

Public Hearing #1

March 12, 2018

6:00 PM

**PRESENT:** Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & R. Morrale; Dep. Sup. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Eng. B. Lannon; Attorney R. Parisi; WPCC Ch. Op. J. Ritter; Water Foreman M. Townsend; Highway Supt. D. Trane; Finance Consultant M. Blazick; Grant Writer B. Rotella; 2 Press; 8 Residents and Dep. Clerk C. Schroeder

The Supervisor called the first Public Hearing to order, followed by the Pledge of Allegiance and a moment of Silent Reflection.

The Clerk read the legal notice as follows:

*P.H. "SOLAR LAW"*

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 12<sup>th</sup> day of March, 2018 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a proposed Local Law entitled, "Solar Energy Systems," an abstract of which is as follows:

The proposed Local Law seeks to amend the zoning provisions of the Code of the Town of Lewiston to regulate the permitting and construction of solar energy systems within the Town.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during normal business hours.

At such public hearing, all persons interested, who wish to be heard, will be heard.

Dated: February 12, 2018

The Supervisor asked for public comment. There was none.

Conrad said he was initially involved in putting the law together with the Attorney. He recently went over the latest revision of the text. There are a few things he would like to review further with the Attorney, such as definitions and clarification on a few items, such as minimum acreage, to "tighten up" as much as we can.

For purposes of this law, Attorney Parisi, said lands owned by the public, are exempt.

**Bax MOVED to close the public hearing. Seconded by Geiben and carried 5-0.**

**Public Hearing #2**

6:15 PM

The Supervisor called the second Public Hearing to order. The Clerk read the legal notice as follows:

*P.H., - MSMH  
SITE PLAN*

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 12<sup>th</sup> day of March, 2018 at 6:15 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, pursuant to the Code of the Town of Lewiston §169-4, regarding a proposed site plan involving storage of Flammable Materials by Mount St. Mary's Hospital located at 5300 Military Road.

At such public hearing, all persons interested, who wish to be heard, will be heard

Dated: February 26, 2018

The Supervisor asked for public comment. There was none.

Darrin O'Hara, Engineer, questioned the wording of "Flammable Materials" in the public notice. It is diesel fuel storage for the new emergency generators that are going to be put in to upgrade the electric service. Diesel fuel is typically not flammable. It needs pressure to be ignited. Masters said the Code requires it for fuel tanks.

O'Hara said the work includes the replacement of the electric service to the Hospital and the replacement of the existing emergency generators. Two (2) vertical aboveground storage tanks are being added to the site to provide 96 hours of fuel capacity. One tank is 10,000 gallons and one is 6,000 gallons. The tanks are double wall fire rated and have leak detection and monitoring. The electric service includes underground primary service to the 15kV primary switchgear and a pad mounted transformer.

**Bax MOVED to close the public hearing. Seconded by Geiben and carried 5-0.**

March 12, 2018, Public Hearings (2), Work Session

WORK SESSION

AGENDA:

AGENDA Additions: Broderick: CWM, GHD Conflict of Interest and Resolution for Lower River Road Park; Bax: Police Resignations and 284 Agreement for Highway Department; Geiben: Notification of Meeting for Waterfront Property and National Month Recognition; Jacoby: Notification of Event at Lewiston Library.

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

SOLAR LAW

TABLED

L.I. "SOLAR ENERGY SYSTEMS": No action taken.

SITE PLAN: MT. ST. MARY'S HOSPITAL:

The Planning Board, on February 15, 2018, approved a Site Plan for Mt. St. Mary's Hospital, 5300 Military Road, SBL# 115.00-1-2.11, as presented.

Parisi asked for confirmation from the Hospital that notices were sent to neighboring residents. A representative provided a packet indicating that notices were sent to adjoining property owners as required under the Town Code. The Clerk accepted the packet for filing.

MSMH SITE PLAN  
APPROVED

**Morreale MOVED to approve the MSMH Site Plan, as presented. Seconded by Bax and carried 5-0.**

ABSTRACT:

ABSTRACT **Jacoby MOVED to approve the Regular Abstract of Claims for Fiscal Year 2017 Numbered 3987 to 3987 and Fiscal Year 2018 Numbered 476 -- 669 and recommended payment in the amount of \$156,228.56, plus a Post-Audit of \$0. Seconded by Geiben and carried 5-0.**

MINUTES:

MINUTES **Jacoby MOVED to approve the RTBM minutes of 2/26/2018. Seconded by Morreale and carried 4-0. (Bax abstained).**

DEPARTMENT HEAD CONCERNS:

Highway:

DEPT HEADS  
HWY LIGHTING  
On behalf of the Highway Supt., **Morreale MOVED to approve the replacement of area lighting to LED at the Highway Department at a cost of \$727.80 (\$363.90 per unit). Seconded by Geiben and carried 5-0.** Funds to be allocated from NYPA Funds.

284 AGREEMENT  
FOR PAVING \$\$\$  
APPROVED  
**Bax MOVED to approve the 284 Agreement between the Town Highway Supt. and the Town Board to spend the sum of \$204,425.17 to be used for the permanent improvement of the following roads: Walmore Road, Elliott Drive, Jarrett Drive & Cleghorn Drive and Callan Drive, and to authorize the Town Supervisor to sign said agreement. Seconded by Jacoby and carried 5-0.**

Going forward, Trane asked the Finance Director to see if there are more funds available from H97 for paving. "Right now, it costs \$82,000 to pave a road. The Town gives me \$54,000 per year. The rest of the funds, \$197,000, come from the State. At that rate, it's going to take 21 years to make it around to the road again. With 64 miles of road, I should be paving 6½ miles a year."

Grant Writer: Rotella said there is a meeting Wednesday morning to go over a few projects. He will report back at the next meeting.

At this time, the Supervisor asked for a resolution to the Greenway Commission for the Lower River Road/Pletcher Town Park. Phase I would consist of putting in a paved road down to the water with 2 – 3 pavilions. Phase II would consist of restoring the Outfall Building and removing the Parks Dept. from that building. Broderick said they talked about having a Kayak Launch which will take some permitting from the DEC and Army Corp of Engineers.

Geiben said this will be a work in progress. They will need to get public feedback and ideas. It will be modified along the way. This is just a starting point. It would be a non-motorized launch area for kayaks and canoes. Not motor boats.

Jacoby asked if there would be any cost to the taxpayers beyond the Greenway money. He was told there would not be.

Broderick said the park would consist of 400' of water frontage and consist of 5.66 acres.

APPLICATION TO  
GREENWAY FOR  
PARK DEVELOPMENT

**Bax MOVED to authorize the Town Supervisor to submit an application to the Greenway Commission for review of a park development at Lower River Road. Seconded by Geiben and carried 5-0.**

J. AGNELLO  
SIGNATORY TO  
CLERK & TAX BANK  
ACCTS

Town Clerk: The Clerk submitted a letter requesting Jacqueline Agnello be an additional signatory on the Town Tax Collector and Town Clerk checking accounts at Key Bank.

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

Finance:

The Finance Director said the Municipal Solutions contract is up for renewal. It is a two-year service contract, and is due on 3/17/2018. There is a slight increase in fees.

MUNICIPAL SOLUTIONS  
CONTRACT APPROVD

**Geiben MOVED approval of the Municipal Solutions Agreement, as presented. Seconded by Bax and carried 5-0.**

**Geiben MOVED to direct the Supervisor to sign said agreement. Seconded by Bax and carried 5-0.**

*OLD BUSINESS:*

NYPA/FIRE  
HYDRANT

Bid – Fire Hydrant -- NYPA: Eng. Lannon said NYPA has all of the required forms and appendices that they needed. They have responded with the issuance of a purchase order. That purchase order is 14 pages, which is under review by the Town Attorney. Once Parisi said it is okay, the Town Board will authorize the Supervisor to sign.

To reiterate, Broderick said the fire hydrant for NYPA will not require any cost to the Town.

Boards/Commission Vacancies:

McDONALD & KRELL  
REMOVED FROM TOWER/  
WIND ENERGY COMTE

a. Tower/Wind Energy: The Chairman, Bill Conrad, submitted a request to remove Charlene McDonald and Ernie Krell from the Tower/Wind Energy Research Committee.

**Geiben MOVED to remove Charlene McDonald from the Tower/Wind Energy Committee. Seconded by Morreale and carried 5-0.**

**Bax MOVED to remove Ernie Krell from the Tower/Wind Energy Committee. Seconded by Geiben.**

S. LYLE APPOINTED  
TO TOWER/WIND  
ENERGY COMTE

**Bax MOVED to add Steve Lyle to the Tower/Wind Energy Committee. Seconded by Bax and carried 5-0.**

## b. Historic Preservation:

CAFARELLA REMOVED  
FROM HIST. PRES.  
COMM.

On a request from Chairman Maggard, Jacoby MOVED to remove Heather Cafarella from the Historic Preservation Commission. Seconded by Bax and carried 5-0.

Car Charging Station:

Morrales said he has been working with the Town Board, department heads and Grant Writer on a DEC Zero-Emission Vehicle (ZEV), Clean Vehicle Infrastructure Rebate Program for the Town of Lewiston, Electric Car Charge Station Project. He read the following Resolution.

RESOLUTION RE  
CAR CHARGING  
STATION

WHEREAS, the Town of Lewiston calls for the installation of an electric car charging station, which would be available to the public; and

WHEREAS, the NYSDEC currently has funding available for the purchase of such charging stations;

THEREFORE, BE IT RESOLVED, that the town Board authorizes the submission to the DEC Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Rebate Program to request funding for the **Electric Car Charge Station Project** for the total project amount of **\$21,634;** and

BE IT FURTHER RESOLVED, and the Town Board acknowledges that it is responsible for at least 20% of the above total project cost.

RESOLVED, that Steve Broderick, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file an application for funding from the DEC Zero-Emission Vehicle (ZEV) Clean Vehicle Infrastructure Rebate Program to complete the **Electric Car Charge Station Project.**

**Morrales MOVED the foregoing Resolution. Seconded by Bax and carried 5-0.**

Broderick said the 20% would come from Hydro funds.

*NEW BUSINESS:*CWM/GHD Conflict:

Broderick said it has come to his attention that GHD has been engaged by CWM Chemical Services to perform professional engineering services in relation to CWM's application for an expansion to the hazardous waste landfill. There appears to be a conflict of interest with GHD serving as engineer for the Town of Lewiston. Broderick spoke with Gary Abraham, the Attorney representing the Town in the lawsuit against CWM. It was made clear that any business with GHD and CWM had to cease and desist. The Town Engineer responded in letter form as follows:

CWM/GHD  
CONFLICT

As you are aware, GHD, at the request of the NYSDEC, prepared an Air Quality Modeling Report (June 2017). As Engineer for the Town, we agree that providing professional engineering services to CWM in connection with the proposed RMU-2 expansion presents a conflict of interest. Upon learning of this situation, I immediately contacted the Principal-in-Charge of the project to discuss our role(s) moving forward and what must be done to address the conflict. After some internal discussions, we have concluded that GHD will no longer provide professional engineering services to CWM in connection with the proposed RMU-2 expansion. This decision was made effective March 9, 2018.

Appointment of Court Constable:

COURT CONSTABLE

Broderick requested the appointment of Ronald Sessman, Ward Road as part-time Court Constable. A starting rate of pay was unavailable at this time.

**Bax MOVED to table. Seconded by Jacoby and carried 5-0.**

March 12, 2018, Public Hearings (2), Work Session

Police Resignations:

POLICE  
RESIGNATIONS

**Bax MOVED to accept the resignation of Marissa Bonito as p/t police officer, with regret, effective March 6, 2018. Seconded by Geiben and carried 5-0.**

**Bax MOVED to accept the resignation of Michael Litten as p/t police officer, with regret, effective March 6, 2018. Seconded by Geiben and carried 5-0.**

Police Hires:

POLICE HIRES

**Bax MOVED the appointment of Joel Erbeth as p/t police office at the contractual rate of pay, effective March 13, 2018. Seconded by Geiben and carried 5-0.**

**Bax MOVED the appointment of Justin O'Connor as p/t police office at the contractual rate of pay, effective March 13, 2018. Seconded by Geiben and carried 5-0**

**Bax MOVED the appointment of Kyle Martin as p/t police office at the contractual rate of pay, effective March 13, 2018. Seconded by Geiben and carried 5-0**

MTG 4/18 -  
RANSOMVILLE FH  
RE WATERFRONT  
PROPERTY DAMAGE

**Waterfront Property:** Geiben referred to an email regarding an upcoming meeting for waterfront property owners to be held at the Ransomville Fire Hall on 4/18/18 at 7 p.m. Dignitaries in attendance will include Duffy Johnson, Town of Porter Supervisor; Clyde Burnmaster, Vice-Chair, Niagara County Legislature; Angelo Morinello, NYS Assemblyman; Mike Norris, NYS Assemblyman; David Gottfried, NYS Assemblyman; and Lynne Johnson, Orleans County Chair. This is an important meeting for residents impacted by the shore erosion due to the high water levels on Lake Ontario and Niagara River.

NATIONAL NUTRITIONGeiben announced that March is National Nutrition Month. The Senior Center will be holding a nutrition St. Patrick's Day luncheon on March 16 at 11:45 a.m. Reservations requested.

SCHOOL SHOOTING  
AWARENESS FORUM  
3/23

**Lewiston Library:** Jacoby announced a "School Shooting Awareness" forum at the library on March 23 at 6:30 p.m. Local government representatives are asked to attend. Chief Previte said he would attend. He said the forum is a question about laws, safety and what measures are being taken for school safety.

Because of crowd size, Previte said the forum may need to be re-located to another facility.

On that note, Previte said area students will be conducting a National School Walk-out. Niagara Wheatfield and Lewiston-Porter will be providing a venue for students to acknowledge the Parkland School shooting victims. Extra police presence will be in the area, as well.

Geiben read an email submitted to the Town Hall praising the Town of Lewiston: "I am writing to you from G.T. Custom Built Homes, Inc. We have a new build home under construction and almost completed on Creek Road, in the Town of Lewiston. I am writing to say, personally speaking, what a complete pleasure it is to call and talk to the various representatives of the Town! Every department that I have talked to – general switchboard, Building Department (including the inspectors), Water Dept.. Every single one of them has the happiest disposition that I have ever heard from a city or town employee. They are extremely helpful, kind and courteous. The Town of Lewiston has much to be proud of in their employees. Thank you for setting a standard. Sincerely, Doris Carlson; G.T. Custom Homes, Inc.

Lastly, Geiben asked the status of meeting with the Village Board. Broderick said it is still in the works; probably in April.

Geiben wanted Broderick to contact the Village about consolidating the celebration of the Bicentennial. The Clock is ticking. It will be on us very soon. He suggested the

Historical Association of Lewiston take the lead on it. Marjorie Maggaard, Chairwomen said she has a lot of that information that she will be going thru. It has to be put into somewhat of a format. She has two people, one from Sanborn and one from the Commission that will be working on the Bicentennial. Bax said he would help out with it.

***PRIVILEGE OF THE FLOOR:***

Rosemary Warren, Griffin Street, said she wished there was a pick-up for household smaller batteries. It's difficult to dispose of them. Secondly, she wished the Board would take action on the Cold War Veteran's exemption. They veterans are in their 70s & 80s. There can't be too many of them. I would like to meet them. I wish we could do something for them. I consider them the "forgotten" people. They did protect our Country.

***ANNOUNCEMENTS:***

VILLAGE SPRING  
CLEAN-UP

The Supervisor announced that the Village of Lewiston will be hosting its annual Spring Clean Up, Saturday, April 21 at 9:00 a.m.

**Bax MOVED to adjourn, Seconded by Morreale and carried 5-0.** Time: 7:00 PM.

Transcribed and  
Respectfully submitted by



Carole N. Schroeder  
Deputy Town Clerk