

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Atty. M. Dowd; Dep. Atty. M. Davis; Eng. R. Smith; Highway Supt. D. Janese; WPCC Ch. Op. J. Ritter; Bldg. Insp. T. Masters; Finance Officer M. Johnson & Dep. Town Clerk C. Schroeder

Also Present: Rec. Director M. Dashineau; Dep. Hwy. Supt. K. Payne; 3 Press; and 15 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, 5842 Griffin Street said she is under the impression that the Town is entering into a contract for the Shelter Rental Business as Joseph Davis State Park. The State contract, she said, calls for a \$1,000,000 of insurance coverage for some incidents and \$2,000,000 in other areas. Where in your 2011 Budget is the money for this because Greenway money cannot be used for it? I realize you can over-inflate one code and transfer it to another for your pet projects. I do not believe in transfers except in emergencies. To me it's "creative accounting" and I hope the auditor, Amy, who has been looking over your books, was able to look into this practice.

Second: Getting together with the Town of Porter to create your own power grid is interesting. They were not a part of the Power Coalition. The Town of Niagara and Town of Lewiston were. When Fred Newlin, prior Town Supervisor, attended the Power Coalition meetings, I did too. He decided to take the power allocation to lower each resident's electric bill. Residents were happy to see a large reduction of over 50%. Then it went to 14 ½% and everyone thought he should have known it might be a variable. I feel this is what we have attorneys for – to read and interpret the contract. Now, in 2010 our family saved \$70 at 14 ½ % for the whole year. At 50% it would have been a savings of \$210. Was I mad at Fred because it went down? No. I felt the attorney should have known better. I'm more than happy with the \$70 savings. It's more than the zero increase I'm getting in my social security check.

Lastly, you need to bid out what you're going to do with the electric we have. How are you going to manage it? It's interesting the Town of Porter was not in that Power Coalition. I would hope they are bringing something more to the table because we are already getting low power allocation.

Amy Witryol, 4726 Lower River Road said she wanted to update the Board and reiterate some facts were CWM is concerned.

Fact #1: CWM has contested DEC efforts to reduce their mercury and PCB Discharges into our waterways. CWM would have violated its permit if the DEC had been able to institute its proposal to bring CWM standards current. CWM says its discharges are cleaner than what is already in the river; however, because PCB and mercury are bio-accumulative toxics, CWM is comparing its annual discharges to all of the historical discharges to the river, combined. CWM discharges of PCBs and bio-accumulative chemicals into our creeks are equally if not more troubling. This is just one example how good people can be easily fooled by CWM public relations jargon without all the facts.

Fact #2: In May 2003, CWM held a public workshop to unveil its application for a new toxic waste landfill in the Lewiston-Porter community. CWM, at that time, published a timeline showing its belief that the new landfill would have all necessary approvals by March 2005. It is March 2011 and no new landfill has been approved.

Fact #3: The State of New York has never, ever sited a new landfill without first concluding that there is a need for this facility. This time the State has concluded that there is no need for a new toxic landfill at CWM or anywhere else.

In our conversations several weeks ago, I was surprised to learn that Mr. Reiter was unaware of this finding, even though the *Sentinel*, the *Gazette* and the *Buffalo News* have written extensively about it in recent years. Webster's defines *bias* as an opinion held in disregard of the facts that contradict it. I will endeavor to provide the Town Board and the public with more facts over the next several months.

PRESENTATION: At this time, the Town Board presented a Certificate of Achievement to Justin Patrick LaDuca in recognition of his distinguished achievement having attained the Rank of Eagle Scout.

Following the presentation, the Supervisor introduced Tom May who spoke on behalf of the American Legion that does a program called Boys State (and also Girls State). What they do with his program is form their own municipal governments. They establish their own judicial system. They set it all up and learn how to do it in four days. May said they would be sending two boys this year – Mr. Kenneth Holmes (present) and Mr. Dillon Kreiger. May said the local American Legion Post is so small that normally they sponsor only one individual to this program; but because of the grace and generosity of the Town Board, both individuals would be sent this year. Reiter stated that no Town funds would be spent in this endeavor. Funds to sponsor a second individual would be personally provided by each Board Member.

Next, representatives from The DiMarco Group and Stieglitz Snyder Architects provided a 20 minute power point presentation for a proposed 250-room Lodge and Conference Center at Joseph Davis State Park. The Supervisor said this Group approached the Town Board. Before anything is approved the Town would be required to go out for RFPs.

Paul Colucci, Vice President of Development at The DiMarco Group said the lodge and conference center is envisioned in the southwest corner of the park and would be fronted by a banquet facility accommodating 100 people. It is estimated to be in the \$1,000,000 range. Robert Shephard, Architectural Consultant then spoke about the actual facility.

Following the presentation, the Supervisor opened up the floor for public comments.

Rosemary Warren said she was wondering how this group was chosen and if others were coming in.

Reiter: If you heard what I said in the beginning, everybody would have to submit an RFP. This group contacted me when they heard the possibilities at Joe Davis Park.

Paulette Glasgow: Don't you think the fact they have already made a presentation taints the process of the RFP?

Reiter: I think we have to give the public an opportunity to see what could be developed. I'm sure in their back pocket they have held something back.

Glasgow: I just want to make sure the process isn't tainted... The feasibility and marketing plan -- who pays for that and how much?

Reiter: We haven't gotten that far yet. We're in the middle of putting together a Development Corporation for the park project. Each Board Member is going to select a resident to put on the corporation. That corporation is going to be the process by which we chose architects and developers to work and combine all these efforts with both the Audubon Society and Fishery group.

Glasgow: Last month, you alluded to the Joe Davis Master Plan. Is it on paper that you have a master plan for Joe Davis?

Reiter: Absolutely. In fact the first photo was part of it.

Glasgow: There actually is a master plan for all that you are going to do there and in the future?

Reiter: Yes, ma'am. We also have the State one. We're working with the State one. The State has to approve everything we do. We have to put this all together and present it to the State. We're working in that direction.

Palmer: It looks absolutely spectacular. I look forward to hopefully being a part of this project and seeing it thru to its fruition. Especially in combination with other pieces of the puzzle we've heard about in the last couple of meetings now.

Reiter commended The DiMarco Group for stepping forward with the presentation and taking the lead in the development of the park and looking to work with the other entities that wish to work in the park. I appreciate their efforts.

AGENDA: Additions to the agenda included:

Bax: Liaison Report from the Environmental Commission

Marra: Executive Session re Litigation

Palmer: Police Dept. Issue

Marra MOVED to accept the Agenda, as amended. Seconded by Palmer and carried 5-0.

MINUTES:

Palmer MOVED to approve the minutes of 2/28/11 P.H. (LMSD Improvements) and 2/28/11 RTBM. Seconded by Bax and carried 5-0.

POST AUDITS:

Palmer MOVED for approval of the following Post Audit Payments: Home Depot \$3,280.37; Sam's Club \$292.91 and Village of Lewiston (for Lewiston Fire Co. #1) \$244,000.00; as per contract. Seconded by Bax and carried 5-0.

OLD BUSINESS: None

PENDING BUSINESS: None

CLERK'S CORRESPONDENCE: None

COUNCILMAN REITER:

1. Legal: No Report
2. Engineer: No Report.
3. Finance – Johnson said the Town of Lewiston has improved its Bond Rating to Aa3.
4. 2010 Justice Court Grant: Reiter said the Town Court was awarded a grant in the amount of \$14,665 from the Justice Court Assistance Program to be used for Furniture (\$11,738); Office Equipment (\$2,100) and Miscellaneous Items (\$827). He asked for authorization to sign the grant.
Marra/Palmer MOVED to authorize the Supervisor to sign the grant. Seconded by Bax and carried 5-0.

COUNCILMAN PALMER:

1. Site Plan for NWAA: The Planning Board on March 17, 2011 approved a final site plan for the Niagara Wheatfield Athletic Association for 8 soccer fields, a concession stand and parking for a new facility on 37.6 acres of land located on

the southeast corner of Saunders Settlement and Walmore Roads, SBL# 118.00-1-55.111. Attached is a response from the Environmental Commission for a Negative Declaration and approval from the Niagara County Planning Board.

Palmer MOVED to accept the recommendation of the Environmental Commission and issue a Negative Declaration on said project. Seconded by Winkley and carried 5-0.

Palmer MOVED to accept the Planning Board's recommendation and approve the final site plan for NWAA, as presented. Seconded by Marra and carried 5-0.

2. Incident Reports: Palmer said he would address two claims for property damage in Executive Session.

Lastly, Palmer said it's been brought to the Board's attention that there have been numerous break-ins of businesses in the Village. Several restaurants and taverns have been broken into in the middle of the night in the Center Street area. As a result of that, Palmer said he met with the Police Chief who outlined a strategy to put more officers on patrol in the business district during the midnight shift. Also, Palmer asked that anyone with information regarding the burglaries should contact the Town Police Department.

COUNCILMAN WINKLEY:

Sanborn FC Roster: The Sanborn Fire Company submits for active membership the name of Eric Beecher, 3541 Saunders Settlement Road, a Town of Cambria resident but resides in the vicinity and is available to render active service as a volunteer fireman.

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

COUNCILMAN BAX:

Liaison Reports: Bax said he attended the last meeting of the Environmental Commission. One of the items that he was asked to bring to the Board's attention is to act more sensitively with respect to their input. If there is an issue with an environmental overtone that the Board seeks the commission's advice.

Lastly, Bax said the Town of Wales entered an "anti" Hydrofracking Law. Bax said he would obtain a copy to present to the Town Attorney for review.

COUNCILMAN MARRA:

1. Purebred Licenses: Marra said he would like to re-schedule the Public Hearing regarding purebred licenses for April 25, 2011 at 5:30 p.m., prior to the RTBM.
Marra MOVED for approval. Seconded by Bax and carried 5-0.
2. Shelter Agreement: With the assistance of Parks Dir. Dashineau, Marra presented the Proposed Rules and Procedures for Shelter Rental at Joseph Davis Park.
 1. Any shelter can be reserved for occasions for the day through the Parks Department, who will keep a master schedule of all facility rentals.
 2. Reservations should be on a first come-first serve basis.
 3. Reservations can be made from January 1 to December 31 for any calendar year.
 4. Shelters can be rented between April 15 and October 15, when determined to be available by the Parks Department.
 5. All renters must provide the Town a \$1,000,000 Homeowners Liability Insurance Certificate with the Town of Lewiston Joseph Davis Park listed as an additionally insured for the period of rental.

6. Renter must provide a \$50 deposit to the Town of Lewiston no less than ten (10) working days before the rental. This deposit will be returned providing all provisions of the enclosed contract are met.
7. Renter will be responsible for removal of garbage, repair of any damage and return of any keys or equipment needed to fulfill the rental.
8. Renter is responsible for complying with all applicable laws while renting in Joseph Davis Park.
9. The renter will sign contract with the Town stating the terms of Rental, that contract will be used as the proof of rental for the renter on site.
10. The Town of Lewiston will place a sign reading "Shelter Reserved" on the day of the rental at the site of the rental.
11. The Park will be rented "as is" and will not be responsible for any breakdowns, malfunctions, or general problems during a rental.

Marra MOVED to adopt the Rules, as presented. Seconded by Bax and carried 5-0.

Marra MOVED to adjourn to Executive Session, Seconded by Bax and carried 5-0. Time: 7:00 P.M.

*EXECUTIVE SESSION:

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

* Minutes taken by Attorney Davis

Issues Discussed:

1. Discussed purchasing Presti Property
2. Property Damage Claims
 - a) Christine Mathews – Tree falling on house
 - b) Frank Raisig – Damage to Vehicle
3. Personnel – Background Investigation for Police Hires

Winkley MOVED to exit Executive Session and reconvene Regular Meeting. Seconded by Marra and carried 5-0.

Action Taken:

1. **Marra MOVED to appoint Dan Torrey as P/T Watchman at WPCC. Seconded by Winkley and carried 5-0.**
2. **Marra MOVED to offer assessed value for purchase of Presti Property. Seconded by Winkley and carried 5-0.**
3. **Marra MOVED to appoint members to the Joe Davis Land Development Committee: Paul Hutchins, Rick Haight, David Perreault, Steve Dillen, Bill Hilts, Neil Nolf and Gary Catlin. Seconded by Winkley and carried 5-0.**

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

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk