

**PRESENT:** Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Attorneys Catalano and Parisi, Highway Superintendent Trane; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Captain Penzotti; 2 Press; 12 Residents and Clerk Donna Garfinkel

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

**PUBLIC HEARING** – Proposed Local Law – Electronic Message Display or Light Emitting Display Signs

Clerk read 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 26<sup>th</sup> day of June, 2017 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Town of Lewiston, New York, on the adoption of a proposed Local Law entitled, “Electronic Message Display (EMD) Sign or Light Emitting Display (LED) Signs,” an abstract of which is as follows:

The Town Board of the Town of Lewiston currently has under review amendments to the Town Code with regard to Light Emitting Displays (LED) and Electronic Message Displays (EMD) Signs, Section 360-184 of the Lewiston Town Code. The matters pertaining to LED/EMD Sign construction within the Town emphasizes the need for suitable regulation under existing and clearly established standards, in an effort to plan for and protect the health, safety and wellbeing of the citizens of and property in the Town of Lewiston. The existing provisions contained in the Town Code of the Town of Lewiston do not currently address any such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and wellbeing of the citizens and property in the Town of Lewiston. The Town Board desires to review and address, in a careful manner, provisions relating to LED and EMD Sign construction on a comprehensive and Town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes. The Town Board of the Town of Lewiston finds it prudent and necessary to create an applicable Town Law to deal with LED and EMD Sign construction.

Additionally, the Town Board will adopt new definitions within the Town Code with regard to LED and EMD Signs.

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.

Ordered by the Town Board

Dated: June 12, 2017

Supervisor invited resident to speak. No one wished to speak.

**Bax MOVED to close the Public Hearing, Seconded by Geiben and Carried 5 – 0.** (6:05 pm)

**PUBLIC HEARING** – Modification of Local Law – Town of Lewiston Historic Preservation Law

Clerk read 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 26<sup>th</sup> day of June, 2017 at 6:15 p.m., at the Town Hall, 1375 Ridge Road, Town of Lewiston, New York, on the modification of a Local Law entitled, “Town of Lewiston Historic Preservation Law”, an abstract of which is as follows:

The Town Board of the Town of Lewiston currently has under review amendments to the Town Code with regard to the Historic Preservation Law, Section 40 of the Lewiston Town Code. The matters pertaining to the preservation of historical sites and homes within the Town emphasizes the need for suitable regulation under existing and clearly established standards, in an effort to plan for and protect the health, safety and wellbeing of the citizens of and property in the Town of Lewiston. The existing provisions contained in the Town Code of the Town of Lewiston do not currently address any such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and wellbeing of the citizens and property in the Town of Lewiston. The Town Board desires to review and address, in a careful manner, provisions relating to the Historic

Preservation Law on a comprehensive and Town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes. The Town Board of the Town of Lewiston finds it prudent and necessary to modify the Town Law to deal with preservation of historical sites and homes.

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.

Ordered by the Town Board

Dated: June 12, 2017

Supervisor invited resident to speak. No one wished to speak.

**Bax MOVED to close the Public Hearing, Seconded by Geiben and Carried 5 – 0.** (6:07 pm)

Broderick read an e-mail received from David Fontanarosa, thanking the Board and Catalano for allowing him to work with and participate in the discussion on the Local Law for the signs.

Town Clerk instructed to forward both the Electronic Message Display Sign Local Law and the Historic Preservation Law to the Niagara County Planning Board.

#### AGENDA APPROVAL

Broderick – Audio equipment; Attorneys - Executive session – Pending litigation/Potential litigation/personnel issue involving a specific employee.

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

#### RESIDENTS STATEMENTS

Muzzi, Anita – Sweethome Road – Muzzi would like the Board to recognize Mr. Corey A. Auerbach for his continued support and help to the Zoning Board of Appeals. Auerbach has gone above and beyond helping with his knowledge of Town Law.

Warren, Rosemary – Griffon Street – Warren spoke of a post-card response she received from President Trump.

Witryol, Amy – Lower River Road – Witryol spoke of the Toxic Release Inventory at CWM.

*Transcriber had a “Failure To Read” warning and shut off. Clerk switched out recorder.*

Glasgow, Paulette – The Circle – Glasgow read the following letter:

Memo to Donna Garfinkel, Town Clerk: Enclosed you will find correspondence the Executive Board of the Lewiston Taxpayer’s Accountability and Action Alliance wishes read at the Board meeting of June 26<sup>th</sup>.

The Town of Lewiston is proposing the construction of a \$10 million water line improvement project. As stated in the May 22<sup>nd</sup> GHD Map, Plan and Report for the construction of this project the possibility exists, that every 1 and 2 family households in the Town of Lewiston will either see an increase in their water bill or an increase in their property tax or a component of both.

Whatever financing option the Town takes, this project will have a long range financial impact on every 1 and 2 family households in the Town of Lewiston and the Town Board needs to explain to the public how the financing of this project will impact their lives. Therefore; the Lewiston Taxpayer’s Accountability and Action Alliance (LTAAA) is requesting the Lewiston Town Board hold a public information meeting not only to explain the financing options, but the reasoning for the undertaking of such a project.

Further, since this project will be a multi-million dollar public improvement, the need exists to seek cost saving measures so that Lewiston taxpayer will receive not only a professionally constructed project, but a project of the best value for the taxpayer. In order for this to happen the LTAAA

requests the Lewiston Town Board seek competitive bids for all construction, including competitive bids with regard to engineering, legal and administration services.

Thank you for your time and the "Alliance" looks forward to attending the public information meeting.

#### DEPARTMENT HEAD STATEMENTS

Captain Penzotti – On Saturday evening the patrol had a report of a physical domestic. Upon arrival officers found a female on the roadside that had been assaulted. The suspect was at large, reportedly with weapons, so patrol secured the area. Residents in the general area were notified to shelter in place.

The search continued for approximately 25-hours, with the suspect surrendering. Charged with multiple charges, arraigned in Lewiston court and is being held without bail.

Broderick requests the addition of a letter received from a resident, with the Town's response be added to the agenda.

**Geiben MOVED to amend the Agenda to include the correspondence from Patrick Martin regarding a fire hydrant and the letter from the LTAAA, Seconded by Bax and Carried 5 – 0.**

Bax asked Masters how the "Zombie" houses are being dealt with since the passing of the State Law. Masters said the law has helped Lewiston tremendously. It now puts the bank on the hook for upkeep of the property. Four or five homes have been removed in the last 6-7 months.

Highway Superintendent Trane – The Highway Dept. has begun to prep roads for paving in July. Trane asked Garfinkel to put on the sign, Website and in the Clerk's Corner. Letters will be sent to those residents affected. Once milled, it will take about a week before paving, so if Board members get questions from residents that is the process.

Trane requests declaring these millings access materials, to be sold for \$5/ton. Parisi asked to research the process.

Bax asked if the millings are to be sold to municipalities or to anyone who comes to the gate. Trane said anyone. The Town will use some for driveways and culvert pipe.

Grant Writer Rotella – The Town received an additional \$30,000 for the Police Dept. Shed, for a total of \$80,000. The Morgan Lewis Bust and the Discover Niagara Trolley will be presented to the Greenway Commission on July 18<sup>th</sup>. Rotella is working on Dog Shelter dollars.

#### APPROVAL OF MEETING MINUTES

**Geiben MOVED to approve the June 12, 2017 Town Board Work Session, Seconded by Morreale and Carried 5 – 0.**

#### AUDIT PAYMENT

**Bax MOVED to approve the Regular Abstract of Claims numbered 1613 to 1769 and recommend payment in the amount \$192,673.55, plus a Post-Audit of \$20,883.23, Seconded by Geiben and Carried 5 – 0.**

#### OLD BUSINESS

Sanborn Sign Agreement – Catalano said the Town is close. He believes there is an acceptable resolution, but authorization is needed from the Board to permit Catalano to put together a lease. This will allow the Town to lease a 250 square foot section of Mr. Wendt's property. The term of the lease will be \$1/year. Geiben suggested a 30-day clause be included to allow Mr. Wendt to get out of the agreement if the purpose of the property changes.

**Geiben MOVED to direct Catalano to write up the agreement to lease the property for the Sanborn sign, Seconded by Morreale and Carried 5 – 0.**

Re-Zone application – Niagara University – Parisi and Masters have discussed this. It will be sent to the County Planning Board and the Town Planning Board. It is hoped a Public Hearing is scheduled and a vote on the law is in late August, based on all the steps that need to take place.

**Bax MOVED to table the application, Seconded by Geiben and Carried 5 – 0.**

NEW BUSINESS - Nothing

SUPERVISOR BRODERICK

Liaison Report

The Town received correspondence through the Town Website from Michelle Marcotte:

I am a Lewiston artist and I have in mind to delight my neighborhood by painting the fire hydrant on the boulevard near the corner of Fort Gray Dr and Hewitt Parkway.

If you walk to the end of the street and gaze across the Niagara River (averting your gaze from the ugly Niagara Scenic Parkway), you will see the statue of British General Isaac Brock pointing right at us here in this neighborhood, an accusatory finger reminding us that he was killed on that spot in a battle in 1812.

My inclination is to take advantage of the red color of the fire hydrant and paint it to look like a tiny British officer in the historical uniform of 1812, facing Brock. By amusing happenstance the hydrant has a tall snow indicator, pointing right at Brock, and it will be as if our little British soldier was pointing right back at Brock.

The hydrant will remain mostly red, will be even more visible, will be reasonably historically accurate and the painting will not change or harm its functionality. It will delight the neighborhood children.

So, if you object strenuously, and have reasons to object, let me know. Otherwise I am sure you will find an amusing new tiny British soldier planted on the boulevard.

Fire Inspector Patrick Martin submitted a response to the Clerk stating this action would violate Fire Code Section 508.5.7, which states “Hydrants shall not be painted, covered or disguised in any fashion to make them not readily visible to Emergency Responders.” Martin contacted Ms. Marcotte, informing her of the regulations and that she could not proceed with the project.

Sewer Refund Requests

Leardini - 703 Raymond Drive – Liner replacement with receipt fits within the Sewer Use Agreement.

**Bax MOVED to refund \$47.25 in sewer cost to Leardini – 703 Raymond Drive, Seconded by Geiben and Carried 5 – 0.**

Hansen – 709 The Circle – Chlorine Lock is an operational component of owning a pool, therefore does not fit with the criteria for sewer relief.

No action taken. Ritter to notify the homeowner.

Broderick asked Ritter to update the Board on the comfort station on Lower River Road. Ritter said the bathroom is open, but the grass needs to be addressed. The door to the facility opens automatically at 6 am and locks at 9 pm. Cameras are in place.

There is still Greenway money designated for this, so it is being looked into to replace the roof. There may be asbestos so this could be costly.

Water Dept. Seasonal Hire \$15/hr – O'Brien, Dan

Townsend is requesting to hire Dan O'Brien – Seasonal (summer, fall and into December/no more than 6-months) for fire hydrant maintenance program and continue with water meter installation.

**Bax MOVED to hire O'Brien, Dan – Seasonal as outlined above at \$15/hour, Seconded by Geiben and Carried 5 – 0.**

Purchase of Audio / Visual Equipment - Resolution to go out to bid for the purchase of Audio Visual Equipment to record Town Board meetings for later broadcast on Public Access Television and/or streaming on the Town Website

Broderick read the following resolution:

**Broderick MOVED**

WHEREAS, the Town Board of the Town of Lewiston currently has under review, with regards to the purchase of audio visual equipment for the purpose of recording Town Board meetings and/or streaming on the Town Website. Money for this purchase will be monies loaned, interest free, to the Town, via the Cable Franchise Agreement, and

WHEREAS, the Town Board wishes to purchase said audio visual equipment for the purpose of recording Town Board meetings for later broadcast on Cable Access Television and/or streaming on the Town Website.

NOW THEREFORE, having considered all of the relevant factors the Town Board seeks to place for bid, the purchase of audio visual equipment to record Town Board meetings for later broadcast on Public Access Television and/or streaming on the Town Website. There must be three written bids provided to the Town Clerk's Office and from that the Town Board will choose the lowest bid.

**Seconded by Geiben and Carried 5 – 0.**

Cable Commission Chairman Abbondanza, working with Geiben, will prepare the bids specs.

NCCC is interested in working on this. It is hoped the equipment can be used for a trial run in August. Then come September get the school involved.

Legal - None

Engineering – None

Finance – None

**COUNCILMAN BAX**

Liaison Report

Benz, Bill & Sherry – 4370 Porter Center Road, requests a change to Town Code 229-3. Currently the Code does not allow Police to enforce a nuisance ordinance against a minor; therefore impute liability to the minor's parents.

Bax has not spoken to Chief Previte, and would like to be able to do that. Parisi has spoken to Previte, and the parents cannot be charged the way the law is written. If there is something that can be done, the Town will look at it.

Mr. Benz said the problem is that the parents just sit there and watch him. Clarification is also needed regarding the limit of 500 feet within a dwelling.

WPCC – Obsolete equipment – Ritter is requesting the Town Board declare a 1979 555 Ford Diesel Tractor Backhoe and a 1999 Chevy 3500 Dump Truck obsolete, then items placed on Auctions International.

**Bax MOVED to declare the 1979 – Ford 555 Diesel Tractor Backhoe, Model #311F, Serial # C599662, with 3878 hours, and 1999 Chevy 3500 Dump Truck, VIN. # 1GBJC34R2XF087188, access and obsolete, Seconded by Geiben and Carried 5 – 0.**

**Bax MOVED to authorize Ritter to post the 1979 – Ford 555 Diesel Tractor Backhoe, Model #311f, serial #C599662, with 3878 hours, and 1999 Chevy 3500 Dump Truck, VIN #1GBJC34R2XF087188, up for auction on Auctions International, Seconded by Geiben and Carried 5 – 0.**

Accept/Authorize Supervisor to sign 2017/2018 - Snow/Ice Agreement

This is standard and an update of last year's agreement.

**Bax MOVED to authorize the Supervisor to sign the 2017/2018 Snow/Ice Agreement, Seconded by Geiben and Carried 5 – 0.**

Environmental Commission Clerk Resignation

**Bax MOVED to accept, with regret, Environmental Commission Secretary Carole Schroeder's resignation, effective July 18<sup>th</sup>, Seconded by Geiben and Carried 5 – 0.**

**Bax MOVED to appoint Tamara Meogrossi to fill the vacancy of the Environmental Commission Secretary, effective July 18<sup>th</sup>, Seconded by Geiben and Carried 5 – 0.**

In regards to the Lewiston Taxpayers Accountability & Action Alliance's letter Bax would like to discuss the possibility of holding a Public Meeting on the Water Improvement Project. Bax understands there is a schedule of procedural activity, but if there is a cry for the information now, it is a good idea.

**Bax MOVED to open discussion on holding a public meeting on the Water Improvement Project, Seconded by Geiben and Carried 5 – 0.**

Geiben believes, from what Seaman has said, there is a procedure that needs to be followed. There are a certain number of public hearings at different steps.

Seaman will be available at the July 10<sup>th</sup> Work Session. At that time Geiben would like Seaman to lay the whole procedure out, and if the Board feels there needs to be another Information Session, one can be scheduled.

Clerk Garfinkel asked to put in the Clerk's Corner that Mr. Seaman will be present at the Work Session and those interested should attend.

Bax said that is important, but more importantly there is a concern about the specific hiring of the Engineer and the Attorney. Bax has strong feelings as to why he would like the Engineer and Attorneys to be picked, but the public should have some input. There should be dialog regarding the hiring of them in public.

Geiben would like to have Seaman come to the Work Session on the 10<sup>th</sup>, then have an Information Meeting at the Town Board meeting of the 24<sup>th</sup>. This way the public and the Board will have more information. It was suggested Townsend and the Fire Bureau attend the meeting and outline why they support this and suggested this be done. This started when the Fire Bureau sent a letter to previous Supervisor Brochey, putting the Town on notice that some of the lines were inadequate.

Broderick will notify those to attend.

Bax asked the Clerk if the Map, Plan and Report for the Water Line is on the Website, and she said yes.

When discussions start regarding financing, Morreale would like a spread sheet showing all the money. It is not clear how some will be put on taxes and some on water. Tax exempt properties will not be helping to pay.

Blazick said there is a process. What Seaman is working on, is trying to get that water district set up to where it reflect how we have been functioning. Before the Town can go out to Bond, we need to clean-up our house. Then we sit down and go forward with the Bonding.

The Map & Plan is an estimate. They use an industry average. At this point and time, no matter who you are you would have the same numbers reflected in the report.

When the time comes to look at specific projects, then the projects are bonded, that is how you have the money. The projects themselves go out to bid, RFP's. The Engineer then oversees and monitors to make sure the construction is what they have been hired to do.

Morreale's concern is the properties off the tax rolls are paying their fair share.

#### COUNCILWOMAN CERETTO

Liaison Report

Council on the Arts has many scheduled events and is keeping the Village busy for the summer.

#### COUNCILMAN GEIBEN

Liaison Report

Very pleased the Town is moving forward with the PEG and the televising of the Board meetings.

#### COUNCILMAN MORREALE

Liaison Report

The Historic Preservation will not meet in July.

#### RESIDENTS STATEMENTS

Glasgow, Paulette – The Circle – Glasgow asked the Clerk where on the Website the Map, Plan and Report is. Clerk said it is located under the Department drop-down, then the Water Department. With Glasgow going on the Website everyday, and knowing its ins and outs, would like to make a suggested that it be place on the Town Clerk's site. Garfinkel said it is a Town Website; therefore an individual would go to the department that is affiliated with what they are searching.

Glasgow said it is very important that residents know their taxes are going up and/or water rates are increasing. Morreale mentioned at a previous meeting of State grant money being available. Geiben said the Town did not qualify.

Warren, Rosemary – Griffin Street – Warren would like a status report on how the NYPA rebate is moving along.

Broderick spoke of a letter received from a resident at 731 Powell Lane and dead trees on Town property. This has been forwarded to Dashineau.

Parisi wishes to add an additional item to Executive Session – pending litigation.

**Geiben MOVED to amend the Executive Session discussions to include pending litigation, Seconded by Bax and Carried 5 – 0.**

**Geiben MOVED to enter Executive Session, Seconded by Bax and Carried 5 – 0. (7:15 pm)**

**PRESENT:** Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Catalano and Parisi and Highway Superintendent Trane

Issues discussed: Pending Litigation, Potential Litigation, and Personnel issue involving a specific employee.

**Morreale MOVED to exit Executive Session, Seconded by Ceretto and Carried 5 – 0. (7:43 pm)**

**Geiben MOVED to accept the Separation of Employment Settlement Agreement as presented for a Water Pollution Control Center employee, Seconded by Bax and Carried 5 – 0.**

**Geiben MOVED to authorize the Supervisor to sign/execute the Separation of Employment Settlement Agreement, on behalf of the Town, Seconded by Bax and Carried 5 – 0.**

**Geiben MOVED to close the Town Board meeting, Seconded by Ceretto and Carried 5 – 0. (7:45 pm)**

Transcribed and respectfully submitted by:

Donna R. Garfinkel  
Town Clerk