

**PRESENT:** Supervisor Reiter; Councilmembers Bax, Marra; Deputy Supervisor Catlin; Town Attorneys Dowd & Davis; Building Inspector Masters, Finance Officer Johnson, Highway Superintendent Janese; Town Engineer Smith, Police Chief Salada; 9 residents, 2 Press; and Clerk Donna Garfinkel

**ABSENT:** Councilman Palmer and Winkley

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

#### APPROVAL OF AGENDA

Bax requested an additional Post Audit payment and have the Highway Superintendent address the Board. Marra requested the addition of correspondence from the Police Chief and Building Inspector. Reiter requested the addition of Town Recreation Center and Process Server.

**Bax MOVED to approve the Agenda as amended, Seconded by Marra and Carried 3 – 0.**

#### APPROVAL OF ABSTRACT

**Bax MOVED approval of the Regular Abstract of Claims number 1282 - 1759, and recommend payment in the amount of \$1,404,612.08, plus a Post-Audit of \$199,968.66, Seconded by Marra and Carried 3 – 0.**

**Bax MOVED approval of Post Audit payment to Key Bank in the amount of \$594.36, Seconded by Marra and Carried 3 – 0.**

#### ONE –LOT SUBDIVISION / SITE PLAN APPROVAL

Approval of one-lot subdivision - Kevin Michael - 935 Upper Mountain Road.

**Marra MOVED a Negative Declaration for Michael, Kevin – one-lot subdivision - 935 Upper Mountain Road, SBL #102.00-1-13.5, Seconded by Bax and Carried 3 – 0.**

**Marra MOVED to accept the recommendation of the Planning Board for one-lot subdivision - 935 Upper Mountain Road, Seconded by Bax and Carried 3 – 0.**

Approval of Site Plan – Ernest McPeek – 2692 Saunders Settlement Road

**Marra MOVED to accept a Negative Declaration for McPeek, Ernest – Site Plan – Antique Shop – 2692 Saunders Settlement Road, Seconded by Bax and Carried 3 – 0.**

**Marra MOVED to accept Planning Boards recommendation- Site Plan – Antique Shop - McPeek, Ernest – 2692 Saunders Settlement Road, Seconded by Bax and Carried 3 – 0.**

#### TEMPORARY BUILDING DEPARTMENT CLERK

Masters request the Board approve the hiring of Christopher McAuliffe as a temporary Building Department Clerk according to Niagara County Civil Service until December 2013. Wages paid from Zoning Officer budget line.

**Marra MOVED to hire Chris McAuliffe as temporary Building Dept. Clerk, until December 2013, Seconded by Bax and Carried 3 – 0.**

#### POLICE BUILDING REPAIRS – 4059 Creek Road

Floors need repair in two restrooms.

**Marra MOVED to repair floors in two restrooms, not to exceed \$2,800, Seconded by Bax and Carried 3 – 0.**

## POLICE DEPARTMENT HIRESS

On the recommendation of Chief Chris Salada:

**Marra MOVED to hire Brandon Hall and Matthew Grainge as Full-Time Police Officers, Seconded by Bax and Carried 3 – 0.**

On the recommendation of Chief Chris Salada:

**Marra MOVED to hire Hagop Atabachian and Tyler Magliazzo as Part-Time Police Officers, Seconded by Bax and Carried 3 – 0.**

## INVESTMENT POLICY

An Investment Policy needs to be adopted.

**Reiter MOVED to approve the Investment Policy, Seconded by Bax and Carried 3 – 0.**

## SIGN LAW

**Bax MOVED to table for the May 30, 2013 Town Board meeting, Seconded by Marra and Carried 3 – 0.**

## SEQRA DESIGNATION – MILLEVILLE FARMS

DEC is seeking Lead Agency for the proposed land application in Lewiston, of Digestate from the Niagara Bioenergy Anaerobic Digestion Facility located in Town of Wheatfield.

**Bax MOVED to accept the DEC as Lead Agency in the land application in Lewiston, of Digestate from the Niagara Bioenergy Anaerobic Digestion Facility located in Town of Wheatfield, and request further information for the Lewiston Environmental Commission, Seconded by Marra and Carried 3 – 0.**

## APPROVAL OF 2014 – 2015 SNOW & ICE AGREEMENT

**Bax MOVED to approve and authorize Supervisor Reiter to sign the 2014 – 2015 Snow & Ice Agreement with the NYS DOT, Seconded by Marra and Carried 3 – 0.**

## E-Z PASS ON-THE-GO RETAIL SALES

The Clerk's Office is being given an opportunity to sell E-Z Pass On-The-Go packets. The Town would purchase 25 packages at a time at a cost of \$21/each, and sell for \$25.

**Reiter MOVED to sell E-Z Pass On-The-Go at the Clerk's Office, Seconded by Marra and Carried 3 – 0.**

## DRAINAGE ISSUE – SCOVELL DRIVE

Reiter requests the Highway Superintendent speak to these residents. Janese said there is a similar issue in other homes in the neighborhood. By uncovering the sanitary sewer it was noted there is no clay dam.

**Bax MOVED to authorize the Highway Superintendent to engage with WWTP Chief Operator Ritter to address the drainage issue at 749 Scovell Drive, Seconded by Marra and Carried 3 – 0.**

## TREE PLANTING IN MEMORY OF RONDA KOBAN-SORTORE

**Marra MOVED permission for a tree in memory of Ronda Koban-Sortore be planted on the Town Hall property, Seconded by Bax and Carried 3 – 0.**

TRUCK PURCHASE

Janese distributed specifications and the price information. The cost came in at about \$3,400 less than the previous vendor.

**Bax MOVED to go to Bond Council to get proper paperwork together and bond necessary to purchase the truck, Seconded by Marra and Carried 3 – 0.**

Superintendent Janese will present the 284 Agreement for paving at the May Board meeting.

BOND – LEWISTON CIVIC CENTER – LAND PURCHASE

Resolution Authorizing Purchase of Real Property

At a duly constituted meeting of the Town Board of the Town of Lewiston, New York held at the Town Hall on the 13<sup>th</sup> day of May, 2013 at which a quorum was present and upon the resolution of the Board it was found that:

Whereas, the Town of Lewiston Town Board has identified an unimproved parcel of land located at the intersection of Creek Road and Darryl Johnston Drive consisting of approximately 10-acres which is suitable for the development of a Town Recreation Facility; and

Whereas, said parcel is now owned by the Lewiston Porter School District; and

Whereas, the Lewiston Porter School District has agreed to sell the parcel to the Town for \$50,000.00; and

Whereas, the Town has determined that the purchase price is fair and reasonable; and

Whereas, the purchase of the property is contingent upon the passage of a bond issuance in the amount of \$8,000,000.00 including the cost of the land;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Lewiston, hereby authorizes the Town Supervisor to enter into a contract of sale for the purchase of the parcel for the sum of \$50,000.00 contingent upon the passage of a bond issuance in the amount of \$8,000,000.00 and it is further

RESOLVED, that the Town Supervisor may execute any and all documents necessary to complete this land purchase upon the passage of a bond issuance in the of \$8,000,000

ROLL CALL

Councilman Bax	Yes
Councilman Marra	Yes
Supervisor Reiter	Yes
Motion Carries 3 – 0	

BOND RESOLUTION DATED MAY 13, 2013.

A RESOLUTION AUTHORIZING THE ACQUISITION OF LAND AND THE CONSTRUCTION THEREON OF A NEW RECREATION CENTER IN AND FOR THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$8,000,000, AND AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in a significant environmental effect; and

WHEREAS, it is now desired to provide for the authorization and financing of said purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Lewiston, Niagara County, New York, as follows:

Section 1. The acquisition of a parcel of land of approximately 10-acres and the construction thereon of a new recreation center on Creek Road at Darryl Johnston Drive, in and for the Town of Lewiston, Niagara County, New York, including site improvements, original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$8,000,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$8,000,000 bonds of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 94 of paragraph (a) of Section 11.00 of the Local Finance Law based upon subdivisions 11(a)(1) and 21(a) thereof. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Lewiston, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty-days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full in the official newspaper(s) of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. This resolution is adopted subject to permissive referendum, and it is hereby determined that the Town Board, on its own motion, in accordance with the provisions of Section 94 of the Town Law, hereby directs that this resolution shall be submitted for the approval of the qualified voters and that a proposition thereon shall be

submitted at a special Town election hereby called to be held July 15, 2013. The proposition shall be as follows:

**BOND PROPOSITION**

Shall the bond resolution dated May 13, 2013 authorizing the issuance of \$8,000,000 serial bonds of the Town of Lewiston to pay the cost of the acquisition of land and the construction thereon of a new Recreation Center on Creek Road at Darryl Johnston Drive, at a maximum estimated cost of \$8,000,000, providing that the period of probable usefulness of this specific object or purpose is 30 years, and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation thereof, pledging the faith and credit of said Town to the payment of the principal of and interest on such obligations and providing for an estoppel provision, be approved?

In the event that the proposition is summarized for purposes of presentation on the voting machines, the full text shall be posted thereat.

Section 11. The special election of the qualified voters of the Town held on July 15, 2013 shall be held between the hours of 6:00 A.M. and 9:00 P.M. at the Town Hall on Ridge Road in Lewiston, New York. Absentee ballots shall be available in the office of the Town Clerk in conformity with applicable law.

Section 12. The Town Clerk is hereby authorized to publish in at least one newspaper of general circulation in the Town and to post on the Town Clerk's signboard and to further publish and post such notice as the Town Clerk shall determine to be appropriate at least ten days prior to July 15, 2013, with reference to the submission of said proposition at the special election to be held July 15, 2013, the Notice of Special Election attached hereto as Exhibit A and hereby made a part hereof.

Section 13. Further details concerning said special Town election shall be provided in a further resolution or resolutions of this Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

ROLL CALL:

Councilman Bax	Yes
Councilman Marra	Yes
Supervisor Reiter	Yes

Motion Carries 3 – 0

PROCESS SERVER

Office of the City Marshal in Niagara Falls would like to have authority to perform evictions in the Town of Lewiston. Dowd feels this is a great idea. Lewiston relies on the Sherriff.

**Bax MOVED to approve Gary Bevilacqua and Dave Starr Cassert to perform eviction work within the Town of Lewiston, subject to Attorney approval, Seconded by Marra and Carried 3 – 0.**

Bax updated the Board on improvements at the WWTP. Electrical updates are 75% complete.

Supervisor announced that on June 4<sup>th</sup> @ 6:00 p.m. at the Senior Center, Sports Facility Advisory will give a presentation. They are a management and marketing group for projects like the proposed facility here in Lewiston. They are intrigued in what is happening in Lewiston, the recreation facility, Joe Davis Park, Artpark and the numerous festivals held in the Town.

The meeting is open to the public and Reiter encourages all to attend.

**Marra MOVED to adjourn, Seconded by Bax and Carried 3 – 0.** (6:35 pm)

Respectfully transcribed and submitted by: