

AUGUST 24, 2009
7:00 p.m.

Regular Town Board Meeting

Present: Supervisor F. Newlin; Councilmen A. Bax; S. Edwards, M. Johnson & E. Palmer; Atty. J. Leone; Dep. Atty. R. Koryl; Eng. R. Lannon; WPCC Admin. T. Lockhart; Finance Officer A. DiRamio; Police Chief C. Salada; Residents; 1 Press; and Dep. Clerk C. Schroeder

Excused: E. Elgin, Dep. Sup; Tim Masters, Bldg. Insp.

The Supervisor opened the regular meeting at 7:04 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS STATEMENTS:

John Ceretto, County Legislator, said Niagara County is facing one of its most important issues dealing with the NYS Power Authority. In the last three years, I, along with Legislator Renae Kimbal, have asked for representation for a member from Niagara County to be on the NYPA Board. We have the largest electrical power producer in the New York State and one that makes the most profit but yet we don't have one representative on that Board. In February, there was a sweep of monies involved, over half a billion dollars that was put into the State budget. I did a resolution that protested that sweep followed up by attorneys who came to me and said this is not legal. The legislative existence of the Power Authority is to give us the lowest electrical power rates as possible. They can't do that if they are sweeping monies so we filed a lawsuit. I'm asking you tonight to pressure other elected officials, such as Congressman Higgins, to come forward with monies so that we can fight this lawsuit. It's one of the most important issues that we all face. With all of us working together, we can accomplish this. What we're trying to accomplish is to bring those monies back to the residents that are paying those electrical bills and get some type of representation from Niagara County. We have the largest electrical power producer here and we can get much more. Our residents deserve much more.

The Supervisor asked Ceretto to forward a copy of the Resolution to him. He would then distribute copies to the Town Board.

Amy Witryol, 4726 Lower River Road, said she would like to understand more about the County's lawsuit against NYP. Over the past 10-years, there has been probably upwards of a billion dollars in sweeps from NYPA. I would like to understand in terms of this litigation -- why now and how it would benefit the residents of Lewiston. Returning funds from the State Fund to NYPA doesn't seem to be much different than the way the State has operated for the past 15 years. Whatever resolutions that might come before the County or the Town Board I would certainly like to understand the real impact to Lewiston residents. With respect to NYPA, we have seen a lot of information of a financial nature in the newspaper lately from CWM Chemical Services. I think it's a result of a letter that I sent to NYPA on May 28 which is very much a matter of interest to the Lewiston residents.

The purpose of this letter is to recommend that NYPA not extend Power for Jobs or other benefits to CWM. It is my understanding that current benefits to CWM expired in June. CWM has been getting benefits for 10-years. With sharp declines in employment, I asked for an audit and verification. CWM head count figures indicate that jobs have sharply declined from 283 in 1994 to 80 in 2005. It is unclear how many CWM employees belong to the parent company. Since this letter, I got copies of documents submitted by CWM to NYPA. Their total full-time equivalent was put at 64 ½. A few of the reasons why NYPA benefits to CWM are incompatible to the Power of Jobs program are hazardous waste landfill operations are unsustainable, produce no goods, no energy and permanently deplete land while contaminating it. New York business and New York Brownfield programs are not reliant on CWM. Even the NYSDEC in addition to every major environmental group in the State agrees with that comment. CWM operations depress area real estate values. The Board has heard from me before that CWM pays roughly \$595 per acre on school taxes for property that it owns while most of us pay closer to \$6,000. The *Sentinel* inaccurately reported that as our paying 10% more than CWM. The difference between \$595 and \$5950 is 1,000%. In November 2008 CWM stated that it spent \$10 million annually in the State however its investments are typically regulator mandated clean-up of contamination not

investments which produce economic growth and certainly sustainable growth. If we were to promote that economic investment we would try and recruit a nuclear reactor, let it leak and spend millions of dollars pumping up the economy with cost to remediate that.

Last fall, the NYSDOH issued a study showing that cancers for children living in the CWM school district were nearly doubled the number inspected. While health and environmental concerns are the most important reasons for discontinuing land disposal of hazardous waste in the State of New York., the economic reasons are also compelling. If the Niagara Region can accomplish in the next 12 years half of what our Canadian counterparts have accomplish in the last 12 years, it would increase annual tourism spending in this region including the Town of Lewiston by billions of dollars and bring thousands of new jobs. Low-cost power to CWM is counter-productive. Similar to Canada, much of the Niagara Tourism assets to extend visits or stays are located north of the Falls. Unlike Canada, we have a hazardous waste landfill operating in this area. Finally, no company has re-located to New York because it has a hazardous waste landfill and no company will leave the State of New York because of CWM's power costs. Low-cost power to CWM doesn't foster economic development. It fosters economic depletion. If the Board does take up any matters or resolutions with respect to NYPA, I would ask the Board to certainly encourage NYPA not to extend anymore benefits to CWM. Low-cost power has nothing to do with retaining jobs there. Whether I agree or disagree with Legislator Ceretto on the issue of this lawsuit, I do want to thank him for his vigorous support at the County Legislature on the CWM issues.

Rob Nichols, 471 Aberdeen Road, read a letter that was in the newspaper into the record. -- Supervisor out of touch with Lewiston People. The newspaper headline reads \$510,000 payment may open the doors of the Splash Park. At first I thought we here in Lewiston had hit the jackpot. You would think that a splash park would be the last things on anyone's mind here given the rain but what the heck we've got the money why not indulge? However, is this really prudent fiscal policy, Mr. Supervisor? Have all the other community's needs been addressed? Are there other more pressing priorities, the writer asks. The truth of the matter is over the last 18 months, the Supervisor has opposed several important projects for the community of Sanborn. How can he even begin to justify the luxury of a splash park is puzzling to me. The Sanborn Library needs a new carpet. It's in really bad shape so much so that many moms are uncomfortable with toddlers playing on it. Folks are starting to bring blankets to sit on for story time. Yet, Mr. Newlin killed a request from Sanborn Councilman Edwards for funding to move the books and shelving to temporary storage so the carpeting can be properly replaced.

Newlin: Absolutely wrong, Mr. Nichols. I won't interrupt but go ahead and finish your statement.

Nichols: On another occasion, at a Board meeting in August 2008, Mr. Newlin publicly demanded that the Sanborn Library look outside the Town for funding for its projects. Mr. Supervisor, the last I checked, the writer says Sanborn is still part of Lewiston. The Sanborn Historical Society also approached the Supervisor for a request for funds to add bathrooms to their newly remodeled museum on Route 31. In the past, this volunteer organization received funds from Assemblywoman DeMonte and Senator Maziarz; however, Mr. Newlin rejected their request. The Sanborn Historical Society works hard to create Lewiston-based attraction. They open their doors to many elementary schools and provide an affordable educational experience to these young minds. It's too bad they don't have the proper restroom facilities to best continue their mission. While Councilman Sean Edwards decided not to run he stated he wished he could have done more for the community of Sanborn, noting that streetscape would have done wonders for the businesses around Buffalo Street. From these comments, we can surely guess that Mr. Edwards must have lobbied hard for this project. However, I believe he lacked the real partnership from Supervisor Newlin who seemed to be more concerned with enriching himself with a 37% pay increase and proposing spending tens of thousands of dollars on a luxury item like a Splash Park rather than providing basic services for the residents of the Hamlet of Sanborn. The writer goes on to say that obviously Mr. Newlin you're out of touch with what's going on with the community.

Recently, I came across an article on the website 37percentinfo. It said your raise was higher than nine other Mayors and Supervisors combined. Higher by 78% than some of the others on the list that took no raise at all or took a cost of living raise...

Newlin: There is so much to disagree with it's hard to know where to begin. I have fought for that new carpet in the library at Sanborn for years. The problem we have now is it's going to cost \$27,000 to move those books. The town library up there had been working with the Senior Center and Historical Society to move the books via prison labor, essentially from the county Sheriff's office. That was put an end to as recently as two weeks ago. We tried to move it. Now we're going with other ways. I spoke to the head person at the library. I told them we're going to try and get our local librarian involved. Speaking of library funding, the Town of Lewiston spends more than twice as much as the second town does in Niagara County. It's not done anywhere in Erie County. County governments fund their libraries. I'll put this town's funding for library services against any town in Western New York because you'll find it unparalleled. Secondly, my family has had long time commitment to that library. You'll find my father's name on a bronze plaque in there because he was the man that led the effort to get that library built. I will not take any criticisms about what kind of job we do with library funding. Secondly, as to whether the Town of Cambria should put some money towards it -- it absolutely should. If you go into the hamlet of Sanborn, you'll see it says Welcome to Sanborn. On the lower corner, it says Town of Lewiston and Town of Cambria. Part of the hamlet of Sanborn is located in the Town of Cambria. It's also partly in the Town of Wheatfield... You're just so far out of touch with reality, Nr. Nichols. I think the longer you talk the more damage you do to your cause.

With regards with the bathrooms, the bathrooms are something that the Historical Society pushed thru the Greenway Commission which I do not sit on. The Greenway Commission said "no". I've spoken to the Historical Society and they are working on a new proposal and hopefully they will have some luck there. I will continue to push hard for that proposal because I think it's the right one to do. It's not going to be cheap. There is going to be a lot of money spent there so we are trying to get Greenway funding. It's also important that the autonomy between Greenway Funding and other capital projects that are left from the NYPA monies. Greenway projects have to either promote tourism, recreation or some other beneficial tourism use throughout the town. Monies we can spend from Greenway we can't spend on everything else.

The splash park wasn't my idea. The Recreation Dept. and its board have been pushing that idea along for longer than I was Supervisor. They came to me. They told me it was a good idea. I'm going to go over some more parks improvements tonight. I think it's a good cause. If you talk to the young families that use these Splash Parks in the City of Niagara Falls, or Youngstown, you see they get a lot of bang for their dollar.

With regard to taking care of Sanborn, I can almost tell you anybody up there will tell you I spend more time in Sanborn than any other supervisor in recent memory. I work very closely with those people. I consider a lot of the Historical Society my close, personal friends. I think they will tell you that I've done the upmost to fight for Sanborn. You will find that this town has spent more money in Sanborn in the last five years than it did in the prior five years before I came to office. That is a matter of record and those are dollars that can be tracked and there is going to be more money going up that way. Mr. Edwards, I would like you to address some of these aspersions that were cast in a completely... I'll say this about the press. Unfortunately we have only one newspaper here but I wish to God that the newspapers would check the facts of statements made to letters to the editor... All you're doing is proliferating lies, political lies that have no bearing on fact. That's all I ask is basic fairness from the press. Please check the facts of any statements made in a letter to the editor before you publish it.

Edwards: My name has been mentioned quite a few times here. One says the Sanborn Councilman. I'm not a Sanborn Councilman. I'm a Councilman of Lewiston. I know the woman who wrote this letter. I respect her. She was quite upset at the time. I haven't spoken to her since she wrote this letter. It's all about the kids. For someone to say I don't have a partnership with Mr. Newlin nor this board. I've never once come to this board with any needs from the east side of the town that we all didn't try within our

means to fund. Our means are limited when it comes to the streetscape and that is frustrating. It's terribly frustrating. We are growing a little bit as far as the sidewalks. They are dangerous sidewalks. Mr. Lannon is going to give us a report on what we can afford in 2009 and what we can in 2010. We'll budget accordingly. We will get those sidewalks fixed as well as renovations on a park pavilion. To say that Sanborn is being totally neglected by this board and Supervisor Newlin is false. I understand the sentiment of this woman. She wants the rug in the library replaced, as well as everybody in the town wants the rug replaced. We now are putting a plan together to try and raise the funding for the rug. Procedurally we need to get quotes. We have budgetary numbers. I'll go back to the trustees of the library. At the next board meeting I'll bring back quotes. There are companies that will take all the books out, take the cases out and put them back accordingly. It's a big task. I'll have something before this board. Hopefully we can find the funding somewhere.

Newlin: I'm going to address one last thing about this continuation that comes up with my salary. I'm the chief executive officer and chief financial officer of a body that has over 100 employees and an annual budget of more than 13 million dollars. You take a look at all the supervisors in the County of Niagara. There is one person that makes more than me in the Supervisor's role. That is Supervisor Marc Smith who is in a town slightly bigger than the Town of Lewiston but I'm second to him. Secondly, take a look, at other responsibilities that are done by department heads -- elected or otherwise -- that do not match the Supervisor's role. I find it curious just two weeks ago when we met here this board unanimously approved another \$7,000 in compensation to the Highway Supt., who makes now somewhere in the order of \$69,000 a year. I did not hear one peep from Mr. Nichols about the outrageous increase in salary. I compare the Highway Supt.'s job against that of the Town Supervisor's. The Highway Superintendent's job is supervision over a budget of about \$2 million. The budget I'm responsible for is five times that size. It is a very responsible job. This town needs to attract good people to do it. Again, I make \$39,900. No benefits. Unlike the Highway Supt. for example, who gets another \$11,000 in benefits. Not a peep out of Mr. Nichols for that. Taxes are going up in the County. Taxes are going up in the village. This town tax is zero. If you look at town taxes on a typical \$100,000 house in 2003, the year before I was in office, they are lower now in 2009, six years into my term. I challenge you to find some other governments where you have seen a reduction in taxes from 2003 to 2009. Aside from that, this town has pursued under my leadership a unique residential discount program with regards to electricity. We saved people on taxes but secondly we have now knocked off in the month of July and August about 35-42% off their residential electrical bills. We have some of the cheapest power in Western New York. Where this area used to have the second highest rates of electrical bills, we're now in the second half. That is an amazing achievement and I credit this board and prior in my position on that.

Palmer: I understand you're running for re-election but I don't think this is the proper time and place for the campaign rhetoric. We have to tone it down and do Lewiston business.

Newlin: That's true, but when a political letter was read in the record by the political chairman, I didn't open that door. It was opened by the other side. I'm not going to sit here and not respond to some outrageous lies that are being told...

AGENDA:

Johnson said he had an addition to his agenda regarding the Uniform Justice Court Act – 2019.A. Also he wanted to confirm the change in the worksession scheduled in September. Bax said he had two items to add: Funding of Safety Fence at Washuta Park and executive session to obtain advice from Counsel regarding a legal opinion on the Town Code. Edwards added a financial matter.

Bax MOVED to adopt the agenda, as amended. Seconded by Palmer and carried 5-0.

MINUTES:

Palmer MOVED to approve the minutes of 8/10/09 (Public Information Session). Seconded by Johnson and carried 5-0.

Palmer MOVED to approve the minutes of 8/10/09 (Worksession). Seconded by Johnson and carried 5-0.

POST-AUDIT:

Johnson MOVED for approval of payment to Home Depot \$745.90; and Sam's Club \$789.05. Seconded by Bax and carried 5-0.

OLD BUSINESS:

1. Drainage Issues: Eng. Lannon said the Town Board should have an email from his office documenting the problem, the objective and their suggested resolution of the drainage issues.

a) 434 Tryon Drive: Lannon said this is a private drainage matter. However, in an effort to assist the property owner, the following measures are offered to help reduce the concern.

- 1) Install a separate 6-inch perforated storm pipe along the east side of the house and connect to the existing storm system along Tryon.
- 2) Tie in the roof leaders to the 6-inch storm pipe.
- 3) Construct a shallow swale along the backyard toward the existing drain.

b) 470 Mt. View Drive: The waterline contractor has corrected the water valve/grading as requested by the homeowner. With respect to remove roots and debris in the storm sewer, this is within the purview of the Town Drainage Dept. to determine the needs and does not require engineering review.

c) 5844 West Street: Request for extension of drainage pipe. Lannon said there was some work done at this location several years ago. The current request is an improvement to private property and goes above and beyond the responsibility of the Town Board.

d) 5427 Military Road: Lannon said this is a request from homeowner Bernard Linnane to fix the pipes by the house and clean the drainage system behind Mr. Linnane's property. The storm system repair work is a resident cost; alternatively the drainage pipe could be removed and a drainage swale could be installed. Cleaning the ditch would benefit several homes that abut the ditch. The requested ditching work appears to be within the jurisdiction of the Highway Supt. and therefore does not require a directive from the Town Board. The drainage ditch is located entirely on private property (without easement) and will require ditch cards from each impacted resident should the drainage Dept. move forward with the project.

e) 719/723 & 779/785: Lannon said the Highway Supt was authorized to proceed with addressing the drainage at 779/785 The Circle by resolution dated May 18, 2009. The two additional addresses (719/723) abut the same town drainage easement. Ditch cards would be required in the event he has to go off the drainage easement and enter private property but the work is primarily within the drainage easement.

Edwards made the following observation: I understand our rules and standards that you make your decisions on when you do the site reviews. If it's a private, it's the responsibility of the resident. I've read the synopsis on all of these. Two of them are 50-year residents. It's a shame but we have rules and we have to abide by them. I have an additional concern at 4845 Perry Court. Town crews have been doing drainage work in the cul-de-sac. Why didn't the developer do the drainage and if they did, why wasn't it sufficient enough? Why are we going back and putting drainage in that area. It's upsetting when you have a brand new development that the developer is not living up to his end of the bargain. Here we have a 50-year resident that's been paying town and county taxes for 50 years and we can't help him. It's upsetting to me.

Lannon was asked to look at the Perry Court situation and report back at the next meeting.

The Supervisor said the Board never approved any work on Perry Court.

Edwards MOVED to accept the Engineer's recommendations and go forth with correspondence to the drainage department. Seconded by Johnson and carried 5-0.

2). Electrical Inspections: Attorney Koryl said he submitted some suggestive language for modification to the Town Code, Section 8B-4 which would indicate that rather than designating two electrical inspectors it will give the Town Board the flexibility to annually designate electrical inspectors (number of, name and company). Koryl said that Tim Masters is on board with this. The Town Code, Koryl said, does reference this issue in a variety of other sections. If we do approve this, we will need a final version which will reference all the varied sections that appear in different sections of the Town Code.

The Supervisor said a public hearing can be scheduled at the next meeting. The Board would need to have the final draft seven days prior to scheduling the hearing.

Bax MOVED to direct Atty. Koryl to finalize the draft of proposal local law. Seconded by Palmer and carried 5-0.

Sanborn Sidewalks: Newlin said they have been working in the last couple of months about resolving sidewalk issues in Sanborn. The sidewalk is in a State R.O.W. but the State apparently is not going to take any action in repairing the sidewalks. Newlin said the Town is going to start repairs on Sept. 9 replacing 60 linear feet of sidewalk at 5847 Buffalo Street.

Eng. Lannon said the next two areas to be repaired are 120 linear feet of sidewalks at 5851 and 5855 and 50 linear feet at 5846 Buffalo Street.

Newlin said the next step would be to get three written bids on replacing the next 170-ft stretch from qualified contractors. Newlin said this additional work should not exceed \$20,000.

Newlin MOVED to allocate funds not exceeding \$20,000 from the Power Authority Reserve Fund for sidewalk repair in Sanborn. Seconded by Bax and carried 5-0.

NEW BUSINESS:

Clerk's Correspondence:

Item No 1: Request from Kevin Schul, 4828 E. Eddy Drive for removal of two overgrown and weak cottonwood trees on Town property directly behind his property. Edwards said he would address this under his agenda.

Item No. 2: Regarding changes to site plan of Maintenance Building for the Hickory Stick Golf Course was deferred to Palmer's Agenda.

Supervisor Newlin:

Legal: Atty. Leone said he reported at the last meeting of a voucher that had been submitted for collision work done in Lockport that a town vehicle was involved in. The voucher was signed off by the Highway Supt. Leone said there was no accident report filed and no real indication what the accident involved. Leone said he sent a memo requesting the Highway Supt. file those documents with the Town. As of today I don't know if that they have been, he said.

Engineer: Lannon said the roof repairs of the four pump stations are complete. The Town Hall roof is complete with the exception of some flashing along the perimeter.

Sanborn Fire Works: In the last couple of years, Newlin said the Sanborn Historical Society has asked for funding of \$1,500 toward their fireworks program.

Newlin MOVED to allocate \$1,200 from the Celebrations Account towards the Sanborn Fireworks. Seconded by Edwards and carried 5-0.

Newlin MOVED to allocate \$300 from Contingency to pay the balance of the fireworks. Seconded by Edwards and carried 5-0.

4. Park Improvements:

Splash Park: Newlin said they are going to try and meet with some vendors and move forward with Request for Proposals to get an idea of the scope of that work and feasibility at various town sites.

Kiwanis Park: Newlin said he's been working with the Rec. Director regarding to improvements at Kiwanis Park. The playground equipment dates back 10-years and there are some issues to some of the material that covers the surface of a portion of the playground.

Colonial Village Park: Newlin said he has spoken to some of the members of the Fire Company with regard to the pavilion at Colonial Village Park. The interior of the pavilion needs some work.

Sanborn Park: The roof on the pavilion at the Sanborn Park needs replacing. Bax said he spoke with the Director. Dashineau will get back to him with a cost estimate. The Building Inspector was asked to look at the roof also.

Councilman Edwards:

Sanborn Farm Festival: Edwards said the Festival held at the Sanborn Museum last weekend was a great success. He commended the Police Chief & explorers. Everyone in the Town did a great job.

Tree Removal: Edwards reported on a dead tree in the Town R.O.W. at 5040 Bronson Drive. On the recommendation of the Highway Supt., and having polled some of the Board, permission was given to Arbor Tree Service to remove the tree and stump for a total cost of \$450.00.

Edwards MOVED payment of the invoice to Arbor Tree Service. Funds to come capital fund H-72. Seconded by Johnson and carried 5-0.

Tree Removal: This was a request from Kevin and Tammy Schul for removal of two cottonwood trees in the Town R.O.W. directly behind their property at 4828 E. Eddy Drive.

Edward MOVED to contact Arbor Tree Service to provide an estimate to remove the trees at 4828 E. Eddy Drive and authorize the Supervisor to enter into a contract. Seconded by Bax and carried 5-0. Funds to be allocated from Account H-72.

Councilman Bax:

Safety Fencing: Bax noted that the Recreation Director had asked that funding be designated to put up safety fencing at Washuta Park.

Bax MOVED to designate funding not to exceed \$5,000 for safety fencing at Washuta Park. Seconded by Edwards and carried 5-0. Funds to be allocated from account H-61.

Councilman Johnson:

Uniform Justice Court Act: Johnson noted that Section 2019-a of the Uniform Justice Court Act requires that town and villages justices annually provide their court records and dockets to their respective Town and Village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings.

Johnson said the audit is complete. The Town by resolution needs to acknowledge that the required examination or audit was conducted and to authorize the Supervisor to forward said audit to the NYS Office of Court Administration.

Johnson MOVED to approve the resolution. Seconded by Bax and carried 5-0.

September Worksession:

Johnson MOVED to re-affirm that the September worksession is scheduled for September 21, 2009 at 5:30 p.m., Seconded by Bax and carried 5-0.

Zoning Board: Johnson said they recently made an appointment to the Zoning Board. However, it was pointed out to him that the Town Code indicates a 7-member board. He asked the status of this.

Leone said there was a time a few meeting ago where that issue came up. Leone said he submitted a proposed local law some time ago to have five members on the Board to comply with the State Law. Where it went to I don't know. Leone said he would forward a copy of the proposal to the Board and Building Inspector.

Councilman Palmer:

Liaison Report: Palmer asked to recognize Sandy Hays-Mies who served as the director of the Lower Niagara River Region Chamber of Commerce for several years having led the organization to the forefront in Western New York. Ms. Hays-Mies has now moved on to form her own copy and on behalf of the Town Board wishes her the best of luck in her future endeavors.

Hickory Stick Golf Course: Palmer referred to correspondence from the Planning Board. The Planning Board on August 20, 2009 recommends approval for changes to the site plan in regards to the maintenance building for the Hickory Stick Golf Course, as submitted.

The following general revisions are:

- Expanding parking for employees and visitors
- The pavement widened for emergency access and vehicle turn around.
- Additional details added for the fuel tanks and chemical storage facilities.
- Revision to sanitary lateral connection to accommodate the building plumbing.
- Additional pine trees added along the west property line to screen the building from the Robert Moses Parkway.
- Location and size of the bulk storage area has been revised.

Palmer MOVED to accept changes to the site plan, as submitted. Seconded by Johnson and carried 5-0.

Newlin said he had a meeting attended by the Building Inspector and Planning Board Chairman with representatives of the Seneca Development Corporation. This was the first meeting with anyone from the Senecas in two years. Newlin said he expressed the town's interest in having Lewiston somewhere in the naming of the Golf Course. Also, that they keep re-visiting the issue of drainage, as there are some drainage issues in that area. Thirdly, a reduced rate to Lewiston residents of some sort. Newlin said the Corporation anticipates opening in Spring 2010.

Johnson said those stipulations were items they have talked about from day one. One other item is the area behind Perry Court that was sold to the Gaming Corp. The Town no longer has access to that area. That area was supposed to get cleaned-up. There is a lot of debris back there. Trees are broken over. That is what is causing a lot of the drainage problems for some of the residents. They said they were going to clean it up and use it as a buffer zone. They promised they would clean it up when we sold it to them.

- Palmer asked to amend his motion relative to the Hickory Stick Golf Course.

Palmer MOVED to accept changes to the site plan, as submitted, pursuant to final approval by the Fire Inspector and Building Inspector. Seconded by Johnson and carried 5-0.

Executive Session:

Newlin asked for a motion to enter into executive session to obtain advice of Counsel on existing Town Code.

Bax MOVED to enter into executive session. Seconded by Palmer and carried 5-0. Time: 8:15 p.m.

*Executive Session:

Time: 8:15 p.m.

Present: Newlin, Bax, Edwards, Johnson, Palmer, Leone, Koryl, Lockhart

Issue Discussed: Review of Town Sewer Code Chapter 21

Johnson MOVED to exit executive session. Seconded by Bax and carried 5-0.

Time: 8:30 p.m.

No Action Taken.

Johnson MOVED to adjourn. Seconded by Bax and carried 5-0.

Time: 8:30 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

*Executive Session minutes taken by Attorney Robert Koryl