

Present: Sup. S.. Reiter; Council Members A. Bax, M. Marra, E. Palmer, R. Winkley; Atty. M. Gabriele; Atty. M. Dowd; Adm./Op. T. Lockhart; Eng. R. Smith; Finance Officer M. Johnson; Deputy Sup. G. Catlin; Bldg. Insp. T. Masters; Police Chief C. Salada; Rec. Director M. Dashineau and Town Clerk C. Brandon.

Also present: 3 Press and 40 residents.

The Supervisor opened the meeting with the Pledge of Allegiance and a moment of silent reflection.

RESIDENTS:

William Kraft of 1434 Swan Road. I am here tonight to speak about the firing range --- but I had had a meeting with Police Chief Salada. At the meeting with Chief Salada I was given his assurance that our concerns has been heard and he acted immediately to address our concerns by closing the fire range and giving us back our quiet country lives. Please be aware that this was never about the fine people that use this range but the quiet lives we want to enjoy. Once he was personally aware how it was affecting us he acted quickly and decisively. I now have been given a close up look at the honesty and integrity that Chris Salada and his department have in serving this community. I applaud that Chief Salada has really shown his commitment to all of the people of this Town by his actions and have renewed my faith in our entire police force. He really does care about us.

I wish I could say the same about our Town Supervisor Steve Reiter. In pursuing him about our great concerns and a brief heated verbal discussion, I was physically pushed into a door in this town hall by him in front of someone else he was meeting with. Mr. Reiter, you should be ashamed of yourself for your behavior last Friday morning and not only owe me but all the people of this town a public apology for your deplorable actions while acting as our Town Supervisor. I am very disappointed in your action and should every citizen be of this fine community. I have filed a report with the NYS Police about this incident. Thank you.

Rose Mary Warren of 5842 Griffin Street. I wish you would all look at my favorite picture over there. What is happening there is not happening here. That man looks like he just came from work, probably a 7 to 5 blue collar job and his meeting probably started at 7. Ours start at 6. He can make it to speak. He is probably speaking about something he feels strongly about. I wonder if he can only speak for 2 minutes like we can once a month. I pray for elected and appointed officials and ask that they have wisdom and guidance and to be honest in all their dealings. The last one might be the hardest to keep. Mr. Sloma once asked me if I just lumped everybody together and I said some I do. But others like him, Mr. Reiter, Mr. Gabriele and Mr. Dowd they get special treatment from me. What bothers me with Mr. Gabriele's job (he has always been nice to me) is that when he works for Harris Beach law firm and does part time work for our town at \$34,500 and for the Town of Niagara, I feel that more legal work will be funneled right over to Harris Beach. He already has had to excuse himself for one thing and this newspaper article now shows me that Mr. Dowd, now may have to excuse himself.....this bus thing. It looks like he owns part of this bus line that Mr. Ceretto has been pushing. I have nothing against Mr. Dowd but...I think that we should put everything out to bid and then if Mr. Dowd's company or any other is the best then that is the one we choose. Tonight you have listed on your agenda, 5:00 p.m. John Dax and etc. I am here sitting here and then your clerk comes down and the doors open.....I didn't know that it was an open meeting so I think you should put a notice here that you are meeting down there. Thank you.

Bill Sterner of 3382 Raymond Road. I am with the Sanborn Historical Society. I want to thank the Town and Planning Boards for all the help that they have given us with our museum and bathrooms. A special thank you to Mr. Marra and Mr. Masters.

Bonnie Haskell of 922 Upper Mt. Road. I am the President of the Sanborn Business and Professional Assoc. I would like to thank the Town Board along with Mr. Reiter and our liaison Mike Marra who have really helped Mt. Road. I us with our vision of improving the streetscape in Sanborn. Our community has had no improvement on the street in over 60 years so it could use some updating. We appreciate any and all help that the Board has given us on this matter.

Martina Fern of 1056 Escarpment Drive. I am a member of the steering committee of the Lewiston Dog Owners. We thank you for your assistance and support and as you know the Town of Lewiston has more than 1600 licensed dogs. Also, there is an estimate that there are about 1600 that are not licensed. Municipalities that have dog parks find it helpful and have leash laws. There are over 1000 dog parks in the U.S. Most of them function the same with a voluntary component in collaboration with a municipality. They share rules and regulations and the Lewiston Dog Owners will carry a portion of this. At the inception, we stated that we will work in cooperation with the Village and the Town of Lewiston. Much progress has been made since we started included the application of a 501C designation. A steering committee includes a veterinarian, an attorney and others. The Village of Lewiston has granted permission to use a section of the Lewiston plateau for the project and a lease agreement between the Village and the Town has been signed insuring the collaborative effort from all parties. Environmental groups were also contacted and gave their approval of the area. We also began some educational programs with one this Thursday at the library with another to follow. We want to thank everybody involved. Thank you.

George Brown of 4510 Porter Center Road. This maybe a moot point with the range being closed.

Reiter: I have to talk with Chief Salada because those comments were the first I had heard of that.

Salada: It is not closed.

George Brown: My family lives near the satellite fire hall and very close to the present shooting range. Thank you for listening to us and not being arrogant like in other places.

Reiter: I don't mean to interrupt but because of what Mr. Salada just said and the earlier comment that the range was being closed.....that was the first I had heard of that and with Chris saying it was not closed, I would request that the neighbors that are concerned about this range meet with the Chief. If I could talk with those from Lewiston Fire Co. #1 we could use the fire hall that is across the street. I think it would be very appropriate that we have a discussion with the neighbors there and we set some constraints and listen to your concerns and have an opportunity to address them. Chief, can I ask that the night time shooting and weekend shooting be limited.

Salada: This has already been done.

Reiter: So, night time and weekend shooting has been eliminated. The range has not been closed but I think it is very important that a group of residents from that area have an opportunity to meet with Mr. Salada.

Palmer: Would you bring us up speed on this matter.

Salada: We were approached last week per Mr. Kraft about the noise coming from the range. I left my phone number. I asked if we could sit down and meet with everybody and Mr. Kraft was the only one who never approached me about it. After I heard his concerns I did eliminate the weekend shooting and night shooting. We did address immediately some of his concerns. They were only his concerns at that point. We did not hear complaints from anybody else. So, we were waiting for tonight because Mr. Kraft said some of the neighbors were going to come and speak tonight and at that point Supervisor Reiter and I decided that once they came in we would have a meeting and we will talk one on one or as a group to get results.

Reiter: Mr. Brown, I have talked to the Police Chief about this. Of course we are going to address these concerns. Mr. Confer who lives on Harold Road complained a year ago and we put a berm up on the back side to reduce the noise on that side. I haven't really heard a lot of complaints and I checked with the Town Clerk and the Building Inspector and they have had no complaints. Now that this has come to our attention, we are more than willing to address them and if it comes to it where we have to close it.....I am not going to say that is going to happen at this time until we hear what you have to say and what we can do to alleviate the situation. But, we are very concerned and want to make your existence as peaceful as possible in that area and we are definitely going to address your problem. I leave it in the good hands of Chief Salada to take care of it and I am sure that Mr. Palmer can help as will I.

George Brown said I speak for my family and we welcome the opportunity to sit down with the Chief and any of you and see if we can resolve some of these issues.

Reiter: Mr. Brown, there is no questions and we want to make sure that this is addressed. (Mr. Kraft interrupted at this time.) Mr. Kraft, give you signed letters to the Town Clerk. We will try to work this out Mr. Brown.

Ashlie Davis of 4364 Porter Center Road. I am seven tenths of a mile from the shooting range. It sounds like Vietnam in my back yard. I am scared to go out to my backyard. We have no idea where these bullets are going to hit. When I am out in my backyard with my child, I can hear the shooting. This is out of control. Something needs to be done. It should be shut down until action has been taken.

Reiter stated that this is only recently that this has been brought to our attention so we are going to address it.

George Brown asked if the Town could take the names of all residents that are concerned.

Reiter asked the Deputy Supervisor to collect the names and addresses of the residents out in the foyer.

Palmer said that we need a point of contact (one person) to speak for the group so a meeting can be set up.

Amy Witroyl of 4726 Lower River Road. As many of you know. CWM will be forced to close landfill operations in about 48 months. As you may recall, I noted this in January. However, the *Sentinel* published just the opposite. So I'd like to reiterate that point. In any case, unless Lewiston creates loopholes by revisiting the Sewer Code, changing the truck route, or helping CWM expand by creating a Host Agreement, CWM landfill operations will end in 48 months.

CWM submissions to the DEC in 2008 showed that CWM gross receipts tax payments to municipalities for 2009 would be down about 25%. That was no surprise. Even better, in 48 months gross receipts from CWM should be -0- when landfill operations cease. We can spend more on one piece of highway equipment than we get from CWM in return for receiving toxic waste. With more than \$1 million in cash payments to Lewiston from NYPA each year, we can afford to live without CWM funds, as most towns do without either and we will live better without toxic waste imports, too.

In front of you is a map of the Developed Area of the LOOW site. The NFSS is owned by the federal government and located in the Town of Lewiston. It contains high activity radioactive residues from atomic weapons production in the 40's and 50's. The NFSS holds 2,000 curies of a radioisotope called Radium 226. The agencies consider a radiation measurement of 1 pci/g in soil as a safe level. One pico curie is 1 trillionth of 1 curie. Again, we have 2,000 curies.

The Army Corps is presently evaluating options for leaving the 2,000 curies and other high activity residues here, or moving them. The Dept. of Energy transported similar residues from Ohio to a more secure location in Texas a few years ago. Assuming we can do the same, it will be up to our Congressional delegation to find the funding to accomplish this.

A recent investigation by the Army Corps raised the potential for problems to the northwest of the NFSS. Vicinity Property X on the map, which is northwest of the NFSS, is owned by the Town of Lewiston. Portions of Vicinity Property Q may also contain Lewiston property.

Wednesday night at the Senior Center, the Dept. of Energy will present a draft review of Lewiston and other Vicinity Properties. DOE's review of Lewiston owned properties was based on incomplete information and we will encourage them to do more for Lewiston. However, this DOE review came about not because of community concerns, but because CWM wants the federal government to clean up their Vicinity Properties to make way for a new landfill.

CWM violated a State Health Dept. Order for 20 years by excavating and discharging contamination over a wide area of its property. In addition, CWM has accepted waste from other weapons production sites that may not have been properly characterized, so many radiological contaminations on CWM may have arisen from its landfill operations. CWM should not be eligible for one dime of federal money because of its violation of the State Health Order.

Wednesday night the Army Corps will talk about its Restoration Advisory Board which it recently said was "effectively" dissolved in 2002. That's false. The Attorney General and many others disagree with the Army Corps' re-write of history. I hope the Town will reaffirm the resolution it passed two years ago in support of the existing Restoration Advisory Board, which agencies and municipalities continue to recognize, even if the Army Corps does not.

Finally, there is overlap between CWM issues and federal issues at the LOOW site, including Town property. Therefore, these issues would encompass the same conflicts as CWM. Thank you.

George Osborne, President of Artpark. I am not here to complain about anything. Our role at Artpark is to make people happy. Last summer over ½ million people attended programs and hiked or walked their dogs in the park. I submitted a request to the Town Board and we are just here to say hopefully they will act favorably on it. Thank you.

William Geiben, Mayor of the Village of Lewiston. On behalf of myself and entire Board I would like to thank Steve Reiter, Supervisor and the entire Board for all the assistance you have provided and communications and I really appreciate that. So much assistance is provided by the Town to help the Village to be a success. The Village Board is a strong advocate of regionalism and anything that can help promote one aspect of what goes on in our community helps all aspects. Whether it is Artpark and Artpark is certainly an economic generator for our area and whether it is the dog park or I & I. Everything works together helping the Village helping the Town. We are pursuing some activities in regard to a shuttle to move Niagara Falls to the Village on to Youngstown and back. We are in the very, very early stages and nothing has been decided, not the route, not the carrier, not the times or destination. We are studying it. If anybody has any input, concern, questions, suggestions please contact myself or David Lacki. We are the leads on that. Please keep Artpark in your mind and hearts and they need your assistance. If any of you have any spare time and as the volunteer co-coordinator, I need volunteers for Artpark in the evenings on Tuesday and Wednesday in the park. Thank you.

Maureen Kellick of Hillside Drive. I am the marketing director of Artpark & Company, the non profit organization that co-ordinates all the family and children's programs and free concerts in the State Park. We are looking to you for help and support and on behalf of the 300 volunteers and the small staff of 6 people it presents exciting summer lawn fun at Artpark. We thank the community and we know we are giving back to the community and setting fine examples to the whole region. The entire region is looking to do what we have got here in our Lewiston area. This summer concert series and the season will be announced May 5th. We are here to thank you for any support that you can give your Artpark which has really lead the way for 36 years in this region. Thank you.

AGENDA:

Palmer asked to add carpet bids for the Police Dept.

Marra: I would like to discuss the Pletcher Road restrooms matter that we passed at the last meeting to change the account.

Reiter asked for an executive session concerning contractals with the master plan and an engineering firm after this meeting.

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

MINUTES:

Bax MOVED for the approval of the minutes of 2/22/10 RTBM;3/8/10 Worksession and 3/13/10 Special Meeting. Carried 5-0.

POST AUDIT:

Palmer MOVED to submit the following vouchers for Post Audit: Home Depot \$211.37; Sam's Club \$894.09; Village of Lewiston (Lewiston Fire Co. #1) \$234,000; Lewiston Fire Co. #2 \$234,000; Sanborn Fire Co. \$234,000; Upper Mt. Fire Co. \$234,000; Ransomville Fire Co. \$31,021.00 and Ford Motor Credit Co. \$16,671.15. Seconded by Marra and carried 5-0.

OLD BUSINESS:

Saddlewood Lighting:

Ryan Smith: I gave the updated figures for changing the wattage from 150 to 175.

Reiter said it went to the Lighting Cmte. and we have not received any comments from them.

NEW BUSINESS:

1. A letter from the Town Clerk asking for permission to attend the NYSTCA conference from April 25th to April 28th. Funds have been budgeted.

Palmer MOVED to permit the Town Clerk to attend the NYSTCA conference from April 25th to April 28th in Saratoga Springs. Seconded by Bax and carried 5-0.

2. A letter asking for an advertisement sponsoring a benefit for Lewiston Fire Co. #1, Mercy Flight and ECMC Trauma unit.

Marra MOVED to sponsor an advertisement in Lewiston Fire Co. #1 program book benefiting Mercy Flight and ECMC Trauma Unit in the amount of \$100 with funds coming from the Celebration budget line. Seconded by Bax and carried 5-0.

REITER:

Legal:

Other than the legal issue that we have with the Corps of Engineers, we want to respond to Congresswoman Slaughter's office as quickly as possible. In our discussion with the Army Corp prior to tonight's meeting is that they answered all of our questions. We need to draft a letter and have it go through the lawyers and then make sure we get that to the Corps of Engineers by the end of the week.

Palmer MOVED to authorize the Supervisor to enter into a letter with the attorneys approval to the Army Corp of Engineers regarding the fencing and blocking of any holes and pits in securing of that area.* (The old sewer plant). Seconded by Marra.

Bax: That property has a very close proximity to CWM & Modern and I have been in contract with Atty. J. Leone about some additional language. We are just making sure that we don't have any problems with conflicts etc. I don't see how we would but just in the event that we would. Our conversation today stemmed around the realization that there would not be any limitation of liability for cleanup or any exclusive residual responsibility left to the Town. That being said, I agree with the motion.

Motion carried 5-0.

Engineering:

Ryan Smith: Currently we are working on a proposal for public restrooms at Washuta Park and the electrical work on Center Street. On the Moore Road drainage issue we are awaiting a letter on recommendations for a solution in the next few weeks. We are going to get a survey crew out for Tim Lockhart to get an updated survey on Pletcher/Creek Road for a proposed subdivision. We are going to coordinate with Glenn Andrews on a final plat design for The Circle subdivision that was approved by the Planning Board.

CSEA Christmas Holiday:

Reiter:

Regarding the CSEA at the sewer treatment plant Christmas holiday schedule, the parties hereby acknowledge that for the calendar year 2010 the civil service employees union will be observed on Dec. 24th and 27th.

Bax MOVED to accept the Christmas Holiday schedule for CSEA WPC as Dec. 24th & 27th. Seconded by Winkley and carried 5-0.

Purchasing Work Sheets:

Reiter said he was not prepared to talk about the purchasing work sheets at this time.

PALMER:

Carpet bids/Police Bldg.:

We have 3 bids for carpeting at the new police station. They are Mooradian Carpet \$4872.36; Carpet Mill \$5650.00 and Nico Flooring Covering \$5748.00.

Palmer MOVED that we award the carpet bid to Mooradian Carpet in the amount of \$4872.36 with funds to come from Account H97. Seconded by Bax and carried 5-0.

Street Light/NYPA:

The NYPA has requested a new street light at Hyde Park Blvd./South Access Road. At the present time it is extremely dark and is potentially dangerous. This is to be referred to the Lighting Cmte. for review.

Sanborn Farm Museum:

The Planning Board recommends approval of the Site Plan for the Sanborn Museum located at 2660 Saunders Settlement Road SBL#118.00-1-22.12 with a written interpretation from the Town Attorney regarding the definition of a "permit".

