

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Deputy Sup. Catlin, WWTP Chief Oper. Ritter; Building Inspector Masters; Highway Supt. Janese; Town Attorneys Dowd and Davis; Finance Director Johnson; Engineer Smith; 13 residents; 3 Press and Clerk Donna Garfinkel

Supervisor opened meeting at 6:30 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

APPROVAL OF AGENDA

Reiter asked for any additions. Marra requested the addition of Parks Dept. employee, Dog Shelter Agreement and Niagara River Greenway Resolutions. Reiter will remove the Parks & Recreation Master Plan and Indoor Recreation Center Feasibility Study Resolution. Marra requested to enter into Executive Session to discuss contractual issues with Joseph Davis Park and employment.

Marra MOVED approval of Agenda as amended, Seconded by Bax and Carried 5 – 0.

COMPREHENSIVE PLAN / ZONING CODE

Reiter asked if the comments made by Mrs. Glasgow during the Public Hearing; would be addressed in the Zoning portion. Reilly said they would; that is the next step.

Winkley MOVED Resolution 2 - 2011

WHEREAS, the Lewiston Town Board, with the input and participation of Town Departments and Staff, has completed a Town of Lewiston Comprehensive Plan Update in accordance with Section 272-a of New York State Law; and

WHEREAS, the Lewiston Town Board, with the input and participation of Town Departments and staff, has completed an update to Chapter 30 of the Town of Lewiston Zoning Ordinance; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation law, the Lewiston Town Board has established itself as SEQR Lead Agency and conducted a coordinated environmental (SEQR) review for this Type I action; and

WHEREAS, the Town Board has received input from the public and from others involved and interested agencies, and has taken a hard look at the social, economic and environmental impacts of the adoptions of the Comprehensive Plan Update and the Zoning Ordinance Update; and

WHEREAS, the findings of this review indicate that the adoption of an Update to the Town of Lewiston Comprehensive Plan and the Town of Lewiston Zoning Ordinance will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and will help manage growth and development in the Town in a manner that will have potentially beneficial impacts on aesthetics, recreation, transportation and community character.

NOW, THEREFORE BE IT RESOLVED, that the Lewiston Town Board, as SEQR Lead Agency for this action, has determined that the adoption of the Town of Lewiston Comprehensive Plan Update and the Zoning Ordinance update will not result in any significant adverse impacts on the environment, and a Negative Declaration is hereby issued, based on the reasons as set forth in the Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Lewiston Town Board recognizes the fact that the adoption of the Comprehensive Plan Update and the Zoning Code Update incurs no direct environmental impacts, and that the implementation of any suggested actions under the Comprehensive Plan and Zoning Ordinance update, which may have potential impacts on the physical development of the Town, may require subsequent and specific SEQRA review; and

BE IT FINALLY RESOLVED, that the Town Board authorizes the Town Supervisor to sign the Environmental Assessment Form and authorizes Wendel, the Town's consultant, to undertake the appropriate notices and filings.

Seconded by Bax and Carried 5 – 0.

Bax MOVED Resolution 3 - 2011

WHEREAS, the Lewiston Town Board has worked diligently in preparing a Comprehensive Plan Update and Zoning Ordinance update for the Town; and

WHEREAS, through the coordinated actions of the Town Board, Town departments, and Town staff the Town has completed the Comprehensive Plan update in accordance with Section 272-a of New York State Town Law; and

WHEREAS, through the coordinated actions of the Town Board, Town departments, and Town staff, the Town has completed an update to Chapter 30 of the Town of Lewiston Zoning Ordinance; and

WHEREAS, the Town of Lewiston Town Board has reviewed the draft documents and directed updates of the Plan and Zoning ordinance in response to input received; and

WHEREAS, the Lewiston Town Board held a Public Hearing on March 14, 2011 to solicit final comments on the draft Plan and draft Zoning Ordinance update; and

WHEREAS, the Lewiston Town Board, as Lead Agency, through a coordinated review process, which was conducted in accordance with the requirements of the State Environmental Quality Review Act (SEQRA), has determined that the adoption of the Comprehensive Plan Update and the Zoning Ordinance update will not have a significant effect on the environment and has issued a Negative Declaration.

NOW THERE FOR BE IT RESOLVED, that the Lewiston Town Board hereby adopts the document entitled "Town of Lewiston Comprehensive Plan Update", as an amendment to the Town's Comprehensive Plan; and

BE IT FURTHER RESOLVED, that the Lewiston Town Board hereby adopts the document entitled "Lewiston Zoning Update" dated January 6, 2011 (with the amendments discussed on March 14, 2011), as the Town's Zoning Ordinance (Chapter 30 of the Town Code); and

BE IT FINALLY RESOLVED, that a copy of the Comprehensive Plan Update and the Zoning Ordinance update be filed in the office of the Lewiston Town Clerk and that the Town Clerk make the required copies and perform the appropriate filings and notices with the assistance of the Town's consultant, Wendel.

Seconded by Marra and Carried 5 – 0.

WASTER WATER TREATMENT PLANT INCREASE / IMPROVEMENT

Dowd said the Public Hearings held, January 24th and February 28th, regarding the Waste Water Treatment Plant Increase and Improvements remain open to allow residents an opportunity to comment on the SEQR and Lead Agency. There are no objections to the project from New York State Office of Parks, Recreation and Historic Preservation. The Board needs to adopt Lead Agency status, accept a Negative Declaration then approve the conditions on bonding the project.

Marra MOVED to adopt Lead Agency Status for the Increase and Improvements at the Waste Water Treatment Plant, Seconded by Bax and Carried 5 – 0.

Bax MOVED to accept the Negative Declaration, Seconded by Palmer and Carried 5 – 0.

Reiter invited residents to comment.

Bax MOVED to close the Public Hearing on the Waster Water Treatment Plant Increase & Improvements, Seconded by Marra and Carried 5 – 0.

Bax MOVED to approve the Bond Issue for the Increase and Improvement at the Waste Water Treatment Plant, Seconded by Winkley and Carried 5 – 0.

The Town will utilize funds currently available in SS-2 (Outside Sewer – Master Sewer). There is about one million available. This will be used to pay engineering fees, and the balance will be to start the project. In the meantime, the Town will research EFC grants and rates available. The Town will be borrowing from itself. After this, the final amount for bonding will be known. The Town has received a \$27,000 grant for the Turbo Blower.

DOG SHELTER AGREEMENT

SPCA fees are very high, close to \$1,000/month. The Town has entered into a proposed agreement with the Lewiston Small Animal Hospital. The Agreement is to shelter dogs on a per dog basis, verses a contractual monthly amount (SPCA). Dowd has prepared a Dog Sheltering Agreement, and asks the Board to allow the Supervisor to sign and execute it. It is a one-year contract.

Marra MOVED to authorize the Supervisor to sign the Dog Sheltering Agreement with the Lewiston Small Animal Hospital, Seconded by Bax and Carried 5 – 0.

APPROVAL OF ABSTRACT

Palmer MOVED to approve the Regular Abstract of claims numbered 495 – 831 and recommend payment in the amount of \$1,367,882.70, plus a Post-Audit of \$41,889.12, plus payment to Rotella Grant Management in the amount of \$6,000 with funds from T-9903, Seconded by Marra and Carried 5 – 0.

NIAGARA FISHERY – PRESENTATION

Bill Hilts Jr., works for Niagara County, in the Economic Development Office as the County Sports Fishing Promotion Coordinator.

Seven years ago the Niagara County Fishery Development Board was asked to create a plan for an educational and research fish culture or hatchery facility in Niagara County. The vision is to bring everyone together, and supply fish.

A local committee was formed to gather information. A Feasibility Study was completed in 2008. Grant money has been applied for, but not received, through Niagara County Environmental Fund. It was put on the back shelf.

Hilts read in the paper that Lewiston was considering a lease agreement with NYS Parks in regards to Joseph Davis Park. He contacted Reiter via e-mail and Reiter responded saying this project fits the parks vision.

The Joseph Davis State Park Fisheries Legacy Proposal was developed to provide a healthy fish support. Many of the fish species that are fished for are part of a foot-through and take-fishery. A lot of them are reared in hatcheries.

The ultimate goal of Fish & Wildlife Services is to create a self-sustaining naturally reproducing fishery. How long this will take is unknown.

The facility would become an educational institution. There have been favorable discussions with Niagara University. They would like to be involved from the research stand-point. Having a research facility is very important. Now, fish needing to be sampled or tested for disease, is shipped to Seattle, WA.

A similar site, on the Buffalo Waterfront, is also being considered.

Why Joseph Davis? Hilts said because of the land and being adjacent to the Niagara River. In the Feasibility Study it identified Joseph Davis as the prime location in Niagara County.

The one stumbling block is the quality of water, whether or not the water is good enough to support a fish hatchery. Reiter feels there is plenty of groundwater. There have been discussions of utilizing the green aspects at the Water Treatment Plant.

Engineer Lannon is confident the technology exists to treat the effluents from the WWTP, to be used as water for the fish hatchery; but it may need to be supplemented by groundwater. There are regulatory issues that need to be addressed but the technology is there. The Town will investigate the water quality of the groundwater in the area.

Hilts said Niagara County Fish & Wildlife has shown interest in locating their offices in Lewiston, if the hatchery were built.

Reiter asked if the Town provided the water and necessary attributes to construct the facility, could it be said “The Niagara River and Lake Ontario are a world class destination for fishing!”

Hilts said it already is and this would enhance it. The Feasibility Study being done by Niagara University shows that in the last two years, somewhere between \$28 and \$31 million, is brought into Niagara County annually alone, as a result of sport fishing. The best thing about the fishing business here is the long season. This will help showcase the Niagara River and become a great tourist destination.

Bax questioned funding once the facility is built. Hilts said they are hoping to enter into an agreement with the Power Authority. The business model has not been worked through, just the concept.

Is there a time estimate before Lake Ontario becomes self-sustaining? Hilts said there has never been an estimate. There are some issues with reproduction.

GREENWAY COMMISSION RESOLUTION SUBMISSIONS

Lewiston will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston’s Toohey Park Comfort Station and Playground Installation Project grant funding request. This will include playground equipment, installation of basketball backboards and rings, safety surface, basketball court repair, comfort station and site restoration.

Marra MOVED to submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston’s Toohey Park Comfort Station and Playground Installation Project grant funding request, Seconded by Winkley and Carried 5 – 0.

Lewiston will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston’s Colonial Village Park Basketball & Tennis Court Re-Construction grant funding request. This will include the removal, resurfacing, seal and restriping of the basketball course, fencing and benches.

Marra MOVED to submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston’s Colonial Village Park Basketball & Tennis Court Re-Construction grant funding request.

Lewiston will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston’s War of 1812 Tuscarora Heroes Monument grant funding request.

Reiter said there has been a lot of talk about this. The motion is just to have the proposal submitted, not to divulge funds.

Marra MOVED to submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston’s War of 1812 Tuscarora Heroes Monument grant funding request. Seconded by Palmer and Carried 5 – 0.

DECLARE EXCESS AND OBSOLETE – Water Department Printer

Bax MOVED to declare the Water Department Okidata 3410 printer as excess and obsolete equipment effective immediately, Seconded by Palmer and Carried 5 – 0.

DEPARTMENT OF TRANSPORTATION STUDY REQUEST

Marra received complaints regarding the intersection of Military Road and Lewiston Road. When one makes a left onto Military Road from Lewiston Road, the lane in which you turn on is too narrow.

Bax would like to include a speed reduction request for Military Road from Upper Mountain to Lewiston Road. This has been done and denied, but with this analysis it can be done.

Marra MOVED to petition the DOT to study this issue, Seconded by Bax and Carried 5 – 0.

Bax suggested a resident's petition be submitted. Marra and Bax will work on that.

FUND TRANSFER – Building Department

Marra MOVED to transfer \$1,500 from 3620.400 B - Contractual to 3620.200 B – Equipment, to cover the cost of two filing cabinets, Seconded by Bax and Carried 5 – 0.

PARKS DEPARTMENT HIRE

Marra MOVED to hire the following Laborer DL employees: Andrew Myers @ \$10.50/hr; Andrew Gurr @\$10.00/hr; Andrew Quaranto @ \$8.50/hr, Seconded by Palmer and Carried 5 – 0

Bax complimented Highway Superintendent Janese and his employees. They are doing a great job. Many projects are on-going. There is a high level of talent in this department.

Winkley MOVED to close the Worksession and enter into Executive Session to discuss contractual issues and employees, Seconded by Marra and Carried 5 – 0. (7:25 pm)

EXECUTIVE SESSION

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Deputy Sup. Catlin, Attorney Davis, George Adamson, Mike Townsend, Bob Gallucci and Lou Giardina

To discuss contractual issues with Joseph Davis Park and employment.

No action taken.

Bax MOVED to exit Executive Session, Seconded by Palmer and Carried 5 – 0. (8:20 pm)

Bax MOVED to hire George Adamson as Town Prosecutor at the budgeted rate, Seconded by Palmer and Carried 5 – 0.

Bax MOVED to hire Nicholas Custodi @ \$14.61/hr, as Watchperson at the WWTP, Seconded by Palmer and Carried 5 – 0.

Bax MOVED to adjourn, Seconded by Palmer and Carried 5 – 0.

Executive Session minutes taken by Ronald Winkley

Respectfully Transcribed and Submitted by,

Donna Garfinkel
Deputy Town Clerk