

Present: Supervisor Newlin; Council Members Ceretto, Johnson, Kilmer & Langlois; Tn. Atty. Leone; Eng. Lannon; Adm./Op. Lockhart; Bldg. /Insp. Coulter; Sgt. Previte; Finance Officer DiRamio, Dpty. Sup. Elgin; Rec. Dir. Dashineau & Tn. Clerk Brandon. 3 Press Reps and 18 Residents.

Absent: Dpty. Tn. Atty. Boniello

The Supervisor opened the meeting at 7:27 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Sarkee Sanoian of 1982 Swann Road. I have put applications in to clean the ditches that are on farm property for the past year. Cards were for signed for permission for egress or regress of the properties and I can't seem to get any answers. My understanding is the Town is not going to clean these ditches that go thru any of those farms. If the north/south ditches aren't clean all the east/west ditches would be Swann Road and any other road that is down there. The north/south ditches take all the water all the way to the Town of Porter. The Town of Porter and all of the rest of the towns have good management for keeping their ditches clean. These ditches where I live and the whole area off of Swann Road has not been cleaned in about 8 years. The only ones cleaned were those going east/west on Swann Road. I want to know what the problem is? Last year, one of the Town's engineers and Supt. Reiter walked that whole road and I never received any info on that. Who do you see to have this done? The Town has been doing this for the last 40 years taking care of this. Now, it has stopped. I want to let the Town Board know, you can't find one township in all of WNY or the southern tier counties that don't do this service for the people that own the properties, whether they be farmers or not. They are paying taxes for a service that you have eliminated and if it was eliminated where did the money go?

Newlin: We will have the Engineer and our Highway Supt. give a response during the regular meeting and address some of your concerns. I will call you tomorrow. I thank you for bringing your concerns to the Board and it will be dealt with.

Sarkee Sanoian: This past spring in 3 hours time all of Swann Road was flooded because there is no place for the water to go. I will leave pictures of the flooded road. I saw where a subdivision (Oak Run) where the back ditches is left up to the homeowners. I believe you are going to have another problem. In the Talarico subdivision, the homeowners ended up paying to have pipe put in the ditch all along their property lines.

David Ankenbauer of 1065 Upper Mt. Road. There was a beautiful park, Circle Park when I was growing up. I thought it had been developed and was not there any more. I went back there and it is a beautiful area for a park. I checked and found out that the property of 5 acres is available for about \$70,000. This area has a number of families with a lot of kids. However, there is no green space up there. We have the park behind the church on Bronson Drive/Upper Mt. Road. We don't permit our kids to ride up there. It would be beautiful spot for a park at The Circle and the price for it is very inexpensive. If you talk to a few of the neighbors they are for it and they would rather see a park instead of a few houses. I have spoken with Mr. Kilmer regarding this and we would really like to see the Town check into this. We have a lot of support for it. We have people willing to cleanup the park and get it activated again.

Kristin Haight of 4759 No. Fifth St. I would like to thank Mr. Kilmer for the help that he gave to the Village businesses recently by helping with the balloons for delivery to the retailers on Center Street for a summer kick-off event.

Jim Quaranto of 535 Pletcher Road. With regards to the Riverwalk project there are some things that have not happened there. Back 2003, there was a letter from Fire Inspector Pat Martin about the secondary road and no construction would be built off of Lower River Road, until the secondary access was put in. Mr. McGavern, Mr. Deck's attorney, reiterated that again in Sept. 2004. They knew that that road had to be put in before any permits were given out for construction. But that has been changed. Houses are being built and there is one house that has a CO and the road is still not put in. There is another Lewiston resident who had a house just built and closed on it and they cannot move in. They are paying taxes on it and a mortgage but they cannot move in until the road is put in. I would like to know why the road hasn't been put in and why that hasn't been followed up. Right now you have a Town resident that can't even move into this house. They bought a lot and built a home in good faith and were they ever told that they couldn't move in or get a certificate of occupancy if the road was not put in. I don't know if that is Ryan Homes or Mr. Deck but as of right now things are not happening that are supposed to happen by the letter and resolution that Mr. Spitzer wrote. I would like to know why?

The EAF that Mr. Deck gave to the Environmental Committee states how much natural material i.e. earth and rock will be removed from the site. Zero tons, zero cubic yards. Will the areas be re-cleaned? Yes. If yes, for what intended purposes is the site being re-cleaned for re-use for fill and topsoil? Will topsoil be stocked for reclamation? Yes. Will upper sub soil be stock piled for reclamation? Yes. He is moving dirt 3-4 feet deep and has trucked it out. He has brought trucks with fill in. I spoke with Mr. Britton and he stated that they are using fill from Chicora. He also has fill coming off of Ridge Rd. Now, I work in Lockport and I have followed 6 trucks coming home and 6 truck passed me going back to get fill. I know that there are 2 clay-mining operations on Ridge Rd. that have DEC permits but nobody knew from the Town that it was coming off of Ridge Rd. The engineer didn't. So if there is no legislation in the Town for someone who needs fill, they can get it from anywhere. Nobody has to know where it comes from. I think legislation should be made if someone needs fill. We need to prove where it is coming from or have someone look at it. I know that Mr. Deck is suppose to do the borings site on each site for a lot....well if he does boring sites and he then he removes that soil and replaces are those the same tests? I don't think so. It is different soil.

Another is that Mr. Deck is suppose to provide a screening plan with the engineer and this was stated in Sept. of last year to guard the houses from traffic coming in and out. There are no homes built as of now off of Pletcher Road but traffic is coming in and out. No screening for the residents that was agreed has been put in. There was a brush fire back there and we had asked that they put roadblocks at the front where they could be manually taken out as they work so if the fire trucks come they could be taken out. I believe that Mr. Britton said that Mr. Deck didn't want to put them in the front. He wanted to put them where the gas line is. That does not help the residents with the screening purpose.

I want to know why this Town Board hasn't gone to Mr. Deck and tell him he can't build that house because this has to be done first. I do understand that the Town Board approved a construction permit on June 13 for a model home construction in Phase 2A which is going to be used as an office. The road has not been dedicated yet. If you are going to approve a construction permit that the screening has not been taken care of yet, so you are going to have them build a home? I am finding it hard to believe or understand why this Town Board has not dedicated that. They put it in Bob's (Coulter) hands. They left it up to Mr. Coulter to approve or disapprove this when it shouldn't even have gone to Bob. Mr. Deck wrote a letter to the Town Board about that house that was in Rivermist Court and he said I didn't need to press the Board on the issues, as I understand it, Mr. Martin is only an advisory capacity. I have little doubt the Board will allow for the CO, as the road is the only thing standing in the way. How would he have little doubt that you the Board would approve that? If the road is not put in? What would make him think that? He knows he is supposed to put that road in. If he doesn't put it in...it's okay the Town Board ????? CO, don't worry about it. I talked with Mr. Newlin and we will sit down on Friday with the Town Eng. and the Town Bldg. Inspector and Mr. Spitzer and go over

some of these things because I don't know whose job it is to watch it. I know it is not my job to watch it everyday. These are some of the things that have gone on. The Environmental Cmte. (That EAF form) bases their vote on that. They could of said that we want to put contingencies that if you are going to take dirt off, we want you to stockpile it until the end to see if you are going to need it instead of bring dirt back to the site.

Newlin: I have tried to schedule 2 meetings with you that were cancelled by you within less than a 48-hour notice.

Jim Quaranto: That is true. You wanted to meet with Mr. Deck....

Newlin: No, I said I would be willing to meet with who ever you want to meet with. It is not easy to get these officials together. I hope you will be able to keep the Friday meeting that we have set. Would you please bring a written list of all the problems for all of us? Thank you.

AGENDA:

Kilmer asked to add The Circle Park to his agenda since the residents were able to come to the meeting.

Ceretto stated regarding the Golf Cmte. Update and he had received a appraisal with a request for a release from Michael Dowd, which I passed out today. I would like to have that under discussion on the Golf Cmte. Update.

Johnson asked to add the N.F. Air Base closure.

Langlois said he would like to request an Executive Session after the meeting to discuss the union contract issues.

Newlin said he had received new information on this and he would share it with the Board.

Motion made by Kilmer for approval of the Agenda as amended, seconded by Johnson and carried 5-0.

MINUTES:

Newlin stated that the Town Clerk has asked to withhold the minutes of May 23, 2005 RTBM.

Langlois MOVED for approval of the minutes 5-9-05 Work Session; 5-23-05 Executive Session/Golf Referendum and the 5-23-05 Executive Session/Power Authority. Seconded by Johnson and carried 5-0.

POST AUDITS:

Ceretto MOVED for post audits payments to Home Depot \$642.88; Office Max \$105.16; Office Max Credit Plan \$46.69; Sam's Club \$66.15 and Wal-Mart \$22.32. Seconded by Kilmer and carried 5-0.

OLD BUSINESS:

1. Set Public Hearing re: PIP Code Update:

Johnson MOVED to hold a public hearing on July 25, 2005 at 6:45 p.m. on the PIP Code Update. Seconded by Ceretto.

Kilmer asked if the document that he had was the whole revision. Is it a complete revision?

Lannon: I have the changes and I will copy them for the Board.

Motion carried 5-0.

2. 897 Sullivan Court-Gate Issue:

Leone: At the last meeting, we agreed to allow the easement to be moved to accommodate the homeowners and the developer. There is an issue concerning who is going to maintain it. The Board said that anybody but the Town. I informed the attorney for the homeowner. There was an issue regarding a gate that the homeowner and the developer were concerned that people from the other subdivision of the adjoining property could use that as a public through fare. The purpose of it is not as a public through fare but the purpose of it so that it can be an emergency access. I advised the Board that this issue should be submitted to Fire Inspector Martin for his approval and consent. He needs to say yes or no. They wanted to put a gate up there and there was a question about who would have the key and whether the fire department would have one or more etc.

Newlin asked the Mr. Johnson speak with Mr. Martin and bring that information back at the next work session.

3. Preliminary Plat Approval/Oak Run Estates S.D.

Johnson asked if Mr. Lannon or Mr. Britton would review the drainage close to Fifth Street.

Lannon said we wrote a letter on May 18th on some minor engineering issues in terms of the preliminary plat was fine.

Leone: As far as the preliminary plat, I'm just referring you to the Planning Board letter of June 7th where they have a recommendation of an approval but with 4 contingencies. They are:

1. Oak Run Drive should be paved first.
2. The Environmental Commission needs to give approval.
3. The Town Engineer needs to approve the drainage plan for drainage improvement.
4. The Fire Inspector needs to give approval.

So, recommended approval with those contingencies. I heard from the engineer but don't know if we have heard from the Environmental Comm. It might be appropriate to find that out.

Langlois: We can approve it subject to....

Leone: The same with the Planning Board, you can do that as well. This is a preliminary, not a final at this point. You are going to have a public hearing for the final.

Langlois MOVED for approval of the Preliminary Plat of the 68-lot subdivision SBL#87.19-3-1 with the contingencies as noted in the Planning Board letter 1-4 including a Neg Dec recommendation from the Environmental Commission. Seconded by Kilmer. Carried 5-0.

Kristin Haight: The Planning Board recommendation on the paving for the entire road was based on the phasing that they saw. The phasing has since been revised. The condition I would hope does not apply anymore because the phasing has been revised to address that.

Leone: You have a preliminary plat at this point. For the purpose of the preliminary if there are changes that need to be made the Board can make them prior to the time of the final. So, you could have at your public hearing.... so prior to your public hearing if you are going to be making changes to the phases etc. it would be a could idea to get that information to the Town so that at the public hearing the proper answers to questions to the public can be given.

CORRESPONDENCE:

Item #1: A letter from Thomas Sullivan of 5937 Garlow Road who lives at the corner of Garlow and Stoltz Roads. A few years ago, stop signs were installed to slow the speed of traffic. Half of the vehicles slow down and almost stop. I have called numerous police agencies regarding this. At the stop sign, trees and bushes come out

to the road. If these were cut back perhaps the motorists would be able to see the stop signs. Maybe a sign stating "Children at Play" or a stop sign on both sides of the road etc. would help.

Ceretto said he would speak with Supt. Reiter about this issue and report back at the work session.

Item #2: A request from Robert S. Coulter, to attend the Building Officials Education Conference, Sept. 13-16, 2005 at Alexandria Bay. Money has been budgeted for this conference.

Johnson MOVED to approve the request as presented. Seconded by Langlois and carried 5-0.

Item #3: The Planning Board on June 16, 2005 approved a request from Esther Beggs for a one-lot on the south side of Ridge Road, SBL#90.00-2-15 as presented with the contingency that SBL# 90.00-2-15 be combined with SBL#90.00-1-16.2 to make one parcel. Attached is the response from the N.C. Planning Board for approval and the response from the Environmental Commission for a negative declaration.

Langlois MOVED for a Negative Declaration on the subject properties SBL#90.00-2-15 being combined with SBL90.00-1-16.2. Seconded by Ceretto and carried 5-0.

Langlois MOVED for approval of subject properties combining SBL#90.00-2-15 and SBL90.00-1-16.2 into one parcel. Seconded by Ceretto and carried 5-0.

NEWLIN:

Legal: I take great honor and privilege in announcing today that I signed on behalf of this Town and the Town Board, an agreement with the New York Power Authority with regards to the settlement and their re-licensing. This has been a very hard fought agreement but I can announce that this is a tremendous win for this Town and it's residents. I don't think it is saying too much when you say it is an historic agreement considering the far ranging and positive impacts that it will have on this Town both in the near term and the long-range times. If the benefits we derive from this agreement are utilized properly this will really help insure a much brighter tomorrow for Lewiston and we have a lot of things going for us as it is.

As I said the negotiations were very hard fought. I can't tell you how many hours I have put into it. I am very lucky to have been helped a great deal by Mr. Langlois who devoted a lot of his own time and efforts into this project. We were a good team together. I think we both helped each other catch things that maybe the other one did not see and I would also like to thank the other members of this Board for remaining unified behind as I did my best to represent the Town in these negotiations. The decision weighed very heavily upon this Board. I cannot tell you how many nights of sleep that I lost about this. There were times when I would wake up at 4 in the morning and realize that there was something in a paragraph I had seen hours before and tried to change them. I also want to thank the attorneys who spent a lot of hours with us making that agreement a stronger one. I think one of our finest achievements in this agreement is that we have finally secured more power for this Town. We started mid last year with about one (1) megawatt of power for the Town and by the end of last year we were negotiating...we got it up to about 3 ½ megawatts. We did not feel that was enough power for the Town considering that the plant is in this Town. The residents bear a lot of burden because it is here and I am happy to say that after last weeks' negotiations we were able to secure additional megawatts. These megawatts are going to be very valuable. I think this Town was alone in understanding the real value of energy. We fought very hard for them and I think sometimes our fellow coalition members could not understand why we were fighting so hard for it. But I have no doubt that over time they will appreciate the effort and time that we put into this.

These additional megawatts will help substantially reduce the electrical bills for our residents. That will benefit everybody who lives here in Lewiston. But, I think it will especially benefit seniors who live on fixed incomes and have a hard time often making payments for all their bills. At long last thanks to this agreement, Lewiston residents will directly benefit from having the Power Authority, which is one of the largest hydroelectric plants in the United States in the Town.

In addition to the power, which I think again, is going to be the main benefit to the Town, we are benefiting substantially in terms of dollars. The first payment we will receive will either be late this year or early next year and that will be a signing bonus payment in excess of 1 million to be spent as this Board best sees fit. In addition, to the bonus in 2007, when the agreement finally takes hold in addition to the power we will begin receiving each year \$850,000 in host community funds. These host community funds (\$850,000) must be spent on capital projects. These include important improvements and maintenance to infrastructure that we have already such as building and maintaining roads, water and sewer lines. These will be dollars that will be coming now from the New York Power Authority instead of the Lewiston taxpayer. That is going to be a terrific benefit and a relieve to the taxpayer here in Town.

In addition to the \$850,000 in host community funds and I should say that amount will escalate if and when and we all expect this power increases in value. Power did increase in value a substantial amount just between last Sept. and this June. In addition we will be receiving per annum \$510,000 in greenway funds. Originally when the Power Authority proposed this concept we here on the Town Board and myself had some reservations about having to spend it solely on greenway. What is a greenway? I pointed out to the Power Authority that what I think we have a lot of wonderful recreational opportunities here in the current Lewiston and we can add to them to be sure, but I also think that was important to broaden the scope to tourism. So now, it not just the environmental or greenway fund, it will be the environmental, greenway and tourism fund. That gives us the flexibility we need here to support and invest in what is already a burgeoning tourism industry here in the Town of Lewiston. Those 2 payments total 1.3 million dollars a year on top of considerable megawatts that this small Town will be getting as a result of this agreement.

I also want to say on a personal note that on top of being proud of the agreement that we achieved, I want to say how proud I am of this Board. Too often times and in too many places in this county, communities are poorly served by politicians who seem to be dividing themselves over issues that don't mean a lot to most people. Democrat and Republican really have no place in local politics. I will say it is a great relief to see this Board work as one, unified and working completely in the best interest of this Town. The two people who took the lead on this project were myself and Mr. Langlois. I consider myself a conservative Democrat and Mr. Langlois considers himself a conservative Republican. We have been lucky enough to become friends during this process. People who can rely on each other and unlike a lot of situations where you can have politicians trying to jockey for political gain or advantage that never came. We have always acted on what we thought were the best interests of this Town. So, I would like to extend my sincere and profound thanks to Mr. Langlois. I can't tell you how great it has been to work with him and I know by the two of us working together we achieved a better agreement for this Town and one that we can all be proud of. I will ask other Board Members to comment briefly on the agreement. There will be more said in upcoming weeks. The Power Authority will be coming into Town I believe before the end of next month to be doing a little more of an official roll out ceremony. It is a great relief to have this behind us and to have achieved so much success.

Langlois: Thank you very much for the kind words. I would say the Town Board worked very, very hard for a long, long time for this. People might have called us stubborn etc. because we wouldn't go along but we knew that we were not getting a square deal on this. Why would the major host community like ourselves be a very minor recipient of the amount of power that was involved here. We essentially felt that was not right. We had told our people in Lewiston that we would try to get

power for them. After all they only live a stone's throw from the place where the lowest cost power in the country probably is generated and we felt the people of Lewiston deserved this because the power project took all the land away from us, put all of this investment here etc. and we fought very, very hard to get that. It took a long, long time. It turned out I think by working together and being stubborn, but I would call it persistent and that by eventually deciding that we would hire a lawyer (a specialist) to come in and advise us. Some people thought that was not a good idea. But, I feel that having done this with the possibility of having an intervention, I think it caused the Power Authority to say "hey, maybe we can look at this again and find a way to get a little more power for Lewiston so they will be satisfied." Of course, that has happened and we can't say exactly how much power has been added to our total as of the moment but it will be significant enough so that every household in the Town of Lewiston will see a significant reduction in their power bill for the next fifty years.

Johnson: I would like to commend both the Supervisor and Mr. Langlois but also our attorneys. Although there is verbiage out there in the public eye that we spent \$200,000 on attorneys. I am sure that Atty. Leone would appreciate that if he were the recipient of that. I want to say that the dedication that I think this whole Board put together to try and get the answers and some of the answers we still need to work with the Power Auth. on but I think more importantly that we did work as a team. We had some outside consultation that helped us through some verbiage and staying here late last night with our attorneys looking at things that were done on it, I think that the Town of Lewiston on behalf of the whole Power Coalition came up with things that the attorneys that they hired or other entities hadn't taken the time to see what was in the contract. You are talking about a fifty-year contract and you are not going to do this on a two-year deal. I am very proud to be a part of this team. I know there has been comments out there about Lewiston holding back. We were not holding back. We were just asking questions for the last 1-½ years and we finally got some answers that I think helped us through it. I think in the process, I learned a lot about power and the Power Auth. itself. They are our neighbors and many people that work there are Lewiston residents and I think it is important that we work together and at no time did we want to fight with any coalition to get anything. I think that some of the things that Lewiston and our attorneys in talking with the Power Auth. shows you really have to take some concern and have to work hard and get all the answers. I personally thank the Power Auth. and the Town of Lewiston for working on behalf of the residents to get it. We are a different breed of the rest of the coalition. I think Mr. Kilmer was on the news or radio talking about some of the values that you talked about. I am hoping the land portion of the agreement comes to fruition for us because a study that I did that although the assessed values of the Power Auth. are probably assessed right now at 1.5 billion. I think if that property was out on there in today's market and being in close proximity to the bridges, there are many Canadian companies that would be interested. That value is closer to 5 M of the assessed value. I think the State of New York has us down as about 70% off of the tax rolls. I think with the correct assessed values of the properties, we are probably closer to 90%. I think the coalition package and things that you gentlemen have spent day and night worked real hard for, will come back and help Lewiston prosper and help the taxpayers as well. Thank you colleagues.

Ceretto: Another group that I would like to thank is the Power Authority Cmte. About 10 years ago there were a lot of sub-committees etc. There were meetings with the county. It was a long process as part of the SEQRA. Many of the community members were part of the Power Authority committee meetings that helped us and gave us advice. They put their time and effort in this process. I personally feel that this going to be an economic turn around for our area. I almost feel that we have passed through that critical moment for our area. I would like to think that Lewiston is part of a regional and in this Power Coalitionfor myself, most of my life I have worked in Niagara Falls, lived in Lewiston and shopped in the Town of Niagara and this is our area. It was a concern for me as we have gone thru this process reading in the paper that for example Buffalo was trying to take our power away from us. I am glad that we held on together. We got this through, we signed the deal and I think that this is a benefit for (a turn around) our children and you can see it almost and

later we will be talking about the golf course that our future is in tourism. With the casino money, hopefully a golf course, the power re-licensing ...good things are coming. I am just happy that it is over and that I am looking forward to the successes in the future.

Kilmer: Well, the good news is that there is a deal done with the one piece.... I was the only distending vote on voting on the deal with the Power Authority. But, I have to go back....my vote no was not a reflection of the hard work that was put into this because I was part of the hard work. Fred Newlin and Jim Langlois put in endless hours in it. My vote no extends back to when I was deputy supervisor 6 years ago. I always felt that Lewiston should not have been part of the coalition. I think I expressed that pretty much all through my time as a councilman as well. I felt that Lewiston needed their own agreement with the Power Authority. For many months now it has shown that the coalition did not have much respect for our community in this deal. Through the adversities you can say from the October deal to the deal today; this community is going to receive in excess of a million dollars in benefits because of our due diligence. I do think that the deal overall.... good working within the pie that was baked for us. You realize that this Board had to work within the parameters that were put on the table and my disagreement was the pie was too small to begin with. So, in saying that I vote against it...I don't vote against the hard work and what we ended up with. I voted against that the pie was not big enough and we deserved more as the host community. But in summarizing it is tough. I think that I read 4 computer boxes full of documents hoping that I would find that one thing that would guarantee Lewiston some leverage in this thing. It wasn't there. It was definitely some good negotiating, it was good cop, bad cop and most people know that I am the bad cop when it comes to that and Jim and Fred are the good cops. I'll take the bad cop badge this time. I thank you guys for the hard work and let's press on and spend the money wisely.

Ratification of WPCC Contract:

Newlin: We are as notified in changes to the agenda, we are going to be keeping discussion of the contract with WPCC in executive session at the end as a courtesy to those attending.

Birds of Prey Center Request:

Elgin: The birds of prey center is progressing. Last April we signed a formal agreement with the State Parks and we have over 1000 man-hours in renovating the pool area in the center at Joe Davis Park. HSBC has come down and offered a volunteer day with 40 volunteer people to be able to put this facility back into mulching. We need to be able to continue the gardening and landscaping portions of the grounds. I have formally requested from the Town 30 yards of mulch to be brought to the site so we can continue. We are almost completed with our plans and hope to have a groundbreaking ceremony by the end of this summer.

Questions were asked if the mulch was available and any concerns about giving mulch to the center.

Elgin: This project was at the behest of the Joe Davis Cmte. which is a part of the Town. It was our request to have something done with the park and the birds of prey center was what was decided from that committee as a way to go forward. Under those circumstances, the Town happily has a hand in making this a successful project.

Johnson asked if the State is putting money into this? (Yes) Do you have any idea how much?

Elgin: Much of it is in-kind services. There is also the issue of utilities which they are helping to contribute and manpower too. They have put a great deal of time and effort into the overall project.

Johnson: We can talk about the greenway later about expanding the park.

Elgin: The center was funded through the Niagara Cnty. Environmental Fund and the grant was awarded in Jan. 2004 for \$800,000 which is being put towards the building and hard cage construction. Some of the plans that we have to make this happen will cost us in excess of \$15,000 per cage.

Langlois MOVED that assuming there are no legal problems, authorize if available the delivery of 30 yards of mulch. Seconded by Johnson. Carried 5-0.

Johnson suggested that the group contact grants writer Mr. B. Rotella for possible grants.

Golf Course Meeting:

Newlin: Mr. Ceretto will be speaking later about the golf course, but the committee did meet last Monday and we did try to inform the committee up on the current proposal that has been submitted to this Board by Mr. Dowd. I think it has been made clear before that unlike the previous administration, I have always favored private funding for this project. When you have a project like this, we should consider private investment over public investment. It does remove any risk of failure from the taxpayer. Public bonding is public indebtedness and the Town should not bond the public's monies lightly. I think those bonding efforts should be concentrated on the critical missions of governments such as roads, water, sewer lines etc. Whether or not we should be bonding golf projects, I think is a fair question. But I am happy to say perhaps the result of my public stance on this I was approached last year by Mr. Dowd who notified me of this project. It has been going in starts and fits and it looks like we are making some considerable progress and I want to thank the Golf Cmte. on behalf of the Town Board for their hard work. I think they did contribute to the overall outcome and if everything goes well with this private investment, we can look forward to a first class golf course that will be back on the tax rolls unlike it would have turned out had it been publicly funded.

Kilmer: The hard work that was put in by Mr. Langlois and myself and the previous supervisor to deal with a municipal golf course, it was our believe that there would never be a problem paying the bills. We would never indebt this Town with the possibility of not paying the bills. We also saw the Greenway fund as being a way to fund the golf course. I didn't want the premise that we would enter into something that we couldn't pay for. There was never a time that Mr. Langlois, Mrs. Maslen and myself said let's get involved and hopefully we can pay for this. We always knew we could pay for it. I do agree it is a party philosophy that private industry should always do it over public....for 25 years we have been talking golf course and no one stepped to the plate until we did.

JOHNSON:

Liaison Reports:

Lighting Cmte. I understand that Duane Jordan has send in his letter of resignation as chairman. Who is on that committee?

Kilmer stated that he was liaison to that committee. (The committee members are Chairman K. Kenney, Suzanne DiFlorio-Olds and Daniel Vitch).

Johnson asked that Sgt. F. Previte address the issue regarding the Town's shooting range.

Frank Previte: We are looking for permission to address a need that we have at the range at nighttime or low light fire. To do that we need power and we are looking to use some of the power that we have. What we have done is consult with Niagara Mohawk, as it is their responsibility to run the power where we need it on our property. We have addressed the issue and have funding in place that we are going to be able to secure because the range is multi-use. We have numerous jurisdictions that are using the range and we are drawing from their resources instead of drawing from the Town and it less of a burden to us. I have gotten a proposal into one of the agencies to fund running the power from the road all the way back to where the range is. I spoke with Mr. Reiter and he assured me that it would be no problem for him to

lay a trench for us (underground) and mark it. There would be no danger as far as digging. We have had portable lights on either side that would be removed. What we are proposing would be at no cost and we just looking for permission to continue with this. The only cost that would be incurred would be whatever power we use throughout the course of the year and we do have a range account set up for that. It would be very minimal and it would not be lit up like a stadium every night. It would be the times that we use it or another agency. We can have them compensate us for the power. Our use would be 2 times a year that the department qualifies and it is to meet a need that the State requires that the qualification course for the officers be pertinent to their relevant job. There will be a meter there and an account set up and pay for it out of the range account. We have been promised monies from one of the agencies that use it. It will be a great improvement and will help the department. The State requires what is called low light and for safety reasons the lights will be on a dimmer system.

Johnson said that you are doing a great job with it.

Previte: We have had at least 2 federal government agencies and 3 other agencies that come in that use our range. We trade off instead of charging. We make agreements such as maintenance, cutting grass, replacement of railroad ties. For liability purposes you have to have a qualified range instructor there as a safety precaution which I am.

Kilmer MOVED to authorize the Highway Supt. to do whatever is necessary to get the trench completed for the lighting issue. Also that Chairman Kenney is aware of this. Seconded by Ceretto. Carried 5-0.

Real Estate Appraisal of Vacant Land:

Johnson: You asked me to find a couple of appraisers so that we could get a value on a piece of property that the Town owns that is contiguous to the golf course. In talking with the attorneys we agreed that we need to do this.

Johnson MOVED to allow the Supervisor to sign an agreement with Girasole Appraisal Co. to give us a value on property contiguous to the golf course property. Seconded by Kilmer.

Langlois asked if two appraisals were necessary?

Johnson replied no and the Atty. Leone concurred. Mr. Ceretto has already gotten another appraisal that was previously done on another larger parcel that you can compare with.

Ceretto said that we have 2 appraisals that were done in Sept. 2002 but I will discuss that under my agenda.

Kilmer asked if the money should come from the refund that we anticipate?

Newlin said I don't think it behooves the Board to talk about any potential discussions and monetary enumerations in public. We will save that for an executive session.

Langlois: Are you suggesting that funds come from legal contingency?

Johnson said definitely. I will add that to the motion. The fee is \$900 while others are much higher.

Johnson MOVED to add that the \$900 fee is to come legal contingency. Seconded by Langlois and carried 5-0.

Leave of Absence (Family Medical Leave Act) Deferred to Kilmer.

Kilmer: One of the employees whose wife just had a baby approached me about this and wants to take a 30-day leave of absence. He works in the water department and I

spoke with Bob Nablo who said that the only problem he might have would be short manpower during the summer months because of vacations. Mr. Nablo said he was not sure with union contracts to hire someone for \$10.00 an hour with no benefits if needed during that time frame. The individual did not provide me with documentation prior to the meeting so I am not sure when this is needed. I will bring it up at the work session.

Newlin said we should consult with Mr. Richardson our labor consultant who can give us an update. We can give Mr. Leone and Mr. Boniello some time to review the impact of the family leave act upon Town employees.

Fireman Incentive Program:

Johnson: We had a request from the fire departments to consider having a public hearing and a referendum for an increase of the service awards with the amount being \$350.00. We have talked about this before and I don't know if we do this at the Sept. and Nov. elections.

Brandon asked Atty. Leone if we have to have a referendum?

Leone replied a referendum and I believe it is 45 days but I will confirm that. Also, it can only be at the general election.

Johnson said he would put that on the agenda for the work session and discuss it with Mr. Leone. In addition, I have information for the attorneys regarding a possible reduction on the property taxes for the firefighters.

Regarding the possible base closure, I was out there today and there were people with families and kids. Our federal, state and local leaders were also there. I believe that the BRAC Commission received some new information today from previous info. I want to thank the Lewiston residents who showed up and fill out letters of support and our Board. The base has such a great impact on our community. I had discussions with the Coast Guard regarding their refueling that they need when they come from their base in Detroit.

Kilmer: Everyone knows what the base is to me. I am at the end of my career but there are a lot of people that are at the beginning of their careers and it would be shame to see them recycled at this time. I used to commute to Rochester and after 4 years I transferred to the 107th. I see them losing good people and on the radio it was said that it is not planes and equipment it is people. The people have served their country well and I hope they continue.

Engineering:

Lannon asked for the Board to consider under the capital improvement project the paving. Also, authorize me to advertise for construction of the project on July 12th.

Kilmer MOVED to permit the Engineer to advertising for the paving portion under the Capital Improvement Project on July 12th. Seconded by Ceretto. Carried 5-0.

Lannon said that bids would be opened on July 21st in time to submit a letter of recommendation to the Board for the July 25th meeting.

Kilmer asked if the water lines on No. Hewitt will be done before the paving.

Lannon stated that the restoration would be part of water line projects. They will not pave until the water lines are done.

LANGLOIS:

Parks & Recreation: Our recreation director is here and he can tell us how things are going.

Dashineau: There is one concern. The recreation programs opened today at the parks and we have a small problem at Upper Mt./Bronson Park. Construction began on the new church and we now have a construction site. I think it is important for the Board to know that we are considering shutting down that site as a recreation facility for a few weeks until the trucks stop going back & forth. Otherwise things are going great. If we decide to do this we will put it in the *Niagara Gazette* and the *Sentinel*. We did put this in our annual brochure that construction was a possibility and we would have to close the site down.

Langlois said it within the province of your authority so just proceed. You don't need Town Board approval to provide a safe environment for the kids. Do what you need to do.

W.P.C.C. The I & I work is continuing and we will have meetings about every month or two to keep people aware of this. As you know we are approaching the capacity of the plant and as we heard tonight we have a 50-60-lot development that is coming in. During the last several months we probably have had over 100-150 homes coming in. Each one of those adds to the load and unless we can stop this infiltration we would have to consider a moratorium on building. We don't want to do that. Mr. Lockhart is working very hard to identify all the information he can about this line going into the river that we want to divert the water from the place where it is infiltrating now. We think we can make 300,000-400,000 gallons a day change if we get that done.

Lockhart said there is a possibility that during the spring of the year 350,000 gallons could be diverted from the plant.

Recreation Fees: Fees that are due at the time we approve a minor subdivision and there seems to be a lot of confusion on this. Some people pay right away and some people pay it later when they get a building permit and apparently some people don't pay it all. We have to get a handle on this and enforce this. At a Board meeting in 1993 the Board passed a resolution that said a \$250 recreation fee per lot for each minor subdivision is payable within 30 days. We have not been following up actively on that.

Johnson asked how can we do that? Who is responsible for doing that?

Brandon said that Mr. Langlois discussed this with my deputy and myself and accordingly once you approve a Neg Dec on a 1 to 3 lot subdivision, a letter is sent to applicant stating that \$250 is payable per lot. Mr. Coulter said you cannot issue a building permit if they haven't paid the \$250.

Kilmer asked if it could be put on their county tax?

Johnson inquired why you couldn't issue a building permit?

Brandon replied that I am telling you what Mr. Coulter said.

Langlois asked about the occupancy permit. You shouldn't let them move in unless they pay the fee.

Johnson stated that Mr. Quaranto had brought that up. Who is going to follow up on how this is done? Somebody has to follow up on this with perhaps a checklist or punch card.

Kilmer: We have a checklist but on every project something is different about it. There should be a "big" punch list.

Langlois said that the policy is clear that the \$250 is due and we should bill them if they don't pay it.

Kilmer: Can we find out if this is legal to access it to their taxes if it is not paid within a year?

Brandon: What if you have an individual who comes in and wants to sub divide a piece of property into 4 lots with the intention of someday selling those and building and that never happens. Can we assume that it is going to happen and collect \$250 per lot? It is a legal question.

Leone: Yes it is a legal question and you can collect the \$250. It is a legitimate fee that can be collected and when you approved a subdivision tonight you could add the condition right there. The subdivision is not approved until the \$250 is paid or you can say no building permit are going to be issued until it is paid. I do know that our local law provides for the payment but as for the timing and contingency I can look at it.

Langlois asked that this be put on the agenda for the work session. We have a letter regarding an 11-lot subdivision from Mr. Metzger asking to put off paying those until he has sold the lots that are being built. That is not what our law says.

Kilmer said that perfect way to do is it is not considered subdivided until the fee is paid because they can't sell it or build on it.

Langlois MOVED to table this issue to the work session of July 11, 2005. Seconded by Newlin and carried 5-0.

Hazardous Waste Siting Bill S-5564.

Langlois said we have a group of environmentalists from Youngstown who send a letter to Sen. Bruno and others suggesting the NYS Senate bill requiring DEC to adopt a hazardous waste siting plan be done prior to declaring any pending or new toxic waste landfill application complete. I believe it was sent to us hoping that we would send a letter on this. However, the session is over so lets see what happens with this and we can follow-up on this later.

Newlin stated that he had spoken with Amy Witryol that we can sign individual letters in support as well.

Kline Road Cemetery: We received a letter from resident Barbara Craft. This cemetery was started in 1810. It has not been used for the last 70 years. It is maintained by us (mowing). There is a 10-foot right-of-way off of Saunders Sett. Road which has not been maintained and is overgrown making it impossible to get to the cemetery other than crossing another person's property on Kline Road. The people on Kline Road have been allowing the Parks Dept. to cut the grass. We don't have an easement there on Kline Rd. We are trying to work out some options regarding the ROW and it has become a legal matter. I would ask that Attorney Leone look at this and advise us.

KILMER:

Lighting Proposal Presentation-Joe Drabik.

This item will be discussed at the work session on July11, 2005.

Lighting Proposal/Lewistowne Park Phase 9 and Lighting Proposal for Waterford Heights. We have a proposal for both dated Oct. 2004 from O'Brien & Gere with a cost of \$621.00 to \$650.00 for Waterford Park and \$800 to \$900 for Lewistowne Park.

Kilmer MOVED for approval of these items with funds to come from contingency. Seconded by Johnson and carried 5-0.

Circle Park: Those who spoke before had contacted me and I in turn spoke with Mr. Johnson regarding this. Since moving to the area, I thought the park was poorly placed being that we had no other piece of land to put a park on so they made an agreement with the church. Bronson Drive does not provide for safe walking. I talked with the person who owns the property and he would it rather see it as a park vs. a subdivision. It would be a hard and expensive proposition to put 4-6 houses in

there. With the Greenway Commission giving us \$510,000 per year go create a better environment, park wise through our community, this should be under consideration. I would like the Board to consider this and the residents will be doing a petition drive. At the present time there is about \$30,000 worth of equipment at the church and the Parks Dept could move it. We would need to look at the contract that we have with the church. The property is for sale at this time for \$70,000.

Newlin said the greenway monies would not come until 2007.

Langlois stated that we will soon have money available for capital purposes and we can consider it as something worthwhile when we get the funds.

Kilmer said he would have more information at the work session.

Consultant Issue for NYPA Re-licensing:

I wanted to let the public know that we did not ever agree although we have in concept agree, that \$200,000 was not what we were going to pay for an attorney. It was over a 2-year span, knocked down, dragged out battle and that is what those fees would of come too. We are well, well below that and that attorney I believe helped us achieved what we achieved as well. I will give credit to him. He spent a lot of time giving us ideas, giving us points and angles and dissecting the contracts. I believe that quite a few of his points made it into the final draft. I would like to thank him for the hard work that he put into it and of course put away the myth of \$200,000 consultant fees because that did not happen.

Langlois: I think that hiring Paul Nolan and even though we knew that we were never going to spend \$200,000 unless we got into knocked down, dragged out fight, I think the fact that this Board was willing to hire an expert in his field and to commit potentially a lot of money for it convinced everybody including NYPA that we were serious and that we wanted to make sure we got their attention and could essentially reach an agreement. I think it was helpful.

Johnson said that Mr. Leone in his e-mails that there were things in the verbiage and other things and I think sometimes you move too fast in these contracts and at times they turn into legal battles. I thought he had a lot of good input.

Ceretto: I am glad that it is over and that we came together pretty much as a Board for the best purpose of Lewiston. There were differences of opinion but when it came to the crunch, I thought that every Board member acted in the best interest of Lewiston. I foresee the economic rewards of the future for those efforts and I am looking forward to seeing those monies spent wisely and low cost power coming to Lewiston. The past is the past and I am looking forward to the future.

Newlin: I was very disappointed that on the front page of the *Sentinel* that there appeared a quote by Councilman Ceretto saying that this Board had authorized me to give a blank check and that it was defined, as \$200,000 to Atty. Paul Nolan and that had never happened. I would like to defend the Board on that. I was never authorized a blank check nor was I authorized a specific amount and certainly not \$200,000. There is not even \$200,000 in the budget appropriated to spend that amount. So, I was disappointed to see that and I want to let everybody know that at no time authorize me to spend \$200,000 and God knows I would never spend that kind of money anyway.

Kilmer: I would like the Clerk to advertise for the Lighting Cmte. We should review any committees, board or commissions that have available positions.

Town Hall Expansion: I am not asking for a million dollars but would you allow me to talk about it at a work session.

Kilmer MOVED to the next work session agenda, the town hall expansion/parking lot issues. Seconded by Langlois and carried 5-0.

Tree Issue: I will defer to Councilman Ceretto regarding a highway issue. I would like you to find out what exactly happened because the *Sentinel* found it necessary last week to write a “protect Steve” article and when you do a little bit of research, they printed a bunch of lies. So, I need to find out the truth and maybe you need to ask Mr. Reiter to write a little note to the Board of what exactly happened in paper. I think that is the best way to do it cause so we can’t be deceived by ...I think this is the way it happened. Put what happened with the tree removal on Lower River Rd. from A to Z.

Newlin: That will be a good transition into Mr. Ceretto’s agenda.

CERETTO:

Highway/ Drainage: The Highway Dept. is doing something that is positive. Everybody knows they are paving roads in Lewiston and I had a first hand experience in watching them and see how they did it. They were fast, quick and organized. I noticed that some of the workers that weren’t Town of Lewiston workers. The machines were Town of Lewiston equipment and what I thought was good action from Mr. Reiter was it was a shared service with the County. The County had agreed to share their workers and equipment for this paving process with Steve. On Lewiston Road, which is a county road, he offered his men for the work. I think that is what the taxpayers want to see in doing things as efficiently as possible.

Library: They met before this meeting and I was not able to attend.

Langlois: As the liaison, would you find out what happened with the lawyers that they hired because I thought they had sent a letter to the Village saying that they owed a certain amount. The follow up, I thought was that the lawyer was going to say that the law states that you have to pay your portion. So have they decided to sue to get their money?

Ceretto: They were waiting for a ruling and an answer on this. It could be different variables of how it is going to be paid. The feeling was somehow it was going to be a town expense.

Langlois: I thought they had sent a letter to the Village saying that an attorney decided this.

Newlin: Bob Presutti said that the Board of Trustees of the library thought that the best way to proceed with some type of third party non interested group to make a decision as to who should pay what. I believe he went to either the State Comptroller’s office or the State Education Dept., which oversees the library system. This official in Albany suggested that the fairest way to fund the library was per population. They proposed and the library has more or less accepted, which may not be official yet, a 75-25% split of the total budget of the library.

Langlois: Based on that they sent a letter to the Village in time for their annual budget and the Mayor indicated that he would respond at a later date. His response was the same...we like paying nothing. We are going to come to another budget time and if this Board caves in again in and pays the Village’s portion of it, I will run again!

Kilmer: John, as liaison if you have any input in their meetings, that is exactly what was asked for four long years to have the trustees recognize their position to go after the Village and the same way they have beat the “crap” out of us for 4 years. When the former Supervisor Maslen said that it wasn’t the 60-40 split the way it was supposed to be, she dropped the hammer on it. It was great to see that the trustees finally see that it is not the Town that has not meet their obligations but the Village. I am elated.

Golf Course:

I gave the Board, the Attorneys and the Clerk a letter from Mr. Michael Dowd and a request from a third party developer to purchase the proposed municipal golf course site. He is asking for a release.

Newlin: With respect, that letter is labeled privileged and confidential.

Ceretto: I know, but Mr. Dowd said I could talk about this. It was my request to ask for this letter. You know there is a letter of intent from this third party and now Mr. Dowd is asking ...which we have asked him at the Golf Course meeting to reduce it into writing. In this letter it states that is that a third party developer expressed interest in purchasing the proposed municipal golf course site from Old Creek Development. He needs a release and he is offering a sum of money to pay for our SEQRA and the 10 acres of property. As it has been said that, I personally feel that you have to look at the process that we have gone through. Then you were talking about municipal golf courses.....I was the liaison in the beginning of the golf course...and I have talked to him and he said it was okay.

Newlin said we have to get that in writing though, Mr. Ceretto because if we do any breach of a confidential or privileged contract we can be in litigation. Mr. Leone, maybe Mr. Ceretto is right. I will rely on Mr. Leone's interpretation. We have a letter in front of us that says at the top confidential, privileged contract discussion material and Mr. Ceretto assures us that Mr. Dowd is okay with us saying this in public. But I don't know why he would have put this...this letter is dated today June 27, 2005 and he has in bold letters here confidential, privileged contract discussion material. To me that means anything within should not be discussed publicly.

Leone: I agree with that.

Ceretto: He verbally.....

Langlois: Mr. Dowd also called me about the same issue here and gave me this information that I am reading in here over the phone and did not say it was confidential or anything and asked because he has a meeting coming up on Thursday of this week (a final contract meeting) with the party he would like to be able to tell them that everything is pretty clear with the Town and that we are willing to essentially turn this....we haven't officially done this yet.

Newlin: Right. I think that is a discussion that maybe we want to have in private

Ceretto: Actually, he put this down in the beginning but because it was your request that it would be kept confidential but as we were talking....

Newlin stated that he had not talked with Mr. Dowd for a least a month, maybe 6 weeks. When did I talk with Mr. Dowd?

Ceretto: That is not what he said.

Kilmer: Why don't we meet half way folks. There are things you can discuss in public.

Ceretto: According to Michael Dowd he told me before the meeting that I can discuss all of this.

Newlin: Okay, Mr. Leone then I only ask is that verbal assurance enough to start this discussion? I just don't want to open the Town to any liability for discussing something in public that he has marked in writing as confidential and privileged.

Leone: I certainly don't doubt the Councilman's word but to me you have a document that has today's date that says confidential privileged contract discussion material. I don't know...if he didn't want it to be confidential privileged contract discussion material then he would say so. That is the "A" part. The "B" part is given the fact that this thing has been discussed in executive session on more than one

occasion and is a proper subject for executive session, I would think that it should be done that way.

Ceretto: In the past it has been mentioned that there is a private developer that is interested in this property. In the past we have talked about that we have asked for them to write down and ask us for this release. That is what we have in front of us, okay...and in the past publicly and at the Golf Course Cmte. meeting we stated that we wanted a number for this release which pays for our SEQRA, our environmental involvement and the 10 acres of land that they are asking to be part of the golf course. It was part of the beginning of the first golf course and now that they want to buy it. We talked about doing an appraisal.

Leone: They indeed hired somebody.

Ceretto: Pretty much this letter says everything that I have said that in the request it states that they have 2 appraisals. One with Girasole Appraisal Co. in 2002 for the property and there was another appraisal that was done by Emminger. If you average them both out together and we talked about it before the appraisals. One was higher and the other lower and it came out to \$1900 per acre. That was \$19,000 for 10 acres. That was in 2002. They used that when we did the grant for Assemblywoman DelMonte and Sen. Maziarz as we needed an appraisal. So, he is submitting that as some type of ...this is in the Town's records. He is showing that an appraisal that was done before and a price that we should be subjecting ourselves to as far as what we should sell this property for. Also, the appraisal that we are going to do now. I wanted to say that there have been two liaisons and Jim put a lot of effort in this. I believe it is going to happen. It is going to benefit Lewiston because they are going to pay taxes, bring people into Lewiston and utilize our businesses and improve our quality of life. I think golfing fits in with the esthetics of Lewiston and it will help our economic base.

If it wasn't for that task Dan, I am saying it for the municipal golf course and there were times that we had disagreements and sometimes we agreed. I had always wanted to see a golf course myself too but, if it wasn't passed when we did this municipal golf course and sometimes we argued about would it have value. Would it bring revenue...we wouldn't be where we are now. This piece of property is attractive because of the past works. They could of chosen a lot of vacant land but because of the SEQRA study and the interest in the PR that we have done with this is why this third party is interested in this property. When we do this release, I would like to do it with Mr. Langlois as a co-sponsor because we were both liaisons and I believe it is going to happen. I want to make sure that Jim's and my name are on that motion. I personally would like to see this thing move forward. In the 10 years that I have been on it along with Mr. Johnson, we have seen a lot of golf courses being built on the Canadian side and here we are trying to do ours. I feel very hopeful that it is going to happen. I feel comfortable enough so that it moves forward. I think that is what the people want. Today, was a historic day with the re-licensing and I think that is positive for our community. This golf course happening is also another positive. I would like to give this release. The number on the contract was originally \$100,000 for the SEQRA and they upped it to \$105,000. We revised that and Michael Dowd's group agreed to pay the \$105,000. If it went to referendum on the first golf course and it passed all we would get is \$105,000. If it failed we would get not one penny. When this golf course goes to private development there is going to be a tax base and the revenue from that golf course is going to overcome that \$105,000. It is going to bring revenue to the Town plus we are going to end up with a golf course without risk to the Town as Mr. Newlin says. When we are trying to do this release, I think the \$105,000 is a good number. The appraised value of the property that we are doing--- I think that we should look at the 2 studies along with the study that is coming in. If we do that with the release of the \$105,000 plus the appraised value of the property, I think we should move that for the benefit of the community. I think we should no longer labor this issue any more because of its' importance. I would like Mr. Langlois to address this also.

Newlin: It is premature until we get these numbers to approve any release.

Langlois: I don't know why this letter from Mr. Dowd says confidential privileged contract discussion material because he called me and talked to me at length about all of the stuff that is on here. It says he is going to be having a meeting on Thursday and would like to have the Town Board confirm that it is willing to give up its' interest in the golf course and that it is willing to give it up under the terms of \$105,000 plus the appraised value of the property. So, he is asking for a motion or a consensus of the Board that we are willing to do that.

Kilmer: How can he send a letter that he wants a Board motion and want to keep it private. We can't do anything in public.

Langlois said he thought it was a mistake here.

Ceretto: It is. He was at my house at 5:30 p.m.

Kilmer: We could go into executive session to discuss it and then come out and vote on it, right?

Langlois: Executive sessions, are what Mr. Leone?

Newlin: The purchase of land is suitable for executive session. I am not sure about the sale of interest though.

Johnson said I will tell you right now that this thing here could put you in court whether Mike Dowd says that or not and he is an attorney himself. I am very disappointed that you sat here and read off all of this stuff because I don't feel comfortable with it (#1) and (#2) we just authorized to get an appraisal done. Let's get the appraisal done and be done with it. #3, there are some issues right now that the engineer and I talked about that doesn't need to go out. It needs to be discussed in executive session that maybe hinder on the way it is presented and how it goes. So, you guys have to sit back and you should have taken this into executive session. You should have discussed whether we could in fact sell the SEQRA process out because there were some questions and we should talk to Mr. Lannon. So, before you jump the gun you should go into executive session and discuss this in detail.

Kilmer: Isn't it according to bids and talking to Mike Dowd on this, isn't it really all he wants is the feeling that the Board....

Johnson said he had that feeling from us 2 weeks ago and we said that we had to get the appraisal. I thought that was all set.

Newlin: Any motion discussing the sale of land by the Town is executive session material. That is clearly identified in State Law.

Langlois said we are not selling land.

Newlin: We are getting it appraised aren't we? You usually get land appraised if you intend to sell it.

Kilmer stated that we are selling 10 acres.

Ceretto: What I have said that is in here has been said publicly. The only thing that I didn't say was the number that he has offered but everything else that is in this letter and the release and everything else has been said before. It is all public knowledge.

Langlois said he was told the same information. Bring it up at the Board.

Johnson said I am going on record that I

Newlin: When does that notification takes precedent over ??? information.

Ceretto stated that he was at his house when Jim was on the phone with me when Mike Dowd came over and handed me this. The reason why you have this in front of you is because I requested it. He brought it to my house and I passed those copies out. I had a meeting with Michael earlier and he told me that the Supervisor wanted this ????.

Newlin said I can give you my word that I have not spoken with Mr. Dowd until I saw him at that last ????.

Ceretto: If the Board is ready to move on this he said do it. He said he had a meeting in Porter tonight.

Newlin said we are not ready to move on because we do not have the appraisals yet.

Kilmer: I would like to say one more thing in public. It is not a slam John, but as golf course liaison, I am disturbed that Mr. Dowd is going to your house and handing this information to you, this whole project shifted gears as soon as an entity decided they wanted this. The fact of the matter is that this isn't a committee item; this is a Town Board item. All documents should be run through the Supervisor at this point and disseminated to the Town Board.

Newlin: My understanding from interested parties is that is the way it is suppose to go. I will be happy to share any information with any interested Board members.

Kilmer said I will call Mr. Dowd and tell him that is the proper procedure.

Langlois MOVED to go into Executive Session to discuss labor contracts and the golf course. Seconded by Kilmer and carried 5-0.

Time: 9:40p.m.

Executive Session* June 27, 2005 9:48 p.m.

Present: Sup. Newlin; Council Members Ceretto, Johnson, Kilmer & Langlois, Attorney Leone; Dpty. Sup. Elgin; Adm./Op. Lockhart Eng. Lannon.

Newlin MOVED that the Town Board agrees in concept to sell its' interest and all 17 acres in question in the Golf Course to Mr. Michael Dows for a sum yet to be determined pending an appraisal. Seconded by Langlois and carried 5-0.

Motion to come out of Executive Session by Langlois and seconded by Kilmer and carried.

Motion to adjourn by Ceretto and seconded by Kilmer and carried.

Time 10.10 p.m. *Minutes taken by Deputy Sup. E. Elgin.

Respectfully submitted and transcribed by:

Carol J. Brandon
Town Clerk

