

PRESENT: Dep. Supervisor W. Conrad; Councilmembers A. Bax, W. Geiben, J. Jacoby & R. Morreale; Police Chief F. Previte; Finance Director J. Agnello; Atty. T. Seaman; Atty. B. Seaman; Eng. B. Lannon; WPCC Ch. Op. J. Ritter; Water Foreman D. Zahno; Highway Supt. D. Trane; Parks/Rec Director Dashineau; Historian M. Maggard; 1 Press; 6 Residents and Dep. Clerk C. Schroeder

EXCUSED: Sup. S. Broderick; Bldg Insp. T. Masters

In the absence of the Supervisor, the Deputy Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of Silent Reflection.

AGENDA: Additions: Morreale: Parks & Recreation

Bax MOVED the agenda, as amended. Seconded by Jacoby and carried 4-0.

ABSTRACT: Bax MOVED to approve the Regular Abstract of Claims Numbered 785 – 920 and recommended payment in the amount of \$335,718.61, plus a post audit of \$57,485.57. Seconded by Morreale and carried 4-0.

MINUTES: Bax MOVED to approve the minutes of 3/25/2019, RTBM, as presented. Seconded by Jacoby and carried 4-0.

DEPARTMENT HEAD CONCERNS:

Finance: The Finance Director requested approval to process two budget adjustments.

- 1) A revision to move \$1,800 from Treatment & Disposal Contractual (SS1-8130-0400-0000) to Treatment & Disposal Gasoline (SS1-8130-0400-3510). The Sewer Department needed to purchase fuel which created a shortage in the gasoline budget. This revision should fund their gasoline purchases through remainder of the year.
Morreale MOVED for approval. Seconded by Bax and carried 4-0.

- 2) A revision to move funding to/from the following departments to place health insurance funding in the appropriate accounts. In January 2019, seven employees switched to a less expensive health insurance plan. This revision will align the budget with expenses. The revision is as follows:

A00-9070-0800-0000 Union Welfare Benefits	\$63,649	
A00-9060-0800-0000 Hospital & Medical Ins		\$63,649
 B00-9070-0800-0200 Union Welfare Benefits	\$18,981	
B00-9060-0800-0000 Hospital & Medical Ins		\$18,981
 SS1-9070-0800-0000 Union Welfare Benefits	\$7,111	
SS1-9060-0800-0000 Hospital & Medical Ins.		\$7,111

Jacoby MOVED for approval. Seconded by Morreale and carried 4-0.

Agnello said Town Auditor’s, Drescher & Malecki, filed the Town’s 2018 Annual Financial Report Update Document with the NYS Office of the State Comptroller. A copy has been filed with the Town Clerk and posted on the Town’s website.

Water: Foreman Zahno said the Water Dept. received a grant and would like to purchase a pick-up truck. The remainder of the money would be used for fire hydrants.

Attorney: Atty. T. Seaman said there is a consent order relative to an Article 7 proceeding. It is a tax issue case, Santarosa vs. Town of Lewiston, et al., relative to an assessed value. The matter has been addressed between Attorney and Town Assessor. Seaman asked for the Board’s approval allowing him to sign off on the consent order.

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

LMK REALITY – Release of Site Improvement Bond:

Atty. T. Seaman said a letter was received from LMK Realty requesting to change the current bond structure; essentially to lower the value of the bond relative to the sidewalks. Seaman said there will need to be a written amendment to the contract.

Engineer Lannon said he and the Building Inspector discussed this, in concept. They agreed that having some type of security is good. Lannon said he would report back as to the amount of the bond at the next meeting.

MOBILE APP FOR POLICE DEPARTMENT:

Chief Previte said he obtained another quote for a Mobile App which is lower and puts him under the \$2,500 threshold for obtaining three verbal quotes. It is the same company he presented at the last meeting, The POLICEApp.com. Previte said he is looking for Board approval to purchase this app in the amount of \$2,449 with funds from H-97.

Bax moved for approval of the purchase of the custom police app from The POLICEApp.com, contingent upon attorney approval of a contract, if applicable. Seconded by Morreale and carried 4-0.

CELL TOWER AGREEMENT:

Jacoby said the County wants to build a radio tower at the Highway Garage. The tower would be used for radio communications for the police and fire companies. It is imperative that there is communication coverage throughout the County. Seaman Norris, LLC submitted a letter recusing itself from legal services due to a conflict of interest.

As discussed before, they have hired Edward Perlman, Magavern, Magavern Grimm LLP to perform legal services.

The Cell Tower application will be going before the Environmental Commission (4/16) for review. Bax asked it will be reviewed by the Tower Committee. Conrad said it would typically go to the Tower Committee before going to the Planning Board.

Jacoby MOVED to employ Magavern Magavern Grimm LLP to perform legal services for the Cell Tower. Seconded by Bax and carried 4-0.

Trane asked about a rental agreement. Previte said that would be addressed between Perlman and the County Attorney. The Tower is needed. It is a personal safety issue. “I just appreciate the Board’s enthusiasm to help with this. There are very few things that I feel this passionate about but this is problem for us. It is something I’ve been hounding them about for a couple years now. I’m glad we’re working with them and moving in a positive direction. Whatever we have to do to make this work, it’s that important.”

Bax MOVED to authorize the Supervisor to sign said agreement. Seconded by Jacoby and carried 4-0.

RESOLUTION: UNIFIED SOLAR PERMIT

Morreale read a resolution for adoption of a Standardized Solar Permit Process for the Town of Lewiston, as follows:

WHEREAS, the Town of Lewiston currently requires residents to obtain a building permit for the installation of solar panels, 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 Morreale. Seconded by Geiben and carried 4-0.

PARKS & RECREATION:

Morreale referred to a request from Parks Director Dashineau to approve the following:

1. Declare a dump truck full of metal to be EXCESS and give permission to the Parks Department to sell at a scrap metal yard. The metal serves no purpose and was discarded after cleaning the Outfall Building.

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

2. Declare the following vehicles excess and allow the Parks Department to place on Auctions International:

- a) 1998 Ford F0150 (White), VIN# 2FTZF1725WCA65320
- b) 2001 Chevrolet 1500 (Red), VIN# 1GCEC19V61E292341

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

3. Approve for employment the following Parks Laborers Seasonal. These hires were listed and approved in the 2019 Parks Budget.

- a) Thomas Kennedy, \$13.50 per hour
- b) Austin Barr, \$13.00 per hour
- c) Joel Flegal, \$11.75 per hour
- d) Donald Allender, \$13.00 per hour

Morreale MOVED for approval. Seconded by Geiben and carried 4-0.

INTERNSHIP AGREEMENT W/NCCC:

Geiben MOVED, with pleasure, the Internship Agreement with Niagara County Community College to involve students in the video recording of Town meetings and making them available on the internet. Seconded by Jacoby and carried 4-0.

WHEREAS, the Town wishes to establish a mechanism for the video recording of Town Board meetings and making them available over the internet, and

WHEREAS, NCCC is willing to establish an internship at the college that will involve NCCC students video recording Town meetings and making them available on the internet,

NOW, THEREFORE, the parties do hereby agree as follows:

SECTION 1. TOWN'S RESPONSIBILITIES

1.1 The Town will purchase equipment necessary for video recording Town meetings, including cameras, hardware, software, and such other items as shall be determined to be necessary in consultation with NCCC faculty/staff. Such purchase will include equipment necessary for training/education to be conducted by NCCC to prepare students as part of their internship and back-up equipment as needed. The Town will also be responsible for maintaining and/or replacing

equipment as needed. However, the maximum amount to be expended by the Town for provision, maintenance, and replacement of equipment shall not exceed \$9,210.00, the amount allocated from its Cable Franchise Agreement.

1.2 The Town will give reasonable access to NCCC interns and faculty/staff to Town facilities to effectuate the purposes of this Agreement.

1.3 The Town will designate a liaison/contact person for the purpose of coordination of the activities contemplated by this Agreement.

SECTION 2. NCCC'S RESPONSIBILITIES

2.1 NCCC shall be responsible for all aspects of the internship program, including technical aspects of recording Town meetings, editing, and making recordings available on the internet. NCCC shall endeavor to ensure that all regularly scheduled Town Board meetings and Work-Sessions are recorded and posted on the internet, as well as additional meetings to the extent practicable.

2.2 NCCC shall be responsible for the instruction and supervision of interns/students. Interns/students shall at all times conduct themselves in a professional and courteous manner when present at Town facilities. The Town reserves the right to require that NCCC remove or replace interns/students who do not so conduct themselves.

2.3 NCCC shall be responsible for the safekeeping and reasonable care of any equipment purchased by the Town that needs to be kept at NCCC or otherwise removed from Town property to effectuate the purposes of this Agreement. NCCC shall keep a record of all such equipment and document who is in possession of Town equipment at all times. Upon the termination of this Agreement NCCC shall return all Town equipment to the Town.

2.4 NCCC shall designate a faculty/staff member as the contact person for the purpose of coordination of the activities contemplated by this Agreement.

SECTION 3. Term. The term of this Agreement shall be ongoing. Either party may terminate this Agreement by giving the other 30 days written notice. Written notice may be made by personal delivery or United States mail to the following:

If to the Town: Town of Lewiston
Attention: Town Supervisor
1375 Ridge Road
P.O. Box 330
Lewiston, NY 14092

If to NCCC:

SECTION 4. INDEMNIFICATION

4.1 NCCC agrees to defend and indemnify the Town of Lewiston, its officers, agents and employees, and shall hold them harmless from any and all risks of every kind, nature and description, including reasonable attorney's fees, resulting from the negligent or willful conduct or omission of NCCC's interns, students, faculty, staff, or agents arising under this Agreement.

The Town agrees to defend and indemnify NCCC, its officers, agents and employees, and shall hold them harmless from any and all risks of every kind, nature and description, including reasonable attorney's fees, resulting from the negligent or willful conduct or omission of the Town's officers, employees, or agents arising under this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered by their proper and duly authorized officers as of the day and year first above written.

USDA PROPERTY ACCESS REQUEST:

T. Seaman said this is a request for the USDA to enter certain properties in the Town to trap for an invasive species that affects Cherry Trees. He reviewed the document and it meets with his approval.

Morreale said he is concerned with the pesticides being used. One pesticide, Warrior II, "is extremely toxic to fish and aquatic organisms and toxic to wildlife. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area."

Seaman said that is something they did not look into in terms of approval.

Jacoby said he would like to table this until they get some answers regarding the pesticides.

Previte recalls a representative from the USDA making a presentation to last year regarding this.

Morreale said he would reach out to the USDA. Jacoby said he would bring this to the attention of the Environmental Commission, as well.

RE-ESTABLISH TOWN HALL RENOVATION COMMITTEE:

Geiben proposed re-establishing a Town Hall Renovation Committee consisting of Town Clerk, Donna Garfinkel; Town Engineer, Bob Lannon; Fire Inspector Patrick Martin; Building Inspector, Tim Masters; Councilman Bill Geiben; and Dep. Sup. Bill Conrad.

Geiben MOVED to establish an ad-hoc committee that serves the pleasure of the Town Board with no additional compensation. Seconded by Jacoby and carried 4-0.

Lastly, Dashineau reported that a resident had damage to his roof and gutters due to an ash tree dropping on his home on Raymond Drive. The resident, Mr. Daggett, has been in contact with Angry Beaver Tree Service. He submitted a letter to the Town Board with an estimate of damages in the event he gets no satisfaction from the tree company. Dashineau said if the issue isn't resolved, they will withhold payment to Angry Beaver.

WATERFRONT PARK: Lannon had nothing to report.

STATEMENTS BY RESIDENTS:

Steve Lyle, asked if anyone would have any interest on co-locating on the County's tower? Jacoby said they have talked about this and said it would hurt the tower's capabilities.

Lyle then asked about the comfort station. Are we going to put up a sign at some point? Trane said the Greenway Commission is involved in this and they would have final approval to what is done there.

Paulette Glasgow asked if the tower is going to be placed at the Highway Garage. She was told it was. Glasgow then asked what the purpose was for the tower on Upper Mountain Road. Isn't that for fire and police coverage?

Previte said that tower doesn't affect anything below the Escarpment. That is a County engineered program as far as placement of the tower. There are gaps in it. They are trying to address them one at a time. He didn't know if the County would need another tower elsewhere; but this tower would resolve the Town's issues.

Glasgow asked if the Town would receive rent from the County. Conrad said that is being discussed. It hasn't been determined yet.

Previte said the County would provide the Town with equipment. We are receiving a benefit from them in that respect.

Bax MOVED to adjourn. Seconded by Morreale and carried 4-0.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk