

MAY 18,2009

Town Board Worksession

5:30 PM

Present: Supervisor F. Newlin; Councilmen A. Bax, S. Edwards, M. Johnson & E. Palmer; Dep. Sup. E. Elgin; Atty. J. Leone; Dep. Atty. R. Koryl; WPCC Admin. T. Lockhart; Eng. B. Lannon; Bldg. Insp. T. Masters; Finance Officer A. DiRamio; Clerk C. Schroeder; 1 press; 6 Residents

Also Present: Sr. Director J. Collesano; Rec. Director M. Dashineau; Rec. of Taxes J. Stephens

The Supervisor called the worksession to order at 5:40 p.m. He asked if there were any additions to the agenda.

Agenda: Edwards said he wanted to discuss dept. head attendance at Town Board worksessions/meetings. Also, two new drainage issues. If time allowed he would discuss ADA Requirements at the Lewiston Library. Bax said he had a recreation item to discuss.

Bax MOVED the agenda, as amended. Seconded by Johnson. Motion carried 5-0.

Dept. Heads: At the last meeting, Edwards requested dept. heads attend all meetings in case the board had questions on an item that pertained to that particular department. Edwards said it was his intent that dept. heads attend only if there is an issue on the agenda that pertains to their respective department. Palmer asked that department heads review the agenda prior to a meeting. If there is an issue that pertains to their department, that dept. head should be in attendance.

Johnson said department heads can also request to be on the agenda if they had an issue within their department.

The Supervisor asked if any dept. head wanted to approach the Board.

The Receiver of Taxes, Joan Stephens said she responded to a resident, Mr. Messer, who had asked to have the late fee waived from his water bill. Ms. Stephens informed Mr. Messer of the town policy and that the fee would not be waived for failure to receive their bill.

The Supervisor then excused dept. heads in attendance with the exception of the Parks Director.

Abstract:

Palmer MOVED to approve the Abstract of Claims, Nos. 1157 to 1532 and recommended payment in the amount of \$275,514.92, plus a post-audit of \$131,686.19. Seconded by Johnson and carried 5-0.

Modern CAC: Newlin said he received a call from the Committee's Chairman, Vince DiMarco that legal questions had come up they would address with the Dep. Attorney. The Committee would defer its meeting with the Board until the next meeting.

Drainage Issues:

779/785 The Circle: Lannon said there is an easement that runs between these two properties. Supt. Reiter said he would have to do some work in the easement to restore some of the connections in the drain that has been there over the years. Reiter indicated that he may have to enter private property in the event that some of the connections may have to be brought into the town easement area. Lannon said ditch cards would be required to allow Supt. Reiter to enter private property.

Edwards MOVED the drainage repairs at 779/785 The Circle. Seconded by Johnson and carried 5-0.

5455 Bridgeman Road: Edwards said he had a request from the property owner, Mr. Parkhill, to clean the drainage ditch in front of his property. The ditch drains multiple parcels of property. It may help the drainage issue on Bridgeman Road.

Edwards directed the Town Engineer to meet with Mr. Parkhill and come back with his recommendations.

533 Fairway Drive: Edwards said he had a request from Mr. Ken Tompkins who has flooding in his back yard.

Edwards directed the Engineer and Supt. Reiter to address the situation to determine if it is within the town's responsibility. Lannon said he would report his findings at the next meeting.

Greenway Update: Newlin said the path project on the Escarpment is moving along. He and the Town's grant writer, Bernie Rotella, will be presenting it before the Greenway Commission on May 26. On Wednesday, the Niagara County Standing Committee will meet on it to assign funding. The Town will be asking to reiterate its portion of \$210,000 from the Greenway monies. The Federal Government will be allocating about 2 million dollars.

Verizon Tower Update: Newlin said there's been considerable interest about the Tower proposal for the River Road corridor. He introduced Robert Martinez, Chair of the Planning Board, to give a narration of the history of this tower proposal.

Martinez: We met with Verizon last year. We met with them first on 2/21. Our second meeting was 3/20 and the last time was 11/17. They wanted to put a cell tower in... In the past, we tried to keep them out of the River Road corridor only because that is a R-1 district. We try not to have them around residential houses. When we first met with them, they had a couple areas. The County Planning Board asked that they research other sites, i.e. Stella Niagara. The Town Board made a recommendation for Lew-Port and the WWTP. Verizon came back at a March meeting. They said Stella Niagara was not available. There was no site available. Stella Niagara was not interested in having a tower. It then gravitated to where we went to the Town of Lewiston Code. In Section 22B we looked at where the Master Plan would like to have towers. We just started playing off of that. Lew-Port was suggested. The Parkway was suggested. Verizon researched them and came back and thought that the roof of the Wastewater Plant would fit their needs. It was in the River Road corridor. That is about where we are with that. The February meeting was when we were directing them towards the Town Code.

Newlin: Mr. Leone, I know you've been counseling us on this. My understanding is that 1997 law passed that directs a certain criteria for a new cell tower. Could you speak to that for our education?

Leone: The Town has a Tower Committee that deals not only with cell towers but is working very hard recently on a proposed wind tower local law. There is a local law that's been in effect for several years that gives various criteria that an applicant has to meet in order to have a cell tower erected. One of the things that's in that code, Section 22B(6)(d) gives a listing from top to bottom of preferable locations. The first being a co-location. Obviously, it's preferable to have a tower go on to an existing tower rather than building a new one. The next one is Municipal or government-owned property. It goes on to say Business District, Industrial Districts and so forth. The last one being R-1, R-1A, R-1B, R-1C, R-1D or R-1E Zones. I remember being at one of those Planning Board meetings when the suggestion was made that the County Planning Board had requested that the applicant take a look at other than the proposed site. I don't want to speak as to why the County Planning Board did that but I know that the proposed site was an R-1 zone. That was my recollection. At that meeting, they had talked about going to Stella as a possible alternative. I lost track of it after awhile although I, as one of the persons on the check list, remember taking a look thru the application itself. I remember also receiving some communication from their attorney about having the cell tower placed on municipal property. Verizon indicated they had spoken to someone about the idea of putting it on the town property. At the last meeting, we had a proposed lease. The Board voted on that proposed lease. It was approved subject to permissive referendum as required by law but we did not approve the site at this juncture. All we approved was the form of the lease in the amount of payments that the lease would provide. It is still contingent upon Verizon obtaining all of the requisite approvals that our local law provides for. As a matter of fact, they have sent a letter requesting permission to conduct non-damaging samples of the location for the purposes of paint, soil, water and other materials to assess the conditions -- environmental or otherwise --

of the property. As I recall, it was the Planning Board, in deference to the County Planning Board, saying look at other locations.

Councilman Bax: I've got an item on my agenda -- Verizon Wireless --Service Testing - - that Mr. Leone was just referring to. I would like to table this. I passed out some of the minutes from the Planning Board from the 2/21, 3/20 and 11/17, 2008 meetings. Maybe we can all get a chance and review those before the next meeting.

Newlin: Mr. Martinez, can you discuss a little further in detail, and it's speculation on your part, about what the Planning Board's hesitation might be with a site on Calkins Road. Or what your own hesitation might be with a site like that.

Martinez: It's what we do with all the tower proposals that come before us. We really try to steer away from residential neighborhoods. They are unsightly. People think that they will probably decrease property values. Along with the town code where it lists everything, that is what we play off of. It just makes sense to us because we have a code for it. To us it was almost like a win-win situation if we use the Wastewater Plant because it is in the River Road corridor which everyone wants to get in and it fits the bill.

Councilman Palmer: I know there is some dialog in here between Mr. Elgin and Verizon where it talks about a need for coverage in that area. I live in that area. I have a Verizon cell phone. I've never had a problem anywhere near there. Without getting into the technical end of things is this going to benefit the residents of Lewiston or is this to benefit people north of Lewiston. It doesn't appear that we need a tower over there.

Martinez: I would agree. Some information I found out and I wish I didn't know is that a tower is only good for a three mile radius. One of the problems people have is roaming to Canada. To enhance 911 is always the bottom factor.

Newlin: Maybe we can ask Verizon to come back next Thursday to speak on some of those technical issues such as what is the real need out there for cell coverage.

Palmer: I'm very much concerned about the location of its proximity to proposed new development in that area. Perhaps the R-1 alternative is better suited for the environment up there. It's more secluded.

LCTV Proposal: Newlin said this deals with contract negotiations which would be dealt with in executive session. Palmer said they need to discuss whether we want it before we talk numbers.

Newlin: In my opinion it is important to have LCTV here. There are a lot of local governments and bodies that have done this, i.e. Town of Lockport, City of Lockport, and Town of Wheatfield to name a few. It addresses a real information reality that presents itself to those of us who live in 2009... Because of the supreme retrenchment we're seeing in the newspaper industry we're not getting the coverage that we used to get. I was speaking to the Buffalo News today. They said flat out they would not be able to attend evening meetings at any kind of rate like they used to. As public officials, I think it makes sense for us to try and reach out to the public in as many ways as possible. For better or worse, more and more of the American population is getting its information thru television rather than newspapers. This Board's or any board's decisions are better formed by a better informed public. I support it.

Palmer: We have to watch the bottom line. Any money we might realize from a cell tower construction will be going right back out the door to pay for T.V. cameras. I'm not sure that that's the most efficient use of town monies. This is the internet age. People are getting their information on-line, not only from television but even more so nowadays from the internet. We have a website. I don't understand why we can't upload our meetings to our website where they would be available for anyone to watch at minimal cost.

Fire Bureau/Police Alarm Fees – Dedicated Fund: Johnson said they had a request from the Fire Bureau that false alarm fees that are collected be placed into a dedicated fund for the purpose of additional training. He will report back to the Board after meeting with the Fire Bureau. A similar request was made by the Police Department for police false alarm fees. The amount collected in 2008 was \$375.00.

Johnson MOVED to allocate any false alarm charges pertaining to the police department to be deposited in account TE4-3000. Seconded by Edwards and carried 5-0.

WPCC Roof Bid: As a point of information, Bax said it's been reported to him that there is sufficient fund balance and monies on hand to cover the expense of roof repairs at the WPCC. Lockhart said they are ready to proceed with this project.

Storm Water Report: Lockhart said the Draft Storm Water Report has been completed and is open for public review and comment. One of the requirements for the report is that it be discussed at an open meeting. If any persons from the public has an interest in reviewing the draft report it is on file in the building department. They can review it and comments will be incorporated into the final draft. At the next RTBM, he will have the final report ready for approval.

WWTP – Copier Contract: Bax reported that the WPCC has a copier contract currently at \$240/month. A proposal has been submitted from ComDoc for a Sharp AR237 copier for a 60-month lease at \$146/month and maintenance of \$30/month with Nate's Typewriter.

Bax MOVED to accept the proposal from ComDoc, as submitted. Seconded by Palmer and carried 5-0.

Garden Club Request: Newlin said he received a request from the Garden Club for \$500 in funding. Newlin said there are funds available in the Celebrations Account
Newlin MOVED to approve the funds. Seconded by Bax and carried 5-0.

Capital Funding – Parks: Bax said three capital funding projects for the Parks were previously approved but now need Board approval for the release of the funds.

* Kiwanis Park Shelter: Construction of Steel Rolls Doors. Estimated Cost: \$10,000-\$12,000. Fund Source; Rec. Development Fund H-61.

Bax MOVED the project to go to bid. Seconded by Johnson and carried 5-0.

* Colonial Village Baseball Field Backstop: Cost \$4,402. Fund Source: Rec. Development Fund TE-04.

This item was tabled until the Attorney reviews the lease with the Fire Company for use of the park.

* Kiwanis Park Tennis Court Conversion: Cost \$8,000-\$10,000. Fund Source: Rec. Development TE-04.

Bax MOVED to accept bids on the project. Seconded by Johnson and carried 5-0.

Furthermore, Bax read correspondence from the Rec. Director in that he is experiencing electrical problems at Washuta Park relating to the stadium lights and scoreboards. The electrical work on this equipment is over ten years old and the box is experiencing some decay since it is exposed to the weather. McGill Electric has performed previous maintenance on the lights. They estimate \$3,500 for the replacement of the entire panel.

Bax MOVED to approve the allocation of \$3,500 from H-61, Parks Improvement and Recreation Development Capital Fund for the necessary repair. Seconded by Johnson and carried 5-0.

Parks Hires: Bax said he was supposed to get a list of names from Supt. Reiter. He asked that this be tabled until he gets the list.

Shared Services Agreement w/Niagara Wheatfield: Bax asked that this be tabled.

Roster Addition: The Upper Mt. Fire Company requests approval of the following roster additions: David Burke, St. Catherines, Ontario and Ben Dick, St. Catherines, Ontario. Both individuals are students at Niagara University.

Johnson MOVED for approval, Seconded by Bax and carried 5-0.

4th of July Celebration: Newlin referred to correspondence from the Village of Lewiston requesting funds for the annual 4th of July Fireworks display.

Newlin MOVED to allocate \$2,000 from the Celebration Account to the Village of Lewiston. Seconded by Johnson and carried 5-0.

The Supervisor asked for a motion to enter into executive session re litigation matters, contractual issues and personnel (grievance matter).

Johnson MOVED to enter into executive session. Seconded by Palmer and carried 5-0. Time 6:30 p.m.

***Executive Session:**

Present: F. Newlin, A. Bax, S. Edwards, M. Johnson, E. Palmer, E. Elgin, J. Leone, R. Koryl

Issues Discussed: Various contract negotiations and litigation matters.

Johnson MOVED to exit the executive session and close the worksession. Seconded by Edwards and carried 5-0.

Executive Session Action: None

*Executive Minutes taken by:
Robert Koryl, Dep. Town Attorney

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk