

Present: Supervisor Newlin; Council Members Bax, Edwards, Johnson & Palmer; Eng. Lannon; Town Atty. Leone; Deputy Town Atty. Koryl; Adm./Op. Lockhart; Police Chief Salada; Bldg. Insp. Masters; Finance Officer DiRamio; Rec. Dir. Dashineau & Town Clerk Brandon. 2 press reps and 18 residents.

Also Present: Supervisor Elect Reiter; Councilman Elect Marra & Supervisor's Clerk Cich, Water Foreman Robert Nablo.

The Supervisor opened the meeting at 7:30 p.m. followed by a moment of silent reflection and asked for prayers for the families of former Assemblyman Pillittere and Jonathan Miller.

RESIDENTS:

Amy Witroyl of 4726 Lower River Road. With regard to the siting process, a hearing took place last week with 250+ residents there. I and the leadership of other environmental organization spoke about CWM employees. I agree with the spokesperson for their employees that they do a very dangerous job. We are looking towards the perfect future for the community to replace and expand those with much savor. This is not about targeting a specific company. It is recognition going back to the public about hazardous or solid waste that these are uniquely regulated industries because they pose uniquely higher risks particularly a hazardous waste landfill. Thank you.

AGENDA:

Newlin: I would like to add a letter from Mayor Geiben regarding a lighting project for the holidays.

Bax: A capital improvement project re: WPCC.

Johnson asked to add the Water Model and an executive session regarding to possible litigation.

Edwards: Regarding a GASBY audit/USI Consultants.

**Bax MOVED for the additions to the Agenda as amended. Seconded by Palmer and carried 5-0.**

MINUTES:

**Johnson MOVED to approve the Minutes of 10/19/09 Work Session; 11/05/09 P.H. 2010 Budget; 11/09/09 P.H. re: L.L. #2 2009 (ZBA); 11/09/09 Work Session and 11/18/09 Budget Work Session. Seconded by Edwards and carried 5-0.**

POST AUDITS:

**Edwards MOVED for approval of the following Post Audits: Home Depot \$1198.44; Sam's Club \$121.76; Niagara Frontier Building Officials Assoc. \$825.00 and Mountain Glacier LLC \$27.21. Seconded by Johnson and carried 5-0.**

OLD BUSINESS:

1. Kenneth Staub regard to an easement for property on Ridge Road. This matter was referred to Deputy Town Atty. Koryl for next month's meeting.

2. Richard Bradt, Pletcher Road has requested an extension of the sewer line to his property where a new home is being constructed. Leone stated that he had spoken with Mr. Bradt and notified him that he could tap into the sewer system at his own expense. He has provided me with a copy of his survey and a copy of the sewer drawings. I will have it for the next meeting.

3. Small Wind Energy Conversation/Local Law #3

Newlin: We have info from the Chair E. Latko. We will bring this up at the next meeting. She and her committee feel it is important to move forward with this.

4. Amendment to Sewer Use Code/Local Law #4.

Leone: Asked that this matter be discussed in executive session to review it.

NEW BUSINESS:

1. A request from the Town Clerk to transfer \$1,500 from contingency to Account 3510.400 (Dog Control Contractual) to cover repairs to the dog control van.

Brandon stated that she had had expenses for repairs to the van totaling \$4200. There is still an outstanding voucher for \$1200.

**Johnson MOVED to expend \$1500 from contingency to A3510.400 (Dog Control Contractual). Seconded by Bax. Carried 5-0.**

Edwards suggested that we should look in the future to the purchase of new van.

Johnson: On vehicles for the Town, we should set aside monies each year as a budgetary item to cover these issues.

Palmer concurred with the budgetary process.

2. A request from the Town Clerk to transfer \$5000 from contingency to Account A1620.400 (Town Hall Contractual) to cover unexpected repairs to the Town Hall.

Brandon: Many of these expenditures were related to repairs to the roof, the existing air conditioning units and the lights in the parking lights.

Edwards asked if these expenses were part of the roof project.

Brandon stated that these repairs were prior to the roof project.

**Johnson MOVED for the transfer of \$5000 from contingency to Account A 1620.400 (Town Hall Contingency). Seconded by Palmer and carried 5-0.**

Johnson: I suggest that we put money into the Capital Account for Town Hall improvements.

NEWLIN:

Legal:

Leone: I was requested to prepare an easement for 4288 Lower River Road dealing with a grinder pump maintenance issue and Mr. Lockhart concurs.

**Bax MOVED that the Supervisor be authorized to sign the necessary documents for this matter. Seconded by Palmer and carried 5-0.**

Leone: The request from the Power Authority to have Lewiston enter into an agreement with regard to the PA constructing a new warehouse and office building along Witmer Road. They will be receiving water from the Town of Niagara but discharging into our system. I am asking that the Board consider authorizing the Supervisor to execute the documents in the form of an agreement.

Lockhart said we can rely on the water meter readings.

**Bax MOVED that the Supervisor be authorized to enter into an agreement with the Power Authority to discharge into our sewer system. Seconded by Johnson and carried 5-0.**

Leone: I would suggest that the Board have an executive session to discuss several issues involving Riverwalk concerning the bond and ongoing drainage issues.

Newlin: I attend the P.H. regarding the siting plan and urge those remaining on the Board to speak on behalf of the public's legitimate health interests in the possible expansion of CWM and the siting law that DEC is proposing to the Governor. I had a lot of issues with some facts and I talked about toxic waste being equitable distributed across the State of NY is completely **false**. Almost all of the toxic waste

that comes into NYS goes into CWM's facility. CWM has a lifespan of about 4 years and they are trying to expand that with more coming into our community.

Engineering:

Lannon: Regarding FEMA, the Town may have received a letter stating that our protests have been received.

Badger Meters:

Newlin said that he and Mr. Edwards discussed the badger meter situation with Mr. Nablo.

Bob Nablo: The Trace Readalls that we use now with the badger meters is no longer available. The new electronics called Orion will replace the Trace. The Trace Readalls that we currently use to read our water meters with will continue to read the Trace units, but will not read the new Orion. We need new software.

Newlin stated the badger meters were purchased in 2002 and are now obsolete. We are asking for \$23,534.56 which would be paid out of H-99 account.

Johnson asked if we will be using the same equipment.

Nablo said we will have a dual reading system and will be reading the tracing that is installed right now. Several other communities are using the system now. The current Trace system we have and we been told will last 8-10 years should read okay. These new ones will be for new-builts or where they have failed.

**Johnson MOVED to expend \$23,534.56 with funds to come from H-99 for the purchase of the Orion Mobile Starter Kit and software. Seconded by Palmer and carried 5-0.**

Water Model:

Nablo said our pressure regulated valve pits (13) on the escarpment lower the water pressure when it comes over the escarpment which helps the force of gravity. The pits have deteriorated greatly and they have been patched. They also leak into the valve pits and we have to pump them out. They need to be refurbished with pumps and ladders. The County Water District has been after us for a number of years and they have recently gone to a guide ??? valve that they have asked us to do the same. There is danger in going down into these pits and they are not up to OSHA standards. All 13 pits needs repairs.

Lannon concurred with Mr. Nablo's assessment.

Johnson: We spent the money for the water model and I think we should move forward and get them repaired. Are they repairable or do we need to replace the pit itself?

Nablo: The costs for all of the bushing, parts etc is expensive and the costs could run between \$4000-\$6000 a piece. It will be labor intensive to open the top of these vaults, break the concrete, and raise them up to ground level and a new lid put on. The dimensions are 15' x 7', 6' tall and 6-7' wide and the manhole is about 28 inches. The cost for all of these improvements would probably be \$20,000 per pit. Four of them are our biggest distribution system and the most important ones. One of them is also dangerously close to the road and we should go across the road and build a new one.