Palmer MOVED to accept the Neg Dec on the property located at 2660 Saunders Settlement SBL#118.00-1-22.12. Seconded by Marra and carried 5-0.

I received a letter from Town Atty. Gabriele which provides the written interpretation regarding the definition of a permit and this apparently satisfies the Planning Boards' qualification.

Gabriele: The letter was sent to the Chairman of the Planning Board and perhaps we should wait until the entire Board sees the letter.

Palmer said we will wait on the permit issue.

WINKLEY:

Sanborn Fire Co. Roster:

Winkley MOVED for the addition to the roster of the Sanborn Fire Co., Todd Gehn of 3122 Shenk Road, Sanborn, N.Y. Seconded by Bax and carried 5-0.

Meeting with the Fire Chiefs:

I would like to ask for permission for a meeting with the 4 fire chiefs to discuss the possible public fire training center that we are negotiating. I believe that they will have a final plan to use by March 31st. At this meeting we can discuss the training facility and possibly a joint public training facility with the police dept. I would ask that a letter be sent to the Fire Bureau at 5:00 p.m. on April 26th prior to the Town Board meeting.

Winkley MOVED to hold a meeting at 5:00 p.m. on April 26th with the Chiefs of the 4 fire companies to discuss a public training facility. Seconded by Marra and carried 5-0.

Directional Signs:

I attended a meeting with Councilman Marra with the Sanborn Historical Assoc. and there was talk about some directional signs on Route 31 for both the historical building and the farm museum indicating where they are located.

Reiter said he would speak with the DOT personnel in Lockport about this and it is possible that our town personnel could even make the signs.

Winkley noted that the Sanborn Antique Show is on April 10th & 11th.

MARRA:

Parks & Recreation Dept.

Pletcher Road Park:

At the March 8th work session we passed a resolution to improve the Pletcher Road bathrooms at a cost of \$18,997.00. We did not designate where the funds would come from.

Marra MOVED that funds for the improvements to the Pletcher Road bathroom project in the amount of \$18,997.00 come from Account TE-4 Parks Development Capital Fund. Seconded by Bax and carried 5-0.

Part time Laborers:

Marra MOVED for the appointment of Andrew Myers p/t laborer at \$10.00 per hour; Andrew Gurr p/t laborer at \$9.25 per hour and Kyle Nablo p/t laborer at \$9.00 per hour. Seconded by Bax and carried 5-0.

Equipment Purchases:

This equipment will be used for maintaining the parks.

Marra MOVED for the purchase of a Husqvara ZTB commercial mower (60") from Account TE-4 at a State contract price of \$9609.90. Seconded by Palmer and carried 5-0.

Marra MOVED for the purchase of a Husqvara ZTB commercial mower (72") from Account TE-4 at a State contract price of \$9974.95. Seconded by Bax and carried 5-0.

Marra MOVED for the purchase of a John Deere 2305 tractor; John Deere 200CX CP loader Frontier LR10L economy landscape rake at a State contract price of \$12,188.23 from Account H-61. Seconded by Palmer and carried 5-0.

BAX:

WPC Capital Account Closings:

Bax MOVED to close Accounts H-83 & H-94 from SS-1 effective 12/31/09. Seconded by Palmer. Carried 5-0.

Bax MOVED to close Accounts H-90 and H-92 from SS-2 effective 12/31/09. Seconded by Marra and carried 5-0.

Lockhart stated that any remaining funds will be returned to the original fund balances.

Reiter thanked Mr. Johnson on straightening out these accounts along with our auditor Pat Brown.

There will be a Town Board Worksession April 12 at 6 p.m. Meeting with the Village Board at 5:00 p.m. in Conference Room #1.

Marra MOVED to go into Executive Session for the purpose of discussing the Master Plan/Engineering Firm. Seconded by Palmer and carried 5-0.

Time: 7:05 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk

Executive Session 7:15 p.m.

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Town Attys. M. Gabriele and M. Dowd; Bldg. Inspector T. Masters; Deputy Sup. G. Catlin & Town Clerk C. Brandon.

Also Present: Andrew Reilly from Wendel Duchscherer Engineers.

Mr. Reilly gave a presentation regarding the Master Plan. We currently have a Comprehensive Plan that was done in 2000. The Board discussed several issues that need to be addressed. A proposal was given to the Board Members.

Winkley MOVED to exit Executive Session and adjourn. Seconded by Bax and carried 5-0.

Time: 7:45 p.m.