

OCTOBER 15, 2007

Public Hearing (Parking Fees)

6:45 p.m.

Present: Supervisor F. Newlin; Councilmen A. Bax; S. Edwards, M. Johnson & E. Palmer; Dep. Atty. D. Boniello; Dep. Sup. E. Elgin; Finance Office A. DiRamio; Dep. Clerk C. Schroeder; 1 press (Niagara Gazette)

The Supervisor opened the hearing at 6:46 p.m. The Clerk read the public notice into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston on the 15th day of October, 2007 beginning at 6:45 p.m. at the Town Hall, 1375 Ridge Road to consider an amendment to Town Code, Ch. 24A, Vehicles and Traffic, Art. V, Enforcement; Penalties; Section 24A-11, as follows. All persons in interest will be given an opportunity to be heard.

Section 24A-11, Penalties for Offenses.

A. The following shall be subject to penalty as follows.

<u>VIOLATION</u>	<u>IF PAID IN 3 BUSINESS DAYS</u>	<u>IF PAID AFTER 3 BUSINESS DAYS</u>	<u>IF PAID AFTER 20 BUSINESS DAYS</u>
A. 2 A.M. TO 6 A.M.	\$15.00	\$25.00	\$35.00
B. PRIVATE PARKING LOT	\$15.00	\$25.00	\$35.00
C. PROHIBITED PARKING	\$20.00	\$25.00	\$40.00
D. SAFETY ZONE	\$20.00	\$25.00	\$40.00
E. FIRE ZONE	\$20.00	\$25.00	\$40.00
F. ALL OTHER VIOLATIONS	\$20.00	\$25.00	\$40.00
G. VIOLATIONS OF ART IV	\$20.00	\$25.00	\$40.00
H. HANDICAPPED PARKING NYS V&T LAW	\$50.00	\$60.00	\$75.00

- B. Except as described in Subdivision A of this Section, in addition to any authority granted by statute, any person or persons convicted of a violation of the provisions of this Local Law, other than Section 24A-9, shall be subject to a minimum of \$25.00 per violation and a maximum fine of \$100.00 per violation
- C. If any of the provisions of this Local Law is inconsistent with the provision of any other Local Law or Act of the Town of Lewiston, New York, the provision of this Local Law shall in all respects be controlling.
- D. All other terms and provisions of the existing Vehicles and Traffic Law of the Town of Lewiston shall remain in full force and effect except as specifically amended hereby.
- E. This Local Law shall take effect immediately after enactment by the Town Board of the Town of Lewiston, New York after public hearing and filing as otherwise required by statute.

If adopted, this will become Local Law #2, 2007.

The Supervisor asked for public comments. There being none, he asked for a motion to close the public hearing.

Palmer MOVED to close the public hearing. Seconded by Johnson and carried 5-0.

Time: 6:55 PM.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

OCTOBER 15, 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; Finance Officer A. DiRamio; Dep. Clerk C. Schroeder; 3 press; 10 residents

The Supervisor called the meeting to order at 7:03 p.m. He asked to add the following to his agenda: Update regarding sewers in Sanborn. Edwards said he would provide an update regarding Town Hall Renovations.

Johnson MOVED to approve the agenda, as amended. Seconded by Bax and carried 5-0.

Newlin said he, and other elected officials attended the second annual Sanborn Winetique Festival (10/14). Newlin said the Town Board is in support of developing Sanborn as the gateway to Niagara County's wine country. Wine consumption in America has more than doubled in the last ten years. It's a burgeoning market, he said. Newlin congratulated the members of the Sanborn Business Association, the LNRCC and the Historical Assoc. for their fine work in putting together a first-class event.

Approval of Abstract:

Johnson MOVED to approve the Abstract of Claims, Numbered 3098 to 3502 and recommended payment in the amount of \$703,736.97. Seconded by Palmer and carried 5-0.

Johnson MOVED for approval of the post-audits in the amount of \$131,237.85. Seconded by Bax and carried 5-0.

Sewer Update:

Before his tenure as Supervisor, Newlin said prior boards have sought to get sewers in Sanborn and proposals have been submitted before the current administration. Newlin said he has had discussions with interested parties in Sanborn as well as legal counsel about the possibility of merging some of the town's sewer districts. The problem with any capital improvement in Sanborn such as a sewer project is that whatever costs are associated with that have to be spread among a relatively small number of homes, 300-400 at most. Newlin said he would seek advice from special counsel, Dan Spitzer as to whether or not the Town can consolidate its sewer districts. There are some laws that say if there is existing debt in special districts as there are in SS2 and SS3, it is difficult to merge but if there is a way we can include it into one town-side sewer district, it would be a greater ease for borrowing and for administration. Newlin said he would provide an update at the next meeting.

Re-Licensing Update:

Newlin said everything seems to be going well with the electrical discounts. The average discount is about 25% to residents as well as Churches. Now that the re-licensing process is drawing to a close, it's still possible for the town to realize further savings when it comes to electrical costs and how electricity is distributed. Right now, National Grid is our distributor of the cheap hydro-power. In the future, that may change. Newlin said he would direct the town's special counsel, Atty. Dax in Albany and Hodgson Russ in Buffalo to give the Town a menu of options for the future. It's important that the Town considers its options as to how we can deliver that power more cheaply in the future. The two main roads that have been outlined to him are 1) pursuing another energy service company to distribute that power effectively; or 2) examining the efficacy of having a Municipal Distribution Agency. Newlin said he has asked the attorneys to come up with a rough outline of how much it would cost to set up a MDA and how much it would cost to administer it. Newlin said a representative from Hodgson Russ would be at the next board meeting to provide an update on those two options.

CWM Trucking Issue:

Newlin said he has been getting calls from a number of parents having concerns about hazardous waste trucks going to CWM, specifically, those whose children attend pre-kindergarten in the morning and those attending afternoon pre-kindergarten classes at Lewiston-Porter. He asked the Board to consider supporting a resolution that would authorize the Supervisor, working in conjunction with counsel, to draft a letter to the Town of Porter, the Lewiston-Porter School District and CWM to create a cooperative forum to bring this concern to CWM to devise an alternate truck schedule to help protect the safety of the students.

Bax MOVED to direct the Town Supervisor, on advice of counsel, to draft a letter establishing some sort of forum with the Town of Lewiston, Town of Porter, Lewiston-Porter and CWM. Seconded by Palmer and carried 5-0.
Newlin said he would forward a copy to the Village Board of Trustees.

Amendment to Town Code, Ch. 24; Parking Fees:

Newlin said the Board held a public hearing prior to the worksession on the amendment to Ch. 24A of the Town Code. No member of the public commented on said increase in parking fees. Atty. Leone said the proposed amendment was sent to the two town justices and the Chief of Police. Neither party had any further comments.

Bax MOVED to enact Local Law #2, 2007 amending Town Code, Ch 24A, Vehicles & Traffic. Seconded by Edwards and carried 5-0.

Traffic Signal: Ridge/Dickersonville:

Edwards asked to address a very dangerous and treacherous intersection located at Ridge Road and Dickersonville Road. It's been a concern of the past and it's never been resolved. The Board is in receipt of a petition asking the Board to take the necessary steps to have a traffic signal at this intersection. Edwards said he is of the understanding that county legislators are asking the DOT for support of a traffic light also. He requested the Town Board do the same by resolution.

Edwards MOVED to request the State DOT for a traffic study for a traffic signal at the intersection at Rt. 104/Dickersonville Road. Seconded by Bax and carried 5-0.

Johnson asked that the petition be forwarded to the DOT, Senator Maziarz, and Assemblywoman DelMonte.

Traffic Signal: Rt.31/Garlow Road:

Johnson asked that the Board forward a request to the DOT to conduct a further traffic study for the installation of a traffic signal at the corner of Saunders Settlement Road and Garlow Road. We've asked the State for a study on two other occasions. I don't know what time they are conducting their studies. The building on the corner of Rt. 31/Garlow intrudes one's vision trying to make a turn there. It's a disaster. I request that we strongly tell them this intersection is waiting for a major accident to happen.

Johnson MOVED to forward a request to the State DOT for a traffic study for the installation of a 3-way traffic signal at Rt. 31/Garlow Road. Seconded by Bax and carried 5-0.

NYS Drivers License Resolution:

Newlin said it's unusual that this Town Board considers a matter that is before the State or Federal Government. We've had a policy in the past to avoid that but this particular issue of the Governor's unilateral decision to alter the driver's license requirements for illegal aliens hits home here in the Town. We feel strongly about this being that we are a border town and with the national security and criminality tissues at stake that we decided to move on it. He turned the matter over to Councilman Palmer.

Palmer said he met Gov. Spitzer back in 1999 when he was police chief in Niagara Falls. I was able to bring him around to some of our block clubs in the area. He was

very impressive with his knowledge of local issues. His record of crime fighting on Wall Street and going after organized crime figures in NYC stands for itself which is why his decision to alter the policy with which an illegal alien can obtain a driver's license is so puzzling.

The geographical position of Lewiston is such that we share an international border with a country that has one of the most liberal immigration policies in the world. I'm not comfortable with the idea of enticing illegal aliens to come into our town, take root here, apply for driver's licenses and leave our town vulnerable with an international bridge and an internationally renowned power project to terrorist activity.

Palmer introduced the following resolution condemning an Executive Order giving Driver's Licenses to illegal aliens in New York State.

WHEREAS, on September 21, 2007, New York State Governor Eliot Spitzer announced through Executive Order an administrative policy change that will give illegal aliens the opportunity to apply for state driver licenses without regard to immigration status; and

WHEREAS, under this unilateral action, the state will no longer require a Social Security number or proof that a person is not eligible for such a number in order to qualify for a driver's license; and

WHEREAS, that change conflicts with the 2005 REAL ID law passed by Congress that states require, among other things, a Social Security number in order to get a license, which states have until December 2009 to be in compliance with; and

WHEREAS, states that fail to meet the standards will lose their certification by the Department of Homeland Security; and

WHEREAS, driver's licenses in those states will no longer be federally recognized for employment verification, entry to federal facilities, air travel identification and for tax purposes, meaning travelers will now have to carry a second form of ID, federally recognized, such as a passport; and

WHEREAS, Governor Spitzer's actions are in direct contradiction to the bi-partisan efforts of Western New York's Congressional Delegation who have been fighting the Western Hemisphere Travel Initiative that will require passports for passenger traffic between the United States and Canada and have been proposing enhanced driver's licenses as a reasonable alternative, now therefore be it

RESOLVED, that the Lewiston Town Board does hereby condemn the policy change and its impact on the legal citizens of this community and this state, including potentially higher costs, and be it further

RESOLVED, that the Lewiston Town Board support the New York State Association of County Clerks and the Niagara County Clerk to institute a moratorium on implementation of this policy change until a complete federal examination on the impact and legality of the policy change before it is undertaken, including an analysis of the clear violation of state and federal law that accompany this policy change, and be it further

RESOLVED, that a copy of this resolution be sent to Governor Spitzer, the New York State Association of County Clerks, Niagara County Clerk and DMV Commissioner David Swarts, as well as all state and federal officials representing Niagara County, and that a response be requested from each elected official.

Palmer MOVED the Resolution as read into the record, Seconded by Newlin and carried 5-0.

Colonial Park Update:

Newlin referred to a memo from the Recreation Director of work completed at the Colonial Village Park in response to concerns of a town resident addressed at the last meeting.

- Purchased a new park sign
- Performed safety check on baseball backstop
- Two Park Benches purchased. Two existing benches repaired

- Walking Path Inspected
- Gazebo completely stained
- Park Shelter being evaluated by Highway Supt.

In addition, the Parks & Recreation Advisory Committee will be looking at all Town Parks and coming up with plans for improvements in the coming months.

Halloween Hours:

The Clerk's office asked the Board to officially designate official Halloween "Trick or Treat" hours from 4 PM to 8 PM, Oct. 31.

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

Bldg. Permits: Northridge Development:

Newlin said the Board is in receipt of a letter from the attorney representing one of the owners of the Northridge Development. He said there is some level of litigation between the parties involved with the project. As such, he did not think it was a matter for public discussion. Leone concurred. He did not think it proper for the Town Board to take any action on the issuance of building permits. He would state his opinions on the matter in executive session should the board wish to hear them.

Town Hall Renovations:

Edwards said they had a kick-off meeting that morning with the contractor. They are going to begin construction on the east side of the building and then proceed to the front lobby. He said the front doors would be handicapped accessible but as of now the east door is not. He asked permission to obtain a cost to have this door be equipped for handicapped accessibility as well. The Board had no objections to that.

Street Lighting--Northridge Drive:

The Board referred to a proposal from Kim Johnson, Consumer Representative for National Grid, for street lighting at Northridge Drive.

Johnson MOVED for the approval of the installation of three street lights at Northridge Drive per the proposal dated 10/9/07 and pending final approval from the Town Engineer to the exact location of the lights and to authorize the Supervisor to complete and sign a copy of the Schedule SL after consultation with the Town Attorney and Town Engineer. Seconded by Edwards and carried 5-0.

Executive Session

Newlin asked for a motion to enter into executive session to address two personnel matters and to hear private advice from counsel on a matter concerning Northridge Development.

Bax MOVED to enter into executive session, Seconded by Johnson and carried 5-0. Time: 7:55 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

Executive Session:

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

Issues discussed:

1. Personnel Issue – Building Inspector
2. Personnel Issue – Police Department
3. Pending Litigation – Northridge Drive Development

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

Action:

1. Authorized an expenditure not exceeding \$5,000 to obtain special counsel regarding a personnel matter in the Police Department. Funds allocated from the Legal Contingency A-Fund.

Johnson MOVED for approval of the above action. Seconded by Bax and carried 5-0.

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

Minutes taken by:

David Boniello, Town Attorney