

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Pacioni; Tn. Atty. Leone; Deputy Tn. Atty. Boniello; Eng. Lannon; Adm./Op. Lockhart; Sgt. Previte; Finance Officer DiRamio; Rec. Dir. Dashineau and Town Clerk Brandon. 2 press reps and 10 residents.

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

The Supervisor asked if anyone wished to address the Board.

RESIDENTS:

John Ceretto, 685 Cayuga Drive, N.C. Legislator. Thank you for your resolution on the S.T.O.P. P.E.D. Program which will be on the agenda on Sept. 5th. Also, the low cost power resolution is supposed to go to other county buildings which I believe could lower taxes to the residents. With our farmers being the #1 agricultural business in Niagara Cnty. it would also reduce the water rates. Last years' resolution is an economic engine to the benefit of our community along with the water & sewer plant. I will not support the resolution that will be presented on Sept. 5th.

Amy Witryol 4726 Lo. River Rd. Good evening. I would like to address the veto, the scoping hearing and recent CWM attempts to refocus the community away from issues of greatest concern. First, the Governor's veto memo. Even though it was a bad decision, we should be encouraged that between his staff and the DEC, Pataki could not come up with an argument of substance. This Board should be proud of the position it took in support of a good bill, and the efforts it made to further passage. Thanks to Clyde Burmaster who had the courage to offer the bill from the County and to Francine DelMonte who had the courage to first introduce it at the State level. Thank you Mr. Ceretto for co-sponsoring it.

The Pataki veto focused on the need to complete a statewide hazardous waste siting plan, that while almost 20 years late, now, isn't even relevant to the policy question in the bill. The statewide plan will afford no environment protection of the Great Lakes. The plan when complete will address only equitable distribution of hazardous waste facilities. At best, the plan can say, keep these facilities away from high population density areas because we know it is a dangerous business. As with many communities along the Great Lakes, we are a low population density area.

As the *Gazette* reported, the waste industry is one of the largest contributors to Presidential campaigns and CWM is the largest contributor in the industry. We hope that the nation comes to know George Pataki as we now know him, before primary day. We'll do our best to communicate his record on this issue.

Those of you who attended the scoping meeting in July heard both attorneys and elected officials say that conducting the meeting; itself was a step by Pataki's DEC to circumvent environmental conservation law and SEQR. By furthering CWM's application process, in advance of adopting a siting plan, Pataki's actions have the potential to impregnate the next administration with hazardous waste landfilling in the Great Lakes for another 25 years – rather than as he tried to suggest, provide the DEC with discretion.

Also at the scoping meeting, the press largely fails to report that Dr. Gardella of UB challenged CWM's air monitoring; Tom Tower, among our knowledgeable farmers challenged CWM's groundwater migration and I referred to DEC reports of PCBs in CWM stormwater and groundwater that have discharged to the Great Lakes. In response to PCB discharges in stormwater and groundwater CWM speaks only of its river pipeline discharging. Most of the press has been fooled into focusing almost exclusively on CWM's discharges to the river, which has the least direct impact on community health in comparison to exposure from air, groundwater and stormwater sources at CWM. Not to minimize the importance of the discharges but to certainly to put it in the context of the many other types of exposure we face from

having this type of operation in our community. Another example of distraction is at the last CAC meeting. CWM told us that Paul Dicky of the County Health Dept. conducts monthly inspections. Not only did Paul tell me it has been more than 10 years since he did monthly inspections at CWM, but they were for dust control, not for environmental monitoring specific to hazardous waste operation.

This landfill application is now almost 3 years behind schedule. This is progress for the community. Please do not be discouraged by the veto, the facts and the public are with you and will prevail in the end and the end of hazardous waste landfilling in our community is near. Thank you.

Newlin said he speaks for the entire Board when that your efforts have been greatly appreciated and we know this is the first chapter and not the last and victory is in sight.

AGENDA:

Johnson: Add a request from Riverwalk Development and a letter to the attorneys from the Board with regards to the new developments in subdivisions.

Edwards: I would to move from the liaison reports, payment to Steve Reiter for supervisory role on mowing to Old Business. Also, a contract for attorney review, a drainage issue and paving on No. & So. Brookside etc.

Bax: An issue regarding sewers at 523 Mt. View Road and a report on preliminary budget issues at the WPCC.

Motion by Johnson to approved the amended agenda. Seconded by Pacioni and carried 5-0.

MINUTES:

Johnson MOVED to approve the minutes of 7-24-06 P.H. re Dogs/RTBM; 8-14-06 P.H. re Dogs and 8-14-06 Work Session. Seconded by Bax and carried 5-0.

POST AUDITS:

Pacioni MOVED to approve the following payments: Home Depot \$859.31; Office Max (HSBC Business Solutions) \$137.08; Sam's Club \$1038.80 and Tractor Supply Co. \$203.88. Seconded by Johnson and carried 5-0/

OLD BUSINESS:

1. L.L.#2-Proposed Amendments to Animal Law (Dogs)

Newlin: We are awaiting comments from the Judges who will submit them to Atty. Leone and the Board. They may choose to speak before the Board.

2. Street Lighting Proposal-Saddlewood.

Lannon: Ms. Johnson of National Grid stated a proposal will be sent to me by Wednesday and we can discuss it at the work session.

3. Pond Site-1804 Langdon Road.

Leone: I would like to table this in light of the current litigation the Town is involved with and what the Town is going to come to terms with regards to mining as a whole.

Edwards: In this application does it state that no material will be removed from the property?

Leone: Yes. He is only going to excavate and the issue gets down to zoning, applying for a permit and asking for a waiver. I understand that he is asking the Board to waive the requirements for him to get a permit and given that request, I would like a better comfort level.

Newlin: That also applies directly to some legal developments that have happened to the other mining suit. We can discuss this in executive session, Mr. Edwards.

CORRESPONDENCE:

1. The Planning Board on August 7, 2006 classified as a minor subdivision to be treated as a minor subdivision a request from Alfred Sabey for a one-lot subdivision on the south side of Langdon Rd. SBL#75-00-1-9. The Planning Board recommends approval of the subdivision as presented. Attached is the recommendation from the Environmental Commission and the N.C. Planning Board.

Johnson MOVED to recommend that a Neg Dec be issued on SBL#75-00-1-9, south side of Langdon Rd., minor subdivision. Seconded by Pacioni and carried 5-0.

Johnson MOVED for approval of a one-lot subdivision SBL#75-00-1-9 Alfred Sabey, south side of Langdon Rd. as recommended by the Planning Board. Seconded by Bax and carried 5-0.

2. The Planning Board on August 17, 2006 reviewed a request for a modification to a previously approved subdivision for David Ripley for three lots on the north side of Moore Rd. SBL#76.00-2-38. Mr. Ripley would like to increase 2 of the lots from 200' in depth to 400'. The Planning Bd. recommends approval of said modification.

Johnson MOVED to approve the modification for SBL#76.00-2-38 on 2 lots from 200' in depth to 400'. Seconded by Pacioni and carried 5-0.

3. A letter from the Lewiston Development Group requesting dedication of the roads and public improvement of subdivision Vista North. The work has been completed under the inspection of the Town's engineer and various department personnel. We believe that all testing has been completed to the satisfaction of the Town Engineer. The map cover has been filed; descriptions have been conveyed to the Town Atty. The utilities are scheduled to be installed and interested individuals are ready to begin construction of homes in the subdivision. We sincerely appreciate your assistance and cooperation in this matter and if any additional information is required, please contact me John Giusiana at 754-2522.

Newlin: Mr. Leone, do we know where we are with the Fire Inspector on this?

Leone stated he was aware of it. With respect to the legal description, I have looked at it and there are a couple questions that I have. I would like to resolve them with either their attorney or their engineer.

Newlin asked if we should wait on action on this.

Leone: I have no problem with you acting on it provided that it would be subject to that happening. I am not comfortable with telling you that the legal description that I have are sufficient.

Newlin asked if the Board would like to accept a resolution pending approval of the Town Attorney.

Lannon indicated that he had submitted a letter on August 23rd saying that the entire infrastructure is in place and there were 4 conditions that we have suggested as well.

Johnson MOVED for approval subject to the Town Attorney and the Town Engineer approval along with information regarding subdivision ROW's. Seconded by Pacioni.

Edwards asked if the fire inspectors were satisfied.

Newlin: Mr. Leone has said he has not heard from them yet and I am sure his decision will be informed by checking with the fire inspectors.

Motion carried 5-0.

3. A letter from Glenn Andrews of Northwest Development Group Inc. requesting consideration of the dedication of Phase 1 of the Oak Run Subdivision.

Leone: There are some conditions (legal description) on this. One of the conditions on both of these are the performance bond is in satisfactory condition. I have been in contact with their attorney today and the description is very close. Did we have a public hearing prior to the approval of the final plat? (10-24-05) If we did it is fine.

Johnson MOVED for approval subject to the Town Attorney and the Town Engineer approval along with information regarding subdivision ROW's. Seconded by Edwards and carried 5-0.

NEWLIN:

Legal:

Leone: I will be requesting an executive session for the purpose of discussing the mining litigation.

WNY Stormwater Coalition re: Local Law:

Boniello: There is a federal requirement that the Engineer has brought to our attention that we comply with certain stormwater regulations because we are in a certain district based on our population. In a previous memo with respect to getting a grant for the attorney's fees in the amount of \$3500 for the purpose of putting together a local law which would be approved by all the members of the organization in conformity with the federal regulations. It is very likely that the organization will hire 1 or 2 attorneys for the proposed local law. The effective date of this regulation in Jan. of 2008. They will be coming back with their recommendations and the Board does have the right to opt out. I will advise the Board as decisions are made.

Niagara Power Coalition Update:

Newlin: This Thursday at 2 p.m. the local Gov't. Advisory Cmte. of the Greenway Cmte. will meet. We will be working towards what the boundaries of the Greenway will be that is being studied by our State government. Our position as coalition members is strongly backing a boundary that is very flexible. We have a good size piece of funding (\$510,000 per year) that will come to the Town once the agreement is approved by the FERC. That benefit was negotiated by myself and others for the benefit of the whole Town. There are those who are still pressing for a layered approach where one part of the town or river corridor would get a priority over the others in terms of spending Greenway funds. I strongly disagree with that. As far as we are concerned that agreement was negotiated for the benefit of the entire town and no one part should benefit more so than another. In the years hence, there maybe some very good projects that are not already in places like Sanborn, Colonial Village or a small corner of Ransomville that might have very good spending opportunities. We cannot afford to limit future boards with a very narrow scope of spending. That will be expressed by this Board and our coalition allies.

In addition, there is a slight differing of opinions between the Board of Supervisors and the N.C. Legislature with respect to the number of megawatts. When the Power Coalition knew the amount of megawatts as a group we would receive which included the county, towns, cities and school districts and how were we to split the 25 megawatts. A majority of the coalition with myself descending decided to split those megawatts as per municipal usage. I disagreed because obviously I was pushing to reduce residential rates. I was the only one against that and it passed 6-1. We all did our own individual assessments as to how much power we as a municipality use. Sup. Richards of the Town of Niagara and myself both wanted to include our costs as expended at the County Water and Sewer Districts. We were

told at that time by former Leg. Lee Simonson that we shouldn't worry and that they will take care of it and assume those megawatts which amounted to 2-3 and assume it is a county obligation and then when the deal was finally enacted you will get those megawatts and help reduce the costs at the County Water & Sewer Boards. Mr. Simonson still has that recollection as do Legislators Ceretto, Burmaster & Sklarski. I think it would be a shame to walk away from an agreement that the County Legislature negotiated in good faith last year. I know that the other supervisors feel as strongly about this as I do and at this point we can only rely on the hard efforts of our legislators (Ceretto, Burmaster & Sklarski) to make their most forceful case that the agreement does not get altered. Mr. Ceretto optimistically looks forward to perhaps reducing water rates. Reduction of rates and taxes is something that all elected officials pursue and we have to be cognizant that as much as we would like to reduce rates...if the electrical rates decrease in cost we have to be aware that the personnel costs increase. The cost of maintaining and expanding the existing water and sewer plants in this county is getting more expensive daily. We hope for efficient management of these operations and make savings where we can. Several supervisors will be present at the Sept. 5th meeting.

Power Coalition By-Laws:

Boniello: There are two possible sections that we are going to vote on which is the only issue in the by-laws. These by-laws are much different than the original by-laws that you received from the Power Coalition 6 or 8 months ago. We have met several times and went thru their by-laws and have expanded the sections on the audit, notice division and the membership rights. It is totally different than the original by-laws in that each member is equal from the other. I would like you to look at it and none of it has been approved by any member as of yet. It has not been presented to the Power Coalition yet. I would to call your attention to Section 7 entitled "Special Meetings" which says who may call a meeting.

Newlin said he believes that if one member is fully invested who has concerns should be within their rights to call a meeting. I don't see the harm in a member calling a special meeting. Please submit your comments in writing and we can address it at the work session.

Lower Niagara River Chamber of Commerce:

Newlin: The Chamber has suggested that we mount a public relations campaign to represent our ideas to keep the Robert Moses Parkway open.

Johnson MOVED to expend to the Chamber of Commerce \$1000 with funds from B-1990.0400 Contingency Fund. Seconded by Bax and carried 5-0.

Newlin congratulated those involved in the recent Jazz Festival for their hard work and noted that record crowds had attended and it is important that the Robert Moses Parkway continue to be open.

Shawnee Sno-Chiefs Request:

Leone: We amended our local law 2 years ago to allow for a trail in this area (101 line running east & west across from Hoover Rd.) and this request is in compliance. National Grid is requesting an updated approval.

Newlin MOVED that the Town of Lewiston hereby approves the request of the Shawnee Sno-Chiefs Inc. Snowmobile Club for trails passing in areas designated by Section 21-b of Town Law. These trails are to be used for snowmobiling only and no other vehicles except emergency and maintenance vehicles are permitted. Seconded by Johnson and carried 5-0.

WPCC Budget Matters:

Bax: We have had a preliminary budget meeting and I will provide updates as we move along.

Parks Supervisory Payment:

Dashineau: Just before Memorial Day, our contractor that was hired to cut the grass failed on the contract and on advice from legal we would have had to go back out to bid during our busiest time. Highway Supt. Reiter volunteered a crew to help us with the mowing. The problem that we had was basically was the supervision of that group. In the parks budget we did have enough money to hire a supervisor for the summer and Mr. Reiter did fill that role with the supervising of the mowing of the parks. This was from before Memorial Day and is ongoing now.

Newlin: The parks have been maintained to a very high level this year from public comments and my own personal observation.

Pacioni: It was an emergency situation and Mr. Reiter stepped in and did a nice job for us. I would like to thank Mr. Dashineau and Mr. Reiter for doing a job very professionally.

Newlin stated that Mr. Dashineau came under budget in the maintenance line for the parks.

Newlin asked what the amount that Mr. Reiter asked for.

Dashineau: \$4400. This is a very fair number.

Edwards MOVED to compensate Supt. S. Reiter the sum of \$4400 for additional supervisory duties for the Parks. Funds to come from B7110.100.100. Seconded by Bax & carried 5-0.

EDWARDS:

Engineering/Drainage:

560 Fairway Drive: Mr. Britton will inspect the area this week.

5873 Walmore Road: CRA Eng. has reviewed this matter. Based upon the review of the situation, it is our recommendation that the Town Board consider granting the homeowners' request to allow the Highway Supt. to work with the property owner to improve the drainage conditions.

Edwards MOVED to permit the Highway Supt. to work with the owner of property at 5873 Walmore Rd. to improve a drainage problem. Seconded by Pacioni and carried 5-0.

1985 Ridge Road – Slope Stability Issue

Edwards: This is more than a ditch being 40' wide by 40-45' deep and is 12' from a ranch home. I met with Mr. Britton and Mr. Reiter on 8-18. CRA Eng. reviewed the situation and recommends the following and I suggest the 2nd scenario.

a) Construct a runoff cutoff trench (8-inch perforated pipe encased in stone) extended from the house upstream toward the roadside ditch. The homeowner would be responsible to pay for the cost of the pipe and stone materials.

Edwards: This will not correct the total problem. This drainage ditch drains the south side of Ridge Road which is just not draining this persons' property...it is draining half of the Ridge. It is a creek...not a ditch. The 2nd scenario was actually worked out between Mr. Britton and Mr. Reiter.

b) Authorize the Highway Supt. to grade and place fill materials within the ditch beginning at the ROW of Ridge Road in an effort to stabilize the embankment adjacent to the house over an extended period of time. The process of grading and filling may take 5 to 10 years to complete.

Edwards: Their plan to use building debris from the town i.e. manholes, catch bases, curbs which are normally discarded at the highway yard which is either grinded or taken to the dump. The plan is to terrace this big "ravine" and tear it down and stop the massive flow.

Edwards MOVED to authorize the Highway Supt. to do the grading at 1985 Ridge Road. Seconded by Johnson. Carried 5-0.

5912 Garlow Road:

Edwards stated he would like the Town Eng. look into this and report back to the Board.. The Highway Supt. has made a site visit and believes it is our responsibility to clean this ditch.

Procedure for Addressing Drainage Issues:

Drainage issues are very important to the person who has a drainage problem. Currently we get letters spelling out what the Highway Supt. would do but is not permitted to do because the Board has to approve it. I don't feel it is fair to the residents to wait 30-60 days to correct the problem. We need to address town problems in a timely manner. There is a law as to what is definitely the responsibility of the Town and what is not. If the Highway Supt. feels it is in a "gray" area and he is unsure of what to do with the issue he should refer it to our town engineer. Why are we deciding drainage issues?

Newlin stated that it has been the practice of this Board for a long time and I can see no reason why we should not go back to the former way of the prior administration. I know that Mr. Reiter is willing to do it and with the engineer assisting in determining if it is a town issue. If there are problems then it should come back to the Board for a decision. I will work with you Mr. Edwards on this but essentially it is going to be that all issues will go first to the Highway Supt. and if he is unsure then refer it to the engineer and then the Board if necessary.

5861-5865 Buffalo Street/Sidewalks:

I will forward this to the Highway Supt. There is a streetscape and a planning going on and perhaps this can be included.

Sanborn Sidewalks/West St. to Farm Museum:

We are almost to the end of the grant process but we need an engineering report on the sidewalks. There is about 1500 feet involved.

Edwards MOVED that CRA Engineers prepare a design and the engineering report for the grant and work with Mr. Rotella our grant writer. Seconded by Bax.

Pacioni asked if our Town Engineers would be willing to donate their services for the Sanborn sidewalks project.

Lannon: If it limited to just this work, sure.

Newlin: We will keep the motion as to the funding be complementary from the engineering dept.

On the Motion, carried 5-0.

Personnel Issues:

I have 2 items for an executive session.

Contract Issue:

In the past and currently we either grind or burn debris that is collected. We have a fuel contract here from Niagara Biomass Power LLP. They would like to grind all our rubbish, trees & brush. They would bring a grinder on site, a loader and equipment to off load. No town equipment would be used. The Highway Supt. feels it is a good idea because it gets rid of our debris and does not cost the Town any money. It has costs between \$15,000 to \$25,000 to grind and mulch for our residents. We would get what we annual disperse to our residents and they would get the rest. I would like to refer this to our attorneys.

Paving Issues:

North & South Brookside Drives, No. Hewitt, Hewitt & Edna Drive is finished with the water & sewer lines (infrastructure) and paving is needed to be done.

Edwards MOVED that funds be taken from the H-72 Infrastructure Fund not to exceed \$125,000 to repave the above roads. Seconded by Pacioni. Carried 5-0.

PACIONI:

Liaison Reports:

Lewiston Library: The library has selected a new director, Ronald Shaw who will begin on 9/5/06.

Sanborn Library: In dire need of new carpeting. With permission I would like to go out and check 3 bids.

Johnson: We had promised to assist them with improvements as well as the roof and other items. They have been talking also about expansion. Depending on the cost I would you to work thru the Clerk's Office and come back with some costs.

Bax asked if the possible expansion would involve additional carpeting later on.

Johnson replied no as they are not expanding now.

Senior Center: There will be a dance on September 29th at the Center at 6:00 p.m.

JOHNSON:

Water Dept. We have been reviewing some of the water line problems with the engineers. Mr. Nablo has said that between hydrant concerns, unfinished water lines it is time to discuss these items with the engineers and Mr. Nablo to correct these issues. We have had complaints from Bronson Drive, Griffin Street, Creek Road etc. Also, on Hillside, Harper & Tryon where lines were just put in. The attorneys need to be involved in this. In Sanborn when sewers were put in, there are problems with the hydrants. I would like a meeting with the Supervisor, Mr. Lannon, Mr. Nablo and one of our attorneys and I will give you some dates on this.

Edwards asked if this was one contractor and is there any ongoing conversation on this?

Johnson replied that we need to have a meeting and decide what direction to go.

Fire Districts: Regarding the phone service, a number of the companies have their own personal phones thru the Verizon system and we can save overall with them using their own phones. Some of the programs have increased usage and so I would like to discuss this with our budget officer. They also have pagers and we could eliminate them and the fees involved. For the 2 people in our Fire Bureau and Mr. Myers, I would like to submit a plan at the next meeting regarding a stipend for them for use of their own phone which saves the Town money.

Sanborn Fire Co. Park Lease: We need to get a new lease as we owe a fee for the use of the park. Atty. Leone will address this issue.

Traffic Flow: There have been concerns over the traffic on evenings when concerts are held and we do not want to discourage the events. However, the Village held a meeting with the residents and our officers on this and gathered info.

Previte: We are getting a better idea on how to handle this with the information we have received and also we will be working with the NYS DOT next year.

Police Commission Mtg. There will be a joint meeting on Sept. 11th at 5:00 with a presentation of the Police and the Village wants to discuss budgetary items.

Motion by Johnson to convene. Seconded by Pacioni and carried 5-0.

Vacant Homes Update: There was a meeting with the Attorneys, Building Inspector and the Code Enforcement Officer.

Boniello: There are approximately 30 homes and we will select 5 of which complaints have been received. We are going to send out 1 more letter from me and then we will take them to court. Under our code we will “crack” down on these people. You will probably hear from some of these people on their properties. There is one we may even consider demolishing. The procedure that we will follow is to give them an additional notice as called for in our code and an additional timeframe. There maybe one or two unusual circumstances (i.e. lack of power of attorney etc) and then we will proceed to take them to court. They will have ample time to respond by giving them adequate notice.

Johnson said that some owners periodically permit the fire and police to inspect the properties and on occasion a house is used for training purposes.

Ryan Homes/Riverwalk

Joe Deck Jr.: In 2 weeks we have a public hearing for the final approval of Phase 2C of Riverwalk of 24 lots. We have concerns about weather and timing. The contractors have suggested to us that because of a lot of outside work (i.e. pond construction, ditch work) they would like to get started. We are asking tonight...we would provide a PIP to the Town so the work outside of the phase (digging etc.) we probably wouldn't get start until after Labor Day anyways in anticipation that the plans are completed by CRA Engineers and now we are talking about is the earth work. We would pay our fee and give the Town a PIP for the work and the contractor would be the same one for the next phase. We are really crushed for time and we are looking at mid Sept. We have a lot of leg work to do before we blacktop.

Leone: My concern is that we have a scheduled public hearing on Sept. 11th to hear what the public has to say and the purpose is to determine if there are going to be any changes to the plat. There maybe infrastructure work that is done that may have to be undone in the event that the public hearing does not go the way that you want it go. If you want me to go into more detail.....

Newlin: We could seek a private opinion in executive session. Mr. Deck, what are you specifically asking to happen between now and Sept. 11th.

Johnson: He had expected tonight the public hearing for this final plat. At that time the plans had not been pickup by the engineers and we did not know if we had enough time. It was set for the 11th not knowing your time constrains with the building. In talking with Mr. Britton, he indicated there would be some benefits to get some drainage from the outside of this project done that would benefit the area.

Joe Deck Jr.: From our perspective, I am willing to take the chance I would be a week ahead. We can start it after Labor Day or early next week and I would probably have 4 or 5 days to work...grubbing, tree clearing. It has to be surveyed and it would help greatly. I am not asking to do it without a permit. I would file my permit with the clerk and pay my fees as such but it would be a big help to us. They are selling lots in that next phase already based on anticipated approval of the application. If I don't get it, I don't make it this year. I lose winter and it becomes a summer '07 project and that is the situation we are in.

Newlin said I know that the attorneys have a strong opinion on this and we will take their advice and private opinion in executive session. Mr. Deck please leave your cell phone number for the attorneys. Thank you.

Police Matters: When you go to the Police Consolidation Mtg. we have been requested to start union negotiations along with a rep from the Village & the Town and the attorneys regarding a review.

Newlin: Mr. Edwards has experience with negotiations.

Johnson: Sgt. Previte received a grant of almost \$5000 for materials for lighting at the gun range. I commend Sgt. Prevites' efforts.

Subdivision Letters: We have discussed a letter regarding new subdivisions with respect to a sewer/drain in the middle of the driveway in the ROW on No. Curtis Ct. Mr. Edwards, Mr. Reiter & Mr. Lockhart have assisted on this. The letter would distinctly direct the developer and the builder thru the Bldg. Inspector's office with the understanding that should they put any permanent structure on the Town's ROW and should the Town need to dig it up, the Town will not return any concrete etc. Our policy in the Town is that we will replace the curbs with concrete and the aprons with blacktop. This must be put in writing. The approval of all the plans would also be needed (i.e. Engineering, Bldg. Office, WPCC, and Highway). We will resolve the issue on No. Curtis Ct. with the assistance of Mr. Britton.

BAX:

WPCC:

Bax MOVED to allow Supervisor Newlin to sign the new SPEDES permit for re-licensing. Seconded by Edwards and carried 5-0.

523 Mt. View Drive: Mrs. Marian Foti has an ongoing problem with the sewer line. Mr. Reiter has attempted to remediate this problem which is a lay of the sewer line. The grade of line above the land increases in slope and her home is getting a backwash of sewage into her home.

Lockhart: I don't believe it is a back flow preventor in this application because it is difficult to maintain. We discussed certain remedies. We are leaning towards a grinder pump and sleeving the existing sanitary sewer with the discharge going into the grinder. The sanitary sewer line underneath the road has a sag in it. It is a difficult location to excavate and is relatively deep. It doesn't really fix the pitch problem from the homeowner out to the sanitary sewer. There is only 3-4 inches from the house out to the sanitary sewer. My department was there within the last month.

Johnson said this is similar to the problem we had on Upper Mt. Road in the past.

Bax stated that Mr. Lockhart is going to come up with some resolution.

Lockhart said he would like permission to negotiate and come to some agreement with the homeowner through the homeowners' engineering and the treatment plant.

Edwards asked why there is no pitch from the house to the sanitary sewer.

Lockhart: The elevation of the service coming out of the house and the elevation of the sanitary sewer out in the street.

Edwards wanted to know if it is a design flaw from the original installation.

Lockhart stated that it was part of the original installation when the sanitary was done and the connection was made probably during the 70's or 80's. It has always been problematic for the homeowners. The pitch does not meet what the town code is. The code calls for a ¼ foot of fall for a 4 inch line per foot. You are lucky if you have enough fall for 10 or 15 feet let alone 20. It is a very flat line.

Edwards: If it was correctly pitched would it still make the main? Is it going into the manhole or the main?

Lockhart: It is going into the main. The Y connection which is the ankle that goes into the top of the main has actually been weighted down to try to give it a little more fall. That was part of Mr. Reiter's attempt to correct this before to improve the pitch. I believe that the homeowner at the time wanted the main gravity in an attempt to see if it would work and it didn't.

Edwards stated that he has a grinder pump in his home that he paid for himself and now wonders who is going to pay for this. If it is a private property issue it is ours at the road.

Lockhart said he would have more information on this later.

Newlin said there were 4 items for the executive session discussion and they are: Litigation/Mining, Personnel, Riverwalk/Legal and Building Inspector Position.

Johnson requested that we allow anybody from the Planning Bd. /Zoning Board or the Town Board to attend an up coming teleconference on 9/27.

Johnson MOVED to pay \$15 per person for any member who wishes to attend the conference. Funds to come from each department's budget. Seconded by Bax and carried 5-0.

Bax MOVED to enter into Executive Session. Seconded by Edwards and carried 5-0.

Time 8:50 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session:

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Pacioni; Attorneys Leone & Boniello; Eng. Lannon.

Discussion on mining issues with no action taken.*

Riverwalk/Joe Deck Jr. request with no action taken.

Motion by Johnson & Seconded by Pacioni to exit Executive Session.

Motion to hire provisional Building Inspector Richard Skurski pending license and certification. Salary not to exceed \$20.00 per hour and Supervisor is hereby authorized to enter into a benefit package.

Motion to authorize Supervisor to call for a Civil Service test for Building Inspector position.

Motion to adjourn by Johnson, Seconded by Edwards and carried 5-0.

Time: 10:00 p.m.

*Minutes taken by:
Deputy Atty. D. Boniello

