

Present: Supervisor Broderick; Councilmembers A. Bax, B. Ceretto, B. Geiben & R. Morreale; Eng. B. Lannon; Attorneys R. Parisi & J. Catalano; Police Chief F. Previte; Finance Director/Budget Officer M. Blazick; Highway Supt. D. Trane; Water Foreman M. Townsend; Rec. Dir. M. Dashineau; 2 Press; 10 Residents and Dep. Clerk C. Schroeder

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

*AGENDA:*

Additions: Bid Document for Tree Removal; Legal: LED/EMD Sign Law and Regulation for Water Fees; Broderick: UMFC Removal of Members.

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

*STATEMENTS BY RESIDENTS:*

Paulette Glasgow, The Circle Drive, said the Board, last month, passed a resolution dissolving all the water districts and creating a Town-wide water district. Section 4 reads: All future costs of the management, maintenance, operation and repair of such improvements or services provided or authorized to be provided by said Districts hereby dissolved shall thereafter be a charge upon the area of the Town outside the Village of Lewiston until such time as a Town-wide district is established, and shall be levied and collected in the same manner and at the same time as other Town charges. I'm wondering and inquiring as to what it implies? What are you trying to accomplish here.

Broderick said the attorneys could discuss this under legal. If they are unable to, Broderick said he would contact Attorney Seaman, who is working on this project.

Marjorie Maggard, Chair of the Historic Preservation presented the Board with revisions to the Town Code, Chapter 40, Historic Preservation Commission. The changes are for the purpose of seeking approval for certified local government. This is for the purpose of receiving training needed to get us up to speed. A lot of the members do not have the training to make "good judgment" calls.

Broderick said this is something that should be placed on the Agenda and voted on. Attorney Catalano said it would require a Public Hearing as they are changing the Town Code. He has not had a chance to read it for final review. At the next work session, the Board could schedule a Public Hearing.

*DEPARTMENT HEAD CONCERNS:*

Parks and Recreation: Dashineau provided a bid packet, reviewed by Attorney Catalano, for the provision of the removal of Ash Trees in the Lewistowne Park Subdivision greenspace area. All dead, infected, or diseased Ash Trees within a fall radius of private property would be included in the removal. This would not include stump grindings; although the stump should be cut as close to the ground level as possible.

**Bax MOVED to advertise for bids for the removal of Ash Trees. Seconded by Geiben and carried 5-0.**

Police: Chief Previte said the department completed its required yearly training. They received training on Narcan. All of the officers are certified to administer the drug at no cost to the department. The drug is replenished at no cost as it is used.

April 24, 2017 RTBM

Highway: The Highway Supt. said a Town Resident filed an incident report for damage to her vehicle. A Town plow hit a rock she had by her driveway and moved it close to her mailbox. The mailbox was repaired but the rock was not placed back to where it was initially. The resident, Geraldine Olin, hit the rock at she was getting her mail, damaging her car. She obtained an estimate from Collision Enterprises. Trane told Mrs. Olin to remove the rock from the Town R.O.W.

Broderick said the estimate came from Councilman Morreale's business. If he recuses himself, is that enough? Bax said the ethical issue is the disclosure itself. Parisi said the rest of the Board does not have any financial interest in the acceptance of the bid. Councilman Morreale has taken the appropriate action to remove himself from the vote.

**Geiben MOVED to approve the claim, as presented, pending a release signed by Mrs. Olin waiving any further action. Seconded by Bax and carried 4-0.** Councilman Morreale recused himself from any discussion and vote.

Broderick said this is Councilman Morreale's company. He did not do the estimate. He did not even know about the claim until tonight.

Geiben suggested the Town Clerk, with the assistance of the Attorney, put something in her news letter reminding residents if they put obstacles in the R.O.W., the resident assumes liability.

Attorney Catalano said he had an issue for Executive Session regarding possible litigation.

Clerk: The Deputy Clerk said some residents are unable to download the agenda or attachments from the Town's web site. Any resident who would like to have the agenda emailed to them on the Friday prior to the meeting should provide their name and email address to the Clerk's office. The Town Clerk was asked to put this notice in the Clerk's Corner.

*MINUTES:*

**Geiben MOVED to approve the minutes of 2/27/2017, RTBM. Seconded by Ceretto and carried 4-0.** (Bax Abstained).

**Geiben MOVED to approve the minutes of 3/27/2017, RTBM. Seconded by Morreale and carried 5-0.**

**Geiben MOVED to approve the minutes of 4/10/2017, Work Session. Seconded by Bax and carried 3-0.** (Broderick and Ceretto abstained.)

*ABSTRACT:*

**Morreale MOVED to approve the Regular Abstract of Claims Numbered 914 to 1039 and recommended payment in the amount of \$600,371.07, plus a post audit of \$6,615.66. Seconded by Geiben and carried 5-0.**

*NEW BUSINESS:*

The Clerk received Mobilitie, LLC's permit application submission for its proposed deployment in the public right-of-way in Lewiston. Mobilitie is proposing one Small Cell facility at 510 Fairway Drive. Mobilitie requests the Town review and approve the attached applications. They will work closely with the Town to address any concerns, such as location and height, pursuant to the Town's regulations regarding the use and management of its right-of ways.

For the Board's information, Catalano said Mobilitie came before the Town last year. They wanted to fill out their own application and have the Town approve it carte blanche to use the Town's right-of-way. The Building Inspector's position that time was

April 24, 2017 RTBM

if they want to do this they have to go thru the process as established in the Town Code, not Mobilite's process.

**Geiben MOVED to authorize Attorney Catalano to forward a letter to Mobilite, LLC as to the procedures to follow per Town Code. Seconded by Bax and carried 5-0.**

**SUPERVISOR BRODERICK**

Finance: Blazick said she has been working on the distribution of HYDRO funds to the residents of Lewiston. She had a list of steps that would be required of the Town to achieve this, at an estimated \$15,000 - \$20,000 minimum cost. She spoke to Key Bank about the cost of opening a bank account and the cost of processing about 6,500 transactions. Key Bank mentioned they could issue "Key2 Prepaid cards" for the disbursement. The cost to the Town would be roughly \$16,900. Blazick believes the prepayment card is a quicker way to get the money to the residents. It would be more cost effective and would require less staff time.

Blazick said each residential customer of electricity in the Village and Town would be issued a prepaid card. It could be used anywhere or the resident can take it to Key Bank and get the money. Blazick said this is a viable option and would be a much easier process to get it done.

In order to proceed, Blazick said she needs Board approval to go with the prepaid cards and secondly, to authorize the Supervisor to sign the two Bank Agreements which have been reviewed by the Attorneys to engage Key Bank into doing this process.

Blazick said Key Bank would mail the cards and pay the postage. We can draft a flyer with the Attorneys with the wording that we need because of NYPA. Key Bank will print it and insert it into the envelope. Geiben recommended doing the best they can to promote it.

Blazick said the Town will supply National Grid with a list of all residential property addresses and then NG will provide the Town with a list of electric users as of the date requested by the Town. This is a one-time disbursement, she said, based on the date we get the list from NG. We will then take that list and supply it to Key Bank.

**Bax MOVED to authorize the Supervisor and his staff to pursue the use of prepaid cards for issuing the one-time reimbursement to resident users of electricity as authorized by the NYPA Agreement. Seconded by Geiben and carried 5-0.**

**Bax MOVED to authorize the Supervisor to sign all agreements, subject to Attorney approval, necessary to move forward with the prepaid card plan. Seconded by Ceretto and carried 5-0.**

Legal: Catalano provided a draft of a proposed Local Law for amendments to the Town Code with regard to Light Emitting Display (LED) and Electronic Message Display (EMD) signs. This is a new Town Law under §360-184 of the Zoning Code.

**Geiben MOVED to schedule a Public Hearing on the 8<sup>th</sup> day of May, 2017 at 6:00 p.m., in regards to the Electric Sign Ordinance. Seconded by Bax and carried 5-0.**

Next, Catalano provided the Town with a Resolution for the creation of fees, deposits and seasonal fees for the Town of Lewiston Water Department. Catalano said there are a number of services that the Water Department conducts and provides for Town residents. Currently, the Water Department is absorbing the costs for these services. In essence, the entire Town is paying for water line testing, disconnect fees, meter replacement on private property, etc. The Water Department has asked to establish a fee schedule so that an individual homeowner or business owner is the one who incurs the cost of these services instead of the entire Town.

April 24, 2017 RTBM

**Geiben MOVED the Resolution, as follows:**

WHEREAS, the Town Board has had its attention brought to concerns of the Town Water Department regarding Service Fees, Deposits and Seasonal Fees, which the Water Department has incurred as a result of its services to residents, and

WHEREAS, the Town Board wishes to remedy this situation so the costs of the aforementioned Fees and Deposits are not paid for by Town residents as a whole but rather paid for by the individual resident who is receiving said service.

NOW THEREFORE, having considered all of the relevant factors, the Town Board seeks to create a Fee Schedule which will be applied to a number of services provided by the Town Water Department:

ESTABLISHMENT, of a fee schedule for the Town of Lewiston Water Department is hereby established. The specific fee schedule will be established by the Head of the Town of Lewiston Water Department and approved by the Town Board. These fees will be commensurate with the services provided and will correspond to the man hours and equipment required to perform said service.

**Seconded by Bax and carried 5-0.**

Water Fee Schedule Effective May 1, 2017:

**Deposits**

- 1" Hydrant Meters shall require a deposit of \$300.00
- 1 ½" Hydrant Meters shall require a deposit of \$1,100.00
- 2" Hydrants Meters shall require a deposit of \$1,500.00

All deposits must be made prior to this issuance of any hydrant meter. Deposits shall be returned at the end of the season after meters have been inspected.

**Services Fees**

The replacing of a curb box will cost \$400.00

Testing water meter:

- For water lines of ¾" and 1" the cost will be \$75.00
- For water lines of 1 ½" the cost will be \$150.00
- For water lines of 2" the cost will be \$200.00
- For water lines over 2" at prevailing rates by private contractor

Hydrant flow test will cost \$150.00

Check valve inspection will cost \$50.00

Penalty for not having RPZ backflow tested annually will be \$75.00

Disconnection of abandoned water service:

- For water lines of Up to 2" the cost will be \$600.00
- For water lines of Over 2" at prevailing rates done by private contractor

Meter replacement cost:

- For water lines of ¾" Bare meter less register \$85.00, Orion M25 register \$175.00
- For water lines of 1" Bare meter less register \$200.00, Orion M70 register \$175.00
- For water lines of 1 ½" Bare meter less register \$425.00, Orion M120 register \$175.00
- For water lines of 2" Bare meter less register \$625.00, Orion M170 register \$175.00

Setting a water meter during non-work hours will be \$100.00

Non-work hours are other than 7:00 a.m. to 3:30 p.m., Monday thru Friday

Initiating Water Service will be \$35.00

Terminating Water Service will be \$35.00

April 24, 2017 RTBM

**Seasonal Fees**

All hydrant meters shall have a \$200.00 seasonal fee attached to their use. This fee must be paid prior to the issuance of the water meter. This fee does not include the cost of water at the current water rates.

**Non-Seasonal Fees**

All hydrant meters shall have a \$80.00 non-seasonal fee attached to their use plus the cost of the water at the current water rates.

Engineering: Nothing

UMFC: The Upper Mountain Fire Company requests the Town remove the following individuals from its Roster: Paul Dragem and McKenzie Penque.

**Broderick MOVED for approval, Seconded by Geiben and carried 4-0.** (Morreale not present for vote.)

Niagara Shuttle: Broderick talked to Sarah Capen, Executor Director for the Niagara Falls National Heritage Area. There was some concern about cuts for the Discover Niagara Shuttle. It is funded for 2017. Any cuts that would occur would be in 2018.

**Broderick MOVED to allocate \$50,000 in Greenway money to support the Niagara Shuttle and its finances for 2017. Seconded by Geiben and carried 5-0.**

**COUNCILMAN BAX**

Hire P/T Police Officer: Bax said at the last meeting, the Town appointed Brandon Campbell from P/T to F/T, effective May 1, 2017. This left a part-time vacancy in the Police Department. Chief Previte requests the hiring of Michael Litten who is currently working P/T in Middleport.

**BAX MOVED to appoint Michael Litten as P/T Police Officer. Seconded by Geiben and carried 5-0.**

**COUNCILWOMEN CERETTO:** Nothing

**COUNCILMAN GEIBEN**

Cable/PEG: Geiben said the Cable Commission had a meeting several weeks ago (4/8/2017). He asked the Clerk to post the minutes on the Town's website. At the next meeting, resolutions will be presented to the Board to move ahead with PEG. If there is still some concern about the student involvement, they can separate that and just work with purchasing the equipment for installation to begin videotaping the meetings. As an educator, Geiben said he is hoping to get students involved but he can't let that aspect bog down the other progress. The technology is there. We should move ahead with it.

**COUNCILMAN MORREALE:** Nothing

**PRIVILEGE OF THE FLOOR:**

Paulette Glasgow, The Circle Drive, asked specifically what these new water fees are. She had a meter pit put in several years ago. When it was put in, it was sitting above the ground. It is now sinking into the ground. Townsend said that is her responsibility to maintain.

Nancy Correa, Riverwalk Drive said she is glad they are proceeding with videotaping the Town Board meetings. She asked if other boards and commissions would utilize this

April 24, 2017 RTBM

equipment. Bax said there would be nothing in the resolution that would restrict that use of Town equipment.

Brock Davy, Meadowbrook Drive questioned the penalty for not having RPZ backflow tested. Townsend said that is for commercial property only. It would not apply to residential property.

Glasgow said she had another comment. She said a lot of people are getting trees cut down by outside contractors. The contractor is putting the tree stumps and brush at the road for Town pick-up. Some time ago, she said the Town passed a law that contractors must remove the debris. She suggested that the Clerk note this in her newspaper article.

Steve Lyle, River Road asked if the HYDRO funds are pro-rated or proportioned. Blazick said it is a flat amount for everyone.

**Geiben MOVED to enter into executive session for consultation with Attorneys on possible litigation. Seconded by Bax and carried 5-0.** Time 7:10 p.m.

\*Executive Session:

Present: Broderick, Bax, Ceretto, Geiben, Conrad, Parisi, Catalano, Blazick

Also Present: Tom Tuori & John Horn, Attorneys (Harter, Secret & Emery LLP)

Excused: Morreale

Issues Discussed: Potential litigation.

**Bax MOVED to exit Executive Session and reconvene Regular Meeting. Seconded by Ceretto and carried 4-0.**

Action taken:

**Broderick MOVED resolution authorizing Supervisor to sign attorney engagement letter subject to Attorney approval. Seconded by Bax and carried 4-0.**

**Geiben MOVED to adjourn. Seconded by Bax and 4-0.** Time: 7:46 p.m.

\*Minutes taken by Ryan Parisi

Transcribed and  
Respectfully submitted by

Carole N. Schroeder  
Deputy Town Clerk