

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; Eng. R. Smith; WPCC Chief Op. J. Ritter; Bldg. Insp. T. Masters; Police Chief C. Salada; 1 Press; 30 Residents & Dep. Town Clerk C. Schroeder

The Supervisor opened the first Public Hearing and directed the Clerk to read the public notice.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewiston, Niagara County, New York, will meet at the Town Hall, 1375 Ridge Road, Lewiston, New York on February 13, 2012 at 5:40 P.M., for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the Lewiston South Sewer District, in said Town, being the installation of approximately 2,550 linear feet of 2-inch HDPE pressure sewer pipe and 250 linear feet of 8-inch PVC pipe on Saunders Settlement Road, Buffalo Street and Ward Road in the Hamlet of Sanborn, including original equipment, machinery, apparatus and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$475,000.

Said capital project has been determined to be a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, the regulations provide will not result in any significant environmental effects.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LEWISTON,  
NIAGARA COUNTY, NEW YORK

Carol J. Brandon  
January 23, 2012

The Supervisor opened the public comment period.

Mary Hedden, 2787 Saunders Settlement Road, asked where exactly sewers are going on Saunders Settlement Road. She does not have sewers and lives across the street from West Street School. Where exactly in Sanborn is all that going? Reiter said there are a few homes on the east side of Buffalo Street between Rt. 31 and the Fire Hall that have not been hooked up yet. Those are the homes we are trying to connect now, as well as some of the business district between Townline Road and where the old greenhouses were torn down.

Hedden asked why they could not extend the sewer line beyond the greenhouse property to accommodate her and her neighbors. Those homes have been there forever, she said. Reiter said they could consider that. At this time we're trying to catch the businesses. They were going to be condemned because their septic systems were failing.

Wilbur Treichler Jr., 5774 Griffin Street, asked if there is going to be enough capacity in the existing sewer lines to accommodate this extension. Reiter said the capacity is not in the line itself but at the plant in Niagara County. We have to get permission from the NC Sewer Treatment Plant to even do an extension. Reiter said there is plenty of capacity at the plant. We have met all our criteria in order to do that.

John Ceccato, 5735 Bridgeman Road, said he was told when he purchased his home several years ago, there were not going to be any sewers. Now, when the greenhouse property gets developed it seems like now all of a sudden we're worried about the

pizzeria. Reiter said it was prompted by the letters sent to him by the Health Department saying they were going to close them down.

Ceccato asked if other residents would have the opportunity to tie-in to the sewers. What is the time frame? Reiter said he would like to start improving the rest of the Hamlet. We're trying to make Sanborn a beautiful place. You have very heavy, heavy soil up there that do not respond very well to septic systems. What we've done is taken care of the dead-ends that needed attention.

Vicki Bell, 5759 West Street, asked when the work is supposed to be done. While school is in session and you tie-into the West Street sewer line, I'm not going to be able to get out of my driveway. Reiter said they would work around that. He did not anticipate work starting until early spring.

Bell: You talk about tying up loose ends in Sanborn. Why then come all the way down Rt. 31 to that empty greenhouse property if there are no plans for development? Why not just stop at the house after the pizzeria? There is a big area between that pizzeria and the end of the greenhouse property. Why spend all that money if there is nothing planned there.

Reiter: It's not money poorly spent. We're eventually going to cover the remaining areas in Sanborn also.

Since no other resident wished to speak, Reiter asked for a motion to close.

**Marra MOVED to close the public hearing. Seconded by Bax and carried 5-0.**

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; Eng. R. Smith; WPCC Chief Op. J. Ritter; Bldg. Insp. T. Masters; Police Chief C. Salada; 1 Press; 30 Residents & Dep. Town Clerk C. Schroeder

The Supervisor opened the second Public Hearing and directed the Clerk to read the public notice.

**NOTICE OF ADOPTION OF ORDER CALLING A PUBLIC HEARING ON ESTABLISHMENT OF LEWISTON WATER IMPROVEMENT AREA NO. 2**

PLEASE TAKE NOTICE that the Town Board of the Town of Lewiston, Niagara County, New York, has, on the 23rd day of January, 2012, duly adopted the Order published herewith calling a public hearing.

