

Regular Town Board Meeting of the Milan Town Board held on 06/08/09 at 7:30 PM at the Milan Town Hall.

Present: Supervisor Richard Barrett
Councilpersons David Byrne, Roberta Egan, Diane May & Ross Williams

The Supervisor opened the meeting with the pledge of allegiance.

PUBLIC COMMENT:

Supervisor Barrett opens the meeting by asking if there is any public comment. Judge Francis Christensen had a question about the last board meeting and a vendor bill he submitted that wasn't paid and asked if it was going to be paid. Supervisor Barrett explained the procedure the board follows to pay the bills. Discussion continued and various comments were made on this issue. Supervisor Barrett said he would look into the matter so the bill could be paid.

MINUTES:

PUBLIC HEARING 05/11/09 LOCAL LAW #1 of 2009 – TERM of OFFICE of HIGHWAY SUPERINTENDENT from two to four years. **MOTION** by Council. Egan seconded by Council. Byrne to accept these minutes. Roll was taken and Carried.
YES – 5 Egan, Byrne, May, Williams, Barrett
NO – 0

REGULAR TOWN BOARD MEETING 05/11/09 **MOTION** by Council. Egan seconded by Council. Byrne to accept these minutes. Council. Williams and Council. May had a couple changes to the minutes. Discussion. **MOTION** by Council. May seconded by Council. Williams to amend the above MOTION and table the minutes from the Regular Meeting of 05/11/09 until the July Meeting. Roll was taken and Defeated.

YES – 2 May, Williams

NO – 3 Egan, Byrne, Barrett

Supervisor Barrett refers back to the original **MOTION** to accept the minutes of 05/11/09, Council. May interrupted to make the following Motion.

MOTION by Council. May seconded by Council. Williams to make an amendment to the original MOTION again and asked the Deputy Clerk to "incorporate in the minutes tonight my statement from the 05/11/09 meeting wherein I stated that QuickBooks are not the issue with the financial problems in the town. The issue is that we do not have a municipal accountant, a professional CPA with municipal and fund accounting experience and expertise and I would ask that you include that verbatim." Discussion continued. Roll was taken and Carried.

YES – 3 Byrne, May, Williams

NO – 2 Egan, Barrett

MOTION by Council. Williams seconded by Council. Byrne to amend the minutes of 05/11/09 due to two typo's addressed by Council. Williams. Roll was take and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

A brief discussion continued. Council. Egan sated that we are accepting the minutes, we are not approving them and that the Board has every right to not vote or abstain. Council. Williams stated we just want them to be accurate. Council. Egan replied that they are accurate in terms of the resolutions.

MOTION by Council. Egan seconded by Council. Byrne to accept the regular minutes of 05/11/09. Roll was taken and Carried.

YES – 3 Egan, Byrne, Barrett

NO – 0

Abstain – 2 May, Williams

SPECIAL MEETING 05/18/09 WOODY ROW CELL TOWER AGREEMENT. **MOTION** by Council. Williams seconded by Council. Egan to accept these minutes. Roll was taken and Carried.

YES – 4 Egan, May, Williams, Barrett

NO – 0

Abstain – 1 Byrne

Correspondence:

Supervisor Barrett read a publication from General Code dated May 8, 2009 addressed to Catherine Gill, the Town Clerk that she had been placed on the 2009 Municipal Clerks Honor Roll for a job well done.

Highway Superintendent Glenn Butler spoke about a letter he received from a resident that lives on Boice Road in the town requesting a lower speed limit be set on that road. Mr. Butler discussed five other roads that should be done also. They are Hicks Hill Road, Tribune Road, Rowe Road, Enterprise Road and Quarfelt Road. Joseph E. Paggi, Jr., PE of Paggi, Martin & Del Benne LLP sent a letter to Supervisor Barrett and the Town Board suggesting that to do all six roads would not be substantially more than the work to do one road. He included an hourly fee schedule with the letter. Discussion continued.

Supervisor Barrett read the following letter he sent to Mr. & Mrs. Richard Hoyt who live on Rowe Road in the town regarding the Escrow and Performance Bond Account that was established in 2007 for a permit to carry electric service lines under Rowe Road. Discussion continued. **MOTION** by Supervisor Barrett seconded by Council. Byrne giving permission for the Highway Superintendent Glenn Butler to call engineer Jay Paggi to do the finish work on the Hoyt's permit after June 15, 2009. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

Supervisor Barrett read the E-Mail below from the Dutchess Watershed Coalition. Discussion continued.

RESOLUTION # 47-09 Watershed Awareness Month

Resolution offered by Council. Byrne seconded by Council. May that the Town of Milan proudly proclaims the month of July 2009 as Watershed Awareness Month and encourages all municipal officials and citizens and visitors to participate in the scheduled activities to learn more about watersheds: how they contribute to health and the quality of life, the recreational activities they provide, and how daily actions can affect the quantity and quality of water in the watersheds. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

Discussion continued and it was suggested that the link <http://dutchesswam.com> be added to the Town website.

Supervisor Barrett mentioned briefly the Seminar on Use of Stimulus Funds for Local Community Projects recently held. There was no response to attending but the discussion continued.

Supervisor Barrett talked next about the building renovation and maintenance committee and their recent meeting in which they developed a set of guidelines that Supervisor Barrett put out to a number of painters in the area to get bids for painting the exterior of the Town Hall and to re-glaze all the windows in the older section. Supervisor Barrett gave the four bids to the other board members to review for the next Regular Town Board Meeting in July.

Council. Byrne talks about the CD and Draft "All Hazards Mitigation" he recently received. This will be left with the Town Clerk for anyone interested in reviewing them.

Discussion continued and feed back from the Board was requested by the end of June.

Supervisor Barrett introduces the new Town Board attorney, John Greco to individuals attending the meeting from our departments. Mr. Greco praises the different boards and the work they and the town employees do and how he is looking forward to working with everyone.

Financial Report:

Supervisor Barrett elaborated about the May 2009 financial report and some of the errors he found that will be corrected. He also talked about Joe Notro, the Senior Examiner for the State

Comptrollers Office coming down to help find the mistakes in the accounting and his recommendations for improving the system. The 2007 end-of-year figures did not agree with the AUD done in 2008. The only certified figures are audit figures. Supervisor Barrett said the AUD Report will be updated and filed in Albany this week. Discussion continued and various comments were made on this issue.

Council. May had numerous concerns regarding the financial report of the Supervisor. Discussion continued and various comments were made on this issue. Council, May then made the following MOTION.

MOTION by Council. May seconded by Council. Williams to hire a CPA;

Whereas the board has not received an acceptable December 2008 Financial Statement from the Supervisor, and

Whereas the board has not received an Annual Financial Report for 2008 from the Supervisor due to the Board on January 20, 2009, and

Whereas the board has received numerous Financial Statements for January, February, March, April and May 2009 that are inaccurate and incomplete and have not been accepted by the town board, and

Whereas the Supervisor has failed to file with the State Comptroller's Office the AUD (Annual Update Document) for 2008 due 4/28/09, and

Whereas the Supervisor has failed to produce accurate detailed documentation of the town's funds, and,

Whereas this board recognizes the importance of having sound financial information in order to make good financial decisions that this Board seek out a CPA Firm with municipal accounting expertise and experience, to consult with the CPA Firm regarding options available to the town, to address the financial issues before the town, and to propose to the town the best procedures to correct, amend and finalize December 2008 Financial Statement and correct, amend and finalize the Supervisors Financial Report to the Town of Milan for 2008, correct, amend and finalize the Monthly Financial Statements for January, February, March, April and May 2009, prepare and submit the required AUD for 2008, and advise the town on procedures and polices to use going forward in 2009, to ensure the Financial well being of the Town of Milan. Discussion continued and various comments were made on this issue. Roll was taken and DEFEATED.

YES – 2 May, Williams

NO - 3 Egan, Byrne, Barrett

Discussion continued and various comments were made on this issue.

Supervisor Barrett updated everyone on the Mortgage Tax revenue allocated for May 2009 in amount of \$ 13,970.93 which brings the total to date \$ 47,760.60. The budgeted amount for the year 2009 was \$ 80,000.00. Supervisor Barrett hopes that with the mortgage refinancing and people buying homes because of low prices and low interest rates that the Town will continue to do well with our Mortgage Tax revenue and he thinks the Town will exceed the \$ 80,000.00 budgeted. Discussion continued.

Council. May read the following letter that she and Council. Williams will be forwarding to Kenneth Madej, Chief Examiner at the Office of the State Comptroller in Albany.

June 5, 2009

Kenneth Madej, Chief Examiner
Office of the State Comptroller
22 Computer Drive West

Albany, New York 12205
Re: Town of Milan

Dear Mr. Madej:

In response to your letter of February 6, 2009 in reply to our letter of February 3, 2009 (enclosed) we are once again asking for your help and advice regarding the many financial issues in the Town of Milan.

To date, the Town Board has received numerous Financial Statements for December 2008; none were acceptable to the Board, all were inaccurate and incomplete. Also, as of this date, the Town Board has not received the Supervisor's Annual Financial Report for 2008 due on January 20, 2009 and the Supervisor has failed to submit the 2008 Annual Update Document due April 28, 2009.

The Board has received numerous Financial Statements for January, February and March 2009 and one statement for April, none have been accepted by the Town Board. These numerous monthly statements are also inaccurate and incomplete and lack sufficient detail to allow the board to know the actual financial health of the Town. At each meeting board members ask questions, make suggestions, and have expressed concern about the Supervisor's lack of financial knowledge.

As members of the Town Board of the Town of Milan we are very concerned about the financial status of the Town. It is hard to make good financial decision without good financial information and to date that information has not been received. In short order it will be time to prepare the 2010 budget and the Supervisor has not closed out 2008 and the financial reports for 2009 are inaccurate, incomplete and cannot be relied on for good financial information.

We ask for your assistance and guidance, especially as we approach the preparation of the 2010 budget.

Very truly yours,

Diane May
PC: Richard Barrett, Supervisor
David Byrne, Town Board Member
Roberta Egan, Town Board Member
Catherine Gill, Town Clerk
John J. Greco, Attorney to the Town

Ross Williams

Enclosures

Discussion continued and various comments were made on this issue.

Budget Transfers:

Supervisor Barrett would like to make a budget transfer: \$ 5,849.41 from 9010.8DA (Highway Retirement) to 5130.1DA (Highway Machinery Personal Services). Supervisor Barrett asks Highway Superintendent Glenn Butler if he would like to comment on the transfer. The Highway Superintendent said that it was some money left over in the account for the retirement which has been paid and he was running a little short on the personal wages and machinery line and would like to transfer that balance over. **MOTION** by Council. Byrne seconded by Council. Egan to transfer \$ 5,849.41 from the 9010.8DA line to the 5130.1DA line. Roll was taken and Carried.

YES – 4 Egan, Byrne, Williams, Barrett

NO – 0

Abstain – 1 May

Taconic 1133 Tax Certiorari:

RESOLUTION # 48-09 Resolution Authorizing Request The Proposals For Appraisal Services

Resolution offered by Council. Williams seconded by Council. Byrne to approve the preliminary appraisal for the Taconic 1133 Tax Certiorari;

WHEREAS, 1133 Taconic Realty, LLC, the owner of certain real property in the Town of Milan, County of Dutchess, described as Grid No.: 6672-00-359795, located at 20 Ferris Lane, has pending tax certiorari proceedings against the Town of Milan for the years 2003 through 2008; and

WHEREAS, it is necessary at this time to obtain a preliminary appraisal for the pending court proceedings; now therefore, be it

RESOLVED, that the Town Board of the Town of Milan does hereby authorize the Assessor to solicit proposals to perform consulting and preliminary appraisal services for the pending court proceeding. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

COMMUNITY DEVELOPMENT BLOCK GRANT:

RESOLUTION # 49-09 RESOLUTION AUTHORIZING THE TOWN OF MILAN TO ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT JULY 6, 2000 AS AMENDED, WITH THE COUNTY OF DUTCHESS THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2010-2012(AND SUCCESSIVE THREE-YEAR QUALIFICATION PERIODS) PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM OF TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990

Resolution offered by Council. Egan seconded by Council. Byrne to authorize Supervisor Barrett to submit the Renewal Resolution for the **COMMUNITY DEVELOPMENT BLOCK GRANT**.

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Program of Title II of the National Affordable Housing Act of 1990, to make grants to states and other units of general local government to help finance Community Development Programs, and

WHEREAS, it is desirable and in the public interest that the TOWN OF MILAN participate in aforesaid Community Development and HOME Programs for the program year commencing Federal Fiscal Years 2010-2012, (and successive three-year qualification period); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government, either directly or through the state, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation, and

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, and any "Eligible Activities" there under are not inconsistent with the statutes or constitution of the State, and

WHEREAS, the TOWN OF MILAN shall take all required actions to comply with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974 as amended, and with the provisions of the National Environmental Policy Act of 1969, Title VI of Civil Rights Act of 1964, prohibits discrimination because of race, color or national origin under any program or activity receiving Federal financial assistance, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of the Housing and Community Development Act of 1974, the Fair Housing Act, the Americans with Disability Act of 1990 Uniform Relocation Act, Sec. 504 of the Rehabilitation Act of 1973, and other applicable laws.

Further, Urban County funding is specifically prohibited for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction, or that impedes that County's action to comply with its fair housing certification.

WHEREAS the TOWN OF MILAN as a cooperating unit of local government has adopted and is enforcing:

a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Dutchess as an Urban County in the Community Development and HOME Programs requires that the Municipality of the TOWN OF MILAN, and the County of Dutchess cooperate in undertaking, and assist in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 9 and 17 of the New York Constitution, and

WHEREAS, the County and the TOWN OF MILAN will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County official

WHEREAS, the Board deems it to be in the public interest for the Municipality of the TOWN OF MILAN to enter into a Cooperation Agreement Amendment with the County of Dutchess for the aforesaid purposes, now, therefore, be it

RESOLVED, that Supervisor Richard Barrett be and hereby is authorized to execute a Cooperation Agreement Amendment between the Municipality of the TOWN OF MILAN and the County of Dutchess for the purposes of undertaking a Community Development Program pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, for the program year commencing Federal Fiscal Years 2010-2012 (and successive three-year qualification periods). Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

Tax Collector, Pamela Johnson presented the Monthly Report for May 2009 to the Board.

COMMUNICATIONS LEASE MANAGEMENT AGREEMENT:

David Groth spoke about Communications Lease Management Agreement and updated the Board on when the rent will start coming to the town. Mr. Groth also presented the Board with copies of the expenses that he has paid out of pocket to date to get the Woody Row Road Cell Tower updated and running properly. Discussion continued and various comments were made on this issue. **MOTION** by Council. Byrne seconded by Council. May to refer the Communications Lease Management Agreement to the Town Boards attorney, John Greco for review and upon his approval of this document to authorize the Town Supervisor to execute the agreement to initiate this for July 1, 2009. Discussion continued. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

APPEAL OF KATHLEEN CASWELL:

Kathleen attended the meeting to ask the Town Board to waive the fees for putting a garage in front of her house. She went on to say how in 2005 she had applied for a building permit with the Town and was told that she needed a variance because of the location of the garage. At that time it seemed to be a very involved process so she decided to stop the process. Kathleen has now decided to proceed and was hoping some of the fees she had already incurred could be waived. Discussion continued between the board and Jack Grumet, the ZBA Chair on how to proceed. **MOTION** by Supervisor Barrett seconded by Council. Egan to refer Kathleen's situation back to the ZBA Board for review. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

AMENDMENT TO ARTICLE X, CHAPTER 200: NOTIFICATION OF ZONING CHANGE:

Council. Byrne talks about how he, Lauren Kingman and Ross Williams had been working on the amendment the previous month and gave it to the Town Board attorney, Pamela Richardson for review. Council. Byrne read the changes she made. Discussion continued and various comments were made on this issue.

RESOLUTION # 50 - 09 Introductory Resolution Enactment of Proposed Local Law # 2, 2009 Amendment to Article X "Referral and Amendment Procedures" of Chapter 200 of the Town Code of the Town of Milan

Resolution offered by Council. Byrne seconded by Supervisor Barrett that the Town Board of Milan hereby acts as follows in consideration of the proposed enactment of a local law to amend Article X "Referral and Amendment Procedures" of Chapter 200 of the Town Code of the Town of Milan:

WHEREAS,

1. The current Town Code requires individual notification to affected property owners in the event of a proposed rezoning action only when such action is initiated by petition of one or more property owners under Section 200-72B.(1)(b).
2. The Board desires to require individual notification to all adjoining property owners within 200 feet of a property to be rezoned in advance of public hearings required for any proposed rezoning action.
3. The Town Board takes the opportunity to clarify other provisions of, and correct typographical errors in, this section.
4. The Town Board determines the Proposed Action is a Type II action for the purposes of SEQRA pursuant to 6 NYCRR §617.5(20) & (27). Therefore, no further action is required with respect to SEQRA.

NOW THEREFORE BE IT RESOLVED,

1. The Town Board hereby introduces proposed Local Law # 2, copy attached, "Amendment to Article X entitled, "Referral and Amendment Procedures" of Chapter 200 of the Town Code of the Town of Milan.

2. The Town Board hereby schedules a Public Hearing on Proposed Local Law # 2, 2009, for July 13, 2009 at 7:15 p.m. and directs the Town Clerk to provide notice thereof not less than ten (10) calendar days prior to the Public Hearing in the Town's official newspaper, to post such notice on the Town's legal bulletin board, and to provide such notice to all neighboring towns.

3. The Town Board further refers Proposed Local Law # 2, 2009, to the Dutchess County Department of Planning and Development for review and advisory opinion pursuant to Section 239 of the General Municipal Law and to the Town of Milan Planning Board for comment pursuant to Section 200-72 of the Milan Zoning Code.

4. The Town Clerk is further directed to maintain a file record of all such notifications and referrals. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

Supervisor Barrett says as a result of this change in the zoning law the Town Board has talked about the reversion of zoning designation of A3A to HB (Highway Business) namely three parcels owned by Mr. DePasqua, Mr. Clarke and Mr. Knapp.

MOTION by Council. Byrne seconded by Council. Egan to authorize the Supervisor to write a letter to Mr. DePasqua parcel # 6471-00-850461, Mr. Clarke parcel # 6471-00-982370 and Mr. Knapp parcel # 6571-00-002391 acknowledging that the Town Board has received their request for reversion of zoning designations from A3A to HB and are researching how to most effectively accommodate their request. Discussion continued and various comments were made on this issue. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

BRUSH PILE:

Council. Williams discusses a letter written by town resident Evelyn Bartin to the Town Board about the brush pile at the town transfer station. Council. Williams shares some of the same concerns as Evelyn Bartin about the use and misuse of the transfer station allowing anyone other than town residents to bring in brush for disposal and the cost to the Town to dispose of the pile. Council. Williams and Evelyn Bartin offer some possible solutions to the problem and Council. Williams suggest putting together a committee including himself, Evelyn Bartin and Council. Byrne to look at what some other towns do and come back with a recommendation on how the town should proceed. Discussion continued as various comments were made on this issue.

LOCAL LAW FOR UTILITY PERMITS:

Council. May had a question about section 5 letter B line two (the applicant shall have deposited with the Town Clerk a performance bond). Council. May wanted to know where is that money held and should we not say that. Discussion continued and various comments were made on this issue.

Council. Egan discusses the fee schedule and setting up separate fees for residential and commercial applicants. Discussion continued and various comments were made on this issue.

Council. May had a question on section 13, Penalties for Offenses in regards to the penalty monies going into the Town Highway Fund and not the General Fund. Discussion continued and various comments were made on this issue.

MOTION by Supervisor Barrett seconded by Council. Williams to delete the last line on section 13, Penalties for Offenses, " to be paid into the credit of the Town Highway Fund." Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

RESOLUTION # 51-09 INTRODUCING A LOCAL LAW PERTAINING TO THE ISSUANCE OF RIGHT OF WAY EXCAVATION/UTILITY PERMITS IN THE TOWN OF MILAN ENTITLED "A LOCAL LAW OF THE TOWN OF MILAN, DUTCHESS COUNTY, NEW YORK, ESTABLISHING PROCEDURES AND REGULATIONS GOVERNING THE ISSUANCE OF RIGHT OF WAY EXCAVATION/UTILITY PERMITS IN THE TOWN OF MILAN."

Resolution offered by Council. Williams seconded Council. Byrne

WHEREAS, the Town Board in the Town of Milan pursuant to authority granted by Section 130 of the New York State Town Law, has proposed a Local Law pertaining to the issuance of right of way excavation/utility permits in the Town of Milan, entitled "A LOCAL LAW OF THE TOWN OF MILAN, DUTCHESS COUNTY, NEW YORK, ESTABLISHING PROCEDURES AND REGULATIONS GOVERNING THE ISSUANCE OF RIGHTS OF WAY EXCAVATION/UTILITY PERMITS IN THE TOWN OF MILAN."

WHEREAS, by this Resolution, the Town Board introduces the proposed Local Law to be known as Local Law No. 3 of 2009, entitled "A LOCAL LAW OF THE TOWN OF MILAN, DUTCHESS COUNTY, NEW YORK, ESTABLISHING PROCEDURES AND REGULATIONS GOVERNING THE ISSUANCE OF RIGHTS OF WAY EXCAVATION/UTILITY PERMITS IN THE TOWN OF MILAN."; and

WHEREAS, the Town Board has classified the proposed action as a Type II Action under SEQRA pursuant to §617.5(20) and §617.5(27);

NOW THEREFORE BE IT

RESOLVED, that the Town Board schedules a Public Hearing on the proposed Local Law No. 3 of 2009 for Monday, July 13, 2009 at 7:15 p.m. and directs the Town Clerk to provide notice thereof, not less than five (5) calendar days prior to the Public Hearing in the official newspaper of the Town pursuant to the annexed Notice of Public Hearing and to post the Notice of Public Hearing accordingly. Roll was taken and adopted.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

HIGHWAY SUPERINTENDENT ISSUES:

Highway Superintendent Glenn Butler talks about some old unused items that he would like Town Board's permission to sell, such as;

A metal slide that came from the Towns Rec. Park. **MOTION** by Council. Byrne seconded by Supervisor Barrett for Glenn to sell the metal slide. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

A lawn cart in the shed at the Town Hall. **MOTION** by Council. Byrne seconded by Council. May to sell the lawn cart for the highest offer. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

The next order of business is the 284 Agreement to be signed by the Board, then the Highway Superintendent talks about what he estimates to be about a \$ 40,000.00 budget shortfall at this time for the end of the year. The Highway Superintendent explains that the shortfall is due to being short on unexpended balance, short on revenues interest, failed equipment, snow removal was about \$ 18,000.00 more than anticipated being spent out of the contractual line and the same with machinery repairs contractual line which is about \$ 7,000.00 over projection. Glenn goes on to say that he's had more equipment breakdowns than usual and the ice storm this winter. Discussion continued and various comments were made on this issue.

CONSERVATION EASEMENT FUND:

Council. Williams talks about assigning C.E.O., Don Smith, to perform the inspections as part of his regularly scheduled hours for the five easements held and to provide a written report to the Board confirming the conformance or lack thereof of each easement. Discussion continued and the Board decided to put this issue on the agenda for next month.

TOWN OF MILAN WEBSITE UPDATE:

Supervisor Barrett spoke briefly about the progress being made on the Town of Milan website.

RED WING RESONSE ON APPEAL:

Council. Williams mentions to the Deputy Town Clerk that he has a copy of Red Wings response on the appeal that he can make available for the Town Clerk or anyone who would like one.

Council. Williams also asked Monica Wagner, the attorney on the case to send him a copy of her response to their response and that the last papers were filed last Friday, June 5, 2009 and

now it's in the courts hands. Discussion continued and various comments were made on this issue.

BILLS:

Bills were presented to the Board for their review. **MOTION** by Council. Egan seconded by Council. Byrne to pay General Abstract # 6 Claims 167-208, totaling \$ 51,062.93 - Highway Abstract # 6 Claims 69-83, totaling \$ 9,130.64 – Escrow Abstract # 6 Claims 20-22, totaling \$ 443.00 and Capital Bridge Projects Abstract # 6 Claims 7-8, totaling \$ 124.00. Roll was taken and Carried.

YES – 4 Egan, Byrne, Williams, Barrett

NO – 1 May

REQUEST TO DISPOSE OF ELECTRONIC EQUIPEMENT FROM TOWN COURT:

Judge Francis Christensen asked about his request to sell or depose of three old printers and any other old surplus equipment. **MOTION** by Council. Egan seconded by Council. Byrne to give permission to Judge Francis Christensen to sell or dispose of the old surplus equipment specified above. Roll was taken and carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

MOTION by Council. Byrne seconded by Supervisor Barrett to adjourn this meeting. Roll was taken and Carried.

YES – 5 Egan, Byrne, May, Williams, Barrett

NO – 0

(10:22 PM)

Respectfully Submitted,

Darlene Palmatier, Deputy Town Clerk