

AUGUST 13, 2007

Department Head Meeting

6:00 p.m.

Present: Supervisor F. Newlin; Councilmen A. Bax; S. Edwards, M. Johnson & E. Palmer; Atty. J. Leone; Dep. Atty. D. Boniello; Police Chief C. Salada; Dep. Clerk C. Schroeder; 1 press (Bflo News)

Also Present: Robert Nablo (Water); Tim Lockhart (WPCC); Dave Harvey (Outside Sewer); Pat Martin & Don Costentino (Fire Inspectors); Dave Britton (Engineering)

The Supervisor opened the meeting at 6:30 p.m. He thanked the department heads for attending this preliminary meeting the purpose of which is to come to a more concise and more effective and comprehensive way of analyzing proposed new developments that will come before the town board as well as setting up a new set of rules and checklist for new developments whether it is commercial development or private, residential development. He asked each department head to meet with its respective liaison over the next several weeks to come up with some ideas and recommendations to streamline the application process for new projects coming in. We would like to come up with some sort of road map for new projects and to be able to tell the developers that this is what they have to do and when they have to do it.

Back when he started on the board, Johnson said they set up a Development Review Committee for review of new projects. Developers would meet with the various department heads to discuss new proposals. What I've seen in the last few years with new developments has been a nightmare. I would like every department head to write their comments as to what steps developers should take that would satisfy their respective departments.

Bax said the thing that would be most helpful at this point would be a "wish list" from each department. I would imagine that each department has faced in their day to day operations a number of nightmares that you see over and over again. We need to codify those examples into rules & regulations that a developer or homeowner must comply with.

In addition to these recommendations, Newlin asked each department head to come up with a number to reflect the cost to that department when it comes to new development, i.e. cost to flush waterlines, plowing/paving of additional streets & patrolling of new homes/streets. We have to be realistic as a town as to what costs to incur when we have new developments and how we can make sure that it's the new people that are paying for those and not the current residents.

Edwards said he has a vision for new construction. My vision is very simple and very basic and that is accountability on the contractors working in this town. Since I've been here I've seen sanitary waste lines that have been broken in a new home, I & I, storm sewers broken and leaking waterlines. I would like the department heads to put some sort of inspection program in place and work in conjunction with whomever our new building inspector is to make sure these contractors are held accountable for the work they perform. Secondly, I would like to see licensed contractors in this town that we know are going to do the job properly. If they don't do the job right or if they don't have insurance, they are not going to work in this town.

In closing, Newlin encouraged the department heads to meet with their respective liaison within the next three weeks to discuss challenges their department is faced with new development and how that infringes on their work schedules, material demands and other problems that they incur.

The Board took a 15-minute recess prior to the regularly scheduled worksession.

AUGUST 13, 2007

Worksession

7:00 p.m.

Present: Supervisor F. Newlin; Councilmen A. Bax; S. Edwards, M. Johnson & E. Palmer; Dep. Sup. E. Elgin; Atty. J. Leone; Dep. Atty. D. Boniello; Eng. R. Lannon; WPCC Ad/Oper. T. Lockhart; Finance Officer A. DiRamio; Police Chief C. Salada; Dep. Clerk C. Schroeder; 2 press; 2 residents

The Supervisor called the meeting to order at 7:09 p.m. Boniello asked to meet in executive session to discuss a contractual matter. Leone asked to discuss several litigation matters. Edwards said he had a litigation matter to address also.

Approval of Abstract: **Bax MOVED to approve the Abstract of Claims, Numbered 2285 to 2737 and recommended payment in the amount of \$295,210.56; plus a post-audit of \$264,632.04. Seconded by Johnson and carried 5-0.**

Re-Licensing Update: Newlin noted that early last week, Governor Spitzer signed into law the contract that allows the sale of cheap hydro-electricity from the NYPA directly to the Town of Lewiston. Newlin said that was the last hurdle sought from the governmental and/or NYPA end to make sure we get that cheap power start flowing on September 1. Newlin said Lewiston is the only entity that will be delivering this cheap power directly to residents

Newlin said there has been a lot of press about the Greenway Commission and what a Greenway Plan is going to be about. The Town of Lewiston will receive \$510,000 a year as a result of the Power Authority negotiations. The process, he said, has not been worked out on how that money will be spent. Whatever projects the Town Board determines is a good project for the town will then be presented to a "Standing Committee". This committee will have one voting member from each of the seven members of the Power Coalition and one vote from the New York Power Authority.

Newlin said he is seeking two resolutions this evening – the first authorizing the Supervisor as the formal voting member on that standing committee and secondly, authorizing an alternate delegate in his absence.

Johnson MOVED to designate the Town Supervisor as the official representative and voting member of the Standing Committee for greenway projects. Seconded by Bax and carried 5-0.

Edwards MOVED to designate Councilman Johnson as the alternate delegate to the Standing Committee in the Supervisor's absence. Seconded by Bax and carried 5-0.

Northridge Drive Lighting: Lannon said he has scheduled a site-visit for August 24th at 9 a.m. with Kim Johnson of National Grid to have them prepare a proposal for the Board's consideration for those lights at Northridge.

Lewiston Library: Edwards said he, Newlin and Supt. Reiter met with Director Shaw with regard to the repair of the sidewalk/parking lot at the Library. Supt. Reiter said he would put together a proposal to resurface and repair the parking lot and stormwater drain receivers. Reiter recommended that the Village DPW be contacted for repair of the sidewalks as they have the manpower and equipment. Edwards said he would provide an update at the next meeting.

Kline Road Cemetery: At the last meeting, the Board received a request from Robin Aubin for consideration of repair of the grave stones at the Kline Cemetery located next to her property at 5893 Kline Road. Edwards said he has visited the site three times since that meeting. Some of her complaint is valid. The cemetery has been

vandalized. Headstones are tipped over. It is in disrepair. The problem the town has had in the past in accessing the cemetery is that the former owner at 5893 Kline Road purchased the frontage in front of the cemetery. The cemetery is landlocked. Edwards explained to Mrs. Aubin that the town cannot get to the cemetery to repair it because the town cannot access it legally. After some research, it was determined that there is a 10-ft. drainage easement behind the homes on Kline Road heading north to Rt. 31. Edwards said the town would have to put in some sort of road to access the cemetery. Mrs. Aubin was opposed to this as she did not want the woods behind her home disrupted. The only other option, Edwards said, is to obtain an easement from Mrs. Aubin to allow access to the cemetery from the furthest southerly portion of her property. Mrs. Aubin agreed to release an easement as long as the property is kept forever green.

Secondly, Edwards said there are monies available for restoration of cemeteries that have been vandalized and in disrepair. He, and Councilman Bax, would work with the town's grant writer to research possible grants to repair the Kline Road Cemetery and Dickersonville Cemetery, also.

Edwards said he had asked the Town Attorney to research the matter of the Kline Road Cemetery and whether it reverts to the town once it is deemed abandoned. Leone said if the cemetery is solely used for family purposes then the town doesn't have to take it. But there is no way for the town to prove that. The cemetery goes back to the early 1800's. There is no way to determine if it was a private cemetery or a public cemetery. We have to assume that it was a public cemetery and as a consequence since it has been abandoned for 14-years then it becomes the property of the town. Under the Cemetery Law, the town has to maintain it.

Leone said he would need a copy of Mrs. Aubin's deed and a copy of her survey so he could begin the process of writing an easement to allow the town access to the cemetery property.

Snow & Ice Agreement: At the last meeting, Leone said he had been asked to review correspondence from the NYSDOT with respect to the Snow & Ice Agreement. Leone said the current agreement is valid until July 1, 2008. Sometime by year's end, the town has to notify the State DOT whether or not it intends to renew the contract. There is language in there that if we don't let them know then they are going to deem us as being not renewed. Leone said there is a provision in the agreement that says that the estimated amount for snow removal every year is \$77,879.05. The provision goes on to say that this is reviewed annually and may be adjusted depending on the severity of the winter season. Leone said the State DOT sent an adjustment based on the severity of the 2006/2007 winter. They are looking to increase the amount to \$122,715.04 – a more realistic estimate of what it costs the town to maintain state roads. The forms that have been sent require the Supervisor's signature pursuant to a resolution of the Board to amend the agreement to include that higher estimate.

Bax MOVED to approve the amendment of the Snow & Ice Agreement to reflect an increase of the Estimated Expenditure to \$122,715.04. Seconded by Johnson and carried 5-0.

Bax MOVED to authorize the Town Supervisor to execute the amendment, as presented. Seconded by Johnson and carried 5-0.

Capital Improvements: Eng. Lannon said they have prepared a draft Map, Plan & Report for the waterline project in the Mt. View Drive area. Lannon said he estimates the waterline itself to be \$1.6 million for 10,000 linear-feet of waterline. This includes engineering costs, bond counsel costs, Munistat fees and all related project costs. Lannon said if the town proceeds to bond the project, the debt service would be \$105,000 annually for 30-years at 5%.

Johnson MOVED to authorize the Engineer to pursue design of the Mt.View Water Project. Seconded by Palmer and carried 5-0.

Budget Transfer: Newlin referred to a request from Town Justices Tom Sheeran & Hugh Gee to transfer \$2,600 from A-1110-0200 (Justice Court equipment) to line A-1110.0400 (Justice Court expenses).

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

Building Inspector Interviews: Newlin said they are in receipt of the list from Civil Service of the top candidates for the position of Building Inspector. The Civil Service test was administered in early June. They will be working off that list to interview the top candidates. Boniello was asked to contact Civil Service to determine whether they are required to choose a candidate who scored in the top three or would they be able to consider one of the candidates who is from Lewiston but had not scored within the top three.

Newlin said he, Councilman Edwards and Councilman Bax would sit in on the interviewing process.

In the future, Edwards asked that all advertisements for town employment be reviewed by the town attorneys to make sure that they are worded correctly.

Appointed Assessor Information: Leone said there was a question asked of him at the last meeting to determine whether or not the town is in compliance with State Law given the fact we no longer have a full-time assessor but an acting assessor. Leone said he has taken a look at the law and is convinced that the town is in compliance. There was a question whether an acting assessor could act in that capacity in excess of six-months. The law, he said, doesn't restrict it to six-months. It says that if somebody is in that capacity for more than six-months, then they are required to meet the minimum qualification standards and obtain certification as though they were going to be either an elected or appointed assessor. Given the fact that ours was the appointed assessor for many years – unless circumstances have changes – he continues to be certified.

Peach Festival Parade: Newlin referred to correspondence from the Kiwanis Club regarding participation in the Peach Festival Parade, September 8th.

Johnson MOVED that the Town Board participate in the annual parade and to allocate whatever fees are associated with said registration, if applicable, from the Celebration Fund. Seconded by Edwards and carried 5-0.

Bax MOVED to enter into executive session to discuss contractual and pending litigation matters. Seconded by Palmer and carried 5-0. Time: 7:50 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

Executive Session:

Present: Newlin, Bax, Edwards, Johnson, Palmer, Elgin, Leone, Boniello, DiRamio

Issues discussed:

1. Settlement of Claim
2. Settlement of letter for Professional Services
3. Drainage Issues – Possible Settlement

Motion by Johnson, Seconded by Palmer to exit executive session and reconvene worksession. Carried 5-0.

Action:

1. Approved payment of \$1,600 (maximum) for Landscape Repair through Building Department with funds allocated from B-Fund Ins. Deductible.
2. Approved payment to Modern Disposal per invoices received as of 8/1/07 as billed and authorized payment for monthly invoices thereafter. Funds appropriated from SR Fund Balance.
3. Approved settlement of claim by Ryan Dauphin not exceeding \$500 subject to general release of funds. Funds allocated from BD-Fund Ins. Deductible.

Bax MOVED for approval of the foregoing action, Seconded by Palmer and carried 5-0.

4. Approved payment in the amount of \$13,000 to O'Brien & Gere for settlement of outstanding balance on disputed invoices. Funds allocated from H86-7140-0400, Water Infrastructure.

Bax MOVED for approval, Seconded by Johnson. Motion carried with 3 Ayes (Bax/ Edwards/Johnson) and 2 Nays (Newlin/Palmer). Carried 3-2.

Bax MOVED to adjourn. Seconded by Johnson and carried 5-0. Time: 9:07 p.m.

Minutes Transcribed by:

Dave Boniello
Deputy Town Attorney

Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk