

May 10, 2010

Town Board Worksession

6:00 PM

Present: Supervisor S. Reiter; Councilman A. Bax, M. Marra, E. Palmer & R. Winkley; Dep. Sup. G. Catlin; Atty. M. Gabriele; Engineers P. Wzontek and M. Shearer; Finance Director M. Johnson; Bldg. Inspector T. Masters; WPCC Adm./Op T. Lockhart; Clerk C. Schroeder; 3 press; 16+ Residents

Also Present: R. Nablo, Water Dept.; M. Dashineau, Rec. Director/Parks Supt.

The Supervisor called the worksession to order. Councilman Bax led the Pledge of Allegiance, followed by a moment of silence for personal reflection.

The Supervisor asked if there were any additions or deletions to the agenda.

Palmer: Defibrillators and Police Commission

Marra: Hickory Stick Golf Course

Bax: Generators for municipal buildings

Reiter: Dog Van and Computer update for Dep. Clerk

**Bax MOVED the agenda, as amended. Seconded by Palmer and carried 5-0.**

Water Pressure Pits: Robert Nablo spoke with regard to infrastructure issues in the Town. The Town's Water Department, he said, maintains 11 Pressure Regulating Valves (PRV's). The majority of these are located along the North side of the Escarpment. The PRV's regulate the pressure in the water mains. The Pits are below grade between 7 and 15 feet deep in concrete vaults. Nablo said he was hired by the Town in 1977. At that time, ten pits were in need of major repair then. We're at a position now that we can't knock off one of these each year. In all but four of them it would be illegal to go into the concrete vault. Sending an employee into one could be a violation.

Reiter said he has spoken to the Finance Director to address some kind of funding for this infrastructure repair. The original estimate from the previous engineering firm was \$340,000. "What I want to promise you from the Board, and I know I'll have their support, we're going to investigate the best way of going about this. Something will happen this calendar year. We'll address it. That's the best I can promise you right now."

Marra: Time is certainly of the essence with this project. The quicker we accomplish this and get it done the better. We could have some sort of infrastructure nightmare disaster if we don't, right?

Nablo: You're standing on thin ice right now. This is a maintenance issue we should have started many years ago. We could have knocked off one a year and done this in-house. It's no longer a maintenance issue – it's an infrastructure project.

Abstract:

**Bax MOVED to approve the Abstract of Claims, Nos. 1175 to 1483 and recommended payment in the amount of \$323,168.02, plus a post-audit of \$267,922.07, Seconded by Marra and carried 5-0.**

Firing Range Agreement: Palmer asked if the attorneys had a chance to review the agreement. Gabriele said he had not. Bax recommended tabling the issue until the attorney gets an opportunity to review it. Reiter recommended the Police Chief being at the next meeting to present his comments.

**Winkley MOVED to table, Seconded by Palmer and carried 5-0.**

Lighting Issue / NYPA: Palmer said he has some correspondence from the Lighting Committee approving the request of the New York Power Authority for the installation of a street light at the intersection of Hyde Park Blvd. and their service road.

**Palmer MOVED to accept the recommendation of the Lighting Committee as it relates to the street light at the intersection of Hyde Park Blvd and the NYPA service road. Seconded by Bax, for discussion.**

Reiter: I'm a little disturbed that I keep reading that the Power Authority (Mr. Kessell & Company) is visiting areas around the county and the City of Niagara Falls. I welcome their opportunity to receive funding but I'm a little concerned that Lewiston is being kept out of the picture. It's hard for me to sit here and think that Lewiston is the "most" host. No matter how you describe it or look at it we're the "most" host. For lack of a better description, our snowplows go thru there. Our police respond there. Our fire companies respond there. We deliver water to them and we handle their sewage. They have the authority to close roads that we travel on, on a daily basis. I'm slightly irritated that we're not being considered in some of these issues. I know they have talked to us. So far all they have done is listen. Wouldn't it be nice if the Power Authority would step forward and help us with our firing range, for example and make the corrections there that need to be made? Wouldn't it be nice if the Power Authority would help us with the \$4,000,000 of sewer treatment plant updates that we have to do? We have \$340,000 in water system updates that we have to do. It would be nice if they would become more of a corporate neighbor than a corporate user.

**Motion carried 5-0.**

Defibrillators: Palmer said he has a quote for the purchase of eight defibrillators with cabinets and training off State Bid. One defibrillator to be placed in the Town Hall Meeting Room, Town Hall Office Area, Highway Department, WPCO, Senior Center, Lewiston Library, Sanborn Library and Village Hall.

**Palmer MOVED to purchase the defibrillators with funds allocated from H-97 in an amount not to exceed \$22,000. Seconded by Bax, for discussion.**

Johnson said the total amount includes wall cabinets and training of 100 individuals at \$35.00 per person.

Palmer thanked former Councilman and current Finance Director Johnson for his work on this.

Marra said he is an employee of Niagara Cerebral Palsy. They have one of these units in every one of their buildings. In their administration building it was necessary to use one of these life paks on one of the employees. The physician explained to them that it saved that person's life. It certainly is money well-spent. He too thanked Mr. Johnson for putting this together.

Police Commission: Palmer said he currently serves as liaison to the police department and also serves at the direction of the Town Supervisor on the Police Commission as the Town's representative. Palmer said he would rather serve one of those roles as he feels there is a conflict with the liaison of the Town Board also serving as member of the Police Commission. Palmer said he would like to remain as liaison to the Police Department and be replaced as member of the Police Commission. He recommended Henry Soma, a former police commissioner who has vast experience with the community and the issues and is knowledgeable of the problems the Police Department is up against. I also think it's a good idea to have someone who comes from the civilian sector as a member of the Police Commission, he said.

**Bax MOVED to accept the resignation of Councilman Palmer as Police Commissioner, with regret. Seconded by Winkley and carried 5-0.**

**Palmer MOVED to appoint Henry Sloma to fill the vacancy on the Police Commission as the Town's representative. Seconded by Marra and carried 5-0.**

Engineering:

a) GPS Equipment: Asst. Engineer John Sharpe sent out Request for Proposals for equipment to collect GPS Data for water, sanitary sewer, storm sewer and FEMA Boundries. Prices quoted are as per state contract for the following equipment and training:

- Trimble R8-301 GPS RTK Rover
- CV-TSC2 Data Collector
- 2m Carbon Fiber Rang pole
- TSC2 GPS Accessory Kit
- 4 Lithium Ion Batteries
- 8-hours Training

Of the four bids received, Waypoint Technology submitted the lowest at \$22,879.50. (Bids also received from Keystone Precision - \$23,263.35; Trimble Navigation - \$27,397.50 & Earth Vector Systems - \$30,270.00.)

**Winkley MOVED to award the contract be awarded to Waypoint Technology at a cost not to exceed \$23,000 from fund H-97. Seconded by Palmer and carried 5-0.**

b) Cell Phone: The GPS equipment will require a cell phone with blue tooth capability and a laptop capable of running the GIS Software. Authorization is requested to purchase these items at a cost not to exceed \$1,800.

**Winkley MOVED for approval. Seconded by Bax and carried 5-0.**

Cable Commission: Reiter said he would like to appoint Vince Laurendi to the Cable Commission. He asked that this be tabled until the next meeting, pending the filing of an application for appointment.

Atty. Gabriele indicated that Mr. Laurendi has graciously accepted the potential offer of joining the commission. He has tremendous background and success in working in the past with groups such as Adelpia Cable. He has agreed if asked by the Town to act as part of this commission to bring his expertise for the benefit of the Town of Lewiston in these negotiations.

Appointment of Records Appeals Officer: Reiter recommended appointing Town Attorney Mark Gabriele as FOIL Appeals Officer.

**Reiter MOVED to appoint Mark Gabriele as Records Appeals Officer, Seconded by Bax and carried 5-0.**

NIMS -- Appointment: Winkley said the Town has been contacted by John Cecula, Assistant Director of Emergency for the County to identify an individual who will serve as the Town of Lewiston's National Incident Management System (NIMS) compliance point of contact. He recommended Sgt. Frank Previte as he has all the NIMS training, above and beyond what he needs.

**Winkley MOVED to appoint Sgt. Frank Previte as NIMS contact person for the Town of Lewiston. Seconded by Palmer and carried 5-0.**

Michelle Court Restoration: Reiter referred to a letter requesting restoration and repair of turf disruption on the grass circle on Michelle Court as a result of snowplowing. Reiter said he would take care of this with the Acting Highway Supt.

Resolution for State Grant for Recycling Project: Reiter said he was not prepared to act on this resolution and asked that it be tabled. Johnson said this is a grant that the grant writer has been working on for two months for recycling bins.

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

Resolution for Grant Funding / Artpark Event Program: Reiter said this relates to a request to the Greenway Commission Artpark funding.

**Bax MOVED the following Resolution:**

RESOLVED:

*That the Town of Lewiston will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston's; Artpark 2010 Event Program Grant Funding Request.*

**Seconded by Winkley carried 5-0.**

Palmer commented: This came about after great thought. Artpark is facing some challenges this year because of the State deficit and inability of the State to provide funding in areas that they formally did. Unfortunately because of that and in order to keep the quality of life the way it is and keep our businesses thriving we were approached to help Artpark to help offset some of their costs of their Tuesday night concerns and other programs that they run. It's a shame that once again it's the State coming down and telling us indirectly that we need to pay for things that all of our tax dollars have taken care of all these years and carried the load for them. This is one example of many of mandates that come down from the State. This, of course, is not a mandate but it certainly directly affects quality of life in Lewiston. To stop having this event in Lewiston would be a real shame. We are between a rock and a hard place on this. We have now turned to the Greenway Funding process to see if that's an avenue by which we can help Artpark and keep these Tuesday night concerts alive. I think we all agree that Artpark is a worthwhile valuable asset to our community. The programs they run really enhance our summer here.

Bax: In addition to that and to underscore the thought that went into this funding decision, or at least the attempt to find funding for Artpark, we were all concerned about the existence of this particular payment being something that would exist into futility into the future. We all come to the conclusion that we're willing to go this far this year but we're expecting the State to step back in. We've gone back and forth with the police department and the overtime that's caused by the *Tuesdays in the Park*, and the other peripheral expenditures that surround that that we don't get any reimbursement for. We are paying our share already in a lot of ways. We're addressing a very emergent situation and we're doing it in a responsible way with respect to both the interest of the Town and the Village. In the end, we're going to salvage the 2010 Season. I'm hoping that fiscally, for the State of New York, 2011 is a little bit better.

Winkley: We've been spreading this Greenway money around the whole Town pretty good. It's not going to be there every year for Artpark. There are other places in the Town that we want to take care of.

Bax: It's not just to give back to the State. Our portion should be used on us.

Electrical Engineering Proposal: Bax referred to a proposal from Nussbaumer & Clark, Town Engineers, to provide Plans & Specs for Electrical Design for installation of emergency generators at Town Hall, Highway Garage and Police Station.

**Bax MOVED to approve the Scope of Services at a cost not to exceed \$11,600 with funds to be allocated from Fund H-97. Seconded by Marra and carried 5-0.**

Parks & Recreation: Marra referred to a request from the Recreation Director to hire the following seasonal (summer) personnel:

<u>Name</u>	<u>Position, P/T</u>	<u>Start Date</u>	<u>Wage</u>	<u>Year of Service</u>
Brent Atkinson	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Countney Bridges	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Theresa Ceretto	Recreation Leader	June 28	\$8.25	2 <sup>nd</sup> year
Margaret Duffy	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Andrew Fleury	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Alyssa Florence	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Chris Jackson	Recreation Leader	June 28	\$8.25	2 <sup>nd</sup> year
Jodie Jueckstock	Recreation Leader	June 28	\$9.25	5 <sup>th</sup> year
Kyle McDonald	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Robert Morreale	Recreation/Parks Laborer	May 11	\$8.25	2 <sup>nd</sup> year
Brittany Nichols	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
April-lyn Stitt	Recreation Leader	June 28	\$8.50	3 <sup>rd</sup> year
Julie Stuart	Recreation Leader	June 28	\$8.25	2 <sup>nd</sup> year
Lindsay Stuart	Recreation Leader	June 28	\$8.25	2 <sup>nd</sup> year
<u>Name</u>	<u>Position, P/T</u>	<u>Start Date</u>	<u>Wage</u>	<u>Year of Service</u>
Jeremy Willard	Recreation/Parks Laborer	May 11	\$8.25	2 <sup>nd</sup> year
Michaek Ziobrowski	Recreation/Parks Laborer	May 11	\$8.25	2 <sup>nd</sup> year

Anthony Taibi	Parks Laborer	May11	\$9.00	4 <sup>th</sup> year (mixed)
Derek Tracey	Parks Laborer	May 18	\$9.25	5 <sup>th</sup> year (mixed)
Joel Jueckstock	Recreation Laborer	May 11	\$10.55*	7 <sup>th</sup> year (mixed)

\*This reflects a 5% raise in rate of current pay for Joel Jueckstock and reflects added responsibilities and anniversary of service.

**Marra MOVED to approve the hiring of the above seasonal employees for 2010, as presented. Seconded by Winkley and carried 5-0.**

Marra noted that the youth baseball parade will be held on Saturday (5/15) at Noon beginning at the Red Brick School and ending at Academy Park. Games will follow at the various Town Parks.

Haz-Mat Commission: Winkley noted that the Haz-Mat Department has decommissioned Haz-Mat 2 (1975 International response vehicle). This vehicle was loaned to the department by Lewiston Fire Company #2 and it has been returned to them, per our agreement. This vehicle has been removed from the Town insurance rolls and will be scrapped by Lewiston #2.

**Winkley MOVED for approval. Seconded by Bax and carried 5-0.**

Dog Van: Reiter noted that the Town Clerk has been working with the Finance Director to purchase a dog van off the State bid list. Repairs to the current van are estimated at \$6,000 - \$7,000. The Town can purchase a new one at the State bid for \$16,746.60. **Reiter MOVED for approval to purchase a dog van from Hoselton Chevrolet, Inc. at the State Bid of \$16,746.60 with funds from H-95-7140-0200 (Equipment Capital Fund). Seconded by Marra and carried 5-0.**

Johnson said two other dealerships were contacted. One bid came in at \$22,000 and the other did not submit a quote.

Hickory Stick Golf Course: Masters said that the Golf Course owners want to open in June or July. They would like to open the golf course before the club house is done. Masters said they just obtained a Foundation permit for the new clubhouse. They are requesting the Board's permission to install an office trailer that they can use to sell admissions until the main structure is completed.

Palmer asked when they expect the main structure to be completed. Masters said they did not. I guess is 2-3 months.

**Palmer MOVED to permit the Hickory Stick Golf Course to install a temporary office trailer to serve as their admission's office until the permanent clubhouse is erected. Approval is granted with the following stipulations:**

- 1. That the permanent club house be completed in 2010.**
- 2. The building inspector will determine that all electrical and sewer connections are up to code; and**
- 3. The temporary trailer will be removed within one (1) month after completion of the club house.**

**Motion Seconded by Marra and carried 5-0.**

Clerk's Commuter: Reiter said there is a request from the Town Clerk to allocate monies for a new computer for the deputy clerk. Johnson said he has a quote for a workstation PC in the amount of \$560. Because there will be technical support to transfer the data over, he recommended allocating an amount not exceeding \$750.

**On the advice of the Finance Director, Reiter MOVED to allocate up to \$750 from account A-1410.0400 to replace a computer in the Clerk's office. Seconded by Marra and carried 5-0.**

Reiter made the following announcements:

1. Modern CAC will meet 5/11 at 6 PM.
2. The Town Board will meet 5/24 at 6 PM
3. CWM CAC will meet 6/7 at 4 PM
  
4. The Niagara Watershed Alliance (NWA) is sponsoring a protest rally on 5/22 at 10:30 AM at the Niagara Falls Storage Site, 1375 Pletcher road, Lewiston.

Reiter asked for a motion for an executive session concerning a contractual issue (WPCC) and potential litigation.

**Bax MOVED for approval. Seconded by Marra and carried 5-0.** Time: 6:55 p.m.

Executive Session:

Present: Reiter, Bax, Marra, Palmer, Winkley, Gabriele, Lockhart

Discussion:

1. Contractual matter - WPCC
2. Modern Lawsuit.

**Marra MOVED to exit executive session and reconvene meeting. Seconded by Winkley and carried 5-0.** 7:05 p.m.

Action:

**Bax MOVED to authorize the Supervisor to execute a discontinuance of the lawsuit action that Modern has taken against the Town, Seconded by Marra and carried 5-0.**

**In another matter, Bax MOVED to accept the proposal in the amount of \$27,000 from Wendel Duchscherer, engineers to provide professional services pertaining to the Comprehensive Plan Update, Seconded by Palmer and carried 5-0.**

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

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk