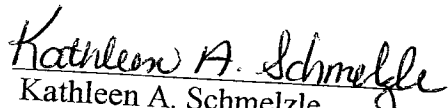


TOWN OF FORESPORT
FORESTPORT TOWN HALL
PROPOSED GARAGE SALE ORDINANCE
OCTOBER 21, 2009

TOWN OF FORESPORT
FORESTPORT TOWN HALL
PROPOSED GARAGE SALE ORDINANCE
OCOTOBER 21, 2009

1. Hearing was opened by Supervisor William Hasenauer @ 6:00
 - The advertisement from the paper was read to the public
 - The law was read and will be attached to the minutes
 - \$25.00 dollars will be return to the property owner when the sale is cleaned up
 - Art Gleaman said that he thought it was just to strict
 - The Town Board would also like more study on this Ordinances
 - This will be reviewed again
2. Adjourn meeting @ 6:15 P.M.

Respectfully submitted by:


Kathleen A. Schmelzle
Forestport Town Clerk

October _____, 2009

LEGAL AD:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Forestport will hold a Public Hearing on October 21, 2009 at 6:00 PM at the Forestport Town Hall, 12012 Woodhull Road, Forestport, NY. The purpose of the Public Hearing is to review and accept public comments on the proposed Garage Sale Ordinance.

Dated: September _____, 2009

Kathleen Schmelzle

Town Clerk

Publish Dates: October _____, 2009

October _____, 2009

**TOWN
OF
FORESTPORT**

GARAGE SALE

LOCAL LAW _____ of 20 _____

GARAGE SALES

The Town of Forestport feels the need to establish regulations for “garage sales” held within the Town Limits. The Town desires that the residential garage sale concept be preserved, thus requiring that groups or individuals who plan to hold such a sale obtain a license BEFORE it begins. The Town of Forestport recognizes that garage sales are a tradition – they’re a good way to get rid of items you no longer need and to raise funds for worthy causes.

However, they must not be conducted at the expense or inconvenience of neighbors or the community at large. Forestport’s Garage Sale Ordinance and REQUIRED license are intended to guard against:

- 1) the conducting of such sales as a business enterprise; 2) the creation of a public nuisance.

GARAGE SALES

1. **Definitions**
2. **License Required**
3. **Term and Display of license**
4. **Required licensing information**
5. **Source of merchandise offered for sale**
6. **Hours of sale**
7. **Advertising, Signs and Merchandise**
8. **Exemptions**
9. **Enforcement; responsibility for good order.**
10. **Penalties for offenses**

[HISTORY: Adopted by the Town Board of the Town of Forestport on _____ as Local Law # _____. Amendments noted where applicable.]

1. **Definitions:**

The following terms shall have the meanings indicated:

GARAGE SALE – Includes sales entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale,” “porch sale” or any other casual sale of tangible personal property which is promoted by any means whereby the public at large is or can be made aware of said sale and takes place outside the confines of a retail store.

GOODS – Includes any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON – Includes individuals, partnerships, voluntary associations and corporations. For the purpose of the provisions of this chapter relating to licensing, “person” shall include family or household groups.

2. **License Required.**

It shall be unlawful for any person to conduct a garage sale in the Town of Forestport without first filing with the Code Enforcement Office the information hereinafter specified and obtaining from such Code Enforcement Office a license to do so, to be known as a “garage sale license”. Such license must be obtained no less than seven (7) days before the proposed garage sale.

~~3. **Term and Display of License.**~~

- A. Such license shall be issued to one (1) person not more than twice within a twelve-month period, and no such license shall be issued for more than three (3) consecutive calendar days.
- B. Each license issued under this chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

C. Notwithstanding anything to the contrary herein, no more than two (2) garage sales may be held at any one (1) location or lot within any twelve-month period.

4. Required Licensing Information.

The information to be filed with the Code Enforcement Office pursuant to this chapter shall be as follows:

- A. Name of the person, firm, group, corporation, association or organization conducting said sale.
- B. Name of the owner of the property on which said sale is to be conducted and the written consent of the owner if the applicant is other than the owner.
- C. The location at which the same is to be conducted.
- D. Date(s) on which the sale is to be conducted.
- E. Date(s) and nature of past garage sales conducted by the applicant in the Town of Forestport for a period of one (1) year prior to application for the garage sale license.
- F. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- G. Sworn statement or affirmation by the applicant that the information therein is complete and true and known to him to be so.

5. Source of Merchandise Offered For Sale.

The merchandise offered for sale shall be unwanted items of personal property acquired for normal use by the licensee. This section shall be not interpreted to preclude neighbors from conducting group sales or relatives from pooling their resources. However, in either case, the names of all persons participating shall be included in the license.

6. Hours of Sale.

All garage sales shall be conducted between the hours of 9:00 a.m. and sunset.

7. Advertising, Signs and Merchandise.

- A. One (1) sign not greater in size than 50 square feet may be installed on the property where the sale is being conducted. If illuminated, the light shall not be directed toward any public highway or adjacent residence. The sign must contain the name and address of the person conducting the sale. The sign shall be displayed only during the sale and shall be removed within twenty-four (24) hours after the completion of the sale. This includes any signs erected on cooperating adjacent properties.
- B. The sign shall be located at least (50) feet from the edge of the pavement of the nearest street or highway. No such sign shall be erected or established within two hundred feet of any street or road intersection.
- C. A deposit of twenty-five dollars (\$25.00) shall be made for the posting of signs off the premises where the sale is to be conducted, said deposit to be refunded if all signs have been removed and all sale merchandise cleared from the premises within twenty-four (24) hours of the expiration of the license.
- D. Signs posted within the Town of Forestport advertising garage sales to be conducted outside the Town of Forestport shall be subject to a permit and a deposit of twenty-five (\$25.00), said deposit to be refunded if all signs have been removed within twenty-four (24) hours after the ending date of the garage sales. The deposit shall be forfeited if the signs have not been removed within twenty-four (24) hours after the ending date of the garage sale.

8. Exemptions.

The provisions of this chapter shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale items of personal property, which items do not exceed three (3) in number
- D. Any publisher or a newspaper, magazine or other publication or other communication media which publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this chapter have been complied with.

9. Enforcement; responsibility for good order.

- A. It shall be the duty of the Code Enforcement Officer of the Town of Forestport to investigate any violations of this chapter brought to its attention by complaint or arising during performance of its normal duties.
- B. The person to whom this license is issued, and the owner of the premises in the case of a license issued to a tenant of the premises on which the sale or activity is conducted, shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit loud or boisterous conduct on the said premises or permit vehicles to impede the passage of traffic on any road or streets in the area of such premises. All such persons shall obey the orders of the State Police Department and/or Fire Department of the Town of Forestport, Woodgate and Otter Lake in order to maintain the public health, safety and welfare and shall contact the appropriate authorities should there be a breakdown of order.

10. Penalties for Offenses.

Any person committing an offense against any provision of this local law shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a mandatory fine of one hundred fifty dollars (\$150.00). The continuation of an offense against the provisions of this local law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder punishable by a mandatory fine of one hundred dollars (\$100.00) for each and every day the offense is continued.

TOWN OF FORESTPORT
FORESTPORT, NEW YORK 13338

LICENSE TO CONDUCT LAWN/GARAGE SALE

1. Name of person/ group/organization _____
2. Name of owner of property _____
3. Location _____
4. No. of days of sale _____ Dates of Sale _____
5. Dates and Nature of past sales, if any, in the Town of Forestport:

6. Have you participated in any sales of this type with others or with other organizations in the past 12 months? If so, state with whom and the date(s):

7. Had applicant been issued any other vendor or business license by any local, state or Federal agency? If so, state type and date(s)

I swear that the above information is complete, true and known by me to be so:

Signature of Applicant

Date _____

If signs advertising this sale are to be posted outside of the sale site, a deposit of twenty five dollars (\$25.00) must be made. The deposit will be returned if the signs are removed within twenty four hours (24) of the end of the sale. Otherwise the deposit is forfeited.

\$25.00 deposit received by: _____ Date _____

THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE
AT THE TIME OF THE SALE

Issued by _____ Date _____
Name of Officer _____

Deposit returned: _____ Received by _____
Date _____

Telephone: 315-392-2801 ext. 6 / Fax: 315-392-2496
Website: www.townofforestport.org

TOWN OF FORESPORT
FORESTPORT TOWN HALL
CLUTTER, LITTER AND DEBRIS LAW
OCOTOBER 21, 2009

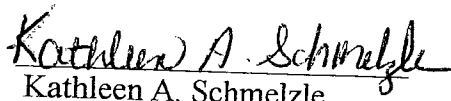
TOWN OF FORESPORT
FORESTPORT TOWN HALL
CLUTTER, LITTER AND DEBRIS LAW
OCOTOBER 21, 2009

1. Hearing was opened by Supervisor William Hasenauer @ 6:18

- The newspaper ad was read
- Law was read to the public
- Needs to add law # 2 on the front of the law
- Lindy Yancey said this will be a good Law

2. Adjourn meeting @ 6:27 P.M.

Respectfully submitted by:


Kathleen A. Schmelzle
Forestport Town Clerk

LEGAL AD:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Forestport will hold a Public Hearing on October 21, 2009 at 6:15 PM at the Forestport Town Hall, 12012 Woodhull Road, Forestport, NY. The purpose of the Public Hearing is to review and accept public comments on the proposal to amend Local Law #2 for 2004 – Clutter, Litter & Debris. *Law*

Dated: September _____, 2009
Kathleen Schmelzle
Town Clerk

Publish Dates: October _____, 2009
October _____, 2009

LOCAL LAW NO. _____ FOR THE YEAR 2009
A LOCAL LAW AMENDING THE TOWN OF FORESTPORT
CLUTTER, LITTER AND DEBRIS LAW
WHICH WAS AMENDED BY LOCAL LAW NO. 2 FOR THE YEAR 2004

BE IT ENACTED by the Town Board, Town of Forestport that:

1. Definition. Clutter, litter and debris is intended to include all manner of items not appurtenant to or part of the dwelling or necessary for the use of the dwelling for dwelling purposes irrespective of whether discarded or not, excluding however vehicles bearing current license or registration lawfully parked in driveways or defined parking areas.
2. Clutter, litter and debris prohibited. In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions and conduct which offends the sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation, or maintenance of clutter, litter and debris is hereby prohibited.
3. Enforcement. This Local Law shall be enforced by the Code Enforcement Officer of the Town of Forestport.
4. Penalties. Any violation of this Local Law is an offense punishable by a **mandatory** minimum fine of \$250.00 and up to a maximum fine of \$500.00 for a conviction of a first offense; a **mandatory** minimum fine of \$500.00 and up to a maximum fine of \$750.00 for a conviction of a second offense within a (5) five year period from the first offense; a **mandatory** minimum fine of \$750.00 and up to a maximum fine of \$1,000.00 for a conviction of a third offense within a (10) ten year period from the first offense. Each week's continued violation shall constitute a separate, additional, distinct violation with a **mandatory** fine of an additional \$100.00 each and every week the violation continues.
5. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

TOWN OF FORESPORT
FORESTPORT TOWN HALL
OPEN HIGHWAY TRUCK BIDS
OCTOBER 21, 2009

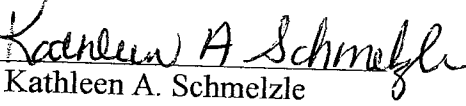
TOWN OF FORESPORT
FORESTPORT TOWN HALL
OPEN HIGHWAY TRUCK BIDS
OCOTOBER 21, 2009

1. Hearing was opened by Supervisor William Hasenauer @ 6:27

- Bid 1 from Scouten for \$500.00
- Bid 2 from Trackside Blazer for 814.27
- Bid 3 from Albright for \$632.54
- Bid 4 Doolen for \$500.00

2. Adjourn meeting @ 6:30 P.M.

Respectfully submitted by:


Kathleen A. Schmelzle
Forestport Town Clerk

Town of Forestport Town Board Minutes
Forestport Town Hall
October 21, 2009

Highway Snow Removal -
Not A

A -
Spec - Request -
Brian Fox - Truck -
May AM -

Town of Forestport Town Board Minutes
Forestport Town Hall
October 21, 2009@ 6:30 p.m.

Present

Councilman Brian Fox
Councilwoman Mary Ann Rubyor
Supervisor William Hasenauer

Absent

Councilman William Rockhill
Councilman Frederick Ritter

1. Supervisor William Hasenauer called the meeting to order at 6:30pm.

2. Town Clerk Minutes:

*** August 19, 2009 Town Meeting minutes could not be approved due to voting board members not present.

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept September 16, 2009 Town Board meeting minutes. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

3. Abstracts:

- General

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 10 vouchers # 595 - 661 in the amount of \$35,964.63

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- Planning Escrow:

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 2 voucher # 6 in the amount of \$54.85. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- CBDG Grant:

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay the CBDG Grant abstract # 2 vouchers # 3 – 6 in the amount of \$22,730.00

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- Highway:

*** A Motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to pay abstract # 10 vouchers 341 - 389 in the amount of \$96,853.95. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

4. Jim O'Neill:

- 2 projects are completed with construction phase
- 2 are ready to start construction.

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to approve project FP 31-08 and FP 35-08. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

5. Attorney William Riley:

- Did not attend this meeting he was on vacation

6. Town Clerk Report:

- County & Local Revenues \$2,308.00 town's share is \$67.98

7. Supervisor Report:

*** A Motion was made Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town Of Forestport Town Board members
From: Dawn Campbell
Fund: General
Subject: Loan to Sewer

General loaned Sewer money to cover part of 9/09 monthly payroll

General:

Debit 391.01 due from other funds	\$115.36
Credit 201.01 General Saving	\$115.36

Sewer

Debit 201.09 Sewer Saving	\$115.36
Credit 630.09 Due to other funds	\$115.36

This was done on 9/29/09

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town of Forestport Town Board Members
From: Dawn Campbell
Fund: General
Subject: Loan to Water

General loaned Water money to cover part of 10/09 monthly bills.

General

Debit 391.01 due from other funds	\$2,160.11
Credit 201.01 General Saving	\$2,160.11

Water

Debit 201.08 Water Saving	\$2,160.11
Credit 630.08 Due to other funds	\$2,160.11

This was done on 10/21/09

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To. Town of Forestport Town Board Members
From: Dawn Campbell
Fund: Highway
Subject: Budget Amendment

The budget amendment is to cover 2009 Hwy Truck payment overdraft

Entries:

Transfer	from	51304.03 Machinery CE	\$5,199.98
	To	97856.03 Debt Service Principle	\$ 1.40
		97857.03 Debt Service Interest	\$5,198.58

This entry was done on 9/30/09

8. Assessors

- Sales were reviewed
- Tonya Brown will be taking classes this week

9. Planning Board:

- Planning & Codes monthly report was reviewed
- Brad Smith is looking into a building that needs to come down, but the owner is out of town and cannot afford to take this building down. Brad has received 3 bids. The town is going to wait until they look into the asbestosis removal. All is on hold until they see about the asbestosis.
- Clutter, Litter and Debris law needs to be reworked before the Town Board will accept it.

10. NOCCOG:

- October 2009 Announcements were reviewed
- NOCCOG dinner is coming up. This will be at the Franklin Hotel
- Energy survey may help the North Lake building. It will cost \$100.00 to apply for it. The Town should look into it for the North Lake building

11. Old Business:

- Time Warner presented an estimate for the Internet and phones for the town. Frontier phone bills were reviewed and there was not a lot of savings by switching to Time Warner, The Town Board agrees on waiting.
- SPECTRA update. The Total cost of the Twin Bridges was reviewed

12. Old Business Public:

- Snowmobile Club has several questions about the Twin Bridges and to legally open the roads for the snowmobile season. Supervisor Hasenauer informed the club that a SECOR study has to be done before roads can be opened
- Trackside Blazers would like to invite engineers to inspect the Twin Bridge to see if they can pass for snowmobiles to go over them this winter. Trails need to be marked. Trackside members said they felt the town was not working to solve the snowmobile problems. Councilwoman Mary Ann Rubyor said that this was not true and they are working on this problem, but it all takes time. This all has to be done by the Law.

13. New Business:

- Set workshop for the Budget Tuesday Oct 20, 2009 @ 6:30, Wednesday Oct 21, 2009 for the Fire Departments @ 6:30.

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to set the Hearing for the Budget on Nov 4, 2009 @ 6:30 p.m.
Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor -- YES
Supervisor William Hasenauer-YES

***A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept the bid for the Highway truck in the amount of \$814.27 from the Trackside Blazers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor -- YES
Supervisor William Hasenauer-YES

14. Justice Report:

- No Justice report

15. New Business Public:

- Nothing from the public

16. Highway:

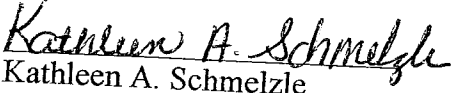
- The stump that Trackside Blazers would like to be removed from the trail is on private property, according to Superintendent Gardner. Trackside Blazers said they do not think it is. They both will be looking into to it.

17. Adjourn:

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to adjourn the Town Board meeting @ 8:17 p.m.

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer – YES

Respectfully submitted by


Kathleen A. Schmelzle
Forestport Town Clerk

UPDATE

Town of Forestport Town Board Minutes
Forestport Town Hall
October 21, 2009

Town of Forestport Town Board Minutes
Forestport Town Hall
October 21, 2009@ 6:30 p.m.

Present

Councilman Brian Fox
Councilwoman Mary Ann Rubyor
Supervisor William Hasenauer

Absent

Councilman William Rockhill
Councilman Frederick Ritter

1. Supervisor William Hasenauer called the meeting to order at 6:30pm.

2. Town Clerk Minutes:

*** August 19, 2009 Town Meeting minutes could not be approved due to voting board members not present.

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept September 16, 2009 Town Board meeting minutes. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

3. Abstracts:

- General

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 10 vouchers # 595 - 661 in the amount of \$35,964.63

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

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*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 2 voucher # 6 in the amount of \$54.85. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- CBDG Grant:

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay the CBDG Grant abstract # 2 vouchers # 3 – 6 in the amount of \$22,730.00

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- Highway:

*** A Motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to pay abstract # 10 vouchers 341 - 389 in the amount of \$96,853.95. Roll call vote:

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Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

5. Attorney William Riley:

- Did not attend this meeting he was on vacation

6. Town Clerk Report:

- County & Local Revenues \$2,308.00 town's share is \$67.98

7. Supervisor Report:

*** A Motion was made Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town Of Forestport Town Board members
From: Dawn Campbell
Fund: General
Subject: Loan to Sewer

General loaned Sewer money to cover part of 9/09 monthly payroll

General:

Debit 391.01 due from other funds	\$115.36
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Credit 630.08 Due to other funds	\$2,160.11

This was done on 10/21/09

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town of Forestport Town Board Members
From: Dawn Campbell
Fund: Highway
Subject: Budget Amendment

The budget amendment is to cover 2009 Hwy Truck payment overdraft

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8. Assessors

- Sales were reviewed
- Tonya Brown will be taking classes this week

9. Planning Board:

- Planning & Codes monthly report was reviewed
- Brad Smith is looking into a building that needs to come down, but the owner is out of town and cannot afford to take this building down. Brad has received 3 bids. The town is going to wait until they look into the asbestosis removal. All is on hold until they see about the asbestosis.
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Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

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Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

14. Justice Report:

- No Justice report

15. New Business Public:

- Nothing from the public

16. Highway:

- The stump that Trakside Blazers would like to be removed from the trail is on private property, according to Superintendent Gardner. Trakside Blazers said they do not think it is. They both will be looking into to it.

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor that the Snow contract with the County is Table until Supervisor get more information for the Town Board.

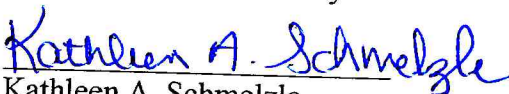
Councilman Brian Fox- Yes
Councilwoman Mary Ann Rubyor-YES
Supervisor William Hasenauer-YES

17. Adjourn:

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to adjourn the Town Board meeting @ 8:17 p.m.

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer – YES

Respectfully submitted by



Kathleen A. Schmelzle
Forestport Town Clerk

**Town of Forestport Town Board Minutes
Forestport Town Hall
October 21, 2009**

Town of Forestport Town Board Minutes
Forestport Town Hall
October 21, 2009@ 6:30 p.m.

Present

Councilman Brian Fox
Councilwoman Mary Ann Rubyor
Supervisor William Hasenauer
Deputy Supervisor John Isley

Absent

Councilman William Rockhill
Councilman Frederick Ritter

1. Supervisor William Hasenauer called the meeting to order at 6:30pm.
2. Town Clerk Minutes:

*** August 19, 2009 Town Meeting could not be approved. There were not quorums.

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept September 16, 2009 Town Board meeting minutes. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

3. Abstracts:

- General

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 10 vouchers # 595 - 661 in the amount of \$35,964.63

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- Planning Escrow:

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 2 voucher # 6 in the amount of \$54.85. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- CBDG Grant:

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay the CBDG Grant abstract # 2 vouchers # 3 – 6 in the amount of \$22,730.00

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

- Highway:

*** A Motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to pay abstract # 10 vouchers 341 - 389 in the amount of \$96,853.95. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

Councilwoman Mary Ann Rubyor thanked the Town for using the trash days to clean up the town.

4. Jim O’Neill:

- 2 projects are done with construction
- 2 ready to start construction.
- Jim O’Neill told the Town Board that it is moving right along

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to approve project FP 30-08 and FP 34-08. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

5. Attorney William Riley:

- Did not attend this meeting he was on vacation

6. Town Clerk Report:

- County & Local Revenues \$2,308.00 town’s share is \$67.98

7. Supervisor Report:

*** A Motion was made Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town Of Forestport Town Board members
From: Dawn Campbell
Fund: General
Subject: Loan to Sewer

General loaned Sewer money to cover part of 9/09 monthly payroll

General:

Debit	391.01 due from other funds	\$115.36
Credit	201.01 General Saving	\$115.36

Sewer

Debit	201.09 Sewer Saving	\$115.36
Credit	630.09 Due to other funds	\$115.36

This was done on 9/29/09

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town of Forestport Town Board Members
From: Dawn Campbell
Fund: General
Subject: Loan to Water

General loaned Water money to cover part of 10/09 monthly bills.

General

Debit	391.01 due from other funds	\$2,160.11
Credit	201.01 General Saving	\$2,160.11

Water

Debit	201.08 Water Saving	\$2,160.11
Credit	630.08 Due to other funds	\$2,160.11

This was done on 10/21/09

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to accept the following transfers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

To: Town of Forestport Town Board Members

From: Dawn Campbell

Fund: Highway

Subject: Budget Amendment

The budget amendment is to cover 2009 Hwy Truck payment overdraft

Entries:

Transfer	from	51304.03 Machinery CE	\$5,199.98
	To	97856.03 Debt Service Principle	\$ 1.40
		97857.03 Debt Service Interest	\$5,198.58

This entry was done on 9/30/09

8. Assessors

- Sales were reviewed
- Tonya Brown will be taking classes this week

9. Planning Board:

- Planning & Codes monthly report was reviewed
- Brad Smith is looking into a building that needs to come down, but the owner is out of town and cannot afford to take this building down. Brad has gotten 3 bids. The town is going to wait until they look into the asbestosis. The town said maybe a control burn could be the way to go with this building. All is on hold until they see about the asbestosis.
- Clutter, Litter and Debris law need to be reworked a little before the Town Board will accept it.
- Brad Smith is still working on getting 3 bids for the building in Otter Lake to take the building down. Maybe a control burn could be a possibility

10. NOCCOG:

- October 2009 Announcements were reviewed
- NOCCOG dinner is coming up. This will be at the Franklin Hotel
- Energy survey may help the North Lake building. It cost \$100.00 to apply for it. The Town should look into it for the North Lake building

11. Old Business:

- Time Warner put a cost to review for the Internet and phones for the town. Frontier phone bills were reviewed and there was not a lot of saving to stitch to Time Warner, The Town Board agrees on waiting.
- SPECTRA update. The Total cost of the Twin Bridges was reviewed

12. Old Business Public:

- Snowmobile Club has several question about the Twin Bridges and to legal open the road for the snowmobile season
- Trackside Blazer would like to bring up engineers to inspect the Twin Bridge to see if they at least can past for snowmobile to go on them this winter. Trails need to be mark real good. Trackside blazers think that the town is against them in the town. Councilman Mary Ann Rubyor said that this was not true and they are working on this problem, but it all takes time. This all has to be done by the Law.

13. New Business:

- Set workshop for the Budget Tuesday Oct 20, 2009 @ 6:30, Wednesday Oct 21, 2009 for the Fire Departments @ 6:30.

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to set the Hearing for the Budget on Nov 4, 2009 @ 6:30 p.m.
Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

***A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept the bid for the Highway truck in the amount of \$814.27 from the Trackside Blazers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept the Housing grants project FP-3108 and FP-35-08. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

14. Justice Report:

- No Justice report

15. New Business Public:

- Nothing from the public

16. Highway:

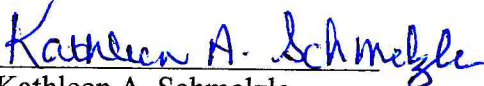
- The stump that Trakside Blazer would like to be removed from the trail William Gardner said it is on private property. Trakside Blazer said they do not think it is. They both will be looking into to it.

17. Adjourn:

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to adjourn the Town Board meeting @ 8:17 p.m.

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer – YES

Respectfully submitted by



Kathleen A. Schmelzle
Forestport Town Clerk

**TOWN OF FORESTPORT
FORESTPORT TOWN HALL
RESOLUTION FOR THE NEW HIGHWAY TRUCK
OCTOBER 21, 2009**

DOCUMENTATION CHECKLIST

- Tax-Exempt Lease/Purchase Agreement
- Addendum/Amendment to Tax-Exempt Lease/Purchase Agreement*
- Property Schedule to Tax-Exempt Lease/Purchase Agreement
- Exhibit B – Certificate of Acceptance to Tax-Exempt Lease/Purchase Agreement. *The date of Acceptance will need to be filled in with the date the equipment is installed and accepted.*
- Lessee's Counsel's Opinion - Exhibit C. Exhibit C is the **standard** legal opinion used by Key Government Finance, Inc.. This opinion will need to be processed by your attorney on their letterhead. Your attorney will want to review the Lease/Purchase Agreement.
- Lessee's Certificate - Exhibit D. Please fill in the date of the meeting of the governing body, referenced in section one. We would also like a copy of those minutes or board resolutions for our files.
- Bank Qualified Tax-Exempt Obligation – Exhibit E
- Request for Certificate of Insurance – Please fill out the form and fax it to your insurance company. The Insurance Certificate is required prior to funding.
- 8038-G - The purpose of this form is to report to the IRS that we have completed a tax-exempt financing. **Per the Internal Revenue Service, you are required to fill in the Report Number information for Line 4.**
****We must have this information in order to complete your financing.****
8038-G Line 4. After the preprinted 3, enter two self-designated numbers. Number reports consecutively during any calendar year (e.g., 334, 335, etc.).
- Notification of Tax Treatment - Please provide your State of Sales/Use Tax Exemption Certificate. - **Required prior to funding.**
- Titles for vehicles, listing "Key Government Finance, Inc." as first lienholder. (MSO or title application noting lienholder information required prior to funding.)
- Invoicing Instructions – The information you provide enables us to invoice you correctly.
- Escrow Agreement
Please keep copies of Exhibit A (Form of Requisition of Costs of Property) and Schedule 1 (Disbursement Schedule). When you are ready to disburse funds from Escrow, you will need to sign and fill in both Exhibit A and Schedule 1. Along with those 2 forms, we will need copies of invoices. Exhibit 5 (Acceptance Certificate) will need to be filled out when the project is complete and it is your final payment request.

*The items marked with an asterisk require a signature in the presence of a witness/attestor. The attesting of the signature not require a notary, but the signature of a person present at the time the document is signed.

KEYCORP CONFIDENTIAL - This is counterpart # _____ of _____ manually executed counterparts. Only counterpart # 1 constitutes chattel paper

EXHIBIT D

Lessee's Certificate

Re: Tax-Exempt Lease/Purchase Agreement, together with the Property Schedule between Key Government Finance, Inc. and Town of Forestport.

The undersigned, being the duly elected, qualified and acting _____ of the Town of Forestport ("Lessee") do hereby certify, as of 10/15/2009, as follows:

1. Lessee did, at a meeting of the governing body of the Lessee held _____ by resolution or ordinance duly enacted, in accordance with all requirements of law, approve and authorize the execution and delivery of the above-referenced Tax-Exempt Lease/Purchase Agreement, together with the Property Schedule (the "Agreement") by the following named representative of Lessee, to wit:

NAME OF EXECUTING OFFICIAL (Official who signed the documents.)	TITLE OF EXECUTING OFFICIAL	SIGNATURE OF EXECUTING OFFICIAL
And/ Or		

2. The above-named representative of the Lessee held at the time of such authorization and holds at the present time the office set forth above.

3. The meeting(s) of the governing body of the Lessee at which the Agreement was approved and authorized to be executed was duly called, regularly convened and attended throughout by the requisite quorum of the members thereof, and the enactment approving the Agreement and authorizing the execution thereof has not been altered or rescinded. All meetings of the governing body of Lessee relating to the authorization and delivery of the Agreement have been: (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend; (c) conducted in accordance with internal procedures of the governing body; and (d) conducted in accordance with the charter of the Lessee, if any, and the laws of the State.

4. No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default or an Event of Nonappropriation (as such terms are defined in the Agreement) exists at the date hereof with respect to this Agreement.

5. The acquisition of all of the Property under the Agreement has been duly authorized by the governing body of Lessee.

6. Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current budget year to make the Rental Payments scheduled to come due during the current budget year under the Agreement and to meet its other obligations for the current budget year and such funds have not been expended for other purposes.

7. As of the date hereof, no litigation is pending, (or, to my knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Agreement or of other agreements similar to the Agreement; (b) questioning the authority of Lessee to execute the Agreement, or the validity of the Agreement, or the payment of principal of or interest on, the Agreement; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Agreement; or (d) affecting the provisions made for the payment of or security for the Agreement.

Town of Forestport
Attest By:
Title:
SOMEONE OTHER THAN THE EXECUTING OFFICIAL(S) SHOWN ABOVE MUST SIGN HERE.

Town of Forestport
Forestport Town Hall
Special Water District # 1
October 21, 2009

TOWN OF FORESTPORT
FORESTPORT TOWN HALL
SPECIAL WATER DISTRICT # 1
OCTOBER 21, 2009 @ 9:06 P.M.

Present

Councilman Brian Fox
Councilwoman Mary Ann Rubyor
Supervisor William Hasenauer

Absent

Councilman Frederick Ritter
Councilman William Rockhill

1. Supervisor William Hasenauer opened the meeting at 8:17 PM

2. Town Clerk Minutes:

August 19, 2009 Water meeting can not be approved this is not a quorum

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to approve the September 16, 2009 Water Meeting minutes. Roll call vote:

Councilman Brian Fox - YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

3. Abstracts:

- Water

*** A Motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 10 vouchers 117 - 133 in the amount of \$4,135.87.

4. Old Business:

- Nothing from the Town Board

5. Old Business Public:

- Nothing from the public

6. New Business:

- Water report was reviewed

*** A motion was made from Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to accept the following transfers. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer-YES

7. New Business Public:

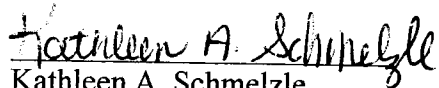
- Nothing from the public

8. Adjourn:

*** A Motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to adjourn the Water Meeting @ 8:26 p.m.

Councilman Brian Fox - YES
Councilwoman Mary Ann Rubyor – YES
Supervisor William Hasenauer-YES

Respectfully submitted by


Kathleen A. Schmelzle
Forestport Town Clerk

TO: Town of Forestport Town Board Members

FROM: Dawn Campbell

FUND: Water

SUBJECT: Payment to General for Loans

Payment to Gen for loan to cover part of old \$11,522.18 debt.

Water	Debit	630.08 Due to other funds	\$3,000.00
	Credit	201.08 Water Savings	\$3,000.00

General	Debit	201.01 General Savings	\$3,000.00
	Credit	391.01 Due from other funds	\$3,000.00

Payment to Gen for loan to cover part of 12/08 monthly bills.

Water	Debit	630.08 Due to other funds	\$144.67
	Credit	201.08 Water Savings	\$144.67

General	Debit	201.01 General Savings	\$144.67
	Credit	391.01 Due from other funds	\$144.67

Payment to Gen for loan to cover part of PR#2 bi-weekly.

Water	Debit	630.08 Due to other funds	\$14.47
	Credit	201.08 Water Savings	\$14.47

General	Debit	201.01 General Savings	\$14.47
	Credit	391.01 Due from other funds	\$14.47

This was done on 9/28/09.

Town of Forestport
Forestport Town Hall
Special Sewer District # 1
October 21, 2009

TOWN OF FORESTPORT
FORESTPORT TOWN HALL
SPECIAL SEWER DISTRICT # 1
October 21, 2009

Present

Councilman Brian Fox
Councilwoman Mary Ann Rubyor
Supervisor William Hasenauer
Deputy Supervisor John Isley

Absent

Councilman Fredrick Ritter
Councilman William Rockhill

1. Sewer District Meeting was called to order @ 8:26 p.m.

2. Town Clerk Minutes:

- Minutes from August 19th 2009 cannot be approval because there is not a quorum

*** A motion was made by Councilman Brian Fox and seconded by Councilwoman Mary Ann Rubyor to approve the September 16, 2009 Sewer District meeting minutes. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer-YES

3. Abstracts:

- Sewer

*** A Motion was made by Councilman William Rockhill and seconded by Councilwoman Mary Ann Rubyor to pay abstract # 10 vouchers 75 - 82 in the amount of \$872.80.

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer-YES

4. Old Business:

- Nothing from the Town Board

5. Old Business Public:

- Nothing from the public

6. New Business:

- Sewer report was review

*** A motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox. To accept the following transfer this will be attached. Roll call vote:

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer-YES

7. New Business Public:

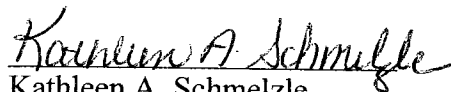
- Nothing from the public

8. Adjourn:

*** A Motion was made by Councilwoman Mary Ann Rubyor and seconded by Councilman Brian Fox to adjourn the Sewer meeting @ 8:30 p.m.

Councilman Brian Fox-YES
Councilwoman Mary Ann Rubyor - YES
Supervisor William Hasenauer-YES

Respectfully submitted by



Kathleen A. Schmelzle
Forestport Town Clerk

TOWN OF FORESTPORT
FORESTPORT TOWN HALL
OPEN HIGHWAY TRUCK BIDS
OCTOBER 21, 2009

TOWN OF FORESPORT
FORESTPORT TOWN HALL
OPEN HIGHWAY TRUCK BIDS
OCTOBER 21, 2009

TOWN OF FORESPORT
FORESTPORT TOWN HALL
OPEN HIGHWAY TRUCK BIDS
OCOTBER 21, 2009

1. Hearing was opened by Supervisor William Hasenauer @ 6:27

- Bid 1 from Scouten for \$500.00
- Bid 2 from Trackside Blazer for 814.27
- Bid 3 from Albright for \$632.54
- Bid 4 Doolen for \$500.00

2. Adjourn meeting @ 6:30 P.M.

Respectfully submitted by:

Kathleen A. Schmelzle
Forestport Town Clerk