

PRESENT: Sup. F. Newlin; Councilmen A. Bax, S. Edwards, M. Johnson, & G. Pacioni; Town Atty. J. Leone; Dep. Atty. D. Boniello; Eng. R. Lannon; Finance Officer A. DiRamio; WPCC Ad./Op. T. Lockhart; Parks/Recreation Director M. Dashineau; 3 Press; 25 Residents; and Dep. Clerk C. Schroeder

The Supervisor called the worksession to order at 7:11 p.m. The first item on the Agenda was a presentation from the Miss Niagara Pageant.

MISS NIAGARA PRESENTATION: Johnson introduced Ron Anderluh who gave a short presentation regarding the Miss Niagara Pageant. Amber Lindke, Miss Niagara 2005 spoke about her experiences as Miss Niagara and thanked the Town Board for its support of the program. The Miss American organization, she said, is the largest scholarship opportunity for young women in the entire world. She invited the Board to attend the 2006 Pageant at the Niagara Falls High School on March 4th.

Mr. Anderluh said one of the things they are trying to do is bring the Miss New York State competition to Niagara Falls. It would provide week long activities throughout Niagara County, bringing in \$1.3 million during that one week. He asked the Board's consideration in bringing the competition to Niagara County.

Johnson MOVED to place an advertisement in the 2006 Miss Niagara program booklet Seconded by Bax and carried 5-0. Cost was determined to be \$70 for a half-page ad.

Bax MOVED to authorize the Supervisor to send a letter on behalf of the Town emphasizing its support to bringing the Miss New York State Pageant to Niagara Falls in 2007. Seconded by Johnson and carried 5-0.

APPROVAL OF ABSTRACT: **Edwards MOVED to approve the Abstract of Claims, Nos. 97 – 480 and recommended payment in the amount of \$335,072.43 plus a post-audit of \$153,902.50. Seconded by Johnson and carried 5-0.**

MDA DISCUSSION: Newlin said the Town is in the process of contacting several law firms that may guide and assist the town in the creation of its own Municipal Distribution Authority for the future use of its power. Another interview may be held in the next two weeks. Public notice will be made of that, Newlin said. It will be a public interview, as was with Hodgson & Russ (Daniel Spitzer).

Newlin deferred to Mr. Edwards for general comment of a meeting he had with the Director of the Jamestown PPU (Public Power Utilities).

Edwards said he met with Mr. Haus in discussions of a MDA, as to which direction the Town should go. Edwards said he explained the Coalition's idea of using an existing MDA in Niagara County. As explained by Mr. Haus, it is very complex. When you have so many municipalities with different needs operating out of one general MDA it can be costly and confusing. He's never seen it work.

Edwards said he has pamphlets and packets as to what the Power Utilities do which do not pertain to the Town of Lewiston. Just his knowledge was very helpful. "I think we have to go forth and see our needs. What exactly are we going to do with this power? We all know what we are going to do with this power but I think we have to get advice from somebody in the power industry. I think we have to have a meeting with the Power Authority as well as National Grid and figure a direction. Personally, after leaving that meeting, I have great concerns about going in a joint venture in a MDA with somebody but the Town of Lewiston. With that being said, there is a lot to learn in this process but he did say it was a complex lengthy process. If we truly want to bring that power to the citizens in 2007, we really have to act on it now.

POLICE MEETING: It was announced that the next Joint Town/Village Police Meeting would be held at 6:00 p.m., Monday, March 6 at the Village Hall.

Johnson said he attended the last meeting of the Police Commission (1/27) on request of Supervisor Newlin. Several topics were discussed.

- The first item was a request from Chief Winkley that Lauren Passanese be appointed part-time police officer. She has completed the Police Academy and has been trained in firearms safety. She would fill in as peace officer (courts) when necessary. **Johnson MOVED for approval. Seconded by Pacioni and carried 5-0.**
- The second item was a request from Chief Winkley for adoption of a resolution providing for additional pension benefits (Section 384-e). This matter was tabled for review of the Town Attorney.
- The Police Commission considered the possibility of relocating the LPD office to the Lewiston Fire Company #1 fire hall pending the conversion of the hall into an office complex/recreation facility.
- Commissioner Sdao expressed a need for street lighting at the Upper Mountain Road Exit to Lewiston Road and the Robert Moses Parkway Northbound off ramp into the Village of Lewiston to reduce the chances of severe accidents. Johnson recommended coordinating a meeting with the State DOT, Town and Village Boards, and Lighting Advisory Board to discuss lighting and several traffic issues within the town. Johnson said he would try and schedule this meeting prior to the Joint Town/Village Police Meeting.

