

**PUBLIC HEARING – Local Law – Removal of Fees from Town Code
July 23, 2018 – 6:00 pm**

**REGULAR TOWN BOARD MEETING
July 23, 2018 - 6:00 pm
A G E N D A**

Please turn off cell phones, pagers and electronic devices/ Assistive Listening Devices available for the Hearing Impaired

PLEDGE OF ALLEGIANCE

SILENT REFLECTION

AGENDA APPROVAL

DRESCHER MALECKI AUDIT REVIEW

RESIDENTS STATEMENTS

DEPARTMENT HEAD STATEMENTS

APPROVAL OF MEETING MINUTES . . . PH – LMK Reality & Regular Town Board Meeting - 6/25/2018
PH – LMK Reality – 7/9/2018

AUDIT PAYMENT Councilman Jacoby

OLD BUSINESS. Board/Commission Vacancies
(Cable-1; Board of Ethics-2)
Change Order – Ash Tree Removal
Lighting Request – Military Road
Sewer Refund – Kenwood Drive

PENDING Dog Shelter
Bingo Inspector

NEW BUSINESS Residents / Public Correspondence

SUPERVISOR BRODERICK

1. Liaison Report
 - a. Water Shut-off
 - b. Addition - Lewiston #2 Fire Company Roster
 - c. Removal – Lewiston #2 Fire Company Roster
2. Legal
 - a. Adoption of Local Law #4 – Removal of Fees Code Book
3. Engineering
4. Finance
 - a. Budget Adjustments

COUNCILMAN BAX

1. Liaison Report
2. Job Title Change – Ordinance / Code Enforcement
3. Sewer Fee Request - Saunders Settlement Rd
Curtis Court North
4. Reduce Speed Limit Resolution – Walmore Road

5. WWTP Retirement - Clark

COUNCILMAN GEIBEN

1. Liaison Report
 - a. Resignation of Sanbornites Seniors Director

COUNCILMAN JACOBY

1. Liaison Report

COUNCILMAN MORREALE

1. Liaison Report
2. Street Light request – Vista North Subdivision

RESIDENTS STATEMENTS

UPCOMING BOARDS/COMMISSION MEETINGS:

Town Board Work Session	No August Meeting Scheduled
Zoning Board of Appeals	August 9, 2018 7:00 pm
Environmental Commission	August 13, 2018 7:00 pm
Historic Preservation	August 14, 2018 6:00 pm
Planning Board	August 16, 2018 6:30 pm
Town Board Meeting	August 27, 2018 6:00 pm

**NOTICE OF PUBLIC HEARING
TOWN OF LEWISTON**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 23rd day of July, 2018 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, NY, on the adoption of a proposed Local Law entitled, "A Local Law Amending the Code of the Town of Lewiston to Remove Fees and Allow the Town Board of the Town of Lewiston to Set Town Fees by Resolution," an abstract of which is as follows:

The proposed Local Law amends sections within the Code of the Town of Lewiston to remove fees from the code, and authorize the Town Board to set and change fees by resolution.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours.

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

Dated: July 13, 2018

DONNA R. GARFINKEL
Town Clerk
Town of Lewiston

Town of Lewiston

A Local Law Amending the Code of the Town of Lewiston to Remove Fees and Allow the Town Board of the Town of Lewiston to Set Town Fees by Resolution.

Be it enacted by the Town Board of the Town of Lewiston as follows:

- 1) Section 1-11(B)(1) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

In § 306-6J(3)(b)(1), the fee amount for the public improvement permit is revised from \$50 to \$100 or another amount as set hereafter from time to time by resolution of the Town Board of the Town of Lewiston.

- 2) Section 95-5(B) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

An owner or lessee of real property to which an emergency agency responds as a result of a false alarm shall pay a fee for each such response in each calendar year. Such fee(s) shall be set from time to time by resolution of the Town Board of the Town of Lewiston.

- 3) Section 102-7(C) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Seized dogs may be redeemed by the owner producing proof of licensing and identification, pursuant to the provisions of Article 7 of the Agriculture and Markets Law, and by paying the impoundment fees set forth from time to time by resolution of the Town Board of the Town of Lewiston.

- 4) Section 123-5(A) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

An application for a permit for a recreational vehicle park, camping ground or a combination of both or the annual renewal thereof shall be filed with the Zoning Officer and shall be accompanied by a fee, as set from time to time by resolution of the Town Board of the Town of Lewiston, for each unit site in the proposed or existing recreational vehicle park, camping ground or combination or both. The application for a permit or the renewal thereof shall be made on forms prescribed by the Planning Board of the Town

of Lewiston and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct or maintain such recreational vehicle park, camping ground or combination of both shall accompany the application.

- 5) Section 150-12(A) (1) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Upon filing an application for a permit, the applicant shall pay to the Town a fee, as set from time to time by resolution of the Town Board of the Town of Lewiston.

- 6) Section 169-5 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Upon filing an application for a permit, the applicant shall pay to the Town a permit fee for each tank, as set from time to time by resolution of the Town Board of the Town of Lewiston.

- 7) Section 175-11(B) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Fees. All applications for a floodplain development permit shall be accompanied by an application fee, as set from time to time by resolution of the Town Board of the Town of Lewiston. In addition, the applicant shall be responsible for reimbursing the Town of Lewiston for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit to cover these additional costs.

- 8) Section 202-2 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

The fee for such license shall be set from time to ~~by~~ resolution of the Town Board of the Town of Lewiston. Such license fees shall be paid annually, and such license shall expire upon the first day of January following the date of issuance thereof.

- 9) Section 202-4 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Time by

No person shall engage in soliciting business for such public information bureau or service nor shall any person operate as a guide therefrom or work as an employee therein unless such person shall previously obtain a solicitor's license, to be issued upon written application therefor by the Town Clerk of the Town of Lewiston. Each applicant for a solicitor's license shall furnish two recent photographs with his application, one of which shall be attached to the license by the Town Clerk. No person, firm, corporation or association to whom permit has been issued to maintain or operate a public information bureau or information service shall employ or allow any person to act as an attendant or employee of such public information bureau or service unless such person shall have obtained a license to act in that capacity, as hereinbefore provided.

- 10) Section 209-6(A) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

The fee for the license shall be set from time to time by resolution of the Town Board of the Town of Lewiston. Such fee shall include the cost of necessary inspections of the premises to ascertain compliance with this chapter.

- 11) Section 223-4(A) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

An application for a permit for a mobile home park, or the annual renewal thereof, shall be filed with the Zoning Officer and shall be accompanied by a fee, as set from time to time by resolution of the Town Board of the Town of Lewiston. The application for a permit or the renewal thereof shall be made on forms prescribed by the Planning Board of the Town of Lewiston, and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct or maintain such mobile home park shall accompany the application.

- 12) Section 250-5(A) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

A yearly fee, as set from time to time by resolution of the Town Board of the Town of Lewiston, shall be paid before a license is issued to engage in the business of hawking, peddling, soliciting and canvassing. All such licenses

shall be issued for a calendar year expiring on December 31 of the year in which such license is issued. A separate license shall be required for each separate vehicle or conveyance used by any licensee hereunder. Each license issued shall contain the New York State motor vehicle license number of the vehicle used and shall be visibly displayed upon such vehicle. Any use of such license on any other vehicle shall constitute grounds for the revocation of any and all of the offending licensee's licenses hereunder.

- 13) Section 306-4(E)(3)(a) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

All applications for final plat approval must be accompanied by a fee, as set from time to time by resolution of the Town Board of the Town of Lewiston, to cover the necessary engineering review fee and other expenses incurred by the Town.

- 14) Section 320-4(A)(1)(a) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

The basic application fee for the construction of a communication tower/or similar facility, and an annual renewal fee therefor, shall be set from time to time by resolution of the Town Board of the Town of Lewiston. The application fee for any collocation, and the annual renewal fee therefor, shall be set from time to time by resolution of the Town Board of the Town of Lewiston. Permit fees are nonrefundable.

- 15) Section 320-4(A)(1)(b)(1) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Any applicant wishing to construct a new tower or antenna which is in excess of 100 feet, or increase the height of an existing tower in excess of 100 feet, shall pay to the Town an additional annual fee, as set from time to time by resolution of the Town Board of the Town of Lewiston, for each additional foot of height.

- 16) Section 320-4(A)(1)(b)(2) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Any applicant wishing to collocate on an existing tower, antenna or other structure or facility upon which the newly proposed tower or antenna is constructed, shall pay to the Town a fee as set from time to time by resolution of the Town Board of the Town of Lewiston.

- 17) Section 352-5(A)(3) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

To initiate the review process contemplated by this article, including site plan review, an applicant for the small WECS shall remit to the Town an application fee, as set from time to time by resolution of the Town Board of the Town of Lewiston. Said fee, as well as renewal fees and bonds, are nonrefundable.

- 18) Section 352-22(B) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

To initiate the review process contemplated by this article, including site plan review, an applicant for the wind energy conversion system shall remit to the Town an application fee, as set from time to time by resolution of the Town Board of the Town of Lewiston. Said fee, as well as renewal fees and bonds, is nonrefundable. This nonrefundable fee is made in addition to those consulting fees and legal fees which are reasonably related to the consideration and review of any application and any fees as permitted by SEQRA.

- 19) Section A367-2 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

The Superintendent of Water and any department employee shall have the right to enter and inspect any premises using a public supply of water at any time and to repair or remove any meter for repair. If such access be refused the water supply may be terminated and shall not be restored except on payment of a fee to the Town of Lewiston, as set from time to time by resolution of the Town Board of the Town of Lewiston.

- 20) Section 293-8(H) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Each permit application shall be accompanied by an application fee, as sett from time to time by resolution of

the Town Board of the Town of Lewiston, to defray the cost of review thereof.

- 21) Section 270-7(S)(1)(a) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

One-time access fee charge. Customer shall be responsible for payment of a one-time access fee charge and an inspection fee charge, as set from time to time by resolution of the Town Board of the Town of Lewiston. All required fees must be paid in advance.

- 22) Section 270-7(S)(1)(b) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Annual charge in lieu of taxes. A unit charge, as set from time to time by resolution of the Town Board of the Town of Lewiston, shall be paid annually.

- 23) Section 306-6(J)(3)(b)(1) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

The fee for the public improvement, as set from time to time by resolution of the Town Board of the Town of Lewiston, shall be paid by the developer to the Town of Lewiston.

- 24) Section 306-5(F) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Parks and recreation. Parks and recreation areas are to be consistently acquired from all new subdivisions. Where recreation site fees are charged in lieu of land, such fees are to be set aside in a fund to be used for land acquisition or used for the acquisition or improvement, where applicable, of park or recreation areas. The dedication of 10% of the area of the land being subdivided will be required. A cash payment per dwelling unit, as set from time to time by resolution of the Town Board of the Town of Lewiston, may be required instead of dedication of land where a park or recreation area would be unsuitable or too small to be maintained effectively or the Town Master Plan or good planning judgment would not support the location of a recreation area. Such fee shall be paid to the Town Clerk prior to the approval of the final plat.

- 25) Section 306-4(C)(1) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Application fee. Within six months after classification of the sketch plan as a minor subdivision, the subdivider shall pay to the Town Clerk an application fee as set from time to time by resolution of the Town board of the Town of Lewiston. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification.

- 26) Section 143-9(D)(1) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Fees for land development activities. Any applicant or developer submitting a SWPPP to the Town for a land development activity to be completed in a single phase shall submit a fee to the Town based on the acreage of the entire development, in accordance with a fee schedule as set from time to time by resolution of the Town Board of the Town of Lewiston. Any applicant or developer submitting a SWPPP to the Town for a land development activity to be completed in multiple phases shall submit a fee to the Town based on the acreage of the entire development, including the acreage of subsequent phases that are part of a common scheme of development or sale, in accordance with the fee schedule set by the Town Board, and shall also submit the fees required under § 143-9D(2) of this article.

- 27) Section 143-9(D)(2) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

For all land development activities to be completed in multiple phases over time, the applicant or developer, in addition to the fee provided for in § 143-9D(1) of this article, shall pay the Town an additional sum, as set from time to time by resolution of the Town Board of the Town of Lewiston, for each subsequent phase after the first phase of the project, to be paid at the beginning of each subsequent phase.

- 28) Section 150-5(H) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

The construction of a one-acre farm pond is exempt from portions of this article, including the performance bond (§150-10), insurance (§150-11), and excavation fee (§150-

12B). The construction of a farm pond will require the Town approval of a complete application, payment of a permit fee, as set from time to time by resolution of the Town Board of the Town of Lewiston, and following the excavation law guidelines. In order to be exempt from the bond, insurance and excavation fee, the applicant must meet the following requirements:

(1) Provide plans prepared by either a licensed professional engineer and/or the Agricultural Stabilization Conservation Service.

(2) Provide certification, approvable by the Town Board, that construction will be located on a farm for a farmer. The Town Building Inspector shall require record drawings, showing actual size, shape, area and depth, to be submitted by a New York State licensed land surveyor and/or Agricultural Stabilization Conservation Services. Bench marks must be on United States Geodetic Survey datum. Failure to provide record drawings shall be made punishable under § 150-14 of this article. Further, the Town shall cause record drawings to be prepared by a New York State licensed land surveyor and the cost assumed against the property.

29) Section 346-5(A) of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

Upon failure, neglect or refusal of any owner, agent, tenant, lessee or occupant, or agent thereof so notified to properly dispose of litter or remove weeds, grass, unhealthful plants or other growths or to object in writing to the Building Department within five days from the date of notice provided for in § 346-4A above, the Building Inspector shall authorize and direct the appropriate Town office, department, or designee to proceed to dispose of such litter and/or cut and remove such weeds. In the event that the owner, agent, tenant, lessee, or occupant or agent shall object in writing within five days, the matter shall be referred to the Zoning Board of Appeals, which shall review the determination within 30 days from the date of receipt of any written objection. The determination of the Zoning Board of Appeals shall be final. The Town shall keep an accurate and itemized account of the expenses incurred for all labor and equipment time, plus a charge of \$100 to cover the costs and disbursements and

administrative handling. The Building Department shall notify the Town Board of any such violation(s) on a monthly basis.

- 30) Section A367-54 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

When property becomes vacant, upon receipt of notice from the owner, the Water Department will temporarily discontinue the service by either shutting it off at the curb box or by shutting off and sealing the valve immediately ahead of the meter. No charge will then be made for water service during this time the property remains vacant, provided the foregoing provisions are fully complied with. However, should the customer not request a discontinuance of service, the charge shall accrue against the premises for the amount metered, or the minimum quarterly charge for water in the district, whichever shall be larger. A charge, as set from time to time by resolution of the Town Board of the Town of Lewiston, shall be made for turning on any water service temporarily discontinued.

REGULAR TOWN BOARD MEETING
July 23, 2018

Synopsis Residents / Public Correspondence

Item No. 1 Mighty Fitz 5K

Item No. 2 Hospice Dash 5K and The Mighty Niagara Half Marathon

Lewiston Fire Company #2

Roster Addition:

Hindle, Hannah - 5141 Sweet Home Road

Roster Removal:

Greene, Sarah

Copy: T.B.

atty

7/18/19

Donna Garfinkel

From: Jacqueline A. Agnello
Sent: Thursday, July 19, 2018 2:00 PM
To: Steve Broderick; Alfonso Marra Bax; John Jacoby; Rob Morreale; william geiben; Bill Conrad
Cc: Donna Garfinkel
Subject: Board meeting 7/23/18-Finance Department matters
Attachments: Budget Revision #1.pdf; Budget Revision #2.pdf

Copy: T.B
7/18/18 atty

Dear Supervisor and Board members,

At the 7/23/18 Board meeting the Finance Department will be asking for your approval on the following matters:

1. Approval to utilize the services of USI Consulting Group to perform the Towns 2018 GASB 75 (which supersedes and eliminates GASB 45) actuarial valuation services of post-employment benefits report for a cost of \$4,095 which is within the approved \$4,500 budget. Although not required, I did receive 2 additional quotes, Burke Group for \$4,000 but they did not include a quote for the interim year cost, and BPAS for \$9,800. USI is \$95 more than the lowest bid BUT they are the current company that performed our last GASB 45 report and have all our current information to proceed with. This would save manpower from both the Finance and Payroll departments that would easily exceed \$95 plus I was not given the cost quote for the interim year from the Burke Group. I ask that you approve the use of USI Consulting Group and approve the Supervisor to sign the agreement.
2. We are moving forward with the issuance of an \$800,000 BAN (Bond Anticipation Note) from August 2018 thru August 2019 for the 10.2M Waterline Project. These funds will cover any current and anticipated expenses for the survey, base mapping, design phase, bid phase, construction administration, and resident inspection expenses. The Notice of Sale will begin on July 31, 2018 and the Sale Date will be August 8, 2018 @11:00 am. The Closing Date will be August 22, 2018. I ask that you approve the Supervisor and myself as a designated official (in the Supervisors absence) to authorize the award of bids on August 8, 2018 at 11:00 am and also approve the Supervisor and Clerk to sign and affix the seal to the Notes on August 22, 2018. We expect to issue a second BAN for the remaining expenses in December 2018 thru August 2019 to cover construction and continued administration and inspection expenses. We can stay in BAN's through 2023 then would need to issue a 25 year Bond. Issuing the BAN's prior to the Bond will help reduce our interest expenses and insure that we borrow the exact amount needed.
3. Approval to process the attached Budget Revision #1. This revision is to increase the Police Equipment budget by a total of \$6,000 which the Police Department received as revenue/donations to cover the K9 vest for Taser and body cameras expenses. This increases the revenue and the expense and has no effect on the bottom line. It allows them to spend the donation.
4. Approval to process the attached Budget Revision #2. This revision is to increase the Highway Department Gasoline & Diesel Fuel budget from the Highway Department General Repairs Contractual budget to cover the anticipated 2018 expenses. The gasoline and diesel fuel budget was separated from the general repairs contractual budget for the first time in the 2018 budget and additional funding is necessary to cover increased fuel expenses for the remainder of the year.

Please feel free to contact me if you have any questions regarding any of the above matters prior to the meeting.

Thank you,
Jacquie

Jacqueline (Jacquie) A. Agnello
Director of Finance

Town of Lewiston
P.O. Box 330

(over)

Town of Lewiston Supervisor

Lewiston Town Board

1375 Ridge Rd.

Lewiston, N.Y 14092

Copy: T.B.
atty
Ritter
7/19/18

Mr. Supervisor,

This letter is to inform you and the town board that I will be retiring on August 14

Of this year from the Lewiston Water Pollution Control Center.

Yours Respectfully,



Scott D. Clark

CC: Jeff Ritter

LWPCC

June 26, 2018

Copy: T.B

attp

Donna,

Please accept my resignation
as director of Sarburnite Seniors
Effective when you find a
replacement on December 22, 2018

I have enjoyed my time
as director and I really am
sad doing this but family
comes first.

Thank you
Susan L. Towne

TOWN OF LEWISTON

DATE RECEIVED:

RECEIVED BY:

6/26/2018

attp

Lewiston Development Group LLC
625 Center Street
Lewiston, New York 14092

copy: T.B
Atty
Rg
7/17/18

Monday, July 16, 2018

Town Board
Town of Lewiston
1375 Ridge Road
Lewiston, New York

Re: Street lights in Vista North Subdivision

Dear Honorable Supervisor and Town Board Members;

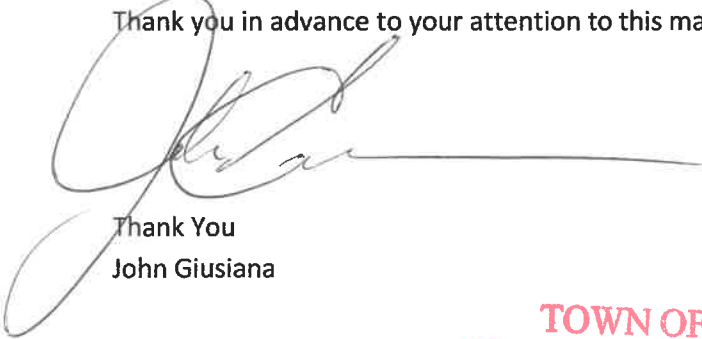
At this time I am requesting the installation of the street lights that were promised at the start of the original development. The Vista North Subdivision was constructed in 2006, at that time the policy for street lights was they were handled by the Town installed by National Grid. Allowances were incorporated in the original utility design for their installation. The placement was at the direction of the lighting board and followed an established policy of placement at the intersections and at dangerous curves. We were expecting 2 or 3 lights.

The subdivision started off very slowly based upon the economics of the time. We were told at that time that since there were no houses built that the Town was going to delay the installation of the street lights until more development has occurred. When we had 5 houses constructed we requested the installation of the street lights however only one light was installed. It was located at the first intersection in the subdivision where the homes were built. There are now 10 homes constructed and 2 more are under construction presently.

We are therefore requesting that the lights be installed as per your town standards for the safety for the families living in the neighborhood.

If you would like to discuss the matter or have any questions please, call John @ 754-2522

Thank you in advance to your attention to this matter.



Thank You
John Giusiana

TOWN OF LEWISTON
DATE RECEIVED: RECEIVED BY:

7/17 / 2018 Rg

T.B. meeting 7/23/18