

October 6, 2014

Public Hearing – Modern Site Plan

6:15 PM

Present: Supervisor D. Brochey; Councilmen A. Bax, Wm. Conrad & R. Winkley; Dep. Sup. S. Edwards; Eng. R. Lannon; Attorneys M. Davis & B. Seaman; Hwy. Supt. D. Janese; WPCC Ch. Oper. J. Ritter; Parks/Rec. Director M. Dashineau; Chief C. Salada; Bldg. Insp. T. Masters; Finance Director P. Kloosterman; 1 Press; 22 Residents and Dep. Clerk C. Schroeder

The Supervisor opened the Public Hearing at 6:15 p.m. The Clerk read the legal 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 6th day of October, 2014, beginning at 6:15 p.m., at the Lewiston town Hall, 1375 Ridge Road to consider Modern Disposal Services, Inc. application for installation of one – 20,000 gallon dual contained above ground diesel tank and one – 2,000 gallon above ground gasoline tank at 4746 Model City Road, Model City, NY 14107. The application is on file in the Town Clerk's office and is available for inspection during normal business hours; Monday-Friday, 8:00 a.m. – 4:40 p.m. All persons of interest will be given an opportunity to be heard.

By Order of the Town Board
September 22, 2014

The Supervisor asked if anyone wished to speak on said application. No one did.

Conrad MOVED to close the Public Hearing. Seconded by Bax and carried 4-0.
Time: 6:25 p.m.

Transcribed and
Submitted by:

Carole N. Schroeder
Deputy Town Clerk

October 6, 2014

Worksession

6:30 PM

Present: Supervisor D. Brochey; Councilmen A. Bax, Wm. Conrad & R. Winkley; Dep. Sup. S. Edwards; Eng. R. Lannon; Attorneys M. Davis & B. Seaman; Hwy. Supt. D. Janese; WPCC Ch. Oper. J. Ritter; Parks/Rec. Director M. Dashineau; Chief C. Salada; Bldg. Insp. T. Masters; Finance Director P. Kloosterman; 1 Press; 22 Residents and Dep. Clerk C. Schroeder

The Supervisor opened the worksession, followed by the Pledge of Allegiance and moment of silent reflection.

AGENDA

Brochey asked to remove CWM-County Legal Fees from the agenda for further review.

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

MODERN DISPOSAL SITE PLAN

The Planning Board on September 18, 2014, approved the Site Plan for Modern Disposal Services, Inc. for above ground tanks at 4746 Model City Road, SBL # 102.02-2-1, as presented. Correspondence from the Environmental Commission recommends a Negative Dec.; the Fire Bureau finds no issues with the submitted site plan and the Town Engineer responds that a Town issued Permit is required for the fuel storage tanks.

Conrad MOVED to declare a Neg. Dec. on Modern's Site Plan. Seconded by Bax and carried 3-0-1. Winkley abstained.

Conrad MOVED to approve Modern's Site Plan on Model City Road. Seconded by Bax and carried 3-0-1. Winkley abstained.

MODERN DISPOSAL PERMIT

Atty. Davis said the Modern Corp. is seeking a local permit. They requested it earlier in the year with the new administration. We have some questions and we want some documentation to demonstrate compliance with the local landfilling law and Host Community Agreement. That documentation has been provided but it is voluminous and we are in the process of going thru it. Davis recommended tabling this matter to allow for additional review.

Bax MOVED to table the Modern Disposal permit issue. Seconded by Conrad and carried 4-0.

ABSTRACT

Conrad MOVED to approve the Regular Abstract of Claims Numbered 2965 to 3212 and recommended payment in the amount of \$234,734.98, plus a post audit of \$145,236.49. Seconded by Bax and carried 4-0.

MINUTES

Bax MOVED to approve the minutes of 7/21/14 (Worksession). Seconded by Conrad and carried 3-0-1. Winkley abstained.

Bax MOVED to approve the minutes of 8/11/14 (Worksession). Seconded by Winkley and carried 4-0.

OAK RUN SUBD RE-CONFIGURATION

The Planning Board, on August 21, 2014, reviewed the proposed re-configuration of the Oak Run Subdivision. The Planning Board made a motion that the change from Town-owned green space to privately-owned green space was not a substantial change to the original subdivision approval. The Planning Board recommends approval of the change to privately-owned green space as per the approximate layout of the attached drawing to relieve the Town of Lewiston of all liability with regards to the 15.7 acres of federal wetlands. In conversation with the Town Engineer they also are in agreement that this is not a substantial change to the Oak Run Subdivision.

Atty. Davis said it is not Town-owned Greenspace that was proposed to be given to the Town. This was a preliminary plat that was done in phases. We are at Phase 4... There was a conversation with the Developer and the Town advised him that we don't want that greenspace. He has agreed to tack that back on to the lot. It will be sold to whoever buys that lot. It will never come to the Town. Procedurally, we're fine. We're not getting rid of Town-owned public greenspace. We never had it. What I believe you have before you is the final plat for Phase 4. That needs approval and then can be filed with the County.

Winkley MOVED to approve the Final Plat for Phase 4 of the Oak Run Subdivision. Seconded by Bax and carried 4-0.

GRASS CUTTING/2014 TAXES:

Conrad read a memo from the Building Inspector: Per the grass cutting law, I have had 59 different parcels cut in the Town. The total fee for the cuttings is \$6,853.25. There is also a \$100.00 administration fee per parcel, totaling \$5,900.00. I am requesting that the fee and administration fee be placed on the taxes for 2014.

Conrad MOVED for approval. Seconded by Bax and carried 4-0.

REMOVAL OF CHIMNEY/ CREEK ROAD

Conrad said the property at 4924 Creek Road has been condemned and has a damaged chimney which poses a public safety hazard because it is in danger of collapsing.

Family members do not have the money to pay for the chimney's repair. The Town has three proposals from local contractors for the removal of the chimney and the securing of any resulting open spaces. The Building Department is requesting Town Board authority to choose a contractor to remove the chimney and secure the building; the Town would pay the fee upfront and be reimbursed by placing the charges on the owner's property taxes in accordance with own Code Section 360-209C, Unsafe Buildings.

Conrad MOVED to authorize the Building Inspector to move forward and secure a contract for removal of the chimney and securing the building. Seconded by Winkley and carried 4-0.

REFUSE TAX

When working on the Tentative Budget, the Finance Director noted that the Town pays \$70 per household for refuse pickup. When the waste price index fell below 1, which is based on the tipping fees, that refuse tax should have been re-calculated. Kloosterman said the Town overpaid \$3,500 in 2013 and \$17,000 in 2014. He is looking for some direction on how to proceed going forward.

Atty. Davis said he would include this as part of the document review on the list of things they need to speak to Modern about.

GREENWAY FUNDS

Kloosterman said they have gone before the Greenway Commission to allocate additional money for the Academy Park Ice Rink. Right now, the Town has \$450,000 a year allocated to Joseph Davis State Park capital projects. That would leave only \$60,000 in available funding for the ice rink. The Commission is looking for the Town to cancel the phases that have become stalled projects at JDSP. If we want to do something new we would have to go before the Commission again.

Kloosterman said he would like to keep \$100,000 of Greenway money for Phase I – JDSP Projects for the asbestos clean-up.

Winkley MOVED to withdraw its approved Greenway funding for the Joseph Davis State Park Phase I capital projects and retain \$100,000 of approved 2014 Greenway funding for JDSP Phase I capital projects, Seconded by Bax and carried 4-0.

Regarding the asbestos clean-up, Eng. Lannon said they have some documents provided by the Finance Director. They are assembling what they have and will determine what they need to move forward to develop plans and specs for its abatement. Lannon said it is too preliminary to determine what the project would cost.

TENTATIVE BUDGET REVIEW

Kloosterman said he would address the 2015 Tentative Budget at the end of the meeting. He wants to give the Town Board a good understanding of what he and the Supervisor have put together.

COUNTY LEGAL FEES – CWM – This item was removed from the Agenda.

HALLOWEEN HOURS

The Clerk asked the Board to designate official Halloween "Trick or Treat" hours as 4 PM to 7 PM, October 31, 2014 in the Town of Lewiston.

Winkley MOVED for approval. Seconded by Conrad and carried 4-0.

SEWER TAX EXEMPTION – TAMBURRINO

A request was made from Vincenette Tamburrino for forgiveness of the sewer tax on her water bill at 4704 Curtis Court North in the amount of \$156.00 due to a new pool liner being installed.

Winkley MOVED for approval. Seconded by Conrad and carried 4-0.

SEWER TAX EXEMPTION -- BEAUDRY

A request was made from Michaelyn Beaudry for a reduction in her water bill at 560 Morgan Drive in the amount of \$132.00 due to refilling the pool due to a rusted water valve that was repaired.

Winkley MOVED for approval. Seconded by Conrad and carried 4-0.

CONCRETE REPAIR – TOWN HALL

The Highway Supt. said he contacted a contractor to come in and fix the uneven concrete at the front entrance to Town Hall. The contractor came in and hydraulically jacked up the concrete. This work was done on a Sunday and took 4 ½ hours. Janese said the concrete was put back into place. There are no cracks or dings or disruption as far as being able to get in and out of the building.

COMFORT STATION SEWER UPDATE

The Administrator of the WWTP estimated it would cost \$10,000 to finish that job. They would have to burrow underneath Lower River Road. They would have to find out if they would need to do some special road crossings. Ritter said it would be a good time to tie-in the outfall building with a grinder pump because it has a bathroom in it. It would cost \$5,000 for the grinder pump and about \$1,000 for the tank and another \$1,000 for the electrical hook-up. Ritter said there is also a water line leak there that would have to be repaired before they do anything.

Brochey: I know there have been discussions about the safety issues in that area. What is your opinion on that?

Ritter: I think there are some good bathrooms over by the baseball diamonds. There are cameras, security and lights. That is only about 500 yards away. I would probably open the bathrooms there instead of the comfort station. I just think there will probably be a lot of vandalism.

Bax: So is it an option to close it off? Is that what you are suggesting?

Ritter: We did spend a lot of money on it already. It is nothing but a big closet now that has a finished bathroom inside.

Kloosterman said this is still an open Greenway project. We would have to request an additional \$10,000 in funding to finalize the project.

Bax asked if they could add additional lighting and security measures in with the greenway proposal. Kloosterman did not see why they couldn't.

Bax MOVED to table this matter to include these security items. Seconded by Winkley and carried 4-0.

ASBESTOS ABATEMENT

Brochey said this item will be tabled until the Engineer provides some numbers for clean-up.

PERSONNEL

The Town Board received notice from Joan B. Stephens that she will be retiring from the Town of Lewiston effective November 29, 2014.

Bax MOVED to accept the notice from Joan B. Stephens, with regret. Seconded by Winkley and carried 4-0.

Winkley MOVED to explore consolidating the Receiver's position with that of the Town Clerk for a cost savings potential. Seconded by Bax and carried 4-0.

TOWER

The Supervisor said he and Councilman Conrad were in attendance at a meeting held at the Town Hall regarding the tower on Upper Mountain Road. Brochey said Niagara County is looking at other options.

Atty. Davis said the Town issued a Stop Work-Order and issued some violations out of the Building Department. We are monitoring it. The ball is in the County's court following that meeting to find an alternate site. Davis said he has sent a letter to the County's outside counsel advising him that time is of the essence and that something should be done quickly. Davis said he would follow up with that do see what's been done in the last seven days.

SUPERVISOR'S CITIZENS COMMITTEE

The Supervisor said he formed a committee a few months back with residents to work on some issues thru-out the Town and Village of Lewiston. These residents include Dep. Sup. Sean Edwards, Al Soluri, Nardene Bradt, Terri Mudd, Carol Brandon and Paulette Glasgow.

Some of the issues discussed were:

- 1) Village of Lewiston: Re-surfacing the basketball court at the Village Municipal Center and the possibility of pavers at Academy Park.
- 2) Hamlet of Sanborn: Sidewalks along Elm and Tallman streets; Electronic Community Sign.
- 3) Town of Lewiston: Completion of Lower River Road Comfort Station; Update phone system; and roof repair at the WPCC.

JAZZ FESTIVAL

The Supervisor received a call from Carol Calato. They are working on the music and lyrics for a "Lewiston" song. Eventually they want a photo-op with the Town Board.

RIVER ROAD WATERLINE REPAIR

Brochey said he received a call from resident at 4758 Lower River Road asking for reimbursement of \$1,659.74 for repair of his water line. His water pressure was low. The Water Department inspected his home and found a couple of leaks on his property. The owner called WH Bryk & Sons who replaced the water line. At the same time, the Water Dept. found a leak across the street that they worked on. The homeowner now believes his low pressure was a result of the water leak across the street. The homeowner is seeking reimbursement from the Town for the repair.

Bax said he can't see the theory of liability. The Town corrected a problem on the other side of the street that may have provided him a benefit. The timing of his own repair and the expense that he incurred seems like his responsibility. I think we are unable to do anything unless new facts are presented to us that show us the Town is actually liable.

Before adjourning, the Highway Supt. asked about the purchase of two vehicles. Brochey said he spoke to the Finance Director and that he authorized the purchases.

Lastly, Janese wanted to make the Board aware of the passing of Mark Cantara after a lengthy illness. Mark was a 25-year employee of the Highway Department.

The Supervisor read the following announcement: The Friends of the Lewiston Library are hosting a friendly gathering on Wednesday October 22 from 5-8 PM with prizes, hor dourves and wine tasting at the library on South 8th Street. Cost is \$10.00 for advanced sale tickets and \$15.00 at the door. All are welcome.

The 2015 Tentative Budget was then presented to the council and reviewed in detail.

Those present were: Sup. Brochey, Town Council Bax, Conrad and Winkley; Finance Director Kloosterman; Bldg. Insp. Masters; Chief Salada; Rec. Dir. Dashineau; Hwy. Supt. Janese; 1 Press; 2 Residents and Dep. Clerk C. Schroeder

The Finance Director provided a summary of the budget and main points that were discussed:

- The total appropriations in the tentative budget are \$16,013,881 compared to \$17,365,368 in 2014. This is a decrease of \$1,351,487 or 7.7% year over year. The decreases were made across the whole town with the A-Fund (Whole Town) appropriations decreasing by \$955,133 which made up the majority of the decrease.
- Revenue projections for 2015 are \$13,153,308 compared to \$13,642,939 in 2014. This is a decrease of \$489,631 or 3.5%. This is primarily based on conservative estimates for 2015.
- The budget does not remove any positions within the Town but it does call for a 0% pay increase for all non-contractual employees.
- Overall appropriated fund balance being used in 2014 is \$357,884 compared to \$1,256,952 in 2014. This is a decrease of \$899,098 or 71.5%
- All tax rates in the tentative budget remained level except for the Fire Protection Fund. The rate per thousand increased from \$1.7837 to \$1.8077 or 1.35%.
- Rate Increased
 - SS1 – Water Pollution Control Center – The rate increase is \$0.05 per 1000 gallons from \$3.40 to \$3.45 or 1.47%. The increase is due to lower flow rates over the past two years and to cover rising expenses such as contractual expenses and unfunded state mandates.
 - SS2 – LMSIA – The rate increase is \$0.10 per 1000 gallons from \$3.89 to \$3.99 or 2.5%. This is the additional \$0.05 which will be paid to SS1 – Water Pollution Control Center and \$0.05 per 1000 gallons to be held in SS2 -- LMSIA. The increase is due to lower flow rates over the past two years and to cover rising expenses such as contractual expenses and unfunded state mandates.
 - SS3 – Lewiston South Sewer – The rate increase is \$0.05 per 1000 gallons from \$0.49 to \$0.54 or 10.2%. Sower sewer pays the majority of sewer charges to Niagara County Sewer through taxes. The South Sewer district has not had a rate increase since it was first introduced over 10 years ago. The increase is due to lower flow rates over the past two years and to cover rising expenses such as contractual expenses and unfunded state mandates.
 - SW1 – Lewiston Water Improvement – The rate increased \$0.05 per 100 cubic feet for consumption over the minimum from \$1.70 per 100 CF to \$1.75 per 100 CF or 2.9% over the minimum. Note that at the last board meeting the Town Board approved going from bi-monthly billing to quarterly billing. This will result in a significant savings for the water department. The tentative budget also removes the two tiered water billing. Currently, once a customer goes over 30,000 CF, the rate per 100 CF decreases from \$1.70 to \$1.08 which incentivizes higher water usage.

Winkley MOVED to adjourn the worksession. Seconded by Bax and carried 4-0. Time: 9:15 p.m.

Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk