

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra and R. Winkley; Dep. Sup. G. Catlin; Atty. M. Davis; Eng. R. Smith; Finance Director M. Johnson; Chief C. Salada; Bldg. Insp. T. Masters; WPCC Oper. J. Ritter; 2 Press; 3 Residents and Clerk C. Schroeder

Excused: Councilman Palmer

The Supervisor opened the Public Hearing. The Clerk read the Legal Notice for the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston of the 24th day of June, 2013 at 5:45 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York to consider a request from Richard Militello, 542 Pletcher Road for a Special Use Permit to allow horses (Maximum of 4) in an R-1 District.

All persons of interest will be given an opportunity to be heard.

By order of the Town Board
May 30, 2013.

The Supervisor said the property in question is 27 acres. He asked for public comment concerning the special use permit.

Mike Berti, Town of Lewiston, said he is the brother-in-law of Richard Militello. I'm here tonight to explain to you what his ideas are. He is coming from California with his family and one horse. He purchased this property because of its size. He already has an architect to re-design and fix the house up. He is going to build a barn and put up a corral.

When asked, Masters said he had seen some of the sketches. Mr. Militello came before the Planning Board and indicated the location of the barn and of the horses. The Planning Board was satisfied and recommended approval, he said.

Winkley MOVED to close the Public Hearing, Seconded by Bax and carried 4-0.

Time: 5:50 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

June 24, 2013 Regular Town Board Meeting

6:00 P.M.

Present: Supervisor S. Reiter; Councilmen A. Bax, M. Marra and R. Winkley; Dep. Sup. G. Catlin; Eng. R. Smith; Atty. M. Dowd; Atty. M. Davis; WPCC Oper. J. Ritter; Police Chief C. Salada, Building Insp. T. Masters; Finance Director M. Johnson; Highway Supt. D. Janese; 3 Press; 5 Residents and Deputy Clerk C. Schroeder

Excused: Councilman E. Palmer

The Supervisor opened the Regular Meeting.

Councilman Bax led the Pledge of Allegiance followed by a moment of silent reflection.

Reiter opened the two minute statement period.

RESIDENTS STATEMENTS:

Kathy Parmentier, 4945 Ward Road, spoke about the application fee for sewer hook-up that increased from \$500 to \$2,000. I asked for a reason for the increase and I was told it was to cover the construction costs. If that's true I can understand that but the construction people basically told me the Town is making money off this which makes me angry. I don't know if it's true. That is why I am here to ask. For them to say that to me, that makes me upset.

Reiter: I understand your feelings but I can promise you the Town did not make any money on the project. We have your name and address. I'll look into it and see what changed.

Bax recommended she discuss the numbers with Jeff Ritter, WPCC Ch. Operator.

Reiter closed the public comment period and asked for approval of the agenda,

AGENDA:

Additions:

Winkley: Executive Session re Contractual Issue (Police Union Contract).

Marra MOVED the agenda, as modified. Seconded by Bax and carried 4-0.

PUBLIC HEARING ACTION:

Winkley MOVED for approval of the request from Richard Militello, 542 Pletcher Road, for a Special Use Permit to allow horses (up to four) in an R-1 District. Seconded by Marra and carried 4-0.

MINUTES:

Marra MOVED to approve the minutes of 5/30/2013 (RTBM) and 6/10/2013 (Worksession). Seconded by Bax and carried 4-0.

POST-AUDIT:

Marra MOVED for approval of post-audit payments to Home Depot - \$2,770.95; Sam's Club - \$3,403.97; Key Bank - \$2,256.36; Clarence Travel Baseball - \$375.00; Michael Cuddahee - \$90.00; Tyler Tubinis - \$60.00; Joe's Country Catering - \$1,056.10; DeLage Landen - \$116.10; De La Casa - \$861.25; LEAF - \$455.80. Seconded by Bax and carried 4-0.

OLD/PENDING BUSINESS:

Fees for Use of Town Parks: Marra said he has had some discussion with Atty. Davis to come up with a plan for 2014. He asked that this matter be tabled until the July meeting to get some input from the Recreation Director, as well.

Marra MOVED to table. Seconded by Bax and carried 4-0.

Joseph Davis Scoping Status: Reiter said the Town Board has had one month to look at the Scoping document provided by CRA Engineers. He asked for a motion to approve the Scoping Document which is a compilation of comments that have already been addressed as a result of talking to the interested agencies.

Marra MOVED for approval. Seconded by Winkley and carried 5-0.

Bax noted that further comments would be forthcoming. This is not the final or operative document for the project. The public will have further opportunity for input and comment.

Senior Center Renovations: Eng. Smith said he submitted cost estimates for replacement of the roof, HVAC and plumbing system, and lighting of the Town Senior Center. He asked the Board to review the submittal and make a recommendation at the next meeting on how to proceed.

CLERK'S CORRESPONDENCE:

Item No. 1 was a request from the Town Clerk to replace the older, outdated copier in the Recreation Department with a Lanier LD645cspf High Speed Color System. This copier will allow for color prints and will also be used by other departments as needed. The lease period is for 60 months and the monthly cost will be \$201.66. Funds have been budgeted for this expenditure.

Marra MOVED for approval with funds allocated from Account A-1620.0400. Seconded by Winkley and carried 4-0.

Item No. 2 from John and Gail Masic: We would like to express our sincere appreciation to the Town Board for approving the installation of a clay dam in front of 749 Scovell Drive. For over 32 years, we have had a continuous flow of water from the front of our home to our basement sump pump. This constant flow has caused excessive electric bills and water damage to our home over the years. With the installation of the clay dam, we are finally experiencing a significant decrease (approximately 95%) in water flow entering the sump. In closing, we would like to acknowledge Douglas Janese for the exceptional knowledge, time and effort afforded to us in getting this issue resolved. Also, we would like to thank the courteous and hardworking Town Employees who did such a fine job at our residence. Thank you to everyone who was involved in finally putting this long standing water issue to rest.

Supervisor Reiter:

Legal:

A) Uniform Notice of Claims: Atty. Davis said he reviewed the proposed Resolution. The only decision to be made is to appoint the Town Supervisor or Town Clerk to be the designated agent for the Secretary of State to serve a Notice of Claim.

Bax MOVED the following Resolution:

RESOLVED, That the Town Board of the Town of Lewiston, County of Niagara designates Carol J. Brandon, in her capacity as Town Clerk, to receive notices of claim served upon the Secretary of State by mail at 1375 Ridge Road, Lewiston, NY 14092 and email at cbrandon@townoflewiston.us.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14.

The foregoing Motion was seconded by Winkley and carried 4-0.

B) Bond Resolution – Road Construction:

Winkley MOVED a Resolution authorizing, subject to permissive referendum, the issuance of \$1,300,000 Bonds of the Town of Lewiston, Niagara County, New York, to pay the cost of the reconstruction of various roads throughout and in for said Town. Seconded by Bax and carried 4-0.

Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose.

Also, Reiter said they would have to amend 284 Agreement because they added some extra roads. The Highway Supt. asked to take a look at it.

C) Bond Resolution – Highway Equipment:

Bax MOVED a Resolution authorizing, subject to permissive referendum, the issuance of \$450,000 Bonds of the Town of Lewiston, Niagara County, New York, to pay the cost of the purchase of equipment for the Highway Department in and for said Town. Seconded by Winkley and carried 4-0.

Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose.

Lastly, Dowd said over the last several years there has been a problem of standing water behind the Treatment Plant. They was a meeting today with the Town Engineer. There is a proposal to authorize the Town to dedicate town forces to run some drain lines intimately to the 24" inch main sewer line at Joseph Davis State park. They need to wait for the Engineer to finish their calculations and also to determine if it is a vernal town benefit which he believes it is as it will alleviate a lot of problems for some homeowners. Dowd asked for a resolution to authorize the Engineer to do that work and if the Engineer finds the calculations appropriate then to authorize the work to be done.

Reiter said this would resolve two problems with two subdivisions and the Town property at the Treatment Plant. Reiter asked for a motion to authorize the Engineer to finalize the proposal.

Marra MOVED to authorize the Engineer to finalize the proposal for the drainage work, Seconded by Bax and carried 5-0.

If the calculations prove that the work is necessary, Reiter said he would call a special meeting to authorize town forces to begin the construction.

Engineering: Eng. Smith requested authorization to increase the Sanborn Sewer Extension contract to extend the sanitary sewer facilities from West Street to Bridgeman Road, allowing five (5) additional residents to tie in. The total amount of the Change Order would be \$129,116.20. Smith said he was informed by the Finance Director that there is a sufficient amount of money available in the account.

Eng. Smith said the two (2) far side residency tie-ins are left out on the contract at this time as the subsurface conditions are not conducive to far side connections into the main. Since the NYSDOT prohibits open cutting State highways, there would be a great deal of cost associated with either pushing, horizontally drilling or boring a service lateral through the road. The NYSSDOT anticipated some form of road work on Rt. 31 in the next year or so. For this reason, coupled with the understanding that the NCHD has not put these residencies on notice, we recommend these service connections be re-visited prior to the NYSDOT road work. This would be much more cost effective. The NYSDOT Resident Engineer was asked to inform the Town when this work would take place.

Winkley MOVED to approve Change Order No. 1 in the amount of \$129,116.20. Seconded by Bax and carried 4-0.

Sewer Tax Waiver: Reiter referred to a request from Jennifer Russell, 539 Greenfield for waiver of the sewage tax on her water bill for filling up her pool due a leak in the old liner.

Bax MOVED the waiver of the sewer tax. Seconded by Marra and carried 5-0.

Councilman Marra: Nothing

Councilman Palmer: Excused

Councilman Winkley:

Upper Mtn. Fire Co: The Upper Mountain Fire Company submits the following names for addition to the active roster: Paul Callahan, Brendan Fiore, Darren MacDougall, and Jennifer Sargent.

Winkley MOVED for approval. Seconded by Marra and carried 4-0.

Councilman Bax:

Highway/Drainage: Bax said he is in receipt of two requests for drainage work on property located at 5376 Annover Road and 916 Upper Mountain Road. He asked the Highway Supt. to inspect the properties in question and come back with a recommendation.

Supt. Janese said these are issues on private property. I can tell you what the situation is but as far as me making a general recommendation – is this for the benefit for the town or not, I'm going to leave that to the Board. It's difficult for me to determine.

At this time, Bax recognized Mr. Gary Winters who resides at 5376 Annover Road.

Gary Winters: It was recommended two years ago that the drainage ditch be put in at the back of the properties on Annover. It would have satisfied about five properties back there. At that time, it was not done because the Supt. of the Highway Department was too busy putting in an ice rink or some other things that were being done.

Janese: We did not have anything to do with that, Sir. Not at all.

Reiter: We will look into it.

Winters: The Highway Supt. said it would probably be okay.

Bax: If the threshold is to benefit more than your property and what you're saying is accurate then we will probably take some action on it but we have to establish it somehow... In defense of Mr. Janese, he is unable to move forward on these things until we get an answer to that question definitively that it will benefit one landowner.

Janese: We're going to have to look at some long term solutions to this. This isn't one pipe and one yard that is failing. We are getting close to the point where you may want to start thinking about re-doing these drainage systems – not just keep putting a band aid on them. They are at the point where they are at that age where they are all beginning to fail. They are at the end of their service life.

WPCC: Ritter said they are about 90% complete with their electrical upgrades.

Reiter said the board will suspend the Worksessions in July and August. The next meeting would be the RTBM on July 22.

Reiter asked for a motion to go into executive session.

Marra MOVED to enter into executive session to discuss Police Contractual issues. Seconded by Winkley and carried 4-0. Time 6:40.

*EXECUTIVE SESSION:

PRESENT: S. Reiter, A. Bax, M. Marra, R. Winkley. G. Catlin, Atty. Dowd, Atty. Davis, M. Johnson and Chief Salada.

ISSUES DISCUSSED:

1. Police Contract negotiations – Terms of possible new contract.
2. Possible litigation over a traffic stop.

Bax MOVED to exit executive session and reconvene RTBM. Seconded by Marra and carried 4-0.

ACTION TAKEN: None

*Minutes Transcribed by Supervisor Reiter.

Marra MOVED to adjourn the Regular meeting, Seconded by Bax and carried 4-0.
Time: 7:01.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk