

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Finance Officer Blazick; Attorneys Parisi & Catalano; Engineer Lannon; Building Inspector Masters; Highway Superintendent Trane; Recreation Director Dashineau; Water Maintenance Townsend; Grant Writer Rotella; 2 Press; 22 Residents and Clerk Donna Garfinkel

EXCUSED: Deputy Supervisor Conrad and Chief Previte

The Supervisor opened the meeting followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA APPROVAL – Additions: Bax – 2014 Water Issue and Court Staff; Ceretto – Blood Drive; Supervisor Broderick – Water Dept. and Fire Hydrants; Parisi – Excess Millings.

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

RESIDENTS STATEMENTS

Warren, Rosemary – Griffin Street – Warren complimented Trane on his help in getting her to her car during a storm after the last board meeting.

Venuto, Dan – Paddock Lane – Spoke regarding preliminary site approval for the Rubino Brother's project. Broderick said it is on the agenda to set a public hearing. Venuto said they will be building along Saddlewood Drive, down Bronson Drive and then behind James Drive. There are no residents happy about this.

In Saddlewood, Don Smith owns the property behind, and if given the approval he will sell it to the Rubino Brothers. At the last four town houses on Carriage Lane, the lot line goes right to the end of the resident's deck. Smith somehow got approval to do that. He owns the land, but before he sells it he should be responsible to give the Association at least 15 feet behind the deck, which is Town Code. Broderick said the Board is aware of this and are addressing it.

Venuto said the drainage is horrible, and distributed photos taken this Spring.

They also want to put a road right down the middle of the Saddlewood Development, t-boning right into Paddock Lane, in front of the townhouse. Residents that paid \$300,000 for a home on Carriage Lane will have a backyard in front of their house and a backyard in the back. This is not fair.

Before the Board passes anything, Venuto encourages the Board to look hard at this. There will be a new road, with 91 patio homes.

Nashwinter, Patricia – The Circle – With regards to the project proposed to be passed in the escarpment area; Nashwinter is asking the Board to not approve it. This will directly impact the quality of life of the area, the traffic, and a burden on the infrastructure. Residents feel that the Rubino brothers are trying to “dumb us down”.

The original project is calling for 144 homes, with existing homes. They have taken away a major part of the area because it has been proposed a wetland. The project is in an extreme dense area with many homes in a small area.

DEPARTMENT HEAD STATEMENTS

Grant Writer Rotella – Rotella meet with Morreale to discuss departmental needs. Today a multi-module project had been submitted for the Highway Dept. This is the pre-application so this will move forward.

Rotella met with Masters to discuss the NY State Archives, regarding software to take photos. He will then be able to transfer them into the current program. This is 100% funded.

Submission will be made to NYS Certa – regarding the charging station for the electric cars.

The Engineer will review the hydrant and large truck submission. There is a meeting scheduled for tomorrow regarding the police building. Morreale and Rotella will be meeting with Recreation and Parks along with the WWTP. There is a heat and power grant for the plant.

Rotella will submit the September reports for Greenway. The Lewiston Pathway final design was approved by the Supervisor a couple weeks ago. It is planned for a Spring – 2018 start date.

JCAP grant is due October 15, and the attorneys are working on getting this resolved.

Bax asked Rotella about the current bid for the court room. Only one individual responded to the bids. There is miss-communication as to the expiration to these funds. Bax has two concerns: if these dollars are not used, does it go back and if not used the Town can't apply for the third round. Rotella said, historically, anytime a capital improvement project that exceeded the amount of money the Town is awarded, it would be encumbered over a couple of years.

The State wants the Town to use it. If the Town commits to a vendor for the current grants, yes the Town can apply for another round of funding. If the Town doesn't act on this soon, the Town will have to give it back.

Bax said that Parisi responded, from a legal perspective, it would be much better to have three responses to the bid. Parisi said the Town would be in compliance with the law.

Morreale said the Town did everything necessary and still only got one BID. This could be bid out 20 times and only get one bid. Parisi said he would like to see it go out to bid 20 times. It has been sent to 6 people, and one response has been received. Garfinkel and Conrad followed up with these 6, and still have a single response.

Bax suggests a brief executive session to consult possible action. Bax doesn't want to see the \$28,500 go back. The Town has complied with everything and has been working a long time.

Morreale said the Board asked Garfinkel to make calls to these 6, and Morreale feels this is unethical, she is an elected official. Garfinkel spoke to three of the 6 bidders and they are not interested in submitting a bid. Parisi doesn't see any issues; Garfinkel is following up with those already sent the bid.

Geiben spoke to a contractor who said he is too busy.

Bax asked if there is not "a sole source" concept. Parisi said yes, but the State may question why the Town couldn't find more than one person to bid on dry walling; it will be questioned. A record needs to be created to show how we tried.

