

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Sup. Elgin; Deputy Attorney Boniello; Finance Officer DiRamio; Building Inspector Masters; Police Chief Salada; WPCO Chief Operator Lockhart; Town Engineer Britton; 3 Press; 10 residents and Clerk Donna Garfinkel

EXCUSED: Town Attorney Leone

Supervisor opened the Board meeting – 7:30 p.m. All joined in the Pledge of Allegiance.

Supervisor asked all to join in a moment of silent reflection on behalf of the Town Board, on the passing of Ella Shugarts. She served the Town faithfully, especially the seniors in Sanborn, as the head of senior programs. Newlin said she gave of herself selflessly, with much energy. She was a one-in-a-million and will be terribly missed.

PRESENTATION TO TOWN BOARD IN CELEBRATION OF 200 –YEAR ANNIVERSARY OF NIAGARA COUNTY

Town Historian, Marcia Rivers and Lou Paonessa, Public Relations Director- NYS Power Authority presented the Town with a photo essay of the 50-year anniversary of the start of construction of the Power Project. Niagara County is celebrating its 200-year anniversary.

Newlin said for better or worse the Power Authority is an intricate part of Lewiston. Whatever can be said about disadvantages or slights we may have received in the first 40-years of the relationship, the Host Community Agreement may be the start of a more in depth relationship between the Power Authority and Lewiston. Lewiston will be a better place because of that relationship.

Newlin thanked the Power Authority. Newlin thanked Ms. Rivers for being a wonderful champion of the bi-centennial.

FREEDOM CROSSING MONUMENT PRESENTATION

Councilman Palmer introduced Lee Simonson. Mr. Simonson thanked the Board and introduced several members of the Association. Mr. Simonson is a volunteer with the Lewiston Historical Association.

The Freedom Crossing Monument is the first unanimously approved project by the Niagara Greenway Commission. To date, the Association has raised \$50,000 in private funds for this project.

In the mid 1800's, volunteer citizens, risked their safety and livelihood, to help fugitive slaves cross the Niagara River to freedom in Canada. The Freedom Crossing Monument stands for the principal of justice in action. It is a driving source that will inspire people for the next 1,000-years.

Newlin thanked Mr. Simonson.

Palmer MOVED to support the Freedom Crossing Monument as part of the Town's commitment to Greenway projects, pending receipt of Greenway funding from the Power Authority and with the Village of Lewiston using their share of the Town's portion of Greenway funding to support this project, Seconded by Edwards and Carried 5 – 0.

TWO-MINUTE STATEMENTS BY RESIDENTS

Supervisor welcomed residents to address the Board.

Elia, Irene – 724 Chicora Drive. In 2007, residents on Chicora Drive signed a petition requesting lights. Chicora Drive is pitch black at night and this invites vandalism. Ms.

Elia thought the lights had already been approved, and again respectfully requests the lights.

Edwards thought lights were approved also. The Lighting Committee recommends two lights. One at 5th Street & Chicora, and one at 8th Street & Chicora Drive. The Lighting Committee Chairman suggested the Board deal with the lighting option with the developer. Chicora Drive, in Edwards' opinion, is not a rural setting; it is two streets out of the Village. The Committee uses the rural stature as their rules.

Britton agrees it is dark. The policy, or law, states lights to be placed at curves, intersections and t-intersections. The instillation of the two lights is consistent with town policy.

Edwards MOVED to have street lights placed at 5th Street & Chicora; and 8th Street & Chicora Drive, Seconded by Bax and Carried 5 – 0.

Briggs, Wayne – Cayuga Island. Briggs is the sole-proprietor of National Electrical Certifier Inspections. Six months ago Briggs asked the Town Board to review local building codes 8B2, 8B4, 8B6 and 8B9, to allow another inspection agency to become an authorized Town of Lewiston electrical inspection agency.

Masters said there are two approved agencies in the Town at this time. It is a Town Board decision if they want to have more.

Johnson said the contractor calls for the inspection.

Newlin recommends Mr. Briggs meet with Masters and Kenney. Masters to report back at the May 12th meeting.

Newlin closed the residents comment period.

AGENDA APPROVAL

Edwards requested the addition of Parks issues. Bax requested an addition of Bingo Inspector. Johnson requested an addition regarding the State Park drainage issue.

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

APPROVAL OF MINUTES

Johnson MOVED to approve the minutes of 3/24/08 – Public Hearing; 3/24/08 – RTBM and 4/14/08 – Worksession, Seconded by Palmer and Carried 5 – 0.

APPROVAL OF POST AUDIT

Palmer MOVED for approval of Post Audit payments to: Home Depot - \$240.90; Office Max - \$490.39 and Sam's Club - \$753.82, Seconded by Johnson and Carried 5 – 0.

NEW BUSINESS

None

SUPERVISOR NEWLIN

Ad-Hoc Committee Report – Plumbing Board. Newlin commended Bax and Edwards for their work.

Edwards thanked the Committee, Councilman Bax, Glenn Andrews, Doug Edwards, Paul Lotz and Department Heads. All of the needs have been met by this law.

Edwards thanked Masters for putting together the law. It is direct, very clean and very neat. Masters will review the tentative changes and bring back to the Ad-Hoc Committee.

Bax thanked all those involved. The process worked in this circumstance. There were a lot of concerned citizens, and it is believed those concerns are addressed in the law.

Newlin would be re-missed if he didn't make some observations about the tempest and the tea-pot controversy, over this licensing issue.

Unfortunately there was one resident who decided to make this a political issue, and for his own reasons decided to attack the members of one party of this Board. To their great credit, Councilmen Palmer and Bax said no to making this some cheap political hack job. It points precisely to their honor and their integrity. Thankfully the truth has won out here. Newlin believes the public record and the attempt by the press to cover it, has exonerated those of us who were wrongfully accused.

People outside of Lewiston wonder why things are going well in Lewiston. There are a lot of reasons and people to thank for that. One of the reasons good things happen here, and this Board works well together, is once the November elections go, we put politics at the door and work non-partisan on the public's interests.

Proclaim May – “Older Americans Month”

Supervisor read a proclamation declaring May the Town of Lewiston “Older American month.” The proclamation will be presented to the Seniors at a later date.

Greenway Update

Mr. Fluskey from Hodgson & Russ is in attendance to discuss the Standing Committee Greenway Protocol. The Greenway Host Community Standing Committee is working on a set of protocol to govern funding of greenway projects. There have been many strong differences of opinions as to what the protocols should entail.

Newlin summarized the document. It outlines attempts at consensus and then a rather involved and, what Newlin believes to be costly arbitration process, to resolve disputes within the Standing Committee.

Boniello asked Fluskey, “They never reserved in that agreement, to dictate to Lewiston, what we had to do relative to the voting on funding. Is that correct?” Fluskey said that is correct.

Fluskey feels protocol is necessary. There needs to be something to govern the day to day functions of the body.

Bax questioned that if money is not spent, is it not distributed by the Power Authority?

Newlin said the Host Community Agreement states there shall be one payment, singular annually. There are some members of the Standing Committee who have said the NYPA should be cutting checks as per individual project. Newlin is more comfortable with the original language of the Host Community Agreement. That is, each year there is a deposit of \$3 million made into the Standing Committee fund, and then dispersed as seen fit by the rules of that Committee.

Johnson said Lewiston was told they would receive \$510,000. It has been reported in the paper in the past several months that three or four greenway projects are already approved. Why can't Lewiston just pull out of the original agreement? We are four-months into the year and can't get anything done. We are spending legal fees with no progress.

Palmer agrees, if money is being spent on legal fees, let's spend the money on getting out of the deal. It sounds like the worst deal Lewiston has gotten in to. The NYPA is

withholding money that is not theirs. It is ridiculous that every community has to deal with it because of their bullish attitude. What recourse is there if all the communities turn down the protocol agreement?

Fluskey said there is a binding Host Community Agreement with NYPA. The specifics of options would need to be discussed in executive session. There is nothing that states there has to be protocol.

