

**PRESENT:** Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Chief Previte; 2 Press; 33 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting followed by the Pledge of Allegiance and a moment of silent reflection. (6:11 pm)

#### AGENDA APPROVAL

Additional Agenda Items: Broderick – Water bill issue & executive session – consultation with attorneys and a matter concerning the employment of a particular employee.

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

#### RESIDENT STATEMENTS

Warren, Rose Mary – Griffon Street – Warren has attended many meetings, where residents are allowed to speak at the beginning and the end. Every meeting should be a Work Session, the Board is doing the residents work, and the residents should be able to speak.

At the last meeting the Supervisor left early, Warren feels if he is not here for an Executive Session it should either not be held or at least no vote taken, unless it involves residents safety.

In regards to the ice rink, Warren asks the Board if they remember all the pluses and minuses that were in the ledger, they were large amounts. The ice rink is losing money. When on the School Board in the 80's, Warren said they would have asked for a complete explanation of who is responsible for these transfers. They should have been reprimanded with a letter in their personnel file. Warren would have contacted the Comptroller to audit.

Warren received the profit / loss for 2015 – 2016 on the Ice Rink. Her first FOIL being delayed because work was needed to be done at Academy Park after the rink was removed and final calculations were done. The rink closed in February, what kind of work was done, redo the whole park for the Village.

Glasgow, Paulette – The Circle - Glasgow said when she was on the Town Board years ago residents were able to speak at the beginning and the end of each meeting. Not a long time, just to comment on what took place at the meeting.

The Planning Board, when reviewing French Landing recommended a special district be established for lights and sidewalks. They spent a great amount of time deliberating over these issues.

In Town Board minutes of Aug. 24, 2015 residents were promised no public money will be spent on this project. Now this evening it is being said that public money will be spent on this project.

Broderick questioned Glasgow who said public money will be used. Glasgow said it was said tonight at the Public Hearing that the Town will be paying for lighting and sidewalks.

Geiben said this has been done for years. Glasgow said that is why the Town is in the financial state it is, we are paying for subdivisions lighting, sidewalks etc... Other municipalities are establishing a policy where the developer pays for this.

Geiben said if the developer wants special lighting they pay.

Correa, Nancy – Riverwalk Drive – Given the Town of Lewiston's difficult budget situation, the Lewiston Taxpayers Accountability & Action Alliance believes that people who buy houses in new housing developments should incur all costs and responsibilities associated with the infrastructure and ongoing maintenance of their development.

We understand that unless your Board acts, the Town will be required to pay for the installation and maintenance of street lighting for the new French Landing development.

We urge your Board to look into this matter and consider requiring the developer to create a homeowners' association that will bear the costs of street lighting and any other needed infrastructure.

As our elected officials entrusted with managing our hard-earned tax dollars, we ask that you exercise due diligence in regard to this important fiscal matter. Thank you.

#### DEPARTMENT HEAD STATEMENTS

Previte – May 24 – June 24 - numbers – 194 Traffic Tickets; 29 Accidents handled; 27 arrests and 971 calls for service.

The Police Dept. received a grant through the Niagara County Sheriff's Dept. for tourniquets. The Police will be educating the fire departments with this, along with an active shooter class.

Geiben noticed people walking through the French Landing subdivision. This is an active construction site and it is inappropriate for people to be there. Geiben asked Previte to have his men politely encourage people not to walk there. Previte believes it is posted – no trespassing.

Masters – The Planning Board and Zoning Board of Appeals training held last week was a very positive class.

Dashineau – Last week there was a water problem at Kiwanis Park. Dashineau thanked Ritter, Townsend and Trane for their assistance in finding and correcting the problem. A waterline needed to be replaced and a back-flow issue was corrected.

It was requested at the last Work Session, that proposals be received for ash tree removal at Kiwanis Park. The top three submitted are as follows: Angry Beaver Tree Service - \$6,480; Arbor Tree & Land Care - \$7,950; Woodchuck Tree Service - \$8,000.

There is also an issue with ash trees between Scovell Drive and Mary Lane. They are within 25 feet of residents properties. Trane has said there are issues along the Town right-of-away.

Dashineau would like to use this bid to assign a company to come in on short notice, so each project is not bid out and waiting two weeks.

Seaman said this concept depends on the value. To do one large Town wide assessment bid that is one thing, or if you do one project as it comes up, within the procurement limits, this is okay also. You can't give the company awarded for Kiwanis another job just because they were the lowest bidder. If it is structured in a way that it is through-out the Town, that will work.

Bax would feel comfortable with a town wide, one year contact.

Rotella said a grant is coming in September for assessment and tree inventory. This could take at least 6 – 9 months.

Dashineau believe the DEC requires these trees be burned once removed. Some stumps will be removed, but those that are hidden in the woods will be left.

In regards to the budget to pay for this, Dashineau said this is being worked on. At this time, for these trees it can come from Parks Contractual. It will be a great hit to the budget, but he will try to make it work.

Blazick added there is no extra money anywhere, and this was not put into the budget. There is no easy solution. Dashineau's department will have to take the hit at this point and time. If there is money in the recreation development funds, Blazick is not sure how this money is designated. This is part of maintaining recreational areas.

Dashineau said that is an H account – Capital Improvement, so the Board would have to vote to approve the funds to be released.

Geiben asked Dashineau if this is a safety issue in Kiwanis Park at this point. Dashineau said yes, they are hanging directly over playgrounds.

**Bax MOVED to award the contract for removal of ash trees at Kiwanis Park, funds to come from Recreation operating budget, to Angry Beaver Tree Service at \$6,480, Seconded by Ceretto and Carried 5 – 0.**

Scovell Drive, in between Mary Lane has a greenspace with tree issues also that will need to be addressed.

Conrad asked if there is any capability in-house to have these removed. Dashineau said not with the Parks Dept. and the size of the trees. Dashineau said it has been discussed to have two Parks employees be certified as an arborist. The Town might want to look into this for the future.

Trane said there is an employee in the Highway Dept. but they have not updated their certification.

Townsend – The Water Department is painting fire hydrants and continues to install water meters.

#### APPROVAL OF MEETING MINUTES

**Geiben MOVED to approve Regular Town Board meeting minutes - May 23, 2016, Seconded by Bax and Carried 5 – 0.**

#### AUDIT PAYMENT

**Morreale MOVED to approve the Regular Abstract of claims numbered 1762 to 1923 and recommend payment for this abstract in the amount of \$249,074.20, plus a Post Audit of \$13,214.57, Seconded by Bax and Carried 5 – 0.**

#### OLD BUSINESS

Commission / Committee / Board Appointment - Geiben has contacted members on the Lighting Committee and will report back.

Bereavement Leave Policy – Tabled - with Town Labor Attorney.

Haz-Mat Truck Agreement – Catalano sent the contact to the County Attorney's office and is waiting for its return.

Removal Bond – SBA Tower – At the last meeting, Masters was requested to contact SBA to inquire if electrical work has been completed. As of Friday, it had not been completed.

Abandonment of Alleys & Street – Irving Sub. – This was brought to the Board's attention by a homeowner in the subdivision. There are, what is known as "paper streets" on a subdivision map that was created in 1907, but has not been used as Town highways. They request the Town take official action to abandon them.

These "paper streets" have not been used or maintained by the Town in over 6-years. The procedure would be for the Highway Superintendent and Board members to sign a Certificate of Highway Abandonment, and then filed with the Town Clerk.

Seaman prepared the following Certificate of Highway Abandonment:

County, State of New York, hereby certify that the following were not opened or worked within six years from the time they were laid out, and/or have not have been traveled or used as a highway for the past six (6) years, and are thus abandoned by the public:

All those pieces or parcels of property located in the Town of Lewiston, Niagara County, New York, being part of lot 25 of the Mile Reserve, as shown on the Map of Irving Subdivision made for

Sherman J. Clark by Gatchell and Murphy, Civil Engineers, filed in the Niagara County Clerk's Office November 29, 1907, under cover 59, now in book 6 of Microfilmed Maps page 560:

- 1) An alleyway immediately north of lots 14, 16, and 18 in Block "B" of said subdivision map, extending from the west line of lot 14 eastward to the intersection with George Street.
- 2) An alleyway extending northward between lots 1,3,5,7 to the west and lots 2,4,6,8 to the east in Block "B" of said subdivision map.
- 3) That portion of George Street extending northward from the north line of Irving Road or Drive to lands owned by the State of New York.

Also, we the undersigned members of the Town Board, constituting the whole or majority thereof, do hereby consent to the making and filing of this Certificate, and do hereby sign the same. Therefore, pursuant to section 205 of the Highway Law, the above described are declared to be, and hereby are, discontinued and abandoned.

Trane said the road/alley is not used and has no problem signing the agreement. He has spoken with a representative of the Homeowners Association and they understand what is happening.

**Geiben MOVED to approve the Certificate of Highway Abandonment as presented, Seconded by Morreale and Carried 5 – 0.**

Masters questioned, once done, will this be filed with the County and taken off the official tax map. Seaman said it will be filed with the Town Clerk, with a certified copy being forwarded to Hewitt (Attorney for the people). Hewitt will then record it along with the other deeds/records so it will start to show up in the record. Seaman said there is not actually a process.

Masters questioned this because if someone comes in for a shed, fence, garage permit, etc..., how would it be known on their survey. Seaman said this will be part of the permanent record of the Town Clerk. Masters said he does not go to the Town Clerk for any part of the permit process. Seaman suggested a duplicate copy be kept in the building files also.

Bax asked if it would behoove the Town to file it with the County. Seaman will give this to James Hewitt III and he will file it.

Leachate – Modern Disposal – Seaman working with Ritter.

NEW BUSINESS – Clerk's Correspondence

Clerk received a letter from Mamie Simonson requesting it be read into the record.

Dear Steve & Town Council, Thank you all for your support in the name change of the Robert Moses Parkway. The resolution you passed was very important. Many people will be happy with the word "Niagara" and thank you all for your services to the Town of Lewiston.

**SUPERVISOR BRODERICK**

Legal – French Landing – Seaman submitted a draft Drainage District Resolution for the Board's review. In order to create this special district, there are a number of findings the Town has to make. They are as follows:

1. That the petition submitted by Jerald I. Wolfgang who owns 100% of the property within the proposed Drainage District is signed and acknowledged as required by law and is otherwise sufficient.
2. That all the property and property owners within the proposed district are benefited thereby.
3. That all the property and property owners benefited are included within the limits of the proposed district.
4. That no Town debt will be issued in relation to the establishment of the proposed Drainage District.
5. That it is in the public interest to grant the relief sought by the petition and create a Drainage District as requested in the petition.

**Geiben MOVED to approve the Resolution approving the establishment of Town of Lewiston Drainage District #1, and that any requirements required by law for the creation of the drainage district, included in the submitted resolution, as they are stated orally in the record, Seconded by Bax and Carried 5 – 0.**

Geiben thanked Seaman and Lannon for their explanation / clarification of this new step the Town is taking.

Engineering – Town Standards and Specifications - All comments received from various department heads will be incorporated into the present document and brought to the Town Board for adoption.

Water-Line Project – Map, Plan and Report has been drafted and will be forwarded to Seaman later this week for his review.

Finance – the Town has received a voucher for payment of CPR class for Town employees. Blazick requests the Board approve payment of \$300 out of H-97.

**Bax MOVED to pay CPR class invoice of \$300 out of Fund H-97, Seconded by Geiben and Carried 5 – 0.**

Bax suggests the Board start the budget process earlier this. Preliminary meetings with each department head should start. Blazick is planning to forward worksheets to the department heads the first week in July.

Broderick spoke on a water-bill issue. This issue is 100% the fault of the US Postal Service. They are saying too bad, they don't guarantee. The Town paid for this service and the service was not received.

Several water bills got jammed in a machine at the post office, therefore not being forwarded to residents. With them not receiving the bill, they did not pay. Once the resident became aware of not paying their bill it was already in the penalty period. It is stated on the water bills "Failure to receive a bill does not waive penalty". Broderick received several calls from residents asking that the penalty fee be waived.

Broderick would like to provide the post office with a name and number of an individual to contact if there is ever a problem. Garfinkel will continue to remind residents of the water bill due dates in the Clerk's Corner.

Geiben is in favor of resolving the situation as long as it is phrased very carefully in the minutes, that this is a unique incident.

Seaman is not sure if a penalty fee on a water bill can be waived. He will research and report back at the July Work Session.

Blazick said the State Comptroller has always said "no you can't". There are residents that never pay their water; it is levied onto their taxes so it can be a deduction, which is not legal. The Board cannot play favorites. This is a very grey area.

Any penalty fee collected on a water bill stays in the water department; this is not a way to just make money.

#### COUNCILMAN BAX

Liaison Report - Supervisor sign 2016 Annual Stormwater Report.

**Bax MOVED to authorize the Supervisor to sign the 2016 Annual Stormwater Report, Seconded by Geiben and Carried 5 – 0.**

#### COUNCILWOMAN CERETTO

Nothing to report.

#### COUNCILMAN GEIBEN

The Cable Commission has met. The Commission will reach out to Niagara County Community

College to see what type of service they provide and to other groups that are being successful in using this, and what document they have already generated.

There was discussion if the audio from Board meetings can be put on the web-site. Geiben asked Seaman and Catalano if, once the minutes are approved can this legally be done. Geiben also researched having the meetings taped and run on LCTV.

Seaman said there is no legal reason why this can't be done.

Geiben is reaching out to the DOT regarding the temporary barriers, from 2002, that are at Indian Hill and Ridge Road. The Fire Bureau and Highway Dept. are looking at this to see how this can be resolved.

Rotella looking into any available grants for some type of improvement.

COUNCILMAN MORREALE

Site Plan – Mt. St. Mary's Hospital – Underground tank

The Environmental Commission recommends a negative declaration.

Seaman believes the Code requires a Public Hearing be held.

**Morreale MOVED to hold a Public Hearing, July 11 at 6:00 pm, on Mt. St. Mary's Hospital – Underground tank, Seconded by Geiben and Carried 5 – 0.**

**Broderick MOVED for a 2-minute public comment period at the end of both Town Board meetings and Work Sessions, Seconded by Geiben and Carried 5 – 0.**

**Broderick MOVED to enter into Executive Session for consultation with attorneys and a matter concerning the employment or a particular individual, Seconded by Geiben and Carried 5 – 0. (7:15 pm)**

**PRESENT:** Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Town Attorneys Seaman & Catalano; Engineer Lannon; Building Inspector Masters

Consult with attorneys and a matter concerning a particular employee.

**Broderick MOVED to adjourn the Executive Session, Seconded by Ceretto and Carried 5 – 0. (7:56 pm)**

No actions taken

**Ceretto MOVED to adjourn the Town Board meeting, Seconded by Bax and Carried 5 – 0.**

Respectfully Transcribed and Submitted by:

Donna R. Garfinkel  
Town Clerk