

Work Session

June 13, 2011

6:00 p.m.

Present: Sup. S. Reiter; Council Members A. Bax; M. Marra; E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Attorneys M. Dowd & M. Davis; Highway Supt. D. Janese; Adm./Op. J. Ritter; Eng. R. Smith; Police Chief C. Salada; Bldg. Insp. T. Masters, Budget Officer M. Johnson & Town Clerk C. Brandon.

Also Present: 3 press reps and 20 residents.

The Supervisor opened the work session at 6:00 p.m., followed by the Pledge of Allegiance led by Councilman Winkley. A moment of silent reflection was observed.

AGENDA:

Supervisor Reiter stated that the public hearing on the dog law had been concluded.

Marra: Addition of a Parks & Recreation issue and the purebred dog license issue vote.

Bax: Add the turbo blower procurement contract.

Winkley: An additional personnel issue for Parks & Recreation.

Reiter: A request from John Sharpe for a personnel issue and budget items.

Approval for additions was approved unanimously

ABSTRACT:

Palmer MOVED for approval of the regular Abstract of Claims #'s 1488 to 1898 and recommend payment in the amount of \$458,974.95, plus a Post Audit of \$178,056.98. Seconded by Marra and carried 5-0.

SUBDIVISION APPROVALS:

Palmer MOVED to approve a Neg Dec on property of Linda Kroening; SBL#118.00-1-1.1 at 2435 Saunders Settlement Road. Seconded by Bax and carried 5-0.

Palmer MOVED to approval the subdivision as presented for Linda Kroening at 2435 Saunders Settlement Road. Seconded by Bax and carried 5-0.

Palmer MOVED to approve a Neg Dec on property of Michael Bosso on 2818 Albright Road SBL#90.00-3-37.2. Seconded by Bax and carried 5-0.

Palmer MOVED to approve a one lot subdivision of Michael Bosso as presented. Seconded by Bax and carried 5-0.

GENERATOR BID:

Eng. Smith: Two bids were received for backup generators and the low bidder was Bondi Electric in the amount of \$205,320.00. Based on our review of his insurances, bonding and experiences etc. we recommend that you accept Bondi Electric as the low bidder on this project. The bid was close to the engineers estimate and was \$10,000 lower.

Palmer stated that according to Budget Officer M. Johnson we have not allocated this amount of money for this project when we initially set it up for bid.

Winkley MOVED to Table. Seconded by Bax and carried 5-0.

Reiter said that Mr. B. Rotella, our Grant Writer informed him that there are grants that we can apply for.

SENIOR CITIZEN EMPLOYEE RESIGNATION:

Marra: We received a letter from Sen. Dir. J. Collesano informing us that Kathleen O'Connor, Senior Aide has decided to retire effective August 26, 2011.

Marra MOVED that a letter with regrets be sent to Katie and thanking her for her service. Seconded by Winkley and carried 5-0.

Marra MOVED that the position be posted in house for a period of 10 days and if necessary advertise for the position in our newspaper. Seconded by Palmer and carried 5-0.

L-P SUPPORT REQUEST:

Reiter: I have a letter from Don Rappold, Assistant Supt./Adm. Services asking for support and assistance in placing a three color signal on Creek Road at the L-P school driveway near the police station.

Winkley MOVED to support the request of the Lew-Port School District for a three way light at the school's driveway. Seconded by Marra and carried 5-0.

Reiter asked that Police Chief Salada add some comments to the letter that he will write a letter of support.

RCR & COMPANY-ELECTRIC RECYCLING:

Reiter: We have a letter from the Clerk for approval of a contract with RCR& R Recycling and I would like the Attorney to review the contract.

Bax MOVED to Table this request for review by Town Atty. M. Dowd. Seconded by Marra and carried 5-0.

UPPER MT. FIRE CO. ROSTER ADDITION:

Winkley MOVED to add Andrew Siedlecki of 461 Mt. View Drive to the Upper Mt. Fire Co. roster. Seconded by Bax and carried 5-0.

AIREAL MOSQUITO SPRAYING NEGATIVE DEC.:

Reiter:

This does not mean that we are asking to spray for mosquitoes at this time, but what we are doing is preparing all the documentation so if spraying is needed, that instead of waiting 2-3 months after a time frame we will be prepared and we can spray very quickly.

Palmer MOVED that a Neg Dec be approved if a spraying is deemed necessary for an aerial mosquito spraying. Seconded by Marra and carried 5-0.

TURBO BLOWER BIDS:

Ritter: I would like to recommend that we accept the low bidder for this project. CRA Engineers have reviewed the two bids and have decided that the Town should go with the low bidder, Cummings-Wagner-Siewert LLC.

Bax MOVED that the Town accept the bid of Cummins-Wagner-Siewert LLC in the amount of \$48,827.00 to be taken from Account H-32 7140.0200. Seconded by Winkley and carried 5-0.

LETTER OF SUPPORT FOR PEOPLE INC.

Reiter said in discussion with the Board members.....what we are going to do is take the plans that have been offered to us by the land owners and give them to the Planning Board on Thursday night for their approval. We have made the changes as requested by a lot of residents and I did have a couple of meetings with them. I think we are on the right track with this matter and on Friday morning we will meet at 8:00 a.m. here at the Town Hall we will take a roll call vote. One resident asked to speak and I will allow that.

Janet Ebert of 817 Pletcher Road. "Thank you Steve for allowing me to speak. To say I have had a few sleepless nights over the past couple of weeks would be an understatement. When this plan was first proposed, I was steadfast in my resolve. In fact I may have been the most outspoken person regarding this. I felt there was no way this project as a whole with the commercial development and apartment

building should be next to our school. Weighing the pros and cons, for me the cons far out weighted any merits the senior housing could bring to our community. However, with the recent changes proposed by the land owners, the certainty of my resolve, in my own mind, has been in question. “

“In the recent meetings with Steve Reiter, People Inc. and concerned residents, I have given way to compromise. After each meeting I returned home to my children who were anxiously waiting for me to inform them of any new developments. When I returned after the first meeting and told them we requested some major changes including the commercial development, my son was questioning why the land owners would still want to proceed with the plan and when my 13-year old daughter piped up and said, because it is a way for them to get their foot in the door, to get what they ultimately want, which is the whole plan. I thought if she can see it that plainly maybe I should rethink this. So I went back to the second meeting, more resolute in my fight against this project when People Inc. was explaining their plans for the elderly my heart started to melt and once again I was open to the idea of compromise. The end result of that meeting was a proposal to take back to the land owners, stating that everything would remain the same, the way it is now; R-1 & R-2, except the senior housing would be added on the 7 acres of land. I made one additional request that the entrance be placed on Pletcher Road and not Creek to avoid potentially hazardous driving conditions next to the school. We were advised this could not be done because the driveway would have to be on property that People, Inc. would own and they would not own the land connecting to Pletcher Road We were also told at that time that the driveway would be for People Inc. only and not be used for the RZ development.. This change that we requested would require them to go back for what I believe they called a new siting offer and cause a major delay when they are against a time deadline of June 21st.”

“My thought was okay so be it. Once again, I came home and explained to my children the results of the meeting. They were disappointed and could not understand why I had in their minds caved in. I explained to them the merits of senior housing and how it is needed in this area. I felt they did not quite get it but I was okay with that. Figuring they were kids and I as an adult knew better.”

“Then last night we were discussing it again and they wanted to know exactly why I would want senior housing in this location. So I set out to again explain my point of view. I told them that there really is no place for affordable senior housing in Lewiston and we need it. I used my Mother as an example. I told them if Grandpa were to pass away, there is no way Grandma could afford to continue to live in her house on Social Security. Where would she go? Because there is no more room in our house, she could not live with us. She has lived in Lewiston her entire life. Would we ship her off to Niagara Falls to live in a community that she is unfamiliar with? They saw my point and thought about it for a few minutes. My 16 year old son then stated, but what about the driveway on Creek Road, that makes me very uncomfortable with the high school traffic. I explained the problem with an entrance off of Pletcher and his response was that is unfair. At first I was confused by his comment but then he said, they are making you make a choice between the kids and the seniors, you will never be happy with whatever the outcome. There was my light bulb moment.”

“This project as it stands now is a no win for anyone. Yes, we need the senior housing in Lewiston and yes, we want to keep our kids safe. So, I do not understand why we are being forced to make a choice.”

“We were told that there is not much developable land in Lewiston yet within minutes we found 23.4 developable acres at Creek and Foxwood complete with R2 Development, all utilities present, nicely wooded, excellent potential for cluster development and patio homes and three potential access points. When we made mention of this to Steve we were told it didn't have sewer lines. At Pletcher and Creek they have to put in water lines. Additionally they would have to put in sewer lines. I do not see much of a difference.”

“With all this said, I feel like we are being rushed into a major decision. I feel like I am watching a bad infomercial, hurry up, and buy it now, this offer will not last. If this project is in the best interest of the community it will still be a viable project a year from now once we have had time to iron out all the issues. To redesign the plan putting the entrance on Pletcher away from the congested Creek

Road school entrance, or maybe to find a better location. This zoning change requires more time to clearly think of all the ramifications this will have on the neighbors, the school kids, the seniors and the entire community of Lewiston.”
“Although I feel bad, in the sense I told Steve Reiter and therefore the land owners at our last meeting that I personally was willing to compromise. In taking time to think this through, without the emotion involved by People Inc. I am feeling buyer’s remorse. I am glad I have this opportunity to state it before it is too late. To ask us **all**, the Board included to make such a hasty decision on such a **major change** to this area as this Planned Unit Development would be asking for too much, too fast. At this time, I ask that you look seriously at this zoning change with the possibility of revisiting a revised proposal when we have **time to properly plan** out a vision which is a more balanced approach and would be mutually beneficial to our seniors and our children. Let us not be rushed. Let us take a deep breath and step back. Let us take the time to do it right. We the community, the Board members, the neighbors have the opportunity to make this a win-win situation. Thank you.”

Reiter asked for a motion to send this back to the Planning Board as we discussed. I have told the residents that we will meet at 8:00 a.m. I have presented the revised plan to the press and to the Board members.

Marra MOVED to send the revised plan to the Planning Board for their meeting on June 16, 2011 at 7 :00 p.m. Seconded by Bax and carried 5-0.

The Board will meet on Friday, June 17th at 8:00 a.m. on this.

PARKS & RECREATION:

Marra MOVED to authorize Parks & Recreation Director Michael Dashineau to go out for bid for equipment for Greenway approved projects at Colonial Village and Toohey Parks. Seconded by Bax and carried 5-0.

PUREBRED DOG LICENSES:

Marra MOVED to approve the Purebred License Local Law in the Town of Lewiston as presented in the Public Hearing. Seconded by Bax and carried 5-0.

Marra: N.C. Leg. Richard Soluri will be chairing a meeting on Thursday, June 16th at 5:00 p.m. at the Red Brick School in the Village to discuss the 6 presented options with respect to the Parkway.

Reiter stated that it is very important for Lewiston residents, pro or con to the various alternatives to the Parkway that your voice is heard.

ADDITIONS TO RECREATION DEPT.:

Winkley MOVED to add Arthur Gifford @ \$8.50 per hour and Karen Torrie, for a supervisory position @ \$10.00 to the Recreation Dept. Seconded by Marra and carried 5-0.

GPS HELP:

Reiter stated that John Sharpe is working on our GPS system with respect to the water lines, sewer manholes etc. and he is asking for part time assistance at this time.

Marra MOVED for approval of Richard Gubala @ \$9.00 per hour for part time for the summer only. Seconded by Palmer and carried 5-0.

BUDGET TRANSFERS:

Reiter MOVED to transfer \$114,000 from Fund Balance to B1990-041-0200 (Town Equipment Fund) for the purchase of highway equipment. Seconded by Bax and carried 5-0.

Reiter MOVED to transfer for Unemployment Charges to the Building Dept. \$1834.00, B1990.400 from B3620.400. Seconded by Palmer and carried 5-0.

N.C. MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

Reiter: We need a resolution to adopt the Niagara County Multi-Jurisdictional Hazard Mitigation Plan for disaster declaration.

Marra MOVED for the adoption of the following Resolution:

WHEREAS, the Town of Lewiston with the assistance from Ecology & Environment, Inc. has gathered information and prepared the Niagara County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Niagara County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Lewiston is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Lewiston has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED by the Town of Lewiston, that the Town Board adopts the Niagara County Multi-Jurisdictional Hazard Mitigation Plan as the Jurisdiction's Natural and Manmade Hazard Mitigation Plan, and resolves to execute the actions of the Plan.

Seconded by Palmer and carried 5-0.

Marra MOVED to adjourn at 6:35 p.m. Seconded by Palmer and carried 5-0.

Respectfully Submitted & Transcribed by:

Carol J. Brandon
Town Clerk