

**PRESENT:** Deputy Supervisor Elgin; Councilmembers Bax, Edwards, Johnson and Palmer; Attorney Leone; Deputy Attorney Boniello; Finance Officer DiRamio; WWTP Chief Operator Lockhart; Police Chief Salada; Town Engineer Lannon; 2 Press; 10 residents and Clerk Donna Garfinkel

**EXCUSED:** Supervisor Newlin

Deputy Supervisor Elgin opened the meeting at 7:00 pm.

Elgin said people may not recognize him because, after 3½ years as Deputy, has never had an occasion to chair a meeting. The Supervisor has never missed a meeting. The difference between the Supervisor chairing the meeting and the Deputy Supervisor chairing the meeting is the Deputy can not make nor vote on a motion.

Elgin is chairing the meeting in the absence of Supervisor Newlin who is on his honeymoon. Elgin was asked to convey Newlin's thanks to the Board and the community for their best wishes and congratulations received over the last couple of weeks.

Elgin introduced Christopher Salada as the new Police Chief.

#### PRESENTATION OF PROCLAMATION.

Police Officer John A. Penzotti received a proclamation from the Town Board for being an outstanding public servant. In April Penzotti apprehended a bank robber while off-duty.

Former Police Chief Ronald Winkley received a proclamation from the Town Board for his many years of outstanding service to the Town of Lewiston.

The Pledge of Allegiance and a moment of silent reflection followed.

#### RESIDENT STATEMENTS

Deputy Supervisor welcomed residents to come forward and address the Town Board.

Robin Aubin – 5893 Kline Road – Asks the Town Board to address the deteriorating condition of the Kline Cemetery.

Doug Edwards – Randall Road – representing Snead– 4696 Lower River Road - There is a grade problem on the north side of their property. The run-off of drainage from Morgan Farms comes down a steep ravine located between Snead's property and the property next door. This has shifted the front gate to the property.

Elgin said this will be forwarded to the Engineer.

#### AGENDA APPROVAL

**Johnson MOVED to approve the Agenda as presented, Seconded by Bax and Carried 4 – 0.**

#### APPROVAL OF MINUTES

**Johnson MOVED to approve the minutes of 6/25/2007 – Public Hearing – Modern; 6/25/2007 – Regular Town Board; 7/9/2007 – Worksession, Seconded by Palmer and Carried 4 – 0.**

#### APPROVAL OF POST AUDIT

**Palmer MOVED to approve the following Post Audit expenses: Home Depot - \$301.98; Office Max - \$408.77; Office Max - \$208.96; Sam's Club - \$672.57; NYS Unemployment**

**Insurance - \$2,093.62; Niagara Power Coalition - \$12,150.49; Village/Lewiston water bill - \$504.97, Seconded by Johnson and Carried 4 – 0.**

**OLD BUSINESS**

*Amendment to Town Law Chapter 24C.* Elgin said the Board is not prepared to take action this evening.

**Edwards MOVED to table the Amendment to Town Law Chapter 24C, Seconded by Bax and Carried 4 – 0.**

*Northridge Drive - light/stop sign request* - The Lighting Committee and Signage Committee have recommended approval of the light and stop sign. Lannon will forward this to National Grid, and present a formal proposal to the Town Board at the August Worksession.

**CLERK'S CORRESPONDENCE**

Item No. 1: Planning Board recommends approval of a 2-lot Subdivision, as presented, for Vernon Jacobs, for property located on the corner of Saunders Settlement Road and Walmore Roads.

**Palmer MOVED a Negative Declaration for Jacobs – 2-lot subdivision – SBL# 118.00-1-55.3 – corner of Saunders Settlement Road and Walmore Roads, with a detailed site drainage plan being submitted and approved by the Town prior to the issuance of a building permit, Seconded by Johnson and Carried 4 – 0.**

**Palmer MOVED to approve Jacobs – 2-lot subdivision – SBL# 118.00-1-55.3 – corner of Saunders Settlement Road and Walmore Roads, Seconded by Bax and Carried 4 – 0.**

Item No. 2: Clerk's Office received the Report of Examination for the Niagara Power Coalition – Internal Controls Over Cash Disbursements as prepared by the Office of the State Comptroller. Notice of filing of said report was published in the Niagara Gazette as of July 23, 2007. The examination was made, and report prepared, in accordance with the authority granted to the State Comptroller by the State Constitution. The report should be studied by all appropriate officials and a written response to the audit findings should be prepared and filed within ninety days. The written response should be addressed to Office of the State Comptroller.

Leone said with the Town being one of the members of the Niagara Power Coalition, it would be expected that if a response is generated it would be from the Coalition. If the Town chooses to respond it could.

**Palmer MOVED to receive the Report of Examination for the Niagara Power Coalition – Internal Controls Over Cash Disbursements, into the Town Clerk's official records, Seconded by Johnson and Carried 4 – 0.**

Item No. 3: Town Clerk requesting approval of the hiring of David Sherriff as Dog Control Officer.

**Bax MOVED to approve the appointment of David Sherriff, Part-time Dog Control Officer at \$9.00/hr, Seconded by Palmer**

Johnson said the appointment approval should be done with the Personnel Committee endorsement. There are certain things that need to be done in order to hire an employee and it is unclear if this has been done.

**Subject to Sherriff complying with all Town requirements with respect to being hired as a Town employee, and Carried 4 – 0.**

Item No. 4 Lewiston Public Library – request assistance in correcting deteriorating condition in the parking lot and walkways.

Edwards and Bax will look into funding and report back at the August Worksession. It was suggested the Engineer look at the damage. The Village should be included in these discussions.

Item No. 5 International Business Consortium Inc. – requesting a zoning change of 26-acres of land located on Creek Road for a proposed 102 unit clustered condo & town home development.

Board referred this to the Planning Board.

Item No. 6 Resident at 5893 Kline Road requesting assistance in repairing grave stones in the Kline Road Cemetery.

Edwards is in the process of applying for grant dollars to use toward this and the Dickersonville Cemetery.

This cemetery is maintained by the Parks Dept. The liaison to the Parks Dept. has been asked to forward this to that dept. Edwards will report back at the August Worksession.

#### DEPUTY SUPERVISOR ELGIN

*Report of Examination – Niagara Power Coalition* - Elgin spoke on behalf of Supervisor Newlin. Newlin is glad the audit has been made public. His position has always been that it is absolutely necessary for the accountability of taxpayer money, a position long maintained by current and former members of the Lewiston Town Board. This report has vindicated the position taken by the Town Board. Newlin has pushed the accountability of the Coalition for a long time. In light of the Niagara Power Coalitions continued suppression of Newlin's efforts, he has finally demanded the State Comptrollers Office and State Attorney General examine the Niagara Power Coalition in March 2006, to give the accurate accounting of the expenditure of taxpayers dollars.

*Snow and Ice Agreement with the DOT* – Leone has copies of the items to be amended but not a copy of the contract itself. Leone requests a copy of the contract and will report back at the August Worksession.

Elgin requested copies of the contract be given to all Board members.

*Assessor's term* – Leone said he is not in a position to give the Board an opinion at this time.

Johnson said the Assessor was appointed as Acting Assessor in January. The term contract is a 6-year appointment, but this has been an interim appointment. It is unclear why this is on the agenda.

#### COUNCILMAN EDWARDS

*Resolution to lower speed limit on a portion of Upper Mountain Road.*

Edwards is asking for the Boards support to lower the speed limit, from 45 mph to 35 mph, on Upper Mountain Road from Bridgeman Road (Lewiston & Cambria border) to the Tuscarora Reservation. This area is not as rural as it used to be.

Edwards stated on Upper Mountain Road, from Military Road to the Reservation there are 58 homes and it is 35 mph. From Bridgeman Road to the Reservation there are 54 homes and it is 45 mph.

**Edwards MOVED to lower the speed limit on Upper Mountain Road from Bridgeman Road to the Tuscarora Reservation from 45 mph to 35 mph, write a letter of support to the DOT, ask Assemblywoman DelMonte and Assemblyman Maziarz for their support, Seconded by Bax**

Bax has the same situation on Military Road from Rt. 104 to Upper Mountain Road. A number of people come in and out of the hospital.

**Edwards MOVED to amend the motion requesting Military Road from Rt. 104 to Upper Mountain Road be changed from 45 mph to 35 mph, Seconded by Bax and Carried 4 – 0.**

Johnson noted this stretch of Upper Mountain Road is the only portion not 35 mph, be included in the letter.

COUNCILMAN BAX

Bax and Lockhart met with Mayor Soluri to update and discuss the Inflow and Infiltration and a possible amendment to the contract. Bax thanked Edwards for his support.

COUNCILMAN JOHNSON

Johnson requested the Code Enforcement Officer receive a stipend for his cell phone.

**Johnson MOVED to pay the Code Enforcement Officer a \$25/month stipend for the use of his cell phone for Town business, with funds from Building Dept. contractual, seconded by Edwards and Carried 4 – 0.**

The Town received the Civil Service list of qualified candidates for the Building Inspector job.

COUNCILMAN PALMER

Palmer meets monthly with the Lower Niagara River Region Chamber of Commerce. There will be five festivals in the next twelve weeks.

The Haz-Mat meeting of last month was canceled, therefore nothing to report.

**Johnson MOVED to adjourn the meeting, Seconded by Edwards and Carried 4 – 0.** (7:50 p.m.)

Transcribed and Respectfully submitted by

Donna Garfinkel  
Deputy Town Clerk