

**Town Board Meeting**

**November 22, 2010**

**6:00 p.m.**

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Atty. M. Dowd; Adm./Op. T. Lockhart; Eng. R. Smith; Bldg. Insp. T. Masters; Chief C. Salada; Budget Officer M. Johnson and Town Clerk C. Brandon. Also 2 press reps and 7 residents.

The Supervisor opened the meeting at 6:08 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Rose Mary Warren of 5854 Griffin St. I called the Greenway Cmte. to look more closely at the proposal of the Sanborn Streetscape. On page 7 it says under focus area, a comfort station will be built. When I looked in back there is no money for a comfort station. I filed a FOIL asking for the cost and location. In a conference call with your clerk and the grant writer he said that he and the Sup. Reiter would put something in writing. The letter stated that after reviewing the application we found this section in the focus area (comfort station) was in error and should not have been included in the application. It says that they had called Mr. Belue of the Greenway Commission and he said it didn't change the overall scope of it. I told the Greenway, please be reading all of this and be very careful. You mention that in conducting business in an open and transparent manner, I believe you did not do that when you met at 2 p.m. on Friday to approve a budget when many people are working. The Board approved several resolutions beside the budget. You did a budget transfer, you hired new part time employee for \$15.00 per hour. A few weeks ago, the Board hired a part time police officer for \$13.50. I felt that was too low a salary for someone. that is a dangerous type of job. I think that salary should have been higher. I want to warn the public that were against Modern expansion to be ever vigilant. This is not a dead issue. The way this Board conducts business, a resolution to approve a Modern expansion could be passed at a special meeting.....you did this Greenway one on a Saturday too. It could be called for another reason and then the Board could say that they already held a public hearing and even though I met with Mr. Johnson twice and we went over the budget, I still don't see how there is a 38% increase in tipping fees from Modern when the fees have not changed and the number of trucks has not. They said they were only going to be 30 trucks when that is really 60 trucks. I hope that you continue to not be for the expansion.

AGENDA:

**Winkley MOVED to approve the Agenda as presented. Seconded by Bax and carried 5-0.**

MINUTES:

**Bax MOVED to approve the Minutes of 10/14/10 Budget Meeting/Executive Session, 10/18/10 Worksession/Executive Session, 11/08/10 Worksession and 10/25/10 RTBM. Seconded by Marra and carried 5-0.**

POST AUDITS:

**Palmer MOVED for permission to include the following vouchers for post audit payment: Home Depot \$236.45, Sam's Club \$934.12, GFS Chemicals Inc. \$172.57 and Michael Dowd Esq. \$2875.00. Seconded by Marra.**

Bax asked Atty. Dowd the purpose of the voucher.

Dowd replied that that was his monthly retainer and it was not put on the abstract at the work session for approval.

**On the Motion, carried 5-0.**

OLD BUSINESS:

WPCC Upgrades: Set PH re: Increase & Improvements of Facilities

Reiter: I believe we are waiting to discuss this with the other municipalities regarding a payment plan and schedule.

Lockhart: There is still some work to be done on this and we should be ready for the December meeting.

CORRESPONDENCE:

1. A letter from the Town Clerk asking for permission to go out to bid for a 3 year HVAC Preventive Maintenance Agreement. The current contract expires at the end of December.

**Marra MOVED to go out to bid for a HVAC Maintenance Contract for a period of 3 years. Seconded by Bax.**

Reiter said he believes this covers the Town Hall and Senior Center only. Not the Highway Building.

**Motion carried 5-0.**

2. A letter from Chris Hawkins for a street light to be installed in front of 1214 Saunders Settlement Road.

The Clerk stated that it is usually referred to National Grid and they would come back with a proposal of the costs and then it generally goes to the Lighting Cmte. It will be put under old business.

3. A letter from the Town Clerk asking for permission to attend a NYSTCA regional meeting in Cortland, NY on 12/5 & 12/6. Costs would be \$60.00 and funds have been budgeted.

**Bax MOVED to permit the Clerk to attend the meeting. Seconded by Palmer and carried 5-0.**

REITER:

Legal: We need to have an executive session regarding litigation on some property reassessment and a sewer/pump station issue on Sweethome Road.

Engineering; They have approved the NYPA plan for Reservoir Park Winter Pavilion. We have approval from the Fire Bureau and the other department heads.

**Marra MOVED to accept the Reservoir Park plan as presented. Seconded by Winkley and carried 5-0.**

Set Work Day Hours for F/T and P/T for Clerical/Laborer Employees.

The State Auditors has suggested that we set the hours for our clerical/laborer employees in the Town.

**RESOLUTION 2010-19  
TOWN OF LEWISTON**

**BE IT RESOLVED, that the Town of Lewiston hereby establishes the following work days for the clerical/laborer employees and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted to the clerk of this body.**

**Full Time Employees set at 7½ or 8 hours per standard work day. See attachment for list of employees.**

**Part Time Employees set at 3.9 hours per standard work day. See attachment for listing of employees.**

**Motion made by: Councilman M. Marra**

**Seconded by: Councilman A. Bax**

**Carried 5-0.**

**Dated: November 22, 2010**

Parkway Resolution:

Reiter stated that Mr. Marra & Mr. Winkley attended the last meeting of Robert Moses Parkway group and all we have to do is show our resolve to the scoping committee. I ask that we use the same resolution that the Chamber used and the Clerk typed up a resolution as follows:

**RESOLUTION 2010**

The Town Board of the Town of Lewiston hereby supports the continued use of the Robert Moses Parkway as it is now and in the future.\*

WHEREAS, The Robert Moses Parkway is the primary transportation connection between the Village of Youngstown/Town of Porter through the Town and Village of Lewiston and the City of Niagara Falls, and  
WHEREAS, The parkway provides to the residents and visitors an easy and quick path to travel between these communities, and

WHEREAS, The complete removal of the Robert Moses Parkway would have a negative affect on the entire region with respect to the residents, and

WHEREAS, This removal would have an impact on the economy of the entire area, and

WHEREAS, The overwhelming majority of those polled wish to see the Robert Moses Parkway remain open in its entirety, and

NOW THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Lewiston hereby strongly objects to the complete removal of the Robert Moses Parkway.

**Marra MOVED to accept the Resolution as presented. Seconded by Winkley.**

Bax asked if this impacted our plans at all for the pathway.

Reiter said no it does not. The pathway is an independent of the parkway and designed in such a manner that both scoping sessions with several groups realized it was independent. This group being the Power Authority, the DOT and State Parks.

Bax: My only concern is worded very strongly and I understand why it needs to be that way. In particular I am concerned with in the first line "as it is now and in the future". They anticipated opening up in both directions and I just didn't know if we need to clarify that. I am in support of the resolution, it is just a matter of clarifying our position.

Marra: The poll that referenced that the Chamber did conduct it says: "to retain the Robert Moses Parkway in some form."

Winkley said they want to keep it the way it is now.

Palmer: I certainly hope that it would be in some way be fixed if it is going to remain and I am in favor of it but I certainly think that it can't be the way it is now. It has to become enjoyable and get rid of the concrete barriers and the other things that are going on.

Marra: The thing that was discussed at the Parkway Preservation Meeting, the Supervisor said something similar to the a Niagara Parkway with maybe a slower speed limit, a twisting kind of road where the speed limit would be reduced, overlook parking areas, increased access to the gorge with paths etc.

Palmer said in its' current state there is no emergency pull off area. There is curbing on both sides of it. It is a real hazard to motorists and even pedestrians in certain areas and hopefully they could do a better job with that. One thing that doesn't seem to get mentioned very often and there is a lot rhetoric out there about keeping the parkway open or closed or reduce it to one lane or keeping it at one lane or putting it back to two lanes or whatever needs directions...and in my opinion and really I hear the arguments on both sides and they both have some merit. The one thing that has not been mentioned and I think is a realistic compromise would some sort of arterial connecting Niagara Falls with Lewiston and perhaps would not impact the gorge area. I am talking about something along the lines of there is an old railroad right-of-way that cuts through the center of Niagara Falls and I am not trying to tell the people

from Niagara Falls what to do but you know there is perhaps an opportunity for a highway similar to the Twin City Highway in the Tonawandas which connects the Tonawandas that perhaps could even bisect the center of the commerce area of Niagara Falls and create more opportunities there and maintain a link between Lewiston and Niagara Falls which is sorely needed. But I don't think you can just turn your back on an existing roadway which is so vital to the transportation needs of this community.

Winkley said the issue is that they want to keep it from Finley.....everybody agrees that that bridge that goes over there in that area should be taken out. From Finley Drive to Lewiston improve the parkway yes and maintain it the way it is. The Power Authority is going to probably be finished with their project over there and open up that lane and then leave the main through fare to Lewiston open. If you are going to cut into somebody else's on the railway, I don't think they own that railway.

Palmer: I am talking about an arterial running on Hyde Park Blvd. down Highland Avenue to 11<sup>th</sup> Street right thru the old railroad right-of-way. That is an issue for the City of Niagara Falls. That is just a suggestion on my part to enhance the transportation options between these two communities and still preserve what we want to preserve at the gorge.

Marra: I think again that this group that we meet with.....their issue is north of Finley Drive. That roadway is crucial and for good reason as almost 80% of the people polled in the Town of Lewiston.....we don't want orange barrels on the parkway in perpetuity but sort of connection and where the current load exists and just to improve it. There are three things...safety issue. I grew up on Lewiston Road one block from Maple Avenue School and I think the last thing that I would want is increase traffic there. That traffic would carry through if you eliminated that roadway all the way on to Creek Road. That is certainly an issue that would come up that would be the only link to Youngstown and beyond. Again, if you remove the parkway, the access to the gorge is eliminated for the elderly and individuals with disabilities....it is going to limit the opportunity to go to the gorge and see the river. That is another gigantic issue. Thirdly and most importantly, I have yet to come across a municipality who doesn't feel that it is a gigantic economic impact between the Villages of Lewiston and Youngstown, Porter, Lewiston and Wilson. Niagara Falls has their own thing of course. I think we want to have some sort of connection to every town to the north. All those towns (Wilson, Middleport, Newfane) all felt that they want to keep that roadway available to everybody. It would have a regional negative affect on business and certainly the investment in places like Lewiston, Youngstown, and Porter and beyond. So I feel very strongly to keep the parkway.

Bax: I would suggest that the words "**as it is now and in the future**" in the first line be removed.

**\* Bax MOVED for an Amendment to the Resolution and remove "as it is now and in the future" from the first sentence. Seconded by Marra and carried 5-0.**

Set RTBM/Final Audit Meeting:

**Marra set the RTBM/Final Meeting for Thursday, December 30, 2010 at 6 p.m. Seconded by Palmer and carried 5-0.**

BAX;

WPCC/NYPA Sanitary Sewer at University Drive:

The engineering associated with the warehouse sanitary sewer at University Drive and Penrose and Mr. Lockhart has indicated to me that all the engineering has been done. The permit fees have been paid. He is looking for a motion to sign off on the go ahead for the work.

**Marra MOVED to accept the plans as submitted on this project and approval for construction. Seconded by Marra and carried 5-0.**

MARRA:

Dog Control Law: The NYS Legislature passed a new AG & Markets Law. Local municipalities are now responsible for licensing/relicensing of dogs and dog control. A local law must be passed before 12/31/10.

**Marra MOVED that a public hearing be held on 12/13/10 at 5:45 p.m. to adopt a new local law on dog control. Seconded by Bax and carried 5-0.**

PALMER:

Police Contract: Mr. Marra and I have scheduled a meeting with the teamsters in regard to the police contract.

WINKLEY:

Haz-Mat Control Commission:

**Winkley MOVED to add Kevin Olejar and William P. Senik to the Commission. Seconded by Marra and carried 5-0.**

Dowd: We need a motion to allow CRA Engineers to submit a grant application on behalf of the WPCC by Dec. 3<sup>rd</sup>.

**Bax MOVED to allow CRA Engineers to submit an application on behalf of the Town of Lewiston's WPCC for updates by 12/3/10. Seconded by Marra and carried 5-0.**

Dowd: For the record, each of the Board members have a copy of the proposed Local Law regarding "Dog Control" with a public hearing set for 12/13/10.

**Motion made by Winkley to go into Executive Session. Seconded by Marra and carried 5-0.**

Time: 6:45 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon  
Town Clerk

Executive Session:

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra,\* E. Palmer and R. Winkley; Atty. M. Dowd and Eng. R. Smith.

Issues Discussed:

1. Litigation Matters

**Winkley MOVED to exit Executive Session and reconvene. Seconded by Palmer and carried 5-0.**

**Winkley MOVED to authorize the Supervisor to settle the claims of Ridgeview Estates/Historical Square and Mr. Szayni of 559 Mt. View Drive. Seconded by Marra and carried 5-0.**

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

Time: 6:55 p.m.

\*Minutes taken by M. Marra

