

REGULAR TOWN BOARD MEETING September 8, 2003 7:00 p.m.

Present: Supervisor S. Maslen; Councilmen J. Ceretto, M. Johnson, D. Kilmer & J. Langlois; Tn. Atty. E. Brydges; Dpty. Tn. Atty. J. Leone; Eng. R. Lannon; Bldg/Zoning Officer R. Coulter; Highway Supt. S. Reiter; Police Chief R. Winkley, Adm./Op. T. Lockhart; Finance Officer E. Evert; Dpty. Supervisor C. Stojak; Rec. Dir. M. Dashineau; Town Clerk C. Brandon; 2 press and 25 residents.

The Supervisor opened the regular meeting, followed by the Pledge of Allegiance and a moment of silent reflection followed.

RESIDENTS:

George Briggs of 5740 Garlow Road. I was here a few months ago and addressed the issue of the mosquitoes and the West Nile Virus and how bad it is. I did notice in the last board minutes that you, Mrs. Maslen had called the Buffalo Audubon Society. I don't care about Buffalo because I live in Lewiston and this is where I am concerned. I agree partially with what they said that it is only harmful to people who have a weak immune system. There are a number of people who have weak immune systems and I am one of them. However, I am not here because of myself. This town has a large number of elderly and sickly people. I don't know if you have gotten figures as to what it would cost. If you have, maybe you would share the information with me. I have provided the Town Clerk with material that will be given to you and it states the mosquitoes create a lot of problems. I believe that they have taken their part in responsibility in trying to put these "donuts" out in an attempt to attack the mosquitoes. I think it is time for the Town to take their part and go a little farther. We have a lot of wetland areas around here and it cannot be covered with these "donuts". I have also supplied you with West Nile survivor's information that live all around the country including Wilson. I hope that the Board will work this into your budget for next year.

On the sewers near my home that you put in, it is a mess. I noticed that 2-3 people have tied into the system and why hasn't the Town come up there and graded that? With the equipment that this Town has there is no reason that a few of those Water Dept. employees or Sewer employees can't clean that up. When are they coming through?

Maslen said that she hoped that she would have an answer to that by the end of this meeting.

Mike Cuddahee of 758 Mary Lane. I am here at the advice of Mr. Coulter who came to my house and said to submit a letter which I will give to the Clerk. In our backyard is a problem with standing water. The far-left corner of my yard is so wet that we cannot even cut the lawn. This current standing water problem has now resulted in a mosquito and insect problem. With the threat of mosquitoes carrying such diseases as West Nile Virus and other potential hazardous viruses, we feel that this not only a threat to my personal family, but to our surrounding neighbors as well. The area happens to be an easement area in our backyard which is typically wet in the spring but dries up in summer so you can cut the lawn etc. Unfortunately, it never dried up this summer. It remained wet the whole summer. I will also add that we have lived in the house for eight years and we have never had this problem before. It is something relatively new. We have also noticed some substantial shifts in the level of the soil in my backyard. Some of these are near the easement and some are near the house. There have been pieces of my yard sinking down. I am asking for some help from the Town.

Scott Weinfurtnr of 760 Mary Lane. This is my third summer here and I have an in ground pool. I have had some ruts in my back yard getting much worse. I have found out that supposedly the Town or the builders had buried trees. In the deep part of my pool the trees are rotting and what has happen is a shift of the ground. My pool now which was a little off when I bought this home by an inch and a half higher up the water level down in the shallow end goes right to the deep end. Now, it is six inches

off. My pool is sinking. My neighbor next to me has tons of ruts in his backyard. I have water back there. I am not sure if it is because the gentleman right behind me has built up his easement. I don't know if that is against the law or not or if burying trees is against the law or not but my pool is sinking. I have water in my backyard and have to use a weed whacker which I never had to do before. I have a problem with my pool because the ground is sinking and this is causing a plumbing problem and I want it to be taken care of. A pool company told me that it was a little off in the beginning but they have never seen a pool like that. It will cost \$8000 to have my pool level. I am very upset as to what is going on here. You can trip in the holes in Mr. Cuddahee's backyard and next to him there is the same problem. I don't know what the Town is going to do for me. I have talked with the Highway Dept. and they said to bring in dirt. We are not supposed to level off easements are we?

Maslen: It needs some investigation. Is this not a new development? How old is this development?

Michael Cuddahee: 15 to 20 years. Some of the houses were built in 1986 or 1988.

Scott Weinfurter: Would there be any certain time that we are going to hear anything about this?

Maslen: It will take a bit of time to find out what is going on there and there is no way we can give you an answer this evening. You have made your concerns known and this is the first that I have heard of this.

Scott Weinfurter: Can we also bring to your attention the next-door neighbors and get their name and see if they want to get involved in this? My neighbor has said that he has put truckloads of dirt in his back yard to fill the holes that keep sinking.

Michael Cuddahee: I am not sure of the legality there if we are supposed to fill in or not. I think on our mortgages we were told not to fill in.

Maslen: This Board does not have the answer to your questions so we will do some investigating. The building inspector requested that you come here to let us know what is going on and this precipitates going further with this.

Robert Bussingham of 721 Pletcher Road. I have talked to all of you either in person or on the phone and a month ago I got a petition in the neighborhood to get the fence removed around this detention pond in our backyards. It was voted down because the fence was there and if it was taken down and a child was drowned in a dry pond you would have a lawsuit on your hands. We are asking that you reconsider this. A couple of you have been to my house and looked at this and it is dry. With all the rain and the snow that we had this winter it never filled up at all. Maybe enough to go over your feet. Everybody that signed that petition has small kids and we are not concerned about anybody drowning in there. I talked to the engineer who says that the slope is perfectly safe (correct me if I am wrong) where a fence would not be required. Would give a copy of that law or something to the Board or maybe the Attorneys? I would like a copy for myself if possible.

Lannon: You asked me to write a letter and I said I couldn't really do a letter on behalf of the Town.

Robert Bussingham: Could I get something in writing?

Lannon: That is up to the Town Board.

Maslen asked if you have given us a letter?

Lannon: If you like I can put together a letter for you telling you what my assessment is.

Maslen: Yes, that would be helpful.

Kilmer said he would put it on his agenda.

Robert Bussingham: This thing is as dry as a bone then it has been in the last four or five years. It has been there about ten years I guess. But if your not going to consider taking the fence down then I would like to see some fences put up on Creek Road after a heavy rain. Those ditches are half way up the people's yards for days on end. It doesn't go away. I have an issue with where there is no water at all. Thank you for your consideration and hope that you can help us out.

Jim Quaranto of 535 Pletcher Road. At the July 28th work session meeting and in looking at the unofficial minutes I want to put in the minutes today that Mr. Langlois read a letter that he wrote and made some comments about the Riverwalk proposal and the Environmental Comm. and the recommendations. He did leave out a recommendation of the Environmental Comm. that did recommend that the standard lot size stay at 75 to 150 feet. That is the regular standard lot size for the Town and I was wondering if there was a reason why that was neglected?

Maslen: The letter from the Environmental Comm. is part of the record and it is automatically part of all our...

Jim Quaranto: I understand that. But, I am saying that at that meeting it was brought up and I am just bringing it up at this meeting because I know you can't add it to those minutes. It will be in these minutes.

Maslen: A letter from the Environmental Comm. is attached to the information that is in the entire minutes, so I am not sure what your point is.

Jim Quaranto: I am just bringing it up because it was not brought up at that meeting when it was read. I am just bringing it up at this meeting so it will be in the minutes.

AGENDA:

Kilmer: Add retention pond on Pletcher Road.

Langlois: Add a GPS training system for John Sharpe and a request from Mr. W. Moll to forward a letter to the Planning Bd. I received this today and I believe that Mr. Coulter had been contacted on it.

Coulter: That is correct and he filed the papers with the Town Clerk. You have to decide what you are going to do with the request and if you want the Planning Bd., the Environmental Bd, the Fire Board to review it and comment back to you before you make a decision. That is the proper procedure.

Langlois: I will recommend that in my agenda.

Johnson: I had some conversation on a possible litigation issue and would like to go into executive session at the end of the meeting. It would be after the two-minute statement.

Langlois MOVED to accept the amended agenda. Seconded by Johnson and carried 5-0.

MINUTES:

Langlois MOVED for approval of the minutes of 7-28-03 Work Session and the 8-11-03 RTBM. Seconded by Kilmer.

Ceretto: On page 241, under my comments it should say, "we can't afford to pick up brush...."

The Motion was carried 5-0 with the correction as noted.

ABSTRACT:

Johnson MOVED to approve the Abstract of Claims Nos. 2554 – 2873 and recommend payment in the amount of \$476,259.95 plus a Post Audit of \$82,921.95. Seconded by Kilmer.

Johnson stated that one of the vouchers was for 80¢. Do we actually write a check for 80¢?

Evert: In some circumstances. I would encourage the department heads if they have an item like that they take it out of petty cash.

Maslen: If there are enough of them from the same company we accumulate them and send one check.

Motion carried 5-0.

OLD BUSINESS:

1. Comprehensive Plan

Brydges: We will try to get the committee together this Friday, Sept. 12th at 3:30 p.m. and meet with Mr. Spitzer who has a draft to show the committee. After that he would like to meet with the Planning Bd. at another time since they have a full agenda for this month. We may have to have a special meeting with them. He has decided that he will talk with the Town Board probably last after going thru the other committees.

2. Miller Road Stop Sign.

Winkley: We have been up there running radar. It is a 35mph zone not 30mph. The speeds have not been that excessive. It is a heavily traveled road.

3. Sewer complaint at 869 The Circle.

Maslen: The Sewer Dept. did clean it out with the sewer jet. They have not had an opportunity to put the camera in. Niagara Mohawk has suggested that it is a Town issue so we want to verify that.

4. Rezoning Request – Innovative Marketing Solutions.

Brandon: The Planning Bd. had approved a request from Mr. Lindelow to change a rezoning classification from R-1 to PD-4 and the variance of 30-4A preliminary site plan as stated in the minutes of August 11, 2003. The Board voted to table this until the Board has a comprehensive meeting with Mr. Spitzer.

It is to be put under Old Business again.

5. Bronson Drive Speed Limit.

Winkley: We have been running radar and have issued several tickets. There was a speed limit request but we cannot go any lower than what is posted.

6. Local Law re: Brush Clearing.

Brydges: I spoke with Mr. Langlois regarding what the local law contains. However, the problem is that we do not want to interfere with the Town's usual policy of accommodating residents who have structures and if they want to take a tree down etc. to have the Town remove it.

Maslen asked the attorney to repeat that.

Brydges: If a resident who has an established home has some brush that they want to put our front, we pick it up. But, the problem that Mr. Langlois and I found to be really of concern and it should be to the Board is the situation where a developer decides to knock down 4-5 acres of land, clear it and then have the Town pick it up. Or a resident who has an existing home and wants to clear more area and hires a contractor and dumps it out front. We are learning that the homeowner should be made aware that when he contracts for this work the contract should include the removal by the contractor of all of this brush, trees etc. That is what we are going to prepare and I will present this week a proposal to the Town Clerk for publication.

Maslen said she believes that the Village currently has such a law.

Brydges said he had read it and it is a little different than ours but it is close.

Kilmer said this started with a developer on North Fifth Street who cleared a number of acres and our employees were there for a number of hours picking up. If you are a contractor and going to clear it, it should be your responsibility and not have our guys out there clearing the brush for you.

Brydges: Maybe it is undeveloped land that needs to be addressed.

7. Local Law re: Signs

Brydges: I have submitted this proposal to the Board for approval. The minor change made after the public hearing and after discussing this proposed local law with the Board was that you wanted the Chief of Police to request of the Town where he wants the no parking zones to be set. The Town Board would have to retain the power to approve of that.

The Clerk was directed to read the proposed law as follows:

Article III, Chapter 24A-4 (b) of the Lewiston Town Code is hereby amended as follows:

24A-4. Stopping, standing and parking restricted.

B Fire, handicap and no-parking zones. Wherever no-parking zones have been established, no driver shall stop, park or stand in any vehicle in any part of said zone. No-parking zones are established at the request of the Town of Lewiston Police Chief to the Town Board and approval by the Town Board.

If adopted this will become Local Law #4 for 2003.

Johnson MOVED to approve the local law as read. Seconded by Kilmer. Motion carried 5-0.

8. Local Law re: Swimming Pools

Brydges: Just when I thought with the modifications that you have before you on the swimming pools, which was ready to be voted on tonight I had a meeting with Mr. Coulter about my amendment to the amendment and he informs me that there is one small area that has to be addressed regarding the new State Building Code which has just become a nightmare. The way we have it worded now, any resident that has a plastic pool that may contain water over 24" would need a fence. They would be able to put that pool and fence anywhere they want to without regard to side lot restrictions which we don't want. Therefore, I am going to have to add another paragraph to take care of that. So this would be tabled to the work session. In the new State Code it literally affects almost every part and parcel of our zoning law and I could be giving you amendments to the zoning law from now until whenever and it we still wouldn't accomplish this. So, Mr. Leone and I are together going to think of a way to amend the zoning law to alert the reader that also in addition to the Town law that they check the State Building Code which is more restrictive than the Town code. You are going to have to call the State Building Code and if it is less restrictive you will have to follow the local law. In that way maybe we can get around having to run all these amendments through you.

9. Nextel Co-location Modification.

Ceretto: Evidently there has been a misunderstanding through the Clerk's office. At the last Board meeting, the Towers Committee recommended that we send this co-location modification to the Environmental Comm. The Environmental Comm. did not have a meeting because there was nothing on the agenda. But this was forgotten. Hopefully we will take care of this and have an answer for the next Board meeting. I move to table and send this to the Environmental Comm. We have to do a SEQRA before approval.

CORRESPONDENCE:

Item #1: I received today clarification from Joan Stephens regarding the first letter that you received which was from Linda Jackson, 5775 Griffin St., Sanborn regarding a Feb. water bill that totals \$616.23. The tax receiver responded by saying that her

clerk spoke with the executor of the estate and it appears that he is satisfied with the explanation and he assured us that the estate would pay the bill.

Item #2: A request from Joseph Deck Jr. for final plat approval for the Riverwalk S.D. with discussions and facts for the request for area variance. We request that the Town Board schedule a public hearing on the project at its regular meeting.

Kilmer: When we approved the plat, I think we were supposed to have done a Neg. Dec.

Maslen: We approved a preliminary and there were certain requirements that had to be met.

Coulter: Prior to that action, I think you should have done a Neg Dec. I think you need a motion to approve this.

Langlois MOVED to approve the Neg Dec. on the preliminary plat. Seconded by Kilmer.

Ceretto: This is for the preliminary with a Neg. Dec. If we go back, I don't know if I should say now or later, but at the last Board meeting when I voted no for this project, my feelings were that this requirement that we are talking about on the whole project is that I have mixed feelings. At that time we did not have the criteria of what an area variance was. The issue is, is it an area variance vs. a zoning issue? At that time we didn't have any of the criteria to show that it was an area variance and therefore I voted no because I did not have proof that it was. Now, I have the five criteria's of what an area variance is. Even though I have mixed feelings on the project, I feel that the criteria for standard #5, which talks about self, created. He says it is self-created. I feel that it is self created by the developer and standard #5 has not been met. For an area variance, I will vote *no* for the following reasons. Small lot housing to a degree is needed for the community.

Kilmer said we are dealing with a Neg. Dec. right now.

Ceretto: But he is Negative Dec-ing for the preliminary plat.

Kilmer said that is the next motion.

Ceretto said he would hold off but he is going to say *no*. I don't think it is an area variance but a zoning issue.

Maslen asked if we have a Neg. Dec. in our possession?

Langlois said that we had one before that came before the Board. We did not make a motion for it but we could have.

Kilmer: I was not here at the last meeting and it was one of the things that didn't get done. It needs to be done before we move to the next stage which is approving the preliminary plat and then John can comment on it.

Ceretto said he didn't know that it was going to be approved. (the other part) That was my reason for saying *no* because I felt that it was not an area variance. We didn't have the information to say that it fits the criteria variance and I feel that this is a zoning issue. In today's packet we have that information that says that.

Maslen: I would like to have a copy of the environmental...I do not have it with me.

Lannon: I don't have anything with me and I believe it was a couple of month ago.

Maslen said she did not want to approve something that she did not have.

Coulter: You have the correspondence from the Planning Board and attached was their recommendation for a Neg. Dec. I believe the Board discussed it but they did not act on it.

Kilmer asked if it would be inappropriate to approve the Neg. Dec. the same time we have the public hearing on this?

Coulter said you should have done it before you give your motion to approve the plat.

Langlois: Why don't we do it contingent upon finding the document?

Maslen: No, I think someone should go find it.

At this time, Mr. J. Deck Jr. provided the document.

Maslen: Environmental Commission Review. The above captioned project was reviewed by a special Environmental Comm. on July 9, 2003. The Commission recommends to the Board a Neg. Dec. and recommends to the Planning Board that the standard size lot be followed. The 11,250 square feet and recommends 5 lots be placed in the subdivision. My understanding and I maybe wrong is that they are recommending a Neg. Dec. based on these criteria. Is that why we didn't do it? I need some understanding of what is happening.

Langlois said that the Environmental Comm. often makes recommendations. They make an approval for a Neg. Dec. but they comment on other things that they would like i.e. sidewalks and a description of the lots that you are referring to. In my view, that is separate from the Neg. Dec.

Maslen: I am interested in the view of those individuals that have knowledge of what we are suppose to be doing.

Leone: I think your Neg. Dec. isn't the environmental issue. So, I think that the Board is free to take a vote on whether or not you want to approve a Neg. Dec. or not. At this stage of the game, however, if you only have a preliminary plat that has been approved by the Board and don't have a final plat that was postponed at one of the prior meetings to give the developer an opportunity to comply with our local law to try to put down in writing why the developer felt that area variances should be allowed. Why this Board should consider having lot sizes that are less in size than our existing zoning laws permits for. That is the purpose of the correspondence that you have in front of you. This Board is free to accept or reject any recommendation that is given to them because all of the other boards and commissions that have reviewed this project thus far are recommending bodies only. They are not final bodies. This Board becomes the final body. The first issue is can you approve the Neg. Dec. as is without getting into lot sizes or sidewalks. That answer is yes because that is an environmental issue only. Can you tonight then say I want to have a public hearing to determine whether or not we are going to approval the final plat or not. Whether or not we are going to approve the smaller lots or not. Whether or not we are going to have sidewalks assuming that the whole project is approved. Yes, you can do that as well. But, for purposes of tonight the Neg. Dec. is perfectly fine without addressing those other issues.

Ceretto: I would like to see it continue because it makes sense from what I discussed earlier. From what I can see it is area variances versus zoning. My interest is that we follow the law and the proper rules. If it is area variance and the criteria are met then you go forward. If not you stop and you wait for the zoning laws to change. What I am reading on #5 that....

Langlois: The subject before the Board is....

Ceretto: The question is area variance vs. zoning and there is a criteria. Before, we didn't have it and now we do. My interest is the best interest of the community that we follow and uphold our laws. I like the project but let's follow the rules. The

standards for area variance are not being met. Residents have sued us in the past and my concern is that they are going to sue us again and we are going to lose on the criteria of area variances. Our zoning laws reflect the communities' interest.

Mr. Leone, is the proper procedure in your opinion after reading this criteria, is should we wait for our laws to change if this project is being approved by zoning laws? Or do you suggest that the area variances have met the criteria?

Leone: I suggest neither. That would be for me to invade the purview of this Board. This Board decides whether or not there has been adequate criteria shown to you after a public hearing and as provided by the developer is that enough information for this Board to sway you to approve these variances that have been requested or some other variance. If it is, fine. If it is not, then you go along with our local law the way it is. But, it is not for me to determine whether you are going to be swayed or not. That is a Board's decision. Not mine. That's not a legal interpretation at all.

Johnson: What we are voting on is a Neg. Dec. for the preliminary plat. Then you are going to set a public hearing.

Leone: Then what I would suggest that you do, is revisit the issue of the preliminary plat since we didn't do the Neg. Dec. beforehand and revisit that issue. Assuming that goes the way it did the last time, then you have your public hearing and take a look at the criteria. You give the developer an opportunity to speak. You give the public an opportunity to speak and then you make your final decision.

Maslen: I have a question. We had a resident that came before us earlier tonight and quoted what we have left out. So, we must have had an entire discussion and how did we end up not approving this Neg. Dec.?

Langlois: We forgot to approve it.

On the Motion, Ceretto No; Johnson, Kilmer, Langlois & Maslen Yes. Carried 4-1.

Leone: Now you go forward with the preliminary plat that was introduced. You did the last time, but frankly I don't remember whether we did the Neg. Dec. or not. Assuming that you did not and you just did it now, so now you can go forward and do the preliminary plat again.

Motion by Kilmer that the Board approve the Preliminary Plat. Seconded by Langlois.

This is a revote because the minutes did not reflect that the Board had actually taken care of the environmental issue before.

On the Motion, Ceretto No; Johnson, Kilmer, Langlois & Maslen Yes. Motion carried 4-1.

Kilmer MOVED to have a Public Hearing on September 22, 2003 on the this issue.

Maslen said that the 400 people who signed the petition should be notified.

Leone: The request from the developer according to the correspondence was to have it at the next regular Town Board meeting.

Kilmer MOVED to have the date of the Public Hearing to be October 16, 2003 at 6:00 p.m. Seconded by Langlois.

Maslen: My understanding is that a public hearing is not required.

Leone: It is not required but in this project, I think it is a good idea. If a public hearing had already occurred, if the Planning Board...but again that is an advisory board that gives an advisory opinion (suggestion). This Board makes the final, so it would seem to me as a matter of prudence to have a public hearing.

Maslen: I truly believe that we have to have an informational meeting but because of the time frame...it's not necessary to have a public hearing if we could have a public informational meeting and maybe move that up a bit so everyone would be on board with it rather than waiting until.... if this just delays it more.

Leone: First of all, the request from the developer was at its' regular meeting. It didn't say at a work session so that is what they have requested. Frankly, for me to get something to the Town Clerk within the next couple of days would be very difficult.

Maslen: I just knew that we weren't required but we definitely want to notify all of those individuals.

Kilmer: Work sessions are regular meetings. They are town board meetings. That is a confusion that we continue to have.

Leone: I stand corrected. The developer has shown me a portion of our local law where we are required to have a public hearing.

On the Motion, Ceretto No; Johnson, Kilmer, Langlois & Maslen Yes. Motion carried 4-1.

Maslen asked Ceretto if he didn't want the public hearing.

Ceretto: We shouldn't continue because I think we need to follow our zoning laws at this time. I don't see this as an area variance. I do like public input. If the project was to continue and as I have said I am not against smaller lots at times but I think that the developer should wait and see if the community wishes us to change the zoning law first before it proceeds. My feeling is if we don't, the residents have sued us once and the project stopped. I have talked to a number of residents and they are going to sue again because we are not following the proper procedures the developer will be longer delayed by this way and route. Rather than waiting and seeing if the community wants us to change the zoning laws which are a true reflection of what the communities wants and needs.

Item #3. Request from the Town Clerk to advertise for bids for uniforms, wipers and linens. The current contract for providing these services will expire on October 31st. The current contract is for 3 years. Does the Board wish to change the duration of the new contract?

Maslen: I do think we should go out to bid which makes it competitive but I think that 3 years maybe a little long.

Langlois: I would suggest that we stay with the 3-year term as it gives the vendors a chance to know that it is going to be for 3 years and we are liable to get better prices.

Langlois MOVED to advertise for bids to provide uniforms etc. for a 3-year period. Seconded by Kilmer and carried 5-0.

Item #4. Request from the Town Clerk for a transfer of \$750.00 from A1620.0400 to A1620.0200 to cover the cost for the necessary replacement of the drinking fountain in the foyer at the Town Hall. The Board had given its approval of this expenditure at the last Board Meeting.

Brandon: My question is a fixed water fountain considered equipment or is it a capital improvement?

Johnson said it is affixed to the wall and you can't take it out of here.

Evert: There are 3 categories, expense either personnel or personal services, equipment or contractual. It is not a capital project like a building.

Johnson: Don't we have a capital account sent up for Town Hall?

Kilmer said that if you can't take it with you when you walk out, it is a improvement to the building. It is my true feeling and it is like the light fixtures.

Evert: It is a replacement to an existing fixture. It is a normal operating expense, which is a contractual line item.

Kilmer: What is the issue, money? Are you out of contractual money?

Brandon: I don't have enough money in equipment. You would have to take it from contractual. My question is, is it equipment or a capital improvement to this building?

Evert: It is not a capital improvement and that dollar amount ...

Maslen: No, it is a drinking fountain that is not a part of the building.

Brandon: It is attached to the building. It is not a portable unit. It is not a movable item like the one out here.

Maslen: Are you going to have trouble with your budget?

Brandon: I don't have enough in equipment to cover it and I have asked for a transfer from contractual A1620.400 to whatever account you want to put it in. I asked for \$750.00.

Evert: It is a perfectly legitimate request.

Johnson MOVED to transfer from A1620.400 (Contractual) to A1620.200 (Equipment) \$750.00 to cover the replacement cost of a new drinking fountain. Seconded by Ceretto. Carried 5-0.

JOHNSON:

Cable Comm. The Chairman is going to try and schedule a meeting to review what possibilities we may have. We are not getting a good response from Adelphia but expect to hear back from the State

HazMat: The Supervisor and myself met with Congresswoman Louise Slaughter to discuss the possibility of homeland security support or a blessing from her that we could talk with the State. We are finding that the homeland security money was given to the state governments. Then from the state governments it goes to the county government. We are going to try to talk to the county first and then to the Governor's office.

We did get a copy of the survey and the paperwork for the land that we talked about at the last Board meeting authorizing me to work with Mr. Leone to secure the 15 acres off of Upper Mt. Road. Mr. Leone will be talking with the attorney for the seller. I would like the Board's blessing to put a contract together with Mr. Leone with stipulations such as environmental concerns. Although, I believe that there has been a survey according to a member of the committee. There are things we want to put in the contract to protect the Town. We are not prepared to present it as yet.

Leone: As soon as I talk to the owners' attorney we should be ready.

Johnson: Perhaps I will be able to get them a draft by the work session.

Langlois: You are getting contracts ready? The Board really hasn't approved getting into the land business that I recall.

Johnson: The Board voted 5-0 to go ahead and pursue the land so that we could go into contract so that we could then use that to try leverage ourselves to go forward with the grant money from the federal government. Please look back into your minutes.

Langlois: We voted to for you to find out what it might cost. That is what we voted for.

Johnson: It was up to \$64,000 and that is about what it is. Maybe \$65,000.

Langlois: I think we should get a feeling from the Board whether they want to get into the land purchase for \$64,000. My feeling is that we shouldn't be in that business.

Maslen: We have already given our blessing to go ahead.

Johnson: Don't say land business. This was a project.

Maslen: I want to know Mr. Johnson, was this not for religious purposes? Was this piece of property already off the tax rolls?

Johnson: Yes, it has being sold to us by a church. We have monies set aside in the HazMat Building Fund for the purpose of that. If we buy it and if for some reason we can't secure the funding for it we can always turn around and resell it. You are not in the land business. But, when you are looking for some security and I think Congresswoman Slaughter was impressed with the presentation that our HazMat and fire group along with the Supervisor made. That money for the building and training center has been set-aside for a number of years.

Maslen: Congresswoman Slaughter made a statement to the HazMat team on Saturday that she would put in for that building in her request for appropriations. In order to do that we have someplace to put it.

Ceretto said the project is well deserved and needed in the community because of the location where we are and the things that they do.

Langlois: We have been through this before and we need a lot more discussion because I am not going to.....We are discussing purchase aren't we? We had talked about this before and we have a wonderful HazMat team in this Town and we are essentially servicing the whole county. In my view the State money will be put out to the counties. If the county decides that they want to put two different units in 2 different parts of the county and they are willing to fund this for us that is great. But, I don't want the taxpayers in Lewiston to be saddled with taking care of a monstrous very large building and all the equipment that is probably going to cost \$100, 000 to \$200,000 to maintain. I want the county to allocate the funds for doing that. We ought to pay our share but I don't think we should take over the total burden.

Johnson: I would like to re-innerate what we have been talking about for the last year and half is that we are the first responders here and it would take 20-25 minutes for a HazMat team to come from Lockport to get to the bridges. We have already had three episodes on the bridges already. I think the Supervisor and myself along with the Congresswoman was very impressed with the fact that the location of this is very vital to the City of Niagara Falls, the Town of Lewiston and our residents. You are in a sense working on behalf of your residents and with the Power Authority and the three bridges; I think we need go in that direction. We are surely going to work on a grant system both either through the state, the federal government and maybe even through the power re-licensing. You are not going to burden the taxpayers. I think that for a few dollars they feel a little safer. Councilman Kilmer mentioned that the police are running to the bridge right away without equipment as a first responder.

We don't have them trained or equipment for them. The State troopers told me that they don't even have a clue of what to do when to respond.

Maslen: Our men are trained. But we know and the HazMat team knows that they have to come forth with a plan as to how they are going to support this building once we get the funds or if we get the funds. This just allows us the opportunity to apply for federal funding for a public safety building in our own area that could house our police and possibly maybe even our court structure and our HazMat. It is just in the preliminary stages. However, we have set the monies aside. It has been in that fund for several years. These gentlemen have made a plan of action. They are going after the monies. We need as a Town Board to show our support.

Ceretto: We have to support the firemen that are volunteering their lives for our community. They are volunteers. The past board members that I was a part of and we had set this money aside for this because we believed in this project. It is now time after 9-11 that we move forward. We have always felt that this is a delicate area because of the bridges, the Power Authority and the hazardous waste already here and possibly coming from the Hudson River. The residents who volunteer are requesting that they need our assistance. We need to support them in whatever way we can. As the Supervisor said we are just moving forward and looking for grant monies to cut down the cost to the taxpayers. We are looking for ways to reduce the cost. This project is needed and we are moving forward.

Kilmer: I think we can find common ground. Mr. Langlois has a good point and I have talked to people in HazMat that the county does have to help us with this program. When we establish it we should ask the legislators if not for just a sum of money every year in their budget to help fund Lewiston HazMat with no strings attached because we are covering a good portion of the county. I can see that we can blend some of his ideas with our ideas on improving the program.

Johnson: We are reaching out to the state and federal agencies. It is not just a one sided deal. We will take under consideration support from other groups. I wanted Mr. Leone to get a contract together for you to look at for the next work session so we can allow the Supervisor to go into contract for us.

Assessment Review Board Appointment: Barbara Carter's term expires on Sept. 30, 2003. We were asking for an extension for reappointment of her so that she would be ready for the training session to be re-certified from 10-1-03 to 9-30-08. The Clerk provided me with 2 applications that came in 2001. We did not advertise for the appointment. Barbara has been trained and has the experience.

Johnson MOVED to re-appoint Barbara Carter as a member of the Assessment Review. Term to be from 10-1-03 to 9-30-08. Seconded by Ceretto.

Langlois said that it was a 5-year appointment. Also, how many are on the Board? (five). I feel that when we have an opening coming up we should see to it that a couple of month ahead of time, we give citizens in our Town that maybe interested in public service give them a chance to put in their resumes so we can look at them. Experience is good. I have no reason to think that Barbara Carter has not been doing a good job and would continue. But, I feel that we ought advertise these and give other people a chance.

Maslen said that she specifically requested last year because we ran into this very same thing that the Assessor himself come before the Board and notify us that one of his committee was going to be expiring and we should do this. We are at square one again. Barbara has been an excellent member of this committee. I think that in all fairness there should have been notice. I am amazed that he is not here. He has not given us any recommendation nor he has explained why he didn't give us notice ahead of time and we didn't have anything on the agenda. Not even Barbara's request that she wanted to remain.

Kilmer asked if there is some schooling or expiration time that we are dealing with here?

Maslen: It expires on September 30th.

Johnson said that she is already trained but needs to be re-certified. The Assessor gave me a recommendation to keep her and I called Mrs. Carter and she said would like to remain. The Supervisor requested today the names of those who had applied before. They may not be interested. Some of these Boards take expertise to be on them. Once you have been on there and trained it is not easy to train a new person.

Maslen: I would like something written to the Board from the Assessor.

Langlois asked why don't we get comments from the Assessor and get him to agree that in the future several months before to let us know of an opening so that we can advertise. He can also tell us of his recommendation for Barbara Carter.

Langlois MOVED to table this appointment to the Work Session of 9-22-03. Seconded by Kilmer and carried 5-0.

KILMER:

Economic Development: Mr. Johnson and I are liaisons for economic development and it is not often discussed. I would like to say that the Jazz Festival & the Peach Festival were "booming" festivals. I praise the organizations that got them off the ground.

Recreation: Mr. Dashineau had a great end of the year picnic for the baseball program. He is running a fall baseball league at Washuta Park now.

Highway Supt. He finished paving Dickersonville Rd. today and will start Bridgeman Rd. tomorrow. Then The Circle.

Detention Pond on Pletcher Road: My vote was to remove it but that was because I had been out there and I understand the resident's plight. I would like to have more discussion on it between the Board and the attorneys.

Ceretto: Mr. Leone, I know that you said this could be a liability problem and because you said that before and gave us your legal opinion, I supported you. But the gentleman raised some questions when he called me up and I thought they were legitimate questions. In the past you have said that we can't take the fence down because of liability and someone could drown and we would be liable. He raised some interesting questions as to how does that compare with the drainage areas around the Town like on Creek Road where we get a couple feet of water. How does that compare when we don't have fences there. We don't have fences in the Lewiston Plateau. We built those ponds and there aren't any fences there. The gentleman was saying that there is never any water that is more than 2 feet. We have a State law that says pools are okay as long as the water is 2 feet or under then a fence isn't required. I know that there is a certain responsibility with parents but are we being consistent. I know that you are protecting and warning us. Questions were raised and I am looking for comparison.

Leone: If you are looking for a legal opinion, I have given the Board a legal opinion twice. Both times it has been supported by Mr. Brydges and I am not changing my legal opinion. The opinion stands. If a child drowns out there, the child is not going drown because I told you that it was okay to remove the fence. The fence is up. A child won't drown under my watch. I am sorry. I am not changing my opinion. I have since we have last been here, been in contact with the gentleman who spoke earlier and he provided me with a very detailed file that I have reviewed. That file included some information at the time that subdivision went into effect. Frank Tripi and Slaughenhaupt.... I also took a look at the some of the minutes of the earlier Board meetings with then Supervisor Sharpe and then Councilman Merino who

addressed the concerns about the children at that time. So, quite frankly reviewing the file, he had hoped would sway my opinion otherwise. It did not. I told him that I would keep an open mind in looking at it. I did. I still have an open mind about it however; it does not change my legal opinion. Now, if the Board desires to go forward to vote based on the factual situation as you find it to be, by all means do that. You have the right to do that. But it will not be because I told you that your liability couldn't be increased given the fact that that fence is already there. This makes sense to me that once you set up a barrier because of a risk that a Board at one time believed to be a substantial public risk and once you remove it and someone is injured there it seems to me to be a common sense approach that someone is going to say that you were negligent. That is the opinion that I have for the Board. Whether or not it is consistent with other things in the area that is not for me to comment. This particular issue is the only issue that has been provided to me and I won't change my mind on it.

Ceretto: I had those questions but as a Board member as much as I would like to go along with the residents, we pay you for your expertise to help keep us out of legal problems.

Leone: That is the best I can do. I am not to sway this Board one-way or the other. The Board has the complete autonomy to vote anyway you want to vote. But it won't be because I told you that it was okay to do so. You will vote because you believe that it is okay. If that is what you feel that there hasn't been any water in the pond, but it won't go on record that saying that "Joe Leone" told you that it is okay.

Brydges: I agree with everything that Mr. Leone has said. When we are talking about the potential for liability exposure to the Town and when we give you these kinds of opinions you have the right to take into account what exactly is our exposure. Here you have a gentlemen who represents a lot of families there who says to you that in the last five years there is no water so again you can't drown in it. #2, he says you think we would expose our children to a potential drowning situation if we thought there was any danger out there. So you have a perfect right to weigh those factors yourself and say that in our judgment we respect Mr. Leone's and Mr. Brydges' legal opinion but we don't think there is any potential liability. Therefore, we understand what we are doing, so we don't think that there is any real danger out there. You have a perfect right to say that. So, we are just giving the legal opinion but you have the right to say no.

Ceretto: I want to resolve this and I do respect their opinion. I am only wondering since the attorneys are saying that if there is water there, there is a liability. So we cannot do it as long as there is water there in my opinion. Can we remove the water and this goes to the engineer.

Maslen: Mr. Lannon, I have asked that you write an opinion regarding this. I have asked him to look into what has happened in that area over the last few years that has changed. If you that answer, I would appreciate it.

Lannon: I would have to look at it. I am sure that the drainage structure back there was constructed in connection with the subdivision that's being constructed back in that area. I don't have an answer for you now. I would tell you from an engineers standpoint it is not to go against what the attorney say or not, I will find it as an engineer.

Johnson: I went out there today and looked at it. It has been going on and I know that Mr. Kilmer and Mr. Langlois have been racing with this for six months or longer. It has been cleaned up and it looks nice. It does look weird in the backyard of the houses with a fence going around it and looks like the Love Canal. If you just have the houses that are built there right now but we don't know what the future lies for the backland. There is tons of acreage back there and maybe that is why they put that pond in. I don't know the history but I am sure that they said to this developer that you put this retention pond in and we are going to put a fence around for the future. Today, I went and looked and it was as dry as a bone. I was thinking that if we could

convince the whole neighborhood with two options. One, that we put a pipe in the ground and cover it over with corrugated pipe so it drains into the pipe and then runs out to Pletcher Rd and 4 Mile Creek. If we could cover that over then we could take the fence down that would alleviate the problem because it would be forever wild. Second, if we can't do that and I understand Mr. Leone's position that the fence went up and you take it down you are liable. There is a lot space to the retention pond and perhaps you could move the fence closer and put a more attractive fencing there. Right now, if a kid jumped over that fence and there was water in there some one who might be able to assist may not be able to get over the fence. I do feel sorry for the people down there cause it destroys the backyard appearance for esthetic reasons. If we created a special district maybe the residents would want to pay for the pipe or move the fence closer. I do agree with Mr. Leone 100%. I think the first approach would be to find out the cost to put the pipe in.

Lannon: If the Town Board so desires I can take a look at it and work with Mr. Coulter on the approved subdivision plans and look at the design intent.

Maslen: After Mr. Bussingham came into my office I looked at my file and the original plans changed. I don't think any of us have done our homework to the fact that we can make a decision on this. This is something that you have to commit to and look at the paperwork and drawings to find out what happened out there.

Langlois: This isn't the only place where we require developers to have run off areas for drainage in case of a fifty-year rain or something so we want to have proper drainage of that so we put that into the development. I don't believe that we have required fences in other developments that have drainage areas like this so if you our attorneys are so sure that we need these to protect the Town why don't we have it in our code that we put fences around everyone of these places?

Maslen: Mr. Langlois, I would encourage you to look at the file before you ask those questions.

Leone: I didn't say that it should go up around every development. I said this one has it. Once it is there and you take it down and using Councilman Johnson's words you are opening up a can of worms. Councilman just let me tell you this. Quite frankly, the Board can do whatever it wants to do. But, as to me telling you that it is okay to pull that fence down and some kid is going to drown there because Joe Leone told you, not on your life. That is not happening.

Maslen said do not argue with the attorney. He has given you his opinion.

Langlois: Would you feel the same way about other areas and the requirements for fencing for theirs? Would the Town have a liability if we don't fence in areas?

Leone: I don't know. I think that becomes an engineering question. But, let me ask you a question, sir. If you had an engineer or you were involved in a plant where you worked for some time and they told you that you need safety goggles but you knew that the guys were doing it without safety goggles all the time, would you then say that it is okay that these safety goggles aren't to be worn anymore? You would probably say no. You are supposed to wear those safety goggles.

Langlois: It is not an appropriate comparison.

Leone: Well, I disagree.

Maslen: Are we tabling this?

Kilmer: There really isn't anything to table yet. Mr. Lannon is to do some work. We weren't planning to vote on anything tonight. I am going to make one last comment to summarize this. I understand Mr. Leone's passion. My opinion is there are some things that this Board can make decisions on that don't follow legal advice. We have

the authority. We are elected to office to make decisions. His is a legal decision. We can make other decisions.

LANGLOIS:

Seniors: Programs are going along well. I attended a session of the Travel Club and they are planning several trips and I encourage seniors to join them.

Golf Course: We are still waiting for the Corp of Engineers to find this last wetland. They are going out on Sept. 23rd and we expect at that time to wrap up that part of it. After that, we will have to get a new layout of the golf course which will take a couple of weeks and the DEIS will then be prepared. DEC will have to review it and after they get back and I don't know how many weeks that might take, the EIS will come to the Town. If we accept it we can call a public hearing and move ahead. It is about a 30-day period for the hearing on EIS. We are probably dealing with another 2-3 months before we come to some conclusions.

Joseph Davis Park: The committee met with Mr. Lyons of the State a few weeks ago. I sent you a copy of the report from that meeting. The EIS for the park has still not been issued and we are trying to clean up some things on that report and get our agreement on it before they actually issue that. Our position with them now is that this is a State park and we will not have the revenue as we had planned had we had a golf course there. We have no funds coming in for the Town to spend money to improve Joe Davis Park. It is up to the State to improve it. They have some plans for it and I think you have seen what they are planning on doing. The Audubon Society is going ahead with their plans for a facility and that will be part of the park. There will be some trails put out through the wilder areas and hopefully we can get them to put in some type of winter recreation as part of the plan. Maybe an ice skating facility. But for building a major building or other things that the Town would like to have seen there with the extra money coming in is not going to be available.

GPS Training: John Sharpe is asking for additional money for GPS training. John has been working on the GIS and GPS systems. With new water and sewer lines coming in he would like to get them plotted as the work is being done. In order to do that, he needs some assistance in software.

Langlois MOVED for approval up to \$650 for training with funds to come from Contingency A-1990.0400 to Engineering A-1440.0400. Seconded by Kilmer. Carried 5-0.

W. Moll Request: Mr. Moll has asked that his request for changes be sent to Planning Board etc. for their approval. I received this from Atty. Brydges and Mr. Coulter is aware of it.

Langlois MOVED that the request for changes from W. Moll be sent to the Planning Board, Environmental Comm., Fire Bureau; and Engineer. Seconded by Johnson.

Mr. Langlois was asked to read the letter.

Ladies and Gentlemen:

In the year 2002 we received approval to change from 2 six unit buildings to 3 buildings consisting of 1 four units and 2 three units respectfully. We are now requesting approval to change 1 building on Paddock Lane consisting 6 units to 2 buildings consisting of three units and two units. Similarly we request to construct on Carriage Lane, 5 buildings 17 units in lieu of 4 buildings consisting of 23 units. In summary, we intend to construct a total of 22 dwelling units in lieu of 29, thereby increasing the number of one-floor plans and reducing the two story plans. Yours truly, Wallace V. Moll.

Maslen asked why this isn't automatically going to the Planning Board and why is it coming to us to begin with? It doesn't come to the Board before it goes to all these other committees.

Brydges: The changes have to be approved by the Boards and then transferred to this Board.

Motion carried 5-0.

Mosquito Report: You have a copy of John Sharpe's mosquito control reports. Mr. Briggs brought up this issue. John has given info on the types of mosquitoes and control etc. Also information on the costs to do various areas of the Town with different types of applications. If we look this over by budget time we can consider what we might want to put into the budget for this. A copy will be provided to Mr. Briggs.

CERETTO:

WPCC: Copier Maintenance Agreement:

Ceretto MOVED for approved of the copier maintenance agreement with Image Office Technologies Inc. for a 1-year period in the amount of \$900. Funds to come from 8110.400-SS1. Seconded by Johnson and carried 5-0.

Basic Laboratory Course:

Ceretto MOVED for approval for two trainees to attend a basic laboratory course on Oct. 6th – 10th at a total cost of \$900. Funds to come from 8110.400-SS1. Seconded by Johnson. Carried 5-0.

Recycling Laws: Mr. Leone you were looking at the recycling laws for the Environmental Comm.

Leone: I have a draft of the law that I could put together in final form for the work session.

Ceretto: I am wondering if we should go to the Environmental Comm. for them to review it before coming to the Board.

Leone: What I have done is take our existing law and I put the letter of suggestion that had been given to us by the County and tried to adopt language that met each one of their suggestions. I will give you a preliminary draft that you send it to the committee for their views.

Ceretto asked that the Clerk send it to the committee for their Oct. 28th meeting. We will put this on the Nov. agenda.

Towers Law:

Leone: I am trying to update it but it will not occur very quickly. It will take a lot of input from the Tower Cmte. It would be helpful to hold another meeting. One of the things that we are looking at is that our current local law deals with co-locations, new applications but does not deal with amendments such as modification to an existing tower.

Ceretto: In addition Mr. Leone will be looking at ways of finding revenue for the Town. I will report back to the Board with any new information.

MASLEN:

Highway Budget Transfers: I had the personnel clerk go over the figures for payroll #6, 7, 8 & 9 of our highway budget. This is a beginning verification. Mr. Reiter and I will sit down and discuss those that I had in question. We have verified that there was \$29,247.30 that was charged to General Repair payroll that should have been allocated Snow Removal payroll from our General Fund. I need a motion that we take monies from our Fund Balance to cover snow removal that we actually had in the amount of \$29,247.30.

Johnson MOVED to transfer \$29,247.30 from Fund Balance to Snow Removal. Seconded by Kilmer.

Kilmer: My question is that it is fine if you do it twice but if in fact you and Steve meet and there is an additional amount do you just want to do it twice or just wait until after you meet?

Maslen: I would prefer to do it now.

On the Motion, carried 5-0.

Kilmer MOVED to transfer \$29,247.30 BD5142.011 Snow Removal to BD5110.0100 General Repairs. Seconded by Johnson and carried 5-0.

Maslen: After we have our meeting there could be additional but at this point we could verify that using the daily records.

Water & Sewer Reports: I has given you copies of the meetings that we have with the water and sewer maintenance foremen. Do you have any questions?

Kilmer: I think they are great reports and it is what we should be moving to in all of the departments.

Fire Contracts: We had a public hearing earlier regarding the fire contracts. The Fire Companies are requesting for 2004 - \$165,000; 2005 - \$175,000; 2006 - \$185,000 and 2007 - \$195,000. This covers Sanborn, Upper Mt., and Lewiston #2. We will address Lewiston #1 at a later date because we have a contract with the Village.

Johnson MOVED to authorize the Supervisor to sign the contracts that have been prepared for the Fire Districts. Seconded by Ceretto and carried 5-0.

Johnson MOVED to authorize the Supervisor to sign the contract for the Ransomville Fire Co. for 2004 - \$23,152.50; 2005 - \$24,305.13 and 2006 - \$25,520.39. Seconded by Langlois and carried 5-0.

Minor Members: I would like you to consider the authorization of minor members during the contract extension. General Municipal Law does allow for the minor members but it requires the authorization of the Town Board. I could not find that this had been done before. I would like it to go along with the contracts.

Johnson MOVED for the authorization of Minor Members for the Fire Companies and to coincide with the signed contracts. Seconded by Langlois.

Langlois asked if language is needed to be written by our attorneys?

Johnson stated that Mr. Leone would put it in the contract.

On the Motion, carried 5-0.

Sanborn Band: I have a request from the Sanborn Band that their contract be raised to \$5000 from \$4000. They are the official Town of Lewiston Band.

Kilmer MOVED that the Sanborn Band contract amount be \$5000. Seconded by Langlois. Carried 5-0.

Engineering: Do we have any decision as to when we are going to have our water and sewer contracts signed?

Leone: I met with our engineer and reviewed the contract and I did not find the insurance to be in conformity with the specifications that we have in the contract. Specifically, on the Yarussi contract there is a question of having 1 million, 3 million dollars worth of general liability. They have 1 million, 2 million. However, the insurance requires 5 million dollar umbrella policy on top of that and we have something from Lawley telling us that they have a 10 million which actually exceeds

the amount of the umbrella so even though it doesn't completely comply with our specifications, I am satisfied based on the letter from Lawley and the fact that they carry a 10 million dollar umbrella policy.

Maslen: That takes care of water. What about the sewer?

Leone: Basically, it is the same situation on the other although I don't know that they have 6 million dollars, which exceeds the umbrella requirement by one. I have a letter from Leonard Naples Inc. saying that he is including a copy of the insurance agreement clearly stating that coverage is in excess of the underlying insurance. So, again even though it does not comply completely with our specifications, I am satisfied with the excess coverage.

Maslen: Now, I can go ahead and sign the contracts?

Leone: Yes.

Maslen: We can set up a pre-construction meeting and make it start. We already had a motion contingent on his approval and he just approved it.

Lannon: We can schedule a pre-construction meeting later this week at your discretion.

New York Power Authority: We will be having more stakeholders meetings for the NYPA on Sept. 24th & 25th. Anyone who would like to attend is welcome.

RESIDENTS:

George Briggs of 5740 Garlow Road. I am confused with respect to the Signage Cmte. At one time we had a committee with a chairman and would meet and look at these problems and then come back with a recommendations to the Board.

Maslen said Chief Winkley and yourself are the only 2 people on the committee. I guess you are the chairman and he is the ex-officio. Yours was the only application received. We will gladly accept anybody that would like to be part of this committee.

George Briggs: With the local law on signs that Mr. Brydges talked about, I believe that he was referring to the parking at Pletcher Park.

Maslen: No, this is an amendment to the law that we already have. It is just making a little more reasonable so that we could take care of that problem at Pletcher Road. The way the law was stated before it named where you could do that. Now, it gives the discretion to the Police Chief and the Town Board.

George Briggs: Thank you for finally getting the sewer thing through. I am sick of hearing about it. Even though I am not here anymore, I still hear about it. Hopefully you will get that area cleaned up. It is terrible.

Maslen: We waited several months for the Comptroller's Office to give us the okay.

George Briggs: I just don't understand why we can't clean up the mess that we had made unless that is part of your contract.

Motion by Kilmer, Seconded by Johnson to go into Executive Session. Carried 5-0.

Time: 9:10 p.m.

Executive Session: Present: Supervisor Maslen; Councilmen Ceretto, Johnson, Kilmer & Langlois; Town Atty. E. Brydges and Deputy Town Atty. J. Leone.

No action taken.

Johnson MOVED to exit Executive Session and reconvene. Seconded by Langlois. Carried unam.

Motion to adjourn Board Meeting by Johnson and Seconded by Langlois and carried.

Time 9:30 p.m.

Respectfully submitted and transcribed by:

Carol J. Brandon
Town Clerk