

October 13, 2008
Regular Town Board Meeting
Budget Work
7:00 p.m.

The Town Board of the Town of Savannah held its regular Town Board meeting on October 13th, 2008 at 7:00 p.m. Members present were:

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

Also present: Fingerlakes Times-John Addyman; Ruby Washburn, Florabelle Marriott, Victor Townsend, Patty Steele, Tom Whitcomb, Highway Superintendent-Allen Sherman, Bonnie Donk, Henny Lacz, Leroy Hollier, Sherri Fedele, Gerald Okie, Joseph Urwin, Michael Mumford, Leon Gaklik, Chuck Randall, Water/Sewer Operator-Bruce Waterman, and Fred Baker.

A motion to waive the reading of the minutes with approval as distributed was made by Carol Spellman seconded by Ted Fitch. All members voted “aye” and the motion carried.

Councilman Fitch led those in attendance in the pledge of allegiance.

Floor opened for continuation on discussions from September 8th public hearing on proposed Local Law #5-2008 entitled “A Local Law Imposing a Moratorium on Certain Development and Uses in the Town of Savannah”.

Supervisor Lauderdale noted for those in attendance that the concerns and typographical errors in proposed Local Law #5-2008 that the residents voiced at the Public Hearing on September 8th, have been addressed and corrected. He further noted that the main concern of verbage referencing Section 285-56 has been removed and replaced with verbage that pertains to the law. Supervisor Lauderdale also stated that Wayne County Planning has reviewed the proposed law and recommends adoption. As all in attendance satisfied the following resolution was presented by Councilman Fitch:

Resolution No. 40-2008
Adoption by the Town Board of
The Town of Savannah
Local Law #5-2008
“A Local Law Imposing a Moratorium on Certain Development and Uses in the
Town of Savannah”

WHEREAS, a motion was adopted by the Town Board for a public hearing to be held by said Town Board on September 8th, 2008 at 7:00 p.m. at the Savannah Town Hall to hear all interested parties on a proposed Local Law on imposing a moratorium on certain development and uses in the Town of Savannah, and

WHEREAS, notice of said public hearing was duly advertised in the Wayne County Star, the official newspaper of the Town, on August 20th, 2008, and

WHEREAS, said public hearing was duly held at the Town Hall at 7:00 p.m. on September 8th, 2008 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, those in attendance noted some typographical errors and clarification of referenced Section 285-56; and

WHEREAS, such errors have been corrected and since no significant change was made to the proposed local law another public hearing was not necessary and such proposed local law was resubmitted at the October 13th regular Town Board meeting for adoption, and

WHEREAS, the Town Board of the Town of Savannah, after due deliberation, finds it in the best interest of said Town of Savannah to adopt said local law;

NOW THEREFORE, BE IT RESOVLED, that the Town Board of the Town of Savannah hereby adopts said Local Law #5-2008 entitled “ A Local Law Imposing a Moratorium on Certain Development and Uses in the Town of Savannah”, a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED, that the Town Clerk be and she is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Town of Savannah, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

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

TOWN of SAVANNAH

Local Law No. 5-2008

A local law imposing a twelve (12) month moratorium on: expansion of existing uses, establishment of new uses; the filing, acceptance and/or, approval of applications for special and land use permits, certain use and area variances, site plan, and certain Building Permits by the Planning Board the Board of Appeals, the Building Inspector or

the Town Board, as the case may be, within the Town of Savannah pursuant to New York State, Municipal Home Rule Law and Town Law Section 261.

BE IT ENACTED by the Town Board of the Town of Savannah as follows:

SECTION 1. Title

This Local Law shall be known as "A Local Law Imposing a Moratorium on Certain Development and Uses in the Town of Savannah."

SECTION 2. Findings, Intent and Purpose

In 1999, the Town of Savannah adopted a Master Plan in accordance with the procedures set forth in Section 272-a of the Town Law. The Town does not have a zoning law, but has a Site Plan Review law.

The Town Board in May of 2006 appointed a Planning Board to prepare recommendations for new updated Comprehensive Plan and Land Use Laws. The Planning Board is prepared to make such recommendations but it would require approximately twelve (12) months to complete its task and report to the Town Board.

As part of the Master Plan certain areas containing significant features were identified. The Master Plan discusses several alternatives, including comprehensive land use changes, to address the study of certain area parcels and to address other areas of the Town. Many of the alternatives would lessen the development potential of both the study parcels and many other undeveloped parcels in the Town. This analysis could precipitate action by landowners to speed development to avoid being subject to the changes that may be enacted pursuant to a Comprehensive Plan.

The development of vacant land requires proper limits, planning and local control so that land will not be overdeveloped, land uses will be consistent, services will not be overburdened and the health, safety, welfare and character of the community will be preserved and protected.

In recent years, the Town has experienced a trend of increased and substantial land use development proposals, some of which may be inconsistent with the Town's Master Plan, proposed Comprehensive Plan, and the new Land Use Laws which will be recommended by the Planning Board.

It would be appropriate for the Town Board to consider enacting a moratorium on certain development within the Town in order to prevent land use development which may prejudice, and be inconsistent with, the Town's Comprehensive Plan and/or new or amended Land Use Laws or Regulations which may be enacted and/or approved by the Town Board. The Town found that appropriate interim measures had to be taken in the form of a moratorium on the review and approval of certain development and uses, and

on the expansion and/or establishment of such development and uses that may not require such review and approval under current Town law and rules.

SECTION 3. Scope of Coverage.

This Moratorium shall apply to all uses, development and/or construction not specifically listed as exempt in Section 5 of this Local Law. Notwithstanding any provision to the contrary contained in said Section 5, this Moratorium shall apply to all applications for junkyards, adult uses, mobile home parks, race tracks, commercial uses and recreational uses.

No Land Use applications, including, but not limited to, those for building permits, subdivision approval, and/or Site Plan approval shall be accepted, reviewed, and/or granted preliminary, final or conditional approval by the body, board or public official vested with jurisdiction over such application, for any use, development and/or construction not exempt from the provisions of this Moratorium Law during the term of this Law.

No existing Land Use that has been properly established without Site Plan approval, building permits, subdivision approval or other Town review or approval shall be expanded during the term of this Law.

During the term of this Law, no new Land Use shall be established on any land in the Town, except those Land Uses specifically listed as exempt in Section 3 of this Local Law, regardless of whether current Town law and rules require Town permits, Site Plan approval, or building permits.

Land use applications for uses or development not exempt from the provisions of this Law, including, but not limited to, those for building permits, subdivision approval and Site Plan approval accepted as complete as of the effective date of this law shall not be further reviewed, processed or approved by the body, board or public official vested with jurisdiction over such application for uses, developments and/or construction, except as provided by Section 5 (H) or (I) of this Law.

SECTIONS 4. Prohibitions.

The Town Board of the Town of Savannah hereby determines as follows:

- A. That insufficiently regulated development and the proliferation of new structures and/or uses without the necessary regulation is detrimental to property values, the quality of life of Town residents and the suburban character of the Town and is inconsistent with the Town's development and growth objectives as a primarily agricultural/ suburban residential community with discrete areas of commercial activity and sufficient open space and preserved environmental features to maintain that character.

- B. That the continued issuance of approvals and permits, and the expansion or establishment of currently unregulated Land Uses risks further development of the Town's large and small areas, frustrating and undermining the intended purposes of the Master Plan and Draft Comprehensive Plan and any measures adopted to implement proposals recommended within it.
- C. That it is necessary and appropriate in order to protect the public interest to impose this moratorium on certain applications for development and expansion or establishment of currently unregulated Land Uses for an interim period during which time the Town Board will study and review the Draft Comprehensive Plan, proceed towards its adoption, consider which study parcels should be protected and preserved as well as which, if any, of the options identified by the Draft Comprehensive Plan are appropriate to preserve the selected areas and what additional action is appropriate to effectuate the other goals identified in the Plan and Draft Comprehensive Plan and any measures adopted to implement proposals recommended within it.
- D. That it is the purpose of this moratorium to prevent the development of land or business which could circumvent, conflict and be inconsistent with any Comprehensive Plan that may be adopted and/or any proposed amendments to the Land Use Law or Town Laws that may be adopted as a result of that Comprehensive Plan and to eliminate the incentive for developers to speed development in areas containing significant environmental features and in study parcels.
- E. That this local law provides for a review and appeals procedure to avoid or minimize any inequities or hardships that may result from the strict application of this local law.
- F. The Town Board shall not accept or approve any document, application or request for special permit, site plan approval, amended site plan approval or any other request for approval of development that would require any approval for which this moratorium has been imposed with the exception of applications for the extension of site plan approval when site plan approval has been obtained prior to the effective date of this Local Law and has not expired.
- G. The Board of Appeals shall not accept or approve any document, application or request for special permit, variances or for any other request for approval relating to any application that requires any approval referred to in Section 3 of this Local Law prior to development and such approval was not granted prior to the effective date of this Local Law.
- H. No person shall expand any currently unregulated Land Use, nor shall they establish any currently unregulated Land Use on any land within the Town during the term of this Local Law.

- I. Town staff members and officials, including the Building Inspector, Engineer and Commissioner of Community Development and Conservation shall not issue any exemption pursuant to any provision of the Code of the Town of Savannah, shall not issue any permit and shall not accept or approve any document, application or request for the issuance of any permits or document for any development that would require any approval referred to in Section 3 of this Local Law prior to development and such approval was not granted prior to the effective date of this Local Law. Development shall be deemed to require an approval referred to in Section 3 of this Local Law if such development would require such approval absent an exemption pursuant to any provision of the Code of the Town of Savannah.
- J. All existing, unexpired permits, variances (use and area), special permit, site plan, amended site plan, subdivision or resubdivision applications for construction and/or development of properties, both residential and nonresidential, which have received or been granted preliminary approval by the appropriate board, agency and/or department of the Town of Savannah having jurisdiction thereof, prior to the effective date of the moratorium shall, during the pendency of said moratorium, be permitted to continue to proceed with the required approval process and be considered for approval or denial as if the moratorium had not been enacted.
- K. Nothing contained in this Local Law is intended to preclude the continued review of previously submitted applications or the submission and review of additional documentation or applications related to these applications which were submitted prior to the enactment of this Local Law. This provision does not permit the issuance of any findings whether or not such finding rises to the level of an approval.

SECTION 5. Exceptions to this Moratorium.

The Town also found that there were certain development proposals which, because of their nature, scope and intensity would clearly not be inconsistent with the Town's Master Plan and/or Draft Comprehensive Plan and/or new or amended Land Use Laws or regulations which may be enacted and/or approved by the Town Board.

The Town also recognized that it would be appropriate to provide a mechanism for property owners or sponsors of proposed development to seek relief from the provisions of this Moratorium Law upon a showing of hardship. The Town also recognized that there were certain development projects then pending before the Planning Board for Site Plan Review and Approval for which the review process under the State Environmental Quality Review Act ("SEQRA") had commenced, but had not, to date, been completed and that information gathered in the SEQRA review process would assist the Town Board as it considered the amendment of existing, or adoption of new, Land Use Laws or Regulations.

This Moratorium shall not apply to the following development and/or uses:

- A.** One and two family dwellings, their accessory uses, additions to a single family dwelling and general farming use.
- B.** Uses or development undertaken pursuant to existing building permits and/or site plan applications which have been granted final approval. However, in the event such preliminary, final or final conditional approval expires, or the plans of the applicant are substantially modified prior to final approval, subsequent to the date of this Law and prior to the expiration of this Law, the use or development shall be subject to this Local Law.
- C.** Buildings, structures and/or uses lawfully established prior to the date of the enactment of this law and construction undertaken pursuant to building permits lawfully issued prior to the effective date of this Local Law.
- D.** Alteration, renovation or repair to any building, structure or accessory land development lawfully existing as of the effective date of this Local Law not otherwise excepted from the coverage of this Moratorium, provided such alteration, renovation or repair to the building or structure does not increase the square footage of the existing structure or building by more than ten percent as lawfully exists at the time of the enactment of this Law.
- E.** Applications for amendments to Site Plan Approval granted by the Planning Board prior to the date of the enactment of this Law for uses or structures not otherwise excepted from the coverage of this Moratorium, provided the amendment does not increase the square footage of the existing structures of buildings by more than ten percent (10%) as existed at the time of the Site Plan Approval.
- F.** Applications for construction, alteration or expansion of municipal buildings, municipal structures, municipal parks and municipal recreational facilities.
- G.** Applications for construction, alteration or expansion of schools, churches and libraries.
- H.** Applications accepted as complete, pending before the Planning Board at the time of the enactment of this law for Site Plan Approval which have received a Negative Declaration or Conditional Negative Declaration pursuant to Section 6 NYCRR 617.7 by the Lead Agency by the time of the enactment of this Local Law. However, in the event the applicant fails to comply with the provisions of the Conditional Negative Declaration or the Negative Declaration is amended to a Positive Declaration or the Negative Declaration is rescinded pursuant to §617.7(e) or (f) during the term of this Law, this Local Law shall apply.

- I. Pending applications before the Planning Board as of the date of the enactment of this Local Law not otherwise exempt pursuant to this section which have not received final or preliminary approval in the case of Site Plans, and for which the SEQRA review process has commenced but has not been completed are exempt from the provisions of this Local Law only to the extent that the SEQRA review process, at the election of the applicant, may proceed before the Planning Board subject to the following limitations: (i) the applicant must declare its intent, in writing, to continue with the SEQRA review process at his or its own risk; (ii) the continuance of the SEQRA review process shall not be construed as vesting any developmental rights in said applicant; (iii) the applicant, by electing to proceed with the SEQRA review process, shall be deemed to have waived strict compliance with the time frames for acts or decisions of the Lead Agency set forth in the SEQRA regulations and the applicant must, at the time of election, to proceed with the SEQRA review, enter into a written stipulation with the Lead Agency providing for agreed upon time frames for the conduct of the various aspects of the SEQRA review process; (iv) that failure of the Planning Board to strictly adhere to the agreed upon time frames for the various aspects of the SEQRA review process shall not be deemed to entitle the applicant to any default approvals; (v) the continuation of such SEQRA review during the term of this law shall not constitute a basis for compelling the approval of the application before the board; (vi) continuation of the SEQRA review process shall occur only with the recognition that, after the adoption of new or amended Land Use Laws or Regulations by the Town, the project application and plans must be modified or changed to comply with those new Land Use Laws or Regulations, and that the SEQRA review process may be modified, reopened or recommenced, as the case may be, to consider the environmental impacts of those modifications or changes to the project; and (vii) the SEQRA review process may continue only to the point of the filing of a Final EIS, and the lead agency shall not issue its written findings statement. For these applications, the Planning Board shall not, during the term of this Law, further process, review or approve the application for Site Plan approval after completion of the SEQRA review process, as the case maybe.

SECTION 6. Variances.

The Town Board shall have the power to grant a variance from the application of any provisions of this Local Law upon its determination, in its absolute discretion, in accordance with the procedures and standards set forth herein:

- A. An application for a variance shall be filed in triplicate with the Town Clerk, together with a filing fee of \$250.00. The application shall specifically recite the nature of the proposed use of the land, the circumstances pursuant to which the variance is sought and an explanation of how the variance applicant meets the criteria for granting a variance as set forth herein. If the variance is for a use, development or construction which requires the issuance of a building permit, Site Plan approval and/or subdivision approval, the application shall be accompanied

by all plats, plans, and submission materials as may be required in conjunction with those applications.

- B.** The Town Board, upon receipt of any application for a variance herein, may refer the application to the Wayne County Department of Planning, the Town of Savannah Planning Board, and/or the Town of Savannah Board of Appeals for their advice and recommendations. If a referral is made, the Wayne County Department of Planning, the Town of Savannah Planning Board, and the Town of Savannah Board of Appeals shall present their reports and recommendations to the Town Board within thirty (30) days after the referral is made. The Town Board shall not, however, be required to follow the recommendations of any of the aforesaid boards in making its determination.
- C.** Referral shall be made to the Wayne County Department of Planning where required by General Municipal Law §239(1) or (m).
- D.** The Town Board shall conduct a public hearing on any complete application for a variance within forty five (45) days of receipt by the Town Clerk, and shall issue a decision on the application, in writing, within thirty (30) days of the close of the public hearing. Such decision shall be sent to the applicant, and shall be filed in the Office of the Town Clerk within five (5) business days of the issuance of the decision.
- E.** No variance shall be granted by the Town Board unless the Town Board shall find and determine, and shall set forth in its resolution granting such variance, that:

 - (i)** Failure to grant the variance to the applicant will cause the applicant "unnecessary hardship" as that term is defined in §267-b(2)(b) of the Town Law, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the variance. Unnecessary hardship shall not constitute the mere delay in being permitted to make application for a building permit, Site Plan approval or other approval during the period of this Moratorium;
 - (ii)** The grant of the variance will clearly have no adverse effects on any of the Town's goals or objectives as set forth in the Town's Comprehensive Plan, and the use, project or activity will not be detrimental to the community's resources or character as described in the Town's comprehensive Plan; and
 - (iii)** The project or activity for which the applicant seeks a variance is in harmony and consistent with the Comprehensive Plan and with any interim data, recommendations and/or conclusions which, to date, have been promulgated, produced or drafted by the Planning Board in its recommendations for amendments to, or the enactment of new, Land Use Laws or Regulations.

- F.** For any new use or development proposed by an applicant which will involve the construction of a new commercial building or structure of less than 10,000 square feet of gross floor area designed for single commercial use and occupancy, a variance may be granted by the Town Board upon a showing that the applicant meets the criteria set forth in Subsections (E)(ii) and (iii) of this Section without the requirement of a showing of unnecessary hardship pursuant to Subsection (E)(i) of this Section.
- G.** The burden of proving that the application for a variance meets the criteria as set forth in this Local Law shall be upon the applicant, and such showing must be made by competent proof and/or evidence.
- H.** In the event the Town Board grants a variance from the provisions of this Local Law to the applicant, the applicant shall be required to comply with all provisions of the Town's current Site Plan Review Law or any amendments to that law or regulations which may be enacted during the term of this Law, and to all requirements of the State Environmental Quality Review Act, in conjunction with such application proceedings. The reviewing Board shall consider in its review any interim data, recommendations and/or conclusions which, to date, have been promulgated, produced or drafted by the Planning Board in its recommendations for amendments to, or the enactment of new Land Use Laws or Regulations.

SECTION 7. Term.

The Law shall be in effect for a period of twelve months from the date of filing of this Law in the Office of the Secretary of State.

SECTION 8. Penalties.

Any person or entity that shall undertake, or permit, the use of, development, construction, erection or alteration of any land or buildings in violation of the provisions of this Local Law, or that shall otherwise violate any of the provisions of this Local Law shall:

- A.** Be guilty of an offense punishable by a fine not exceeding \$350.00, or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate offense; and
- B.** Be subject to appropriate action or proceeding by the proper authorities of the Town to enforce, correct or abate any violation of this Local Law.

SECTION 9. Severability/Validity

In the event any word, section, clause, paragraph, phrase, sentence, part or provision of this Local Law is found invalid, unenforceable or contrary to law by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

SECTION 10. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.

Supervisor Lauderdale noted that due to recent events regarding the fireworks permit regulations, he suggests that the Town Board amend Local Law #4-2008 entitled “Regulation of Public Fireworks Displays” to incorporate into the law a means to circumvent the two (2) week waiting period when there is a special circumstance. Councilman Fitch spoke against the amendment noting that the Town Board passed a law with strict regulations and feels the Town Board should uphold the law and finds no reason why organizations cannot abide by the regulation pertaining to the waiting period. After much discussion a motion was made by Councilman Spellman seconded by Councilman VanLeeuwen to amend Local Law #4-2008 entitled “Regulation of Public Fireworks Displays” to incorporate a means to circumvent the two week waiting period when a special circumstance exists. By roll: Councilman Metcalf, Spellman, VanLeeuwen “aye”, Councilman Fitch “nay”, Supervisor Lauderdale “aye” motion carried. Clerk instructed to forward to attorney for amendment.

Supervisor Lauderdale gave a brief explanation on the Vision Grant and the Towns agreement for matching funds of \$10,000.00. The following resolution was presented by Councilman Fitch:

Resolution No. 41-2008 Authorization of Release of Matching Funds For CDBG Technical Assistance Grant

WHEREAS, the Town of Savannah has received a Community Development Block Grant Technical Assistance Grant (CDBG TA) a grant that requires the Town of Savannah matching funds of \$10,000.00; and

WHEREAS, per New York State Small Cities Program Community Development Block Grant Agreement Budget, drawdown’s for payment of services have begun; therefore be it

RESOLVED, that the Town Board of the Town of Savannah transfers the funds in the amount of \$10,000.00 from the General Community Beautification Account to the Town of Savannah Community Development Block Grant account # 111455 for the Towns portion of matching funds.

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

Supervisor Lauderdale presented for the boards review MRB's proposal for the Comprehensive Water Study of which Senator Nozzolio awarded the Town of Savannah \$20,000 to conduct. The following resolution was presented by Councilman Metcalf:

Resolution No. 42-2008
Authorization for Supervisor to Sign
Agreement with MRB Engineering
To Perform a Comprehensive Water Study

WHEREAS, the Town Board of the Town of Savannah has received a proposal from MRB Engineering in the amount of \$18,500.00 to perform a Comprehensive Water Study to assist the Town of Savannah in applying for grant funding for a water filtration plant, infrastructure replacement and future water line extensions, and

WHEREAS, the Town of Savannah has received funding through Senator Nozzolio to cover the cost of the Comprehensive Study in the amount of \$20,000.00, and

WHEREAS, since MRB Engineering is performing a professional service no bidding is required, now therefore;

BE IT RESOLVED, that the Town Board authorizes Supervisor Lauderdale on behalf of the Town Board of the Town of Savannah to sign such proposal in the amount of \$18,500.00 and to enter into an Agreement with MRB Engineering to perform a Comprehensive Water Study for the Town of Savannah.

A motion to adopt the above resolution as written was made by Councilman Fitch seconded by Councilman Spellman. By roll: Councilman VanLeeuwen, Fitch, Metcalf, Spellman "aye" Supervisor Lauderdale "aye" motion carried.

Departmental Reports:

Water/Sewer Dept. – Operator, Bruce Waterman noted that Sewer District 1 lines have been flushed and camera operation done, further stated that DVD is available at the clerk's office for review. He further noted that a section running under Route 31 West has a dip and has approximately 100 feet of water in it, suggested this could be a leak. A dye test is going to be performed and further updates to be submitted at a later time. After much discussion on the replacement of the treatment beds it was decided to have an engineer review the situation and present a report on possible solutions to the Town Board. Supervisor Lauderdale to further review engineering services and Water/Sewer Operator to contact Knight Industries on the usage of additional chemical solutions combined with the knight system products.

Highway Department – Councilman Fitch presented for the boards review a price list for materials for an upgrade to the pole barn north of the town barn in the amount of approximately \$20,000.00. Supervisor Lauderdale stated that the main concern is to provide a place for storage of equipment and trucks during the winter season. Supervisor

Lauderdale further stated that it would cost the Town in excess of \$400,000.00 to build a new Town Barn and as there is no grant funding available at this time, this project is not economically feasible, therefore; the Town Board has decided to further review the option of an upgrade to the pole barn north of the Town Barn. It was further noted that the cost estimate does not include labor and in order to achieve this before winter months most of the labor would be done by town employees and the hiring of additional employees. Concerns of the existing building being structurally sound, fire regulations, and an exhaust system were discussed. After much discussion the following resolution was presented by Councilman Spellman:

Resolution No. 43-2008
Authorization to Proceed with
Upgrade to Pole Barn at Highway Department

WHEREAS, the Highway Department of the Town of Savannah does not provide a place for storage of equipment and trucks during the winter season, and

WHEREAS, the highway equipment and trucks freeze up during the winter months causing the breakdown of snow plow trucks and extensive repairs costs and delay in keeping the roads plowed, and

WHEREAS, the Town Board of the Town of Savannah has set aside funding for such project in the General Capital Project Fund, and

WHEREAS, the Town Board has been presented with an cost estimate from Secor Lumber Co. for approximately \$20,000.00 for materials to insulate and finish the interior of an upgrade to the existing pole barn North of the Town Barn at the Town Highway Department, and

WHEREAS, this would supply a warm safe place for the storage of the highway equipment and trucks, and

WHEREAS, the Town Board has decided that this is considered of major importance to achieve this before the winter months, and

WHEREAS, the Town Board of the Town of Savannah after due deliberation, finds it in the best interest of said Town of Savannah, be it

RESOLVED, that the Supervisor include in the upgrade a ventilation system, meet all fire regulations, and provide proof of the existing building being structurally sound before any work is started, and

BE IT FURTHER RESOVLED, that the Town Board authorizes Supervisor Lauderdale to proceed with the hiring of additional employees to be put on the Town of Savannah payroll to perform the labor of the upgrade at an approximate cost of \$20,000.00 in labor fees and to proceed with the cost estimate from Secor Lumber Co. in the amount of

\$20,000.00 in materials, and begin the construction of the upgrade to the existing pole barn at the Town Highway Department providing the above is achieved, and

BE IT FURTHER RESOLVED, that the funds for the cost of such project in the amount of approximately \$40,000.00, \$20,000.00 being in labor and \$20,000.00 being in materials be transferred from the General Fund Capital Project account to the General Fund Garage account being A5132.1, \$20,000.00 personal services and A5132.4, \$20,000.00 contractual expenses to cover the cost of such upgrade, and

BE IT FURTHER RESOLVED, that the Town Clerk receive email confirmation from each Town Board member noting their vote and the adoption of such resolution and here unto attached and made part of this resolution such confirmations before this resolution becomes part of the final minutes of October 13th, 2008 Town Board meeting.

A motion to adopt the above resolution as written was made by Councilman VanLeeuwen seconded by Councilman Fitch. Based on the attached votes by roll: Councilman Metcalf, VanLeeuwen, Fitch, Spellman “aye” Supervisor Lauderdale “aye” motion carried.

Highway Superintendent, Allen Sherman noted that he would like to hire Mark Fedele and Ronald Record for snow plowing this season. Supervisor Lauderdale noted that he abstains from any proceedings dealing with the hiring of Mark Fedele, as he is his step son and his involvement would be a conflict of interest. Councilman Spellman noted that the Town Board does not have the authorization to hire highway employees this is left to the highway superintendent. It was decided that the highway superintendent would hire and at his discretion.

Supervisors Report:

Supervisor Lauderdale gave a brief update on the status of the upstairs at the Town Hall, noting that the last of the grant funding for the upstairs has been spent on materials and Gerald Okie has volunteered his time and has been working on painting and repair work. Supervisor Lauderdale further stated that the appearance is significantly better and hopes people will see the potential of the area.

Supervisor Lauderdale gave a brief update on the water filtration surveys noting that he has been going door to door on Saturdays to assist residents in better understanding the importance of such survey.

Supervisor Lauderdale gave an update on the Vision Plan meetings noting that the next meeting is at the school on the 15th of October and encourages everyone to attend and help the committee members better understand what the communities’ vision is for the Town of Savannah. Suggestions were made of a note going home with school youth to assist in better attendance of town youth. Councilman Spellman noted that she would notify the government class at the school, as this would apply to their government assignments.

Supervisor Lauderdale gave a brief update on the Dorothy Juliano property as CEO, Don Camp could not be present. He noted that the property has been cleaned up significantly and is continuing to do so. He further noted that Todd Cipriano has been working on tearing down the silos at the old fertilizer plant.

Committee Reports:

Councilman Spellman gave an update on the upcoming events for the S.A.F.E. program. October 24th & 25th will be a pumpkin contest-Savannah residents only-pamphlet presented. October 31st will be a hayride at 6:00 p.m. for youth 12 and under and at 8:00 p.m. for residents 12 and up-including adults. November 15th & 22nd will be food classes for youth and adults with half going home with the participating and half being delivered to the neighboring seniors and shut ins. December 6th will be x-mas cookie making class.

The Following Correspondence was read:

1) NYS Teamsters Health & Hospital Fund – Expiring Participation Agreements

As the union employee's health & hospital coverage expires on December 31, 2008 and in order to continue coverage during union negotiations, an interim agreement must be signed. The following resolution was presented by VanLeeuwen:

Resolution No. 44-2008

NYS Teamsters Council Health & Hospital Fund Participation Agreement

WHEREAS, the NYS Teamsters Council Health & Hospital Fund Participation Agreement expires on December 31st, 2008, and

WHEREAS, employers wishing to continue participation in the Health and Hospital Fund must execute a successor Participation Agreement, and

WHEREAS, such agreement must be submitted no later than January 1, 2009 to avoid termination of benefits, now

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Savannah authorizes Supervisor Lauderdale to sign such Interim Agreement.

A motion to adopt the above resolution as written was made by Councilman Spellman seconded by Councilman Metcalf. By roll: Councilman Fitch, Metcalf, Spellman, VanLeeuwen "aye" Supervisor Lauderdale "aye" motion carried.

2) NYS Dept. of Environ. Conser. – West Shore Dump site

Discussions were held regarding the regulation of the West Shore property. Supervisor Lauderdale presented for the boards review signage pertaining to unauthorized dumping. A motion was made by Councilman Spellman seconded by VanLeeuwen authorizing the purchase of signage restricting auto and truck traffic to vehicles having a permission sticker issued by the Town of Savannah, signage not to exceed \$1,000.00 and to be painted with florescent paint for high visibility during the night hours and for the permit fee to be set at \$5.00 to be renewed annually. It was further moved that the permit fee be waived for those property owners who reside at the end of the West Shore Access Path and VanDyne Spoor Road Intersection. By roll: Councilman Fitch, Metcalf, VanLeeuwen, Spellman “aye” Supervisor Lauderdale “aye” motion carried.

- 3) NYMIR Handbook Update
- 4) Shared Services Grant Seminar
- 5) Michael Kolczynski – Bulk Water Certificate Approval

Town Board so noted and approved Mr. Kolczynski’s bulk water certificate and approves his hauling of water.

The following bills were presented for audit:

General Fund	Abst. #10	Claim #264-291	\$17,102.34
Highway Fund	Abst. #10	Claim #128-140	\$31,386.03
Water District	Abst. #10	Claim #110-120	\$ 1,226.26
Sewer District 1	Abst. #10	Claim #30-36	\$ 3,659.71
Sewer District 2	Abst. #10	Claim #38-43	\$ 792.13
Sewer District 3	Abst. #10	Claim #25-28	\$ 58.78
Sav. Lighting	Abst. #10	Claim #10	\$ 776.06
So. Butler Lighting	Abst. #10	Claim #10	\$ 48.37

A motion to pay the bills as presented was made by Councilman Metcalf seconded by Councilman Fitch. All members voted “aye” and the motion carried.

Budget Work Commenced:

Supervisor Lauderdale gave an explanation for those in attendance on how the tax rate is configured.

Supervisor Lauderdale noted that employee health insurance has become a major budget item and the savings to the Town could be significant if the employee maintains health insurance coverage through their spouse. The following resolution was presented by Councilman Metcalf:

Resolution No. 45-2008
Modifying Employee Health Insurance Benefits

RESOLVED, that the Town of Savannah does hereby adopt the following modification to the employee health benefits.

All full time employees not covered by a collective bargaining agreement, full time defined as working a 36 hour work week will continue to receive health insurance with 90% paid by the Town and 10% paid by the employee. Employees covered by a collective bargaining agreement will have the benefits defined by the agreement.

Effective January 1, 2009 newly hired or elected employees will be offered a single plan offered by Wayne County Health Care Trust, (DHP 15). This single plan will be 90% paid by the Town and 10% paid by the employee.

BE IT FURTHER RESOLVED, all part time employees currently purchasing health insurance from the Town at their own expense may continue.

Effective January 1, 2009 part time employees will not be offered the option to purchase health insurance from the Town.

BE IT FURTHER RESOLVED, employees upon reaching the age 65 will receive 90% reimbursement, up to \$100/month, for Medicare supplemental coverage paid as wages and subject to payroll taxes. The Town will no longer offer Wayne County Health Care Trust (or any other health insurance) to Medicare eligible employees other than assistance with supplemental coverage.

Health Insurance Incentive;
Effective January 1, 2009

If an employee is eligible to participate in an alternative health care plan and chooses not to participate in the Town's health care plan, the employee shall be paid 50% of the savings to the Town. The payment will be made in two lump sum payments, subject to payroll taxes, payable in the last regular pay period before June 15th and the last pay period before Christmas.

If the employee chooses to leave the Town's insurance coverage benefit to participate in the incentive program, proof of a current in force health insurance plan will be required.

A motion to adopt the resolution as written was made by Councilman Spellman seconded by Councilman VanLeeuwen. By roll: Councilman Fitch, Metcalf, Spellman, VanLeeuwen and Supervisor Lauderdale "aye" motion carried.

Discussions were held regarding an increase in water/sewer rates. A motion was made by Councilman Spellman seconded by Councilman VanLeeuwen to set a public hearing on raising the water rates by local law for November 10th, 2008 at 7:00 p.m. By roll: Councilman Fitch, Metcalf, VanLeeuwen, Spellman “aye” Supervisor Lauderdale “aye” motion carried.

After much review and discussion on upcoming projects, concerns were expressed on the increased amount of surplus to be used than in previous years, supervisor Lauderdale noted that the increase is due to one-time projects and doesn't foresee an increase of surplus monies in future years.

Councilman Metcalf voiced his concerns on the usage of surplus monies, and suggests the board consider holding the zoning off for a couple of years. After much discussion on the importance of zoning and the adoption of the current moratorium law, the Town Board feels that it is in the best interest of the Town of Savannah residents to proceed with this project.

A motion to set the public hearing on the preliminary budget for October 29th at 7:00 pm was made by Councilman Spellman seconded by Councilman VanLeeuwen. By roll: Councilman Fitch, Metcalf, Spellman, Vanleeuwen “aye” Supervisor Lauderdale “aye” motion carried.

A motion to enter into executive session to discuss labor negotiations and personnel issues was made by Supervisor Lauderdale seconded by Councilman Fitch. By roll: Councilman Metcalf, Spellman, VanLeeuwen, Fitch “aye” Supervisor Lauderdale “aye” motion carried.

Executive Session – 9:30 p.m.

Out of Executive Session 10:30 p.m.

Supervisor Lauderdale noted that the Verizon Lease Agreement was forwarded to the Town Attorney for review and there were some major concerns with the agreement in regards to rental fees, sublet fees, and decommissioning among other various issues. It was decided to have Supervisor Lauderdale further review the lease agreement with Verizon and other municipalities on their rates and agreements. Supervisor Lauderdale further requested permission to have the site location for the cell tower to be surveyed in the amount of approximately \$600.00. A motion was made by Councilman Spellman seconded by Councilman VanLeeuwen authorizing the survey of property site location of Verizon Cell Tower at Sewer District No. 2 in the amount of \$600.00 by Gay & Barcomb Surveyors. By roll: Councilman Fitch, Metcalf, Spellman, VanLeeuwen “aye” Supervisor Lauderdale “aye” motion carried.

As the Union Contract is up for negotiations this year and Teamsters Local Union No. 118 has contacted the Town Board in regards to a negotiating meeting, it was decided that Supervisor Lauderdale contact the Teamsters union representative for their contract

proposals and concerns, at which time the town board will review them, form a committee and proceed with negotiations if needed.

After much discussion regarding the 2009 budget it was decided to continue with the part-time cleaner position with the cleaner to work 2 hours each week at \$10.00 hr. It was also decided to continue with the part-time laborer at this time.

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

Julie Carey-Town Clerk

- **Supervisor Lauderdale** - further review engineering services for sewer district #1 compliance/replacement of treatment beds
- **Water/Sewer Operator** to contact Knight Industries on the usage of additional chemical solutions combined with the knight system products.
- **Supervisor** – check into who sets highway wages, highway superintendent/town board
- **Councilman Spellman** – notify government class of Vision Plan meetings
- **Supervisor** - purchase of signage for West Shore Access Pass & set up a permit form for residents to use when applying for a permit.
- **Supervisor** – Work on Verizon Cell Tower Lease & Contact Norm Gay for survey
- **Supervisor** – Work on local law Public Hearing – Water/Sewer Rate Increase
- **Supervisor** – Letter to Union regarding their contract requests