

April 8, 2019

Work Session

6:00 P.M.

A G E N D A

Please turn off all cell phones, pagers and electronic devices.
Assistive Listening Devices available for hearing impaired.

Pledge of Allegiance
Moment of Silent Reflection

Agenda Approval

Abstract – Bax

Approval of Minutes: 03/25/2019

Department Head Concerns:

Finance:

LMK Reality – Release of Site Improvement Bond – Seaman

Mobile App for Lewiston Police Department

Cell Tower Agreement – Jacoby

Resolution re Unified Solar Permit – Morreale

Internship Agreement w/ NCCC – Geiben

Re-Establish Town Hall Renovation Committee – Geiben

USDA Property Access Request – Seaman

Riverfront Park Update

Privilege of the Floor/Public Concerns

ANNOUNCEMENTS:

Town Offices closed Friday, April 19, 2019 in observance of Good Friday

UPCOMING MEETINGS:

Zoning Board, April 11, 2019, 6:30 PM

Historic Preservation, April 16, 2019, 6:00 PM

Environmental Commission, April 16, 2019, 7:00 PM

Planning Board, April 18, 2019, 6:30 PM

RTBM, April 25, 2019 @ 6:00 PM (Thursday)



Magavern Magavern Grimm LLP
ATTORNEYS

Edward P. Perlman, Partner
nperlman@magavern.com

Please respond to:
810 Main Street
Niagara Falls, NY 14301
Tel: 716-285-1550
Fax: 716-285-1559

March 26, 2019

Mr. D. Steven Broderick, Supervisor
Town of Lewiston
1375 Ridge Road
Lewiston, New York 14092

Re: Cell Tower Agreement

Dear Supervisor Broderick:

We are very pleased that you have decided to employ our firm to perform legal services for you.

The scope of our services includes: Cell Tower Agreement.

Fees for our services are based predominantly on the time we devote to your matters. My hourly rate is \$225.00. The rates for other attorneys range between \$215.00 to \$335.00 per hour and \$100.00 per hour for paralegal services. Our hourly rates may be subject to a small annual increase, of which you shall be notified.

Disbursements are expenses which we incur on your behalf. For example, your bill may show disbursements for document reproduction, long distance telephone charges, filing and search fees in government offices, courier charges, such as FedEx or local messenger service, travel, postage, computer research charges, and other expenditures which may be appropriate in handling your work. Where filing fees, recording fees and taxes are knowable in advance and substantial in amount, we may request prepayment before advancing funds on your behalf.

We shall send you bills periodically. Our normal billing cycle is monthly, but in certain cases, we may not bill you until the project is complete and in other cases, such as if we foresee incurring a large disbursement, we may ask you for payment in advance. Nevertheless, we reserve the right to send periodic bills if things take longer than we expect. Bills should be paid

1100 Rand Building, 14 Lafayette Square
Buffalo, New York 14203
Tel: 716-856-3500 Fax: 716-856-3390



Magavern Magavern Grimm LLP
ATTORNEYS

within 15 days after they are rendered and are regarded as past due 30 days after they are rendered. We impose a finance charge of 1% per month on past due invoices.

We reserve the right to request a payment of advance fees at any time. Should we do so, the advance fees shall be deposited in our trust account until earned.

This letter describes our standard billing procedures. If we make any different arrangement with you, or give you an estimate of our fees, we shall do it in writing so that you have a record of that arrangement.

In the event that a dispute arises between us relating to our fees, you may have the right to arbitrate the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which shall be provided to you upon request.

If this letter meets with your approval, please sign where indicated below to evidence your agreement with the matters set forth herein. An additional signed copy of this letter shall be provided for your records.

Very truly yours,

MAGAVERN MAGAVERN GRIMM LLP

Edward P. Perlman

EPP/amg

Encl.

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BY SIGNING BELOW, I CONFIRM THAT I HAVE CAREFULLY READ AND REVIEWED THE FOREGOING LETTER. I ALSO CONFIRM THAT I ACCEPT LEGAL REPRESENTATION BY MAGAVERN MAGAVERN GRIMM LLP FOR THE MATTER DESCRIBED HEREIN AND PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THIS LETTER.

Town of Lewiston, New York

By: _____
D. Steven Broderick, Supervisor

Date: _____, 2019

**ADOPTING STANDARDIZED SOLAR PERMIT
PROCESS FOR THE Town of Lewiston**

RESOLUTION

The **Town Board of the Town of Lewiston**, in the County of Niagara, State of New York, met in regular session at the Municipal Building, located at 1375 Ridge Rd., in the Town of Lewiston, County of Niagara, State of New York, on the 8th of April at 6pm.

The meeting was called to order by Supervisor Broderick, and the following were present, namely: Councilman William Geiben, Councilman Alfonzo Bax, Councilman Robin Morreale and Councilman John Jacoby

Also Present:

Absent:

The following resolutions were moved, seconded and adopted:

WHEREAS, the Town of Lewiston currently requires residents to obtain a building permit for the installation of solar panel, pursuant to Municipal Building Code Section 360-6, and;

WHEREAS, the Town of Lewiston Code Enforcement Officer has advised the Town Board of the Town of Lewiston that the New York State uniform process is consistent and compatible with the Town Zoning Code and permitting practices, and;

WHEREAS, the Town Board supports the use of solar energy as a renewable energy source.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE Town of Lewiston that the Town of Lewiston hereby fully and formally adopts the New York State Unified Solar Permit process for NY - Sun Solar Powering New York, and establishes the permit fee at \$50 plus \$2 per \$1000 of construction cost.

FURTHER RESOLVED, the Town Board, in regular session duly convened, does hereby authorize and direct the Town Supervisor or Town Clerk of the Town of Lewiston to execute such other and additional documents as may be required for to perfect the resolutions herein;

The adoption of the foregoing Resolution was moved by _____, seconded by _____, and duly put to vote, which resulted as follows

Steve Broderick, Supervisor

William Geiben, Councilman _____

Alfonzo Bax, Councilman _____

Robin Morreale, Councilman _____

John Jacoby, Councilman _____

THIS RESOLUTION WAS ADOPTED.

**PROPOSED
Town Hall Renovation Committee
2019**

_____	Town Board Member
_____	Town Board Member
Garfinkel, Donna	Town Clerk
Lannon, Bob	Town Engineer
Martin, Patrick	Fire Inspector
Masters, Timothy	Building Inspector



United States
Department of
Agriculture

Marketing and
Regulatory Programs

Emergency Management
Safety and Security
Division

Claims
250 Marquette Ave Suite 410
Minneapolis, MN 55401

Fiscal Year 2019
October 1, 2018 thru September 30, 2019

To Whom It May Concern:

The United States Department of Agriculture (USDA) as an agency of the Federal government is a self-insured entity.

The Federal Tort Claims Act (28 U.S. C. 1346(b), 2671 et seq) is the legal mechanism for compensating persons injured or property damaged by a negligent or wrongful act of a Federal employee, when committed within the scope of their employment.

Employees of the USDA are Federal employees and would be covered by Federal workers' compensation insurance if injured while in the performance of their duties.

I hope this information is satisfactory and meets your requirements for proof of insurance.

If you have any questions or concerns, you may contact me at Area Code (612) 336-3269.

Sincerely,

ELIZABETH
JOHNSON
GROTH

Digitally signed by
ELIZABETH JOHNSON
GROTH
Date: 2018.10.03 12:24:08
-05'00'

Elizabeth J Groth
Legal Administrative Specialist



APHIS - Protecting American Agriculture
(612) 336-3269, FAX: (612) 336-3572

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