

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; Building Inspector Masters; 4 Press; 6 Residents and Clerk Donna Garfinkel

EXCUSED: Finance Officer Johnson

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

TWO-MINUTE STATEMENTS BY RESIDENTS

Supervisor invited any resident to address the Board.

Warren, Eric – 5842 Griffon Street – Spoke regarding to the “so called” topsoil put in after the sidewalks were poured on Elm Street. Large stones and pieces of glass had to be removed to allow Warren to mow the invasive weeds that were growing. Warren hit a large rock that was half buried in dirt and it cost \$110 to repair the lawnmower.

Warren showed Highway Superintendent Janese that this is not topsoil, but looks like it came from a gravel pit.

Warren gave Supervisor Reiter stones to give to Janese but Warren has gotten no results.

Supervisor Reiter asked Janese to look at the situation and report back at the August meeting. Janese said he replaced the topsoil and excavated, but will get something a little better.

Warren dug up an area of 9’ x 6’ x 4” deep and screened out the stones which filled 1 ½ 5-gallon pails. The sidewalks were put in with Greenway money, so the good topsoil should have been put in with the same money. A Board member should come and address the problem.

Warren, Rosemary – 5842 Griffin Street – The Luke Morretti TV investigative report about the Town of Lewiston doing drainage work on private property with Town equipment did not shed a very positive light on this Town.

Warren sent Morretti a picture, and said she felt Greenway money was being misused by the Town.

Warren distributed photos of the poor topsoil spoken about by Mr. Warren. Pictures were also distributed of the work done on the Sanborn Town Park. She is not blaming the workers; they only do what they are told. One piece of wide-board fence was broken; an ornamental tree was knocked down. Who paid for this and why was it done? There is no grass just tall weeds.

The Warrens will leave now because Mr. Warren does not feel well. Warren said the Board must only care about them at election time and the 43-years of taxes paid. Don’t need the pictures back, looks at it everyday.

Glasgow, Paulette – 836 The Circle - Last month Glasgow asked how the Town intends to pay for the \$120,000 change order for paving on a Capital Project that was specifically bonded to replace waterlines, not to repave an entire subdivision.

Since asking the question Glasgow has discovered the following and would hope, once again, and expect since public money was spent, that the public would get an answer from the Board in regard to these questions.

This isn’t the first change order, only change order that was issued to the project. There was another for \$14,000, causing this project to be over spent by \$135,000 and exceeding

the total bonded amount approved for this project. Where and when, from a Town account did this money come from?

There are very few times Glasgow agrees with Attorney Dowd, and the earth is going to shake. When Dowd said to the Board, in May, when this came up; do we have to have another Public Hearing? Dowd was right, none was needed.

The outside contractor awarded the \$120,000 change order didn't do the paving but subcontracted out the job to another firm who did the paving for less than \$120,000. If the job is done for less than \$120,000 why didn't the Town look for a better price?

If as was stated by Mr. Reiter in May, the Town had the money to do the paving, why was the job given to an outside contractor and not the Town forces? This would be a cost savings.

Speaking of paving, with Town roads in much need of repair and paving, why was the entire subdivision repaved since the original plan, contract and bond specified the purpose of this project, was to replace a waterline.

Where is the change order, it is supposed to be in the Clerk's office? Its not there.

Last month the Board approved \$150,000 for SEQRA on one part of a Capital Project at Joe Davis Park. As we sit here tonight the LDC is meeting and they are about to award \$108,000 contract to Nussbaumer & Clark. What is being done is totally illegal.

According to the law, you can not segment particular projects in a main Capital Improvement project. It is illegal, and when the State Comptroller gets a hold of this, he is going to have a field day.

The Board didn't segment or separate projects for funding. Why didn't the public know about a July 7th Steering Committee meeting to take action on the SEQRA. The Board is considering issuing a positive declaration tonight on a project that is a small part of a total Capital Improvement, and the Board has yet to receive any Federal or State approval, and working on a letter of content on the original contract. Where and from what Town account is this coming from? Before anybody says "it's from the Greenway Funds", the Town hasn't gotten any Greenway Funds as of July 20th.

To date, the Town has not yet received any Greenway funding for any of these expenses, which total \$300,000, incurred for Joe Davis for the last two years. With no Greenway money being forwarded to the Town to pay these expenses, Glasgow asks the Town once again, from what account these expenses are being paid from.

In regards to the SEQRA, there were eight other engineering firms who responded to the Town's RFP for the capital improvements at Joe Davis. We know Nussbaumer & Clarke has gotten part of this. Glasgow wonders if the other engineering firms were given the opportunity to submit addendums. When were those addendums voted on by the Board to advertise, what was the price and where are the addendums? Clerk does not have them.

To date the Town has paid the managing consultant to the LDC over \$160,000. Since an LDC is classified, under public authority laws, as a separate entity, why has the Town paid Mr. Giardino's consulting fees from the Town's Parks & Recreation budget? The only individuals paid from that account are Town employees. Mr. Giardino is an outside consultant who is being paid from a Town account, without an approved professional service contract.

Glasgow will agree again with Dowd about the Professional Service contract. Where is the contract and why is the Town paying Mr. Giardino as a Town employee?

When did the Board seek bids for either competitive State or County to purchase an \$80,000 lawn mower to cut the grass at Joe Davis? When did the Board go out to bid for

a \$55,000 lawn mower purchased last year? \$135,000 to cut grass on a piece of property the Town doesn't own. Where and from what accounts have these purchases been made?

The total of these items, not including the \$108,000 possibly coming for approval tonight for Nussbaumer & Clerk, is \$865,000, for the items just mentioned tonight.

Mr. Janese estimates the cost to repave Town roads to be roughly around \$800,000. If this money had been managed and spent properly, on assets owned by the Town, such as roads, residents wouldn't be coming here asking why there isn't enough money to repave. Yet the Town is paying money on an asset the Town doesn't own.

Glasgow said she will not talk to Supervisor Reiter, he is a lost cause. To the other four, Glasgow asks "When are you going to say "enough"? When is enough going to be enough? When are you going to tell him "no"? "How much money has to be spent improperly on assets not owned by the Town?" "When is enough, enough?"

AGENDA APPROVAL

Marra requests addition of Dept. of Transportation: Palmer - discussion on funds for flags, Reiter - fee schedule, Joe Davis Contract and paving.

Palmer MOVED to approve the agenda as amended, Seconded by Marra and Carried 5 – 0.

APPROVAL OF MINUTES

Winkley MOVED to approve Regular Town Board meeting minutes 6/25/2012, Seconded by Marra and Carried 5 – 0.

APPROVAL OF ABSTRACT

Bax MOVED approval of the Regular Abstract of claims numbers 2228 to 2697 and Recommend payment in the amount of \$356,793.16 plus a Post-Audit of \$189,034.83, Seconded by Winkley and Carried 5 – 0.

POST AUDIT PAYMENT

Bax MOVED to approve the following Post Audit payments: Home Depot - \$599.95; Sam's Club - \$1,418.33; LEAF - \$455.80; Mountain Glacier - \$40.96; Mathewson McCarthy (baseball) - \$350.00; Cayuga Youth Athletic Association - \$275.00; Crown Trophy - \$6,077.60; and Stuart Sports - \$19,696.99, Seconded by Winkley and Carried 5 – 0.

OLD BUSINESS

Back-up generators – Police – Reiter said this is moving along.

PENDING BUSINESS

Noise Ordinance – Dowd, Winkley and Chief Salada are working on changes.

Signs have been posted on Lewiston Hill in regards to "No Jake Break" area. Bax would like to see signage posted warning of the hill.

Reiter would like to see some type of signage, possible "No Engine Brake Community" on Buffalo Street in Sanborn.

Bax MOVED to have Clerk draft a letter to the DOT regarding signage of Lewiston Hill and Buffalo Street, Seconded by Winkley and Carried 5 – 0.

NEW BUSINESS – CLERK'S CORRESPONDENCE – none

SUPERVISOR REITER

LEGAL - Acquisition of Legacy Drive

Dowd spoke to the attorney for the estate of Dominic Massaro, the owner of the property, and an executor has been appointed. Board will leave the Public Hearing open.

Mawhiney Permit

Mawhiney Mine is located on Ridge Road and started several years ago. The Town went to court and it was determined the Town was to limit the permit fee to \$15,600. The fee the Town received is outdated. A replacement check was brought to the Town, but that hadn't been negotiated yet either. Dowd will have to ask the people to replace the check again.

Palmer asked why the check was not placed into an account. Dowd said it was placed in someone's drawer and sat too long. Dowd said one or two items were to be forwarded to Masters to complete the file to issue the permit.

Masters said he does not issue the permit, the Town Board does. Part of the problem is Masters does not know what the court outcome is.

Dowd said the outcome was that, the fee would be limited to \$15,600 and no tipping charges - they are not permitted and that the permit, at the time, was limited to the last 6 acres. When they are done they would go to the DEC and get a new permit.

Masters said there are many other items that need to be received. The \$15,600 was for a one-year permit then each year after, one-half of that is due for renewal until the mine is done. That is why the check was not deposited.

Dowd said he will work to see what those things are.

Bax asked if it would help if the Town Board drafted a letter. Masters said someone needs to. This is was open and started before Masters started.

Dowd is not sure, but as a result of the settlement with Judge Boniello, any further fees can't be charged, because the Town can't charge tipping fees. They are illegal.

Masters said this is an application fee.

Dowd said the permit expires when they complete the 60 acres, or whatever the acreage is, and then they go back to the DEC and the Town if they want to expand it.

REVIEW FEE SCHEDULE

For the first time in Town history there is a Municipal Review Fee Schedule. All Department Heads worked tirelessly on the schedule.

Bax MOVED to approve the Municipal Review Fee Schedule dated July 2012, as submitted, Seconded by Marra and Carried 5 - 0

LETTER OF INTENT – JOE DAVIS STATE PARK

A letter of intent has been received for a fixed term of 20-years, after funding and approval of projects is received.

Reiter requests the Board authorize him, pending review by Town Attorney Dowd, to sign the Letter of Intent.

Marra MOVED to authorize the Supervisor to sign the Letter of Intent to amend the Operation and Maintenance Agreement to a fixed term of 20-years relating to

the operation by the Town of Joseph Davis State Park, pending review by Town Attorney, Seconded by Palmer and Carried 5 – 0.

FINANCE

Greenway money – Reiter said Greenway monies have been received and as a result a lot of finances have been repaid. Palmer and Marra want to clarify that the Town of Lewiston receives Greenway money every July.

With the take-over of HSBC bank, the Board needs to appoint authorized signatories for the Greenway account at First Niagara Bank.

Marra MOVED to appoint Supervisor Steven Reiter and Finance Director Michael Johnson, as authorized signatories for the Town of Lewiston Host Community Standing Committee account at First Niagara Bank dealing with Greenway monies, Seconded by Palmer and Carried 5 – 0.

Reiter requests Highway Superintendent Janese present a 284 Agreement to the Board in August for the exact detail, cost and paving schedule for Bridgeman & Dickersonville Road.

ELECTRIC BILLS

The discount for Lewiston resident for electricity has stopped. When Lewiston was able to audit, it was discovered some of the original discounts were too high. The books were reconciled on a yearly basis, and have since been changed to quarterly.

The contract with National Grid expires on August 31, 2012. Reiter would like to work with Board members on the co-op to sell electricity. When the electricity is sold, there are certain uses that the funding can be used for. It can only be used to defray energy cost Town wide. It can be used for municipal buildings, fire departments, sewer treatment plant, and water dept. (for pumping). It is being looked at to take the discount dollars to lower water bills.

VACATION DAY PAYMENT

Kathy Stafford retired from the Town with 26 ½ years of service. Stafford is requesting payment of 11-vacation days at a cost of \$1,760.88. This needs to be done to allow NYS Retirement to recalculate her pension.

Palmer MOVED to send Kathy Stafford \$1,760.88 for 11-vacation days, Seconded by Marra and Carried 5 – 0.

COUNCILMAN BAX

The bid held on July 17th for the Water Pollution Control Center – Administration Building HVAC Improvements received the following bids: Great Niagara Mechanical, Inc. - \$40,600; Hoot Mechanical & Electrical Inc. - \$52,000; John W. Danforth Company - \$67,000.

Bax MOVED to award the contract to lowest bidder Greater Niagara Mechanical, Inc. in the amount of \$40,600, for the HVAC Improvement at the WWTP, Seconded by Marra and Carried 5 – 0.

Reiter thanked Attorney Dowd and Finance Officer Johnson for working very hard on the bond. The Town has excellent Bonding capability.

COUNCILMAN MARRA

Town received a response to the request for a speed limit reduction on Military Road from Saunders Settlement Road to the Power Authority. The speed will not be lowered at this time.

In regards to the request to lower the speed limit on Saunders Settlement Road between Townline and Bridgeman Road they will not reduce the speed. They will however, establish a 35-mph school speed limit in the vicinity of the West Street School, in affect from 7 am to 6 pm, on school days.

Sanborn Area Historical Society is hosting their Farm Festival - July 28 – 29th.

COUNCILMAN PALMER

American Legion Post 1142 requests a donation of \$250 to purchase flags for Veterans graves at Gate of Heaven Cemetery. Board requests this be a yearly donation.

Palmer MOVED to donate \$250 to American Legion Post 1142, funds from Supervisors Budget, Seconded by Marra and Carried 5 – 0.

The Planning Board recommends approval of the site plan for a garage for Paul Calkins, 2826 Niagara Street, SBL #133.08-1-31.

Palmer MOVED a Negative Declaration for Paul Calkins, 2826 Niagara Street, Seconded by Marra and Carried 5 – 0

Palmer MOVED to approve the site plan for Paul Calkins, 2826 Niagara Street, Seconded by Marra and Carried 5 – 0.

COUNCILMAN WINKLEY

Upper Mountain Fire Company roster deletion

Winkley MOVED the following be deleted from the Upper Mountain Fire Company roster: Awald, David; Pogrebski, Matthew; Weirdin, Sara; Brundage, John; Susino, William, Seconded by Bax and Carried 5 – 0.

Supervisor invited Board members to the Tuscarora Nation Center on July 24th at 4:00 p.m.

Marra MOVED to adjourn, Seconded by Bax and Carried 5 – 0. (6:50 p.m.)

Respectfully transcribed and submitted by,

Donna Garfinkel
Deputy Town Clerk