

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Recreation Director Dashineau; Highway Superintendent Trane; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Chief Previte; 1 Press; 16 Residents and Clerk Donna Garfinkel

Supervisor opened the Public Hearing. Clerk read Public Hearing notice into the record.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 24th day of October, 2016 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a proposed Local Law entitled, “A Local Law to override the tax levy limit established in General Municipal Law §3-c.” an abstract of which is as follows:

Said Local Law will allow the Town of Lewiston to adopt a budget for the fiscal year commencing January 1, 2017, that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

The complete text of said law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours. At such public hearing, all persons interested, who wish to be heard, will be heard.

By order of the Town Board: October 3, 2016

Supervisor invited residents to speak.

Hill, Kim – Pletcher Road – Hill wants to understand how a municipality can override a State law.

Hill understands that CWM’s “tax” is no longer affecting much of the budget these days. Living behind Lewiston Porter, anything CWM does will affect him. For maybe ten years the Board and Niagara County politicians have been fighting like mad to get rid of CWM, even though it will be there forever. At one point there was almost \$1 million coming out of there.

If you kill the golden goose, it will still be there, but we will all have to dig in our pockets for more money. Hill believes the goose has come home to roost, and is not happy about it at all. Money does have to come from somewhere, but this is not right.

If this does pass, Hill is looking forward to making sure that everyone that votes for this doesn’t get in the next election. “I mean it”.

Witryol, Amy – Lower River Road – Witryol complements the Town employees; they do an excellent job and provide residents with quality service. In tough budget times that needs to be said.

In the last three years revenue from Modern has declined by roughly \$380,000, and is likely to decrease this year by another \$170,000, for a total of \$550,000. The Sentinel has called this stagnant, but in two articles it has neglected to tell readers how much Modern has paid in the last several years, well over a million dollars. Sentinel readers don’t know that we haven’t seen even more than a fraction of that from CWM, in literally decades.

The budget in the last few years has been \$75,000, on a \$16 million budget, whereas Modern is up at \$1,300,000. Therefore they should not be discussed in the same breath.

To be fair the primary factors of our budget problems are:

- 1 – The enormous hang-over left to us by Supervisor Reiter’s drain of millions of dollars of Town reserves, and the income it would have generated. It was millions of dollars in just a few years.
- 2 – An event and exchange rate driven half million dollar reduction in Modern revenue, and over optimistic sales tax projections.

The Town gets over \$3.6 million from sales tax.

We are all looking forward to getting past this difficult change, and working toward generating more income for the County as a whole through more sustainable economic development that doesn’t result in contaminated ground water heading toward our schools.

If not for the experts, engaged by the Town, the radiation hazards at the CWM site, would not have been identified to bring the DEC and the EPA around.

There have been miss-leading comments in the press about budgeted monies verses the actual dollars spent to protect the residents as to public health and safety. It would be helpful if residents could see a summary of fixed verses variables of senses, trended over the last ten years, and ranked by highest to lowest dollar amount. Along with annual changes and reserves.

Witryol said residents, which she has met, that live on Creek Road Ext. and Creek Road are extremely grateful, that since last November when CWM closed they have been sleeping a lot better at 4:30 – 5:00 am. Parents that have children at Lewiston-Porter also appreciate what the Board does on the Niagara Falls Storage Site and CWM.

Given what the Board has inherited, the residents rely on the Board’s wisdom and good judgment to make the most equitable reduction in expenses, and charge fair fees for the services received.

Geiben MOVED to close the Public Hearing, Seconded by Bax and Carried 5 – 0. (6:10 pm)

REGULAR TOWN BOARD MEETING

October 24, 2016

6:10 P.M.

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Recreation Director Dashineau; Highway Superintendent Trane; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Chief Previte; 1 Press; 16 Residents and Clerk Donna Garfinkel

The Supervisor asked for a moment of silent reflection.

AGENDA APPROVAL

Additional Agenda Items: Broderick – approval of Preliminary budget and schedule a Public Hearing; Approval of audit submitted by Drescher & Malecki LLP.

Bax MOVED to approve the Agenda as amended, Seconded by Morreale and Carried 5 – 0.

RESIDENT STATEMENTS

Warren, Rosemary – Griffon Street – In reading the minutes from the last meeting, discussing the kayak launch, Warren believes the Town should push this. Tonawanda used their greenway dollars to construct a kayak launch for disabled people. Kayaking is a growing sport.

Hill, Kim – Pletcher Road – Hill asked that the Board comment on how the tax override can happen.

Burau, Cherie – Burau moved to Niagara County in 2012, enjoys her home and thought it was a good price. It was about a year later she found out that Lewiston-Porter and CWM are behind her home. Burau researched the area and found there is a large amount of toxic waste there. She has come to grips with it, and is grateful they are no longer dumping there, but it still is there.

Burau feels this is pain enough; without having to raise taxes of the people that live so close to it. “This is double jeopardy”.

House sales will be more difficult. People will figure out there is a waste dump there and the taxes are too high to warrant living next to a waste dump.

DEPARTMENT HEAD STATEMENTS

Town Clerk Donna Garfinkel – Dog Control Officer Dave Sherriff is requesting an additional twenty (20) sick days to be paid at half pay per the employee handbook (Section 803 – Sick Leave – Additional Allowances).

Ceretto MOVED to approve the additional twenty (20) sick days to be paid half pay, Seconded by Bax and Carried 5 – 0.

The Village requests a Village / Town Joint Meeting for November 7, @ 5:00 pm. All Board members will attend.

Garfinkel requested a budget meeting, with all Board members, to discuss the Town Hall budget.

Broderick MOVED to schedule a Special Budget meeting for October 27th at 1:00 pm, Seconded by Bax and Carried 5 – 0.

Grant Writer Bernie Rotella – The Lewiston Pathway is moving along. The DOT hopes to hold a meeting in December. The pathway will connect Devil's Hole to Center Street; by way of the escarpment, across the dam then to Center Street.

Three Greenway applications will be submitted. Mohawk Trail – this will connect the trail from Robert Moses to Mohawk Street. (approx. \$10,000); A Morgan Lewis bust for the Village. (approx. \$25,000); Rehab – Lewiston fishing pier bathrooms (approx. \$50,000)

Broderick said these projects are scheduled to be discussed at the Village / Town Joint meeting.

Police Dept. has submitted to the Niagara Falls Bridge Commission for specialized vests.

Rotella is working with Masters on an electric charging station through the DEC. Masters will work on cost estimates. It is a \$25,000 grant. It is a thought to replace some of the Town vehicles. This will be open to the public also.

Police Chief Frank Previte – This month's numbers: 177 – tickets; 28 – accidents; 54 – arrests and 892 calls for service.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve the PH – Solar Panel Farms – 09/26/2016; RTBM – 09/26/2016 and Special Meeting – 2017 Tentative Budget – 10/03/2016, Seconded by Bax and Carried 5 – 0.

AUDIT PAYMENT

Morreale MOVED to approve the Regular Abstract of Claims numbers 3173-3310, and recommend payment in the amount of \$82,651.37, plus a Post Audit of \$74,841.93, Seconded by Geiben and Carried 5 – 0.

OLD BUSINESS - none

NEW BUSINESS – none

SUPERVISOR BRODERICK

Seaman asked to address Mr. Hill's question regarding the legality of the tax cap local law.

Seaman said the Tax Cap Law has a provision in it, which states a local municipality can override the tax cap, if it passes a Local Law voted on by a super majority.

Adoption of Local Law 2016 – 4 – Override Tax Levy

Broderick MOVED to adopt Local Law #4, to override the tax cap, Seconded by Bax,
Morreale said as of today it is not known what the override amount is; this will allow for it.

Broderick has heard Towns do this the first of January, and then it covers the whole year. Seaman said that has been past practice. Some Town/Village were penalized.

Roll Call - Councilman Bax – Yea; Councilwoman Ceretto - Yea; Councilman Geiben – Yea; Councilman Morreale; Yea - Supervisor Broderick, Carried 5 – 0.

Retirement – Kifer – Fire Bureau Secretary

Kifer will resign her position as of October 28, 2016.

Geiben MOVED to accept the resignation of Kathy Kifer, with regret and appreciation for her years of service, Seconded by Bax and Carried 5 – 0.

With the Bureau of Fire Prevention no longer being involved with Haz-Mat, Kifer's duties have decreased. Les Myers, Chairman of the Bureau requests Kifer return to work at a 14/hour week.

Bax MOVED to appoint Kifer as Secretary to the Bureau of Fire Prevention at 28/hr per bi-weekly period, at her current rate of pay, Seconded by Ceretto and Carried 5 – 0.

Legal

Extension of Moratorium – Sludge

Catalano distributed a copy of the current Local Law. A Public Hearing needs to be scheduled to extend the law due to the litigation that is currently happening with the Town of Wheatfield and the individuals who want to spread the sludge.

Bax MOVED to hold a Public Hearing on November 14th at 6:00 pm, Seconded by Geiben and Carried 5 – 0.

Engineer

Waterline Project update – Lannon is waiting for further directions from Seaman.

French Landing Street Lighting – Lannon submitted a map highlighting four (4) streetlights. They are consistent with what the Planning Board had recommended. National Grid was at the site and returned two proposals. There are two (2) types of light fixtures, with the cost difference being \$73.20/year.

Broderick MOVED to authorize National Grid to install one (1) 100-w HPS Roadway Luminaries on distribution pole at corner of Lower River Road and three (3) 100-w HPS Traditional Luminaries on DE Fiberglass 16 ft Standards with UG circuits, on Wolf Run in the French Landing Subdivision, at an annual cost of \$1,048.69, Seconded by Bax and Carried 5 – 0.

Finance

Blazick requests a fund transfer in the environmental budget. In the 2016 budget the Environmental Commission payments were not included.

Bax MOVED to transfer \$3,985.00 from Contingency – A00-1990-0400-0000, with \$3,160.00 going to A00-8090-0400-0000 and \$825.00 going to A00-8090-0100-0000, Seconded by Geiben and Carried 5 – 0.

Auditors have completed the Towns Financial Report and forwarded it to the Town. The report has been placed on the Town website and now needs to be forwarded to the State. Blazick requests the Board accept the 2015 Financial Reports.

Bax MOVED to accept the 2015 Financial Reports as prepared by Drescher & Malecki, LLP, Seconded by Geiben and Carried 5 – 0.

Budget

Blazick took the Tentative Budget, and based on conversations with individual departments and prepared the Preliminary Budget. A public hearing should be scheduled to take place by November 10th.

Bax MOVED to accept the Preliminary Budget, Seconded by Morreale and Carried 5 – 0.

Geiben MOVED to schedule a Public Hearing on Wednesday, November 9, 2016 at 5:30 pm, Seconded by Morreale and Carried 5 – 0.

Broderick thanked the many students in the audience for attending the meeting.

COUNCILMAN BAX

Bax invited Marjorie Maggard to speak regarding a proposal involving the Tuscarora Heroes statues in the Village.

There is discussion of a possible trail, tracing the before and after moments of the Lewiston Burning event.

Maggard has spoken to Chief Henry. There is a thought of doing an inter-action event. Henry supports this idea. There was a discussion of having the statue be manned during festivals to recreate the moments.

Geiben asked Maggard if she spoke with Rotella regarding grants for future projects. Maggard said a grant may be written by Tom Yates of the New York Park Commission.

COUNCILMAN MORREALE

A street light request between Scovell Drive and 4791 Lauren Court has been received. This is a very dangerous curve.

Geiben said general practice is to forward the request to the Lighting Advisory Board. Geiben suggested any street light request be forwarded to the Lighting Advisory Board and then brought to the Board. This is a 15 year commitment; it is added to the electric bill.

Clerk to forward to Lighting Advisory Board.

COUNCILWOMAN CERETTO

Accept Bid – 2011 John Deer Mower – Dashineau said the mower was purchased exclusively for large space areas. It was identified in last year's budget that it is something that could be sold. Dashineau reached out to all departments to see if they could utilize it.

It was placed on Auctions International. The winning bid came in at \$16,400.00.

Ceretto MOVED to accept the bid of \$16,400.00 for the 2011 John Deere 1600 Turbo Series 11' Wing Mover, Seconded Geiben and Carried 5 – 0.

Broderick pointed out, with putting this on Auctions International, bid pricing is higher.

RESIDENTS STATEMENTS

Hill, Kim – Pletcher Road – Hill said the radioactive waste located at CWM has been there long before CWM was there.

Hill knows for a fact that CWM was donating money to the Town, Village and Lewiston – Porter directly, not affecting the tax levy. This is being pointed out to anyone happy about the tax levy.

Warren, Rosemary – Griffon Street – Warren and her husband canoed all the lakes in the Adirondack Mountains.

Garfinkel attended the ham dinner at the Sanborn Farm Museum, and things moved faster than when Broderick was there. (laughter)

Broderick came to the Farm on Friday. Warren said Broderick asked to give her a hug. This was not about hugging her; it was for the six old ladies, potential voters, to see. Warren let him hug her because after 80, one has no standards.

Bill Ross and Warren have spent many years together. Ross always let residents speak, for the good of the County.

It is good to have a light moment. Warren told the resident not to let their baby be kissed by a politician running for election. They don't care about the baby; they are looking for two votes, mommy's and daddy's. If there is no term limits, and the person is a career politician, that baby might grow up to vote for that person.

Witryol, Amy – Lower River Road – Witryol believes Mr. Hill is getting his information from CWM. The ruling from the Siting Board, which is comprised of 5 agencies, issued a ruling in August and concluded that the operations at CWM further dispersed radiation of property making it difficult to identify and remediate.

As for the economic impact, Witryol has always held the view that the strongest argument is the economic one. These undesirable facilities tend to depress communities and reduce their growth. People don't want to live in these communities with these types of operations. The amount of money they donate to communities, which has been small in this community, is more than off-set, ten-fold, by what is lost in tax base.

This community has a lot of assets; water, recreation, top-ten school system etc... Progress is being made on reducing the obstacles that are restraining our growth.

Broderick thanked all residents for speaking.

Broderick thanked Marti Blazick for all her hard work on the budget. Any decision made on the budget does not come without a lot of thought, emotion and concern for everybody.

The Board is trying to get the Town healthy again.

Geiben MOVED to adjourn, Seconded by Morreale and Carried 5 – 0. (7:00 pm)

Respectfully Transcribed and Submitted by:

Donna R. Garfinkel
Town Clerk