Town Board Meeting January 23, 2012 6:00 p.m.

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis; WWTP Chief Oper. Ritter; Highway Superintendent Janese; Police Chief Salada; Finance Officer Johnson; Recreation Director Dashineau; 3 Press; 7 Residents and Clerk Donna Garfinkel

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

TWO-MINUTE STATEMENTS BY RESIDENTS

Supervisor asked if any resident wished to address the Board.

Warren, Rose Mary – 5842 Griffin Street – Warren said Comptroller Thomas DiNapoli is not happy with Local Development Corporations. He feels they are out of control, not accountable to tax-payers and are often set-up to skirt State laws. They have demonstrated a pattern of abuse overall.

Warren forwarded to DiNapoli the Joseph Davis State Park LCD budget. Warren feels the $100,000 for management services is steep, and not sure what the Town is getting for it. Two accounting firms are included in the budget. $250,000 for road maintenance, insurance and so on, for a total of $400,000. $10,000 for miscellaneous is a little vague.

In regards to the Ice Rink contract, the Town does not own the Chiller, it is a rental.

Warren attended the last Greenway Commission meeting. People were absolutely giddy after receiving the funding.

Warren spoke to Tom Marks prior to that meeting. Marks would have been a voice of reason about what could or could not be done with the greenway money and Joseph Davis Park. He said State Parks is not prepared, at this time, to endorse the Visitor Center, Water Taxi Service, the associated national port of entry and proposed camp ground. The State still owns the land. Even if the Town received approval to build a public Camp Ground, until this is approved by the State, no shovel can go in the ground.

Warren feels there are too many projects; they should be done in small segments. She is not against developing them, but wishes the Town would come-in with one well thought out project.

Warren referenced a newspaper article, regarding a one-vehicle roll-over at the entrance to Joseph Davis at Lower River Road. Warren wondered if it was Sup. Reiter going to get his truck for work. Warren would like to know if there are specific times Reiter uses the truck, 8 am – 5 pm., or whenever he feels he is on call?

Reiter asked Warren to submit a Freedom of Information request for this.

Mazur, Patricia – 4919 Creek Road Ext. Mazur will speak on drainage work done at 896 Hillside Drive. It was done with Town employees and equipment, in the beginning of December. Mazur would like to know why this work was done by the Town when she has been complaining for years and years and years that she has a drainage problem in her yard. She has been told time and time again that the Town is not going to do anything to help her.

Mazur has found out, the person that had this work done, residing at 896 Hillside Drive is the mother of one of the Deputy Clerks under Carol Brandon. Surprisingly the Deputy Clerk lives next door to Mr. Janese, who happens to live at 837 Hillside Drive. Mazur does not know how this could be done, it took two weeks, it was thousands and thousand of dollars, when all of us people, up and down the road here, have all kinds of drainage problems and the Town….

Reiter said the Board will look into it, and get back to Mazur.

Mazur wants to know if the Town is ready to reimburse her for all the money she has tried to put into fixing her drainage problem. Mazur thinks it is unfair. Mazur thinks it is a neighbor, somebody under the Town, and somebody's mother having work done.

Bax asked Mazur to explain her drainage issue. Mazur said she has had water coming down the escarpment for years. She has lived there for 17-years and the water is rushing down the side of her house. She has put in tons of pipe, drainage and stone and everything else.

Glasgow, Paulette – 836 The Circle – The Town has a Cable Commission that is responsible for holding Public Hearings to receive public comments in regards to any new or modified Cable Agreement. Town law states no Franchise (inaudible) shall be granted without a public hearing. Dowd has stated nothing will be done without following the law. Glasgow is wondering when the Cable Commission will schedule a public hearing to solicit public comment with regards to this pending Time Warner Franchise Agreement that expired last September. When will the agreement be published in the newspaper for the public to read, prior to the meeting?

At the Town re-organization meeting the Board approved Roberts Rules of Order. Roberts's rules state that before a motion is discussed and then voted on it must first receive a second. If a motion does not receive a second, it can't be discussed therefore the motion dies. On November 14th the following motion was made: The Town of Lewiston will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston's Joseph Davis State Park Phase I Capital Improvement Project Grant funding request. The one thing wrong with this is, it never received a second. Because it never received a second, it should have never been forwarded to the Niagara Greenway Commission; never been placed on its January 17, 2012 agenda, and never been voted on. Since the application is flawed, everything relative to it is null-and-void.

Glasgow is almost certain that someone tonight will make a motion to forward it to the Greenway Commission. The next Greenway Commission meeting is March 20th there is plenty of time to schedule a public meeting to formally present this application to the public and solicit their comments with regards to having $5.7 million, for the next 12-years of Greenway funding, going for the improvements on property that the tax payers of the Town of Lewiston don't own.

Reiter has continually said that he would never bring a financial burden to anybody in this Town. Glasgow would hope Reiter would schedule this meeting tonight, so the financial burden of the taxpayers in the Town of Lewiston doesn't occur. The meeting should be held at a more convenient time, like 7:00 p.m.

AGENDA APPROVAL

Reiter asked for additions. Reiter requests an Executive Session to discuss computer purchase contract.

Marra MOVED to approve the Agenda, Seconded by Bax and Carried 5 – 0.

APPROVAL OF MINUTES

Palmer MOVED to approve the following meeting minutes: TBWS – 12/12/2011, RTBM/Final Audit – 12/29/2011, Reorganization – 1/9/2012 and TBWS – 1/9/2012, Seconded by Bax and Carried 5 – 0.

Palmer requests the Clerk look into the apparent over-sight of the "Second" on a motion made at the November 13, 2011, regarding Greenway Funding. The Board never votes on anything without there being a second.

POST AUDIT PAYMENT

Palmer MOVED payment of the following Post Audits: Home Depot - $460.84; Sam's Club - $2,295.56; DeLage Landen Inc. - $116.10; Huron parks & Recreation - $350.00, and Mountain Glacier LLC - $17.22, Seconded by Winkley and Carried 5 – 0.

OLD BUSINESS

1. Historic Preservation Commission Ex-Officio appointment

Bax MOVED to appoint Town Historian Robert Martinez as Ex-Officio to the Historic Preservation Commission, Seconded by Marra and Carried 5 – 0.

2. Adopt Holiday Schedule

Palmer MOVED to approve the Holiday Schedule as presented, Seconded by Bax and Carried 5 – 0. (January 2 & 16; February 20; April 6; May 28; July 4; September 3; October 8; November 12, 22, 23; December 24, 25)

3. Appoint Zoning Board of Appeals Alternates

Marra MOVED to appoint Domonic Balassone and Ryan Hanna as Alternates to the Zoning Board of Appeals, Seconded by Palmer and Carried 5 – 0.

4. Rescind appointment made on January 9, 2012 of Domonic Balassone as a member of Zoning Board of Appeals

Bax MOVED to rescind the appointment of Domonic Balassone as a member of the Zoning Board of Appeals, Seconded by Palmer and Carried 5 – 0.

5. Re-affirm appointment of Daniel Kilmer

Reiter thought Daniel Kilmer had resigned from the Zoning Board of Appeals, but he did not.

Palmer MOVED to re-affirm the appoint of Daniel Kilmer on the Zoning Board of Appeals, Seconded by Marra and Carried 5 – 0.

6. Appoint Zoning Board of Appeals – Vice-Chairman

Reiter to discuss with Zoning Board members, and place on February agenda.

7. Registration for General Contractors

Will not be discussed

CLERK'S CORRESPONDENCE

None

SUPERVISOR REITER

ANNUAL REPORT

The Annual Fund Report is a report complying with the State Comptrollers Office. It represents all monies collected by departments in the Town and is presented to the Town during January. The report has been accepted and filed.

LEGAL

Dowd requests an Executive Session to discuss Legacy Drive Litigation.

The Board needs to schedule a Public Hearing for WWTP upgrades – SS-1, bond issue.

Bax MOVED to schedule a Public Hearing for February 13, 2012 at 5:30 p.m., for WWTP upgrade - SS1, Seconded by Marra and Carried 5 – 0.

FINANCIAL UPDATE

Johnson informed the Board the Town will receive additional Sales Tax dollars. The 2012 Hazardous Waste (CWM) tax has increased by $10,000. Sales Taxes came in $252,000 more than originally budgeted.

ENGINEERING

Update on water project on Elm and Annover Drive. Most of the line is installed, but they have run into rock. For a winter project, the roads are clean and the construction site is neat.

The Pressure Regulator Pit replacement project on Creek Road is moving along.

Reiter said even with monies being spent on parks and other fun stuff, the Town is still taking care of its infrastructure.

COUNCILMAN BAX

HIGHWAY

Highway Superintended Janese agrees with Reiter, they are doing a superb job on the Elm & Annover Road project.

Janese distributed the 2012 Proposed Street Paving project cost estimate. These are roads that Janese believes are in urgent need of repair. Estimates are based on 2011 asphalt costs. Janese would like a dollar figure from the Board, for Capital Projects, so the summer schedule can be planned.

Janese would like to respond to comments made regarding the drainage issue at 896 Hillside Drive. Yes, the Deputy Town Clerk lives next to him, but in the 12–13-years that he has resided there, he has said hello, maybe a dozen times. The reason this was address was at Janese's discretion. Last year there were drainage problems there, the water was running over the road. There will be days with a little sunshine, a little melting, in the evening when it drops down to 27°-28°, then there's ice. Janese himself has been there to salt. It was addressed just before the same issue occurred. It is not known who owns the property up above.

As far as Mrs. Mazur, this is the first time Janese has heard of her issues. Creek Road Ext. is a State road. If the Board would like Janese to go and look, he would be more than happy to.

Reiter requests Janese take a look at the drainage issue at 4919 Creek Road Ext.

COUNCILMAN MARRA

Nothing to discuss

COUNCILMAN PALMER

Nothing to discuss

COUNCILMAN WINKLEY

At the December 12, 2011 meeting, Winkley misspoke regarding the Fire Contracts.

Winkley MOVED to have Fire Contracts read: 0% increase – 2012; $12,000 – 2013; $12,000 – 2014; $12,000 – 2015, Seconded by Marra and Carried 5 – 0.

Reiter announced the upcoming Town meetings.

Marra MOVED to enter into Executive Session to discuss Computer Contracts and Litigation, Seconded by Palmer and Carried 5 – 0. (6:30 p.m.)

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis: Finance Officer Johnson

Discussion on the accounting for software & programming for all departments.

Discussion on Dept. of Labor and Human Relations problems.

Discussion on dedication and condemnation of Legacy Drive.

Winkley MOVED to exit Executive Session, Seconded by Palmer and Carried 5 – 0.

Winkley MOVED to adjourn the Board meeting, Seconded by Palmer and Carried 5 – 0.

Respectfully Transcribed and Submitted by:

Donna Garfinkel
Deputy Town Clerk

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