

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Pacioni; Deputy Supervisor Elgin; Town Attorney Leone; Deputy Attorney Boniello; WWTP Chief Operator Lockhart; Asst. Engineer John Sharpe; Recreation Director Dashineau; Town Engineer Lannon; 2 Press; 2 residents and Clerk Donna Garfinkel

Supervisor opened meeting – 7:10 p.m.

Agenda Item One – Gypsy Moth discussion. Assistant Engineer John Sharpe addressed the Board.

In the past few weeks approximately 35 calls have been received from residents living on Bronson Drive, The Circle and Forest Road complaining the Gypsy Moth Caterpillars have returned and are causing damage to their trees and property. Approximately 500 acres of land is affected. In June of 1999 the Town conducted an aerial spraying of approximately 900 acres at a cost of \$35,000. In June of 2000 the Town conducted two (2) aerial sprayings at a cost of \$55,000. The insecticide that was used was applied to the leaves for the caterpillars to eat. This is only effective when the caterpillar is in its early stages. At this time the caterpillar is in its later stage and spraying would not be effective. The caterpillar is also at its most destructive stage. It is about 2” long and eats tree leaves day and night. The droppings cover driveways, sidewalks and cars. If 50% or more of the leaves on a tree are eaten, the tree is at risk of dying. During the last infestation some large oaks were killed and others partially killed.

In the winter of 2000, the Town hired a forester to conduct an egg mass study. The egg masses are counted. This information can help determine how the area will be affected the following summer.

At this point, the only action the Town can take is to continue to monitor the caterpillars and document their locations, for a possible aerial spraying in the spring. Sharpe will contact Duflo, the gentleman who conducted the 1999 & 2000 spray to get an estimate. The Board will consider this at budget time.

Agenda Item Two – Approval of Abstract. Johnson requests the Clerk’s office forward a memo to all department heads requesting they date their signature on vouchers. This is important.

Johnson MOVED to approve the Abstract of Claims number 1826 – 2167 in the amount of \$392,648.02, Seconded by Edwards and Carried 5 – 0.

Johnson MOVED to approve the Post Audit amount of \$72,104.73, Seconded by Pacioni and Carried 5 – 0.

Third Agenda Item – Proposed Dog Law discussion. Newlin has been in contact with a Lewiston family regarding a dog that has been causing some degree of menace. Leone, Boniello and Board members have reviewed the proposed law and given their input.

Leone has taken the current law and amended portions of it. The primary amendment is the definition of the word “Confined”.

Pacioni questioned how an invisible fence is addressed. Leone said this would be addressed under the definition for “confined” (a) *To be securely restrained and kept on the premises of the owner either within a building, kennel, or other suitable enclosure.* The words “electric fencing / invisible fencing” can be added.

Edwards said an invisible fence is not a 100% full-proof method to confine a dog. If his dog sees a rabbit, it is gone. It will get zapped but it will keep going. It was questioned that if a child is bit by a dog, which is being confined by an invisible fence, and the Town is saying it is suitable, will the Town be open for a law-suit.

Leone said the Town might not necessarily be open for a lawsuit, but certainly would provide the owner/harbinger a potential defense in court.

It has been suggested the word “knowingly” be added to the definition of Harbor.

Newlin MOVED to accept Local Law #2 – 2006 as presented, with the addition of the word “knowingly” to the Harbor definition, Seconded by Johnson and Carried 5 – 0.

Newlin MOVED to hold a Public Hearing on Local Law #2 – 2006 on July 24, 2006 at 6:30 p.m., Seconded by Johnson and Carried 5 – 0.

Fourth Agenda Item – WPCC Remedial Items.

The 30” diameter pipe crossing east of Lew-Port needs to be addressed. The recommendation from David Harvey, David Britton and Tim Lockhart is to fence off the east and west end of the pipe to block access, and plan to fix in 2007.

The abandoned outfall structure near Joseph Davis pump station needs to be addressed this year. There is a concern that an authorized or unauthorized person who gains access inside the fence area, could fall into the well. The cover is starting to fail.

Bax MOVED to allocate up to \$2,500 for the remediation of the abandoned outfall structure at Joseph Davis pump station, with funds coming from SSII – Contractual, Seconded by Johnson and Carried 5 – 0.

Fifth Agenda Item – Cyber Security Notification. Boniello turned this item over to Deputy Supervisor Evan Elgin.

Sixth Agenda Item – Patrick Development Road. Residents complained about the overgrown entrance to Waterford Height Subdivision. Lannon has spoken and forwarded the residents letter, to a gentleman at Patrick Homes. Lannon is awaiting a response. Lannon said the typical planting season is in early spring or late September, so this may take a bit to complete.

Johnson MOVED to authorize Lannon, on behalf of the Town Board, to work with Patrick Development, Seconded by Pacioni and Carried 5 – 0.

Seventh Agenda Item - Niagara Mohawk Easement. Leone said there are two separate easement issues with National Grid. Tabled until the July board meeting.

Eighth Agenda Item - Old Senior Van. The new senior van is working out well. The old van can be utilized to move people around the village during different festivals.

Johnson MOVED to declare the Old Senior Van excess equipment, Seconded by Pacioni and Carried 5 – 0.

Johnson has spoken to the Village in regards to using the van as a people mover. They will take full responsibility for the van, i.e. - insurance, maintenance etc... There will be no liability to the Town.

Boniello will draw up a Municipal Agreement. The title will be transferred to the Village.

Johnson MOVED to authorize the Attorney to pursue a Municipal Agreement, with all responsibility and title of the Old Senior Van being given to the Village of Lewiston and authorize the Supervisor to enact the agreement, Seconded by Bax and Carried 5 - 0

Ninth Agenda Item – Upper Mountain Fire Co. support letter. The Board authorized Newlin to forward a letter, on behalf of the Upper Mountain Fire Co., showing the Towns support to their request from NYPA.

Tenth Agenda Item – Modern Sludge Bid amount correction. At the last Board meeting the amount of the bid was misread.

Bax MOVED to approve Modern Disposal Services, Inc bid in the amount of \$52.79, Seconded by Johnson and Carried 5 – 0.

Eleventh Agenda Item – Drainage – 5946 Garlow Road. Edwards spoke with Lannon and Britton in regards to the drainage issue. Lannon said the Town does have an easement on this property.

Edwards MOVED to authorize Highway Superintendent Reiter to clean the drainage ditch at 5946 Garlow Road, Seconded by Pacioni and Carried 5 – 1.

Twelfth Agenda Item – Town Hall entrance doors. It has been brought to Edwards' attention that there is approximately a 2 ½ inch hole in the steel window casement in the front foyer. There needs to be an ADA access to the building, therefore Edwards would like to repair the hole and put in an ADA entrance into the Town Hall.

Edwards asked Lannon to research what action, whether a dollar amount or an object replacement, that would trigger the Town having to continue with other ADA requirements. Lannon will contact Frizlen Group for an answer.

Edwards would like to start conversation on the Town Hall renovation.

Pacioni requested the Board support the appointment of Mayor Soluri as Chairman of the Niagara Greenway Commission.

Pacioni MOVED to support the appointment of Mayor Soluri as Chairman of the Niagara Greenway Commission, Seconded by Johnson and Carried 5 – 0.

Motion to be forwarded to the offices of the Governor, Senator Maziarz and Assemblywomen DelMonte.

Johnson MOVED to enter into Executive Session to discuss possible litigation, and personnel, Seconded by Bax and Carried 5 – 0. (7:55 p.m.)

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Pacioni; Deputy Supervisor Elgin; Town Attorney Leone; Deputy Attorney Boniello; Recreation Director Dashineau; Town Engineer Lannon.

Discussion on:

Personnel - Parks

Salary range / Building Inspector.

Litigation - Permit matter

ROW issue

Water Break

Pacioni MOVED to exit Executive Session, Seconded by Edwards and Carried 5 -0.

Johnson MOVED to pay Harris Beach, up to \$9,000 for the Town portion of the Power Coalition, Seconded by Bax and Carried 5 – 0.

Johnson MOVED to hire a Provisional Building Inspector at a rate of \$20/hr, with the permanent position salary being up to \$59,900, Seconded by Bax and Carried 5 – 0.

Johnson MOVED to adjourn the meeting, Seconded by Edwards and Carried 5 – 0. (9:38 p.m.)

Respectfully Transcribed and Submitted,

Donna Garfinkel
Deputy Town Clerk