

Present: Supervisor S. Reiter; councilmen A. Bax; M. Marra; E. Palmer; R. Winkley; Atty. M. Dowd; Engineer P. Wzontek; Adm./Op. T. Lockhart; Bldg. Insp. T. Masters; Finance Officer M. Johnson and Town Clerk Brandon.

Also Present: 3 Press and 20 residents.

The Supervisor opened the meeting at 6 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Rose Mary Warren of 5842 Griffon Street. At the last meeting it was mentioned that the golf group wanted to put a temporary office at the Hickory Stick golf course and the Board wondered how long should the temporary one would be and they asked Atty. Gabriele to comment and he had to refrain from because of some involvement with the land deal as reported in the newspaper...now Mr. Dowd was not present but he could not of answered either for the same reason. Is the Town going to have to pay another attorney for legal counsel on anything about this golf course?

I was given this 2010-2011 roster of the officers in Niagara Cnty. and I found out that 18 towns and villages only the Town of Lewiston has 2 attorneys. So, I am wondering why we need two. Now, this is not to pick on Atty. Gabriele who is not here tonight but the position that he was assigned to by this Board. I don't feel he should be the lone person to hear an appeal for a FOIL is turned down. They are going to request information about the Town while he is going to side with you most of the time. I would feel it would be fair to have a committee of three, one could be a retired attorney in the Town and lastly regarding Mr. Sloma on his appointment to the a police liaison board because I guess he has experience in that, I think it should have been advertised. I don't think it was. Maybe I know someone who would have been good too. I think you should at least give the appearance that you were advertising things to be fair. I can't figure out why we keep recycling the same people on boards and agencies.

George Brown of 4510 Porter Center Road. I want to say thank you for it was good that we had the meeting at the Senior Citizen Center. The reduction in hours has actually been put into place. It is a huge improvement. But, it is not satisfactory that we continue to have other agencies come in and use that range. The number of hours that they are using even during the 9 to 5 time span is still very, very annoying even where I live. I don't know whether the people to live further to north and west. So, anything that you gentlemen can do to make it more livable to improve a quality of life and return it to what it was when only our officers used that range would be deeply appreciated. Our properly values have to be suffering. I believe that the Supervisor has a proposal that it will share with you at some point but you will laugh at it when you see it....you are going to say this is unrealistic....you can't do it because it calls for 50% reduction in our assessments where everybody that lives within one mile of that range. But in reality, our quality of life and our property values if it continues as it is, is not fair. It is not what it was when we purchased that property. It has to be changed. I think that the Supervisor has a good idea about changing slightly the direction of fire and it was an idea that he has that he will share with you but it is not appropriate that I share it. It is appreciated what you gentlemen to do all you can do within your powers in the very near future to get this monkey off our backs.

Reiter: I have not had an opportunity to share this with the Board. Also, we will discuss some of those things with the Board also that you have mentioned and that we discussed today. I would add that we will have the June & September meetings as planned. I have not set dates with the Town Clerk yet but we will make sure that we contact everybody for the meetings on the updates and what we are doing with the range.

William Kraft of 1534 Swann Road. We had a meeting with the Lewiston Police Dept. and some of you members up there. We were told that we were going to be notified when something was going to happen in June or September. In the meantime, Mr. Reiter tried to push through a gun range agreement that I had to FOIL to get a copy of it and was denied. Until it was brought up again and I finally received it. It is unofficial because Mr. Bax tabled it and Mr. Salada was not present. I find that the Lewiston Police Dept. has been operating in good faith but so many members up here are not. We were promised input. We told you from day one when we started this issue that we did not want other agencies in here. They are too disruptive. It is not fit for our area. Just because you don't see a lot of homes down there doesn't mean we don't own that property and pay taxes on it. If the average size lot in the Town of Lewiston is approximately ½ acre, I own ten times that and so do all of my neighbors. Mr. Brown owns 220 times the average size lot. We maintain it and pay taxes and insurance and we use it as an investment for our future which we can sell off or leave to our family members. We have been put out of our homes....I am getting complaints from people who's dogs are shaking under beds every time a gun goes off. My dog is gun shy because of all the weaponry. Are you going to pay for my dog's retraining? I think not. I don't have this issue with my other home in Florida. Some of you, not all of you need to learn. You guys work for us. We don't work for you. You are elected officials in the U.S. and it is a democracy. Not a dictatorship. We should have some say on what goes on around our properties in our homes and you took that away from us. Some of these people said they have had to calm their animals down by taking them out of our neighborhood. Children too. We have such a relaxing atmosphere down there since it has been curtailed. We don't want it to escalate again. It just isn't fair. Just because you don't see a lot of houses and building doesn't mean we don't own that property. You people work for us. Thank you.

Kent Davis of 4364 Porter Center Road. Again, I would like to address the property issue. I tried to sell my house. I want to get out of here. I can't take it. After having someone at my house and explaining the monstrous hill (the ski slope) and then have to explain the shooting which is not only the noise but the guns are pointing directly at my house. If we increase this to military use and anybody else they want to bring according to what I see, then we are talking about a higher caliber which will travel further. This is about safety also. Not just noise. Safety wise is what I am deeply concerned about for my family, for anybody in that direction and ricochets have no boundaries. They will go any direction. What value is my property now to anybody who is looking at it? So, my property value is nil to me.

Reiter asked Mr. Brown to pass on what they talked about today to the other residents.

Daryl Gleaton of 1175 Saunders Sett. Rd. I have issues with my neighbor at 1181 Saunders Sett. Rd. Mr. Masters is aware of the problems as it looks like a junk yard. He needs to put a fence around it and there is a health issue. He is running a construction business from his home. He has a trailer parked in the front of the house which contains debris which he burns. He continues to harass me in a number of ways even though I have done nothing to him. I want to thank Mr. Masters for all of his help.

Reiter said that under his agenda there is a property maintenance report from Mr. Masters and this property is on the list. We will be addressing these properties very aggressively.

AGENDA:

Reiter asked to add transfer of funds for paving projects into the infrastructure account and for Mr. Nablo to hire a summer employee.

Palmer MOVED to approve the amended Agenda. Seconded by Winkley and carried 5-0.

MINUTES:

Bax MOVED for the approval of the Minutes of 4-5-10 Sp. Mtg. Fire Range; 4-12-10 W.S.; 4-26-10 Ex. Session & Sp.Mtg. (Fire Chiefs); 4-26-10 RTBM and 5-10-10 W.S. Seconded by Marra and carried 5-0.

POST AUDITS:

Bax MOVED for the approval of the following Post Audits for payment: Home Depot \$1093.62; Sam's Club \$1545.96; Wal-Mart \$15.00 and Mountain Glacier, LLC 35.21. Seconded by Palmer and carried 5-0.

OLD BUSINESS:

Fire Range Agreement:

Palmer said at the last meeting we looked at the draft of the firing range agreement and it was referred to Atty. Gabriele for review.

Dowd stated that he had drafted it but has not received any comments from anyone. I was contacted by Chief Salada regarding one issue and he is not here tonight.

Palmer MOVED to Table this matter. Seconded by Bax.

Bax: To clarify and although the agreement says "firing range facilities agreement permitting use of Town property by law enforcement and military agencies" this is an indemnification agreement and the license for someone to use.....not necessarily that all law enforcement and all military agencies have a right to use it.

Dowd: No.

Bax: Clarification for the public's concern.

Dowd: The earlier agreement that we had, I don't think had a lot of protection for the Town and it certainly didn't have appropriate language which required insurances and requiring property indemnification. So, I expanded on it and I tried to make it more air tight and make it safer for our residents. I think the Coast Guard and the Air Base reps having attended the work session said that they were already using it...so it wasn't meant to imply that there would be an expansion. It was to address the fact that there were already federal agencies using it so I wanted to make sure that these rules will apply to federal agencies. I have an obligation to make sure that there are members of the military or other federal agencies using the facility that they will be held to the same standards as any other user as far as making sure the Town indemnified and properly insured in case there is a incident. That is why it is there.

Reiter: We are going to take a real hard look at all of these different agencies that are using the range at this time.

Palmer said this was just one step in the process. When this issue first came up by several of the residents who are here tonight and others...one of the things that we discussed was an agreement of some sort that each agency would have to sign and agree to indemnify the Town for any liability and that satisfying the legal end of it, we instructed the Police Chief to come up with a policy and procedure manual for use by agencies of our facility. That is the document by which we can restrict who uses it and what times.

Dowd: I think that this agreement was prepared to provide for whoever is using it to abide by whatever those rules and regulations are established. They can be any rules you want including you can't come here. These are policy decisions for this Board to make after you review and finalize it.

Bax: One addition that I would like to see in this agreement is just a very short paragraph stating that they read and reviewed the policy manual and that they have agreed to all of the terms and that failure to abide by that could be immediate expulsion or revocation of their license.

Winkley said that the Air Base is building a range so we might have our problem resolved.

Motion carried 5-0.

Appointment/Cable Commission:

Bax MOVED to appoint Vincent Laurenti to the Cable Commission for 2010. Seconded by Marra and carried 5-0.

Resolution for State Grant/Recycling Program:

Reiter MOVED that the following Resolution be adopted and that Grant Writer Mr. B. Rotella apply on behalf of the Town of Lewiston. Seconded by Marra.

RESOLUTION

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a municipal Waste Reduction and/or recycling Project and Signing of the associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Town of Lewiston here called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE BE IT RESOLVED BY The Town of Lewiston Town Board

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Mr. Steve Reiter, Town Supervisor is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE.
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

Motion carried 5-0.

Highway Equipment Bids:

Reiter MOVED that the following Equipment Bids be awarded to the highest bidder. Seconded by Marra.

1990	Mack Dump 4 x 2	\$1,751.00	Thorntana Haag
1991	International Tractor	\$1,900.00	Charles Walker
1984	Trail King Trailer	\$2,711.00	Harry Long
1995	Ford ¾ ton F250	\$ 253.00	Pat Yonkelunas
1993	Ford F150 4 x 4	\$ 253.00	Pat Yonkelunas
	Western 8 Ft. Snow Plow	\$ 101.00	Thorntana Haag
	7 ½ Ft. Myers snow Plow	\$ 207.00	Jeff VanUden
1985	Honda Big Red	\$ 387.00	Pat Yonkelunas
	Electric Harder Salter Junior Spreader	\$ 126.00	Patrick Deering
1960's	Ford 2000 Tractor	\$ 850.00	Dave Thomson

Motion carried 5-0.*

RETIER:

Legal:

Dowd: Only the firing range issue which has been covered and tabled.

Reiter: Some of the confusion that the residents have specific concerns regarding the range is that we had to make sure we included everybody that has used the range in the past but that does not necessarily mean and I strongly doubt that it is going to continue in the same way that it has been going on in the future because we want to straighten out the policy.

Engineering:

Wzontek: The survey crews will be slotted this week out at Sanborn regarding the streetscape program and design will follow.

The Center Street pole drops and generator design and specs continue. Mr. Nablo and Mr. Shearer of our office are investigating the best way to handle the PVR situation and come up with an economical solution for the Town.

Property Maintenance Report:

Masters: I have given the Board a list of various properties along with pictures which I am having trouble with and I would like some direction on how to handle property maintenance issues. We did get last year's straighten out. (A discussion regarding a house on Country Club Trail started in 2006 took place.)

Palmer inquired about several burned out properties.

Master said the deadline was May 1st and no building permits have been issued.

Winkley asked if Mr. Masters is authorized to issue appearance tickets.

Masters said last year several of the properties were sent a notice stating the owners had refused to maintain their vacant property which is beyond repair and were given "x" amount of days to repair and if not the town will get 3 bids to tear it down and the costs would be put on their taxes.

Palmer MOVED to permit Bldg. Inspector Masters the authority to act on those properties who have failed to maintain their vacant properties. Seconded by Bax.

Winkley: Do we have to specify which properties?

Masters stated septic issues are referred to the N.C.H.D. We also do not get involved with drainage issues or property line disputes because it is hard to decipher who is at fault.

Palmer said he thought that he (Masters) should be authorized to take the necessary action to fix the problems. Are you considering tearing down the home on Country Club Trail? It is half a house.

Masters asked what is the option. It is piles of dirt and construction debris. The owners have no intention of finishing it unless their home in Las Vegas is sold.

Reiter said that if they were to enclose and finish this house it could have mold etc. and if they can't find someone to take it over.....

Masters said the taxes are paid on this property. Some of the other properties are not.

Reiter said this is the only recourse that we have.

Dowd: Whether our code has specific provisions or not, in certain NYS Town Law there are specific service requirements as to whom and when you serve them etc. Maybe the appropriate thing would be to authorize Mr. Masters to do that if the process has not been started and whatever he has to do in serving these people.....

Palmer said we need some legal wording on this.

Dowd: You have to do this service correctly or you can have a big problem.

Marra asked if we can do this in rem proceedings? We are not taking title, right?

Dowd: You are not taking title but you have to serve them before you can make any changes to the property. I am sure that appearance tickets can be issued. I will work with Mr. Masters on this.

Palmer MOVED to withdraw the Motion with the understanding that the Town will readdress it at June 14th work session.

Reiter: I would ask that Mr. Masters be aggressive as some of these problems have been here for 10 years and with the framework of the law work with the attorney.

Marra: In the case of the home on Country Club Trail, if we were to knock down the home we would be asking for litigation with this one.

Masters said the Pekin Grange Hall is another one based on its' historic value.

Reiter said he will schedule an executive session regarding the contract with OPR/Joseph Davis Park and also decision on the appointment of the Highway Supt.

Budget Transfers:

Reiter MOVED to transfer from Town Infrastructure Acct. 1990-0401 \$200,000 to Permanent Improvement Contractual BD-5112.0400-000 for paving of the following streets: Orchard Drive, Hillside Drive, Meadow Road, Cliff Street, Tallman Street, Elm Street, (Between Buffalo St. & Townline Road) and Niagara Street (Between West St. & Buffalo St.). Seconded by Palmer.

Reiter said that some charges have already been assumed but there was nothing put in the paving account for this year.

Motion carried 5-0.

Palmer asked if DOT is responsible for paving at the top of the Lewiston hill at the light. (Yes) There are some big ditches there.

Reiter said based on the state budget issue, we may have some state road problems and asked that the Clerk send a letter of concern.

Water Dept. Seasonal Hire:

Reiter MOVED that Kyle Nablo be hired as a seasonal employee in the Water Dept. Seconded by Marra and carried 5-0.

Equipment/Sale/Funds

Johnson asked that the funds collected be put back into the Highway Machinery Account.

Bax MOVED that the proceeds from the sale of Highway Equipment be returned to the Highway Machinery Acct. Seconded by Marra and carried 5-0.

BAX:

WPCC: Mr. Lockhart is requesting to attend the NYWEA Spring Conference.

Bax MOVED to permit Adm. /Op. T. Lockhart to attend the NYWEA Conference on 6/8/2010 at a cost of \$160 with funds to come from SS1-8110.0400. Seconded by Palmer and carried 5-0.

Annual Storm Water Report:

Lockhart: This is an annual storm water report that is required to be discussed by our Storm Water Discharge Permit at an open meeting. This covers the reporting period of 3/9/09 to 3/9/10. (Report is on file in the office of the Town Clerk for review.)

Bax MOVED to authorize the Supervisor to sign the Storm Water Report due June 1, 2010 to DEC in Albany. Seconded by Palmer and carried 5-0.

PALMER:

Nothing at this time.

WINKLEY:

Nothing at this time.

MARRA:

Town Newsletter:

A memo went to each department explaining that we will be publishing a quarterly newsletter this summer and asked for submissions by June 1, 2010. I feel that this Board has a responsibility to make every effort to communicate to the residents as much information about the Town as possible.

Reiter: On June 14th at 5:15 p.m. we will discuss a web portal at the Town Hall with Mr. Abbadonza and at 6 p.m. with Lime Energy at 6:00 p.m. regarding the Highway Garage/Power Savings.

Marra MOVED to enter into an Executive Session. Seconded by Bax and carried 5-0.

Time: 6:55 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session 7:05 p.m.

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Atty. M. Dowd and Town Clerk Brandon.

Issues Discussed:

1. Appointment Highway Supt.
2. Joe Davis Park

Motion to exit Executive Session and reconvene made by Marra, seconded by Bax and carried 5-0.

Marra MOVED for the appointment of Douglas Janese as Highway Superintendent on a provisional basis. Seconded by Bax and carried 5-0.

Palmer MOVED to adjourn. Seconded by Bax and carried 5-0.

Time: 7:45 p.m.

Transcribed by:

Carol J. Brandon
Town Clerk