Newlin said the problem is it was imposed on Lewiston by State government. They are not elected representatives. The Lewiston Town Board is elected, and directly accountable to the residents. The Fire Company has every reason to be upset with their lack of funding, but their fight is with the Power Authority.

Palmer asked if there is a reason to not vote the protocol proposal down.

Newlin said as a parliamentary body it is not advised we make negative motions. Newlin asked Boniello for his opinion.

Bax MOVED to bring the Standing Committee Greenway Protocol to a vote, Seconded by Palmer

Johnson asked why doesn't the Board forward a final letter stating the only deal is a majority rule on the projects.

Clerk polled the Board:

Councilmember	Bax – No
	Edwards – No
	Johnson – No
	Palmer – No
Supervisor	Newlin - No

Carried 0 – 5.

Newlin asked the Board to grant the Supervisor, working with council, to develop a protocol that reflects the Town's desire to: Strive for consensus, but failing consensus majority vote carries the day on approval of projects and; there is only one payment from the NYPA each year which allows the Standing Committee to write the checks.

Newlin MOVED to have the Board authorize Newlin to work with Council to develop a protocol, Seconded by Bax and Carried 5 – 0.

Newlin would like to address some of Sen. Maziarz comments from the earlier meeting. Sen. Maziarz said the City of Niagara Falls was in receipt of \$26 million in Capital Improvements. Newlin said those monies are being diverted to a separate entity, separate from the City and that is the City Water Authority. Newlin believes it is done this way because the water is pulled out of the river near the north Grand Island bridges. The conduits were directed to go right-over the old City canal, which the City uses as sewer lines now. The pipes had been leaking and flooding out the old City infrastructure below them.

Lewiston has benefited in many ways from this agreement. Residents receive lower electrical rates; Town is receiving capital monies for roads, buildings, cars and trucks; schools are receiving dollars.

Newlin spoke in regards to a letter referenced by past Councilman Ceretto, by the attorneys telling the Town not to sign. The Attorney was receiving faxes by the hundreds that night, and the Attorney was unable to review them all, and as elected officials the Board has to make the hard decision. Mr. Ceretto supported the agreement at that time, so for him to be speaking that the agreement is bad, as a Councilman he didn't say it.

Newlin MOVED to have the Town Board pass a Resolution that requests State government remove the Special Exemption from Special District Taxes that have been given to Authorities, Seconded by Johnson and Carried 5 – 0.

COUNCILMAN JOHNSON

Johnson would like the Town Board to meet with the Fire Bureau to discuss the NYPA issues. A meeting should also be held with the Chiefs and Presidents of each Fire Company.

Johnson spoke of the FOIL request received from the Fire Companies. Some information requested are items the Town does not have control of. The Supervisor was asked to forward the request to the Clerk's office.

Johnson spoke with Bernie Rotella, Town grant writer, in regards to a grant for defibrillators for Lewiston.

Johnson requested the Worksession of May 12th begin at noon.

Bax requested Department Heads be in attendance.

Johnson MOVED to hold the May 12th Worksession at noon, with Department Heads in attendance, Seconded by Bax and Carried 5 – 0.

Johnson met with Mr. Lockhart, Mr. Nablo, Mr. Masters and Mr. Joe Deck Jr. – developer of Riverwalk, to discuss the drainage issue at Joseph Davis State Park. A letter was forwarded to Assemblywoman Francine DelMonte requesting a meeting with the representatives of State Parks.

Johnson would like to forward a letter to the head of State Parks requesting a meeting with Town representatives to discuss the cleaning of the ditch.

Edwards asked “When this Riverwalk project was proposed, and the engineering came in, was the engineering good enough to support the houses and the water in that project? Why are we going to the State?” If there is a water problem at the Treatment Plant that is our problem.

Lockhart said the standing water is in the area near the woods just north of the facility. It is not on the facility proper, but it is on Town property.

Britton said the system will ultimately work. What needs to be accomplished is to get the water out quicker. There is debris, trees, barrels, paint cans etc...and it needs to be cleaned out.

Johnson MOVED to send a letter to State Parks, requesting a meeting to discuss the cleaning of the ditch, Seconded by Palmer and Carried 5 – 0.

COUNCILMAN PALMER

Riverwalk Subdivision – Phase 3A – Approval

Masters would like the stormwater curb couplers to be supply-T. Britton agrees this should be done during construction.

Palmer MOVED for Final Plat approval of the Riverwalk Subdivision – Phase 3A, with the following conditions: recreation fee per lot paid; Health Dept. approval obtained; engineer approval is granted on construction plans; construction plans to be modified to reflect a clay dam; minor modification to plat map to reflect driveway locations and sidewalks; street lights to be on plans; stormwater curb couplers to be hard piped by the site contractor, Seconded by Johnson

Mr. Deck addressed the sidewalks and how they connect to this phase. The Board wants sidewalks. There will be elderly residents and they should not be on the street.

Motion Carried 5 – 0.

Sattleberg Subdivision

Palmer MOVED to approve Sattleberg Phase 3 & 4, with the following conditions: Ownership of the pond is the developers; Street lighting to be provided by developer; Site contractor to provide hard piped storm drain connections; Seconded by Bax

Edwards said there are currently four developments with maybe 6 houses, total. This year, the plowing cost alone, of these developments is phenomenal. There are approximately 400 lots currently, that have been approved but no building has taken place. The only reason Edwards is going to vote on this project is because it was approved prior, 15 years ago. Future development needs to be looked at closely.

Bax questioned if a time-line can be put on these subdivision applications. Newlin requested the Planning Board Chairman, Masters, Town Attorney and himself meet to discuss a possible time-frame rule once approval is granted.

Newlin said he will be voting no. Lewiston is nearing capacity in terms of what the Town's departments can service. Lewiston can't keep asking the departments to do more, patrol more roads, plow more roads, and keep the staffing levels as they are.

Boniello spoke to Joan Wolfgang, Planning Board Chairman in 1989, and she said that Phase 1, 2, 3 & 4 were approved in 1989. There is an original subdivision map of these Phases. It has been stated there is no map for phase 3 & 4 filled in the County Clerk's office. Boniello understands there is one that was prepared in 1992 by Niagara Boundary.

It is Boniello's understanding, that Mr. Gallucci and Mr. Roscetti, development representatives, have agreed to a lighting district and ownership of the pond.

Boniello questioned, once the last lot is sold and Sattleberg Farms Inc. signs a maintenance agreement for the pond, who will the Town deal with, who will be the facility owner of the pond? The only way to get around that, is to put something in the deed, like a restrictive covenant, making each of the owners in the subdivision, responsible based on their square footage.

Mr. Roscetti said that is not possible. There would need to be a homeowners association. Gallucci said there is also the ownership of the wetlands.

Boniello said the Board is accepting basically what was done in 1989. They have agreed to additional items.

Mr. Gallucci said the Health Dept. approval had been received in 1993.

Johnson supports the subdivision, knowing that the pond ownership is Sattleberg's and the lighting will be taken care of also.

Masters questioned if a Public Hearing had been held for Phase 3 & 4. Mr. Gallucci has a record of a Public Hearing held May 10, 1993 which references all four phases.

Clerk polled the Board:

Councilmember Bax – Yea
Edwards – Yea
Johnson – Yea
Palmer – Yea
Supervisor Newlin – No

Carried 4 – 1.

COUNCILMAN EDWARDS

Muckland Pump repair bids

Bid results not available. Edwards will have them May 12th.

Stop sign request – Powell Lane

Tracie Waterstram – 714 Scovell Drive requests a stop sign at the 3-corner intersection of Powell Lane and Scovell Drive. Chief Salada said if it is the Boards intention to slow drivers down on Scovell Drive, it is a good idea.

Edwards MOVED to approve the installation of a stop sign at Powell Lane and Scovell Drive, Seconded by Bax and Carried 5 – 0.

Drainage issue at 703 Mt. View Drive

Britton said the water line construction will address this.

Lighting on Vista North

Britton said they will meet with National Grid. Britton to notify the resident on Big Vista Drive.

Parks

Fireplace at Kiwanis Park is falling down and it is a health hazard. The Highway Dept. is prepared to take it down with Boards permission.

The roof has gapping holes in it. Edwards requests Masters put together a basic spec and scope of work, and have the Clerk put it out to bid. With the funds to come from Parks Capital Improvement -TE-4.

Edwards MOVED to go out to bid for the construction of a new roof at Kiwanis Park shelter, and the removal of the fireplace, Seconded by Palmer and Carried 5 – 0.

Edwards said the fuel costs in the Highway Dept. are monumental this year. Edwards will report the consumption for all departments at the May 12th meeting.

Newlin said all departments should do everything in their efforts to conserve fuel.

COUNCILMAN BAX

Bids for the Bar Screen Procurement were opened April 25th. CRA has reviewed and is now being reviewed by Boniello.

Bax MOVED to award the Bar Screen Procurement to Koester Assoc. in the amount of \$136,000, Seconded by Palmer and Carried 5 – 0.

The Treatment Plant received a Micro-Turbine SARA Grant, valued at \$78,072/per year.

Bax MOVED to authorize the Supervisor to execute the SARA Grant, Seconded by Edwards and Carried 5 – 0.

The CSCA would like to incorporate the substitution of Friday – December 26, 2008 for Wednesday – December 24, 2008 into the current collective bargaining agreement for the calendar year of 2008 only.

Bax MOVED to authorize the Supervisor to sign the Memorandum of Understanding in regards to changing the Christmas holiday schedule, Seconded by Johnson and Carried 5 – 0.

A cell tower company has approached the Treatment Plant to place a co-location on the north-west corner of the building.

Board members feel this is a good idea.

Lockhart and Dave Harvey request permission to attend the Energy Conservation & Emergency Generator Maintenance program in Batavia, New York on May 22, 2008. Funds are available in the budget.

Bax MOVED approval of attendance, Seconded by Edwards and Carried 5 – 0.

The Sanborn Area Historical Society requests the use of a compressor for the Fourth Annual Sanborn-Lewiston Farm Museum Festival on August 16 & 17.

Bax MOVED approval of the use of the Treatment Plant compressor, Seconded by Johnson and Carried 5 – 0.

Recreation Director requests the hiring of Andrew Nowocien @ \$8.50/hr. and Elizabeth Taibi @ \$8.50/hr.

Bax MOVED to approve the hiring of Nowocien and Taibi @ \$8.50/hr, Seconded by Johnson and Carried 5 – 0.

Bax requests permission from the Board to approach Bernie Rotella, Town Grant writer, to research grants for seeking a Master Plan for Town parks. There is a lot energy duplicated in maintaining the several parks the Town has.

All Board members encourage this.

Bax received a complaint from 1128 Escarpment Drive. Britton to research.

Bax requested the Council on the Arts be placed on the agenda of May 19th to update the Board on their process.

Bax request discussion the Bingo Inspector position in Executive Session.

Edwards asked Masters to update the Board on the Plumbing Law.

Masters wrote the law. It is in rough-draft form, and has been distributed to Leone and Councilmembers for review.

Bax spoke of the statement “except the owners of one or two-family homes, may do the work on the residence which they occupy”. What about a second home that one doesn’t occupy but owns? Masters said this can be re-worded.

Edwards said the original draft reflected that any contractor misrepresentation of the code would come before the Town Board. Edwards does not feel this is fair to the contractor nor the Town Board.

Johnson MOVED to enter into Executive Session to discuss personnel, Seconded by Palmer and Carried 5 – 0. (9:30 p.m.)

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Attorney Boniello; Finance Officer DiRamio; Building Inspector Masters; WPC Chief Operator Lockhart and Town Engineer Britton

Johnson MOVED to exit Executive Session, Seconded by Bax and Carried 5 – 0. (10:00 p.m.)

Town Board moved the following motions:

Motion to allow Building Inspector Timothy Masters vacation of one week in July and one week in September.

Motion to hire Michael Torrie as Town Bingo Inspector at rate approved, subject to Civil Service approval.

Minutes taken by Attorney Boniello.

Respectfully Transcribed and Submitted by,

Donna Garfinkel
Deputy Town Clerk