STORMWATER COALITION AGREEMENT: Engineer Lannon said the Stormwater Coalition comprises of 44 municipalities in Western New York. All municipalities must comply with new stormwater regulations by January 10, 2008. There are several items that have to be addressed between now and then, he said. The NYSDEC has made available \$328,000 in grant funding for the Coalition to complete further ongoing compliance requirements. It is a dollar to dollar match. As a prerequisite to obtaining this grant funding, each municipality must participate in the Coalition pursuant to the Memorandum of Agreement. Each Coalition Member must pay an annual membership fee. The membership fee for the calendar year 2006 will be **\$2,500** to be used to fund activities required to fulfill the purposes of the Stormwater Coalition and to offset the dollar to dollar match the DEC has given to the Coalition in the grant.

Edwards MOVED to authorize the Supervisor to execute the Memorandum of Agreement to maintain membership in the Western New York Storm Water Coalition. Seconded by Johnson and carried 5-0. The Membership Fee of \$2,500 to be designated out of the engineering budget.

SIDEWALK LAW: This item was tabled on the request of the Town Attorney.

HASELEY SUBDIVISION: The Planning Board, on 1/19/06 approved a request from Janice Haseley for three-lots on the east side of Walmore Road, SBL# 118.00-1-55.111, as presented. The Niagara County Planning Board recommends approval. The Environmental Commission recommends to the Town Board a Negative Declaration.

Bax MOVED to issue a Negative Declaration on the Haseley Subdivision, SBL# 118.00-1-55.111. Seconded by Johnson and carried 5-0.

Bax MOVED to approve the Haseley Subdivision, as presented. Seconded by Johnson and carried 5-0.

HOMELAND SECURITY UPDATE: Newlin said he and Hwy. Supt. Reiter attended a presentation in Niagara County on Homeland Security issues. Newlin said he was appointed representative to the Homeland Security Steering Committee since its inception by his fellow supervisors. There are a lot of new federal mandates in light of the aftermath of 9/11 that the federal government is trying to impose on all levels of government, he said. One of those mandates is to pass a National Incident Management System (NIMS) compliance resolution, which the Board adopted in December. Newlin said he has been taking training on Homeland Security issues, as have a good deal of the town's work force. There are more courses coming up. Each town has to try and get its work force, its elected executive and department heads up to

speed on the disaster control management system the federal government has imposed by September 15, 2006 in order to be eligible for Federal Grant programs. (As noted later in the meeting, NIMS Training will take place on 2/16 and 2/17 at the Lewiston #1 Fire Hall, starting at 8:00 am to noon. Les Myers will be conducting the sessions. Employees need only attend one of the courses.)

At this time, the Supervisor made the following observation: Niagara County, who has been a leader across the State in preparing for disaster emergencies in the future, and a recognized leader by our friends downstate even in Manhattan, has been grouped, unfortunately, with Erie County and Buffalo. We are termed to be in the Buffalo region. According to the federal analysis, Greater Buffalo extends only 10 miles beyond the borders of the city. That doesn't even take care of some of Grand Island, let alone us here in Niagara County. I think that is a terrible shame. Niagara County certainly has much vulnerability; whether it's the Power Authority or one of the three bridges crossing our national border. Buffalo has been ranked on the second tier of cities. Cities such as Charlotte, NC; Cincinnati, Cleveland and Columbus, OH are first-tier cities. Our future funding streams for a lot of this disaster preparedness is going to be in jeopardy because of that ranking... To be grouped in that second tier is very disappointing. I think we all should express as much displeasure as we can with our federal officials. Congresswoman Slaughter, Congressman Reynolds and our two senators Schumer and Clinton are working on our behalf. I think we are going to have to pass a resolution at the next board meeting that will express our displeasure with a finer point. There is no reason why we shouldn't be at the very fore-front of funding when you see cities such as Memphis, TN and Portland, OR getting a higher status of risk than our area. I think it's a darn shame. In any event, Lewiston is right at the fore-front of compliance with NIMS.

DISASTER PREPAREDNESS COORDINATOR: Newlin said the appointment of a Coordinator would be deferred to the Regular Board Meeting.

REZONING REQUEST: The Pl. Bd. on 1/19/06 reviewed a request from James Preston to rezone the north 200' of his property on Ridge Road, SBL# 90.00-1-35.1 from Rural Residential to Business. The Pl. Bd. recommends approval of the rezoning.

Atty. Leone said this action requires a public hearing before the Town Board. You're going to need to put a notice in the paper. There are a variety of hoops that need to be jumped thru. I can talk and coordinate it with Councilman Bax and the Town Clerk as what needs to be filed and so forth. Leone asked that this matter be tabled until he is able to coordinate with the Town Clerk what needs to be published. This way, you will have it in front of you before you set the hearing.

2006 SEWER USE AGREEMENT: Bax referred to a memo from Tim Lockhart. In late December there were some questions concerning the annual agreement between the municipalities serviced by the WPCC. On February 1, the Chief Financial Officers of these municipalities met to discuss the 2006 Agreement. The end result of this meeting was to accept the latest draft that was circulated in late 2005. Bax said he was advised by Mr. Lockhart that the Village of Youngstown has ratified this agreement.

Bax said the only change can be found on page 3 of the draft agreement. This covers an infrastructure charge for new service connections connecting to systems serviced by the WPCC, i.e. new homes, hotels, motels, factories, etc. This fee will be based on Table 3, Expected Hydraulic Loading Rates, attached as Appendix A.

The ever present problem in our plant is with infiltration and inflow (I&I), Newlin said. We're getting water that is getting treated thru the plant at some expense that doesn't need to be treated, i.e. rainwater and road runoff. These funds that will be built up by this fee schedule will help address some of those natural capital costs that will be incurred and hopefully decrease wear-and-tear and the amount of gallons going thru the plant. Although four communities use this plant including the Town of Lewiston, the Town of Lewiston is its owner. We have an interest in making sure that we have the capacity to grow in the future. If our own Town or the other three entities do not take steps that will mitigate this I&I problem we'll never have any room for growth because that access capacity will be eaten up by I&I from rainwater sources and that's something that has to be addressed now.

Bax MOVED to authorize the Supervisor to execute the 2006 Sewer Use Agreement. Seconded by Johnson and carried 5-0.

Item #11 Contract 12: Request for Payment and Item #13 Water/Engineering were removed from the Agenda.

PARKS: Councilman Pacioni addressed several issues on behalf of the Parks/Recreation Director.

- A request for a salary rate increase for Andrew Tarnowski and Joel Jueckstock from \$8.00 to \$8.25 per hour, as per the approved Parks Dept. Pay Scale. **Pacioni MOVED for approval. Seconded by Johnson and carried 5-0.**

- A request that \$3,370 be allocated from the Parks Capital Improvement Fund (H-61) for the purpose of additional safety fencing at Pletcher Road Park. This fencing will extend the current fencing on all four ball fields along the first base lines an additional fifty (50) feet. Currently, the fencing does not continue far enough to protect spectators from errant throws to first base. **Pacioni MOVED for approval. Seconded by Johnson and carried 5-0.**

- A request that \$9,466 be allocated from the Parks Improvement Fund (H-61) for the purpose of protective fencing along vulnerable sections of the Walking Path and Park Structures. The Parks Dept. proposes erecting an outfield fence on both the North-West and South-East Diamonds.

The Lewiston & Porter Baseball Boosters Club has agreed to contribute \$3,500 for this project. With this contribution, the Town of Lewiston will have to allocate \$6,000. In exchange for \$3,500, the Boosters Club wishes to have the ability to put a small sign on the new fence reading "Partly funded by the Lewiston Baseball Boosters Club".

Pacioni MOVED to allow the Director to go to bid for the proposed fencing. Seconded by Bax and carried 5-0.

- Mowing Contract: **Pacioni MOVED to go out to bid for the 2006 Town Mowing Contract for all parks, pathways and properties. Seconded by Edwards and carried 5-0.**

- Kiwanis Park Shelter: Pacioni asked that this item be tabled.

MILEAGE VOUCHERS: Newlin said this is a matter that a former councilman brought up as to when we should reimburse employees of the Town Courts for their mileage. Right now, they are being paid once a year in December. There was a question as to whether or not we want to do that monthly, bi-monthly or quarterly. Newlin said he was comfortable with one payment a year, whatever small amount of money that is relatively speaking to our budget.

UPPER MTN. FIRE CO: Johnson referred to a request to add the following persons to the Upper Mountain Fire Company roster: Anthony Fortunato*, Niagara University and Christina Conley, 777 Cayuga Drive. **Johnson MOVED for approval. Seconded by Pacioni and carried 5-0.**

* This member was added to roster on 11-28-05

DRAINAGE: Edwards referred to a request from property owners to permit the Town to clean the ditches behind the residences at 5925, 5929 & 5935 Kline Road. Although it is on private property, Edwards said this type of work has been done in the past. The drainage ditch is considered to be a main culvert canal. Permission slips are being signed and that is underway. Estimated labor would be one crew for 1-3 days. **Edwards MOVED to authorize Supt. Reiter to clean the ditches behind the properties at 5925, 5929 and 5935 Kline Road. Seconded by Johnson and carried 5-0.**

A similar request was made from the President of Schimschacks Restaurant for the Board's approval to have the drainage ditches located below the restaurant cleared of

debris. **Edwards MOVED to finish the project behind Schimschacks Restaurant. Seconded by Bax and carried 5-0.**

Lastly, Edwards referred to a drainage project that was undertaken the past summer on Swann Road on private property. There is roughly 600-ft of drainage ditch left to do. The problem being was getting permission, he said. It's one parcel of property owned by Carl Cloy Farm and one parcel owned by Mr. Caldwell. Both permission cards will be signed by the respective property owners this week. "It's turning into an emergency. There is absolutely nowhere for the water to go. I gave the Highway Supt. permission to start immediately to resolve this problem before we have a real problem. He's not going on any property. He did pump it out once. The slips will hopefully be signed tomorrow."

CABLE COMMISSION: Appointment of a chairperson to the Commission was tabled to the Board Meeting.

REZONING/VARIANCE REQUEST: Edwards referred to a request from Vernon Jacobs, 1893 Upper Mtn. Road, that the parcel located at the southeast corner of Saunders Settlement Road and Walmore Road be rezoned or granted an area variance from Rural Residential to the category of Business.

Edwards MOVED that this request be directed to the Town Planning Board for their consideration. Seconded by Pacioni and carried 5-0.

AUTHORIZE PAYMENT OF PLOW TRUCK: Edwards said he has been notified by the Highway Supt. that the International plow truck is in at the dealership. In the 2006 budget process, Reiter said he was allowed enough money to purchase this truck (state bid) and all accessories. **Edwards MOVED to authorize the Supervisor to sign approval for the payment of the plow truck. Seconded by Pacioni and carried 5-0.**

EXECUTIVE SESSION: Newlin said there are several items to be discussed in executive session regarding personnel and one issue requiring private advice from Counsel on a possible contract the Town may be entering into.

Edwards MOVED to enter into executive session to discuss personnel and contractual matters. Seconded by Johnson and carried 5-0. Time: 8:20 p.m.

Present: Newlin, Bax, Edwards, Johnson, Pacioni, Leone, Boniello

Also Present: Mike Dowd, Golf Course Developer; Timothy Toohey

Executive Session Action:

- Discussed contract/resolution issues related to golf course.
- Discussed personnel issues related to Highway Department

Johnson MOVED, Seconded by Pacioni to exit the executive session and adjourn the worksession. Carried 5-0. Time: 10:44 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

Executive Session Minutes taken by:

Dave Boniello