

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Eng. Lannon; Town Atty. Leone; Dpty. Atty. Boniello; Adm./Op. Lockhart; Dpty. Sup. Elgin; Bldg. Insp. Masters; Police Officer Nicoletti; Town Clerk Brandon. 2 press reps and 10 residents.

The Supervisor opened the meeting at 6:25 p.m. followed by the Pledge of Allegiance and a moment of silent reflection which noted the passing of three Lewiston residents, Dr. T. Comerford; Mr. Paul Brucato and Mr. Steve Washuta.

RESIDENTS:

Jane Ziobrowski of 4689 Curtis Ct. N. I called the Town recently regarding the serious mosquito situation here in the Town. I am the President of the Parent Group at the Lew-Port H.S. and we have a lot of outside activities at the fields and parks and I have read articles regarding air spraying in the Town of Wheatfield. We are hoping that Lewiston will be proactive in trying to deal with this problem.

Newlin said the Town is trying to get an assessment of the problem with Mr. Sharpe.

Mrs. Ziobrowski said the problems are at the LP school ground, the baseball fields at Pletcher and in her area of Curtis Ct.

Palmer stated that there was a problem in his area of Lower River Road. I think it is a proactive issue and the measure that can be taken and the reward outlasts the risks.

Newlin stated that if it is a health concern, I do think the county should take this seriously. I would like the county to get involved. If we can get an assessment within the next week as to where the problems are and get a range of options. With the rain almost everyday it dilutes and almost does away with the effect of the spraying. You can spend around \$50,000 to \$70,000 a spray and if it rains you have lost the effectiveness. The Town does have dunks available for residents to put in standing water on their property.

Johnson asked that we have Mr. Sharpe begin an assessment on this issue along with the Cnty. Health Dept and the grant writer.

Newlin said an emergency meeting can be held to address this issue. We could request a grant on behalf of the combined municipalities. However, that probably would not be available until next year.

PRESENTATION: Sanborn Area Historical Society
Edwards introduced the members of the group.

Gary Townsend, President of SAHS representing the Sanborn-Lewiston Farm Museum which will be celebrating the Bi-Centennial year. We will have a grand opening in August and volunteers are needed for the grand opening. Also, I would like to thank the Town Board for their continued support and also the Highway Dept. for getting the sidewalks completed.

Linda Jackson the event coordinator for the SAHS said it will be a 2 day event with the grand opening at 11:00 a.m. on August 16th. We hope that all of the Board will be able to attend. A complete list of the activities is available (See Clerk's Office).

Newlin thanked the members for all of their hard work on this event. I would commend the Board in that late last year I recommended that we give a special stipend to the society in the amount of \$12,000 to help them with the Bi-Centennial plans and the Board backed that. I think this Bi-Centennial will be a great way to promote the wonderful things you have done and as they find out about you we will get more visitors. Thank you.

AGENDA:

Bax asked to add WPCC items; Modern CAC applications and litigation in executive session.

Palmer added the mosquito issue.

Edwards: Personnel matter re: recreation/executive session.

Johnson: Notification of meeting with State Parks and review of the sign law.

Palmer MOVED for approval of the amended agenda. Seconded by Bax and carried 5-0.

MINUTES:

Edwards MOVED for approval of the minutes of 4/28/08 Worksession; 4/28/08 Jt.T/V Mtg.; 4/28/08 P.H. Riverwalk Phase 3A; 4/28/08 RTBM; 5/12/08 Worksession; 5/19/08 Jt.T/V Mtg.; 5/19/08 RTBM and 6/09/08 Worksession. Seconded by Palmer and carried 5-0.

POST AUDITS:

Palmer MOVED for approval of payment to Home Depot \$96.76; Sam's Club \$897.29; Ray Allen Manufacturing LLC \$61.90; Fusemail, LLC \$80.19 and Rotella Grant Management \$1,542.31. Seconded by Johnson and carried 5-0.

OLD BUSINESS:

Local Law re: Licensed Contractors.

Newlin: I do not think we are going to be moving this local law. There were good comments from the public and I would like to thank those gentlemen who came up with some constructive criticism and helpful advice. I would like to note that the contractors who did appear tonight did seem supportive and Mr. Lotz and Mr. Game did get involved with the process early on and again I would like to thank them. There were some comments made about concerns about government leveling taxes and increasing the size of government. For the record, I would like to repeat that my budgets are approved unanimously by this Board have eliminated the town tax for this Town. This is one of the few of the hundreds and hundreds of towns in the State of N.Y. and I believe there are only a dozen or so that have no town tax. We have no highway tax. We also have no refuse tax. I don't think you will find too many towns that have that so when it comes to taxation nobody is more aware it then myself and this Board and we have worked very diligently to minimize taxes. We have gone so far unlike county government which has chosen to take the revenues from the cheap megawatts that they are getting and applying them to various, some of which are proper and I don't know all of them...but some of those monies are being applied to direct budget items within the county whether it is taxpayer relief or taking our money and giving it back to the taxpayers. We can't cut taxes anymore.

Furthermore, when it comes to the size of government, the public will be glad to know that we have been eliminating that. There has been a program of attrition here at Town Hall. I have been Supervisor for about 4 ½ years and we have lost 1 full time position in each of those years. We are down 5 people. In terms of small efficient government, I don't think there is a better example in WNY than Lewiston's town government. I also wanted to say that Mr. Hutchins brought up a specific case where he will buy a home and fix it up and this licensing will not apply to that.

Again, I would like to say that if you look at some of these towns that do much more rigorous licensing procedures then whatever is being considered here before this Board...places like Amherst, Cheektowaga, Clarence and in Niagara Cnty., Wheatfield, nobody can say with a straight face that those licensing regulation has any dampening affect on the rate of development. They are booming.

Palmer: Why is it we wouldn't consider the law this evening? Do we plan to rewrite it?

Newlin: If someone would like to move it that would be absolutely wonderful. But, I think one comment by Mr. Ripley was that we might want to drop the term "license" because to a person who hasn't gone through this process in detail it may lend some sort of credibility that isn't meant to be implied by the Town. That is my observation.

Palmer said I would like to know where we are going with it because it has been on the table for a long time. I was interested in just finding out why we were not going to act on it. What is the Board's feeling about acting on it?

Newlin said from his perspective he would rather not act on it tonight until that issue of licensing is addressed.

Palmer asked if another public hearing would be needed. (Yes)

Masters: With respect to the remark about "license" I understand what he was asking and I thought it was a valid argument. We don't want to give the impression that is saying all of these individuals on the list are competent and we are endorsing them. All we want to say is these have the proper insurance requirements and you are properly protected for them to do your work. It is not saying that they are competent.

Newlin: That merits more consideration. If someone wants to move it they can or amend it they can.

Johnson: I think we need to take these comments and bring it back to another public hearing and then if it comes to another vote....Mr. S. Talarico has a letter here that I would like put into the record (on file) and it needs to be addressed. I am not ready to move it real fast.

Edwards: I think we should move it. Put it to bed right now. Public input is fantastic. The seniors would comprehend and say "this gentleman is licensed and he knows what he is supposed to be doing". Yet, they don't because there is no competency test so the further we go and the more it gets watered down, why bother. Let's move it and either it goes or it doesn't. That is my suggestion.

Newlin: The comment of Mr. Ripley about using a license literally to have that struck, how does that strike you?

Edwards said that if my mother were going thru the yellow pages to hire somebody and she sees licensed contractor in Lewiston, she would hire him. All we are doing is just basically insuring that they are insured. There is no competency test and no means to have a test. From the beginning, when it was brought to our attention by Mr. McSwan, he said you are really traveling on thin ice when it comes to your public thoroughfares. That is what started this. We are opening up a door to be sued in the event and we have been blessed that there has not been a tragedy in the Town. If a construction worker or someone else is doing any work in our throughfare whether you are a lawn sweeper, groomer, plumber, electrician etc. and if the ditch caves in or if someone gets killed by a car at a throughfare without any liability insurance, it all seems to come back here. Here is the taxpayer's and they end up paying for that contractor's short comings not having insurance. Personally, I really don't care about compensation insurance, disability insurance...I care about the taxpayers and the liability that we have before us now. That is my only thought on this whole matter.

Bax asked if there is anyway to handle that kind of liability in the permit code or permitting process to make sure that there is insurance on file basically spelling out more items that are required in order to get a permit.

Masters: Now, if you come in for a permit you have to provide the insurance. The problem is a lot of work goes on in the Town where there is no permitting for it.

Johnson said they cannot tap into our road, cut our roads....

Masters: Sure, they can. They can go down to the Highway Dept., Water Dept., and say what they are doing. They are not collecting any insurance requirements for any of that. There is not a formal permit process for that right now.

Johnson: Can't we put that in place and then they would have to come in and fill out a permit to be accessible on our right-of-ways, tapping into our water and sewer lines etc.

