

Present: Dep. Supervisor M. Briglio; Councilmembers A. Bax, B. Ceretto, Wm. Conrad & R. Winkley; Eng. R. Lannon; Attorneys M. Davis & B. Seaman; Highway Supt. D. Janese; Police Chief C. Salada; Finance Director M. Blazick; Building Insp. T. Masters; 3 Press; 10 Residents and Dep. Clerk C. Schroeder

Excused: Supervisor Brochey

The Dep. Supervisor, in the absence of the Supervisor, called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA

Winkley MOVED to approve the agenda, as submitted. Seconded by Bax and carried 4-0.

ABSTRACT

Winkley MOVED to approve the Regular Abstract of Claims Numbered 5659 to 5922 and recommended payment in the amount of \$251,885.74, plus a post audit of \$150,802.59. Seconded by Bax and carried 4-0.

DEPARTMENT HEAD CONCERNS:

The Highway Supt. asked for a brief executive session re Personnel.

CELL TOWER CO-LOCATION FEES:

Conrad said another meeting has been scheduled (June 17th at 6 PM) with the Tower Committee. He and Tim Masters will also be present to try and resolve the renewal fees for the towers. He will report on the results at the RTBM.

REDUCTION TO WATER BILL -- GABRIELE:

A request was submitted from Mark & Michelle Gabriele for a reduction of their water bill, due to having to drain their pool to repair a leak. Approximately 35,000 gallons of water was needed to re-fill the pool.

Winkley MOVED to approve a credit of \$135.75. Seconded by Conrad and carried 4-0.

REDUCTION TO WATER BILL – LONG

A request was submitted by Harry Long for a reduction of his water bill due to a broken pipe in his basement. The bill was \$805.00. The sump pump had taken the water to the ditch and not the sewer. Any help from the Town Board would be appreciated.

Conrad MOVED to table pending review by Jeff Ritter of the Water Treatment Plant. Seconded by Bax and carried 4-0.

WATER DEPT. APPOINTMENT:

Winkley MOVED to table due to the absence of the Supervisor. Seconded by Bax and carried 4-0.

CLAY MINING TRUCK ISSUES:

Winkley MOVED to table due to the absence of the Supervisor. Seconded by Bax and carried 4-0.

H2GROW, LLC:

The Planning Board on May 21, 2015, reviewed a Site Plan for H2Gro, LLC 1430 Pletcher Road, SBL# 74.00-1-13.2, for removal of the hoop greenhouses, building addition and a 12' chain link fence with 1' of razor wire in relation to an herbal agriculture facility. The Pl. Bd. recommends approval of the site plan for the fence and butler building.

Conrad MOVED to issue a negative declaration for said project. Seconded by Bax and carried 4-0.

Conrad MOVED to approve the Site Plan for H2Gro, LLC, as submitted. Seconded by Bax and carried 4-0.

APPLICATION FOR RE-ZONING – 1815 RIDGE ROAD:

Conrad referred to an application before the Town Board for re-zoning of a parcel located at 1815 Ridge Road, SBL# 89.00-1-12.111 from RR-Rural Residential to GB-General Business. He said this matter came before the Zoning Board three years ago for a special use variance for the selling of topsoil. The operation, at the time, was illegal. It is still ongoing. The owner was given six months to sell as much top soil that he could and to cease operations after that. That is still on-going. Conrad said he is not a fan of “spot zoning.” All adjacent properties are zoned RR. In light of that, he moved to deny the application for re-zoning.

Attorney Davis said there is a procedure that needs to be followed. It should be forwarded to the Planning Board for review.

Conrad MOVED to forward the application for Re-Zoning to the Planning Board for their review. Seconded by Bax and carried 4-0.

WOLFGANG SUBDIVISION:

The Planning Board, on May 21, reviewed a preliminary plat for Jerry Wolfgang, on property located on the east side of Lower River Road, SBL#73.18-1-19. The Pl. Bd. recommends approval with Phase 1 to have 8 lots with the contingency that the SEQRA receive a negative declaration after the archeological study is completed. A 3 year bond will be in place for Phase 1 to install a cul-de-sac if Phase 2 is not started in that time frame. If the developer does not agree with the bond, they will return to the Planning Board for further consideration.

Conrad said the archeological study has been completed. There were no significant findings.

Winkley said he attended the last Fire Board meeting. They had a concern about dead-ends. This had nothing to do with the Wolfgang's project. He asked to make a motion to instruct the Highway Supt. to remove the barricades at Riverwalk so there would be a thoroughfare for the Fire Department. It's supposed to be a drivable road. It is a dead-end street. There is no cul-de-sac there.

Conrad asked if this puts any liability on the Town to have that area open. Winkley said it would not. It is supposed to be open. It is supposed to maintain the weight of a fire truck and plowed in the winter.

Winkley asked that a letter be sent to the Developer that the road needs to be up to Fire Code standards. The road has been deteriorating.

The Highway Supt. said it is not a dedicated road. The Town has nothing to do with it. Janese said he can remove the barricades but they are not the Towns.

Winkley MOVED to direct the Highway Supt. to remove the barricades at Riverwalk and that a notice be sent to the owner to bring the road into compliance with the Fire Code for a thoroughfare. Seconded by Bax and carried 4-0.

Janese said there should be some type of signage to let people know they are going off paved highway. It is for emergency access only.

Bax MOVED to direct the Highway Supt. to put up signage that there is “no-thru access” and “for emergency access only”. Seconded by Winkley and carried 4-0.

Conrad MOVED to issue a Negative Declaration on the Wolfgang Subdivision preliminary plat. Seconded by Bax and carried 4-0.

Conrad MOVED to approve the preliminary plat for Wolfgang Subdivision, with the following conditions submitted by CRA for consideration under Final Plat:

1. The applicant shall submit an application for a Floodplain Development Permit to the Building Department for approval.
2. Application for sewer and water extension, along with the required Downstream Sewer Capacity Analysis (DSCA), and Town approved infiltration and inflow offsets. Submittal information shall be in accordance with the NYSDEC guidance letter dated February 22, 2013.
3. Copy of Phase 1a/1b Archaeological findings report. Impacts resulting from the finding shall be incorporated into the Final Plat.
4. Copy of the proposed protective covenants and deed restrictions.
5. Final Plat application and drawings prepared in accordance with the Town Code.
6. Finalize waterline connection requirements with the Water Department and provide hydraulic analysis of the water system (Phase 1 and Phase 2) for review and approval.

Seconded by Bax and carried 4-0.

Winkley MOVED to accept the resignation of Nicholas Frank Conde from the Lewiston Police Department effective 7/1/2015, with regret. Seconded by Bax and carried 4-0.

RESOLUTIONS AUTHORIZING SIGNATORY ON BANK ACCOUNTS:

Bax MOVED the following resolutions. Seconded by Winkley and carried 4-0.

RESOLVED, to designate Dennis J. Brochey, Town Supervisor; Mark J. Briglio, Deputy Supervisor; and Martha N. Blazick, as signatory to the following First Niagara, Town of Lewiston accounts: Operating Account (General), Accounts Payable, Savings Account (Benefits), Trust & Agency, Capital Fund, Savings and Payroll.

RESOLVED, to designate Donna R. Garfinkel, Town Clerk and Carole N. Schroeder, Deputy Town Clerk, as signatory to the Town Clerk Account at First Niagara.

RESOLVED, to designate Donna R. Garfinkel, Town Clerk as additional signatory, along with Darlene Norwich, to the existing Tax Account at First Niagara.

PERSONNEL:

The Town Clerk is requesting a well-deserved pay increase for Linda Kreps of \$1.50/hour. Linda became full-time in December 1, 2014. As of January 2015, Barb Joseph has been off due to illness. In her absence, Linda has solely been responsible for the additional work-load of the monthly abstract. The Clerk requests this increase be retroactive to February 23, 2015.

Bax agreed that Linda deserves an increase with all the work she has done. He asked if there were any problems with the pending unionization of Town Hall. Atty. Seaman said it was an issue.

Bax MOVED to table pending consultation with the Town Attorney. Seconded by Conrad and carried 4-0.

Winkley MOVED to enter into executive session for the purpose of Consultation with Town Attorneys. Seconded by Bax and carried 4-0. Time 6:30 PM.

**EXECUTIVE SESSION*

Present: Briglio, Bax, Ceretto, Conrad, Winkley, Davis, Seaman, Garfinkel & Dashineau

Issues Discussed:

1. Consultation with Attorneys

Winkley MOVED to exit Executive Session, Seconded by Ceretto and carried 4-0.

Action Taken: None

* Minutes transcribed by Attorney Seaman

Winkley MOVED to adjourn. Seconded by Bax and carried 4-0.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk