

REGULAR MEETING  
APRIL 13, 2010

A Regular Meeting of the Town Board of the Town of Somerset, County of Niagara and the State of New York was held at the Town Hall, 8700 Haight Road, Barker, New York on the 13<sup>th</sup> day of April 2010.

Present:     Richard J. Meyers ----- Supervisor  
              Randall J. Wayner ----- Councilman  
              Daniel E. Engert ----- Councilman  
              Gary R. Alt ----- Councilman  
              Robin R. Jansen ----- Councilman  
              Rebecca A. Connolly ----- Clerk  
              Kenneth J. Bigelow ----- Supt. of Highways  
              Melvin H. Denny ----- Supt. Water/Sewer/Grounds  
              Arthur Herdzik ----- Counsel  
              Randy Roeseler ----- Engineer

Attended by: Approximately 13 residents and 30 BCS students

Supervisor Meyers called the meeting to order at 7:00PM with the Pledge to the Flag.

**PUBLIC HEARING – 9517 SOMERSET DRIVE – Unsafe Building**

Notice of said hearing was duly published in the Lockport Union-Sun & Journal on April 2, 2010 with same being posted at the Town Hall on April 1, 2010.

Supervisor Meyers opened the hearing at 7:01PM with Clerk Connolly reading the notice.

Cynthia Burgess, Somerset Drive, thanked the Board for proceeding with a resolution to the unsightly property.

Supervisor Meyers stated that the united front of the neighborhood got the problem moving. He stated they are expecting the problem to be completed.

With all persons desiring to be heard, Supervisor Meyers closed the hearing at 7:02PM.

**REGULAR MEETING**

Supervisor Meyers opened the regular meeting at 7:03PM.

RESOLUTION 77-2010

**APPROVAL OF MINUTES**

On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the minutes of the previous meetings are approved as submitted.

RESOLUTION 78-2010

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilman Wayner, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the Supervisor's Monthly report be accepted as submitted.

MONTHLY REPORTS RECEIVED AND FILED:

Code Enforcement Officer's Report  
Police Report  
Dog Control Officer Report

ATTORNEY REPORT

Attorney Herdzik reported the following:

1. Provided the Board with a confidential report from Attorney Chmiel regarding prosecutor matters.
2. Submitted report from Attorney Conidi regarding matters of the Planning and Zoning Board.
3. Advised the hearing for the unsafe property needs to be reconvened as it was published for 7:30PM.
4. Stated that he has received the FEMA information regarding adoption of a local law accepting the Flood Maps from Clerk Connolly and he will be preparing the necessary document.
5. Sent several emails on various topics to the Town Board.

QUARTERLY ASSESSOR'S REPORT received and filed.

COMMUNICATIONS:

Clerk Connolly read a letter from Mary Sajdak including a petition regarding the clean up of the property located at 8681 Lake Road.

Clerk Connolly read a letter from Governor David Paterson stating they received the resolution adopted by the Town Board regarding the Asian Carp from entering the Great Lakes Ecosystem and will evaluate the correspondence.

### **UTILITY BILL ANALYSIS**

Councilman Engert stated that he received an email from John Ludtka regarding the proposed contract and they are not ready to prepare that as they are still in negotiation for pricing and expect to be done with that in late April or early May. He stated that more municipalities are involved which makes it better to obtain pricing.

### **SEWER CHARGES**

Supervisor Meyers stated there are some issues with potential charges regarding replacement of sewer vents.

Discussion ensued regarding the best way to approach the charges and how it would be implemented.

Superintendent Denny stated that he had previously submitted a report to the Board regarding the cost of repairing sewer vents that are continually being broken on certain properties. He stated the continuous offenders are being subsidized by the rest of the taxpayers in the district. He stated that he needs to keep the surface water from going into the sewer system and still recommends a charge of \$50 per repair after the first courtesy repair.

Attorney Herdzik advised that he emailed the Town Board regarding the issue and the fee can be implemented through the local law process. He stated a policy can be developed for the implementation of the fee.

### **RECONVENE HEARING FOR UNSAFE BUILDING – 9517 SOMERSET DRIVE**

Supervisor Meyers reopened the public hearing at 7:30PM and asked if anyone wished to comment.

Attorney Herdzik asked Code Enforcement Officer Hildebrant if he examined the premises at 9517 Somerset Road (Drive).

Code Enforcement Officer Hildebrant stated yes.

Attorney Herdzik asked what condition did he find it.

Code Enforcement Officer Hildebrant stated bad condition; the house is half torn down. When I first initially looked at it, it was dilapidated and became a public health and safety issue and then when I contacted Wellington's. He stated they had a contractor go in there to start tearing it, down probably a year ago and then the contractor left and never came back for whatever reason and the house has been kind of left half torn apart.

Attorney Herdzik asked if he took pictures of the premises in its damaged condition.

**PUBLIC HEARING continued**

Code Enforcement Officer Hildebrant stated yes.

Attorney Herdzyk asked Code Enforcement Officer Hildebrant to pick out the pictures that show the damaged conditions and circulate them among the Board members. He stated those are photographs from your folder, is that correct?

Code Enforcement Officer Hildebrant stated yes and also taken by a neighbor.

Attorney Herdzyk asked if they do depict the condition of the property.

Code Enforcement Officer Hildebrant stated yes.

Attorney Herdzyk asked Code Enforcement Officer Hildebrant if he had notified the persons interested in the property to make repairs.

Code Enforcement Officer Hildebrant stated many times.

Attorney Herdzyk asked if those repairs have been made.

Code Enforcement Officer Hildebrant stated no.

Attorney Herdzyk stated then you came to the board to have a hearing scheduled.

Code Enforcement Officer Hildebrant stated correct.

Attorney Herdzyk stated that you and I consulted as to the proper notification that should be given and you complied with that notification process.

Code Enforcement Officer Hildebrant stated correct and posted it on the property.

Attorney Herdzyk asked and mail as well.

Code Enforcement Officer Hildebrant stated certified and regular mail.

Attorney Herdzyk asked Code Enforcement Officer Hildebrant if he had gotten any response.

Code Enforcement Officer Hildebrant stated none.

Attorney Herdzyk asked Code Enforcement Officer Hildebrant when the last time you visited the premises.

**PUBLIC HEARING continued**

Code Enforcement Officer Hildebrant stated one day last week.

Attorney Herdzik asked if it has been improved at all.

Code Enforcement Officer Hildebrant stated no.

Attorney Herdzik asked Code Enforcement Officer Hildebrant if it is in the condition it was when you wrote the notice.

Code Enforcement Officer Hildebrant stated yes.

Attorney Herdzik stated that is all he had.

Councilman Engert asked the neighbors if it got fixed today.  
Cynthia Burgess stated no.

With all persons desiring to be heard, Supervisor Meyers closed the hearing at 7:35PM.

RESOLUTION 79-2010

**SEWER CHARGES**

Discussion ensued regarding the proposed sewer charges and the way a policy can be implemented.

Attorney Herdzik stated he recommends a local law to add a new sewer charge and then you can adopt a policy regarding the procedure.

Superintendent Denny stated that he will prepare a policy and have it reviewed by the Sewer Committee for the next meeting.

On the introduction of Councilman Alt, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen

Nays 0

Resolved that a public hearing be held on May 11, 2010 at 7:00PM to hear and consider comments on proposed Local Law 1-2010 amending the Code of the Town of Somerset to add a new paragraph as follows:

Article III §152-30 entitled Rate Schedule shall be amended to add paragraph F, which shall read as follows:

F. The repair of a vent upon a sewer service connection shall be \$50.00.

RESOLUTION 80-2010

**UNSAFE BUILDING – 9517 SOMERSET DRIVE**

On a motion of Councilman Engert, seconded by Councilman Jansen, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

**WHEREAS**, the Code Enforcement Officer of the Town of Somerset has filed his report in writing with the Town Board of the Town of Somerset containing his findings and recommendations regarding a certain structure situate on premises located at 9517 Somerset Drive, Barker, New York 14012, designated by SBL No. 293889 3.10-1-2, in which report said Code Enforcement Officer states his opinion that said structure is unsafe and dangerous to the public and recommends their immediate securing or removal; and

**WHEREAS**, the Town Board of the Town of Somerset after reviewing said report and after hearing said Code Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined that said report warrants the removal of said structure.

**WHEREAS**, (1) notice was given on February 5, 2010 to the survivor of the owner Susan Wellington, specifically William Carney, reputed owner of the structure situate on premises located at 9517 Somerset Drive, Barker, New York 14012, designated by SBL No. 293889 3.10-12 in the form required by local law of the Town of Somerset; (2) said notice was served personally upon said survivor of Susan Wellington, specifically William Carney or by registered mail to his last known residence as shown by record of the tax collector or of the county clerk if such persons cannot be reasonably found for such personal service and by affixing a copy thereof upon said structure; (3) said notice ordered the demolition of said structure in the following manner, to wit: such structure shall be removed from the premises and the structure which is incapable of being safely repaired be removed from the premises, to be commenced within thirty (30) days of the service of said notice; and

**WHEREAS** a public hearing was held on April 13<sup>th</sup>, 2010 at 7:30 p.m. at the Town Hall, 8700 Haight Road, Barker, New York 14012 in relation to such dangerous or unsafe structure; with the Town Clerk of the Town of Somerset having prepared said notice and arranged for the service thereof in accordance with the requirements of said Local Law; and

**WHEREAS** the Town Attorney duly arranged for the service thereof in accordance with the requirements of said Local Law by filing in the office of the County Clerk specifically Index Number 140189.

**NOW, THEREFORE**, it is duly **RESOLVED** that the Town Board authorizes the Code Enforcement Officer to arrange for the removal of said structure from those premises as set forth in the Notice, and it is further

**RESOLVED** that all costs and expenses incurred by the town in connection with the proceedings, including legal fees, cost of demolition, and restoration of that property be assessed against the land on the next assessment roll filed by the Assessor of the Town of Somerset.

RESOLUTION 81-2010

**CONTRACTOR FOR DEMOLITION AND RESTORATION OF 9517 SOMERSET DRIVE**

Clerk Connolly stated that Code Enforcement Officer Hildebrant had received three quotes for the demolition and restoration of the property located at 9517 Somerset Drive from the following:

<u>Name and Address of Contractor</u>	<u>Amount</u>
Weeks Trucking & Excavating 3170 Hosmer Road, Gasport, NY 14067	\$ 1,800.00
Hy-Tech Concrete P.O. Box 27, Newfane, NY 14108	\$ 2,400.00
Mawhiney Trucking Inc. 425 Lake Street, Wilson, NY 14172	\$ 3,800.00

On a motion of Councilman Alt, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved that Code Enforcement Officer Hildebrant is authorized to contract with Weeks Trucking & Excavating, 3170 Hosmer Road, Gasport, NY for the demolition and removal of debris from 9517 Somerset Drive for \$1,800.00.

RESOLUTION 82-2010

**MOWER FOR PARKS AND CEMETERIES**

Superintendent Denny stated that sealed bids were solicited, with seven vendors receiving bid specifications. He stated the initial state bid was \$10,947.00. He stated three bids were received with another bidder sending a letter stating they were unable to meet the specifications as follows:

<u>Name and Address of Vendor</u>	<u>Amount</u>
Niagara Implement 2337 Lockport-Olcott Road, Newfane, NY 14108	\$10,800.00
Z&M Ag & Turf 7615 Lewiston Road, Oakfield, NY 14125	\$13,002.84

**Mower continued**

Gordon-Fisk Inc. \$14,599.00  
10789 Ridge Road, Medina, NY 14103

On a motion of Councilman Engert, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved Superintendent Denny is authorized to purchase a Kubota ZD 326P-60-Commercial Zero Turn Mower from Niagara Implement, 2337 Lockport-Olcott Road, Newfane, NY 14108 for \$10,800.00.

**COMMUNITY PHONE BOOK**

Supervisor Meyers stated the Barker Business Association is looking at the type of booklet they want to use and they have decided to have a town phone book. He stated they are contacting a few publishers to obtain the specifications and the costs for the publications.

**LOWER LAKE ROAD BRIDGE**

Superintendent Bigelow provided the Board with a letter from Michael Leydecker, from Wendel Duchscherer, with an update on the bridge project. Supt. Bigelow stated there were some glitches with the right-of-way acquisition; approval has been received from NYSDEC; they are waiting for approval from the Army Corp of Engineers; and waiting for the state to release funds.

Engineer Roeseler stated that he will have Mr. Leydecker attend the May 11<sup>th</sup> meeting to give an overview.

Discussion ensued regarding the steps to be taken next.

**PREPARATION OF FLOOD MAP LOCAL LAW**

Supervisor Meyers stated that the flood map regulations need to be adopted.

Clerk Connolly stated that NYSDEC needs to have a draft local law by June 17, 2010, for their review and approval with a final adoption being completed by September 17, 2010.

The Board asked Attorney Herdzik and Engineer Roeseler to work together to prepare the law and submit it to NYSDEC for their review.

**CIVIL SERVICE REQUEST**

Councilman Engert stated that he and Councilman Wayner were given a task by Supervisor Meyers regarding a letter received from Civil Service on March 24<sup>th</sup>. He stated they are diligently working on the request and hope to have a report completed by the end of next week.

**TRAVEL EXPENSE REIMBURSEMENT**

Councilman Engert stated as a result of this inquiry, the Somerset Government Efficiency Committee (SGEC) is looking into new forms for the mileage statements and employee expense sheets. He stated the forms will provide more accountability for the recording of expenses.

Discussion ensued regarding the use of the new forms.

Councilman Engert stated that SGEC is looking into the feasibility if the purchase of a vehicle would be cost effective.

Clerk Connolly suggested that the form be incorporated into a formal travel policy that she has been implementing for numerous years internally. She suggested if it was adopted by the Board through a formal resolution, it would be written and could be incorporated into the policies of the town.

Councilman Engert stated they (SGEC) will look over the policy, incorporate it and then make a recommendation to the Board. He stated that he would get the new mileage form to Clerk Connolly.

**COUNTY REIMBURSEMENT OF COSTS FOR APPRAISAL OF AES**

Councilman Engert questioned if there has been any reimbursement or correspondence from the County regarding reimbursement of the expenses incurred by the Town regarding the bills from Black & Veatch and Arrow Appraisal for work done regarding appraising the AES property.

Attorney Herdzik stated that he sent the County Attorney a letter again, along with copies of all the invoices and was informed that he would have to consult with his principles and get back.

Councilman Engert stated that Legislator Syracuse was submitting a formal letter to the County Attorney to ask that the matter be taken care of.

Attorney Herdzik stated no correspondence has been received and he will await further instructions.

RESOLUTION 83-2010

**WIND TURBINES**

Supervisor Meyers stated the Town has been awarded the \$150,000 grant for wind turbines. He stated they are looking at putting in two-120 foot towers - Bergey 10Kw back in the woods (behind the town park) that will be hooked to the Town Hall to displace about 50% of the power used at the Town Hall. He stated that this money comes from the Federal Dept. of Energy through NYSERDA (New York State Energy Research & Development Agency). He stated there were only 8 wind applications accepted. He stated he hoped to have them up by the end of the summer.

Councilman Engert asked if this will be connected to the Highway Garage.

Supervisor Meyers stated no and that was the \$350,000 grant. He stated he called and talked to NYSERDA and they stated the cost to payback ratio was not close to what they are looking for; therefore the grant will not be awarded.

**Wind Turbines continued**

Supervisor Meyers stated that what he is looking for is to show that we are moving forward with energy independency in Somerset. He stated that eventually he would like to look at a 125 Kw turbine at the Sewer Treatment Plant. He explained a new law that was introduced by Senator Maziarz and Assemblyman DelMonte regarding the net metering of wind energy that will allow service within a 25 mile radius off of the turbine.

Supervisor Meyers stated that he would like to review the Residential Wind Law because there are some eccentric portions that should have not been put into the law.

Councilman Engert asked what the next steps need to be taken.

Supervisor Meyers stated he has already returned the documents that are needed to open the file and the next step will be to put the job out to bid. He stated it will take 60 days before the agreement will be done by NYSERDA.

Councilman Engert asked if a presentation for the residents will be addressed at the meeting on April 20<sup>th</sup>.

Supervisor Meyers gave an overview of the Wind Symposium on April 20<sup>th</sup> at Barker Fire Hall at 7:00PM, but stated it will not specifically address this project.

Superintendent Denny suggested the Town Hall property be surveyed.

Supervisor Meyers stated the property needs to be surveyed to get the proper set backs.

On a motion of Councilman Engert, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the bid process be initiated for the residential wind project and authorizing Wendel Duchscherer to survey the town property.

RESOLUTION 84-2010

**MEDICAL INSURANCE FOR PART TIME ELECTED OFFICIALS AND RETIREES**

Councilman Wayner stated the Somerset Government Efficiency Committee (SGEC) submitted Recommendation #2 for consideration and approval as follows:

**Somerset Government Efficiency Committee Recommendation # 2**

Re: Part Time Elected Officials paying a percentage of their health insurance expense.

SGEC Mission Statement:

The purpose and intent of the Somerset Government Efficiency Committee is to explore some specific internal, shared service and consolidation opportunities that provide for a more efficient local government. The process will be transparent and comprehensive. Recommendations will be based on quantified data that will demonstrate a clear and direct benefit to the residents of the Town of Somerset.

**Medical Insurance continued**

**BACKGROUND:**

As per the Mission Statement above, the SGEC is charged with exploring opportunities that have the potential of providing direct benefits to the residents of Somerset. Accordingly, our second initiative addresses reducing the overall cost of government by requiring part time elected officials pay for a portion of their health insurance coverage, currently paid 100% by the Town of Somerset. The part time elected positions in the Town are: Town Supervisor, Four Councilpersons, Tax Collector and Justice of the Peace, for a total of seven part time elected positions.

Requiring the two retired part time elected officials with 20 or more years of service, and who are not yet eligible for Medicare, pay a percentage of their health insurance expense was also explored.

**RESOURCES:**

1. Supervisor: Richard Meyers and Confidential Secretary: Mindy Austin
2. The Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Pendleton, Porter, Royalton, and Wilson.
3. Town of Somerset Employee Handbook: Sections 800-5 and 800-6.
4. Town Attorney – Arthur Herdzik

**FINDINGS:**

1. Of the twelve towns in Niagara County, ten responded to our request for information regarding their insurance policies for part time elected officials. Of the ten, ONLY four offer health insurance coverage for their part time elected officials, Cambria, Newfane, Lockport, and Somerset. The rest do not provide health insurance benefits to their part-time elected officials.
2. Lockport and Somerset pay 100% of the expense. Cambria requires officials elected before 2003 to pay 5%. Those elected in 2003 and later pay 10% of the expense plus 100% of any premium increase of 5% or more. Newfane requires all part time elected officials to pay a flat 5% of the expense. While the salary levels of part time elected officials in the resourced Towns were not taken into consideration, the fact remains that healthcare insurance coverage is a significant expense born by the taxpayers of Somerset.

**Medical Insurance continued**

3. Relative to retired part time elected officials, three Towns - Cambria, Lockport, and Newfane provide insurance coverage at no cost to their 20 year part time elected officials. On June 12, 1990 Somerset ceased providing coverage for retired part time elected officials. Part time elected officials who began serving prior to 06-12-90 were grandfathered in by the Town Board as eligible for full coverage at no charge, after twenty years of service. There are two former officials who qualify under that agreement.
4. For 2010, the annual cost of family plan health insurance premiums is \$9,149.88 plus the HRA payment of \$2,500.00 plus the \$600.00 for vision & dental allowance equals a total cost of \$12,249.88 for the family plan. Single coverage premiums are \$3,343.20 per year plus the HRA payment of \$1,250.00 plus \$600.00 for dental and vision for a total of \$5,193.20.
5. In an effort to attract qualified candidates for office, the policy of providing coverage for part time elected officials was initiated in the 1980's. In 1990, the Town Board took the first step to rein in this expense by cutting coverage for future retired part time elected. It is now more evident than ever that the cost of health insurance has skyrocketed to the point of no longer being a reasonable burden for the taxpayers of Somerset to bear for these positions.

**RECOMMENDATIONS:**

1. The SGEC recommends dropping health insurance coverage in its entirety for part time elected officials effective January 1, 2012. Supervisor Meyers, Councilman Wayner, Councilman Engert, Tax Collector Wendler and Judge Martineck are currently eligible for coverage. However, only Supervisor Meyers, Councilman Wayner, and Tax Collector Wendler are currently covered by the Town's policy. Therefore, after 01-01-12 this change, as calculated using the current state, would save \$36,749.64 per year. If all seven eligible part time elected officials were to have ever participated at the same time, in the Town's family plan the total annual savings grows to \$85,749.16 per year. These savings also do not factor in the reasonable possibility that insurance rates will continue to rise.

2. The SGEC recommends requiring the two “grandfathered” part time elected, pre-Medicare aged officials pay 50% of their health insurance premium. Accordingly, they will continue to pay 50% of the premium after reaching Medicare age. The effective date for this recommendation is January 1, 2012 – the same day as the first active officials become ineligible for coverage. This change will save \$5,174.94 per official per year. Similarly, these actual savings also do not factor in the reasonable possibility that insurance rates will continue to rise.
3. The SGEC recommends that the two current post Medicare aged persons covered by the Town’s insurance will be unaffected by this change. The expense to the Town is relatively minimal and they are the least able to easily adapt to this change.

**RATIONALE:**

Over the past couple of years and in various formats (most frequently during door to door visits in 2007) the taxpayers of Somerset have communicated that they are concerned about the rising cost of health insurance that they are bearing. That being said though it is also true that many Somerset residents with whom we have spoken with did not even realize that they were paying the full cost for health benefits for the part-time elected officials. It is well documented that the cost of providing health insurance to the Town’s officials continues to rise. As an example, from 2009 to 2010 and despite every effort to contain these costs, the premium for a family plan rose approximately 15%. It is within reason to expect a similar or even higher rate of increase year after year after year. The bottom line is that it is no longer reasonable to expect those who are experiencing an erosion of their own benefits (the taxpayers) to be required to buy health insurance for **part time** public servants.

**Medical Insurance continued**

On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the recommendations of the Somerset Government Efficiency Committee are approved as follows:

1. Health insurance coverage is dropped in its entirety for part-time elected officials effective January 1, 2012.
2. The two "grandfathered" part-time elected, pre-Medicare aged officials pay 50% of their health insurance premium. Accordingly, they will continue to pay 50% the premium after reaching Medicare age. The effective date for this recommendation is January 1, 2012.
3. The two current post Medicare aged persons covered by the Town's insurance will be unaffected by this change.

**RE-ROOFING FEE**

Discussion ensued regarding a fee for re-roofing that was placed in the newsletter. Supervisor Meyers and Councilman Engert both stated they were surprised to see that in the newsletter and that no fee schedule had been set.

**PUBLIC RELATIONS COMMITTEE**

Supervisor Meyers stated he would like to form a public relations committee to review the newsletter and the website before they are released to the town residents. Councilman Wayner and Councilman Jansen stated they would be willing to act as the committee.

**PUBLIC COMMENT**

Dudley Chaffee addressed the Board regarding the following:

1. He heard continually during the meeting the County does this and the county does that. He cautioned the Board not to follow the County or the State as they are in bad shape and asked the Board to be a leader.  
Supervisor Meyers said you would never see the County or State cut health insurance and we are not following them. He stated that there are certain formats they may use, but are clearly not following their lead.
2. Asked what the cuts in health care would save the town in tax rates.  
Supervisor Meyers stated that all savings would be taken into account but that cannot be figured out.  
Mr. Chaffee asked if that was used in figuring the savings.  
Councilman Wayner stated that the rate per thousand was not looked at.

TOWN BOARD MEETING  
APRIL 13, 2010 PAGE 15  
**PUBLIC INPUT continued**

Mr. Chaffee stated that he was disappointed that the Board would make these changes and that the Board did not stand behind their agreements that were made 20 years ago.

James Hoffman addressed the Board regarding the following:

1. Stated that he has availed himself of the website and thinks it is very good. Questioned why the Board is not standing behind the resolution adopted regarding Barker Chemical and asked do you intend to do anything to put Barker Chemical back on the tax rolls. Councilman Engert stated the priorities of the Board have been to resolve the outstanding litigation issues with AES and that took numerous hours. He stated there is a great expense to move forward if the Town has to take ownership of the property. He stated that he has provided this information to him (Mr. Hoffman) and that the Board is committed to work to resolve this issue. Mr. Hoffman asked what the plans are for the future. Supervisor Meyers stated that the ownership of the property is up in the air and we cannot take ownership. He stated the Board will stand behind the resolution.
2. Questioned the tax credits involved with the AES PILOT. He stated that he contacted the school and they explained there would be no tax credits and that the tax rates have been frozen. He stated the bad news is that these rates are frozen at the high rates and the big losers are the taxpayers with the big winner being AES.

Douglas Lewis addressed the Board concerning a health concern caused by the ash blowing off of the piles at AES and stated it is a big issue nationally.

Scott Ecker addressed the Board regarding the following:

1. Commended the Department Heads for this town and said they have been in service for a long time and he appreciates what they do for this town.
2. Pleased to see an Attorney here tonight, but our Zoning Board meeting did not have any legal representation. He stated that he was told that the legal representation budget is in the red and wants clarification. Supervisor Meyers stated the issue is if the legal representation is being used when none is needed and that is what they are reviewing. Councilman Engert stated that the budget is not in the red and there has been discussions regarding the proper and effective utilization of legal resources and associated expenses with them. He stated nothing has been resolved yet.

RESOLUTION 85-2010

**AUDIT OF CLAIMS**

Councilman Jansen asked for a year to date expense versus budget report either monthly or quarterly.

On a motion of Councilman Engert, seconded by Councilman Wayner, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the bills in the following amounts be paid:

General Fund	No. 128 through No. 171	\$ 37,927.65
Highway Fund	No. 35 through No. 46	\$ 30,660.21
Sewer Fund	No. 33 through No. 44	\$ 7,872.18
Water Fund	No. 37 through No. 46	\$ 26,910.49

**EXECUTIVE SESSION**

On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the Board move into Executive Session at 9:05PM to speak with the Attorney on contract issues.

**RETURN TO REGULAR SESSION**

On a motion of Councilman Jansen, seconded by Councilman Alt, the following resolution was

ADOPTED Ayes 5 Meyers, Wayner, Engert, Alt, Jansen  
Nays 0

Resolved the Board return to regular session at 10:12PM.

On a motion of Councilman Alt, seconded by Councilman Jansen, the meeting was adjourned at 10:13PM subject to the Call of the Clerk. Carried unanimously.

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Rebecca A. Connolly, MMC  
Town Clerk