

TOWN BOARD MEETING April 23, 2007 7:00 p.m.

Present: Supervisor Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Boniello; Eng. Lannon; Adm./Op. Lockhart; Police Chief Winkley; Finance Officer DiRamio & Town Clerk Brandon. 3 press reps and 15 residents.

Supervisor Newlin opened the meeting at 7:15 p.m., followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA:

Edwards asked to add an Executive Session re: personnel. Johnson asked to add under Old Business-Gypsy Moths. Newlin to add a proclamation for Wm. Mayne.

Johnson MOVED to accept the Agenda additions. Seconded by Bax and carried 5-0.

MINUTES:

Palmer MOVED to approve the following minutes: 3/16/07 Special Mtg.; 3/26/07 RTBM; 4/9/07 Jt. T/V Police Mtg.; 4/9/07 Public Hearing re: Mining and 4/9/07 Worksession. Seconded by Johnson and carried 5-0.

POST AUDITS:

Bax MOVED for approval for payment of the following Post Audits: HSBC Business Solutions \$129.34; Office Max \$1076.11; Sam's Club \$ 6.43 & Tulip Corp. \$3575.00. Seconded by Johnson and carried 5-0.

OLD BUSINESS:

1. Riverwalk Lighting:

Palmer: I have a letter from the Lighting Cmte. who met and they felt they did not want to set a precedence or policy in giving the developer of the project the idea that the Town would provide lights on their project and the Town would be paying for these lights forever. The Town should determine what our policy is in existing and new subdivisions regarding inadequate lights.

Lannon: We have had National Grid (Kim Johnson) look at the area and they have given us a price for them.

Johnson asked that the Lighting Cmte. be invited to discuss this at the beginning of the next work session . We have different lighting programs for different subdivisions. There is a Riverwalk Assoc. and they could have their own district i.e. Gorgeview. I think before any development is done, the Planning Bd. requests a recommendation from the Lighting Cmte. The homeowner needs to know the policy of the Town.

Lannon said it varies by neighborhood and subdivision and some want lights and others do not. It is up to the Town Board whether to put the lights in at the poles or not put any lights in. I cannot speak for other community's policies.

Palmer said his perspective on lights is that they provide safety and security and when you build a house in a subdivision that is what you expect.

Newlin said perhaps we should review the current policy that we did not want to promote more lighting because of the safety issue vs. getting away from the lights. We may have to re-examine it as there are pluses and minuses.

Edwards stated that he had not understood how this process works....but how I feel the process should work is where we have as a town law where there are dangerous

intersections, T-intersections, curves etc. and that should be the minimum that the developer puts in. Anything extra (in my opinion) should be a special lighting district or whatever the area wants and can afford. Currently, the rest of the town will be paying for these lights. I don't think it is fair. If the developer wants to develop that area he should put the lights in and charge more per lot.

Lannon: I discussed this with Kim Johnson and she stated that there is an existing tariff between the Public Service Commission and National Grid that any public street lights that have one customer such as a municipality. If your position is that to have the developers put in lights they cannot be public street lights according to the tariff. If a developer puts in private lights on the private yards...one per lot or one on the corner or whatever the Town Board would direct them to do that...but the developer is not going to be able to put in street lights. If they are going to be put in they are going to be put in on a private meter and when it is dedicated they come back to the Town. I see two options. Right now at Riverwalk you have lights put in after the fact by the Town and with the tariff and National Grid or a special lighting district like the one you contemplate up at Saddlewood or privately put in and install but that is it. It would be private and up to the developer. It would not be street lights as we are familiar.

Johnson said he thought it would be part of the Association bylaws at Riverwalk that they understand that the Town is only obligated to dangerous curves etc. Lights in Saddlewood should have been decided from day one. At the work session we need to come up with a policy and direct the lighting committee.

Edwards said I understand that the developer cannot pay for the power for these lights nor the installation.

Lannon: During the subdivision review process what we will do is ask the developer when he is laying out the utilities that they keep that in mind. Part of the annual charge that the Town is incurring on any street lights is the distance between the pole and the source of the power. If we ask them to put the source of the power close so we wouldn't incur the additional cost to run the power. When you are laying out the utility infrastructure you generally put the transformer within 100' of a light. If the developer can co-ordinate those activities when contemplating street lights that would be it. If it is private it would not be a Town thing or a National Grid thing.

Newlin stated that there is currently a special lighting district in Gorgeview that the residents sought many years ago because did not have lighting to begin with and it seems now to be unfair to pay for lighting for other new developments. It needs to be equalized there. We have to be watchful of passing on the costs incurred by more people moving to Lewiston onto the existing tax base. We have focused on keeping taxes as low as possible and putting in roads, lights, water does have a cost to it. We have to find a way that the new residents are wholly responsible for the new costs or as much as possible because it is unfair.

2. Alarm Fines-Training Fund Update:

Johnson stated that the Fire Bureau did not meet this month and I would like this Tabled to the Worksession.

3. Mining Moratorium:

Leone stated that the N.C. Planning Bd. did not act on it due to a lack of quorum. In discussions with a member that I used the term *mining permits* and it was suggested that *excavation permit* might be a more inclusive phrase and I took that as constructive criticism. I will change the wording and put it in final form for discussion at the Worksession.

4. Civil Service Request re: Deputy Town Clerks.

Brandon stated that the Niag. Cnty. Clerks Association met and there is currently a bill that has passed the Senate and is committee in the Assembly that defines the duties of deputy town clerks. The Assoc. has asked that no action be taken on the

request until there is legislation that is governed by NYS law not by Civil Service request.

5. Drainage – 4939 Hillview Court.

Lannon reported that he had received a letter from the homeowner who is still experiencing health issues and will contact me when she is better.

6. Parking Lot Lighting Change Order.

Lannon said he would recommend that the Board consider authorizing the amount of \$5200 for the addition light that was damaged by a truck driver.

Johnson asked if the Town will be reimbursed by their insurance company.

Edwards indicated that he is looking into the matter.

Boniello stated that now that we have the actual costs we will pursue it.

Edwards MOVED to authorize the Supervisor to enter into a change order in the amount of \$5200 for the replacement of the damaged light in the Town Hall parking lot. Seconded by Palmer and carried 5-0.

7. Gypsy Moth Issue.

Johnson asked that John Sharpe, Assistant Eng. for the Town to give an overview for the new members who were not involved in the previous spraying.

Sharpe: In June & July of 2006, I started receiving calls from the residents on Mt. View, The Circle etc. on the return of the moths. In 1999 and 2000 sprayed in that area and after ingesting the spray they die within a couple of days. I did an egg mass study in Feb. of this year and they have increased from the prior year. There will be a problem this summer if we don't address it. I am suggesting that you consider the possibility of doing an aerial spray. The area is smaller than 2000 and is about 700 acres. The population increases about every 7 years and becomes a problem.

Johnson said whether you want or don't want to spray, I think that where the trees are we should continue it or else we wasted money for previously doing it. Can it be controlled?

Sharpe: To control it, it would have to be -20° for 48 hours or a warm wet spring which we have not had. Spraying has to be done thru the air and is non hazardous. It is not harmful to humans or pets. It would not damage cars (just wash it off) or property. There would be public notification put in the newspaper 72 hours prior to the spraying. For 2 sprays... first spray would catch some of the gypsy moths and a second spray 7-10 days later would cost \$49,000.

Newlin said money had been budgeted in the contingency line. When should this be done?

Sharpe: You have to have leaves on the trees first which is probably around May 8th. If given directions, I would notify Duflow Inc. to order the needed supplies and set up a tentative time.

Bax asked if we could ask people to come into a work session and give their comments. We have been talking about the expenses of one small area of the town from being the expenses of the whole town.

Newlin asked if we went out to bid years ago.

Sharpe said he didn't think they had to bid because it was an emergency and it fell under professional services and there are not many contractors in NYS that do this.

Leone: I think that is correct and that was the clause that was utilized and it was a professional service that not many people do that work. When we did the mosquito spraying a couple of years ago we had the pilot and his company sign a contract and we required that they place some type of insurances in place that it could be a hazardous type of activity. If the Board is going to decide to do that I would want the contractor to give me a copy of his contract ASAP to make sure that we the insurance in place.

Newlin asked if a meeting on May 3rd would be too late to spray.

Sharpe: