

WORK SESSION

July 9, 2007

7:00 p.m.

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Town Atty. Leone; Deputy Tn. Atty. Boniello; Eng. Lannon; Adm./Op. Lockhart; Highway Supt. Reiter; Deputy Sup. Elgin; Finance Officer DiRamio and Town Clerk Brandon. 1 press rep and 1 resident.

The Supervisor opened the work session at 7:15 p.m. followed by a moment of silence for the passing of the father of Police Officer John Penzotti.

Agenda:

Edwards asked to add to the agenda Patrick Development and the Town Hall Renovation Project. Bax asked to for an Executive Session to discuss possible litigation and a contract matter re: WPCC.

Johnson MOVED to approve the amended Agenda as presented. Seconded by Bax and carried 5-0.

Police Chief Appointment:

The Board had planned to meet jointly with the Village Board and interview the 3 candidates tonight and out of respect for Mr. Penzotti it will be delayed. We may be able to meet on Monday, July 16th at 7:30 p.m. after regular Village meeting. Newlin will contact the Village with respect to meeting and interviewing the 3 candidates and hopefully vote on it.

Newlin: It was reported that the Board had been considering the possibility of a part time Chief of Police. This is not a viable option. We were given a memo that there was legislation pending in Albany that would preclude the hiring of a part time chief. We learned that law had been vetoed by the Governor. We are looking forward to hiring a full time chief.

Abstract:

Palmer MOVED to approve the regular Abstract of Claims # 1917-2284 and recommend payment in the amount of \$274,907.10 and a Post Audit of \$126,451.03. Seconded by Johnson and carried 5-0.

Town Clerk School Request:

A request from the Town Clerk to attend the Municipal Clerk's Institute from July 22 thru July 27, 2007 at Cornell University. Cost is \$750 which has been budgeted. A \$300 scholarship has been awarded to the Clerk to defray the cost.

Palmer MOVED for approval of attendance at this school for the Town Clerk. Seconded by Bax and carried 5-0.

Dog Control Resignation:

A resignation letter has been received from DCO Tod Davidson who has secured full time employment.

Bax MOVED to accept the resignation and a letter of regret be sent to Mr. Davidson. Seconded by Edwards and carried 5-0.

Kevin Payne/Permanent Appointment:

Mr. Payne has had a provisional appointment for MEO III for the past year. He placed first on the test in Niagara Cnty.

Edwards MOVED for the Permanent Appointment of Kevin Payne, MEO III effective immediately. Seconded by Bax and carried 5-0.

Patrick Home Development:

Edwards: Mr. Beseth & Mr. DiFrancesco at the June work session complained about the entrance to this development for the last 5 years. They have been promised that it would be taken care of. Mr. Lannon contacted the Patrick Dev. Corp. and was told it would be taken care of by July. Nothing has been done. Mr. Lannon will try to contact them tomorrow. It is our responsibility and we accepted that entrance when it was dedicated and we need to fix it. Do we fix it and lien the

properties? It has not been rough graded and seeded and our Town law has provisions for cutting the fields. Our building inspector should inspect it.

Boniello asked who owned the property. (It was not determined who owned the property.)

Lannon: I wrote them a letter about 10 months ago documenting my conversation with Jim of Patrick Development confirming that they would do the landscaping in Sept. 2006. We had another meeting and it was to be done by July of 2007.

Boniello said he could send them a 10-day notice and if not perhaps the Highway Dept. could clean up the property. Also, a lien could be filed.

Reiter: My department could do it but I want to make sure that I am reimbursed before a lien. I cannot give you an estimate on the cost. Also, the Board may want to consider doing others.

Johnson said we should check the records and see who owns the property because Patrick Homes may have the rights to those lots but may not have closed on them.

Edwards MOVED that Attorney Boniello write a letter to Patrick Developers that unless within 10 days the landscaping and cleanup work is completed pursuant to the original agreement, the Town will bill them for the work performed by the Town Highway Dept. Seconded by Bax and carried 5-0.

Town Hall Renovations:

Edwards: The Clerk received last Friday from The Frizlen Group the final drawings for the renovations at Town Hall. I would like the Board to look at the plans and they will be available in the Clerk's Office for review.

Edwards MOVED that the Clerk be permitted to advertise for bid(s) pending review by the Town Engineer, Building Inspector and Town Attorneys for the Town Hall Renovations. Seconded by Bax and carried 5-0.

Town Hall Sign:

Edwards thanked the Board, Highway Dept., Parks Dept. and the WPCO for their assistance with the sign.

Recognition/Chief Winkley:

Palmer asked that a proclamation be prepared and be presented to Chief Winkley at the July 23, 2007 meeting.

Dept. Head Mtg.

Bax asked that the Dept. Head Mtg. originally scheduled for tonight be held on August 13th at 6:00 p.m. Dept. Heads to be notified.

Drainage Referrals Etc.

Johnson: I would like to set a procedure so that Supt. Reiter does not have to have residents sending the Board letters to get issues settled. One of the letters states that Mr. Reiter suggested that they write to the Board and get permission to address a problem. On those issues that are drainage etc. that instead of waiting, I would be very comfortable in having the liaison, Mr. Edwards and the Engineer that if Mr. Reiter had questions he could contact them. Then we would not have to prolong some of these issues.

Johnson MOVED to allow Councilman Edwards as liaison to make a determination on these issues. Seconded by Palmer.

Edwards said he did know drainage issues to a certain extent, but not to the extent of the Highway Supt. nor the Engineer. Our Highway Supt. has been directed in the past to take care of drainage issues. His problem is private property. He wants this Board's permission to go on private property.

Johnson said you (Reiter) can make that determination and come back to us. If it is a special issue that we would have to vote on with the lawyers, we can do that. There are items that are drainage issues that were already funded etc. I would like to have him get them done.

Edwards stated that he had no problem working with Mr. Lannon but if the Highway Supt. is uncomfortable with any situation he can call Mr. Lannon or me.

Palmer: There has been frustration from the tone of some of letters that we have received who feel they are getting the "run around". If we can make it more direct where you can make the call along with Mr. Reiter it would be better.

Reiter: I would like to know what ones I was directed to do and I didn't do.

Edwards said that is not what we mean. One resident quoted you as saying they should write a letter to the Town Board and get permission. We are trying to stop the bureaucracy and the 6 week lag time where if your equipment is in the area you can do your job.

Reiter: I am a little concerned because there has been a lot of issues about when we are on private property and the liability issue. I feel very uncomfortable because the way it use to be, we never had a problem. It was only recently that I was given an accurate figure on how much money I had. So, I would never go on without a budget figure which in the minutes of that last meeting was totally inaccurate. Mrs. DiRamio and I have straightened that out. The figures were very inaccurate to a tune of over 10% of the job. There were other code number issues. After the past few years, I will not bid out a job unless I have it in writing an amount and a code number. When I use to do that I.....

Palmer said that I think we are talking about two different things.

Edwards: The intent here is for you to do your job and for us not to handcuff you. I have full confidence that you are going to do the right thing.

Palmer: Do you have a right-of-way to get to that property at the rear of Michelle Court?

Reiter: Yes, but even though there was money put aside, I was never given a code or an amount. There is no sense in starting a project if you don't know what you have. That project has been an issue.

Johnson said he had talked with Kevin O'Brien (N.C. Public Works) because there has been a resident on River Road that has been complaining about the path.

Reiter said he had talked with his assistant and the resident and the county is working on it.

Johnson: No, the county said it is our responsibility.

Reiter: Absolutely not.

Johnson: Mr. O'Brien left me a voice mail and I had asked him at a meeting whose responsibility is it. He said it was the Town's responsibility to maintain it.

Reiter: It is not the path that has the problem. It is actually the riverbank itself. They have a real concern with their road. It has nothing to do with the path. We take care of the path. I talked with the deputy and he is aware of it and they are suppose to take some action. It is a natural bank erosion problem. It is just past Dutton Drive (north). There is water coming out from underneath and it is possible that there is a water leak there. It is coming underneath the road and the soil is very silky.

Johnson said he was talking about the Mary Jane DeFazio's house.

Reiter: No. The Water Dept. dug up two water breaks there. Right now it is the Water Department's problem to fix that. We went out there to fix it and they had a water break.

On the Motion, carried 5-0.

Reiter: I will always tell people and let them know that I am on private property.

Palmer MOVED to go into Executive Session. Seconded by Johnson and carried 5-0.

Time: 7: 48 p.m.

Respectfully Submitted & Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session:

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Boniello*; Eng. Lannon; Adm./Op. Lockhart and Deputy Sup. Elgin.

Issues Discussed:

1. Contract/ Modification Sewage Agreement.
2. Drainage issues in relation to Sewer District Contract.
3. Police Chief Process.

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

Time: 8:45 p.m.

Johnson MOVED that Adm./Op. Lockhart to send letter to each member to provide a statement on the I & I work done. Seconded by Palmer and carried 5-0.

Johnson MOVED to authorize the Supervisor to send a letter to the Village and the School Board on their position of Modern's application. Seconded by Palmer and carried 5-0.

Motion by Edwards, Seconded by Johnson to adjourn.

Time: 9:25 p.m.

Minutes transcribed by:

Carol J. Brandon

Minutes taken by:*

David Boniello