

Town Board Meeting

December 30, 2010

6:00 p.m.

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley, Town Atty. M. Dowd; Bldg./Inspector T. Masters; Budget Officer M. Johnson; Deputy Sup. G. Catlin; Chief Operator J. Ritter and Town Clerk C. Brandon. *Excused Highway Supt. D. Janese. 9 residents and 1 press rep.

The Supervisor opened the meeting at 6:00 p.m. followed by the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

Rose Mary Warren of 5892 Griffin Street. I attended the comprehensive meeting and found it very informative. But I think it was not very accommodating to the public because of the time. Also, it must not have been to Councilmen Winkley and Palmer who did not attend and the Supervisor left early. This is a very important issue regarding zoning and planning. It probably should have been 2 meetings at a more appropriate time with the public first.

Paulette Glasgow of 836 The Circle. Regarding the Joe Davis Park ...if a proposal were to go through, how much would the Town spend and where would the monies come from? Regarding the position of Town prosecutor, would he be allowed to practice before the judges here. (Both Bax and Dowd concurred that he would not be allowed to practice in the Town of Lewiston.) This position would also include violation of zoning and planning laws and how would this be handled?

Dowd said a Town prosecutor would handle civil issues only, no criminal cases. As the attorney for the Town of Porter, I will not handle any civil clients in Porter. The lawyer would have to decide if he wants to give up the ability to do that if he were the Town prosecutor.

Glasgow said this whole matter stemmed from an issue of Mr. Masters and can't this be settled by giving Mr. Masters the authority to do so and save the Town money.

Palmer stated that this was a recommendation from our own judges pursuant to the Office of Court Administration and this was not something we really do not want to do. However, some the issues that we are faced with we don't really have much of a choice.

AGENDA:

Winkley asked to add to set a public hearing date for the amending of the water law.

Reiter added the ceiling tiles matter.

Marra MOVED to approve the amended agenda as presented. Seconded by Palmer and carried 5-0.

MINUTES:

Palmer MOVED to approve the minutes of 10/25/10 PH (Modern); 11/4/10 PH (Preliminary Budget); 11/19/10 PH (2011 Budget) and 11/22/10 RTBM. Seconded by Marra and carried 5-0.

FINAL AUDIT:

Bax MOVED to approve the Regular Abstract of Claims #4048 to #4389 and recommend payment in the amount of \$348,606.82, plus a Post Audit of \$24,007.19. Seconded by Marra and carried 5-0.

ENCUMBERANCES:

Johnson asked to add the costs of the replacement of the tiles in the amount of \$5000 for a total of \$224,807.93 for 2011. (See sheets on file.)

Palmer MOVED to approve the 2011 encumbrances in the amount of \$224,807.93. Seconded by Marra and carried 5-0.

OLD BUSINESS:

1. Schedule RTBM for Jan. 24, 2011 at 6 p.m. Others will be scheduled at the reorganization meeting.
2. Set P.H. re: Increase & Improvements of facilities at the WPCC. Dowd indicated that the engineers report is almost complete and we can set the public hearing at the 1/6/11 meeting.
3. Set PH re: Amending Town Code-Water Dept. Rules and Regulations §41-39.

Marra MOVED to hold a Public Hearing on 1/24/11 at 5:30 p.m. amending the Town Code-Water Dept. Seconded by Palmer and carried 5-0.

4. Award HVAC contract

Dowd reviewed the contracts and found that additional insurance requirements are need by the low bidder and that in the bid it states that they must or may engage them for non maintenance repairs outside of the contract with respect to a fee schedule. I would approve the contract on those conditions being met.

Palmer MOVED to award the 3 year HVAC contract to D & M Refrigeration with conditions as stated. Seconded by Bax and carried 5-0.

CORRESPONDENCE:

1. A letter from the Town Clerk asking that a carry over of 2 personal days for Barbara Joseph and Carole Schroeder to be used in the first quarter of 2011.

Winkley MOVED that Barbara Joseph and Carole Schroeder be permitted to carry over 2 personal days into 2011 and to be used by March 31, 2011. Seconded by Bax and carried 5-0.

2. A letter from the Town Clerk with respect to the S.P.C.A. contract and I am asking that this matter be discussed in Executive Session as it relates to contract negotiations.

Marra MOVED to enter into an Executive Session for the purpose of contract negotiations with regard to the S.P.C.A. contract. Seconded by Bax and carried 5-0.

REITER:

1. Legal

Dowd stated that he had a legal matter that was handled by a previous town attorney regarding repairs made by the Town on a Lower River Road property and he would like to discuss this in executive session.

Marra MOVED to enter into an Executive Session for the purpose of litigation on property on Lower River Road. Seconded by Bax and carried 5-0.

2. Engineering:

Masters: We are working on a new PIP fee schedule and will report back at a later date.

3. Retirement/K. Stafford:

Court Clerk K. Stafford has retired as court clerk effective 12/25/10.

Winkley MOVED that the resignation of K. Stafford with regret be accepted and that a letter be sent to her thanking her for her long years of service. Seconded by Bax and carried 5-0.

4. Association of Towns Attendance:

The Clerk asked that those elected officials and department heads who intend to go please notify her office. At the 1/24/11 a delegate will be chosen to represent the Town.

BAX:

WPCC

I would like to welcome Jeff Ritter as the Chief Operator at the WPCC who is replacing Tim Lockhart.

Also, Mr. Richard Drier who had applied to retire under Part A of the Retirement Plan has withdrawn his request.

Fred Justice also retired but the actual date of retirement was not noted and it was effective 12/28/10. A letter was sent to him thanking him for his service

Personal Days Carryover:

Bax MOVED for approval to carryover 1 personal day for Leslie Frey, David Harvey, Martin Lauer and William O'Conner. To be taken in the first quarter of 2011. Seconded by Marra and carried 5-0.

Tower Co-Locations at 5890 West Street:

The Tower Cmte. is awaiting 2 items on the check list and we do anticipate their approval so I would ask that we **table** this to the 1/6/11 meeting.

MARRA:

Teamsters Contract:

Mr. Palmer and I are in police negotiations with the Teamsters at this time.

I would like to congratulate Mr. Lockhart on his retirement and wish Mr. Ritter the best on his appointment.

PALMER:

Bax MOVED for an Executive Session to discuss police negotiations. Seconded by Reiter and carried 5-0.

Palmer noted some of the Jr. World Hockey Games were played at Niagara University and many people have frequented our businesses and restaurants.

WINKLEY:

Nothing at this time.

Reiter: I would like to congratulate Tim Lockhart on this retirement on his many years of service to the Town.

Questions were raised about Joe Davis Park and I would like you to know that we are initiating "Friends of Joe Davis Park". You can e-mail to the Town Supervisor your comments and concerns. I have also received responses from the Niagara River Anglers Assoc., the Audubon people and the Sierra Club. That is good news.

I want to thank the Board for the past year. I think everyone did a great job. These were hard economic times and this Board with the work of all of the department heads including Mr. Lockhart, we were able to cut the budget by \$75,000 from last year. I thought that was a great achievement. I really appreciate the support from the Town Board and also all the department heads. I would also like to thank the Town Clerk and by looking at this agenda today and all the public hearings and the minutes that were taken care of over the last three months especially during the budget time. I appreciate that. They did a fine job. (the Clerk stated that she appreciated her entire staff.) It has been a great year. At the Re-organization meeting on Jan.6th it will be an opportunity for the Board members to have discussions. We have had some fine people apply and I think the Board is on track to put together a good staff to support the Town. I think that the Lewiston residents have had a great group of people supporting them in the Town and I appreciate what this Board has done and what the residents have done to help us.

Winkley MOVED to adjourn and go into Executive Session. Seconded by Marra and carried 5-0.

Time 6:40 p.m.

Respectfully Transcribed and Submitted by:

Carol J. Brandon
Town Clerk

Executive Session:

Present: Sup. S. Reiter; Council Members A. Bax, M. Marra, E. Palmer and R. Winkley; Deputy Sup. G. Catlin; Town Atty. M. Dowd and Town Clerk C. Brandon.

Issues Discussed:

1. Sneed Property/Lower River Road/Legal
2. Electrical Inspectors
3. Assessment Issue/Priest Property
4. S.P.C.A. Contract
5. Teamsters Contract/Police

Councilmen Winkley and Palmer will meet with the teamster reps on 1/5/11 to discuss the contract.

Marra MOVED to exit Executive Session and reconvene. Seconded by Winkley and carried 5-0.

Motion by Marra, Seconded by Winkley to approve the settlement on the assessment for Joseph Priest of 651 Mt. View Drive.

Motion by Winkley to continue on a monthly basis the contract with the S.P.C.A. and to look into other options for sheltering. Seconded by Bax and carried 5-0.

Bax MOVED to adjourn. Seconded by Palmer and carried 5-0.

Time: 7:35 p.m.

Minutes taken by:
Carol J. Brandon
Town Clerk