

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & R. Morreale; Dep. Sup. W. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. B. Seaman; Eng. B. Lannon; WPCC Ch. Op. J. Ritter; Water Foreman D. Zahno; Highway Supt. D. Trane; 1 Press; 25 Residents and Dep. Clerk C. Schroeder

The Supervisor called the meeting to order, followed by the Pledge of Allegiance.

Public Hearing: Special Use Permit/Site Plan Review – Solar Energy System

The Clerk read the notice 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 7th day of January, 2019 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 2643 Moore Road, Town of Lewiston.

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

Dated: December 27, 2018

The Supervisor called for public comments.

Marcy Lombardo, Moore Road, read a prepared statement: My acreage on Moore Road adjoins the Laurie property at the back northwest corner, which are fresh water wetlands on the Laurie side. I have spent most of my life dreaming and working toward owning my own greenspace in a picturesque country setting. I am opposed and upset that the Laurie's have gone from conservancy to desecration of their land with the installation of a solar farm impacting wildlife habitat and working farmland to forever alter this greenspace at the visual expense of Moore Road residents. My acreage contains two ditches at the property line on each side that carries the majority of the storm water runoff from the southeast side of Moore Road and eventually empties into the northwest corner of the property into the freshwater wetlands on the Laurie property. As everyone who lives on Moore Road knows, after any significant rainfall or snow melt, we have drainage issues that find ditches on the road overflowing and yards turning into ponds. I need to know if there are any assurances from the Town that this solar farm installation won't change the topography of those fields forcing additional water flow into the wetland and backing up into my hayfield which are now currently working farmland and creating more of a nightmare of water for residents.

Our backyard contains the largest natural producer of hydro electricity in New York State and the fourth in the nation, yet we see minimal monetary benefit from this power source. Here we are now permitting solar farms with their massive footprint that will yield a possible 10% savings off an electric bill each month if you choose to buy into this energy service. I can save a possible \$6.00 a month but to do that, we have to destroy unobstructed priceless views. No thanks, it's incomprehensible to benefit so little and lose so much.

Joseph Olscamp, Ridge Road, said he was a paramedic for 15 years. He is now a crash analyst and crash researcher. If this project were to move forward, is this going to create safety issues for drivers coming down Pekin Hill due to glares from the solar panels?

Doug Etue, Moore Road, asked if there would be fencing around the project. Would it affect the wildlife in the area? Was anything done on the Escarpment about the glare from these panels? Were people notified on Upper Mountain, Lower Mountain or the Escarpment? How will it affect aircraft? Are they going to have any issues with the glare? There are a lot of questions people have. We are looking for answers.

Sherrie Leggett, Moore Road, lives directly across the street from the proposed solar project. The view from the front of my house is going to change forever. I'm not going to see fields or the woods. I'm going to see a solar field. I'm also concerned about the driveway being right across from my house. I have issues now with farming equipment. They swing into my driveway, on to my property, to make the turn. If that is going to be the access, I don't want construction vehicles coming on my lawn and being in front of my house all the time. My neighbor and I are going to be the ones looking at this every day. Our views will be gone. That's my main concern.

Larry Fura, Moore Road, lives diagonally from the property across the street. He is not opposed to the project in any way. There are worse uses of the land that could happen. He would like to know the amount of drainage. The field behind my house drains completely thru my side yard. I've spent close to \$15,000 trying to put in additional drainage to have the drainage mitigate quicker. I don't know if this will affect me being across the street but I would like to know if you are going to be changing the actual level of the field.

Tina Davis, Moore Road, said the aesthetics is a huge concern. Some of the houses have been there for generations, including hers. I don't know if this is the right place for something of this magnitude on our street that will affect everybody that will have to look at it and deal with the extra traffic. It affects the entire area. I want the Board to take that into account and realize that the people who live out in the country live out there for a reason. We like the aesthetics of living out in the country.

Barbara Ripley, Moore Road, said her property runs completely adjacent to the tree line all the way back to her property line. She is east of the Laurie property. Her concern is the size of Moore Road. There are no shoulders. It is a two-lane road, with a 45 mph speed limit. She asked if there has been any consideration for changing the width of the road. The project is going to drastically impede on her front yard. She has a very shallow front yard. We are going to be having more traffic, more commercial traffic. It's going to be a nightmare. Is it going to hinder our yards now that they are going to expand the width of the road to accommodate whatever they need to do?

Greg Rossetti, OYA Solar, was asked to address residents' concerns. As for the width of Moore Road, he said no changes would be required. During the 2-4 month construction period for the installation of the solar farm, that is when they would address the entranceway. Over the 20-year lifespan, there would be four pick-up trucks a year. It would be very minimal in terms of maintenance. The fields are monitored remotely thru the internet. If there is a safety issue, it would be addressed by the Fire Chief. There would be no reason to update the road.

The topology and the wetlands was a concern raised by a number of people. There is no grading or stripping of topsoil during the construction itself. We do not alter the topology of the land at all. It is a 93 acre parcel of which 25 acres is fenced. There will be two fenced sections. One would not be able to see the array from Moore Road because of the fencing.

As for the glare, the panels come with an anti-glare coating. Just by virtue, they are meant to absorb the light and not reflect it. We have never had issues with glare on the arrays. These types of arrays have been situated literally on international airport land. While it is a question and concern I get quite often, it's never been an issue. There is a glare study that we can do and I would be happy to provide a glare study as a condition of a building permit to satisfy those questions and put it to rest.

Regarding the concerns of resident's frontage, Rossetti said they would be coming in with transport trucks to unload equipment. From a health and safety standpoint, we would not have them trespassing and going on any land that they are not allowed to go on. If we find that we need to widen the entranceway to accommodate the trucks, we would do so.

Rossetti said he would provide natural screening if requested.

Ms. Lombardo said she's heard there is a varying degree of heat increase (2-3°) around the surrounding area. Rossetti said the arrays do not produce that much heat. You could hold your hand behind one of these panels at the hottest they will ever run. They do not produce a fire hazard. They are very safe.

One resident asked why this area was chosen. Rossetti said it was because of the power corridor that cuts thru the Laurie's property. The single largest challenge we have with solar rays is getting the utility to accommodate the connection of the arrays to the grid. It's difficult to find locations where the utilities will allow us to connect. You cannot place these anywhere you like. There is a medium voltage line that cuts thru their property coming off the electrical substation to the north. Both the distance from the substation and the capacity of those lines is what directs us in terms of location for these arrays. We also have the local solar codes and

ordinances that we abide by. This array will have a minimal impact in terms of visual. This a passive use of the land.

Rossetti said there is a SEQR review process they need to follow for a project of this type in New York. At this time, Eng. Lannon addressed the SEQR.

Lannon said as part of the environmental review process, the applicant completes an Environmental Assessment form (Part 1). It gives a lot of information about the project, location, use, zoning, impact on land, etc. The Town continues the process. The Town sends out Lead agency coordination letters that goes to interested, involved agencies (Town of Porter, Town of Wilson, Niagara County Planning, NYS Ag & Markets, and NYS DEC). They have an opportunity to provide comments whether or not they object to the Town of Lewiston being Lead Agent.

We collect all that information and complete Parts 2 & 3 of the Environmental Assessment Form. We review what the environmental impacts are on the project. Once the SEQR has been filed, it would be posted on the website.

Fura asked if the Solar Company could continue after the 20 year lease. Rossetti said there are options under the lease with the landowner. The equipment and panels have a lifespan beyond 20-years.

Sherri Morgan, Moore Road, asked how it would impact the value of the neighbors' homes on the street. Broderick said he doesn't believe it would impact property values.

Dave Norwich, Moore Road, said he has lived there for 30 years. He moved there because it is quiet. How many arrays are there?

Rossetti said there is 5-megawatts worth of solar panels. You're not going to hear anything. Norwich said he is not against solar/wind power but Moore Road is the wrong place for it.

Fura asked for an explanation on the power discounts. Rossetti said the project itself will fall under the NYSEDA Megawatt Block Program. The nature of the project will be developed as a community solar project. The concept behind community solar is for homeowners who cannot put solar panels on their roof. The power companies pay into a pool of money that is managed by the State. Everybody that pays for power is paying for this. Everyone that pays into these types of programs needs to have the opportunity to derive a benefit. Residents can subscribe to one of these community solar projects. They need to be in proximity of the project to subscribe to the utility project. It translates to a 10% savings on their power bill. These community solar projects have to be subscribed with a minimum of 60% residential subscribers. If they don't meet that quota of 60%, they will not get the incentive and the project never happens.

In answer to a question about re-zoning, Broderick said it did not have to be re-zoned nor did it require a variance. It meets all the perimeters of the Solar Law.

Geiben MOVED to close the public hearing. Seconded by Morreale and carried 5-0.
Time: 6:50 p.m.

REORGANIZATION

JANUARY 7, 2019

AGENDA: Addition: Broderick: GSA per diem reimbursement.

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

2019 REGULAR MEETING & WORK SESSION SCHEDULE:

Geiben MOVED to approve the following 2019 Regular Meeting & Work Session schedule: RTBM: 1/28; 2/25; 3/25; 4/25 (Thursday); 5/30 (Thursday); 6/24; 7/22; 8/26; 9/23; 10/28; 11/25; and RTBM/Final Audit 12/30: Work Sessions: 1/7; 2/11; 3/11; 4/8; 5/13; (no mtgs June, July or August), 9/9; 10/17 (Thursday); 11/14 (Thursday); and 12/9. Seconded by Bax and carried 5-0.

2019 MEETING TIME / AGENDA SUBMISSION DEADLINE:

Geiben MOVED the Board meetings/Work Sessions be scheduled at 6:00 p.m., and agenda items be received in the Clerk's office by 4:30 p.m. on the Wednesday prior to the meeting or 3 days prior to the Thursday meetings. Seconded by Bax and carried 5-0.

2018 HOLIDAY SCHEDULE:

Geiben MOVED to approve the following 2019 Holiday Schedule: 1/1 – New Year's Day; 1/21 – Martin Luther King, Jr. Day; 2/18 – Presidents' Day; 4/19 – Good Friday; 5/27 – Memorial Day; July 4 – Independence Day; 9/2 – Labor Day; 10/14 – Columbus Day; 11/11 – Veterans' Day; 11/28 & 29 – Thanksgiving Holiday; and 12/24 & 25 – Christmas Holiday. Seconded by Jacoby. Carried 5-0.

IRS MILEAGE RATE:

Geiben MOVED the mileage rate of 58¢ mile for 2019. Seconded by Bax and carried 5-0.

2019 PAY SCHEDULE:

Geiben MOVED to approve the 2019 Pay Schedule, as presented per the respective union contracts or per the Budget. Seconded by Bax and carried 5-0.

Geiben said there may be modifications thru the year, for Anniversary Date increases.

GSA PER DIEM

Broderick announced the US GSA (General Services Administration) per diem will be used for ALL Town travel reimbursements. Reimbursements must be submitted for payment within 60 days from last day of the month of expense. This includes mileage & other personal expenses.

Geiben MOVED for approval, as stated. Seconded by Morreale and carried 5-0.

2019 COPY/ASSESSOR FEES:

Geiben MOVED to approve the 2019 fee for non-certified copies at 25¢/page and Assessor fees for copies of deeds at 65¢/page, minimum \$1.30. Seconded by Bax and carried 5-0.

CELL PHONE STIPEND:

Geiben MOVED a \$25 monthly cell phone stipend for the Code Enforcement Officer, Deputy Dog Control Officer, Fire Inspectors (2), Fire Prevention Chairman and Town Clerk; \$30 monthly stipend for the Assessor; and an \$80 monthly stipend for the Building Inspector and Supervisor. Seconded by Bax and carried 5-0.

OFFICIAL TOWN NEWSPAPER:

Broderick MOVED to designate the Niagara Gazette as the official Town newspaper for legal notices. Seconded Bax and carried 5-0.

Geiben MOVED to designate the Sentinel as official newspaper for display ads and notifications. Seconded by Morreale and carried 5-0.

OFFICIAL TOWN DEPOSITORIES:

Geiben MOVED to designate Key Bank and M&T Bank as official Town depositories. Seconded Morreale and carried 5-0.

Geiben MOVED to designate Steve Broderick, Bill Conrad and Jacqueline Agnello as signatories to Town bank accounts. Seconded by Bax and carried 5-0.

Geiben MOVED to designate Steve Broderick, Bill Conrad and Jacqueline Agnello as signatories to Host Community Standing Committee. Seconded by Morreale and carried 5-0.

TOWN PHYSICIAN:

Geiben MOVED to re-appoint Dr. Jerome Ulatowski as Town Physician for 2019. Seconded by Jacoby and carried 5-0.

PROCUREMENT POLICY:

Geiben MOVED to adopt the Procurement Policy, as written. Seconded by Bax and carried 5-0.

INVESTMENT POLICY:

Geiben MOVED to adopt the Investment Policy, as written. Seconded by Morreale and carried 5-0.

ROBERTS RULES OF ORDER:

Geiben MOVED to adopt Roberts Rules of Order for all business conducted in the Town of Lewiston. Seconded by Morreale and carried 5-0.

TOWN/VILLAGE JOINT MEETING DATES: Dates to be determined.

TOWN/BUILDING DEPT MAP FEES:

Bax MOVED the following fees: Town Maps - \$5; Disk/Thumb Drive (minutes) - \$25; Maps – 24’x36 sheet B/W - \$12; 36’x48’ sheet B/W - \$24; 24’x36’ sheet Color - \$18; 36’x48’ - \$30. Seconded by Geiben and carried 5-0.

APPOINTMENTS/CONFIRMATIONS:

Attorney: **Broderick MOVED to retain the law firm of Seaman Norris, LLP as Attorney for the Town. Seconded by Bax and carried 5-0.**

Bax MOVED to authorize the Supervisor to sign said contract with Seaman Norris, LLP, as Attorney for the Town. Seconded by Geiben and carried 5-0.

Engineering Services: Geiben MOVED to retain GHD Consulting Services, represented by Robert Lannon, pursuant to their current fee schedule. Seconded by Bax and carried 5-0.

Bax MOVED to authorize the Supervisor to sign said contract with GHD Consulting Services, as presented. Seconded by Geiben and carried 5-0.

Assessor's Dept: Jacoby MOVED to confirm appointment of Linda Johnson as Town Assessor. Seconded by Morreale and carried 5-0.

Morreale MOVED to re-appoint Heidi Seguin as Real Property Appraisal Technician. Seconded by Bax and carried 5-0.

Building Dept: Morreale MOVED to re-appoint Tim Masters as Building Inspector/SEQR Compliance Officer. Seconded by Bax and carried 5-0.

Morreale MOVED to re-appoint Clerk/Typist Sandy VanUden. Seconded by Jacoby and carried 5-0.

Morreale MOVED to re-appoint Chris McAuliffe as Ordinance Enforcement Officer/Stormwater Manager. Seconded by Jacoby and carried 5-0.

Geiben MOVED to accept the agreement with New York Atlantic-Inland, Inc. for electrical inspection services as a private subcontractor. Seconded by Bax and carried 5-0.

Geiben MOVED to authorize the Supervisor to sign said agreement with New York Atlantic Inland, Inc. Seconded by Morreale and carried 5-0.

Fire Bureau: Jacoby MOVED to re-appoint Pat Martin & Don Cosentino as part-time Fire Inspectors. Seconded by Morreale and carried 5-0.

Jacoby MOVED to re-appoint Kathy Kifer, Typist, P/T. Seconded by Morreale and carried 5-0.

Jacoby MOVED to re-appoint Les Myers, Fire Prevention Chair. Seconded by Bax and carried 5-0.

Highway Department: Geiben MOVED to confirm the appointment of Brian Christman, Deputy Highway Supt. and Typist (Clerical 1) Darlene Norwich. Seconded by Bax and carried 5-0.

Bax MOVED to confirm the Highway/Drainage employees (per 2019 Salary Schedule). Seconded by Morreale and carried 5-0.

Historian: Bax MOVED to re-appoint Marjorie Maggard, Town Historian. Seconded by Morreale and carried 5-0.

Justice Confirmations: Geiben MOVED to confirm Maria Sicurella and Mary Gee as Justice Clerks. Seconded by Morreale and carried 5-0.

Geiben MOVED to confirm George Adamson, Town Prosecutor and Patty Yacus, Typist. Seconded by Jacoby and carried 5-0.

Parks: Morreale MOVED to re-appoint Mike Dashineau, Parks Supt. Seconded by Bax and carried 5-0.

Bax MOVED to re-appoint Jeffery Lester, Joseph Kostyrka & James Hescox as Parks Laborers. Seconded by Morreale and carried 5-0.

Police: Bax MOVED to confirm Frank Previte as Police Chief. Seconded by Morreale and carried 5-0.

