

**PRESENT:** Supervisor Dennis Brochey; Councilmembers Bax, Marra, and Winkley; Deputy Supervisor Edwards; Town Attorneys Davis and Seaman; WWTP Chief Oper. Ritter; Building Inspector Masters, Highway Superintendent Janese; Town Engineer Lannon, Finance Officer Kloosterman; Internal Claims Auditor Johnson; Police Chief Salada; 3 Press; 27 Residents and Clerk Donna Garfinkel

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

## **TWO-MINUTE STATEMENTS BY RESIDENTS**

Supervisor asked if any resident wished to address the Board.

Warren, Rosemary – 5842 Griffon Street Mrs. Warren attended a Host Committee meeting, that votes on how Greenway Money is spent. The Town of Lewiston Civic Center project was presented to the Committee for \$9.2 million, at \$430,000/year for 30-years. The project was not approved by Town residents and will not move forward. Funds to remain in the Town of Lewiston fund account. Warren asks if this is a new account. She has written to the Comptroller and the Examiner asking if this is legal, and what it can be used for, since it was voted down.

It was voted down because some did not want to bond \$9.1 million with only \$430,000 coming. Is the Town going to “squirrel away” \$430,000 for a few years, then bring the Civic Center back up, instead of a Community Center. She is for a Community Center, one above the hill and one below the hill.

It will be interesting to see if the Comptroller thinks this was a legal way to do this, because I do not think so.

The Supervisor asked Johnson if he would like to comment.

Johnson said the \$430,000 was going to be a reduction from the Joe Davis dollars of \$450,000 that was allocated for the last two years. It is the same pocket of \$510,000/year as paid by the Power Authority to the Greenway account for the Town of Lewiston. Out of that \$510,000, you spend what you can.

Mrs. Warren is correct; they did allow spending \$430,000 of that \$510,000 for the Civic Center. The Center was not approved. These dollars will stay in the Greenway Funds and will not be set aside for any Civic Center. \$510,000 will be received each year, and a decision is made at that time what to use it for.

There is a commitment to the Sanborn Historical Society, three projects on the books for the Recreation dept. on the books, and whatever is decided at Joe Davis State Park.

Brochey said it is not a Town decision what is done with the money. Brochey likes Mrs. Warren’s ideas about helping Sanborn.

## **AGENDA APPROVAL**

Marra requested the addition of a Parks & Recreation item and requests an Executive Session regarding contracts. Brochey requested addition of February 10, 2014 minutes and newspaper discussion.

## **Bax MOVED approval of Agenda as amended, Seconded by Winkley and Carried 4 – 0.**

The Art’s Council met earlier with the Board and Bax thanked them for coming. The Council provides a lot of positive things for the Town. The Board is always willing to assist them in any of their endeavors. The Board appreciates all their efforts in that regard.

## **WESTERN NY LAND CONSERVANCY PRESENTATION**

Nancy Smith, Executive Director of Western NY Land Conservancy was present to give an overall presentation on what the Conservancy is about.

The Conservancy has been working on preserving land on the Niagara Escarpment for almost a decade. Last year the Conservancy received \$300,000 of funding from the Greenway to conduct a study of the entire Escarpment across Niagara County.

The Conservancy is working with Stella Niagara to create the Stella Niagara Preserve. The land has a price tag of \$3.2 million. To date, significant funding has been received by Greenway funding, as well as private foundations and individuals for a total of \$2.3 million.

The land being considered is 29-acres on the west side of Lower River Road. It is one of the few lands along the Niagara River that goes down to the water in a gentle landing area. This spot is where the British landed, and the Native Americans.

It is the Conservancies intention to have nature paths, kayak access, fishing, and public programming. This will become the first not-for-profit owned nature preserve along the Niagara River.

This property is very important ecologically. The River is a globally significant important bird area. 100,000 birds pass through on a migration pattern. There are threatened shrubs on the property; and the bald eagle could be present.

Smith hopes Lewiston embraces the Stella Niagara project. Any guidance on broader funding sources would be greatly appreciated.

The Board members thanked Ms. Smith for coming. There are several projects in the Town and Village that warrant further conversations.

#### APPROVAL OF MINUTES

**Bax MOVED to approve the Town/Village Joint meeting - 1/27/2014; RTBM – 1/27/2014 and Worksession – 2/10/2014, Seconded by Winkley and Carried 4 – 0.**

#### POST AUDIT PAYMENT

**Marra MOVED to approve Post Audit payments to Home Depot - \$943.40; Sam's Club - \$818.16; Key Bank - \$5,907.88; DeLage Landen - \$116.10; Leaf - \$656.86; and Mountain Glacier - \$109.12, Seconded by Bax and Carried 4 – 0.**

#### OLD BUSINESS

*Drainage Committee* – There are several long standing issues for residents. Glen Caverly will be a member. Brochey asked Caverly to consolidate a list of where and what needs to be done.

