

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto, W. Geiben & R. Morreale; Dep. Sup. W. Conrad; Police Chief F. Previte; Eng. B. Lannon; Attorneys B. Seaman & J. Catalano; Finance Director/Budget Officer M. Blazick; Bldg. Insp. T. Masters; Acting Highway. Supt. D. Trane; WPCC Ch. Op. J. Ritter; Water Foreman M. Townsend; Deputy Town Clerk D. Norwich; 1 Press; 11 Residents and Dep. Clerk C. Schroeder

The Supervisor called the Public Hearing/Work Session to order followed by the Pledge of Allegiance and a moment of silent reflection in honor of Ken DeVole, Sanborn Fire Company firefighter who recently passed away.

The Clerk read the notice into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston, on the 8<sup>th</sup> day of August, 2016, beginning at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, to consider a Local Law amending Chapter A367-48 of the Code of the Town of Lewiston. The proposed Local Law would establish a \$100 levy fee which will be assessed when any unpaid water bill needs to be included in the County tax levy. The proposed Local Law also allows the fee to be included in the tax to be collected. The full text of the proposed Local Law is available for review at the office of the Town Clerk during regular business hours. All persons of interest will be given an opportunity to be heard.  
By Order of the Town Board  
July 25, 2016

The Supervisor asked for public comment. There being none he asked for a motion to close the hearing.

**Bax MOVED to close the Public Hearing. Seconded by Geiben and carried 5-0.**

The Supervisor called the Work Session to order.

*AGENDA:*

Additions: Broderick: CSEA Collective Bargaining Ratification; Authorize Counsel to defend Town on several 2016 Article 7 cases; Niagara-Wheatfield SRO (Previte).

Remove: Assessor's Office Renovation

**Bax MOVED to approve the agenda, as amended. Seconded by Geiben and carried 5-0.**

*LOCAL LAW re TOWN CODE CHAPTER A367-48:*

**Bax MOVED to adopt the amendment to Town Code Chapter A367-48, as drafted. Seconded by Geiben.**

Roll Call: Bax- Yea; Ceretto- Yea; Geiben- Yea; Morreale- Yea; Broderick-Yea.

**Carried 5-0.**

*ABSTRACT:*

**Geiben MOVED to approve the Regular Abstract of Claims Numbered 2317 to 2528 and recommended the payment in the amount of \$232,081.04, plus a post audit of \$1,221.22. Seconded by Ceretto and carried 5-0.**

*DEPARTMENT HEAD CONCERNS:*

Police: Chief Previte said they were approached earlier in the year by the Superintendent of Niagara-Wheatfield School District. He expressed interest in having School Resource Officers (SRO) in the building for the upcoming school year.

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Previte said he met with the Superintendent on a number of different occasions, as well as Supervisor Broderick. N-W has allocated enough money in their budget to cover the SRO position from September until the beginning of the year with part-time officers. That is part of the plan. The other part would be to apply for a COPs Grant. The grant would be funded for the first three years. The SRO would have to be kept for four years. In the fourth year, the Town would become liable for that individual. However, that has been worked out by N-W. Their interest is to pursue a four year commitment. This would be at no cost to the Town. They would cover the cost of the part-timers. If the grant comes thru, they replace the part-timer with a full-time officer. If that is not the case, N-W still has it in their budget for a part-time officer.

Previte has a tentative draft agreement for counsel to review concerning the Town's obligation. Again, there would be no cost to the Town.

Water: Foreman Townsend recommended the Town extend the voluntary water ban until the next meeting. Townsend said the water tank is at 27-ft. The max is 33-ft. His comfort zone is 28-29-ft.

Recreation: Geiben said the recreation program held a baseball tournament at Washuta Park. They had teams as far away as Wisconsin and Sri Lanka. Geiben commended Dashineau on the Ceremony that he put together.

Finance: Blazick said the Hatch McDonald invoice has been resolved. She removed this from the agenda.

The Town, several years ago, hired Troy & Banks to audit National Grid bills. The audit resulted in the Town receiving \$16,000 as part of the audit. That paperwork was lost and it has since been determined that this was not the correct amount, as in the process there is a charge that needs to go to Niagara County, not National Grid. The dollar amount has changed slightly. The Town will receive about \$14,000. She asked the Supervisor be authorized to sign the paperwork so the Town can get the money.

**Geiben MOVED for approval. Seconded by Bax and carried 5-0.**

*SEWER EXEMPTION FEES:* At the last meeting, the Board denied a request from Paul Marotta, Cayuga Drive for sewer exemption on his water bill but did not formally make a motion.

**Bax MOVED to deny the request from Paul Marotta for exemption of the sewer portion of his water bill as it does not meet the criteria for a sewer reduction. Seconded by Geiben and carried 5-0.**

*COMMITTEE VACANCIES:*

Environmental Commission: **Broderick MOVED to appoint Matthew Feldman, The Circle Drive to fill the unexpired term of Debra Korpinski thru 12/31/2017. Seconded by Geiben and carried 5-0.**

Personnel Committee: **Geiben MOVED to appoint Donna Garfinkel, Town Clerk; Amy Smith, Confidential Secretary; and A. Joseph Catalano, Town Attorney to serve thru 2016. Seconded by Ceretto and carried 5-0.**

Geiben noted a recent article in the paper about pushing New York State to have more alternative types of energy. He questioned whether they should re-institute the Wind Energy/Tower Committee to include other types of alternate energy. Let them start doing some research to become knowledgeable. Maybe we should start looking for applicants for that committee.

Another topic that is appearing is solar farms. That is something this committee should also look into.

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Broderick said he received an email from a company that wants to start a solar farm in Ransomville (Town of Lewiston). Right now, that property is not zoned for this. The Building Inspector said the company recently came back with a property on Swann Road Zoned, I-1 that they are moving forward on. They haven't filed an application yet.

Atty. Seaman said the Town should take a close look at how they want that to be regulated or used within the Town. He recommended a short-term moratorium while this is being looked into. This would be for large-scale solar farms only, not roof-top installation on residential homes. Seaman said the moratorium would be in the form of a local law. He would draft something for the next meeting at which time they would schedule a public hearing on the local law.

When asked, Masters said other towns have been pro-active on solar farms. He suggested these towns be contacted as to what works.

*MODERN LEACHATE AGREEMENT:*

Bax said Attorney Seaman, Supervisor Broderick and WPCC Operator Jeff Ritter have reviewed an agreement allowing the WPCC to accept leachate from Modern Disposal. Seaman approved it as to form. The Town already has a permit from the DEC allowing it to accept leachate. He recommended a written permit process with language protecting the Town's interests.

Ritter said the permit and agreement takes care of all the Town's concerns. It puts all the power in the Town's hands. We can take it or not take it as we deem fit. If we see that it is detrimental to the Plant we will have to stop taking it.

**Bax MOVED to authorize the Supervisor to sign the Modern Leachate Agreement, as drafted. Seconded by Morreale and carried 5-0.**

*STAIR LIFT REQUEST:*

Geiben said the Board is in receipt of a request from Jacquie Lodico for a stair lift at her condominium at Ridgeview due do health issues. Having discussed this with the Building Inspector and Fire Inspector, Geiben said they have to deny the request as it would be a violation of the State Fire Code. Geiben spoke with Mrs. Lodico and informed her to apply for a variance with New York State. We have the sympathy and compassion for her situation, but we can't go against authorities, he said. The Town Board does not have the authority to modify the State Code or approve variances. We can give her a letter of support when she applies to the State that we would like to have some resolution on her behalf.

Ceretto asked if Assemblyman Ceretto's office could help. Seaman said a phone call from his office might get the procedure moving faster.

Masters was asked to put together a letter of support for Mrs. Lodico.

*TWO-LOT SUBDIVISION – KUKOVICA*

The Planning Board, on July 21, 2016 approved a two-lot subdivision from Martin Kukovica for property located on the north side of Pletcher Road, SBL# 74.00-44.

**Morreale MOVED to issue a Negative Declaration on said project. Seconded by Geiben and carried 5-0.**

**Morreale MOVED to approve the two-lot subdivision, as presented. Seconded by Geiben and carried 5-0.**

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*RE-AFFIRM ONE-LOT SUBDIVISION – WALKE*

On December 27, 2013, the Town Board approved a one-lot subdivision for property located at 2629 Saunders Settlement Road, SBL# 118.00-1-15. The applicants, Earl and Sharon Walke, never filed the deed description of the parcel with the County in the allocated time as specified in Town Code.

**Morreale MOVED to re-affirm the action of the Town Board taken December 27, 2013. Seconded by Geiben and carried 5-0.**

*NIAGARA FALLS BRIDGE COMMISSION P.I.P.*

At the last meeting (7/28), Lannon said the Board passed a resolution to waive P.I.P. fees for the NFBC in exchange for a substantial investment on their behalf to put in a waterline extension at the Town's request. The NFBC has subsequently filed a P.I.P. application; however Lannon said he wants the applicant to submit a copy of the permit approval from the Niagara County Health Department for the waterline extension. Lannon asked for a resolution approving the P.I.P. contingent upon receipt of health department approval.

**Geiben MOVED for approval of the P.I.P., pending receipt of the health department approval. Seconded by Bax and carried 5-0.**

*TOWN STANDARD SPECIFICATIONS:*

Lannon has filed with the Town Clerk the updated Town Standard Specifications, replacing the 1999 version. This document reflects the engineering update of those standards along with input and revisions on behalf of town department heads (water, sewer, highway, etc.).

**Geiben MOVED to accept the Town Standard Specifications. Seconded by Bax and carried 5-0.**

*WATERLINE IMPROVEMENT PROJECT MAP & PLAN:*

Lannon distributed the Draft Map and Plan for the Increase and Improvement of Facilities for Lewiston Water Improvements describing the project, location and total estimated construction and project costs of such improvements.

Seaman said there is a series of steps that have to be taken including resolutions, bonding, etc. The first step is getting a Final Map, Plan & Report and filing that with the Town Clerk.

*CELL TOWER DEMO:*

Seaman said the final inspections of the cell Tower demo at 2528 Moore Road by the Building Inspector and Electrical Inspector are complete. The removal bonds can now be released.

**Bax MOVED to authorize the Supervisor to sign the release of the removal bond. Seconded by Ceretto and carried 5-0.**

*UNION MATTERS:*

Broderick said the Board has before them a tentative agreement between the Town and CSEA Unit 7653 which they have ratified.

**Bax MOVED to ratify a new collective bargaining agreement as outlined in the tentative agreement between the Town of Lewiston and CSEA Unit 7653 and authorized the Supervisor to sign the agreement on behalf of the Town after**

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**Attorney approval in conformance with the ratified document. Ceretto and carried 5-0.**

Broderick said he, the Finance Director and Water Clerk, Darlene Norwich met with a couple of companies to try and get on-line billing for the water department. One company is very basic. They just take the bill and that's it. Another company provides email notifications when the bill is due. He wants to speak with a few more companies before a final decision is made.

*ARTICLE 7 CASES:*

Seaman said every year at this time, the Town gets a handful of Article 7 cases contesting the assessments the Town has made on various properties. He asked for a motion authorizing Town Counsel to defend the Town on these cases.

**Geiben MOVED for approval. Seconded by Ceretto and carried 5-0.**

*STATEMENTS BY RESIDENTS:*

Rosemary Warren, Griffin Street, said residents have taken a step backwards. She thought residents were allowed to speak at the beginning and end of each meeting. She commented that some residents would like to attend Board meetings but are not able to because of work/family issues that make it unable for them to attend a 6 o'clock start. She would prefer the meetings to start at 7 o'clock. She asked the Board to think of the residents at times. She is annoyed.

Paulette Glasgow, The Circle Drive, asked why the Modern Leachate issue did not go before the Environmental Commission. Ritter said it is already on the DEC permit. It is not a SEQR action. Seaman said if you look at the Town Code at what the Environmental Commission was established to do, I'm not sure this falls into it.

Nadine Williams, Pletcher Road, said she was here to speak at the Public Hearing but arrived too late. The Supervisor said the Local Law was already adopted but he granted her the floor. She asked what the issue was regarding the Postal Service that Broderick referenced.

Broderick said there was a whole neighborhood that the Postal Service either lost water bills or bills were ripped. People were getting their water bills late and being assessed a penalty because they did not pay the bill on time. Broderick said they waived the fees for that neighborhood. He wants to get an on-line service that can provide for payment of water bills and provide email updates.

*UPCOMING MEETINGS:*

Before closing, the Supervisor read the list of upcoming meetings: Historic Preservation: 8/9/16, 6 PM; Zoning Board of Appeals: 8/11/2016, 7 PM; Environmental Commission: 8/15/2016, 6:15 PM; Town Board Audit Meeting: 8/16/16, 3 PM; Planning Board: 8/18/2016, 6:30 PM; RTBM: 8/22/2016, 6 PM.

Geiben announced the 50<sup>th</sup> Anniversary of the Art Festival this weekend, as well as the Lewiston Library Book Sale at the Lewiston Village Hall.

**Bax MOVED to adjourn. Seconded by Geiben and carried 5-0.** Time 7:45 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk