

Lewiston Pursues Legal Opposition To N-Waste Site

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News Niagara County Bureau

LEWISTON — Despite assurances from the U.S. Department of Energy that it will not pursue the locating of a nuclear waste repository here, the Town Board Monday night agreed to investigate hiring an environmental law firm to assist it.

The board authorized attorney Benjamin Hewitt and Deputy Supervisor Robert Lee to travel to Washington, D.C., as soon as arrangements can be made to interview at least three firms that have been recommended to the board. The board is hoping to halt the repository plan legally and to take the federal government to court for alleged violations at the Lake Ontario Ordnance Works site.

Mr. Hewitt has authorized the town to engage outside legal experts to advise if it has a case against the DOE.

IN A RELATED development, the DOE has scheduled a community meeting for 7:30 p.m. next Tuesday at the Lewiston-Porter Senior High School to discuss the ordnance works site. It has also asked for a 3:30 p.m. meeting on the same day with the Town Board.

The DOE will also meet with state officials in Albany on Dec. 20 and later that day in Lewiston with members of the Citizens Oversight Committee formed by Rep. John J. LaFalce, D-Town of Tonawanda.

Councilman Alvin Ogg said he has been informed by Rep. LaFalce's office that the Oversight Committee meeting will not be open to the public and that Town Board members will not be allowed to attend.

In an unrelated matter, three board members agreed to pay a \$4,500 bill for attorney fees in a lawsuit brought against the former Democratic board majority by the town Republican chairman.

The lawsuit was brought and subsequently dropped by former Republican Councilman and Town GOP Chairman Henry Sloma for alleged irregularities in the hiring of Niagara Sanitation Inc. to haul and dispose of sludge from the town sewage treatment plant.

THE BUFFALO firm of Hodgson, Russ, Andrews, Woods & Goodyear was hired, to defend the suit, by the former board majority and defendants, Councilmen Joan Gipp,

Mr. Ogg and former Councilman William Heinz. The current Republican majority has questioned payment of the bill.

Mr. Lee, a Republican, said Monday that he would agree to pay the bill on the recommendation of Mr. Hewitt. Fellow republicans Supervisor James Lombardi and Richard Kolke, however, voted against payment.

"I would point out that the case was dismissed," Mrs. Gipp said, "so there obviously was no case. The suit was brought against the town not just the Democratic majority and Niagara Sanitation. We could not use the town attorney because of conflict of interest."

She suggested charging the Republican Party for the fee.

"No matter what we think of the bill, I guess it should be paid," Mr. Hewitt said, adding the town has a responsibility to defend suits against Town Board members resulting from the performance of their duties.

Payment of the bill will be formally voted on at the board's Dec. 29 meeting.

THE BOARD tabled action on awarding a contract for garbage collection because the one bid received was higher than the amount budgeted for the item in next year's budget. The bid, by Joe Ball Sanitation Service Inc. for \$215,000, exceeded the budgeted amount of \$200,000.

Brian Swartzenberg of Newco Waste Systems, the parent company of Joe Ball, said the town has the option of negotiating an extension of the current contract and possibly avoiding the increase for next year. He said the firm has not increased the town's price during the entire five years of the current contract and is now asking for a maximum 5 percent a year increase over the next five years.

Mr. Lombardi said he wants to investigate the cost of the town collecting garbage itself.

The board also set a public hearing for 7 p.m. Dec. 28 on a modification and possible increase in water rates. The board is considering moving from billing customers quarterly to billing every two months to improve the Water Department's cash flow. Water Superintendent Calvin Schultz also said a rate increase will be necessary but no estimates on the amount of the potential increase were available.

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