

Present: Supervisor Newlin; Council Members Bax, Edwards, Johnson & Pacioni; Town Atty. Leone; Deputy Town Atty. Boniello; Eng. Lannon; Adm./Op. Lockhart; Deputy Sup. Elgin; Finance Officer DiRamio; Bldg. Insp. Skurski; Police Chief Winkley and Town Clerk Brandon. 3 press reps and 9 residents.

The Supervisor opened the meeting at 7:05 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

Newlin: We will start with a budget review as we had a session on Nov. 17th in the afternoon. Overall spending over 2006 will increase only 2%. I have to say that is a significant achievement in light of the fact of increasing personnel costs and rising raw materials especially steel and oil that we use a great deal. It is a very fiscally conservative budget and I would like to thank the budget officer, my secretary and my fellow council members for working a lot of hours in trying to derive the best budget we could. It is a conservative budget in that we projected as conservatively as possible, possible revenues next year whether that fees and/or revenues from sales tax and we concentrated on similar critical missions of government (i.e. infrastructure, improvements) and necessary tasks that need to be performed by the Town. We all recognize that our residents are constantly bombarded by relatively high property tax rates. We would like to have a say in terms of taxation in the county and the school, but we can't. We can only work on the town tax. I am glad to report that this will be the second consecutive year that the Town of Lewiston does not have a town tax of any sort. That compares very favorable to neighboring communities and it is a tribute to all the hard work that a number of people at Town Hall have tried to manage expenses as best as possible.

The way we have tried to accomplish those goals of low taxes is to increase non taxpayer revenues and reduce by attrition personnel. When elected we realized the biggest costs that will face us in years hence is personnel costs. We cannot go outside of the county for tasks like plowing the roads etc. If we can reduce full time employment we will see current and realize in the future increased savings. In 2004 the budget officer's position went from full time to part time. In 2005 the assessor's position went to part time. In 2006 with the cooperation of the Highway Supt. we will be doing our best to keep a level of 16 employees in the Highway Dept. This will not be easy for Mr. Reiter to do. The Town does have 40-50 new homes going in every year which means a road to plow and fix. Mr. Reiter is going to do his best with either part time help of seasonal employees. That is a third job that has been thru attrition with a substantial savings. Single person health care costs are around \$400 (per month) with family health care costs around \$800 for each employee. That is a real savings. It also helps with retirement and it is a cost cut we have achieved.

In revenue increases, we tried to seek increases in non taxpayer revenues. We've gone to the Power Authority and will get annual money from them. We pursued projects that keeps land on the tax rolls like the Seneca Nation golf course that was to be a public entity and now it will be on the tax rolls and will help the Town's assessed valuation which determines the amount of sales tax that we get back from the County.

Finally, before the end of the year we are going to pursue a new fee schedule which has not been changed for the last 30 years with respect to building new houses. This will mean that the people that are coming to Lewiston are paying their fair share and that current residents are not subsidizing them moving here.

No Power Authority monies are within this budget. That is money that we already have or money that we anticipate to get next year should FERC approve this re-licensing application by the Power Authority. Everyone says it is going to go through, but I think to be safe we shouldn't budget for that and the Town Board supported me on that.

I would like to commend this Board for 2006 in that we did not take on any further indebtedness. There are a lot of capital projects that need to be done and we have old infrastructure and the Town is growing.

We have been able to identify a health care plan that will help pay for health care for non-union employees. We had anticipated a 15% growth and by going to a slightly more modest plan we will ask those employees for slight increases in co-pays. We will be able to see only a 7% increase in those packages.

Again, we have to be effective as possible in trying to reduce full time employment where we can and looking forward to more part time help.

Secondly, I would like to identify is that at our very last budget meeting on Nov. 17th and at that time we had through my office, we had a better idea of what revenues we would be getting. Again, mostly sales tax and interest earnings on Town investments. That enabled us to anticipate and realize within the budget some new revenues. We also made some cuts of \$100,000 overall spending to the budget. One other change that was made and I would like to thank my colleague, Mr. Johnson and that was an attempt to try to bring the supervisor's salary more in line with that of it's neighboring communities whether it is here in Niagara County or in Erie County. I really do appreciate the unanimous support the Board gave Mr. Johnson's motion and their kind words of sentiments and I do take that to heart. Again, I thank you all. We put the budget to bed that Friday and then by State law has to be filed on November 20th. There are 3 critical dates in the budget. One is September 30th when the Supervisor proposes his preliminary budget, November 15th which is the last day for public comment and November 20th the date the Town must adopt the budget and submit it to Lockport. After this process, I always look backwards to see where we might have made a mistake and I did identify one change that we made. That is the increase that was discussed of the Supervisor's salary. According to State law you cannot increase the salary of elected officials or officers after the date of the last public hearing. The Clerk's office contacted Lockport and made them aware of the change and we asked the Association of Towns' for advice and since no check had been cut there was nothing wrong there. We had to notify them of the change. An important fact for the record, although the pay increase of the salary of the Supervisor and my office was discussed the only motion that was voted on was to increase the Supervisor's personnel services line. That line includes my salary, my assistant and the deputy supervisor. We added about \$6500 for the salary and since that is not possible under State law; we will just leave that as an unspent amount in next year's budget. The good news is that there will be an extra \$6500 back into the budget. Again, I would like to thank the Board for their kind sentiments expressed in that attempt to get the Supervisors' salary up and I do appreciate your thoughts and comments but it could not be done at that time. That concludes my review of the budget. I know that some of the councilmen asked to say a few things in retrospect of what happen so if there is comment at this time and following that comment period I think it would be a good idea to formally adopt and recognize the last published budget that shows the salaries of the Town officers just so that we would have it in the record and there is no ambiguity on next year as we move forward in 2007.

Johnson: We had an Amtek study done 9-12-05 for all of the Town's department heads and employees and tried to come up with a step plan to try and bring the people that are currently working and do comparisons to other towns of our size. I think there is too much government for 220,000 people and perhaps some day the people will change that.

The Town of Lewiston has 16,257 residents and 2,781 in the Village. The "A" fund represents the whole town. When I look at the salaries of the other Supervisors that are part time and with the duties that were passed onto the Supervisor, I felt that we needed to stay in line. The Town of Wheatfield Supervisor's salary in 2004 was \$26,400 and current it is at \$35,000. The Town of Lockport has 19,000 people and the salary in 2004 was \$39,700 and in 2006 it is \$41,200. Grand Island (18,621 people) Supervisor's salary is \$59,349. The Town of Niagara with 8,000 people pays \$31,173 currently. The salary wage needs to be updated and we did not do this until the draft was done of 9-12-05.

They also suggested that we do a high, medium and low range. We are trying to bring our people somewhere near the medium range.

One of the most important things that I think about the Supervisor's job is probably at this time with the size of the Town growing, it should be a full time position. A few years ago, we took the duties of the water superintendent and passed it on to the Supervisor so he currently handles not just the day-to-day Supervisor duties, he is also the fiscal officer of the Town and now other responsibilities of running the Water Dept. Beside the fact that he (Newlin) is the lowest paid Supervisor you look to the future for towns of our size. Part time elected officials use to get health insurance and some are still getting health care for life who have retired. Previously, we took it from full benefits to 50% of the benefits and it was fair. Then we took the benefits out.

Last year we discussed the pay of the Supervisor who receives no health benefits but we never adjusted it to the studies that were done. I am disappointed that we were not informed that we had to have this done back a couple of weeks ago. We had looked at all of the salaried positions and some were adjusted accordingly. I am hoping that in the future we will get the right advice going into budget sessions.

The State has us down as 70% of our properties as being off the tax roll. Because of the assessment of the Power Authority you cannot really put a real value on what it is worth. How much is 2600 acres of prime land along the 1-90 worth? We looked at the future of the budgets and asked where are we going with it. With benefits and salaries increasing at least by 3% in the future we need to talk about consolidation.

Edwards: I would like to thank and totally agree with what Mr. Johnson said. I did some research myself with our surrounding towns and actually we have the only Supervisor in WNY that also wears the hat of Water Supt. I have the wage scales from our closest bordering towns and they range from \$50,000 to \$44,400. I just would like this Board to consider between now and the first of the year or after the first of the year some kind of compensation for the work the Supervisor is doing with our water districts and our Water Board. I think the job deserves some pay. There is a lot of work besides preparing the Town's budget, he prepare the Water Department's budget and anything the Water Dept. needs he is on 24 hour call....that is beyond the Supervisor's scope in my opinion. The Board may have different opinions. But, I truly believe that he should be compensated for the fine work he has done as Supt. of Water.

Newlin: I do want to mention about the budget is that with this budget in place, by our best estimation now and I will have a firmer grasp of it once we close the books on fiscal 2006 in the next 5-6 weeks now, my projected fund balance for the Town should be well excess in 25%. So with a Town budget of around 12 or 13 million, we should have a fund balance of in excess of 3 million dollars. But, I will know exactly that number or a very close approximation in about 2 months' time. I will report on that once we have those year end audits. At this point, I would like to entertain a motion that does recognize and authorize the 2007 schedule of salaries of elected town officials:

Supervisor	\$ 27,923
Deputy Supervisor	1,640
Council Members (4)	12,311
Town Justices (2)	22,279
Town Clerk	49,191
Highway Superintendent	58,774
Receiver of Taxes	43,186

Motion by Edwards to recognize the salaries as read. Seconded by Bax.

Johnson asked if that included the additional that the Tax Receiver and the Clerk get as Registrar.

Newlin: Those are additional stipends for other duties. They do not have to be in there. Those are the salaries for those elected officials.

On the Motion, carried 5-0.

RESIDENTS:

Amy Witroyl of 4726 Lower River Road. I think most of you read in last weeks *Sentinel* where the DEC had worked with CWM and officials in Niagara Falls to take care of a truck that wasn't properly covered and was leaking. Unfortunately, that is not where the story ended. The truck apparently was not properly secured and it was still raining and I don't know if the truck was lined or not. But, it was certainly leaking from K-Martat least as far as and through most of the Town of Lewiston. We have seen a bit in the newspaper and certainly heard at the last CAC meeting some concerns from residents about the truck routes in the town particularly past the schools. I am very sympathetic to the concerns about the routes while understanding that somebody' going to have deal with it. My priorities are two fold. #1, to eliminate the truck traffic in the Town of Lewiston altogether. I believe that when CWM runs out of capacity in the next 5 years we will accomplish that. But, the most immediate and important concern is one of enforcement. I urge the Board to examine all possible alternatives it has or can work with DOT, DEC, the county depending on whose roads the truck traffic comes down to see that before these trucks enter the Town of Lewiston that they are secured. If there is a problem, that there is a proper and appropriate escort. Unfortunately, we had a resident exposed by the truck and happened to be as we read in the newspaper one of many trucks carrying PCB's contaminated material which one would expect since CWM is one of only nine facilities licensed in the United States. Again, I urge the Board to take whatever steps you can necessary to look at the issue enforcement particularly because this is not an isolated incident. We have reports once or twice a month from the CWM monitors, so know that trucks arrive at CWM gate sometimes leaking, sometimes uncovered with certainly as was the case from eyewitness accounts to the last truck with material not just leaking out the bottom but is not properly covered coming out the top of the trucks as well. That comes through our towns and unfortunately CWM ability to enforce it only takes place when it gets to their gate. They don't have monitors up and down Creek Road looking for this so, enforcement after the fact is well and good but.....we'd like obviously to prevent any possibility of exposure to our residents to begin with. So, preventative measures are really the key here and when you look at the monthly reports of trucks that are found to be leaking or not possibly covered that are sent to the Town to see that it is not an isolated or rare occurrence. So, thank you for anything you can do to help improve prevention as long as we have to live with this facility. Thank you.

Lori Caso of 5243 Hewitt Parkway. I am the Community Relations Director for CWM and I would like to explain bit about what happened. There has been some misinformation. The trucks were diapered at K-Mart parking lot. What happened was our security guard on the way home (off duty) saw 2 trucks that looked suspicious and he pulled over and saw that they were un-tarped which is against all DEC regulations. He phoned into the DEC and waited until the DEC got there who called the State Police. They called in the CWM officials to help diaper the vehicle and then the State Police escorted them to CWM. So, there is no reports of anything leaking through the Town of Lewiston. Now, obviously everything that was leaking seems to have happened in the K-Mart parking lot. Those two drivers have been banned for life from CWM and they maybe facing some charges from DEC.

We will be meeting with the Lewiston-Porter BOE next week to discuss the truck traffic that is an ongoing issue. Thank you.

John Ceretto, N.C. Legislator. A resident did call me about the article with respect to the leaking truck and identified the truck with the CWM emblem on it. When he read the article about the possibility of PCB's in the truck he was very concerned. The resident wants this to be held in confidence and so I notified the N.C. Hazmat and authorities at the county level and the DEC is aware of the situation. They are supposed to monitor the clothing and see if there is contaminated. I am hoping that it is rain water. I am opening my door to you and we can discuss this and I hope this is not a dangerous situation. Thank you.

AGENDA:

Pacioni has noted that we have a rep from the Mooradian Rug Co. with us tonight.

Newlin: We will move Mr. Pacioni's agenda items to right after new business.

Pacioni MOVED to accept the amended Agenda. Seconded by Bax and carried 5-0.

MINUTES:

Johnson MOVED for approval of the 10-23-06 RTBM; 11-01-06 Budget Worksession; 11-09-06 Public Hearing (2007 Budget) and 11-13-06 Budget Worksession meetings. Seconded by Pacioni and carried 5-0.

POST AUDITS:

Johnson MOVED to approve the following items: Home Depot \$151.76; Office Max Inc. \$111.02; Office Max-(HSBC Business Solutions) \$1,493.80; Office Max-(HSBC-Business Solutions) for \$202.50 and Sam's Club \$358.36. Seconded by Bax and carried 5-0.

Johnson MOVED for payment to the Niagara Power Coalition \$11,620.45. Seconded by Pacioni.

Newlin: This is coming out of our NYPA reserve fund. It is for quarterly dues although...it is our more or less 1/7th of the expenses raised by ???

Johnson: There seems to be a lot of confusion going on with the Power Coalition.

Newlin said we can bring it up under my agenda.

Johnson asked if this is monies that we already owe them.

Newlin: It is monies that were spent more or less late summer to the end of October.

Johnson asked if the Supervisor had a chance to review them.

Newlin: Yes. I have an ongoing criticism of the legal expenditures there but I am only one voice in a group of seven. Harris Beach is moving on.

Johnson asked what percentage of the \$11,620.45 are legal fees.

Newlin said he guessed in excess of 60%. Maybe 70 or 80. You are going to be able to a tally by the years' end of what Harris Beach has cost not only our community but the other 6 members of the coalition. I think it will be a very interesting number. We should be approaching our very last bill from Harris Beach.

Johnson: When we receive this type of a bill regarding the Power Coalition, I would like a breakdown.

Newlin said that he would provide all correspondence from the Power Coalition to the Board members.

On the Motion, carried 5-0.

Johnson: I would like to pass on info that I received from the County Planning Board to the Zoning Bd. and Building Dept. I will bring this up under my agenda.

Johnson MOVED that an Executive Session for the purpose of personnel issues and private opinions of counsel regarding litigation. Seconded by Bax and carried 5-0.

OLD BUSINESS:

1. Saddlewood Lighting:

Lannon: I will be meeting with Dr. Cooper tomorrow evening and I will assess how many lights they are talking about. I will report at the next worksession.

Edwards: If traditional lights are needed, is it the consensus that we will not put in a special lighting district?

Lannon said that is an option. We are looking at one additional light there tentatively.

Edwards: Residents should know before....if something is free you want numerous ones and if it is not they should know.

Lannon said he would explain his understanding of the Town Board's policy on street lighting and give him the basis for my recommendation for the one and your concerns about the others.

2. Planning Board Vacancy:

Newlin said that there are other individuals who are applying and so we will appoint at the next meeting.

Edwards said there is one application forthcoming for the Environmental Commission.

CORRESPONDENCE:

1. The Planning Board on 11/16/06 approved a request from Lillian Haseley for one-lot on the north side of Saunders Settlement Road, SBL#118.01-12.11, as presented. Attached are the responses from the N.C. Planning Board and Environmental Commission.

Johnson MOVED to approve a Neg Dec on SBI#118.01-23.11 for Lillian Haseley as recommended. Seconded by Bax and carried 5-0.

Johnson MOVED for approval of a one-lot on the north side of Saunders Settlement Road SBL#118.01-12.11 of Lillian Haseley as recommended by the Planning Board. Seconded by Pacioni and carried 5-0.

2. The Zoning Board on 10/12/06 reviewed the new mandatory planning and zoning training requirements. The ZBA is requesting that the Town ask the County if they would consider offering some training on a quarterly basis that could be attended by all the county's Planning & Zoning Boards. This would be a large savings for the towns.

Johnson stated that they have already set an evening date in February at N.C.C.C. I will provide the Clerk with info on this.

3. A request from the Upper Mt. Fire Co. to add Jessica Martin of PO Box 0947, Niagara University, N.Y. to the roster.

Johnson MOVED to add the name of Jessica Martin to the roster of Upper Mt. Fire Co. Seconded by Edwards and carried 5-0.

PACIONI:

1. Sanborn Library Carpet Bids:

I have asked Mr. Petrosian of Mooradian Rug Co. to answer some questions that we have. What is the difference between a 26 ounce & a 28 ounce for a commercial building like a library?

Michael Petrosian: It is not a difference of a lot of money....it is the durability. Municipalities usually do 28 ounce nylon. With regard to the width, there is no nylon product that comes in 15 feet wide. 26 ounce fiber would not meet the fire code and I would recommend 28 ounce. There is a 10 year wear warranty on the carpet as is on all carpets.

Pacioni: The bids received were from Mooradian Rug Co. (28 ounce) \$11,742.44;* Nico Flooring (28 ounce) \$17,870.00 and Custom Carpeting (26

ounce) not considered. *Solution Dyed Nylon Attribute 28 ounce-colors to be determined. Installation, labor and removal of old carpet.

Bax MOVED to accept the bid of \$11,742.44 from Mooradian Rug Company for carpeting at the Sanborn Library. Seconded by Johnson and carried 5-0.

Senior Center: Christmas luncheon will be held on Dec.21st at 11:45 a.m. Senior van has been repaired.

NEWLIN:

Legal:

Leone: I have been dealing with the attorney from Modern about the Town essentially turning over ownership of the old Town landfill to Modern. Some years ago, the Town entered into a Host Community Agreement and it seems clear pursuant to that agreement that ultimately that Modern would end up owning that from the Town. Subsequently, there is a lease agreement that Modern entered into and pursuant to that lease agreement they obtained an option to acquire it from the Town as well. Their lawyers are interested in doing that. I have a proposed legal description but not a deed of conveyance yet. There is one slight issue with respect to one of the dimensions of the legal description that I'll will work out. I hope that this will be ready by the next work session and then the Board can vote on it.

Local Law re: Administration & Enforcement of NYS Uniform Fire Prevention & Building Code.

Newlin: We received notification from Bldg. Insp. Skurski; the Board will have to act on a NYS Uniform Fire Prevention & Building Code local law.

Leone: Mr. Skurski has provided us with info on what other communities have done with respect to this. We have to put the appropriate language into the local law in final form prior to the next work session. Set a public hearing in order to get this done by the end of the year. It has to be on your desk five days in advance and then you have to have your public hearing. Subsequent to the public hearing you can make any amendments. In review of everything that has been presented to me the local laws that have been presented create a position of Code Enforcement Officer. You may decide whether the Building Inspector will be that Code Enforcement Officer. If so, perhaps we should put some language in the local law that says they can be the same person or in the absence of a Code Enforcement Officer.....or if you want a separate Code Enforcement Officer.

Johnson said he would like the changes that the Town of Wheatfield put in their law included in ours.

Leone: I agree that the Wheatfield local law is very well drafted and appears to be very comprehensive but if anything is going to be added in, Mr. Boniello and I will try to come up with a formed draft five days in advance of the work session. We have a January 1st deadline looming although it is not a mandate. The purpose of the public hearing is to determine whether or not there are any substantial changes from the public and Board could make it at that point. Ultimately, if enacted we can always do amendments to the local law.

Newlin: My recommended course of action would be to make Mr. Skurski the point man on this. If we have any additions or fine tuning of the Wheatfield language, please contact Mr. Skurski. Mr. Skurski would you by the end of the week get your own draft to the attorneys for their review with the final language back to us by next Monday or Tuesday.

The Clerk suggested that the date of the public hearing be set tonight.

Johnson MOVED to hold a Public Hearing at 6:45 p.m. on December 28, 2006 for a local law re: Administration & Enforcement of NYS Uniform Fire Prevention & Building Code. Seconded by Pacioni.

Edwards: Mr. Leone, with respect to the Code Enforcement Officers it states that there is administered and enforced provisions in the unified State code....how are they going to enforce? Our building inspector?

Leone: He can write an appearance ticket, a cease & desist.

Edwards: An appearance ticket....from there who prosecutes this?

Leone: Mr. Skurski would take the ticket to the Town Court and an attorney is needed to go forward to prosecute it in court. Mr. Boniello is currently doing that with dog problems, town ordinances, not DMV.

On the Motion, carried 5-0.

Police Retirement System-Allowance for Unused Sick Leave:

Newlin: This is a product of our successful negotiations with the Police Dept. It is the adopting of a rule under Section 341 (j) with respect to unused sick days.

Leone: The proposed resolution allows police officers who have accumulated unused sick time to add that to his pension benefit time for purposes of NYS retirement. It does not add to his final average salary. It adds days to the first day that he was hired.

Winkley stated it was in the last contract.

Newlin MOVED for the adoption of the following Resolution:

At a meeting of the Town Board of the Town of Lewiston held at Lewiston, New York on November 27, 2006, Supervisor Fred Newlin offered the following resolution.

BE IT RESOLVED: That the Town Board of the Town of Lewiston does hereby elect to provide benefits of Section 341 (j) of the Retirement and Social Security as presently or hereafter amended.

BE IT FURTHER resolved: That this election shall become effective beginning on 1st day of January 2007.

Seconded by Johnson and carried 5-0.

Health Insurance-Select Base Plan for Non-Union Personnel

Newlin: The current health care product that was the base plan for the Town of Lewiston was called the Independent Health Flex Fit plan. That cost has escalated around 22-23% for 2007 over 2006. The Board rescinded that plan because it was a cost that nobody including our health care advisor expected an increase that high. Since then we have been taking in proposals from other health care companies. The two lowest are Univera Solutions @\$312.67 single member & \$869.74 family member. Independent Health Flex Fit Select @ \$313.68 single & \$831.25 family member. It is slightly more on the single side & on the family side it is \$38.49 lower. I would recommend based on these numbers is that the Board adopt and identify Independent Health Flex Fit Select plan as its' base plan for non-union employees. The employees will be slightly increasing their participation in the cost of health care. Co-pays for medicine that were \$7, \$15 & \$30 will go to \$10, \$20 & \$35. I think it is still a very reasonable coverage. If adopted it will represent only a 7% increase over what we expended in 2006.

Motion by Johnson to accept the Independent Health Flex Fit Plan as the base plan for non-union employees for 2007. Seconded by Pacioni and carried 5-0.

Resolution re: Niagara Power Project Replacement Power:

Newlin: We have a resolution that we are asking to support that as much low cost power that is derived from the power plant that is located in the Town of Lewiston stays in Niagara County and WNY. Niagara Cnty. Res. # ED-027-06. It is vital to our local economy.

Motion by Supervisor Newlin that the following Resolution be submitted into the record. Seconded by Bax.

RESOLUTION IN SUPPORT OF: THE PERMANENT RETURN OF THE 70 MEGAWATTS OF NIAGARA POWER PROJECT REPLACEMENT POWER (RP) TO

THE AREA WITHIN THE 30-MILE RADIUS OF THE NPP: MORE FLEXIBLE CRITERIA FOR ALLOCATION OF NIAGARA POWER PROJECT RP AND EXPANSION POWER (EP): AND THE CONTINUATION OF THE POWER FOR JOBS PROGRAM. (Entire Resolution is on file in the Office of the Town Clerk.)

Carried 5-0.

Advertisement-Vacancy 2007 Boards & Commissions:

Clerk advised the Board that the advertisement will appear in the official newspaper in the next few days.

Re-licensing Update:

Newlin: The Greenway Commission is coming out with its' proposed boundary criteria for where the monies can be spent. It was publicized today but not published. It will be available on the web site and also at the libraries. The first examination conducted by Sam Ferraro of the IDA stated that he was encourage by it but will withhold comment until he sees it. We will comment on it at the next meeting.

With regards to the Power Coalition updates, Harris Beach either doesn't want to be involved with the coalition any longer or they do. We have had two different attorneys' comments. I think it is apparent that Harris Beach will no longer be retained by the Power Coalition after Jan. 1st. I am not even sure if they did any work for us in November and it may have been limited. I don't believe they will be doing any work for us in December. I think it will mark the end of an unfortunate chapter within the Power Coalition. I don't think Harris Beach was the firm cut out for that job. I know that my colleagues on this Board and the previous Board also had severe hesitations with some of the billing practices and frankly seeing what exactly we have to show for the amount of dollars that have been expended ...I think some very small list unfortunately and I don't know if we have gotten the ball any closer to the end zone....not as close to it as we should have by Harris Beach over the last 2 years. The Town has moved rapidly forward with our independently hired counsel and that was a good decision this Board and prior Boards made with Mr. Dax of Albany representing our interests as well as Hodgson Russ Attorneys, Mr. Spitzer and Mr. Fluskey. We have been in communications with the National Grid and the Power Authority over the last several months and are making some good progress. I will inform the Board as to a date when we will have a strategy session.

Chairman Wm. Ross as resigned in effect as Chairman of the Power Coalition because he has a legal opinion from Harris Beach saying that no member who represents one of the seven entities should be an officer. He is now the temporary chairman but next year we will have another chairman.

CAC Letters: We have 2 draft letters from the CAC Advisory Cmte. to go to Michael Mahar, District Manager of CWM Services and Daniel David, Regional Engineer at NYS DEC Region 9. We have been asked by the CAC to authorize myself to sign this letter and ask the Board go on record as supporting this.

Boniello: With respect to the letter to DEC or Mr. Mahar, I don't have a problem. With respect to the CAC agreement, I don't have the addendum and there is reference to it.

Newlin: The DEC letter is asking for some guidance for the Town and the CAC. (Draft letter on file). The letter will be signed by Porter Sup. Wiepert, Leg. John Ceretto and myself.

Bax MOVED to authorize the Supervisor to sign the letter to DEC. Seconded by Edwards.

Bax said they are investigating the possible use of the parkway.

Newlin: There are two issues with that. One is the bridge height and the other is the construction of road to support heavy trucks.

On the Motion, carried 5-0.

Bax MOVED to authorize the Supervisor to sign the letter to Mr. Mahar of CWM. Seconded by Johnson. (Draft letter on file) Carried 5-0.

BAX:

Sewer Use Agreement: You have a draft agreement to review and I would like to act on this at the next meeting. If you have any comments get them to me or Mr. Lockhart.

Drainage Issue – James Drive

Lannon: I met with Mr. Forcucci to discuss the problem that he has there. I would like to speak with Mr. Reiter regarding the town's issues and I will give you an update at the work session.

EDWARDS:

Vista North Dedication:

Lannon: At the last work session, I recommended that the dedication not be granted at that time because we were lacking some documentation from Yarussi Construction. This was centered on two issues. One, the restorative work was done and slope stabilization component problem. Following the installation of the utilities, this letter (on file) documents that as well as the agreement that in the spring of 2007 we will do an inspection and flush the storm sewer system. Both of those ideas were responded to by Mario Yarussi and my inspector. We agreed it was a good idea and since we have gotten that letter we have looked at the work and everything is in order. With this letter that you have a copy of and from an engineering standpoint, I would recommend dedication of Vista North.

Edwards said that Mr. Yarussi initiated this procedure. I want to compliment him because he did the right thing.

Edwards MOVED for approval of the dedication of Vista North Subdivision. Seconded by Johnson and carried 5-0.

Johnson MOVED to authorize the Supervisor to execute the dedication deed. Seconded by Bax and carried 5-0.

Highway Drainage: A lot of our projects have been started as we do a lot of drainage work in the winter since the winters have been mild.

Parking Lot/Sign: We are currently coming in roughly around \$98,000 total number. We originally budgeted that project for \$160,000. I have an idea for this Board to consider. We have the sign that was moved for the current parking lot. We have had a sign company give us 2 different scenarios of the sign. It is an illuminated and message sign. In emergency it can advise you where to go. Our Clerk can do everything from inside the office and it is network wireless. The message board would compliment the parking lot. I would like the Board to consider a new sign and if so select one of the two designs and have Mr. Lannon spec it and put it out to bid. I would like with permission to fund it through the monies that were appropriated for the driveway renovations. We are roughly \$61,000 under budgeted.

Newlin: This would be a better way to communicate notifications to the residents as to meetings, emergencies etc. It seems the Board is in agreement with sign #2.

Newlin said the funding was under the Town Hall Improvement Capital Fund.

Lannon: Originally we were going to take the existing sign and move it towards Ridge Road.

Edwards: We have a budgetary number between \$24,000 & \$25,000 for the new sign.

Edwards MOVED to authorize the Engineer to prepare specs and go out to bid for the purchase and construction* of a new Town Hall sign. Seconded by Bax and carried 5-0.

*Town Highway Dept. will replace the existing columns.

Edwards stated that we are going out to bid and we can authorize the funding when we have the numbers.

JOHNSON:

County Planning Board: We don't have a manufactured home community as yet but we could have one because the Federal Government says that each community needs to have that type of a community. The road is dedicated to the development and should we do this.... in other developments they had to provide traffic laws and regulations because it is a private road. We should be aware in case we do get a planned development that says they will not dedicate the road to the Town.

With respect to the regulated adult entertainment use in Newfane and industrial zoning, please keep that in mind with the new zoning ordinance. You cannot stop someone from industrial zoning. There is also a site development regulation that was added by the County Planning Board. I would like to share this with all of you.

Fire Bureau: Thanks to Mr. Pacioni who was to cover for me but unfortunately the meeting was cancelled. They will meet on 12/14/06 at 7:30 p.m.

Retiree Health Coverage:

Newlin: There are some new things coming in on this and we can act on at the next meeting.

Bax MOVED to go into Executive Session to discuss a personnel issue and to review private opinion of counsel regarding litigation. Seconded by Pacioni 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. Deputy Supervisor Elgin; Eng. Lannon; Town Atty. Leone; Deputy Atty. Boniello and Councilman-Elect Palmer.

Issues Discussed:

1. Sick days accrued/personnel.
2. Parks-maintenance/highway/salary/personnel.
3. Yarussi issues-related sewer lines possible litigation.
4. Possible litigation A/C unit improper installation and damages to structure.
5. Current litigation & possible settlement/mining.

Motion by Johnson to exit Executive Session. Seconded by Edwards and carried 5-0.

Time: 10:10 p.m.

Motion by Bax and seconded by Pacioni to pay Supt. Steven Reiter \$2400 at next pay period for services rendered as Deputy Parks Director of the balance of the season. Funds to come from B fund contingency. Carried 5-0.

Motion to adjourn by Edwards and seconded by Pacioni. Carried unan.

Time: 1:15 a.m.

Respectfully submitted* and transcribed by:

Carol J. Brandon
Town Clerk

* Minutes taken by Deputy Town Attorney D. Boniello