

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis; WWTP Chief Oper. Ritter; Building Inspector Masters, Highway Superintendent Janese; Town Engineer Smith, Finance Officer Johnson, Police Chief Salada, 3 Press, 20 Residents and Clerk Donna Garfinkel

Supervisor opened meeting, followed by Pledge of Allegiance and a moment of silent reflection.

TWO-MINUTE STATEMENTS BY RESIDENTS

Supervisor asked if any resident wished to address the Board.

Ryan, Paul – 550 Riverwalk Drive – Paul asked what is happening regarding drainage and sewer line issues near his home. Reiter said this will be addressed later in the meeting.

AGENDA APPROVAL

Bax requests the addition of a legal issue with Meridian Energy and highway issues.

Palmer requests an executive session regarding Police personnel.

Reiter requests the addition of the CRA update on the Joe Davis SEQRA, sidewalk grant received from the DOT, a resolution for the Sanborn Historical Society and approval of updated Code.

Bax MOVED to approve the Agenda as amended, Seconded by Marra and Carried 5 – 0.

APPROVAL OF MINUTES

Bax MOVED to approve the RTBM minutes of 7/22/2013, and the Worksession of 8/9/2013, Seconded by Marra, Carried (7/22/2013) 4 – 1 abstention (Winkley), Carried (8/9/2013) 4 – 1 abstention (Palmer)

POST AUDIT PAYMENT

Winkley MOVED the approval of the Post Audit payment to Home Depot - \$336.29; Sam's Club - \$5,627.27; Key Bank - \$138.75; Leaf - \$455.80 and Current Electric of WNY, Inc. - \$6,250.00, Seconded by Bax and Carried 5 – 0.

REGULAR ABSTRACT

Winkley MOVED to approve the Regular Abstract of claims numbered 2530 to 3033 in the amount of \$585,215.73, plus a Post-Audit of \$106,010.61, Seconded by Palmer and Carried 5 – 0.

OLD BUSINESS

Senior Center Renovations

Engineer Smith submitted a facility assessment. Recommendations address a new roof, lighting & electrical system, HVAC system and plumbing.

It is Reiter's understanding a pitched roof can not be put on the Center. The studs and supporting walls are made only with 2 x 4's, not 2 x 6's; therefore it won't handle the trusses. The preliminary estimate for roofing, HVC and lighting is approximately \$160,000.

Board to discuss at September 9th Worksession.

Drainage Request List

It is Highway Superintendent Janese understanding that Bax, Masters and himself will go and review the properties. Gentlemen to get together to review.

Greenspace Tree Issues

Reiter had Parks Department employees trim some of the trees. There are some on Curtis Court that are beyond their capability.

Marra said the Town Clerk was directed to get bids to remove the trees. Bids are as follows: S & S Tree Service Inc. - \$800; Arbor Tree Service - \$2,450; Andy's Tree Service - \$2,500. Reiter questions why one company is substantially lower than the other two.

Bax asked Janese to address the discrepancy in cost. Janese feels \$800 may not be that abnormal; doesn't know why people bid the way they do. Janese would make sure insurance and workers comp is in order.

Marra MOVED to award the removal of the two trees in the Greenspace to S & S Tree Service Inc. in the amount of \$800, with funds to come from H-97, pending the proper credentials and insurance, Seconded Bax and Carried 5 – 0.

Reiter wants the Board to know that when this subdivision was first built the greenspace was to have paths. This has been ignored for a long time.

CLERKS CORRESPONDENCE

Sewer Charge Exempts

LoVerdi, Russell – 893 Orchard Drive requests to be exempt from the sewer charges for 12,000 gallons of water. He replaced the liner on his in-ground pool.

Bax MOVED to exempt LoVerdi, Russell – 893 Orchard Drive of sewer charges for 12,000 gallons of water, Seconded by Palmer and Carried 5 – 0.

Falcone, Richard – 532 Pletcher Road requests to be exempt from sewer charges for 18,000 gallons of water. He replaced the liner on his in-ground pool.

Bax MOVED to exempt Falcone, Richard – 532 Pletcher Road of sewer charges for 18,000 gallons of water, Seconded by Marra and Carried 5 – 0.

Alcoholic Beverage License – Acknowledge Receipt

Bax MOVED to acknowledge the receipt of notification of their alcoholic beverage license renewal for Niagara Falls County Club - on-premises consumption in the Clubhouse & on-premises consumption on the Patio; and New Schimschacks Inc., Seconded by Palmer and Carried 5 – 0.

Announcement of 2014 Hospice Dash 5K

Niagara Hospice announces the 2014 Hospice Dash 5K race for Saturday, September 20, 2014.

Bax MOVED to have the Lewiston Police support the 2014 Hospice Dash 5K, on Saturday, September 20, 2014, Seconded by Marra and Carried 5 – 0.

SUPERVISOR REITER

LEGAL

Dowd is continuing to work of Legacy Drive.

The Bond Resolution for the highway improvements is complete and the Bond will be sold August 29, 2013, with the funds being available soon after.

DOG CONTROL – TOWN OF PORTER

The Town of Porter has a contract with the SPCA, at \$1,000/month. They are looking into getting out of the contract. They have approximately 5 – 6 dogs a year.

Porter would like to discuss with the Town the utilization of the Town's Dog Control Officer. This would be picking up stays only. Porter would do the licensing and court cases.

MEMORANDUM OF UNDERSTANDING – RIVERWALK SUBDIVISION

Reiter believes part of the Memorandum of Understanding is for the Wolfgang Subdivision to allow drainage to go through their property, pass on to the County and State outfall to the river. This outfall has enough capacity to support removing the water from behind the homes, along the Sewer Treatment Plant.

Also, part of the Understanding is, if Mr. Deck develops future areas, he would work with the State to allow him take some of his water to Joe Davis Park.

Dowd said the Memorandum was prepared and will apply particularly to the residents on the South side of Riverwalk Drive. The water will be taken across with an easement. The Riverwalk property to the North will have the water run to the Park.

All parties involved have a Memorandum of Understanding. Comments have been received back from both Wolfgang and Deck's attorneys. Revisions have been circulated and Dowd believes the Supervisor will be in a position to sign the Understanding.

Palmer said he does not have a copy of the Memorandum. Dowd said it is in draft form. Dowd believes at the last meeting the Board authorized the Supervisor to sign. Reiter said this can be given to the Board members.

Palmer asked Dowd if he thought this was a good idea that this work product come through him. Palmer was under the understanding there is a conflict of interest with Dowd and Deck. Reiter and Dowd both said that Dowd has nothing to do with the Deck development.

Smith will meet with the residents present after the meeting to explain the plan. The plan is complete for the most part. It is in the hands of the Niagara County Highway and the New York State Dept. of Transportation. Smith is also preparing the easement descriptions.

Reiter would like to start this in September.

Smith said the Memorandum of Understanding needs to be finalized then work can start. Janese can't give a time-table; he needs to see the plan.

JOSEPH DAVIS STATE PARK

Reiter distributed a letter from CRA outlining the progress of the SEQRA.

The Town received a letter from Nicole Williams requesting permission to place a plaque of remembrance for her husband who passed. He loved disc golf and Joseph Davis State Park was his favorite place to play. Reiter will ask the State.

Bax MOVED to approve the placement of a plaque, pending approval from the State Dept. of Parks, Seconded by Marra and Carried 5 – 0.

The Town grant writer was able to get a \$84,000 grant from the State DOT for sidewalks in the Sanborn area. Nussbaumer & Clark created a list of possible improvements at a cost of approximately \$69,750. There is also an estimate for the pathway resurfacing in Sanborn Park at a cost of approximately \$8,500.

Reiter asks the Board for a conditional approval of this. More details will be available as time goes on but this allows the Town to move forward.

Marra MOVED to give a conditional approval of the grant dollar expenditure, Seconded by Bax and Carried 5 - 0

GREENWAY COMMISSION SUBMISSION

Sanborn Area Historical Society Historical Building Relocation Project

Clerk read 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: Sanborn Area Historical Society Historical Building Relocation Project Grant Fund request.

UPON ROLL CALL VOTE: Supervisor Reiter – yes
Councilman Bax – yes
Councilman Marra – yes
Councilman Palmer – yes
Councilman Winkley – yes

Motion Carried 5 – 0

DECLARE SEPTEMBER – CHILDHOOD CANCER MONTH

The Town received a request from Ms. Serra asking the Board to consider declaring September Childhood Cancer Month. A proclamation was prepared and will be forwarded to Ms. Serra.

Bax MOVED to declare September Childhood Cancer Month, Seconded by Winkley and Carried 5 – 0.

CODE BOOK UPDATE

At the Public Hearing held this evening it was discussed to remove several chapters.

Marra MOVED to move Chapter 6 to Chapter 30; remove Chapter 7 – Discarded Refrigerators; remove Chapter 23 – Unsafe Buildings; and remove Chapter 29 – Zoning Enforcement, Seconded by Bax and Carried 5 – 0.

KIWANIS PARADE

Peach Festival Parade Chairman requests the Board participate in the September 7th Annual Peach Festival parade.

WASTE WATER TREATMENT PLANT

Ritter is looking into purchasing a Mini-Excavator and a Skip Steer. A municipal lease seems to be the best option. For both pieces of equipment it will be between \$18,000 and \$25,000 for three years, with a buy-out at the end. Not all information is available yet, but very close to making a decision. The cost can be supplemented through monies allocated for I & I projects.

Reiter said the County gives the Town \$20,000 a year to use for I & I. A camera and a crane have been purchased with these monies in the past. This equipment can be used by all departments.

Winkley MOVED to approve the concept of the use of the I & I money for a mini-excavator and skip steer, Seconded by Marra and Carried 5 – 0.

COUNCILMAN BAX

ACCEPT RESIGNATION – WWTP TRAINEE

Bax MOVED to accept, with regret, the resignation of Steven Ciszewski as an operator in training at the WWTP, Seconded by Winkley and Carried 5 – 0.

HIGHWAY DEPARTMENT UPDATE

The walking path along the parkway has been cleaned-up of grass and trees. Janese would like to address a similar situation on the pathway along Lower River Road. The Highway Dept. can look at the cost of this if the Board wishes.

Janese thanked the Board for moving forward with the Riverwalk project so quickly. These residents have been waiting a long time. Janese requests Engineer Smith contact him regarding the drainage/highway in this project and his department performing the work.

Some Town road paving has been done. Janese thanks the Board for transferring the needed dollars. This will allow for preventative maintenance.

Janese questions what is happening with the Much Pump on the Reservation. Residents have contacted Janese, and Janese is asking for some direction.

Bax called the Tuscarora Attorney in Washington, D.C., but are playing phone tag. The Nation relies a lot on their attorney. Bax feels the Nation won't make a move until Bax has spoken to the Attorney. In meetings with clan leaders, Bax feels they will allow a very limited type of easement.

Janese asked if it would be correct to tell the residents that it is in the legal process and is continuing to move forward. Bax said it is further than it has ever been.

Reiter recognized former Assemblyman Joseph Pillittere in the audience. Reiter worked on this with Pillittere's office in the 1980's.

Reiter said Bax is working great with the Tuscarora Nation and their attorney. They are trying to revert it from a pump system to a gravity system. This would benefit the Town and the Nation.

Janese asked if Legacy Drive was in the dedication process. Reiter said yes. Is Janese to assume it is not part of subdivision process?

Masters said it was part of a new subdivision application years ago, but with the title issue on the disputed lot, it has been on hold for almost 6-years.

Janese informed the Board that he has had conversations, just preliminary, with the people in the facility of Niagara Wheatfield School and Lewiston Porter School in regards to some type of shared services agreement. They are looking for salt purchase at the Town cost and storage, and the use of equipment, on occasion. If the Town can help the school districts save money with no additional cost, it maybe something the Board might want to consider. As the process continues Janese will include the Board.

MERIDIEN ENERGY, LLC

Bax spoke of a letter asking the Town if Meridien can store their gas and diesel storage tanks, above ground, on Town property while they repair and relocate the pipeline owned by Tennessee Gas Pipeline Company. Work will commence during the approximate dates of August 26 - October 10, 2013

Bax asked that the letter be refered, through the Attorney, to the Fire Board, Haz-Mat Board and the Building Inspector for their consideration and comments. The Attorney is asked to make sure the appropriate insurance and bonds and safe guards are in place.

Bax MOVED to have the Attorney forward this to the Fire Board, Haz-Mat and Building Inspector for their comments, and have approval be given at the next meeting, Seconded by Marra and Carried 5 - 0.

COUNCILMAN PALMER

Marlboro Inn – 5954 Ward Road - Special Use Permit - outdoor seating on the south side of the restaurant.

Palmer MOVED to approve the Site Plan for the Special Use Permit for the Marlboro Inn for outside seating, Seconded by Bax and Carried 5 – 0.

Tug Hill Environmental has submitted an application for Rezoning of property located on Ridge Road.

Masters said in the new Town Code, it requires property be rezoned to Mining Overlay District. This needs to be referred to the Planning Board. The Planning Board will hold the Public Hearing.

Palmer MOVED to refer the Tug Hill Environmental Mining Permit Rezoning application to the Planning Board, Seconded by Winkley and Carried 5 - 0.

Modern Disposal submitted a plan for a Truck Wash Facility. The Planning Board reviewed the application and recommends approval of the Site Plan as submitted.

Palmer MOVED to accept the Negative Declaration for Modern Disposal Truck Wash Facility, Seconded by Marra and Carried 5 - 0.

Palmer MOVED to approve the Site Plan for the Modern Disposal Truck Wash Facility, Seconded by Marra and Carried 5 – 0.

COUNCILMAN WINKLEY

Addition to Sanborn Roster

Winkley MOVED to add William Lidgett, 3026 Saunders Settlement Road to the Sanborn Fire Co. roster, Seconded by Bax and Carried 5 – 0.

Palmer MOVED to enter into Executive Session for Police Personnel, Seconded by Marra and Carried 5 – 0.

EXECUTIVE SESSION

PRESENT: Supervisor Reiter; Councilmembers Bax, Palmer, Marra and Winkley, Deputy Supervisor Catlin; Attys. Dowd, Davis & Atty. Brian Doyle (Police Dept. representative).

Discussion on Police personnel.

Motion by Bax to exit Executive Session, Seconded by Palmer, and Carried 5 – 0.

No action taken

Motion by Bax to adjourn the Town Board meeting, Seconded by Palmer and Carried 5 – 0.

Respectfully Transcriber and Submitted by:

Donna Garfinkel
Deputy Town Clerk