

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Koryl; Eng. Lannon; Adm./Op. Lockhart; Bldg. Insp. Masters; Finance Officer DiRamio; Police Chief Salada; Dpty. Supervisor Elgin; Engineering Clerk Sharpe and Town Clerk Brandon. 14 residents and 3 press reps.

The Supervisor opened the meeting at 7:07 p.m. followed by the Pledge of Allegiance. A moment of silent reflection was observed in memory of Herb Reiter, father of Highway Supt. S. Reiter.

**RESIDENTS:**

Frederick Clifford Swain of 908 Mohawk Street. I am here tonight representing the Lewiston Dog Owners Group. On 3/25/09 a letter requesting a meeting with Sup. Newlin. On 5/11/09, Mr. Chamberlain, Mr. Bell and Mr. Geiben met with Mr. Newlin presented him with a rough draft proposal for a dog park. The proposal laid a rough model for a dog park with provisions for the dog owners group to work cooperatively with the Town to insure the creation and ongoing successful management of that park. There were no funds requested. Simply, that the Town Board consider this proposal and respond to the inquiry as to the dog owners are associated with any other interest group. Also, that the need should be taken as an integral part of the town's decision process. There are over 1600 licensed dogs in the Town and it is estimated that there are at least that many or more unlicensed dogs. The over whelming number of Lewiston dogs and owners alone should warrant the same civic consideration as other groups such as softball, soccer, baseball etc. Since that first meeting much work as been done. A Lewiston dog owner's group held (LDOG) was formed and has exhibited a high degree of support. Currently, there are petitions circulating throughout the Town for individuals who wish to support the formation of a dog park and recognize their contributed value. We have been met with a very enthusiastic response from the community so far. We are encouraged and we continue to move forward. We have for each of you tonight information sheets outlining the benefits of a dog park for the dog owners and especially for the community. Also, the mission statement for the LDOG project and a copy of this statement are included. There will be a second meeting on the June 25<sup>th</sup> at 7:00 p.m. at the Red Brick School Bldg. and interested persons are invited. We look forward to working with the Town Board to bring this to fruition. Thank you.

Newlin said he would try to be there.

Victoria Lacey of 2558 Moore Road. We have a drainage problem and I have some pictures for you. Every spring we have the same problem. The water runs over my driveway and it is deteriorating the blacktop there. I had to pay \$800 for repairs.

Chris Kusk of 2574 Moore Road. It has been ongoing. I have been there for 33 years and they have only cleaned the ditches once. They came for broken culverts. It is getting worse and it goes back to my ditch. The basement has flooded. I don't know what can be done but something needs to be done.

Newlin: Please leave your phone numbers and I will call you tomorrow and make sure that someone goes and looks at the problem and identifies the source.

Chris Kusk said that the last time it was cleaned was about 7 years ago and now your trucks just drive by.

Newlin said it should be taken care of. Our engineering and inspector should go out there and hopefully we can remove the blockage.

Victoria Lacey said that there was a 6 inch pipe that was put on her property which went into the ditch with an attachment on it to stop the water from coming in. You can see what happened. Those pictures are from this year and it floods every spring. It flows into my yard and over my driveway to the ditch on the other side.

Newlin said it might be as simple as having the ditch cleaned out. I will refer this to Tn. Eng. Lannon.

Peggy Taylor-Hulligan of 1102 Pletcher Road. The property adjacent to us has not been attended to for over 10 years and every year we are inundated with mosquitoes. I did have a bed & breakfast there which I discontinued about 5 years because it became intolerable for our guests. I had correspondence with Modern regarding this and I want to know what they are going to do. Their property is unsightly. They have dozens of rotted trees and the drainage ditches are completely clogged all the time. They won't go in there because they say it would break their equipment. Modern owns both sides of me and today it was posted with no trespassing signs.

Newlin said this is under Old Business and we will discuss it at that time.

Dawn Dominguez of 5104 Callan Drive. I have given each of you a packet along with pictures regarding the house next door. I e-mailed the Supervisor on 5/14 and also the Board members. I have had the DEC come to my house and they have said the ground needs to be cleaned up. The garage and shed are inhabitable. I have had the animal control there to catch the cats. There are 2 cars behind the fence which is falling down. The car in the driveway is packed with car equipment.

Newlin said we have had a spam problem and I believe that none of us got your e-mails. I will contact you tomorrow on this.

Masters: What she has stated is correct and we are working on it. The Town Code states that you give the person 30 days to comply and if they do not then it goes to Town Court.

Dawn Dominguez: This has been in court before for having cars there but the mess has not been cleaned up in 4 years.

Newlin stated that he would contact the judge regarding this matter and try to reach out to the home owner personally.

Billy Briggs of 8436 W. Rivershore Dr. Niagara Falls: I have been doing some research of my own. Mr. Masters had said that he had surveyed 10 municipalities in the area. (Masters said he had polled quite a few municipalities in the area.) There are only 2 that have their own electrical inspectors and the rest have third party authorized electrical inspectors. They are the City of N.F. and the Town of Wheatfield. Again, when Mr. Masters says that he does not see a need for an additional electrical inspector while the letter that I got from Mr. Koryl says that Mr. Masters does not have the authority to proceed on who can come and do the inspections. My whole point is so that I am not wasting my time. After discussing it with some board members and providing them with documentation that states you can't restrict free trade if local authorities does not have their electrical inspector.

Newlin said if they don't have their own in-house inspector like Wheatfield and N.F. (Yes).

Billy Briggs: The point is I didn't want to take it to a legal level but there has been over 16 electrical jobs that have been done within the last 6 months in the Town of Lewiston that have not been done by the NY Board of Fire Underwriters or the NY Atlantic-Inland Inc. If I am wasting my time and there is no consideration.....

Newlin asked if Mr. Masters would call Mr. Briggs and attempt to work this out because we are getting a discrepancy of information.

Masters said there is no discrepancy of information. Most of the towns that I polled had third party inspectors. A couple had their own. The towns that I polled didn't allow every electrical inspector underwriter in their town. They had 2 or 3 electrical inspectors while some had one. I don't write the law but in my opinion and that is what I said at the last meeting, I don't see the need for a third electrical inspector.

Newlin: That is Mr. Masters' opinion. I guess the next step we take on it is we need a formal opinion from counsel which we do not expect tonight. We will need it in the next 4 weeks to figure out what is acceptable and what isn't. If you have a form of opinion that you could give us tonight or at the next meeting that would be fine.

Koryl: To clarify what has been said, we have indicated that the Town code does not permit Mr. Masters to choose more than two. That would require a revision to the Town code which only the Board would do. The Board would act presumingly on some recommendation from Mr. Masters. In regard to what was spoken here on litigation of an anti trust suit, I will look at that and get back to the Board within the time allotted.

Newlin: Mr. Briggs, we will be getting information from others on this.

At this time, Mr. Briggs thanked Mr. Edwards on his service to the Board.

James Messer of 4643 Apple Drive. I have been at this address for 42½ years and for the last 16-17 years I have been going to Arizona for 6 months. I have my water bills mailed or forwarded. I believe, Joan Stephens responded to this Board with her telling me that I could get a waiver on late fee. She didn't say why. She didn't explain the whole thing to you at all. It is not written here that she explained anything to you. Being there in my house for 42½ years and I have never, never not paid a bill on time. I did get notice for a bill for last February out in Arizona. When I realized that I didn't get the bill on time I called the Water Dept. and they told me how much it was plus a late fee. I paid it reluctantly. So I don't think it was fair because they had a problem with the post office and they didn't agree on something. They put current residents on the bills and not my name. They wouldn't send it. That is why it came back to the Water Dept. I don't feel that I should pay a fine that I am not responsible for. I am asking to give a refund on that \$3.01 that I already paid. I paid it reluctantly. I spoke with to the mail delivery person to my house and she told me what happened. They didn't put the names on any of those that had the current resident on there. They would just put the name on it and they sent them all back to the Water Dept. All of them. When I called they said that there was quite a few came back but she said yours was not among them. I don't believe it. I really don't.

Newlin: What you described and I will take you at your word...it sounds like just bad coincidences that happened and having lived them for over 40 years and you haven't had any problems before. Mr. Messer, I am sure that it is the principle not the money.

James Messer: It is not the money, just the principle exactly. I know if I made a mistake where I used to work because I am a licensed aircraft mechanic and if something went wrong on an airplane and it crashes I would be on the stand. I just don't condone paying for somebody else's mistakes.

Newlin: I think everybody else on this Board agrees with that principle so we will add to the agenda to waive or reimburse you the \$3.01. This happens very rarely so with 20,000 people it will happen some times. So, I apologize for that. Counselors we could probably use a proposed change in the code that would allow for one or two mistakes or errors on some of these water bills, especially someone who has been here as long as Mr. Messer to penalize for missing one bill out of 40 years' worth seems a little extravagant and probably unfair.

Johnson: Did you say that the mailman told you that they returned all the water bills?

James Messer: All the ones with no names and just current resident. When I called out here they said they all came back but yours was not among them. I don't believe that at all.

Newlin said we will deal with this under my agenda. We are glad you came tonight and I am sorry for the inconvenience.

AGENDA:

Newlin: Add the Messer water bill and the mosquito's issue which I don't think we will be acting on this tonight.

Palmer: Asked for an executive session re: Modern Disposal contract.

Edwards: I would like the following: Town Hall Parking Lot; DPW Bldg. (Fire/Rebuild); and executive session for Town Hall personnel.

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

MINUTES:

**Edwards MOVED for approval of the 5/18/09 Worksession; 5/28/09 RTBM and 6/08/09 Worksession Minutes as presented. Seconded by Bax and carried 5-0.**

POST AUDITS:

**Bax MOVED for payment of the following vouchers: Home Depot \$1701.77; Office Max (HSBC Business Solutions) \$448.80; Radio Shack \$ 59.99 and Sam's Club \$ 770.87. Seconded by Johnson and carried 5-0.**

OLD BUSINESS:

Drainage Issues:

Lannon: At 533 Fairway Drive, we have not heard back from the resident who was to try to locate the drain tile. I will try to contact him.

Edwards: On the 1102 Pletcher Road matter, I sympathize with the owner on this. Is there anyway we can have the Highway Dept. clean the ditches and is it our responsibility. Or is it the adjacent property owner...Modern?

Lannon: The letter refers to work that was started but due to inclement weather was never finished. I think the letter refers to the resumption of that work. I spoke with the Highway Supt. and he wanted to make the Board aware of his intention of going back out there and continuing that work subject to Town Board authorization.

**Edwards MOVED that the Town clean the ditches at 1102 Pletcher Road as soon as possible. Seconded by Johnson and carried 5-0.**

Peggy Taylor-Hulligan: The ditches we are speaking about are not actually on my property but come directly into my property from the two adjoining lots. The portions that are flooded now were not wetlands but were pasture lands.

Niagara Communities Comprehensive Plan/Lead Agency's Status:

Newlin: The Board's question is how conflicts would be handled between the Town's Comprehensive Plan and the County's plan. The attorney's summary is that they believe that the NYS Home Rule Law would tend to give the Town the benefit of the doubt if they were a conflict in the future.

Leone: That is the end result. Villages, Towns and Counties regions are allowed to do master plans which this is. So, the fact that it is undertaken by the County

typically it would have the agency status for SEQRA. The law talks in terms that the Cnty. Legislature ultimately decides and votes on that. With the County saying that all of Lewiston is going to be something that residents don't want and if that were to occur, I believe you would see a number of Article 78's plus relying on Municipal Home Rule Law. I don't see any need to question that they are the lead agency but we should be involved.

**Bax MOVED that we authorize the County of Niagara to be the Lead Agency with respect to the Niagara Communities Comprehensive Plan. Seconded by Johnson and carried 5-0.**

Washuta Park Safety Issue:

Newlin stated that this matter will be discussed when Mr. Dashineau is present.

NEW BUSINESS:

The Clerk reported there was no new business.

NEWLIN:

Legal:

Leone: The issue involving the insurance coverage on the roofing contract has been resolved.

Bax asked if there was a status on the wind energy law.

Leone: I don't have anything at this point to give you. I did a preliminary review of the proposed commercial wind energy law but I don't have a review of the private property. The committee has done what it needs to do regarding this.

Engineering:

Lannon: Now that we have the contract for the Roof/AC, we will give a notice to proceed tomorrow and from which they will have 90 days to complete the project.

Mosquitoes:

Newlin said we have had a fair amount of complaints (maybe 6-8) about the problem. Mr. Sharpe has put in a lot of time over the years. Mr. Sharpe, would you tell us where we are at.

John Sharpe: At your request I put together a quote for you for an aerial spray. It shows the areas that would be sprayed. It is all in place. I called Mr. Brown from the NYS DEC today to see if there were any legal issues that I had to be aware of before we did such a project and everything is the same as was in 2004. However, he did ask me if we had been in touch with the N.C.H.D. regarding their mosquito surveillance program which is the trapping of the adult mosquitoes to see what kind of mosquitos and how many are around in a particular area. The Health Dept. has not returned my calls regarding this and Mr. Brown's suggestion was to hold off on doing any spraying until you know if we have any data that might tell us where and what kind of mosquitoes before we do any kind of spraying. That would be my recommendation to you for the time being to hold off to see if we can get the data.

Newlin: I spoke with Mr. Brown of the DEC today and their opinion concurs with Mr. Sharpe's of do not spray until we have baseline data. The State has taken a position against spraying for a variety of reasons ranging from toxicity concerns to effectiveness concerns. I spoke with Dan Stapleton of the N.C.H.D. today and he was not sure what the stance of trapping but he agreed that we should get that base line data first. He said from a public health perspective the danger the mosquitoes post is related to the West Nile Virus. There has not been any West Nile Virus reports this year and even if there had been the virus, he balances that possible harm to the public that could result from these aerial sprays. His department's judgment of the risk you have from some sort of poison in the spray outweighs the risk of West Nile Virus and its damages.

Palmer asked how effective would it be?

Newlin: What we are faced with here is that if spraying was deemed an appropriate action, my guess would be that it is a better effect if it were done county wide because we can spray all we want to here in Lewiston and if the Towns of Porter and Niagara do not spray those mosquitoes are not going to respect political boundaries. That scenario was outlined by the County Health review of what happen when we sprayed in 2004. There was a dip in the mosquito population for a few days after the spray and then it came back up. They said neighboring mosquito populations that can a have range from 5-15 miles come back and resettled. The toxicity issue is a concern of mine. It has been proven that the sprays from this aerial spraying does have a damaging effect on aquatic biological life and although humans are further up the chain says to me that when usually when one life form is affected the rest can expect some sort of repercussions. We do have to weigh that as we make some choice, but I think we are in a holding pattern. We have to get some data from the N.C.H.D. as to what types or where they are concentrated before we as a Board can make a good decision about if we should spray, where we should and what kind of spray.

Palmer asked how long that would take.

Newlin: Mr. Stapleton said if they can get the traps out we should get some data in 4-5 days. I will confer with you once I receive the information.

Robert Moses Parkway Update:

We had HMM Engineering firm take a walk down along the pathway with outside expertise from NYC. When they saw the possibilities of having the path down the Escarpment they said it could be one of the premier multi use trails in the entire Northeast part of the U.S. They will be coming back in a month with proposals with some different ways we can address where the path should or should not go.

With the update on the parkway, there has been meetings of mostly elected representatives (Mayors and Supervisors) and local neighborhood concerned citizens for the past 3 months. They have been working towards a compromise solution. Specifically should it remain as it is, taken down or revitalized back to 10 years ago? Their opinion now is the compromise position which would be to keep two lanes open for traffic to simulate what happens on the Canadian side. This is what they are “pitching” to the State OPR.

Bax asked if this would be all the way to Niagara Falls or cutting it off at Finley Drive.

Newlin: I think the city is going to go that way by taking it out from Finley Drive south into the city.

Johnson asked where the money is coming from.

Newlin said there are those who propose removing the parkway entirely but it would probably cost the State millions of dollars to remove it.

Messer Water Bill:

**Newlin MOVED that the Town of Lewiston revoke its' late assessment fee of \$3.01 and remove from his record any notation of a late payment due to problems of mail delivery. Seconded by Palmer.**

Edwards stated that he had spoken with Ms. Stephens and if there were a means of giving a refund she would have done it with permission of the Town Board. There is no means currently. I think that Mr. Messer would accept an apology even though I think we would be apology for the postal service.

Newlin said this can be paid out of the “B” fund contingency fund since it is the town outside of the village.

Johnson asked if there could be a credit on his next bill.

Edwards: Currently the way the law is with the way the billing is there is no means.

Newlin: We will have to look into changing the law. I would like to see some exception language for someone like Mr. Messer.

**Newlin Amended the Motion to read that it will be paid out of the Town "B" Fund Contingency. Seconded by Palmer and carried 5-0.**

EDWARDS:

Library Parking Lot & Walkways:

In 2007, the Town spent \$28,000 to refurbish and restoring the parking lot with the understanding that the Village was going to restore the sidewalks and the islands. Unfortunately, that has not happened to date. We have had an incident and a dangerous situation with the curbing going into the building. I would like this Board to give Mr. Shaw permission to seek bids to repair this situation.

Newlin said that he and Eng. Lannon will be going to the library tomorrow with the idea of looking at curb cuts, improved handicap accessibility and make some recommendation to Mr. Shaw.

Edwards asked if we have the funding available to make these repairs and it would have to go out to bid.

Newlin said we will know more tomorrow. The library had hoped that the Village would do the repairs. The Town does expend some of its' Power Authority money into the Village and perhaps we can allocate some.

Johnson said that if we do it would it not be less expensive than going out to bid?

Bax said his concern is an ongoing hazard and how long would it take to get it out to bid.

Edwards said this spring an elderly person took a fall. Standard height is between 7½ and 8 inches for a step and this is 9½ and 10 inches.

Bax: If you are going to be out there tomorrow, maybe we could get a consensus of the Board so we could move forward. We could authorize you to go forward contingent upon what your investigation.

Newlin said the problem is we do not know the amount.

Edwards asked Mr. Lannon if he could prepare a budgetary number after looking at it. (Lannon replied yes.)

Parking Lot/Handicap Spaces/Resealing:

Edwards: I have read the letter that came from Bldg, Insp. Masters and Town Clerk Brandon. Mr. Masters would you explain.

Masters: The parking lot was expanded 2½ years ago and it time to get the parking lot resealed and re-stripped. When we do it we should make the handicap spaces comply with the NYS Code. Right now they do not. On the back section of the parking lot the spaces are only 8 feet wide and it is hard to get out of on court night. I would like to reshape the parking lot.

Edwards asked if the original drawings from CRA reflects what you are saying.

Masters: Yes they did but the problem was that the stripping that was done was not exactly the way it had been drawn.

Newlin asked what contractor did the stripping.

Brandon: The contractor was Militello Sealcoating/Stripping Co. and the cost was \$1900.00. The map reflects that the parking spaces should be 9' x 19'. They are 8-8½ x 17 or 18'. The handicap spaces should be 9' and in some spaces they are 6 to 6½ to 8'. A motorize van could not get a wheelchair out. There have been several incidents of near accidents in the parking lot. Arrows indicating direction were also not done.

Johnson said we should be checking these jobs after completion before payment is made.

Newlin: Can this be considered professional services?

Leone said he was not sure it was professional services. The previous price would not require you to advertise for bids. If you had a price that was similar to that you could get 3 quotes by phone. You may want to advertise for the Sealcoating.

Edwards said they would like to have it done by 4<sup>th</sup> of July. Does our Highway Dept. sealcoat? We have the labor and I know that we have sealcoated tennis courts in the past. So, if we could do the sealcoating it in-house and farm out the stripping which is about \$2000 with 3 calls. I would like to go that direction if we could.

**Edwards MOVED that if possible, the Highway Dept. personnel sealcoat the parking lot over the 4<sup>th</sup> of July weekend and for Bldg. Inspector Masters to solicit bids for the stripping using the existing plan. Seconded by Johnson and carried 5-0.**

Highway Dept. Building:

Edwards: We had a fire at the highway bldg. that destroyed the break and meeting room. Mr. Reiter has a plan that would suite all of the 35-40 employees of the water, highway, outside sewer and drainage depts. How do we want to do it? I met with Mr. Masters, Mr. Kenney, Mr. Reiter and a metal building representative from Barco Buildings. Mr. Reiter would like to self perform most of the work with our staff. I can vouch for the credibility of our skilled tradesmen. The only part that cannot be self performed would be the metal building proper. For continuity purposes he would like to this company that put up the original building and the building that stores our trucks for the simple reason of a standing seam roof and some other issues. Does that confirm with what you were telling me Mr. Masters in relation to continuity. It is the same system, the same repair, the same manufacturer. Would that fit? You gave me a description one time that if you had Carrier rooftop units.....

Masters: He wants to do it for standardization. My thought was if I have 3 rooftop air conditioning units that are Carrier and one is another brand and I replace the other one with a Carrier because they are the same and have the same parts. To me that is standardization. I was sure if this building was standardization and if we be opening ourselves up to a lawsuit from another metal building company to say wait....we could provide you with the same building even though this metal building company wants to put up the building that we have now. I don't know what the ramifications are with that and the legal issues are.

Leone: I think that you would run into bidding problems because under the General Municipal Law depending on the value of the bids or the amount of the bids a project that probably needs to be bid and try to get the lowest responsive bidder out there.

Newlin said you can spec a specific brand can you?

Leone said not really.

Edwards: So to plan "B". The shell above is called the infrastructure of the building. Is this Board comfortable with concept of our town employees doing the



footings, foundations, civil work under the supervision of a general contractor? The person would be working as a consultant telling them what and how to set up.

Newlin said an issue would be overtime cost over runs?

Edwards said I was assured no. If that would be so, these buildings are roughly a 3-4 month lead time. We should probably spec it and put out to bid before the next board meeting. Not knowing the engineer of this company Mr. Lannon, this company self performs and does its own engineering and puts the snow loads. It is pretty accurate and a good drawing. If you could check them out but we couldn't use these for bid documents because they for one manufacturer. No one else can bid on them.

Lannon said anytime you are going to build anything in a municipality in NYS you have to have to have it signed and sealed by A NYS PE.

Edwards: Back to the Highway Supt. and Mr. Masters and we are going to have to figure this out. The avenue that we wanted to take is not going to work as far as the bid process.

Lannon said those types of drawings are often proprietary. Most manufactures do their own plans for their type of building. Another will give what is parallel to their competitors.

Edwards: We will have to go through that engineering costs and spec it, draw it and put it on the street for bid.

Masters asked how that would work with a pre-engineered building. Would that be out of a pre-engineered building?

Lannon: No. You could still use the pre-engineered building and that is kind of a misnomer in our discussions here. You would take the dimensions for what the Highway Supt. want to build for the lunchroom whatever it is and do the design, start with a particular manufacturer and confirming the wind load and snow load, the foundation etc.

Johnson asked wouldn't the company do that themselves? We would have to hire an outside engineer to do.....

Lannon said that unless they are a NYS P.E.

Johnson: They have to be State approved to do the engineering anyway. Aren't they. I have been told that any pre-engineered building or even modular homes have to be approved by the State. Why can't we call 3 different companies and say this is the size of the building.....

Lannon said the drawings are not stamped on any version. These are shop drawings.

Masters: He (Barco) said until he orders the building he cannot give a stamp and what he would get me would be a certificate of compliance from the manufacturer saying this meets snow, wind etc. and when the building came he would get the NYS seal.

Lannon said it is like shop drawings not fabrication drawings. This type of drawing with our stamp on it would typically be what we see as a submittal much like you would see on an air condition unit. The contractor would submit their suggested materials in terms of a shop drawing. In this case, we would set forth the minimum parameters this building had to meet. The dimensions, the width, length, height, snow loads etc. and then we would put that out to bid and then each of the manufacturers that would bid against one another would have to come with

drawings like this and do their calculations. That is where the pre-engineering comes into. They would be able to comply with what specs we would put forth.

Newlin said do we have the second route that Mr. Edwards stated...is that the way we have to go now?

Lannon: You are talking having the Highway Supt. and his crews do part of the building or just the site civil work?

Edwards: The civil work...putting in the foundations, flat work.

Lannon: To match whatever building is selected. My suggestion, is it would be well over \$20,000.

Edwards said it is tentatively \$38,000. A budgetary number. \$40,000 for the building.

Lannon: Is that number provided by DC Buildings or somebody like that.

Edwards stated as far as he knows, yes.

Lannon said we would want to double check and make sure that that number is quoted on prevailing wages in NYS. If it is not, you are looking at least 30% higher because it is NYS contract provisions that the labor has to be done with NYS prevailing wage rates. Often times, we go directly to a building manufacturer and they will give you a price to put it up as if you applied thereby not having a compliant wage rate. The law says you have to comply with the minimum wage which typically is 30%.

Newlin said we have to find out what that number is for prevailing wages.

Edwards said he has worked for that company and they have been in business for 40 years on public works. Maybe what we should do...is the Board comfortable with the concept that basically is a design built. If we have a footprint that we want to build a building 30 x 60 whatever it maybe and we need an engineer to spec the building.

Newlin: The part of the building that was lost was quite a bit smaller.

Edwards stated that they have struggled...the current building has 2 toilet room facilities. At any given time there are 30-40 occupying it. I don't think we should be going overboard but they would really like to have toilet facilities and a shower room. It is bigger than what we had.

Newlin: I understand that the insurance check was \$17,000.

Edwards said that Mr. Reiter has said that he could cover the first phase. He would like to do it in phases. In '09 cover the footings, foundation and spot work and the steel with that insurance check out of his budget.

Newlin and then next year come up with the money. I guess we need some budgetary numbers as the Board should know what it is going to cost us. Right now we are dealing with \$17,000. If Mr. Lannon is correct and that was bid without prevailing wages, I don't think the \$17,000 is going to cut it. Best estimate is \$30,000 or \$40,000?

Edwards: The structure itself would be \$40,000. Putting in this foundation would be another \$20,000 to \$25,000. An interior package would roughly be another \$25,000. Historically, those are anywhere between \$50.00 and \$75.00 a square foot. Finished. That is a \$90,000 building at least.

Newlin said we only have \$17,000. We have to verify what the real number is using NYS prevailing wages and start looking at specs.

Edwards: If the concept is okay with this Board then we can move forth with engineering drawings and get a budgetary number.

Newlin said get the budgetary number first and then build the spec off of that. If that building costs more than we can afford maybe we should look at a slightly smaller building.

Edwards: Currently it is Phase 1 would be \$60,000 and with the insurance check is enough money and supposedly in his budget to cover it.

Newlin: He has an additional \$40,000+ in his budget? Is this an update to the Board?

Edwards said we are going to have to move forward or either have a work session on this before the end of the month because the lead time is 90 days on the building. When we get in the winter the pricing changes.

Johnson said we have to make it obvious that if we are going to commit to \$80,000 or \$90,000. That is what we have to do before we sent anybody out.

Lannon: If you are going to move forward with this whether it is phases or all at once you have to be willing to pay for a \$100,000 building at least.

DiRamio said the actual highway garage is not in the Highway budget. It is in the "A" fund and I don't know how that affects it. There isn't money in that fund.

Newlin asked what the size of the building was that we lost.

Edwards: I thought it was 20 x 20.

Newlin: If we can get by with something a little bit smaller and cheaper, we should look at it first. It seems like a big jump and not knowing the requirements and the needs. \$100,000 is a big number especially with the insurance only being \$17,000. The Board isn't opposed to the idea of the Highway Dept. building it; we have to all agree on a reasonable size we can afford. We have to come with a budgetary number and then see where we would get the funds from.

Masters said we are still a little bit confused about the steel portion of it.

Newlin said it has to be speced to be put out to bid.

Lannon: We would put out a building package that would include the foundation & the structural bldg. If the Highway Supt. and his crew would be doing the site civil work that works would have to be done in advance of the work of others and before the building direction.

Newlin: The problem is do we agree that the 1800" building is what they need or can afford. That is the question.

Johnson said if Eng. Lannon can come up with several scenarios (1000', 1500').

Lannon said it is about \$50.00 per square foot finished.

Newlin said doubling it or tripling it seems fair but going from 400 square feet to 1800 is a big jump.

Palmer asked how often a day is it used. Does it have any other purpose?

Edwards said it would be multi purpose vs. the other was a break room/meeting room. The locker room is half of the building. The other is break and meeting rooms.

Palmer said we need to know what size and what price.

Newlin asked Eng. Lannon to pursue it on a small, medium and large size building.

Bax said this is contingent on what the use of the building. I think we need more input.

Palmer: If the building is going to cost \$90,000 and we have \$17,000 from insurance and \$40,000 from somewhere else, where is the rest of it coming from?

Edwards: According to Mr. Reiter it would phased. As soon as he got money he would build it. We will have a committee consisting of Mr. Masters, Mr. Lannon and myself who will sit down with Mr. Reiter. If anyone has questions please forward them to me.

Lockhart stated that the outside sewer people work out of the WPCC plant not the highway building.

Edwards: It would be the water, drainage, highway and parks there.

BAX:

Cationic Polymer Bid:

**Bax MOVED to go out to bid for Cationic Polymer for the WPCC for a 3 year period. Seconded by Edwards.**

Lockhart stated that this is used for dewatering the sludge at the plant and the current bid will expire in July.

**Carried 5-0.**

Sewer Specialist Inc.:

Bax said that this company does grouting at the plant and Mr. Lockhart is asking that we go out for re-contract with the same firm at an amount not to exceed \$10,000.

**Bax MOVED to enter into a re-contract with Sewer Specialist Inc. with an amount not to exceed \$10,000 with funding to come from the SS2 balance. Second by Johnson and carried 5-0.**

Lockhart: Last year the problematic areas for clarification were Fairway, Meadowbrook and the Gorgeview area. We will be revisiting some of those areas again this year. These are older sewers of clay tile vintage with open joints.

WNY Stormwater Presentation (Stormwater Utility District)

Bax said this is information only and it is an idea for shared services within WNY and the presentation will be made to the Town Board at a future meeting.

WPCC-Plant walk through:

Lockhart: We will invite the other communities for the walk and we will try to have it on July 21, 2009 at 4:00 p.m.

Bax: I would like to discuss in executive session sludge haul/disposal, LOOW Site-30" pipe crossing and parks labor issue.

JOHNSON:

Upper Mt. Fire Co. Roster:

**Johnson MOVED for the addition of Ryan Ankenbauer to the roster of the Upper Mt. Fire Co. Seconded by Bax and carried 5-0.**

PALMER:

Lower Niagara River Region Chamber of Commerce:

A new president has been selected and accepted and he is David Lacki.

Newlin: We will go into executive session to discuss Modern Disposal contract; parks labor issue, LOOW site-30" pipe crossing, sludge haul/disposal contract, town hall personnel and laborer update/ teamsters.

**Johnson MOVED to go into Executive Session for the above items. Seconded by Bax and carried 5-0.**

Time: 8:35 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon  
Town Clerk

Executive Session:

Present: Supervisor Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Koryl\*; Adm./Op. Lockhart & Deputy Sup. Elgin.

Issues Discussed:

1. Sludge/Haul/Disposal Contract
2. LOOW site 30" line.
3. Parks/labor issue.
4. Modern Contract.
5. Nablo-Reiter Shared Services Agreement.
6. Town Hall personnel issue.
7. Teamster's personnel issue.
8. Verizon Tower contract.

**Bax MOVED to exit Executive Session and reconvene. Seconded by Johnson and carried 5-0.**

Time: 9:50 p.m.

Action Taken:

**Palmer MOVED that the July 27, 2009 Town Board Meeting be advertised for 6:00 p.m. with an executive session for one (1) hour prior to the regular meeting. Seconded by Edwards and carried 5-0.**

**Edwards MOVED that the Verizon Tower issue be referred to the Tower Committee. Seconded by Bax and carried 5-0.**

**Johnson MOVED that a stipend in the amount of \$25.00 per month be granted to Town Clerk Brandon for use of her home phone for Town business. Seconded by Edwards and carried 5-0.**

**Edwards MOVED for adjournment. Seconded by Palmer and carried 5-0.**

Time: 9:55 p.m.

\*Minutes taken by Deputy Tn. Atty. Koryl.

