

**PRESENT:** Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & R. Morreale; Police Chief F. Previte; Finance Director M. Blazick; Eng. B. Lannon; Attorney R. Parisi; WPCO Ch. Op. J. Ritter; Water Foreman M. Townsend; Highway Supt. D. Trane; Grant Writer B. Rotella; 2 Press; 8 Residents and Dep. Clerk C. Schroeder

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

*AGENDA:*

Additions: Parisi: Amendment to French Landing/Riverwalk Site Plan; Geiben: Bicentennial.

**Bax MOVED the agenda, as amended. Seconded by Jacoby and carried 5-0.**

*ABSTRACT:*

**Geiben MOVED to approve the Regular Abstract of Claims for Fiscal Year 2017 Numbered 3950 to 3981 and Fiscal Year 2018 Numbered 124 – 342 and recommended payment in the amount of \$416,455.49, plus a post audit of \$39,237.27. Seconded by Bax and carried 5-0.**

*MINUTES:*

Geiben said there is a correction to the minutes of 1/22/2018, Page 14 regarding the MS-4 fee transfer. The minutes indicate a 4-1 vote but should reflect a 4-0 vote as the Supervisor was excused from the meeting. Also, Geiben said there needs to be clarification regarding an appointment to the Lighting Advisory Board, as it was incorrectly stated in the minutes, as well.

**Geiben MOVED to approve the RTBM minutes of 1/22/2018, as amended. Seconded by Jacoby and carried 5-0.**

*DEPARTMENT HEAD CONCERNS:*

Police: Chief Previte said the active shooter drill at Lewiston-Porter went very well. It involved all the fire companies and different police agencies.

A letter had been submitted to the Supervisor announcing the resignation of a p/t police officer. Previte said he would be conducting interviews for his replacement.

Previte then gave a re-cap of the Hazmat event that recently occurred at Lew-Port. Previte said one of the workers was mixing chemicals for the pool. The chemical reaction was Chlorine Gas. The worker got a little bit of that on her face. She was taken to the hospital, treated and released. Another worker was exposed as well. Hazmat teams from Niagara County and the Air Base responded and removed the hazardous material. None of the students were in danger at any point. They were moved to a safer part of the school.

Highway: The Highway Supt. asked for approval of his Mission Statement to be placed on the Town Website.

**Morreale MOVED to approve the Mission Statement from the Town Highway Department dedicated to providing safe, courteous, dependable and economical service, wherever and whenever possible, for its residents and authorized it to be placed on the Town website. Seconded by Bax and carried 5-0.**

WPCO: Ritter thanked Supt. Trane and the Highway Dept. for providing heavy equipment for an incident that occurred at the Treatment Plant.

Finance: Blazick provide a Budget Revision Edit List necessary to pay current invoices. Funds can be re-classed from within the department spending the money with the exception for the insurance of \$6.00.

**Bax MOVED to approve the Budget Revision Edit List for F/Y 2017 dated 02/07/2018, Time: 12:15:28 PM. Seconded by Morreale and carried 5-0.**

1) A00-7310-0200-0000 (Rec. Equip)	-300.00
Adjust budget to contractual	
2) A00-7310-0400-0000 (Rec. Contractual)	300.00
3) B00-7110-0100-0000 (Parks Personal Service)	-800.00
Adjust budget to contractual/equip	
4) B00-7110-0200-0000 (Parks Equip)	179.00
5) B00-7110-0400-0000 (Parks Contractual)	591.00
6) B00-7110-0400-3500 (Parks – Gas&Electric)	30.00
7) SS3-1910-0400-0000 (Insurance)	6.00
Adjust budget from Bank/Agent Chrgs	
8) SS3-9903-0000-0000 (Bank/Agent Chrgs)	-6.00
9) SS1-8130-0400-3500 (Treatment & Disposal-Gas&Electric)	6,500.00
Adjust budget from Pers Service to Gas&Electric	
10) SS1-8130-0100-0000 (Treatment & Disp-Personal Serv)	-6,500.00

Blazick said there is one other budget adjustment that has to be done within the Lewiston Heights Gas District (SLO fund). A bill came in for gas & electric (December 2017) in the in the amount of \$948.03. There is only \$608.37 in the budget. The SLO has a large fund balance to cover the cost that exceeds the current budget in the amount of \$340.

**Geiben MOVED to appropriate Fund Balance in the amount of \$340 for the SLO Fund. Seconded by Bax and carried 5-0.**

Lastly, Blazick wanted to make the Board aware of the need to replace the computer server for Nanoark. This services the Assessor, Town Clerk and Building office. There is an estimate of \$3,500 to replace that server, which is not in the budget. It is a unique server to the Nanoark system.

*OLD BUSINESS:*

Health Consortium Fees: On August 22, 2016, the Town Board approved total payment of \$737 to the Town of Somerset over a two-year period for the purpose of investigating the program of a Health Consortium. To date, the Town of Lewiston has disbursed \$539.91. However, it has received two additional invoices totaling \$309.72. If paid, this would bring the Town's total expenditure to \$849.63 or **\$112.63 over the amount that has been approved by the Board.** There is money in the Supervisor's Contractual to cover this additional expenditure.

**Bax MOVED to approve the additional expenditure of \$112.63 to pay for the Health Care Consortium invoices, with funds to come from the Supervisor's Contractual. Seconded by Geiben and carried 5-0.**

Bid – Fire Hydrant -- NYPA: Eng. Lannon said he had a conference call this morning and got some clarification as to the forms needed from NYPA. It is still a work in progress.

Boards/Commission Vacancies: No action taken.

Environmental Commission Secretary: Geiben said at the last meeting they re-enacted the Tower Committee. The Committee was given the opportunity to appoint a member to be secretary. They would be paid the same amount as the Chairperson. Geiben said he would like to offer the same arrangement to the Environmental Commission and would present this to the Commission at its next meeting. The secretary would have to get the packets together, send them out and take minutes of the meeting.

**This was put in a motion by Geiben. Seconded by Morreale and carried 5-0.**

Lighting Advisory – Ex-officio: Morreale asked this be tabled.

Signage Committee:

**Broderick MOVED to appoint Bill Geiben to the Signage Committee. Seconded by Morreale and carried 5-0.** Councilman Morreale to remain Liaison to the Committee.

*NEW BUSINESS:*

Solar Law: Attorney Parisi said the law needs to be formally introduced. Then a motion must be made to express the Board's intent to serve as lead agency for the purposes of SEQR, and then schedule a public hearing.

Bax introduced the Solar Law for presentment.

**Bax MOVED the Town Board's intent to act as Lead Agency for the purpose of SEQR. Seconded by Geiben and carried 5-0.**

Parisi said the law is not being acted on tonight. Changes can still be made to the law. That is the purpose of having the public hearing. We will get the public's input. We will be sending out letters to interested agencies. They will be allowed to have their input as well. If there are any changes, there are certain requirements that the Board have the law in its final format before it is voted on.

Jacoby said he had concerns with putting ground mounted solar panels in residential R-1 and R-2 Districts that have a 10-ft overall height. "That is a pretty tall height for a residential area."

Broderick said he, and Tim Masters went to a meeting at the County. Concerns were expressed about the reflection of the solar panels with the Air Base. It's still a work in progress.

Geiben said the proposed law would be put on the website. People can submit written comments for review of the Attorney, Engineer and Building Inspector. Parisi said he would keep a running list of the issues brought up.

**Bax MOVED to schedule a public hearing on the proposed Solar Law for Monday, March 12 at 6:00 p.m. Seconded by Jacoby and carried 5-0.**

Amendment to French Landing/Riverwalk Map: Parisi said there was an application before the Planning Board from Forbes Homes, Inc. for consolidation of two parcels of land to create a conforming building lot at the cusp of the Riverwalk and French Landing Subdivisions. This would amend the Riverwalk Phase 3A Map and the French Landing (Wolf Run) Map.

Bill Tuyn, Forbes Capretto addressed the Board: When Riverwalk was laid out there was a piece of property at the corner of Wolf Run and Riverwalk, he said. That piece was too shallow to be a conforming building lot. It was labeled as green space and the developer retained it. It was never taken as a park. It wasn't public property. It became a maintenance nightmare. The Town pursued Mr. Deck to build sidewalks across the parcel that he had no use for. Deck approached us to buy this piece of property. Lot #16 on the French Landing map was really, really big. We looked at it and said we could distribute some of the land from Lot #16 and add it to this non-conforming lot at Riverwalk and create two building lots. That piece would now be maintained. We would cut the grass. Sidewalks would be put in when we build a house. It is not creating a single new parcel. It is just making one that was non-conforming, conforming so you can build a house on it. In our view everybody wins. We get another building lot. You get tax revenue from it and someone to maintain it and take care of it. It's a win-win in our view.

Trane said it would settle his issue with Deck. When they take it over, sidewalks will be installed. Broderick said Tim Masters is in favor of this.

Parisi said a drainage easement runs thru that lot where they plan on building. He ran this past engineering and the building department and everyone was on-board to abandon that portion of the easement that is reflective on the map. It will be part of the permitting process later on. Parisi said they would need a vote to release a portion of the drainage easement and a vote to approve the amended map cover with the condition on installation of sidewalks at Riverwalk and Wolf Run, prior to the issuance of a Certificate of Occupancy or prior to October 31, 2019, whichever comes first.

Tuyn said the issue of installing sidewalks prior to 10/31/19 could be an issue. We would like to be able to sell and build houses as quickly as we can. But, it's already closing in on March. We still have to get a customer, design it and build it. The last thing we want to do is put a sidewalk in and then get a building permit and come in and destroy it. That is why sidewalks are built along with building permits, which is what we're doing throughout the entire subdivision. Those sidewalks will connect with the rest of the lots we're building. Right now, there would be a sidewalk to nowhere until we complete all the houses on the street. My preference would be that it is left as a condition with Certificate of Occupancy. We don't want to build sidewalks then drive concrete trucks over the top.

Parisi: We understand that. We have had situations before where nothing ever gets built and you end up with no sidewalks. The sidewalk agreement that is in place says to do it as part of CO or in no event is it installed after 10/31/2019. In order to keep it consistent, I kept it at 10/31/2019.

Geiben asked if the developer could petition the Board for an extension at that time. Parisi said they could change that condition later on.

Town resident Steve Lyle asked if any variances are required for any of the lots. He was told no.

**Bax MOVED to approve the amended map cover – Part of Riverwalk Phase 3A & French Landing with the condition that sidewalks be installed contemporaneously with CO or at the latest 10/31/2019, with the acknowledgement that the developer could come back to the Town for an extension of that second requirement. Seconded by Geiben and carried 5-0.**

**Geiben MOVED to approve SEQR Parts 2 & 3, prepared by the Building Inspector, with the determination that the proposed action will not result in any significant Adverse Environmental Impacts. Seconded Morreale and carried 5-0.**

**Geiben MOVED to approve the partial release of the drainage easement as reflected in the amended map cover. Seconded by Jacoby and carried 5-0.**

**Bax MOVED to authorize the Supervisor to execute the partial release of easement to be filed in the Niagara County Clerk's office. Seconded by Morreale and carried 5-0.**

Parisi said part of the property that is being added to the Riverwalk portion is within the drainage district for French Landing. That will be included in the Drainage District for French Landing. That will be an extra lot paying into that Drainage District.

The Finance Director said she would let the Assessor know to include this new lot into the Drainage District.

Rabies Immunization Clinic: Bax announced that the Niagara County Dept. of Health will conduct a Free Rabies Clinic on July 28, 2018 from 9:00 to 11:00 a.m. at the Lewiston Highway Garage

VFW – Flag Collection: The Supervisor read a letter from the VFW, Post 7487:

Every year our VFW Post assists Lew-Port Intermediate School by retiring old American Flags at their Flag Day Ceremony. We would like to place a receptacle at the Town Hall so people would be able to dispose of their flags and we would be able to retire them properly, with

dignity, on Flag Day. We are in the process of obtaining a receptacle similar to the U.S. Mailboxes located outside the Post Office in the Village. We will periodically collect the flags that have been dropped off at the Town Hall. It is my understanding that the box is appropriately painted.

Broderick said he spoke with the Attorney who said the Town would have to have an Agreement with the VFW for liability. Parisi said anytime someone puts something on Town property a license agreement absolving one of liability is required. It allows the Town to remove that property in the event it is not wanted.

**Broderick MOVED to allow the VFW to put a receptacle on Town property subject to approval of the Attorney of a license agreement. Seconded by Geiben and carried 5-0.**

WPCC – Operator Trainee:

**Bax MOVED to hire Joseph Schuey, effective February 27, 2018 as a Wastewater Treatment Plant Operator Trainee starting at \$21.81/hr as per the CSEA Contract. Seconded by Geiben and carried 5-0.**

Sewer Service Request – Tuscarora Road: Lannon said his office has been working with Jeff Ritter on a response to a request from Joel Stephenson, Tuscarora Road regarding sewer service. Ritter will reach out to the individual for a discussion. No further action will be taken and the matter can be removed from the agenda.

Bicentennial: Geiben said the Town of Lewiston is fast approaching its Bicentennial in 2023. The Village's Bicentennial will come a year earlier. I would hope we can combine them and have some events over a period of two years. We need to start thinking about it. I just want to present it to the Board members to put a little thought to it to see what ideas we can come up with.

Director of Finance: The Supervisor said they accepted the resignation of Martha Blazick at a previous meeting. Blazick and the Confidential Secretary, Amy Smith were instrumental in finding her replacement. Broderick appointed Jacqueline Agnello, as Director of Finance, effective March 2, 2018.

**Geiben MOVED to set the salary of the Director of Finance at \$61,200.00. Seconded by Jacoby and carried 5-0.**

**Bax MOVED the Agreement for Consulting Services for Martha Blazick commencing March 2, 2018 and terminating December 31, 2018 at a rate of \$35.00 per hour for services rendered with the maximum number of hours worked at nine hundred (900) and to authorize the Supervisor to sign said consulting agreement. Seconded by Morreale and carried 5-0.**

At this time, Broderick announced that as of January 31, 2018 he retired from the Niagara County Sheriff's Department.

Broderick referred to a letter from Tara Johnson as notice of her resignation from her position as Junior Account. Her last day will be February 22, 2018.

**Broderick MOVED to accept the resignation, with regret. Seconded by Bax and carried 5-0.**

Purchase of Audio Equipment: Broderick said he spoke with Jim Abbondanza of the Cable Commission. He is requesting to purchase necessary audio equipment for completing the audio input system for audiovisual recording of Council meetings.

**Broderick MOVED to authorize the purchase of audio equipment, in the amount of \$575.00, needed to complete an audiovisual system for the purpose of recording council meetings and other council approved functions. As per our agreement with Time Warner (Spectrum), article 5.2, PEG Capital Support, funds have been put**

**aside for this project and are presently available. Seconded by Geiben and carried 5-0.**

Broderick said they are running out of room at Town Hall. They are looking at re-configuring Town Hall without adding any additions. I would like to pursue bringing someone in and getting some ideas on re-configuring some walls and office space. This is the last thing we could possibly do before we do an addition.

Crediting past p/t employment: A request was submitted from Ryan Carney to be credited time from his seasonal (part-time) employment. In the past, he has worked as a seasonal Laborer for the Highway Department and a full-time employee for the Parks Department. His start date for seasonal employment was August 2, 2010. His full-time employment started January 6, 2014.

The Attorney said this was a request to credit part-time past employment for the purposes of determining employee benefits. Parisi said he went to the applicable Collective Bargaining Agreement that states “for the purposes of calculating the length of service of a regular full-time employee, one year will be credited for each year of service beginning on the employee’s initial date of hire as a regular full-time employee.”

This employee wants to be credited for time he spent part-time in the past. I would recommend denying it as to the language of the CBA.

**Broderick MOVED to deny crediting past part-time employment to Ryan Carney. Seconded by Bax and carried 5-0.**

Retirement – Engineer Clerk, P/T: A letter was submitted from John P. Sharpe announcing his retirement from his position of Clerk, P/T effective February 16, 2018.

**Broderick MOVED to accept Sharpe’s retirement, with regret. Seconded by Geiben and carried 5-0.**

Resignation – Police Officer: A letter was submitted from Vincent Paonessa announcing his resignation from the Police Department, effective February 28, 2018. On March 1, he will be sworn in as a Niagara Falls Police Officer.

**Broderick MOVED to accept Paonessa’s resignation, with regret. Seconded by Bax and carried 5-0.**

*PRIVILEGE OF THE FLOOR:*

Rosemary Warren, Griffin Street, said she submitted a FOIL on the H97, H98 and the NYPA Funds. Warren said the Town gets \$850,000 a year for 50 years. We used up about 10. She commended former Supervisor Fred Newlin for initiating this settlement. He’s the one that got more money for the Town of Lewiston. She also suggested giving residents a rebate every five years or so.

She commended the Highway Department on the snowplowing. They are very efficient.

Karen Lyle, Lower River Road, requested that the revised and updated Ethics Policy that was developed by the Lewiston Taxpayers Accountability & Action Alliance be placed on the agenda for the next Board meeting for adoption. The current policy was adopted in 1970 and is 48 years old.

**Bax MOVED to adjourn, Seconded by Morreale and carried 5-0.** Time: 7:10 PM.

Transcribed and  
Respectfully submitted by

Carole N. Schroeder  
Deputy Town Clerk