

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Deputy Sup. Catlin, WWTP Chief Oper. Ritter; Building Inspector Masters; Highway Supt. Janese; Town Attorney Dowd, Finance Director Johnson; Engineer Smith; Police Chief Salada; 6 residents; 1 Press and Clerk Donna Garfinkel

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

TWO-MINUTE STATEMENTS BY RESIDENTS

Supervisor invited residents that wished to address the Board.

Warren, Rosemary – 5842 Griffin Street – Mr. Warren is upset with the hundreds of pebbles left along the Sanborn Streetscape project. He called Superintendent Janese and it was taken care of.

Warren believes this is Greenway money being spent, so doesn't understand why Town employees are doing this. Project should have included topsoil. Trees are already dying. The public should not have to water these trees.

Warren will submit a FOIL request asking for: All money spent to date on the Sanborn Streetscape. What part of the project needs to be completed and the estimated cost and an audit report.

Warren wrote the Office of the Comptroller in regards to the Joseph Davis Local Development Corporation. Warren does not feel this is necessary. Would like to know where the money is coming from, up front, to pay for the Corporation. The Comptrollers office thanked Warren for bringing this to their attention; information has been forwarded to the Buffalo Office and will be considered during the future audit. Warren does hope they audit the Corporation because she feels the Board moved to fast. It should have started as a Committee for sometime then move forward if needed.

Wilson, Liz – 534 Riverwalk Drive – Wilson asked for a follow-up on how the Board will address the noise at the Waste Water Treatment Plant.

Ritter said carpet has been purchased to be installed on the closure at the back of the plant. Three barriers of 10 x 8 foot plywood with sound absorbing material on them will be placed in front of that. Ritter hopes to complete by end of the summer.

Wilson questioned the progress being made with the drainage at Joseph Davis State Park. Reiter said they have met with developer, Joe Deck. Now that the Town has control of Joe Davis Park it can be addressed much quicker. The developer has agreed to purchase all piping material. Most piping will be done on Town property, so the Town will likely install it. It needs to be determined which is more cost effective. Reiter hopes to complete this end of summer.

AGENDA APPROVAL

Marra requests the addition of Riverdale Cemetery. Reiter requests the addition of an issue on Harper Drive, budget transfers and the sewer detail approval.

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

APPROVAL OF MINUTES

Palmer MOVED to approve the minutes of the Joint Town & Village – 6/27/2011; Regular Town Board – 6/27/2011 and Special Meeting – 7/17/2011, Seconded by Bax and Carried 4 – 0. (Winkley abstained)

APPROVAL OF ABSTRACT

Winkley MOVED to approve the Regular Abstract of claims numbered 1899 to 2310 and recommend payment in the amount of \$569,711.24, Seconded by Marra and Carried 5 – 0.

Winkley MOVED to approve the Post-Audit of \$64,713.81, plus Home Depot - \$384.74; Sam's Club - \$708.13; Mountain Glacier, LLC - \$39.70; New York State Unemployment Insurance - \$7,384.13; Jacqueline Burns - \$1,538.02; Fox Fence, Inc. - \$10,430.00; Mooradian Rug Co. - \$5,400.00; Niagara Car & Truck - \$21,000.00; Department of Labor - \$225.00; Lewiston Insurance Agency - \$1,288.00 and Donald Tussing - \$35.00, Seconded by Marra and Carried 5 – 0.

OLD BUSINESS

Generator Bids and Water Meters. Reiter said no changes on these items.

NEW BUSINESS

No Correspondence submitted

REITER

Mileage Rate Increase Approval

Effective July 1, 2011 the IRS mileage rate for use of private vehicles by department heads and authorized employees is 55½ cents per mile up from 51 cents.

Palmer MOVED to increase the mileage rate to 55½ cents/mile, retroactive to July 1, 2011, Seconded by Bax and Carried 5 – 0.

Peach Festival Sponsor

Reiter announced the current Sergeant Major of the Marine Corp is from Lewiston. He will be this year's Grand Marshall at the Peach Festival Parade. The Marine Corp. band will also be part of the Peach Festival activities. Lewiston is very honored to have their attendance.

Palmer MOVED to place an ad in the Peach Festival brochure using the same as last year, not to exceed \$150.00, Seconded by Bax and Carried 5 – 0.

Town Historian Resignation

Town Historian Mark Davis submitted his letter of Resignation.

Winkley MOVED to accept, with regret, Mark Davis's resignation as Town Historian, Seconded by Bax and Carried 5 – 0.

Marra MOVED to appoint Robert Martinez as Town Historian, Seconded by Bax and Carried 5 – 0.

Retirement Resolution

Marra MOVED

BE IT RESOLVED, that the Town Board of the Town of Lewiston/Location Code 30237 hereby establishes the following as standard work days for its employees and will report the days worked to the New York State and Local Employees' Retirement based on the time keeping system records or the record of activities maintained and submitted by these officials to the Clerk of this body.

Seconded by Bax and Carried 5 – 0.

437 Harper Drive

The house at 437 Harper Drive has been vacated by the owners and left in major unsafe disrepair condition. Police and Fire Depts. have inspected the building and both deemed it a safety hazard and blight to the neighborhood. Several attempts have been made to contact the owner, including property violations that have been unanswered.

Masters is requesting the Town Board grant him approval according to Section 30 Unsafe Buildings, to go out to bid to have the house removed and the basement filled in.

Palmer MOVED to deem 437 Harper Drive unsafe and direct Building Inspector Timothy Masters to go-out for bids to remove the house and fill in basement, Seconded by Winkley and Carried 5 – 0.

Reiter asks that all paperwork be reviewed by Attorney Dowd.

Fund Transfers

Bax MOVED to transfer \$300 from Dog Control Contractual A3510-0400 to A3510-0200 for equipment for the Dog Van, Seconded by Marra and Carried 5 – 0.

Winkley MOVED to transfer \$30,000 from H-97 to H-55 – Town Hall Renovation for the balance of the capital project at the Town Hall, Seconded by Bax and Carried 5 – 0.

Marra MOVED to transfer \$44,000 from Highway Fund Balance to Highway Personnel to cover Seasonal Employees, Seconded by Bax and Carried 5 – 0.

Board members received the Town of Lewiston New Service Connection Detail, PVC Trap Assembly, Soil Weight Cast Iron Trap Detail and the Typical Building Sewer Trench Detail for review. The Board will need to approve them soon.

Dowd said the Board needs to transfer monies to pay for the improvements at the Treatment Plant. The Town was using its own money to help the Tri-Communities pay.

Winkley MOVED to transfer \$800,000 from SS-2 Fund Balance to SS-1, Seconded by Marra and Carried 5 – 0.

Winkley MOVED to pay CRA \$355,001 from Special Capital Account H-32, Seconded by Marra and Carried 5 – 0.

Reiter updated all on the proposed Bike Path on the Parkway. The path route is from the current Lewiston Bike Path to the area near Niagara University. When Sandy Maslen was Supervisor the Town received an approximate \$2-million grant for the Bike Path. Supervisor Newlin was able to revitalize the program, and the Town has been sitting on these dollars for 10-years. In the last 1½ year a lot of movement has taken place. In that time all the approvals were in place for the plan/concept. The Town received a letter from State Parks stating they feel the plan is unacceptable and unsafe. Approval has been received for the on-grade cross on the parkway from the DOT and State Parks.

State Park has advised the Town they would prefer the Town use part of the parkway for the plan. To Reiter this undermines all the planning that has taken place. Residents have been voting and suggesting different designs for the parkway.

Reiter does not understand why the State would wait a year and a half to rescind their approval. Reiter is upset they did this without discussing anything with the Town. Property for this project is owned by several different agencies, DOT, New York State Parks, Niagara County, Niagara University and two different branches of the Power Authority. They have now asked the Town to obtain easements, in a roadway, at a cost of \$244,000. Reiter thinks this is absurd. For Lewiston to have to spend \$244,000 for State agencies to give us an easement on their property to build a bike path that will be utilized by EVERYONE, boggles Reiter's mind. It is a perfect example of the State backing Lewiston into a corner, and asking Lewiston to do more than necessary.

Joseph Davis State Park was a mess. Town forces went in and cleaned it up with Lewiston resources. The weeds are knee deep; buildings are falling apart, the fire suppression system over the fuel tanks hasn't been inspected since 2000. Reiter is frustrated the Town has to clean-up their mess.

Lewiston is trying to make something nice for the community and once again the State of New York has decided it is easier to say no, instead of rolling up its sleeves and say this what we can do to help you. Reiter does not understand it.

Reiter asks for permission to speak to Senator Maziarz and Assemblyman Ceretto about this.

New York State Parks Commissioner Rose Harvey will be at Artpark tomorrow. Reiter would think; with Lewiston taking over Joseph Davis Park, she would contact Officials to see the progress being done.

Palmer asked if the suggestion the State made for the path, was to close down the lane. Reiter said yes, and he is totally against that. It is so unimaginative. Why would you close a lane that is going up a hill? God bless, if there is ever an emergency in Lewiston and we had to get people out in a hurry.

Reiter asked Supt. Janese to speak to Rosemary Warren in regards to her concerns on the Sanborn Streetscape project.

Palmer MOVED to authorize Supervisor Reiter to approach State representatives to find a remedy to the Bike Path situation, Seconded by Marra and Carried 5 – 0.

COUNCILMAN BAX

Accept resignation of Jean Gaul – Senior Advisory Board

Bax MOVED to accept, with regret, the resignation of Jean Gaul from the Senior Advisory Board, Seconded by Marra and Carried 5 – 0.

Sewer Charge – Escarpment Drive

The waterline at 1159 Escarpment Drive broke at the end of 2010, filling the house with water. The homeowner was not in the area at the time. The sewer charges would be \$549.47. With permission from the Town Board, the Water Pollution Control Center suggests the sewer bill be waived of excess charges. Homeowner should pay 10% of the charges which would be \$54.95.

Bax MOVED to forgive 90% of the sewer charge for 1159 Escarpment Drive, to total \$54.95, Seconded by Palmer and Carried 5-0.

COUNCILMAN MARRA

Riverdale Cemetery

Cemetery is requesting a waiver of the \$50 building permit fee for a fence being installed around a fuel tank.

Marra MOVED to waive \$50 building permit fee, Seconded by Bax and Carried 5 – 0.

The Sanborn Area Historical Society will hold their Farm Festival on Saturday and Sunday.

COUNCILMAN PALMER

Monitor vehicle speed on Riverwalk Drive South

A letter was received from residents regarding several drivers speeding through the subdivision. Palmer spoke to Chief Salada and he will monitor the street.

Palmer said large trucks traveling up Creek Road to Lewiston Hill, from industrial sites below the hill, are far exceeding the speed limit. Chief Salada asked to monitor.

COUNCILMAN WINKLEY

Haz-Mat Commission meeting on July 27th at 7:00 p.m.

Reiter requests authorization to sign an amendment received to change the estimated expenditures of the Snow & Ice Agreement with NYSDOT in the amount of \$22,518.74.

Marra MOVED to authorize the Supervisor to sign the amendment to the Snow & Ice Agreement, Seconded by Winkley and Carried 5 – 0.

Winkley MOVED to adjourn, Seconded by Marra and Carried 5 – 0. (6:45 p.m.)

Respectfully Transcribed and Submitted by,

Donna Garfinkel
Deputy Town Clerk