

PRESENT: Supervisor Broderick; Councilmembers Bax, Geiben, Jacoby and Morreale; Finance Director Agnello; Attorney B. Seaman; Attorney T. Seaman; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Zahno; Highway Supt. Trane; Recreation Dir. Dashineau; Police Chief Previte; 1 Press; 23 Residents and Clerk Donna Garfinkel

ABSENT: Deputy Supervisor Conrad

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

AGENDA APPROVAL

Agenda Additions: Bax – Mobile App – Chief Previte; Geiben – Report on Senior Center; Bax – Removal of Maintenance Bond – Legacy Drive sidewalks.

Bax MOVED for approval of Agenda as amended, Seconded by Jacoby and Carried 5 – 0.

The Board welcomes Lewiston-Porter students to the meeting.

RESIDENTS STATEMENTS

Nearhoof, Susan – Pletcher Road – Nearhoof is here to discuss the problem the Town is having with the delivery of water bills. Nearhoof did not receive a water bill, called and was told it was due on February 21st. Nearhoff came in on March 12th and had to pay a \$17.81 late fee.

In the meantime, after speaking to other residents on Dutton Drive, Riverwalk and Pletcher Road, they too did not receive their bill. Nearhoof was told by several of them that they came in, complained and the late fee was removed. Nearhoof requests the late fee be reimbursed.

Broderick said other residents getting their late fee waived, is new to him, since speaking with Nearhoof. He does not know of anyone that had their late fee removed.

Broderick has spoken to Mrs. Nearhoof on the phone and told her he cannot waive late fees as an individual. Water bills are due on the same date every year. The Town pays for postage. The post office has no rhyme or reason as to what is happening. Some think it is the size and weight of the paper.

B. Seaman does not recommend the Board waive the late fee. This would set up the situation for anyone to come in and say they didn't receive their bill.

Jacoby asked Nearhoof if she is positive that some residents had their late fees waived. Nearhoof said yes, it is a family member.

Nearhoof heard from a post office employee, that when the new card stock was purchased it was taken to the post office and it was determined it was sufficient. Since then, the Buffalo post office has updated their meters and they are now getting jammed.

Broderick said the Board has not been waiving the late fee. Broderick will look into this and address it with Nearhoof.

DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel requests the Board declare a 2' x 27' - "Happy Holiday" sign as excess. This has not been displayed since 2012. Other buildings were contacted and asked if they want it, no one did. Garfinkel would like to place the item on Auctions International.

Geiben MOVED to declare the "Happy Holiday" Christmas sign as excess and place on Auctions International, Seconded by Morreale and Carried 5 – 0.

Geiben asked Garfinkel if she has thought about reinstating the Town Hall Renovation Committee. Garfinkel has not but agrees it would be a great idea. Garfinkel will present a roster at the Work Session.

Police Chief Previte – B. Seaman will be reviewing the bids for the repair of the generator at the Police Station. Once reviewed Previte will move ahead.

Previte completed the policy for medication pick-up for the disabled and elderly. Information will be posted in the Sentinel. The drop-off located in the Police office is one of the busiest in Niagara County.

Building Inspector Masters – Masters and Morreale have been working diligently on the greenhouse gas reduction project. NYCERTA has informed the Town, based on the work already done, that the Town has reached 36.7% greenhouse gas reduction. This is due in part to the new insulation on the roof, LED lighting etc...

This does not include the electric cars. The cars used in the Building Office and Assessor's Office use very little gas. Oil changes and filters are cut down on also.

The Building Office had the BAS IPS system installed in the office. Masters believes this will be a very good tool for the office. Masters gives the company very high marks. They have been excellent with support and training.

Town Engineer Lannon – April 1st is the tentative start date for the sewer project on Saunders Settlement Road.

On April 1 & 2 the lead asbestos sampling will be done on the Parks Outfall Bld.

Recreation Director Dashineau – distributed two letters for the Board to review. One is notification to the Board and Village Mayor that the Ice Rink has been removed and the next step is restoration.

The second is a letter addressed to the approximately 60 residents of Lewistowne Park, outlining the status of the ash tree removal and what will be happening next. Dashineau asks the Board to review, make any comments and give the go ahead for the mailing.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve the Town Board Work Session – 3/11/2019, Seconded by Bax and Carried 5 – 0.

AUDIT PAYMENT

Morreale MOVED to approve the Regular Abstract of Claims number 625 – 784 and recommend payment in the amount of \$843,045.69, plus a Post-Audit of \$11,383.47, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS

Riverfront Park - This was reviewed by the Environmental Commission on March 12th. The Board has received no correspondence. Bax and Morreale attended the meeting. Commission members agree they want additional testing.

Lannon was asked at the last meeting to be prepared to do more testing. Additional sampling and analysis paperwork was distributed. Included is a map of current borings, along with six (6) additional proposed borings (#13, 14, 15, 16, 17 and 18).

The letter, dated March 25th, outlines the borings, the depth of the samples, what will be analyzed and the two (2) contractors to be used.

Performance of the work will be in three (3) parts. JT Environmental Scientist will collect the samples. Samples will then be taken to Trec Environmental Services and then sent to Test America Laboratories for the analytical work. Data will then be analyzed to amend/update the Site Characterization Report accordingly.

Bax said the Commission is concerned with composite testing. It is Bax's understanding, the full eight feet of sample is crushed together into a single soil sample then tested, verses doing a stratified test. Lannon said there will be testing on two depths within each location. One at 0 – 2 feet, then a composite of those from 2 feet to 8 feet.

Jacoby asked Lannon if GHD has done this type of testing before on other sites. Lannon said they have. GHD merged with CRA in 2014. CRA has done untold numbers of environmental testing on sites.

Broderick read an article in the Sentinel and found it to be accurate, to a point. The Board has never wavered on its respect and belief in GHD. It is not so much that the report is bothersome, the Board wants more testing. Broderick is comfortable with what has been presented by GHD.

Geiben MOVED to have GHD move forward with the additional testing bores at Riverfront Park, Seconded by Bax and Carried 5 – 0.

PENDING

Boards & Commission appointments - Senior Advisory: T. Seaman will be researching if it is an issue to have a non-resident service on the Committee.

Jacoby asked if the Town precludes anyone who is not a resident to attend the Center. Geiben said no. Jacoby said there could be a person very active there, and just because they are a couple houses out of the Town they can't serve.

NEW BUSINESS - None

SUPERVISOR BRODERICK

Liaison Report

5K Peach Festival Run Route approval – Kiwanis Club of Lewiston submitted a map of the route for the run on September 7, 2019 at 9:00 am. This has been forwarded to the Police Dept.

Geiben MOVED to approve the 5K Peach Festival Run Route, Seconded by Bax and Carried 5 – 0.

Artpark Incentive Program approval – Empire State Development has awarded the Town a \$100,000 grant, specifically for Artpark. B. Seaman said the Town did an agreement with Artpark, dated February 12, 2019 for the grant.

Geiben MOVED to authorize the Supervisor to sign the Incentive Proposal with Artpark, pending Attorney approval, Seconded by Bax and Carried 5 – 0.

Water bill penalty waived – Nearhoof – already addressed

Legal – nothing

Engineering

Police & Parks Storage Building Project Bids were opened on March 20th. Bids received were higher than expected. General Construction: Massaro Group - \$777,700; Scufari Construction Co. - \$627,500 / Electrical: CIR Electrical Construction - \$146,600; Frey Electric - \$182,000; Gaines Electrical - \$150,700. Lannon recommends the Board reject the bids, reevaluate the design and re-bid.

Bax MOVED to reject the Police & Parks Storage Building Project Bids received on March 20, 2019, Seconded by Geiben and Carried 5 – 0.

Finance

NYS DEC Rebate – Agnello requests the Board authorize the Supervisor to sign for the \$5,000 rebate payment to the Town for the lease of two, zero-emission vehicle- clean vehicles (ZEVCV).

Jacoby MOVED to authorize the Supervisor to sign the document for the \$5,000 rebate payment, Seconded by Morreale and Carried 5 – 0.

Budget Adjustments

Agnello requests the transfer of \$625 to Police Contractual - B00-3120-0400-0000, from Police Special Revenue - B00-1000-1520-0300 to cover K9 seminar registration for Officer Stafford.

Bax MOVED to transfer \$625 to Police Contractual - B00-3120-0400-0000, from Police Special Revenue - B00-1000-1520-0300, Seconded by Morreale and Carried 5 – 0.

Agnello requests to reduce the Sale of Surplus Equipment revenue budget - DB0-1000-2665-0000, for a total of \$70,000 and reduce the Machinery Equipment expense budget - DB0-5130-0200-0000 for a total of \$70,000. This revision will adjust the budget for the previously anticipated Lease of two (2) new Pay loaders and sale of two (2) old Pay loaders.

Morreale MOVED to reduce the Sale of Surplus Equipment revenue budget - DB0-1000-2665-0000, for a total of \$70,000 and reduce the Machinery Equipment expense budget - DB0-5130-0200-0000 for a total of \$70,000, Seconded by Bax and Carried 5 – 0.

Agnello requests to transfer \$14,400 from Snow Removal Contractual - DB0-5142-0400-0000 to Machinery Equipment - DB0-5130-0200-0000, to assist in the funding necessary for the purchase of a new Pay loader. The Highway doesn't need to purchase more road salt this year. They were able to purchase what the need already because they can now store salt in the salt shed.

Bax MOVED to transfer \$14,400 from Snow Removal Contractual - DB0-5142-0400-0000 to Machinery Equipment - DB0-5130-0200-0000, Seconded by Jacoby and Carried 5 – 0.

Agnello requests the transfer of \$23 to South Sewer Admin Contractual - SS3-8110-0400-0000 from South Sewer Sanitation Contractual - SS3-8120-0400-0000 to cover postage permit and presort mailing fee permit expenses.

Morreale MOVED to transfer \$23 to South Sewer Admin Contractual - SS3-8110-0400-0000 from South Sewer Sanitation Contractual - SS3-8120-0400-0000, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN BAX

Liaison Report

Introduce Local Law – Unsafe Buildings

Bax introduced a Local Law repealing and replacing the Unsafe Buildings Provision of the Town Code of the Town of Lewiston.

Bax MOVED to schedule a Public Hearing for Thursday, April 25, 2019 at 6:00 pm, Seconded by Geiben and Carried 5 – 0.

Maintenance Bond – Legacy Drive sidewalks – removed from agenda

RAB Resolution – **Bax MOVED approval of the following Town Resolution,**

URGENT NEED FOR THE ARMY CORPS OF ENGINEERS ASSISTANT SECRETARY FOR CIVIL WORKS TO IMMEDIATELY SIGN RECORD OF DECISION FOR THE ARMY CORPS TO COMPLETE THE NFSS PROPOSED PLAN

WHEREAS, the Niagara Falls Storage Site is a 131-acre federal property located in the Town of Lewiston, and

WHEREAS, this temporary storage site has held 2,000 curies of Radium-226 and other dangerous radioactive material since World War II, and

WHEREAS, in December of 2015 the U.S. Army Corps of Engineers (Army Corp) issued its proposed Plan to remove all radioactive material from the Niagara Storage Site with the full support of Niagara County, the NY State Department of Health, the U.S. EPA, and numerous other Stakeholders, and

WHEREAS, the Army Corps' proposed plan includes \$490 million dollars over several years to construct substantial infrastructure at the site and other expenses required for remediation, and

WHEREAS, the Army Corps' anticipated issuing a Record of Decision for public comment 18-months ago and has not yet done so, and

WHEREAS, Congress removed the FUSRAP cleanup program from the Department of Energy in 1997 due to ineffective management and vested program authority with the Army Corps, and

WHEREAS, last week the federal administration proposed a budget that would return FUSRAP clean-up authority to the polluter to the Niagara Falls Storage Site, namely the Department of Energy leaving the Army Corps as a Contractor with no authority to move clean-up forward, and

WHEREAS, the Niagara Falls Storage Site is the only Army Corps FUSRAP project in the entire United States with a Record of Decision being held up in Washington D.C.

NOW, THEREFORE BE IT RESOLVED, that the Lewiston Town Board call on the Army Corps of Engineers Assistant Secretary for Civil Works to immediately sign the Record of Decision allowing the Army Corps to proceed and complete the Niagara Falls Storage Site proposed plan.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, U.S. Congressman Chris Collins, U.S. Congressman Brian Higgins, U.S. Army Corps of Engineers Assistant Secretary for Civil Works "RD" James, U.S. Army Corps of Engineers Chief of engineers and Commanding General Todd T. Semonite and U.S. Army Corps of Engineers Director of Civil Works James C. Dalton.

Seconded by Geiben and Carried 5 – 0.

Jacoby announced a meeting being held Tues. March 26th at Lewiston-Porter High School regarding the above.

Lewiston Police Department Mobile App

Chief Previte discussed the purchase of a Lewiston Police Department Mobile App. There are not many landline phones anymore. Previte is concerned with communications with the residents in case of an emergency.

Previte and Broderick spoke to ThePoliceApp., a company that develops a mobile App specifically for the township, or police dept., in this case. The App is free to anyone wishing to download. There are many different options that can be reviewed.

The most beneficial part of it is there is a Push Notification option. This will alert residents of different important things. This can be created and made available to any department in the Town. They would be separate from the Police Dept. but will be attached to the App.

The company proposed a marketing package that will “advertise” the free App. This is a very important part of the proposal. The App is not worth anything if it is not used.

There is a time constraint. The Niagara County Sheriff’s Department is looking at the same App and if the Town can get in on their bid that would be great. If the Town were to take advantage of this proposal, dated February 8, 2019, they need to know by April 10th.

Previte has been given permission to declare a lot of equipment as excess and put on Auctions International. This could raise anywhere from \$3,500 to \$5,000 to be used toward this purchase. Previte has spoken with Seaman and it would be considered public safety, therefore funds can be used from H-97.

Previte reached out to Senator Ortt, and with the State budget not complete, it is not known if there is money. Ortt definitely supports this.

This is a month to month agreement, no long-term contract. The yearly fee is \$3,885. Previte will incorporate this in his yearly budget.

B. Seaman has reviewed the proposal and does not see anything that looks like a contract. This could be done on a purchase order. Previte asked to look into this.

Just recently Previte experienced a phone scam and feels this would help to notify residents that this is happening.

COUNCILMAN GEIBEN

Liaison Report

Senior Center will offer a Driver Safety Course on April 12 & 26. The Center is looking for a Music Leader. April 9th they will be celebrating their Annual Easter Program. Clerk Garfinkel puts the monthly activities on the Town Website.

Accept Auctions International bid – The Senior Center placed a refrigerator on Auctions International in February. The highest bidder, at that bid, did not receive the refrigerator within his time frame, so he pulled his bid.

Geiben MOVED to accept the bid of \$910 from Boone through Auctions International for the T-49 Reach In Refrigerator located at the Senior Center, Seconded by Bax and Carried 5 – 0.

COUNCILMAN JACOBY– Nothing to report

COUNCILMAN MORREALE

Liaison Report

Morreale updated the Board on replacement of street lights. A letter was forwarded to National Grid requesting a final purchase of the street lights located in the Town. Once this is done, the Town can move forward with New York Power Authority creating a design for the replacement.

RESIDENTS STATEMENTS

Nearhoof, Susan – Pletcher Road – Nearhoof said there are no street lights on Pletcher Road. Lannon said Town Code specifies lights at intersections, dangerous curves and cu-de-sacs.

Trane asked to look at the street light located across the street from the horse farm on Pletcher Road and report to Clerk's Office.

Nearhoof asked why water bills are not sent in envelopes. Broderick said it is a cost issue. The Town is looking into a new water computer system to help address this.

Witryol, Amy – Lower River Road – Regarding the Niagara Falls Storage Site (NFSS), Witryol suggests the Clerk hold the Resolution, per Mr. Bax's okay, until Wednesday. If you read something in the Sentinel about the NFSS, and the information has not been provided directly from the Army Corp of Engineers or the Restoration Advisory Board (RAB), it may not be accurate.

The Corp of Engineers will have a major announcement tomorrow. The Corp and all affected agencies, here and in Washington, have been working very closely with the RAB in the last couple of weeks. RAB has provided information to those agencies and two congressional offices.

In regards to the Riverfront Park, Witryol attended the Environmental Commission meeting. Two major outcomes of the meeting where, 1 – the entire Commission, and Witryol believes Bax and Morreale too, want the burial at the site fully characterized. 2 – Institutionally it is just good practice to have the firm that would characterize the property be different from the firm that would stand to financially benefit, and in this case up-wards to \$100,000, from the development of the park.

Witryol does not know what changed Mr. Bax's and Mr. Morreale's mind, in term of those two findings, why it wasn't reported to the Board, and why the Board wanted to go forward with the sampling. But if it is the Boards objective to fully characterize the burial, the Board needs a sampling and analysis plan to vote on, from a qualified engineering firm that clearly states "the purpose of the sampling plan is to fully characterize the burial".

The report distributed to the Board, about a month ago, does not have a purpose section, and does not have an objective section. This is very standard in a plan. No, the DEC did not look at the plan before it was conducted. The plan that was given doesn't even mention the 1978 Krehbiel Report.

Witryol is not going to suggest, or ask any Board member to suggest, how GHD should do their sampling and analysis plan. Given the kind of backwards approach to the process and the rush to put this through, without showing the sampling plan to the Environmental Commission or the public before the Board votes doesn't necessarily mean it's a bad plan, it just smacks of a cover-up.

Witryol encourages the Board to undertake is, if the Board really wants to characterize the burial there needs to be a proposal for the Board to vote on.

Geiben MOVED to adjourn, Seconded by Bax and Carried 5 – 0. (7:10 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk