

**PRESENT:** Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Supervisor Elgin; Town Attorney Leone; Deputy Attorney Boniello; Finance Officer DiRamio; Building Inspector Masters; WPCC Chief Operator Lockhart; Town Engineer Lannon; 2 Press; 1 resident and Clerk Donna Garfinkel

Supervisor called meeting to order – 5:35 p.m.

Board members requested additions to the Agenda. Bax requests an addition to the Tower/Wind Energy Research Committee and the authorization for the Supervisor to sign a letter to the DEC regarding CWM. Newlin requests addition of a legal personnel issue. Edwards request the addition of an invoice payment.

**Johnson MOVED to approve the additions to the Agenda, Seconded by Bax and Carried 5 – 0.**

*First Agenda Item* – Approval of Abstract.

**Johnson MOVED to approve the Regular Abstract of Claims numbered 1 - 156 and recommends payment in the amount of \$532,564.88, Seconded by Edwards and Carried 5 – 0.**

**Johnson MOVED to approve the Post Audit and recommends payment in the amount of \$142,810.61, Seconded by Bax and Carried 5 – 0.**

*Second Agenda Item* – Supervisor's Annual Report of Funds.

**Palmer MOVED the receipt and filing of the Supervisor's Annual Report of Funds, Seconded by Edwards and Carried 5 – 0.**

*Third Agenda Item* – Power Credit Administration. Newlin noted there are approximately 13 to 16 families in Lewiston that are having a problem getting their credit from the Power Allocation Program. Attorneys are addressing this with National Grid. With there being several postal addresses in Lewiston, other than Lewiston, it is causing confusion at National Grid.

Newlin said there is an opening in the Town drainage department. An employee will be retiring on January 25, 2008. Clerk Barb Cich received a memo last week from Steve Reiter stating he was going to hire Andrew Reiter as a laborer in the drainage department, with the start day of December 31, 2007. However since that, several things have been brought-up.

Leone does not know if Reiter has the authority to make an appointment to the drainage department. He does have the ability to hire and fire in the Highway Dept., which is generated by statute, New York State Highway Law. Even if an appointment was made in his own department, it would be subject to Town policy, as to hiring and having relatives employed in the same department. The Town Policy Manual restricts this sort of thing.

In the drainage department there is no statutory authority for this. The only way Reiter would have the ability to hire and fire would be, as if in the creation of this position, the Town Board granted that authority at that time. It is suspected that this did not happen. Therefore, the hiring and firing in this department would then fall under the purview of the Town Board.

Newlin contacted the Association of Towns legal department and they agree that in the case of the drainage dept., it is a Town Board appointment. A sub-committee should be created to help with the interviews.

The Town has an anti-nepotism policy. It is believed that Andrew Reiter is Steve Reiter's son. Andrew Reiter is already on the payroll. It is believed his first day was

December 31, 2007. A check was issued during the first pay period of 2008. Newlin does not begrudge him getting paid for the work he has done, but Reiter may not have been aware of the fact this is a Town Board vacancy. Edwards was asked to contact Reiter asking for a list of those he interviewed.

No Board member is aware of the job being posted or advertised for.

**Johnson MOVED to authorize the Town Clerk to post the job, then advertise for the job opening, Seconded by Bax and Carried 5 – 0.**

It was questioned if Andrew Reiter would be eligible to apply for the job once it is posted. Leone asked to look into this.

Bax requests the Board authorize the Supervisor to sign, pending Attorney approval, a letter to the DEC. The letter is asking the DEC to reinstate the provision which recognizes the CAC as a necessary entity in the Town to deal with CWM. Also to maintain the provision that currently exists in the SPDES permit, which would require or allow the Town to request independent testing of the samples in the outflows of the CWM facility.

**Bax MOVED to authorize the Supervisor to sign the document, pending Attorney approval, Seconded by Palmer and Carried 5 – 0.**

Newlin agreed with Bax. The current proposal threatens to take away the Towns right to independently test the soil samples.

*Fourth Agenda Item* – Appoint Town Board liaisons. Following appointment made by Newlin:

Engineer	Edwards
Environmental Commission	Bax
Risk Manager	Johnson / Bax
Sanborn Business & Professional Assoc.	Edwards / Palmer
Town Hall Renovations	Johnson

Bax received a memo from Chairman Latko of the Tower/Wind Energy Research Committee. The letter notified Bax that James Ditzel and Andrew Ellis will not be able to serve on the committee.

**Bax MOVED to accept the resignation of James Ditzel and Andrew Ellis, Seconded by Johnson and Carried 5 – 0.**

**Bax MOVED to appoint William Conrad to the Tower/Wind Energy Research Committee, Seconded by Palmer and Carried 5 – 0.**

*Fifth Agenda Item* – Appoint Members to Plumbing Board. Edwards has spoken to Masters and they have discussed what they are looking for in a Board. Edwards will have things ready for the next board meeting.

*Sixth Agenda Item* – Appoint Bingo Inspector. Newlin said there is a Civil Service requirement for the position.

**Johnson MOVED authorize the Clerk to post and advertise for Bingo Inspector, Seconded by Palmer and Carried 5 – 0.**

*Seventh Agenda Item* – Appointment of Vice-Chairman to Planning Board.

**Johnson MOVED to appoint Diane Roberts Vice-Chairman to the Planning Board, Seconded by Bax and Carried 5 – 0.**

*Eighth Agenda Item* – Appoint Chairman to CWM Siting Board.

**Newlin MOVED to appoint Councilman Bax as the Chairman of the CWM Siting Board, Seconded by Edwards and Carried 4 – 0.** (one abstention – Bax)

*Ninth Agenda Item* – Appointment of two alternates to the Planning Board. Johnson believes this is important to allow for a quorum at the meetings. It is questioned if the alternate can vote.

Leone said under the local law for the Planning Board, seven members of the board are appointed for seven years at a time. The law states “an alternate”, meaning one. And the appointment is “for the purposes of substituting, in the event that a member is unable to participate, and the reason is because of a conflict of interest.” This is not for an alternate acting in the manner of a delegate. Leone will research the State law and possibly incorporate it into the Town Law.

Leone and Johnson to work on draft wording for the next meeting.

*Tenth Agenda Item* – Amendment to Chapter 30. Leone has no draft language for this. The Zoning Board of Appeals local law states the Board is a seven member board, and the New York State law allows for five. Chapter 30 needs to be amended to reflect the State Law.

There is no language in the local law for an alternate in the Zoning Board.

*Eleventh Agenda Item* – Designate 2008 official depositories.

**Newlin MOVED to designate HSBC and First Niagara Bank as the official Town of Lewiston depositories, Seconded by Johnson and Carried 5 – 0.**

*Twelfth Agenda Item* – Chicora Drive residents request street lights. A petition was received from Chicora Drive residents stating there is no lighting on the street.

**Palmer MOVED to refer this request to the Lighting Advisory Board working with the Engineering dept., Seconded by Bax and Carried 5 – 0.**

It seems when development comes to the town, they are not submitting a lighting plan. The residents then come back to the town and want lights.

If was suggested to Building Inspector Masters that during the approval process the applications be forwarded to the Lighting Advisory Board. Let them determine if lighting is appropriate.

*Thirteenth Agenda Item* – Permission for Linda Johnson to attend the 2008 Association of Towns meeting.

**Newlin MOVED to grant permission to Linda Johnson, Assessor’s Clerk, to attend the 2008 Association of Towns meeting, Seconded by Edwards and Carried 5 – 0.**

Edwards said the muck land pump on Saunders Settlement Road has been vandalized. An invoice has been received for an electrical part from Art McGill Electric in the amount of \$6,665.85.

**Edwards MOVED to approve the payment of \$6,665.85 to Art McGill Electric with funds coming from B Fund Contingent, Seconded by Palmer and Carried 5 – 0.**

*Fourteenth Agenda Item* – Janitorial Bids. Bids have been received and reviewed by Leone. If all three bidders are added together, there is one low bidder. However, if you split these bids, and have a different person perform the work in each building, it is less expensive for the town, but you will have more than one contractor you are doing business with.

Johnson said years ago the maintenance employee was the custodian at the town hall. This option needs to be revisited.

Leone said the Board can throw-out all bids if the Board wishes to do this in-house. The Town always retains the right to do that.

DiRamio asked all those who are interested in attending the Association of Towns in New York City to please contact the Clerk.

**Bax MOVED to enter into Executive Session to discuss litigation and personnel, Seconded by Johnson and Carried 5 – 0.** (6:20 p.m.)

#### **EXECUTIVE SESSION**

**PRESENT:** Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Supervisor Elgin; Town Attorney Leone; Deputy Attorney Boniello; Engineer Lannon

Discussion on current litigation, possible litigation on a drainage issue and a personnel issue.

**Palmer MOVED to exit the executive session, Seconded by Bax and Carried 5 – 0.**

No actions taken.

**Edwards MOVED to adjourn the Worksession, Seconded by Bax and Carried 5 – 0.** (7:40 p.m.)

Respectfully Transcribed and Submitted,

Donna Garfinkel  
Deputy Town Clerk