

April 9, 2007

Worksession

7:00 p.m.

Present: Supervisor F. Newlin; Councilmen A. Bax; S. Edwards, M. Johnson & E. Palmer; Dep. Sup. E. Elgin; Atty. J. Leone; Dep. Atty. D. Boniello; Eng. R. Lannon; Finance Officer A. DiRamio; Dep. Clerk C. Schroeder; 3 press; 1 residents

The Supervisor called the meeting to order at 7:12 p.m.

The following items were added to the agenda: 1) Haz-Mat Roster Addition; and 2) Wind Energy Presentation

Mining Moratorium: Newlin said a public hearing was held prior to the worksession--the purpose of which to impose a moratorium on certain excavation permits, i.e. mining. Comments were received from the public. The proposed text of the local law is being submitted to the Niagara County Planning Board for its review as it affects zoning. The Town Board will await the comments from the County before final action on the proposed amendment is taken.

Approval of Abstract: **Bax MOVED to approve the Abstract of Claims, Nos. 856 - 1162 and recommended payment in the amount of \$243,283.34; plus a post-audit of \$97,452.55. Seconded by Johnson and carried 5-0.**

NPC Update: Sup. Newlin noted that the Power Coalition met last week and agreed to adopt a budget. Newlin said he voted against that budget as did Supervisor Richards (T/Niagara). I think the Power Coalition should get into a conversation about what exactly its future role would be once we get out of 2007. The budget that was set is approx. \$350,000, annually. We have to take pains to make sure that we're going to be getting something back for that investment. We will be meeting as individual entities, along with the Power Authority, to approve projects as part of the Greenway Plan. The Power Coalition, as you know, came together to help negotiate a good deal for this area. What we have to have is a good reason to why the Coalition should stay as an entity. I've asked to get opinions from our attorneys from Buffalo and Albany on that. We should be getting a report from them in the next ten (10) days. At our next meeting we can have a discussion amongst ourselves here as to what we see our future role being.

Drainage: 4939 Hillview Court: Lannon reported that he has not heard back from the property owner on this issue.

Parks/Recreation: Bax referred to a request from the Recreation Director for consideration for hire within the Parks Department of: Andrew Nowocien, Parks Laborer P/T at \$8.00 per hour.

**Bax MOVED for approval, Seconded by Edwards and carried 5-0.**

Building Fees: **Edwards MOVED to adopt the following Fee Schedule for the Building Department effective July 1, 2007. Seconded by Bax.**

1. Residential Buildings

Single Family Dwellings	\$400
Two Family Dwellings	\$475
Multiple Dwellings	\$500 + \$100 per unit
Alterations/Renovations/Repairs	\$30
All other Residential	\$0.05 per sq ft, minimum \$20

2. Commercial Buildings

Up to 1,000 sq ft	\$250
Over 1,000 sq ft	\$250 + \$0.25 sq ft
Alterations/Renovations/Repairs	\$150 + \$2/\$1,000 of cost
Repairs	\$50

3. Swimming Pool – In-Ground

Above-Ground	\$50
	\$25

4. Deck	\$25
5. Fences	\$25
6. Wood burning Stove or Fireplaces	\$25
7. Roof Replacement	\$30
8. Farm Buildings	\$30
9. Demolition Permit	\$20
10. Signs	\$20
11. Fuel Tank Installation (1,000 gal & up)	\$50/tank
12. Public Hearing Fees-Zoning Board	\$100
13. Public Hearing Fees-Planning Board	\$100

14. In the event that work requiring a building permit was commenced without first obtaining a permit, said permit fees will be doubled.

Leone said there was nothing in the Town Code that requires adoption of a local law. Once you have a local law that sets the fees, then you have to have a local law to amend them. This historically has been done by resolution by a town board. It is his opinion that the foregoing fee scheduled be adopted by resolution.

**Motion carried 5-0.**

Civil Service Request re Dep. Town Clerks: On a request from the Town Clerk, Boniello asked that this matter be tabled until the next meeting.

Alarm Fees/Dedicated Funds: Leone said as issue was brought up by Councilman Johnson as to whether or not some of the fees assessed for false alarms could go into dedicated funds for training, etc. Leone said it is the Town Board's discretion as to whether or not it is good precedent to have the enforcing agencies be the direct recipient of the funds that are occurred thru the enforcement of the local law.

The fire companies, Leone said, are under contract with the Town. They get a sizable amount that is negotiated per contract. Whether or not this Town Board feels fit to give them an additional fund by way of these false alarms is something within their purview but it is not something that you are required to do.

Johnson said he would discuss the matter further with the Fire Bureau and report back to the Town Board at the next meeting.

WPCC:

a) Remaining capacity available for development: As a point of information, Bax noted that as of the close of 2006, approx. 80% of the allowable capacity at the WPCC, for the Town of Lewiston is in use. We've had a couple situations where we've had some heavy rains where we have exceeded capacity. Mr. Lockhart has had to do some explaining to the DEC on the overflow. The percentage of usage attributed to I&I for each municipality is as follows: Town of Lewiston: 22%; Town of Porter: 43%; and Village of Lewiston: 68%.

The point of this issue and raising it is that obviously we're going to come to a break here where we're not going to be able to do much in the way of development in the town based on our current infrastructure unless something gives, Bax said.

b) Resident Notification: On average, about 30% of I&I problems are on public property, with leaky manholes and sewer mains being the culprit. The remaining 70% is located on private property. Broken cleanouts acting as yard drains, downspouts, sump pumps, and other storm water flows connected to the sanitary sewer result in reduced capacity in the sewer mains and at the treatment plant. Homeowners have to work with us to help close up the leaks. It will extend the life of the plant in the long run. We need to make the public aware that this is what the problem is. Lockhart provided a sample notice being given to residents instructing them how to stay in compliance with the law.

c) Sanborn Sewer Completion: Bax said this topic was discussed during 2006 in regards to completing the sewers in the Sanborn area before any major infrastructure project or grant project should occur. Edwards said he has received three calls from people in that sewer district that are paying a sewer tax for sewers they don't have. We need to finish that infrastructure project that was started 6-8 years ago. It was estimated that 21 homes have yet to tie-into the sewer system.

Eng. Lannon said the infrastructure that is in Sanborn was relatively easy to install -- avoiding the rock, etc. What you have left is the more difficult of the infrastructure that remains. If directed, Lannon said he would put together an estimate based on the completion of the entire hamlet.

In regard to this matter, Lannon was asked to coordinate a meeting with the department heads (Reiter, Nablo, Lockhart) to discuss the Sanborn Sewers and the waterline/paving issue on Mountain View Drive and to report back to the Board at the next meeting.

d) Repair Responsibility: Bax asked that this item be tabled for discussion in executive session.

Parking Lot Light/Change Order: Lannon said they have not received any response back from the contractor.

Haz-Mat Roster: Palmer referred to a request from the Haz-Mat Control Commission to add Angela Pardee to the Haz-Mat Roster.

**Palmer MOVED for approval. Seconded by Johnson and carried 5-0.**

Wind Energy: Bax referred to a request from Emily Latko, Tower/Wind Energy Comte. to schedule a presentation from a representative of the Empire State Wind Energy to discuss the benefits and potential drawbacks of that type of development in the town. The Board agreed to hear the presentation at its next worksession (5/14).

On behalf of the Lewiston Seniors, Johnson extended an invitation to the Town Board to a Spring Dance on April 20 from 7-10 p.m. at the Senior Center.

Executive Session: Newlin asked for a motion to enter into executive session to seek private advice of counsel regarding a contractual matter with regard to the sewer district and 2) Pending Litigation.

**Bax MOVED to enter into executive session, Seconded by Palmer and carried 5-0.** Time: 7:50 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk

Executive Session:

Present: Newlin, Bax, Edwards, Johnson, Palmer, Elgin, Leone, Boniello, Lockhart.

Issues discussed:

1. Pending Litigation – 2 matters.
2. Proposed contract notification – Sewer Agreement

**Motion by Bax, Seconded by Palmer to exit executive session and reconvene worksession. Carried 5-0.**

The following action took place in executive session:

Authorized Supervisor to send a letter to Niagara County IDA in support of the Golf Course Project.

**Edwards MOVED to adjourn. Seconded by Bax and carried 5-0.** Time: 9:45 p.m.

Minutes Transcribed by:

Dave Boniello  
Deputy Town Attorney

Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk