

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Deputy Sup. G. Catlin; Town Attorneys M. Davis & M. Dowd; Bldg. Insp. T. Masters; Highway Supt. D. Janese; Eng. R. Smith; Adm./Op. J. Ritter; Finance Officer M. Johnson; Police Sgt. F. Previte & Town Clerk C. Brandon.

Also Present: 18 residents and 3 press reps.

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

RESIDENTS:

Rose Mary Warren of 5842 Griffin Street. I don't think there should be a July referendum vote on the Civic Center bonding. If passed it will allow the Town to bond that they expect to repay with Greenway funds. This will use \$430,000 each year for 30 years. I told the Greenway Commission this means a young person cannot get a good proposal to them for 30 years. That young person maybe sitting in a Lew-Port or Niagara Wheatfield classroom right now. The Board also wants Greenway money for Joseph Davis State Park to be reallocated to the Civic Center. That shows the Town has lost interest in expanding outdoor activities along the Niagara River for residents of all ages to enjoy and this really maybe the only access to the river some people will have, you chose the name Civic Center instead of community center which shows its true function. Uses listed are concerts, conventions, car & trade shows and on page 5 of the proposal states "it will bring tens of thousands of visitors annually to the area." So it will not be free events and open usage to residents. It will be an indoor money making machine that is not the Greenway mission. I wrote to Chairman Legislator Wm. Ross, that can the roads and sewer system handle all these extra people? It also states that it will be in a central location of the Town where none exists. This is not true. It will be nearer to the Town of Porter than the people who live above the Escarpment. Lastly, you are wasting taxpayers money by having a special vote and in the November general election there would be better parking if held in Sanborn & Colonial Village fire halls and not just here. The Town Clerk budgets money for only one vote a year. Thank you.

Margaret Conway of 845 Oxbow Lane. I am a resident of the Town of Lewiston and am concerned about the future of the support for the proposed community center for residents of the Town. I am not in opposition to the establishment of a community building for many of the area citizens. However, I do have issues with the utilization of Greenway funds for payment and operation of such a large undertaking.

You passed a referendum at the work session on the 13th of May wherein you set a date of July 15, 2013 for the Town Hall in Lewiston for Lewiston residents to vote on same. Why isn't it possible to have this on the regular election ballot in November and allow all residents of the Town to get to the regular polling sites and express their opinions? What is the rush for a vote of support? Residents would have access to all sites and would not be limited by the site for voting. If this is not possible can 3 other sites be set up in the Village, Sanborn and Ransomville?

I am also concerned about the location of this facility. Didn't the taxpayers already pay for the land at Lewiston-Porter School? Why do they need to pay for it again? In addition, the proposed site is less than 2 miles to the Town of Porter and the Town of Lewiston is 62 square miles. The center of the Town is located at the present Town Hall on Route 104. That is why the Town Hall is there. This site is more accessible to the Town of Porter residents than Lewiston. In addition, the Atomic Waste Tower is around the corner, Chemical Waste Systems is nearby and this is on the site of the old TNT program. Why not look for a site near the center of Town on or near Route 104?

Last, but not least, is the cost of such a project...in the original application, under budget, you stated construction estimates to be \$9,200,000. With the Town draw of \$430,000 per year over a 30 year period and repay the bonding this comes to \$12,900,000. this leaves \$3,700,000. There is no cost for administration of operation. You state that the upkeep and maintenance will be provided by the Town and "the Town will consistently budget funding to assist in maintaining the integrity of the project area." The referendum for July 15th is for 8.5 million for bonding. There is a

difference of over 4 million dollars here. I believe we need to “do the math!” We need to research all the details before making a long term commitment which may harm the growth of the community. Please reconsider the vote until November when all these questions will have answers. Thank you.

Paulette Glasgow of 836 The Circle. Article 8, Section 2 of the NYS Constitution prohibits the Town Board from imposing indebtedness via property taxes on any resident living in another municipal subdivision. Article 9, Section 3 grants to an incorporated Village the sole responsibility to levy a property tax on Village residents. NYS Village Law gives to the Trustees of an incorporated Village the sole authority to submit to the Village voters. Any proposition to raise or levy taxes on real property within an incorporated Village. Section 4 of this recently passed resolution that you did two weeks ago states “there shall annually be levied on all taxable real property in said Town, a tax significant to pay the principal of and the interest of such bonds.” Section 7 of that resolution states “the validity of such bonds or bond anticipation notes maybe contested only if such obligations are authorized in violations of provisions of the NYS Constitution. Since nowhere within this approved resolution does it designate a specific location to be taxed nor does it denote that only real property outside of the Village would be taxed. One can only conclude that the bond resolution that you passed is in violation of the provisions of the constitution and thus unconstitutional. Also, legally required information has been omitted from the bond resolution. For example, submitted from this resolution is the maximum cost of each item designated within the estimated cost of the total bond. Omitted is the maximum cost for the land acquisition. The maximum cost for site development. The maximum cost for furnishings, equipment, machinery, apparatus, legal costs etc. There is reference for incidental improvements. What are incidental improvements and how much is the maximum cost. Under Local Finance Law 4110, all of these costs must be included in the bond. Those who wish to see the law; I have it here before you pass the Bond Resolution. With the unconstitutional levying of taxes levied on a separate political subdivision and the omission of required information with a bond resolution one can only conclude that the present resolution should be repealed according to Article 7, Section 9 of Town Law and be rewritten to reflect these changes and while you are rewriting it, I would very strongly suggest that you include two additional voting places, one in Sanborn and one in Colonial Village. It seems through this whole process, the orphan children that have been omitted are the people from Sanborn and the people from Colonial Village. Only mentioned is the Town of Porter which is not in the Town of Lewiston. I would hope that this would be rewritten and that we go forward and we add two additional slots in Sanborn and Colonial Village. Thank you.

AGENDA APPROVAL

Bax: I will be taking care of Post Audits for Mr. Winkley.

Marra: I would like to add the issue of the Sign Law, parks issue and Village sanitary storm sewers.

Reiter: I have a resolution concerning possible upcoming legislation and it will be coming from all of the Host Communities (Greenway Funds); a resolution from the Town Clerk re: E-Pass and permission from the Wing & Rotor Aeronautics Club to use Joseph Davis Park for the summer months.

Motion made by Councilman Bax, Seconded by Marra to approve the amended agenda. Carried 5-0.

MINUTES APPROVAL

Bax MOVED, Marra Seconded for approval of the following Minutes: 4/8/13 Scoping Session-Joseph Davis W.S. 5-0; 4/22/13 Public Hearing-Sign Law 4-0-1 (Reiter-Absent); 4/22/13 RTBM 5-0; 5/13/13 Town Board Worksession 3-0-2 (Palmer & Winkley-Absent).

POST AUDIT PAYMENT:

Bax MOVED for Post Audit Payments for the following: Home Depot \$403.44; Sam’s Club \$472.94; Key Bank \$4,508.59; Leaf \$455.80; DeLage Landen \$116.10 & Ally Financial \$9,530.10. Seconded by Marra and carried 5-0.

OLD BUSINESS

1. Radio Tower Application-Brookside Drive:

Dowd: There has been no action on this by the Tower Cmte. There is an application pending and we need to act on it.

Bax asked if any new applications have been received for this committee. (No)

Masters said that it was for a "ham" tower. We need someone to review it. We have only taken the application in and sent it to the Tower Cmte.

Reiter: Mr. Masters and I will review it and report back at the June 10th meeting. The active members can act on this.

2. Legacy Drive:

Dowd: This is a litigation matter.

3. Roof/Air Conditioning Bid Spec – Senior Center:

Smith: I will have estimates for you at the next Board Meeting. I will draft a letter regarding this for them.

4. Sale of Land – Meadowbrook Drive/Country Club:

Dowd: This is back in the hand of the attorney for the Country Club regarding title issues. There are 2 or 3 neighbors who may have a title into what the Town owned.

CORRESPONDENCE

#1 & #2 are both drainage issues. One is for 5082 Bridgeman Road & 875 Hillside Drive. Do you wish to refer this to Mr. Janese?

