

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Boniello; Eng. Lannon; Adm./Op. Lockhart; Bldg. Inspector Masters; Finance Officer DiRamio; Highway Supt. Reiter; Police Chief Salada & Town Clerk Brandon. 12 residents and 2 press reps.

The Supervisor opened the meeting at 5:45 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

Service Award Presentation: Representing was Chairman Donald (Pete) Martin.

Johnson: It has been the intent of all of the fire companies to recruit and retain individuals within the fire companies and it is getting difficult to do so. General Municipal Law 217(n) of 2001 provides that up to the age of 65 you can collect your service awards. There are those who continue such as fire police over the age of 65 and this law allows them to continue with their service awards because they are still active. Unfortunately, the Town did not pick up on this. I have a list of those over the age of 65. The amount had increased from \$480 to \$700 with certain criteria requirements. We have 11 active members at this time. They are asking if they can go back retroactively collect for the times and services. The finance officer as asked that we contact the company that handles this to ascertain how we can do this.

Edwards asked what would we be paying.

Johnson said we would be paying for each individual's service per year to the Town with funds to come from the special district funds. Mr. Martin will monitor it thru the company that does the administration. I don't think the residents will have a problem with this. I will work with Mr. Martin and the finance officer on this.

Newlin: Having volunteer fire companies saves this town and taxpayers millions of dollars over the years.

Emergency Response: Jonathan Schultz

Schultz: I am chief of Upper Mt. Fire Co. I am here tonight with many years of experience with many years of concern as well. We have the best fire protection here in the Town of Lewiston and in the country. I have traveled the country doing emergency management planning, training etc. and always come back with some concerns. I would like the town to be progressive with what we are faced with by creating an Emergency Management Planning Cmte. The County does have a plan which they have not relinquished to me as a fire chief in the Town. I feel as a fire chief I would like to see us be proactive. We saw with 9/11 things that we don't plan for that happens. I would like to see us form a committee made up of the 4 Town Fire Chiefs, Police Chief, Village Public Works Dept, Town Highway Dept. (Water, sewer, and highway) and the Town and Village Boards. I think with this group we have a good look at what is going on in our Town. I think this group can create a hazardous vulnerability analysis which I don't think has been done for the Town. The county has done one and I don't know how many of us have been apprized and actually seen it so we know what to expect. We need to be prepared and diligent. Our citizens expect us to be prepared. Also, create an emergency management plan for ourselves. I would like us to meet as we do on a regular basis, but this would be A separate committee that we would all work together on. We have a lot to plan for. With an international bridge, the Power Authority in our district we have a lot to plan for. I would like you to think about this so we can move forward.

Newlin said he worked with Les Myers and Sgt. Previte a few years ago with the hopes of something happening on the County's end and that did not work out. Maybe it would be better to have 2 from each board so they would not be a public meeting and keep our responses as private as possible. I'll will go to Mayor Soluri and ask him to

select 3 reps. Mr. Johnson is on the Fire Board and I would need to be on it in case of a disaster. I have executive authority.

Johnson stated that we need to be proactive and we have great representation in our dept. heads to start this process. We need to move on this quickly. Should we request from the county what plan that they have?

Schultz: I think the Town should have any plans that they have and what they expect from us.

Newlin stated that 3 Board members have expressed desire to be on the cmte. So in 2 weeks we will pick another person besides me. I will ask the mayor for 2 members of their board and perhaps by the end of September we can have our initial meeting

RESIDENTS:

James Page of 800 Thornwood Drive: I am here on 2 issues. I want to thank the Board for passing the resolution giving me the right-of-way on the island which was a major safety feature. I appreciate it very much. There is now an issue about the price of doing this. I approached Supt. Reiter and asked when it would be done. He stated that he did not have approval to do it. I called the Supervisor and asked when the monies would be approved and Mr. Newlin said that he did approve it and that it was an open check for the safety feature and to take care of it. Also, that Mr. Reiter was to give him an estimate on the cost. I called Mr. Reiter regarding this. I got a call from an anonymous person that told me "that there is a problem here...Mr. Reiter had given him an estimate of \$15,000 and it is not sitting well with the Council". Mr. Reiter came to my house to discuss this matter. I said that this is looking bad on my part with me being put in the middle of something that is not too good. Mr. Reiter asked what I meant. I replied that it kind of looks like you are playing both ends here. You are going to work for the Homeowner's Association and me and I am in the middle of this. When you gave them a high figure...in their opinion it was kind of ridiculous. I have no idea what it costs to do this...that is not my thing. It is like you had some type of agreement with the Town and you go by footage etc.

I am here to tell you is if you won't approve whatever figure he gives you, **I'll pay the difference** from what you want to pay him to do it. I'll pay the difference from what that is from what he wants. My concern is that I am not going to put dollars and cents on my grandchildren's, my daughters and my wife and people who visit me...there has been so many close things that almost happened etc. I want to get it done. I am telling you that I will sign anything and I will pay the difference. I don't care what it costs. Please don't put a value on my grandchildren. I understand if you have to get an acceptable figure. I would say look...Mr. Reiter and let's come to a compromise. Let's get it done and put it behind us. Don't put personalities involved in this because of what I want done is the safety of my grandchildren.

Newlin: Thank you Mr. Page and I think the whole Board agrees with you on that sentiment. Mr. Reiter and the engineer have been looking at this and I am sure they will be able to come up with some reasonable compromise. There is no reason why we can't take care of it this year. It is just a matter of knowing what exactly has to be done and I think that was part of the misunderstanding. Some people thought maybe a bigger project had to be done and some thought it was going to be narrower so it is understandable how different people could have arrived at different prices. The bottom line is I think that the resolution we adopted said that we would look to the Highway Supt. for his advice since he maintains the roads and run it by the Engineer for cost estimates. I am pretty sure that it can be done this year. I can't imagine why it wouldn't be as we have to figure out what has to be done and then we will figure out how much it costs.

Supt. Reiter, Highway Supt. I would like to update the Town Board on what the Highway Dept. has been doing. We have had a busy year with the paving of Lewiston Estates, numerous drainage projects, repairs and updates at the parks and the constant ever present brush that we pick up. Soon we will be preparing for the fall season of the weed pickup and then we will we prepped for winter. I have been informed that price of salt this year is going to be \$41.40 a ton. Last year it was \$30.39 a ton. We go thru

5000-6000 tons a year. This is an increase of over 30%. I would request a special session with the Board to discuss the budget and policy for the Highway and Drainage Departments. I would like this meeting scheduled within the next 2 weeks.

My concerns are as follows: At times I have asked to quote prices for projects and I think the department has done very well in doing these projects. I am well under the engineers estimates for both projects under budget by using the town's forces to complete the task. I have two notable examples of projects that we have done. The first being the drainage project between Mary Lane and Michelle Court. The project was bonded for \$205,000. \$166,000 of that was for construction and the rest was used for bonding and engineering. Only approximately \$70,000 was used for that project and we did two other smaller projects which were completed. The balance was then used to purchase materials for this past season's drainage programs. What are we going to do next year? Next is the sidewalk in Sanborn for the farm museum. The Highway & Drainage Dept. constructed 1500 linear feet of sidewalks and repaired over 200' on ?? Street and replaced the 30' diameter pavilion at the Colonial Village Park. In the Town of Porter the same amount of grant money only purchased 800' of sidewalks and that was done by contract. The Highway & Drainage Dept. performed these tasks with little or no accolades though none were expected. I am concerned about the lack of respect for these accomplishments of this department. Recently, a resident was informed by a Board member that there was an open check available to put a drive through cut on a road median. After the Board had approved the work to be done I was contacted by my liaison for a guesstimate of costs for the project. I gave him a price that was off the cuff for approximately \$15,000. I have not talked to the engineer. After this price was discussed with among Town Board members, a member took it upon himself to call the resident and ask the resident what he paid for a pad along side of his house and said that I was "high-balling" the price to stop or hinder the project. I didn't realize that we had this kind of expertise at my disposal and if I did I would have used it.

Did the Board members see the trees in the middle of the median and the other stumps that are there? I figure it will cost at least \$3000 to remove the trees themselves. It is going to be about 100 tons of blacktop at \$75.00 per ton (\$7500). That puts the price at \$10,500 and we have not even considered stone, fabric or any other incidentals that might develop in doing this project. I feel that the particular Board member needs to rethink it and discuss it with me. Did you talk about this?

Newlin informed Mr. Reiter that he cannot quiz the Board members.

Reiter: Other questions that I have is why do residents have copies of drainage plans before I do? (On Mt. View). Why does the Supervisor ask the Clerk of the Town Hall if a ditch is in the ROW or even in the Town? Why isn't an attorney who doesn't know the difference between a dip stick or a dip stick be asked to show me a future drainage issue? Who is watching the contractor in an off field? It is my ROW and I want it done right up there.

I would be glad to step away from the Drainage Dept. if our future meeting is not fruitful. I would also request that I meet with the Board as a whole during budget time as I am concerned of what is being said out of school. Thank you for your time and consideration and I hope you follow thru with it.

Newlin said we will be glad to have that meeting with you in the next two weeks and before the end of the meeting we will get a time where everybody can meet. I think this article with Mr. Page is just a matter of numbers so let us get an accurate number. Mr. Lannon please contact Mr. Reiter tomorrow and then when we find out what needs to be done. The blacktop is not going to be cheap. Let's hope in 2 weeks we can tie it up and appropriate the right funds.

Shawn Struzik of 5877 West Street. I am here to talk about 2827 Niagara Street which is adjacent to my house. It has been vacant for 6 years and I have talked with Mr. Kenney in the last month about it. The windows are broken out and the floors are ripped out and it is the worst property in our neighborhood with wild animals (cats etc.) I don't know what other recourse I have. I tried to purchase the property when it went up for auction a year ago.

Boniello: This property went up in rem by the County and someone bought it a year ago and nothing has been done since then. I don't think it had been officially condemned.

Palmer asked if someone buys a property in rem does it come with an obligation. (no)

Newlin: Can we still condemn it?

Boniello indicated that he did not know who the person is. I assumed that they were going to fix it up.

Shawn Struzik stated that the owner had talked with the other neighbor and said she was going to fix it up. Only the grass has been cut.

Masters said that he had spoken with Mr. Kenney who had met with the new owners and there is a lag time between when the new person takes ownership from the county and when we receive that info. The concerns were explained to the new owner which were to cut the grass and make the property safe. She indicated it would be done by the fall. I will check out the status with Mr. Kenney.

Newlin asked that this be put back on the agenda for Mr. Masters.

Nicole Kyler of 7228 Sunnydale Dr., Niagara Falls. My parents are the Pages of Thornwood. I want to say thank you as I have almost been hit there.

David Gunnison of 5878 West Street. I am backing what Mr. Struzik said about the property on Niagara St. I live next to the library. The house is not safe. My concern is what the house is being used for. We have a situation in that little corner of Sanborn on Niagara and West Streets and the "cat lady". A lady that loves her cats and I love cats. They are cool. I have 13 of them in my backyard because of this lady and at one point there were 26 in my backyard. It is not funny at all. I have had the DEC out there several times because not only was she feeding these cats, she is feeding the raccoons that come with the cats. I live 20' from the library. I have raccoons being fed right outside my bedroom window. I have an unbelievable number of cats being fed by some lady who doesn't even live in Sanborn. She lives on Lockport Road. She told me that I can't leave my dogs on their leashes in the backyard because it harasses her cats. I am not allowed by the DEC or the State of NY to catch these cats and relocate anywhere yet she can catch them and relocate them anytime she pleases and just 2 weeks ago brought 6 more kittens down to the other end of West St. and released them into someone's yard.

Palmer asked why she is bringing them there.

Mr. Gunnison said she apparently according to the DEC has a DEC permit to tender farrow cats. I cannot do anything about this and she has an attitude. I have dogs and at 2 a.m. when I put my dogs out in the middle of the winter they come in and stink because dogs naturally roll in cat feces because it is camouflage. That is why dogs do this. I don't own a cat and if I did I would own one or two. I wouldn't have to burden my neighbors with 26 cats in my backyard. Not only is she using the library property to feed these cats, the house that was discussed they were warehousing cat food and water for these cats and she was taking care of nearly as many as cats at that house as what she is taking care of behind my house. The museum on the corner has problems with the cats. It is getting out of hand. No one lives at 2728 Niagara Street.

Palmer asked that if she lives on Lockport Road why is she bringing the cats to the library. Who owns the property that the cats are at?

Mr. Gunnison: The library. It is adjacent to mine and it is putrid. I have the best neighbors and why not bury in a vacant field. Who could complain?

Newlin: Thanks for bringing this to our attention and please leave your number with the Building Inspector and I will try to keep you abreast of what we can do with the house and see if we can get it condemned.

Mr. Gunnison said you have to do something because somebody is going to get hurt. If someone is chasing their cat or their dog into that house and goes to the 2nd floor where we had to go to chase the cat...the whole building moves when you are upstairs. We took the raccoon out and called the Town police and they sent an officer out. He wouldn't neutralize the raccoon which we had in the trash can so he told one of the neighbors to get a shot gun and take care of business so they took it to the railroad and took care of it. Meanwhile there are 26 cats plus about 6 baby raccoons that don't have a mother. I can't keep my yard clean.

Johnson: She has a DEC permit?

Mr. Gunnison: That is what she claims and that is what the DEC said when they came to my house because she was feeding raccoons. They wouldn't do anything about the raccoon because I got the DEC to come out. They sent 2 ladies out with a butterfly net to catch it and give it rabies shots and a flea bath and bring it back and turn it loose in my yard again. The DEC says there is absolutely nothing I can do about this. My other concern is the house directly on the corner of Niagara & West St. which is not connected to the sewer and the odor of the septic system. I have lived in the house for 10 years and I have never seen a sewer sucker there to clean out the septic system. That corner reeks.

Newlin: We will get some the details on the addresses so we can send someone out there to check that out.

Mr. Gunnison said I did call the library and I have not received a return call yet.

Newlin said that Mr. Masters will.

Diane Roberts of 4391 Autumn Lane. My street is at the end of Thornwood so the entrance that you and Mr. Reiter are talking about is the entrance into my subdivision. Unlike when Mr. Reiter was not here when the Board addressed the cut thru of that island and my understanding was that there was going to be a single lane so that Mr. Page could enter into his property. I would ask that if the Board is going to allow the Highway Dept. to put 100 tons of blacktop in that Mr. Reiter thinks it takes to pave across 10-12-14' wide that my neighbors be given notice of it because I think you talked about ripping out the entire island and that is different than what I think was addressed by the neighborhood.

Newlin said that Mr. Reiter is pretty good about notifying the residents.

AGENDA:

Newlin asked to move Mr. Masters' agenda (Building) to after Mr. Bax.

Johnson added a resolution to request the Supervisor to obtain info from the County on the emergency management plan.

Palmer added a certificate received from the American Legion.

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

MINUTES:

Johnson MOVED to approve the minutes of 7/28/08 RTBM. Seconded by Edwards and carried 5-0.

ABSTRACT:

Edwards MOVED to approve the regular Abstract of Claims #'s 2393 to 2733 and recommend payment in the amount of \$566,595.02, Seconded by Johnson and carried 5-0.

Edwards MOVED the Post Audit amount of \$175,603.10 and Seconded by Bax and carried 5-0.

Edwards MOVED for the payment to Home Depot \$284.45; Office Bax (HSBC Business Solution) \$ 165.50; Office Max (HSBC Business Solution) \$207.95; Sam's Club \$1094.00; Poland Springs \$21.34 and Ford Credit Dept. \$8,854.56. Seconded by Palmer and carried 5-0.

OLD BUSINESS:

1. Highway Dept.-request funds to cover fuel gas costs.

Edwards said he would like to address this item at the Worksession in 2 weeks.

2. Drainage Issue/752 Ridge Road.

Edwards indicated that Mr. Reiter is looking into this issue and he will report on this at the Worksession in 2 weeks.

3. Town Hall Landscaping:

Edwards stated that at the last Board Mtg. we had one proposal. We now have another proposal at the same cost and I would like the Board to review them and pick one or another. We had 3 bids but one exceeded our budget (\$5000 max)

Edwards stated that the dollar amount is the same on both proposals. I see slight differences in the shrubbery. We need to move on this as this is the planting season. The difference is the configuration of the shrubs and some were changed.

Brandon: I will reserve my comments. However, I polled 4 employees nonchalantly and asked them to look at the drawings and they selected "B". (Clean Cut).

Palmer MOVED to accept Plan "B" of Clean Cut Lawn & Landscape. Seconded by Newlin.

Edwards asked if this plan had the same life time warranty on the shrubs. (Clerk replied yes per the spec).

On the Motion, Bax, Johnson, Palmer & Newlin Aye. Edwards Noe. Carried 4-1.

Edwards explained that he voted no and that it is no discredit to the clerk or anybody that did the research and a fine job, but I felt from the beginning it should have been by specs and we should have gotten 3 prices. I don't like the fact that one contractor spends the time putting together a spec and a design and another bidding off of that man's work. That is my personal opinion.

Brandon: I sent the letter at your request to 2 different other firms within Lewiston. Neither of the other 2 were shown the first persons submittal. They just had the number.

Edwards asked who developed the spec?

Brandon: In my letter to the other 2 bidders based on your conversation, I asked them to provide a plan to landscape 3 sides of the building at a cost not to exceed \$5000.

Newlin said that was in last month's motion.

Brandon: That is exactly what I did.

Edwards said that is correct. My point is well taken before the motion and you said that they both were given specs. What is the spec?

Newlin said the specs are for three sides of the building at \$5000.

Brandon said three sides of the building and what they would do which included the removal of the existing soil, planting, mulch, fertilizer and whatever would be needed to make the project work. I did not show the second bidder or the third bidder the first bidders design.

Edwards said he was under the impression that you did. However, in the future I would appreciate that we get 3 prices so you are not put in a position to go back and get 2 more prices after we have already approved a budget number. I don't know if we even got a good number. That is my opinion.

Brandon asked that in the motion it included that the \$5000 come from Town Hall Renovation.

Johnson MOVED that funds for the Landscape Project come from Town Hall Renovation Acct. Seconded by Newlin and carried 5-0.

NEW BUSINESS:

Newlin: We had some remarkable festivals in Lewiston (Art Festival, Sanborn Bi-Centennial & Jazz) in terms of becoming a great destination for tourists and it is a tribute to public and private sector that come together.

New Polling Sites:

Newlin: There are new polling sites from the Bd. of Elections. I want to call the public's attention to this. We could be having the most disastrous election season in 2008 that has been seen in quite some time. This stems from the HAVA (Federal Act) from the 2001 elections in Florida. The States are mandated to get better machines. The end result of this process is that we are going from 8-9 polling sites in the Town of 20,000 residents to 3. People who live out on Lower River Road will have to drive from the far end (northern most) to Bond's Lake to vote. That has nothing to do with helping Americans vote. It is discouraging. This is an important presidential election that indicates it is going to be the best attended election in decades. There has been no input from the localities, my office, the Town Board or the Clerk's office on where appropriate places for these voting machines will be. We are not getting the new voting machines this year but they are starting to organize the places so that they will be ready for the machines when they come next year. The County is notifying people by the yellow cards that come every year and 90% throw them out without reading them. There is going to be a lot of shock when people go to the places that they have voted perhaps for 40-50 years and they will be told there is not voting there. It will be much more inconvenient.

Brandon said that she went from the furthest point to Bond Lake and it was 10 miles one way.

Newlin: These came from the County without any local input is really very shortsighted. The day after the November election you are going to have residents screaming as to why weren't they notified or why did they change the system. They are going to go to the wrong place. This isn't Florida where the problems started....this is New York. In the winter, (November) the people are going to say the heck with it. I am not going to drive up to Bond's Lake when you are coming from Lo. River Road.

Palmer: A lot of people from the western end of the Town do their daily work in the Falls or Buffalo and would vote on their way to work or on the way home and it takes them out of the way. It is not near the main track.

Newlin: The population center in Lewiston tends to be towards the west and they are shifting the voting to the far east and south of the Town which does not have any logic to it.

Johnson asked if we have any input in this.

Newlin: It looks like it is done. We got postcards last week.

Johnson: We need to do some advertising for our residents.

Newlin stated that we have money budgeted for our newsletter so let's try to come up with some ideas. If each councilman would write a small paragraph for this newsletter

please submit it to me and this would be the headline article. (Polling Sites are Changing). The public is not well enough informed on this.

Brandon: The first step by the State has been to purchase handicap voting machines and to educate the handicap individuals accustom to using a new machine. A number of these machines were purchased by the County but only three were for the Town of Lewiston. So they selected 3 sites for these machines which is Lewiston Fire Co. #1; Lewiston Fire Co. #2 and Bonds Lake Warming House. Then they took the 13 districts that we have and divided them up, sending the Village voters with the exception of District 4 and added District 5 to Lewiston #1. They took the 4 districts (9, 10, 11 & 12) above the hill and sent them to Lewiston #2 (Colonial Village). They took #8 (Sanborn), Districts 4, 6, 7 & 13 to Bonds Lake. The Clerks were not informed of this and received it in the mail a week ago. I visited Bonds Lake and there is a gravel parking lot and there is one step to get into the building. There are only 3 handicap parking spaces there. Both Lew. #1 and #2 are handicap accessible. We were not involved in any of the process.

Newlin said I bring this to the publics attention and hopefully there will be enough human outcry that if it cannot be absolutely changed for this election cycle it maybe two late that he be changed for the 2009 cycle and that there is some local input. I understand you looking at a map that doesn't show the accessibility or the escarpment but you need local officials, clerks, Town Board members to have some input as to where the most appropriate places for their population because we know the breakdown better to set up reasonable places to vote. But to change voting places what is going to be the busiest presidential election we have seen is foolhardy.

Newlin MOVED that the Supervisor be authorized to send a letter to the N.C. Bd. of Elections asking if the polling sites in Lewiston can be changed for 2008 election and discuss new polling sites for 2009. Seconded by Edwards and carried 5-0.

Brandon stated that she has received numerous phone calls on this change. Also, the former polling sites received no notification that they would not be used this year.

Newlin said this affects every city & town in Niagara Cnty this year. This is going to be mass chaos on election day. I hope the people are aware of it.

NEWLIN:

Resolution-2008 Justice Court Grant Application:

Newlin MOVED to adopt the following Resolution as presented.

**Resolution
Support of the Justice Court Assistance Program
Grant Application**

**WHEREAS, the State of New York Court System is soliciting application from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training,
WHEREAS, the funding available under the State of New York Court System would facilitate local efforts in upgrading the Town's Justice Departments,
RESOLVED, that the Supervisor of the Town of Lewiston hereby is authorized and directed to file an application with the Justice Court Assistance Program.**

Seconded by Johnson and carried 5-0.

Executive Session: Personnel

We will discuss this along with other executive items.

Capital Project/Village

There is a slight change to the Mayor's request. He is looking for some small amounts of funds to address an I & I problem within the Village. They are making some well and long need progress and have a response for a project for \$8875 and at a cost of \$2500 per day of additional work is requested. It is recommended that we authorize this work to be done as soon as possible in order to complete the work before the fall raining season with estimated completed time of 10 days. The Village is considering

the installation of a 12" storm drain on the west side of 7th Street between Onondaga and Oneida Sts. and for surface drainage and sanitary centers near the intersection of Fairchild & 7th Street.

Lannon said he would like to see what the exact reaches of sewer he wants to televise. There has been some existing television work there. If the existing televising is sufficient then we might want to.....

Newlin MOVED to authorize the Town to enter into a contract in the amount of \$8875 plus \$2500 per day if addition work is required with funds to come from the Capital Improvement Funds (NYPA) pending review by Mr. Lannon & Mr. Lockhart at a cost not to exceed \$10,000. Seconded by Bax and carried 5-0.

Sign Location:

There is a 3-way stop sign at the intersection on Cayuga Drive/Cayuga and there is a request for a "Children At Play" sign.

Newlin MOVED for the installation of a "Children @ Play" to be installed pending the approval of Chief Salada & Supt. Reiter at that intersection. Seconded by Johnson and carried 5-0.

Northridge Drive Sign:

Residents have asked for a stop sign coming off of Northridge Drive going down for safety purposes.

Salada stated that you are not suppose to use stop signs to control traffic.

Newlin asked if the Police Dept. would review and make a recommendation on this issue and report back at the work session. Also that the Signage Cmte. look at the issue with regard to the Northridge development.

Legal: There are litigation matters for Executive Session.

Modern CAC Cmte.

Newlin said that Mr. Bax & he interviewed for the Modern CAC Cmte.

Newlin MOVED that Vincent DiMarco, Eugene Dimet, Keith Fox, Richard Haight, Patricia Schultz, Elisa Scrufari & William Waters be appointed to the Modern CAC Cmte. Seconded by Bax.

Palmer said that there were a couple of residents that were left off of the committee for no reason. I thought that the only reason we were using to keep people off of the committee was they were husband and wife. Looking at the proposal for this committee it seems that we have a strong influence from one road within the Town. I think that we would be better served to add a couple of more people to the committee to get a more balanced structure.

Johnson said he agreed because there was one man that wanted to be on the committee and had called me personally. Carl Turner & Dave Nichols who lives on Ridge Road. I thought this was originally put together to talk about traffic. We are under contract with Modern (Host Agreement) and there is no reason to discuss items in the contract.

Palmer: This all came about as a result of complaints we received over truck traffic and Modern. We wanted input from the some of the local citizens to help guide us through any potential proposals that might alter the existing agreement.

Bax: We have had our first meeting which was very productive. The outcry that we heard at our last public meeting on the Modern proposal that was before us at that point really gave rise to the idea of getting people together and a majority of the complaints that we heard were revolving around the traffic issue. What has become apparent to me and a number of the other people on the Board is that the traffic issue has some off shoots which are not necessarily specifically traffic. For example, enforcement of traffic violations, paying for an officer to do the enforcement, alternate routes...although they have something to do with traffic and with the contract there are

other issues that almost need to be discussed in order to address the underlying problem of traffic. I had a conversation with Mr. Smith about the issue that would be discussed and he said we have a contract and he wanted to keep it to the traffic issue. I told him that I understand that he has an obligation to speak to the traffic issue but there are other issues that this committee won't necessarily need to delve into to resolve any of that. He agreed and was forthcoming. He was out of town for our first meeting but did send a rep.

Newlin: One of the people did not show for an interview. We have a seven member board now.

Palmer: I think we should consider removing some of the ones from Mt. View Dr. as there are 4 out of 7 from one street.

Bax: I have no objection to adding to the board. I have never met Mr. Turner and we did not have an address for him. We did have a process to RSVP to be interviewed. Mr. Nichols did show up.

Newlin: Mr. Nichols did mention something in the interview that made me uncomfortable and would cause me to question if he would be the most un-bias person. I don't want to remove anyone on this list. The people seemed to be very reasonable and not a head hunt.

Bax: People were very cautious at the beginning and they were very encouraged at the end. Committees I think basically their tone from the leadership and I expressed that my goal in calling the meeting was to make sure no longer the witch hunt that I think everyone anticipated to be. I think everyone needed to hear that. It comes down to resolving a legitimate issue of both Modern and the residents.

Newlin: I know our legitimate residential concerns and that is reflected in the contract (Host Agreement) that extend beyond such as odor, noise levels etc.

Johnson: When you have people that live on Mt. View Drive that are way inside the element of it and people on Ridge Road that see the trucks every single day. You don't see the trucks on Mt. View Drive. I am not saying get rid of them but when we had the community host agreement with Modern for the money we had 15 people on there. It is nice to get some more play than just one section of Lewiston. Get some people spread out a little.

Bax said he was disappointed that we did not have any people from Sanborn.

Johnson said that they are an advisory cmte. and do not have a vote.

Newlin stated that 2 Councilman have alluded to the fact that there is a majority of people from Mt. View Drive. We have 3 people who do not live there. If someone wants to make a motion to withdraw or add a member I'll let it go to the floor.

A 2 minutes recess took place to discuss an issue with the attorneys and Mr. Palmer.

Newlin: I will stay with my original motion. I am not going to get into specifics. For the record I think Mr. Nichols is of the highest moral character and the community citizenship. He is a long time member of the Planning Board and his family has been here over 200 years. Something came up in the interview that gave me pause and that is why I am reserving his appointment for my particular perspective.

On the Motion, carried 5-0.

Palmer MOVED that David Nichols be added to the Modern CAC Cmte. Seconded by Johnson. Carried 4-1 (Newlin)

Palmer said that although Mr. Turner did not show up for the interview he would like to see him have a second chance in that he took the time to put the application in.

Brandon stated that we did not have an address to be notified and they were asked to call back for an interview time.

Palmer MOVED that Carl Turner be added to the Modern CAC Cmte. Seconded by Johnson.

Edwards asked Mr. Palmer that in the motion is Mr. Turner to be interviewed?

Palmer: The motion is to add him to the committee.

Bax said that a lot of people have spoken highly of Mr. Turner. I have not met him and the idea of getting a greater cross section of the town I think is appropriate. I think from the conversation at our last meeting having more people I do not think is going to be disruptive.

On the Motion, carried 5-0.

JOHNSON:

1. Fire Bureau: The Bureau asked Mr. Myers to send a letter to James Volkosh regarding the radio situation. They want to see if there is some way we can get phones at each of the fire companies to get better communication.

Palmer said that during that communication problem the fire companies did a tremendous job of communicating. Everyone pitched in and they averted what could have been a potential catastrophe. The problems in our area are due to the proximity to Canada. We have some unique issues with communications here but the countywide we definitely need to make some improvements.

Johnson MOVED that the Supervisor sent a letter to the County Emergency Office asking for a copy of their emergency plan. Seconded by Bax and carried 5-0.

PALMER:

1. Lower Niagara River Chamber of Commerce Contract: I would like to discuss this in executive session.
2. American Legion Proclamation: I attended the recent installation and was presented with a certification of appreciation for the Town of Lewiston.
3. Farm Museum Festival: I attended the festival and I would like to commend Mr. Edwards on his hard work on behalf of them

Newlin stated that the Town last year had given them \$12,000 towards the festival.

EDWARDS:

1. Highway Dept: They are requesting that the \$25.00 permit for a fence be waived for the Senior Citizen Bldg.

Edwards MOVED that the fee be waived. Seconded by Johnson and carried 5-0.

2. Sanborn Pekin Library: I have a quote to do the repairs to the air conditioner. We have a contract with the library but do they go by a separate set of rules. I think we need to get 3 bids.

Johnson said if we are putting the money in anywhere we need to get 3 bids.

Newlin said it is the Sanborn-Pekin Library so I would like to see Cambria contribute to this and let's have the library reach out to Cambria. Let's get the bids and act on it in 2 weeks.

Lannon: We could get invite 3 contractors to do a site inspection.

Edwards MOVED to not exceed \$6000 for renovation of air conditioning units and the Library is to approach the Town of Cambria for funding. Account #7410.0442. Seconded by Palmer and carried 5-0.

BAX:

1. WPCC: Mr. Lockhart has submitted a letter regarding new home construction with sanitary sewer connection and the detail for relocating of the service connections.

Lockhart: Option A & B addresses the driveway issues. This would give details to the builders at the time of obtaining a building permit.

Masters: There is a new construction in Big Vista with a 3 car garage where there is a manhole in the driveway because of the size of the garage.

Bax MOVED to incorporated into the Town Code with the distribution to those applying for a building permit. Seconded by Johnson.

Edwards asked if this included hung plumbing and why is there a cleanout? (1' to 4')

Lockhart said they would like to have the cleanout outside.

Edwards said this is a form of I & I. Why not in the basement?

Lockhart said on 4" pipe requires another cleanout somewhere outside.

Edwards said he is not an advocate of the pipes and understands the need and convenience. The cost is to the developer and the benefit is to the town & we are not paying anything.

On the Motion, carried 5-0.

Leone: My question was whether or not this had already been codified into our local law and this is only a diagram. If this is the case, then it would only be explanatory and you would not need a public hearing but you will if you make any changes to the code.

2. CAC Meeting: Documents were handed out along with the Modern contract. We have not scheduled the next meeting.

Newlin: We will meet with Supt. Reiter at 5:30 p.m. at the work session on 9/8/08. Mr. Edwards will contact him.

The Board commented that they had individually praised the work done by Reiter and his employees on various project throughout the Town.

Building Inspector Items:

Masters: We have a file on unsafe houses in the Town with one on Swann Road. We have an unsafe building law and the owner has been sent certified mail. I would like to send one more letter with your approval if the matter is not taken within 5 days we will send it out to bid and demolish it and add it to the tax rolls with your permission. This can be done under an emergency procedure. The building was condemned when Mr. Choboy was here.

Discussion took place on the procedure.

Palmer MOVED to authorize the Building Inspector to send a letter to the owner of 1221 Swann Road, that this is an emergency demolition pending a review by the Attorneys. Seconded by Bax and carried 5-0.

Masters said the house on Niagara Street that was discussed earlier has also received correspondence regarding an unsafe building. Mr. Kenney has contacted the new owner and she indicated she would fix it by the fall. She has been cutting the grass.

Grass Cutting Issue:

Masters provided a packet on this matter. The owners have been send violation notices that the grass is over 6" according to our law & they have 30 days to comply. If they don't comply I send them to court. Then 2-3 months pass and the judge gives them more time. On a foreclosed house on Ridge Road it has been since May and the bank

has failed to respond. I have no way of taking action. I took this local law from Wheatfield which within 5 days we would have the authority to hire someone to cut the grass and add it to the tax rolls. There is nothing in our law on this and only the judge can.

Leone said he has some language that he would like to change and set a public hearing in 2 weeks at the Worksession.

Masters stated that the exact same wording is in the state code.

Collection Fee For Expired Permits:

Master: Permits that expired from 1-1-08 thru 7-30-08 total 155. When a person comes in for a permit there are inspections that must be called in for and many do not. Our new program shows those that have expired. They are notified and asked to call for a final or if it is to be extended it would be for one-half the costs of the original permit. Some could be done but there has been no final. We have one that has been 5 years. Without hurting them in their pocket book why do they care if we don't do anything to cause them to call us?

Johnson inquired about occupancy permits

Masters replied it is maybe only 5 of the 155. I would like to impose a fee of half. An addition of a \$100 fee would be \$50 renewal and another year to finish. If they don't respond they would have to go to court and try to collect it that way. I need your permission to send out this notice and an automatic renewal fee.

Leone asked if this was a proposed local law.

Masters hoped it could be done thru Town Board resolution along with the existing resolution.

Johnson MOVED to allow the Building Dept. permission to charge a renewal fee of one half of the original cost of the permit based on an extension or call for a final inspection after a one year expiration date. Seconded by Bax and carried 5-0.

Addition Fees:

Masters said if you choose to put an addition on your home, the fee is 5¢ a square foot so if you come in for a 10 by 12 addition that is 120 square feet, I would charge them \$20.00 because that is the least I can charge them. I am going out 6-9 times on inspections for this little addition just as many times as I go out for a brand new house even though it is small. I get more for a pool or a regroup that I go out once or twice.

Edwards said we have been losing money in this dept. for 30 years. A typical house inspection is that he is there 9 times for \$300.

Leone: As long as the local law doesn't have the fees right in then you can change it by resolution.

Masters: I checked with the Clerk's Office and was informed that it was not in there. I am proposing to leave the garage at 5¢ and with a \$20.00 minimum. If you put a residential addition on your house you raise that to 25¢ a square foot.

Newlin asked how it compares to other towns.

Masters said he thought that was a fair price because if you put on a 1000 square foot addition which is big it would be only \$250. It is not fair to the taxpayers that all of them have to subsidize for this one person's addition.

Edwards: Currently what is it costing the taxpayers of this Town for every new home that is built? If you make 9 trips (maybe 18 hours), what does it cost you? You are bringing up some serious issues that are going to "bite" us sooner or later. Currently

the residents of the Town are paying for the new developments in the Town. Something has to be turning here. It is very unpopular in this Town to actually get fees for services rendered because you will have a houseful of irate people. We are here to make tough decisions and we need to make these decisions soon.

Newlin: Would you get us an idea what other towns are doing. If we are going to steer policy here, I would rather encourage a resident add on to an existing home where we already have infrastructure than sell that house because it is too small and go out to some less developed area and built a new house. We can discuss it at the Worksession.

Kiwanis Park Fireplace: Kiwanis sent a letter saying that they could not fix the fireplace because of vandalism etc.

Edwards: There is a wireless system of security that Mr. Dashineau is looking into and the chimney is coming down. The restoration has been approved for the building.

Masters asked who is taking it down. (The Parks Dept. is) We have been holding the restoration until the chimney issue has been resolved.

Motion to go into Executive Session* to discuss personnel, litigation, outside counsel & contracts made by Johnson. Seconded by Palmer and carried 5-0.

Time: 8:25 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

* No minutes were taken or submitted.

