

Present: Sup. S. Reiter; Council Members M. Marra and R. Winkley; Deputy Sup. G. Catlin; Town Atty. M. Dowd; Bldg. Insp. T. Masters; Highway Supt. D. Janese; Eng. R. Smith; OP./WPCC J. Ritter; Budget Officer M. Johnson & Town Clerk C. Brandon.

Absent: Councilmen Bax & Palmer.

Also present: 2 press reps and 16 residents.

The Supervisor opened the meeting at 6:00 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Mary J. Lodico of 724 Northridge Drive. Mr. Reiter and members of the Town of Lewiston Board. My name is Mary “Jacquie” Lodico and I reside at 724 Northridge Drive. #219. I am on the Board of Managers of the Coach Houses at Ridgeview. I have resided at this address for 7 years. I am here tonight as an individual owner and not as a member of the board.

I would to begin by telling you that 4 years ago I petitioned the Lewiston Town Board to have two street lights installed on Northridge Drive. I was surprised and most appreciative to get 3 not 2 lights installed in a cooperative and efficient manner. These lights have made a positive difference to our neighborhood.

More recently, we experienced an unusual amount of snow and ice. The plowing on my street has been exceptional. I am also very appreciative of this service. But what I do not appreciate is the situation across and behind my condominium that affects the financial investments of my neighbors and myself.

When my husband and I moved into our condo seven years ago, we were told by the builder’s representative that there were no plans for a street across the road and if something would be built, it would be patio homes. Suddenly, Legacy Drive was being planned ending directly in my driveway. The Condo Assoc., including myself, went to the town attorney for an explanation. We were told that notices had been sent out to the builder to forward to all of the potential neighbors. He never did. We were told we were too late. I will not go into the Legacy Drive controversy happening in the following years.

Legacy Drive is now a ribbon street with two unoccupied eight unit condominium buildings. As the occupancy controversy continues, weeds are growing, the buildings remain unfinished and the properties appear derelict and abandoned by the owner.

The present buildings on Legacy Drive could sit on a cul-de-sac with entrance/egress on Northridge Drive. A short road could go south, wrap around the back of these buildings and merge further down at the curve on Northridge Drive to satisfy emergency access. I am sure there are many other creative solutions.

As I stand on the patio which is behind my building, I face a sea of ugly blue tarps on many of the apartment roofs in buildings owned by that same person. The entire apartment complex has deteriorated, with unpainted and unkempt buildings, an access road dotted with potholes and temporary patch. It is beginning to look like an inner city low-income housing project. Quite frankly, I worry about my property value.

I believe Lewiston is a jewel. I know I treasure living here. Can you find a viable and timely resolution for both of these instances? I thank you for kind attention. Several residents of the complex are in attendance tonight. I also have a letter from Bonnie Nye of 720 Northridge Drive #117 that I would like put in the record.*

*Letter on file.

Masters: Regarding the blue tarp issue, the individual who owns that complex has been cited a month ago. The next thing that will happen to him is the time has run by, he will get a court date and show up in Lewiston Town Court with the justice for not repairing the cited issues. That is what will happen next with him. I can't do anything with him if he refuses to do it until it gets to the court system and the court would charge him to do that. My hands are tied at this moment till the time period ends.

Dowd: Regarding the Legacy Drive issue and what has happened is the builder of the project is allowed several mechanic liens about it now due because we can't take a road to be levied on the property and as result he is unable to get clear title to the road and without clear title to the road, the Town can't get what we need as far as the title insurance policy because of litigation on that one section of the road. (Legacy Drive) Until the contractor is able to clear the title issues regarding the road, the Town can't take it by dedication. There is an ongoing dispute between the developer and other family members and businesses that he has been involved with and the liens. There is nothing we can do and we are not going to take a road that we can't get clear title to and we can't issue a certificate of occupancy. It is a terrible shame and I don't see any immediate resolution to the problem. There is a pending lawsuit between the developer and the partners and if that gets resolved then maybe they will be able to come up with the money to solve the title issue. At some point, that will have to be addressed by the building inspector. I don't think we are talking demolition. The Building Inspector can cite them if they don't clean it up. (i.e. weeds etc.)

Reiter asked if they could contact the owner and see if we discuss this matter.

Ed Ceccato of 720 Northridge Road. I don't want to belabor this problem. I moved here 2 ½ years ago. The road that Mrs. Lodico referred to is now being used by SUV's up and down the road. It is occasionally plowed. Whose responsibility is that? (The developer). What happens if some one comes out of that road and hits her car?

Dowd: The problem is that the land does not belong to the town. I would ask that the police step up their patrols.

Ed Ceccato asked if this can continue and for how long.

Dowd: Let's try to talk with the parties involved. We can force them to take care of the property.

Brandon: I have a letter from Mrs. Rose Mary Warren of 5842 Griffin Street and asked that it be read: Dear Town Board: I am very disappointed to read about committee people who wanted to be reappointed but weren't. A case in point would be Keith Fox, who wanted to stay on, but not to be vice chairman. Were all the on the committees given the courtesy of being contacted in this regard? I hope committees are not being filled with people who only agree with the boards' views. Second, there was talk of an upgrading at the waste water treatment plant. Yet it seems there is still talk about the Modern expansion which entailed adding to the amount that would be treated there. Please do not further jeopardize this facility that serves the residents of the town.

AGENDA:

Reiter asked to make an addition to our depositories and an adjustment to the department heads to prepare for the 2010 audit.

Winkley MOVED to accept the agenda as amended. Seconded by Marra and carried 3-0.

MINUTES:

Marra MOVED to accept the minutes of 12/13/10 P.H (Dog Control); 12/13/10 Work Session; 12/20/10 RTBM (Final Audit) and 1/6/11 Reorganization Mtg. Seconded by Winkley and carried 3-0.

ABSTRACT OF CLAIMS:

Marra MOVED to approve the regular abstract of claims # 1 to 140 and recommend payment in the amount of \$617,712.70, plus a post audit of \$18,206.52. Seconded by Reiter and carried 3-0.

Marra MOVED to approve the post audit for payment: Home Depot \$739.22; Sam's Club \$1930.73, Niagara Gazette \$371.28 & Synor Marketing \$1755.00. Seconded by Winkley and carried 3-0.

OLD BUSINESS:

1. Increase the Improvement of Facilities WPCC:

Reiter: We have to leave that public hearing open.

Dowd: Leave the public hearing open by resolution to intend to adopt the agency status.

Marra MOVED to intend the Town Board be adopted as lead agency as part of the improvement. Seconded by Winkley and carried 3-0.

2. L.L. #1 2011 Water Dept. Rules & Regulations:

Winkley MOVED to adopt the Water Rules & Regulations for Local Law #1 2011. Seconded by Marra and carried 3-0.

3. Liaison Appointments:

Reiter offered the following liaison appointments for approval:

Building Inspector	M. Marra
Engineer	A. Bax
Fire Bureau	R. Winkley
Haz-Mat	R. Winkley
Highway/Drainage	A. Bax
Lewiston Council on the Arts	M. Marra
Library	M. Marra
L.N.R. R. Chamber	M. Marra
Recreation	M. Marra
Risk Manager	E. Palmer
Sanborn B.P.A.	M. Marra
Senior Citizens	M. Marra
WPCC	A. Bax

Winkley MOVED to accept the Supervisor's Liaison appointments as read. Seconded by Marra and carried 3-0.

4. Co-Location Application – 5890 West Street.

Ashley Baker of Nixon Peabody and Brent Morgan from Verizon appeared.

Down stated that they were waiting for the attorneys' approval. With the new zoning laws, we will be having a new fee schedule in the future. Also new engineering fees.

Marra MOVED to issue a Neg Dec on the co-location application at 5890 West Street. Seconded by Winkley and carried 3-0.

Winkley MOVED to approve the co-location at 5890 West Street as presented. Seconded by Marra and carried 3-0.

REITER:

1. Legal:

Dowd stated that he had been working on the local laws and the challenges have been taken care of.

2. Engineer:

Reiter asked that the Engineer look into proposed sanitary sewer extension in Sanborn and the costs. There were a couple of homes that were left off on Buffalo Street in addition to one or two business having holding tank problems.

3. Comprehensive Plan/Building Code Update P.H.

Marra MOVED to hold a Public Hearing regarding the Comprehensive Plan on Monday, February 14, 2011 at 5:30 p.m., Seconded by Winkley and carried 3-0.

*Tim Masters to post plan on our web site.

4. Association of Towns Meetings:

Marra MOVED that Katelyn Farnham be designated as delegate to the Assoc. of Towns Meeting. Seconded by Winkley and carried 3-0.

Marra MOVED to appoint Douglas Janese as the alternate delegate to the Assoc. of Town Meeting. Seconded by Winkley and carried 3-0.

5. Marra MOVED that the Board is in agreement with all of the 11 Resolutions as presented by the Association of Towns for 2011 and that the delegate vote in support thereof. Seconded by Winkley and carried 3-0.

6. Declare Old Speaker System Equipment Obsolete:

Reiter MOVED that the equipment be declared obsolete. Seconded by Winkley and carried 3-0.

7. Joseph Davis State Park Lease:

Reiter: I met with Mr. Thomas of OPR last week and we have formal lease agreement with the State of NY for the operation and maintenance of Joe Davis State Park. I think it is an excellent opportunity to take a piece of property that for a long time has been abandoned and neglected. This is an opportunity for real use of Greenway funds. I have given the Town Board members a copy of the lease and I would ask the Town Board to make comments and that I be allowed to continue. If any residents wishes to look at the lease they may do so. Also, the Town Attorney will be also looking at situations that might compromise the Town position. Also, on Friday the Audubon Society wants to speak with us about ideas that they have. I also plan on bringing in the River Anglers to have discussions with us. If I could have a motion to continue talking with OPR, I would appreciate it.

Winkley MOVED to permit Sup. Reiter to continue discussions with the NYS OPR with regard to a possible Joseph Davis State Park lease. Seconded by Marra and carried 3-0.

8. Annual Fund Report

Reiter: This is a report that is complying with the State Comptrollers Office and it represents all of the monies collected by the departments within the Town and is given to the Town during January. The report has been accepted and filed.

9. Lewiston Limited Partnership/PILOT Agreement:

Reiter stated that this is the senior housing complex located on Upper Mt. Road and without this agreement their rental fees would raise substantially. This is for a ten-year period.

Marra MOVED that the Town enter into a 10 year PILOT Agreement with Lewiston Limited Partnership and Sup. Reiter be authorized to sign. Seconded by Winkley and carried 3-0.

10. Additional Depositories:

Winkley MOVED to add M & T Bank to the Town of Lewiston's Depositories for 2011. Seconded by Marra and carried 3-0.

11. 2010 Adjustments:

Reiter: These adjustments need to be made by the various departments in preparation of the 2010 audit.

Winkley MOVED for approval of the following adjustments within the following funds for 2010. A-Fund \$18,870.51; B-Fund \$28,333.45; BD-Fund \$64,270.43; SD-Fund \$6,538.00; SF-Fund \$7,348.00; SS1-Fund \$18,285.01; SS2-Fund \$64,458.87; SS3-Fund \$6,150.47 and SW-1Fund \$2,179.33. Seconded by Marra and carried 3-0.

BAX Agenda:

Reiter: Councilman Bax gave me his agenda. He had anticipated he would be here.

1. WPCC/Sewer Use Contract:

Ritter: The Town of Porter has yet to reply.

Reiter said we have to have authorization to sign this Tri-community Agreement between Porter, Youngstown, Village of Lewiston and the Town.

Marra MOVED to permit Sup. Reiter to sign the 2011 Sewer Use Contract with T/O Porter, Villages of Lewiston & Youngstown and the Town. Seconded by Winkley and carried 3-0.

2. Liability Issue:

Reiter: Bax also asked for an Executive Session to discuss a liability issue.

Marra MOVED to go into an Executive Session for the purpose of a liability issue. Seconded by Winkley and carried 3-0.

PALMER Agenda:

Reiter asked that a lighting problem on Cayuga Drive from a resident be referred to the Lighting Cmte. (This was referred to the Lighting Cmte. on January 13, 2011.)

MARRA:

1. Sanborn Safety Issue:

In October we wrote the NYS DOT on behalf of the Sanborn Business Assoc. regarding their concerns from Route 31 to the railroad tracks on Ward Road. They asked for a cross walk and double yellow lines there. DOT replied about the cross walk and Mr. Janese is ready to put in the cross walk. They have agreed to a "no passing zone" and they will put in a double yellow line as a safety precaution.

2. Newsletter:

The 2nd newsletter will go out next week in the *Sentinel* and available here at the Town Hall. Also at the library.

3. Joseph Davis State Park:

I want to applaud the Supervisor efforts for trying to work with the State OPR to have the Town acquire the park property with a long term lease agreement to utilize the park.

WINKLEY:

Nothing at this time.

Reiter: I want to thank the Board for all of the cooperation we have had on the various projects that we have completed and worked on this year.

I want to recognize a couple of Town citizens. Mr. Richard Hastings and Mr. Alan Hastings who supplied the Town Hall with a flag pole. Mr. Tod Craggs from Cragco who installed the lights for the flag. Also thank you to Mr. Johnson, Mr. Masters and Ms. Brandon for the improvements to the Town Hall. To the

department heads, thank you for a fine job on these transfers along with Mr. Johnson and Ms. Farnham.

Marra MOVED to go into Executive Session for a litigation issue. Seconded by Reiter and carried 3-0.

Time: 6:40 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session: 6:45 p.m.

Present: Supervisor S. Reiter; Councilmen M. Marra* & R. Winkley; Deputy Sup. G. Catlin & Town Atty. M. Dowd.

Issue Discussed:

1. Liability of injury at Senior Center.

Marra MOVED to exit Executive Session and reconvene. Seconded by Winkley and carried 3-0.

Marra MOVED to approve payment in the amount of \$139.00 for a medical claim pending a signed release. Seconded by Winkley and carried 3-0.

Motion made by Marra, Seconded by Winkley to adjourn. Carried 3-0.

Time: 6:55 p.m.

* Minutes taken by Councilman Marra.