

Present: Supervisor Newlin; Council Members Bax, Johnson & Palmer; Town Atty. Leone; Deputy Town Atty. Boniello; Eng. Lannon; Adm./Op. Lockhart; Deputy Sup. Elgin; Finance Officer DiRamio; Bldg./Insp. Skurski; Police Chief Winkley & Town Clerk Brandon. 1 press rep and 20 residents.

Excused: Councilman Edwards.

Supervisor Newlin opened the meeting at 7:08 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

**RESIDENTS:**

Karen Rader of 5771 Griffin Street, Sanborn. I am here with other residents of Sanborn and we are not supportive of any commercial building on Griffin Street. We built and bought our houses there for the quaint and rural lifestyle that we currently enjoy. We understand that the master plan of Lewiston does not allow for commercial buildings on Griffin Street. We are not anti development and we would prefer commercial businesses on a currently zoned parcel elsewhere. Within a mile of Griffin Street there are several commercial zoned properties. We would appreciate the Town Board and the Zoning Board of Appeals would not rezone any residential property on Griffin Street. They want to put a CVS store there. They have contracts in place and it is contingent on the rezoning where they will buy three houses with two of them being on Griffin Street. Then they will tear them down. The three parties have agreed to sell them if they can be rezoned. I would have a dumpster next door to me and two driveways off of Griffin Street with a drive thru. This property is on the corner of Townline and Route 31. (A map of the area was distributed.)

Frank Romeo, Romeo Development of 745 Titus Avenue, Rochester, NY. I am the developer for the CVS project. I did not come here tonight to make any statements specifically about the project or make any rebuttal but I wanted to come and introduce myself. I am not sure who was here at the last meeting and who made the referral to the Planning Board. We will appear at the April meeting. We will bring our application forward and make a presentation to the Board. We will talk with the neighbors at that time and then hopefully we will get some type of positive feedback from this Board.

Newlin said the Planning Board meeting is April 19<sup>th</sup> at 7:00 p.m. The Planning Board is an advisory board to this town and they scan projects like this and then it is discussed and a public hearing is held if appropriate. It is good to have some feedback between the town and the residents who have concerns as well as the developer. Then it will come back to us for discussion.

Bax asked if there are contracts in place right now.

Frank Romeo: Yes, there are contracts that are contingent in that it must be signed by both parties and the rezoning of the property. The other would be the appropriate demolition building permits. I have not gone to the Environmental Commission and I am awaiting direction. We will supply more copies of the application if needed.

Newlin stated that after the Planning Board it would probably go to the Environmental Commission.

**AGENDA:**

Newlin: We will have an Executive Session at the end of this meeting regarding litigation.

**Johnson MOVED for the amended Agenda as presented. Seconded by Bax and carried 4-0.**

MINUTES:

**Johnson MOVED for approval of the Minutes of 2/26/07 Town Hall Renovation Presentation; 2/26/07 RTBM & 3/12/07 Work Session. Seconded by Palmer and carried 4-0.**

POST AUDITS:

**Palmer MOVED for Post Audit payments to the following: Home Depot \$32.91; Office Max (HSBC Business Solutions) \$330.61 and Sam's Club \$107.75. Seconded by Johnson and carried 4-0.**

OLD BUSINESS:

1. 4939 Hillview Court/Drainage. Lannon reported that he has not heard from the resident on this issue.
2. Parking Lot Lighting Change Order. Lannon said we are awaiting a price from the contractor. The new light maybe here within two weeks.
3. False Alarm Fines/Dedicated Training Fund. Johnson asked that this be placed under his agenda.
4. Local Law re: Building Fees. Leone said that Bldg. Insp. Skurski had put together a very good draft. The local law regarding the state requirements and now it is up to the Fire Inspector ad to what he thinks is appropriate. It is a question of whether you want us to give you what you have now and proceed or whether you want to do it all at one time. That is one part. The other part is that there is a suggestion by Mr. Skurski about putting together a new fee for the Building Dept. for permits. I have checked our town codes and this appears to have been by previous boards by resolution. The new local law has a provision in there if adopted that the fees can be set from time to time by the Board by resolution. This appears what has happened. If you want to adopt these or go through them one at a time and adopt these on an interim basis by resolution, I do not see any restrictions. If you want to wait and have them encumbered in the local law you can do that too.

Palmer: I don't see anything that would prevent us from following previous traditions by other Boards to adopt it by resolution. I would like to wait until the Fire Inspector makes his comments. I would like Councilman Edwards to be here.

Leone stated that Councilman Edwards has been very interested in this kind of development and if the Board wants to wait for him it is up to you.

Johnson said he thinks we should wait until Mr. Edwards comes back as he has been working closely with Mr. Skurski. We have several developments that are going on now and I would like to know how this Board feels about posting a set of dates. Also should there be a time on this before you just plo p this on a developer? Can we put a "window" on it like June 1st and discuss this at the work session?

Bax asked Mr. Skurski how long it would take to do this.

Skurski said he is working on parts of the local law and would have information by the next meeting.

Johnson: As Mr. Leone stated, the fees could be adopted each January and then from time to time Mr. Skurski could adjust the fees as he sees fit to. We could do it by resolution and perhaps at the re-organization meeting.

TABLED ITEMS:

1. Riverwalk Lighting: Lannon stated that this will be referred to the Lighting Cmte. The chairman is currently away and I will report at the next meeting.

CORRESPONDENCE:

1. The Planning Board on March 15, 2007 approved a request from Gilbert Conrad for a 2-lot subdivision for property located off of Lower River Road, SBL #87.00-1-24 with the following contingencies.

1) Comply with any requirements of the Town Engineer regarding the sanitary sewer.

2) Comply with any requirements of the Fire Inspector.

Attached are the Environmental Commission's recommendation for a Negative Declaration and the Niagara County Planning Board's response.

Newlin: We thought we would make it subject to 2 more items. I recommend that we attached to that in light of some information that was given to me just before the meeting that one is to make sure that it meets any requirements that the Building Inspector Mr. Skurski may have and have Mr. Skurski review in 30 days to make sure those stipulations are being met by that party.

Bax: This would be 2 additional contingencies, correct.

Johnson: Regarding the Fire Inspector...I don't know what his requirements are. It does not say what compliance it is.

Palmer said it is any requirement in contingency #2. The requirement catches it all.

Lannon: I believe that the Fire Inspector has met with the purchaser or at least one of the properties out there and it has to do with the location of the fire hydrants. I cannot speak to anything more than that.

**Palmer MOVED that the Town accept the Negative Declaration for the 2-lot subdivision request from Gilbert Conrad SBL#87.00-1-24 with the following contingencies:**

1. **Comply with any requirements of the Town Engineer regarding the sanitary sewer.**
2. **Comply with any requirements of the Fire Inspector.**
3. **Comply with any requirements of the Building Inspector**
4. **Building Inspector to review in 30 days to make sure the stipulations have been met.**

**Seconded by Johnson and carried 4-0.**

**Palmer MOVED to accept the recommendation of the Planning Board to approve the subdivision request of Gilbert Conrad with the contingencies as stated. Seconded by Bax & carried 4-0.**

2. Request from Niagara Cnty. Civil Service to have the Town Board pass a resolution to the effect that in the absence of the Town Clerk, the deputy and/or deputies are to perform the duties of the position as designated. In addition, they are requesting that we submit the number of deputies at the time who are exempt classified. General Municipal Law §30, Art.3, #11 & 13 provides for the duties and responsibilities and the number of deputy clerks a Town Clerk may appoint.

Brandon: In a discussion with the N.C. Municipal Clerks Assoc. the majority of the clerks thought it was redundant. In the law, the definition as to the appointment which is exempt as defined. It does not change anything and the law provides for the appointments and the duties and responsibilities are defined.

Boniello stated it did not understand why it was necessary and he will look into this for the next meeting.

3. Request from the Town Clerk that the Town Board proclaims April 29-May 5, 2007 as Municipal Clerks Week in the Town of Lewiston. Your support of the attached Resolution recognizes not only the staff of the Town Clerk's office but all those individuals who serve the public in this position.

**Bax MOVED to proclaim April 29-May 5, 2007 as Municipal Clerks Week in the Town of Lewiston. Seconded by Johnson and carried 4-0.**

4. Request from Gary Woods to re-submit his original request (July 2006) to have a 40' x 80' pond dug for landscaping on this property at 1804 Langdon Road. All the material removed from the hole will be used on the same property. In addition, he requests exemption from excavation permit fees.

Leone: I think that Mr. Woods should go to the Planning Bd. to see what his plan involves and what he needs to make sure that the zoning is correct and then returned to the Town Board after the Planning Boards recommendation.

**Johnson MOVED to forward to the Planning Board, the request of Mr. Gary Woods for a pond on his property at 1804 Langdon Road. Seconded by Palmer and carried 4-0.**

NEWLIN:

Legal:

Leone: I have documents that need to be signed tonight regarding the transfer of the town landfill property with the deeds having been prepared.

The dedication deed for the roadway easement for Riverwalk is also ready.

Stella Niagara Centennial: I have been asked to be on the committee for the 100<sup>th</sup> centennial celebration beginning in September. Requests for banners in the Village have already been approved. They are asking that the Town accept the permit for the banners from the NYSDOT.

**Bax MOVED that the Town of Lewiston request from the NYSDOT and accept a permit for banners for the Stella Niagara's 100<sup>th</sup> celebration. Seconded by Palmer and carried 4-0.**

JOHNSON:

False Alarm Fees: This was a request from the Fire Bureau to dedicate the fees collected to a training account. Other required expenses i.e. physicals are in the contracts. I have asked the attorneys to look into setting up a dedicated account for that purpose. I would like to have this placed on the work session agenda.

Winkley stated that the fines collected for the Police Dept. are not as high as the fire fees but if it is a dedicated fund it could be used for training etc.

Newlin stated that the Town has been saddled with the increase for physicals with respect to the OSHA requirements. In addition, workers compensation costs have also increased.

Johnson: The Fire Bureau has asked that the Planning Board consider holding a special meeting at the Sanborn Fire Hall with the residents regarding the Wendt's Propane Gas application for an additional tank. It would be an informational meeting and we could discuss the water line services in that area at the same time.

Palmer said it would appropriate to meet in Sanborn with the residents similar to the meeting held in January at the Senior Center.

Newlin asked that the Clerk contact the chairman to possibly set an informational meeting next month in Sanborn. The Board members could also attend.

Badger Meters Purchase:

**Johnson MOVED to purchase 25 badger meters at a cost of \$4342.00 with funds coming from H-81 and H-82. Seconded by Palmer and carried 4-0.**

Riverwalk Escrow Account:

Johnson commented that when the trees are going to be planted that the residents there would be involved.

Boniello: The agreement has been signed by the Ryan Homes rep and the Supervisor. At this time, I do not have the original but I will secure it. The agreement allows us and the residents involved to decide where the trees will be planted.

BAX:

WPCC has requested to purchase 2 flow meters and a rain gauge.

**Bax MOVED to purchase 2 Demo Meter & New Sensor and 1 Rain Gauge for a total of \$7645.00 with the costs to be split equally between Account #8130.200-SS1 and H-92. Seconded by Johnson & carried 4-0.**

PALMER:

Chamber of Commerce: Ms. Hayes-Mies was out of town and I will be getting in touch with her shortly.

**Palmer MOVED to hold an Executive Session to discuss pending litigation against the Town of Lewiston. Seconded by Johnson & carried 4-0.**

Time: 7:50 p.m.

Respectfully Submitted & Transcribed by:

Carol J. Brandon  
Town Clerk

#### **Executive Session**

Present: Sup. Newlin; Council Members Bax, Johnson & Palmer; Tn. Atty. Leone & Dpty. Tn. Atty. Boniello\*; Dpty. Sup. Elgin & Eng. Lannon.

Items Discussed:

1. Proposed Settlement on 2 litigation matters.
2. Discussion re: current Modern contract/modification; tipping fee etc.

No action taken.

**Palmer MOVED to exit Executive Session, Seconded by Bax and adjourned. Carried 4-0.**

Time: 9:50 p.m.

- Minutes taken by Dpty. Tn. Atty. Boniello

Transcribed by:  
Carol J. Brandon  
Town Clerk