

Present: Sup. S. Reiter; Council Members M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Atty. M. Dowd; Highway Supt. D. Janese; Eng. R. Smith; Adm./Op. J. Ritter; Police Chief C. Salada; Finance Officer M. Johnson & Town Clerk C. Brandon.

Excused: Councilman A. Bax.
3 Press Reps and 10 residents.

Sup. Reiter opened the meeting at 6:00 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Rose Mary Warren of 5842 Griffin Street. I read the contract between the State and the Town for Joseph Davis State Park. I wrote to the State Parks Department and thanked them for the excellent contract they wrote. It was very well written. I did thank them for making sure that people with access passes which my husband has because he is a disabled veteran can still get in free. I am a little disappointed that the contract is for only 10 years. I know the initial one was only for 90 days or whatever. I think the 10 years should have been 20. It's too bad we couldn't have actually gotten it back free because it should have been ours. I think the surplus money also goes to the State. My main concern is that I don't want beer or wine sold there. I don't think the residents living in the neighborhood want that either. Don't even in the future think about that. Thank you.

Paulette Glasgow of 836 The Circle. During the Sept. 27 and Oct. 25 public comment period and via written correspondence, I brought to your attention that nearly \$40,000 of public funds was spent without prior approval by this Town Board. In my comments and correspondence I mentioned that each of you as the custodians of the public's money has the responsibility for due diligence in the proper handling management spending of public money. I ended both my comments and correspondence by citing a local law which gave to you the authority to investigate when it is revealed that public money has been misused. A former town attorney during a Sept. 2010 work session acknowledges that the process under which this money was spent was unauthorized and in error. He acknowledges that error by stating that in the future the town's legal department will advise town officials on the proper procedure regarding the authorization of public funds as they relate to public projects. In an article relating to this matter, the Supervisor, who as chief fiscal officer, is responsible and accountable for all public money states they did nothing wrong. We have been very open about it and told everybody everything. It is now 5 months later and I have heard nothing with regards to any investigation into this matter or that my request as a taxpayer has been acknowledged and is being looked into. You are the accountability police and public trust has been broken. You need to restore that trust by investigating this matter and if needed making those responsible accountable for their actions. For the past year and half I have been heard about how you are performing your due diligence. As an elected councilman you are obligated to insure that public money is spent properly. The fact that you refuse to look into this matter is not fulfilling your obligation to perform due diligence. I am requesting once again as a taxpayer that one of you add to your agenda the investigation into the unauthorized use of nearly \$40,000 of public money. That the investigation be undertaken by an outside independent source and that the results of that investigation be made public. If you don't do it I know it will be in the State Comptroller's report.

Palmer asked what she is referring to. Could you be more specific? I am not sure what expenditure you are talking about.

Paulette Glasgow: You spent \$37,600 for fencing at the dog park. You never approved the money.

Palmer said it was referred to the town engineer.

Amy Witroyl of 4726 Lower River Road. You have in front of you a letter that once again is in regard to the CWM Community Advisory Committee "CAC". I am tendering my resignation from the Lewiston CAC effective Feb. 14th. (Tape is inaudible at this point) Letter is on file in the office of the Town Clerk.

AGENDA:

Marra: I would like to add SEQRA Compliance Officer and request an Executive Session for a personnel issue.

Palmer: I also have a personnel issue for Executive Session.

Winkley: I have an item for W.P.C.C. on behalf of Councilman Bax.

Marra MOVED to accept the Agenda, as amended. Seconded by Winkley and carried 4-0.

MINUTES:

Palmer MOVED to approve the minutes of 1/24/11 P.H. (L.L. #1 Water Dept. Rules/Regs); 1/24/11 P.H. (WPCC: Improvements of Facility); 1/24/11 RTBM and 2/14/11 Worksession. Second by Marra and carried 4-0.

POST AUDITS:

Winkley MOVED for approval of the following Post Audits for Home Depot \$697.24 and Sam's Club \$813.11. Also, Christopher Salada \$150.00; Mooradian Rug Co. \$6,900.00, Kevin Smith \$1128.00 and John Wood \$1128.00. Seconded by Marra and carried 4-0.

OLD BUSINESS:

1. Increase/Improvement of Facilities/WPCC:

Reiter: We had a public hearing at 5:30 p.m. and that hearing was not closed.

PRESENTATION: Buffalo Audubon Society

Executive Director Loren Smith had maps for the public to look at. On behalf of the Audubon Society thank you for allowing us to make this presentation. We have plans and ideas for Joseph Davis State Park which are the nature center and the ecological context for the park. The eastern 2/3rds of the park are in a natural condition with ponds and wetlands, etc. These are crucial to maintaining the ecological integrity of the park. Working with the Audubon NY we have a \$195,000 Greenway Project that is currently underway to conduct an ecological assessment of the park. (Reference to the park was made on the maps.) The proposed state of the art nature center will be built where the current old snack bar is (Referred to in the map). Plans for the building include a learning lab, offices for the naturalists and classrooms.

Winkley asked what the time frame is.

Mr. Smith: We have the basic records and the next stage is to go to design drawing and construction design drawings probably would take 6 months and additional time for going out to bid and bringing contractors in. Depending on how quickly we get the drawings we could have a shovel in the ground next year.

Reiter said the Niagara Fishery Board will make a presentation at the March 14 worksession and at the March 28 meeting we have scheduled an investment group. We would like do some park upgrades such as a camp ground and various other amenities. Our goal is to make the park as self-sufficient as possible. All the agencies that are involved have their own funding sources. The Town is in a very fortunate position to having Greenway funds available. This might be one of the best uses of the Greenway Funds that we have ever used. It would be a benefit to Lewiston and a great asset to our community if we can develop the park for our use and as a regional use. I'm glad the Audubon Society wants to jump in and help us.

PENDING BUSINESS:

1. Contract Proposal for Lewiston Small Animal Hospital: Dowd said he would work with the Clerk to put together a contract for the Board's consideration at the next meeting.

2. Local Law re Purebred Licenses: Dowd suggested scheduling a public hearing next month amending the Dog Control Law permitting purebred licenses.

Marra MOVED to schedule a public hearing at 5:30 p.m., March 28 regarding purebred dog licenses. Seconded by Palmer and carried 4-0.

Dowd said a copy of the proposed law would be made available by the end of the week. Copies of the proposed law would be made available to those residents owning Purebred licenses.

CLERK'S CORRESPONDENCE: None

COUNCILMAN REITER:

1. Reiter reported on a health hazard regarding feral cats at the Sanborn Library. He said he would address this in executive session. He said he would contact the librarian and ask them to cease feeding the cats.

2. Legal: Nothing further to report.

3. Engineer: No report.

4. Finance – A memo from the Building Inspector advised the Board that the amount invoiced for the new sound system in the main meeting room was \$169.00 more than was previously approved due to the fact the amp would not fit in the wall where the existing amp was located. This amount includes \$80.00 for labor and \$89.00 for a custom amp rack.

Palmer MOVED for payment of \$169.00 to CJ Sound, Seconded by Marra and carried 4-0.

In other matters, Reiter said he has had discussions with the Lewiston Historical Society who want to erect a monument in the Village of Lewiston honoring the War of 1812 Bicentennial Tuscarora Heroes. They are asking for Greenway support. I just wanted to give the Board a heads up of what they are looking for.

The Historical Society wants to help in the repair of the "Welcome to Lewiston" sign at the 190 exit which is in disrepair. They submitted a couple design samples for the new sign for consideration. There would be no cost to the Town. Ken Lilly of Beau Enterprises would continue to maintain the grounds as in the past. I will let them know what sign we want to go with.

Lastly, Michael LaDuca did a rendering of an ice skating facility at Academy Park. This would be a removable ice facility. I will contact the Village to see if they would approve it.

COUNCILMAN WINKLEY:

WPCC: Winkley, reporting on behalf of Councilman Bax, said the current Spill Prevention Report is due by March 16, 2011 and requires a fee of \$625.00. This is for 5 onsite chemical bulk storage tanks. Funds to come from 8110.0400-SS1.

Winkley MOVED to approve the payment. Seconded by Marra and carried 4-0.

The NY Water Environment Association is holding its annual Greater Buffalo Environment Conference on March 22, 2011. Approval is requested for eight people to attend at \$75.00 each.

Winkley MOVED for approval at a cost not to exceed \$650. Seconded by Marra and carried 4-0. Funds to come from 8110.0400-SS1.

COUNCILMAN MARRA:

1. SEQRA Compliance Officer:

Marra MOVED to appoint Tim Masters, Building Inspector as SEQRA Compliance Officer. Seconded by Palmer and carried 4-0. This will give the Town flexibility on Environmental Forms for Site Projects, Marra said.

2. Chamber Membership Director Ad:

Marra MOVED to purchase a full page ad in the amount of \$275 for the Chamber's 2011 Membership Directory, as has been past practice. Seconded by Palmer and carried 4-0.

COUNCILMAN PALMER:

The Planning Board, on February 17, 2011 approved a request from Niagara University for parking lot expansions at Dwyer Arena Parking Lot and Timon-O'Shea Parking Lot. Attached are responses from the Engineer and Building Inspector. The Environmental Commission recommends a Negative Declaration.

Palmer MOVED to accept the recommendation of the Environmental Commission and issue a Negative Declaration on said project. Seconded by Winkley and carried 4-0. When asked to comment, Masters said there is not enough parking in general at the school. He hopes this is addressed in the future.

Palmer MOVED accept the Planning Board's recommendation and approve the request from Niagara University for parking lot expansions, as presented. Seconded by Winkley and carried 4-0.

Reiter reminded the Board of a Joint Tri-Town (Lewiston/Niagara/Porter) Meeting concerning forming a municipal Electric Company at 6:00 PM, March 21 and March 29; both meetings being held at the Town of Porter Town Hall.

Marra MOVED to enter into executive session to discuss personnel. Seconded by Palmer and carried 4-0. Time: 6:50 P.M.

*EXECUTIVE SESSION:

Present: Reiter, Marra, Palmer, Winkley, Mark Davis, Mike Dowd and Chief Salada

* Minutes taken by Supervisor Reiter

Issues Discussed:

1. Disability Pay for Lisa Rizzo – No Action Taken
2. Personnel – Police Contract
3. Personnel – New Hires

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

Action Taken:

1. **Palmer MOVED to accept Police Contract, as amended, to reflect a 3% salary increase for Full and Part-time officers. Seconded by Marra and carried 4-0.**
2. **Marra MOVED to hire Shane Clarke, Steve Ciszewski and Aiden Hosie as P/T Watchman WPCC. Seconded by Winkley and carried 4-0.**
3. **Marra MOVED to appoint Glen Caverly to Storm Water Manager position. Seconded by Winkley and carried 4-0.**

Transcribed by Carol J. Brandon
and Carole N. Schroeder

Respectfully submitted by
Carol J. Brandon

