

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Deputy Sup. Catlin, WWTP Chief Oper. Ritter; Building Inspector Masters; Highway Supt. Janese; Town Attorney Dowd; Town Attorney Davis, Engineer Smith; 15 residents; 2 Press 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 invited residents to address the Board.

Glasgow, Paulette – 836 The Circle – Glasgow finds it very disturbing the Board appointed a Real-estate Agent as Ordinance Enforcement Officer; conflict of interest there.

Glasgow requests a written response to a letter she will submit to Board members. Glasgow questioned if Wednesday's Joseph Davis Corporation meeting is advertised in the paper.

On Wednesday, May 4th an entity known as the "Joseph Davis State Park Local Development Corporation" (JDSPLDC) gave public notice of the first meeting of the Board of Directors held at the Town Hall. Present at this meeting was the Town Supervisor, who conducted the meeting, along with seven individuals referred to as directors, legal counsel representing Harris Beach PLLC, Louis Giardino, CEA International and two members of the public. In order to comply with Open Meeting Law, the meeting was advertised in the local paper.

Those present listened as a brief introduction was given with regards to the description of what projects JDSPLDC would be involved in and any financial support that would be extended to JDSPLDC.

On Thursday, May 5th, a Freedom of Information was submitted to the Town Clerk's Office requesting the following: 1 – copy of May 4th minutes; 2 – name and address of the director; 3 – copy of Articles of Incorporation; 4 – copy of legal notice informing the public of the creation of the corporation. Compliance of this foil request, although not immediately forthcoming per Public Officer's Law, was secured by the Town Clerk's Office after a letter was sent informing the Clerk of the oversight. All requested information was made available except for #4. Seven members were present at the May 4th meeting. Glasgow requests their names and addresses.

After review of said information, members of the public have several inquiries; contained in the letter. Glasgow requests a written response to these inquiries. She requests to receive it well before the next Board meeting.

Since nowhere in the official records of the Town; approved monthly minutes, approved Board agenda or contained within a legally advertised public meeting notice, is there mention of this Town Board authorizing the creation and incorporation of the Joseph Davis State Park Local Development Corporation. Please inform the public on the date the Corporation was approved.

Professional service was engaged for legal counseling of Harris Beach, PLLC. When were they hired, is there a contract, how much they being paid, where is the money coming, etc..?

According to a filing receipt, a \$160 was paid to the State of New York, Secretary of State, as a Corporation fee; in fact it was fast-tracked. Who authorized the payment of that, where did it come from, why didn't the Town Attorney do it?

In a report dated April 2011, entitled Municipal Use of LDC's the following is stated. "With limited exceptions a Town, may determine, that any real property owned by the town is no longer required for municipal use, and said Town can authorize the sale or lease of the property to an LDC." Glasgow requests the name of the real property the town is selling or leasing to the JDSLDC.

Langlois, James – 441 Harper Drive – Langlois spoke regarding 437 Harper Drive, which has been abandoned since fall. There is debris all over the property, a pond in the backyard, and an unsecured half-full above ground pool. There was a contractor there to cut the grass and they were told to cut around the debris. The inside is a disaster. The water was not shut off during the winter so it froze, and the plaster walls came down. There is mold throughout the house. Something needs to be done.

Masters said Police went to the house and filed a report with him. This is one of many homes where the owners walked away. Finding the involved bank is time consuming, but violations have been issued.

Witryol, Amy – 4726 Lower River Road – Witryol is delighted to hear Town Officials will be limiting their remarks to the newspaper to public notices.

A few years ago when CWM told the public it could not get in on the Hudson River PCB project, nobody assumed that meant CWM would accept the PCB's anyway. If you can't bid on the project, how do you end up with the project waste?

We have heard a series of change in explanations in the last month. First CWM told the public they took absolutely nothing from the Hudson River PCB project. Then CWM told the public they didn't take sediment from Hudson River PCB project. Then last week CWM told the public they took a little sediment, but no bulk dredge sediment. All of these statements are contradicted by entries into CWM's "Bulk Receiving Logbook", which recorded two bulk shipments of PCB sediment and debris from the Hudson River project. The EPA manifest forms, CWM and GE approved, reported two shipments of sediments, personal projective equipment and debris. By the waste analysis profile, which CWM and GE approved, estimating 13-tons of sediment were included in the total 27.95 tons shipped there. The 2002 EPA records show that all the sediment was dredge from the Hudson River and went through the processing facility.

Supervisor Reiter and Deputy Supervisor Catlin had all this documentation prior to the Worksession two weeks ago. The question I asked at the prior Board meeting was whether CWM and GE approved manifest forms showing Hudson River PCB sediment and debris went to CWM were accurate or if it was a mistake. Because CWM led everyone to believe it could not be involved in the Hudson River PCB project.

Catlin said all dredge PCB sediment went to Texas. That is untrue and contradictive by the regulatory shipping documents, which were sent to Terry Duffy.

Catlin assertion that the PCB material which came to CWM substantially differed from the material shipped by rail was also inaccurate. This is clear in the EPA Record of Decision Mr. Catlin had at the Worksession, as well as the regulatory documents provided by DEC to Mr. Reiter the week before.

Two days after the Board meeting, and based on unsubstantiated 4th hand hearsay, Mr. Reiter picked up the phone to contact newspapers to level personal attacks.

First the erroneous assertion that I withheld information from the public, provided by EPA, ten days before the Board meeting. I provided the Board e-mails that I sent to both major newspapers, 10-days before the Board meeting, quoting EPA verbatim, right after I spoke to EPA. Apparently I was so anxious to cover it up; I also provided both newspapers with the contact information for the EPA officer in Hudson Falls whom I spoke with.

Mr. Reiter erroneously asserted, according to the papers, that I was "satisfied" with what I heard from the EPA that day. If I were satisfied I would not have foiled DEC for the shipping manifests, immediately after speaking with EPA.

Though it took several persistent references to shipping and handling documents on my part, EPA finally acknowledged that sediment was, in fact, shipped to CWM. EPA said it had no way of knowing how much was shipped because it did not observe the shipment, although they had documentation from GE suggesting there would not be a significant shipment.

As a practical matter, I don't think Lewiston residents care whether they get Hudson River PCBs in a shoe or a shoebox, they don't want any.

False statements by CWM, EPA or the DEC typically have no consequences. However, if CWM were to falsify regulatory documents such as Manifests or Waste Analysis Profiles, it could lead to fines or felony convictions.

Mr. Reiter relied on 4th hand hearsay, while I relied on documentation and extensive experience with the agencies. Mr. Catlin and Mr. Reiter never once contacted me for additional information or clarification after the board meeting. Instead, they contacted CWM which then referred them to an uniformed EPA officer sitting in Buffalo. Mr. Reiter considered that hearsay enough to launch personal attacks with opinion that were contradicted by the facts.

Finally, Mr. Reiter told the press the Town Board wanted me removed from the CWM CAC. For the record did any member of this Town Board want me removed from the CWM CAC? Witryol asked if, using their discretion as a Board member to go on record publicly.

Bax said Ms. Witryol did a great job on the CAC. The Board is all one voice and ultimately Bax has always support Witryol and she has always provided great information. Witryol is very knowledgeable on the subject. The Board owes it to Witryol, to have found the information in front of the Board today. Bax thanked Witryol, on behalf of the citizens for that. If Witryol was not looking, it would not have been seen.

Witryol asked, with Bax's comment about that the Board speaks as one voice, does that mean that the Board supported Supervisor Reiter's appointments to the CAC?

Bax said he meant they are all one vote out of five; work as a body. With that being said, the Board has had some heated debates on the subject. We are happy to have you in whatever capacity.

Palmer thinks it is inappropriate for Witryol to call-out the Councilmembers individually using this forum, to expose conversations he may have had with her regarding different issues. That is hitting a bit below the belt. Palmer has gone on the record before opposing the expansion of CWM, and will do it again. Palmer has supported Witryol in just about every endeavor she has gone into within this issue. However, Witryol brought up the issue of the waste from the Hudson River, not him. As far as the battle with the Supervisor that is between you two.

Witryol said she had a conversation with Palmer, saying she may ask the Board this question, and Palmer said he would be happy to make a comment in public. Palmer said he did not say that – he said that he wouldn't.

APPROVAL OF AGENDA

Reiter asked for additions. Winkley requested the I & I Repair expense for the Village. Marra requested Parks & Recreation items, and a letter from the Building Inspector.

Bax MOVED approval of Agenda as modified, Seconded by Marra and Carried 5 – 0.

APPROVAL OF MINUTES

Palmer MOVED approval of the following minutes: Comp. Plan/Worksession – 4/11/2011; Town Board Meeting – 4/25/2011; Worksession – 5/9/2011, Seconded by Bax and Carried 5 – 0.

APPROVAL OF POST AUDIT

Marra MOVED approval of Post Audit payments to Home Depot - \$71.37; Sam's Club - \$632.58 and Mountain Glacier, LLC - \$56.68, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS

Drainage – 5461 Military Road – Janese said work will be performed Wednesday.

Janese requests input from the Town engineer. There is more than just Autumn Lane and more than just one resident or area. Drainage issues should be addressed and completed correctly.

Bax MOVED to authorize the Engineer to work with Janese on drainage issues, Seconded by Marra and Carried 5 – 0.

Janese received a letter from Don Cosentino, Fire Bureau, requesting ditches along Creek Road be piped. The ditches fill with water, making access to hydrants treacherous to impossible, in an emergency. The DOT told Mr. Cosentino this is the responsibility of Lewiston. Janese to pipe ditches, with the cost not to exceed \$2,000.

Janese addressed the Highway Department budget. Money was spent on overtime for the recent storm. There are two reimbursement programs, New York State Office of Emergency Management and The Department of Transportation.

We are 41% of the way through the year, and the Dept. has spent less than 34% of its budget.

Janese received approximately 40 applications for summer employment. No funds are available, but Janese requests discussing this with the Board.

CLERK'S CORRESPONDENCE

Item No. 1. Rosemary Warren submitted a letter regarding Local Development Corporation. Letter distributed and filed.

Item No. 2 Town Clerk Carol Brandon requests direction for a check received from Mawhiney Trucking Inc. Check is for an excavation project located at 2752 and 2799 Ridge Road. Supervisor will speak with Finance Director Johnson.

SUPERVISOR REITER

Dowd received a Bond Resolution and Public Interest Order related to the Lewiston Master Sewer District – Increase and Improvement of Facilities, and requests approval.

Public Interest Order

Bax MOVED to accept and forward to the County Clerk for filing, the Public Interest Order dated May 23, 2011 in The Matter of The Increase and Improvement of Facilities of the Lewiston Master Sewer District in the Town of Lewiston, Seconded by Marra and Carried 5 – 0.

Bond Resolution

Bax MOVED

BOND RESOLUTION DATED: May 23, 2011

A RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$3,495,000 BONDS OF THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE LEWISTON MASTER SEWER DISTRICT, IN THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK.

Specific Object or Purpose: Certain upgrades, refurbishment, and replacement of existing treatment and auxiliary systems at the Water Pollution Control Center, including but not limited to Grit Removal Modifications, Sludge Processing Improvements, Tertiary Treatment Upgrades, Digester Compressor Upgrades, and Aeration Blower Upgrade, all as more fully described in said map, plan and report, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses.

Period of probable usefulness: Forty Years
Maximum estimated cost: \$3,495,000
Amount of obligations to be issued: \$3,495,000
SEQRA status: Type I Action, Negative Declaration; SEQRA compliance materials on file in office of the Town Clerk where they may be inspected during normal business hours.

Seconded by Marra and Carried 5 – 0.

Town received a Memorandum of Understanding, negotiated with The Buffalo Audubon Society Inc. regarding Joseph Davis State Park. The agreement allows the Society to inventory plant species.

Marra MOVED to authorize the Supervisor to sign the Memorandum of Understanding with The Buffalo Audubon Society Inc., Seconded by Palmer and Carried 5 – 0.

Reiter said the Town was successful in obtaining Greenway funds for the Toohey Park and Colonial Village Park projects.

Reiter said the Greenway Commission originally stated Lewiston did not meet their requirements for the Greenway mission or plan. Reiter wants to thank the local communities for standing up and not letting Erie County determine what will happen in Niagara County. Most Commission members are from Erie County.

Reiter thanked all Board members, and former Town Board member Sean Edwards for standing up and telling the Commission how important Colonial Park is to Lewiston.

Reiter wants to thank surrounding communities: Niagara Falls, Niagara Falls School District, Niagara-Wheatfield School District, Lewiston-Porter School District, Town of Niagara, Niagara County, Lewiston and the Power Authority for stepping forward.

The purpose of the Greenway money is recreation and for the peoples use, and Lewiston has done that. The Board stepped forward and made all Lewiston parks usable. As a result, Lewiston can now make a statement at Joseph Davis.

COUNCILMAN MARRA

Wendell Engineers will be at the Town Hall on June 6th to train the Planning Board and Zoning Board of Appeals on the new zoning code. Masters requests the 2-hours be counted toward the required 4-hours of training per year needed by the members.

Marra MOVED to count 2-hours towards the required 4-hours of training per year for members of the Zoning Board of Appeals and Planning Board who attend the June 6th meeting, Seconded by Bax and Carried 5 – 0.

Bax and Masters interviewed several candidates for the Zoning Officer position. Bax was very impressed with the quality of the applicants.

Marra MOVED to hire Robert Martinez - Town Zoning Officer at \$15.75/hr, for 19 ½ hr/week, Seconded by Bax and Carried 5 – 0.

With Robert Martinez being Chairman of the Planning Board, it was questioned if a conflict of interest exists? Martinez has said if a conflict exists he would step down from the Planning Board.

Marra requested approval of Parks Department and Recreation Department employees.

Marra MOVED to hire the following applicants for employment in the Parks Department as Seasonal Laborers: Richards, Kevin – \$8.50/hr; Ziobrowski, Mike – \$9.00/hr; Myers, Andrew – \$14.00/hr; Morreale, Robert –\$9.00/hr. and Willard, Jeremy – \$9.00/hr, Seconded by Palmer and Carried 5 – 0.

Marra MOVED to hire the following applicants for employment in the Recreation Department as Seasonal Recreation Aides: Atkinson, Brent – \$8.75/hr; Brydges, Courtney – \$8.75/hr; Caballero, Alexander – \$8.25/hr; Fluery, Andrew – \$8.75/hr; Gilbert, Aaron – \$8.25/hr; McDonald, Kyle – \$8.75/hr; Miller, Kristen – \$8.25/hr; Morreale, Marc – \$8.25/hr; Nowocien, Alex – \$8.25/hr; Oakley, Braiden – \$8.75/hr; Ross, Nick – \$8.25/hr; Stivers, Kelly – \$8.75/hr; Stuart, Julie – \$8.75/hr; and VanDusen, Jenna – \$8.25/hr, Seconded by Palmer and Carried 5 – 0.

Marra thanks Supervisor Reiter, Councilmembers, Recreation Director Michael Dashineau, and Bernie Rotella for their help with park projects.

The Board met with the Village of Lewiston Engineer. They request assistance with their Increase and Improvement project. Town will give equipment, material and financial help.

Marra MOVED to supply the Village of Lewiston with equipment, material and financial assistance, not to exceed \$20,000 - funds from H-97, on the Increase and Improvement, Seconded by Bax and Carried 5 – 0.

Bax commends the Village on their efforts in reducing their capacity at the WWTP.

Marra thanked Ritter for allowing a 10th grader class tour the plant. They were doing a class project and the tour was helpful.

In April the Board requested a speed reduction study for Military Road from Upper Mountain Road to Lewiston Road. The Department of Transportation will not reduce the existing 45-mph speed limit at this time. Marra would like to re-group and express to them that this stretch of road is a public hazard.

COUNCILMAN WINKLEY

Winkley thanked Superintendent Janese for addressing the ditches and fire hydrants on Creek Road.

Residents in Sanborn are concerned with the striping on Buffalo Street. Janese said it's preliminary striping and it will be done soon.

COUNCILMAN BAX

Sanitary sewer and pump station maintenance - 2846 Saunders Settlement Road - In 2008 the Board directed the Town Attorney to get a legal description of the property and draft an easement. This was never done. Bax referred this to the Town Attorney.

The Coast Guard is installing a co-location on a tower located on Power Authority property, and is asking for approval. The Tower and Wind Energy Committee have reviewed the application and recommend approval.

Bax MOVED to approve a co-location for the Coast Guard, located on the tower at 5481 Military Road, Seconded by Palmer and Carried 5 – 0.

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

Respectfully Transcribed and Submitted by,

Donna Garfinkel
Deputy Town Clerk