

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis; WWTP Chief Oper. Ritter; Highway Superintendent Janese; Police Officer Grainge; Finance Officer Johnson; Building Inspector Masters; 3 Press; 20 Residents and Clerk Donna Garfinkel

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

APPROVAL OF AGENDA

Palmer requested the addition of abandon equipment; Marra requested a Building Dept. item; Reiter requested vote on Wind Energy Law and Zoning Law, and an executive session for personnel.

Marra MOVED to approve the agenda as amended, Seconded by Bax and Carried 5 – 0.

APPROVAL OF ABSTRACT

Marra MOVED approval of the regular Abstract of Claims numbered 4349 to 4662 and recommend payment in the amount of \$365,579.04, Post-Audit of \$885,926.77, plus a payment to Philadelphia Insurance Companies in the amount of \$1,492, Seconded by Bax and Carried 5 – 0.

HOSPICE

Each year Hospice sponsors a 5-K Dash in Lewiston. They request reserving September 21, 2013. Highway and Police Dept. to be notified.

Marra MOVED to approve September 21, 2013 for the Hospice Dash 5-K event, Seconded by Winkley and Carried 5 – 0.

MEETING MINUTE APPROVAL – Joint Town/Village -10/29/12

Approval tabled at last meeting. Reiter said agreements were made and needed to make sure they were stated.

Bax MOVED to approve Meeting Minutes of Joint Town/Village - 10/29/2012, Seconded by Marra and Carried 5 – 0

Reiter to forward a copy of minutes to the Village.

SET FINAL AUDIT MEETING

Palmer MOVED to set the Final Audit meeting for December 27, 2012 – 3:00 p.m., Seconded by Marra and Carried 5 – 0. Reiter out of town; Catlin to preside.

SET REORGANIZATION MEETING

Bax MOVED to set the Reorganization Meeting for January 7, 2013 – 6:00 p.m., Seconded by Marra and Carried 5 – 0. Winkley will not be present.

OAK RUN ESTATES SUBDIVISION – LIGHTING REQUEST

Request received in May for 5 poles w/lights. It was forwarded to the Lighting Committee and they recommend approval.

Palmer MOVED to accept the recommendation of the Lighting Committee for Oak Run Estates Subdivision for 5 lights – seq. #12-0002, Seconded by Marra and Carried 5 – 0.

WATER METER / BACKFLOW PREVENTER – Joseph Davis State Park

The meter pit is in bad shape, and the backflow preventer is inadequate. Nussbaum & Clarke has researched this. It is believed this large meter is not necessary; it was used for a pool which is no longer there. Reiter to work with Nussbaum & Clarke. Town forces may be able to repair this.

Palmer MOVED to allow Reiter to work with Nussbaum & Clarke in regards to scaling down the water service at Joseph Davis State Park, Seconded by Marra and Carried 5 – 0.

RIDGEVIEW AT LEWISTON – Paving

Town received correspondence from Dominic Massaro – Property Manager for Ridgeview, requesting the Town consider the milling and repaving of Northridge Drive from Ridge Road to Eddy Drive West in 2013. Reiter asked Janese to review and determine if this needs to be addressed.

RECREATION DEPT. HIRE

Marra MOVED to appoint Cheryl Nowocien – Clerk/Typist Part-Time for the Recreation Dept., Seconded by Palmer and Carried 5 – 0.

VACATION CARRY-OVER

Due to extenuating circumstances, two Building Dept. employees were unable to use all vacation days.

Marra MOVED allow Sandra VanUden to carry-over 3 vacation days and Timothy Masters to carry-over 5 vacation days, Seconded by Winkley and Carried 5 – 0.

ABANDEND OBSOLETE EQUIPMENT

Palmer said Mr. Browning of Network Services recommends the disposal of obsolete monitors.

Palmer MOVED to declare 4-monitors obsolete and allow for disposal, Seconded by Winkley and Carried 5 – 0.

ADOPTION OF LOCAL LAW - COMMERCIAL WIND ENERGY

Bax MOVED to approve the Town of Lewiston Commercial Wind Energy Conversion System Law, Seconded by Palmer for discussion

Marra said in the law, the Tower / Wind Energy Committee references applications to be completed by the applicant. Marra requests the Committee produce said applications and provide them to Building Inspector Masters or the Town Clerk.

Carried 5 – 0.

ZONING – CODE

Reiter said the Public Hearing is still open and welcomed any resident to speak.

Witryol, Amy – 4726 Lower River Road – Witryol urges the Board to postpone the vote on the rezoning. She spoke with Andrew Reilly – Wendell Engineering, last week and asked if the impact of remedial decisions pending with a couple, if not 5 different regulatory agencies over the next twelve to twenty-four months had been contemplated in the zoning. Reilly indicated that it had not. Therefore, Witryol strongly urges the Board to postpone their vote for two weeks. This will provide time for some to look more deeply at these regulatory issues.

The New York State Dept. of Health concluded that children living in our school district have double the rate of childhood cancer compared to the rest of the State. Women living in the Ransomville zip code, which includes Lewiston residents, have incidents of breast cancer which

is 48% above the State average. There are many many other cancers where we have evidences in cancers that are not as heavily linked to genetics as it is to environmental exposure.

Given some decisions coming up by both the Federal and State regulations, which will have an impact on this Town for decades, Witryol strongly urges the Board postpone its vote. Witryol encourages the Board solicit input from the Niagara County Health Dept.

Witryol requests of the Supervisor that the Board take public comments outside of the hearing, in the regular board meeting on related issues with CWM.

Glasgow, Paulette – 836 The Circle – Glasgow asked how is anyone to comment when no one has read the zoning ordinance that is suppose to be on the Town web-site. The Board is asking us to comment, and then pass something that has not been seen on the web-site. How does that fly gentlemen? Glasgow has gone to the web-site continually and it is not there.

Masters said Mr. Reilly provided the Clerk's Office with a link, because it could not be posted on the Town web-site. Glasgow could have called the Clerk's Office for the information.

Glasgow says she works. How about the other 15,165 people in the Town, did they know that?

Masters said the Comprehensive Plan has been printed off and is available and Reilly has said this at many meetings.

Glasgow concurs with Witryol and the vote should be delayed. Somehow and somewhere, with the web-site the Town has now; put it on the web-site. Give the people two weeks to comment.

Glasgow would like to see all the utilities buried underground so she can see trees not wires.

Fideli, April – Youngstown – Is here representing Residents for Responsible Government. All members request the Board postpone the vote for two weeks to allow members to gather information regarding the zoning.

Bax MOVED to close the Public Hearing – Zoning Code of November 26, 2012, Seconded by Palmer and Carried 5 – 0.

Bax MOVED to table the vote on the Zoning Code for two (2) weeks, Seconded by Winkley for discussion

Winkley would like to have the political sign law reviewed.

Palmer said the Board has reached out time and time again to the community for comments for years. There have been meetings in Sanborn and here at the town hall. The Board will never please all the people all the time, at some point this needs to get wrapped up and move on.

Bax said he was not planning on making that motion today, he thought it was wrapped up, but after listening to public comment some people hadn't considered some of the things coming down the pipe in their decision making process.

Dowd said the zoning code changes are not in the content of the zoning code, but the districts themselves to amend the map, which has been available for many many months. The Board might want to address the Commercial Wind Law and their placement on the map.

Dowd said even though the Board has closed the public comment period of the hearing, they can accept written comments for a determined amount of time.

After the discussion the Board will accept written comments on the Zoning Code till January 7, 2013 and Carried 5 – 0.

EXECUTIVE SESSION

Winkley MOVED to enter into Executive Session to discuss personnel in the Justice office, Seconded by Bax and Carried 5 – 0. (6:25 pm)

Reiter said any resident that wishes to address the Town Board after the Executive Session may do so.

Executive Session

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis

Discussion on Justice Clerk unused vacation days.

Bax MOVED to exit Executive Session, Seconded by Marra and Carried 5 – 0. (6:35 pm)

Minutes taken by Michael Dowd.

Reiter MOVED authorization of, a one time situation, 10-days unused vacation pay and 1-week vacation, to be used by April 1st, carryover to Maria Sicurella, Seconded by Palmer and Carried 5 – 0.

Winkley MOVED to adjourn the Worksession, Seconded by Bax and Carried 5 – 0. (6:40 pm)

Respectfully Transcriber and Submitted by,

Donna Garfinkel
Deputy Town Clerk