Dated: Lewiston, New York

Carol J. Brandon, Town Clerk

WHEREAS, a map, report and plan, including an estimate of cost, have been duly prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Lewiston, Niagara County, New York, relating to water improvements, to serve a benefitted area in said Town to be known as the Lewiston Water Improvement Area No. 2 (the "Area"), whose boundaries shall consist of the area specified in Appendix A as attached hereto and hereby made a part hereof (and which is contiguous with present Lewiston Water Improvement Area), as more fully shown upon a map on file in the office of the Town Clerk, which map is available for inspection by any person or persons interested in same during regular office hours at said office; and

WHEREAS, said map, plan and report, including estimate of cost, were prepared by a competent engineer, duly licensed by the State of New York and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any person or persons interested in the subject matter thereof; and

WHEREAS, the capital improvements proposed in connection with the establishment of Lewiston Water Improvement Area No. 2 of the Town of Lewiston consist of (a) the Elm and Annover Waterline Replacement Project, in the Town of Lewiston, Niagara County, New York, consisting of the replacement of approximately 6,400 feet of 6-inch cast iron pipe (CIP), furnishing and installation of approximately 6,400 lineal feet of 8-inch polyvinyl chloride pipe (PVC), including new line valves, hydrants, and related appurtenances, including saddle, corporate stop, curb stop, tubing, and other related materials, abandonment of existing waterline, and original apparatus, equipment, machinery, appurtenances and other incidental improvements and expenses, at a maximum estimated cost of \$772,159 and (b) the reconstruction of pressure reducing valve chambers, including the abandonment of the existing pits and replacement with a new pre-cast concrete vault and related materials including valves, pressure regulators, piping, and including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$417,000; and

WHEREAS, said aggregate maximum estimated cost of \$1,189,159 shall be authorized to be financed by the issuance by the Town of Lewiston of its serial bonds with a maximum maturity not in excess of the forty year period prescribed by the Local Finance Law; and

WHEREAS, said maximum estimated cost is not greater than one-tenth of one per centum of the full valuation of taxable real property in the area of the Town of Lewiston outside of any villages; and

WHEREAS, it is proposed that the cost of the aforesaid improvements shall be borne by the real property in said Lewiston Water Improvement Area No. 2, to the extent not paid by water rates, by assessing, levying upon and collecting from the several lots and parcels of land within such Lewiston Water Improvement Area No. 2, being the entire area of the Town, outside of any village, at the same time and in the same manner as other Town charges, an amount sufficient to pay the principal and

interest on serial bonds and bond anticipation notes issued in anticipation of the issuance of serial bonds, as the same become due and payable; and

WHEREAS, the aforesaid improvements have been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has therefore, by definition thereof, determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing for the purpose of considering said map, plan and report, including estimate of cost, and to hear all persons interested in the subject thereof concerning the same, all in accordance with the provisions of Section 209-q of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Lewiston, Niagara County, New York, as follows:

Section 1. A public hearing of the Town Board of the Town of Lewiston, Niagara County, New York, shall be held at the Town Hall, in Lewiston, New York, in said Town, on the 13th day of February, 2012, at 5:50 P.M., to consider the aforesaid map, plan and report, including estimate of cost, and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in the official newspaper, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, not less than ten (10) nor more than twenty (20) days before the day designated for the hearing as aforesaid, all in accordance with the provisions of Section 209-q of the Town Law.

Section 3. This Order shall take effect immediately.

Appendix A

The entire area of the Town outside of any Village, also known as Lewiston Water Improvement Area No. 1.

The Supervisor opened the public comment period. Since no one wished to speak, the Supervisor asked for a motion to close.

**Winkley MOVED to close the public hearing. Seconded by Marra and carried 5-0.**

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk

February 13, 2012

Town Board Worksession

6:00 PM

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra, E. Palmer & R. Winkley; Dep. Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; WPCC Chief Op. J. Ritter; Eng. R. Smith; Highway Supt. D. Janese; Bldg Insp. T. Masters; Police Chief C. Salada; Dep. Clerk C. Schroeder; 3 press; 20 Residents

Councilman Palmer led the Pledge of Allegiance followed by a moment of silent reflection.

Agenda: Additions:

Bax: Hwy. Equipment Bonding & Committee Resignations

Marra: Parks Excess Equipment

Reiter: Fund Transfers & Executive Session: Personnel (Hwy, Water & Police)

**Bax MOVED to approve the Agenda, as revised. Seconded by Marra and carried 5-0.**

Proposed Increase/Improvements LSSD: Atty. Dowd said they held a public hearing on the extension of the sewer Improvements within the Lewiston South Sewer District. Before any action is taken on the extension, Dowd asked the Board to adopt Lead Agency status for SEQR purposes. The project has been determined to be a Type II Action. The Environmental Commission has recommended a Negative Declaration on said project, as it is determined there is no adverse environmental factors.

**Bax MOVED to accept Lead Agency Status on Increase and Improvement of the Facilities of the LSSD. Seconded by Winkley and carried 5-0.**

**Bax MOVED to issue a Negative Declaration on said LSSD project, as recommended by the Environmental Commission. Seconded by Palmer and carried 5-0.**

**Councilman Marra moved the following Bond Resolution, Seconded by Councilman Bax:**

BOND RESOLUTION DATED FEBRUARY 13, 2012.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$475,000.00 SERIAL BONDS OF THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE LEWISTON SOUTH SEWER DISTRICT IN THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board of the Town of Lewiston New York (the "Town") has determined will not result in any significant environmental effects; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Town Law § 202-b, and more particularly an order dated January 23, 2012, the Town Board has determined it to be in the public interest to increase the facilities of the Lewiston South Sewer District (the "District") in the Town, at a maximum estimated cost of \$475,000.00; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the District in the Town, consisting of the reconstruction of a pumping station, including original furnishings, equipment, machinery and apparatus incidental thereto, there are hereby authorized to be issued \$475,000.00 serial bonds of the Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object

or purpose is \$475,000.00.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 30 years, pursuant to Local Finance Law § 11.00(4). It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the Town are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to Local Finance Law § 70.00(c), no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Local Finance Law § 52.00 and shall otherwise be in such form and contain such recitals in addition to those required by Local Finance Law § 52.00, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations § 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, or a summary thereof, shall be published in full in the Niagara Gazette, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Local Finance Law § 81.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Bax: Voting Yes

Councilman Marra: Voting Yes

Councilman Palmer: Voting Yes

Councilman Winkley: Voting Yes

Supervisor Reiter: Voting Yes

**The resolution was thereupon duly adopted.**

Establishment of LWIA No. 2: Atty. Dowd said proposed improvements within the LWIA No. 2 will not exceed \$1,189,159.00. Again, he asked the Board to adopt Lead Agency status for SEQR purposes.

**Bax MOVED to accept Lead Agency on the Water Improvement Area project. Seconded by Marra and carried 5-0.**

**Bax MOVED to issue a Negative Declaration on said LWIA project, as recommended by the Environmental Commission. Seconded by Palmer and carried 5-0.**

**Councilman Winkley MOVED the following Bond Resolution, Seconded by Marra:**

WHEREAS, the Town Board of the Town of Lewiston, New York (the "Town"), duly adopted a resolution directing the Town Engineer, to supervise the preparation of a plan, report and map for providing a water improvement in an area of the Town as hereinafter described, and

WHEREAS, after the said Town Engineer duly filed said plan, report and map in the office of the Town Clerk, the said Town Board did, on January 23, 2012, duly adopt an order reciting the proposed improvement, a description of the boundaries of the proposed benefited area, the maximum amount to be expended for the improvement, the proposed method of apportioning the costs of such improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Town Hall, 1375 Ridge Road, Lewiston, New York on the 13<sup>th</sup> day of February, 2012, for the purposes of conducting a public hearing on such proposal to provide said improvement, and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property within the proposed benefited area is benefited by the proposed improvement.
- (3) That all of the property benefited is included within the proposed benefited area.
- (4) That the proposed method of apportioning the costs of the improvements should not be changed.
- (5) It is in the public interest to provide the sewer improvement as hereinafter described.
- (6) That the project hereinafter described has been determined to be Type II Action pursuant to the

regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board of the Town of Lewiston, New York (the "Town") has determined will not result in any significant environmental effect and be it

FUTHER RESOVED, that the Town Board does hereby approve and authorize Lewiston Water Improvement Area No. 2 in the area of the Town described as follows: all areas of the Town outside of any village, and be it

FUTHER RESOVED, that the cost of said improvement are to be apportioned as follows: at the same time and in the same manner as other town charges, and be it

FUTHER RESOVED, that the proposed improvements, including costs of rights of way, construction costs, legal fees and other expenses shall be financed as follows: issuance of serial bonds, bond anticipation notes or receipt of grants in an aggregate amount not to exceed \$1,189,159.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Bax: Voting Yes

Councilman Marra: Voting Yes

Councilman Palmer: Voting Yes

Councilman Winkley: Voting Yes

Supervisor Reiter: Voting Yes

**The resolution was thereupon duly adopted.**

Abstract:

**Winkley MOVED to approve the Abstract of Claims, Numbered 134 to 612 and recommended payment in the amount of \$776,802.19, plus a post-audit of \$81,179.89. Seconded by Bax and carried 5-0.**

Registration for General Contractors: Gary Catlin said he spoke to Atty. Dowd, who is in the final stage of review. It should be ready by the next regular meeting.

Correction of Mtg Minutes of 11/14/11: The Supervisor said it was brought to the Board's attention that the minutes of Nov. 14, 2011 reference a motion made by Councilman Bax to submit a proposal to the Greenway Commission for the Joseph Davis State Park Phase I Capital Improvement Project Grant funding. The minutes do not reflect that the motion was Seconded.

**Palmer MOVED to amend the minutes of Nov. 14, 2011 to reflect that the motion was Seconded by Councilman Palmer. Seconded by Bax and carried 5-0.**

Appoint Chairperson to Zoning Board:

**Reiter MOVED to appoint Robert Linn as Chairman to the Zoning Board of Appeals, SECONDED by Marra and carried 5-0.**

Hitzel Subdivision: The Planning Board on Jan. 26, 2012 recommended approval of a request from Gail Hitzel for a one-lot subdivision for property located at 5549 Bridgeman Road, SBL# 118.00-2-72.

**Palmer MOVED to accept the recommendation from the Environmental Commission of a Negative Declaration on said property. Seconded by Marra and carried 5-0.**

**Palmer MOVED for approval of the Hitzel Subdivision, as presented. Seconded by Marra and carried 5-0.**

Re-Zoning (Tim Hortons): The Planning Board on Jan.26, 2012 reviewed a request to rezone property at 2938 Saunders Settlement Road, SBL# 118.20-3-9 from R-1, single family to B, Business for a Tim Hortons Restaurant and drive-thru facility. A motion was made to recommend approval to the Town Board. That motion did not pass due to resident's concerns over traffic and noise.

**Palmer MOVED to table the rezone request for a month, to accommodate a public information meeting at the Sanborn Fire Hall regarding the master rezoning. Seconded by Bax and carried 5-0.**

Because there are a lot of home businesses in Sanborn, they want to do a little different zoning. It's more of a mixed use. It would behoove the Sanborn residents to come out and discuss it and get their feedback. Masters said it would create a traditional neighborhood business district – a mix of residential and business use, along Buffalo Street. The problem we are having now is that is strictly zoned Business -- you could put a Tops Market or Super Wal-Mart there and we couldn't stop it. We're trying to tweak that a little bit.

Information Meeting re Zoning Revisions: Reiter said the public information meeting is set for Feb. 22, 2012, 7 P.M., at the Sanborn Fire Hall. He encouraged the residents of Sanborn to attend. Reiter said they are trying to better define the vision of Sanborn.

Sanborn Roster Additions (2): The Sanborn Fire Company, Inc. submits for active membership in said Fire Company the name of: Bradley Thomas and Edward Nagy, a Town of Wheatfield resident.

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

Border Patrol Citizen's Academy: The U.S. Border Patrol is the primary law enforcement agency for preventing terrorists and terrorists' weapons, including weapons of mass destruction from entering the U.S. between ports of entry. The Border Patrol recognizes the significance of public outreach and the importance of communicating its mission throughout the communities they work in. Representatives from the Buffalo Sector would like to extend an opportunity to the Town of Lewiston to send one person to the Border Patrol Citizen's Academy. The academy will be at the Border Patrol Station in Tonawanda, New York over the course of approximately five weeks, beginning March 12, 2012 and culminate with a graduation ceremony on April 9, 2012.

Reiter said this is open to any member of the community. A copy was also made available to Chief Salada.

**Winkley MOVED to table an appointment. Seconded by Marra and carried 5-0.**

Transfer of Funds: Reiter referred to a request from the Water Department to transfer funds from the 2011 budget in the amount of \$150.00 from SW1-8310.200 to SW1-8320.100.

**Marra MOVED for approval. Seconded by Palmer and carried 5-0.**

Reiter referred to a request from the Bureau of Fire Prevention to transfer \$500.00 from Contractual, 3410.0400.B to Equipment, 3410.0200.B to cover the cost of replacing a Dell computer and office typewriter.

**Marra MOVED for approval. Seconded by Palmer and carried 5-0.**

Notification of Liquor License: The Clerk noted that a renewal for an alcoholic beverage license has been applied for by the Niagara Falls Country Club, 505 Mountain View Drive, Town of Lewiston; for on-premises consumption at the Halfway House.

Highway Supt.: Councilman Bax invited the Highway Supt. to address some concerns within his department. First of all, Supt. Janese said a resident (Patricia Mazur) came before the Board at the last meeting regarding a drainage issue on Creek Road Ext. He

went to take a look at her property and said it's naturally recurring water. The property behind is owned by a neighbor. The property above is owned by National Grid. Janese said he would like to sit with the Town Board to establish some policy that is legal, first of all and secondly satisfies the New York State Comptroller. Janese said he would like to know how to address these things in the future. "Will we, won't we, will we, won't we?"

Secondly, Janese asked the Board to look at the Agreement for the Expenditure of Highway Monies for the repair and improvement of highways for 2012.

Lastly, Janese said there a lot of equipment at the garage that is not very serviceable while being costly to repair. A request had been made in 2007 by the former Supt. to replace two tandems. Janese said grant funding is available. Bernie Rotella, Grant Manager concurred. Anything we put in now is good for 24 months from the time we submit the application, Rotella said. It is a grant thru the NYS DEC and Recycling. It is a reimbursable at 50%. Any equipment the town purchases, it can go back 2 years and get that funded. Janese said that some of the equipment can be purchased even if it is gently used. We want to be cost effective with the money.

Rotella said they should put the grant in as soon as possible. It is not necessary to purchase anything. Get the grant application in so the Town is ready in the event a purchase opportunity comes along.

Bax made a motion to apply for the grant. There was no second. Rotella said he would need a ball park figure in order to submit the grant.

Palmer said he does not have enough information on this. We just got this ten minutes ago. I would like to find out a little bit more about what we're going after specifically and how much it would cost the Town. We need some more information before we do this.

Reiter asked Supt. Janese to work with Mr. Rotella and come back with a proposal of the vehicles he is interested in purchasing, as well as the ancillary equipment, i.e. plows, etc.

Committee Resignations:

**Bax MOVED to accept, with regret, the resignation of Ryan Hanna from the Tower/Wind Energy Research Committee and the Modern CAC. Seconded by Marra and carried 5-0.**

Parks Equipment: Marra noted there are two parks trucks that are in complete disrepair. They have been out of commission since 2002.

**Marra MOVED to declare trucks 98-14 and 98-75 as excess parks equipment and make them available to any member of the public who wishes to purchase either or both trucks. Seconded by Bax and carried 5-0.**

**Bax MOVED to enter into Executive Session to discuss Personnel Issues. Seconded by Marra and carried 5-0.** Time 6:45 p.m.

Present: Town Board, Gary Catlin and Mark Davis

Issues Discussed:

1. Personnel matters concerning Police Dept.
2. Personnel matters concerning Water Dept.
3. Personnel matters concerning Highway Dept.
4. Personnel matter for Fire Inspectors

**Motion by Winkley to exit Executive Session and reconvene worksession. Seconded by Palmer and carried 5-0.**

No Action Taken.

**Marra MOVED to adjourn, Seconded by Winkley and carried 5-0.**

Time: 7:12 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk