

Present: Sup. Newlin; Council Members Bax, Edwards & Pacioni; Tn. Atty. Leone; Dpty. Tn. Atty. Boniello; Eng. D. Britton; Adm./Op. Lockhart; Finance Officer DiRamio; Dpty. Sup. Elgin; Police Chief Winkley; Rec. Dir. Dashineau & Tn. Clerk Brandon. 2 Press and 20 residents.

Councilman M. Johnson excused.

The Supervisor opened the meeting at 7:12 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:

David Cooper of 805 Carriage Lane. I am the spokesperson for a group of people who live in the Saddlewood development area and who have submitted a request for more street lighting in our neighborhood. Not to repeat what you have, but to stress the importance of this matter. A number of the residents are elderly who need more light at night to feel secure. Many police agencies recommend good outdoor night lighting. We do not have it as a deterrent to crime. This is a request for safety sake. The streets named in the petition are short streets and to brighten them would require very few extra lights. Our garage lights do not reach the streets and does not provide an effective solution to the problem. We need more lights. Many of our residents volunteer in the Town and we hope you can help some of us in return.

Ralph Kullman of 809 Carriage Lane. We moved from Morgan Drive that has lots of street lights and shocked to see so few lights. I have had trouble finding the entrance to my driveway. I understand that a petition for these lights was brought to the Board before. I got the impression that it was only a matter of time and that one last electrical connection and we would have lights. My statement is "let there be lights".

Walter Polka of 5211 Bridle Path Lane. I want to reiterate the comments of my neighbors. We moved from Youngstown and enjoy the environment that we have in this development. I am very concerned about the lack of lighting. It is a safety issue for the residents as it is very dark. I am again requesting that you give this consideration and provide us with the lighting.

Cheryl Lowery of 4926 Porter Center Rd. I am here on behalf of Lewiston & Porter Community Cheerleaders who recently sent you a letter asking for a donation to our group. We would also like to see if we could be sponsored through the Recreation Dept. The Town of Wheatfield does sponsor a cheerleading group. Thank you.

Sup. Newlin stated that the Town is now getting towards the end of the budget process so we will be budgeting for next year and perhaps you can be included.

Bax: When you say that most of the towns are sponsoring these groups, what would be the contribution or the requirement on an annual basis?

Ms. Lowery said she was not sure at this time but she would get the information to Mr. Bax. I know that our Board does document all activities to the Board.

Lori Caso, the Manager to Community Relations for CWM Services. I wanted to update you that both Michael Mahar and Dick Sturges have both been promoted. We would like to congratulate the Lower River Niagara Chamber on a recent expo sponsored by CWM. On an operations note, we have met the standards of our SPEDES permit and are half way through our discharge and should be finished by November. Thank you.

Dan Kilmer of 5109 Dana Drive. I have a contract regarding the Power Authority agreement with the Town of Athens. I would like this Board to seriously consider re-opening or re-talking to the Power Authority about a better deal. This agreement will show you that I believe we were short changed.

I have given you a copy of the new cable contract and your input would be appreciated. I believe that when I was on the Board we had already approved lighting at Saddlewood.

Brandon stated that a letter from National Grid dated August 28, 2006 that says that if the Town of Lewiston wishes to proceed with the installation of the proposed facilities, information would have to be provided. Previously, Councilman Johnson moved to authorize the recommendation of the Town Engineer pending the review of the Lighting Cmte. on this issue. The Lighting Cmte. reviewed it and did not support it. National Grid estimated the cost would be \$270.15 per light.

Mr. Kilmer stated that he would contact the Clerk's office the next day.

Newlin said that during the regular agenda we will direct the Lighting Cmte. To follow through with this.

AGENDA:

Bax asked to add the Wind Energy Cmte. and Tower Cmte. to his liaison report. Add a speed study on Military Rd. between Up. Mt. Road and Route #104. Also, a contract matter for executive session.

Edwards: For executive session, a tentative agreement with the Lewiston Police Dept.

Bax MOVED for approval of the amended Agenda as presented. Seconded by Pacioni and carried 4-0.

MINUTES:

Bax MOVED for approval of the 9-25-06 RTBM & 10-12-06 P.H. re: Dogs & Work Session. Seconded by Pacioni & carried 4-0.

POST AUDITS:

Edwards MOVED to approve the following Post Audits: Home Depot \$557.03; Office Max (HSBC Business Solutions) \$210.52; Sam's Club \$472.20; Tops \$63.21 and Mark Cerrone Inc. \$55,897.55. Seconded by Pacioni and carried 4-0.

OLD BUSINESS:

1. Broadview/Telephone Proposal:

Bax: This is my executive session item. Broadview has a proposal for us that we can discuss at the work session.

2. Saddlewood Lighting:

Newlin: The Lighting Cmte. will have to meet on this issue. This is a good place for the Town to make sure that in the future that developers adequately light these new housing developments. I don't think any member of this Board was here when that was approved. It should be incumbent upon the developers to make sure they light the new houses that they build. The theory behind that is current and existing residents should be not penalized in terms of money and out weigh of cost in this case---lighting for new residents. That is a situation where existing residents are subsidizing new homes which is bad policy considering the tax situation that this county and others are facing now. We have residents that are worried about safety etc.

Britton: The Town has a contract with National Grid so....there is two components, one an annual charge which is for the operation of the light and there is the cost of the installation of the light. We will be pursuing in future projects beginning with Riverwalk Phase 3 that the developer is responsible for the installation of any lights recommended by this Board or the Lighting Cmte. and also ourselves. Without a Home Owners Assoc. or some type of mechanism in place (a separate lighting district) which could be established, the Town would have to bear the cost of the individual light (the

consumption) on an annual basis which depends on the type of light fixture provided. It is about \$200 per light per year.

Pacioni: I did drive by the area and I agree 100% with these citizens. They have a valid point. I think this Board should consider whatever we have to do to rectify the situation and we need to take care of this. It is not dollars and cents....it is a safety issue. We need to do something as soon as possible.

Newlin said we could ask the Lighting Cmte. to have a special meeting on this. We will get the exact cost and ascertain if we have budget it for this year. If not, we can work it into next years' budget.

Edwards: When we do a plan review of a subdivision is the lighting taken into consideration? Do we have a procedure in place?

Britton: It is brought up during the planning stages and the Planning Board takes a look at it. The Planning Board has taken the position of a rule of characters...what doesn't happen is perhaps we could take a set of drawings and submit them to the Lighting Cmte. at that point. Usually, the Lighting Cmte. unfortunately does not get involved until there is a problem. Perhaps we could have a procedural manner and take the concept plan and provide them with a copy and receive comments back. That way the Planning Bd. would be more advised and could make a recommendation. The Planning Bd. does take a look at lighting.

Edwards: The Lighting Cmte. doesn't have engineering expertise...do we need a report from the engineer on how many lights in their opinion to laminate this area?

Britton said yes. We could provide that. We have not in the past. The Planning Board typically to this point has been that we don't want streetlights. I will bring it to their attention and we should discuss it.

Newlin: We will have the Lighting Cmte. meet. Perhaps at the work session in Nov. we can take action on this if everything is in place.

Winkley stated that there has been no increase of calls in the area at this time.

Edwards MOVED that CRA Engineers do a site inspection at Saddlewood with a report to be given to the Lighting Cmte. Seconded by Bax and carried 4-0.

NEW BUSINESS:

1. A sample resolution submitted by the Town of Somerset Atty. Edwin Shoemaker for support of the Town of Somerset's dispute with AES Power Corp. over taxes paid by that Corporation to Niagara County.

Newlin: I am asking that the Board not move on this item this evening. I have not been able to speak with the Somerset Supervisor. There are several things we should explore before we support this. I have heard that there is a settlement in the offering recently. We are convening next Monday with the Village of Lewiston, so we can act on it at that time.

2. A copy of the Countywide Proposition and Abstract with respect to the proposed Resolution II-029-06 establishing a four (4) year term of office for the position of Niagara County Manager. The aforementioned Abstract must be read and made a part of the public record with approval of the governing board.

Newlin: I would be leaning to support this based on the challenge of putting a budget together with a term of 2 years. Hopefully, we at some point either tonight or later support the 4 year term. It makes sense to have some continuity. At this point many in the legislature support this.

Brandon stated that this resolution came from the Niagara Cnty. Board of Election Commissioners.

Newlin stated that this can be discussed at the next meeting.

3. A request from the Town Clerk to go to bid for the following services beginning in 2007: 1) Uniforms, wipers, linens and mats for the Town Hall, WPCC, Highway & Water Departments; (Currently a 3-year contract) and 2) Janitorial Services for the Town Hall and Senior Services Center. (Currently a 1-year contract) Supt. Reiter has indicated that he does not want to be included in the bid process for janitorial services.

Leone: Basically, I don't necessarily believe that is within the purview of the Highway Supt. He certainly can render that opinion in support and take it into consideration in ways that you see fit. But, I believe that it to be a Town Board choice...not the choice of the department head.

Newlin: The concept there is that this Board is in charge of the building and the premises and its' maintenance as well.

Leone: Exactly.

Newlin: He (Reiter) sees fit how too allocate the resources under the Highway Dept. Do you prefer to have that bid authorization tonight or can it wait?

Brandon: If you put it off to November you could vote in December on it. It is your decision. Three years ago we had a problem with the Doritex contract and it was March before it was resolved and had a signed contract.

Edwards: For the sake of time, let us put it out to bid.

Edwards MOVED to authorize the Clerk to go out to bid for uniforms, mats, wipers and linens for the Town Hall, WPCC, highway & water departments. Seconded by Bax and carried 4-0.

Leone: For janitorial service, from experience, I would suggest that when you put it out to bid you accept bids for all three facilities or if someone wishes to bid on one facility they can do so.

Edwards: I have the same concept. When I bid a project there are alternates. I would make the base bid the Town Hall and the Senior Center with an alternate being the Highway Dept.

Brandon: You will accept one bid on each of those facilities or the individual can bid a total on all 3, Mr. Leone?

Leone: My suggestion would be that they can bid on any one of those facilities, any and all. Any one, any two or for all three.

Newlin said that sound reasonable to me. That will give Mr. Edwards time to speak with Supt. Reiter.

Britton: When you bid you need to have a base that there has to be first selection purposes. It gets confusing if you have three different bids and which one are you using to base your selection.

Brandon asked that Mr. Leone review the legal notices on these.

Leone stated that in the past on this particular contract, we have also requested that the janitorial services that the people who provide the services be bondable. Whether or not you want actually require that each of them be bonded that is something you may want to consider. Current contract is bondable.

Edwards said he would use the base as the Town Hall and the Seniors and the alternate as the Highway Dept. until I speak with Mr. Reiter to get these bids out and in.

Edwards MOVED that the base bid be the Town Hall and the Senior Center and the alternate be the Highway Dept. with the authorization for the Clerk to go out to bid for Janitorial Services. Seconded by Pacioni and carried 4-0.

NEWLIN:

Legal:

Leone: Regarding the Vista North S.D., the legal description for the storm sewer and the water lines are acceptable now. The documents have been prepared and have been signed by a representative of Vista North and are ready for the Supervisor's signature. As is the dedication deed for both of the roadways for Big & Little Vista Drive are also ready. The sanitary sewer system will be within the roadway so there is no need for a separate dedication. They have submitted a bond and I requested that it be amended and they have made changes that were requested. It is ready for the Supervisor's signature. There have been some issues concerning the engineering and from a legal point of view, I am ready to submit the documents to the Supervisor. A motion to authorize the Supervisor to sign the documents subject to the input of the engineer and the WPCC administrator would be needed. They are prepared to speak about their concerns.

Britton: There is significant erosion primarily due to the fact that the banks were not stabilized. The contractor is also a partner in the development. I met with the contractor, Yarussi Const. who supplied the 2-year maintenance bond (50%). Up on the site there are primary areas that have not been stabilized and material is being transported across the road. Also, infiltrating into the storm sewer. We have addressed the sanitary sewer issue. We met this past Wednesday and went over methods to stabilize and we are in agreement although they cannot get up there now because it is too wet. To stabilize, we are going to have some additional swales cut in, some silk fence put in and some matting. They have agreed to do that as well as clean up the storm sewer system. I would recommend that the Board set the dedication with the contingency that no building permits will be issued until the layaway has been properly stabilized to our satisfaction.

Lockhart: There were some issues with the sanitary sewers with infiltration due to the topping and all the silt entering the sanitary but that has been addressed with manhole inserts. The contractor is aware of work that the Town has done to protect itself and they are in agreement with that they will replace the equipment.

Newlin: How do the attorneys feel about Mr. Britton's suggestion that we will sign contingent upon meeting the requirements set forth.

Leone: I don't have a problem with that. I would like to make it clear to the developer that **no** building permits are going to be issued until the engineer is satisfied. As to accepting the dedication of the roadway and the system....I suppose we are on the hook and now we own that.

Newlin said his worry is if the drainage is not fixed and something happens to the roads (undermined) we are going to be on the hook for that.

Britton: We do have a 50% maintenance bond in place. One of the advantages to this particular bond is that it is bonded by the owner. We could invoke that.

Newlin: What happens if they weren't able to fix the drainage issue right now correctly and the road gets worse. So, we have them dedicated so it is our responsibility....are we going to be on the hook then to fix them?

Britton: No, we would not. We have the bond.

Leone: The bond is a 2-year document with a date of Sept. 30th.

Edwards: When they do a site development, the property that is unstable is now coming down the hill....isn't it suppose to be stabilized like a 90% compaction?

Britton: It is not even a compaction. It is more of an erosion surface water. What happen with it, the contractor wanted to and we were all in agreement that everything was to be stabilized. What happen was the utilities kept coming through (gas, electric, cable). Let's hold while they come through and then stabilize everything all at one time instead of re-stabilizing everything. The rains came in Sept. & Oct. and it hasn't stopped. We required that the stabilization take place but we allowed them not to do that so the utilities could go through. Now with the recent storms, you don't want to wait for the final utilities to come through. Gas is in but electric is not. We need to get it stabilized now.

Edwards: After National Grid goes through they can stabilize it.

Lockhart: I would want to see how the stabilization on the erosion took place before I signed off on anything.

Newlin said that is the area that he is leaning towards. Is there any disadvantage to not accepting dedication at this point until we see some progress with respect to the stabilization? (No) I would be comfortable waiting.

This matter was tabled until the next meeting.

Boniello: There is a letter going out to one of our residents (the first of 5) regarding the building that we have identified that should be demolished. We have met with the State Bldg. Inspector and reviewed the matter with him.

Bax: With respect to some of those homes. Mr. Choboy advised me that there is nothing we can do as a Town until we have an order from the Supreme Court.

Boniello: That is the way we are going to proceed with a court order for demolition when we reach that point we will go through the steps necessary in our code. The code is dated at this point.

Bax: Is there anyway we could put together a document that he can fill in as far as you are concerned...the violations.

Boniello: I did review it with Mr. Choboy. It is not that easy and we need to specifically identify the violation with adequate notice and an opportunity to be heard relative to the violations. We may have to be more particular regarding the violations.

Boniello: Regarding the CWM defense, I have spoken with the County and we would contribute after they spend their \$50,000. I advised them that the Lewiston Town Board didn't want to sign a retainer or contract to that affect and we would do it in letter form. I have not received a letter from them.

I did review the fuel contract and it is acceptable but I would prefer that the Town Board approve it that they be subject to an escape clause and our satisfaction either 30 to 90 days termination for us or them. The amendment would be the State of NY not Ohio. It is a 5-year contract and I would not want to put the Town in a position where we may not have enough debris to burn. I would recommend its' approval.

Edwards: In the past we have had to pay to chip our mulch, trees, rubbish etc. This would take all of that away with a company that will bring a piece of equipment to our site 52 weeks a year and in turn we would provide 350 net tons at no cost to the Town. They are going to burn it at a co-generator plant and we will have enough chips that we currently pay (between 2500-5500) to give to our residents. There is urgency now with Tonawanda, Amherst etc. with the amount of rubbish that they have. I strongly recommend this.

Edwards MOVED for approval of a contract with the addition of an escape clause of 30 to 90 days and that either party upon written notice to cease the contract and

the applicable laws of the State of New York (Not Ohio) and subject to the final approval of the attorney. Seconded by Pacioni and carried 4-0.

Golf Course Update:

Last week during the Planning Bd. meeting the Seneca Development Corp. made a presentation as to its' progress with regards to the proposed golf course. The Planning Board would be the first to have to deal with this proposal. The Planning Bd. was impressed with the proposal. Previously, the Town had been pursuing a public golf course but with a private developer it has great advantages with the land being back on the tax rolls; alleviate a drainage problem and a professional management. The scale and the quality of the course are greatly enhanced. I have let the Seneca Development know that the Town does have interests that we would like included and they have indicated that they are willing to work with us on that. Under the Town's proposal before there were to be about 250 homes built and that will not happen now. New information will be forthcoming in the first quarter of 2007.

2007 Budget:

Newlin MOVED to hold a budget work session on 11/1/06 at 7p.m. Department heads may attend if they have questions. Seconded by Bax and carried 4-0.

Planning Bd. Vacancy:

We want to fill the vacancy as soon as possible. We currently have 2-3 qualified applications on file.

Bax MOVED that the Clerk advertise for vacancies on the Planning Board and the Environmental Commission. Seconded by Pacioni and carried 4-0.

Personnel Cmte. Mtg.:

A request from the Clerk for the Personnel Cmte. to meet. This item will be discussed in Executive Session.

Modern Disposal/Request:

Newlin said that although Lewiston was spared from the recent storm, neighbors in Erie Cnty. were faced with the burden of falling branches. I am very proud of the Highway Dept. that went to the Village of Williamsville at their request for assistance. The Supt. and 15 employees went there last Sunday through this past weekend. We received numerous thanks from the officials of Williamsville.

A side effect of that is that Modern Disposal has a request for the Town that they be permitted to accept some of the additional refuse that resulted from the storm.

Representing Modern Disposal are James Goehrig, VP of Engineering Services and Atty. Richard Palumbo.

Atty. Palumbo: Modern has a host community agreement with the Town. The agreement which relies substantially on the production and conditions that are imposed by the DEC permit to operate the facility. It also contains a volume limitation that Modern can accept by quarter and annually. We are here tonight because we have been requested by the DEC to accept additional waste as a product of the storm and subject to the Board's consent to waive temporarily the volume limitation. We expect that this waste will probably be caught up by the end of this calendar year. So our request for the resolution provides that the volume limitation both annually and quarterly in the host agreement be suspended for the balance of the 2006 calendar year.

Newlin asked for a description of the kind of waste to be accepted.

James Goehrig: The waste will be materials that have been ruined by the storm. The bulk will be everything that was in peoples' basement. The yard waste and trees is being treated separately and is being shipped to various locations in Erie Cnty. where it will remain. It will be the ruined furniture, rugs etc.

Newlin: It will not be hazardous waste. It will be household items only.

Bax: You will still have the same qualitative restrictions on the license.

Newlin: How many more trucks can we expect due to this?

James Goehrig: I spoke with DEC and at this point they don't have an estimate yet of the non crushed non trees related waste. I have heard estimates of 3M yards but I don't have the number from the DEC. I think it will be reasonable that it will be 3-5 trucks per hour.

Bax asked if your obligation under this would be a limited to a certain date or who would say you are done?

James Goehrig: I think putting a time limit on this quarter would beDec. 31, 2006.

Atty. Palumbo: The host agreement provides that an annual tipping fee on a per ton basis will be filed.

Leone: The issue I have would be is has DEC approved it?

Atty. Palumbo: This is all pending their approval as well.

Leone: Has DEC commented on this at all?

Atty. Palumbo: They have told me to track it and get back to them.

James Goehrig: To answer your question is whether they support this application the answer is yes. In fact, they initiated the process.

Leone: Would you feel comfortable if this Board were to adopt a resolution that would be contingent upon obtaining DEC approval? Given the fact that this kind of an emergency situation, I see it as a neighbor helping a neighbor type thing.

Newlin: The massive problem they are facing in Erie Cnty. now is if snow comes and accumulate while a lot of debris is at the curb there are some disastrous implications. The debris is from Erie Cnty. and some from Niagara Cnty. (Lockport)

Elgin: Are there any change in the restrictions regarding the transport of this materials over the roads?

James Goehrig: None proposed. This would be during regular operating hours.

Newlin said we are in extraordinary circumstances regarding Erie Cnty. and DEC has asked that Lewiston help out...

Leone said that we can adopt the resolution by reference.

Newlin: We will submit the proposal into the record through the Clerk's office.

Leone: The only proviso that I would make is that it would be subject to DEC approval as well. I would ask that the Board consider adopting the resolution allowing Modern Landfill to suspend the waste volume limitations established in the Host Community Agreement. Modern Landfill will pay the Town of Lewiston the tipping fees for any additional waste that occurs not later than December 31, 2006 and be subject to DEC approval as the same or more specifically set forth in the typed resolution accepted and read.

Pacioni MOVED to accept the following Resolution with the additions as stated by Town Attorney Leone. Seconded by Edwards.

RESOLUTION

WHEREAS, Modern Landfill, Inc. (Modern”) operated a DEC permitted solid waste landfill on Harold & Pletcher Road in the Town of Lewiston (“Town”) and
WHEREAS, Modern entered into a Host Community Agreement (“Agreement”) with the Town that established certain terms and conditions regarding the operation of Modern’s landfill, including the maximum volume of waste Modern may accept in each quarter and calendar year for disposal; and
WHEREAS, Erie County and portions of the surrounding area recently suffered a severe snow storm of record proportions, producing municipal solid waste far in excess of the permitted disposal capacity in the area; and
WHEREAS, the New York State Department of Environmental Conservation has requested that Modern accept a portion of the increased volume of solid waste (e.g., water damaged household waste) resulting from the storm in excess of its permitted capacity; and
WHEREAS, Modern has agreed to accept a portion of the increased solid waste, subject to consent of the Town; and
WHEREAS, the short term increase in the volume of waste disposed of at Modern’s landfill will result in an increase in host community benefits paid by Modern to the Town in accordance with Article E, Section 4 of the Agreement.
Now, therefore it is,
RESOLVED, that the Town hereby consent to suspend the waste volume limitations established in Article C, Section 1 (a) the Host Community Agreement until January 1, 2007, provided Modern pays the Town tipping fees for such additional waste in accordance with Article E, Section 4 of the Agreement.

Motion carried 4-0.

Disaster Assistance:

The Town of Lewiston helped out the Towns of Royalton, Lockport and Pendleton. In speaking with other Supervisors in the County and in Erie Cnty. it made me aware that we need to continually test call lists for notification. We need to be prepared and this Board should consider some new generators to power this building (Command Center) with possibly the Police Dept. moving here also. I will discuss this at the joint meeting with the Village.

NPC Bylaws Amendment:

The Power Coalition wants to adopt within its’ bylaws the actual enumeration of the division of monies with regards to the Greenway fund. We want to codify that into the bylaws. I don’t have the resolution and we can vote on it at the work session. It lays forth the principle that was already worked out in 2005 and that is how the monies will split. The Town of Lewiston is at the top of the list with the other municipalities and school district below.

EDWARDS:

Engineering:

We are redoing our parking lot and our existing sign has been saved. I would like the Board to consider a new sign. One reason is public safety....in the event of an emergency there are LED signs which give info on where to go etc. and it would be convenient in talking with the department heads for reminders for water bills; court and town board meetings. I would like our Signage Cmte. work with our department heads and then to our architect.

Edwards MOVED that the Signage Cmte. work with the Department Heads regarding a new sign for the Town Hall. Seconded by Bax and carried 4-0.

Highway:

Edwards commended the Highway crews for their assistance with the storm in Williamsville. I visited the site last week and saw the work that our crews are doing.

Newlin: The expenditures that the Town incurred will be picked up by FEMA and I understand that the Highway Supt. has records on everything which includes manpower, fuel costs etc.

Edwards: Williamsville is currently picking up the fuel costs for the trucks. All equipment costs are billable to FEMA along with manpower and administrative costs.

I have a request from the Highway Supt. to transfer \$45,000 from Snow Removal Contractual to General Repair Contractual.

Edwards MOVED to transfer from Snow Removal Construal code 5142.04DB to General Repair Contractual code 5119.04 DB to cover the rapid and unexpected rise of fuel costs. Seconded by Pacioni and carried 4-0.

Sanborn Fire Company:

Edwards MOVED to add Albert Lewis of 1922 Up. Mt. Fire Co. Lewiston to the roster of said Fire Company. Seconded by Bax and carried 4-0.

Police Contract:

Today, Councilman Bax, Chief Winkley and I negotiated a tentative labor contract with the Police Dept. It is a fair contract. The Police Dept. have made some cuts in the health benefit level with respect to the Teamsters Select Product. They are the only health care provider that will sign a 3-year contract.

BAX:

Wind Energy Committee:

Bax: I would like to move that the Town of Lewiston have a temporary moratorium on all wind energy installations and the purpose being to avoid the same problem that we have with the clay mining issue in the Town. The Wind Energy Committee has researched a number of Towns that have developed laws around this subject. They will be complying these in the next weeks and give them to our Town Attorneys and then hopefully we can draft our own law. Just so we don't have a developer what concerned a lot of the people on the committee and on the Tower Cmte. is they are concerned like we have with the run away towers problem that we will have a wind energy problem given the fact that we are right in one of the corridors for wind energy in the United States. They have some great information for that.

Bax MOVED that the Town institute a Temporary Moratorium on all wind energy installations until the Town of Lewiston adopts a law on this issue. Seconded by Pacioni and carried 4-0.

Fall 2006 Local Government Workshop:

This workshop will take place on Nov. 17th and the topics are local regulations of wind energy systems, land use moratoria, financial & legal aspects and environmental issues & process.

Bax MOVED to permit 3 members of the Wind Energy Cmte. to attend with a \$40.00 per registrant fee to be paid by the Town. Seconded by Pacioni & carried 4-0.

Tower Committee:

Those companies that site their towers in our Town should be providing us with evidence of annual inspection at the request of the Town Clerk's Office.

Brandon stated that the Clerk's office collects the annual fees on the sites and there are some users who have paid the fee and others who have not. We have not received any inspection reports at this time.

Bax MOVED that the Town Clerk send a letter to each of the tower owners asking that they submit on an annual basis evidence of an inspection of the towers on site as per local law and subject to any modifications by the Town attorneys. Seconded by Pacioni.

Edwards asked how many and what tower owners are in arrears?

Bax: It is a chief concern of our group in that we have laws that have not been enforced. Our new building inspector has attended several of our meetings and in theory it is his job to make sure that those are in compliance with the supervision and evaluation of the safety of each one of these towers. To date, it has not been followed through with. No one has ever submitted evidence of an inspection.

Brandon: My clerk has sent our letter regarding the annual fee and we have been fairly successful but there is one applicant who contends that our law is not applicable to towers.

Leone stated he would bring the Board up to date in executive session on this matter.
On the Motion, carried 4-0.

Speed Study/Military Road

Bax MOVED that the DOT conduct a speed study on Military Road between Upper Mt. Road and Lewiston Road (Route #104. Seconded by Pacioni & carried 4-0.

PACIONI:

Senior Center: Halloween Party on Oct. 31, 2006.

Recreation:

Work has begun on the fencing at Colonial Park.

Kiwanis Park:

Mr. Dashineau is seeking permission to seek bids to completely replace the grinder pump station and control panel along with new piping and electrical systems.

Edwards: I see a proposal from Bryk Plumbing here...did you direct them for a design build?

Dashineau: For the past 3 years we have had problems with the bathrooms there and when our Water Dept. could not fix it that is when Mr. Bryk came in and said that this is what needs to be done.

Edwards asked that with the replacement of a whole system, should we use an engineer to inspect etc. (Absolutely)

Dashineau stated that if you were to approve it would go Mr. Lannon or Mr. Britton to review it.

Pacioni MOVED to go out to bid for the replacement of a grinder pump station, control panel, new piping and electrical system at Kiwanis Park. Seconded by Bax and carried 4-0.

Pacioni MOVED that funding for the replacement will come from H61 Capital Improvement Parks Account and to include engineering fees. Seconded by Bax and carried 5-0.

Sanborn Library Carpeting:

I would like to table this item until I receive additional information.

At Mr. Johnson request, the Fire Bureau will meet on Oct. 26th at 7 p.m.

MOTION by Pacioni to go into Executive Session for the following items: Contract negotiations; personnel matters and advice of counsel on 2 legal matters.

Time: 8:40 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session: Sup. Newlin; Council Members Bax, Edwards & Pacioni; Attorneys Leone & Boniello*; Dpty. Sup. Elgin; Police Chief Winkley & Town Clerk Brandon;

1. Discussion on personnel benefits and referred to Personnel Committee.
2. Police Union Contract discussed in detail.
3. Discussion on hiring police traffic officer.
4. Court issues/personnel.
5. Police budget.

Motion by Bax, Seconded by Pacioni to exit Executive Session. Carried 4-0.

Motion to adjourn made by Bax, Seconded by Pacioni. Carried 4-0

Time: 10:20 p.m.

Transcribed by:

Carol J. Brandon
Town Clerk

Minutes taken by:

*Deputy Town Attorney D. Boniello