Johnson asked that Mr. Nablo get together with Eng. Lannon and come up with a priority of the ones most needed and the costs. Also, the costs of the others.

Edwards asked about them being OSHA standards. Do we go into them?

Nablo: We do but.....

Edwards said let's take the lids off and get new lids with doors which should be the first part. Second, would be the replacement of the valves but I would rather do the whole project. The county is standardizing for a reason and we should standardize with them. I would like to see a total package.

Newlin said we need a prioritize list.

Lannon said the cost would be around \$300,000 which could include boring across the road. I will get together with Mr. Nablo on this.

Library Request:

Newlin: We had a request from the Library for books, CD's, DVD's, software and shelving etc. and finish a landscaping project. This was in their 2010 budget request but we have determined that we do have money in the current accounts for 2009.

**Newlin MOVED to appropriate \$17,000 from Account H-99 to the Lewiston Library to cover the costs of these items. Seconded by Bax and carried 5-0.**

Newlin: It is important for the Library to keep investing in new materials because it increases the amount of user visits and checkouts and the Library gets more funding from the NIOGA system.

Census Update:

Newlin: A letter from John Sharpe stating that of the 775 updates submitted, 720 were accepted. The remaining 55 were rejected based on various reasons. The Board will not be appealing the findings. The final phase of the Census updates will be the Town submitting updates for new construction from March to December of 2009.

Brandon: The date for any objections has been moved from 30 to 45 days. We do not have to take any actions if we don't plan to object.

Employee Handbook:

Barbara Cich: Previously, the Board had review changes and made some recommendations. It was then submitted to the Personnel Cmte. for their review of some minor changes

**Bax MOVED that we accept the changes to Section 200 through Section 806 be put into our current policy manual as recommended by the Personnel Cmte. Seconded by Edwards and carried 5-0.**

Lights @ Village Entrance:

A letter was received from Mayor Geiben asking if the Town would absorb the cost of lighting the trees at the entrance to the Village for the Christmas holidays.

Brandon stated that the lights have been already been installed and the Town has absorbed the cost of the electricity at that location for a long period of time and we will continue to do so.

JOHNSON:

Difibulators:

Newlin: Mr. Rotella is working on the costs of obtaining these and will report back to the Board. \*Information was faxed on this by Mr. Rotella.

Upper Mt. Fire Co. Roster:

**Johnson MOVED for the additions to the Upper Mt. Fire Co. Roster; Jonathan Wolf; Michael Barry; Matthew DeMarco and Richard McKee. Seconded by Bax and carried 5-0.**

EDWARDS:

Sanborn Historical Restrooms: I am working with Mr. Masters regarding some code requirements and I will put a budget number together to consider.

Edwards: I have one item for executive session regarding personnel/Building Inspections.

Also, we have received a letter of resignation from our Town Historian, Marcia Rivers with regret. I would like a letter sent to her on behalf of her service to the Town.

**Master MOVED that a letter to sent to Mrs. Rivers and a proclamation be prepared when she returns to the area. Seconded by Bax and carried 5-0**

In her letter she noted that there is an historic sign across from Stella Niagara which needs repainting. I would like Mr. Masters to look into this matter and get some prices on it.

Palmer asked if the signs are State historical signs and they are in need of repair.

Newlin said they are in the County ROW.

Johnson asked if anyone had contacted Leg. Ceretto regarding this.

**Edwards MOVED that funds from H-99 not to exceed \$500 and that the Building Inspector at his discretion hire a contractor for repairs. Seconded by Johnson and carried 5-0.**

Basis Health Plan/Non Union Employees:

In your packets, Independent Health Flex Fit is the lowest. Single Plan is \$396.12 and Family \$1,049.71.

**Edwards MOVED that IH Flex Fit Select as the Town's health care plan for non union employees. Seconded by Bax.**

Newlin said we get 3 quotes every year and try to select the most affordable.

**On the Motion, carried 5-0.**

GASB-USI Service Consultant Group:

Edwards stated that we have used this firm in past to conduct an audit that meets the standards of GASB-45. The cost for the full valuation and report is \$3900. We have \$10,000 currently in account A2020.-0401.

**Edwards MOVED that \$3900 be taken from Account A2020-0401 for a full valuation and report from USI Consulting Group for the GSB Statement #45. Seconded by Johnson & carried 5-0.**

PALMER:

From the Planning Board, we have correspondence that they reviewed a rezoning request from Al Scrivani of 1101 Upper Mt. Road, SBL# 102.14-3-27. The Planning Board recommends denial of the request. Attached are the responses from the Environmental Comm. and the N.C. Planning Board. The request consisted of rezoning an R-1 single family lot to be Business at that location. It was formally zoned Business and changed back to R-1

Masters said that he had a meeting with the neighbor next door and on Marywood who objected to it and it was denied because he did not have a full plan together for fencing or barrier requirements. They told him he could come back with a better plan.

**Palmer MOVED to accept the recommendation of the Planning Board to deny the rezoning request of Mr. Al Scrivani of 1101 Upper Mt. Road. Seconded by Bax and carried 5-0.**

BAX:

Equipment/Recreation Dept.

Mr. Dashineau is requesting 2 pieces of equipment (mower & tractor) with the total cost of \$24,000.

Dashineau indicated that his department has only one working mower and other one is in need of repairs costing \$2000. The tractor as a blown engine.

Newlin said he would come up with some funding options for the next meeting.

Dashineau said they were not urgent at this time.

Edwards: With these 2 pieces of equipment and we currently cut our own parks, will this be true next year?

Dashineau said they are planning on using this equipment and maintain the parks.

WPCC:

There will be a Tri-Community Meeting tomorrow regarding the treatment plant and Mr. Lockhart would like some feedback from the Board with respect to capital improvements.

Lockhart: From the meeting we had in July regarding a needs assessment for upgrades at the plant i.e. generator. The process is to authorize the engineer to go forward with a map plan and report that could be paid for on the current fund balance of the plant not to exceed \$10,000. In order to use fund balance that has the approval of this body and also the Sewer Advisory Board. I will be meeting with them tomorrow, so if I could get for your consideration approval for this and then I could take it the Advisory Bd. The main goal of this is to handle projects on the shelf and get them ready to go. At DEC they are revamping their scoring criteria for grant consideration on low interest loans or negative interest loans. We have to have a project ready and your plans ready to “roll” with the engineering done. The map plan report is the first formal step of this before we can even get any considerations for granting.

**Bax MOVED that contingent upon the Sewer Advisory Board approval to not to exceed \$10,000 from Fund Balances for a map plan and report for capital improvements at the WPCC. Seconded by Johnson and carried 5-0.**

**Motion to go into Executive Session made by Bax, seconded by Johnson and carried 5-0.**

Time: 8:35 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon  
Town Clerk

Executive Session

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson and Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Koryl\*; Engineer Lannon and Bldg. Inspector Masters.

Issues Discussed:

1. Personnel issue re: T. Masters residency extension.
2. Riverwalk S.D.
  - a. J. Deck request to pull bond.
  - b. Letter from NYS OPR (10-27-09)
  - c. J. Deck request for reimbursement..
3. Sewer Use Code Amendment-Modification of proposed local law.

**Motion by Palmer, seconded by Newlin to exit Executive Session. Carried 5-0.**

Time: 9:35 p.m.

**Palmer MOVED to extend Bldg. Inspector T. Masters residency waiver to August 1, 2013. Carried 5-0.**

**Palmer MOVED to set Public Hearing re: Sewer Use Code; Chapter 21 as modified for 12/14/09 at 6 p.m. Seconded by Newlin and carried 5-0.**

**Palmer MOVED to adjourn, seconded by Newlin and carried 5-0.**

Time: 9:40 p.m.

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