

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Engineer Britton; Building Inspector Masters, WWTP Chief Opt. Ritter; Police Chief Previte; 2 Press; 12 Residents and Clerk Donna Garfinkel

The Supervisor called the Public Hearing to order followed by the Pledge of Allegiance and a moment of silent reflection.

Broderick noted minor changes had been made, in the wording, to the Contracts the Board received in their Board meeting packets.

Seaman said there are six (6) proposed contracts with the six (6) fire companies. Upper Mountain, Lewiston #1, Lewiston #2, and Sanborn Fire Companies reviewed the contracts and each company requested word changes, nothing to do with the payment terms and dollar amounts.

There is a \$2,000 increase for each of the four (4) major companies, and a 3½ % increase for the next four years, of the five year contract.

Clerk read the Public Hearing 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 25th day of April, 2016 at 6:00 pm at Town Hall, 1375 Ridge Road, on the proposed contracts with the following fire companies, for the furnishing of all necessary Fire Protection Services for the Town of Lewiston Fire Protection District. The following Fire Companies will be compensated the following amounts for the rendering of all such services: Lewiston Fire Company #1, Lewiston Fire Company #2, Sanborn Fire Company, Inc. and Upper Mountain Fire Company of Lewiston New York, Inc.; 2016-\$282,000/each; 2017-\$291,870/each; 2018-\$302,085/each; 2019-\$312,658/each; 2020-\$323,601/each. Ransomville Fire District will be compensated the following amounts: 2016-\$32,580, 2017-\$33,720, 2018-\$34,900, 2019-\$36,112, 2020-\$37,386. Pekin Fire Company, Inc. will be compensated \$1 per year for the years 2016 through 2020. Copies of the proposed fire protection contracts are available for inspection at the Office of the Town Clerk during normal business hours at the above named office. All citizens and persons of interest will be given an opportunity to be heard.

By order of the Town Board
March 28, 2016

Supervisor asked if any residents wished to speak. No residents spoke.

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

REGULAR TOWN BOARD MEETING April 25, 2016 6:00 P.M.

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Engineer Britton; Building Inspector Masters, WWTP Chief Opt. Ritter; Police Chief Previte; 2 Press; 12 Residents and Clerk Donna Garfinkel

AGENDA APPROVAL

Additional Agenda Items: Bax - Police personnel; Geiben – Mosquito spraying

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

TWO-MINUTES STATEMENT – RESIDENTS

Warren, Rosemary – Griffon Street – Warren said she may look like an 82 year old senior citizen but she does know important people in high places, like the State Comptroller. In a letter received from the Comptroller, it reads “as you know our Buffalo office keeps all your correspondence on file for use in the Risk Assessment Process, for when they make future audit assignments.” The

last time there was an audit here Warren contacted the Comptrollers Office and was put thru to the auditor's private line. They talked about what Warren thought the auditors should look for.

Warren is not in favor of the lease agreement or setting up a trust on 4746 Model City Road (Washuta Park). It sounds like Joseph Davis State Park all over again. The Board is spending Town money on property that the Town does not own.

Warren has not heard a reply to her FOIL on questions about the ice rink, submitted over 35-days ago.

Emerson, Robert – Representing Old Fort Niagara – Emerson invited the residents to attend a Community Appreciation Night on May 18th at 6:30 – 8:30 pm. Admission is free.

Davis, Elizabeth – Riverwalk Drive – Davis is Director of Sales for Niagara Tourism Convention Corporation. May 2 – 7 is National Tourism Week. There will be a day of appreciation for all hospitality employees on May 4th.

Maggard, Marjorie – Garlow Road – Maggard forwarded a letter to the Board requesting a stop light at the corner of Garlow Road and Saunders Settlement Road

Geiben will meet with Previte and Cosgrove at the intersection to review. It is Geiben's hope a letter can be submitted to the NYSDOT again for consideration of a traffic light, reconfigure the intersection and install a street light. Maggard said if the statistics are compiled for the last 3 – 5 years, maybe something can be done.

TWO-MINUTES STATEMENT – DEPARTMENT HEADS

Previte: Tickets – 173; Accidents – 22; Arrests – 13; Calls for Service – 913.

The Police Dept. participated in assisting Lewiston-Porter School in their evacuation drill. Students are being evacuated to Niagara University as a practice exercise.

Previte will meet with NYPA to discuss an emergency response plan. There is also a meeting scheduled with Artpark.

Ritter: At the last meeting the Board announced the planting of a tree at the WPCC in memory of Rosalie Kilmer. At the requested of Rosalie's husband, this will be postponed until a further date.

Townsend: The Water Department is flushing water lines throughout the Town.

APPROVAL OF MEETING MINUTES

Bax MOVED approval of RTBM – 3/28/2016 and Work Session – 4/11/2016, Seconded by Geiben and Carried 5 – 0.

AUDIT PAYMENT

Geiben MOVED to approve the Regular Abstract of claims numbered 1021 to 1153, and recommend payment for this abstract in the amount of \$349,529.40 , plus a post-audit of \$9,133.92, Seconded by Bax and Carried 5 – 0.

OLD BUSINESSES

Commission / Committee / Board Appointment

There is an opening for the Vice-Chairman on the Zoning Board of Appeals. Broderick MOVED to appoint Joseph Conti as Vice-Chairman to the Zoning Board of Appeals. (No second) Seaman believes the Zoning Board appoints the Vice-Chair.

Masters said the Code does not specify who picks the Vice-Chairman. Chairwomen Muzzi would like to have Conti hold that position.

Bereavement Leave Policy – Catalano will have a draft for the Board prior to the Work Session.

Senior Fire Inspector – Broderick is still in discussions.

Haz-Mat Truck Agreement – Catalano has spoken to Niagara County and together they are working on an interagency agreement for them to provide the services once the Town provides the vehicle.

Resident Speaking Policy – Broderick is working on the policy, which will be posted in the back of the meeting room. Depending on the number of residents wishing to speak, will determine the length of time. This will be ready for the next Regular Town Board meeting.

790 Center Street – Bax reported the Environmental Commission has met and supports the Villages desire to be Lead Agency on this project.

NEW BUSINESS – None

Geiben asked how the Board will handle the submitted written request from the Citizens Action group. When someone submits something in writing, as a courtesy, like the Board requested, is this now a written correspondence to respond to?

Broderick was under the impression that it was going to be read.

Geiben said the Board needs to decide that if something is received in writing, requesting a response at the meeting, how this will be handled in the future. Should it be done during Clerk's Correspondence, Agenda Item, or two-minute statements?

Seaman suggests it be read at the two-minute resident statements. If the Clerk reads it or if the resident is present they can. Board agrees.

Broderick suggest having the resident read it at the statement time, and then whoever needs to address it, will.

SUPERVISOR BRODERICK

Liaison Report

Addition to Upper Mountain Fire Company roster

Broderick MOVED add Norman, Kianna – 5109 Dana Drive and Taibi, Elizabeth to the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 5 – 0.

Light request at Garlow Road and Saunders Settlement Road. Broderick asked if this had not already been denied. Ceretto said it was adjusted. The Town and the Assembly requested this be addressed. The State had agreed to do a reconfiguration of the road, but no stop light. This intersection should have a light.

Legal: Fire Contract Action

Geiben MOVED to accept the six (6) Fire Company contracts as amended and authorize the Supervisor to sign the six (6) contracts, Seconded by Ceretto and Carried 5 – 0.

Engineering:

Lannon met with Townsend in regards to the nine (9) waterline areas the Town is addressing and is currently preparing estimated project costs. Will submit for review at the May Work Session.

Tomorrow Lannon will submit the required documents, required signatures to NYS DOT for the reimbursement of the funds for the I-190 and Route, 265 waterline inspections.

In response to the April 18th letter from the Citizens group, Lannon responded to the question regarding the ponds. In terms of the two ponds into one pond, what was going to be between the

two ponds was never to be a real dry area that one could walk over. Depending on the storm frequency and the storm intensity, that area may have water up from 1 – 2 feet or deeper in depth.

What Lannon approved was the reduction, or changing in the geometry of that system. The north and south edge stayed the same, water depth stayed the same and the slope stayed the same. The only change was the geometry of the center. In Lannon's opinion it is still a small pond, not a large lake.

This was reviewed by NYS DEC and approved, so Lannon made the determination it was a minor change. Hindsight, if it had to be done again, Lannon said he would make the same decision but would notify the Board.

Lannon said this will give the Town less of an area to maintain. This is all according to Code, reviewed and approved by DEC. From the regulations aspect, it didn't impact any platting of the land, no easements changed, no property lines changed.

To answer a question of Bax, the function of a one pond versus a two pond, it is the same.

In regards to the status of the project question, Geiben said this is not the Board's issue as long as the previous bond is in place so that for any chance the developer decides to not move ahead with the project, the bond covers the Town for making it acceptable.

Lannon said, as all are aware, it was a very very mild winter. During that time the developer took advantage of the weather and put in the entire linear infrastructure, waterlines, sanitary and most of the storm. The weather was not conducive to road construction, so they de-mobilized.

Lannon requested an update from the developer. They are about half-way through. They have taken out a PIP; they submitted a performance bond for 100% of the entire value of the construction. In the event something goes "sideways" the Town has a bond in place to re-grade and seed it.

Morreale sees ponds in developments with fountains in them. Is this necessary to address stagnant water and mosquitoes? Lannon said the water is deep enough to prevent this.

FINANCE

Blazick has been working with the current auditors in regards to the 2015 budget. There needs to be some fine-tuning done. All are within that budget; no adding in the cost. This is so the Town is not over-budget in any line item, in the expenses of last year.

Bax MOVED to approve the following budget revisions, Seconded by Geiben

Carried 5 – 0.

The Village is requesting contribution to their July 4th fireworks. These requested dollars will be taken out of the Celebration fund.

In regards to Petty Cash at the Highway Department, Blazick has been informed there are no receipts or cash to account for this \$100 fund. Blazick is requesting to reimburse the account of \$100, so there is a beginning balance. There will be controls and procedures, to where it is spot checked. It is requested this check be run post-audit.

Bax MOVED to authorize the replenishing of the petty cash account in the amount of \$100, and direct Blazick to prepare an explanatory report, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN BAX

Copy machine at WPCC – Ritter said the machine located at the plant is very old. It is a year out of the maintenance agreement. There is discussion of having all buildings have one contract in hopes for a better price. Ritter said the machine is not failing but needs to be replaced.

Broderick asked all department heads to forward their copy machine information to the Clerk.

Environmental Commission resignation

Bax MOVED to accept the resignation of Debra Kopolinski from the Environmental Commission effective May 1, 2016, Seconded by Geiben and Carried 5 – 0.

Police Personnel

Part-time officer Lauren Campbell has requested unpaid leave of absence for maternity.

Bax MOVED to hire Catipovic, Breanna - Part-time at the starting part-time pay, Seconded by Geiben and Carried 5 – 0.

COUNCILWOMEN CERETTO

Ceretto said May is declare Older American Month. A luncheon will be held at the Senior Center in May to celebrate seniors that are 80 and 90.

Van driver Arthur Fitzpatrick will retire as of May 27, 2016. The opening was posted internally for 5-days then advertized.

Ceretto MOVED to hire Cuddahee, Michael - Part-time Care Van Driver, at \$11.25/hour starting April 28, 2016, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN

Geiben had John Sharpe forward to the Board the paperwork regarding the mosquito spraying done in the past by Lewiston.

The Board directs Sharpe to contact Niagara County to see if they are planning any spraying or drops and to keep the Board informed.

There is no new news on the Cable Commission.

COUNCILMAN MORREALE

Morreale attended an informal meeting of the Historical Preservation Commission. They will begin meeting regularly to make the Commission active again. Marjorie Maggard has been very instrumental in getting the Commission active again.

Morreale asked Seaman about a secretary for the Commission. Seaman said there is no requirement it be a Town employee, the Commission can assign someone.

Greenway Fund – NF National Heritage Area.

The Heritage group is working on a two-year experimental plan for a trolley to run from Niagara Falls to Fort Niagara. With stops at the Power Authority, Whirlpool Park, Lewiston and then to Fort Niagara. This will help to keep the dollars in the States. When in Lewiston there is discussion of stops at Academy Park, St. Peters School, then to the water. This will be a boost to the merchants.

The NF National Heritage Area group is requesting funding. Rotella said this might qualify for Greenway dollars. To date the NYPA has giving \$250,000 toward this project.

Morreale will invite Chairman Sara Capane to the May Work Session.

Broderick thanked the volunteer fireman and appreciates what they do.

Broderick MOVED to adjourn, Seconded by Geiben and Carried 5 – 0.

Respectfully Submitted and Transcribed by,

Donna R. Garfinkel
Town Clerk