Janese: We are getting so many of these requests for drainage on private property and I have told the Comptroller's Office that we would not do these things unless it was a benefit to the entire town. I thought I should maybe you can at take a look this form and have the people submit it and make a good decision whether or not they have a general benefit to the Town.

Reiter asked that a comment be put on the form.

Janese said it is hard for him to judge and then you members have to decide whether or not it has general benefit. I thought we should discuss it as a group publically whenever it doesn't matter. Maybe you can call the homeowners.

Palmer: We need a collectively a recommendation.

Janese: My recommendation is that we follow the comptrollers. Maybe the Town Atty. can help us with this.

Items #3, 4, & 5 are letters from homeowners asking for water & sewer relief for billing for their swimming pools.

Reiter: In the past, if they show that damage to their pools by providing a pool bill the sewer charge would be waived.

Reiter MOVED that relief be given on the sewer charges providing they provide the proper documented damage and repair bills. Seconded by Palmer and carried 5-0.

Reiter asked that Mr. Lannon give an update on the Joseph Davis Park Scoping.

R. Lannon: You have in front of you what we believe is a final scoping document for the Joseph Davis Park project. It does say draft on it and remains a draft until the Town Board as lead agent accepts it as final. Unless, there are any changes, we are ready to go if you are. This document reflects comments made from the scoping meeting that we had in April as well as comments we have received from interested and involved agencies such as DEC etc. as well as significant comments here from the NYS OPR. We believe certainly it is the final document, so I ask that you look at it, review

it and then it be the next board meeting or whenever it is the Board's pleasure to review it and finalize it and determine that it is a final document. Once that happens, we are then able to send this back out all interested agencies, parties etc who have made comments. From here we will be developing the framework. The next step will be for the Town Board to accept that document or any modifications that you feel is necessary. We received final comments from State Parks and they are included in this document. It is your document.

Bax asked if the maps had changed.

R. Lannon: No, they were taken from the maps that we presented. The comment regarding the campgrounds will not be commented on in this document but that concept is addressed here. The next document will be substantial and it will address that comment. This is like an expanded table of contents. This is the framework that we will develop the impact statement from. If the Town Board in its' decision to approve this, then we will develop a document and it becomes a DEIS. That gets approved by the Board and then there will another public information meeting once the entire document is available for review.

LEGAL: Sign Law:

Dowd: If the Board is ready to adopt it tonight, then we will file it with the Secretary of State.

Marra: It was the initial aim of the Board to permit not-for-profits to raise money and advertise their events. I will read it: **Signs advertising fund raisers and community events or other activities involving public participation occurring within the Town do not require a permit. Promotional signs may not exceed eight (8) square feet on any side and are limited to a total square footage of sixteen (16) feet. These signs may be temporarily displayed for no more than 30-days prior to the event and shall be removed no later than 7-days following the event. Signs may not be placed in the highway right-of-way. No sign shall be placed which will obstruct the view of automobile or pedestrian traffic."**

Marra MOVED for the adoption of the Local Law #2 – 2013 promotion sign law. Seconded by Winkley.

Reiter: I would ask that Mr. Marra and Mr. Winkley work with the Sanborn Historical Society etc. and some kind of sign that would be a community orientated sign located on the corner of Buffalo Street/Route 31. I don't want us to make that decision. I would like input from them.

Carried 5-0.

ENGINEERING: Nothing.

FINANCE: Accept Financial Report:

Johnson: Continuing on to find energy savings plans for the Town, we did an audit in this building and changed the lighting to LED, so National Grid extended their program. They just did Senior Center & the Highway Garage. They pay 70% of the actual cost of doing the lighting like we did here and I need approval for the Senior Center which will cost the Town \$2,037.45 and it will be an 11 month saving on our bill. In 11 months we will get our money back. The Highway Garage is a lump sum payment of \$2755.54. I need approval. These are the outside LED lights. Town Hall is next.

Janese asked if this will be paid out of H-97 account.

Johnson replied yes. We are actually going to pay for it out the energy monies that the Supervisor put together.

Janese: In the last 6 months I have installed 4 energy efficient fixtures that are outside.

Johnson: He can met with you and if there is a problem we will pull that back. We are working on the Town Hall bills at this time.

Winkley MOVED to accept the National Grid program as noted. Seconded by Bax and carried 5-0.

Audit Report from Brown & Company:

Marra MOVED to accept the 2012 Audit Report as prepared by Brown & Company. Seconded by Palmer and carried 5-0.

HIGHWAY: Summer Help.

Janese: You have a letter in your packet. At the last executive session for summer help, Mr. Johnsons said we no longer have this program and it is up to the Board. Whatever your decision is your pleasure.

Johnson: I said there was no such thing as a summer program. It was summer help when you put together your budget.

Janese stated whatever the Board decides he is fine.

Bax MOVED to approve the summer help program if it is in the Highway budget.*

Johnson: It is not in the budget.

Reiter: We are taking fund balance. We did discuss this at the last meeting and we agreed to do that.

Johnson: Let me caution you on that. His un-appropriated fund balance is \$173,000, so I don't know where you want to get it transferred. He has extra monies in some of his lines that he can utilize for that. Mr. Janese has said he talked with the Comptroller's Office and they said you can't do that. Mr. Brown said that as long as the Board approves to adjust his budget, you can adjust it at any given time. I don't think you need to use his money from fund balance. I think you could just move some stuff around.

Janese: Mr. Johnson wants me to take the money from the equipment line which I have been told is improper. If the Town Board wants to do that, okay...sign off on it, I am fine with it. This is up to the Board. There is a request there and I will administer the program but I do not fund it. It is something that we have been doing for years. If we can afford it I would like to do it but if we can't I understand. I am looking for 6 people...some maybe part time but the amount would not be exceeding, no matter what. I am ready to start them now.

Bax said we can make it subject to Mr. Janese, Mr. Johnson and the Attorneys.*

Marra MOVED to approve the summer help program subject to review by Johnson, Dowd & Janese. Seconded by Palmer & carried 5-0.

284 Agreement:

Janese: You have the numbers. We will do Swan Road, the entire length, Bridgeman Road to be rebuilt. We are doing to do the milling and I would like 2 people to look at it and when we put the money in we will schedule the paver through the County etc. and we will get started. The numbers have not changed. Discussion on 2 trucks with a cost totaling \$439,200.

Palmer MOVED for approval for 2 trucks in the amount of \$439,200. Seconded by Marra and carried 5-0.

Winkley stated we should be replacing equipment when needed.

DRAINAGE:

Janese: With respect to 12 Mile Creek, we did the upper half of the creek this year with the Corp of Engineers and we are almost finished. Final inspection should be this month.

Riverwalk S.D. - Something must be done there. I know it is a complex problem. I understand that this is actually Town property with outflow of fresh water that is stagnant. If you go there today it is unpleasant and it smells of odors in backyards. Water does not run uphill. Look at the maps, all around that entire edge it is a bowl essence. At the lowest place you have is 14 inches above the level of water. To get the water out of that yard you will have to pump it or fill it. Those are the only 2 alternatives. You have water that has been sitting there for 6 months and it is warm. The easiest way would be to install a pump.

Reiter asked who caused it. The developer?

Janese: I don't know, I was not here.

Reiter: If the water has been trapped there by the developer, wouldn't it be the developer's responsibility. Usually I didn't have an opportunity to comment on PIP permits. There were usually approved by whoever the engineering firm was.

Masters said he was not here until Phase 3A. If Mr. Lannon had stayed he could have answered the questions as he was the engineer.

Janese: For me the blame is secondary. We have a problem. Why don't we try to address it and fix it.

Reiter: I am concerned about the responsibility. Usually when a subdivision is approved it is made in such a manner that the water doesn't become trapped and if this is the case then maybe there is some design flaw etc. In past drainage issues, a lot of times especially if the Town was involved, it was often a shared expense between the developer and the Town especially if the Town was involved. I think if we ascertain that the water is trapped there because of the way fill was brought in and set in there.

Palmer: Is there any way we can install some sort of pumps for situation now?

Reiter: You can put a pump in but where do you put it too? Would it be wise if it is Town property and it can't go uphill, can we bring it back towards the sewer plant?

Janese: The ground is high all around there. John Sharpe's maps are right on. My opinion is if you have to litigate these things and these people have suffered through these things for 6 years, here is what I would do. Let's find some remedy and then talk to your attorneys etc., the developer is partially at fault but if it's viable then bring them into court. The Town can recover what ever portion of the money but in the meantime why wait to go to court. Why don't we try to provide some relief to these people soon. I would say we are in a situation where we should install a pump. I don't see any other way to do it to lift the water out of there. Once we get high enough, we could then send it over to the sewer plant.

Masters: After that project went it, it was discovered that there was a design flaw. It was identified by the previous board who said there is a design flaw. We will not issue any permits for further development there until it is corrected. They essentially put a dam in between the traditional northwest flow of that water which is trapping the water in the back of the treatment plant. It has been identified as a problem. We spent a lot of money between CRA and Nussbaumer & Clarke to engineer fixes i.e. water line to the Joe Davis Park. We have all these fixes and in my opinion it is 100% the developer's responsibility to fix what he created.

Palmer asked how we solve the problem.

Janese: What is it going to take to get the developer into court and how long have we been aware of the fact that someone impounded water there (I think it has been 6 years). So why don't we provide some remedy.

Bax: Why don't you come up with a cost?

Janese: I will get you a number and a remedy. But in the meantime I would like to be able to tell these people that the Board is cognizant and working on it and that their intension is to solve it.

Bax asked that Mr. Janese bring the info to him and he will disburse it.

E-Z Pass Resolution:

Brandon: The Board did approve last month that the Town Clerks Office could participate in a program to sell E-Z passes. We are in need of a Town Resolution approving this. We will charge \$25.00 of which \$4.00 will stay in the Town...

Bax MOVED for approval for the Town Clerk's Office permission to sell and participate in an E-Z pass program with the State. Seconded by Palmer and carried 5-0.

Wing & Rotor Aeronautics Club:

Reiter: They are requesting use of the Joseph Davis State Park for the summer months. The Club understand that the club's activities to be confined to the fenced, old pool area during daytime hours. The Town will have proprietary use of this area.

Bax MOVED for approval, seconded by Marra and carried 5-0.

Greenway Situation:

Reiter: Unfortunately, there is a move in the Assembly and the Senate to change and be more confining on our Greenway money. In discussion with the 7 entities that are the Niagara Coalition and the Host Community Group, they are concerned. It basically would eliminate the Lew-Port & Niagara-Wheatfield and the N.F. Bd. of Education would have difficult because of the new parameters. They would lose their use of Greenway funds under this. All seven communities and municipalities in the Host Community group are going to pass this resolution to stop and delay this legislation which would interfere with our use of funds. For example, the Farm Museum, the Streetscape in Sanborn, the Tuscarora Monument and all of those projects would come to a stop as a result of the Greenway monies. I will read the Resolution.

WHEREAS, for half a century, from the time of its construction until its relicensing by the Federal Energy Regulatory Commission ("FERC") in 2007, the New York Power Authority's ("NYPA") Niagara Project imposed an uncompensated burden on the citizens and taxpayers of the Town of Lewiston, depriving them of real property tax base while, at the same time, requiring them to bear the cost of municipal services provided for the benefit of the Niagara Project and NYPA;

WHEREAS, the Town of Lewiston joined with other Niagara County municipalities and school districts ("Host Communities") affected by the Niagara Project to form the Niagara Power Coalition, Inc. ("NPC") to assert their rights and interests in the FERC relicensing process, including compensation for the burdens imposed by the Niagara Project;

WHEREAS, the Town of Lewiston and the other members of the NPC entered into the Host Community Relicensing Settlement Agreement addressing Non-License Terms and Conditions with NYPA as of June 27, 2005 ("Relicensing Settlement Agreement"), which Relicensing Settlement Agreement provided for allocations of electric power and funding to be allocated among the Host Communities;

WHEREAS, under the Relicensing Settlement Agreement, the Host Communities receive \$3 million per year from NYPA ("Host Community Fund") "to support the construction and/or rehabilitation of parks, recreation and related facilities, for the purpose of redefining the Niagara riverfront, promoting tourism, enhancing the

environment, and advancing the economic revitalization of the Niagara River Greenway within Niagara County”;

WHEREAS, the Host Community Fund is administered by the Host Communities Standing Committee, which allocates the funding in accordance with principles that include consistency with the Niagara River Greenway Plan and Final Environmental Impact Statement issued April 4, 2007 (“Greenway Plan”);

WHEREAS, under the Restructuring Settlement Agreement, 17 percent of the Host Community Fund is allocated to the Town of Lewiston;

WHEREAS, under the Greenway Plan, the boundary of the Niagara River Greenway includes the entire Town of Lewiston, which inclusion recognizes the importance placed by the Greenway Plan on “upland and interior communities” and is consistent with other established corridors in New York State, including the Erie Canal way National Heritage Corridor and the Hudson River Valley Greenway, both of which define their boundaries by including entire municipalities adjoining, or in the vicinity of, the water bodies for which they are named;

WHEREAS, projects approved for funding from the Host Community Fund under the Relicensing Settlement Agreement have advanced the purposes of the Niagara River Greenway, as described above, and bring benefits to the residents of, and visitors to, the Town of Lewiston and surrounding areas;

WHEREAS, legislation designated Assembly Bill 6840 and Senate Bill 5274 has been introduced in the New York State Legislature that would redefine the Niagara River Greenway as consisting only of a narrow band of lands “no more than one thousand feet from the shoreline of the Niagara River, its major tributaries, and Lake Erie; no more than five hundred feet from the shorelines in urbanized areas; less than five hundred feet from the shoreline when a major roadway, railway line or other right of way runs parallel to the shore; all major lands, facilities and electric power generating stations owned by New York State that abut the shoreline; and any additional criteria” established by the Niagara River Greenway Commission in an approved Greenway Plan;

WHEREAS, pursuant to the aforementioned legislation, the portions of the existing Greenway Plan that include “upland and interior communities” (*i.e.*, the portion of the Town of Lewiston and other municipalities and school districts not within the narrow band described above) would be “considered null and void” such that the ability of the Town of Lewiston and other municipalities and school districts to use their Host Community Fund allocations outside the narrow band defined in the proposed legislation would be considered not to be devoted to Niagara River Greenway purposes;

WHEREAS, the Town of Lewiston and the other members of the NPC worked and negotiated long and hard to obtain the benefits, including Host Community Fund funding, provided for in the Relicensing Settlement Agreement with NYPA and that Relicensing Settlement Agreement constitutes a valid and binding contract that, pursuant to the United States Constitution, cannot be impaired by the State of New York through legislation or otherwise;

WHEREAS, the Greenway Plan required the approval of the municipalities within the NPC including the Town of Lewiston, as well as others, and the municipal resolutions approving the Greenway Plan were expressly premised on Niagara River Greenway boundaries that included the entire municipalities, not simply a narrow band along the Niagara River or other water bodies;

WHEREAS, the Town of Lewiston and, to the knowledge of officials of the Town of Lewiston, the other municipalities within Niagara County whose approval was required for the Greenway Plan to become effective, would not have approved the Greenway Plan if the boundary of the Niagara River Greenway were not defined as including the entire land area of the municipality; and

WHEREAS, the proposed legislation described above would violate the contractual rights of the Town of Lewiston and its citizens, ignore the uncompensated burdens borne by the Town of Lewiston and its citizens for half a century, ignore the will of the citizens of the Town of Lewiston and other municipalities in approving a Niagara River Greenway boundary including the entire municipality, ignore the many benefits made available under the existing approach to funding from the Host Community Fund to the citizens of, and visitors to, the Town of Lewiston and surrounding areas, and violate the trust and legitimate expectations of the Town of Lewiston and its citizens.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Lewiston that the aforementioned proposed legislation (A.6480/S.5274) to redefine the boundaries of the Niagara River Greenway is contrary to the interests of the Town of Lewiston and its citizens and contrary to the public interest generally, and should be rejected by the New York State Legislature ; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the sponsors of the aforementioned proposed legislation and such other officials, individuals and entities as the Supervisor of the Town of Lewiston, in his discretion, shall deem appropriate.

Bax MOVED for approval of the Resolution as read. Seconded by Marra and carried 5-0. On the roll call: Bax Aye, Marra Aye, Palmer Aye, Winkley Aye and Supt. Reiter Aye. Motion carried 5-0.

BAX:

WPCCElectrical Updates:

J. Ritter: We are about 80% done and we are now working on the outside lift stations. During the heavy rain we did not have a discharge problem.

MARRA:

I would like to comment on the Resolution. As most host communities in NYSPA, Assemblyman Ryan and Senator Grizanti's legislation is misguided. There are contracts in place and I also find that they are Erie County representatives who want to impose on Niagara County and the host communities how to spend the Greenway funds.

Park Pavilion Rental Fees:

Mr. Dashineau has let me know that neighboring towns and cities have implemented fees for their shelters. Our park shelter reservations are being clogged up of users and what he is proposing is a fee for out of town users for the shelters at Kiwanis, Joe Davis, Colonial Village, Pletcher and Sanborn Park allowing them to remain a key deposit and an insurance transfer for Lewiston residents.

Dowd: It has been an acceptable practice. The Town of Porter does it with their shelter. Enforcing that has become a problem. It is appropriate to give discounts to Town residents while not to out of town people.

Bax said we do not want to discourage people from using our parks.

Reiter said all of our shelters are booked thru Sept.

Marra: Mr. Dashineau has discussed that for Lewiston residents a \$25.00 key deposit and a \$500,000 insurance for transfer of home owner's liability. Those two things plus a \$200.00 fee for out of town residents. The goal is give a benefit for Town residents.

Bax asked that Mr. Dashineau provide the Board with the number of out of town residents.

Winkley MOVED to TABLE with the Attorney to review. Seconded by Marra and carried 5-0.

Johnson reiterated that the fee is returnable providing there is no damage.

Sanitary Sewer/Storm Sewer/Village of Lewiston:

Marra stated that he had spoken with Mr. Marino of CRA Engineers who represents the Village about some crucial projects that they to complete. Mr. Marino gave me an opportunity to see what the costs would be. One at No. 4th Street from Oneida to Chicora (storm sewer) and the cost would be \$24,700. A sanitary sewer on East Lane for \$11,000. Mr. Johnson has indicated that there is NYPA relicensing funds available for these projects. This will be a shared services project.

Reiter said the original request was for \$80,000.

Marra said that the Village forces would be able to do the 4th Street project and our forces to assist with the digging of the sanitary sewer.

Marra MOVED to install 1200 lineal feet of 12” storm sewer on No. 4th Street and replace 300 lineal feet of 8” sanitary sewer on East Lane with NYPA Re-licensing Funds (H-97) in the amount of \$35,700. Seconded by Winkley and carried 5-0.

PALMER:

The Planning Board in regular session on May 16, 2013, reviewed a request from Richard Militello of 542 Pletcher Road, for a Special Use Permit to allow horses in an R-1 District. The Planning Board recommends approval of the Special Use Permit with a maximum of 4 horses.

Palmer MOVED to accept the recommendation and a Public Hearing be scheduled on June 24, 2013 at 5:45 p.m. Seconded by Marra. Carried 5-0.

Masters said there is 27+ acres.

WINKLEY:

Additions/Sanborn Fire Co. Roster:

Winkley MOVED to add Justin Kitcho & Susan Kranz to the roster. Seconded by Bax and carried 5-0.

Reiter: On June 4, 2013, Sports Facility Advisory Group from Clearwater Fl. will be here regarding the Civic Center. They are a marketing & development company for recreational facilities. I invite all to the Senior Center at 6 p.m. to listen to their presentation.

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

Time: 7:17 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