Bax MOVED to confirm Katelyn Allan as Account Clerk. Seconded by Jacoby and carried 5-0.

Geiben MOVED to confirm Captain, Officers and Constables (per 2019 Salary Schedule). Seconded by Morreale and carried 5-0.

Recreation: Bax MOVED to re-appoint Mike Dashineau as Recreation Director. Seconded by Morreale and carried 5-0.

Bax MOVED to re-appoint Cindy Marcoaldi as Typist, p/t. Seconded by Jacoby and carried 4-0. Morreale abstained.

Registrar: Bax MOVED to confirm Donna Garfinkel as Registrar, Records Access Officer & Recycling Officer. Seconded by Jacoby and carried 5-0.

Senior Services: Geiben MOVED to re-appoint Jeanette Collesano as Senior Director. Seconded by Morreale and carried 5-0.

Geiben MOVED to re-appoint Carol Jacobs & Mary Ann Wittlop, Senior Aides, P/T. Seconded by Bax and carried 5-0.

Geiben MOVED to re-appoint; John Cich, Michael Cuddahee & Randy Gorska, Van Drivers P/T. Seconded by Jacoby and carried 5-0.

Geiben MOVED to re-appoint Don Clark, Laborer. Seconded by Morreale and carried 5-0.

Geiben MOVED to re-appoint Susan Letourneau, Sr. Citizens Leader, P/T. Seconded by Jacoby and carried 5-0.

Supervisor's Confirmations: Geiben MOVED to confirm Jacqueline Agnello as Finance Director and Elizabeth Geise, Jr. Accountant. Seconded by Morreale and carried 5-0.

Geiben MOVED to confirm Amy Smith, Confidential Secretary/Sr. Typist/Risk Manager. Seconded by Jacoby and carried 5-0.

Bax MOVED to confirm William Conrad, Deputy Supervisor. Seconded by Geiben and carried 5-0.

Geiben MOVED to continue the contract with Town Auditor, Drescher & Malecki, LLP. Seconded by Morreale and carried 5-0.

Geiben MOVED to enter into contract with Connie Miner as Grants Consultant, subject to attorney approval. Seconded by Jacoby and carried 5-0.

Town Clerk Confirmations: Geiben MOVED to confirm Carole Schroeder, First Deputy Town Clerk/Deputy Registrar. Seconded by Jacoby and carried 5-0.

Geiben MOVED to confirm Linda Kreps, Deputy Town Clerk/Sub Registrar. Seconded by Bax and carried 5-0.

Geiben MOVED to confirm Tamara Meogrossi, Deputy Town Clerk. Seconded by Jacoby and carried 5-0.

Geiben MOVED to re-appoint Barbara Joseph, Typist. Seconded by Morreale and carried 5-0.

Geiben MOVED to re-appoint Donna Garfinkel, Dog Control Officer. Seconded by Jacoby and carried 5-0.

Geiben MOVED to re-appoint John Aquino, Laborer/Deputy DCO. Seconded by Morreale and carried 5-0.

Water Personnel: **Bax MOVED to re-appoint Steve Broderick, Water Administrator. Seconded by Morreale and carried 5-0.**

Geiben MOVED to appoint Dan Zahno, Water Foreman. Seconded by Bax and carried 5-0.

Geiben MOVED to confirm Water employees (per 2019 Salary Schedule). Seconded by Bax and carried 5-0.

WPCC: **Bax MOVED to confirm Jeff Ritter, Chief Operator and Cheryl Milicia, Typist. Seconded by Morreale and carried 5-0.**

Geiben MOVED to confirm WPCC (SS1) and Outside Sewer employees (per 2019 Salary Schedule). Seconded by Jacoby and carried 5-0.

APPOINTMENTS:

Broderick read the 2019 Appointed Liaisons as follows:

Board of Ethics Ex-Officio – Brian Seaman; Building Inspector – Bax; Cable Commission – Geiben; CWM Siting Advisory Committee – Bax; Engineer – Geiben; Environmental Commission – Bax/Geiben; Fire Bureau – Broderick/Jacoby; Highway/Drainage – Bax; Historic Preservation – Jacoby; Justice Court Office – Broderick; Lewiston Council on the Arts – Jacoby; Library – Jacoby; Lighting Advisory Board – Morreale; Lower Niagara River Region Chamber – Broderick/Geiben; Modern CAC - Bax; Parks & Recreation Advisory Committee – Morreale; Personnel Committee – Geiben; Police – Bax; Town/Village Police Liaisons – Broderick/Bax; Planning Board – Bax/Morreale; Recreation – Morreale; Risk Manager – Broderick; Sanborn Business and Professional Assoc. – Broderick/Geiben; Senior Citizens – Geiben; Signage Committee – Morreale; Tower/Wind Energy Research Committee – Jacoby; Water – Broderick; WPCC – Bax; and Zoning Board of Appeals – Bax.

Geiben MOVED the Liaison Appointments, as read. Seconded by Morreale and carried 5-0.

Minority Business Officer: **Bax MOVED to re-appoint Donna Garfinkel. Seconded by Geiben and Carried 5-0.**

Women's Business Officer: **Geiben MOVED to appoint Donna Garfinkel. Seconded by Morreale and carried 5-0.**

Records Appeals Officer – FOIL: **Bax MOVED to appoint the Town Board. Seconded by Morreale and carried 5-0.**

T/V Police Liaison: **Bax MOVED to appoint Steve Broderick. Seconded by Jacoby and carried 5-0.**

Bingo Inspector: **Bax MOVED to appoint Linda Kreps. Seconded by Jacoby and carried 5-0.**

BOARDS, COMMISSIONS & COMMITTEES:

Cable Commission: **Geiben MOVED the following individuals to the Cable Commission for 2019: James Abbondanza (Chairman), Anthony DiPasquale, Karl Frankovitch, Carl Hoffman and John Sharpe. Seconded by Bax and carried 5-0.**

Environmental Commission: **Geiben MOVED the re-appointment of James Allen, F. Brock Davy and Victoria Polka. Terms to expire 12/31/2021. Seconded by Bax and carried 5-0.** Jerald Wolfgang named Chairman and James Allen, Vice Chairman. Secretary for the Commission will be determined by the members and compensated at the same rate as the Chairman.

Board of Ethics: **Geiben MOVED the appointment of Robert DiFrancesco, Linda Johnson, Suzanne Pardee (Chair), James Roscetti and Ronald Winkley with the appointment of Brian Seaman (or his designee) as Ex-Officio. Seconded by Bax and carried 5-0.**

Historic Preservation: **Geiben MOVED to re-appoint F. Brock Davy, with a term to expire 12/31/2025. Seconded by Morreale and carried 5-0.** Zachary Collister named Chairman.

Lewiston Library Board of Trustees: **Geiben MOVED to re-appoint Margaret Salada and William Leggiero, Jr. Seconded by Morreale and carried 5-0.** Terms to expire 12/31/2022.

Lighting Advisory Board: **Morreale MOVED the re-appointment of John Barber (Chairman), Suzanne Pardee, Bruce Gonka, Mary Price and Daniel Vitch. Seconded by Bax and carried 5-0.** Brian Christman names Ex-Officio

Modern CAC: Broderick noted that no appointments were made in 2018. Discussion ensued about potentially de-activating this Committee. No action taken.

Parks and Recreation Advisory Committee: One Vacancy exists. No action taken.

Personnel Committee: **Bax MOVED to appoint Donna Garfinkel, Amy Smith and Attorney Brian Seaman (or his designee). Seconded by Jacoby and carried 5-0.**

Planning Board: **Broderick MOVED to appoint Pat Baker. Seconded by Geiben and carried 5-0.** William Conrad named Chairman

Senior Advisory Board: **Geiben MOVED to appoint Althea Montgomery, Patricia Thompson, Jerald Wolfgang and Donna Young thru 12/31/2021. Seconded by Bax and carried 5-0.** One vacancy exists thru 12/31/2019. An application was submitted from a non-resident. At this point, this person will not be appointed unless no Town resident applies.

Signage Committee: **Morreale MOVED to appoint David Trane, Gary Wasko, Christopher Winstel and Frank Previte. Seconded by Bax and carried 5-0.** Chairman to be determined.

Tower/Wind Energy Committee: **Geiben MOVED to re-appoint William Conrad (Chairman), Karl Frankovitch, Stephen Lyle, Wayne Rivers and Terry Vargo thru 12/31/2019. Seconded by Morreale and carried 5-0.**

Zoning Board of Appeals: One vacancy exists. Norman Machelor named Chairman. Vice Chairman to be determined.

Geiben said the Town Hall Renovation Board should be reactivated. Changes need to be made to the building, he said.

Geiben MOVED to close the Reorganization Meeting. Seconded by Morreale and carried 5-0. Time: 7:30 p.m.

WORK SESSION

JANUARY 7, 2019

The Supervisor called the Work Session to order.

AGENDA:

Additions: Bax: Police Dept. resignation; Broderick: Resolution in support of Circle of Honor; Resolution in support of Niagara Post Theater; Executive Session re: Employment status of a particular individual, Pending/possible litigation re Bella Rose Winery & Quigliano Construction.

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

SITE PLAN/SPECIAL USE PERMIT (Solar Energy System, Moore Road)

Engineer Lannon was asked to touch base on the SEQR, Parts 2 &3.

Lannon said the applicant filled out Part 1. The Town sent Part 1, along with supporting documentation, to interested and involved agencies. In this case, six entities received a package – Town of Porter & Town of Wilson (both of which had no comment or objected to the Town being Lead Agent; Niagara County Planning Board (no comment and recommended approval of the project; NYSOPRH (issued a letter of no affect); NYS DEC (required a Stormwater Pollution Prevention Plan) and NYS Ag & Markets (notice of intent required from NYSERDA, if the applicant applies for funding).

Moving forward, Lannon prepared Part 2 (Assessment of Environmental Impacts on project), which consists of a series of questions as to whether the project will have “No, or small impact” or “Moderate to large impact” that requires mitigated action. Lannon discussed the items that could be potentially a moderate to large impact and how they mitigate those impacts. (Full Environmental Assessment Form Part 2 & 3 on file in Clerk’s office).

Bax MOVED the following resolution:

**STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION
AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
OYA SOLAR FACILITY AT 2643 MOORE ROAD, LEWISTON NEW YORK**

WHEREAS, a proposed solar energy generation facility located at 2643 Moore Road, Lewiston, New York (the “Project”) is being considered for approval of a Special Use Permit and Site Plan Approval by the Town Board, and

WHEREAS, the Town has previously circulated notices of its intent to act as lead agency with respect to the Project for purposes of conducting a review under the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (hereinafter collectively referred to as “SEQRA”) to all involved and interested agencies, and has received no objection to its serving as lead agency; and

WHEREAS, a Full Environmental Assessment Form was prepared by GHD, the Town’s Engineers, and was submitted to the Town Board (the “EAF”), and which EAF was also circulated to involved agencies for input pursuant to SEQRA, and

WHEREAS, the Town Board has considered the Project and reviewed the EAF and all comments received from involved or interested agencies, in light of the criteria set forth in SEQRA in order to determine whether the Project will have a significant effect on the environment, now therefore be it

RESOLVED, that the Town Board of the Town of Lewiston hereby declares itself lead agency for the purposes of SEQRA review of the Project, and be it further

RESOLVED, that based upon the information set forth in the EAF, and for reasons more fully set forth in parts 2 and 3 of the EAF, the Town Board hereby determines that there will be no significant environmental impacts with regard to the Project, and hereby adopts and issues the attached Negative Declaration under SEQRA with respect thereto, and be it further

RESOLVED, that following the Town Supervisor be, and hereby is, authorized to execute any necessary documents in conjunction hereto.

Jacoby seconded the foregoing motion. Carried 5-0.

RESOLUTION REGARDING AN APPLICATION BY OYA SOLAR FOR SITE PLAN REVIEW AND SPECIAL USE PERMIT FOR A PROPOSED UTILITY SCALE SOLAR ENERGY SYSTEM LOCATED AT 2643 MOORE ROAD, LEWISTON

WHEREAS, the Town of Lewiston received an application from OYA Solar for a Special Use Permit and Site Plan review for a utility scale solar energy system to be located at 2643 Moore Road, Lewiston, New York; and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, with conditions, to the Town Board of the Town of Lewiston; and

WHEREAS, the Town of Lewiston Town Board, on January 7, 2019, did hold a duly advertised Public Hearing at Lewiston Town Hall, 1375 Ridge Road, Lewiston, New York, regarding the application for a Special Use Permit and site plan review of the proposed utility scale solar energy system and at such public hearing every party wishing to be heard was heard; and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it;

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented, the Town Board makes the following findings:

a. That the use, a utility scale solar energy system, is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected; to wit: the project has been designed and located such that the solar panels will be behind hedges and vegetation substantially reducing its visibility and impact to neighboring properties and public highways. The project is also located in a relatively sparsely populated area of the Town; and

b. That the use, a utility scale solar energy system, will not cause substantial injury to the value of other property in the neighborhood where it is located, to wit: the project has been designed and located, such that the solar panels will be behind hedges and vegetation thus substantially reducing its visibility and impact to neighboring properties; and

c. That the use, a utility scale solar energy system, will be compatible with adjoining development and the character of the neighborhood where it is located, to wit: the neighborhood the project is located in is zoned rural residential. It generally consists of large lots with single family homes and/or large farming operations, vacant areas, or woods. The character of the neighborhood the project is located will not be effected since the project has been designed to substantially minimize and obscure the solar panels from view of neighboring properties and public highways; and

d. That the use, a utility scale solar energy system, provides adequate screening to preserve the character of the neighborhood, to wit: the project is located on a lot with existing hedges and vegetation surrounding the panel site; and

e. That the use, a utility scale solar energy system, provides adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, to wit: while the project will cause an increase in traffic during construction that impact is not expected to be substantial and will be limited in time to only the period of construction. The nature of the project does not require the presence of employees or other staff beyond periods of required maintenance; and

BE IT FURTHER RESOLVED that the Site Plan Approval and Special Use Permit for operation of a utility scale solar energy system at 2643 Moore Road is granted, with the following conditions:

1) Submission of a fully funded removal bond in a form acceptable to the Attorney for the Town prior to commencing construction pursuant to Town Code Section 360-220(S).

2) Submission of final SWPPP and approval of the same by Town Engineer.

3) Continued compliance with all requirements of Article XXVIII of the Town Code (Solar Energy Systems), as amended.

4) Compliance with any and all PILOT agreements.

5) Installation of dense evergreen vegetation screening along a portion of the project facing Moore Road and Eastern boundary to complement existing vegetation.

6) Fence to be located far enough from creek bed to allow Highway Department maintenance.

7) Provision of a glare study indicating no significant impact.

Bax MOVED the foregoing Resolution. Seconded by Jacoby and carried 5-0.

CIRCLE OF HONOR VETERANS' MEMORIAL:

The Supervisor read the following resolution in support of the Circle of Honor Veterans' Memorial Project.

WHEREAS, The current veterans' memorial located at Academy Park in the Village of Lewiston has restricted the names placed on the honor stones to those veterans who have either been members of the Lewiston's Veterans of Foreign Wars (VFW) Downriver Post 7487, or born in the Village of Lewiston, and

WHEREAS, There has been no official Town of Lewiston veterans' memorial that has recognized and honored those veterans, by name, who have been born, raised, educated, lived or worked in the Town of Lewiston, and

WHEREAS, In an effort to be more inclusive and to insure that no veteran's service is forgotten, the VFW has modified its policy to allow names on the memorial to include any and all veterans who have been born, attended school, worked or lived in the Village or Town of Lewiston, and who have served our community and our country since the American Revolution, and

WHEREAS, The current memorial, created and jointly maintained by the VFW and the Village of Lewiston is in need of substantial improvements that will enhance the readability of the veterans' names, create a safer and more prominent eternal flame, and upgrade the memorial's presence as a place of honor and distinction, and

WHEREAS, It is the goal of the VFW to have Lewiston host one of the most distinctive small town veterans' memorials in America by that will include a large granite circular platform that will highlight the honor stones and create a new "Circle of Honor," and

WHEREAS, The VFW has worked diligently over the past year to solicit private funds to help in the improvements, along with publicizing and promoting its new polity to include all veterans' names who have been associated with Lewiston,

SO THEREFORE BE IT RESOLVED, That the Town of Lewiston strongly supports the VFW in its efforts to be more inclusive by having all honorably discharged veterans who have been born raised, educated, or who have resided or worked in the Village or Town of Lewiston to be eligible for memorializing on the new Circle of Honor, and

BE IT FURTHER RESOLVED, That the Town of Lewiston enthusiastically endorses the Circle of Honor project, along with the VFW's effort to obtain Greenway Funding, not to exceed \$100,000, to supplement private contributions to construct and maintain the memorial which will exemplify the essence of our local heritage and honor Lewistonians who have been put in harm's way to protect and defend our freedoms, and

BE IT FURTHER RESOLVED, That the Town of Lewiston supports siting the Circle of Honor at Academy Park in the Village of Lewiston, the location of the current veterans' memorial, and expresses its appreciation to the Village of Lewiston for hosting the memorial on its property and providing the energy to light the eternal flame.

Broderick MOVED the foregoing resolution. Seconded by Jacoby and carried 5-0.

GREENWAY APPLICATION FOR RENOVATION OF MOVIE THEATER (FT. NIAGARA):

Broderick read the following resolution supporting the Niagara Post Theater Inc.'s Niagara River Greenway Application:

WHEREAS, Niagara Post Theater Inc. (501c3) is applying to the Niagara River Greenway with a grant application to assist in the renovation of the legacy Military Movie Theater in Fort Niagara State Park into a Performing Arts Center through a public/private partnership under the New York State Parks Adaptive-Reuse criteria. This structure is located in the center of the Fort Niagara State Park within the boundaries of the Niagara River Greenway corridor adjacent to the Niagara River Greenway trail system. The emphasis of the project is to offer a venue to support education, entertainment, assembly and interpretive opportunities within the Park and for surrounding communities.

THEREFORE, be it resolved, that the Town Board of the Town of Lewiston, hereby does approve and endorse the Greenway Application for the assistance of the renovation of the legacy Military Post Theater project by Niagara Post Theater Inc. This project exemplifies the vision, principles, goals, focus and intent of the Niagara River Greenway Plan. The effective use of an existing State resource gives rise to economic opportunities for the region and is an excellent use of the funds associated with community well-being and development.

Geiben MOVED the resolution, as read. Seconded by Morreale and carried 5-0.

OFFICE OF THE AGING/TRANSPORTATION CONTRACT:

Geiben MOVED to approve the agreement with the Niagara County Office of the Aging for Senior Van Services and authorized the Supervisor to sign said contract. Seconded by Morreale and carried 5-0.

SANBORNITE SENIORS:

Geiben MOVED to enter into an agreement with the Town of Cambria for the contribution of \$4,000 to fund the Sanbornite Seniors in the Town of Lewiston. Seconded by Morreale and carried 5-0.

Geiben MOVED to authorize the Supervisor to sign said agreement. Seconded by Jacoby and carried 5-0.

ASSOCIATION OF TOWNS:

The 2019 Training School and Annual Meeting of the Association of Towns will be held at the Marriott Marquis, New York City, February 17–20, 2019.

This is a training session for town officials. The Annual Business Session (Official Delegates) begins at 8:00 a.m., Wednesday, February 20. A copy of the preliminary 2019 Legislative Program and Resolutions are on file in the Town Clerk's office.

BAX MOVED to designate Supervisor Steve Broderick as Voting Delegate and Councilman Bill Geiben as Alternate to the Association of Towns. Seconded by Morreale and carried 5-0.

Bax MOVED to direct the Delegate to vote his conscience on Resolutions 1-19. Seconded by Jacoby and carried 5-0.

Geiben MOVED to approve the payment of \$1,500 to cover the yearly dues to the Association of Towns, as budgeted. Seconded by Morreale and carried 5-0.

RESIGNATION:

Bax MOVED to accept, with regret, the resignation of Thomas Battaglia from the Lewiston Police Department, effective immediately. Seconded by Geiben and carried 5-0.

PARKS:

a) Transfer of Vehicle from Water Dept: Foreman Dan Zahno said they are transferring a 2003 utility truck to the Parks Dept.

Geiben MOVED to transfer said vehicle from the Water Dept. to the Parks Dept. and transfer said documents to reflect that. Seconded by Morreale and carried 5-0.

b) Irrigation Project Bids: Broderick said the bids came in higher than anticipated. No action taken.

c) Invoice – Angry Beaver Tree Services: Broderick said Angry Beaver submitted an invoice for \$17,250 for removal of dead ash trees in the greenspace behind Michelle Court. Broderick said he negotiated a price reduction to \$10,000 for them to finish the job. He will be paid in full after he finishes the job.

Broderick MOVED to pay the invoice in the amount of \$10,000 to Angry Beaver Tree Service. Seconded by Morreale and carried 5-0.

SPCA AGREEMENT:

Atty. Seaman said the Town Clerk has been working diligently with the SPCA of Niagara whereby that organization would take over some dog control and dog housing issues. The Town currently contracts with three separately entities (Town of Wilson/Town of Porter/Erie Co. SPCA). The Clerk submitted a contract for approval. Seaman had some amendments he deemed necessary with regard to insurance and indemnification provisions. The Director of the SPCA has accepted those changes. Seaman said the Board could enter into a contract with the Niagara SPCA, as amended.

Chief Previte asked if this was for sheltering only or do they go out on calls. When the Town contracted with the SPCA before, they would not respond to anything on the Reservation. The Police Dept. is still saddled with this problem. The SPCA will not respond to dangerous dogs or abandoned dogs. The Lewiston Police would get calls for stray dogs on the Reservation and the SPCA would not respond. Some of them are public safety issues. What can we do to address that?

Seaman said that is not addressed specifically in the contract before the Board. It is a complicated issue. He doesn't have an answer right now.

Broderick said they will have to address that concern. Seaman suggested the Town Clerk and Police Chief reach out to the SPCA to determine if they would respond to the Town's need to that regard. Contract tabled until the next meeting.

RECREATION:

The Board received a request from the Recreation Director to increase the hourly wages for seasonal employees in the Recreation Dept. These new wages reflect an increase in minimum wage and are effective on December 31, 2018. Also he asked to approve the following hires for employment as Recreation Aides in the Basketball Program.

Noah Coppins (\$11.35); Zach Clayborne (\$11.35); William Duff (\$11.35); David Keegan (\$11.75) and Andrew Perreault (\$11.35).

Morreale MOVED for approval. Seconded by Geiben and carried 5-0.

FINANCE: The Finance Director submitted letters asking for approval to process 15 budget adjustments.

1) A revision to move \$2,354 from Budget Officer Contractual (A00-1310-0400-0000) to Budget Officer Personal (A00-1310-0100-0000) to cover vacation pay for the previous Director of Finance, Martha Blazick, paid out earlier in 2018.

Geiben MOVED for approval. Seconded by Morreale and carried 5-0.

2) A revision to move \$1,064 from Buildings Contractual (A00-1620-0400-0000) to Buildings Equipment (A00-1620-0200-0000) to cover letters and engraved plates for the photos to be hung on the meeting room wall.

Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.

3) A revision to move \$2,000 from Recreation Seasonal Personal (A00-7310-0100-0000) to Recreation Contractual (A00-7310-0400-0000) to cover additional Contractual expenses.

Geiben MOVED for approval. Seconded by Morreale and carried 5-0.

4) A revision to move \$500 from Seniors Personal (A00-7630-0100-0000) to Seniors Contractual (A00-7630-0400-0000) to cover additional Contractual expenses.

Geiben MOVED for approval. Seconded by Bax and carried 5-0.

- 5) A revision to increase the PIP Engineering expense (B00-1440-0440-0100) and the PIP Engineering revenue (B00-1000-1589-0700) by \$1,797 to cover additional Contractual. It is being funded from increased PIP revenues received.
Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.
- 6) A revision to move \$2,056 from Police Personal (B00-3120-0100-0000) to Personal Police SRO-Niagara Wheatfield (B00-3120-0100-0025) to cover additional Personal SRO expenses.
Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.
- 7) A revision to move \$5,200 from Police Personal (B00-3120-0100-0000) to the Police Gasoline budget (B00-3120-0400-3510) to cover additional gasoline expenses.
Geiben MOVED for approval. Seconded by Morreale and carried 5-0.
- 8) A revision to move \$6 from Contingency (B00-1990-0400-0000) to Fire Inspection Contractual (B00-3410-0400-0000) to cover additional contractual expenses.
Geiben MOVED for approval. Seconded by Morreale and carried 5-0.
- 9) A revision to move \$71 from Safety Equipment (B00-3620-0200-0000) to Safety Personal (B00-3620-0100-0000) to cover additional Personal expenses.
Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.
- 10) A revision to move \$437 from Contingency (B00-1990-0400-0000) to Clerk's Personal (B00-4020-0100-0000) to cover additional Personal expenses due to a contractual stipend paid.
Geiben MOVED for approval. Seconded by Morreale and carried 5-0.
- 11) A revision to move \$1 from Stormwater Contractual (B00-8140-0400-0000) to Stormwater Personal (B00-8140-0100-0000) to cover additional Personal due to rounding.
Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.
- 12) A revision to move \$794 from Parks Personal (B00-7110-0100-0000) to Unemployment (B00-9050-0800-0000) to cover unemployment expenses paid thru the year.
Geiben MOVED for approval. Seconded by Morreale and carried 5-0.
- 13) A revision to move \$1 from Workers Compensation (SFO-9040-0800-0000) to Insurance Liability (SFO-1910-0400-0000) to cover insurance expenses paid thru the year.
Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.
- 14) A revision to move \$6,269 from Treatment & Disposal Personal (SS1-8130-0100-0000) to Treatment & Disposal Contractual (SS1-8130-0400-0000) to cover Contractual expenses paid thru the year.
Geiben MOVED for approval. Seconded by Morreale and carried 5-0.
- 15) A revision to move \$1,226 from Treatment & Disposal Personal (SS1-8130-0100-0000) to Gas & Electric (SS1-8130-0400-3500) to cover gas & electric expenses thru the year.
Geiben MOVED for approval. Seconded by Bax and carried 5-0.
- 16) A revision to move \$1,440 from South Sewer Sanitation Personal (SS3-8120-0100-0000) to South Sewer Sanitation Equipment (SS3-8020-0200-0000) to cover Equipment expenses paid thru the year.

Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.

17) A revision to move \$1 from Workers Compensation (SS3-9040-0800-0000) to Serial Bonds Interest (SS3-9710-0700-0000) to cover bond interest paid thru the year due to rounding.

Geiben MOVED for approval. Seconded by Morreale and carried 5-0.

18) A revision to move \$1 Workers Compensation (SW1-9040-800-0000) to the Serial Bonds interest (SW1-9710-0700-0000) to cover bond interest pay thru the year to rounding.

Geiben MOVED for approval. Seconded by Morreale and carried 5-0.

STATEMENTS BY RESIDENTS: No one spoke.

Announcements:

Town Offices will be closed January 21st in observance of Martin Luther King Jr. Day.

Bax MOVED to enter into Executive Session re employment status of a particular individual, Pending/possible litigation re Bella Rose Winery & Quigliano Construction. Seconded by Geiben and carried 5-0. Time: 8:30 p.m.

Present: Broderick; Bax; Geiben; Jacoby; Morreale; Seaman; Lannon; Conrad; Masters; Agnello; & Previte

Issues Discussed:

1. Possible litigation: Quigliano Construction;
2. Possible litigation: Modern/Bella Rose Winery;
- 3) Matter concerning employment status of a particular individual.

Bax MOVED to exit Executive Session. Seconded by Morreale and carried 5-0. Time: 9:30 p.m.

No Action Taken

Bax MOVED to adjourn meeting. Seconded by Morreale and carried 5-0. Time: 9:30 p.m.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk