

**TOWN OF SALEM BOARD OF SUPERVISORS
SPECIAL MEETING
THURSDAY, JUNE 4, 2009 5:30 P.M.
SALEM TOWN HALL MUNICIPAL BUILDING**

Chairman Linda Valentine opened this Special Meeting at 5:55 p.m. with the following present: Dennis Faber via conference call, Pat O'Connell, Attorney Scholze, Cindi Ernest, Rick Zanow, Patrick Casey, Scott Burns, Mike Murdock, Wesley Ricchio, Eileene Anderson, and Chris Gustafson. Supervisors Meier and Weidman were absent.

Attorney Scholze informed those in attendance that there is title insurance in place now for First Banking.

1) A request for sanitary sewer dedication in Heritage Estates Subdivision has been requested. MOTION BY Supervisor O'Connell, second by Supervisor Faber to accept the sanitary sewer dedication request.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2) Attorney Scott Burns told those in attendance that Heritage Estate has been executed from Stafford Residential, LLC to First Banking.

Attorney Scholze stated he has reviewed the agreement. The purpose is to change the name and assume responsibility by assigning to First Banking.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to and accept of assignment of Developers Agreement for Heritage Estates.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3) A request for a reduction of Letter of Credit for the sum of \$105,814.70 for line item assigned by the town for completion of underground utilities.

Attorney Scholze indicated that there are still questions about outstanding invoices owed to the Town and the Park fee in the amount of \$26,666.66, which is a portion of the developers agreement.

Attorney Scott Burns indicated that they were aware of the Park fee. As far as the expenses, when Mr. Zanow has asked for review of the invoices, he hasn't been able to review them. They don't deny the fees or invoices.

Discussion followed.

Mr. Zanow stated that he felt the review fees were in error. He contended the Town and County made a mistake when a plan he submitted was reviewed and then had to be redone to relieve the Pirelli water issue. The re-review fees should be cancelled and call it even. He didn't feel it was fair to be charged when the Town and County were in error. He also questioned attorney Scholze's bill and feels it is wrong also. He stated that he has asked for inspection reports from Kaempfer & Associates, but was informed he would be charged \$180 for something he believes should be an open record.

Discussion.

MOTION BY Chairman Valentine, second by Supervisor Faber to reduce the letter of credit upon receipt of the \$26,666.67. If not received, part of the letter of credit would be reduced.

UNANIMOUS VOTE – AYE

MOTION CARRIED

The incidental bills can be reviewed.

Supervisor Faber stated that he has concerns regarding Mr. Zanow's claims and would like to look into this further.

Mr. Zanow will contact to schedule a meeting to review the charges which are in question.

ADJOURNMENT

MOTION BY Supervisor Faber, second by Supervisor O'Connell to adjourn this Special Meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Special meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Cindi Ernest, Clerk