

AUGUST 22, 2011 Regular Town Board Meeting  
6:00 p.m.

Present: Supervisor S. Reiter; Councilmen; M. Marra, E. Palmer and R. Winkley; Dep. Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; Hwy Supt. D. Janese; Eng. R. Smith; WPCCA Admin. J. Ritter; Finance Director M. Johnson; Bldg. Insp. T. Masters; Police Chief C. Salada; 2 Press; 10 Residents and Dep. Clerk C. Schroeder

Excused: Councilman Al Bax

Councilman Palmer led the Pledge of Allegiance followed by a moment of silent reflection in memory of Former Highway Supt. Milo Quarantillo and Joann Breitsman, Town Atty. Michael Dowd's mother-in-law.

#### RESIDENTS STATEMENTS

The Supervisor asked if any resident wished to address the Board.

Rosemary Warren, 5842 Griffin Street, said she has spoken before about her family getting a 164-ft sidewalk along her property, which was not in the Greenway proposal. She agrees with the sidewalks being on Buffalo Street and Saunders Settlement Road. The first fill along the sidewalk was full of large rocks and where weeds grew. She was told one of the weeds was an invasive one that would take over her whole lawn and should be cut out. Her husband tried cutting it with the riding lawnmower but hit a rock resulting in \$113.00 in damages to the lawnmower. The second fill which was supposed to be sifted topsoil has more rocks and many pebbles. Now grass seed is planted. The Highway Superintendent said he could not do anything about it. Next, my husband took a bag of rocks and a piece of glass as big as my palm and gave it to Steve Reiter who gave it to Doug Janese. I feel Doug and his crew should not have done this project. The Greenway proposal had \$294,000 for construction. It should have been bid out by an outside group. I feel the Town should hire a landscaping firm to re-do the edges of Elm Street for the one block that ends at our corner. I'm very disappointed in this.

Marie Parkhill, 883 The Circle: We live in one of Lewiston's most desirable areas; however we are not being addressed with the respect we deserve. Thanks to the computer age, my mail arrives as "The Cir". I don't live on "The Cir". I aim to fix that along with fifty other homeowners. Mrs. Parkhill submitted a petition of 55 signatures requesting a name change for the current Town of Lewiston road known as "The Circle" to be changed to "The Circle Drive". The proposed change would insure that the current mailing address would appear spelled out in full instead of abbreviated.

Reiter asked that the petition be turned over to the Town Clerk. That will give us something to work on so we can address that situation.

Liz Wilson, came in to follow-up on the drainage issue on Riverwalk Drive and Riverwalk South. She asked what the current status is on that.

Reiter said he spoke with the developer, Joe Deck and the Town Engineer. Instead of doing a standard ditch cleaning, Reiter proposed that pipe be installed on Town property along the Sewer Treatment Plant property upon the developer purchasing the pipe, which he has agreed to do. We're waiting for his Engineer's drawings and the pipe. The Town would install the pipe on Town property and take it down the Town easement towards Joe Davis Park. Reiter said he would have the Stormwater Management Officer oversee the project. Reiter anticipated the project would be completed in late fall or early winter.

#### AGENDA:

Additions:

Marra: Executive Session re Contractual Matter

Reiter: Political Signs, SPCA Invoice, Budget Transfers, CW Electric, Presti Property and Green space at Lewistown Park

**Palmer MOVED to accept the agenda, as modified. Seconded by Marra and carried 4-0.**

MINUTES:

**Palmer MOVED to approve the minutes of 7/25/2011 (RTBM) and 8/5/2011 (Special Meeting). Seconded by Winkley and carried 4-0.**

ABSTRACT:

On behalf of Councilman Bax who audited the abstract for August, **Winkley MOVED to approve the Abstract of Claims numbered 2311 to 2734 and recommended payment in the amount of \$336,328.32, plus a post-audit of \$469,445.79. Seconded by Marra and carried 4-0.**

POST-AUDIT:

**Winkley MOVED for approval of post-audit payments to Home Depot - \$1,382.47; HSBC Bank N.A. - \$636.44; Sam's Club - \$2,257.88; CEA Associates - \$10,350.00; Ford Motor Credit - \$8,216.56; Dan McGovern - \$4,900.00; Kevin Smith - \$3,300.00; American Waterworks Irrigation - \$3,000.00; and Duncan Tyler - \$356.40. Seconded by Marra and carried 4-0.**

OLD BUSINESS:

1. Badger Water Meters:

Reiter said the current water meters have a problem with the new county radio system that would over-read the meters. We would fall within their new frequency levels. We're working something out with Verizon to use their cell tower so the water meters can be read. There is still more discussions to be made.

2. Sewer Service Connection Detail:

Reiter said he wanted to make sure Gary Catlin has reviewed the sewer service connection detail. I would like his experience and his review of that. He tabled this until the September work session.

3. Back-Up Generators:

Reiter said he and the Finance Director have to go thru the budget to determine if funds are available to proceed with the project..

NEW BUSINESS:

Item No. 1: Was a request from the Town Clerk to attend the NYSTCA Regional Meeting on September 18<sup>th</sup> & 19<sup>th</sup> in Lake Placid as a District 10 representative. All expenses will be paid by the Clerks Association with the exception of \$80.00 which she has budgeted for.

**Palmer MOVED for approval. Seconded by Marra and carried 4-0.**

Item No. 2: The Clerk noted that the following establishments have applied for a renewal of their alcoholic beverage license: Niagara Falls County Club/Patio; Niagara Falls Country Club/Clubhouse; and the New Schimschacks Inc/Restaurant. These applications will be posted for a 30-day period as required. No further action required.

Item No. 3: Request from John A. Martino Jr. for a waiver of the thirty day (30) waiting period for the liquor license for DOSBROS INC. d/b/a JC's Marlboro Inn, 5894 Ward Road, Sanborn.

**Palmer MOVED for the waiver of the 30-day waiting period. Seconded by Marra and carried 4-0.**

Item No. 4: From the Town Clerk. Under the State Public Officers Law, any person who is appointed to a board, committee or commission and fails to sign his or her oath of office within 30-days after notification by the Clerk's office is not officially a member of said board. Please see the list of persons who have failed to sign their oaths after being notified in January 2011. Do you want these residents re-notified of their appointment?

**Palmer MOVED to re-notify the eight (8) appointees to sign their oath of office within 30-days (as of 8/22), pursuant to the State Public Officers Law. Seconded by Marra and carried 4-0.**

Item No. 5: From the Town Clerk. A vacancy has occurred on the Historic Preservation Commission with the death of member James Mudd. His appointment was to expire 12/2012. If you wish you can advertise for vacancies on this commission or wait until a general advertisement is done in the fall for 2012. Please advise. In addition, new Town Historian, Robert Martinez should be appointed as the Ex-Officio for this board.

**Marra MOVED to appoint Robert Martinez ex-officio to the Historic Preservation Commission. Seconded by Palmer and carried 4-0. Seconded by Marra and carried 4-0.**

The Board to advertize for applicants in the fall for January 2012.

Supervisor Reiter:

Sanborn Farm Museum:

The Sanborn Historical Society is nearing completion of the restroom portion of the new facility at the farm museum. Since there are no public sewers they have installed a grinder pump system connected to an above ground wastewater holding tank at the property line. They request the waiving of dumping fees at the WWTP on Pletcher Road.

**Winkley MOVED to waive the dumping fees for the Farm Museum, as requested. Seconded by Marra and carried 4-0.**

Appointment to RAB:

Reiter recommended appointing Al Bax to the Restoration Advisory Board for the LOOW project.

**Marra MOVED for approval. Seconded by Palmer and carried 4-0.**

Joe Davis Park:

After speaking with each Board member, Reiter said he would like to present a package to the Land Development Corp. for improvements to Joe Davis Park. He recommended using Greenway monies to the tune of \$400,000 a year to borrow a large amount of money \$5,000,000 - \$6,000,000 to make these improvements. He cited several different projects such as a boat launch; more fishing facilities; start of the Nature Center project for the Audubon Society; and clean-up work around the park.

Reiter said he is not asking for a vote today. I'm giving out information to make sure the Board is aware of the direction he is going in. I want the public to understand that if they have some ideas the Board is more than willing to listen. Interest rates are very low and now is the time to do something like this.

Elm and Annover Waterline Replacement Project:

Reiter said this is one of the last areas where they have experienced water problems where pipes need to be replaced. The Town Engineer has put together a bid package and they are now ready to proceed with an advertisement for bids.

**Winkley MOVED to advertize for bids for the Elm and Annover Waterline Replacement Project. Seconded by Marra and carried 4-0.**

Along with this, the Engineer asked for a \$220.00 review fee to submit to the Niagara County Health Department as mandated by the NCHD public waterline extension requirements.

**Palmer MOVED to authorize the \$220 review fee to the Niagara County Health Department. Seconded by Marra and carried 4-0.**

Sewer Services in Sanborn:

Reiter asked that the Town Board allow the Engineer to design drawings for sewer services, specifically on the east side of Buffalo Street between Tallman and Route 31 in Sanborn. That area was one of the areas left behind in the recent sewer

projects that were done several years ago. Reiter asked for permission for the Engineers design and to go out to bid on that.

**Marra MOVED for approval. Seconded by Winkley and carried 4-0.**

Culverts in Front of Homes:

Recently as a result of a State Audit, Reiter said it was discussed that putting culverts in front of homes to improve the Town's drainage system has caused a problem with State auditors as they feel it is not necessary. Reiter said it has always been up to the Highway Supt. or the Drainage Supt. at the time to have that procedure done. Reiter said he would like the Board to continue that process and to consider establishing a Town-wide drainage district so funding is available. Reiter asked permission to have the attorney research a Town-wide drainage district to give the Town a mechanism by which to put piping in front of a home. It would be very advantages to homeowners if they have flooding problems and things of that nature. They pay for the pipe and they pay for the fill. The only work that is done by the Town is the labor. Reiter said they have gone thru two State audits in the last ten years where this was never mentioned before but now all of a sudden it has become an issue. Reiter said this is a procedure that is used throughout the county.

**Marra MOVED to authorize the Town attorney to research the establishment of a Drainage District. Seconded by Winkley and carried 4-0.**

Digester Compressor Procurement:

WPPC Administrator Jeff Ritter said bid specifications and contract documents for the Digester Compressor upgrade are now ready. He requests the Board move to advertise.

**Winkley MOVED to advertize for bids for the Digester Compressor update. Seconded by Marra and carried 4-0.**

Political Signs:

Reiter said he met with the Town Clerk who had some concerns regarding political signs and recommended that the law be revised. Reiter said he felt uncomfortable putting the Town attorney into that situation as they are appointed by the Board and it would look political. Reiter recommended that outside counsel be retained to re-write a new political sign law that covers all the bases.

SPCA:

Reiter said the Town of Lewiston received an invoice totaling an amount just under \$6,000 from the SPCA of Niagara for services rendered from March 1 thru August 10 for after hour night calls, pickup of abandoned animals, pickup of dead animals and public drop off of animals. There is no documentation attached as to dates, locations, or names of individuals dropping off animals. I just want to notify the Board that we are not paying that bill. Reiter said he and the Town Clerk will meet with the SPCA to discuss these charges.

Budget Transfers:

The finance director asked for the following budget transfers:

Transfer of \$3,000 from A-1990-0400 (Contingency) to A-8989.0430 (Hart Award).

**Marra MOVED for approval. Seconded by Winkley and carried 4-0.**

Transfer of \$12,000.00 from H-97 to SWI-9710-0600 (Principal) and \$7,708.77 from H-97 to SW1-9710-0700 (Interest) to pay bonds for infrastructure projects in the Water Department.

**Marra MOVED for approval. Seconded by Winkley and carried 4-0.**

Electrical Lines:

Reiter said the Highway Supt. obtained quotes for running an electrical line to the pedestal for the Streetscape Project in Sanborn. The low bid was from KW Electric in the amount of \$8,750.00. He asked for a motion to award the bid.

**Marra MOVED to award the bid to KW Electric. Seconded by Winkley and carried 4-0.**

Presti Property:

Reiter said a pump station was put in the middle of the homeowner's lot several years ago. The homeowner has put a complaint into the Town for re-imbusement. Reiter said it was decided that the Town buy the property for the assessed amount. Reiter asked that Attorney Davis take care of this purchase for the Town.

Green Space:

Reiter said he has been contacted by several property owners in the Lewistown Park area who are wishing to purchase the green space behind their homes. These areas have been nothing but trouble for the Town with drainage problems, damaged trees, etc. Accessing the green space is very difficult. Reiter authorized Attorney Davis to contact the property owners of the option to buy.

**Marra MOVED for approval. Seconded by Winkley and carried 4-0.**

The attorneys were asked to work on this and report back at the next meeting.

Councilman Marra:

Appoint Senior Aide:

Marra referred to correspondence from the Senior Director asking the Board to approve the hiring of Marguerite Eydt for the position of P/T Senior Services Aide.

Mrs. Eydt will be replacing Kathleen O'Connor who has resigned from the position.

**Marra MOVED to appoint Marguerite Eydt as part-time Senior Services Aide. Seconded by Winkley and carried 4-0.**

Marra said the Jazz Festival will be celebrating its 10<sup>th</sup> Anniversary August 26 & 27 in the Village of Lewiston.

Councilman Palmer:

Lighting Committee:

Palmer said the Lighting Committee had been asked to review two lighting requests that had come in -- one late last year and one in the beginning of the year. I wanted to thank the Town Clerk for reminding the Chairman that we need a report of their position on this matter.

Councilman Winkley:

Sanborn Fire Company Roster: The Sanborn Fire Company submits for active membership in said Fire Company: Eric Sherwood, a Town of Lewiston resident.

**Winkley MOVED for approval. Seconded by Marra and carried 4-0.**

Sanborn Fire Company Roster: The Sanborn Fire Company submits for active membership in said Fire Company the following individuals: Jeffery Gebauer, Jon Gebauer, William Ziemendorf and Daniel Nelson. The prospective members are residents of the Town of Cambria but reside in the vicinity and are available to render active service as volunteer firemen.

**Winkley MOVED for approval. Seconded by Palmer and carried 4-0.**

Winkley reported that on 9/11 there would be a short service at the Lewiston No. Fire Hall beginning at 8:30 a.m. followed by a march to St. Paul's Epsicopal Church for a service there. All are welcome to attend.

Reiter read the following announcements:

Town Offices closed Monday 9/5 in observance of Labor Day.

Primary Election to be held 9/13 from Noon to 9PM.

The Joseph Davis Development Corp will meet 8/24 @ 6 PM at the Lewiston Senior Center.

**Marra MOVED to adjourn to Executive Session to discuss a contractual issue. Seconded by Winkley and carried 4-0. Time 6:50 p.m.**

Minutes taken by Councilman Marra

Items discussed:

1. Snead Litigation (Davis)
2. Modern – Compressed Natural Gas Station

No Action Taken

**Marra MOVED to exit Executive Session and reconvene RTBM. Seconded by Winkley and carried 4-0.**

No Action Taken

**Marra MOVED to adjourn. Seconded by Winkley and carried 4-0.** Time: 7:30 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk