

Present: Supervisor D. Brochey; Councilmembers B. Ceretto, Wm. Conrad & R. Winkley; Eng. B. Lannon; Attorneys M. Davis & B. Seaman; Highway Supt. D. Janese; WPCC Ch. Op. J. Ritter; Chief F. Previte; Bldg. Insp. T. Masters; Finance Director M. Blazick; 10 Residents and Dep. Clerk C. Schroeder

Also Present: Fire Inspectors P. Martin & D. Cosentino; Rec. Dir. M. Dashineau

Excused: Dep. Sup. Briglio, Councilman Bax

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA

Additions: Brochey – Muck Pumps, Executive Session re Consultation with Attorneys re Personnel.

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

ABSTRACT

Ceretto MOVED to approve the Regular Abstract of Claims Numbered 6675 to 7902 and recommended payment in the amount of \$428,429.45, plus a post audit of \$228,664.39. Seconded by Conrad and carried 4-0.

DEPARTMENT HEAD CONCERNS:

Police: Chief Previte said Calls for Service for the last 30 days were 802; Traffic Tickets were 120; 31 Arrests; and 15 Traffic Accidents.

Finance: Blazick said the USGI GASB 45 Actuarial Valuation Report is on file in the Clerk's office and Finance office. She also wanted to make the Board aware that unemployment claims are a lot higher this year than in the past. She is researching this but wanted to give the Board a head's up on that. Also the BAN was renewed at 8.9% for another year.

Blazick said last month the Board approved the bid for the Lauren Court project. She wanted confirmation that funds would be allocated from Capital Fund H-97. Winkley said he would take her recommendation to use Fund H-97.

Lastly, Blazick asked for the following Budget Transfers:

- 1) To cover the full cost of staff time by Planning Board members for the remainder of the year:

B00-8020-0100-0100-0000	(Pl.Bd. personal)	265.00
B00-8020-0400-0000	(Pl.Bd. contractual)	(265.00)

- 2) To cover full cost of staff time by Zoning Board members for the remainder of the year:

B00-8010-0100-0000	(Zon. Bd. personal)	265.00
B00-8010-0400-0000	(Zon. Bd. contractual)	(265.00)

- 3) To cover full cost of Audit, Cost of USGI GASB Actuarial Valuation and training expense for Director of Finance:

A00-1320-0400000	(Auditor)	1,000.00
A00-1220-0401-0000	(Gasby 34 Startup)	3,000.00
A00-1310-0400-0000	(Budget Contractual)	1,000.00
A00-1310-0100-0001	(Jr. Account)	(5,000.00)

4) To cover budget items in the Highway Department:

DB0-5142-0100-0100	(Out of Service personal)	1,400.00
DB0-5110-0400-0000	(Gen Repair contractual)	(1,400.00)
DB0-5110-0100-0200	(Seasonal Help)	10,000.00
DB0-5110-0100-0000	(Gen Repairs personal)	(10,000.00)

Winkley MOVED to approve the transfers, as presented. Seconded by Conrad and carried 4-0.

WPCC: At this time, Ritter thanked Darlene Norwich for filling in at the Treatment Plant the last few weeks during the absence of his secretary who is dealing with health issues.

Grant Writer: Bernie Rotella requested a Resolution in support of the 2015 Justice Court Assistance Program Grant Application.

WHEREAS the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training; and

WHEREAS the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town's Justice Departments.

RESOLVED that the Supervisor of the Town of Lewiston is hereby authorized and directed to file an application with the Justice Court Assistance Program

Ceretto MOVED the foregoing Resolution. Seconded by Winkley.

Roll Call: Brochey – Aye; Ceretto – Aye; Conrad – Aye; Winkley – Aye

Carried 4-0.

FRENCH LANDING FINAL PLAT:

Winkley MOVED to enter into Executive Session for consultation with Attorneys on said Final Plat. Seconded by Conrad and carried 4-0. Time: 6:20 PM

EXECUTIVE SESSION (1):

Present: Brochey, Bax, Ceretto, Conrad, Winkley, Davis, Seaman, Lannon
Also Present: Atty. DeCastro

Issues Discussed:

1. Consultation with Attorneys regarding creation of a special district & interpretation of NYS Fire Code.

Winkley MOVED to exit Executive Session and re-convene Work Session. Seconded by Conrad and carried 4-0. Time: 7:30 PM

Brochey asked for comment regarding the Final Plat.

Conrad: The biggest question on this whole subdivision has always been the access for emergency vehicles. Before we move on to anything else with the development, the question has to be asked, is the developer willing to put the road in all the way through to River Road. If he is, then we can move forward with some of the other smaller issues.

DeCastro: It is my understanding that we've been lumped in with the other subdivision (Riverwalk) to have the road in. I do know that we would be more apt to agree to post a bond of some sort for the road completion at a future date but we have to get the road started for financial reasons this year. We're opened to posting a bond for the road to be

discussed with the Town, more so than completing the road at this time because there will be additional engineering costs that will incur.

At this time, DeCastro stepped out of the building to speak with the Developer.

The Board continued with the Agenda.

SEWER CREDITS:

1. Patsy DeSimone, 997 Elliott Drive requested a waiver of sewer usage to refill pool due to installation of a new liner. Attached is a copy of the receipt of the new liner that was purchased.
2. Robert Norman, 5109 Dana Drive requested a waiver of sewer usage for re-filling a pool. Upon purchasing the home, it was discovered that the pool had been left uncovered for years and needed to be cleaned professionally. Attached is a copy of the receipt for the company to empty the pool, remove all debris and power wash it.

Ceretto MOVED to credit Mr. DeSimone -- \$29.55; and Mr. Norman -- \$118.05. Seconded by Winkley and carried 4-0.

3. Harold Klingele, 505 Meadowbrook Drive request a reduction of his water/sewer bill due. During Feb. 2015, his water line froze and water tank ruptured flooding the basement.

Winkley MOVED to credit Mr. Klingele -- \$196.38 for the sewer portion of his water/sewer bill. Seconded by Ceretto and carried 4-0.

ASSESSMENT REVIEW BOARD:

Town Assessor Linda Johnson informed the Board that Rita Hager Merino, Atty. at Law, has resigned her position as Assessment Review Board member as of May 2015. Johnson is asking the Board to appoint Tricia Vacante, Attorney as Board of Assessment Review member for the term through September 30, 2016.

Winkley MOVED to appoint Tricia Vacante to the Assessment Review Board for a term to expire September 30, 2016. Seconded by Ceretto and carried 4-0.

Also, the Assessor asked for the re-appointment of Thomas Deal as Assessment Review Board member for the period October 1, 2015 to September 30, 2020.

Conrad MOVED to re-appoint Thomas Deal to the Assessment Review Board for a 5-year term. Seconded by Ceretto and carried 4-0.

BEREAVEMENT LEAVE:

Ceretto asked to make an amendment to the Town of Lewiston Employee Handbook, §604. She read the Resolution, as follows:

WHEREAS, The Town of Lewiston Employee Handbook at Section 604 provides for bereavement leave for employees, and defines "other family" to include sibling, grandparent, spouse's parent, as well as certain other family members, but does not include grandchild; and

WHEREAS, based on the class of relatives that are included, the omission of grandchild in the definition of "other family" in Section 604 appears to be an error and unintentional, now therefore be it

RESOLVED, that the definition of "other family" in Section 604 of the Town of Lewiston Employee Handbook be and hereby is amended to include grandchild, and be it further

RESOLVED, that since the omission of grandchild from said section appears to be an unintentional omission, that said amendment be retroactive.

Ceretto MOVED the foregoing Resolution, as read. Seconded by Winkley and carried 4-0.

Ceretto MOVED that since the policy change will be retroactive, Heidi Seguin be credited back for three (3) sick days that she used for bereavement. Seconded by Conrad and carried 4-0.

RESOLUTION IN SUPPORT OF GREENWAY FUNDING FOR ICE RINK:

Ceretto MOVED the Town of Lewiston submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston's grant funding request for operation of the Lewiston Family Ice rink at Academy Park for the 2015/2016 Season in the budgeted amount of \$126,640.00. Seconded by Winkley and carried 4-0.

REITER ONE-LOT SUBDIVISION:

The Planning Board on August 20, 2015 recommended approval of a one-lot subdivision request from Marjorie Reiter for property located at Ridge Road, SBL# 102.02-1-18.12, as presented.

Conrad MOVED to issue a negative declaration on said subdivision. Seconded by Winkley and carried 4-0.

Conrad MOVED to approve the one-lot subdivision, as presented. Seconded by Winkley and carried 4-0.

SITE PLAN REVIEW – INDIAN HILL SELF STORAGE FACILITY:

The Planning Board on August 20, 2015 reviewed a Site Plan request from Steven Reiter for a storage facility on Ridge Road, SBL#102.02-1-18.12 and recommends approval with the following conditions:

The Corporation will maintain the easement from Rt. 104 to the building. A copy of said easement language to be reviewed by the Town. Mr. Reiter will work with the Fire Inspector on the dimensions of the road. A fire hydrant will be installed if one is required. There will be a sign with the address on the gate for the storage facility. A drainage plan will be submitted. All pertinent items from CRA and the Engineer will be addressed. Any items with the Building Inspector to be addressed before a Certificate of Occupancy is issued.

Conrad MOVED to issue a negative declaration on the Indian Hill Self Storage facility. Seconded by Winkley and carried 4-0.

Conrad MOVED to approve the Site Plan, with the conditions as noted by the Planning Board. Seconded by Winkley and carried 4-0.

SITE PLAN REVIEW – SANBORN AREA HISTORICAL SOCIETY:

The Planning Board on August 20, 2015 reviewed the Site Plan for the Sanborn Area Historical Society for a new storage building at the Farm Museum, Saunders Settlement Road and recommended approval of the alternate site for the storage building to comply with New York State Fire Code distance for fire hydrant and fire access road.

Conrad MOVED to approve the Site Plan for the SAHS, as recommended by the Planning Board. Seconded by Winkley and carried 4-0.

NATIONAL GRID CONFIDENTIALITY AGREEMENT FOR USER USE CREDIT:

Atty. Seaman said this is a document the Town requested from National Grid to provide some information to assist the Town in the resident rebates for the Hydro Power allocation. National Grid has supplied this document requiring the Town to keep this information confidential. Seaman said he reviewed it for legal content and gives it his approval as to legal form. This is so the Town will be able to create a data base of residents who are entitled to share in the hydro-power allocation.

Winkley MOVED to authorize the Supervisor to sign the National Grid Confidentiality Agreement. Seconded by Conrad and carried 4-0.

At this time, the Board resumed the discussion on the *French Landing Final Plat*.

DeCastro: I had a long conversation with the developer. In the spirit of compromise, he has agreed that if Final Plat approval is given, we will seek model home permits but no Certificates of Occupancy, until such time as the second phase road construction can be done. We would start it before we ask for any certificates of compliance. It's a compromise. What that would mean is the road in the first phase would be put in. The water line would be in and we would market the lots. No CO's would be issued until such time as the second phase construction is started. We won't be able to sell any of our lots or close on any of our lots until the road is started. We could work out a reasonable schedule with the Town Attorneys, Engineers and possibly Mr. Masters.

Conrad: Just so I understand, you're going to build the eight (8) homes, correct?

DeCastro: We would put the road and all the infrastructure in. We would apply for model home permits so that we can start constructing houses, at which point people would agree to buy the lots. Nobody is going to close on a lot because they can't get a CO. Then we would work out a schedule with the Engineer.

Brochey: What is the time frame with that? A year?

DeCastro: Probably about two years would be better. It would be safer for us. Look, I've been doing this for a long time. And, I've done it with Pat (Martin). I respect Pat but Pat and I disagree. We had a lot of frank conversations about this and I understand his concerns. But, I don't think that the law is as Pat recites it. On the other hand, I want to make Pat happy.

Ceretto: So, do I understand you correctly that none of the lots have been sold to anyone who is ready to buy?

DeCastro: These are all vacant lots. Mr. Wolfgang owns them.

Ceretto: You have not sold the property or a lot to any individual person?

DeCastro: No, and it is not our plan to sell these lots to one individual. We're hoping to get a home show but that is not certain with the time and everything... A home show is something that would really assist Lewiston. It's a slow market for new builds but I think that's changing now that there is not an availability of lots in this area. We're looking to compromise. I think we're going to have to hear from your attorney. He's going to be the one who is going to have to facilitate all this at some point.

Conrad: You have requested Certificates of Occupancy at what point in the second phase of the road construction?

DeCastro: After we start construction. Some of it is going to be clear and open early on because the water liens will be going in.

Conrad: But if we follow the lead and recommendation of the Fire Marshall then those first eight (8) homes, until that second road is built, will still be in the same situation that we're trying to avoid.

DeCastro: What we want to do is start the first phase. Once the first phase is done, we would apply for model home permits to construct the homes. At that point, before we finish any homes, we would begin construction of the road in Phase 2 in earnest.

Martin: We're looking at two issues here – building homes and occupying homes. Certainly, homes can burn at any time. Not having a road doesn't do fire companies any good. I think it is something we could probably live with but the point that has to really be addressed is before an occupancy is given to a home where somebody is going to

move in, that roadway needs to be completed, not started – an actual paved road that is acceptable to the town, meets Town specifications and is dedicated.

DeCastro: As I explained to the Board, my interpretation of the Fire code does not require the entire road to be put in. I think Mr. Martin is reading it as a fireman, a person that has his concerns. I'm reading it from a legal perspective. I do not believe that we are required to put this entire road in.

Winkley MOVED to table French Landing Final Plat, Seconded by Ceretto and carried 4-0.

FIREFIGHTERS PHYSICALS AND DRUG TESTING:

The Supervisor said he received two (2) proposals for physicals and drug testing. One company was from Cheektowaga and the other Niagara Falls Memorial Medical Center. The two quotes were comparable.

Winkley MOVED to accept the contract with Niagara Falls Memorial, pending review by Attorneys. Seconded by Conrad and carried 4-0.

HISTORIC PRESERVATION COMMISSION VACANCIES

The Town of Lewiston Historical Preservation Commission is in need of additional members. Chapter 40, Historical Preservation Commission §40-5, states there shall be 7 members, currently there are 4. Said members shall preferably be Town residents and shall include, if available, two architects, one whom shall be a landscape architect and one a municipal planner. Other appointees shall be qualified by reason of training, experience or demonstrated interest in law, local law, local business or history preservation. The Commission is asking the Board to advertise and appoint new members as soon as possible. The Commission would also like to pursue identifying historic properties within the Town and is seeking funding for same.

Winkley MOVED to advertise for members to fill vacancies on the Historic Preservation Commission. Seconded by Ceretto and carried 4-0.

STANDARD WORK DAY AND REPORTING RESOLUTION:

Winkley MOVED to establish the standard work day for Mark Briglio, Dep. Sup., at 6 hrs/day. Seconded by Conrad and carried 4-0.

APPOINT COURT OFFICER:

Winkley MOVED to appoint Anthony Sicurella as Court Officer to fill a vacancy at the starting rate. Seconded by Conrad and carried 4-0.

POLICE PERSONNEL:

Winkley MOVED to accept the resignations of Vanik Aloian and James Bissell as part-time police officers. Seconded by Ceretto and carried 4-0.

Winkley MOVED to promote John Penzotti to the position of Captain, as a provisional appointment. Seconded by Ceretto and carried 4-0.

Winkley said the personnel director should contact Niagara County Civil Service to call for a Captain's test.

UMFC ROSTER ADDITIONS:

The Upper Mountain Fire Company submits for active membership the following names: Kristen Richards (currently a member of Lewiston #1); Taylor Wolf; Sarah Kenton and Steve Stinson

Winkley MOVED to remove Kristen Richards from active membership of Lewiston #1. Seconded by Conrad and carried 4-0.

Winkley MOVED to add Kristen Richards, Taylor Wolf, Sarah Kenton and Steve Stinson as active members at Upper Mountain. Seconded by Conrad and carried 4-0.

MUCK PUMPS

Brochey said if the Town could come up with more energy efficient Muck Pumps, NYPA would pay for them with Hydro-Power monies. Brochey asked the Town Engineer if he could go out to bid to furnish and install a new pump. Engineer Lannon said the old pump could be scrapped.

EXECUTIVE SESSION (2):

Winkley MOVED to enter into executive Session to discuss a Police Personnel issue. Seconded by Conrad and carried 4-0. Time: 8:30 PM.

Present: Brochey, Ceretto, Conrad, Winkley, Davis, Seaman, Previte

Issues Discussed: Police Personnel

Winkley MOVED to exit Executive Session and re-convene Work Session. Seconded by Conrad and carried 4-0. Time: 8:50 PM.

Winkley MOVED to set the Chief Previte's salary at the rate of the previous Chief. Seconded by Conrad and carried 4-0.

Winkley MOVED to adjourn the meeting. Seconded by Conrad and carried 4-0. Time: 8:52 PM.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
caDeputy Town Clerk