

Town Board Meeting

July 26, 2010

6:00 p.m.

Present: Sup. S. Reiter; Council Members M. Marra, E. Palmer & R. Winkley; Dept. Sup. G. Catlin; Atty. M. Dowd; Eng. R. Smith; Adm./Op. T. Lockhart; Bldg. Insp. T. Masters; Finance Officer M. Johnson; Police Chief C. Salada and Town Clerk C. Brandon. 3 press reps and 7 residents.

Excused: Councilman A. Bax.

The Supervisor opened the meeting with the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Rose Mary Warren of 5842 Griffin St. First of all, I would personally like to thank the former supervisor and Michael Johnson for putting money in the last budget that LCTV tape the Board meetings. Shame on this Board for taking the \$14,450 set aside in an account and closing it out. They really don't believe in open government so that the handicapped, senior citizens and people who work late could view the meeting. I don't get lip service or should I say mobile service that if you care about the town and all its residents. You are a disappointment in that area.

I want to thank the Seneca Nation for building the golf course instead of the few people who wanted the Town to bond it. Think what would have been the cost of buying the land, building the golf course and funding it. If it was a bad season and lost money we would still have been paying the bond. Mrs. Glasgow has told us tonight that the Corp of Engineers, the DEC, environmental groups involved and that they found wetlands and the rare shell bark hickory tree. I am concerned about the toxic spray on the trees that could get into the streams, the Niagara River and Lake Ontario and into local fishing areas. I am also concerned about houses to be built around the lake, causing traffic congestions and a live bridge for golf carts over the land.

I do hope that you give Niagara Wheatfield School District the same free help that you are going to give Lewiston Porter because our school district is also in the Town.

Paulette Glasgow of 836 The Circle. Regarding the dog park fencing, the Town awarded to Fox Fence Co. who was not the lowest bidder. So, why did they install the fence. The contract was never awarded. Where did the fencing come from and how was it purchased. Did the fencing come from the Town's surplus? I don't think it did. If it did when did the Town approve it? The total for this project has increased by \$20,000, so why wasn't the project rebid? It went from \$31,000 to \$50,000. Does the legal dept. investigate a violation of General Municipal Law, Article 5A-7 that a person or corporation conspires to prevent competitive bidding etc. ? Somebody broke the law.

AGENDA:

Marra asked to add a personnel issue for the recreation dept.

Palmer: Executive Session-police personnel issue.

Reiter asked to add transfers of funds for a vehicle purchase and paving.

Winkley: Executive Session for a lawsuit issue.

Palmer MOVED to accept the amended agenda as presented. Seconded by Marra and carried 4-0.

MINUTES:

Palmer MOVED for approval of the minutes of 6/28/10 RTBM; 7/6/10 Sp. Mtg. Rifle Range and 7/20/10 Sp. Mtg. Greenway Proposal. Seconded by Marra and carried 4-0.

ABSTRACT:

Palmer MOVED to approve the Regular Abstract of claims #1894-2283 and recommend payment in the amount of \$632,907.97 plus a Post Audit of \$47,740.30.

In addition, Home Depot \$365.35 and Sam's Club \$1035.24. Seconded by Marra and carried 4-0.

OLD BUSINESS:

2010 Retirement Incentive

Reiter: We had a discussion with the department heads regarding the two parts of the incentive-Part A & B which require a public hearing for the local law.

Marra MOVED to hold a Public Hearing on August 23, 2010 at 5:30 p.m. for the purpose of the 2010 Retirement Incentive Part A & B. Seconded by Winkley and carried 4-0.

Standard Work Day & Reporting Resolution:

Reiter: We approved at the last meeting the work day schedule per employee but we have to approve the entire schedule of the names.

Winkley MOVED for approval of the Standard Work & Reporting Resolution as submitted to the Town Clerk. Seconded by Marra and carried 4-0. *On file in office of the Town Clerk.

Jake Brakes Signage:

Reiter: we received from the DOT that included a copy of the sign (Noise Limit 90 Decibels) and would ask that the Highway Supt. be allowed to contact DOT with the locations and DOT will install.

Palmer MOVED that the Highway Supt. D. Janese be allowed to contact NYS DOT with sites for the placement of these signs. Seconded by Marra and carried 4-0.

NEW BUSINESS:

Notification from Lewiston Fire Co. #2 of its intent to renew its liquor license effective 10/01/2010 expiring 9/30/2012.

Palmer MOVED to accept the intent to renew by Lewiston Fire Co. #2 of their liquor license. Seconded by Winkley. Carried 4-0.

Notification from Fin, Feather & Fur Conservation Society Inc. (3F Club) of their intent to renew its liquor license effective 10/01/10 expiring 9/30/12.

Winkley MOVED to accept the intent to renew by 3 F Club of their liquor license. Seconded by Marra and carried 4-0.

REITER:

Dog Control Mace Usage Issue:

Brandon said she after conferring with Atty. Dowd contacted the N.C.S.D. who does a certification of the use of mace since our DCO had an incident with an attacking dog.

Palmer said he could go to the uniform supply stores and purchase what is used by the postal service.

Salada stated that Sgt. Previte can conduct the training.

Winkley MOVED for the purchase of any necessary mace or pepper spray as needed by the DCO. Seconded by Marra and carried 4-0.

Generator Update:

R. Smith: Bruce Sheerer will be contacting Mr. Masters on this.

A survey crew is out at the PRV pits on Myers Hill.

We are wrapping up the plans for the Sanborn streetscape project and Mr. Sheerer will be contacting you on this.

Justice Court Assistance Program:

Reiter: We received a letter from the judges stating that they have received a grant for \$9069.05 to be used for furniture, filing cabinets etc. and they are requesting that the office be painted, new carpet and new ceiling be installed before they order new

furniture. The monies from the grant are to be used before 180 days or will be returned. We should investigate the costs of the repairs etc. and work with the clerk and the budget officer. If necessary the furniture could be stored.

Johnson said we will be getting work done on the ceiling soon and we will get estimates on the paint and carpeting.

Marra MOVED that the Courts gather prices on their request and work with Mr. Johnson. Seconded by Palmer and carried 4-0.

Village of Lewiston Request I & I Funding:

Reiter: We received correspondence from the Village of Lewiston with a request for approval of a \$8000 reimbursement for the I & I inspection. We have given them \$8000 in the past with funds coming from the Power Authority monies. I ask that we continue this project so they can reduce the I & I to the treatment plant.

Marra MOVED to transfer \$8000 to the Village of Lewiston to conduct a 3 day TV inspection I & I in selected areas. Funds to come from H-97. Seconded by Winkley and carried 4-0.

Highway Truck Purchase:

Reiter: The purchase of a 2010 truck for the Highway Dept. from Howells Motors for \$19,312 which is lower than the State bid. We need to transfer these funds from H95 71400.0200 to BD 5120.0200. The Highway Dept. retired 3 trucks and other equipment in the last 3 months and this is a needed item.

Winkley MOVED to purchase a 2010 truck for the Highway Dept. at a cost of \$19,312 with a transfer from H-95 7140.0200 to BD 5130.0200. Seconded by Marra and carried 4-0.

Paving Projects:

Reiter: We did some extra projects to include the parking lot at the new Police Station and we need to transfer \$10,000 cover the paving projects.

Winkley MOVED to transfer \$10,000 from B1990.0401 Town Infrastructure to BD 5112.0400 Permanent Improvement Contractual. Seconded by Marra and carried 4-0.

Duct Cleaning:

Reiter: With the construction lately here in the Town Hall, we wanted to clean the ducts. Six proposals were sent out with 2 responses. One from Indoor Air Pro & John W. Danforth Co. The consensus of Mr. Johnson, Mr. Masters and the Clerk was that Indoor Air Pro level of skills and techniques were better and more in depth.

Reiter MOVED to award the contract to Indoor Air Pro for the cleaning of the ducts at the Town Hall for \$8965.00 with funds to come from H-55 7140.0400. Seconded by Marra and carried 4-0.

W.P.C.C. Appointments:

Reiter: I am filling in for Mr. Bax on these items. We lost 2 employees from the Treatment Plant and Mr. Lockhart has asked that Kevin Norwich be appointed as a Laborer and Jeff VanUden be appointed as a Wastewater Maintenance Person. These positions were worked out with CSEA labor contract at the plant. They are both within civil service requirements and they both meet the qualifications so I will make a motion.

Reiter MOVED to appoint Kevin Norwich to a laborer's position at the WPCC with a start date of 8/30/10 pending civil service approval starting at \$18.11 per hour and Jeff VanUden to be appointed as Waste Water Maintenance Person with a start date of 8/30/10 pending civil service approval starting at \$20.05 per hour. Seconded by Marra.

Brandon asked for permission to advertise in house for Kevin Norwich's position.
(Yes)

Motion carried 4-0.

Approval Municipal to Municipal Purchase:

Reiter: We have a lot of updates to do at the plant. Mr. Lockhart has done an yeoman's effort to cut costs and he went to the Village of Dansville which was under a DEC consent order. They put in digesters which they could not utilize and they were used for a short period of time (3 months). This equipment if bought new would cost \$125,000 to \$150,000. Mr. Lockhart made an effort to buy this equipment for \$55,000. This is a great savings for the Town of Lewiston. I commend Mr. Lockhart on his aggressiveness in taking care of this project. I am requesting he be allowed to purchasing this equipment in the amount of \$55,000.

Lockhart: It is various digester equipment and a high efficiency boiler system, heat exchangers, chopper pumps, controls and various safety equipment etc. This is all items that we have at the plant that is directly replacements that we can use, but ours is 32 years old. The interface from 1970 to present has been a challenge and what we are trying to do is and what we have done through all the years with the updates at the plant is to bring equipment that will set us for another 20-25 years without having to mortgage the future and still maintain a high level of efficiency so that we don't have to go through this every 2-3 years.

Winkley MOVED to purchase the equipment as provided in the amount of \$55,000 with funds to be decided. Seconded by Marra.

Johnson said the whole project is part of 2-3M project. In speaking with our auditor and with the large fund balance that we have in one of the accounts, loan it to the project. I will have to work this out with Mr. Dowd. We could probably get 3-4% on our money. I cannot give you the fund right now; I will work with Mr. Brown and Mr. Dowd.

Motion carried 4-0.

CRA Engineers:

Reiter: We need a motion for CRA Engineers to prepare plans and specifications on behalf of the Town of Lewiston for increased improvements of the facility, WPCC. This is a project that is carried over from last year and we decided we would stay with CRA instead of interrupting that process. The plans and specifications require DEC approval before construction can begin and also it is needed for grants and funding opportunities.

Lockhart: The Supervisor outlined it very well. We are at a point in the project where we need to have the final plans and specs submitted to DEC so we can move forward before any construction can begin. This would finalize the plans, the construction etc.

Palmer asked do we know how much it would cost.

Lockport: We are looking at probably out of 3.5 M; it would be \$350,000 for engineering which is about 10% which is typical.

Palmer MOVED to engage CRA Engineers to prepare plans and specifications for increased improvements at the Water Pollution Treatment Plant. Seconded by Winkley and carried 4-0.

PALMER:

Street Light/ NYPA/Hyde Park Blvd.

We have correspondence from National Grid regarding the installation of a street light and they are asking exactly what type of light we want. The other two lights in the area are 150-watt high pressure sodium standard luminaries.

Palmer MOVED that National Grid install one (1) 150-watt high pressure sodium standard luminaries on Pole # 179 at the southwest corner of Hyde Park Blvd. at the NYPA service road known as South Access Road at an estimated annual cost of \$118.62. Seconded by Marra and carried 4-0.

Niagara University Science Bldg.:

Palmer: I have correspondence from the Planning Board who met on June 17, 2010 reviewing a site plan review for Niagara University for a science building.

Palmer MOVED to accept a Neg Dec on the site for the Niagara University Science Bldg. Seconded by Marra and carried 4-0.

Palmer MOVED to accept the recommendation of the Planning Board on the site plan review with the following conditionS: 1) Further information being provided and the Building Inspector being satisfied that the proper emergency handling routines for the level of CDC biohazards that are going to be present; 2) The information to be provided will be determined by someone making the determination at the school of what level of biohazards the school will be dealing with. Seconded by Winkley.

Masters: Since the initial meeting, I was given a list of the biohazards they deal with and I have given them to the Fire Bureau etc. We are working on that. This will not be done until next spring.

Motion carried 4-0.

Rifle Range:

We met at the Senior Center with concerned citizens two weeks ago regarding the pistol range. We believe that we have reached a satisfactory conclusion that we will no longer have outside agencies using our shooting facilities after 1/1/11. After that date it will be used exclusively by the Town of Lewiston Police Dept. We will honor the commitments that were made prior to that decision thru the end of the year. They have been given ample notice. The people seemed satisfied with that conclusion. We have suspended future meetings.

Reiter: As a result of that meeting, they have said we no longer need future meetings and we will not add on any agencies and we will continue with no shooting on weekends, after dark and on holidays.

Lewiston Police Dept.

Palmer: There is a personnel change forthcoming which is the focus of the executive session.

Salada: Regarding the Artpark situation, we are busier every year with concerts from Tues. thru Friday. We have had some arrests.

Palmer reported that the new headquarters has new blacktop as of last week and landscaping bids are out for grass and shrubbery.

Salada thanked the Highway Dept. for a great job in the midst of extreme heat.

Brandon thanked the Highway Dept. for cleaning up where the scrubs were removed and for digging the holes for the two locus trees to be planted in the area between the parking lot and Model City Road.

WINKLEY:

Incentive/Service Awards:

We received an updated list of the incentive programs for the fire departments. I would like to commend Pete Martin and others who worked on that. They went thru hundreds of names and removed those who were ineligible and it will save us money. Within the next two meetings we will be able to change the incentive down to the age of 16. With

NCCC having dorms, Sanborn Fire Co. is getting more firemen interested at the age of 17. NU is also having firemen at Upper Mt. Fire Co. which helps.

MARRA:

Bikeboy Racing:

There is a group that wants to have a bike race in the Town of Lewiston and we are in need of proper documentation on this. We will wait on this.

Employee I.D. Cards:

At a recent Police Comm. Meeting, the Lewiston Police Dept., recommended that we purchase an I.D. machine to issue i.d.s for every employee. This is important as employees go to residences and we need one uniform i.d. for all.

Marra MOVED to purchase a I.D. machine to issue i.d.s to all Town employees not to exceed \$3000 with funds to come from B1990.0400. Seconded by Winkley and carried 4-0.

The Clerk and Chief Salada will determine where it will be utilized.

Parks/Recreation Hiree:

Marra MOVED to hire Matthew Brundage as a laborer* in the Parks & Recreation Dept. at the rate of \$8.00 per hour. Seconded by Winkley. *(this is a replacement for a person who resigned and lesser hours for another employee.) Carried 4-0.

Reiter announced that the Town had mulch available with a delivery charge of \$25.00. Forms are available in the clerk's office.

Marra MOVED for adjournment, seconded by Palmer and carried 4-0.

Time: 6:45 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session:

Present: Sup. S. Reiter; Council Members M. Marra, E. Palmer & R. Winkley; Atty. M. Dowd; Chief C. Salada & Town Clerk C. Brandon.

Issue:

Resignation of Police Officer J. Ripson discussion.

Motion to exit Executive Session and reconvene made by Councilman Winkley and seconded by Marra and carried 4-0.

Winkley MOVED that former Police Officer Jonathan Ripson be paid the following: Personal Time 29.63 hours; Sick Time 30 hours & Comp Time 41 hours. Total 100.63 hours. Seconded by Marra & carried 4-0.

Motion to adjourn made by Palmer and seconded by Marra. Carried 4-0.

Time: 7:30 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon, Town Clerk

