

REGULAR TOWN BOARD MEETING December 29, 2005 7:00 P.M.

Present: Sup. Newlin; Council Members Ceretto, Johnson, Kilmer & Langlois; Tn. Atty. Leone; Dpty. Atty. Boniello; Budget Officer DiRamio; Engineer Lannon; Adm./Op. Lockhart; Police Chief Winkley; Town Clerk Brandon; 3 press reps & 10 residents.

The Supervisor opened the regular and final audit meeting at 7:40 p.m. The Pledge of Allegiance was recited followed by a moment of silent reflection.

RESIDENTS:

Mr. Leroy Johnson, speaking on behalf of the Eger family of 1182 Jarrett Drive with respect to the rottweiler dog owned by the residents of 1176 Jarrett Drive. I believe this dog is a safety threat to not only children but families as well. This dog has shown aggressive behavior in the past and has charged the fence which is not tall enough or sturdy enough. The owner of the dog has suggested that the children play on the other side of their yard away from the fence. I think that under the Ag & Markets act, there is something that this Board can do about it. This Board can ask them to put a sufficient fence not a fence of this nature. The dog has charged the fence on numerous occasions. I think this could be addressed with a fence and a chain. I don't want to see anything happen to my family.

Winkley: I have been in contact with Mr. Johnson and I do agree with him. This is not in our domain. I believe that the dog warden has also spoken with them along with Atty. Leone and Mr. Chile of the S.P.C.A. I have also spoken with the dog owner who is not going to get rid of the dog.

Boniello asked if any violations have occurred.

Mr. Leroy Johnson said that he believes under the Ag & Markets law that if a dog shows aggressive tendencies this Board can take action. This dog has charged these children and has taken away the use of the yard. I would not want to have to come here because this dog has bitten someone.

Ceretto asked if it was possible that the two parties could share the cost of a fence.

Mrs. Eger stated that the owner has stated that she is not going to change the fence and that we would have to fence our entire yard. The dog on numerous occasions has charged the fence and us.

Newlin said that this issue was taken to Judge Gee and there maybe a code violation that the Town can proceed on.

Boniello said his concern is possible litigation and a report back to us maybe in order.

Newlin said he would contact the family and now we need to get the enforcement agencies to follow thru what is a dangerous situation. You have every reason to be concerned about the use of your back yard being taken away by a hostile dog. I did ask the person to put the dog on a chain but they refused.

Langlois said that we need to follow up with every avenue possible, legal etc.

Brandon: I have attempted to correct this situation. You do not need a leash on your dog unless you take it off of your property. I am not defending the owner because this is a very serious situation. The dog control officer has been there numerous times and the owner does not want to change her pattern. We have spoken with judge and the attorney regarding the fence. I would like if every time you see the dog off of the property you let us know and we will notify the judge and a ticket will be issued and bring the owner into court. At this time the owner has

not violated our dog control law. Only the judge can make the owner put up a fence or ultimately have the dog destroyed. We have done what the law says we can do.

Johnson said we can change our local law if necessary.

AGENDA:

Kilmer asked to add 2 claims for payment; water break issue on Scovell Drive and a summary of the cost on the paving project and a letter regarding the re-licensing written by Sen. Maziarz.

Motion by Langlois to amend the agenda as presented. Seconded by Langlois and carried 5-0.

MINUTES:

Johnson MOVED to approve the following minutes: 11-17-05 Budget Worksession and 11-28-05 R.T.B.M. Seconded by Langlois and carried 5-0.

FINAL AUDIT:

Langlois MOVED to approve abstract claims # 3989 – 4254 and recommend payment in the amount of \$155,460.82 plus post audits of \$16,497.60. Seconded by Johnson.

Langlois: It bothers me at the end of the year, when I find that some people putting in mileage for the whole year. For example, we have the courts with almost \$500 in mileage for the year because they take their money and bring it to the bank everyday. We have a bonded person who goes to the bank every morning with the money from the Town. Why can't we have that same amount of money taken there which is a lot more along with it and save \$400 or \$500? I think it is a waste of town money.

Brandon: Both of the judges have alluded to the fact they are responsible for that money and that they make that decision to take their money to the bank. This has been said every 4 or 5 years or more.

Langlois asked that it be checked out and see if there is any liability concerns.

Kilmer: I went to the judges and they stated in the law that they are responsible for that money so they believe it is their responsibility.

Langlois: If they are responsible and they give it to their clerks to bring it to the bank, why not give to a bonded person that we have to bring it to the bank?

Brandon: They could go with our bonded person to the bank.

Winkley asked if you want us (Police) to take them to the bank. Other towns do.

On the abstract of claim, carried 5-0.

OLD BUSINESS:

1. Janitorial Bids:

Newlin: I was notified by the Senior Center Director Mrs. Collesano that there maybe a discrepancy in what some of the bidders believed they were bidding on. I would like to table the approval until we know that everybody is bidding on the same thing.

Johnson said we should maintain the people that we have now until the middle of the month or when we next meet.

Motion by Kilmer to Table.

Ceretto said he had spoken with Mr. Reiter about these bids and he would like to be informed and offered his assistance when you go out to bid.

Richard Dreier	1 Day
Dave Harvey	½ Day
Donald Haseley	½ Day
Martin Lauer	1 Day
Timothy Lockhart	1 Day
Donald Moyer	1 Day
J. Lester Myers	1 Day
Bill O'Connor	1 Day
Jeffrey Ritter	1 Day

Motion by Kilmer for approval. Seconded by Johnson and carried 5-0.

NEWLIN:

I want to take this moment to recognize in front of the public that this is the last meeting of this Town Board that has served the Town in 2004 & 2005. I want to express my thanks to my fellow Board members. I think we accomplished a lot in these 2 years. We worked in a very bi-partisan and cooperative fashion and well over 90% of the votes were unanimous. We got a lot done. We worked on the Power Authority deal and that is a big success for this Town. We have taken big strides towards the creation of a terrific golf course I think in this Town. We have eliminated a town tax and we actually reduced the budget this year. Whatever success my administration has enjoyed these first two years, a lot of that success can be directly attributed to the kind help and assistance of my fellow Board members. So, I wanted to thank you for that. It would have been easy to beat up and make a rookie look bad, but you guys instead helped me look good. I really admire that. I will recognize each one of you briefly now.

Mr. Ceretto, I would like to congratulate you publicly and I did it privately on your victory in that well fought election. I think you should be thanked for your 10 years of service to the community on this Town Board. I think the experience you've gained as a Town Board member seeing how good service can be provided in a low cost. There is a lesson that will be needed very much in Lockport. I think you will be doing a good job for them and I think your experience on this Board will help represent the Town very well there. So, I know we all wish you good luck.

Mr. Langlois, retiring after 8 years as a councilman and one of the best things about Mr. Langlois is that he brings a great deal of professional experience to the job. He is retired, but more than that he has a great commitment to this Town and has put in countless hours in his Town Hall office trying to make this Town a better place to live. I would like to thank him specifically for his help with the Power Authority negotiations and the union negotiations. He was a terrific help to that and the Town is better for his service. I know it wasn't an easy decision from him to step down from public life but I think he is comfortable in the fact that he will have more time with his family. He will also be remaining a very active member of this community whether his continuous service with the church and other aspects. I thank you Mr. Langlois for your service.

Mr. Kilmer is ending his first 4-year term. As a councilman and before that he served 2 years as a deputy supervisor. I want to thank him for his help with the NYPA project as well as his help during the year with budgets that were assembled by myself and the budget officer. I don't know if a lot of people know this, Mr. Kilmer has a demanding schedule. He has his own business and in the summer he gets up at 4 a.m. and travels over a good part of WNY and then do Town work in the late afternoons and nights with these meetings sometimes until 1-2 in the morning. I think that demonstrates what a commitment you have to this Town and how you have tried to make it better. I want to also thank him for his personal assistance when my father was ill and passing away and his shoulder that I could lean on meant a great deal to me at that time. I thank Mr. Kilmer, your strong sense of right & wrong is one of your best attributes as a public servant. In government we are faced with a lot of gray issues and we seem to be choosing between the lesser of two evils too often but, I think that compass strain that you have of strong sense of right and wrong is something that all public servants should be reminded of and we are lucky to have you on this Board for this time. So, thank you.

Mr. Johnson will be here with me next year and he is entering his 11th year and his 8th year as my friend. Some of you can thank him or blame him for this but he was the one who first talked me into running for government in 1999. Since then I know he has tried to get other good people to run for office. The Town is going to need Mike a great deal because we have a lot of big issues to tackle. He has a lot of experience but we will have to get the 3 new members up to speed on the Power Authority, the golf course, the codification and you name it. I wouldn't be able to do it myself, so I am very glad you are going to be here Mr. Johnson. We have a lot of good things to look forward too next year. Thank you all gentlemen again for your kind help. It has been a great pleasure working with all of you.

Legal:

Leone: A brief executive session at the end regarding a personnel matter and a litigation matter.

NIMS Resolution:

Newlin: We have a brief resolution in front of us that describes the National Incident Management System (NIMS) as the basis for all Incident Management in the Town of Lewiston. It is something that has been strongly suggested to all towns at the local level by the Federal Office of Homeland Security.

Winkley: It is a level of training for certain supervisors etc. that have to be met and it has to be adopted this year. There is a critical timeline for your training of these people that has not been set down yet. The adoption of the resolution has to be done. It would affect any homeland funding or grants that we would get if we did not adopt it. It goes back to training guidelines and it describes the people that have to be trained i.e. emergency medical, firefighters are taken care of by themselves. What you are concerned about would be law enforcement personnel, public works people who need to be trained. The trainings can be done on line and it is not hard to do. 90% of the people can spend ½ hour on line to do this training. For supervisors (Newlin, Lockhart, Reiter)..... and myself and my sergeant already meet almost all of these so we are covered. We have Chief Suitor (Tn. of Niagara) as certified to do the training for us and he is going to work with us in scheduling to get it done. Tonight, all you have to do adopt the resolution and the training will follow.

Newlin: Our grant writer is actively pursuing grants that might be coming from the homeland security and we will not have access to those grants unless we adopt this resolution. It is a new system that is going to try to be applied equally across every locality. It makes sense for us to adopt it.

Winkley said it basically sets some guidelines so everybody responds the same way.

Newlin MOVED to adopt the NIMS Resolution* as presented. Seconded by Johnson. Carried 5-0. *On file.

Power Authority Update:

The Town in June signed the Power Authority Agreement and the first benefit came last week at a ceremony where the Power Authority handed out it's initial payment checks to the 7 members of the Power Coalition. Lewiston got the biggest of those checks, 1.36 M and that money the greater portion should be saved for expenses related to the creation of a municipal distribution association (MDA) to make sure we can pass on these power savings to our local residents. The Board will be faced next year with a decision as to whether it will create its own MDA or attached itself to that of the County and that will be done after careful consideration by myself, Mr. Johnson and the 3 new Board members next month. We will have to make a decision by Jan. 18th. After input from some former Board members, I expect the next Board to make the right decision. If we do this right the Town has a lot to look forward too. We will be getting 1.3 M in additional revenues each year to spend on everything from roads to recreation and tourism and the cheap power is the big part of it of this plan. We should be able to reduce residential rates by at least 20%. That will be a lot of work next year, but I am sure we can make the right decision.

The Town with Mr. Langlois, Mr. Kilmer and I who supported me there, pushed for the idea of trying to go out and do Requests for Proposals (RFP) for services with the services with the Niagara Power Coalition. That is RFP for attorney, for power consultant etc. We are also been calling for a direct accounting. I think that they have taken the first steps finally after we have been pushing but one of the things I think that this Town has in terms of hesitation in remaining with that coalition is some of the ways it does business....we cannot understand it. Frankly, we disagree strongly as they have had closed meetings when they shouldn't of had closed meetings. We have still not seen the checkbook. We have an auditor (Mr. Pat Brown) looking at it. We will get some accounting now and unless those practices change, I think this Board and the next Board will be taking a careful look whether or not we can belong to an organization that doesn't adhere to some of the basics principles of openness and accountability.

Langlois: Obviously, I have been at these meetings for the last 8 years and am very familiar at what is going on. I would like to say that I believe that the Coalition is making this much more complicated than it needs to be to set up an MDA and to get an ESCo in. I have listened to all the comments and all the money in the budget etc. and after a study I would say that we would remised if we didn't drop out and form our own separate MDA and go out and get RFP's for our own ESCo's. I talked to Mr. Dennis Elsenbach who for some reason has not been invited to these last meetings and he is very knowledgeable. He said "an MDA is fairly simple to set up. It is mostly a political function. It is a paper MDA only." "No bid deal!" So anybody that is dealing you it is going to take 1 ½ years to set up an MDA etc apparently is not going to the right lawyer. He also said choosing an energy service company is the most important issue. There are 8-10 ESCo's approved for NYS. We should go out to them, get bids, asking for fees, asking for qualifications and telling them they need to provide a monthly statement accounting for 100% of the power allocation. He would be happy to help us when we get these done to go for the RFP and to look over the ESCo's. We have some direct help available from him. I ask him what ESCo's would cost. We have been told it is going a lot of money to do this. He said that is not correct. ESCo's are paid by what is called a back out credit from the power which would cover most or all of the costs of the ESCo. I think we got some wrong information.

As for the front money for NYPA for 6 megs, I got info from him on what the costs would be per meg and I calculated it and we are only talking \$44,000 for one month or \$88,000 for 2 months of power usage. So, if you save \$100,000 it should more than enough to cover our 6 megs plus on the initial 2 months payment. He also said that NYPA has no markup on the power that they give to us. So, all we have to pay the raw cost of the power which is about 1¢. He is willing to meet with the new Board or anyone else some time next week to go over this in detail. I urge very strongly that we get this information and get started. Long term I think it is going to be very beneficial for us to have our own unit and our own ESCo. We will be able then to decide ourselves where the extra power is going to go with the Town, St. Mary's and the other residents. I won't be part of this after this meeting but this information I think you should use.

Newlin: Mr. Elsenbach works for National Grid formerly Niagara Mohawk. He has helped the Town and met with Mr. Langlois and I several times this summer and he has been a fountain of information. Sadly, he has not participated in the Power Coalition but I know the Town will look forward to his help next year.

Kilmer: Everyone knows my position on the Coalition. I think since the beginning, the issue of making things whether they cost more has been their agenda motive. Now, Buffalo has jumped on the bandwagon and got a ton of cash without an attorney and it has been an 8 year process that Mark Zito set up. The attorneys that the Coalition hired, this Town has educated them. It was so bad that we filed an intervention and then they realized maybe they should have filed an intervention. However, the Coalition filed a day late. These attorneys are learning on our time. I won't be here, but I would strongly suggest that the new Board and if we don't do it tonight leave the Coalition and do their own MDA's. It is the only way to do it.

We control our own future and I believe the school would definitely if we take the leadership role would have our own school system following us. I think it is the right way to go. In talking on the power issue, I talked about this letter that came from Sen. Maziarz and I am perturbed about it in some ways and in some ways I congratulate him. I specifically 2 years ago asked Sen. Maziarz for help for Lewiston when it looked like we were being basically ignored as a separate entity and that we weren't getting any movement in negotiations. His answer to me was "*I have no legislative oversight over the Power Authority*" and basically our conversation didn't go any further. I asked him a couple of more times and now there is a letter that surfaces that he is actually asking the Power Authority to work with the Eastern Alliance. Thank God he jumped on board....a little too late for our community. I will circulate the letter to the Board in which he states that the he thinks the Power Authority and Chairman Seymour should sit down with the Eastern Alliance and talk a deal to them. I don't understand where the Senator was when we needed him and now he is for the Eastern Alliance. I thought the whole County should have benefited more anyway. As the one Councilman that thought the pie should have been bigger...this is right. The County should get more and all the communities should benefit more than they did. Too little too late for our community. I think he has somewhat embarrassed himself by actually supporting them late.

Johnson: We should also ask Mr. Langlois and Mr. Kilmer if they want as they worked on this so long to work with us in the next year to set this up and if we have a meeting invite them to come. I don't know why the Coalition is not taking the advice of Mr. Elsenbach and why are they spending so much money on legal fees, consulting fee and bonuses. I can't believe that Lewiston Porter isn't on board with us. Some of the comments that have been made is that if we don't use the power we are going to lose it and we are going to pay for it. We will spread the power to the commercial districts and businesses that are in dire need of it. I think that we need to take the initiative to try convincing the Coalition that maybe they should follow our footsteps instead of us following theirs. There has been an awful lot of money spent and I am still waiting to see what the audit says. \$210,000 for 10 years is a quite a bit of money and I haven't seen any financials on it.

Newlin said that Pat Brown has gotten the documentation this week and he is conducting an audit. He will make a presentation on Jan. 18th meeting.

Sale of Land to Old Creek Development:

Newlin: The Old Creek Development told the Town that they first wanted to buy 10.88 acres of land and now that amount of land has gone up to about 17 + acres. The Town Board at this time has an opportunity to sell that acreage to the Mr. Dowd who represents Old Creek Development. Mr. Boniello, please read the resolution.

Boniello: I would ask that the Town Board to declare that this property is not useable for any public use.

Newlin MOVED to declare that the 17+ acres is not useable for any public use. Seconded by Kilmer and carried 5-0.

Boniello: Mr. Supervisor if the Board is so inclined I would recommend to the Board:

Resolved, that the Town of Lewiston sell approximately 17 acres of green space to Old Creek Development for the sum of \$154,000 with restrictions as approved by the Town Attorney to approximately 7 acres of that parcel. Those restrictions would include among other things reverting to the Town if it is not used for its' intended purposes, a conservation easement, a buffer zone and other restrictions as the Town Attorney would deem appropriate.

Newlin MOVED to adopt the Resolution as read. Seconded by Langlois.

Johnson: We talked about those other stipulations i.e. if they wanted to abandon they could abandon it back to the Town.

Boniello: That really means that there is a reverting clause in the deed. The restrictive conveyance would be part of the deed and it would have to be signed by Old Creek Development (the purchaser) and that would run with the land.

Johnson: Included in that is the comments that we made about the fence. (no fences)

Kilmer: Can I make that too as part of the record cause the conservation thing can have anything in it. Forever green. Nothing can be built or cleared off of that land.

Newlin: So we are approving the sale of the land and the engineering studies for a total of \$154,000.

On the Motion, carried 5-0.

Newlin: While we are on the matter of a proposed golf course, it would be helpful if this Board and a previous supervisor who had expressed interest in a public development and if this Board before it terminated and moved onto the next year expressed its' public support for the development of a private golf course. Mr. Boniello, would you please read the language we worked out before and see if it pleases the Board to act on it tonight.

Boniello:

Whereas, the Town Board supports the concept of private development of the proposed golf course.

Whereas, the Town Board supports private development which would pay their fair share of the assessed value for their properties in school taxes, county taxes, special assessment and sales taxes.

Whereas, the Town Board supports the concept of private development rather than public development as originally proposed by a previous Town Board relative to the course to prevent any exposure to current or future taxpayers relative to the financing through municipal bonds.

Be It Resolved, Whereas, the Town Board supports the development of a private golf course;

Be It Resolved, that the Town Board wishes to express their firm support that the proposed development of the private golf course in the Town of Lewiston.

Motion made by Newlin and Seconded by Johnson.

Langlois: I certainly think we are greatly in favor of this, but we have worked for 10 years or so to get a golf course here....first the Joseph Davis that was shot down and then on this golf course. There was a lot of sentiment for a golf course, even a public golf course because over 10 or 20 years there wasn't a soul who was interested in building a public course which is why we went for a municipal course in Lewiston. But, when this came along like this particular group we are talking about who is willing to spend money and build a world class course, of course we changed our view that is much better. This resolution makes it sound like "you guys" were all off base before and now we are a savior because we have a private developer coming in. We are all in favor of this.

Newlin: No, that is the exact intension of this and depending on which news article they read in the past they may say certain members of this Board are big supporters of a public course and I think this expresses the fact that we are unanimously behind the private course now. I think their main interest is that we support it.

Ceretto: Mr. Boniello, do we need to say private golf course for public use. Use the work public in there for public use?

Boniello said I don't know if we have any jurisdiction over thatprivate. I assume it would be open to the public.

Ceretto: Others and myself have been working on the golf course for 10 years; I want to thank the help from Michael Dowd. When I became liaison there were 2 goals. One was that we inform the public to the best we could as we pursued this golf course and the second one was to bring to the public the best priced golf course we could for Lewiston. (The best proposal) I think that Michael Dowd is the one who deserves a lot of credit because he actually saw those goals and they were not only my goals but they were all our goals on this Town Board and we went out and put that effort forward.

Johnson: Along with the other Board members, I too have sentiments on working on the Joseph Davis course. I was put on the committee before I took the oath of office in 1995. We worked diligently and seeing is believing. I am keeping my fingers crossed hoping everything goes well. There are still a lot of hurdles we have to go through over this but overall we have been let down by the State, the State Parks and everybody else along the way and hopefully this will generate a new believing. If Mr. Dowd is correct and if his developing group spends 10M I think that this Board could be very proud that it initiated and worked so hard to get it. We never wanted to build a golf course and take more land off of the tax roll. The original plan of taking an additional 250 acres after we had 363 acres of Joe Davis Park which they still haven't have done anything with and probably never will, so I am very pleased to see it will not be taken off of the tax rolls. Lewiston is close to 80-85% off of the tax rolls. I think this is a big asset and I hope the community gets behind it because I think it is well deserving for Lewiston.

Kilmer: I would like to lay some credit where credit is due. 4 years ago, Sup. Maslen set up the RFP and she and Mr. Langlois worked as a team on this issue. Their efforts are why we are where we are today. The public course was not accepted by a lot of people. I am a private sector person and so when a private sector came about it was fine with me. We would not be where we are today if we didn't have SEQRA done, if we didn't have a plan and we have a plan that is bought and the plan is bought because someone had the courage 4 years ago to put this on the agenda. We did it. We all worked together on it. I don't think anyone here opposed it so, I think the one who is not here deserved a little credit too. I would give credit to Sandy Maslen as this was her baby and she started it.

Newlin: I appreciate the work that has been done by this Board and prior Boards and Supervisors towards the work of a golf course. I was always a believer in private development and I am very happy to see that private investment is coming to Lewiston now and it will help market this Town and put it really on the map in terms of a more premier destination then there already is. It will help with the drainage problem there and it will get it back on the tax rolls. Frankly, it relieves the Town of a future burden. Not only would we not be generating any tax revenues off of that land but the Town would have to have some consideration as to how it was run and how it was maintained. I think it is a big win for all of us here in Lewiston and something that we can look forward too with a lot of hope and anticipation.

On the Motion, carried 5-0.

Re-Organization Mtg.

**Newlin MOVED to set Jan.5, 2006 for the Re-organization Mtg. at 7:00 p.m.
Seconded by Johnson and carried 5-0.**

Fund Transfers/Encumbrances:

Budget Office DiRamio stated to the Board that all transfers and encumbrances were in order.

Newlin MOVED to approve the transfers as noted and encumbrances for 2006 totaling \$308,364.20 (letter on file). Seconded by Kilmer and carried 5-0.

JOHNSON:

Tower Cmte: I have a letter from the Towers Cmte. recommending approval of the T-Mobile co-location at 2540 Upper Mt. Road.

Johnson MOVED for approval for T-Mobile to co-locate at 2540 Upper Mt. Road. Seconded by Kilmer and carried 5-0.

Johnson noted that Frank Silvernail of the committee is sick and please remember him in your prayers.

Johnson: I have not heard from Cingular and I will attempt to contact them. They wanted to put a co-location on Vrooman Drive and it was suggested that there is 1 co-location left at the Lewiston Fire Co. #1 pole.

Engineering:

Lannon: Contract 12 is under construction. On Contract 11 we received a letter that they will hold the price till the spring of 2006.

Regarding Bridgeman Road where the Highway Supt. was going to put in some larger culverts but at this time I do not know what the status is.

Johnson stated that Mr. Ceccato of Bridgeman Road called to say that there was another problem there that was being worked on. Mr. Ceretto would you pass this information onto Supt. Reiter and asked him for an update on this issue. Also, I have turned over to Mr. Kilmer the street lighting issue regarding the dangerous situation here at the bottom of the hill (J.J. Cabin's. Also I hope that the new Board will help me with the reconfiguration of the bottom of the hill.

To my fellow colleague John, Dan & Jim.... we have had our differences along the way in these meetings. Jim, it has been a pleasure working with you and wish you all the luck in your future wherever it may be and I hope that Dan & Jim will be working along with the new Board because we still have a lot to do. I think that Jim you should "hang" along with the Power Coalition with all of the knowledge that you have when we set up our MUNY. Thank you gentlemen, I wish you all the best.

KILMER:

Street Lighting Proposal: We have a cost for 2 streetlights that would be directly across from 1437 Ridge Road.

Kilmer MOVED to have installed two (2) 150 watt high pressure sodium lamps and standard luminaries on streetlights only wood pole with span of wire for a total cost of \$382.46. Seconded by Langlois and carried 5-0.

Custom Lighting:

Kilmer: I started this issue with custom lighting and Amherst did vote for the proposal. I think we should still consider the custom lighting proposal which would purchase all the things that we just talked about. We purchase them and we own them and this company would manage them for us at a significant savings. I will not be asking for any decision but ask that it be put in the record and I will pass this along to Mr. Edwards.

Claims: These are typical ones that they have asked for cash and we can decide whether to pay or not. One of our trucks spit up a rock and broke a windshield and the cost is \$315.00.

Kilmer MOVED to pay \$315.00 to Brenda Mylar of 1063 Dorwood Park for windshield replacement costs.* (Pending a General Release.) Seconded by Johnson.

Boniello: When we do pay we will obtain the general release.*

Kilmer stated that this procedure used now is a good thing. We pay more attention to our residents and it cuts down on the aggravation. We service our residents better by doing it this way. I would recommend that you do it this way next year.

On Motion, carried 5-0.

Kilmer: I have several bills that I would like to give to the attorneys as I believe these need more attention as it is more of a long term issue because of a fall. I think it is more of a legal issue of ongoing litigation.

Water Break/Scovell:

Lannon: Mr. Yarussi told Mr. Nablo to make the repairs and that he would reimburse the Town.

Kilmer: We pay the engineers to watch the contractors who put pipe in the ground. I don't know why Yarussi is paying the whole amount and if he pays the whole amount that is fine, but I think that O'Brien & Gere Engineers is as much to blame for their inspector for allowing this... the deflection of this pipe to a degree that it is not acceptable. The bill that was submitted to Mr. Nablo who worked out a cost that would be for water loss, employee hours, etc. of \$1600. Do we have to officially ask Yarussi or the engineering firm for reimbursement?

Lannon: I believe there was a phone call between Mr. Nablo and Mr. Yarussi. However, I don't know where it stands now.

Kilmer: The Town paid almost 5M to have these water lines put in and this was a break in the line. I refuse for our Town to pay for this.

Lannon said he would contact Mr. Nablo on this matter.

Newlin: Mr. Lannon, would you have someone from engineering contact Yarussi and ask him to identify other similar areas within that water project laid out for us where they may have used a similar treatment and thereby exposing us to some future risks with having similar problems somewhere else.

Lannon said he has been in contact with the inspector at O'Brien & Gere to see if there are other areas or locations that he knew of and he stated it would be noted on the record drawing. There should have been an elbow installed and there was not. We are not aware of any other spots at this time.

Paving:

Kilmer: I started looking over all the sheets that I FOILED for and worked up a man-hour cost. My preliminary results are the cost is a wash. We have to do more research but if you look at the amount of money spent on paving on the actual raw materials, Mr. Reiter did not put any man-hours in there. But, our man-hours cost us money. I pulled the man-hours on that project, added them up and then added them to total cost of material he used and yes we did spend more than the bid would have been if you had the man-hours but we paved another mile and ½ of road. We got more for the cost but it is so darn close to being the same. This is where the new Board has to determine....I don't think the quality and the ability for us to say not good enough so go fix it. We don't have that ability when Mr. Reiter does it. I have talked with Mr. Lannon and there are a lot of areas up in my community which had the lion's share of the paving that where they were seemed up they are horrendous, I have had numerous complaints on the Escarpment area where the roads meet and it is horrible. I believe that we would not have paid Cerrone or we would have withheld money that Cerrone would have had if the contractor had been awarded this project. I also believe that private sector....we have leverage over private sector and we should utilize private sector as much as possible because there is a guarantee. There is no guarantee when we do it in house. There was no real cost savings here and we lost almost 2 ½ months of man-hours from our Highway Dept. as they were paving vs. doing brush etc.

Newlin: We will be looking at it as we do more paving.

Kilmer: I want to tell people that there has probably been nothing in my life that I have done that is more challenging than I have enjoyed than serving on the Board. The people that work in Town Hall here in this building, the staff, I lean on them constantly. The Clerk's office, the Assessors, the Building Inspector and my one favorite that is special to me is Barb Joseph. She is a blessing. She is always there when I need something. The guys in the Highway Dept. and I know that we have had our differences but we don't have a better crew than we do with the water, the highway, the WPCC, the police. I think that we have assembled a good group of town employees and it doesn't get any better than to live in Lewiston. My special thanks to Jim Langlois. He has been anchor for me as well. Mike, we argued a lot but your compassion and my compassion always seemed to end up at the same place. We are here for the community. John, I wish you the best of luck in the County. Your heart has always guided you and I believe it will do you well in the County. For Fred, when you came on Board, I thought you were going to be a push over. I seen that red hair and a Swede and I said we are going to roll him. The fact is Fred is lot stronger than I anticipated and he has some good core values. The best value Fred has is he listens. He took Jim and I and he didn't just insult us because we were Republicans and knew nothing about government and he listened to us and obviously he did what we told him to do so the Town is better off for it. The budget officer, I can't thank her enough and Ed Evert before her. They educated me. I thought getting elected was about kissing babies and cutting ribbons. Sandy Maslen and Ed Evert taught me about the accounting of this Town and that is really where I figured my strength was watching the money. If nothing, I watched the money and protected the community from things being done inappropriately. I have to say thanks to recreation and Mike Dashineau was another godsend to me. A young guy when I hired him and turned into a man. He is doing a great job with the parks and recreation. If there is anyone I forgot, I thank you for supporting me and helping me.

LANGLOIS:

Liaison Reports:

Recreation is doing fine and Ron LaDuca was honored for his service.

WPCC: Continues to be well run by Mr. Lockhart.

CWM Study: I am still shocked that the Town Board was not willing to complete a study that was 95% done which had nothing to do except accepting water from CWM. It keeps us from potentially taking in other wastes that has to be done. It is going to have to be done and completed some time in the near future and why you did not want to do it...it was as though you were intimidated. I won't bring it up for a vote unless somebody says they are going to change their minds. The information tells you why every form of government is for this.

Union Negotiations: We have been able to get the Police and WPCC contracts done. The other union contracts between the Highway and Water are waiting to see if the new Town Board is going to be hard nose or passive about it.

Policy Manual Changes: For the last 2 months I have given you Section 212 the medical insurance for retired employees. I believe that the Supervisor's questions have been answered. I have changed some of the verbiage to correspond with what Mr. Richardson had written and has cleaned up the language. I think it is important to get this done before the start of the year because there are some issues in there will affect insurance coverage starting Jan. 1st.

Langlois MOVED that Section 212 Medical Insurance for Retired Employees be approved as written.* Seconded by Kilmer.

Newlin: There is a question that I cannot discuss in public and I am awaiting Mr. Richardson's comments on it.

Langlois AMENDED his Motion subject to a modification pending labor counsel as approved by the Supervisor.* Seconded by Kilmer.

Johnson suggested that this item be discussed with the new Board members. This in some instances is a significant change so I believe that the other Board members make the decision.

Langlois commented that the Board has had this information for over 3 months and changes were made in executive sessions and there is no reason that you would not want to do this. It brings our retirees (non-union) in line with what we have already negotiated with the other unions. There are some pluses and some minuses.

Kilmer said last month that I would not bind any new board but in some instances like this one, history is a good thing that we are going on because we (Mr. Langlois) understand the cause and affect on a community if we don't get control of some of the benefit packages. We tried to marry up the union contracts with the non-union contracts. That is what this is doing. This is actually making it similar to the union contracts.

On the Motion, carried 5-0.

Langlois: Also, the entire handbook has been re-done and we authorized Mr. Richardson to do this. I have made notes on what we received two week ago and passed these onto Mr. Richardson. It brings our manual up to date.

Town Hall Update: I think the money that we have coming in (1.1M) and the \$300,000 - \$400,000 we have in our fund...the new Board should seriously look at spending that and getting this program done even in stages. If you have been to other Town Halls it is embarrassing to come in here.

Summary:

I would like to thank the people of Lewiston for the opportunity to serve them on the Town Board for the past eight years. I enjoyed working with the many dedicated Town employees who know their jobs and do them well. My belief is that Board Members should serve for a limited time, two or three terms, have modest compensation and not have expensive long term continuing costs to taxpayers such as lifetime health insurance when they leave. This Board has eliminated all health insurance for all part time elected officials.

I believe that I have been instrumental in helping the Board accomplish many things over the past eight years. Most important was fighting for low cost power for Lewiston residents in the NYPA negotiations. Lewiston residents can look forward to having their power bills lowered by 50% starting in late 2007, with probable higher reduction in the next 50 years when non-hydro power costs escalate. Some folks think the savings will less than 50%, but I believe my own calculations. Power allocated not needed for residents can be used to reduce power costs at St. Mary's Hospital and Town businesses for economic development. Dan Kilmer and Fred Newlin were also especially firm in holding out for high power allocation.

Other highlights are getting the water costs under control by installing automatic reading water meters, replacing undersized and deteriorating lines, and reducing water losses from 30% to less than 15%. Recreation and senior programs have been improved and we can be proud of the leadership and participation in these programs. All of this has been done while controlling costs and minimizing taxes for our residents.

One area I am disappointed in is the failure to get greater financing for the Lewiston Town-Village Library. State law says that when there is a Town-Village library both Town and Village must contribute their contracted proportion. The Village Trustees have refused to pay their share, and funds from taxpayers who live outside the Village have been allocated to keep the library open. Lawyers have told me this

is illegal and I have voted against paying the Village share. Changing the charter to a Town library can best solve this problem and I believe that this is finally underway. Then the Town can legally fund the entire agreed budget and Trustees would represent the entire Town and not be split 4/3 Town/Village.

I will continue to follow Town activities and contribute to the Town's success wherever and whenever I can.

Newlin said thank you Mr. Langlois and we will all miss you.

CERETTO:

I would like to say that I am leaving the Town Board and at this point I have always been a "son" and someone on the Board has been older than me that I could call. I am moving to a Board on a County level where I can still say that. It has been a pleasure to be here and I am humbled and honored to serve the Lewiston residents. I will continue to serve the Lewiston residents on the County level. I am very humbled in the democratic world that you can take ordinary citizens like me and the ones that are sitting with me and I am very proud of all of them that I served with. I have served with 4 different Supervisors, 6 different Councilmen, 2 Town Clerks, and 2 Highway Supt. I want to say as elected officials I am very proud to have served with all of them. It is a wonderful tribute to live here in America where ordinary citizens can come here and perform the duties of their residents. I personally feel that in the 10 years now that Lewiston is better off today than it was 10 years ago. There isn't one particular person ... it is a tremendous thing to be here and it is an honor that the Lewiston residents have brought me here that I could serve you for 10 years on this Town Board. It was a close race with Mr. Johnson and it is because we have worked together. There are so many things that it was difficult probably for residents to distinguish between what you did or what I did. We worked together to get these things done. I am looking forward to the County position and you will see me out here from time to time as I want to continue working for the Lewiston residents on the County level. I think there are many things that we can continue to do such as shared services. I hear what you say about the coalition and should we be a part of it or should you notwell as a member of the County Legislature I will still be a part of the process and I hope that I can help you with information so that you can make that decision that you are struggling with. Again, I look forward to working with all of you and I am thankful for all the residents that brought me here. I will never forget the people that I am working with at this time. I have so many memories with Mr. Johnson over the last 10 years. I feel blessed.

Kilmer: I forgot to thank Mr. Leone and Mr. Boniello and the former attorney, Mr. Earl Brydges whose legal advice has been of great help and Eng. Lannon for his assistance.

Langlois MOVED to go into Executive Session for the purpose of personnel issues. Seconded by Kilmer and carried 5-0.

Time: 9:15 a.m.

Respectfully submitted and transcribed by:

Carol J. Brandon
Town Clerk

Executive Session:

Present: Sup. Newlin; Council Members Ceretto, Johnson, Kilmer & Langlois. Attorney Leone & Boniello; Police Chief Winkley, Deputy Sup. Elgin and Town Clerk Brandon.

Discussion on a personnel issue and possible litigation took place.

No action took place.

Motion to adjourn made by Johnson and seconded by Kilmer. Carried unan.

Time: 9:45 p.m.

Respectfully submitted and transcribed by:

Carol J. Brandon
Town Clerk