We are way behind on our zoning compliance and that is part of the problem. These are things we can discuss at a work session and call it to a vote if we are going to vote this in or we are going to come up with another alternative.

Edwards said that the Town of Lewiston does have a law in place that is at the sole discretion of the Highway Supt. whether he would require insurance or not. It has never been enforced and I can't tell you if it ever will. The Highway Dept. is run by an elected official. Is it a popular move to make contractors have insurance, probably not.

Masters said that the right-of-ways are owned by the Town of Lewiston.

Johnson: If we direct Mr. Reiter to say nobody goes on the right-of-way without the permission of the building inspector thru a permitting process that will end that. Even though he is an elected official he can't give away some of our properties etc.

Edwards: The law states it is his discretion. Mr. Leone, am I correct?

Leone: I think you are going down the right path with the operating in the right-of-way physically and if there is a contract that is going to be put out for bid, we always make insurance a requirement. We are talking about situations that are not done that way. The example about if the Highway Dept. were to have someone in our right-of-way and someone gets hurt and they don't have insurance, you know we are going to be a target whether or not it turns out we are ultimately liable or not we are going to be a target. It is going to go into our insurance and we may have a claim over against somebody else if they are at fault. But if they have no insurance where are we going? It is ultimately a self protection thing from a Town's point of view. As to whether or not you want to do it for the general public and call it a license or permit fee or a proof of insurance compliance that is within the purview of the Board. From a Town point of view, I couldn't agree more. I don't think we can allow people or entities to do work in our right-of-way, exposing taxpayers to potential lawsuits and potential loss of tax dollars for people who are not insured. That does not make good sense.

Johnson asked if we could put a policy in place.

Leone said by all means and that is what we are talking about.

Bax: That is a policy vs. a law. That is something that could become effective immediately without a public hearing.

Newlin: Mr. Leone, the only law we can adopt tonight is the one we have. (Correct) I am not crazy about the word "licensing" and I maybe prefer "registration" and so even if that one word was changed that would preclude us from going on tonight.

Leone said that the law has to be in final form on your desk for so many days prior, you can vote on it the way it is or choose not to vote on it the way it is. You can table the issue but if you amend then you have to republish and you have to have a public hearing because the law that would be voted on, the public wouldn't have an opportunity to be heard.

Johnson: I would rather take our time about putting a law in because that is permanent or at a worksession. I think the policy we could do tonight, couldn't we?

Boniello: I think we can do a resolution creating a policy tonight.

Newlin asked if the attorneys could word some language that would withstand.

Edwards said we should do it at a work session and we could vote on it then.

Johnson: It would help us immediately and put people on notice for liability purposes.

Edwards said if they are going to have a policy in place, Mr. Lockhart, Mr. Masters. Mr. Reiter and Mr. Nablo all need to meet with our attorneys.

Edwards MOVED on the proposed law as presented. On the Motion: Bax No; Edwards No; Johnson No; Palmer No and Newlin No. Motion failed 0-5.

Newlin: We will consider changing this law or come up with a policy which would be easier to address this problem. In regard to the 5:30 time (Public Hearings), Mr. Palmer in good faith in moving our meetings from 7:00 p.m. to 5:30 p.m. in January, we thought it might help us deal with some issues quicker. Last month, I had some concerns of scheduling public hearings at 5:30 p.m. Can people make it here if they have been working. We did not act on that concern but I will bring it up again and if we have public hearings in the future maybe we can have them at 7:00 p.m. and make it easier for the people to get here.

Palmer stated that the 5:30 p.m. time was his proposal from the beginning of the year. We did earlier in the year hold public hearings at 7:00 p.m. with 5:30 p.m. work sessions, but we ran into timing issues. We cannot predict when our work sessions will end so we left unfinished business on the table. Sometimes, we finished our business and waited for the public hearing to start. So in the interest of expediency we would schedule our public hearings at the beginning of the town meeting at 5:30 p.m. thinking that people who really felt that they needed to address an issue would make time in their schedule to come and do that. I didn't see a big difference between five thirty and seven.

Edwards said he supports it as well and as a layman I do work from sunup to sundown.

Newlin: Next time we have a public hearing, I will reiterate my suggestion. We should reconsider the time that we start public hearings.

Stop Signs/Riverwalk Drive:

Johnson: Mr. Taczak of the Signage Cmte. has recommended that a stop sign be placed at the "T" intersection on Riverwalk Drive South.

Johnson MOVED that the Town Engineer review the area and direct the Highway Dept. to install a stop sign at the intersection. Seconded by Bax and carried 5-0.

CORRESPONDENCE:

1. A letter from the Town Clerk asking for permission to attend the IIMC School in Cornell from July 20th thru July 25th.

Johnson MOVED for approval for the Clerk to attend school. Seconded by Edwards and carried 5-0.

LEGAL:

Leone stated that he had a litigation matter for executive session.

ENGINEERING:

Oak Run Phase II/Dedication of Public Improvements:

Lannon: The Board has a copy of the letter regarding Phase II. The following information and a supporting documentation have been received and accepted as complete for purposes of PIP closeout:

NYS /Dept. of Health approval of construction facilities for the water and sewer system.

The final plat map is in conformance with the approved preliminary plat. The final plat has been filed with the N.C. Clerk's Office.

Site walks have been performed with the individual Town Departments and PIP punch list has been completed.

A copy of the required 2-year maintenance bond in the amount of 50% of the construction costs for the duration of 2 years have been submitted to the Town Clerk. Note: There are 2 separate maintenance bonds that have been submitted. One by Northwest Development (For the pipe and underground infrastructure) and Milherst Construction (Curbs & paving).

Final set of record drawings of the improvements (water, sanitary & storm) have been submitted and accepted for distribution to the various Town Departments.

From the engineering and construction, everything is done and complete. We would recommend that the Town Board consider accepting the dedication of the project with the following conditions:

Draft roadway dedication legal description shall be submitted to the Town Attorney for review and approval. The final easement and dedication filings shall be coordinated directly with the Town Attorney.

The existing ditch that flows along the northern boundary of the project shall be cleaned within 45 days of this letter to remove the sediment accumulation. The ditch shall be cleaned from the pond outlet to 200 feet south of Hickory Lane. Currently, the existing ditch is in fair condition with positive drainage toward the pond outlet. This requirement is in response to neighbor inquiry and a condition assessment by CRA.

Five (5) additional sets of the record drawings (water, sanitary and storm) shall be submitted to the Town Clerk for distribution. The distribution list includes Building Dept., Town Clerk's office, Water Dept., Sanitary Sewer Dept., and Highway Dept.

Payment to the Town for engineering and inspection fees incurred in excess of the PIP deposit in the amount of \$5,950 must be submitted to the Town Clerk.

In accordance with the Town Code, no less than one tree per lot (deciduous) shall be planted unless a variance is granted from the Town Board.

Coordination with underground utilities for the installation of gas, electric, cable, and telephone is the responsibility of the developer. In the event that damage occurs to Town-owned utilities within the right-of-way as a result of utility installation, the maintenance bond would be used to restore Town impacted facilities.

Leone: I have reviewed both of the maintenance bonds; also the proposed dedication deed and legal description and they appear to be in order. I think your resolution should be to set the dedication deed for recording at the N.C. Clerk's office and authorize the Supervisor to execute the deed and appending documents.

Masters: With regard to street lights there is nothing proposed as to where.

Lannon: This phase of 13 lots is at the intersection of Oak Run Drive & Eastwood Circle and would be the only location for potential lighting. Nothing is included in this document. Mr. Andrews would have to coordinate utility locations etc.

Edwards MOVED for approval of Phase 2 of Oak Run Estates with the 6 conditions as stated. Street lighting at the intersection to be considered. Acceptance of the dedication deed and authorize the Supervisor to execute the deed. Seconded by Johnson and carried 5-0.

Re-licensing Update:

We do have an agreement with the Power Authority regarding the funding of the Greenway projects. It is the one the Town has been fighting for and it says that if consensus cannot be achieved by all 8 members, a simple majority will determine the funding of projects. Lewiston will be presenting its' first project for funding this Wednesday and it is the Heritage Monument in the Village organized by our Historical Society. With respect to the re-licensing, the Village did not choose to participate in the process. However, the Town unanimously has determined to do our best to give some of the money the Town has negotiated for and spend that on good projects in the Village that will serve the taxpayers there and help reduce their considerable burden. I received a priority list from the Mayor of their capital projects and the #1 is the sanitary sewer upgrade on No. 7th Street from Onondaga to Oneida Street. It will help the I & I reduction and it certainly helps our plant. The project costs have not been determined yet. I will ask CRA who is the engineer for the Town & the Village to come back with some estimates and possible recommendation as to whether or not the work is better done by a contractor or by municipal services. The Village's inclination is contractor.

EDWARDS:

Highway:

The Highway Supt. has requested to pay for a mailbox damaged during paving. The box was removed for milling. Mr. Reiter would like to pay for this out of #DB5112.04 in the amount of \$324.82.

Edwards MOVED to pay \$324.82 out of DB5112.04 for a damage mailbox to John Hagar of 4695 Curtis Court. Seconded by Bax.

The Clerk informed the Board that the town policy states that the maximum amount to be paid for mailbox replacement is \$50.00.

Newlin: The problem that we have is that mailboxes by their nature are in the Town's right-of-way and highways get plowed during snow time. We don't want encourage people putting up \$800 mailboxes, some of which are going to get "nailed" by a plow. We have to find a balance between reasonable replacing private property and being realistic about where we live and snow plowing will damage boxes. Mr. Reiter has taken a special exception here and it seems that there are special circumstances.

Bax asked if there was itemization on this.

Edwards: Yes there was. If you drive through Curtis Court and Michelle Court all of the residents have chosen to put very nice mailboxes. I presently feel that if we have a policy in place, but this was a construction project and an accident happened and we did the damage. I feel responsible.

Palmer: The Highway Dept. is admitting to the damages and it is the fault of the Town.

Bax asked if the \$300 was reasonable to you. I would not spend \$300 on a mailbox.

On the Motion, carried 5-0.

Drainage:

During a project, an underground electric dog fence was damaged in the amount of \$222.78. Supt. Reiter would like this to be paid out of #SD8540.04.

Edwards MOVED for payment in the amount of \$222.78 with funds from SD8540.04 payable to S. Girasole of 720 Power Lane. Seconded by Johnson and carried 5-0.

Fatima Shrine Drainage Ditch:

A letter was received from Rev. Ciavaglia of the Fatima Shrine regarding expanding of a service road which will require the covering of over 180' of a drainage ditch.

Edwards asked that the Highway Supt; CRA Engineers and John Sharpe coordinate on this. The Shrine will purchase the pipe if the Town would install it. Our policy has been that if that ditch drains more than one property or parcel the Town would clean them in the past and has put pipe in by request of the owner. I want to make sure that is the case and if so follow Town procedure.

Boniello asked that if it is determined to be within Town policy, are you authorizing the Highway Supt. to clean the ditch.

Edwards MOVED that the Highway Dept. be authorized to clean and install drainage pipe at the Fatima Shrine. Owner to pay for the pipe. Engineer to oversee the sizing. Seconded by Bax.

Johnson asked if the fire company is satisfied with the width of the fire road.

Masters: The project is over 500' from the road. Therefore the fire access road has to be increased from 20 to 26'. Who is going to size it? I looked at it today and I wasn't sure what all that was draining and how much water actually goes through there. Right now there is a 24" culvert in one area and the ditch is substantial. Is 24" going to be enough?

On the Motion, carried 5-0.

Town Hall Compressor Repair:

Compressor on the courtside needs to be repaired. We received a quote from O'Connor Heating for \$1390 and a 1-year warranty.

Edwards MOVED that O'Connor Heating replace the compressor unit at a cost of \$1390 with a 1-year warranty. (Funds to come from Town Hall Renovation Acct.) Seconded by Johnson and carried 5-0.

Payment/Claims July & August:

Edwards MOVED that Councilmen Bax & Edwards review the July & August Abstract of Claims and authorize the Supervisor to pay the claims. Seconded by Johnson. Motion carried 5-0.

BAX:

WPCC:

Mr. Lockhart and I discussed modifications to the code as it stands with respect to hung piping in the basement. Also trace lines (sewer lines) with magnetic tape and also require individuals who have homes with the cleanouts in the center of the driveway to move and excavated. We don't have any method in the law or code that requires that to be moved. A question was asked if this would require a new formal law, public hearing etc.

Boniello stated that this Board a few years ago passed a policy that you cannot put a manhole or anything in a driveway or a right-of-way.

Lockhart said that under new construction, the law mentioned manholes but I am not sure if it extended to other services. I would like to propose putting together a construction detail for sanitary sewers and bring it to the next meeting for your approval. We are getting into clean outs and under new constructions are winding up in the middle of the driveways sometimes.

Johnson said the minutes clearly stated that and it has already done. We talked about water, sewer etc. Perhaps you need to go out now before a driveway is put in.

Bax asked Mr. Lockhart to come with language to cover these items and give it to our attorneys for review. The trace lines with magnetic tape allows you to locate PVC pipe in the ground.

Edwards: Regarding the hung piping, is this going to a policy law? My only suggestion would be hung piping is consistent in the industry, but if I choose to have a split level home, I don't want this Town telling me I can't put a toilet room on the first floor. There needs to be something whether if you are comfortable with scheduled forty under the slab floor or cast iron, I am totally in support of whatever route you want to go, but I don't want the taxpayer being told that they can't have a toilet in their family room.

Lockhart said he is looking to protect the Town during some of these catastrophic events we have been seeing such as an occupied house and there is no facilities in the basement. 10 years later they occupy the basement and put a toilet down there. The elevation leaving the house is almost the same as what the elevation of the sewer main and this does not give the Town any cushion at all to allow the main to come to full capacity and it winds up backing into their home. We had no idea when the plans were approved. If you wanted to put in a toilet then you would put in an up-flush and that would protect the Town. This would be for new construction.

Edwards: We have new construction with brand new infrastructure put in that is not deep enough to accept a split level home?

Lockhart said I can't say that.

Edwards: I am trying to understand that the sanitary main is such that there is very little pitch and when filled up it goes back into this house. Why are we engineering it whereas it should be deeper.

Lockhart: You put a sanitary sewer 8 feet below grade and by time you install the basement and the foundation of a house you are 4' below grade and you only have a 3' difference between the house and the sanitary. If you extend the basement deeper (6' or 7') now you are almost at the same elevation as the sanitary. It does not allow any cushion for the Town system.

Bax: As far as what he is trying to avoid is making sure we don't restrict the residents.

Edwards: It is about \$5000 for a sewer injector. I am all for anything you do and I am trying to be objective.

Lockhart said the intent tonight was just to make the Board aware that this will be coming.

Mapping GIS:

Mr. Lockhart would like authority to have the CRA project continue the mapping of the sanitary sewer with new GIS information. It would 44,000 of linear feet of sewer pipe and 125 manholes to be mapped out with a cost of \$14,000. Fund balances are available.

Bax MOVED for approval of mapping of 44,000' sewer pipe and 125 manholes at a cost of \$14,000. Seconded by Johnson.

Lockhart: This deals with the work that we started last year and we are hoping to identify areas that we do not have as "as built" drawings, so 5-10 years from now hopefully we will have records available. The fund balance in the LMSIA generates enough interest dollar wise that it will fund these projects without touching the principle.

Motion carried 5-0.

Mr. Lockhart is taking up a project with Niagara Cnty. which would allow residents to be able to dispose of unwanted pharmaceuticals that they have in their homes. Normally, they are flushed into the toilet and then onto the plant. Some get treated, but most of them become discharge in liquid form into the river. There has been a co-coordinated effort along with Mt. St. Mary's Hosp. & DeGraff Hosp. to gather a Niagara Cnty. wide collection for those 2 possible locations.

Lockhart: I am looking for a twofold benefit from this. It removes the unwanted medicine and the drug abuse of choice by teenagers and that is why the health officials are with this collection. The pharmaceuticals are passing thru the wastewater streams and down streams and they are showing signs of it in the drinking water. Long term effect is unknown and we are trying to bring awareness to the public and getting it out of the environment.

Cell Tower:

I have a contract for a possible cell tower on the WPCC property for the attorneys for their review.

Modern CAC:

We will interview those residents that applied to be on this committee starting at 6:00 p.m. on July 7th. Interviews to be schedules by the Clerk's office.

Zoning Board Members/Raise

Bax asked to increase the stipend for the chairman to \$50 and the members to \$45.

Johnson stated with the rise in gas prices and us telling our boards that they must go to classes for training, so rather than the stipend change this is a domino effect on the other boards.

Bax said they certainly deserve some sort of a consideration, but is there any other way we can handle this.

Johnson said right now they either take an available town car for these meetings and if not we have something in place to reimburse for mileage. I think we should do that for all of the departments that have to attend required classes. Instead of raising the stipend which we should review, we should give them the current IRS rate.

Newlin: Let's reward those Boards which require State mandated training be reimbursed for their travel expenses as per the IRS travel rate currently at 50.5¢ per mile and maintain the stipends as they are.

Johnson: They would have to fill out a voucher along with their certificate of attendance.

Bax MOVED that we reimburse members of Town Advisory Boards for any State mandated training travel at the IRS rate of 50.5¢ per mile. Seconded by Edwards.

Palmer said the memo from the Zoning Board refers to visiting sites. Is this included in it?

Johnson: They should try to use a Town vehicle first.

Palmer: I agree with them be fairly compensated because of the price of gas but it get “messy” when you have people filling out forms every time they go somewhere.

Newlin: At least now if we keep it focused on the State mandated training that might help your concerns.

Palmer said the request here is for \$5.00 and it seems to be the cleanest way to take care of this.

Newlin said maybe may the easiest way is to do a \$5.00 amount. But, for the State mandated classes we should do that.

Motion, carried 5-0.

Bax: I am concerned about the whole domino effect with having all the other advisory boards coming to us and saying that they want a raise now too and why don't we add a requirement or an added cost of being on the Zoning Bd. of Appeals. Then maybe we have to specify what that is. So, before you get an additional stipend for the driving.....

Johnson said the Planning Bd. members travel to the sites also and maybe the Environmental Comm. Why don't we find out the stipends in the other towns and come back with this.

Palmer asked why not do a \$5.00 stipend right now. It is not much now. There is not an immediate gas crisis with the cost of gasoline.

Bax asked if the suggestion was to go \$45.00 right now.

Palmer said the commissions that have the responsibility to go to sites within the Town.

Palmer MOVED that effective July 1, 2008 with funds to come from Town Board Contractual A1010.400 that the stipend for the Zoning Board, Planning Board & Environmental Board be increased by \$5.00 per meeting. Seconded by Johnson and carried 5-0.

JOHNSON:

State Parks/Drainage:

Meeting with State Parks is scheduled for July 7th at 11:00 a.m. at the Town Hall to discuss drainage problems near the Riverwalk area with the Mr. Masters, Mr. Lockhart, Mr. Lannon/Mr. Britton. We believe that we may come up with a solution that will help the area and perhaps the mosquito issue.

Sign Law:

The Bldg. Dept. has received complaints regarding temporary signs (real estate etc.). Our sign ordinance is vague. Signs that say sale or leased property advertising can be put up providing they don't exceed 2' by 3'. They have been taking these signs down. I have been inundated by the industry believing that I am taking the signs down because I am a competitor. You will also see other types of signs. The Bldg. Dept. needs some direction. We are not picking on anyone in general. In the Town of Wheatfield if it is a temporary sign they would let it go. But, they are putting the signs in the right-of-ways and the law states they are not suppose to be there. When you look at new subdivisions, they like to put a sign up directing buyers to it. Our law does allow for that.

Masters said that in the new Town Code that is coming, this is addressed.

Johnson also said that there are some signs that are oversized. I think we should direct the Building Dept. that if the sign is bigger than 2' by 3' that they are required to come before the Zoning Board and get a permit. With a new subdivision, I don't think the real estate industry would have a problem with commercial signs that are bigger than regular ones and get approval from the Zoning Board to put up the signs.

Ken Kenney, Code Enforcement Officer stated that they have asked them to come in and get a special permit and they don't want to and that is the problem. We give them another week or so and they say it is not worth it.

Johnson offered his assistance. When they come to pickup a number of signs they will rethink it. In the Town of Niagara you also have to get a permit. Real estate signs and temporary signs (lawn service etc.) are usually not gone after in the other municipalities.

Newlin said the new code has very specific rules on this.

Johnson said I would like this Board to decide what they want to do about this and give direction to the Bldg. Dept. Questions about signs in the right-of-way and at the corner intersections are being asked about.

Leone commented that you always have a First Amendment issue but it does not mean that people can put up any sign where they want and this is what zoning is all about.

Palmer: You have the First Amendment Right perhaps with your own property, but not so much with public property.

Leone: Our Town Code says that they cannot be in the right-of-way.

Palmer asked if there is a legitimate sign, why anyone should have to have a sign on a right-of-way.

Johnson stated that sometimes a sign is put up with an arrow pointing into a subdivision. My suggestion for the signs that are over sized, they need a permit for and as long as it is not taking out someone's vision the arrow signs can be fine in the right-of-ways or signs placed in front of a house.

Palmer said signs for power washers etc. on private property; I don't see it as an issue. My problem is the right-of-way. If you allow one person to do it you would have to allow everyone to do it and we have seen how ugly they can get.

Johnson said we are talking about directional signs. There is not a community other than Lewiston right now that is picking up those directional signs on the right-of-ways.

Palmer asked if we can legally permit i.e. real estate to put those arrow signs in the right-of-way and restrict other people.

Johnson: No, it is not just real estate signs. You will see arrow signs for contractors etc. People do put out bigger signs for "house sale" etc.

Masters provided pictures of signs in the right-of-way in areas of the Town and noted that was the issue that he deals with.

Newlin: Mr. Palmer, it is difficult to say that real estate persons can do it but you can't let others.

Johnson: I am not saying real estate people. I'm saying that if it is a temporary sign that is an arrow sign they usually don't bother with it and if someone complains about it then they are taken down.

Newlin said the present law says there should be no signs in the right-of-way. I can't blame people for enforcing the law and if you want to change it someone would have to propose something.

Bax asked Mr. Masters if he was enforcing this strictly now or are you asking us what we want you to do about it? Is it because people have been complaining about these signs?

Masters: We have been removing signs from the right-of-ways.

Newlin: That is the law right now and so no one can begrudge you for doing that. But, if we want to change it, then someone should propose a change. Private use of public land is wrong.

Johnson said he would tell the realtors to come in and talk with Mr. Masters about it because they put their "open house" signs up on the corners every Sunday and they are in the right-of-ways.

PALMER:

Fowler Subdivision:

Palmer MOVED to approve a Neg Dec for a one-lot subdivision for Marjorie Fowler, 1098 Upper Mt. Road, SBL# 102.18-1-7. Seconded by Edwards. Motion carried 4-0-1 (Johnson Abstained)

Palmer MOVED to approve a one-lot subdivision for Marjorie Fowler, 1098 Upper Mt. Road, SBL#102.18-1-7. Seconded by Bax and carried 4-0-1 (Johnson Abstained).

Mosquito Issue:

We have suffered similar problems in my neighborhood and I have heard comments regarding other neighborhoods in the Town. I think we need to act on this right away and the first step would be have an assessment done as quickly as possible and then find out what areas of the Town are being affected. Also, what the cost would be. It has to be sooner not later.

Newlin said his recommendation would be Mr. Sharpe to get assessments as to where the problem is from public complaints and then show us what our range of options is when it turns to spraying. Spraying is not cheap and the cost has gone up because of rising fuel costs. If we get the assessment, I can start looking at what kind of budget...we did not budget for spraying last year. We did the year before because of the gypsy moth problem. We have had an extraordinary wet summer. If Mr. Sharpe can identify where the problems are, I can identify what kind of monies may be available. We will probably have to meet in an emergency meeting to expend monies and where we will spray.

Palmer: We have to remember that this is a public health issue as well. How soon can Mr. Sharpe do the assessment?

Newlin said perhaps by the end of the week. There are people with health issues that have a strong objection to spraying of any sort.

Leone: If it is going to be done by airplane, you have to put a specific notice in your newspaper prior to its' happening and what we have done in the past is call the schools, institutions, nursing homes and the hospital and written into the agreement that the pilot avoids those areas to the extent if possible. In the law, an individual homeowner can request that no-fly zone. That is difficult when you are in the air. It is suppose to be done by public notice in the newspaper. We have entered into contracts with the company that has done this before.

Newlin: We will get some recommendations as to locations and options and what type of spraying if available from Mr. Sharpe by the end of the week. We may have to meet on this and discuss where we will spray etc.

Edwards: The Pletcher Road Park is where our ball fields are and I will speak with Mr. Dashineau and report back if he has any funds for spraying.

Newlin said that if it is a public health issue, we have to consider if it is a Town government issue. Lewiston residents pay a lot of county taxes for relatively little return on their investments. We don't have the poverty problems that affect Medicaid and the county budget which is the largest aspect of it. We relieve the Sheriff's duties by having our own Police Dept. and also our Town Hazmat Dept. So, if we have a public health concern, I wish the county would get more involved. Mosquito packets are available at the Town garage and here at the Town Hall.

Bax MOVED to enter into Executive Session for the purpose of Personnel/Parks; Litigation; WPCC. Seconded by Johnson and carried 5-0.

Time: 8:10 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session 8:15 p.m.

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Deputy Tn. Atty. Boniello*; Eng. Lannon & Deputy Sup. Elgin.

Issues Discussed:

1. Personnel issues related to Recreation, Parks & Highway.
2. Pending litigation request the Town status report.
3. Possible litigation.
4. Contractual issue/Cell Towers.
5. Current litigation on Assessment Review/Appeal Pending.

Motion by Edwards & Seconded by Bax to exit Executive Session. Carried 5-0.

Johnson MOVED to authorize the Supervisor to sign documents/Niagara University cell tower; subject to approval of their attorney. Motion carried 5-0.

Johnson MOVED that seasonal employees are exempt from Town Policy based on past action of this Board. Seconded by Bax and carried 4-1.

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

Time: 9:20 p.m.

*Minutes taken by Atty. D. Boniello Transcribed by Town Clerk Carol J. Brandon

