

Present: Supervisor S. Broderick; Councilmembers B. Ceretto, B. Geiben & R. Morreale; Dep. Sup. W. Conrad; Police Chief F. Previte; Eng. B. Lannon; Attorneys R. Parisi & J. Catalano; Finance Director/Budget Officer M. Blazick; Bldg. Insp. T. Masters; Highway Supt. D. Trane; Water Foreman M. Townsend; Grant Writer B. Rotella; 2 Press; 12 Residents and Dep. Clerk C. Schroeder

Excused: Councilman A. Bax

The Supervisor called the Public Hearings/Work Session to order, followed by the Pledge of Allegiance. The Clerk read the public hearing notice into the record:

Public Hearing #1: Dissolution of All Existing Water Districts

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewiston will hold a public hearing on Monday, March 13, 2017 at Town Hall, 1375 Ridge Road, Lewiston, New York, at 6:00 P.M. to consider the Proposed Plan for the Dissolution of All Existing Water Districts of the Town of Lewiston, a Descriptive Summary of which follows. At the public hearing all interested parties who wish to be heard will be heard.

DESCRIPTIVE SUMMARY OF DISSOLUTION PLAN FOR WATER DISTRICTS OF THE TOWN OF LEWISTON

The Town Board of the Town of Lewiston previously established a number of small water districts as areas of the Town developed over time including the Chippewa Water District, College Heights Water District, Dickersonville Water District, Escarpment Water District, Fairview Park Water District, Lewiston Heights Water District, Ridge Road Water District, Ridgeview Village Water District, River Road Water District, River Road Water District Extension No. 1 (a/k/a River Road Water District Bond), River Road Water District Extension No. 2, Sanborn Water District, Saunders Settlement Water District, Saunders Settlement Lateral Water District, Saunders Settlement Water District Extension No. 1, and the Tuscarora Water District (the "Town Districts").

In the 1970s and thereafter, the Town continued to expand and improve the municipal water supply system through a series of improvements made utilizing Article 12-C of the Town Law with the Water Improvement Area defined by those Article 12-C Proceedings, and benefited thereby, as the entire Town of Lewiston outside the Village of Lewiston and the Tuscarora Indian Reservation. The entire Town of Lewiston outside of the Village of Lewiston and the Tuscarora Indian Reservation now has access to the municipal water supply system operated by the Town as a single town-wide water supply system that functions as a single cohesive unit, and which is supplied by the Niagara County Water District and is serviced and maintained by the Town of Lewiston Water Department.

The Town of Lewiston is now proposing the dissolution of all of the above Town Districts, together with any existing water districts inadvertently omitted. All assets of the Town Districts upon dissolution will become assets of the Town of Lewiston and the Town of Lewiston Water Department will continue to service and maintain the water system. The Town then proposes to establish a single water district to encompass the entire Town of Lewiston outside of the Village of Lewiston and the Tuscarora Indian Reservation, and once established, the assets of the former water districts will be conveyed to the newly formed town-wide water district. The Town of Lewiston Water Department will continue to service and maintain the water system.

The entire Proposed Plan for the Dissolution of the Town Water Districts with associated exhibits is available for public review and examination as follows:

1. Lewiston Town Clerk's Office, Town Hall, 1375 Ridge Road, Lewiston, New York 14092 during regular business hours.
2. Town of Lewiston website, at the following address: <http://www.townoflewiston.us>

The Supervisor asked for public comment.

Paulette Glasgow, The Circle Drive, read the following statement:

Town Law 202c(2) contains provisions relative to the dissolution of Town water districts, whenever the Town Board determines it to be in the public interest to dissolve a water district.

Question: Is it in the public's interest to dissolve these water districts?

Question: If it is, could you tell the public what those interests are and will be?

This section of law further states that before any water districts are dissolved three conditions must be met: Three (3) years must have elapsed since the date of establishment of the district; no improvements may have been constructed within or service provided for the water district at any time since its establishment and no indebtedness incurred for any district shall remain outstanding and unpaid.

Question: Have all these conditions been addressed with regard to what has been stated in your notice of public hearing?

In your notice of public hearing, you state that the Town is proposing to dissolve 16 water districts "together with any existing water districts inadvertently omitted."

Question: What are and where are these inadvertently omitted water districts you failed to include in your notice of public hearing?

Question: Under the section of Town Law I just cited, have all three conditions been met before you dissolve any noticed or inadvertently omitted water districts?

Your notice further states that "all assets of the Town districts upon dissolution will become the assets of the Town of Lewiston."

Question: Are there any assets in these inadvertently omitted water districts you wish to dissolve?

Question: If there are, what is the asset in each of these inadvertently omitted water districts?

Question: Do any of these inadvertently omitted water districts have indebtedness?

Question: Since it's your intention to create a Whole Town outside of the Village Water District, does this mean my property is going to be re-assessed? Is this a back door method to re-assessment of property in Lewiston?

It's been stated the fees attached to this \$10 million water project will be \$1.3 million.

Question: What is the distribution of those fees? What will these fees pay for and to whom?

Question: With \$1.3 million being paid for this multi-million dollar water project, why did you award two no bid contracts? Why didn't you seek an RFP like Councilman Morreale suggested? An RFP even for professional service should be sought, according to the Comptroller, to provide for the most cost effective service. Since you aren't seeking an RFP, how do you know the Lewiston taxpayer is getting the most cost effective service?

I understand the Town might be eligible for a \$2 billion water infrastructure State grant that could help finance the water line project. Has the Town looked into this or applied for this grant?

Finally, in your notice of public hearing, your intention is to dissolve water districts you didn't list. If it's in the public's interest, why did you fail to list those inadvertently omitted water districts? Why aren't you informing the public what these inadvertently omitted water districts are?

Since here seems to be unanswered questions, I would think the most responsible thing to do is to hold a public information meeting and fully inform the public what your intentions are and how it's going to cost the taxpayer.

Geiben MOVED to close the Public Hearing, Seconded by Ceretto and carried 4-0.

Public Hearing #2: Extending Moratorium on Ground Mounted Solar Panels and Solar Farm Installations

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 13th day of March, 2017 at 6:15 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a proposed Local Law entitled, "A Local Law Extending the Moratorium on Ground Mounted Solar Panel and Solar Farm Installations within the Town," an abstract of which is as follows:

The proposed Local Law would extend, by a period of one (1) year or until a Local Law concerning Solar Energy System is passed, the six month moratorium on the permitting and construction of ground mounted solar energy systems within the Town of Lewiston to allow the Town Board to consider appropriate revisions or amendments to the Town Code concerning the same.

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.

By Order of the Town Board
February 27, 2017

The Supervisor asked for public comment. There were none.

Geiben MOVED to close the Public Hearing. Seconded by Morreale and carried 4-0.

Work Session:

AGENDA:

Additions: Broderick: Presentation (Sara Capen) Discover Niagara Shuttle; Executive Session re: Personnel, On-going Litigation and Potential Litigation. Geiben: Cable Commission Update, Stormwater Management Officer & EPA matters. Legal: Phase 4 Riverwalk.

Geiben MOVED to approve the agenda, as amended. Seconded by Ceretto and carried 4-0.

Sara Capen, Executor Director for the Niagara Falls National Heritage Area thanked the Board for inviting her to talk about the Discover Niagara Shuttle. She distributed a Final Report for the pilot program of the Shuttle. The Report is on file in the Clerk's office for public inspection.

For decades, she said, transportation has been a major challenge for the Niagara Falls region, as public transportation is limited for visitors without access to a car. Tourism is playing a greater role in local and regional economy. One of the key ingredients is transportation. Approximately 6–8 million visitors come to Niagara Falls. The idea behind transportation is to share with them the tremendous cultural, natural and historic resources that are along the Niagara River Corridor that includes Lewiston and Youngstown.

The Niagara Falls National Heritage Area was founded and authorized by Congress in 2006, to preserve, protect and promote natural, historic & cultural resources. When you get people to come to these resources, they stay longer. When they stay longer they spend more money. That goes right back into our local businesses and community. It builds pride and a sense of place as to who we are.

Last year, at this time, the Power Authority was planning a shuttle route that would go directly from Niagara Falls State Park to the Power Authority via the Niagara Scenic Highway (formerly Robert Moses Parkway). It was just going to make those two stops. There was not going to be any extension passed the Power Authority nor was there going to be any introduction to any of those cultural assets. The NF National Heritage Area stepped in with partners to look at this plan with a broader vision. How do we want to develop this region? How do we want to connect visitors? The NF National Heritage Area presented a proposal that connected visitors to 13 cultural attractions from Niagara Falls to Old Fort Niagara. Two of them are in Lewiston – Center Street and the Waterfront. At the end of March, 2016, the Power Authority gave up their plan and went with our plan and said they would help finance it, provided other partners came aboard.

Capen said they came up with a funding system for a two-year pilot program. They are entering its second year. Operations for the pilot program “Discover Niagara Shuttle” began on May 27, 2016 and ended October 19, 2016. The service operated from 9 a.m. – 7 p.m. daily with a four vehicle fleet. Each vehicle was equipped with Wi-Fi, a bike rack and ADA accessibility.

Funding for the operations of this program was leveraged between Local, State and Federal stakeholders. The National Heritage Area contributed \$100,000 to this project.

As of the closing date on October 19, 2016, the Shuttle carried 33,530 riders. 4,800 in Lewiston alone used the Shuttle. On that date, half a dozen businesses in Lewiston came out and thanked us profusely for the Shuttle and asked if we could extend it thru Christmas but we were not able to do that.

In 2017, Capen said they would be extending the Shuttle hours on Friday and Saturday nights until midnight. That will service local restaurants and events and festivals throughout the year. From Sunday to Thursday, the shuttle will run from 9 a.m. to 6 p.m.

How do we fund this after 2017? If they were to privatize it, it would cost between \$17 and \$25 per user to ride the Shuttle. That is too high, she said. We don’t want people to decide whether they are going to enjoy a dinner in Lewiston or ride the Shuttle. We want to push that economic impact into our community. That is why a private/public partnership is the best organizational format for this system. Capen said they are planning on incorporating a \$5 fare in 2018.

Right now, they are operating at a deficit of approx. \$60,000 (operating expenses) for the 2017 season. The Discover Niagara Shuttle is made possible by its contributors which include the NF National Heritage Area, NYPA, NYS Parks, City of Niagara Falls, NCCC, Empire State Development, and many others. Capen said they are looking for contributions from the towns and villages below the Escarpment.

With the fee for ridership and advertisement, Capen said they will be more self-sufficient. She will continue to look for grants.

Broderick said Capen is looking for a commitment of \$50,000 in Greenway money for the Shuttle initiative. He said they should put something together to present at the RTBM.

ABSTRACT:

Ceretto MOVED to approve the Regular Abstract of Claims Numbered 4215 to 4215 for F/Y 2016 and Claims 434 to 638 for F/Y 2017 and recommended payment in the amount of \$155,409.55, plus a post audit of \$19,760.68. Seconded by Geiben and carried 4-0.

DISSOLUTION OF EXISTING WATER DISTRICTS:

Former Town Attorney, Brian Seaman, Seaman Norris LLC, was asked to respond to some of Mrs. Glasgow's questions addressed in the public comments.

Seaman said some of the sections of law that the resident quoted have been superseded. In 2010, the State Legislature passed Article 17A of the General Municipal Law. That set up a new set of proceedings for dissolving government entities. It abolished anything else that heretofore existed.

As far as the language that had to do with water districts "inadvertently omitted", Seaman said these districts were created throughout the history of the Town going back to the 1920's, 30's, 40's and 50's. The recording requirements have changed and were different throughout the years. Prior to the 1950's, there was no requirement that establishment documents be filed with the County Clerk. Also, there was no requirement that the Comptroller be given these establishment documents. As he was preparing this Dissolution Plan, Seaman looked into the records in the Town, in the County Clerk's office and contacted the Comptroller and went thru with him what records they have for water districts in the Town of Lewiston. He also contacted the Niagara County Real Property Tax office to see if they had any records for any districts that have been taxed in years past in the Town of Lewiston.

Seaman said there are incomplete records and records that are hard to piece together. For example, there may have been a district formed in the 1940's and later merged into another district or one district that was formed into a larger district. All of this happened throughout the decades. To be upfront about it, those records do not exist anymore, he said. The districts that are listed are the ones they know are established and on paper still exist. That "catch-all" language is just in case there is something else. There is no district that is functioning in the Town of Lewiston or that has a debt that is not included here. The catch-all language is because of the incompleteness of the earlier records from the 20's, 30's and 40's. The Town's goal is to create a single Town-wide water district.

As far as indebtedness, Seaman said there are no water districts in the Town of Lewiston that carry any debt, as this point. The only debt the Town carries for water service has to do with the Water Improvement Area. This is for the delivery of special services like water and sewer. It's needlessly complicated, he said. All these little districts were formed throughout the years as different parts of the Town became populated. It went from a well system to a water system. In the 70's and 80's, the Town did larger projects where they improved all of the water systems. They didn't do it district by district. They did it by what's called an "Improvement Area," that overlay the water districts. What you have in the Town is large-scaled improvements that are overlaying the little water districts. The infrastructure is meshing in many instances. There is no clear distinction between what pipe was paid for and belongs to the Town because it was a water improvement area and what pipe was paid for in the 20's as part of a district formation.

The whole purpose is to simplify all of this and bring it into something that could be managed and procedurally run smoother. The reality is, the Town is functioning right now as if it has this one single Town-wide water district. It is not going out and separately assessing taxes to each of these different water districts. That is because of the overlay borrowings in the 70's and 80's. You already have these large water systems that were done and the benefitted area was the entire Town. The entire Town bore the burden of paying down those loans.

Seaman said this answers a lot of the questions that were brought up. Several of the questions that were asked apply to the next phase of this proceeding. Right now, the Town is doing a proceeding to dissolve the water districts that are in existence. The next phase is to establish the Town-wide Water District. That is the phase that will have the project involving replacing the water mains that need to be replaced. That is not part of the dissolution process.

Seaman said this has nothing to do with assessment. The Town, when they did large water projects in the past, bonded the money. The benefitted area was the entire Town. That is who paid for those improvements. Will there be an increase in the amount per thousand because of this new project? That remains to be seen.

If there is a Town-wide Water District, it will streamline the proceedings in any future project, Seaman said.

Morreale: Do most towns consolidate their water districts?

Seaman: There are towns with town-wide water districts. There are towns with a couple of water districts. There are towns with a lot of water districts and they function in separate taxing units. I wouldn't say that most towns have taken this approach.

Morreale: What is the real benefit in making this a Town-wide district?

Seaman: The Town is already treating this as a Town-wide water district; although on paper it is not that way. Because of borrowings done in the past, it assessed the expense to the entire Town, outside the Village. The tax on the tax bill is levied to pay back those debts on those Town-wide water improvements. It is assessed on the entire Town, outside the Village. You would be bringing this into conformance of what the Town is already doing and you would be simplifying the process for future projects for borrowing and bonding.

Seaman read the following Resolution:

RESOLUTION OF THE TOWN OF LEWISTON, NEW YORK, ADOPTED MARCH 13, 2017, APPROVING THE DISSOLUTION PLAN ENDORSED BY THE TOWN OF LEWISTON ON JANUARY 23, 2017 FOR THE DISSOLUTION OF ALL TOWN OF LEWISTON WATER DISTRICTS INCLUDING: CHIPPEWA WATER DISTRICT, COLLEGE HEIGHTS WATER DISTRICT, DICKERSONVILLE WATER DISTRICT, ESCARPMENT WATER DISTRICT, FAIRVIEW PARK WATER DISTRICT, LEWISTON HEIGHTS WATER DISTRICT, RIDGE ROAD WATER DISTRICT, RIDGEVIEW VILLAGE WATER DISTRICT, RIVER ROAD WATER DISTRICT, RIVER ROAD WATER DISTRICT EXTENSION NO. 1 (A/K/A RIVER ROAD WATER DISTRICT BOND), RIVER ROAD WATER DISTRICT EXTENSION NO. 2, SANBORN WATER DISTRICT, SAUNDERS SETTLEMENT WATER DISTRICT, SAUNDERS SETTLEMENT LATERAL WATER DISTRICT, SAUNDERS SETTLEMENT WATER DISTRICT EXENSION NO. 1, TUSCARORA WATER DISTRICT, AND ANY AND ALL OTHER WATER DISTRICTS WITHIN THE TOWN OF LEWISTON, AND WITH THE TOWN ASSUMING THE LEGAL OBLIGATION FOR THE MANAGEMENT, MAINTENANCE, OPERATION AND REPAIR OF THE IMPROVEMENTS OR SERVICES HERETOFORE PROVIDED OR AUTHORIZED TO BE PROVIDED BY SUCH DISTRICTS AS A TOWN FUNCTION UNTIL SUCH TIME AS A TOWN-WIDE WATER DISTRICT IS ESTABLISHED.

Recitals

WHEREAS, the Town Board of the Town of Lewiston (hereinafter called the "Town Board" and "Town", respectively), in the County of Niagara, New York, proposes to dissolve all existing Town of Lewiston Water Districts including Chippewa Water District, College Heights Water District, Dickersonville Water District, Escarpment Water District, Fairview Park Water District, Lewiston Heights Water District, Ridge Road Water District, Ridgeview Village Water District, River Road Water District, River Road Water District Extension No. 1 (a/k/a River Road Water District Bond), River Road Water District Extension No. 2, Sanborn Water District, Saunders Settlement Water District, Saunders Settlement Lateral Water District, Saunders Settlement Water District Extension No. 1 and Tuscarora Water District, and any and all water districts existing within the Town (collectively hereinafter called the "Districts"), which Districts are wholly located within the Town, and were heretofore created by resolutions and orders duly adopted by the Town Board, with the Town having the legal obligation to manage, maintain, operate and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided by said Districts; and

WHEREAS, following dissolution the costs of any improvement provided or authorized to be provided by said Districts, and any necessary maintenance and repairs to such improvements shall become the obligation of the Town and borne by entire are of the Town outside of the Village of Lewiston, and such costs shall be the obligation of the

Town and assessed, levied and collected from the several lots and parcels of land in the area of the Town outside of the Village of Lewiston in the same manner and at the same time as other town charges; and

WHEREAS, pursuant to resolution adopted on January 23, 2017, the Town Board endorsed the Proposed Plan for the Dissolution of All Existing Water Districts of the Town of Lewiston (hereinafter called the "Plan") and caused a copy of the Plan and a summary thereof to be posted on the Town sign board, displayed on the Town website, and caused a summary of the Plan to be published in the Official Newspaper of the Town as required under Article 17-A of the General Municipal Law; and

WHEREAS, pursuant to the resolution endorsing the Plan Order duly adopted January 23, 2017, the Town Board specified that on March 13, 2017 at 6:00 o'clock P.M. at Town Hall, 1375 Ridge Road, Lewiston, New York, the Town Board would meet to consider the proposed dissolution of the Districts in accordance with the Plan, and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, a Notice of such Public Hearing was duly published and posted pursuant to the provisions of Article 17-A of the General Municipal Law; and WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 13th day of March, 2017, commencing at 6:00 o'clock P.M., or as soon thereafter as such matter could be heard, at said Town Hall, at which time all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed dissolution of the Districts in accordance with the provisions of the Plan;

Now, therefore, upon the evidence adduced at such Public Hearing and all information having been brought before the Board, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LEWISTON, IN THE COUNTY OF NIAGARA, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the proposed dissolution plan together with a summary thereof has been published, posted and placed on the Town's website as required under Article 17-A of the General Municipal Law

(b) the Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient; and

(c) it is in the public interest to dissolve the Districts and to have the Town assume the obligation to manage, maintain, operate and repair as a Town function, pursuant to Article 12-C of the Town Law, the improvements or services heretofore provided or authorized to be provided by the Districts until such time as a town-wide water district is established.

Section 2. The dissolution of all existing Town of Lewiston Water Districts, including Chippewa Water District, College Heights Water District, Dickersonville Water District, Escarpment Water District, Fairview Park Water District, Lewiston Heights Water District, Ridge Road Water District, Ridgeview Village Water District, River Road Water District, River Road Water District Extension No. 1 (a/k/a River Road Water District Bond), River Road Water District Extension No. 2, Sanborn Water District, Saunders Settlement Water District, Saunders Settlement Lateral Water District, Saunders Settlement Water District Extension No. 1, Tuscarora Water District, and any and all water districts existing in the Town of Lewiston is hereby approved and such Districts shall be dissolved effective on May 1, 2017.

Section 3. Upon dissolution, all the property of the Districts shall become the property of the Town and it is expressly understood that the costs of any improvement provided or authorized to be provided by said Districts shall be borne by the entire area of the Town outside of the Village of Lewiston, such costs to be assessed, levied and collected from the several lots and parcels of land in the area of the Town outside of the Village of Lewiston in the same manner and at the same time as other town charges.

Section 4. All future costs of the management, maintenance, operation and repair of such improvements or services provided or authorized to be provided by said Districts hereby dissolved shall thereafter be a charge upon the area of the Town outside of the Village of Lewiston until such time as a town-wide water district is established, and shall be levied and collected in the same manner and at the same time as other Town charges.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after adoption of this resolution, to file certified copies hereof with the State Comptroller, in the office of the State Department of Audit and Control in Albany, New York, and to duly record a certified copy hereof in the Office of the Clerk of Niagara County.

Section 6. This resolution shall be effective immediately

Geiben MOVED the foregoing resolution, as presented. Seconded by Ceretto.

The Clerk was requested to poll the Board: Ceretto – Aye; Geiben – Aye; Morreale – Aye; and Broderick – Aye.

Motion carried 4-0.

MORATORIUM ON SOLAR PANELS AND SOLAR FARM INSTALLATIONS:

Geiben MOVED for approval of Local Law #2 – 2017, “Extending the Moratorium on Ground Mounted Solar Panel and Solar Farm Installation within the Town.” Seconded by Morreale.

The purpose of this Local Law is to amend the Code to extend the six (6) month moratorium on the processing, permitting and/or construction of ground mounted solar panels and solar farms within the Town by one (1) year to allow for the drafting, review and adoption of amendment to the Code of the Town of Lewiston affecting these types of uses. These amendments, among other things, will amend the location where ground mounted solar panels and solar farms may be allowed set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town of Lewiston and its citizens.

Roll Call Vote: Ceretto – Aye; Geiben – Aye; Morreale – Aye; and Broderick – Aye.

Motion carried 4-0.

WATER FEES: Broderick said it has been brought to the Board’s attention that some of the fees collected within the Water Department are outdated; especially those for hydrant meters. Included in the fee schedule are charges for turning water on/off; hydrant meter permits; minimum charge for hydrant meters; new rates for hydrant meters; and curb box replacement fees.

The Finance Director said the Town is incurring costs for these items. The Town is trying to pass on these costs for specific things to those people who are doing this so they are contributing and paying for it.

Parisi asked that this be tabled for further review to make sure no public hearings are required.

DEPARTMENT HEAD CONCERNS:

Police: Previte said the Civil Service list came out. The Police Dept. is still in need of filling a Full-time and Part-time position. He is waiting for a Residency List for all eligible candidates from the Town of Lewiston.

Engineering: Lannon said he met with National Grid last week. He is waiting for a proposal for the streetlights on Swann Road and Lauren Court. Also, they are targeting to dedicate Riverwalk 4A, if all goes well, at the next meeting.

Highway: The Highway Supt. said the Town Highway Dept. will be hosting an Electronic Drop-off, March 18-19 from 9 a.m. to 3 p.m., at the Highway Garage.

Because of the Emerald Ash-borer, the Highway Dept. has cancelled the Mulch Program for 2017.

Lastly, the Highway Supt. said the Highway Dept. has nine (9) pieces of equipment that he would like to put out to bid: **Truck:** 1993 Ford F350; **Plow:** 1994 Viking (1-Way Plow); 1999 OWSK-9H HC (1 Way Plow); 2001 Everest Swivel Plow & Frame; **Wing:** 1989 Viking; 1994 Everest W144; 2001 Everest W132ADAC; 2001 Everest WL-120-P; and (1) Chip Box Spreader Tailgate mounted.

Geiben MOVED to declare the items declared by Supt. Trane as surplus equipment. Seconded by Morreale and carried 4-0.

Geiben MOVED to advertise the sale of equipment on Auctions International. Seconded by Ceretto and carried 4-0.

Water Truck/Town Hall Maintenance Truck: Invoices for the sale of two vehicles placed on Auction International were received in the Town Clerk's office. The Clerk is looking for the acceptance of each bid.

Geiben MOVED to accept the bid for the 1996 Ford F250 (\$330.00) and 2000 Ford Ranger (\$960.00). Seconded by Morreale and carried 4-0.

Legal: Atty. Parisi said a Water Dept. vehicle (2009 Ford) was damaged in an accident. The Insurance Company agreed to pay \$14,655.47 for the damages as the value of the loss on the vehicle. He asked for a resolution authorizing the Supervisor to sign the settlement from the Insurance Company.

Morreale questioned the Sales Tax rate listed on the settlement as 4.25%. The tax rate in Niagara County is 8%. The Insurance Company owes an additional \$618, he said. The Supervisor suggested contacting the Insurance Company and tabled the resolution until the next meeting.

Parisi said in the past, and most recently in the French Landing Subdivision, the Town agreed to take escrow money to insure that sidewalks are put in. Before someone can get a Certificate of Occupancy (C/O) on a particular property, the sidewalk must be put in. Agreements have been done in the past that when houses are put on the lots, before a C/O is issued, the sidewalk must be put in. In no event, should the sidewalks not be put in after three (3) years. Riverwalk Phase 4A is seeking the same contingency. Parisi said he would draft an Agreement and present it to the developer.

NIAGARA COUNTY HAZARD MITIGATION PLAN: Broderick said he met with Jonathan Schultz, Director of the Fire Coordinator and Emergency Services of Niagara County. The County did a risk assessment for the Town. Broderick is looking for authorization to execute the Plan.

Catalano asked to table for attorney review.

STORMWATER MANAGEMENT OFFICER: Geiben referred to a memo from Jeff Ritter relinquishing the title of Stormwater Management Officer, turning the duties over to the Building Department.

Geiben MOVED to accept the resignation of Jeff Ritter as Stormwater Management Officer, effective March 18, 2017. Seconded by Ceretto and carried 4-0.

Geiben MOVED to appoint Chris McAuliffe Stormwater Management Officer, effective March 19, 2017 at a yearly salary of \$10,000. Seconded by Morreale and carried 4-0.

Blazick said SS2 is a separate taxing entity from the B-fund where the Stormwater personnel needs to come out of. The Board needs to transfer \$8,282 from Contingency to three (3) different accounts – Stormwater Personnel, B00-8030-0100-0000 -- \$7,693; Social Security, B-9030-0800-0000 -- \$477; and Medicare, B00-9020-0800-0000 -- \$112. This would cover the remaining pay periods for 2017.

Geiben MOVED for approval. Seconded by Ceretto and carried 4-0.

NOTIFICATION OF LIQUOR LICENSE:

The Town Clerk received notification that an alcoholic beverage license has been applied for by the Niagara Falls Country Club, 505 Mountain View Drive for on-premises consumption from the "Golf Cart".

The Town Clerk received notification that an alcoholic beverage license has been applied for by the Niagara Falls Country Club, 505 Mountain View Drive for on-premises consumption at the Halfway House.

UPPER MOUNTAIN FIRE COMPANY ROSTER:

The UMFC submits for active membership in said fire company the following individual: Kaleigh Cass, 496 Main St., Arcade, NY.

Geiben MOVED for approval. Seconded by Morreale and carried 4-0.

ENVIRONMENTAL PROTECTION AGENCY "EPA": Geiben said it has been reported on television that the EPA budget is proposed to be cut. The Town of Lewiston, with Attorney Gary Abraham's input, should write a letter to US Congressman Chris Collins, indicating that the Town has EPA projects in the Town that need to be addressed; specifically, the Lake Ontario Ordnance Works and the area around the Holy Trinity Cemetery. The Town of Lewiston, he said, should take a position. The letter should be sent out immediately.

Geiben Moved to direct the Supervisor to contact Gary Abraham, Attorney for environmental issues, to draft a letter. Seconded by Ceretto and carried 4-0.

As a point of information, Town resident Amy Witryol said with regard to the Niagara Falls Storage Site (NFSS) removal, the budget the Town is concerned with is not the EPA but the Army Corps of Engineers. Also, Gary Abraham is involved only on the CWM matter, not the NFSS. Witryol said Town Counsel could draft the necessary letter themselves. Federal officials would know precisely which programs EPA has or doesn't have in Lewiston.

Parisi was asked to touch base with Councilman Bax with regard to this matter and send a letter out.

CABLE COMMISSION: Geiben said the Chairman of the Cable Commission, James Abbondanza, made a presentation earlier to the Town Board as to which direction the Commission should be going regarding PEG (Public, Education, and Government Access). Abbondanza is going to put together some quotes for some equipment. They are going to go ahead and purchase some equipment with the goal in mind to establish specific policy to be able to broadcast Town Board meetings, either thru the Town's website or thru the Lockport channel (LCTV). This is the first step in moving ahead with the PEG project.

Catalano: You're still putting the cart before the horse. The money also goes to the education for the internships. If we don't have anyone to do the internships and no school has signed on, we're spending this money with no one to work it. That was the whole goal of this portion of the Franchise Agreement – to use students and educate students on PEG, and things like that. In the Franchise Agreement, it says "Qualified Internships". We need that tie between the Cable Commission and the schools. We need the curriculum, and the schools that are going to participate in these internships, before we start spending the money.

Ceretto: I would be much more comfortable if you had a curriculum outlining exactly what the students are going to do, what they are going to learn and how they are going to proceed on this program. Someone has to be in control.

Geiben: I thought we agreed to get the equipment, broadcast our board meetings and then proceed with the curriculum and student involvement at a later time. Abbondanza said the equipment is going up in price. In a way, we made a commitment to broadcasting the meetings. We need a couple policies that the Supervisor would have to present to the public so that they would know the meetings are being broadcast so the

community would know how to behave appropriately with no politicking or campaigning. I thought that is what we accepted when the Professor was here.

This matter was tabled for further review.

STATEMENTS BY RESIDENTS:

Paulette Glasgow, The Circle, said she has in her hand Town Law 202-C. Mr. Seaman is correct in that the water districts can be dissolved but the way the law reads “either to the provisions of Article 17A of GML or for the procedures provided in the section of which I cited.” It’s an either/or, she said. It’s not a definite. I wanted to make that clear because what I’m saying is mute.

Now that you resolved and established this Town-wide water district, I’m going to be assessed a charge that I’m not going to benefit from. How am I benefiting from a \$10 million water project that is on the other side of Town? What’s in my best interest? I’m a little angry.

I have a letter here from Mr. Catalano dated January 20, 2017 to the Town Board. It says “I have spoken to the Town Board regarding the MOU and the use of students in the community. The Town Board is not interested in permitting local students to walk around the Town of Lewiston, either supervised or unsupervised, with regard to this project. Therefore, the Board would like to see a scaled down version of the current approach and would like the Commission to concentrate only on the broadcast of Town Board meetings.”

If I understood what Mr. Abbondanza was saying tonight, he will do everything for you. He will write protocol. He will try and get students if you want students. It seems to me that you are committed to televising these meetings. I thank you for that because you took a request from the Lewiston Taxpayers Alliance. If you are committed to this, I don’t see why there is no reason you can’t purchase this equipment. That is exactly what Mr. Abbondanza said. Purchase the equipment. It’s going to take awhile to get it. In the meantime Mr. Abbondanza can write the procedure. He can be there to supervise. I don’t understand what the problem is.

Glasgow distributed a letter addressed to Atty. Catalano denying her access to information, i.e., a MOU between the Town of Lewiston and the County of Niagara. She is appealing the decision and requesting that, under the Freedom of Information law, and asking that he articulate a particularized and specific justification for denying her access to the MOU document.

Steve Lyle, Lower River Road, said he is concerned with the \$10 million water piping project with over \$1 million in engineering and legal fees. The engineering portion worth approximately \$1 million is apparently to be awarded without a complete bid to GHD, a company employing Mr. Lannon, a long-standing Town Engineer. One would think that the dubious Town engineering history, notably Riverwalk, for which we’re still paying, any Town Engineer, would welcome another set of eyes, perhaps different, more creative eyes weighing in on such a large Town expenditure. However, no one on the Board would second Mr. Morreale’s motion to investigate the possibility of seeking an RFP for engineering services. Further, this minimum \$10 million piping project with 1% fee for legal work is going to Seaman Norris LLP. Mr. Seaman was recently the Town Attorney. He’s been replaced by Mr. Parisi, another employee of Seaman Norris. When there are so many lawyers in the world, why wouldn’t we bid out a \$100,000 service?

In both cases, Town-contracted professional firms with town employees stand to personally profit from this \$10 million project. No business in the world would operate on this scale without an RFP. It’s common business practice. You’re operating in the dark during Sunshine Week. Why would the Town award over \$1.1 million to a pair of vendors without at least attempting to find other firms that might be capable to do

comparable work at maybe a lower price? I leave it to the taxpayers of Lewiston, with their fresh new Town tax, to answer that question in November.

Rosemary Warren, Griffin Street, said a police report in the Sentinel read “Patrol located two individuals in a vehicle ‘getting it on.’ Patrol advised to leave the area.” Sixty years ago, that could have been written about me, she said. The police do a wonderful job.

Geiben MOVED to enter into executive session, Seconded by Morreale and carried 4-0. Time 8:15 p.m.

Executive Session:

Present: Broderick, Ceretto, Geiben, Morreale, Conrad, Catalano, Parisi & Seaman

Issues Discussed: 1) Water Department Home Inspection; 2) Tax Assessment – MSMH; 3) Tax Assessment – LMK Realty; 4) Water Department – Employee Issue

Morreale MOVED to exit Executive Session and re-convene Work Session, Seconded by Ceretto and carried 4-0. Time: 8:44 p.m.

*Action Taken:

- 1) Settle LMK Realty v. Town of Lewiston: EI56412/15 for Assessed Value of \$428,875 & E159162/16 for Assessed Value of \$436,650. **Geiben MOVED for approval, Seconded by Morreale and carried 4-0.**
- 2) Settle Mt. St. Mary’s Hospital Child Care v Town of Lewiston: E159070/2016 for Assessed Value of \$350,000. **Geiben MOVED for approval. Seconded by Morreale and carried 4-0.**
- 3) Settle Mt. St. Mary’s Hospital, E159078/2016 for Assessed Value of \$450,000. **Ceretto MOVED for approval. Seconded by Geiben and carried 4-0.**
- 4) Settle claim against Town by Raphael Sarabia for damage to sewer line in the amount of \$1,100.00 conditioned on full release signed by resident. **Morreale MOVED for approval. Seconded by Ceretto and carried 4-0.**

*Minutes taken by A. Joseph Catalano, Esq.

Ceretto MOVED to adjourn. Seconded by Morreale and carried 4-0. Time: 8:51 p.m.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk