

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Attorney Boniello; Finance Officer DiRamio; Building Inspector Masters; WPCC Chief Operator Lockhart; Town Clerk Brandon; Recreation Director Dashineau; Senior Director Collesano; Grant Writer Rotella; Asst. Engineer Sharpe; Town Engineer Lannon; Police Chief Salada; 1 Press and Clerk Donna Garfinkel

EXCUSED: Town Attorney Leone

Supervisor called meeting to order – 12:25 p.m.

Supervisor asked if any Board member had changes to the agenda.

Edwards requested adding 2008 paving schedule. Palmer requested a proclamation.

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

Agenda Item One – Approval of Abstract

Johnson MOVED to approve the Regular Abstract, Claim numbers 1290 - 1569 and recommends payment in the amount of \$504,502.47 with a Post Audit in the amount of \$120,782.15, Seconded by Bax and Carried 5 – 0.

Second Agenda Item – Approval of additional Post Audit payments.

Johnson MOVED to approve the payment to CRA Infrastructure & Engineering, Inc. in the amount of \$1,724.81; and Occhino Corp in the amount of \$243,984.42, Seconded by Palmer and Carried 5 – 0.

Third Agenda Item – Recognition of Barb Travis

Newlin said Mrs. Travis has been the secretary for the Highway Dept. for 12 years. The Clerk was asked to have a citation of appreciation prepared to present to Mrs. Travis at the May 19th meeting.

Edwards requests that all Board meetings start at 5:30 p.m. Any extra business would go-forth into the night. Residents could address the Board later in the meeting.

Palmer MOVED to have all Board meetings start at 5:30 p.m., Seconded by Bax and Carried 5 – 0.

Fourth Agenda Item - National Grid presentation. National Grid has not arrived.

Fifth Agenda Item – NYPA relicensing matters. Newlin will report when National Grid is in attendance.

Johnson asked to address the FOIL request from Sen. Maziarz's office. The FOIL request will be ready on May 13th.

Newlin said several items in the FOIL need to be requested directly from the Power Coalition. Clerk to forward a letter to Sen. Maziarz letting him know he needs to FOIL the Power Coalition directly.

Palmer asked if the Town paid an amount, out of line from what other Coalition members paid, for legal fees. Newlin does not know.

Newlin said the Town had outside counsel because the Town was told, by Power Coalition counsel that Lewiston was not going to be able to reduce residential rates. So for the first couple of years, Lewiston was actually fighting among coalition members. Obviously the last seven-months have proved that wrong.

Palmer requested all Board members receive a copy of material sent to Sen. Maziarz.

Edwards asked Johnson if the fire companies are in duress. Is the firemen's safety being compromised?

Johnson cannot answer that. Extra dollars were put in the contract with regards to training, retention and recoupment. One Fire Chief did say the power money would be a bonus.

Newlin said he met with the fire companies about a month ago and it seemed all was fine. Newlin has reviewed Board minutes from 2005 to present, and nowhere do the fire companies proclaim financial duress or request power. A public hearing was held in January to approve the fire company contracts.

Palmer said this is a fifty-year agreement, and questioned how it is determined how the money will be used in the future. Is this something determined on an annual basis; every 5-years, contract with organizations?

Newlin believes a referendum would be a good measure to determine if the power goes to organizations. This is the people's power and it should be determined by them.

Bax is all for the idea of flexibility. The money should be used for a multiple set of purposes. To attract new business; to keep jobs here, and help subsidize existing businesses'. Without a MDA the Town is strapped. Bax asked the Board to continue to support the effort to form a MDA.

Bax feels it will be a hard sell when the Town wants to help St. Mary's or another industry. It is a limited pie, and if anything is done to change the division, some will be taken back from the ones already receiving it.

Newlin does not feel it is the purview of Town local government to subsidize failing businesses.

For the record, Newlin stated that in September he met with the Fire Companies and told them that the residents will be getting the power, but if there were other ways the Town could help them, the Town would be willing to work with them.

Sixth Agenda Item – Recognize Clerk Brandon

The Town Board would like to congratulate Town Clerk Carol Brandon on receiving the Margaret C. Lamoree Scholarship Award, in the amount of \$500, towards attendance at the 2008 New York State Town Clerks Association conference held in Saratoga Springs this past April.

Board members congratulated Clerk Brandon.

Seventh Agenda Item – Addition to Upper Mountain Roster.

Johnson MOVED to add Charles Smith, P.O. Box 1653, Niagara University to the Upper Mountain Fire Company roster, Seconded by Palmer and Carried 5 – 0.

Eighth Agenda Item – Defibrillators. Johnson and Rotella working on a grant. It is their hope to get one for each municipal building and one for the library. This to be addressed in August after the grant has been submitted.

Ninth and tenth agenda item deferred until Reiter is in attendance.

Eleventh Agenda Item – Modern Citizens Advisory Committee. Bax would like to reinstate this Committee and asked the Clerk to advertise for applications.

If Modern would like to attend or send a non-voting, informational person that would be appropriate.

Bax MOVED revise the Modern Citizens Advisory Committee and to direct the Clerk to advertise for interested resident to apply by June 15, Seconded by Palmer and Carried 5 – 0.

Twelve Agenda Item – Escarpment Drive – Engineering Report. Bielec – 1128 Escarpment Drive had a rear-yard drainage issue, private matter, but subsequent to that Bielec called Britton and said there is a plugged catch basin in the street. Reiter to take care of this.

Thirteenth Agenda Item – Electrician contractor. In Masters' opinion, three other individuals submitted resumes and the Town did not act on them, Masters finds no reason to have a third party inspector. Underwriters handle about 95% of the inspections and Atlantic Inland does the remaining.

Fourteenth Agenda Item – Kiwanis Park repairs. Masters and Dashineau went to Kiwanis Park to inspect the roof and have submitted the needed repairs.

Garage doors and posts need to be addressed. The existing posts are not in foundation. This makes the structure weak.

Edwards asked if the security doors could be placed at either end, and not close in the picnic area? Dashineau said closing off the pavilion is to stop the vandals from getting at the storage, curtailing a neighborhood hang-out, and for winter storage to prevent damage to picnic tables etc...

Masters suggests the roof be handled in one estimate, the fireplace in another and the doors and posts as a third. If the estimate is under \$10,000, it is not necessary to go out to bid.

The fireplace is a danger and needs to be taken down.

Terry Duffy, a Kiwanis member said the Kiwanis Board is not overly thrilled about the fireplace coming down. The leadership of this Board changes on a yearly basis, so it is not continual and the focus changes.

The Kiwanis Park shelter is owned by the Town. Dashineau said these are repairs and upgrades. This project was proposed two to three years ago, and had been discussed extensively with Kiwanians.

Fifteenth Agenda Item – One lot subdivision – Knotts – Upper Mountain Road.

Palmer MOVED a Negative Declaration for a one lot subdivision – Knotts, 2539 Upper Mountain Road, TM# 104.00-1-39.1, Seconded by Johnson and Carried 5 – 0.

Palmer MOVED to approve one lot subdivision – Knotts – 2539 Upper Mountain Road, TM# 104.00-1-39.1, Seconded by Bax and Carried 5 – 0.

Palmer noted that Al Baird has recently retired from the Lewiston Police Dept. and would like the Board to present him with a proclamation.

Palmer MOVED to present Baird with a Proclamation on May 19, Seconded by Johnson and Carried 5 – 0.

Sixteenth Agenda Item – Sanborn Senior Leader Update. With the passing of Ella Shugarts, the Sanborn Seniors are looking for a new leader. Town Clerk Brandon and Newlin have met with the members to discuss this. The current secretary will continue with the leadership duties until the end of the year.

SPCA discussion. Brandon distributed the results of a survey she conducted with other municipalities in regards to services rendered by the Niagara County SPCA. It outlines number of dogs, if they have a contract or not, monthly fee, contract dollar amounts and if they have a Dog Control officer.

The fees collected for dog redemption in the Town of Lewiston should be looked at as to a possible increase. The difference in contract amount also is questioned. How does the SPCA determine the cost per municipality?

Board members thanked Brandon for her work.

Seventeenth Agenda Item – Kline Road Cemetery. Edwards thanked John Sharpe for his work. Sharpe and Town Historian Marsha Rivers have been researching the cemetery.

Resident Robin Aubin – 5893 Kline Road asked the Town to look into restoring the stones at the cemetery. With the cemetery being land-locked Aubin has given the Town permission to access the cemetery through her property.

Edwards said the Town has taken care of the cemetery for a long time. There is no documentation showing the cemetery has ever been abandoned. No decedents have been found. There is old documentation from an out-of-state descendent asking the Town to please take care of the cemetery.

Clerk Brandon believes that if there are no decedents it can be declared abandoned.

Boniello said there is a process in the law to declare a cemetery abandoned. Public notice may be one option. He will research this. The Town needs to execute an easement with Aubin, declare the cemetery abandoned then apply for grant monies.

Rotella said the grant will be based on the way the Board wishes to address the placement of the stones. There is a provision in the grant for a rod-iron fence and signage.

Eighteenth Agenda Item – Joint Town and Village Board meeting. Newlin will contact the Mayor and set the meeting for May 19th.

Nineteenth Agenda Item – Discussion of next Town Board meeting date. As previously discussed all meetings to start at 5:30 p.m.

Edwards asked to address the Muckland pump bid. Reiter in attendance.

Bids received: MacVie- \$8,200
Niagara Erecting - \$5,200/the crane, & an additional \$6 or \$7,000 to remove the roof
Apollo Wrecking - \$12,046

Reiter recommends MacVie.

Edwards MOVED to approve MacVie in the amount of \$8,200 for the Muckland repair, Seconded by Johnson and Carried 5 – 0.

Edwards spoke of the 2008 paving schedule.

Paving of roads in the Mountain View Drive area will take place after the infrastructure project is complete. Reiter would like the project to settle more. He does not want to apes residents only to have to fix the work later. This paving job could cost \$200,000 to \$300,000 to complete, based on tonnage and prices. Reiter does not want to spend that kind of money to have it turn out looking bad. The price of paving material is increasing steadily.

Lannon said settlement is a concern, and should occur prior to paving.

Reiter budgeted \$350,000 for paving, but planned other roads because he was not comfortable paving Mountain View this year.

It was discussed during the bonding process of the Mountain View project if paving would be included, but it was not. Newlin suggested that if the paving is not done this year, monies can be encumbered into next year to cover the cost.

Palmer said there are constrains that are being pushed on the Town, because there are special events taking place in this area of Town this year. But Palmer would rather have it done right the first time.

Some residents believe curbing is included in the project. That is not true. Newlin will address this with the residents at tonight's meeting with the engineer and waterline contractor.

Palmer MOVED to enter into Executive Session to discuss drainage and police personnel, Seconded by Edwards and Carried 5 – 0. (2:05 p.m.)

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer

Motion to exit Executive Session.

Johnson MOVED to appoint Mark Cantara as MEO II and Jeffery Cosgrove as MEO I as of May 19, 2008, Seconded by Edwards and Carried 5 – 0.

Minutes of executive session taken by Supervisor Newlin.

Minutes Transcribed and Respectfully submitted by,

Donna Garfinkel
Deputy Town Clerk