

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Supervisor Elgin; Town Attorney Leone; Deputy Attorney Boniello; Finance Officer Alice DiRamio; Town Engineer Lannon; 3 Press; 6 residents and Clerk Donna Garfinkel

Supervisor called meeting to order – 7:25 p.m.

First Agenda Item – Approval of Abstract. Palmer thanked Edwards for his assistance in reviewing the vouchers.

Palmer MOVED to approve the Regular Abstract of Claims numbered 471 - 855 and recommended payment in the amount of \$1,401,784.58, plus a Post-Audit of \$116,276.49, Seconded by Edwards and Carried 5 – 0.

Second Agenda Item – Niagara Power Coalition update. There is a compromise agreement between the Niagara River Greenway Commission and the Niagara Power Coalition. The main concern that has been reflected by Newlin and other Board members is there is a priority zone that may put an emphasis on projects near the river. The Board feels one part of the town should not benefit over another. The benefit needs to be distributed equally over the next fifty-years.

Robert Kresse - Chairman of the Greenway Commission, agrees and recognizes projects that are away from the river, will not take a backseat to those that are close to the river. Each project shall be judged on its own merits.

The Board received a Draft Niagara River Greenway Plan resolution this evening for review and approval. Board members would like time to review. Newlin suggested a Special Meeting.

Edwards requested the escrow agreement for Riverwalk be discussed at this meeting.

Newlin MOVED to hold a Special Meeting on Friday – March 16th - 1:00 p.m. for the purpose of discussion and approval of the Niagara River Greenway Plan Resolution and escrow agreement for Riverwalk, Seconded by Palmer and Carried 5 – 0.

Third Agenda Item – Addition to Roster – Sanborn Fire Company

Johnson MOVED to approve the addition to the roster: Paul Gosch – 5948 Ward Road / Cora Gosch – 5948 Ward Road / Kalya Blackburn – 5848 Pearl Street to the Sanborn Fire Company, Seconded by Bax and Carried 5 – 0.

Fourth Agenda Item – Rezone request – Romeo Land Development. Applicant requesting the rezoning of 2938 Saunders Settlement Road/, 5769 Griffin Street and 5763 Griffin Street.

Palmer MOVED to refer the request to the Planning Board, Seconded by Johnson and Carried 5 – 0.

Fifth Agenda Item – Riverwalk Homeowners Assoc. lighting fixture request. The lights to be placed at t-intersections which are consistent with Town Code. The annual cost will be \$1,771.64.

Johnson MOVED to forward the Riverwalk lighting request to the Lighting Committee for review, Seconded by Bax and Carried 5 – 0.

Sixth Agenda Item – False alarm fines – “Dedicated Training Fund”.

Bureau of Fire Prevention has requested fines collected from false alarms be placed into a “Dedicated Fire Training Fund” for Town Fire Companies. If the fund is established, requests for expenditures would be forwarded by the Bureau to the Town Board for approval.

Leone to review and report back at the Town Board meeting.

Seventh Agenda Item – Mining Moratorium

Leone distributed a proposed draft Local Law to impose a moratorium on certain excavation permits with the idea being that the proposed Codification will come up with new zoning areas. This draft places a moratorium on excavation permits for nine months.

If the Board decides to go ahead with the draft, it would then be forwarded to the Niagara County Planning Board and once approved there, a Public Hearing can be held, and then enacted as a law.

Newlin asked Board members to review for discussion at the Special Meeting on March 16th.

Eighth Agenda Item – Variance request – ITC Corporation – Upper Mountain Road Housing

In July 2001 the Town entered into a ten-year PILOT agreement with Lewiston Limited Partnership. The agreement is for the 25-existing units on Upper Mountain Road. Ms. Elia informed Atty. Leone that there is a grant in the works where by the project can receive monies for refurbishing. In order to do that, the existing entity can no longer be the owner. The property is going to be transferred to Lewiston Rehabilitation Limited Partnership. The government wants to know whether or not the Town will honor the existing PILOT agreement with the new entity.

Johnson MOVED to allow the Attorney to enter into a contract with the new entity and allow the Supervisor to sign the contract with Lewiston Rehabilitation Limited Partnership, to continue the PILOT agreement, pending advice from the Attorney, Seconded by Bax and Carried 5 – 0.

ITC Corporation respectfully requests that a 2.05 acre variance, from the required density, be approved.

Palmer MOVED to refer this request to the Planning Board for review, Seconded by Bax and Carried 5 – 0.

Ninth Agenda Item – Lower Niagara River Chamber of Commerce

Feasibility study on power access for outdoor festivals. The Chamber has to engage electricians, generator and other technical support and equipment to handle the electrical requirement for musicians, vendors and restaurants during many of the outside festivals taking place on Center Street in the Village, at a cost of sometimes up-to \$12,000. The Chamber is requesting the Board consider asking the Town Engineer to come-up with a more accurate cost estimate to rebuild the electrical infrastructure on Center Street.

Board members agree this appears to be more of a Village issue, than a Town issue. Lannon asked to contact the Village Engineer to discuss this. Lannon believes this may be a National Grid issue/request.

Advertise in 2007 Membership Directory.

Palmer MOVED to advertise in the Lower Niagara River Region Chamber of Commerce 2007 Membership Directory at a cost of \$135 with the fund being the same as the 2006 designated fund, Seconded by Johnson and Carried 5 – 0.

Tenth Agenda Item – Stipend request – Doors Open Niagara 2007.

Leone is not aware as to whom this entity is, and as a consequence of that, he can not advise whether or not a payment to this entity is something the Town can legally do. It was suggested they contact the Lower Niagara River Region Chamber of Commerce or Bernie Rotella for a possible grant.

Eleventh Agenda Item – Resolution – Land Use Training. The Town is required to approve a resolution which states “what is qualified training” for Planning Board and Zoning Board of Appeals members. It could be training provided by the County, the State, the Fire Bureau etc...

Johnson offered the following Resolution:

WHEREAS, Town Law, §§267 & 271 provide that effective January 1, 2007, all Planning Board and Zoning Board of Appeals members in New York State, as well as alternate members of those Boards, must complete a minimum of four hours of training each year; and

WHEREAS, above section of State law provide that the legislative body of the Town specify which activities qualify as training to satisfy the State law requirements;

NOW, THEREFORE, be it

RESOLVED, that the Town of Lewiston with the cooperation and assistance of the Department of State, New York State Planning Federation and others, is approved to provide training to meet the above cited state law requirements when the training provided pertains to municipal planning, zoning, community, design, environmental issues, economic development and local government functions and practices.

Seconded by Bax and Carried 5 – 0.

Twelfth Agenda Item - Change Order – additional light – Town Hall parking lot.

Lannon is waiting the final quote from the contractor. The additional light needed has been ordered.

Thirteenth Agenda Item – Request from Clerk Brandon to attend NYS Town Clerks Association Conference – 2007.

Johnson MOVED to approve Brandon attending the Town Clerk’s Conference, Seconded by Edwards and Carried 5 – 0.

Fourteenth Agenda Item – Drainage issue – Hillview Court. Lannon still addressing.

A budget code is needed for payment of a voucher approved 1/22/2007, for Joanne Shaghoian.

Palmer MOVED for payment Joanne Shaghoian in the amount of \$5,800.00 with funds from budget code H86-7140-0400, Seconded by Johnson and Carried 5 – 0.

Leone requested an Executive Session to discuss litigation.

Johnson MOVED to enter into Executive Session to discuss litigation, Seconded by Bax and Carried 5 – 0. (8:15 p.m.)

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Supervisor Elgin; Town Attorney Leone; Deputy Attorney Boniello and Engineer Lannon

Discussion on current litigation pending, possible future litigation and possible settlement of litigation.

Newlin MOVED to close the Executive Session and Adjourned meeting, Seconded by Edwards and Carried 5 – 0. 9:30 p.m.

Executive minutes taken by Attorney Boniello.

Respectfully Transcribed and Submitted,

Donna Garfinkel
Deputy Town Clerk