

PRESENT: Supervisor Broderick; Councilmembers Bax; Geiben; Jacoby and Morreale; Attorney Parisi; Engineer Lannon; Highway Supt. Trane; Finance Director Jackie Agnello; Martha Blazick; WWTP Chief Opt. Ritter; Deputy Water Foreman Zahno; Police Chief Previte; Grant Writer Rotella; 1 Press; 15 Residents and Clerk Donna Garfinkel

EXCUSED: Deputy Supervisor Conrad

Supervisor opened the meeting with the Pledge to the Flag followed by a moment of silent reflection.

Clerk read Legal Ad into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 27th day of August, 2018 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, NY, pursuant to the Code of the Town of Lewiston §§ 360-218, 360-221 and 360-132 regarding an application for a Special Use Permit and Site Plan Review of a proposed Utility Scale Solar Energy System located at 1897 Swann Road.

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

Supervisor asked if anyone wished to speak.

Slye, Susan – Swann Road – As a neighbor of Mr. Masters, Slye has a lot of questions. This is the first time she has heard about the solar farm being placed on this property. It is not a solar panel or two. There will be noise and traffic. Slye has several concerns regarding the placement of this.

Slye questions the permitting process. Masters is the Building Inspector for the Town; will he be the one approving the permits?

Broderick said Masters has recused himself from this matter. That is why he is not in the room. He will have nothing to do with the approval, as a Town of Lewiston employee. Slye sees this as a conflict of interest. Town employees are not to profit from these types of adventures.

Slye said this is the first one here, and there is nothing on the books, that she is aware of, that allows this.

Parisi said through-out last year; the Town went through the process of passing a Solar Law, with it being passed earlier this year. This is the Town's first application. There is a Solar Law on the books that allows for this type of project. In terms of the conflict of interest, the Town did identify and recognize there will a conflict of interest for Masters to have anything to do with the project. A letter was submitted by Masters stating he has interest in the project, and that he is recusing himself from anything having to do with the project, in order to alleviate the conflict. Chris McAuliffe from the Building Dept. will be handling all aspects of the project from the Building Dept. perspective.

Slye asked if the solar people have already presented their information and been approved. Parisi said that is the purpose of this Public Hearing. This has gone before the Planning Board and they recommended approval. It is ultimately the Town Board that makes the decision. This Hearing is required under Town Code. This is for neighbors, like Slye, to give opinions or ask questions of the company themselves.

Slye wanted to be on record that this is the first the neighbors are hearing about this, and would like more information.

Lindsey Macintyre – Project Developer – Borrego Solar spoke. Macintyre explained how the parcel was chosen. Borrego Solar targeted approximately 60 parcels across Niagara County, which are positioned near sub-stations. The reason this is important to Borrego is they are interconnected to the grid. There needs to be three-phase power at the site. This site has three-phase power and it is a larger site.

Once letters were out, calls were made and Borrego received about 10 responses. There are approximately 5 letters-of-intent. Borrego is moving forward with three projects within Niagara County, two of which are in Lewiston.

This is a 5.3 DC - Community Solar System. This is a new program for New York State. The community can get involved and their utility bills can be off-set by the solar facility. People get a subscription to receive 10% off their National Grid bill. This is an initiative by New York State to help lower household utility expenses. This makes solar accessible for those that can't necessarily afford to put it on their own roof. The solar is back-fitted into the grid, and off-set to 1,500 to 2,000 homes. This system will off-set about 10 million pounds of carbon per year.

As far as the construction time-line, there will be electricians, sub-contractors and workers for approximately 2 – 4 months, not all at once. There is an economic stimulant with this project; a lot of the sub-contractors are local.

Steve Long – Civil Engineer for the project addressed questions regarding the physical system. There are 13,608 stationary panels at 390 watts each. Each panel is about 3 x 6, and mounted on racks that hold 24 panels. It will be 4 panels high and 6 panels across. The racks are put into the soil by screws.

There is minimal noise. There is a transformer with string inverters. The equipment area is located well off the road and away from any residential properties. The level of sound from the transformer is 60 decibels. The string inverters produce approximately 55 decibels each.

The site is located 528 feet from the right-a-way and 100 feet from the east side property line. The parcel is 41 acres, with the solar farm being in the rear 16 ½ acres. There will be no grading or ground preparation. The screws go right into the ground. Once cleared, a low maintenance grass is planted.

Slye questioned since McAuliffe is handling the project for Masters, doesn't McAuliffe work for him? Broderick said they work together; he doesn't work directly for Masters. Slye asked if then there is no conflict of interest. Parisi said Masters has recued himself for the purposes of this project. Masters will have nothing to do with it from the Town's perspective.

Jacoby asked what the largest piece of equipment will be during construction. Long said a drill for the nails and a tractor, about the size of a farm tractor.

Jacoby asked if there is a bond. Long said the bond is part of the lease agreement with the property owner. Jacoby asked if there will a change to the topography. Long said the property is flat, nothing needs to be changed.

Nichols, Andrew – Ridge Road – Nichols is a fifth generation farmer on 250 acres. Nichols has nothing against solar. The Town has a local law for solar farms, but it sounds like the Town is giving a Special Use for this project in the RR District.

Parisi said it depends upon the district. The district that it is proposed for will determine the specifications, and the type of project will determine the specifications. A utility scale is allowed in a RR zone and Industrial Zone. The household system, either roof top or ground mounted are allowed in RR1 & RR2.

For a utility scale in a RR District, you would ask for a Special Use Permit. That is what this public hearing is for.

Nichols feels they have identified the Swann Road substation as a place of interest. Nichols has received 3 or 4 letters from solar companies interested in his open land. Special Use is allowed at Masters Property, and then the guy next store does the same, and so on. Then suddenly there is 200 acres of solar farms on Swann Road. No change was made to planning or zoning. The Town can just grant Special Use for these. Is this what the Town wants for Swann Road?

Macintyre said there is a limit on what the substation can accept. Most substations will only allow one maybe two of these systems. After that point it is anywhere from \$5 - \$7 million in upgrade costs for the substation. This makes any further development cost prohibited. Once the substation is at capacity, Borrego Solar will not put more on.

Nichols said that is fair enough, but this could be opening it up to creating a solar corridor in the long run. Nichols is a greenspace guy. He has looked at it himself. Nichols doesn't blame Masters for doing this. This is a view shed issue for Nichols.

Being a fruit farmer, Nichols has done research and the environmental effects of large field solar projects are still a little fuzzy.

Piva, James – Williams Road – Piva too, has concerns about the long term environment issues. Piva questioned Macintyre about a subscription. Macintyre said people will pay less for solar than what one pays for National Grid. An energy bill is still paid.

Duffy, Terry – Sentinel – This is an issue in several other Towns. Town of Cambria is considering an Article 10 scenario, which would potentially open the door for more of this. Would Borrego Solar be looking at that or is it the Town Board?

What is the life expediency of these? How are they secured to the ground? Long said they are drilled in with a screw that is about 7 to 8 feet long.

Duffy asked about the reflectivity and the closeness to the Air Base. Long said a glare analysis had been submitted, showing there is no effect from this site.

What is the life expectancy of the panels? There is a 25-year production guarantee. They would then degrade. The lease is for 25-years, when that time is up the panels are removed.

Geiben asked if all goes well for the 25-years; Borrego would then renegotiate a lease and then come back to the Town? Macintyre said yes. If the equipment was to be replaced a new permit would need to be submitted.

Geiben said what if this is not a successful project, due to conditions outside of Borrego's realm, at what point would panels be started to be removed?

Parisi said the code requires a de-commissioning bond to be in place during the life of the project. A decommission plan needs to be submitted every several years during the life of the project. If the project is not used for one-year, it is considered done and needs to be removed. If Borrego is not able to remove, the bond is used.

Macintyre said Borrego is in business to produce power, so if the system is not generating electricity, the panels are under manufacturer warranty, so they would be replaced.

Sanoian, Cynthia – Swann Road – Sanoian asked how the residents get to object. Broderick said that is what the public hearing is for. Sanoian said this will forever change the landscape. It will depreciate property values. Sanoian doesn't want it. Sanoian has lived there for 27 years and Masters moved in a couple years ago. Do it somewhere else.

Minarcin, Maria – Swann Road – Minarcin has lived here for 18 years and does not want it.

Costrino, Nicholas – Adams Circle – Costrino asked about truck traffic. There will be a lot of trucks delivering panels. Macintyre said once the system is up, maintenance is minimal. It is monitored remotely.

Sanoian asked about an access road. Mark Kenworth, Engineer said the access road is on the west side of the property. It will be a 20-foot wide gravel driveway.

Slye asked if Borrego Solar could supply references. Macintyre gave her business card to Slye. Broderick said the Public Hearing will stay open and continue on September 10, 2018 at 6 pm.

REGULAR TOWN BOARD MEETING - August 27, 2018 - 6:00 pm

PRESENT: Supervisor Broderick; Councilmembers Bax; Geiben; Jacoby and Morreale; Attorney Parisi; Engineer Lannon; Building Inspector Masters; Highway Supt. Trane; Finance Director Jackie Agnello; Martha Blazick; WWTP Chief Opt. Ritter; Deputy Water Foreman Zahno; Police Chief Previte; Grant Writer Rotella; 1 Press; 15 Residents and Clerk Donna Garfinkel

EXCUSED: Deputy Supervisor Conrad

AGENDA APPROVAL

Agenda Additions: Parisi – Resolution to set fees; police vehicle insurance; USDA fruit fly; Assessment challenges. Morreale – NYPA update; Jacoby – Historic Preservation Committee.

Geiben MOVED to approve the agenda as amended, Seconded by Jacoby and Carried 5 – 0.

UTILITY SCALE SOLAR ENERGY SYSTEM – DECISION – Continue on September 10, 2018

RESIDENTS STATEMENTS

Lyle, Steve – Lower River Road – Lyle thanked Trane for fixing Pletcher Road. Lyle said no one knows about the bathroom located across from the Senior Center. There is no sign. Broderick is working with the Land Conservancy. They are putting a sign up and the Town doesn't want two signs for the same thing.

DEPARTMENT HEAD STATEMENTS

Police Chief Previte – A Town Police vehicle was totaled at the beginning of the year. The value the insurance company gave for the vehicle and the equipment is adequate and fair.

Bax MOVED to approve the acceptance of the insurance settlement for the damaged 2013 Chevy Tahoe, Seconded by Jacoby and Carried 5 – 0.

Bax MOVED to authorize the Supervisor to sign necessary paperwork to accept payment for the damage of the 2013 Chevy Tahoe, Seconded by Jacoby and Carried 5 – 0.

The Jazz Festival went very well, other than the parking. Many tickets issued.

The Police Department has a surprise for those who attend the Peach Festival Parade.

On September 9, 2018 the Budweiser Clydesdales will parade around the Village.

Highway Superintendent Trane - Sign request - Wheelchair Dependent sign request for Powell Lane. Trane would like this forwarded to the Signage Committee.

Bax MOVED to refer the sign request to the Signage Committee, Seconded by Jacoby and Carried 5 – 0.

Speed limit set – Legacy Drive. Trane will post the speed.

Grant Writer Rotella – Rotella is working on a project for a Co-Generator and applying for additional equipment for the WPCC.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve the Regular Town Board Meeting – July 23, 2018, as printed, Seconded by Morreale and Carried 5 – 0.

AUDIT PAYMENT Councilman Morreale

REGULAR TOWN BOARD MEETING - August 27, 2018 - 6:00 pm

Morreale MOVED to approve the Regular Abstract, dated August 13, 2018, of Claims numbered 2246 to 2486, and recommend payment in the amount of \$267,683.10, plus a Post-Audit of \$12,417.09, Seconded by Bax and Carried 5 – 0.

Morreale MOVED to approve the Regular Abstract, dated August 27, 2018, of Claims numbered 2487 to 2650, and recommend payment in the amount of \$294,386.00, plus a Post-Audit of \$19,450.84, Seconded by Bax and Carried 5 – 0.

Bax asks for abstract approval for vouchers pertaining to the Waterline Project. Bax said Morreale did not vote in favor of it, he didn't feel comfortable voting for the approval of the expenses associated with the project.

Bax MOVED to approve the Regular Abstract of Claims for GHD Consulting Services, Inc., numbered 2505 to 2597, and recommend payment in the amount of \$442,022.75, Seconded by Geiben and Carried 3 – 2. (No – Jacoby & Morreale)

OLD BUSINESS

Board/Commission Vacancies (Cable-1; Board of Ethics-1) Geiben is waiting for an application to be submitted for the Board of Ethics.

Change Order – Ash Tree Removal – Parisi believes the contractor has not submitted an estimate as of yet. Item to be removed from the Agenda until a proposal is received.

Street Light request – Vista North Subdivision - this will be addressed when the Town moves forward with the replacement of street lights

PENDING Dog Shelter – Clerk Garfinkel suggested this be removed. If it needs to be discussed it can be resubmitted.

NEW BUSINESS Residents / Public Correspondence – Addressed

SUPERVISOR BRODERICK

Highway Employee – request additional hours. Superintendent Trane submitted a request for Christopher Winstel. As per the Collective Bargaining Agreement Section 8.3 – Sick Leave, 8.3.2, Winstel is requesting an additional 160 hours, at half pay, after all vacation and personal days have been used.

Broderick MOVED to approve the additional 160 hours at half pay of sick leave, Seconded by Geiben

Geiben said this is with the assumption the employee is returning. Trane said he is returning. The injury was done off the job.

Carried 5 – 0.

Court office window – In January of 2018, the Justice Court received a grant, in the amount of \$22,315.82, to make the transaction window more secure and handicap accessible.

Masters contacted and solicited bids from Mikelly Construction, Malfa Construction, Elite Construction, Swogier Construction and Boltz Contracting. Two (2) written quotes were received back. Boltz Contracting emailed they were not interested in bidding.

Masters said he has done his due diligence, and met the spirit of the procurement policy for three required bids. Masters recommendation is to award this to Swogier Construction. They have insurance on file; a statement has been received stating they are paying prevailing wages.

Parisi wants the record to be clear. Masters tried to contact each of these companies, sent specs, followed up with phone calls and e-mails. There should be a procurement file that is

documented with these actions. Parisi believes Masters has met the intent of the procurement policy.

Parisi believes the procurement policy, for the most part in regards to the numbers, is good, but does want to add clarification of what should be done in these situations.

Parisi agrees with Masters, and feels he has gone above and beyond what is necessary in order to attempt to secure the third estimate.

Broderick MOVED to accept the contract, for the Court office window, from Swogier Construction Inc. in the amount of \$19,475.00, Seconded by Geiben and Carried 5 – 0.

Masters noted the Justice Court Grant only requires one (1) bid. When the grant was acquired, the grant was based on the one bid received from Mikelly. When going with the procurement policy it took a lot of time. Masters hopes the grant and procurement policy can be meshed.

Blazick has spoken to the Association of Towns and the process followed is consistent with their recommendation.

Addition to Lewiston #2 Roster

Broderick MOVED to add Matthews, Nolan – Tuscarora Road, to the Lewiston #2 Fire Company roster, Seconded by Geiben and Carried 5 – 0.

Legal

Adoption of Local Law #4 – Removal of Fees Code Book - A Local Law Amending the Code of the Town of Lewiston to Remove Fees and Allow the Town Board of the Town of Lewiston to Set Town Fees by Resolution.

Geiben MOVED to approve Local Law #4 – Removal of Fees Code Book, as printed, Seconded by Morreale and Carried 5 – 0.

A companion resolution submitted, which sets the fees that were removed, needs to be approved.

Bax MOVED the following Town Resolution - Setting Fee Rates For The Town of Lewiston

WHEREAS, the Town of Lewiston passed a local law entitled, “A Local Law Amending the Code of the Town of Lewiston to Remove Fees and Allow the Town Board of the Town of Lewiston to Set Town Fees by Resolution.”

AND WHEREAS, the Town of Lewiston is empowered to set and change fees by resolution

NOW THEREFORE BE IT RESOLVED, the following fees for the town of Lewiston are hereby set at:

Public Improvement	§ 1-11(B)(1)	\$100
Permits:		
False Alarm Fees:	§ 95-5(B)	<u>Police Department response:</u> First false alarm response: no charge; Second false alarm response: \$25 Third and over false alarm response: \$50 for each. <u>Fire Department Response:</u> First false alarm response: no charge; Second false alarm response: \$50; Third and over false alarm responses \$100 for each.
Animal Fees:	§ 102-7(C)	For the first impoundment of any dog owned by that person: \$25 redemption fee and \$50 for each 24 hours or part thereof. For the second impoundment of any dog owned by that person: \$50 redemption fee

Camping Grounds and Park Fee:	§ 123-5(A)	and \$50 for each 24 hours or part thereof. For the third and subsequent impoundments of any dog owned by that person: \$100 redemption fee and \$50 for each 24 hours or part thereof.
Stormwater Management Fees:	§ 143-9(D)(1)	\$500, plus \$10 for each unit site for the initial application. \$250 annual inspection fee.
	§ 143-9(D)(2)	\$100 filing fee plus: \$500 for plans covering 1-3 acres; \$1,000 for plans covering 3-5 acres; \$1,250 for plans covering 5-10 acres; \$1,500 plus \$100 per acres over 10 acres for plans covering more than 10 acres.
Excavations Permit Fees:	§ 150-5(H)	\$500
	§ 150-12(A)(1)	\$5,200
		For excavations up to 50 acres: \$5000, plus \$200 per acre
		For excavations over 50 acres: \$10,000, plus \$100 per acre
	§ 150-12(B)(1)	\$1 per cubic yard
Flammable Materials Permit Fee:	§ 169-5	\$100 for each tank containing less than 25,000 gallons, \$200 for any tank containing more than 25,000 gallons
Floodplain Development Permit Fee:	§ 175-11(B)	Application fee: \$250
Public Information Bureau License Fees:	§ 202-2	\$100 per annum or any part thereof
	§ 202-4	\$10 per annum or any part thereof
Junkyard License Fee:	§ 209-6(A)	\$500
Mobile Home Fee:	§ 223-4(A)	\$500, plus \$10 for each unit site in the proposed or existing mobile home park
Peddling and Soliciting License Fee:	§ 250-5(A)	\$100
Sewer Fees:	§ 270-7(S)(1)(a)	One-family access fee: \$200 Two-family access fee: \$300 Inspection fee: \$300
	§ 270-7(S)(1)(b)	\$105 plus \$2.90 per \$1,000 of assessed valuation charge adjusted to the Town of Lewiston values by the equalization rate, plus \$50 service (for additional bookkeeping).
Waste Disposal Permit Application Fee:	§ 293-8(H)	\$5,000
Minor Subdivision Application Fee:	§ 306-4(C)(1)	\$150 per lot
Final Plat Approval Application Fee:	§ 306-4(E)(3)(a)	Minor Subdivisions: \$400 plus \$100 per lot over two (2) lots. Major Subdivisions without Public Improvements: \$750 plus \$100 per lot over four (4) lots. Major Subdivision with Public Improvements: \$1000 plus \$100 per lot over four (4) lots.
Subdivision Parks and Recreation Dedication Fee:	§ 306-5(F)	\$500 per dwelling unit
Subdivision Public Improvement Permit Fee:	§ 306-6(J)(3)(b)(1)	\$250
Communication Tower Application Fees:	§ 320-4(A)(1)(a)	Basic application fee: \$2,500 Annual renewal fee: \$1,000 Application fee for any collocation: \$500 Annual renewal fee for any collocation:

		\$1,000
	§ 320-4(A)(1)(b)(1)	\$5 for each additional foot of height
	§ 320-4(A)(1)(b)(2)	\$5 for each additional foot of height
Weeds, Grass and Plants Fee:	§ 346-5(A)	\$100
Wind Energy Conversion Application Fees:	§ 352-5(A)(3)	\$35 per kilowatt of generating capacity
	§ 352-22(B)	\$300 per megawatt of generating capacity
Solar Fees:	§ 360-221(G)(1)	Application fee: \$5,000 Annual fee: \$500
Water Department Fees:	§ A367-2	\$70
	§ A367-54	\$70

And be it further **RESOLVED**, that said fees shall become effective upon the effective date of the Local Law entitled “A Local Law Amending the Code of the Town of Lewiston to Remove Fees and Allow the Town Board of the Town of Lewiston to Set Town Fees by Resolution.”

Seconded by Morreale and Carried 5 – 0.

The European Cherry Fruit Fly has been found for the first time ever in the United States, in the Niagara River Corridor. The USDA is taking steps to control the population and spread. They have identified the fly on Town property.

The USDA is putting out a very mild, in their description, pesticide to control the population. They are requesting permission from the Town to access Town property to spread the materials. The documentation states it will be applied using an ATV. Parisi said it is considered a reduce risk insecticide. It contains the active ingredient spinasad. It will be applied every 6–10 days for 8-10 weeks.

Bax MOVED to authorize the Supervisor to sign the pretreatment notice, Seconded by Jacoby and Carried 5 – 0.

The Town has been served with six (6) Assessment Challenges. Three (3) from prior years, Legacy Apt., Ridgeview and Historical Square and three (3) new residential properties. In the past the Board has retained Seaman Norris, pursuant to the terms of their retainer agreement, to handle this. Parisi has prepared the answers and will submit to the court tomorrow. Parisi said it is up to the Board if they wish to retain Seaman Norris.

Geiben questioned that he thought there was an agreement in place, with Legacy Apt., that there would be no more requests for three (3) years. Parisi said yes and no. Parisi believes this is a different plot but part of the same property, so it was not included.

Geiben MOVED to retain Seaman Norris as attorney in the assessment challenges, Seconded by Morreale and Carried 5 – 0.

Engineering

Saunders Settlement Road Sewer addition – Two (2) bids were received and opened August 22, 2018: Mar-Wal Construction Co. Inc. - \$113,978 and Pinto Construction Services, Inc. - \$130,090.

GHD recommends awarding the project to Mar-Wal Construction Co. Inc. in the amount of \$113,978, subject to available funding.

Morreale MOVED to accept Mar-Wal Construction Co.’s bid in the amount of \$113,978, Seconded by Jacoby and Carried 5 – 0.

Broderick said \$50,000 in funding will come from Senator Ortt and the remaining \$63,978.00 from H-97.

REGULAR TOWN BOARD MEETING - August 27, 2018 - 6:00 pm

Broderick said the original \$100,000 estimate for the project, was if the Town Sewer Dept. did the work, but it is not. The bids came in approximately \$13,000 higher; due to that.

Finance - Budget Adjustments - Agnello requests the Board approve two budget revisions.

1.) Revenues collected for SWPPP reviews, to cover the expenses associated with performing the reviews. There has been more than expected, so the Board needs to move some of the revenue to cover the expenses.

Geiben MOVED to increase revenue – B00-8140-0400-0100, and increase expense – B00-1000-2660-0100, by \$5,000, Seconded by Morreale and Carried 5 – 0.

2.) Revenues collected for delinquent lawn maintenance to cover the associated expensed for maintaining the lawns.

Geiben MOVED to increase revenue – B00-3620-0401-0000, and increase expense – B00-1000-2560-0000, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN BAX

Sewer Refund Request - Heuck – Annover Road

Bax MOVED to approve the sewer fee refund, in the amount of \$121.00 for Heuck – 5437 Annover Road, Seconded by Geiben and Carried 5 – 0.

Ditch / Pipe request – Adams Circle

Costrino, Nicholas addressed the Board. There is a large ditch behind Costrino's home and two other properties. Trane and Masters have been to the property. It was suggested a letter be sent to the Board explaining the circumstance.

Costrino's concerns are: he maintained it the first time, expenses for mosquito dunks, quality of life, smells often and they're not allow to enjoy his backyard. The next door neighbor has filled in the ditch; therefore it stops.

Geiben asked if there is an easement. Trane said an easement does not matter, and means nothing. In 2011 the State Comptroller said that rear-yard drainage is not the Towns. Property owners can do anything they want there except fill it in. It can be piped, cleaned out, maintain it or let it go. It is the property owner's responsibility. All an easement means, is the Town has the right to do it. That is fine; everybody will give the Town the right to do their work.

Parisi said in 2011 the Town was scrutinized in a report by the Office of the State Comptroller concerning doing work on private property by the Highway Dept. In fact this exact issue of cleaning ditches on private property. The Town got in trouble for doing this, because the Town is not suppose to provide a private benefit to an individual owner.

There are decisions from the Comptroller, one reading – A Town may not expend funds to clean a clogged privately owned drainage pipe which is situated on private property, if the expenditure would benefit the residents of one street.

Bax understood in 2011 there was an exception in the circumstances, there was a larger public benefit to the repair.

Parisi said if there is a larger public benefit, if that part of the ditch is part of a wider, town-wide system, there is a basis for doing it, it can be done. Even if it helps an entire road, that is not enough, it has to be for the public good in general.

Trane found out he can't even sell pipe to homeowners.

This ditch goes into the 12-mile Creek tributary, which is also clogged.

REGULAR TOWN BOARD MEETING - August 27, 2018 - 6:00 pm

Broderick asked Parisi his opinion. Parisi feels at this time he has not heard enough to indicate that it is a public necessity, or the Town has to do this for the good of the entire Town drainage system, so Parisi does not recommend the Board approve any work.

Trane feels the rear-yard drainage is an issue the Town should not address.

Corrella (another neighbor) said his deed says he doesn't own the property, but the Town is telling him he does. Another neighbor's deed, done in 2009, shows him owning the creek.

Parisi would recommend the Board take no action. If the Town Board wants to direct the Town Engineer to look at, and determine if this is a necessity to the Town that is up to the Board.

Lannon to look into this and report back at the Work Session.

Police Canine Update – Previte said Police Canine Taser was wincing while getting in and out of the Police vehicle on a call. Taser was taken to a Veterinarian to be checked, and was diagnosed with Perils hyperopic miopathy. He is losing some strength in his tendon in his back leg.

He will have to be taken out of service as a service dog. It is not fatal; he can still be a pet. Taser will retire in a couple of months.

Twenty years ago Previte was not sold on the feasibility of or the necessity of a canine, because of not seeing one properly trained. Taser would have 4 to 5 more years, but that has been cut short. In the meantime he has been absolutely essential in schools, tracking people and at the border.

Previte has been able to secure funding through Homeland Security. They have given the Town a commitment, not to exceed \$10,000 for the purchase and training of a canine. The Town pays for the dog upfront, and the expense for the training. The paperwork is submitted to Homeland and they reimburse the Town. Parisi asked if an agreement is in place. Previte received a letter from Homeland Security that they pledged to reimburse the Town for a canine up to \$10, 000.

The new canine should be received in enough time that Taser can train. The dogs do learn from each other. Upon Taser's retirement, with Town Board approval, he will be given to his current handler, Officer Stafford, and the Town would be relieved of all responsibility.

Parisi's concern, from the Town's perspective, is the Town purchases the dog, and they say no. Previte said it is already approved. Previte will forward the letter to the Board and Parisi.

Taser was paid for by the Niagara County Drug Tasks Force by the same means.

Agnello to look into where the money will come from for the initial expenditure.

Bax MOVED, subject to Finance Officer giving the budget code, to approve the purchase of a new canine officer and training, not to exceed \$10,000, Seconded by Jacoby and Carried 5 – 0.

Auctions International bid approval -WPCC

A 1999 Chevrolet Van was sold through Auctions International. Ritter requests approval of the price.

Bax MOVED to approve the bid price of \$500 for the 1999 Chevrolet Van, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN

Bi-Centennial Committee update – The Committee has been meeting. The Town will receive a letter from the Committee asking the Board to charge the Committee with the celebrations, and to declare the year as the Bi-Centennial.

REGULAR TOWN BOARD MEETING - August 27, 2018 - 6:00 pm

Jacoby, Geiben and Garfinkel attended the last meeting. Geiben is an ex-officio member and Garfinkel was nominated Secretary.

COUNCILMAN JACOBY

Appointment of Town Historian – Jacoby would like to appoint Marjory Maggard. Maggard is very dedicated to the history of the Town of Lewiston. She never comes and says “you know you should do this”, she will come to you and say “Well, I’m going to go do that”. Maggard is dedicated and her heart is in it.

Jacoby MOVED to appoint Marjory Maggard as Town Historian, Seconded by Morreale and Carried 5 – 0.

Work is being done on the Historic Preservation Commission Regulations. Parisi said Maggard and the current Historic Preservation Commission wrote it. Parisi has read it and forwarded to State Office of Recreation and Parks.

Jacoby said the purpose of passing these regulations, is to make the Town eligible for grants. The regulation needs to be written in such a way that the Commission would have the authority to go to a resident’s home and tell them it’s historical. This will put restrictions on their property and the Board and Commission are not comfortable with that.

The Town Board has the final say, so if the Commission did designate property historic, the Board can or can not agree.

Broderick feels the problem isn’t today, Maggard and the Town Board aren’t going to think that way, but in 10 or 20 years, it could be a different story. The Board needs to be careful in how much authority is given to a Commission. The Board is very careful with homeowner’s rights.

The Regulations distributed are the same as the Village of Lewiston, Lockport and Niagara Falls. Maggard said the inside of the home is not included.

COUNCILMAN MORREALE

One Lot subdivision approval – Upper Mountain Road – SBL# 102.18-1-31

Morreale MOVED to accept the Planning Board’s approval for a one-lot subdivision at 1023 Upper Mountain Road – SBL# 102.18-1-31, Seconded by Geiben and Carried 5 – 0.

Morreale MOVED to accept the Environmental Commission’s Negative Declaration for a one-lot subdivision at 1023 Upper Mountain Road – SBL# 102.18-1-31, Seconded by Geiben and Carried 5 – 0.

Liaison Report – Morreale, Broderick and Masters have met with NYPA representative in regards to replacing over 600 streetlights in the Town. The Town will own the arm and bulb, but not the pole. The lights will be LED. The savings will be quite substantial. They are offering a low-interest rate to finance the project. The Town is waiting on paperwork for the Supervisor to sign and move forward.

RESIDENTS STATEMENTS

Warren, Rosemary – Griffin Street – In the Buffalo News it stated the Comptroller’s office audited the school district and found they had too big of a fund balance. This could be true in all levels of government. What the different departments do is deflate expenses and reduce revenue.

Warren will write the Comptroller and thank him for doing this. She will tell him to start looking at different levels of government.

Government is going to hide money when it is in contract negotiations. Where are you going to hide that money? In utilities and fuel.

REGULAR TOWN BOARD MEETING - August 27, 2018 - 6:00 pm

Gormley, Tobin – Swann Road – Gormley's family moved here in 1970 and built their home on Swann Road in 1995. Gormley was just in Virginia and found it to be a lot like upstate New York. . Before leaving there was a rumor about a solar panel farm going up, but not sure where.

While in Virginia every now and then Gormley would come across a solar farm. When eyeing in on the panel farms Gormley must say every property that he saw, every home was a little dilapidated, not million dollar homes, and not in beautiful communities. He saw farmers and residences that obviously needed the money.

When returning home, Gormley's wife gave him a copy of the Buffalo News. The photo of the proposed solar farm property was taken directly above his property. Masters has been good to Gormley, they have always gotten along. Gormley finds it odd that Masters never mentioned anything to him; he is directly across the street.

About 12 neighbors were sent the letter, but Gormley is curious as to why more people weren't notified. This impacts everybody in the community. This is upsetting to Gormley and once again it is in his backyard.

Gormley does not believe any Board member, wanting to build a new house, would say "there is a solar farm going up, let's build there". Property value will go down, it will not go up.

Masters property value, besides from the income he will reap from this, will go down.

It's green, it's solar, and its great until it is in your backyard. No one is happy about this.

Masters will benefit, the utility company will benefit, the Town will benefit in the form of taxes. Who loses? The neighbors, and there has to be balance.

Gormley was thinking "when is the property value reassessment program beginning for the neighbors". It should take place. When Gormley was building his home, and 50 % done, the Town was there saying you are now going to start paying taxes. Gormley would argue his property value went down the moment this was announced.

The Board holds the key to this and Gormley doesn't want this. Gormley doesn't blame Masters for doing this.

The neighbors don't want this; they don't want to see it. If Gormley didn't see it or hear it he wouldn't have a problem with it.

Gormley stands before the Board tonight and ask "the code is the code, if they made it, it's going to happen, and there is nothing we can do. The property and the home I built to get away from all the crap in Niagara County, goes down".

Gormley will be here at the next meeting to follow through, all though he feels it is going to happen anyway. When construction begins he won't have a smile on his face, nor will he every time he looks out his front window.

Geiben MOVED to adjourn the meeting, Seconded by Bax and Carried 5 – 0. (8:10 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk