

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; Eng. R. Smith; WPCC Ch. Operator J. Ritter; Bldg. Insp. T. Masters; Budget Director M. Johnson; Hwy. Supt. D. Janese; Police Officer B. Hall; 3 Press; 15 Residents & Dep. Town Clerk C. Schroeder

The Supervisor opened the Public Hearing on the Acquisition of Legacy Drive, as advertised:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston on the 25th day of June, 2012 beginning at 5:45 PM at the Town Hall, 1375 Ridge Road, Lewiston, New York to consider the following act:

PROPOSED ACQUISITION OF REAL PROPERTY FOR THE PUBLIC PURPOSE OF COMPLETING THE DEDICATION OF THE PUBLIC ROAD KNOWN AS LEGACY DRIVE IN THE TOWN OF LEWISTON HAVING APPROXIMATE DIMENSION OF 81' X 150' WHICH IS FURTHER IDENTIFIED AS SBL#101.12-1-37.

All residents for or against said proposal will be given an opportunity to be heard.

By order of the Town Board
May 24, 2012

Carol J. Brandon
Town Clerk

The Supervisor asked the Town Attorney to comment.

Dowd said he has indicated that we are going to have to wait to some degree to allow for the State appointment of an executor for the estate of a recently deceased property owner, Dominic Massaro to be involved in any discussions they may have. I think it prudent we have the public hearing tonight. The Board certainly won't take any action tonight on these conditions. We can leave the public hearing open for further comment for any member of the public that would like to speak on the matter.

The Supervisor opened the public comment period.

M. Jacquie Lodico, 724 Northridge Drive, said her driveway goes right into Legacy Drive. I have lived there for nine years. I have experienced the problems of Legacy Drive and the fact the road is not opened. The two sets of buildings are vacant and seem to be abandoned. I would prefer that road be opened under the conditions that you are speaking of so that our property values will stay stable or go up. We would like to see the road opened finally.

Reiter asked for a motion to adjourn,

Winkley MOVED to adjourn the public hearing. Seconded by Bax and carried 5-0. Time 5:50 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra, E. Palmer and R. Winkley; Dep. Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; Eng. R. Smith; WPCC Ch. Operator J. Ritter; Bldg. Insp. T. Masters; Finance Director M. Johnson; Hwy. Supt. D. Janese; 3 Press; 15 Residents and Dep. Clerk C. Schroeder

Also Present: Dep. Hwy. Supt. K. Payne

Councilman Palmer led the Pledge of Allegiance followed by a moment of silent reflection.

Reiter opened the two minute statement period.

RESIDENTS STATEMENTS:

Al Kravitz, 4999 Meyers Hill Road asked if any member of the Board has driven on Bridgeman Road lately. New York State made a statement that Niagara Falls has the worst roads in New York State and Bridgeman Road must be next! I called Steve Reiter about five weeks ago about the condition of the road. His answer was that he was looking into it. After two weeks I called Mr. Janese our Highway Supt. and asked him when Bridgeman Road would be paved. He has saved a lot of money for the Town, plus the winter savings because we did not have that much snow. He told me he has no money to do the road work. Steve should take care of our Town problems first before spending thousands of dollars on his pet project -- Joe Davis Park -- that we do not own! You guys should do something about it. Spend the money for our Town first, and then on Joe Davis.

Rosemary Warren, 5842 Griffin Street: I've written to Senator George Maziarz and sent him the budget of the LDC for Joseph Davis. I mentioned before, a \$100,000 salary for a consultant that is not from Erie or Niagara County is a little excessive. \$10,000 for misc. was a little vague and also that we don't own the land. I also sent him the page that said this LCD would be able to borrow any amount of money. They are like a quasi. They do their own thing. That is why Comptroller DiNapoli is always looking into them. Anyway, this is the letter I got answered from Senator Maziarz dated June 4: Thank you for your recent letter regarding issues surrounding Greenway and Joseph Davis State Park. I greatly appreciate your input and insight in this topic. Please know I understand the concerns you raised in your letter. I'm keeping a close watch on all of these situations and I will be sure to keep your thoughts in mind as all of these topics continue in discussion. I will also be sure to share your comments with my colleagues as well...

The other thing is the 20-year lease. I don't think it sounds like you negotiate very well. In accordance with equitable law, all capital improvements made to the licensed premises shall become the property of State Parks upon the completion of construction and the issuance of a Code Compliance Certificate. I think for the 20- years you might have taken a half a step forward but three steps backward. You still don't own the land and yet you're going to put money into buildings and whatever else for people to use. It just does not sound like a good deal. I don't know who negotiated this deal. This was not a strong position for the town to take whether it's Greenway money or our money.

Paulette Glasgow, 836 The Circle, read the following statement: At our last Board meeting, there was a vote taken on what was termed a change order to the Elm-Annover waterline project. Before the vote was taken, the Supervisor was asked three straightforward questions regarding funding of this new work.

Dowd: Will we have to adjust the bond amount?

Reiter: No.

Dowd: Will we have adequate funds to pay for it?

Reiter: We will have adequate funds to pay for it.

Palmer: Where are the funds coming from?

Reiter: They are coming out of the paving budget.

I asked the Highway Supt. last week if any of the money for this project had come out of his paving budget. His answer was “no”.

The Town Supervisor assured both the Town Board and the public that we would not have to adjust the bond amount and that we have adequate funds to pay for this work. As the Chief Fiscal Officer I am sure he knows what funds are on hand and available in each account. So, because of the fact that we have the Supervisor’s word on record that we aren’t going to adjust the bond, and the Highway Supt. said that we are not using any money from the current paving budget, my question is exactly how is the Town paying for this new project? Since public funds are involved, the media and public have a right to know where these funds are coming from. I would hope and expect that we will get an answer from the Board at the next meeting.

The second issue I have is that this project was completed as specified in the contract prior to approving this repaving. All the road surfaces that were disturbed during the waterline construction were re-paved per the specifications set out in that original contract. There was no issue of public safety or any other compelling reason to be in any rush to simply hand out what amounted to a \$120,000 no bid project to anyone. If there was no urgency, why wasn’t this work put out to bid to make sure the taxpayers did not overpay to have this work done. My understanding is that the Board didn’t even bother to obtain or review any quotes from any other contractor prior to taking this action.

I also want to know by the next meeting if the Town Board asked the Highway Dept. to do this work themselves, which no doubt would have saved the taxpayers tens of thousands of dollars. Having been the Highway Supt for ten years, Mr. Reiter had to have known that there would be a huge cost savings to the taxpayers by using Town forces to pave these streets.

My understanding is that the repaving of this subdivision had been planned for over three years, and according to the New York State **Town Law Manual for Town Supervisors and Town Boards**, this was not a change order at all. .

This change did not relate to details or relatively minor changes, and it isn’t merely incidental to the original contract. This work totally varied from the original plan and contract. The purpose of the contract was solely for a water line replacement. In fact, the signed contract proposal for this project is titled “**Elm and Annover Water Line Replacement Project**”. It didn’t involve paving. In light of all these things, why did you re-pave this subdivision? Why didn’t you go out to bid?

I myself have little doubt that this paving work was definitely a new undertaking and as such should have been treated as a completely separate issue. And, if so, both the Town and State policies with regard to procurement should have been observed. You are the financial board of this Town. Mr. Reiter, you are the chief Fiscal Officer. I would hope that at the July meeting the public will have a full accounting of why this public money was spent like this.

Susan Ishman, 1559 Swann Road, came before the Town Board on behalf of her family and neighbors concerning ditches in front their houses. The pipes are cracked and caving in. Her driveway is all cracked up because the pipe under it is so old. There is stagnate standing water. There are mosquitoes and other nasty things in the water. She asked if there was money in the budget to have the ditches cleaned and the pipes replaced. She asked when the work could be done. Reiter said they will look into it.

Thomas Casillo and Robin Aubin, 5893 Kline Road, spoke about the conditions at the Kline Road Cemetery. For the matter of public record, Casillo said this issue was brought to the attention of the Town as far back as 1944. In 2006, the previous home

owner asked to have some work done. There was grass cutting done at that time to start initiations. In 2007, Casillo said he came before the Board asking for some help as the family monument was stating to lean and is ready to fall. At that time, former Councilman Sean Edwards, and Councilman Bax were working on issues to try and obtain funding from New York State in regards to abandoned cemeteries. The last correspondence he saw was in the minutes of May, 2008. In 2010, Casillo said he sent correspondence asking for the Town status on this. He had not received any answers. Again, in 2011, he has sent letters to the Town. The Highway Supt. was kind enough to come out. We surveyed the area and got a penetrating ground radar mapping of the cemetery which we still have not found any results from. They were not going to release them to me. They said the information would be released to the Town.

Reiter: When I was the Highway Supt. and Parks Supt., we cleaned out that cemetery in the mid 1990's when Mr. Elias lived there. There was an easement problem. There was some sort of issue there but we got it all worked out at that time. What I would like to do with the Board's permission is to meet with Mr. Casillo and develop some kind of plan they would like to see up in that neighborhood similar to what we did with Dickersonville Cemetery.

Casillo: I went to the Niagara County Geological Society and did some research. From their information, because of the fact that this particular monument is leaning, it could become a hazard to the public. There are people who come to visit the cemetery quite often. There's supposed to be monies available from the State for that. They say if this monument does collapse there is nothing they can do. We're at a point in time where we can do something and look at avenues to find the State funding that is available out there.

Reiter asked Mr. Casillo to contact him to set up an appointment. Mr. Casillo then submitted a remedial plan for them to discuss.

Ms. Aubin: Is there any way of knowing exactly how long or how much longer we have to wait. That stone is falling from the top already.

Reiter: We'll to something to address that as quickly as possible.

Palmer: We should be able to do some type of temporary fix to prevent any further damage.

Jeff Manning, 608 Briarwood Lane, said he has been trying for a year to get a runoff drain in his backyard. I've gotten a lot of people out to look at it and recognize the problem but I need to get a date because I have two other private contractors to do work in my yard but that needs to get done first.

Dana Varney, 5962 Hyde Park, said there are a bunch of paper alleys up where I live and I own on both sides of this paper alley. I was looking to build a garage and fence in my yard but in order to do both I would have to get a variance. Reiter said he spoke with the Building Inspector about that. He turned this matter over to Atty. Davis, along with the Building Inspector, to help address this situation.

AGENDA:

Additions:

Bax: Paving Issues

Marra: Parks/Recreation hires

Reiter: Executive Session re Contractual Matters re Joe Davis Park

Marra MOVED to accept the agenda, as modified. Seconded by Palmer and carried 5-0.

Reiter said he had a request from Neil Patterson Sr. to set up a meeting with the Tuscorara Council at their new facility on Mt. Hope/Walmore Road. The Board agreed to meet on Tuesday, July 24 at 4 PM.

MINUTES:

Marra MOVED to approve the minutes of 5/14/2012 (Worksession) and 5/24/2012 (RTBM). Seconded by Bax and carried 5-0.

Johnson asked for a correction of the minutes of 5/24/12. On Page 67, it should reflect that \$68,000 go to DB 5110.0100 and \$25,000 to DB 5110.0400.

Marra MOVED the amendment. Bax seconded the amendment. Carried 5-0.

ABSTRACT OF CLAIMS:

Winkley MOVED to approve the Regular Abstract of Claims numbered 1837 to 2227 and recommended payment in the amount of \$455,755.62. Plus a Post-Audit of \$93,646.71. Seconded by Marra and carried 5-0.

POST-AUDIT:

Winkley MOVED for approval of post-audit payments to Home Depot - \$559.27; Sam's Club - \$999.57; Joe's Country Catering \$1,239.00; Oce Financial Services - \$575.00; and LEAF - \$555.08. Seconded by Marra and carried 5-0.

OLD BUSINESS:

Noise Ordinance: Dowd said he prepared a proposed draft for the Noise Ordinance because the current law is too vague and not enforceable. Dowd said he sent it to Chief Salada for his review to check that the hours were appropriate and the decibel values were adequate. He is waiting for his response before proceeding with a public hearing.

CLERK'S CORRESPONDENCE:

None.

Supervisor Reiter:

Legal: Acquisition of Legacy Drive pending appointment of State Representative.

Engineer: Back-up Generators.

Eng. Smith there was a bid opening in May 2011 for the installation of back-up generators at various town facilities (Town Hall, Police Station & Highway Garage). At that time, the Town tabled awarding a contract as funds were not allocated for the project of this size. Recognizing the Town's financial concerns, Smith said the Police Department secured a grant covering approximately 77% of the cost associated with the work laid out in Bid Item No. 2 -- \$71,450.00. Eng. Smith said Nussbaumer revisited the design and were able to find areas to save money in which approx. 15% of the cost of Bid Item No. 2 (\$10,717) would be the responsibility of the Town. Should the Board wish to proceed with the work at the Police Station it would be in compliance with contract documents. The low bidder, Bondi Electric, has agreed that his bid price would remain unchanged from 2011.

Reiter said he and the Finance Director will try to find a funding source to proceed with this work. No action taken at his time.

Finance: As a result of the merger of HSBC Bank with Key Bank effective July 16, Reiter said they have to add Key Bank as a Town Depository. **Bax MOVED for approval, Seconded by Marra and carried 5-0.**

Councilman Winkley:

Upper Mountain Roster: Winkley said the following persons are no longer members of the Upper Mt. Fire Co. and their names should be deleted from the town roster:

Ross Bellitto, Eddie Brown, Allison Bunnel, David Burke, Matt Christman, Emily Daggett, Matthew DeMarco, Ben Dick, Francis Feely, Richard McKee, Charles Price, Steven Reid, Andrew Siedlecki, and Sandy Wilson.

Winkley MOVED for approval, Seconded by Marra and carried 5-0.

Councilman Bax:

Drainage: Bax said the Town received the following correspondence from Kevin Udit, 1120 Swann Road:

It has been brought to my attention that the Town and/or Steve Reiter plans on putting a drainage ditch or pipe on my neighbor's property located at 1108 Swann Road.

Some 25-30 years ago, the Highway Dept. was negligent for putting a ditch in 2-4' off my neighbor's property on to mine (I did not own it at the time). This was done at my neighbor's request. It should have been put 100% on his property at the time or at least on the lot line. I hired a professional drainage contractor to fill in the ditch and did not change the grade. My neighbor's property used to drain into the "old ditch" that was on my property by 2-4' and my neighbor's yard still drains on to my property. My neighbor has never had a ditch on "his" property and still doesn't.

I can't understand why the Town would show special preferential treatment for a single resident. I had to pay \$3,000 to correct the wrong that Steve Reiter created 25-30 years ago.

Steve Reiter became aggressive towards me in the Town Hall in February of this year. That same day I reported Steve's actions to the Chief of Police, Republican Chairman, and the Highway Supt. Further details are in my Police/Court deposition dated 2/29/12.

I am totally against using taxpayers dollars to improve the property of a single resident.

If it doesn't benefit everyone in the Town as a whole then I find it strange that the Town would even consider it.

Article II Code of Ethics, § 8A (Standards) 5C states: No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

Bax said he was unfamiliar with the history on this particular piece of property. He asked the Supervisor to speak to this. Reiter said this is a neighbor dispute. There were some situations about drainage and there were also complaints about noise. There are a lot of problems there. We have tried to address that by offering to straighten out the drainage. Reiter asked for the Building Inspector's perspective.

Masters: Mr. Udit basically said that he didn't want us to do it. He would get his own pipe.

Reiter: It's gone back and forth. One minute they want it. One minute they don't want it. It makes it very difficult for me to address it with the Highway Dept. or the Stormwater Management people. I'd like to resolve it but every time we try to resolve it we have a new set of rules.

Bax: Do you know which way the water is flowing?

Masters: From the 3F Property to Swann Road. It flows north. His complaint is, now that he has put his pipe in he doesn't want us to come back in and disturb it. Now that he has spent the money on his own pipe. The Town was going to go in and put a ditch on the property line. The ditch has been there for 20 years. Now that he has put his own pipe in he's objecting to the Town doing any work to benefit his neighbor because he put his own pipe in.

Bax said the parties can come in and talk with the Board if they so choose. No further action will be taken.

WPCC:

Workplace Violence: Jeff Ritter said he would be conducting a Workplace Violence Prevention Training for Town employees on Thursday, June 28 at 8AM at the WPCC. Training would be provided at a later date for those employees unable to attend.

HVAC Upgrades: Bax said the WPCC would like to go out to bid for HVAC upgrades.

Bax MOVED to advertise for upgrades to the heating and air conditioning unit at the WPCC. Seconded by Marra and carried 5-0.

Watchperson: Bax said Jeff Ritter would like to have Michael Richards appointed as a Watchperson at the WPCC. He was chosen from the Niagara Co. Civil Service eligibility list and has been working at the plant for a month.

Bax MOVED for approval. Seconded by Marra and carried 5-0.

Highway: Bax said the Highway Supt. provided cost estimates for 2012 paving for the following streets: Dickersonville, Elm/Annover, Bridgeman, and a portion of Swann Road (from Creek to Model City). Bax invited the Highway Supt. to address the Board.

Janese said he first wanted to address an issue on Swann Road. Reiter said there is a crossover pipe on Swann Road that has periodically been maintained over the years. The driveway pipes are 6-7 inches above the bottom of the ditch. You have standing water there constantly. I looked at it a few weeks ago. We did some cleaning there but the water is stagnate and extremely foul. My solution, if the Board wishes to go along with it, is to pipe the entire section in. There is about 1,000-ft of pipe there.

Secondly, Janese said the paving estimates are the same numbers he provided at the January meeting. I don't think it makes any sense to review them tonight. But, I'm getting more and more people like Mr. Kravitz wanting to know when we're going to pave. Whenever the Board is ready, I'm willing to sit down and work out a 284 agreement. I don't know if there is any funding available or not. The funds that I was granted will not pave any of these roads – not one. The only thing I do say the meter is running. If you continue to try and save money on roads I understand that but every single year more and more roads will need to be done until it gets to the point where numbers are going to be unmanageable. Something has to be done to address the roads. Whatever it is it's up to the Board.

Palmer: Is money available for this?

Janese: No. We were granted \$100,000 total for the second year in a row. Elm/Annover has already been done. Dickersonville is estimated at \$184,300. Bridgeman is \$152,560 and Swann is \$147,808. These roads are in pretty poor condition.

Palmer: How much is left in the paving budget now?

Janese: I think there is \$50,000 something because there was encumbered money from last year over a payment dispute...

Palmer: So how are we going to pay for this if you don't have the money?

Janese: I have no idea Councilman. You're going to have to find the funding. I don't know. I simply cannot pave without money.

Palmer: We need a realistic budget proposal.

Janese: These are realistic.

Palmer: When it's time to submit your 2013 budget for paving, it has to reflect accurately what it will cost.

Janese: I understand that. Mr. Reiter averaged \$350,000 a year when he was Superintendent. I was told last year by the Supervisor that he would find an additional \$300,000-\$400,000 from H-97 (Permanent Improvement) for the paving. I was told the same thing again this year.

Palmer: My suggestion is that you ask for the amount of money you need.

Janese: This year I'll simply tell the residents that the Town does not have any additional funding. I'll put in the funding for next year. We'll go from there.

Bax: Is there any funding available for paving projects right now?

Johnson: There might be a little bit but we have to be cautious we don't go over the 2% tax cap. I have to make up monies. I have to ask department heads to shave down on the spending to see if we can raise enough money to offset those costs from the 2%. In 2013, you're going to have a real difficult time trying to do it without surpassing the 2%... because of the contractual agreements you have with the fire companies, etc.

Bax: We're getting residents coming in complaining about the roads. They deserve some sort of response. If there is no money available then we need to start researching some other funding options.

Johnson: Last year, the Highway Department spent 2.4 million dollars in the budget. Only \$2 million dollars in revenues came in. We had a short-fall. We used H-97 monies to offset that budget by \$320,000. The paving list he gave me is \$500,000. You're probably better off to bond it. You can borrow money real cheap. It's something you should sit down and look at.

Palmer: We can't bond every year, we have to have an annual solution for the paving problem.

Janese: Every year you don't pave you get further and further behind. When Steve was Highway Supt he said if you're not paving 4-5 miles a year you're falling in a hole.

Bax: What I'm concerned about is we're never going to be able to fund paving because of the 2% cap. This is a perpetual short-fall. I would suggest we sit down and pick out which one of the three roads is in the most dire need.

Janese: Every one of them needs to be repaved.

Winkley: But if you don't have the money you have to choose one. If someone has to pick it should be the Highway Supt.

Janese: I understand. I wanted you to have some input so you can make an informed decision. That's all. If you're asking me which one I should pave – ALL OF THEM.

Lastly, Janese questioned the \$93,000 FEMA monies from 2011. Are we going to schedule a public hearing on this?

Reiter said no action has been taken at this time.

Councilman Marra:

Parks & Recreation Hires: Marra requested that the following applicants be considered for employment in the Parks Department as Seasonal Laborers. (Michael Ziobrowski and Robert Rougeaux previously hired are no longer in the Town's employ.)

Parks Laborers:

Brian Strickland - \$10.50 p/h
Isam Abdellatif - \$8.50 p/h
Keith Bajor - \$10.20 p/h
Michael Celeste - \$8.50 p/h
Arthur Gifford - \$8.50 p/h
Camerson Caso - \$8.00 p/h
Alex Boniello - \$8.00 p/h
Tyler Reuter - \$8.00 p/h

Recreation Aides, P/T

Samantha Barone - \$8.25 p/h
Courtney Brydges, \$9.00 p/h
Alexander Caballero - \$8.50 p/h
Ben Casale - \$8.25 p/h
Tiffany Chandler - \$10.00 p/h

Tegan Foley - \$8.25 p/h
Justin LaDuca - \$8.25 p/h
Brandon Minicucci - \$8.25 p/h
Richard Minicucci - \$8.25 p/h
Braiden Oakley – \$9.00 p/h
Kaylin Ranagan – \$9.50 p/h
Ben SanGiacomo – \$8.25 p/h
Kelly Stivers - \$9.00 p/h

Marra MOVED for approval. Seconded by Bax and carried 5-0.

In response to an earlier statement from Al Kravitz, Marra said that Joe Davis Park funding comes from NYPA Greenway Monies, which purpose of is to have park connectivity from Lake Ontario to Buffalo. Town infrastructure and those types of things are not eligible thru NYPA Greenway funding.

Councilman Palmer:

Street Light – Cayuga Drive: Palmer said this subject came up at the last meeting in request for a street light at 688 Cayuga Drive. I was under the impression this was resolved with the direction to the Police Chief to make frequent checks over there to deter further vandalism. There is already a street light next door, Palmer said.

Special Use Permit Modification (Meyers Hill Road): The Planning Board on May 17, 2012 denied a request for a modification to an existing special use permit from Roger Licino, Meyers Hill Road, SBL#104.00-1-25, as the Town Code does not have any provisions for modifications to special use permits.

Palmer MOVED to accept the Planning Boards recommendation. Seconded by Bax and carried 5-0.

Riverwalk Association/Sidewalk Repair: Palmer referred to correspondence from Diane Ruppel-Yeager, Community Assoc. Manager for Riverwalk Assoc. regarding the poor condition of the perimeter sidewalks on the property. Palmer said he has been in conversations with the Building Inspector and Town Engineer to get this matter resolved by the end of summer by using escrow money to repair the sidewalks.

In closing, Reiter read an announcement of upcoming meetings:

**RTBM, July23, 2102, 6 PM.

Supt. Janese asked to address the Board on two matters. First, he said the Sanborn Farm Museum group is asking for the Highway Department's help in some grading and stone removal.

Secondly, Janese said he would like the Board to respond on whether to proceed with the drainage issue on Swann Road. He estimated the cost to be about \$5,000. Funds are available for this project. This runs into another issue with a private property. I just want to take care of it.

Reiter: I appreciate that you're bringing it to our attention. Road culverts are in the Right-of-Way. If it's a road culvert in the R.O.W. than that is not private property. The R.O.W. belongs to the Town. If you have a situation where you feel it's necessary to install pipe for safety, for securing of the bank, erosion or whatever that is totally at your discretion.

Janese: If I didn't think it was for those valid reasons I wouldn't have brought it to your attention. I just wanted to make you aware of it.

Reiter: As far as helping the Sanborn Farm Museum, similar to the unfortunate article in the paper today, the Town Board feels if they can help where appropriate any of our community or civic organizations, I feel the Town Board will always give approval. But I do feel the Town Board should be notified so we don't get phone calls. It is best we hear from you first.

Dowd: We went thru this with the Comptroller's office in the past. As long as the work is done as a general town benefit or some ancillary benefit to the property owner it's up to the Highway Supt...

Lastly, Janese asked Bax when the \$93,000 in FEMA monies would be transferred. I thought we were waiting for a public hearing. Is this something of a dead issue now? Bax said this should be addressed in executive session with the Town Board.

Janese said he would make himself available when the Board is ready to meet.

Bax MOVED to adjourn into executive session for contractual issues. Seconded by Palmer and carried 5-0. Time: 7:05 PM.

Present: Reiter, Bax, Marra, Palmer, Winkley; Atty. Mark Davis; Atty. Mike Dowd; JDSPLDC member Neil Nolf and Consultant Louis Giardino.

Item Discussed – Contract with Engineering Firm regarding Boat Launch project at Joe Davis Park.

Marra MOVED to exit executive session and re-convene the regular meeting. Seconded by Winkley and carried 5-0. Time 7:25 P.M.

Dowd said the Board discussed a contractual arrangement regarding an Engineering Firm to do some work at Joe Davis Park. It is the Board's intention to accept the proposal of CRA Engineers contingent upon the Town entering into a Memorandum of Understanding with the State of New York which is being negotiated now for a 20-year operating agreement with the State.

Bax MOVED for approval, with contingencies as stated. Seconded by Marra and carried 5-0.

Reiter said this is the recommendation of the JDSPLDC after reviewing RFP's.

For clarification purposes, Bax said the engineering is for the Boat Launch project.

Bax MOVED to accept Lead-Agency status for said project. Seconded by Palmer and carried 5-0.

CRA Engineer Bob Lannon said they would be following Nationwide Standard permits.

Marra MOVED to adjourn, Seconded by Bax and carried 5-0. Time: 7:30 P.M.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk