

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Deputy Tn. Atty. Koryl; Eng. Lannon; Adm./Op. Lockhart; Bldg. Insp. Masters; Finance Officer DiRamio; Police Chief Salada; Deputy Sup. Elgin and Town Clerk Brandon. 15 residents and 2 press reps.

The Supervisor opened the meeting at 7:10 p.m. followed by the Pledge of Allegiance. A moment of silent reflection followed.

RESIDENTS:

Donna Larson of 4325 Riverwalk Dr. S., a Board Member of the Riverwalk Home Owners Association requesting permission to plant trees on the property between the sidewalk and street in front of the homes on Riverwalk Drive and Riverwalk Dr. S. They are only interested in planting trees that have smaller root balls so that any possible damage to sidewalks would be avoided. They understand that the residents would be responsible for the purchase, planting & maintenance of the trees. Should work by the town be necessary in the areas where the trees would be located, the homeowners would be responsible for moving or replanting of the trees.

John Penzotti of 1148 Pletcher Road. I am here tonight to speak not only as a resident of Lewiston but also as an employee of the Lewiston Police Dept. I speak not only for myself but also on behalf of my fellow employees also residents of Lewiston who join me here today. Approximately, two years ago 2 full time road patrol positions were vacated due to a promotion and retirement. Since that time officers have at times been scheduled to work alone patrolling 64 square miles covering from Sanborn to our northern most points. One year later, one of the vacancies was filled. However, we are still down one patrol officer. Although we appreciate the fact that the slot was filled with part time officers this stretches our budget and takes away from other time when additional patrols are needed which is usually being filled by those part time officers. Recently, the Dept. of Justice opened up a funding opportunity for police departments in the form of a grant. The grant which covers a 4-year span pays for the full salary and benefits for a full time officer for 3 years with the Town paying the salary during the 4th year. Last November, Mr. Newlin directed Chief Salada to fill the road patrol vacancy with part time officers. This directive was at a cost of \$35,000 per year to fill the vacancies. Over the course of the grant or 4 years the cost to fill that vacancy would be \$140,000. Utilizing the grant would realize the Town a savings of \$90,000 and allow our department to once again operate to peak efficiency with a full staff.

As our Town grows and our population increases, we also see our call volume increasing. In 2006, our department handled over 6500 calls. In 2008, we handled over 7500 calls which is an increase of 1000 calls in a 2-year period. As of today's date we have handled over 1400 for 2009 which is up 200 calls from last year at this date. Mr. Newlin, we are not asking for you to increase our department but to use this opportunity to fill an existing vacant position and save our Town \$90,000 at the same time. You have stated at numerous times that people move to our community because of the safety and security of our Town. As officers we are proud to serve our community and take pride in our reputation. Please help us to maintain these standards by utilizing this grant and filling the full time position that has been vacant for two years. Thank you.

Newlin said this item is on his agenda and he has spoken with the councilmen regarding this. We will be acting on it tonight.

AGENDA:

Bax asked to add a request from the WPCC.

Also, a legal matter for executive session by the attorney.

Johnson MOVED to adopt the amended agenda as presented. Seconded by Bax and carried 5-0.

MINUTES:

Johnson MOVED to approve the minutes of 2-23-09 RTBM and 3-9-09 Work Session. Seconded by Palmer and carried 5-0.

POST AUDITS:

Edwards MOVED for approval of Post Audits payments as follows: Home Depot \$916.32; HSBC Bank N.A. \$1359.17; Office Max (HSBC Business Solutions) \$1197.38; Sam's Club \$505.19; Allied Filter Technology \$2735.00; DeLage Landen \$146.00; Ford Motor Credit Co. \$16,671.15;* Pitney Bowes \$162.84 and Village Hardware \$262.88. Seconded Johnson and carried 5-0.

- Annual amount for rental of police vehicles.

OLD BUSINESS:

1. Drainage/Water Issue @ 752 Ridge Road.

The Clerk stated that Mr. Winters came in and got the ditch card which was forwarded to his daughter in Florida for her signature and then Mr. & Mrs. Winters will sign it.

Edwards said that there had been miscommunications regarding the owner(s) of the property.

Leone: It was indicated to me that the tax map has Mr. Winters name on the property but the daughter has said the property belongs to her. To be safe, we will get all three signatures.

2. LCTV Proposal Update.

Newlin stated that he had some numbers regarding a contract and would discuss it in executive session. They are offering to cover the meetings free during the month of April.

3. LNNR Lighting Update.

Palmer: I have spoken with Mr. Rotella and he has submitted the application to National Grid for the lighting addition on Center St. and also will be submitting an application to the Community Development Block Grant.

Edwards asked if it would be feasible for the upcoming season.

Palmer: I don't believe so but the LNRR would like to see it by this summer.

Edwards asked if there is any way the Town could pay for it and be reimbursed through the grant or is it the grant only that would fund this project.

Bernie Rotella, grant writer for the Town said the grant is awarded first before any work can be done. If we don't wait and do the work, we would be excluded.

Palmer said at the last Chamber meeting that they don't anticipate it for this year. Let's get the work done this year if possible.

4. Escarpment Pathway Update.

Newlin: Six applications were received to link Devils Hole with the Village of Lewiston near the 9th Street entrance of Artpark. Mr. Leone, Mr. Rotella, Mr. Lannon and I did a scoring process and we did agree on one firm and we can discuss this in executive session. We are dealing with a 2M federal grant with a scoring system which we have not done before.

B. Rotella: The process was we received an executed grant contract from the DOT in October. We then met with DOT and were advised that we can use the selected list of consultants to bid on the job. There were 15 letters sent out from the list and we received 6 proposals back. Mr. Lannon can give an explanation on the review process based on qualifications.

Lannon: There were 6 firms that submitted qualification packets. There were 2 components that were developed and tailored towards the project. You had background of the firm, background of the team and/or consultants, resumes, and experience. Also, there was a separate fee envelope. One was qualifications and proposals (schedule approach) and a sealed envelope with the fee proposals. In accordance with the Federal Highway Administration Procurement, DOT and the grant conditions, those qualification packages are open and then goes thru an extensive list of quantitative criteria (team members, experience, approach, schedule, familiarity with the locations, participatory components of NBE and WBE firm). There are 9 factors that you apply to a ranking criteria score of one to ten. Each of those criteria has a different weighing factor. Experience qualifications had a weighing factor of 25% where schedule may have had 5%. You go thru all of those quantitative scoring criteria and come up with a weighted score for each of those firms. You would rank your highest firm and then open the fee proposal for only that firm. If the proposal for the highest qualified firm is in line with the project budget or could be negotiated to a minor modifications and scope discussion and if a fee agreement met with that highest ranked firm. The other five fee proposals would be sent back unopened.

Newlin said the process is so that elected leaders and others may not drive the business towards one particular firm. The four of us all came up with the same top firm. I will show the scores to the council in executive session and hopefully we can move forward on this in the near future. This will be the key link between Niagara Falls and the lower river region (Lewiston & Porter) and provide the missing link between the park system above the escarpment and below the escarpment. The Canadians have had great success.

Bax asked how it dovetails into those discussions with the parkway.

Newlin: It is independent. Whatever happens, this Board has always said it supports the maintenance of the parkway being open.

Johnson asked for clarification that only one fee proposal was opened and the others were not.

Lannon: The one that scored the highest. They are still sealed and we have them. The theory is to take the highest qualified firm.

NEW BUSINESS:

1. Request from the Sanborn Fire Co. to add Kelsey Wielgosz to their roster.

Motion by Johnson, seconded by Bax to add to the roster of the Sanborn Fire Co., Kelsey Wielgosz. Carried 5-0.

2. Request from the Town Clerk to permit her Clerk Donna Garfinkel to extend until June 30, 2009 the carryover of 2 personal days from 2008.

Motion by Johnson, seconded by Edwards to extend the personal days until June 30, 2009. Carried 5-0.

3. Request from the Town Clerk to give a \$1.00 per hour pay raise to Kevin Norwich who has assumed the additional janitorial duties effective at the next pay period.

Motion by Bax, seconded by Johnson for an increase of \$1.00 per hour for Kevin Norwich effective at the next pay period. Carried 5-0.

4. A letter from the Lower Niagara River Region Chamber of Commerce asking that the Town place an ad in 2009 Membership Directory and Gala Program Book. Last year a ½ page ad was placed at a cost of \$135.00.

Motion by Bax, seconded by Johnson to place a ½ page ad at the cost of \$135.00 in the LNRCCC Membership Directory. Carried 5-0.

NEWLIN:

Legal:

Newlin welcomed Mr. Robert Koryl, Deputy Town Attorney to the Town staff.

We have one legal matter to be discussed in executive session.

Engineering:

Lannon: A drainage problem at the home of Nancy Deering on Hillview Court has been taken care of.

Also, the Lower River Road project has also been done and the restoration will be done in a couple of week.

The Ridge Road drainage issue was discussed at a meeting with DOT last week. We asked DOT if any future work undertaken that would have an impact on the town's drainage system to let us know. The Highway Dept. is going to be back there to clean the ditches.

Johnson commented that DOT was on Indian Hill today and was it because of the request of the homeowners?

Lannon said it is kind of related. Where they put in the riprap along the left side of the hill, it drains the entire hill. The water that comes across the road needs to be addressed. We also discussed this matter and the two 24" diameter pipes that go beneath Indian Hill and discharge over the hill to the homes behind Ridge Road. That is why they are having that problem because there is an existing ditch that loops behind those properties that has been overgrown for many years. It is now constricted and needs to be re-graded and opened up to allow the drainage that comes off of the hill, go under the road, over the hill and back to Ridge Road. The property behind the homes is owned by the residents, I believe.

Roof/HVAC Project Town Hall:

We have a proposed schedule of advertising on 4/7; opening of the bids on 4/23 and awarding the project on 4/27. That would allow the project to be filled in June. Also, in addition to the main roof here at Town Hall, Mr. Lockhart has said that there are 3 or 4 locations which will be included in the bid document as alternates. The base bid will include the HVAC and the roof here and 4 separate distinct add-ons for the roofs at the WPCC.

Bax: Mr. Lockhart has a dire need to get some of the roofs repaired at the WPCC and by piggybacking on this bid process, we maybe able to move forward with all of them.

Mt. View Area Paving/Drainage:

Newlin: Last year we fixed the 100+ year old water lines and that has been completed. We are going to put in new roads and help the drainage issue. The Highway Supt. provided us with an update late today.

Edwards: Including is the Mt. View area and Niagara Street (east).

Newlin stated that the engineers would need to work with the Highway Supt. with respect to the drainage and paving together. Rough schedule would be drainage and milling work in May and paving perhaps in June. (Reiter wants to start in April and then May)

Lannon said their recommendation would be to integrate the drainage into the paving. The prices for binder and top have escalated. I will provide you with some estimated quantities etc. for the next meeting.

Edwards: Mr. Leone after the Assoc. of Towns Meetings, you had suggested that we prepare a document between the Town Board and the Highway Supt. Please have something put together for the next Board meeting.

COPS Grant:

Newlin MOVED that the Chief C. Salada and Sec. L. Rizzo of the Police Dept. pursue the COPS Grant. Seconded by Palmer.

The Councilmen have stated that they are in support of this. The deadline is 4/14/09 and we hope the grant will be accepted.

Palmer said that he had the opportunity to administer the COPS Grant in the 1990's in Niagara Falls and it is an excellent program. I can't emphasize how important it is to have a full time officer with local knowledge....not to take anything away from part timers...but a full time officer has the knowledge of the streets, the families, people with criminal histories and usually they live in the Town as well. I think that is a real added plus for our department if we can get that. They are paying for three years and we only pay for one year. I think it is the best bargain you can get and it includes benefits.

Newlin stated that it would be a terrific financial relief to the Town and relieve some of the stress as Officer Penzotti stated. People want to move here or spend time here and as the festivals and Artpark seasons grow that puts a bigger burden on the police dept. and an extra position will help.

Palmer: This does not mean that we would replace part time hours, because we wouldn't be allowed to under this grant...this has to be in addition to what we already have.

On the Motion, carried 5-0.

CSEA Union Contract:

Newlin: I have met with the reps of the CSEA and we have come up to a contract agreement that has been presented to the Council and will be discussed in executive session. One of the concessions is that all future hires will be contributing 25% towards their health care insurance.

Johnson commended the Supervisor on negotiating the last 3 contracts instead of hiring outside consultants.

LOOW Site & US Army Corps of Engineers:

Newlin: Getting the Corps to understand how important it has been to local people and local administrative bodies to continue to recognize the RAB Cmte. The Corps has said they can't do or won't do. At a meeting 6 weeks ago they did not attend but did attend on Saturday. Local elected officials and reps were there along with the public and RAB members. The Corps said they want to continue to work for us, however in many cases their hands are tied because of a mix of legislation that exists and the federal legislation that was executed in 2005. In addition, some administrative rulings from the Sec. of Defense. Dept have bound their hands. I suggested that a working group be formed with Leg. Burmaster, I and reps from our congressional delegation that will work towards whether it is an administrative proceeding that needs to be changed or the legislation so the Corps can respond to this site. This site has 2 different issues. Some of it has to do with the ordnance work and with the chemical waste that is there. The current legislation does not address the uniqueness of that site. Hopefully, we will have a report soon.

Robert Moses Parkway:

I want to state clearly for the records and I know the Board feels this, the Town of Lewiston feels it is imperative that the parkway remain open as the most direct and convenient channel for tourists not only from the city but into places like Lewiston, Youngstown & Ft. Niagara. On many nights you have Artpark concerts in Lewiston with 20,000-25,000 people here. Niagara Falls has an interest in making sure that there is an easy way for people to go in the other direction from these sites from the lower river up to the city. I think it is unfortunate that are some people who are insistent on taking that pathway out. In speaking with Mayor Dyster, he indicated that his focus remains on the Finley Drive/Whirlpool part of the project. I think most people in Lewiston could live with that. But, to completely dig up that parkway as suggested would be devastating now only to the economics of Lewiston but also our friends down river.

Johnson: I can see if they want to do something for the downtown section where the bridge goes over by rerouting it. But, to take people off at Devil's Hole and move them through Lewiston Road where there is a school located (Maple Avenue), I don't think it would be in the best interest for the community to start running traffic through a school zone. You have a golf course coming into Lewiston with people commuting and the timing is totally out of it.

Palmer: How long has this parkway been like this? It is at least 5-6 years. It is ridiculous. I advocate returning the parkway to its former state or at least modifying it to enhance the beauty of the surroundings along with what Ontario has done. It certainly can't stay in the condition that it is in now. It is an absolute eyesore. It is unsafe for people. There is no place for police or emergency people. I just don't know who is responsible for getting this done, but if you are listening please do something. Make a decision. It has to change. Increased traffic is going to be the name of the game. Not only does it connect Lewiston, Youngstown & Niagara Falls but with the new courthouse on Main Street, it will bring all kinds of traffic down that parkway. We don't represent those people in Niagara Falls who live on Lewiston Road, but if I lived on Lewiston Road, I certainly would not want all that increased traffic and especially with the condition of the streets. I don't know where we are coming from this. Is it DOT?

Newlin: It is a mix of DOT and State Parks. I think the Power Authority owns most of it and it is leased to the State Parks.

Palmer asked how do we get them to respond or give us an answer.

Newlin: The State Parks and the Commissioner of DOT will be here this summer and I have told them how important this is and at least try to clean up what is there. It is the first thing that people see when they come into Lewiston. It is embarrassing for the whole area. Eco tourism is a success when you look at Canada. They have a parkway right along the gorge and it seems to work. The idea that you can't have a road near the river because you would stop development is untrue. Mayor Soluri and I are going to try and meet with Mayor Dyster regarding this.

NYPA Rate Changes:

With regard to increasing the residential rates for all users in NYS, late today Gov. Patterson send a letter to the PA Bd. of Trustees asking them not to increase the rates at this economic hardship time and also the proposed bonuses. It would be a shame if the PA tries to pass on any more rate increases during these economic times.

JOHNSON:

Fire Bureau: We are still working on the defibrillators in the town buildings.

Riverwalk Assoc. Request: Do we have to go to the Planning Bd. for this? If they (Assoc.) are taking full responsibility for this and they understand similar to the driveways there, could we get our attorneys to draw up an agreement with the association? Then would we be able to vote on that and not go through the process?

Masters said you should coordinate it with the water, sewer and highway departments on the location of underground facilities. An agreement could be worked out.

Leone: As long as they are not going to be disturbing anything in the easement area or if they are going to be planted in an easement area, it would be done with permission with the understanding that if we need to get into the easement area to take a tree down, that would be what we need to do.

Donna Larson: We hope to plant sometime in the summer.

Johnson MOVED that the Building Inspector work with the Riverwalk Homeowners' Association to facilitate this request. Seconded by Bax and carried 5-0.

PALMER: The LNRRCC lighting issue has already been discussed. Nothing else...

EDWARDS:

Engineering: John Sharpe is requested an upgrade of his software for his GIS and CAD systems. The current software was purchased in 1998. The new type of mapping cannot be read with the current software.

Edwards MOVED appropriate \$5500 from the H-95 Account for the purchase of the updated GIS & CAD software systems. Seconded by Palmer and carried 5-0.

BAX:

W.P.C.C.: Mr. Lockhart has a request to purchase 3 Hydrogen Chloride Tanks. Total costs including labor is \$5137.70.

Lockhart said this is a gas cleaning process for the plant. Approximately every two years we go through this and we contract for the process. If we order now and place the request for the service we will save 10-15% and would beat the price increase. It was planned to be done this year anyway.

Bax MOVED that Adm. Lockhart be permitted to purchase this service at a cost of \$5137.70. Seconded by Edwards and carried 5-0.

Johnson MOVED to go into Executive Session for these issues; Litigation and legal matters; Contracts issues LCTV and CSEA. Also Pathway Contract. Seconded by Bax and carried 5-0.

Time: 8:05 p.m.

Respectfully Submitted & Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session

March 23, 2009

8:10 p.m.

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Town Atty. Leone**; Deputy Tn. Atty. Koryl; Deputy Sup. Elgin; Eng. Lannon*; Adm. Lockhart* and Grant Writer Rotella*. *Left at 8:30-8:40 p.m.

Johnson MOVED to leave Executive Session at 9:20 p.m. Seconded by Palmer and carried 5-0.

Motion by Palmer to accept CSEA Labor Contract as presented. Seconded by Bax and carried 5-0.

Motion by Bax to accept recommendation of panelists to engage Hatch, Mott & MacDonald in Pathway Project and to authorize the Supervisor, Engineer and Attorney to begin contract negotiations. Seconded by Palmer. Motion carried 4-1. Johnson voting no.

Motion to Adjourn made by Johnson. Seconded by Palmer and carried 5-0.

Time: 9:25 p.m.

*Minutes taken by town Atty. Leone.

