

**April 13, 2009
Regular Town Board Meeting
6:30 p.m.**

Public Hearing – Local Law #8-09 “Regulating the Assembly of Large Gatherings or Events in the Town of Savannah”
Public Hearing – Intent to file CDBG Grant Application
Resolution 11-2009 “Authorization for the Preparation and Submission of Grant Funding to the Office of Community renewal Under the 2009 Community Development Block Grant Program”
Authorization to sign MRB Proposal for Treatment of Sewer District No. 1’s non-compliance.
Petition of 2-Hour Parking on Main St.
Verizon Cell Tower Lease Signed
Authorization for payment to Chamber for Town of Savannah Brochure
Authorization to Sav. Comm. Day Committee for closure of Main St. June 12th & 13th
Authorization to hire Jonathan Metcalf for Seasonal Summer Laborer for General, Water and Sewer Dist.’s

The Town Board of the Town of Savannah held its regular Town Board meeting on April 13th, 2009 at 6:30 p.m.

Members present:

Kenneth Lauderdale	Supervisor
John Metcalf	Councilman
Ted Fitch	Councilman
Julie VanLeeuwen	Councilman

Absent: Carol Spellman Councilman

Also present: Fingerlakes Times-John Addyman, Victor Townsend, Highway Superintendent-Allen Sherman, Water/Sewer Operator-Bruce Waterman, MRB Engineering-Greg Hotaling, Paul Rotunda, Leroy Hollier, Laurie Green, Sherri Fedele, Chuck Carmen, Joseph Urwin, Terry Colvin, Leon Gaklik, Mark Emmett, Brian Secor, Jeanne Bailey, and Jonathan Metcalf.

A motion to approve the minutes as distributed was made by Councilman VanLeeuwen seconded by Councilman Fitch. All members voted “aye” and the motion carried.

The Public Hearing for proposed Local Law #8-2009 entitled “Large Gathering” was opened with the reading of public notice as advertised.

Supervisor Lauderdale gave a brief explanation of the proposed law and opened the floor for comments.

Paul Rotunda noted concerns with the law effecting the potato fest, motor cross park, 4 wheeler clubs; toilet facilities, insurance requirements, building capacity, penalties for violations and a rain date clause.

Supervisor Lauderdale noted that there are exemptions to the proposed law that would apply to events currently held in the township. Toilet facilities, insurance

requirements, building capacity and other issues were addressed with the town's attorney and other qualified agents and the law was noted to have met standard requirements and to be enforceable. Mr. Lauderdale further noted that a rain date clause would be addressed and incorporated into the proposed law.

Mark Emmett owner of MX Motor Cross Park inquired on who introduced the proposed law and who the law is directed towards.

Supervisor Lauderdale noted that the law was designed to provide a safe environment for the community while attending events in the township and not directed towards any one person/business. It was decided as more and more events were taken place in the township it would in the Town's best interest to provide a safe and healthy environment for the public.

Mr. Emmett requested a pole of the board on whether the proposed law was originated due to his business.

Supervisor Lauderdale	"nay"
Councilman Fitch	"nay"
Councilman VanLeeuwen	"nay"
Councilman Metcalf	"nay"

Mr. Emmett feels that the proposed law is directly aimed at the race track and feels that the Town does not have the authority to shut down his business.

Victor Townsend inquired on the difference on charging an admission fee vs. donations. Supervisor Lauderdale noted that he would have the town attorney further review.

Mr. Emmett inquired a clause for repetitive events such as scheduled practice dates and schooling. Councilman Metcalf noted that the board should consider an annual permit or clause for gatherings/events that take place repetitively.

Mr. Emmett noted that he is of the opinion that the by adopting such law the Town is telling him he cannot do business causing his investment into his business to become a loss. Mr. Emmett further noted that the law should be met to regulate music festivals and not to control private businesses.

Councilman Fitch noted that a definition for "athletic field or stadium" should be incorporated into the law.

Discussions were held regarding what constitutes exempt gatherings and events.

Supervisor Lauderdale noted that due to the rise in commercial endeavors in the township it was decided to craft a law that would have a minimal effect on family events, but for events intended to make profit the community needs to be assured

that adequate facilities are in place to provide safety and security to both those attending and to the community.

A motion to close the hearing was made by Councilman Metcalf seconded by Councilman Fitch –by roll: Supervisor Lauderdale, Councilman VanLeeuwen, Fitch, Metcalf “aye” motion carried.

As certain changes were suggested and further review of portions of the law need to be addressed it was decided by motion of Councilman Fitch seconded by Councilman Metcalf to hold a work session to further discuss the proposed law on April 20th at 6:30 by roll: Supervisor Lauderdale, Councilman VanLeeuwen, Fitch, Metcalf “aye” motion carried.

It was further decided to hold another public hearing on the proposed Local Law #8-2009 with the recommended changes for May 11th, 2009 at 6:30 p.m. by motion of Councilman Metcalf seconded by Councilman Fitch by roll: Supervisor Lauderdale, Councilman Fitch, Metcalf, VanLeeuwen “aye” motion carried. Clerk to advertise.

The notice of public hearing for the purpose of discussing the intent to file an application for funding consideration with the New York State Office of Community Renewal for a Community Development Block Grant (CDBG) under the Annual Competitive Round for Public Infrastructure and Public facilities was read by Supervisor Lauderdale.

The meeting opened with MRB Groups representative Greg Hotaling presenting the board with a handout explaining the reasoning for the grant application and the application process.

Mr. Hotaling noted for those in attendance that the Town of Savannah was notified by the NYS Dept. of Health in 2005 that the spring source is potentially under the direct influence of surface water. He further noted that the minimum treatment for water supplies considered to be “Groundwater under the Direct Influence of Surface Water” is filtration and disinfection, thus resulting in the Town being required to install a filtration treatment plant.

It was further noted that to avoid the risk of severe penalties from the state the Town has enter into a compliance agreement to have the treatment plant in place by 2011 and has elected to seek funding from the Office of Community Renewal by way of grant funding in the amount of \$600,000 and through a low interest loan with Rural Development in the amount of \$280,000. Through these funding agencies the potential will greatly diminish the economic impact of the necessary improvements for the residents of the Town.

Mr. Hotaling gave a brief description of what is included in the application, noting that the new filtration facility would be constructed adjacent to the existing pump house. He further described that the proposed facility will house the primary

filtration a secondary filtration and tertiary filtration along with disinfection with UV and sodium hypochlorite.

A detailed breakdown of the financial impacts was given, noting the total project cost of \$880,000 to be funded through grant funding of \$600,000 and Rural Development Loan of \$280,000, with an annual cost estimate to a single family home of \$383.00. It was further explained that the Rural Development Loan would consist of a 38 year loan at 3.125%.

In closing Mr. Hotaling noted that the grants are awarded in late August with a projected start date of winter of 2009. He further noted upon completion the Town's water system would fully comply with the Surface Water Treatment Rule, providing safe, affordable, and reliable water to the Town of Savannah customers.

Supervisor Lauderdale opened the floor for discussions.

Questions were answered in regards to adequate pumping, term of Rural Development Loan, cost of project and opportunities to cut cost, who maintains the facility, and capacity of future expansions.

It was noted that the Town of Savannah has had an extensive study done on the proposed project and in such study all concerns were addressed to provide the town with solutions and coverage for future and current capabilities. In regards to the maintenance of the facility this would be the water operators responsibility, which would consist of more time and responsibility to the operator. It was explained that the cost of the project is an estimate based on the preliminary information available at this time.

As all in attendance having been heard a motion to close the hearing was made by Councilman Fitch seconded by Councilman Metcalf, by roll: Supervisor Lauderdale, Councilman VanLeeuwen, Fitch, Metcalf "aye" motion carried.

The following resolution was presented by Councilman Metcalf:

Resolution No. 11-2009

Authorization for the Preparation and Submission of Grant Funding to the Office of Community Renewal Under the 2009 Community Development Block Grant Program

WHEREAS, the New York State Department of Health (NYSDOH) has notified the Savannah Water District No. 1 that it is in violation of State Sanitary Code Section 5-1.30 for failure to filter the spring source, determined to be groundwater under the influence of surface water; and

WHEREAS, the NYSDOH and the Town of Savannah have agreed to a compliance schedule developed by both parties to ensure the project continues in a timely fashion with set measurable goals, with a completion date of February 1st, 2011; let it be

RESOLVED, that the Town of Savannah is hereby authorized to prepare and submit an application for grant funding to the Office of Community Renewal under the 2009 Community Development Block Grant (CDBG) program in an amount not to exceed \$600,000 for water system improvements; and be it further

RESOLVED, that the Supervisor of the Town of Savannah is hereby authorized to execute the grant application on behalf of the Town of Savannah, and to act in connection with the application and to provide such information as may be required by the Office of Community Renewal.

A motion to adopt the above written resolution was made by Councilman Fitch seconded by Councilman VanLeeuwen – by roll: Supervisor Lauderdale, Councilman Fitch, Metcalf, VanLeeuwen “aye” motion carried.

Supervisor Lauderdale noted that due to NYSDEC inspections having cited problems including periodic ammonia exceedances causing non-compliance in Sewer District No. 1’s treatment plant, it was decided to have MRB Group perform an investigation on the systems condition, treatment and operational status. Mr. Lauderdale further noted that if the Town continues with the non-compliance, the USEPA may pressure NYSDEC into issuing and enforcing a Consent Order to the Town of Savannah. It was further noted that although NYSDEC continues to work with the Town to avoid a consent order the treatment ability of Sewer District No. 1’s system is very much a problem that needs to be addressed.

MRB Group, Greg Hotaling, at the Town Board’s request presented proposal for services for Sewer District No. 1 Treatment Plant at an hourly fee of \$10.00/hour, not to exceed \$2950.00. Mr. Hotaling further noted that during the recently completed investigation the following findings were determined:

- Undersized influent septic tank based on existing flows**
- Influent aeration system**
- Collapsed and clogged tiles**
- Clogged and bio-fouled sand media**
- System not built according to plans**
- No ability to truly separate filter “beds”**
- Higher flow to system than designed for**

Due to the determinations and the extent of the system’s problems it was determined that it would not be cost effective to repair. Mr. Hotaling stated as a result the Town should plan for the replacement of the sewer treatment system or further investigate

the conveyance of Sewer District No. 1's sanitary sewer flows to Sewer District No. 2's treatment system.

It was noted that for the proposal cost of approximately \$2,950.00 MRB Group would complete an investigation and evaluate these two options and report the findings to the Town Board along with recommendations and preliminary opinions of project costs.

After much discussion Councilman Fitch noted that he feels at this time the Town does not have sufficient funds to warrant the proposal and feels we should wait an additional year to build revenue towards the cost. Councilman Fitch further stated that he feels the Town should investigate granting funding for the project and proceed with a study vs. the cost of this proposal and the additional cost of a study when grant funding becomes available. Town Board so noted Councilman Fitch's opinions.

Water/Sewer Operator, Bruce Waterman, also noted his concern with the costs and noted that during the investigation of the system some of the tiles were flushed in order to perform the videotaping, as a result of the flushing the system seems to be working satisfactorily and requests that the board table a decision until the testing results are available. He further stated that if at all possible he would recommend waiting another year when it might be more economically feasible to the district.

As it was determined by the rest of the board to be in the best interest of the residents to proceed a motion was made by Councilman Metcalf seconded by Councilman VanLeeuwen authorizing Supervisor Lauderdale to sign such proposal with MRB Group for the amount not-to-exceed \$2,950.00. By roll: Supervisor Lauderdale, Councilman Metcalf and VanLeeuwen "aye" with Councilman Fitch "nay" motion carried.

Chuck Carmen attended the meeting to present the Town Board with a petition for a 2-hour parking limit on North Main St., Monday – Friday 7AM-5PM. Such petition held approximately 85 signatures, consisting of approximately 73 residents, and 12 non-residents. Discussions were held on enforceability issues and the availability of parking spaces for the downtown residents and workers. Town Board so noted the petition and will further review.

Departmental Reports

Water/Sewer – Discussions held throughout the minutes.

Highway Dept. – Highway Superintendent, Allen Sherman requested permission to purchase a trailer from Lakeland Equipment in the amount of \$1,350.00 to be used during Town Clean Up and various other projects. Town Board granted permission to make purchase.

Assessor – Supervisor Lauderdale on behalf of the Assessor noted that the equalization rate is 92% with a re-val to be tentatively scheduled for 2011.

Supervisors Report:

Supervisor Lauderdale noted that the Water/Sewer Operator and he have met with Dept. of Health to review the Engineers Report for the Water Filtration Project to ensure compliance with the Bilateral Agreement. It was noted that the following comments summarized the meeting:

- **Provisions for an emergency power at the water treatment plant by way of a fixed location emergency generator, or a potable emergency generator and appropriate connections to the water treatment plant power system.**
- **Possible to reduce final site fencing requirements but necessary security measures must be included.**
- **Maximum Treatment under Long Term 2 Enhance Surface Water Treatment Rule vs. Sampling Treatment**
- **Evaluation of strategies to promote cost advantages**
- **Possibility of using town personnel to construct portions of project to assist in concerns of funding.**
- **Availability of other funding sources**
- **Results of hydraulic study of the Wayne County Eastern Water System Study, if study shows deficiencies in the water system it will aid in obtaining funding through EFC.**

Supervisor Lauderdale reviewed the dates for the Curbside Pickup and Town Clean Up Day for those in attendance.

Supervisor Lauderdale noted that the Verizon Cell Tower lease has been signed and Verizon's surveyors will be making a site inspection tomorrow.

Supervisor Lauderdale noted that the Town Board should make a visual inspection of the Town Barn site for consideration of future progress with the Town Barn strategy.

Correspondence:

1) Letter from Chamber – Request for funds for Town of Savannah Brochure

Jeanne Bailey attended the meeting presenting a sample brochure and requesting funds for the project. It was noted that the cost is \$775.00 for 5000 copies of the brochure. The Chamber requests that the Town pay for ½ of the cost in the amount of \$400.00 and the Chamber will pay the remaining \$400.00. It is in hopes that the brochures can be printed and available by June before the summer season.

A motion was made by Councilman Fitch seconded by Councilman Metcalf authorizing the payment of \$400.00 to assist the Chamber in the cost of printing the brochures. By roll: Councilman VanLeeuwen, Fitch, Metcalf and Supervisor Lauderdale “aye” motion carried.

2) Letter from Chamber – Request meeting for May 26th for discussing advertising

It was noted that the Chamber would like to hold a Marketing Meeting on May 26th at 7:00 p.m. at the Town Hall for the purpose of discussing current ways of advertising used by our local organizations and possible ways of improving the communications in the township. Approval to use Town Hall for such meeting was given.

3) Savannah Community Day Committee – Request to close street June 12th, 13th

A motion was made by Councilman VanLeeuwen seconded by Councilman Metcalf granting permission for Main Street to be closed on Friday, June 12th from the Post Office South (in front of Fertilizer Plant) for the purpose of a Band Concert during the hours of 6:00 – 9:30 p.m. It is further granted permission to close Main Street, Saturday, June 13th from 10:00 a.m. – 5:00 p.m. from the intersection of Route 31/89 to the Railroad Tracks for the purpose of Community Day Activities. By roll: Councilman VanLeeuwen, Fitch, Metcalf and Supervisor Lauderdale “aye” motion carried.

- 4) M & T Bank – Updates
- 5) (3) Applications for Employment
- 6) TimeWarner – Channel Updates
- 7) Handbook – Update – Pool & Spa Safety
- 8) TimeWarner – Cable Franchise
- 9) Verizon Cell Tower – Notice of Planned telecommunications project.

The following bills were presented for audit:

General Fund	Abst. #4	Claim #81-108	\$14,593.36
Highway Fund	Abst. #4	Claim #16-39	\$67,713.96
Water District	Abst. #4	Claim #42-54	\$ 6,999.24
Sewer District 1	Abst. #4	Claim #8-10	\$ 1,307.98
Sewer District 2	Abst. #4	Claim #9-12	\$ 179.87
Sewer District 3	Abst. #3	Claim #6-7	\$ 7.34
Sav. Lighting	Abst. #4	Claim #4	\$ 786.92
So. Butler Lighting	Abst. #4	Claim #4	\$ 50.27

A motion to pay the bills as presented was made by Councilman Fitch seconded by Councilman Metcalf. By roll: Councilman VanLeeuwen, Metcalf, Fitch and Supervisor Lauderdale “aye” motion carried.

A motion to enter Executive Session was made by Councilman Fitch seconded by Councilman VanLeeuwen all members voted “aye” motion carried.

Executive Session – Personnel – Review of Applications for Employment

Out of Executive Session – 9:35 p.m.

As there has become a need for additional summer help in the mowing of cemeteries, assistance in the water/sewer departments and other various jobs it was decided by motion of Councilman Fitch seconded by Councilman VanLeeuwen to hire Jonathan Metcalf as a Seasonal Summer Laborer for the above noted departments at an hourly rate of \$8.00 for approximately 35 hours a week for the summer months but employment not to exceed past September 15th, 2009. No benefits or holiday pay to be given. By roll: Supervisor Lauderdale, Councilman Fitch and VanLeeuwen “aye” Councilman Metcalf abstains, motion carried.

As all business was complete a motion to adjourn was made by Councilman Fitch seconded by Councilman VanLeeuwen. All members voted “aye” motion carried.

Julie Carey-Town Clerk

- **Supervisor – Review Local Law 8-2009 for work session on the 20th**
 - **Admission Fee vs. Donations**
 - **Clause of repetitive events or yearly permits**
 - **Definition for “athletic field or stadium”**
- **Further investigate the Petition of 2 hour parking on Main St.**
- **Site Inspection for Town Barn Strategy**
- **Write letter to Jonathan Metcalf re: Employment**
- **Call Robert Crumb on YR position**