

May 9, 2011

Worksession

6:00 PM

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra, & E. Palmer; Dep. Sup. G. Catlin; Atty. M. Dowd; Dep. Atty. M. Davis; Eng. R. Smith; WPCC Ch. Op. J. Ritter; Bldg. Insp. T. Masters; Police Ch. C. Salada; Clerk C. Schroeder; 3 press; 8 Residents.

Excused: Councilman R. Winkley.

The Supervisor opened the worksession, followed by the Pledge of Allegiance led by Councilman Bax and a moment of silent reflection.

Agenda:

In addition to the agenda, the following additions were requested:

Reiter: Fund Transfer, Legal Issue, Greenway Proposal and CWM Report

Bax MOVED the agenda, as amended. Seconded by Palmer and carried 4-0.

Abstract:

Marra MOVED to approve the Abstract of Claims Numbered 1164 to 1487 and recommended payment in the amount of \$209,274.46, plus a post-audit of \$235,779.29. Seconded by Bax and carried 4-0.

Sanger Subdivision: The Planning Board, on April 21, 2011 approved a request from Glenn Sanger for one-lot at 1901 Ridge Road, SBL #89.00-2-1.

Palmer MOVED to accept the recommendation from the Environmental Commission for a negative declaration. Seconded by Bax and carried 4-0.

Palmer MOVED to approve the one-lot subdivision, as presented. Seconded by Marra and carried 4-0.

Drainage Complaint: Bax referred to correspondence from Michael Parnofiello regarding standing water in his backyard at 5461 Military Road. The sump pump runs a lot and the back yard looks like a small lake.

Reiter referred this to the Highway Superintendent. Reiter said he would be glad to go with him to see what could be done.

Also, Palmer asked that they view a drainage situation at Thornwood Estates, specifically at 4378 Autumn Lane.

Bax asked that they report back at the next meeting.

WPCC, Turbo Blower Upgrade: Bax referred to a request from Operator Jeff Ritter to advertise for sealed bids for procurement and delivery of a turbo blower to the WPCC.

Bax MOVED to authorize to go out to bid, Seconded by Marra and carried 4-0.

Set Wage for Seasonal Water Employee:

Reiter MOVED to set the hourly wage for Kyle Nable at \$12.00. Seconded by Marra and carried 4-0.

Cell Phone Stipend: Linda Johnson, Town Assessor submitted a request for a stipend of \$30.00 a month towards her cell phone bill for the usage she is using for town business. She will be asking for a quote under the Town's Government Contract thru Verizon for a more efficient plan.

Marra MOVED to approve the stipend for three-months. Seconded by Palmer and carried 4-0.

Public Hearing Amending Ch. 2, Dog Control:

Marra MOVED to schedule a Public Hearing for the purebred license law on June 13th beginning at 5:30 p.m. Seconded by Bax and carried 4-0.

Also, Marra said it has been mentioned by the Town Supervisor and Village Board to have a joint meeting. Marra suggested meeting prior to the RTBM.

Marra MOVED to set the joint meeting with Village Trustees for June 27th at 5:00 p.m. at Town Hall. Seconded by Bax and carried 4-0.

Fund Transfer:

Reiter MOVED to transfer \$114,751 from Drainage Fund Balance to the Highway Fund Balance. Seconded by Palmer and carried 4-0. Reiter said this is being done because they combined the two departments in 2010.

Reiter MOVED to transfer \$6,000 from the overage in SF-9089-0800 (Service Awards) to SF-1910-0400 to cover insurance cost. Seconded by Marra and carried 4-0. Reiter said the Service Awards were less for 2011 than budgeted.

CWM Report: Dep. Sup. Catlin gave a report on the Hudson River Waste Disposal transported to CWM.

Catlin spoke to the EPA, DEC, Councilman Bax, a county legislator and town officials in an attempt to gather as much information possible for this report.

Speaking with the EPA, he found out that the material that was transported to CWM was what he called a by-product from the clean up operation, where the sludge had been previously shipped from. According to EPA officials at the remediation site it was stated that it was left over maintenance waste. According to the manifest, it includes personal protective equipment, brooms, cleaning materials, sweepings, sludge and general clean up material from when they cleaned up the staging area. Catlin said he was informed by the EPA that in 2009 the sediment from the Hudson River clean up was sent to a site in Texas. He asked both the DEC and EPA if anything was shipped to CWM illegally and their answer was absolutely not. According to the agencies there was nothing inappropriate or illegally done.

1. The site is permitted to not only take the waste that they did, but they could take ALL the dredgings if they had rail service.
2. They are legally able to accept and dispose of such materials. Once again, they could take everything if they had rail access.
3. The ROD gives GE permission to send certain loads out by the truckload. Therefore, GE did nothing wrong.
4. Catlin said he looked thru Town Board and CAC minutes and never found anything that says that CWM promised not to take the waste. On the contrary, former DM Dick Sturges said that the company would probably bid on the job. All of this became a moot point when the EPA required that the actual dredging be transported by rail.

Councilman Bax asked to make some general comments:

I think what Gary (Catlin) is referring to, and I'm doing this without first hand information, the waste that came out of the Hudson River clean up had to be shipped via rail. That is the by-product of the lawsuit. As far as I am concerned, I would have been happier had none of it been received by CWM. Even though they are authorized to take PCB contamination, my concern is the sediment and dust that is there. We don't know the character of the two trucks. The strength or the concentration of PCBs per pound or ton, we don't know that. My concern is that it is of a highly different character than what else is in the landfill. I would rather that none of it be trucked given the fact that it is dust. My understanding is that we won't be seeing any more. The reality is that they are not going to be shipping the by-product by truck anymore.

Legal: At this time, Attorney Mark Davis asked that the Town Board call for a public hearing for the Creek Road Commons PUD Development.

Marra MOVED to set the public hearing for May 23, 2011 at 5:30 p.m., Seconded by Bax and carried 4-0.

Greenway Resolution: The Supervisor said the Grant Writer requires a resolution to submit a proposal to the Niagara River Greenway Commission.

Marra 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 Historic Jazz Festival Programming Grant funding request.

Seconded by Bax and carried 4-0.

Announcements:

Reiter reported that Chief Salada met with the N.C. Sheriff Voutour; members of the NYS Police and members of the State Parks Police to discuss coordinating efforts during the Artpark Concert series to enhance the safety and traffic control so they have a plan in place each week.

Reiter thanked the numerous volunteers for their efforts in the clean-up at Joe Davis Park.

Reiter said he received a letter from the State DOT concerning the bike path from the Village to Niagara University along the parkway. As a result of Congresswoman Slaughter's "coaxing", they have cut down from 18 to 20 months to 15 months that they will give us a permit to work there. "I'm not sure that is acceptable but she and I are supposed to have a discussion about that in the near future", Reiter said.

Lastly, Marra announced that on Saturday, May 14 at Noon the Lewiston Recreation Baseball Parade will begin at the Village Municipal Center and end at Academy Park.

Marra MOVED for adjournment, Seconded by Palmer and carried 4-0. Time 6:25 PM.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk