

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Town Atty. M. Dowd; Eng. R. Smith; Highway Supt. D. Janese; Adm./Op. T. Lockhart; Bldg. Insp. T. Masters; Chief C. Salada; Finance Officer M. Johnson; Recreation Dir. M. Dashineau & Town Clerk C. Brandon. 6 residents and 2 press reps.

The Supervisor opened the meeting at 6:00 p.m. with a Pledge of Allegiance and a moment of silent reflection.

Reiter: We had a meeting with NYPA reps which went well and I think that all of the parties are happy. We are on our way of coming out with a reasonable conclusion for the construction up there.

The Supervisor introduced Dennis Guarin of Lime Energy.

Dennis Guarin: I work for Lime Energy and we are the information contractor for National Grid's Small Business' Lighting Efficiency Program. We did 2 surveys which you have to relight the Highway Garages and install all new lighting in the Town Hall. Both buildings would be about 330 new fixtures. National Grid's lighting program is that they install, take away the recycles, supply the fixtures and all that is left would be the garbage to be disposed of. There is no upfront cost to you at all except the cost of a lift if needed at the garage. There is 2 proposals out that total \$43,000 with no upfront costs to you. National Grid will contribute \$27,000+ and they are asking the Town for a \$16,000 contribution. The money that you pay can be put on your electric bill for 24 months as on the proposal...interest free. If you take the interest free options you would have a \$200+ cash flow every month for the first 2 years and then after your payments end you would have a \$865 per month cash flow positive on the 2 buildings along with all brand new lighting installed.

The payback periods for 13 months or 17 months...you can also cut that down as there is a 15% lump sum payment on your second electric bill after the jobs are completed. National Grid's proposal offers a 15% cash discount to pay the money up front on your first bill that would reduce your payback period to 10 months and 14 months. There is no upfront costs and it would be all brand new lighting installed, all the most energy efficiency TA equipment with a 5 year warranty on ballasts, 1 year warranty on bulbs and would be done by licensed contractors that National Grid has hired. There are 9 of them in WNY that they use and that is basically the synopsis of the program. It also includes all of the recycling also.

Bax: Is the cash flow that you project...that involves the savings...that is the in flow. If we didn't do the project it would cost us "x" amount of dollars.

Dennis Guarin: You would be giving them \$865 per month right now and you would have the same what you have. They use 11.1 ¢ a kilowatt hour also which is low for WNY because it is a blended rate for all the New England states. NYS just started 9 months ago. The WNY area averages 15¢.

Palmer asked when would National Grid need to know that we want to participate in this program.

Dennis Guarin: Anytime that you sign up for the program, the job would be on the books as of the day you sign. It would probably be installed within a month.

Winkley asked if we have upfront money.

Johnson said we could use the H-97 monies (Capital Improvement Buildings).

Dennis Guarin said there are 2 proposals with \$16,000 is approximate and then you would get 15% off of that.

Johnson said we have the money in this years' budget and we would get the money back on the monthly bill that you would save on.

Dennis Gruarin said it is 13 months for the 1 job and 17 months for the other and the pay back is based on the savings that is not counting in the 15%.

Bax: It seems that this is taking us in the "green" direction we want to go as a Town.
Bax MOVED to authorize the Supervisor to sign the appropriate documents with funds to come from Account H-97 for the installation of this energy saving plan as presented. Full payment in the amount of \$7900 for the Town Hall and \$6703 for the Highway Garage. (Total Amount \$14,603.) Seconded by Winkley and carried 5-0.

Reiter stated that the degree of brightness at the Highway Garage will benefit those who work the early hours.

RESIDENTS:

Rose Mary Warren of 5842 Griffin Street. I would like to thank the Highway Dept. for the paving of the Sanborn Streets in an efficient and quick way. I have the newspaper clipping regarding Sup. Reiter stopping the contractor for the 2nd time for the NYPA with them being on Town property without a permit. It stated that you stamped your feet, yell and made faces for them to stop. I feel that there could have been a much better approach. The Town Board could of called the NYPA's local office, arranged a visit with the Town engineer and the Highway Supt. and explained the problem. Then the NYPA who hired the contractors would have gotten them to get the proper permits. I know that you say that you are a "hands on" person and that is not always a bad thing and it shows that you are concerned about our community but...your role as Supervisor means that you have to relinquish some of the power to your department heads and workers. We pay them for their expertise to investigate a problem and report to the Town with solutions. If it is an emergency, the Supervisor and the departments involved can implement and correct the problem using power that the Board has given them. But for an emergency I would want it done immediately. I know that this criticism as an elected official is too involved or not involved enough. A text review group learned that to lower our voices the better people listen. They listen best when we speak more quietly. Keep your blood pressure down, Mr. Reiter.

I also wish that you would speak a little louder up there into the microphone. Could some of you come in from the back and say hello to those of us that pay taxes as we would like to get to know you a bit.

Paulette Glasgow of 836 The Circle. If you push your microphones a little closer we could hear you and it is exasperating trying to hear you. During the recent election, Lewiston taxpayers were promised an opening of the budget process thru the Internet so that would be a more transparent process allowing for all residents the opportunity to see where their money goes and how it is spent. In the past 6 months, you have taken care of these budgetary items....you are paying hundreds of thousands of dollars in bills in your monthly work sessions and meetings and the budgetary transfers is nearly \$100,000...and the release of possibly 2 budgetary reports that shows how the departments are spending money.....the creating and spending of a capital account with one just tonight (\$14,000)...the closing of capital accounts... one being the transition of those meetings with LCTV that would give the Lewiston taxpayers availability to see where their money is going and how it is being spent. So, I am wondering when are you going to fulfill your campaign promise, put the stuff on the Internet so that everybody can view this and make the town more budgetary process more transparent. I would hope that you would follow through with your promises.

Amy Witroyl of 4726 Lower River Road. May I clarify some confusion about CWM donations in the past week. The DEC can approve CWM's application and issue a permit, however, as is clearly stated in law, the DEC does not have the authority to

allow CWM to construct or operate a hazardous waste landfill unless a facility Siting Board issues a “certificate of environmental safety and public necessity.”

The draft Siting Plan, expected to become final this summer, concludes there is no need for a hazardous waste landfill in the State of New York. Therefore, under New York law, CWM must demonstrate to a Siting Board that its expansion is otherwise “in the public interest.” Ron and Mike may recall when I reported to the Village Board that this finding may be fatal to RMU-s expansion. I welcome statements from 2 DEC officials that donations should not be considered for CWM’s application.. However, that is irrelevant to the needs determination required for a certificate of public necessity from a Siting Board.

More to the point, DEC Deputy Commissioner Val Washington wrote in an email last Friday, “I can’t speculate on what a Siting Board might consider in its deliberations on what is to be considered as “in the public interest.” “There is really no guidance in the statute on that issue.” I agree with Deputy Washington that DEC does not know whether a Siting Board may consider donations as part of a public interest evaluation. Atty. Abraham was quoted today saying “CWM is trying through these donations to establish a set of facts that would support a conclusion that their facility is in the best interest of the public.” I agree with Atty. Abraham because CWM has already sent comments on the Siting Plan and issued a report through an accounting firm, both pointing to donations as support for its public interest position. It is unfortunate CWM has not told the public or prospective recipients the whole truth.

May I remind you it was just 6 months ago that CWM threatened to sue the Town of Lewiston to discharge through our sewers, even though they’d previously sent a letter stating they didn’t need our sewers for their hazardous waste operation. Finally, with respect to threats, a recent letter from Richard Phoenix in the paper suggests the school board could be sued for comments that impact CWM’s stock price. If that’s true, we can expect the *Wall Street Journal* and *Forbes Magazine* to start covering Lew-Port School board meetings. As you may know, Mr. Phoenix voted in favor of CWM expansion asserting that PCB’s only cause acne. This board was prudent in rejecting CWM donations. Thank you once again.

AGENDA:

Palmer: Waiver of liquor license from the Supervisor’s agenda to my agenda. Add Town firing range; N.U.Building/Planning Board and change of W.S. in July & August.

Bax: The retirement incentive program moved from Old Business and add a discussion between the Town Board and the Modern CAC.

Marra said I have 4 items dealing with Parks/Recreation.

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

MINUTES:

Bax MOVED to approve the minutes of 5/24/10 RTBM and 6/14/10 Work Session. Seconded by Palmer and carried 5-0.

POST AUDITS:

Marra MOVED for payment for the following post audits: Home Depot \$48.58; Radio Shack \$119.98 and Sam’s Club \$1689.07. Seconded by Bax and carried 5-0.

OLD BUSINESS:

1. Set Standard Workday for Elected & Salaried Employees:

Winkley MOVED that the standard workday for the Supervisor, Town Board & Town Justices be set at 6 hours. 8 hour workday for the Town Clerk, Rec. of Taxes, Senior Citizen Director, Recreation Director, Jr. Accountant, Director of Finance, WPCC Administrator, Highway Supt. and Building Inspector. Seconded by Marra and carried 5-0.

2. 2010 Retirement Incentive:

Bax: I have had conversations with Mr. Lockhart and after his review of the documents he could realize some significant savings in his dept. regarding the current 2010 incentive program. I would recommend that we have a meeting prior to our

July 26th meeting at 5 p.m. with department heads to review this program and report any potential savings.

Reiter: I understand that there are individuals in the highway and water departments they are interested and this would be a townwide policy.

Bax MOVED to hold a meeting with all department heads on July 26th at 5 p.m. to discuss the 2010 Retirement Incentive. Seconded by Winkley and carried 5-0.

REITER:

Legal:

Dowd: I am going to ask the Board to consider that by August 17th adopt a new updated flood prevention law. We need to amend the local law and have a public hearing at the next meeting. I will have the new local law for you this week.

Reiter indicated that he would like to work on this with Mr. Masters, Mr. Lockhart & Eng. Ryan Smith.

Dowd said that there was a model law prepared that looked very similar to what most municipalities have including ours, so we may just have to adopt just a new ring map and keep our local law. I will check that.

Masters said he checked with Mr. Nechamen of DEC who in his letter/map stated that there were no significant changes but some changes and I gave the information to Ryan Smith who will check that those changes are in the map.

Dowd said that the only thing that they have issued is tentative maps and in order to adopt a local law with tentative maps, is that after we adopt the law the maps may change. We are required to adopt tentative maps.

Winkley MOVED that a Public Hearing be held on July 26, 2010 at 5:45 p.m. to adopt a new flood prevention law. Seconded by Palmer and carried 5-0.

Noise Ordinance:

Dowd: There is an issue with the local noise ordinance and an open business. From my perspective, there is no violation of our local law because we have not tried to enforce it. But I did at the request of the Clerk take a look at our local law and we might want to clean some of it up because our local law on noise ordinances is very arbitrary. It is not based on decimals etc. It kind of says that if you can hear something within 100 feet of a house that it is in violation of our local law. You can turn a radio on and literally hear it 100 feet away. The particular complaint that came in, I don't think there is anything for the Board to do.

Engineering:

R. Smith: We are working on the design of the streetscape project for Sanborn. Work on the bid specs for the generators and Center Street lighting is going on. Also the rehabilitation of the pits which includes Meyers Hill.

Acceptance of the 2009 Financial Report:

Reiter: We have copies for the departments in the report and a resolution is needed and one sent to the Office of the Court Administration.

Palmer MOVED to accept the 2009 Financial Report as submitted by the Town's Auditors Brown & Co. and a copy of said Resolution and a report be sent to the Office of Court Administration. Seconded by Marra and carried 5-0.

Support/Civil War Medal:

Reiter: A letter from the County Legislature asking that we pass a resolution encouraging the United States Navy to recognizing Civil War Medal of Honor Michael Huskey.

Motion made by Bax that the Town of Lewiston supports this endeavor in recognizing Michael Huskey's Medal of Honor. Seconded by Palmer and carried 5-0. (Copy on File) Carried 5-0.

BAX:

WPCC-Retirement Incentive has been discussed.

Modern CAC:

I brought to the Board's attention that there was some concern with their current role and going forward as to what that role would be and their relationship with the Town Board. I know that a letter was drafted by the Supervisor. Has there been any feedback yet? The issues are very important to all of us and they do serve a viable role to the Town.

Reiter stated that a letter had been sent to the CAC Chairman DeMarco and he had not received a response yet. He will send another letter.

PALMER:

30 Day/Waiver Liquor License:

We have a waiver application from the Town Clerk's Office asking that the Town waive the 30 day notice period for the municipality in connection with the submission to the State's Liquor Authority of the applicants' Bandit's Bar & Grille LLC, 1437 Ridge Road, Lewiston.

Dowd:

The applicant is Bandit's Bar & Grill LLC but the trade name that they operate under is 1-43 and should be noted in the record. It is still the same company and application.

Palmer MOVED to waive the 30 day notice period for Bandit's Bar & Grille LLC DBA as 1-43. Seconded by Bax and carried 4-0-1. * (Sup. Reiter abstained as the property is owned by Marjorie Reiter.)

Nichols Subdivision:

Palmer: The Planning Board reviewed a one lot subdivision request from Andrew Nichols for property on the south side of Swann Road SBL#89.00-1-13.2 and recommends approval.

Palmer MOVED for the acceptance of the Neg Dec for the property SBL#89.00-13.2 owned by Andrew Nichols. Seconded by Bax and carried 5-0.

Palmer MOVED for the approval for a one-lot subdivision; SBL#89.00-13.2 owned by Andrew Nichols. Seconded by Marra and carried 5-0.

Town Firing Range:

Palmer: I met with the Supervisor and Chief Salada regarding proposed changes. After conferring we have decided to use it exclusively for the Lewiston Police Dept. effective 1/1/2011. The other agencies that have been scheduled thru this year, we will honor our commitment and they will be required to "shoot" within the time frames that have been previously agreed to which is only during the day and no weekends. This will give those agencies ample time to find another place to go. We will hold a 2nd meeting with the residents on July 6th at the Senior Center at 7 p.m.

Reiter: Letters have been sent out and the first meeting was productive.

N.U. Science Building:

Palmer: I have a letter from the Planning Board who reviewed a site plan and they recommend approval of the building with the following conditions: 1) Further information being provided and the Building Inspector being satisfied that the proper emergency handling routines for the level of CBC biohazardous that are going to be present and 2) the information to be provided will be determined at the school of what level of biohazardous the school will be dealing with.

Masters: We will handle that when we issue the building permit. You can go ahead with the site plan.

Palmer said he did not have the full application as far as a negative declaration etc. I would like to **Table** this to the next meeting.

Summer Schedule:

Palmer said at the reorganization meeting in January, we discussed our schedule for the summer and we left open the possibility of having or not having work sessions in July & August. It has been the practice of the Board for the last several years to hold regular meetings in July and August only. I think with our work load in the summer is less, so I would like to leave open the option that we can still have a special meeting if we need one in each month.

Palmer MOVED that work sessions not be held on July 12th and August 9th consistent with Board policy in past years. Seconded by Bax.

Bax: As long as the public knows that in the event that we have an issue we would meet in an emergency meeting.

Motion carried 5-0.

Lewiston Police Dept. Update:

We have the liaison report from the Dept. and it is noted that department received a \$61,306 grant from the NYS Office of Homeland Security for equipment procurement.

Hickory Stick Golf Course:

Four of us today had an opportunity to visit the golf course. I thought it was a phenomenal layout and the residents etc. will be really surprised with the quality of the course.

Reiter stated that the Seneca's will be having an "All Lewiston Day" on July 8, 2010. Town residents are going to be given a 10% discount on a day-to-day basis to use the course and on "Lewiston Day" it will be 20%. Driver's licenses will be used as I.D. since Lewiston has several post office addresses. We will work with the Town Clerk's office on this.

WINKLEY:

I along with Mike Johnson met with the Fire Departments to discuss the service award plan. Mr. Pete Martin of the Sanborn Fire Co. is also working on this. They will be bringing us a proposal to drop the age requirements to 16 from 18. People who are at the colleges and universities are joining the fire departments at age 17. There are limitation as to what they can do at that age. I will bring it to the next meeting.

Also, I enjoyed myself at the golf course and as stated by Sup. Reiter it is the most beautiful view looking back at the escarpment and it will enhance Lewiston.

MARRA:

Parks & Recreation:

1. Parks Laborer

Marra MOVED to hire Andrew Quaranto as a laborer in the Parks/Rec. Dept. at \$8.00 per year. Seconded by Bax and carried 5-0.

2. Upper Mt. Park Playground @ Niagara Frontier Bible Church. The playground shelter and storage shed need to be re-shingled. The church has volunteered to do the work with the Town paying for the materials.

Marra MOVED to expend \$1066.00 from the Capital Fund TE-4 for the purchase of materials. Seconded by Palmer and carried 5-0.

3. NYS OPR/Colonial Village Park State Mandated Repair. In the 1970's the Town was given a grant thru the Land & Water Conservation Fund to construct Colonial Village Park. As part of the grant, the state reviews the park every 7 years. There are items to be addressed. (Letter on file) Items 1 & 2 have been addressed. Item #3 is the resurfacing of the tennis/basketball court.

Marra MOVED that the Parks Supt. request bids for the resurfacing of the Colonial Village tennis/basketball courts with striping and painting. Seconded by Winkley.

Johnson said that Capital Acct. TE-4 would cover this.

Dashineau stated that every 7 years the State will come back and reassess the park but for how long he did not know.

Motion carried 5-0.

Item # 4 are the shuffleboard courts and Mr. Dashineau suggests asking the State to declare them obsolete. Mr. Fegal of the fire company and a member of the Rec. Commission will discuss this with the fire company. Item #5 (horseshoe pits) have been address. Item #6 (North Parking Lot) Highway Supt. D. Janese recommends to add this parking lot to the paving schedule of the town.

Reiter: When we work with the fire halls on their parking lots, they usually will pay for the materials. If we are going to do part of the parking lot, you might talk with the fire hall.....because that area runs into the parking lot, they may want to have the whole lot done. I would suggest that Mr. Janese and Mr. Winkley talk with Chief Printup and the presidents about this. Also we may put that drainage in.

Marra: Item #7, 6 Ft. boundary re-verification has been addressed.

Sanborn Park Basketball Court is in need of repair.

Marra MOVED to allow the Parks Supt. to seek price quotes for sealing and painting at the Sanborn Park Basketball Court. Seconded by Palmer and carried 5-0.

Johnson: With the roof recently being finished on the court side and also this side of the building, we have noticed water damage to the tiles and with the lighting initiative, I would with permission like to go out and get some prices. The court has some grant money for various items such as furniture etc. We would like to also get prices on cleaning the ducts.

Marra MOVED that quotes be obtained for replacement of the tiles and cleaning of the duct work. Seconded by Bax and carried 5-0.

Motion to adjourn made by Marra, seconded by Bax and carried 5-0.

Time: 7:00 p.m.

Respectfully Submitted & Transcribed by:

Carol J. Brandon
Town Clerk

