on the two listed premises have only become more hazardous to the neighboring properties and our community.

THEREFORE, BE IT RESOLVED, that the Town Board based on the review of the report prepared by the Town Code Enforcement Official and the absence of response by the property owners, orders the demolition of the above listed structures and complete removal of all unsafe debris and refuse left on the properties.

NOW, BE IT FURTHER RESOLVED, the Town Board authorizes the Town Code Enforcement Official to initiate the process in order to expedite the demolition of said properties including the necessary remedial work to render all the subject properties safe, including defining demolition scope and establishing cost estimates as required.

19.

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

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

TOWN BOARD SEPT 28, 2009
AUDIT OF CASH DISBURSEMENTS

		VOUCHER #S	
OPERATING FUND:			
BATCH # 98	\$39,185.30	36553-36667	
BATCH # 99	\$221,502.85	36668-36779	
BATCH #			
BATCH #			
BATCH #			
TOTAL OPERATING FUND DISBURSEMENTS:			\$260,688.15
TRUST & AGENCY:			
BATCH #			
BATCH #			
BATCH #			
TOTAL TRUST & AGENCY DISBURSEMENTS:			\$0.00
CAPITAL FUND DISBURSEMENTS:			
BATCH # 53	\$33,505.78	36780-36789	
BATCH #			
BATCH #			
BATCH #			
TOTAL CAPITAL FUND DISBURSEMENTS:			\$33,505.78
PAYROLL:			
PR #			
PR#			
TOTAL PAYROLL DISBURSEMENTS:			\$0.00
PETTY CASH			\$0.00
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:			\$294,193.93

Reports from the Town Board:

Councilwoman Kesner reports that October is Domestic Violence month. Recently she read a HUD report from Community Development and since we've opened the doors of 2004 we have helped 9,335 victims in the Town of Hamburg. That is a lot to be proud of. There will be a luncheon on January 16th, if anyone is interested in tickets they can contact the council office. There have been so many clubs supporting this like the moose, lions, it has been overwhelming. The other report is the Hamburg Rejuvenation Committee on October 26th they will have their beautification awards. This year on December 5th they are having Christmas at the cabin. Santa will be there from 2:00-5:00 with reindeer and rides. This is still in the planning stages so there will be more information to come.

Supervisor Walters reports the Community Development Department is a HUD recipient and they received their HUD audit back last week and they found no problems with our organization and the way it is being run. The Community Development Department is to be commended, Chris Hull, Tim Regan and Jennifer Reinagel for the excellent work they are doing.

Catherine Rybczynski reports there is an opening date for the Veteran's Benefits Counseling Office. It will be located downstairs in conference room #3, the third Friday of every month. The grand opening will be October 16th. If the need arises where they need more than one day a month, the state is willing to give us more. Thanks to the Board for their support on this.

Tom Best reports the five new plows have been delivered. They are getting equipment installed in the Town of Boston and they should be in our barn and ready for service within the next two or three weeks.

Tim Ellis reports he hasn't received correspondence in regard to the round a bout at Big Tree and South Park.

Chief Kesner reports the dispatchers have officially moved and there will be a grand opening in the next week or so. They received a report today from NYS Parks that our boat is going to be replaced.

Legislator, Bob Reynolds, thanks the Board again for the Right to Farm Law. He encourages anyone that if they are having problems with FEMA to call his office. The Association of County Government is creating a committee to talk about watershed districts. The County finished Pleasant Ave hopefully by the end of the week McKinley will be done and there will be a light at the intersection of Quinby and McKinley. Lastly, the County budget is due to be submitted October 15th.

New Business from the floor:

Ferd Garcia notes he was not notified regarding the letter to the residents to deed the road to the town in Wanakah Heights and he owns property down there and wants to know the purpose of it.

Supervisor Walters responds that they received a request from some of the property owners. It was discovered by the town attorney that the road was never deeded to the town and it's technically a private road. It was requested by some of the owners within Wanakah Heights to allow the road to be properly deeded over to the town. The intent of the letter is to allow anyone with objections to let the board know.

Ken Farrell notes that it would not be proper for the town to continue to service the road and the request was made by some of the homeowners to complete the dedication process.

Ferd Garcia notes that everyone knew it was a private road yet the town was plowing it. He notes he's against it for many reasons and one being insurance purposes if it's a public road and can be access to the beach.

Ken Farrell notes that the mere fact that if it becomes the town highway which can be serviced by the town does not make it automatically legal for people to park along that highway or to misuse the access.

Joe Killian questions if the road would have to meet certain size requirements because it's pretty much a one way now.

Ken Farrell responds to be accepted for formal dedication and comply with highway law it would have to meet a number of standards.

John Wicka questions if it's just the main road going into the road in question or is there also going to be a requirement for the other.

Supervisor Walters responds just the main road.

Mr. Wicka notes he thinks there will be a problem getting proper fire equipment into that tennis court area.

Joe Collins asks for guidance with the town zoning law as it applies to the political signs. He spoke to Mr. Allen who indicated that the signs could not be put up more than 30 days of the event and take them down within five days. The zoning law states no more than four weeks of the event.

Supervisor Walters asks Mr. Collins to speak to Kurt Allen.

Laura Podkulski asks the board to take no action on the zoning of the Top's property from C-1 to C-2

Supervisor Walters notes that Drew Reilly has a meeting set up with Benderson on Wednesday and then they will notify her. They will not go forth with anything without assessing some of her concerns.

Len Kowalski asks if the town has to comply with the GasB 45.

Supervisor Walters notes that the town accountant can expand on that.

Wayne Drescher responds that the work is done and the report should be issued any day and he will email him a pdf file on it.

Supervisor Walters notes it will be on the website when it's available as well.

Len Kowalski questions what the status is on the ice ring market research study.

Supervisor Walters responds they are still waiting for the copy of that as well as the engineering report.

Mr. Kowalski questions when the downsizing vote is going to be held.

Supervisor Walters responds that at this point they don't know.

Mr. Kowalski asks if will be scheduled for election day.

Supervisor Walters responds that there are some problems to be resolved and until that time it cannot be scheduled.

20.

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 move to Executive Session at 8:10 p.m. on a Personnel matter to discuss a specific employee and asks Kurt Allen to join them.

21.

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 adjourn Executive Session at 8:30 p.m.

Catherine A. Rybczynski, Town Clerk