

**PRESENT:** Supervisor Broderick; Councilmembers Ceretto, Geiben and Morreale; Finance Officer Blazick; Town Attorneys Catalano and Parisi, Highway Superintendent Trane; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Chief Previte; 2 Press; 13 Residents and Clerk Donna Garfinkel

**EXCUSED:** Councilman Bax and Deputy Supervisor Conrad

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

#### AGENDA APPROVAL

Additional Agenda Items: Broderick – Water bill - Riverdale Cemetery; Morreale – Parking lot improvements – Sanborn Historical Society; Geiben – Cable Commission; Catalano – Executive Session – consult with the Attorney on two items pending litigation; Parisi – Executive Session - personnel issues / Collective Bargaining.

**Geiben MOVED to approve the Agenda as amended, Seconded by Morreale and Carried 4 – 0.**

#### RESIDENT STATEMENTS

Segovia, Catherine – Roosevelt Avenue - Segovia would appreciate if Board members came to see her neighborhood. There is a house that is, basically condemned, and sitting there just falling apart. Segovia requests this be addressed. Residents work hard to keep it a nice community and Segovia would like it to continue.

Segovia thanks the Board for what they have done. There have been some hardships and the residents feel supported.

Masters is aware of two homes in this neighborhood.

#### DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel – A representative from the Niagara County Veterans Service will be at Town Hall on March 8<sup>th</sup> from 10:00 am – 1:30 pm, to speak with Veterans one on one.

The Clerk received notification that meetings will start to be held for the 2020 Census. The Clerk has completed the necessary paperwork to include the Town.

At the January 23<sup>rd</sup> Board meeting Blazick requested the creation of a budget line “Grants from Local Government”. The budget line is typed incorrectly, therefore the Clerk is requesting the minutes reflect it read B00-1000-2706-0000. Amendment will be reflected in these meetings minutes.

Police Chief Previte – The Police will have an active shooter drill training exercise with Niagara Wheatfield School in mid-March. Sheriff and State Police will also be in attendance.

Broderick complimented the Police on their dealing with the stabbing incident in Lewiston.

#### APPROVAL OF MEETING MINUTES

**Geiben MOVED to approve the RTBM minutes of January 23, 2017, Seconded by Morreale and Carried 4 to 0.**

Geiben requested the minutes of February 13, 2017 state he was excused not absent.

**Ceretto MOVED to approve the Work Session meeting minutes of February 13, 2017, as amended, Seconded by Morreale and Carried 3 – 0.** (Geiben abstained)

## AUDIT PAYMENT

**Ceretto MOVED to approve the abstract of claims numbered 4211 to 4214 for the year 2016, and claims numbered 312 to 433 for the year 2017 and recommend payment in the amount of \$580,342.33, plus a Post Audit payment of \$61,543.95, Seconded by Geiben and Carried 4 – 0.**

## OLD BUSINESS

Pitney Bowes Mail Machine Lease – Parisi reached out to Pitney Bowes to discuss the terms of the agreement. They were more open to negotiating the terms than Parisi thought they would be. However, after looking into the issue, as a services contract valued over \$2,500, the Town should seek RFP's. Garfinkel has reached out to two other companies and is awaiting their submission.

Handbook Amendment – Part-time to Full-time crediting. Parisi is recommending this be addressed by Labor Council Brian Doyle. The handbook is silent on this; therefore Parisi believes the new contract may be silent on it also. This could make past-practice become something the Town has to do going forward.

## NEW BUSINESS

Clerk's Correspondence – A resident residing on Curtis Court North formally requests a "Children at Play" sign for the Curtis Court neighborhood. Seven out of sixteen homes on Curtis Court have 1 or more children under the age of 13, and most homes have 2 or more kids.

Geiben said this is a past-practice the Town has, and as long as there is a way to keep a list of where the signs are along with their longevity. It does not hurt to have these signs placed sporadically around the Town.

Trane said there is a speed limit and children at play sign at the entrance to this subdivision. There two dead-end streets.

Trane read the following from the New York State Traffic Law: "Children at Play signs should not be used on highways were obvious residential development alerts motorists to the possibility of children at play".

Trane has an inventory of the locations of the signs in Lewiston. Clerk asked to include something in the Clerk's Corner reminding people about children at play.

Board takes no action. Trane will reach out to the resident requesting the sign.

## SUPERVISOR BRODERICK

## Liaison Report

Sewer Refund – Gambino – Perry Court. Pool installation and requests a sewer credit of \$76.75.

**Geiben MOVED to approve a one-time sewer credit in the amount of \$76.75, for Gambino – 4637 Perry Court, Seconded by Morreale and Carried 4 – 0.**

Niagara River Chamber of Commerce Gala sponsorship request - The Town has not sponsored in the past.

Board takes no action.

Water bill – Riverdale Cemetery – This is an issue going back three Supervisors. They are a not-for-profit cemetery and they had a water-leak. The water bill went on for a while without a reading being taken. An actual reading was taken and they received an extremely high bill.

Broderick and Townsend have met with the staff. To reach a settlement to cover the cost of the water, Broderick requests the Town accept a payment of \$600 to settle the matter.

**Broderick MOVED to accept a payment of \$600 to cover the cost of the water at Riverdale Cemetery, Seconded by Geiben and Carried 4 – 0.**

Legal – Items to be dealt with in Executive Session

Engineering

At the last meeting Lannon was asked to check into streetlight requests forwarded to National Grid. Lannon will meet with National Grid in a couple of days.

Riverwalk Phase 4A is targeted to be dedicated in the month of March.

Parisi said the Town needs to extend the Solar Moratorium that is due to expire at the end of March. A draft Local Law was forwarded for comments, but it is not believed the Board is in a position to approve or pass the law prior to the expiration of the current moratorium.

The text of the law will be the same as the current law, but the time will be one year or until such date as the Town passes a Solar Panel Law.

Broderick questioned why Parisi doesn't think this can be approved by the end of March. Parisi said he only received one comment but there are many that need to have input.

**Geiben MOVED to hold a public hearing March 13, 2017 at 6:15 pm for the extension of the Moratorium on the Solar Panel, Seconded by Morreale and Carried 4 – 0.**

Finance

The Police Department building needs walls painted with washable paint. This was not budgeted; therefore Blazick suggests the dollars come from B-Fund Contingency. The cost is \$3,500.

Catalano noted three bids/quotes must be received due to the job being over \$2,500. Previte has four.

**Geiben MOVED to transfer \$3,500 from Contingency B-Fund B00.1990.0400.0000 to Police Contractual – B00.3120.0400, Seconded by Morreale and Carried 4 – 0.**

**Geiben MOVED to reach an agreement with Porter Drywall and Painting in the amount of \$3,500 for painting internal walls at the Police Department, Seconded by Morreale and Carried 4 – 0.**

Blazick informed the Board that the Senior Center, Police, Town Hall, Highway garage and the Waste Water Treatment Plant all need updated phone systems. This has been set aside for too long. Parisi is researching if this qualifies as infrastructure. If so funds from H -97 can be used. Blazick requests permission for herself and Clerk Garfinkel to move forward in looking at options.

The Police have been working with Avaya, but have since been notified they filed for bankruptcy. Previte said monies already budgeted for in his budget can be used.

It was suggested by a resident the Town contact the State IT specialist through the Comptroller's Office or the State of the State.

The Board approved the RFP submitted by Rotella Grant Services at the last meeting. Parisi thought it best, for the Town and Rotella Grant Services, there be a written agreement in place. One was drafted, forwarded to Bernie Rotella for review, and has since notified Parisi it is fine. The Board needs to authorize the Supervisor to sign the agreement.

**Geiben MOVED to authorize the Supervisor to sign the agreement with Rotella Grant Services, Seconded by Morreale and Carried 4 – 0.**

## COUNCILMAN BAX

Approve & Sign – 2017 Sewer Use Contract - Ritter said the agreement has been reviewed by legal.

**Geiben MOVED to authorize the Supervisor sign the 2017 Sewer Use Contract, Seconded by Ceretto and Carried 4 – 0.**

## COUNCILWOMAN CERETTO

Nothing to report.

## COUNCILMAN GEIBEN

Liaison Report – The Cable Commission has worked diligently for the last two years and has hit some roadblocks.

Geiben distributed an agreement signed June 22, 2015 by Supervisor Dennis Brochey. Geiben asked Ceretto to search what the intent of the Town was in regards to the PEG (Public, Educational and Government Access).

Geiben has learned over the years and sometimes the hard way to take the advice of Counsel. When they tell you something, they usually have the best intension to protect the Town. If the Town is going to proceed with this, Geiben wants to make sure the Board is interested in the PEG, and then move forward.

The Commission has been in contact with other schools and other municipalities and they have been able to make it work.

Cable Commission Chairman Abbondanza would like to meet with the Board at 5:15 pm on Monday – March 13<sup>th</sup> to discuss the process.

Catalano forwarded a letter to the Cable Commission, copying the Town Board, outlining what the Cable Commission needed to do if they wanted to proceed. Before advising anyone to sign the MOU, a curriculum has to be in place. An internship needs to have a curriculum. According to the Franchise Agreement, this is the only way students can participate in a school authorized internship.

Geiben spoke of a Niagara County Brownfield Program brochure. If anyone knows if there is a Brownfield in the Town, notify the Town and the information can be forwarded to the County.

## COUNCILMAN MORREALE

Calarco one-lot subdivision – Negative Declaration / Approval

**Morreale MOVED a Negative Declaration for the Calarco, one-lot subdivision request, 553 Pletcher Road, SBL# 73.19-1-5, Seconded by Geiben and Carried 4 – 0.**

**Morreale MOVED for approval for the Calarco, one-lot subdivision request, 553 Pletcher Road, SBL# 73.19-1-5, Seconded by Geiben and Carried 4 – 0.**

Sanborn Historical Society – 2660 Saunders Settlement Road – parking lot improvements.

**Morreale MOVED for approval of the site plan contingent on an approved grading and drainage plan from the Engineer. Fire issues to be met. Extend the roadway an additional 6' to Les Reads sidewalk. Grade the stone where the parking is to be, crown to the north and south. Add note to the drawings that requires the contractor provide silt fence around the stockpiled soil in the storage area. Drainage to be in place to protect the existing property line, Seconded by Geiben**

Geiben questioned where the funds will come from to pay for this. Broderick said this part of the Greenway Project approval.

**Carried 4 – 0.**

## RFP's Waterline Project

The present proposal is for approximately \$1.3 million for engineering fees, and feels this is a lot of money. This is not set in stone, but Morreale wants to go out to bid to make sure this is a fair price. Morreale feels this is excessive because the Town is replacing a waterline with a new waterline. There are no sidewalks, driveways, etc... Morreale wants taxpayers to get their best deal. There is plenty of time to do this.

Morreale MOVED to go out for RFP's for the Waterline Project – no second

Morreale asked the Board to comment.

Broderick said the Town has an engineer and has the utmost faith in them. In the past, things were put out for RFP, and engineering firms would come in and cherry pick the project, not do a good job, and the Town's engineer had to go in and clean it up.

Broderick is not in favor of an RFP because even if the Town saved a few dollars, the Town is stuck with another engineering firm, when the Town has one.

Geiben said he has faith in Bob Lannon and his company.

Ceretto understands what Morreale is saying, but agrees with Broderick and Geiben. The Town has had the same engineering firm and has never had any problems. The Town has had such wonderful work, and feels that would be an insult.

Broderick said it would be a slap in the face to Bob Lannon and his company.

Planning Board discussion – At the last Planning Board meeting the members discussed the control of the Board.

This is a non-political board for site-plan reviews on residential and commercial subdivisions. The Planning Board has the expertise to do the review. The Town Board is handed it for final approval.

Morreale feels the Board should be involved in variances and PIP's.

Masters said when a housing subdivision comes to the Town it goes to the Planning Board for sketch plan, then back again for preliminary plat. After preliminary plat it goes to the Town Board, when they make the changes for final plat, it goes back to the Town Board, not the Planning Board. The engineer is recommending it also goes back to the Planning Board for final plat approval.

Some Towns give the Planning Board the autonomy to do the approval; the Board handles the PIP portion.

This portion of the Town Code is being rewritten, and the Planning Board is looking for the Board's opinion.

Broderick said a lot of times the Town Board assumes, when coming before them, that it has been reviewed, all i's dotted, t's crossed, and all ready.

Masters questioned if the Board wants it left to the Planning Boards purview until the PIP process.

Lannon said this is a huge discussion. There are pros and cons to both sides. Often times a lot of discussion occurs with the Planning Board. Whatever the amount of Planning Board items are might be two or twenty, but no matter how many they need to be clearly articulated from the Planning Board to the Town Board. That is the way it is now.

A letter from the Planning Board Chairman to the Town Board stating they have reviewed the project and these are the conditions to be considered by the Town Board. They can then be considered on an item by item basis.

In the last 20 – 30 years, what has evolved in the engineering and surveying industry makes some of the current conditions kind of obsolete and logistically cumbersome.

Broderick, Masters, Morreale, Lannon and a Town Attorney will meet and work on this.

Catalano said the Board can rewrite the Planning Board's authority.

#### RESIDENTS STATEMENTS

Correa, Nancy – Riverwalk Drive – Correa asked how many Board members have gone to Riverwalk Drive. There are still huge concrete blocks preventing the thoroughfare of the road. Correa has spoken to the developer and Lannon. The developer assured Correa that weeks ago everything that was due to be turned in had been turned in. Lannon gave Correa a list of many things that still need to be addressed, but the concrete slabs are still there.

Correa is asking the Board to look into it and is requesting an answer as to when the safety factor is going to be addressed.

Broderick shares this concern as well, and said it is being worked on. This road can't be opened until it is dedicated.

Clerk asked to cancel the March 9<sup>th</sup> Cable Commission meeting due to the meeting scheduled for the 13<sup>th</sup>.

**Geiben MOVED to enter into Executive Session to consult with the Attorney on two items pending litigation and personnel issues / Collective bargaining, Seconded by Ceretto and Carried 4 - 0.**

**PRESENT:** Supervisor Broderick; Councilmembers Ceretto, Geiben and Morreale; Finance Officer Blazick; Town Attorneys Catalano and Paris

No action taken.

**Broderick MOVED to exit the Executive Session, Seconded by Geiben and Carried 4 – 0.** (7:28 pm)

**Geiben MOVED to adjourn, Seconded by Morreale and Carried 4 – 0.** (8:31 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel  
Town Clerk