

PRESENT: Sup. F. Newlin; Councilmen J. Ceretto, M. Johnson, D. Kilmer & J. Langlois; Town Atty. J. Leone; Dep. Atty. D. Boniello; Eng. D. Britton; Finance Officer A. DiRamio; Rec. Dir. M. Dashineau; 3 Press; 14 Residents; and Dep. Clerk C. Schroeder

ALSO PRESENT: Pat Brown, Independent Auditor

The Supervisor called the worksession to order at 7:10 p.m. Before proceeding with the agenda, the Supervisor noted the town is mourning the loss of the brother-in-law of Town Engineer Bob Lannon who lost his life in a tragic boating accident. I ask that the town keep Mr. Lannon and his family in their prayers. Newlin noted that the decedent was also the son of Councilman Larry White, Town of Porter. Please keep their family in your thoughts and prayers.

1) Presentation of Supervisor's Budget: Newlin noted that by September 30<sup>th</sup>, the Town Supervisor must submit a balanced and appropriate budget using the best information he can. That was submitted and presented to this Board on time, he said. It is a balanced budget and the Town Board will review it for any changes between now and November 20<sup>th</sup> when the final budget must be adopted. It is a great pleasure for me to say that the Town is in very good financial health. My proposed budget includes several new factors. One, the town tax has been eliminated. Secondly, the 2006 proposed budget has been reduced by \$500,000 from the 2005 budget with which we are living now. In addition to the elimination of the town tax, there has been no increase in the water or sewer rates. There are also two less full-time positions in 2006 than there were when he became Supervisor. The Budget Officer has been reduced to part-time as well as the position of Town Assessor. Those two moves saves the town tens of thousands of dollars each year when it comes to current accounts but because we are exposed to the long-term liabilities of retirement and benefits, it will save the town a great deal of money in years hence.

The work forces in all four major town departments – highway, water, sewer & police will be maintained at current 2005 levels. That will ensure that town residents get the high quality of service and standards that they have become used to.

Overall, Newlin said he has tried to hold the Town budget spending in line with current inflation estimates -- somewhere between 3-5%. The pressures on the town and each department are largely related to personnel costs (wages & benefits) and raw materials, specifically oil & steel. There are three programs that specifically did get increases in budget more than the 3-5% -- the town seniors program, recreation and the library.

The Town of Lewiston, he said, will stand to benefit from the “signing bonus” as a result of the NYPA agreement. Unlike some other municipalities, he did not budget that signing bonus which will be coming sometime between now and early next year. That payment will be \$1.3 million. That is not included within the 2006 proposed budget as a revenue.

I would like to thank my budget officer, Mrs. DiRamio, who worked very hard on this budget, as well as Pat Brown and fellow councilmen who were able to lend their assistance.

In general, Lewiston has a very bright future in front of it. We can look forward to no town tax and thanks to the settlement of the Power Authority agreement we will have \$1.3 million -- more than 10% of the town budget, coming in annually in additional revenues and secondly, we will be getting the advantage of cheap low cost power -- 6 ½ megawatts. This Town Board has committed to using the majority of those megawatts to reduce residential power rates. So, in addition to no town tax, town residents starting in 2007 when the deal begins can look forward to an approx. 20% reduction in their home utility bills, according to current estimates.

Lastly, the Supervisor thanked each of the department heads. All of them were very helpful and in a very cooperative fashion, we worked together on this.

2) 2004 Audit: Pat Brown was asked to make his presentation of the 2004 Audit. Brown noted that for the first time in years, the Town received the cleanest opinion letter that a town can receive. In prior years, there was always a disclaimer because of the fixed assets process.

In 2004, the Town adopted new accounting standards, Governmental Accounting Standard Board (“GASB”) Statement No. 34, which basically forced governments to begin accounting for depreciating all its fixed assets. Those are all incorporated in the statements. This got the Town in total, complete compliance with governmental accounting standards.

Brown said the pages of most interest to Board members are the Financial Statements of individual funds, beginning on page 40. These include Budgetary and Actual for the Year Ended 2004 with Comparative Actual Totals for 2003. The statements, he said, are more complex due to the new accounting standards. Brown went thru these briefly at this time.

Brown said that overall, all funds remain in good condition. A lot of these funds are the result of scrutinizing spending over the last several years. You want to continue to do that, he said. You want to reduce government. If there are opportunities employment-wise, as the Supervisor touched on, i.e. reducing the assessor’s position and budget officer to part-time. You want to be alert to that. Continue to budget prudently the way you have been doing. You have done a good job watching expenses and I encourage you to continue to do so.

In preparing the 2006 budget, Brown said he was asked to review 2005 figures. With the last numbers I saw, thru October 1, all funds are operating within budget. Our estimates of the fund balances we used in 2005 are holding true, which lead you into 2006.

Newlin noted there is an ongoing issue between the town and village when it comes to funding the Library. He said he would be meeting with the Chairman of the Board of Trustees, Mr. Presutti and Mayor Soluri regarding the funding. For the record, Newlin said it would be his strong recommendation that the library seek to change its Charter from a Town/Village Library as it is right now.

Brown noted that in the last few years, the Town borrowed a lot of money on a short-term basis for various improvements, i.e. water meters, road improvements, etc. He recommended that some of that debt should be changed to long-term to lock in lower interest rates.

Newlin said he met with the department heads relative to their respective budgets. He recommended scheduling two budget meetings before final adoption of the budget on November 20. He proposed meeting on one of the following dates: October 20, 21, 27 or 28 with the following departments: water, sewer, police, seniors and courts. The second group of dates would be either November 10, 11, 17 or 18 with the following departments: highway, recreation, town clerk and library director.

**Newlin MOVED to schedule a budget session for Thursday, October 20, at 7:00 p.m. to review the budgets of the water, sewer, police, seniors and town justice departments. Seconded by Kilmer and carried 5-0.**

Newlin said he would contact the department heads to make himself/herself available on this date if they had a specific issue they wished to bring to the Board’s attention.

**Newlin MOVED to schedule a budget session for Thursday, November 17 at 7:00 p.m. to review the budgets of the highway, recreation, parks, town clerk and library and to respond to the public comment period of November 10. Seconded by Johnson.**

A poll of the Board resulted in 3 Ayes (Ceretto/Johnson/Newlin) and 2 Nays (Kilmer/Langlois). **Motion carried 3-2.**

Kilmer said he voted in the negative because he would be out of town on military orders. Langlois said he voted in the negative because the meeting was scheduled too late in the budget process.

Newlin asked for Board comments on either the Auditor’s Report or 2006 Proposed Budget.

Kilmer: Taking nothing away from Sandy Maslen’s last budget, this is the fruits of some really tough labor, that Sandy, Jim (Langlois) and I put together. Fred carried on with expenditures as planned. That is why at the end of 2004 we were in good shape in 2005. We are carrying on the tradition of fiscal responsibility.

Ceretto: ... A few years ago, the Board raised the rates on water and sewer... You were talking about the 10% in fund balance and the water and sewer rates. You don’t want to have too much in fund balances and yet you don’t want to have too little. Usually that 10% is it.

Is it possible, if not this year but maybe next year, that we can lower those water rates or sewer rates for our residents because you were saying you were over the 10%.

Brown: The water fund right now is, but there are some heavy debt payments coming on those two borrowings... Keep in mind, the water fund a couple years ago, was pretty low. Intentionally, those rates were increased for several years. The plan was to fill the fund balance, level it off, and start paying back this debt. As it looks right now, it is high but if you look at the offsetting debt it really isn't.

Langlois: If you look at the last four years, we've gone from a position of having to tax and we had poor fund balances. As you can see from 2004, we've increased substantially and now have fund balances that are very, very healthy. We need to look at those because they are probably higher than the State recommends. We don't have any tax so we need to look at what we are going to use those extra funds for – needed things that we put off... I was glad to see that in 2005 fund balances will not be depleted. Will they be increased or will they stay about the same?

Brown: The 2005 budget is operating on budget. They will probably stay where they are.

Langlois: The other thing that John talked about is water. I took a good, careful look at this also. We needed to increase water rates by 20% about four years ago because we were in a negative situation. We now have a significant fund balance there. We've put in some water lines that have to be paid for but those are being paid for thru capital appropriation against the budget. They are not actually budgeted against the water. Essentially, we have enough money in the fund balance for water itself. I think we seriously need to think about reducing the water by 5 or 10%. We increased it by 20%. We said as soon as fund balances got back up again and we decreased our losses, which have done because of good maintenance and new lines, we owe it to the people to drop the water rate somewhat like we promised. I don't want to deplete that fund balance but I think there is enough in the fund balance to be able to do that. When we have our budget sessions, I want to discuss this in more detail.

Brown: Keep in mind that there was a capital project for that. That is the source to account for the cost of that. Once you start repaying, whether it's a bond or B.A.N., the actual cost of that debt service comes out of the operating fund – the water fund.

Langlois: But, we have money coming in that we charge special district taxes on. Those counter balance each other.

Brown: Right now, the tax levy in that water fund would not offset the debt. If you are going to lower rates, you're going to end up raising a tax. Every year, it's going to have to be looked at.

The Supervisor proceeded with the agenda.

3) Abstract: **Ceretto MOVED to approve the Abstract of Claims, Nos. 2908 – 3271 and recommended payment in the amount of \$398,050.92 plus a post-audit of \$72,498.20. Seconded by Johnson and carried 5-0.**

4) Custom Lighting Proposal: Councilman Kilmer said he would continue to address this until the Board agrees with a proposal for street lighting cost savings. I'll just say that they are one step closer to signing on in the Town of Amherst. Hopefully, I can convince you of a cheaper way to light the town.

5) Restoration Costs (5091 Dana Drive): Thru the diligent work of Engineer Bob Lannon, Kilmer noted that restoration costs as a result from damage due to the installation of new water lines in 2004 would be reimbursed to the homeowner by the contractor, Yarussi Construction.

**\*\*\* Newlin MOVED to set the public hearing for the 2006 Proposed Budget on Thursday, November 10<sup>th</sup> at Town Hall beginning at 7:00 p.m. Seconded by Langlois and carried 5-0.**

6) Halloween Hours: **Kilmer MOVED to designate official Halloween hours as 4 - 8 p.m. on Monday, October 31, 2005. Seconded by Johnson and carried 5-0.**

7) GIS/Engineer Computer: Johnson said he has been in contact with the Assistant Engineer, John Sharpe. The computer located at the Highway Department, which is used to produce maps and engineering drawings, has a major malfunction and needs to be repaired or replaced. Quotes were received from Universal Computing Solutions. The cost to repair the existing computer is \$650. The cost to replace is \$1,450, which includes the transfer of all data to the new computer and perform a systems test to insure the computer and larger plotter are working properly.

**Johnson MOVED for approval to purchase the new computer at a cost not to exceed \$1,500. Funds to come from the Engineering Equipment line (A1440-200). Seconded by Kilmer and carried 5-0.**

8) Lewiston Fire Co. #1 Parking Lot: In June, Johnson said the Board received a request from the fire company for assistance from the Town, specifically the Highway Department, and the Village of Lewiston for paving of the driveway area in front of the fire truck doors on N. 6<sup>th</sup> Street. I think this Board thought that we were going to send our crews to assist them digging it up and putting stone there. We did that. Since then, Reiter received invoices totaling \$1,449.26 for the stone. He does not have the money in his budget to pay for this stone. "I think it was not understood at the time when we said we would send our guys down to help them dig it out. I don't think anybody realized that there was going to be a \$1,400 bill for the stone..."

Kilmer said Reiter should send the fire company a copy of the invoices. Johnson said he would take it upon himself to contact the fire company.

9) Oak Run Estates/Final Plat: Eng. Britton said the applicant has satisfied the requirements for final plat and is seeking approval according to the Town Code. The Board is in receipt of the responses from the Environmental Commission, Planning Board and Fire Advisory Board. Britton said they are satisfied with the engineering. At this point, they are ready to go to public hearing for acceptance of the Final Plat on the Oak Run Subdivision. Britton said the project consists of 66 residential lots to be constructed in phases. At that point, during the public hearing, the applicant can identify any variances that they would be requesting and provide additional documentation for it.

**Ceretto MOVED to schedule a public hearing on final plat approval for Oak Run Estates at 6:45 p.m., Monday, October 24, 2005. Seconded by Johnson and carried 5-0.**

At this time, Councilman Johnson commented on the absorbent cost for developers to have to submit plans and related material. I would like to make a recommendation that we have one copy for council members to look at. There is no reason for a developer to go thru this cost of these booklets and plans. Every board member should come in and look at it at town hall. I don't think we should bear that cost on to the developer.

Britton: Perhaps we could direct the Planning Board to review the submittal requirements -- number of copies, etc. That is all presented in the Town Code, as far as what is to be presented... I can review the minimal submittals necessary to accomplish what we are trying to accomplish. I can review that requirement and make a recommendation to the Board.

10) Contract No. 11 – Waterline Improvements: Eng. Britton referred to correspondence from his office with a recommendation to award the contract for Waterline Improvements. Bids were accepted on Tuesday, September 27. Bids were received from Mark Cerrone, Inc. -- \$398,708 and Yarussi Construction, Inc. -- \$412,420. Based on the qualifications and experience of the low bidder, it is the Engineer's recommendation to accept the low bid and award the contract for Waterline Improvements to Mark Cerrone, Inc. in the Total Bid Amount of \$398,708.

Kilmer said he would make a motion to accept the second bidder, Yarussi Construction. Before recognizing the motion, Newlin deferred to town counsel to comment on not accepting the low bidder.

Boniello: The law says that basically you have the obligation to accept the responsible low bidder. The question, which is a gray area, is what is responsible. Past practices or past experience indicate the responsibility of a bidder... What if you reject the low

bid and go to the second bid? Obviously, the first bidder has the right to seek an action in Supreme Court by way of order to show cause to determine why you didn't accept the lowest bidder. You have the right to reject the bids and re-bid it, or you have the right to feel that you are justified in doing so by accepting the second lowest bidder.

**Kilmer MOVED to accept the second lowest bidder, Yarussi Construction, Inc. at the bid amount of \$412,420. Seconded by Johnson,** for discussion.

Kilmer: This is the same area where we took the low bid on the sewer job. Everyone here remembers that nightmare. Socko Construction dragged that job out, embarrassed this Town Board and did a horrible job of completing the project because he was low bidder. Nick Yarussi probably puts in a waterline in his sleep. He's been doing it throughout the County. Mark Cerrone, Inc., they're a fine company... They are a great demolition company and they are good at roadwork but he has to date, and we can confirm this with the Engineer, done a little over 1,000-ft of water line construction. We're digging out 6,000-ft. It would be 6-times the waterline he has ever put in. I'm not willing to take town taxpayers' money and let someone learn. We did that once with Socko and we had a black eye for it. It's not that I'm saying Cerrone can't get it done its just saying that I'm not willing to gamble.

Britton: I have worked with Mark Cerrone on a couple of excavation projects. I am aware of three waterline projects in the past two years that they have completed. Apparently, they are beginning to extend their experience into that area of pipeline work. We contacted the City of Tonawanda who gave a positive recommendation. They were satisfied with the work they have completed. It was a small project. I believe it was 500-600 feet.

Langlois: You have to have pretty strong evidence that a contractor is not reliable in this type of work before you don't take the low bidder. I asked our lawyers ahead of time here. He's presented the proper bonds. He has construction experience. He's done some waterlines... It sounds as though we could be sued if we didn't take it. I don't know if we have any solid evidence that he may not do a good job.

Newlin: ... When I spoke with Mr. Lannon about this last week, he had faith that Cerrone could get it done. He did not have any reasons not to think it could be done... As Mr. Langlois said, unless we have a specific reason to question the abilities of Mr. Cerrone, I think we are bound to the lowest total bid.

The Supervisor asked for a call on the motion to accept the bid of Yarussi Construction for the waterline improvements. **A poll of the Board resulted in one (1) Aye (Kilmer) and four (4) nays. Motion failed 4-1.**

**Johnson MOVED to award Contract No. 11 for waterline improvements to Mark Cerrone, Inc. at the bid amount of \$398,708. Seconded by Newlin,** for discussion.

Kilmer: I'll vote for this but I want the Engineers to stress the time-line. He will not be one day over time-line without penalty...

**Motion carried 5-0.**

11) Code Enforcement Officer: The Supervisor asked that this personnel issue be addressed in the executive session he will call at the end of the meeting.

12) Preliminary/Final Plat Approval – Vista North: Eng. Britton said the applicant has satisfied the requirements of preliminary plat for the Vista North project, located in an area between Escarpment Drive and Ridge Road, east of Cliff Street. Britton said there are a couple of outstanding issues prior to final plat approval and the scheduling of a public hearing. There are a couple of engineering issues that would need to be resolved but they are predicated upon the concerns of the Fire Bureau. The Planning Board has recommended approval and the Environmental Commission has submitted a recommendation for a negative declaration.

The Fire Inspector submitted a letter to the Town Board stating the reluctance of the Fire Bureau to approve this subdivision due to accessibility issues. *The only guaranteed access into the subdivision is off of Ridge Road... The problem that develops is that if any trucks, tractor trailers or other commercial traffic that uses*

*Ridge Road has an accident, this could easily block off the entire subdivision. The 34 homes in this subdivision could not be reached if an emergency were to occur.*

Britton said the entrance to the project has been developed with a center island and two 14-ft. lanes, primarily to try and accommodate an accident. However, the Fire Bureau has come back and said what if it was a tractor trailer? Now, what are you going to do? Britton said he was asked by the Fire Inspector to go back to the developer, John Giusiana, to develop a concept that his Board could be acceptable to.

Kilmer: What Pat Martin is saying is that a tractor trailer would have to crash and block the entrance and there would have to be a fire in there.

Britton: That is correct. Or, an emergency vehicle would need to have access at that particular time...

Langlois: Do we think this is over the top that we may have a tractor trailer have an accident and block the road at the same time there is a fire in the development? You have a chance in 10,000 in one, and another chance in 100,000 -- You have a chance in 1,000,000. Are you going to require something that is unyielding because of those kinds of risks? You always look at the chance of something happening and you combined those chances with the magnitude of what could happen. Sometimes I think we go so far overboard we make it really difficult.

Britton: It is difficult for me to say Pat Martin's comments are very, very conservative. It is not my call. That was Pat Martin's comment. Only the Town Board has the approval authority to say this is a reasonable entrance. My opinion -- the entrance that they have provided perhaps with some wider radiuses on to the shoulder of the road, which would open it up significantly from an engineering standpoint, would be acceptable.

Kilmer: Hypothetical and probabilities are two different things. We can't stop something like this because of a one in a million chance. I say we move it with the concerns of the Fire Inspector taking into consideration of widening the entranceway with the suggestions of our engineer.

**Kilmer MOVED to accept the Planning Board's recommendation for preliminary plat approval of a 34-lot subdivision on the south side of Ridge Road, SLB# 102.10-1-29.1 with the following contingencies: 1) A variance be granted for the 6% slope to 10% (road grade); 2) A variance be granted for the sidewalk requirements; 3) A variance be granted for the fire alarm signal devices; 4) One tree per lot to be planted before the Certificate of Occupancy is issued; 5) A variance be granted not requiring the stub streets to the south and east of the property and 6) Mitigating the issue of the concerns of the Fire Bureau by opening up the entranceway as suggested by the Town Engineer. Seconded by Langlois, for discussion.**

Newlin: I'm loathed to accept this if the Fire Inspector feels as strongly as he does about it... I haven't look at it enough and I haven't been able to speak with Mr. Martin to really feel him out for his concerns. I wouldn't be prepared to act on this tonight.

John Giusiana, Developer, said they met with Martin last year. The big concern comes from the issue of allowable distance of roads with only one entranceway. I have been a developer in this town since my father started the business in the 60's. The Town standard has been 650-ft. without applying a second means of egress. There is no real definition for that 650-ft. What we have in this plan is actually 550-ft., until it becomes a circle. But, at that circle, anywhere half that is interpreted as potentially having two means of egress. We are within what we interpret is the town standard. The Fire Marshall has interpreted it differently. He is saying it is the total length of roads. If you take that attitude, you won't be able to do Oak Ridge. They have more than 650-ft. in their first phase. You have to work a little bit with these things... We're willing to divide that road to be a double lane road. So, essentially, it represents two roads coming in. We added the median. There is more pavement. There is additional curbing. In the event there is an accident on one side of that street, you can still get around. There is a section in there that has 44-ft. of pavement. That is 10 to 15-ft. wider than the pavement on Ridge Road. You don't realize how much space is there. It's also the country curb so there are no up-right curbs. If an accident happens on that

one narrow section that is 550-ft., you can drive around it on the lane going the wrong way. I thought we had gotten to an agreement with Mr. Martin... I'm trying to do this and accomplish something. Now, he comes back with a letter at the last minute and says we want to make those farther apart and wider because what if a tractor trailer happens to block that street... I don't see the basis to take it to that extreme. I think we have gone very far above what we are actually required to do by the gesture of dividing the road with a median all the way thru.

**A call of the Motion to approve the Preliminary Plat for Vista North Subdivision was carried 4-1 (Newlin).**

After some discussion, Engineer Britton said the plans, as submitted by the developer, are incomplete and not ready to go to public hearing for final plat. Once the engineering drawings are complete and all the issues have been resolved and they have met all the relative code requirements for final plat that is when you schedule the public hearing. The plans that are in front of you now are not ready for public hearing.

13) Contract No. 12: As a point of information, Britton said bids for the construction work included in the 2005 Capital Improvement Project, Contract No. 12 – Sanitary Sewer I/I Removal and Creek Road Drainage Improvements, will be received in the Office of the Town Clerk until 10:00 a.m., Local Time, October 21, 2005, and at that time publicly opened and read aloud.

14) First Niagara Bank: **Newlin MOVED to authorize First Niagara Bank as a depository for the Town of Lewiston. Seconded by Johnson and carried 5-0.**

15) 2006 Service Contracts: Newlin referred to a request from the Town Clerk to go out to bid for Janitorial Services at the Town Hall, Senior Center and Highway Garage and HVAC Preventative Maintenance Services at the Town Hall and Senior Center. **Langlois MOVED for approval, Seconded by Johnson and carried 5-0.**

16) WPCC: Langlois said they have, in the past, participated in a cooperative chemical bid for water and wastewater chemicals with other area treatment plants. Lockhart is asking for approval to participate in the cooperative chemical bid for 2006 for the purchase of Sodium Hypochlorite and Ferric Chloride. If approved, the Niagara Falls Water Board will handle the bidding process.

**Langlois MOVED for approval of the purchase of the Sodium Hypochlorite and Ferric Chloride as per the bids that are obtained by the Niagara Falls Water Board. Seconded by Newlin and carried 5-0.**

17) Haz-Mat Capital Account: Attorney Leone was asked to address the matter of closing the Capital Account for Haz-Mat Bldg. At the last meeting, Leone said he reported to the Board that monies couldn't be transferred from the Capital Account. You have to say that there is no longer a public need to have that Haz-Mat Building. You are therefore going to terminate the capital fund and the fund has to go back to the fund from which it emanated, which would be presumably the general fund. Leone said it has to be done with the same formality in the way it was originally set up. I was provided a resolution by the Town Clerk's office going back to 1991 that said it was done by resolution. If that is the way it was done, that's the way it should be terminated.

Kilmer: Instead of returning this money to the general fund, which is a fund that is not in need of any cash... the whole reason for this is the Haz-Mat truck from the 70's lost breaks and they would like to purchase a Haz-Mat truck... I want to buy this truck but I don't want to see all that money going back to the general fund... Can't we set up just a capital fund for Haz-Mat?

**Langlois MOVED to close the capital account for Haz-Mat Building, as per recommendation of the Town Attorney. Seconded by Kilmer and carried 5-0.**

**Johnson MOVED to create a Line-Item for Haz-Mat Reserve to be used for equipment & other needs for Haz-Mat. Seconded by Ceretto and carried 4-1 (Langlois).**

**Johnson MOVED to allocate \$211,000 (or the equivalent of what was transferred from the Haz-Mat Building Capital Account) from General Fund to the newly created Haz-Mat Reverse Fund. Seconded by Ceretto and carried 4-1 (Langlois).**

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In other matters, Langlois reported that the Parks/Recreation Director has advertised for bids for several small repair jobs, i.e. bathroom, ceiling fixtures, roofing. Funds have been authorized for these expenses. Langlois asked that the bids be awarded, after review by the Town Attorney, without the need to come back to the Board for approval. We want to get the work done this fall. All of these will be well less than \$10,000.

**Langlois MOVED to authorize the Supervisor to enter into any agreements with the low bidder for the subject parks capital project improvements. Seconded by Kilmer and carried 5-0.**

**Johnson MOVED to enter into executive session to discuss personnel and Engineering matters. Seconded by Langlois and carried 5-0.** Time: 9:15 p.m.

Transcribed  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk

Executive Session Actions:

Present: Sup. Newlin; Councilmen Ceretto, Johnson, Kilmer, Langlois; Atty. Leone; Atty. Boniello; Eng. Britton.

Discussed possible litigation settlement with previous Engineering Firm. Discussed position of p/t code enforcement officer.

**Langlois MOVED, Seconded by Kilmer to exit out of executive session and reconvene work session. Carried 5-0.**

**Langlois MOVED, Seconded by Kilner to hire Ken Kenney as part-time code enforcement officer, as per salary allocated in Town Budget. Motion carried 5-0.**

**Motion was made and seconded to adjourn the worksession. Carried 5-0.** Time: 10:45 p.m.

Minutes taken by:

Dave Boniello