

**PRESENT:** Supervisor Reiter; Councilmembers Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis; Building Inspector Masters; WWTP Chief Oper. Ritter; Highway Superintendent Janese; Police Chief Salada; Finance Officer Johnson; 3 Press; 19 Residents and Clerk Donna Garfinkel

**ABSENT:** Councilman Bax

Supervisor opened meeting, followed by the Pledge of Allegiance and a moment of silent reflection.

### **TWO-MINUTE STATEMENTS BY RESIDENTS**

Supervisor asked if any resident wished to address the Board.

Warren, Rose Mary – 5842 Griffin Street – Warren was at church on Ash Wednesday, when a person said “aren’t you going to the Town Board meeting about Zoning and Tim Horton’s at the Sanborn Fire Hall?” She said no. She feels the Town Board is not treating her family very well. They did not have the decency to knock on the door to let her know a sidewalk was coming, it was on Town property, but it would have been nice to be notified a head of time. Warren looked out; saw a man putting stakes into the town property lawn. She sent her husband out, and the workman said they are doing sidewalks. Warren feels this was shabby treatment for paying town taxes for over forty-years.

Warren submitted a Freedom-of-Information regarding the map given to the Greenway Commission, including a comfort station and a parking lot. The answer received from Supervisor Reiter is as follows: Thank you for bringing your concern regarding the comfort station mentioned in the criteria section of your application. After review of the application we found this section was an error and should not have been included in the application. Page 3, Section 1 of the narrative, as well as the budget, do not mention or include a comfort station, and doesn’t not affect the over-all scope or cost. We reviewed your concern with the Niagara River Greenway Commission, Mr. Robert Blue, and the Commission approval is based on the overall vision of the project in its addition to the Greenway. Warren asks if he (Blue) contacted all the Commissioners or just make this determination himself. Warren feels the comfort station is important. It might have been thought that tour buses would stop in Sanborn and visit the antique stores.

The parking-lot, costing \$6500, roughed-up base, asphalt and signs. Signs are because of money left over because of the sidewalk the residents didn’t want or need.

Warren thought it was going to be new sidewalks all the way to the railroad tracks. When walking, there will be a few new pieces here and there. Nothing against the workers, but the Board should have directed them to contact the residents.

Dombrowski, Michael – 534 Riverwalk Drive – Dombrowski questioned the Board regarding drainage in his area. Is there an update on a start date? With a wetter and warmer winter there is water behind the community that is coming right up to the property lines. In some cases it is going over. Some homes are not on the Flood Plan and on a higher elevation, yet there is still flooding.

Reiter has no update, but will try to have some available by next meeting.

Glasgow, Paulette – 836 The Circle Supervisor Reiter thanked Mrs. Warren for her comments. Glasgow is not sure if it was patronizing or demeaning. The point that needs to be made is a lot of residents come, make points and inquiries. Glasgow recalls a comment made by Councilman Winkley last month, saying the Town Board is not obligated to answer resident’s questions.

Winkley said not during public comment time.

Glasgow said if the public has a question the Board should comment, if not at that time; address it in the meeting, or after the meeting. The problem is, when a resident asks questions or make an inquiry, they never get answers.

Glasgow submitted correspondence for tonight's meeting that she has inquired about at past meetings but was told to sit down, shut-up, because it is handled.

Reiter does not know who told her that, but doesn't believe it is anybody on the Board.

Glasgow would hope that in the future if a resident has an inquiry, question or comment the Board would respond.

#### **AGENDA APPROVAL**

Reiter asked for additions. Marra requests the addition of Fire Inspector.

**Palmer MOVED to approve the Agenda as amended, Seconded by Marra and Carried 4 – 0.**

#### **APPROVAL OF MINUTES**

**Marra MOVED to approve the RTBM of 1/23/2012, Seconded by Winkley and Carried 4 – 0.**

#### **POST AUDIT PAYMENT**

**Winkley MOVED payment of the following Post Audits: Home Depot - \$575.02; Sam's Club - \$2,007.63; DeLage Landen Inc. - \$116.10; Mountain Glacier LLC - \$45.38; Philadelphia Insurance Companies - \$1,492.00; and New York State DEC - \$250.00, Seconded by Palmer and Carried 4 – 0.**

#### **PENDING BUSINESS**

Border Patrol Citizen's Academy – Appointment

U.S Customs and Border Protection are sponsoring a Border Patrol Citizen's Academy, and invite the Town to appoint someone. The attendee will learn the history of the U.S. Border Patrol, present day operations, use of force tactics, K-9 resources, riverine patrol vessels, laws and authorities, and the partnerships with other law enforcement agencies.

Police Chief Salada recommends Lewiston Police Chaplain Richard James.

**Marra MOVED to appoint Police Chaplain Richard James as the Border Patrol Citizens Academy candidate, Seconded by Winkley and Carried 4 – 0.**

#### **CLERK'S CORRESPONDENCE**

##### **Item No. 1**

Clerks' office received correspondence from George and Paulette Glasgow. Clerk read into record:

At a recent Lewiston Town Board meeting it was brought to your attention that prior to any changes in the present franchise agreement with Time Warner Cable a public hearing had to be held pursuant to Town Law Article 4, Section 64(7) entitled "General Powers of the Town Board."

This section of Town Law reads as follows: "no such franchise permission or consent shall be granted without a public hearing, notice of which shall be given by the publication of notice thereof in the official paper at least ten days before the meeting".

It was also brought to the Town Board's attention that failure to hold a public hearing would result in the taxing of Lewiston residents without giving them an opportunity to comment on the proposed changes.

In an interview following this meeting Town Attorney Mr. Dowd disagreed, stating the Town wasn't taxing resident but merely looking to modify its existing contract and never approved any changes to the present Time Warner franchise agreement. Dowd stated, "Nothing will become official without the town going through all the proper channels. We won't do anything without doing everything how we're suppose to, these are just recommendations."

On February 16<sup>th</sup> I received my Time Warner bill that shows my franchise fee being increased. Since there was no notice of a public hearing and no public hearing held prior to this increase, I would appreciate knowing why I was, and quite possibly many Lewiston residents were charged this increase without being given the courtesy of comment.

I would appreciate a prompt response to this request. Thank you for your time.

#### Item No. 2

There is a NYSTCA Regional meeting March 25 – 26<sup>th</sup> in Geneva, New York. Clerk Carol Brandon is Director for District 10 and is obligated to attend. Cost is \$80.00 and has been budgeted for in the 2012 budget.

**Marra MOVED to approve Carol Brandon attending the NYSTCA Regional meeting, Seconded by Winkley and Carried 4 – 0.**

#### **SUPERVISOR REITER**

Legal:

Dowd responded to Paulette Glasgow's correspondence regarding the franchise agreement. If the franchise fee increased it is a matter of the current contract, not something done recently by this Board. Dowd can't speak to the increase without reviewing it. Recommendations have been made but the Board has not acted on them. If / when the Board formalizes the recommendations, a public hearing is necessary to make an amendment. Dowd will look at the bill and see.

Minor claims have been filed and forwarded to the insurance carrier.

Reiter said the Town has been looking at out-of-district costs / fees for out-of-district users of water and sewer. Reiter asks if any Board member would like to work with Dowd on this. Marra and Winkley will.

Engineering:

Smith has worked with Masters on the Standard Detail Specifications regarding the sanitary sewer lateral. Masters has since inquired about sidewalks, water service, curb buffers, etc..., which are not mentioned in the specs or is out of date. Smith would like to work with Town department heads to update the specifications accordingly. Reiter said that is a good idea.

The Elm and Annover Drive waterline project is moving along. As of today there are two remaining services to hook-up. The site will be restored in the spring.

In regards to Sanborn sewers, it needs to be determined what are homeowner responsibilities and what the contractor responsibilities are.

Dowd said the Board needs to contact homeowners regarding temporary / permanent easements. This line is behind the houses.

#### Sanborn Zoning Meeting

Reiter, Winkley and Marra attended the Comprehensive Plan meeting in Sanborn on February 22<sup>nd</sup>. It was very helpful and eye opening for the engineer doing the work.

## **COUNCILMAN WINKLEY**

The Sanborn meeting was very enlightening. Residents had very good questions.

Bax is excused, so Highway Superintendent Janese asked to address the Board.

### **Highway**

The Union Agreement needs to be formalized before work can start on roads.

A resident addressed the Board at the January 23<sup>rd</sup> meeting regarding a drainage issue on Creek Road Ext. Janese was requested to review the situation. A lot wraps around her property, and the property above that, is owned by National Grid. There is no impact on the highway; no water is running across the road. To remedy this the Town could put in a berm, catch basin and pipe it down to the road. There is pressure spray or seepage occurring, and flows all year round. Reiter asked Janese to draft a written response on this for the record.

## **COUNCILMAN MARRA**

### **Speed Study – Sanborn**

For two years the Town has been working with a consultant from Wendel Engineering on the Comprehensive Plan. The Sanborn meeting was very informative and a stark reminder of why the 10-year old plan needs to be updated.

There are parts of the Town where any big box store could come in and build without any review. The plan will address this. That's why it's very important to dedicate the time.

One concern is the safety of the current speed limit on Saunders Settlement Road.

**Marra MOVED to petition New York State Department of Transportation to study the speed limit on Saunders Settlement Road from Townline Road to West Street, Seconded by Winkley**

Reiter would also like a Traffic Study done.

**Marra MOVED to amend the motion to include a Traffic Study for this area, Seconded by Winkley and Carried 4 – 0.**

Palmer feels this stretch of road is the busiest roadway, in terms of traffic, during rush hour, with the College and other business coming in. It is incredibly unsafe for any child to live in this area.

Marra thanked Village Trustees Victor Eydt and Bruce Sutherland for attending tonight. Marra requests a Town/Village joint meeting to initiate dialogue to clarify each municipality's role with regard to the Lewiston Police Dept. contract.

**Marra MOVED to schedule a Town/Village Joint meeting, March 26, 2012 – 4:00 p.m., Seconded by Palmer and Carried 4 – 0.**

### **Fire Inspector**

Marra received information from Edward DeVantier; he more than exceeds the qualifications for the position.

**Marra MOVED to appoint Edward DeVantier a Town Fire Inspector, Seconded by Winkley and Carried 4 – 0.**

## **COUNCILMAN PALMER**

Palmer said the Police Commission has been a convoluted process since 1995. There was an original agreement, with a follow-up agreement a couple of years later. There were hand-shake deals, which never made it to print, so they probably don't mean much of anything, where the deal has changed through-out the years. Documentation that there have been changes in the relationship between the Village and Town is part of it.

Palmer feels the Commission was a good bridge when the Police Dept. merged to make sure the Village and the Town's interests were represented. Perhaps the Commission is no longer necessary or is actually detrimental to the good order of the Town, Village and Police Dept.

Reiter said at 5:30 p.m., prior to the Town Board Worksession of March 12<sup>th</sup>, Joseph Mascaro, Energy Cooperative of America, Inc. will give a presentation to the Town Board. This will be a discussion on the ISO on Lewiston's elective bills. National Grid is opting out of being Lewiston's biller, as a result of the Power Authority Agreement.

At the Town Board meeting of March 26<sup>th</sup>, at 5:30 Mr. Mascaro will present to the public.

Followed by a presentation at 5:45 p.m. by Mr. Louis Giardino, Joseph Davis State Park LCD to the Board and public regarding the Park.

**Marra MOVED to adjourn, Seconded by Palmer and Carried 4 – 0.** (6:25 p.m.)

Respectfully Transcribed and Submitted by:

Donna Garfinkel  
Deputy Town Clerk