

**REGULAR TOWN BOARD MEETING July 25, 2005 7:00 p.m.**

Present: Supervisor Newlin; Council Members Ceretto, Johnson, Kilmer & Langlois; Tn. Atty. Leone; Deputy Tn. Atty. Boniello; Eng. Lannon; Op./Adm. Lockhart; Finance Office DiRamio & Town Clerk Brandon. 2 press reps and 15 residents.

The Supervisor opened the regular meeting at 7:05 p.m. the Pledge of Allegiance was recited followed by a moment of silent reflection and asked to remember Ted Czechowski a former employee who is ill.

The Supervisor asked if any resident wished to speak at this time.

RESIDENTS:

Lawrence Siegrist of 1274 Swann Road. After one year of inquiry with the Bldg. Inspector and I received numerous reasons why property is unkempt with weeds, junk etc. I brought up a Model City property (George Wolf's) and was told it was within 500' of a railway. I have pictures of this property and I am asking what is wrong. In the 4200 block of Porter Center Road there is a house with half of the roof missing and five unlicensed cars. I have taken pictures of these properties. I had to meet the code when I built my house but that doesn't mean that the old houses can go the "dogs". Also, the property adjacent to me owned by Robert Hochadel is a pigsty. Bob Coulter after many calls came and looked at the house, which no permit was issued for a fence. I recently spent \$5100 to have a fence installed so I did not have to look at it. The Police Dept. has made numerous calls to this residence.

Newlin asked that the pictures be given to the Clerk and he would discuss it with the Building Insp. Coulter when he returns from vacation.

Kilmer reiterated that we have advertised for a part-time Code Enforcement Officer to assist Mr. Coulter.

Mildred Terrameo of 4031 Old Ransomville Road. With regard to the Arts Council, I have been fighting them for years. I have received an application from them for years and they continue to refuse me. I have had people approach me and ask why I am not allowed in. I feel that they are discriminating me. They tell me I am not an artist although I have an art degree. Do they have an art degree? Last year there was a tattoo artist there. This is not fine art, this is an art form. Also, there have been people doing decoupage and wrought iron works. I think that the Arts Council should define what the definition of fine art is and it should be put in writing. Many of the exhibitors in the show are not fine art. As a Town of Lewiston taxpayer I would like to suggest that a policy of the Arts Council be re-evaluated or the Town should reconsider the funding to them. It is part of my tax money. Irene Rykaszewski stated that being a taxpayer does not qualify me to be in the show. This was not what I said. I said my work qualifies me. Several years ago I was accepted and one week before the show they called me and informed me I could not be in the show because I am not an artist. What does this tell you? There is someone there who does not want me in the show. Since the Art Council is using our tax dollars they should be elected for a term limit not a continued control of the council so other people could introduce new ideas to benefit more people. The continuous idea of a few...what if our government operated this way? I feel that I am qualified.

Newlin suggested that the pictures be given to Councilman Langlois to review. He has a good working relationship with the Arts Council.

Langlois said he had spoken with Mrs. Terrameo and members of the Arts Council previously. I guess you can say that art is in the eye of beholder. I don't know what they base their decision. They are trying to keep craft art out of what they

consider fine art. It becomes a judgment call. We can work with the Arts Council to have a small group of people to consider what is art and what isn't. It is a question of somebody making a judgment on what art is.

Anthony Terrameo of 4031 Old Ransomville Road. I would like to know is the Arts Council, elected or are they appointed? They seem to do anything they want. They are going to be meeting to discuss what is fine art and what isn't. They have everything in that show and I would put my wife's work up against any of them. If they don't let her in and let some of the people that they do let it, I don't want to see any money given to them anymore. They don't deserve it.

Newlin said that they would get some word back to Mrs. Terrameo. I think most of the Board members feel that nobody should be deciding what is art and what isn't.

Kevin Myers of 521 Pletcher Road. I have a few concerns regarding Riverwalk. I live right next to the new road. I have been in contact with Dave Britton of CRA regarding the landscape. I have also spoken with Joe Deck and I can't tell him what to do. Regarding the trees for screening, I told him that I would rather have evergreen trees that fit in with the area. They put 2 drainage ponds on either side of the road and that is an environmental issue. We were going to have berms and now we have to big drainage things on Kevin Schultz' and my side leaving not much room. Mr. Deck is now saying between the road and drainage pond there is not enough room to put trees. It should have been thought of before this and I don't think he should use my property to do this. Also, the back line is against the first lot. Mr. Deck is saying there is only 15' to the first house. I guess there is not room for trees. This is what happens when details weren't worked out and everybody kind of wanted to rubber stamp for Joe Deck. Right now, I am asking to please have the trees done. I told Joe we want as many trees as he can put up. Not fifty feet apart and a little tree this tall. (2-3 feet) You can put 8' trees above grade. I hope you will give consideration to those who have lived here a long time. There is a 2' difference in the back of my property and it will flood. Once again it is encroaching so I would like a swale towards that pond and I want trees along that back line. Mr. Deck is saying there is no room and it is up to the new homeowner. With respect to the drainage pond there is a fore bay that holds water and I informed Mr. Deck that kids could play in there. He responded that the sides are not that deep. I hope you will give us some consideration.

Newlin asked that the pictures be given to the engineer. I had a meeting with Mr. Quaranto, our engineer and attorneys and I reiterated that the Town is desirous to see the trees there as a buffer. I will get in touch you tomorrow.

Johnson stated that the site data has to be approved by the Town Board and they have indicated that they are going to work with the neighbors.

Ceretto said we work with both the developer and the residents and our goal is to have Mr. Deck move his project forward. Your requests are very reasonable and the Board will work with you.

Newlin suggested that Eng. Lannon speak with Mr. Myers.

James Preston Jr. of 2297 Hartland Rd, Gasport. I own part of a lot on Ridge Rd. I have letter here from Mr. Coulter. My property is 100' by 400'. 200 feet is zoned business and the other 200' is zoned RR-1. I am requesting that it all be zoned business. My surveyor has prepared a new survey. I have not gone before the Planning Board yet.

Newlin said to leave your information with the Clerk. As we approach making a decision about re-zoning, we will get in touch with you. You should also contact Mr. Coulter.

James Preston said he was not going to do anything with the property for 1-2 years.

Kilmer said he should be sent to the Zoning Bd. for a variance. I don't think he should go to the Planning Bd. The Zoning Board gives you permission to use your land for specific purposes.

AGENDA:

Johnson asked to move his Item #3 Co-location-Sprint-Nimo Tower to new business.

Kilmer said he had a letter from Atty. D. Spitzer regarding the fire access road in Riverwalk and the actions the Town Board should take. It will be #5 under Old Business. Also, asked to remove Item #2 under his agenda, Tree Removal Report. He received the documentation.

**Kilmer MOVED to adopt the Agenda with the amendments. Seconded by Johnson and carried 5-0.**

MINUTES:

**Langlois MOVED for the approval of the following minutes: 5-23-05 RTBM; 6-13-05 PH re: Animal Law; 6-13-05 Work Session; 6-26-05 Special Meeting NYPA and the 6-27-05 Info Mtg. re: Oak Run S.D. Seconded by Kilmer and carried 5-0.**

POST AUDITS:

**Johnson MOVED to approve the following items for Post Audits: Office Max \$491.76; Office Max Credit Plan \$794.80; Sam's Club \$404.27 and NYS Unemployment Insurance \$98.20. Seconded by Langlois and carried 5-0.**

OLD BUSINESS:

1. Firefighters Incentive Awards:

Johnson said I believe it needs to be done as a referendum. (Yes)

Leone said he is working on the documents and I have a call in to the Board of Elections.

Johnson asked if we can approve it subject to the attorney receiving that information.

Leone: The issue about the Village depends upon what fund pays for this. If it were coming out of whole town funds, it would seem that all of the voters in the Town would be allowed to vote even though the Village has its own separate fire company. If it is an "A" fund expense then all the voters who contribute to the "A" fund including the Village would be allowed to vote. I will give you an opinion on this. As a result of the hearing tonight, whether or not the issue is going to be left to the voters as a referendum and if that is something the Board wants to entertain we will. We could approve that this issue is going to go on the next referendum.

**Johnson MOVED for approval of the change and that it will be on the next referendum. Seconded by Ceretto.**

Langlois asked if this would come from whole town funds and have we gotten an estimate of the cost?

DiRamio: It would go up about 1 cent per thousand assessed value. You are looking at a \$100,000 home it would be \$1.00.

Kilmer said they would have to qualify for it.

Newlin: It would be against whole town taxes only.

Langlois: We do not have at the moment, "A" fund taxes.

Richard Lamar of Lewiston Fire Co. #2 asked if that doesn't come out of the fire protection district funds? That would be the money that they allocate to the fire districts.

Johnson: When we put that in there, we put it down as the contract price (\$165,000) plus training, service awards. I will work with the finance officer.

Langlois asked if it would be a credit against the fire tax? Well, then the Village and #1 is different. It is more complicated than you think.

DiRamio: It would be a special district tax.

Langlois said that Lewiston #1 is not in the district.

Johnson said that the last time it was voted on was other than the Village. It comes out of the special district tax.

Langlois: Where does the actual credit come from? Do the fire company then not pay the fire tax (that portion of it)?

Lamar: I don't know if you are taking it out of the "A" fund to pay the Village for their percentage but the service awards program for the three fire companies comes out of fire protection fund.

Mr. Leone was directed to look into these questions.

Ceretto said he would want to inform the public so they know what they are voting for.

Langlois: We should vote on the idea of doing this. However, the specifics are what we are not sure of and what we would be voting on.

**Langlois MOVED to Table this item. Seconded by Newlin and carried 5-0.**

2. Kilmer asked that the amendments to the Town Code re: PIP is put on the work session agenda. Some of my questions have been answered, but so that I can review the verbiage with the attorneys and other comments, I ask that it be discussed at the work session. It is going to be administered fairly with the people that are here today and the engineers, but if you don't write legislation for the future Boards and engineers you could get in a ??? as well.

3. Sullivan Court Gate Issue.

Leone stated that this issue has gone to Fire Insp. P. Martin and he has sent a letter to Patrick Homes requesting certain specs etc. They had asked about the Town maintaining the ROW and I told them absolutely not.

Langlois said that Atty. Kahn asked if the plans were acceptable by today. Are you saying the plans are acceptable, Mr. Leone?

Leone: The plan is acceptable on my part and that is all subject to our fire inspector telling me that it is okay. The last I heard he had written a letter to Patrick Homes requesting info about the gate etc. If he is satisfied with it, I am satisfied with it.

Kilmer: It is spelled out about the cost, keys etc.

**Johnson MOVED for approval pending the approval of Fire Insp. Martin. Second by Langlois and carried 5-0.**

4. Mr. Leone has asked us to hold the firefighter's tax incentive in abeyance.

Johnson said on the town tax side this should be brought up at the next meeting, as it will be next year's tax.

Leone said he does not believe it has to be on the ballot. It needs a local law. The issue is whether or not there is any type of population limitation. It maybe required in only in areas of certain populations. That is the issue I am looking at.

5. Access Road License Request from Riverwalk. The Clerk was asked to read a letter from Atty. Daniel Spitzer as follows:

Dear Supervisor Newlin:

I have reviewed the request from Joseph A. Deck Jr., on behalf of Riverwalk to use the Town owned former railroad as emergency access while the connection of the Phase 2B is made to the permanent second access. Mr. Deck was of the opinion that this had been previously granted, but could produce no evidence, nor did the Clerk's Office find any record. If this is done as a license, it does not appear that it is subject to permissive referendum as an easement or other more permanent plant would be, since it is immediately revocable by the Town. Given the nature of the request, I would recommend the Town Board grant this request, subject to (1) approval of the form by the Town Attorney and (2) the license agreement confirming that Riverwalk would be solely liable for any and all accidents or other damages occurring from the use of the licensed property, and agreeing to defend, indemnify, and hold the Town harmless during the term of the license.

As to whether the Board should consider this request on the requested short notice, I offer no opinion.

Please do not hesitate to contact me if you have any questions.

Very truly yours,  
Daniel A. Spitzer

Kilmer: We all know that this has been an issue, the secondary access off of Riverwalk and it has held up occupancy permits etc. Mr. Lannon and Mr. Britton spent time out there and reviewed the access road along with Mr. Martin. It can handle the fire trucks but the one question was the legal right to use it. I thought that when we approved the plan knowing that that was going to be the second access road that was basically approval. Mr. Spitzer said this is one more layer of security for the Town.

Johnson: That road was supposed to be used day one. In one day they cleared the brush, the trees and compacted the ground solid. The Supervisor, others and myself saw no absolute reason why not to use that road. The other road is going to be completed but they are going to from time to time cross over and part of it will be dug up. There will be two access roads. Mr. Martin sent a letter on July 15<sup>th</sup> stating that the engineer had approved it and the engineer concurred that it was strong enough. Also, that the Town gives approval to use the land which, is what Mr. Spitzer's letter states and to keep the road as a permanent second access. In addition, that the road be checked periodically. We originally said that he could use this land from the treatment plant. I am not sure what this "license" means.

Leone: All it means it is the contractual agreement....you are not conveying the land or giving up land. You are giving them the right to use. My questions are does the Town own the land?

Newlin said we own the right-of-way.

Lockhart said there is an utility right-of-way and we have a 60" force main that comes down that right-of-way. Where the actual property surveyor's line is I don't know. It is on Town right-of-way.

Langlois said the letter is very explicit in giving some advice here.

**Langlois MOVED that approval is given subject to the 2 items as listed in Mr. Spitzer's letter and that our Town Atty. approve the form (the license agreement) with the stipulations as noted. Seconded by Kilmer.**

Kilmer: These access roads being stone are somewhat crude, so who is going to be responsible for clearing the stone in the winter? Is it still the developer's responsibility to make sure they are passable through out the winter?

Johnson said he understood that the main road will be done before winter.

Kilmer: I don't think it is going to be blacktopped though. It is going to be stoned.

Lannon: The responsibility of that access road is the developers until such time as it is dedicated to the Town.

Kilmer said he didn't believe he was going to get it blacktopped and dedicated this year. I would like us to reiterate to Mr. Deck that it is his responsibility to keep that access road cleared for safety.

Johnson said that Mr. Martin's letter specifies that.

**On the Motion, carried 5-0.**

CORRESPONDENCE:

#1: The Town Clerk's has retained a Series HH Savings Bond in the amount of \$500 given to the Town by a resident in 1988. The bond is made out to the Town of Lewiston/Dickersonville Cemetery FD Inc. It is a non-interest bearing bond. I am asking for the Board's approval to authorize the Supervisor to redeem this bond and that an account be set up through the budget office so that these funds can be used exclusively for expenses incurred on behalf of the cemetery.

**Langlois MOVED that authorization is given to the Supervisor to redeem this bond and the funds be allocated for the upkeep of the Dickersonville Cemetery. Seconded by Kilmer:**

Langlois said this is a special amount, so we could either put it into the Town account that pays for the upkeep of the cemetery or we could use it for something special.

Brandon stated that the Parks Dept. takes care of the maintenance. In the past we have had discussions regarding a sizable amount of funds that were suppose to be put in a dedicated fund and unfortunately that did not happen. Every time we sell a plot the money goes into the general account. The expenses against that amount are for the wages of the park personnel to maintain the cemetery. Our grant writer has applied for a grant to fix the issues at the cemetery. I would like to give this money to a specific purpose like benches, a gate etc.

Newlin said we would allow the Clerk to present the Board with an idea of how to spend the money.

**On the Motion, carried 5-0.**

#2: A request from the Lewiston Heights Improvement Association that the Town consider the reconstruction of Mt. View Drive, Woodland Drive & Forest Road and to undertake, in the course of such reconstruction, the addition of curbs and underground utilities. This request is based on several factors including that the roads are in need of repair and that curbs will enhance the area much like the curbs in the Ft. Gray section of the Town. Underground utilities will modernize the area and bring the subdivision into parity with other comparable subdivision to wit Thornwood and Riverwalk areas.

Johnson suggested it be given to the engineers and discuss this with Supt. Reiter. I would think we could look at it.

Lannon said the Town could consider the infrastructure with the roadway and the curbs. The overhead utility is Niagara Mohawk which the Town would have no part of it.

Johnson asked if a letter could be sent to Niagara Mohawk indicating that if we were to put in new roads would it be considered.

Lannon: There is a lot more to it than that.

Langlois: We need to upgrade various areas that we have and I think when we got involved with Gorgeview we had a road that was deteriorated and falling apart and the area was 50 years old along with the water and sewer lines. So, we decided to do something. However, I was shocked to find that we spent \$25,000 equivalent to every house in that area. It was a huge amount of money. I would like to have that amount of money spent in my area and in other areas also. It has to be a very unusual situation before we commit that kind of public funds. Maybe we need a special improvement area and perhaps we should have done that with Gorgeview.

Lannon: The road is not the big issue, the issue being does the Town want to consider putting curbs in.

Kilmer: I think that when we find an area that is deteriorating beyond what we can fix and cover up, that is what you do like we did in Gorgeview. But, when you have good roads that just need a topping....there are roads all over Lewiston without curbs.

Johnson said he was unsure if the roads were in bad shape.

Langlois said we could talk with these residents and state that we are willing to keep the roads up and the normal things, but if you would like to have a special improvement area where you put underground lighting etc. that would be a special district.

A member of the board will contact the group on this. (Johnson)

3. A request from Cheri & Gregory Surniak to dig a pond at their residence at 1940 Langdon Rd. The Niag. Co. Soil & Water Conservation District performed a pond site evaluation. Tn. Eng. Dave Britton has approved the determination. In addition, they are asking for a waiver of the \$5,000 permit fee as the dirt will be used at their residence as fill and will not be removed from the premises.

Kilmer said this was taken care of at the last meeting. (This matter was to be researched and it was discovered that this was a different request from a different resident. The Board will act on this at the Work Session.)

Sprint – NMO Tower Co-location:

Johnson: The Tower Cmte. met and discussed this item along with David Petrosewitz and he provided us with the information that we needed.

David Petrosewitz: I am representing Sprint in this co-location with Niagara Mohawk on Upper Mt. Road.

Johnson: Sprint also met with Atty. Leone. The Tower Committee letter requests that Sprint send notification to Mercy Flight as well as residents living 300' away from the site. Sprint has agreed to this. In addition they are obtaining a geo-tech analysis of the site pursuant to final design, including the installation details such as the monopole base, anchor supports and grounding rod. The Tower Committee has requested that a copy of geo-tech report and final installation details be submitted to the Building Inspector prior to issuing a building permit. Sprint will also be conducting a post-construction assessment of the actual RF emissions and will

provide the result to the Town. The Tower Committee would recommend to the Town Board to accept Sprint's application on NIMO Tower.

**Johnson MOVED to approve Sprint's application to co-locate on the Niagara Mohawk tower on Upper Mt. Road. Seconded by Kilmer.**

Newlin: I believe this tower is below the height requirements of the FAA and are there flashing lights on it now?

D. Petrosewitz: We are attaching our antennas to an existing Ni-Mo tower and it is not currently lit and will not require lighting. The existing tower is 103' and the top of our proposed antenna support structure will be at 110'.

Newlin: It can pose a danger to Mercy flight pilots who come in at night. Is it possible to install small blinking lights?

D. Petrosewitz: We would have to go to Niagara Mohawk and also to the FAA.

Kilmer: When it is a co-location, I don't think that the mercy flight thing becomes an issue because it is not a new tower. All the Mercy flight pilots know where the towers are.

Newlin stated that at a presentation last year where the pilots specifically asked that all towers regardless of the FAA requirement put up blinking towers.

Kilmer: That would not be a bad idea if Niagara Mohawk would put up strobes on the top but it is not the co-locators job.

Johnson said it was discussed that within a 30-mile radius that the airports alert pilots that cellular towers are in the area.

Ceretto: The chairman, Mrs. Latko has been very thorough with these applications. I also believe that co-locations are good things as it reduces the numbers of towers. With respect to the lights, we need to go to the owner (i.e. Niagara Mohawk).

David Petrosewitz said that there are already two similar installations on this property. Niagara Mohawk already has a self-supporting lattice tower, which is somewhat higher than the proposed tower. I think it is a good idea of the notification of emergency responders.

Langlois: There are specific regulations by the government for the height of the towers and when you require lights and these types do not meet those criteria. You have people who do not like blinking lights. If you don't require them and you can take care of notification another way then let's just let it go.

**Motion carried 5-0.**

Johnson commented that the presentation by Mr. Petrosewitz to the Tower Cmte. was very informative.

NEWLIN:

Legal: The labor agreement between the Town and CSCA union, which represents the workers at WPCC, has been ratified. It was signed by me last week based on a pending motion. We have one of the three contracts completed. We look forward to getting the teamster contracts signed soon. I would like to thank this Board for their support, especially Mr. Langlois who dedicated his time and energy towards the ratification. I think this contract takes the first steps towards protecting this Town's long-term financial obligations when it comes to the retiree and health benefits that these employees will be compensated for. I would like to commend the CSCA for their good faith efforts in negotiations. I think that their unit secured reasonable compensation for the workers and this effort has been finished successfully.

Langlois: Tim Lockhart and Mr. Richardson were the key players along with the very fine committee from the WPCC that worked on this. We came to some decisions that were compromises on both parts. I think it is a good contract.

Newlin: It protects the Town's long-term interest in terms of service and fiduciary responsibilities. I would also like to thank Mr. Lockhart.

Resignation Letter:

I have a letter of resignation from Mr. Robert Coulter who states that he is resigning from the Lewiston Police Dept. effective July 30, 2005. This also includes the bingo inspector work, which, is under the Police Dept. I will be meeting with Chief Winkley regarding this. On behalf of the entire Board, we would like to thank Mr. Coulter for his fine service for many years as a bailiff for the court system.

**Kilmer MOVED to accept the resignation of Robert Coulter as presented. Seconded by Langlois and carried 5-0.**

Golf Course Update:

I want to let you know where we are in the process. As everyone knows, I have been seeking private development for this golf course since I was elected last year. I think the benefits are clear. I think it will build a better course and the land gets returned back to the tax rolls and eliminates the exposure the taxpayer to any sort of failure of a golf course in the future. In last 16-17 months since I have been working on it, we have a serious third party that is very much interested in developing a golf course. They still do not want to be named so I will honor that request. Under the old proposal of a public municipal golf course, the Town had a business partner in a corporation called Old Creek Development. This consisted of 2 landowners, Mr. Deck and Mr. Boos. Atty. Dowd represented them. This year, Mr. Dowd approached the Board saying that he would like to buy out his business partner, the Town and buy out our interest and then proceed in selling to this third party. Right now, this third party has been looking at the Town's work, which is public record information, the EAF and DEIS forms. Mr. Dowd has relayed that information to the people who are interested. We now have to seek just compensation. I think that the Town's interest in what we should be compensated would be the value of the land which is being determined right now by an outside appraiser. Secondly, the value of the time, labor and money spent in terms of engineering for the project. This third party has still not approached us formally or informally. As soon as that happens the public will be informed.

Kilmer: There was an article that stated that there was 200 acres of public land. I want this public to know that there is 10 possibly 17 acres of public land.

Newlin: The entire project itself is about 250 acres. Public land is **less** than 20 acres. So, as Mr. Dowd approaches us to buy out the Town's interest they are only seeking to purchase 10 to 20 acres.

Langlois: However, we had money that was coming to us from governmental officials for the purchase of that land if it were used for a golf course.

CERETTO:

Highway: We received a letter from Wayne Walck of 5940 Walmore Road with regard to having a ditch cleaned and he is asking for Town Board approval to do so. Mr. Reiter has said that they have cleaned this ditch in the past.

Boniello said it is all private.

Langlois said that we have in some cases where a ditch was a conduit for drainage in other areas. If there were specific cases like that, we have approved situations like that. If this is purely a private area and does not affect other properties, we say it is the homeowner's responsibility. I don't know that we have looked at it and perhaps we should have the engineer look at it.

Newlin asked Eng. Lannon to look at this and give us a report.

Library:

The Lewiston Library Board is working hard on a number of fund raisers. (Mr. Ceretto read a list) The Board is going to form a committee to receive public comments for community needs and goals. I am in favor of this group as they try to raise money and do what the people of Lewiston want them to be. NIOGA rep Mary Brink addressed the Board on these subjects.

Langlois: The most the Friends of the Library could raise is \$20,000 to \$30,000. They are dealing with a budget of around \$400,000. This does not negate the need for financing by the people that use the library. Both the Town and the Village. I understand that they hired an attorney who advised them that the Village owed this money through a letter. This was before their budget was adopted and they did not pay anything again. I thought that the attorneys had asked the trustees to follow through with a suit indicating that they are violating the contract. Have they done that?

Ceretto: Yes. I wrote down whom it is in front of, but I don't have it right now. It is going thru the process and they are waiting for a ruling that has not been determined yet. It is within the library system. This ruling will answer some of the questions that you have Mr. Langlois.

Newlin said he believes that they are seeking advice from the State Comptrollers office or the State Dept. of Education.

Langlois said he believes they have already have it.

Ceretto said that Mr. Presutti has stated that the answer has not been given yet. I just found that it... it is in the hands of the State of New York, Office of Counsel, and a ruling division.

KILMER:

Safety/Security of Highway Workers:

There are some issues that we need to bring to the attention of the highway department...when they were paving Upper Mt. Rd. they were assisting the County. One of our workers flagging a roller dealing with traffic on Upper Mt. Rd. ...the roller almost clipped a car. We did not have enough people on the job. When I talked with whomever was in control there was a lackadaisical attitude. A county employee told me to move on. When I came back, I told him that he had waved me across Route #429 and hadn't even looked. He replied "I'm a flag man for the County so just do what I tell you". I asked where his flag and vest were? I was going through all the OSHA standards. He walked away after learning I was a councilman. I think we really need to start stressing safety. It has gone by the wayside. I don't know how we do it but it is our responsibility to keep our employees safe.

Newlin: I believe maybe approaching Margy Toohey, the Town's insurance representative. With insurance companies having a vested interest in preventing accidents and liability they have safety-training programs by way of workers safety training.

Kilmer: There was no one directing traffic and it was an absurd situation. I wanted to bring it to the Board's attention and I think we should address it.

Langlois: The Supervisor has to know all of the safety rules and enforce them. That is their job. In this case, if it is the Highway Supt. he has to know the safety rules and the OSHA requirements. He needs to do that and if he needs help he should hire someone in to help him with training.

Kilmer said this may have been a joint failure to keep both Town and County employees safe because the County was actually paving the roads so I wouldn't place all the blame on the Town.

Langlois said we should write to the County and say we observed that they are in need of safety training.

Kilmer said he work with the Clerk on this.

Street Lighting 1437 Ridge Road:

The owner of the new restaurant at the address (JJ's Cabin) has submitted a letter regarding how hard it is pulling out onto Ridge Road from his business. I have called for the Lighting Cmte. to meet this week on this. I am asking if the Board is willing to spend that kind of money on this issue? There will be costs involved to the Town.

Lannon said that one light would be sufficient.

Kilmer said it is really dark in that area and I would recommend streetlights for safety.

Newlin asked since it is a state road do we need to seek approval.

Johnson: Yes, you do have to seek approval and I agree that it is a very dangerous area. I have asked that Assemblywoman DelMonte call another meeting with the DOT based on the Garlow Rd./Saunders Sett. issue and we could add this to the meeting. At the last meeting DOT said they were going to re-examine this corner of Model City/Ridge Rd. We need a turning lane here at the corner and with a light in front of the building it would alleviate a lot of problems.

Kilmer: We need something permanent there.

Johnson said they were going to take a 2<sup>nd</sup> look at re-configuring that corner. I think the Board members should put some pressure on DOT at this meeting.

Kilmer said he would have a recommendation from the Lighting Cmte. for the work session.

Custom Lighting Contract: Mr. Drabik came to our last meeting and gave us a presentation. I agree with the concept of the Town purchasing the lights and contracting out the work because I think it is a cost savings. Now you get into the legal part so I am giving this to the attorneys.

Boniello stated that Mr. Drabik called after the meeting and in the interim he sent me a revised contract which I have many, many questions about. I will be having a conference call regarding these charges etc. The revised contact is different from the first one.

JOHNSON:

Cable Commission met this week. We will meet one more time, but it does not look very promising. The Village is committed to probably going on with the contact as it speaks for itself. I will have a report for the work session. The only thing different would be some locations.

Towers Committee: The committee is working on some revisions that we need to put in the law one of which is the mercy flight notification of anyone within 300'. The committee has asked if they could take a trip to the southern tier to look at the wind towers.

**Johnson MOVED for approval of the Tower Committee to be reimbursed up to \$100 for gas expenses and lunch to view the wind tunnels in the Southern**

**Tier. Funds to come from the contingency fund. Seconded by Langlois. Carried 5-0.**

Kilmer asked questions regarding a co-location application on Upper Mt. Road that he will give to Mr. Johnson.

Johnson said that the application for the one on Vrooman Drive was advised to go the Fire Co. in the Village. There are currently three other co-locations on the same tower where we approved the Sprint request. There is defiantly one of AT& T and I am not sure if they ever got permission. Mr. Leone, would they be grandfathered in and wouldn't they have to do a permit?

Leone: Yes. If they are going to put a co-location within the Town, they have to follow our local law.

Johnson: The committee is researching this and will report back to us.

Seniors: With regret and sadness, I have a letter from Senior Director J. Collesano of the retirement of Ted Czechowski, van driver for seniors who has been here since 1992.

**Johnson MOVED to accept the retirement of Senior Van Driver Ted Czechowski. Seconded by Langlois and carried 5-0.**

Johnson suggested that the Town prepare a proclamation and contributions be collected for a fruit basket.

Engineering:

Contract #10 – Roadway Improvement. We did receive three bids as follows. Armand Cerrone \$492,750; Yarussi Construction \$495,400 and Man O' Trees \$525,875.

Lannon: The next step will be to award the contract subject to the Town Attorney's review of the proposal of bid bond to Armand Cerrone. However, with the required bonding period has not lapsed, maybe this Wednesday or Thursday....I would suggest that the Board consider tabling this until the work session of August 8<sup>th</sup> for the formal award of the contract. Once the bonding is called for by the Town Board it would be thirty days notice.....

Chicora Road PIP Closeout:

Lannon: A letter dated July 18<sup>th</sup> addressed to Don Smith states: The purpose of this letter is to advise the Town Board & your office that the infrastructure (roadway, curbs, sanitary, drainage) associated with the Chicora Road development project, which was constructed under a PIP is substantially complete. There were 4 remaining items that had to be completed: Provide a copy of 2-year maintenance bond, which has been given to the Town Clerk. We have reviewed the revised drainage easements submitted by your office and a copy has been forwarded to Town Attorney Boniello for review. I believe that Mr. Boniello has said it is okay. #3, final grading and placement of topsoil within the ROW for the 2-subdivision entranceway. That will be done this week. We received a copy of the agreement between Mr. Smith and his contractor. #4 is that the outstanding balance of \$7,713 for engineering services that were provided in the PIP shall be submitted to the Town Clerk. I believe that has been done.

**Johnson MOVED for approval of Chicora Road PIP of items 1,2,4 with item #3 (final grading)\* subject to Attorneys final approval. Seconded by Kilmer.**

\*Lannon stated that if item #3 is not completed, that no certificate of occupancy should be given.

Langlois noted that he was pleased that the developer kept the trees adjacent to the entrance off of Fifth St.

**On the Motion, carried 5-0.**

5735 Bridgeman Road Drainage: Eng. Britton did a grade on the ditch there and it is fine. Yarussi Const. has stated that if they get some fill from that area they would give it to Mr. Ceccato. We believe that this problem can be alleviated with the water going to Saunders Settlement Road.

**Motion by Johnson that Supt. Reiter be permitted to clean the ditch at the address stated along with the assistance of Eng. D. Britton. Seconded by Ceretto. Carried 5-0.**

LANGLOIS:

Parks/Recreation: Mr. Dashineau has done a fantastic job with the baseball program and tournaments which may result in \$10,000-\$12,000 in fees. I attended a tournament and was amazed at the number of parents etc involved. This program is wonderful. We can be very proud of the baseball program and recreation.

Kiwanis Park: We approved funds for improvement at the park, which will be done in the fall.

Spatholt Memorial: With the funds that were donated there is a very nice engraved granite stone that was put an area near the concession stand with flowers and shrubs. We can be proud of that. The baseball picnic will be held on August 12<sup>th</sup>.

WPCC: Creek Road Force Main/Capital Project:

You have received a letter from Mr. Lockhart explaining the need for this. We have discussed for a long time and with all the extra development we have going on and being very close at times at over the capacity of the plant we have to find a way to eliminate a lot of the inflow that is coming in. With what Mr. Lockhart is proposing you could eliminate 350,000 gallons a day or up to 500,000 gallons under wet weather. We would like to establish a capital project, the Creek Road Force Main H-90 in the amount of \$475,000. The funding will come from the Master Sewer District fund balance, SS2 that at the close of 2004 had 1.2M. This is why we built this account up. This will also improve some of the Creek Road pump stations upgrades and the new force main.

**Langlois MOVED to set up the Creek Road Force Main Capital Project designated as H-90 for an amount of \$475,000. Seconded by Ceretto.**

Lockhart: This can be a project with multiple benefits. The first phase of it is the intent to break storm water and ground waters away from the treatment plant and extend the capacity of the existing facility of the treatment plant. The spring of this year we had full metering in place monitoring this particular piece of line. The daily flows are above 350,000 on average greater of ground water that we have to handle through the treatment plant. In laymen's terms and I don't want to put Mr. Lannon on the spot, but 350,000 gallons could probably accommodate somewhere close to a 1000 homes of development if we break those flows out. We would get a little bit of a cushion. This also would benefit the existing pump stations by giving us funding to go out and look at some of the structures that are 30 years or older that have been in the ground and do a structural analysis on what took place so we can make a game plan on what we can do with these in the future.

Newlin said I think it is something that will benefit the Town and relieve some of the burden that the plant is facing right now.

**On the Motion, carried 5-0.**

Newlin: For those of you who are liaison to specific department heads, would you please ask that your department head attend the next work session? We are getting close to preparing the budget and I would like to get an idea where people are with their budget this year and what they project for 2006.

**Motion by Ceretto, seconded by Johnson and carried 5-0.**

Time: 9:00 p.m.

Respectfully submitted and transcribed by:

Carol J. Brandon  
Town Clerk