

Present: Supervisor F. Newlin; Councilmen A. Bax; S. Edwards, M. Johnson & E. Palmer; Dep. Sup. E. Elgin (6 PM); Atty. J. Leone; Dep. Atty. D. Boniello; Asst. Eng. D. Britton; Finance Officer A. DiRamio; WPCC Admin. T. Lockhart; Bldg. Insp. T. Masters; Dep. Clerk C. Schroeder; 2 press

The Supervisor opened the worksession at 5:40 p.m. In addition to the items on the agenda, Newlin had some personnel matters to address in executive session. Councilman Bax asked for the following additions: Tower and WPCC items; Councilman Palmer said he had one deletion: Historic Preservation (Item #2) and one addition: Street Lighting (Big Vista Drive). Regarding the former, Palmer said the Chairman is deemed to be chosen by the Commission itself and not by the Town Board. Edwards said he had two additions: Town Hall Renovations and personnel (executive session). **Bax MOVED the agenda, as amended, Seconded by Palmer and carried 5-0.**

**Abstract: Edwards MOVED to approve the Abstract of Claims, No. 157 to 491 and recommended payment in the amount of \$289,389.45, plus a post-audit of \$30,611.72. Seconded by Johnson and carried 5-0.**

Association of Towns:

2008 Resolutions 1-11: Newlin asked if anyone wished to comment on the proposed resolutions. Edwards said both he and Palmer have a problem with Resolution #8 which speaks of Restoring and Securing Equity in Collective Bargaining. Palmer said the resolution asks that the Association of Towns call upon the NYS Legislature, Governor and Public Employee Relations Board (PERB) to (1) restore equity by taking measured steps to reform “compulsory binding arbitration”, (2) reform or repeal the “Triborough Amendment” and (3) resist employer penalty legislation. Palmer said his opposition to this stems from the fact that binding arbitration came into existence because the old method of negotiation with government wasn’t fruitful. There was a no strike mechanism placed due to the Taylor Law for some public employee unions. Consequently, municipalities tended to not rush to the negotiating table. What makes us think that things would be any different if we remove binding arbitration? They are trying to change the system to fix a symptom of the problem.

Edwards said an arbitrator is an independent authority that reaches middle ground between unionized employees and municipal governments. He is in total support of binding arbitration and would not support any reform or repeal of same.

Johnson said he had concerns with Resolution #11 with respect to reforming condominium assessments. He is not in support of any proposal that would change the format that is put in place now thru Real Property Law, 339-y on assessments to condominium associations. The real-estate industry is fighting the law, he said. It would be devastating to Western New York, particularly the Amherst area and places where they have patio homes.

Newlin said he would seek a motion to support 2008 Proposed Resolutions 1-7, 9 & 10, as reported by the Resolutions Committee of the Associations of Towns. **Bax MOVED for approval, Seconded by Palmer and carried 5-0.**

National Grid Matters: About a month ago we had a bad wind & ice storm that affected Lewiston, Newlin said. There were parts of the town that were without electricity for 30-hours – an unreasonable burden for what was a relatively localized storm. Newlin said he called for some changes at National Grid and has been meeting with them since. Two weeks ago, when a second storm came in, NG re-positioned response units in Lewiston to try and deal with some of those power outages they knew were coming. Newlin said he would be meeting with the regional representative of NG to go over how to cut some of those times down. I think NG agrees that there is some reasonable number of hours that you can expect people to

be out of heat and power, especially in the winter time. Newlin said he would keep the Board updated.

In related matters, Newlin said there are a dozen residents that have not yet benefited from the power discount. Hopefully, that will be resolved within the next week or two, he said.

Street Lighting: Palmer said he has communication from Ken Kenney of the Lighting Comte. regarding a request from Charles Preti for street lights on Big Vista Drive. The Chairman reports back that if it is a safety hazard on a curve or T-intersection he should have one light installed.

Edwards said there are four curves and one T-intersection in this area. Do you call each one of them a safety item? Who defines that? The Lighting Comte. tells us if it is a safety concern. Who deems if it's a safety concern or not? It is absolutely pitch black. That resident does have concerns.

The Bldg. Insp. said this should have been taken care of by the Planning Board right from the start and addressed then. That is how it should be handled from now on.

Dave Britton, Asst. Town Engineer, said that when lights are required, the policy has always been T-intersections and dangerous curves. In terms of residential subdivisions you really don't have dangerous curves, he said. Edwards asked the engineer to do a site visit. There is a circumstance where the road is quite steep.

Britton said he would provide a recommendation to the Board to determine if a light is warranted or not.

Edwards said that when a developer comes in with a new development, lighting and other safety concerns should all be addressed before going to the Planning Board. **Edwards MOVED that all departments, including building & safety (fire bureau) should be satisfied before any developments come before the Planning Board. Seconded by Bax and carried 5-0.**

Edwards said the Building Inspector is in the process of putting together a checklist for all departments.

Environmental Commission: Bax noted that Elise Scrufari has declined her appointment to the Environmental Commission. In her place, **Bax MOVED to appoint Jacqueline Halpin to a 3-year term thru December 31, 2010. Seconded by Johnson and carried 5-0.**

Towers: Bax said it is his understanding the Town of Niagara is doing something to assess property that are home to cell towers. They have an assessment on those pieces of property and they are also taxing them generating municipal revenue. Bax asked for the board's authority for the town attorney to look into this further. Leone said this is something he is very familiar with. He will report at the next meeting.

WPCC:

Bax said there is a DEC certification form for the design, planning & flow management that needs a signature. It is an annual document. This would be for 2007. **Bax MOVED to authorize the Supervisor to sign. Seconded by Johnson and carried 5-0.**

Secondly, Bax referred to a request from Tim Lockhart with regard to re-roofing of the pump stations at the Treatment Plant. There are five buildings. Lockhart said he did not budget for this expenditure. There are significant funds available in fund balance. He asked that this project be deemed a capital improvement and to use fund balance for the project. He anticipated the project to be from \$20,000 to \$25,000 for the five stations. Lockhart said he had no immediate time table to

complete this but asked to start working on it so that everything is in place once the weather breaks.

**Bax MOVED to authorize Tim Lockhart to go out to bid for the project. Seconded by Palmer and carried 5-0.**

Bax said there are a number of other capital improvements that are needed at the plant. Tim Lockhart has expressed an interest in meeting with the Board to discuss these projects and how to fund them. Newlin said they could address these capital improvements at the March worksession. Furthermore, Newlin asked if the worksession could be scheduled for Noon on March 10.

**Johnson MOVED to change the worksession of March 10, 2008 from 5:30 p.m. to 12 Noon. Seconded by Bax and carried 5-0.** Due to the Noon hour, Lockhart said he would supply lunch.

Lastly, Bax asked for authorization to allow Mr. Lockhart to bring 11 attendees to the Greater Buffalo Environmental Conference at a cost not to exceed \$900.00.

**Bax MOVED for approval. Seconded by Johnson and carried 5-0.**

Lockhart said this conference is sponsored by the New York Water Environment Association. It provides for continuing education credits for the operators and collection personnel for the Treatment Plant. It covers various topics on collection systems, operations, maintenance, administrative issues and regulatory issues that may be coming down the road.

Resolution: Property Tax Relief: Newlin said he is receipt of a resolution that was adopted by the Wilson Town Board in favor of Governor Spitzer's plan for property tax relief, a cap and other reforms. Atty. Boniello said he had some concerns about its exactness and methodology. Boniello was asked to relay his concerns and insights with the Attorney for the Town of Wilson and to report back his findings to Supervisor Newlin.

Town Hall Renovations: Edwards said the ADA compliance plan is almost to the end. Bathrooms are just about done and the entrances are complete. Edwards said he would like to discuss further renovations (heating system, building insulation) at the March 10 worksession.

Highway: Excess Equipment: Edwards said the Highway Department has deemed the following vehicles excess equipment: 1987 Autocar dump; 1989 Chevy ½ ton pickup; 1993 Chevy 3500 mini dump; 1993 Chevy 3500 mini dump; 1992 Ford F-350 mini dump; 1982 Lincoln Town Car. An advertisement can be placed in the newspaper for sealed bids for the equipment. The Highway Department will cover the cost of the advisement.

Edwards said the Lincoln Town Car was a donated vehicle to the Police Department for training purposes only. It will not be sold to be re-registered but to go to a junk yard for scrape.

**Edwards MOVED to declare these vehicles surplus equipment to be sold and to authorize an advertisement for sealed bids. Seconded by Bax and carried 5-0.**

Zoning Amendment: Leone said he prepared an amendment to the local law with respect to the Board of Appeals. I tried to keep it in conformity with NYS Law, he said. Our local law now calls for a board of 7 members. NYS Law calls for 4-5 members. Leone said there was some question about alternate members. He drafted the amendment in accordance with the statute, i.e. an alternate member can be appointed but only because of a conflict of interest. I know there was some concern about having an alternate to fill in if a board member couldn't be there for other than a conflict of interest situation. Leone said he did not find anything that allows for that to happen. He would research that further at the Association of Towns meeting in New York.

Plumbing Board: Leone said the local law for creating a Plumbing Board, as drafted, allows for appointment of a plumbing inspector but does not require the appointment of a plumbing inspector. Our building inspector can serve in that capacity. It does allow for that to occur should the need arise. Secondly, there is no provision in the local law for anyone bidding on a project that doesn't have a town license to do that. But there is a requirement that in order to do the work that you be licensed. Once a bid is awarded, they have to have a master plumber who is licensed and certified by the board.

**Edwards MOVED to schedule a public hearing on March 24, 2008, at 7:00 PM, on a proposed local law for the creation of a plumbing board. Seconded by Bax and carried 5-0.**

Edwards said he has asked the Building Inspector to look into proper identification for licensed plumbers who are doing work in the town and to report back on same at the next worksession.

Bingo Inspector: The Deputy Clerk said her office received two applications for the appointment of Bingo Inspector. Two current employees of the town have filed applications for the position: Rosalie Kilmer, Dep. Receiver of Taxes and Michael Torrie, Court Officer.

Boniello said he was asked to research this issue. He did not think it was absolutely essential that they have a bingo inspector. As he understands it, there is only one organization in the Town that does bingo. They are in compliance with their license requirements. As far as I know, there is no issue out there to investigate.

Palmer said it was his opinion that the Town has some representative to be able to oversee these games. It's not for reasons of mistrust – it just keeps everyone above-board.

Newlin asked to address this further in executive session to determine which direction the Board wants to go. If they do appoint someone they have to determine how they are going to remunerate them.

Sattleberg Subd: Leone gave a report on the subdivision. Phase I of the subdivision was approved and built some time ago. Phase II was approved but never built. The owner of the property is now seeking to have Phase III & IV approved. Phases III & IV, as presented, passed the Planning Board, with some \_\_\_\_\_. Leone said there were some engineering questions and some building inspector questions that are still to be resolved, all of which have been copied to the Town Board. Leone said he has been in contact with the developer's attorney. They have requested that the matter come before the Board. Leone said it was his impression that the Attorney should have his client deal directly with the Town Engineer and the Town Building Inspector to resolve those issues in question. The two most pressing issues, he said, are the retention pond and street lighting. It was suggested that perhaps they consider forming a Homeowner's Association.

Newlin made the following observation: We're in a situation where there are developments that were authorized and approved by planning boards and town boards decades ago. I really think there should be some sort of clock that ticks out on these developments. There could be a development out there that was approved 20-years ago. At that time the board made a decision – this is the land it sits on... there are no other houses around that may be impacted... there are no runoff implications. It gets approval but isn't built for whatever reason. Years go by and houses spring up around it. Then, this developer has this long-dated prior approval and the Town is faced with having to abide by a decision made 10 or more years ago and now there is a completely new set of circumstances. There may be further stress on the WPCC for example, or drainage runoff which impacts other homes that have been built in the meantime. We should look at a way that if we approve a project it

should be built within a certain amount of time. Ten years is too long in my opinion...

**Newlin MOVED to authorize Atty. Leone to contact the attorney representing Sattleberg to have their project developer contact the Building Inspector to address the building department's concerns and then refer back to the Planning Board for further recommendation. Seconded by Edwards and carried 5-0.**

Edwards said he wanted it made clear that this Town Board does not want to receive ownership of any retention or detention ponds for any development. Masters said that was his concern also.

2010 Census: Newlin referred to a request from the Town Clerk for technical assistance to comply with the data request from the U.S. Census Bureau. In order to comply, the Clerk is requesting a transfer of \$1,500 from unexpended fund balance to Account B-4020.0400 (Registrar Contractual).

**Palmer MOVED to transfer \$1,500 from contingency to B-4020.0400. Seconded by Bax and carried 5-0.**

Legal:

Boniello asked to address the status of the 2008 Contract with the SPCA in executive session.

Secondly, Boniello said he received a letter from one of the town's insurance companies -- American Commercial Management -- indicating that a claim has been settled by them for \$5,470.68 concerning a notice of claim filed by Bruno Bartolomei for water damages.

**Johnson MOVED to authorize the Supervisor to enter into a contract settlement, pending the attorney's review. Seconded by Bax and carried 5-0.**

Executive Session:

Newlin asked for a motion to enter into executive session to address personnel (Police and Bingo Inspector).

**Johnson MOVED for approval, Seconded by Edwards and carried 5-0.** Time: 6:35 P.M.

\*Executive Session:

Present: Newlin, Bax, Edwards, Johnson, Palmer, Leone, Boniello, Elgin and Police Chief Salada.

Issues Discussed:

Personnel: Police; Bingo Inspector; Building Inspector; Highway/Drainage

No action taken.

**Edwards MOVED to adjourn. Seconded by Palmer and carried 5-0.** Time: 8:10 P.M.

Transcribed and

Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk

\* Executive Minutes taken by:  
David Boniello, Town Attorney