

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Attorney Leone; Finance Officer DiRamio; Building Inspector Masters; Deputy Supervisor Elgin; Town Engineer Lannon; WWTP Chief Op. Lockhart; Recreation Director Dashineau; 2 Press; 2 residents and Clerk Donna Garfinkel

Supervisor called meeting to order – 5:45 p.m.

Supervisor asked Board members for additions to the agenda.

Bax requested discussion on a letter received from CWM and a hire in the Recreation Department. Bax requested the following be addressed in Executive Session: Modern CAC, a Contractual issue and a legal question in regards to the Wind / Tower law.

Bax MOVED for approval of the Agenda as amended, Seconded by Johnson and Carried 5 – 0.

First Agenda Item – Approval of Abstract

Edwards MOVED to approve the regular abstract of claims numbered 427 to 747, and recommend payment in the amount of \$1,513,494.75, Seconded by Bax and Carried 5 – 0.

Edwards MOVED to approve payment of the Post-Audits in the amount of \$88,150.22, Seconded by Johnson and Carried 5 – 0.

Second Agenda Item – LCTV Proposal

Newlin said last year dollars were encumbered for a Lewiston newsletter. Newlin requests Board members submit a 200 word or more statement for the newsletter.

LCTV is television coverage of Board meetings that are shown on cable television. Newlin will discuss the specifics of a contract he received, in executive session.

Third Agenda Item – Drainage issue – 752 Ridge Road

Edwards, Attorney Leone and the Supervisor have discussed this issue. The Town needs permission from the owner of the property to enter to excavate and disconnect the existing line. This requires a signed ditch card.

Kevin Norwich is to take the ditch card to 752 Ridge Road, have Mr. & Mrs. Winters sign and request the address of the owner. The ditch card will then be forwarded to the other owner for their signature.

Four Agenda Item - Funding request – Lower Niagara River Region Chamber of Commerce

The Chamber requests funds for an electric service upgrade on Center Street. A Lewiston resident has presented a plan for the improvements with a tentative cost of \$16,000. It is believed this may need to go out to bid.

Palmer has spoken to Bernie Rotella, Town grant writer, who will contact National Grid to see if there is a relief program available. The Board also needs to meet with Village officials and discuss the possible use of Greenway funds.

Palmer to report back at the March Town Board meeting.

Fifth Agenda Item – Recreation Department Master Plan

A Master Plan proposal was distributed to Board members. The proposal is rather extensive and the estimated cost of the plan is \$7,500. The Town would be responsible for the implementation of the suggested programs.

Bax feels this is a great idea. This will allow the Town to utilize the parks more wisely. This will help reach-out to other organizations that may be under utilizing the parks.

The Town may need to go out to bid for proposals.

Dashineau said the proposal presented is to give the Town an idea as to what is entailed and the approximate cost. The Master Plan would take the guess work out of what should be offered in the recreation department.

Newlin asked Dashineau to develop a list of what he is looking for and this can be forwarded to design firms. Bax, Newlin and Dashineau could review them and then present it to the Town Board.

Johnson suggested contacting local college students to assist in this, as an internship.

Sixth Agenda Item – Recreation Department Hire

Dashineau requests approval of hiring a Parks Department employee.

Bax MOVED to hire Glen Ziobrowski – Laborer P/T at \$10.00/hour for the Parks Department, Seconded by Johnson and Carried 5 – 0.

Seventh Agenda Item – CWM letter

The Town received a letter from Chemical Waste Management requesting the Town take part in a Community Information Exchange.

Bax MOVED the following Resolution

WHEREAS, the Town is in receipt of a letter from CWM dated March 5, 2009, inviting participation in an “information exchange”,

WHEREAS, the CWM Community Advisory Committee, or “CAC” is convened under State law as the conduit for addressing concerns of the public in the impacted communities, and whereas the public and all stakeholders are welcomed at all CAC meetings,

WHEREAS, the NYS DEC, the host municipalities and their attorneys have, and continue to recognize the CAC,

WHEREAS, the CAC is composed of representatives of the Town of Lewiston and Town of Porter as well as Niagara County and is presently chaired by Councilman Alfonso Bax of Lewiston,

WHEREAS, County Legislator J. Ceretto and Porter Supervisor M. Wiepert serve on the CAC with representatives from the Niagara County Health Department, Niagara County Haz-Mat, and Niagara County solid waste agencies,

WHEREAS, other CAC members appointed by Lewiston, Porter and Niagara County include community members who are academic scientists or come from business and industry, including former Lewiston and Porter town council members,

WHEREAS, experienced CAC representatives review CWM surveillance reports and establish the agenda based on issues of concern in those reports and in the community, and whereas CWM has been granted time for presentations or agenda items on all CAC agendas,

WHEREAS, the community has had constructive dialogue with the New York State Department of Environmental Conservation (DEC) at CAC meetings,

WHEREAS, CWM has expressed no concerns about the CAC Chair, the agenda or his conduct of CAC meetings, but has not attended CAC meetings for more that a year,

WHEREAS, CWM began its own information sessions for the public at its offices with agendas similar to those covered at CAC meetings it did not attend,

WHEREAS, CWM Chemical Services, LLC now proposes an information exchange that would diminish the rights of the Town and its residents under the CAC,

BE IT RESOLVED, that the Town of Lewiston respectfully declines CWM's proposal and encourages CWM management to return to the public CWM Community Advisory Board meetings.

BE IT ALSO RESOLVED, that copies of this resolution be immediately sent to:

Niagara County Legislature, NYS DEC, U.S. EPA, Town of Porter Board members, Town of Niagara Board members, Town of Wheatfield Board members, Town of Wilson Board members, Village of Youngstown Trustees, Village of Lewiston Trustees, City of Niagara Falls Council members, Niagara County Health Department Director, U.S. Army Corps of Engineers Buffalo District, Niagara River Anglers Association, Lewiston-Porter Board of Education, Niagara County Federation of Conservation Clubs, The Fin, Fur and Feather Club, Residents for Responsible Government, Inc., the LOOW Restoration Advisory Board and CWM Chemical Services, LLC

Seconded by Palmer

Newlin feels this will send a clear message. Newlin understands CWM's desire to try to exclude themselves from the CAC, but that is unfortunate. The CAC is vital to fostering real community dialogue between local municipalities and CWM.

Bax feels one of the striking elements to the letter involves the fact that the meetings will be mediated by a hired mediator. It is shocking to assume that this is not a matrimonial; this is not a situation that we can come half-way to a resolution. There are going to be issues that both parties on either side, are going to disagree with. Town residents will have to live with the effects of CWM forever. CWM only has to deal with it for as long as they are operational.

Carried 5 – 0

Eighth Agenda Item – Escarpment Pathway Update

Newlin has been working with Mr. Rotella to secure the funding of about \$2 million that the Town received from Congresswoman Louise Slaughter back in 2003.

Proposals have been received and are being reviewed by Newlin, Leone, Lannon and Rotella and will be present to the Town Board at the March Town Board meeting.

Ninth Agenda Item – Flooding issue – Ridge Road residents

Three homes on Ridge Road are experiencing flooding in the back of their homes, from what they believe to be, being caused by the reconstruction of Indian Hill Road. This information has been forwarded to Lannon who will meet with the DOT on March 17th.

Clerk to notify land owners the Town Board is acting on this.

Tenth Agenda Item – Town Hall HVAC unit

Edwards reported the Town Hall HVAC units and the roof should be ready to go to bid in mid-March. Lannon will comment on the proposals at the April 27th Town Board meeting.

Edwards reviewed the project. There are two HVAC units located above the court offices that handle the court room and the administrative offices. Parts for repairing the existing unit are no longer available. The new units will be energy efficient.

The roof is in dire need of repairs and replacement. The roof has been patched several times but it is time to replace. The project will be led and coordinated by one individual.

Eleventh Agenda Item – Drainage Ditch Clean-out – Upper Mountain Road

Becken Farms at 2585 Upper Mountain Road has requested several drainage ditches on the farm be cleaned.

Edwards will forward this to the Drainage Department.

Edwards MOVED that, if it is within the Towns responsibility, the ditches be cleaned at 2585 Upper Mountain Road, Seconded by Johnson and Carried 5 – 0.

Twelfth Agenda Item – Update Riverwalk Drainage

Johnson said a draft design, from the developers engineer was given to Assemblywoman Francine DelMonte's office to be forwarded to New York State Parks. Lannon said an electronic copy of the proposed drainage system has been forwarded.

Thirteenth Agenda Item – CSEA

Newlin said he has completed negotiations with the CSEA bargaining unit at the Waste Water Treatment Plant. Copies distributed to Board members for their review. Board to vote at the next Board meeting.

Bax MOVED to enter into Executive Session to discuss Modern Contract, Recreation Contract, Litigation, Contractual, Tower Law and LCTV contract, Seconded by Johnson and Carried 5 – 0. (6:10 p.m.)

PRESENT: Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Attorney Leone; Building Inspector Masters; Deputy Supervisor Elgin and Recreation Director Dashineau

Bax MOVED to exit Executive Session, Seconded by Palmer and Carried 5 – 0. (8:45 p.m.)

Bax MOVED to solicit bids for Park Maintenance, as per request of Director Michael Dashineau, Seconded by Edwards and Carried 5 – 0.

Bax MOVED to adjourn, Seconded by Palmer and Carried 5 – 0. (8:50 p.m.)

Transcriber and Respectfully Submitted by,

Donna Garfinkel
Deputy Town Clerk