

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Town Atty. Leone; Eng. Britton; Adm./Op. Lockhart; Finance Officer DiRamio; Dpty. Sup. Elgin; Bldg. Insp. Masters; Police Chief Salada and Town Clerk Brandon. 3 residents and 1 press rep.

The Supervisor opened the meeting at 7:05 p.m. followed by the Pledge of Allegiance. A moment of silent reflection was observed in memory of John Robert III, a Lewiston native who died recently.

Sup. Newlin introduced Joseph Crimi, Conservation Program Engineer for the NY Power Authority who gave a presentation on their Energy Services Program.

Johnson & Newlin asked about the variable interest rate on financing a project.

Crimi said that they go out on a monthly basis to the commercial paper market and finance whatever monies are needed for that month's cash flow and aggregate those costs. At the end of the year, we take the previous year's finance money and the weighted average of that across the previous year and get a new rate by mid January from the previous year's borrowing that we apply to the next 12 months. Since we have been allowed to do a variable rate since 1997 or 1998 we have only gone over 4% once. A fixed rate at 7% is available if you wanted it. We use 4% as an estimated variable rate.

As a State agency we are required to have open bids. However, our open bids have already been met. We have 5 engineering firms that are under a long term contract with us and every two years we go and rebid 2-3 of those. We have already reached that threshold of having open bids for all of our contracts. As we go forward with a project, one of those engineering firms with input from you would be bidding on any actual construction of a project. At that level, we do not need to go to open bid. We only have to have competitive bids which mean we could take input from the Town. Also, we (Power Authority) are exempt from the Wicks law by the statutory legislation.

Edwards: You may have 5 engineering firms that are qualified as contractors and it doesn't have to be competitively bid with contractors throughout the county?

Crimi: It needs to be competitively bid. It does not have to be an open bid. We need at least 3 qualified bidders on each portion of what we bid. We do not have to put an RFP out to the public and let all comers put in bids. Nothing is publicly opened.

Newlin said of specific concerns that the Town has is the flat roof on this building and we are suffering leaks on the court side. It appears to be where the AC units are mounted. If we are going to replace these units we should do this before we fix the roof.

Masters: We had a energy audit done on the 3 municipal buildings which dealt with lighting, power and cost savings of over \$6000 per year just on the lights. We have an HVAC unit that is over 30 years old and the other one is over 20-25 years. We have spent almost \$4000 to repair it last year and a new one is only \$12,000. I thought perhaps we could bundle a lot of things together and if they can come in with an energy study considering a heating plan, etc. would the cost savings offset the loan payment?

Crimi stated that the operational savings that you would see would be offset by payments and construction costs coming to us.

Masters asked if we update the building, would our dollar costs of energy savings pay for the new equipment.

Crimi said we would have to look at all aspects of it. We do work with NYSERDA on the PON program that might apply here.

A discussion on an energy audit and costs involved took place. You would not be obligated for any costs until we get to the design and then it would be what you want to design. Till that point there is no obligation. We only do a study on something that we think could be a project.

Newlin asked if this is ever done for fire companies. (No) They could be included with the Town. We were lucky in reducing residential costs by about 20-28% with our agreement with the NYPA. We want to encourage conservation of power. What is the length of this process?

Crimi with the approvals, designs etc. it could be close to 10 months to a year. The NYSERDA audit you had done would assist the feasibility period.

Johnson mentioned the fire districts and the special district tax imposed on the residents and perhaps they could be included with the costs being paid by them.

Crimi said he did not think that would be an issue but he will confirm it with Mr. Masters. Thank you.

RESIDENTS:

Amy Witroyl of Lower River Road. I would like to let the Board know of my conversation with the L-P Board of Education regarding issues such as truck traffic and hazardous waste landfill capacity. Also whether they consider an environmental impact both at home and at the school. The most persuasive argument is clearly a financial one not unlike the dilemma's you will face with your budget. We want to take care of some short term challenges while making an investment that is going to be for the long term. Today there are 20 hazardous waste landfill facilities in the U.S. and at the end of this year there will be 18. In 20 years only a handful.

(Bd. of Ed. members comments were recanted)

Thank you for working on everything else you can to fulfill the position and quality of life for everyone.

Newlin stated that he met with the officials of the Lew-Port School District who said they were impressed that so many local administrative bodies were taking pro-active measures to limit the hazardous waste future in this area.

AGENDA:

Leone asked for an executive session regarding litigation.

Newlin: Filling the Deputy Town Attorney position in executive session.

Palmer: The electrical request from the LNRRCC to be added to my agenda.

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

MINUTES:

Bax MOVED for approval of the minutes of the 1/26/09 RTBM and the 2/09/09 Worksession. Seconded by Johnson and carried 5-0.

POST AUDITS:

Bax MOVED for the payment of the following vouchers for Post Audit payment: Home Depot \$140.70; Office Max (HSBC Business Solutions) \$399.03; Sam's Club \$649.74. Also payment to Ford Motor Credit Co. \$8,685.44 which was not included previously. Seconded by Johnson and carried 5-0.

OLD BUSINESS:

Appointment to Parks/Recreation Advisory Cmte.

Johnson stated that he believed that there were more applicants' appointments.

Brandon stated that this were the only 2 application for this committee. These are the only two that are current and in our files.

Johnson said although we did not have a vacancy at the beginning of the year there were people who applied to get on any committee not just parks and recreation.

Edwards: We re-advertised and these are the only two that came in.

Brandon stated that these two applications were received on 1/16 and 1/23/09. We have one vacancy on the Environmental Comm. (thru 2009). We received no applications on this. We have 3 vacancies on the Historic Preservation and no one applied.

Newlin said we need to re-advertise in a month or two.

Newlin MOVED to appoint Daniel Kilmer to the Parks/Recreation Advisory Cmte. with the term to end on Dec. 31, 2012.* Seconded by Bax and carried 5-0. *Unexpired Term.

NEW BUSINESS: None.

NEWLIN:

Legal: Litigation and contract negotiation matters to be discussed in executive session.

Engineering:

Bax: We previously had correspondence from Mr. J. Forcucci of James Drive about standing water in his basement. Mr. Forcucci recently passed away. I would like to see this problem resolved for the next owner.

Newlin said he believed that Atty. Leone's opinion was that if they could demonstrate some sort of town involvement in the past then we would be obligated.

Leone: The question was whether or not it was a private property problem or a public problem. No one seems to recall that the Town had been involved with the property. I thought that the onus was on the property owner to come forward and show the extent to the Town was involved before and we would then have something. It appeared to me that it was private property matter.

Britton: We were authorizing us to go on the property and give an engineering solution to the problem. We have done that. We could provide that to them to correct the situation. I will provide that information to the Clerk's Office and the Drainage Dept.

Association of Towns Meeting:

Newlin: Several of us went to the meetings. There are many new mandates from Albany. I picked up info on mining, host community agreements, local government changes, new control regulations, energy efficiency, labor negotiations, sales tax etc.

Senior Center Door:

Masters stated that the major problem at this time with the door is that rain and snow come in under the bottom of the door. An estimated cost is \$680.00. I have not been able to determine if the door would be insulated and it should be.

Edwards: In addition, the door should be painted before it is installed with oil based epoxy paint with a cost of around \$300.00.

Palmer MOVED to expend up to \$1200 to purchase a new door (painted/insulated) for the Senior Center with funds to come from their contractual line. Seconded by Edwards and carried 5-0.

EDWARDS:

Power Authority Presentation:

I appreciate the presentation however; I don't care for variable rate interest rates. Before we go forth, most of the things that I have worked for in my life...the Wicks Law which the Senate and Assembly put into law but authorities don't have to abide by laws that people enacted. #2.....not having opening bids. Why? Why do it behind closed doors. They skirted the law that people want in this State for open government, open bidding by putting out bids for engineering firms that in turn act as general contractors or construction managers which I feel is unconscionable. In that instance they give them a rate like an attorney rate. It is totally what I don't stand for and I wouldn't support this at all. The low interest rate is very attractive but anything other than that I would not go this route.

Town Hall Roof Repairs:

We do have an emergency. The roof over on the court side and over our deputy clerks that when it rains you have plastic buckets everywhere. The roof needs to be specked, bid and replaced. We have a proposal for the rooftop unit (amount not stated) which includes the size of the unit, i.d. number and the efficiency of the equipment. I would like our engineers to use this info and put together a spec document together and put it out to bid for the rooftop unit above the court clerk's office.

Master indicated that it needs to be done as soon as possible.

Edwards asked the engineer how fast the roof spec can be done with the proper installation up to the 2009 codes and a bonded unit.

Britton said very quickly.

Edwards said he would have no problem doing it in sections. The section over the courts which could be done while the rooftop is being replaced without impacting the rest of the Town Hall. The roof is a firestone roof with a 20 year bond but we are in the 21st year of it.

Britton said an inspection would be done.

Edwards MOVED that specs be prepared by the Engineers for the roof and the HVAC system. Seconded by Palmer. Carried 5-0.

Drainage:

We have a letter from the homeowners at 1352, 1348 and 1344 Ridge Road. I have spoken with Mr. Reiter about this issue. They (DOT) did a reconstruction of the drainage system on Indian Hill last year and now these residents are incurring serious flooding. Mr. Britton is going to do a site visit and also contact the State asking what responsibility they would take in fixing this problem. Mr. Reiter has stated he could address this problem right away but he feels a new ditch should be constructed, deeper and wider. It may not be a swale but a railroad easement.

Britton said he would check with the property owners as to the location of the ditch and if on private property, ditch cards would be needed. I will also talk with the State DOT.

Edwards said there is an urgency with spring coming.

752 Ridge Road Drainage:

I have spoken with Mr. Reiter regarding this. We were tied into a private drainage system on private property that we should not of done with protocol not being followed as no permission card was obtained. There was verbal confirmation with the senior living in the house that did not own the house that restricted us to tie into that pipe but the owner of the house wants it disconnected as soon as possible. The information for the Board is the Highway and Drainage Departments will have this

resolved by the end of March. The second part of this is that this will be taken up in executive session by Mr. Leone.

Palmer: Is this person going to be notified that it will be taken care of by the end of March?

Johnson asked if this is issue that we have been discussing for two years.

Newlin said that Mr. Reiter assured us last summer that this would be taken care of during a Board meeting. (August or July) Apparently it has not been done to the owner's satisfaction. We should notify the owner pending Mr. Leone's advice.

JOHNSON:

Johnson MOVED to add Bruce Swartz and Jennifer Haynes to the roster of the Upper Mt. Fire Company. Seconded by Bax and carried 5-0.

BAX:

Recreation Dept./Master Plan:

Mr. Dashineau contacted the individual who prepared a preliminary report which will be distributed to you. This consultant for the cost of \$7500 will prepare a final plan which would provide basically a road map to better utilize the resources that we have in the Town currently. Critisims that Mr. Dashineau let me know, is that the consultant had is that he spends to much time on baseball and that there are other sports etc. and uses for the parks that would be better utilized. The concern that he has is that he does not have the \$7500 in his budget. I suggested and am proposing to the Board is that we ask the consultant to come in after we review his initial written proposal and then make a presentation to the Board. If it pleases us then, we can figure out where we can get the funds to have this done. In the proposal he said he would be responsible to go out and find some government grants. I would like this to be on the agenda for the next work session.

The Recreation Dept. has asked for the criteria of the Greenway Fund Projects. I think if this a viable project for the Town it gives direction to the Recreation Dept.

WPCC: Training Items:

Bax MOVED that up to 10 WPCC personnel attend the Greater Buffalo Environmental Conference on March 24, 2009 at a cost not to exceed \$900 with funds to come from SS-1 8110.400. Seconded by Edwards and carried 5-0.

Bax MOVED to permit Jeff Ritter to attend the Grade 4 Management Training session from 4-27-09 thru 4-30-09 with a cost not to exceed \$500. Funds to come from SS-1 8110.400. Seconded by Johnson and carried 5-0.

Computer Purchase:

Bax: I will be asking the Town Board to permit Mr. Lockhart to purchase a computer using my town credit card. He will search online for better pricing.

Lockhart said the cost not to exceed \$600.

Bax said perhaps with Mr. Elgin's help, my credit card can be used. (No problem). If used I will inform the Board.

PALMER:

Chamber Lighting:

Last year, we had a request from the Chamber regarding the feasibility of installing upgraded electrical service on Center Street for festivals etc. Currently, special accommodations are brought in. It had been referred to Mr. Rotella, our grant writer and nothing has come up regarding this. The Chamber found a Lewiston resident, Jeff Jordan who handles the electrical needs for the Peach Festival and he has developed a plan for improvements to allow the festivals to be more "plug and play". The preliminary estimate is \$16,000 for the upgrade. The Chamber is asking for

assistance from the Town. I don't know if we have access to any of the NYPA or Greenway money. It would be money well spent. This would be a permanent installation

Newlin: Mr. Kilmer has indicated that they are also seeking private sources and they want to see how much they can raise and then come to us for the difference. If it were to come out of the PA money it would have to come out of Village's percentage. I will discuss this with Mr. Rotella.

Edwards: Who pays for the power for the lights? (Village) In the City there was a headache with the owners of the pedestrian mall who owned the boxes that plug into the drops and there was a problem as to who was paying for the power. This is a good project and it needs to be done but, I would like the municipality to also own.... I think it would be temporary and they are saying it would be a temporary circuit box where the vendors could plug in. I would like the Village to own those and /or the Town instead of the Chamber.

Palmer said the Chamber has no interest in owning these. They just want the convenience of having them there for festivals.

Newlin asked that this be on the agenda for the work session.

Johnson MOVED to go into Executive Session for matters of litigation, contract negotiations and hiring a deputy town attorney. Seconded by Bax and carried 5-0.

Time: 8:20 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session 8:40 p.m.

Present: Sup. Newlin; Council Member Bax, Edwards, Johnson & Palmer; Town Atty. Leone* and Dpty. Sup. Elgin.

Motion to exit Executive Session and reconvene by Johnson and seconded by Bax and carried 5-0.

Motion by Bax to allow the Supervisor to sign agreement regarding property owner Michaels @ 4693 Perry Court to allow encroachment into easement area with indemnifying and holding the Town harmless. Seconded by Palmer and carried 5-0.

Motion by Palmer to appoint Mr. Robert Koryl as Deputy Town Attorney. Seconded by Edwards. Carried 4-0-1. (Bax abstained.)

Motion to adjourn by Bax and seconded by Palmer. Carried 5-0.

*Minutes taken by Tn. Atty. J. Leone.

