

Present: Supervisor F. Newlin; Councilmen A. Bax & S. Edwards; Dep. Sup. E. Elgin (5:55 PM); Atty. J. Leone; Dep. Atty. D. Boniello; WPCC Admin. T. Lockhart; Bldg. Insp. T. Masters; Highway Supt. S. Reiter (5:55 PM); Clerk C. Schroeder; 2 press

Excused: Councilmen M. Johnson; E. Palmer

The Supervisor opened the worksession at 5:40 p.m. Newlin acknowledged the absence of Councilman Johnson who is out of town on business and Councilman Palmer who is attending to family matters.

Agenda: Newlin said he wanted to discuss personnel matters in executive session. Edwards said he had an addition in reference to Kiwanis Park roof repairs.

**Bax MOVED to approve the agenda, as amended. Seconded by Edwards. Motion carried 3-0.**

Abstract: **On Councilman Palmer's behalf, Edwards MOVED to approve the Abstract of Claims, Nos. 1570 to 1967 and recommended payment in the amount of \$392,992.00, plus a post-audit of \$335,494.44. Seconded by Bax and carried 3-0.**

Re-Licensing Update: Earlier in the year, Newlin said he had directed special counsel to the Town, Atty. Dax, to come up with a way to quantify and analyze whether or not the Town is getting everything it should be from the Power Authority when it comes to the full value of the megawatts. Atty. Dax, corresponding with the Power Authority has found that town residents didn't received a credit of about \$80,000 between Sept. 2007 and Jan. 2008. Atty. Dax has been able to recover that and it will be credited back to town residents in the upcoming months. We're working that out with National Grid as to how it's going to be credited, Newlin said. By Friday, we'll have a firm answer on that.

As noted in the press, Newlin said the Power Authority and Power Coalition have come to an agreement on how Greenway Funds will be allocated from this point forward. The acquiesce is the position long held by the Town that we should strive for consensus, however, failing that, a majority vote will back projects. That gives us more local control, he said. Secondly, there will be only one check from the Power Authority to the standing Host Community Committee each year in the sum of \$3,000,000 of which the Town of Lewiston will be getting \$510,000 of that every year.

CWM-Hazardous Waste Tax: Leone was asked to give an update on an issue that was raised at the last meeting by Amy Witryol regarding the Hazardous Waste Receipt Tax. Mrs. Witryol, Leone said, was accurate when she recited NYS Environmental Conservation Law, §27-0925 that provides that if a waste disposal site is located partially in two municipalities, they would share the annual four percent statutory fee, in addition to any other host community fee, in proportion to population. Leone said it was brought to his attention that in 1986, there was a resolution from the Town of Porter which took the position that the facility was, although in Lewiston, in large part in Porter and therefore, Lewiston would be entitled to no fees. Lewiston took the position that statutorily it would be entitled to the statutory fee under the methodology previously stated by way of population. Leone said he was not able to locate the 1986 agreement but he was furnished a copy of an Agreement between the Town of Porter and Town of Lewiston, dated November 13, 1989, in which the two parties had agreed to divide the annual fee equally. Given the fact that that agreement was entered into so many years ago, and given the fact that both municipalities have been living under that contract all these years, despite the statutory language, I do not think it would be appropriate now for us to go down that road.

Stop Signs/Scovell Drive: Newlin indicated that the Signage Committee was asked to review a request for stop signs on Scovell Drive at the intersection of Powell. Edwards reported that the Signage Committee investigated the site and does not see any justification for the two stop signs. It is their recommendation that no signs be placed in that area. The Clerk was asked to pass this information to the Highway Department.

Stop Signs/Riverwalk Drive: Edwards referred to a petition from residents of the Riverwalk Association for the placement of additional stop signs on Riverwalk Drive at the corners of the cross roads to deter speeders and drivers from using this road as a short cut to River Road. Edwards asked that this request be forwarded to the Signage Committee for review and report back its findings to the Town Board.

Park Repairs: At the last worksession, Rec. Director Mike Dashineau reported that the shelter at Kiwanis Park is in dire need of a roof and some security measures to secure the pavilion proper. The Building Inspector was directed to obtain some quotes on the roofing and was now asked to update the Board on the results of the proposals and his recommendation.

Masters said he obtained four quotes: John Black Construction - \$9,950; Tuscarora Roofing - \$8,950.00; John Baldassara - \$12,250.00 and Fiddler Roofing - \$9,282.00. Fiddler Roofing also quoted \$9,959.00 for a 50-year option. After reviewing the quotes, it was Master's recommendation to go with Fiddler Roofing. He was the most knowledgeable and had the best warranty. He was the only company to offer \$215 back for tax-exempt status on materials. Master said he would also lean towards the 50-year roof.

**Edwards MOVED to contract with Fiddler Roofing in the amount of \$9,959.00 for a 50-year roof at Kiwanis Park. Seconded by Bax and carried 3-0.**

With regard to the fireplace at Kiwanis Park, Edwards reported that the Kiwanis Club would like to restore it and repair it at its expense. It's really important to them that the fireplace stay in tack, he said. Edwards directed the Building Inspector to work with the Kiwanis Club on this effort.

Also, Edwards said he spoke to the Director last winter about some sort of surveillance at Kiwanis Park. There is wireless technology out there. I'll be speaking with Mr. Dashineau and Bernie Rotella to see if there are any grants out there for that purpose of security. The Kiwanis Club is very cooperative. If it is within their means, they would help with the security as well.

Sanborn Senior Leader: Newlin said the Sanborn Senior organization took it upon themselves to seek candidates to replace former leader, Ella Shugarts, who recently passed away. They have strongly recommended Susan Letourneau to this appointment.

**Newlin MOVED to appoint Susan Letourneau as Sanborn Senior Leader (p/t) at a rate of \$10.91/hour. Seconded by Bax and carried 3-0.**

Zoning Board Stipend: Newlin referred to a request from the Zoning Board to increase the stipend for board members due to the increase in gas costs and the various sites that need to be visited each month by board members. Newlin asked that this request be tabled until the next meeting to determine if funds are available in the budget for this.

Notice of Claim: Bax said he would address this in executive session for potential litigation against the Town.

Drainage:

2844 Albright Road:

752 Ridge Road:

**Edwards MOVED to authorize the Drainage Dept. to access private property at 2844 Albright Road and 752 Ridge Road to take care of whatever town responsibility there is with respect to the drainage on these properties. Seconded by Bax and carried 3-0.**

In addition, Reiter, along with the Town Engineer, was asked to re-evaluate the drainage swale behind 1128 Escarpment Drive (Bielec) and 1110 Escarpment Drive (Alex).

Sanborn Fire Company: The Fire Company submits for active membership the follow names: Nathon Daigler, 2895 Niagara Street (T/Lewiston) and Donald Bragg, 3064 Saunders Settlement Road (T/Cambria).

**Edwards MOVED for approval. Seconded by Bax and carried 3-0.**

N.C. Bicentennial Advertisement: Newlin said they have been asked by the Bicentennial organization to take an advertisement out in the newspaper commemorating the Niagara County Bicentennial.

**Bax MOVED to take out a Half Page, black & white ad in the amount of \$475. Seconded by Edwards and carried 3-0.**

Recreation Dept. Hires: Bax referred to a memo submitted by the Recreation Director to hire the following:

**Recreation Aides/PT:** Crystal Garrett – Park Leader, \$8.50p/h; Jodie Jueckstock – Park Leader, \$8.50p/h; Kevin Rhoney – Park Leader, \$8.50p/h; Kristen Smith – Park Leader, \$8.50p/h; Brent Atkinson, \$8.00p/h; Courtney Brydges, \$8.00p/h; Margaret Duffy, \$8.00p/h; Andrew Fleury, \$8.00p/h; Alyssa Florence, \$8.00p/h; Chris Jackson, \$8.00p/h; Tyler Magliazzo, \$8.00p/h (Part Time); Kyle McDonald, \$8.00p/h; Bryan Minicucci, \$8.00p/h; Stephanie Myers, \$8.00p/h; Brittany Nichols, \$8.00p/h; Elizabeth Slaiman, \$8.00p/h; April-lynn Stitt, \$8.00p/h.

**Laborer/PT:** Glen Ziobrowski, \$8.00p/h.

Newlin said there may be an issue with one of the individuals. He asked to obtain an opinion from Town Counsel in executive session before formalizing the hiring of these individuals.

Master Plan Committee: Bax said he had been tasked to make efforts to codify the Master Plan. Given some concerns of changes to the Master Plan, Bax asked to re-convene the Committee. Newlin suggested a meeting among the Town Board, Zoning Board of Appeals and Planning Board at a future worksession to try bringing the codification up to speed.

Evan Elgin concurred. I think it is important that we do do that to get everybody on the same page as to exactly where things are at. The question of re-convening of the Master Plan, you have to state your objective regarding that. If you're going to open up the whole thing, then you have to make a decision whether or not you want to make specific changes or vast changes to the Master Plan which is going to have a lot of downstream affect if you do that. What you really want to do is look over the code that has been written, and make adjustments to the code, as interpreting the Master Plan and leave the Master Plan itself intact.

The Clerk's office was asked to distribute the current proposed code to the members of the Town Board, Zoning Board, Planning Board and Building Inspector to get them up to speed as to where we're at right now.

Shared Service Grant payment: Newlin said they have been pursuing a shared municipal services incentive program with the Village of Lewiston. Bernie Rotella,

Grant Writer, has been helping “quarterback” the operations. They have to determine a fund to appropriate his fees for this.

**Newlin MOVED to appropriate funds from B-Fund Contingency for Mr. Rotella’s fees associated with the SMSI Grant. Seconded By Edwards and carried 3-0.**

Newlin noted that he, Councilman Bax, Mayor Soluri and Trustee Geiben met earlier that day interviewing prospective firms to assist the Village and Town of Lewiston evaluate the potential consolidation of departments and services. The consensus of the group was to retain CRA Engineering.

**Newlin MOVED to approve CRA Engineering as the consulting firm with regard to the SMSI Grant in conjunction with the Village of Lewiston. Seconded by Bax and carried 3-0.**

Police Dept. Hires:

**Newlin MOVED to hire Michael Haynes and James Delacy as p/t police officers in the Lewiston Police Department. Seconded by Bax and carried 3-0.**

Executive Session:

**Newlin MOVED to enter into executive session to discuss personnel and potential litigation. Seconded by Edwards and carried 3-0.** Time: 6:10 p.m.

\*Present: Newlin, Bax, Edwards, Leone, Boniello, Dashineau

Issues Discussed:

1. Personnel Issue (Recreation)
2. Potential Litigation (MacKenzie Claim)

**Bax MOVED to exit executive session and reconvene regular meeting. Seconded by Edwards and carried 3-0.**

Action Taken:

1. Approved MacKenzie Claim in the amount of \$416.43 subject to Investigation results of Police Dept.
2. Approved hiring of Seasonal Employees per Recreation Director’s memo (6/5) with the exception of Jodie Jueckstock as it violates Policy Manual.

**Bax MOVED for approval of the above-referenced action. Seconded by Edwards and carried 3-0.**

**Bax MOVED to adjourn, Seconded by Edwards and carried 3-0.**

Time: 7:29 p.m.

Transcribed and

Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk

\*Executive Session minutes taken by Atty. David Boneillo