

Present: Supervisor Newlin; Council Members Bax, Edwards, Johnson & Palmer; Town Atty. Leone; Eng. Lannon; Adm./Op. Lockhart; Police Chief Salada; Bldg./Zoning Officer Masters; Finance Officer DiRamio; Deputy Sup. Elgin & Town Clerk Brandon. 3 press reps and 5 residents.

The Supervisor opened the meeting at 5:45 p.m. followed by the Pledge of Allegiance and a moment of silent reflection for those in the community who have recently died.

RESIDENTS:

Dan Kilmer of 5109 Dana Drive. I am bring to you an old issue that when I was on the Board and tried to resolve it. Mr. Reiter has a part time job at the Outlet Mall as a security guard. The fact that he drives our town vehicle to and from work every time at the mall is against the town law. I passed a resolution when I was a councilman that stated that if you take a vehicle out of the town, the Town Board has to approve it and if it is not an emergency situation the Supervisor has to approve it. I don't know the exact date I did that motion, but I am sure the Clerk can find it. I think it needs to stop. When I was here, he was a little tamer and he is getting a little bolder. He use to move furniture, shop at Sam's and we did our best to try and stop him. I would hope that this Town Board would try to do the same. It is our taxpayer's money and with gas at \$4.00 per gallon he was driving there. There is no reason that he says he is 24 hour service falls in, quit your part time job and sit home and wait for a call. It is against the code and the law and you need to get your hands on the issue and stop it.

The second issue (Chamber of Commerce) is a flyer that was put out that stated that there some kind of friction between the Town Board and the Chamber due to some sponsoring issues. I will tell you that the letter which was unsigned is cowardly. I want this Board to know that the Chamber has nothing to do with it. If we find out who did it we would scold them. Merry Christmas.

Amy Witroyl of 4726 Lower River Road. Merry Christmas to the Board and thank each and every one of you for your service. It is often a thankless job and you have a number of challenging issues. I am here tonight on issues starting with hazardous waste which leads to other matters. Having read the letter that the Chamber directed to the DEC hearing officer before the Siting Cmte. from my view it is very difficult for an entity such as the Chamber to retain it's neutrality and intervene in a regulatory process. I suspect it was an unwitting intervention and hope the Board would encourage the Chamber to withdraw that letter and reconsider or rethink its policy on whether a member of good standing means. Whether it issues those letters to the members per se to use as they will as opposed to getting engaged in processes particularly ones of high controversy where their largest funder has actually stated a position that maybe contrary. I have looked at thousand of business plans and budgets in my career and while I think there are many taxpayers who might oppose funding a Chamber entity; I have no opposition to that provided that public monies that are used to support that organization are being invested wisely. Also, that there is a benefit between them. On the internet, under the 2007 tax return exclusive of the health care premiums expense, the total revenue was \$289,360.00 and the government portion was \$112,880.00. I have the highest respect for the Chamber Board members who are volunteers who are paid zero. I don't mean to criticize each and every expenditure that they make and I am sure within the Chamber there is disagreement. We will never as funders of the Chamber be 100% happy with what they are doing. But, I bring this issue to your attention because it is a very significant issue not only to our health and safety but as to the economic well being as well. Of that \$112,880 in 2007, \$55,000 came from the Town of Lewiston of which I am a taxpayer and \$25,000 came from the State of NY of which I am also a taxpayer. The extend of oversight that the Board decides to engage is up to it's discretion but just looking at the \$25,000 grant for the Chamber last year that was used to hire a marketing company and then to read that a good portion of that grant was used for the marketing company to place advertisements in *Sentinel*, the *Gazette* and the *Buffalo News*. I would offer to the

Chamber that if there are any volunteers who would probably be happy to do that for far less. Those kind of expenditures and who benefits from them, I think are questions that skeptics among us would ask when state funds are involved. I was disappointed to see that the owner of the marketing company who received the grant both the year before and the year after gave sizable contributions to politicians who secured that grant for the Chamber. Again, that is one example but I do think given the size of the taxpayer's investment that the taxpayer's do have a legitimate right to ask questions and come to their own conclusions as to whether or not these are good investments. I am very supportive of encouraging a generous business climate, I want to see the Village flourish. I am just as interested in seeing the funds that are used to invest in your organization even so as wisely as possible and would again ask the Board and encourage the Board be a little bit more proactive when there are conflicts and in stating positions and actions by the Chamber. Thank you.

Bob Giannetti of 425 Seneca Street. I am here as a citizen, taxpayer, resident, business owner on Center Street and currently a member of the Chamber of Commerce. I too was in receipt of this letter which I am glad to see issued by the Chamber. It was as it was said a craven thing. It was not even signed but the larger issue that I think that I would like to address is this letter to the DEC as it was printed in the *Sentinel*. A particularly important statement in that letter which I think makes the case unwittingly is that this letter should be rescinded. Quote "it is policy of the LNRRCC to support the advancement of the overall business climate within in the LNRR. Therefore, when the Board deems necessary we will take a position on any issue that we feel affects our business climate as a whole either positively or negatively." Does not the siting and expansion of a hazardous waste facility, does that not negatively impact the business climate of the community as a whole? I would submit that it does and I think that all or a goodly number of elected officials are on records in saying that they want clean eco friendly business that this kind of thing must be cleaned up before it is expanded. So, yes as a citizen, resident, taxpayer and business owner, I wish to see this letter rescinded. The Chamber's support for this too is interesting because what this near-to-well seemed to imply when he issued this Lewiston business owners attention....

Palmer said he did not know what letter he was referring to.

Bob Giannetti: There was a letter that came out & I have a copy of it....it was put into everyone's mailbox on Center St. and I don't know how much more widely it was distributed.

Palmer said if it is slanderous, I really don't want to hear it. We don't have a copy of it.

(A copy was given to the Clerk for copying and distribution to the Board.)

Bob Giannetti said there is some mention made of \$55,000\* a year that CWM contributes to the Chamber.

Newlin stated that is the amount\* that the Town gives to the Chamber.

Bob Giannetti: Whatever is given by CWM needs to be determined and we need to look at it for the sake of accountability and disclosure exactly for what that is. So, it is really simply stated that this letter needs to be rescinded and it is for all of our well being and the good of the community. That is what I support as a resident and business owner. Thank you.

AGENDA:

Newlin: We will need an executive session to go over the terms of the contract that is pending between us and the teamsters that work at the Highway and the Water Dept. Mr. Leone needs to discuss the Page road improvements issue and several litigation matters.

Edwards stated that on his agenda we have the extension of the Highway Snow/Ice Agreement with NYS and ask that this be discussed in executive session.

Johnson to discuss a personnel issue re: cleaning.

**Johnson MOVED to accept the amended Agenda as presented. Seconded by Edwards and carried 5-0.**

MINUTES:

**Johnson MOVED for approval of the minutes of 11/24/08 RTBM and 12/8/08 Work Session. Seconded by Palmer and carried 5-0.**

POST AUDITS:

**Johnson MOVED to approve the regular Abstract of Claims #3961 to 4168 and recommend payment in the amount of \$200,207.40 plus a post audit of \$28,586.20. Seconded by Bax and carried 5-0.**

OLD BUSINESS:

1. Flood Zone Map:

Masters indicated that we have sent the hard drive with the information loaded on it and we have not received it back yet and until we get that it we can't do anything.

Johnson said that there is a resident here from Riverwalk S.D. and there was discussion on this at their Homeowner's Assoc. meeting. I thought that when we talked about this flood map that we were going to send out a letter to the affected people (44). Where does that stand now?

Masters said he had the list but had not done anything more other than file it.

Edwards said that we are contesting every one of those properties. So, it is premature to put the letter out to the residents stating that they may or may not be in a flood zone and until a study comes back from CRA to make sure that they truly are comparisons.....

Johnson: I understand that but the developer is out there telling the Association that we have all the answers for that and we did not let them know that they could be affected in a flood zone area. Also, why didn't they know about their homes could possibly be involved. Even though we are not done with the study yet, I thought it was a good idea to let the people know that they could be even if they weren't. There were no houses in Riverwalk when the flood map was done.

Edwards said no. In 2007 was when the study was done.

Johnson said he does not want the developer telling the residents that the Town did not inform them and maybe we can talk to the association president and inform him what we are doing. I don't appreciate them saying that we have not notified them.

Lannon said that all of the impacted areas are being studied right now.

Johnson: It was not told to the residents.

Edwards asked how much of Riverwalk is affected.

Masters: It has been in the newspaper and the news and many people have come in to see if their home was affected.

Johnson said that maybe CRA, through your direction could send a letter telling them what we are doing and will keep you informed.

Masters said we have until the end of April 2009.

Newlin: Mr. Johnson's take is a general information letter to let the residents know what we are doing and that is not a bad idea.

Lannon asked if the letter was to come from CRA.

Newlin said that Mr. Masters will work out some language on it for any house that would be affected.

Johnson stated that we should tell them what we are trying to do with our engineers and it is under study.

Edwards said that at the meeting I had suggested not to prematurely declare some things of the flood plan. If we have all of these areas and other residents that are going to get a letter stating that you may be in a flood zone, we will be inundated with residents.

Lannon suggested that we say that it is under study.

Edwards: The letter should say that your current property is under study and we will keep you informed.

2. Proposed Drainage Improvements-935 James Drive.  
Leone said this should be discussed in executive session.

NEW BUSINESS:

1. A request from Admin. Lockhart to carry over one (1) personal days for the following employees: Scott Clark, Richard Dreier, Leslie Frey, David Harvey, Donald Haseley, Martin Lauer, Timothy Lockhart, J. Lester Myers, William O'Connor and Jeffrey Ritter to be used in the first quarter of 2009.

**Johnson MOVED for approval of the request. Seconded by Bax and carried 5-0.**

2. A request from the Town Clerk to carry over two (2) personal days each for Donna Garfinkel, Barbara Joseph and Kevin Norwich.

**Bax MOVED for approval of the request. Seconded by Johnson and carried 5-0.**

NEWLIN:

Legal: Issues to be discussed in executive session.

I would like to recommend that we take out an ad to fill the vacant legal position with Mr. Boniello's retirement.

**Johnson MOVED that an ad be placed to advertise for the open position of part time Deputy Town Attorney with a deadline of Jan. 7, 2009 to accept applications. Seconded by Palmer and carried 5-0.**

Engineering: Nothing at this time.

Verizon Contract:

I spoke with Mr. Nearpass and the contract is moving forward and the Town should be realizing \$1250 a month for hosting this. We are working out details regarding co-location (\$100 per co-location unit). They will appear next month before the Planning Board, Towers Cmte. and the Environmental Commission.

Labor Contract-Teamsters:

We completed negotiations with the Teamsters Union that represents the Highway and Water employees and I have informed the Board of some of the points in executive session. We have a final proposal that the Board tentatively agreed to in terms of parameters with the teamsters union approving it on Friday. I have the changes to the contract and we will discuss them in executive session. I fully expect us to vote and approve it after discussion. Thank you to Councilman Johnson for his help.

Re-organizational Meeting:

**Palmer MOVED to hold the 2009 Re-organizational Meeting on Monday, January 5, 2009 at 12:30 p.m. Seconded by Bax and carried 5-0.**

BAX:

LNRRCC:

I have a Resolution to read regarding the funding status for the LNRRCC.

**FUNDING STATUS FOR THE LOWER NIAGARA  
RIVER REGION CHAMBER OF COMMERCE**

**WHEREAS**, the Lower Niagara River Region Chamber of Commerce is the recipient of public money that provides approximately 33% of the Chamber operating budget to promote economic activity that will benefit the Town of Lewiston, including the Village of Lewiston,

**WHEREAS**, the Town of Lewiston is the largest government funder of Chamber operating expenses contributing \$55,000 of taxpayer money in 2007,

**WHEREAS**, the Lower Niagara River Region Chamber of Commerce has previously asserted a position of “neutrality” with respect to expansion of CWM Chemical Waste landfills,

**WHEREAS**, on November 24, 2008 the Lower Niagara River Region Chamber of Commerce violated its position of neutrality by intervening in a regulatory process with a letter, “on behalf of CWM” addressed to the New York State DEC Hearings Officer for the Hazardous Waste Siting Plan,

**WHEREAS**, CWM has failed to attend Community Advisory Committee meetings held in public buildings convened under New York State law by the Town of Lewiston, Town of Porter and Niagara County, however, the Chamber letter asserts CWM is a member in good standing,

**WHEREAS**, the Chamber has written to the DEC as CWM’s regulator that the Chamber “values” companies such as CWM Chemical Services,

**WHEREAS**, the letter to the DEC states that the Chamber takes a position on any issue that negatively affects its business climate as a whole and,

**WHEREAS**, the failure to take a position implies that Chamber does not view hazardous waste landfills as negatively affecting our business climate, in contradiction to Lewiston Town Code and the position of the Town Board.

**BE IT RESOLVED**, that the Town of Lewiston will not consider further funding of the Lower Niagara River Region Chamber of Commerce unless:

**1) Chamber correspondence to the DEC is rescinded in it’s entirely without prejudice, and**

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to the Lower Niagara River Region Chamber of Commerce, the Village of Lewiston, the Village of Youngstown, the Town of Porter, Niagara County and the New York DEC.

**Bax MOVED for the adoption of said Resolution as read. Seconded by Newlin.**

Palmer: As the Town Boards liaison to the LNRRCC, I continue to be very impressed with the diverse group of people that represent the Chamber. I have attended numerous meetings with the Board of Directors and I am truly amazed at the level of knowledge that this body of people bring regarding local knowledge of Lewiston and Porter. They truly are the heart beat of our community. I find it very hard to believe that they and I don’t know who did this or why they did it but it went to the extent of writing a letter to the DEC. As is stated in the resolution, this Board financially contributes to the Chamber and this Board believes that the Chamber does promote a healthy business climate in this community. I would just hope that this was a mistake. I would hope that it was an over sight and I would hope that the Chamber would reconsider the letter that was sent to the DEC and rescind it.

Johnson: I am confused. I just read this note that was sent around to the business owners which actually speaks only that the Supervisor of being at a meeting that I was also at. It was not talked about that and it was more of their sponsorship on something at the Christmas Walk that started this whole thing. At that time, the Chamber representative or consultant mentioned that they do not take a position for or against but if you read their letter it is very confusing. In the middle of the letter it states that they will let them know if they take a strong stand on it one way or the other. Most of these businesses and people are a great team. They have leadership from Sanborn and the mixture of the whole region. We can do well together. This does not make any sense to me what so ever. As a member of the Chamber, I don’t know why they would not go out to their membership and ask them as most of them were at the school during the public hearings. It is a very confusing thing and I agree with Mr. Palmer that it has to be a mistake or someone shot this off and why they did it, I don’t know.

Palmer said in the interest of full disclosure, I wanted to say that I am a member of the Chamber as well.

Mr. Bax also stated that he was a member.

Newlin: I will speak and support Mr. Johnson & Mr. Palmer. What I think, the Chamber got caught up in perhaps unknowingly is that the Town is in a position where we are taking a strong stance against the expansion of CWM on the one hand and secondly we happen to be funding a Chamber which unknowingly or not wrote a letter of support to the DEC. It kind of works cross purposes to what this Towns’ expressed opinion is and that is to fight the expansion of CWM. For the record, I want to say Mayor Riordan of Youngstown is in support of this resolution. I spoke with Mayor Soluri who also supports this and hopefully the Chamber will strongly reconsider and rescind that letter without prejudice as stated in the resolution. Speaking personally as a resident it did

dishearten me to see a Waste Management's logo on a Christmas sleigh in Lewiston which is suppose to remind people of a nicer and less complicated time and certainly a time that wasn't fought with the problems of toxic waste. I hope the Chamber can make their decisions in the future when it comes to those sponsorship and that Lewiston can really move better with a good business climate of which hazardous waste is not a part of so that we can thrive. A lot of business leaders like Mr. Giannetti who spoke tonight take the same exact position that when we look at the overall economic climate in our future as a Town, I think we would rather see a shrinking participation in that climate by Waste Management not a larger one.

Edwards: I echo the sentiments of my colleagues. Only one thing, I am going to vote in support of the resolution but I think we should have sat down whether it was the liaison and the Supervisor with the Board of Directors and hammered this out before it got to this point. That is my personal opinion. I was just aware of this situation fully after the fact.

Palmer: I am the liaison and I did not find out until after the fact.

Edwards: When someone says they are going to pull my funding, I would say why. There is no dialogue. There is no conversation and that is the only part that I regret. I don't want to see any animosity between this Board and the Chamber. The Chamber does great things for the community and I wish there had been dialogue before we got to this point.

Newlin: I spoke to them about 2 weeks ago asking if they would rescind it. I thought it was a big mistake to send that letter. Hopefully, they will do that and only time will tell.

**On the Motion, carried 5-0.**

EDWARDS:

Snow/Ice Contract:

I looked it over briefly and there are some things that I don't have the answers to so I would ask that Mr. Reiter attend the executive session. (Yes)

JOHNSON:

Fire Board:

The training for the new firefighters has been scarce because there is only a limited number of hours that they will give to Niagara Cnty from the State. I will keep you informed on this. I hope that the state budget will not affect this.

The water, sewer and the building departments enter homes for inspection. We want to create a letter that the Fire Bureau is going to buy smoke alarms and distribute them free. The Cnty. Co-coordinator Mr. Volkosh is also working on this. We will provide some smoke alarms to these departments. With respect to a certificate of occupancy when a home is closing there is an affidavit that indicates there is a smoke alarm there. I think it would a nice gesture if our departments would inquire and inform them that the fire halls are going to distribute them.

Masters said that the State code has changed where if you put an addition on your house you have to upgrade your house for smoke detectors. That takes care of many of the houses that I am in.

Johnson: I would ask that our Supervisor speak with our grant writer regarding the defibrillators for town buildings. If the grant money is not available, I would prefer that this Board take some of the PA money and purchase them.

Newlin indicated that he would speak with Mr. Rotella.

PALMER: Nothing at this time.

**Bax MOVED to go into executive session to discuss the tentative approval of the Teamsters' Contract; Ice/Snow Contract; Personal Matter re: Cleaning and Litigation Matters. Seconded by Palmer. Carried 5-0.**

Time: 6:30 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon  
Town Clerk

Executive Session: Time 6:40 p.m.

Present: Supervisor Newlin; Councilmen Bax, Edwards, Johnson & Palmer; Town Atty. Leone\*; Deputy Sup. Elgin; Eng. Lannon and Highway Supt. Reiter.\* (\*Left at 7:00 p.m.)

**Motion to exit Executive Session and reconvene made by Edwards. Seconded by Johnson. Carried 5-0.**

**Action Taken:**

**Edwards MOVED to approve agreement to extend Municipal Snow & Ice Agreement with the NYS DOT. Seconded by Johnson and carried 5-0.**

**Palmer MOVED to approve changes to Collective Bargaining Agreement re: Town of Lewiston and Teamsters #264. Seconded by Bax and carried 5-0.**

**Motion to adjourn made by Bax and seconded by Johnson. Carried 5-0.**

Time: 7:35 p.m.

\*Minutes taken by Town Atty. J. Leone