Bax asked if the Town gets a blessing from the State to accept the bid, is that okay? Rotella said as far as J-cap is concerned, it is what Town policy is.

Ceretto asked if the contractors can send a letter saying they are not interested. Parisi said that is what he is trying to do, create the record of how reasonable the Town tried.

Bax said if the Town contacts the Comptrollers' Office and they are advised of it and have no problem, the Town should be okay? Parisi said yes. Bax will contact the Comptroller's Office. Blazick said she will contact the Comptroller's office and the Association of Towns.

Geiben said the Town should not release the information from the one bid received. Garfinkel said the amount of the bid was announced at the last meeting.

Town Clerk Garfinkel

Dog Shelter – Garfinkel asked Lannon how far along he is with the design of the Shelter. Lannon is waiting for the site plan from John Sharpe.

Clerk read a letter submitted by the Assessor's office. Many residents come to Town Hall requesting a copy of their deed. They can receive this from the County Clerk's office at a cost of .65¢ per page with a minimum charge of \$1.30. The Assessor is capable of printing these, and is requesting to charge the same amount. The Town has a copy cost set at the Reorganization meeting of .25¢ per page.

Bax MOVED to charge .65¢/page with a minimum of \$1.30 for the cost of a property deed, Seconded by Geiben

Catalano asked if these fees are in the Town Code anywhere. Garfinkel said no. Catalano asked to table this.

Carried 5 – 0.

Geiben would like the Clerk to look into purchasing additional microphones.

The iron gas line pipe on the roof which takes gas to the air conditioner and heater is corroded and needs to be repaired. Garfinkel received three written quotes, per the Procurement Policy. Garfinkel is requesting the Board approve quotes from J.R. Swanson Plumbing Co. Inc. along with Murray Roofing to complete the roof repair.

Bax MOVED to approve J. R. Swanson Plumbing in the amount of \$667.00 for the repair of the corroded gas line, Seconded by Morreale and Carried 5 – 0.

Parisi said in regards to the roof fix, it's within the procurement amount and a department head approval.

Geiben MOVED to approve Murray Roofing in the amount of \$992, Seconded by Morreale and Carried 5 – 0.

Blazick said this can be paid under A6019-1400.0000.0000.

At the last Board meeting there was discussion regarding appointing Garfinkel to a Dog Control Position. Parisi researched this and forwarded the wording for the appointment to the Board.

Geiben MOVED to appoint Donna Garfinkel as Dog Control Officer for the purpose of assisting with the control of dogs and enforcement of Article 7 of the Agricultural and Markets Law, Seconded by Morreale and Carried 5 – 0.

Broderick thanked Garfinkel for stepping up above and beyond.

The Town Hall maintenance employee submitted his two week notice; Garfinkel posted the job for 10 days, interviewed 6 people and is asking the Board to confirm the appointment of John Aquino.

Geiben MOVED to confirm the appointment of John Aquino as the Town Hall Building Maintenance Person at the rate of \$14.49/hour, effective August 30, Seconded by Bax and Carried 5 – 0.

The Town received the necessary paperwork from the U.S. Census Bureau requesting the Town participate in the 2020 Census. At this time Garfinkel is asking the Board if they wish to participate.

Geiben requests tabling this for more research and discussion.

APPROVAL OF MEETING MINUTES – No minutes submitted

ABSTRACT APPROVAL – Ceretto

Ceretto MOVED to approve the Regular Abstract of claims numbered 2350 to 2483 and

**recommended payment in the amount of \$236,719.95, plus a Post Audit of \$11,512.95
Seconded by Morreale and Carried 5 – 0.**

OLD BUSINESS

Re-Zone application – Niagara University – Parisi is working on the local law and will distribute to the Town Board at least 10 days prior. Parisi requests a Public Hearing be held on September 25th.

Geiben MOVED to schedule a Public Hearing on the re-zoning application for Niagara University for September 25th at 6:00 pm, Seconded by Bax and Carried 5 – 0.

Niagara Bible Church – Bronson Drive – nothing to report

Historic Preservation Law Amend – Approval of Law. Catalano said the Town received the approval from the Niagara County Planning Board. There needs to be a continuance of the Public Hearing. This can be done at the Work Session on September 11th at 6:00 pm.

Electronic Message Display Sign – Approval of Law. Catalano said the Town received the approval from the Niagara County Planning Board. There needs to be a continuance of the Public Hearing. This can be done at the Work Session on September 11th at 6:10 pm.

Geiben MOVED to hold a continuation of the Public Hearing for the Historic Preservation Law and the Electronic Message Display Sign law on September 11th at 6:00 pm and 6:10 pm respectfully, Seconded by Bax and Carried 5 – 0.

Drainage Issue – Saunders Settlement Road. Trane and Christman went to the property and the homeowner is having an engineering firm come and look at. No action taken.

Video Recording Equipment – Geiben is working on bids.

Approval – Sanborn Business Sign. After the last meeting Geiben spoke to Mr. Rhoney and Geiben indicated that no matter what lease the Town comes up with, it will be four pages. The Town will pay \$1.00/year to the owner of the property. The Sanborn Business Association will also sign the agreement, because they have agreed to maintain and landscape the property.

Catalano had forwarded a copy of the lease to all Board members. The Board can authorize the Supervisor to sign the agreement, and then it can be forwarded to the others.

Geiben MOVED to authorize the Supervisor to sign the Sanborn Business Assoc. Sign Agreement with Paul Wendt for the purpose of locating the sign, Seconded by Bax and Carried 5 – 0.

NEW BUSINESS – Clerk's Correspondence – None

Broderick updated the residents on the proposed Dog Shelter located here at Town Hall. It's a three or four pen shelter, located behind the Town Hall.

When a dog call is received the dogs can be housed here. This will help cut down on expenses. Rotella said there is a grant through NYS Dept. of Agriculture and Markets.

SUPERVISOR BRODERICK

Lannon spoke regarding the replacement of the four (4) existing hydrants on James Drive and one (1) on Elliott Drive. This is considered a Type 2 Action under SEQRA. The Board needs to pass a resolution to that effect and then no further action is needed.

Geiben MOVED that the replacement of four (4) existing fire hydrants on James Drive and one (1) on Elliott Drive is considered a Type 2 Action under SEQRA, therefore no further action is required, Seconded by Bax and Carried 5 – 0.

Townsend requests the installation of a fire hydrant on the 16-inch waterline located on The Circle. It would be installed, at the property line, between 817 and 823 The Circle. There are only two companies that tap water lines. Two bids were received: Marwal - \$5,700 and Kande - \$13,700

Parisi is not comfortable approving anything on the spot. He would like to look at the bid proposal and the bids received. Parisi asks to table for two weeks.

Employees Resignation

Collesano, Senior Center Director informed the Board that Donald J. Butkuss will retire effective September 6, 2017.

Broderick MOVED to accept, with regret, Donald Butkuss's resignation as Care Van Driver, Seconded by Geiben and Carried 5 – 0.

Court Clerk Felicia Kinney submitted a letter of resignation. Last day is September 15, 2017.

Broderick MOVED to accept, with regret, Felicia Kinney's resignation as Court Clerk, Seconded by Geiben and Carried 5 – 0.

With the posting, advertising and interviewing process complete, Collesano requests to hire Randolph (Randy) Gorzka at \$11.25/hour with the start date of September 7, 2017.

Ceretto MOVED to hire Randolph Gorzka as Care Van Drive at \$11.25/hour, Seconded by Geiben and Carried 5 – 0.

Cambria – Notice of Lead Agency Designation. Town has no objections to them being Lead Agency.

Finance

Blazick requests budget adjustment for the Highway Dept. Trane would like to increase his training budgets.

Geiben MOVED to transfer \$2,000 from A00-1910-0400-0000 to A00-5010-0400-0000, and \$5,000 from DB0-5110-0100-0200 to DB0-5110-0400-5110 to cover additional training, Seconded by Morreale and Carried 5 – 0.

Blazick would like to add two additional accounts in the General Ledger. One is in the Police Dept. They receive a lot of grants and Blazick wants to move the expenditure out of Contractual and use a Grant Expenditure Account. This is just adding four digits to their Contractual. This will assist in monitoring what is coming in and going out and not increase the Contractual account.

Bax MOVED to add four digits to account B00-3120-0400.2200, Seconded by Geiben and Carried 5 -0.

Blazick would like to do the same to the Court Dept.

Bax MOVED to create the account A00-1100-0400-2200 for the Court Dept. grant funding, 1Seconded by Geiben and Carried 5 – 0.

During the year the Board approved the payment of gas and electric to be in a separate account. This needs to be done for gasoline and diesel fuel. This aids in the AUD and Hydro monies.

Bax MOVED to create a sub-account for gasoline and diesel with the ending digits of .3510, Seconded by Morreale and Carried 5 – 0.

The Town is in the process of renewing the BAN. The bids were awarded on August 24th. Key Bank was the winner at 1.48%. The Summary of Bid Results has been placed on the Website.

TOWN BOARD MEETING

August 28, 2017

6:00 P.M.

COUNCILMAN BAX

Sewer Refund

Bax will recues himself from the request from 479 Barton Drive.

Sewer Refund – Dana Drive

Bax MOVED to approve the sewer refund in the amount of \$118.05, to Norman – 5109 Dana Drive, Seconded by Geiben and Carried 5 – 0.

Sewer Refund – Greenfield Road – No receipts submitted for work done.

Sewer Refund – Barton Drive

This refund does not fit into the Town policy criteria. No action taken. Ritter to notify her.

Water Issue - 4758 Lower River Road.

In 2014 work was conducted on Lower River Road. There was an issue with the water line to the house. The Town came to turn on the water valve but no water went to the house. The quick assessment was there was a problem between the road and the meter. This required a new line to be installed.

H.W. Bryk & Sons was called and installed the necessary waterline. Upon completion of their work, Bryk identified a second valve that was not known to the Town. When turned on, the water flowed to the house.

With that information the homeowner refused to pay Mr. Bryk bills. Bax believes the Town may have some responsibility in making H.W. Bryk & Sons whole. The invoice for the unnecessary water line is \$1,659.74.

Bax MOVED to pay the Bryk invoice in the amount of \$1,659.74, with funds coming from the Water Dept. budget, Seconded by Geiben

Geiben asked Townsend if he has any knowledge of this. Townsend said no and has heard all this third-hand. Townsend said if that is the case, the Town may be liable.

Blazick asked if the Town's insurance company has been notified. Bax did not know.

Parisi would like the opportunity to look into if a Town employee did in fact go there. Why did the homeowner not ask Bryk to find out what was wrong. Bax said the Town directed him to have a new water line installed because it was on private property. It was the homeowner's expense.

Board tabled this for further review by the attorney.

COUNCILWOMEN CERETTO

Ceretto encourages residents to attend and donate at the upcoming blood drive being held at the Town Senior Center on August 29th.

Ceretto received the Key Bank debit card. People are throwing them out. Ceretto requested the press remind residents again about this being mailed out.

COUNCILMAN GEIBEN

Items addressed

COUNCILMAN MORREALE

Cafarella – Ridge Road - Negative Declaration / One Lot Subdivision – They need to meet with the Town Attorney to discuss a few issues. Tabled.

Kuziomko – Calkins & Creek Road

Morreale MOVED to declare a Negative Declaration for Kuziomko – 9 lot subdivision – SBL# 73.00-1-30, Seconded by Geiben

Geiben asked if there was a concern about them reviewing the wrong map. Broderick said no. **Carried 5 – 0.**

Morreale MOVED to approve the 9 lot subdivision on Calkins & Creek Road, SBL# 73.00-1-30, Seconded by Geiben and Carried 5 – 0.

Smith – Upper Mountain Road

Morreale said this will be tabled. A public hearing needs to be held.

Morreale MOVED to schedule a Public Hearing for the Smith – Upper Mountain Road – Concept Plan, Seconded by Geiben and Carried 5 – 0.

Dashineau asked to address the ash tree removal bid. Two bids were received at the bid opening held on August 25th. Dashineau and Catalano will meet with the bidders to make sure the Town is comparing apples to apples. Tabled till September Work Session.

Judges Sheeran and Gee request Anthony Sicurella be placed back on the active Court Security Officer list, and be paid at his previous employment rate. Broderick tabled.

RESIDENTS STATEMENTS

Warren, Rosemary – Griffon Street – Warren has spoken to people about their debt card and telling them not to throw them out.

The Town does still have 40 years left on the Power Authority money. The Board has decided to use the money on projects instead of giving to residents. The thing that bothers Warren the most about the projects is that it is the five people on the Board that decide where it goes. It should be a public committee that decides.

Warren spoke to people on the Reservation asking them if they got it. They use electricity.

Maggard, Marjorie – Garlow Road – Maggard asked if anyone here received a flyer along with the Sentinel. The last paragraph states “because of taxes being issued for the Town of Lewiston, we will no longer get a kick-back from the State”. Maggard asked if this was true.

Broderick said that is not true.

Maggard said the Historical Association has worked long and hard on the local law with the State to get this done. What is taking so long?

Catalano said it will be discussed and voted on September 11th.

Bax MOVED to enter into Executive Session to discuss Court grant issue, Seconded by Ceretto and Carried 5 – 0. (7:25 pm)

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Finance Officer Blazick; Attorneys Parisi & Catalano and Grant Writer Rotella.

EXCUSED: Deputy Supervisor Conrad

Bax MOVED to exit Executive Session, Seconded by Ceretto and Carried 5 – 0. (7:30 pm)

TOWN BOARD MEETING

August 28, 2017

6:00 P.M.

Geiben MOVED to approve bid for Court Room / Main Meeting Room, subject to attorney approval, Seconded by Ceretto and Carried 5 – 0.

Bax MOVED to adjourn the meeting, Seconded by Morreale and Carried 5 – 0. (7:31 pm)

Transcribed and

Respectfully submitted by:

Donna R. Garfinkel
Town Clerk