*Planning Board member training* – The Clerk sent a letter to Jeff Williams requesting documentation that he completed the mandatory 4-hour training for 2013. He was asked to provide by February 24<sup>th</sup>. Masters said as of today no documentation has been received. He has had 365 days, plus an additional 30 days. In Masters opinion he should not be eligible to serve on the Planning Board.

Davis said the removal of a member sits in a bit of a grey area. The State/Town law talks about these requirements. It is not clear that if training requirements are not followed what the consequences are. If the board member stays on despite not having the training that does not void any decisions made by that board. Davis would like to take a closer look and report back at the Worksession.

**Winkley MOVED to table, Seconded by Bax and carried 4 – 0.**

*Voucher Payment* (Dowd Esq.) Brochey received an updated voucher from Atty. Dowd with dates listed for the work and is satisfied with it. The voucher is for traveling to Rochester for the Legacy Drive dedication.

Davis said it is a \$3,000 voucher, not \$89,000 as reported in a local paper.

**Bax MOVED to pay the \$3,000 voucher for Atty. Dowd, Seconded by Winkley and Carried 4 - 0**

CLERK'S CORRESPONDENCE

Item 1 – Renewal of Alcoholic Beverage License. Niagara Falls Country Club notifying the Board they have applied for a license for the Halfway House.

Item 2 - Signage at Dickersonville Cemetery. The Clerk is asking the Board for funds to purchase a sign. The Cemetery was established on April 17, 1854, and the Town assumed ownership on June 13, 1983. Currently there is no sign identifying the Cemetery.

Grant Writer Bernie Rotella said there are no grant monies available because it is not considered an abandoned cemetery. The Town owns it and takes care of it. For Greenway funds, the Town would have to demonstrate it has cultural history.

The sign is approximately \$3,500. Kloosterman said there are funds in the Cemetery fund, and funds in the NYPA (H-97). This can be divided by both.

**Winkley MOVED to approve the expenditure for a sign at the Dickersonville Cemetery, not to exceed \$3,500, Seconded by Marra and carried 4 – 0.**

Item 3 – LMK Realty – Legacy Drive. Attorney Seaman spoke to Mr. Massaro at the Planning Board meeting. The Planning Board has made a recommendation to some slight modifications to the Plat that was approved by the Board. Massaro is asking that the \$44,000 he has in his attorney's escrow account be released as working capital.

Seaman told Massaro there might be some scenarios where this may be prudent on the Town's part, if coupled with a bond and perhaps some type of a written agreement as to how the sidewalks will be installed. If the Board is so inclined he would work with his attorney to come up with some type of agreeable arraignment that could then be presented to the Board. Seaman was directed to work with Massaro's lawyer.

SUPERVISOR BROCHEY

*Legal* – Davis will discuss a contract issue in Executive Session.

*Engineering* – Lannon distributed a Project Status Report.

Riverwalk Drainage - CRA requested a quote from Sewer Specialty Services and Drain Doctor. Glenn Caverly met with NYS Parks and there are two manholes, out off about 8 - 9, that has some damage and is in need of repair. They will work on the best way to proceed with the repairs.

Davis is working with Deck's Attorney for Riverwalk and the dedication of Parkview Court. The Attorney provided Davis a proposed deed that would dedicate the disputed piece to the Town. Davis and Lannon reviewed the legal description, and it doesn't describe what is being talked about. Davis sent comments back to Deck's attorney.

Lannon said NYS Parks has a 12 ft. x 8 ft. sign for placement at the entrance to Joe Davis at Lower River Road. Parks is asking the Town if they want to install it. Lannon will report back at the Worksession.

In regards to the muckland pumps located West of Bridgeman Road and North of Saunders Settlement Road, the watershed served by these pumps in excess of 1800 acres. There is one operational pump, but the site is equipped for two. The existing pumps are from the 1930's. The Board might want to move forward with the replacement of the one failed pump. CRA has not priced the pump, but the Board can authorize this.

**Bax MOVED to authorize CRA to do an investigative study to install 2 pumps, in the most cost efficient manner, Seconded by Winkley and carried 4 – 0.**

Lannon would like to review the Municipal Fee Schedule. There are areas where fees can be reduced, they are a bit redundant. Lannon will prepare something for the Worksession.

*Finance* – Kloosterman is requesting the transfer of \$4,843.16 from a B-account to a TE-account to gross-up the TE account to zero. Transaction will cover remaining amount spent on cameras for police department personnel.

**Bax MOVED to close account T-8000.0200, Seconded by Winkley and Carried 4 – 0.**

*Town Warrant Server* – The Town started the hiring process of Gary Bevilacqua last year, but it was never completed. Bax said the Justice Courts are looking for someone other than the Police Dept. to serve their warrants of evictions. According to Town Law warrants can only be served by town officers or someone designated by the Town. That is what this position is intended to do. Bax will follow-up and discuss at the Worksession. Attorneys to look into matter further.

**Winkley MOVED to table and have the attorneys review the position, Seconded by Bax and Carried 4 – 0.**

*Town Newspaper* – Brochey would like to add the L-P Sentinel and the N-W Tribune as additional newspapers. The Sentinel and the Tribune are a widely distributed paper in the Town of Lewiston with approximately 10,000 papers being delivered on a weekly basis.

Johnson said years back, the Gazette was the daily newspaper and the Sentinel/Tribune was the weekly paper.

**Winkley MOVED to designate Niagara Frontier Publications as the official weekly newspaper, Seconded by Bax and carried 4 – 0.**

COUNCILMAN BAX

*Highway Dept. Personnel* – An employee is requesting a pay-rate increase to reflect what was agreed upon at the time of re-hire. Bax requests to address in Executive Session.

*Inter-Municipal Agreement Re: CWM Legal Funding* – This agreement is between Lewiston and Niagara County to fund the legal opposition to CWM. Bax wishes to add language that allows Lewiston to speak openly with Attorney Gary Abraham, and allow documents and statements be released from his office. Niagara County is the client in this circumstance, therefore requiring a joint agreement with the Town and County. Attorneys to review and report back at the Worksession.

*Vacation Approval* – Ritter, Chief Operator WPCO submitted a letter outlining the work history and necessary sick time for Kyle Nablo. Nablo is not eligible for vacation time, under the union contract, until December. Nablo has been a Seasonal Employee with the Town since 2009, with the last two years being full-time with the Highway Dept. Research shows that he is eligible for benefit seniority, with his time served. Nablo is requesting to use vacation time, instead of sick time. Ritter said this has been done before.

**Bax MOVED to authorize Kyle Nablo to use, given the extraordinary circumstances, vacation time instead of sick leave, Seconded by Winkley and Carried 4 – 0.**

COUNCILMAN MARRA

*Pond Request* – Jordan – Moore Road, TM# 76.00-2-31.2 - Jordan will be building a home on the property and would like to dig a pond and use the excavated soil as fill, as the property is below street level. He is asking the permit fee be waived since none of the soil will leave the property.

Marra has spoken to Building Inspector Masters who said historically this has been done, since the soil will not leave the site. Masters requests Engineer Lannon make sure the design of the slope conforms to DEC specs.

**Marra MOVED to allow Mr. Jordan to move forward subject to Mr. Lannon's approval, and waive the permit fee, Seconded by Bax**

Brochey asked if the Town pays Lannon, or Mr. Jordan. Lannon said it is a good set of drawings and it won't take much.

Bax said if it turns out to be more time than thought, Lannon should contact the Board and the Board will talk to the homeowner.

Caverly said if the pond is going to be ½ an acre, the total project will be an acre, which would require a SWIFT plan, and engineer reviewing fees on the SWIFT plan.

**Marra MOVED to table the request to allow more discussion with the concerned parties, Seconded by Winkley and Carried 4 – 0.**

*Parks & Recreation Transfer*

**Marra MOVED to transfer \$46,516.23 from A.1000.2012 (Special Events / Tournament Revenue) and \$25,458.25 from A.1000.2020 (Concession Revenue) to an H account titled Park & Improvements, conditional on the approval of the final 2013 audit by Brown & Brown Assoc, Seconded by Winkley and Carried 4 – 0.**

Marra spoke to former Councilman Ernie Palmer's resignation. Marra thanked him for his service to the Town and the community.

**Marra MOVED to authorize the Clerk's Office to advertise for resumes for the Town Board vacancy with return date of March 5, 2014, Seconded by Bax and Carried 4 – 0.**

Bax said it was an honor to serve with Mr. Palmer. He brought a lot of great insight, with his experience as a law enforcement officer and his dedication to his family. He will be sorely missed.

Brochey said he enjoyed the time, even though short, working with Mr. Palmer. He will be missed.

COUNCILMAN WINKLEY

Mr. Palmer is a very dedicated person. He has a strong desire to travel with his family, which is why he left. Winkley wishes him best of luck.

*Addition to Upper Mountain Fire Co.*

**Winkley MOVED to approve the following additions to the Upper Mountain Fire Company roster: Dane Kilmer – 5109 Dana Drive and Charlotte Munday – 53 Long Creek Dr., Seconded by Marra and Carried 4 – 0.**

Winkley would like to clarify something that was in the paper. Winkley spoke to Bax, Marra and Brochey and they have no problem with this comment. "The 2013 Board never was approached nor did we deny any cameras to be purchased at the Town Highway Garage". It was never brought to their attention nor did they deny it.

ANNOUNCE UPCOMING FOOD DRIVE

The Town Clerk's Office will be sponsoring a food drive for the month of March. Donations will be taken to Heart, Love & Soul. All donations are greatly appreciated.

**Marra MOVED to enter into Executive Session regarding contracts and Personnel, Seconded by Winkley and Carried 4 – 0. (7:50 pm)**

Executive Session

**PRESENT:** Supervisor Dennis Brochey; Councilmembers Bax, Marra, and Winkley; Deputy Supervisor Edwards; Town Attorneys Davis and Seaman

No action taken.

**Brochey MOVED to exit Executive Session and adjourn the Town Board meeting, Seconded by Marra and Carried 4 – 0.**

Respectfully Transcribed and Submitted by:

Donna Garfinkel  
Acting Town Clerk