

March 25, 2013 Executive Session

5:30 P.M.

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra, E. Palmer and R. Winkley; Dep. Sup. G. Catlin; Atty. M. Dowd; Atty. M. Davis; Finance Director M. Johnson; Town Auditor Pat Brown

**Winkley MOVED for an Executive Session to discuss Contractual Issues. Seconded by Bax and carried 5-0.**

No Action taken.

March 25, 2013 Regular Town Board Meeting

6:00 P.M.

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra, E. Palmer and R. Winkley; Dep. Sup. G. Catlin; Eng. R. Smith; Atty. M. Dowd; Atty. M. Davis; WPCC Op. J. Ritter; Police Chief C. Salada, Building Insp. T. Masters; Finance Director M. Johnson; Highway Supt. D. Janese; 2 Press; 100+ Residents and Deputy Clerk C. Schroeder

The Supervisor opened the Regular Meeting at 6:05 p.m.

Councilman Bax led the Pledge of Allegiance followed by a moment of silent reflection.

Reiter opened the two minute statement period.

RESIDENTS STATEMENTS:

Reiter said there are a number of individuals who are here to speak on behalf of the proposed Civic Center. He asked those individuals who wish to speak on another topic address the Board first.

Emily Latko, 1680 Ridge Road, submitted a letter into the record. A number of years ago, the Highway Department cleared the brush and overgrowth from the ditches at the rear and east side of her property. Since then, the section has an overgrowth of brush that has caused a direct flow of water toward the house. I contacted the Highway Supt. last spring to assess the situation. This never materialized. This problem has caused damage to the basement wall causing repairs totaling over \$2,000 that could have been prevented. I am pleading now to have Supt. Janese correct this situation to prevent any further damage to my basement walls. Reiter said he would discuss this with the Highway Supt. after the meeting.

Debbie Hermanson, 5787 Buffalo Street, said she received her letter about the sewers and asked what her responsibility was as a homeowner. Reiter said he would get in touch with the Building Inspector and would get back to her.

Jack Armstrong, 335 Oak Street, said he is the former basketball coach at N.U. A big part of that business was not only retention but recruitment. I look at a center like this for our senior citizens, young people and everyone in between. It is a place that can enhance the quality of life for our community tremendously. Why would you want to live anywhere else? It will make this community that much better. If it's a young family that wants to move somewhere in Western NY and we have something like this in our community, it makes it a destination where folks would want to live. A center like this to be utilized for everybody is a wonderful idea and I fully support it.

Sandy Hays-Mies, 3877 Creek Road (T/Porter), wants to go on record supporting the Lewiston Civic Center that will provide a facility for students and the senior population. I congratulate those who are instrumental in bringing this forward. It will really enhance the quality of life for our families and our seniors. This community just about has it all and this will be the icing on the cake. It's wonderful and it will really enhance the quality of life for everybody.

William Westadt, 4185 Lower River Road, is in support of the Civic Center. I'm here to give you a dollar figure of the support from the Niagara Frontier Soccer League. Once you have a facility built, you're going to need nets, goals, etc. At our Board meeting, we authorized the expenditure of up to \$30,000 to buy that stuff for you and we are committing that you tonight. As well as that, we spend \$25,000 - \$30,000 a year at other facilities out of Town. We are going to direct those funds to you as well. We're here to give you our financial support.

Lyle Evans, 270 N. Third Street, as President of the Lewiston Youth Football Assoc. said it would like to give its support to the Lewiston Recreation Center. It would not only enhance youth programs but also senior programs, as people before me said. When you bring as many teams as you can into some of these tournaments and functions that they have including baseball camps, football camps, lacrosse camps, and soccer camps, you think about the amount of people that each one of these teams brings with them and the money it will bring into the Town of Lewiston, spending money at restaurants, retail stores, etc. It would be a great thing for the township.

David Felice represented Local 237 Niagara Falls Electricians. It's not just about the quality of life and the ability to do things it's the employment for Lewiston and Youngstown residents. I am here to support this project on behalf of the electrical union and my brothers and sisters that do reside in the Lewiston and Youngstown area.

Roman Figura, 1785 Fix Road, President of the Grand Island Soccer Club: We have 1,300 kids in our program. I would like to echo our support. We typically spend \$8,000 - \$10,000 in outside training facilities for our travel teams. We would certainly be looking for something closer to home. We would definitely support your facility. I was also a member of the steering committee on the Grand Island Rec. Center that was voted down by 38 votes. Ever since that was voted down, residents have been continually trying to re-introduce that for a vote. We haven't had a chance to do that and they are regretting it ever since.

Harold Hibbard, 581 Park Lane said this is an awesome idea. Living in Lewiston for 54 years the winters get pretty long here. It's good for our kids. It's good for our seniors and it's good for the community. It is money well spent.

Daryl Bodewes, Town of Wheatfield, representing the Niagara County Building Trades said these multi-purpose buildings benefit the Town. It benefits the residents. I wish the Town of Wheatfield would build one of these things. It will bring jobs for local residents. Like the gentlemen said before me, too many times projects like this are not built because of politics and then years later, they are wishing they had gone ahead and done that. This project will bring many people in, not only from Lewiston but all across the area. They will spend money here. It's a win - win. Please build this project now because the area really needs a project like this.

The next speaker was a 10 year old in the Fifth Grade: I'm part of the Niagara Falls travel team. There are many reasons to have the recreation center here. Modify, JV and varsity can play there. It would be open when the school is not. I have seven years to be able to play there and I plan on playing modify, JV and varsity soccer when I'm old enough. I can go there when I want to and improve my skills. If it's too cold to play outside with friends, we can go inside and play. It will give me something to do after school. If you're bored after homework you can take a 5 minute drive instead of a 40 minute drive to play. Those are many reasons to get this recreation center built.

Tom Deal, 4645 Perry Court: At the last meeting I'm went on and on about how I support the project. We started an on-line petition on Facebook. We have 216 signatures in support of the Recreation Center. I would like to submit that for the record. Again, I would like to re-iterate my support.

Joe Mihalich, Niagara University Basketball Coach: I walked in as Jack Armstrong was talking and he said everything that needs to be said, as did some of the other people. I wonder why you wouldn't do this. It's a terrific idea and would be outstanding for the

whole community and the Niagara University community, as well. I could see our team wanting to utilize it. I wish you luck with it and I hope you do it.

Aaron Lilly, 4256 Williams Road: I'm the Varsity Club President at Lewiston-Porter. I've played soccer, basketball and lacrosse both at the varsity and JV levels. I'm here to speak on behalf of the many athletes at Lewiston-Porter and would like to show our support for this Recreation and Senior Center. It's a great addition to an already wonderful community. It takes great pride in its athletics. Sports teach character, discipline and teamwork. These are all traits that are essential as adults. This Recreation Center will allow one to grow further, not only as athletes but individuals. Representing the athletes at Lewiston-Porter, we strongly support it.

Mike Skrowonski, 414 Burt Circle, wanted to speak on the Recreation Center and how it would be great for lacrosse. Currently in the winter we go to the Keenan Center in Lockport. It is a 40 minute drive. Also, in the past few weeks it's been extremely cold playing lacrosse outdoors. No one enjoys getting hit when it's cold out. If we could go inside we might be able to enjoy it more.

Noah Guisiana said he is a student at Lewiston-Porter and is Captain of the lacrosse team. I've been a member of the lacrosse team for 4 years. At the start of every season it's freezing outside. It's something tough as a team to deal with. Also, I used to be a member of the soccer team and we used to have to go out to the Sportsplex which was a 30-minute drive to play. This is just a huge opportunity that we can take advantage of.

Justin LaDuca, 400 Oneida Street, said he is a senior at Lew-Port and plays lacrosse. It would be great to get this Recreation Center built because like the previous speakers have said it is very cold outside to practice in the off season. It would be great to get other youths involved in sports programs at Lewiston-Porter.

Jason Lesh, 215 Havenwood, Grand Island: Some of the players up here talked about how cold it is outside to play lacrosse. The reason we are practicing outside is that we don't have the facilities at the school to play indoors. This would be a great facility for them to use. I also teach 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> grade Phys. Ed. I'm in the business of selling health and wellness to young children. Giving them another resource to use would be great for this whole community. This is a great idea and I am fully on-board even tho I don't live here. I'm going to bring other soccer teams from Grand Island down here. You're bringing in more communities and more revenue.

Dan Elms, teacher/coach at Lew-Port High School. I'm speaking on behalf of the team and Section 6 lacrosse in general. A few teams keep going over to the Keenan Center. It's a drive for the boys to get there. That facility is nothing like this facility would bring to the community. You would have more teams coming in locally. You would have a lot of teams coming in and bringing more money into the community. You could host tournaments during the winter and bring teams in from Rochester and further just by having a facility like this in the area. It would benefit everyone as a whole.

Terry Jones, 595 Seneca Street: I'm here to represent the seniors. The seniors are in support of the Recreation Center (applause) but, they are not in-favor of blending the Senior Center with the proposed Civic Center. Mr. Reiter was very surprised that 95% of the seniors raised their hands that they have no interest to moving. They support the Recreation Center but we want to stay where we are. Would you please give us some attention to the previous proposal that was submitted to the Town to repair the leak in the roof which is getting worse and to give us an addition to the facility -- a couple of rooms and make the kitchen bigger? Do the upkeep that you are supposed to do.

Mrs. Jones submitted a petition to the Clerk signed by 105 seniors that they are not in favor of moving to Lew-Port.

Paulette Glasgow, 836 The Circle: As I said at the last meeting, the seniors need their facility fixed. No one would dispute that. No one would dispute that our kids need something like this. If you scaled it down some, I would be in favor of it. I am in favor

of creating jobs because we are a union family -- my husband, my step-father and myself. We believe in jobs. It would help economically.

Thank you (Niagara Frontier Soccer League) for supporting the center by privately donating that money. That's the way it should be done. It should be done privately. I would hope that all these other leagues that come in here from Grand Island or wherever that they donate money.

One of the things I asked for in February was these meetings. The other thing I asked for was a referendum. A referendum would give you input. I don't understand why you're so reluctant to make a motion to have a referendum.

Reiter: No one said we were reluctant. It's up to the people to do petitions.

Glasgow: So, in other words, what you're saying Mr. Reiter is that a referendum is still on the table. That one of you will make a motion to have a referendum in November. We're talking 8, 9, 10 millions dollars. You need to have input here. The people need to speak.

Earl Honadle, 4584 Townline Road: I'm here tonight to help the seniors out. I believe the facility is great for the baby boomers and young kids. Senior citizens don't really need it and they don't want it. Where they are now is the cleanest place. It has more clean air than any place in the Town of Lewiston. It is filtered when it comes across the river and there is less traffic from Lewiston to Youngstown compared to Creek Road. Keep the senior citizens where the clean air is – River Road.

Reiter: We have listened to the seniors. We have decided that that would not be the way to go based on the comments and public input we have had from the seniors. We will still build out to that degree but we won't make it a Senior Center, per se but it would still be available for seniors to use. Once the seniors see the uses of the center they might be more inclined to go there more often. We will maintain the current building with the appropriate repairs and we are planning on maintaining the current set up the way it is now. They will have the opportunity to use the building just like all the young kids that are here tonight.

Jack Tewsley, 402 Lynnbrook Drive, Youngstown: I am a senior at Lewiston-Porter. I play three varsity sports – soccer, basketball and lacrosse. As far as I'm concerned, Lew-Port has never won a state championship. I personally believe bringing a state championship to a home town will bring a positive atmosphere to the whole place. This athletic center will only help us get better. Lew-Port will become a reputable school more than it already is. Our town will have a better reputation...

John Bondi, 769 Upper Mountain Road, said he is currently a junior at Lew-Port: I've been playing football and wrestling since the 7<sup>th</sup> grade. I picked up lacrosse last year. Because we live in Western NY, it is very cold in the winter. I have grandparents that cannot attend my games because of the snow and cold weather. If this facility was created they would be able to come to all our events. It is so cold during lacrosse season I wear gloves under my gloves... I think it would be a great addition to Lewiston. It will cost a lot of money but the money you will make in the end will be much more worth it and all the support from all the other schools around Western NY.

Reiter: We have a large contingent from Lew-Port here but we have another school in our community – Niagara-Wheatfield. Our first approach to Niagara-Wheatfield was limited and unsuccessful. We will reach out to them one more time. A lot of times when we talk about projects like this, a lot of people think it is pie in the sky. Now that they see there is momentum and things of that nature, I think that Wheatfield might come along and support the project. We will make a similar arrangement with them such as we're doing with Lewiston-Porter. I know one of the concerns of the public is the location. Based on the RFP (Requests for Proposals) we sent out, Lew-Port was one of the few places that answered the RFP. It was published accordingly. It seems to be our favorable choice because we are not taking more property off the tax rolls. I just want to throw those facts out there. Secondly, I appreciate everybody speaking up for it.

Ron LaDuca, 300 Oneida St. said he received a request for its first corporate sponsor, John Dziewit, CEO, Venture Forthe Co., Niagara Falls. We don't have structure for the sponsorship or donation yet. I did put him down for \$100,000. I am negotiating that with him now. He is committed to the project.

Reiter: The scenarios we are putting forth as far as using greenway funds – those are worst case scenarios without donations... We have a lot of trade unions here and we appreciate their support. You can bet your bottom dollar and I've talked to the Board and we want to use local construction and union labor. We appreciate you coming out supporting us. We want to make this a community project. I think we're heading in the right direction.

To answer the question on a referendum, there is a petition process. We will explain how it works in order to do that. The Town Board and I sat down in executive session with our finance officer, town attorneys and our auditor. Our numbers look really good. The committee that has been working on this project deserves a lot of credit. They did a nice proforma using 40% occupancy. We're having those numbers checked by professionals also. It is a big endeavor and a big gamble. We don't want to mortgage Lewiston. We will not do that.

Reiter closed the public comment period and asked for approval of the agenda,

AGENDA:

Additions:

Marra: Signage Law

Reiter: Water Bill Discount, Joe Davis SEQR Process

**Palmer MOVED the agenda, as modified. Seconded by Marra and carried 5-0.**

MINUTES:

**Marra MOVED to approve the minutes of 02/25/2013 (RTBM) and 03/11/2013 (TB Worksession). Seconded by Bax and carried 5-0.**

POST-AUDIT:

**Bax MOVED for approval of post-audit payments to Home Depot - \$2,934.71; Sam's Club - \$499.53; Key Bank - \$2,893.92; LEAF - \$455.80; DeLage Landen - \$121.91 and John Dusenbury - \$2,014.00. Seconded by Winkley and carried 5-0.**

OLD/PENDING BUSINESS:

Acquisition of Legacy Drive: Atty. Dowd said they have sent an offer to the owners of record of Legacy Drive related to the acquisition of the parcel of land pursuant to Article Two of the Eminent Domain Procedure law. The Town had the parcel in question appraised by GAR Associations. An offer was sent out to the owners. They have a time period of 30-days to accept the offer, challenge the value or do nothing. We will let that period of time elapse until April. If they choose to do nothing, then it would be incumbent on the Board to decide if they want to go forward with an appearance in Supreme Court and getting a deed signed by condemnation.

The Building Inspector said the developer has a request before the Town Board to waive past-due building permit fees for the existing buildings on Legacy Drive. Reiter said they have not worked on the buildings in the last few years. We'll just charge him for this year.

Dowd said in addition to that the applicant, as part of the road dedication, will be asked to pay additional fees for the dedication process.

**Palmer MOVED to charge a one-time renewal fee for six months on each of the buildings and review thereafter. Seconded by Marra and carried 5-0.**

CLERK'S CORRESPONDENCE: None

*Supervisor Reiter:*

Legal:

- a) Resolution re Sale of Surplus Property: Dowd said before the Town proceeds with the negotiation for the sale of property to the Niagara Fall Country Club, letters were sent to property owners on Meadowbrook Drive seeking their input to purchasing the area which directly abuts their property. We are waiting for responses to those.

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

- b) Sanborn Sanitary Sewer Ext: Dowd said they have not heard from the County Health Dept. as to whether or not they will allow residents to wait one-year to connect to the sanitary sewer.

**Bax MOVED to table until they get a response from the County. Seconded by Marra and carried 5-0.**

Engineer:

- a) Dickersonville Road PVR Improvements: Eng. Smith said bids were opened on 3/21/12 for the PRV Improvements. He recommended awarding the contract to Yarussi Construction, the apparent low bidder in the amount of \$109,200. Smith said they have worked with Yarussi with the previous three PRV projects and the work has been exceptional.

Bids were also received from Mark Cerrone, Inc. (\$112,255); NFP & Sons, Inc. (\$114,170) and Fairway Contracting (\$124,890.20).

**Winkley MOVED to accept the bid from Yarussi Construction in the amount of \$109,200. Seconded by Marra and carried 5-0.**

- b) Accept Proposal for Creek Road Waterline Improvements: Reiter asked to allow the Board to review these before proceeding.

Highway/Drainage:

Deputy Sup. Gary Catlin, as liaison to the Highway Dept said he spoke with a mechanical contractor regarding repairs to the Muckland Pumps. He would follow-thru with this with the Highway Supt.

Annual Fund Report: The Finance Officer said the Annual Fund Report is a report complying with the State Comptroller's Office. It represents all monies collected by various Town Departments that collect and disburse monies.

**Palmer MOVED to accept the Annual Fund Report for 2012 for filing in the Clerk's office. Seconded by Bax and carried 5-0.**

Municipal Clerks Week: The Supervisor announced that the week of May 11<sup>th</sup> to May 15<sup>th</sup> has been dedicated "Municipal Clerks Week" in the United States, recognizing the dedicated municipal clerks who serve the public in many capacities.

Environmental Commission: Reiter referred to correspondence from the Commission requesting the Board open communication with Modern Landfill with regard to participating in the 64-gallon bi-weekly recycling program. Councilman Bax said he has spoken to Gary Smith about that in the past. He will follow up on that.

SEQR Process at Joseph Davis Park: Bob Lannon of CRA Engineers said Lead Agency Coordination letters were sent out on Feb. 15. The 30-day comment period closed March 15. The NYSDEC is in support of the Town of Lewiston being Lead Agent as well as submitting comments which were fully expected. Another response came from the Niagara River Angler's Assoc. which suggested some comments that will need to be embraced during the Scoping Session. At this time, in order to keep the process going forward, Lannon asked for consideration of three resolutions to keep the process on schedule: The first accepting the Town of Lewiston as Lead Agency. Secondly to issue a Positive Declaration for the project and thirdly, to schedule a Public Information/Draft Scoping Meeting on April 8.

**Palmer MOVED that the Town of Lewiston declare itself Lead Agency for the SEQR Process. Seconded by Bax and carried 5-0.**

**Palmer MOVED that the Town of Lewiston declare a positive Declaration. Seconded by Bax and carried 5-0.**

Reiter said the proposed action is considered Type 1 in accordance with Part 617 of the Rules and Regulations implementing SEQR. The proposed action is not consistent with the 2004 Joseph Davis Park Master Plan and may result in one or more impacts and may have a significant affect in the environment based on information contained in the Master Plan.

**Palmer MOVED to schedule a Public Information/Draft Scoping meeting on April 8 at 5:30 p.m. at Town Hall. Seconded by Marra and carried 5-0.**

As part of this whole process, he asked that the Draft Scoping Document be made available at Town Hall, Town's Website, Lewiston Library and Senior Center.

Lastly, Reiter said he has a copy of a water bill which he showed to everyone. The water bill will now show an energy credit. It will reduce the bill by \$20.00. The reduction is due to the energy credit received from NYPA replacing the National Grid discount.

*Councilman Bax:*

WPCC: Bax said he and Jeff Ritter met last week regarding the improvements to the WWTP. The Electrical upgrades are proceeding very well. Ritter said the electrical distribution upgrades should be completed by mid summer.

*Councilman Marra:*

Signs: Marra to schedule a Public Hearing on April 22 at 5:45 p.m. to discuss a local law for not-for-profit agencies to advertise for their charity events.

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

*Councilman Palmer:*

Palmer said he was very encouraged to see the room full of people to speak on the Civic Center. I want to thank everyone in the community for coming out and providing such positive support for this project. It's never easy when you engage in a project to engage public support. So far, it appears that this community wants this project. It makes it all worthwhile.

*Councilman Winkley:*

In regards to a public referendum, if the community wants a public referendum they can have one. As far as I'm concerned, we're elected to make decisions. Sometimes they are not easy decisions. If they want a referendum, there is a process they can do to do it and we will honor that process.

**Marra MOVED for adjournment. Seconded by Bax and carried 5-0.** Time: 7:05 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk