

PRESENT: Supervisor Reiter; Councilmembers Marra, Palmer and Winkley; Deputy Supervisor Catlin; Town Attorneys Dowd and Davis; WWTP Chief Oper. Ritter; Building Inspector Masters, Highway Superintendent Janese; Town Engineer Smith, Police Chief Salada; Finance Officer Johnson; 3 Press; 8 Residents and Clerk Donna Garfinkel

EXCUSED: Councilman Bax

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

TWO-MINUTE STATEMENTS BY RESIDENTS

Supervisor asked if any resident wished to address the Board.

Frandina, John – 740 Sara Court - Several neighbors attending tonight request an update on the sale of the greenspace between Sara Court, Powell Lane and David Lane. The neighbors are concerned with the amount of land being sold right now, and trees.

Dowd said the Board is considering an information session and send letters to the residents living in that community. The Town is creating a conceptual map of the property. The surveyor has been asked to follow the lot lines back and have them meet in the center. It is not the Boards intention for one homeowner to have any advantage of land.

The sale to Mr. Coppins has not closed. There has been no objection to this sale, by way of an Article 78 proceeding. Coppins understands a “restricted land use covenant” has been discussed. Many people have pools, sheds, and playgrounds already on the greenspace.

Palmer does not believe the Board is hell-bent on selling off the property. It was thought to be a means-to-an-end, solving a liability issue.

Reiter said it has been mention to remove a lot of the trees in order to reduce the Towns liability. Residents want trees taken down that are fine, people are just concerned. It is hard for the Highway or Parks Dept. to get back there. It is hard to get everyone to agree on one thing. This has been an on-going problem.

Marra said Dowd will complete a letter to be sent to all the neighbors. Possibly at the March meeting an information session can be held.

Glasgow, Paulette – 836 The Circle Drive – Over the past year the Town Board, or individuals of the Town Board have had or scheduled meetings regarding the Recreation Center with the following: Individual Lewiston School Board members, the School Board, landowners, developers, Town Planning Board, Town Environmental Commission, Zoning Board, Architects, construction companies, and any other that is not known. But there is one group that has not been met with – The People.

Glasgow wonders if the Board will have a Public Information meeting so residents can attend, the Board can take comments, and the Board can answer their questions. Maybe that will resolve something. Glasgow is receiving phone calls from Seniors and they are pissed.

At the Planning Board meeting, member Mrs. Catlin made a comment about having a public referendum to see if the people really want this. Glasgow hopes that somebody, between tonight and the end of August would sponsor a motion and pass a resolution to hold a meeting to take comments from the public, and hold a public referendum. All people are hearing is, “this is something that is needed for our community, it is in high demand and it’s a long standing need for the whole northeastern region of Western New York”. Glasgow would like to know where the people that sponsor this, support this got their data.

Palmer agrees with Glasgow, in asking for a Public Information meeting. Palmer said the residents can bet it is forthcoming. One thing that will make this a success is complete transparency as it moves forward. Transparency is needed in order to gain the trust of the people.

Winkley said before the Board can have a meeting, the Board needs to know what it is, the details. The cost needs to be determined.

Glasgow said at the September 10, 2012 meeting residents were told there was a feasibility study that has been being studied for two years. Do Board members not have a copy of the study?

Winkley said the Board is still looking at it. Members are not in a rush.

Reiter said there have been meetings at the Town Hall that the public has been invited to.

AGENDA APPROVAL

Winkley requests an executive session for personnel in the Police Dept. Catlin requests an executive session for personnel in the Highway Dept.

Winkley MOVED to approve the Agenda as amended, Seconded by Marra and Carried 4 – 0.

APPROVAL OF MINUTES

Marra MOVED to approve meeting minutes of 1/28/13 - PH – Legacy Drive; 1/28/13 - RTBM, Seconded by Winkley and Carried 4 – 0.

POST AUDIT

Marra MOVED approval of the following Vouchers: Home Depot - \$1,666.19; Sam's Club - \$1,582.43; Canon Financial - \$575; Niagara County Treasurer - \$400.80; Joan B. Stephens - Receiver - \$62.76; Rosalie Kilmer - \$354.97; National Grid - \$40.75, Seconded by Palmer and Carried 4 – 0.

AUDIT PAYMENT

Marra MOVED approval of the Regular Abstract of Claims numbers 160 to 604, and recommend payment in the amount of \$462,125.84, Plus a Post-Audit of \$503,093.26, Seconded by Palmer and Carried 4 – 0.

PENDING BUSINESS

Legacy Drive – Dowd is waiting for the appraisal, and then the Town will make an offer. If offer is not accepted there is time to go to court.

Culvert pipe – Swann Road – Item is finished

Zoning Code - The 28-day response period has passed and Wendel Engineers offered no changes. Dowd believes this was adopted subject to any comments. This can be forwarded to the Secretary of State.

RADIO TOWER – Brookside Drive

Has been forwarded to the Wind / Tower Research Committee for review.

CLERKS CORRESPONDENCE

Item No. 1: Greenspace petition – Addressed during Resident Statement

Item No. 2: Acknowledge receipt of renewal notice for Alcoholic Beverage License from:
Niagara Falls County Club – Halfway House & Golf Cart
Niagara University – St. Vincent's Hall & Castellani Art Museum

Marra MOVED acknowledgment of receipt of above Alcoholic Beverage License, Seconded by Winkley and Carried 4 – 0.

SUPERVISOR REITER

LEGAL - Sanborn Sewer extension is complete and the Town will be asking residents to tie-in. Dowd requests the Board consider extending the tie-in time to more than 90-days. Board to address at Worksession of March 11th.

Dowd comments on proposed Recreation / Senior Center. There are some legal matters, the Town is reviewing the SEQRA process, and it will be done. There is a public meeting next week for comments.

Reiter said there have been advertised meetings, and the public has attended and commented.

ENGINEERING

Smith request Board permission to advertise for Pressure Regulating Chamber Improvement on Dickersonville Road.

Winkley MOVED to approve the Town go out to bid for Pressure Regulating Chamber Improvement on Dickersonville Road, Seconded by Marra and Carried 4 – 0.

Reiter discovered that in other towns the County is paying for half of their pressure regulators. The Creek Road and Cliff Street water-main projects are County transmission main. Town will research and see if dollars will be paid.

The State of New York will be taking care of the deck project (water) on Military Road at no cost to the Town.

FINANCE

Town Auditor, Brown & Assoc. has told Mr. Johnson the Town has not had an appraisal on the waterlines, buildings, etc. since 2004. Brown is recommending this be done. The cost is \$9,640, which can be taken from Contingency.

Winkley MOVED to approve an updated Industrial Appraisal for the Town of Lewiston, Seconded by Palmer and Carried 4 – 0.

Reiter said the Town is looking at out-of-district costs/service fees for NYPA. In looking at the Fire Companies, water services, sewer services that are provided to them, the rest of Lewiston bears the cost of maintaining and updating these systems. The Town provides a great service, and is not being paid for it. Taxpayers of the Town support their use.

Mt. Mary's Hospital and Niagara University pay water taxes just like all residents.

Dowd will investigate what it takes to create an out-of-district. If NYPA maintains they are out-of-district, they should be paying out-of-district fees.

RESOLUTION IN SUPPORT OF SECOND AMENDMENT

Tim Masters, Building Inspector provided a Resolution requesting the Board support.

Clerk read resolution into record.

RESOLUTION #4 OF 2013

Resolution in Support of the Second Amendment

WHEREAS the right of the people to keep and bear arms is guaranteed as an individual right under the second amendment to the United States Constitution and under the Constitution of the State of New York and

WHEREAS the right of the people to keep and bear arms for defense of life, liberty and property is regarded as an inalienable right by the people of the Town of Lewiston, Lewiston, New York and

WHEREAS the people of the Town of Lewiston, Lewiston, New York, derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Lewiston using all types of firearms allowable under the United States Constitution and the Constitution of the State of New York and

WHEREAS the Town of Lewiston Town Board being elected to represent the people of Lewiston and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York and

WHEREAS the New York State Assembly and the New York State Senate being elected by the people of the State of New York and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York and

WHEREAS legislation passed by the New York Assembly and Senate infringes on the Right to Keep and Bear Arms and would ban the possession and use of firearms now employed by individual citizens of the Town of Lewiston for defense of life, liberty and property and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting conducted within the Town of Lewiston, Lewiston, New York.

WHEREAS the Town of Lewiston Town Board believes there are many other less intrusive means available other than rash, confusing and inarticulately drafted firearms laws that would effectively control, manage and reduce violence in our society such as mental health reforms, anti-bullying programs for schools, enforcement of existing firearms laws to the fullest extent possible and proper psychological counseling for those in need or who request it.

NOW, THEREFORE, IT BE AND IS HEREBY RESOLVED that the Town of Lewiston Town Board does hereby oppose the enactment of any legislation that would infringe upon the Right of the People to keep and bear arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives, as there is no documented correlation between gun control measures and crime reduction.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Collins, Governor Andrew Cuomo, Senator George Maziarz and Assemblyman John Ceretto.

Marra complemented the growing number of Counties that have passed similar resolutions. This was rushed through with no public comments allowed. There is usually a three-day debate between the Senate and the Assembly. The Assembly was given 50-minutes to look at and pass. When it involves the Bill of Rights it should have been put out for discussion. It certainly does nothing it claims to do. It has been said that this law would have had no effect on the tragedy in Newtown, Connecticut or Aurora, Colorado. These are mental health reform and those items are necessary.

Marra MOVED to approve Resolution #4 – 2013 and forward to those listed, Seconded by Winkley.

Palmer asks “How sad is it when a Town Board has to pass a resolution to support our Constitution?”

Carried 4 – 0

COUNCILMAN MARRA

The New York State Office of Parks, Recreation and Historic Preservation have moved ahead with the Scoping Process for the Robert Moses Parkway north section. They have narrowed the original six options to three. All three of the remaining options remove the Parkway in the City from Main Street to Finley Drive, including the removal of the overpass over the Whirlpool Bridge.

Marra believes Option Three is the option that addresses and achieves all criteria wanted from the beginning. Access to the gorge will increase, parking area will increase and this will assist in an increase of patrons for the regional business and tourism industry.

In the last few years Lewiston has made a lot of progress utilizing the NYPA Greenway funds at Pletcher Road, ball-fields, Kiwanis Park, Academy Park and Toohey Park. Colonial Village Park and Sanborn Park need a little more attention. Marra requests Dashineau prepare an estimate for repairing the roof on the shelter at Colonial Village Park, and equipment at Sanborn Park.

COUNCILMAN WINKLEY

Winkley MOVED to add Matthew Bishara to the Upper Mountain Fire Company, Seconded by Marra and Carried 4 – 0.

Marra MOVED to enter into Executive Session for discussion of Highway and Police personnel, Seconded by Palmer and Carried 4 – 0. (6:45 p.m.)

EXECUTIVE SESSION

PRESENT: Supervisor Reiter; Councilmembers Marra, Palmer and Winkley; Town Attorneys Dowd and Davis; Highway Superintendent Janese; Police Chief Salada; Finance Officer Johnson

Discussion on Police Salary and Highway Budget.

Reiter MOVED to exit Executive Session, Seconded by Marra and Carried 4 – 0.

Marra MOVED to authorize 50% sick time pay for Officer Allan Gansworth and Officer Kevin Morse, both resigning, Seconded by Winkley and Carried 4 – 0.

Marra MOVED to adjourn the Town Board meeting, Seconded by Winkley and Carried 4 – 0. (7:55 p.m.)

Respectfully Transcribed and Submitted by:

Donna Garfinkel
Deputy Town Clerk