

**REGULAR TOWN BOARD MEETING**

**March 26, 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

RESIDENTS STATEMENTS

DEPARTMENT HEAD STATEMENTS

APPROVAL OF MEETING MINUTES . . . Town Board Work Session – 3/12/2018

AUDIT PAYMENT . . . . . Councilman Jacoby

OLD BUSINESS. . . . . . Bid – Fire Hydrant (NYPA)  
Board/Commission Vacancies  
(Cable-1; Board of Ethics-2; Planning Board-1)  
Local Law – Solar Energy Systems

PENDING . . . . . Dog Shelter  
Bingo Inspector  
Appointment of Court Officer

NEW BUSINESS . . . . . Residents / Public Correspondence

SUPERVISOR BRODERICK  
1. Liaison Report  
    a. Server Purchase – NANOARK  
    b. Court Officer appointment  
    c. Senior Center Sign  
    d. Eagle Scout – Clean-up Cemetery  
2. Legal  
3. Engineering  
4. Finance  
    a. Junior Accountant

COUNCILMAN BAX  
1. Liaison Report

COUNCILMAN GEIBEN  
1. Liaison Report

COUNCILMAN JACOBY  
1. Liaison Report  
    a. Tower Application – Negative Declaration  
    b. Tower Application – Approval

COUNCILMAN MORREALE

1. Liaison Report

- a. Supervisor sign Lime Energy Agreement/Highway Garage
- b. Supervisor sign Lew-Port Shared Service
- c. Parks Laborer F/T hire
- d. Accept Auctions International bid – 2002 Chevy

RESIDENTS STATEMENTS

UPCOMING BOARDS/COMMISSION MEETINGS:

Town Board Work Session	April 09, 2018	6:00 pm
Environmental Commission	April 10, 2018	7:00 pm
Historic Preservation	April 10, 2018	6:00 pm
Zoning Board of Appeals	April 12, 2018	7:00 pm
Planning Board	April 19, 2018	6:30 pm



Office of the New York State Comptroller  
 New York State and Local Retirement System  
 Employees' Retirement System  
 Police and Fire Retirement System  
 110 State Street, Albany, New York 12244-0001

# Standard Work Day and Reporting Resolution for Elected and Appointed Officials

**RS 2417-A**  
 (Rev. 8/15)

BE IT RESOLVED, that the TOWN OF LEWISTON / 30237 hereby establishes the following standard work days for these titles and (Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
<b>Elected Officials</b>								
TOWN CLERK	8	DONNA R GARFINKEL	██████	3655087-9	<input type="checkbox"/>	01/01/16-12/31/19	21.99	<input type="checkbox"/>
TOWN JUSTICE	6	THOMAS J. SHEERAN	██████	36776680	<input type="checkbox"/>	01/01/16-12/31/19	7.1	<input type="checkbox"/>
<b>Appointed Officials</b>								
DEPUTY SUPERVISOR	6	WILLIAM CONRAD	██████	41240995	<input type="checkbox"/>	01/01/18-12/31/19	1.75	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

**SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE**

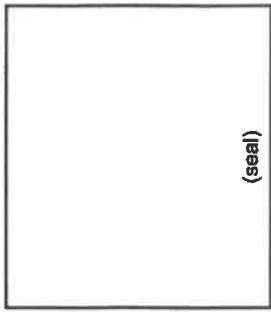
I, DONNA GARFINKEL, secretary/clerk of the governing board of the TOWN OF LEWISTON, of the State of New York, (Name of secretary or clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 26TH day of MARCH, 2018 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF LEWISTON on this 27TH day of MARCH, 2018, (Signature of the secretary or clerk) (Name of Employer)

**Affidavit of Posting:** I, DONNA GARFINKEL, being duly sworn, deposes and says that the posting of the Resolution began on 3/27/2018 and continued for at least 30 days. That the Resolution was available to the public on the (Date)

- Employer's website at WWW.TOWNOFLEWISTON.NY
- Official sign board at \_\_\_\_\_
- Main entrance secretary or clerk's office at 1375 RIDGE RD, LEWISTON, NY 14092





February 6, 2018

Town of Lewiston  
Town Clerk  
1375 Ridge Road  
Lewiston, NY 14092

**RE: *Tower/Antenna Application – T-Mobile Northeast, LLC collocation proposal (“T-Mobile”) for telecommunications facility located at Seton Hall, Niagara University, Niagara University, NY 14109 (“Property”)***  
***Site Name: 3NIB795A / Tax Map # 115-1-11 (part of Niagara University campus parcel)***

Dear Town Board Members:

T-Mobile is proposing to collocate on an existing building rooftop to install a telecommunications facility at the Property and seeks to install its equipment at the facility to provide 4G LTE coverage and technology in and around the Niagara University campus and the Town of Lewiston (“Town”).

We have been advised by Mr. Chris McAuliffe, Building Dept., that pursuant to Chapter 320-Towers, of the Town of Lewiston Town code (“Code”), a Tower/Antenna Application approval is required by the Town Environmental Commission, Planning Board, Tower Commission, and Town Board for the proposed equipment installation prior to obtaining a building permit for the proposed equipment installation. In accordance with the Code and per Mr. McAuliffe’s recommendations, we hereby submit twenty-four (24) copies of this letter of intent in support of the Town of Lewiston Tower/Antenna Application along with the following exhibits attached hereto and made a part hereof:

- Exhibit A: Town of Lewiston Tower/Antenna Application
- Exhibit B: Town of Lewiston Tower/Antenna Application fee
- Exhibit B: Town of Lewiston Building Permit application
- Exhibit C: Town of Lewiston Building Permit application fee
- Exhibit D: Town of Lewiston Building Permit application Insurances
- Exhibit E: Letter of Authorization from Niagara University
- Exhibit F: Letter of Support and Reassessment acknowledgement from Niagara University
- Exhibit G: Map of existing T-Mobile facilities within Town of Lewiston
- Exhibit H: Search Ring provided by T-Mobile
- Exhibit I: RF Propagation Study
- Exhibit J: FCC licenses
- Exhibit K: Long Form EAF with Visual Addendum
- Exhibit L: Photo Simulations
- Exhibit M: Security Bond provided by T-Mobile – to be provided prior to building permit release
- Exhibit N: EME Report
- Exhibit O: Non Interference Report
- Exhibit P: Structural Analysis
- Exhibit Q: Construction Drawings

## Project Summary

### Background

T-Mobile is proposing to install a new telecommunication facility on the rooftop of the Property to provide 4G LTE coverage and technology in and around the Niagara University campus. The attached RF Propagation Maps in Exhibit I identifies a gap in coverage for this area, which this proposed facility remedies.

### Proposed Equipment

T-Mobile proposes to install Nine (9) panel antennas, twelve (12) RRU's, three (3) hybrid cables, (1) GPS antenna with coaxial cable, and (1) 2' diameter Microwave Dish with attached ODU and coaxial cable. T-Mobile is proposing to install three (3) cabinets and (1) APU natural gas fueled DC generator on the rooftop within T-Mobile's proposed space. T-Mobile is currently in negotiations to secure an area of approximately 198 square feet of space on the building roof with no disturbance at ground level. In addition, the proposed Antennas will be placed at a RAD center of 97 feet.

The proposed equipment is part of T-Mobile's 4G LTE network upgrade. 4G LTE is a wireless broadband technology designed to support mobile Internet access via cell phones and handheld devices. This upgrade to LTE (Long Term Evolution) is vital to T-Mobile's customers and these upgrades are essential to the network. The equipment installation that T-Mobile is seeking is expected to provide Town residents, businesses, visitors and emergency responders with enhanced coverage, better reception, both indoors and outdoors, faster connectivity and access to additional applications on their wireless devices.

### Requested Code Waivers

Chapter Section 320 of the Code sets forth certain requirements to obtain Tower/Antenna Application Approval authorizing the placement, construction, and modification of telecommunication facilities in the Town of Lewiston. In follow up to a recent conversation I had with Mr. McAuliffe, we are requesting a waiver for the following provisions of the Code. The waiver requests are listed in sequence per the Town of Lewiston provided document "Summary of required information, reports, and documentation" as part of the Tower/Antenna Application. I have set forth below, in bold the Code provisions for which T-Mobile is seeking a waiver and the reason we feel such a waiver should be granted:

<b>4</b>	<b>Current gross operating revenue</b>	<b>320-4 E</b>	Applicant is not a franchise. Proposed facility will not operate within Town of Lewiston right of way.
<b>12</b>	<b>Air traffic impact</b>	<b>320-4 G(2)(p)</b>	Proposed location is an existing building. Proposed antenna height is a maximum of 10' higher than maximum building height. No impact is expected.
<b>15</b>	<b>Notification to NFTA, Niagara Falls Air Base and local airports</b>	<b>320-4 D(10)</b>	Proposed location is an existing building. Proposed antenna height is a maximum of 10' higher than maximum building height. No impact is expected.
<b>16</b>	<b>Renewal application &amp; inspection</b>	<b>320-4 D(11)</b>	Application is not for a renewal. Proposed facility is a new rooftop installation.
<b>17</b>	<b>Plan for fencing and landscaping</b>	<b>320-6 F(6)(a)</b>	Proposed installation is on rooftop of existing building only. No installation of permanent equipment on ground level.
<b>18</b>	<b>Utility easements</b>	<b>320-4 G(2)(h)</b>	No easements are required for utilities. All connections to the proposed facility will be through existing utilities located in building.
<b>19</b>	<b>FAA regulations</b>	<b>320-7 B(1)</b>	As this site is proposed as a rooftop and is not of sufficient height, there are no FAA regulations required to be met.
<b>22</b>	<b>Collocation</b>	<b>320-4 A(6)</b>	The provided search ring data and existing T-Mobile facilities identify the lack of existing towers for suitable for collocation of the proposed equipment as well as the non-feasibility of locating in close proximity

23	<b>Backhaul Information</b>	320-4 B(2)	to existing T-Mobile sites. The provided Propagation maps identify the need for the selected site to provide desired coverage. T-Mobile friendly fiber (Spectrum Cable) is located on campus and may be utilized for backhaul. Ongoing negotiations with provider TBD. As a backup option, a 2' MW dish is included in the design to provide backhaul connection, if fiber is unavailable.
25	<b>Grid System</b>	320-4 G(2)(o)	Per Chris McAuliffe, this is not applicable
26	<b>Wind Resistance Data</b>	320-4 G(2)(s)	See Exhibit N. The requested Wind data is included in the Structural Analysis report.
27	<b>Collocation Notification</b>	320-4 A(5)	Proposed facility is not a tower location where collocation would be allowed. The rooftop facility allows only one user due to available space.
28	<b>Long range market plan</b>	320-4 A(2)	See below description of T-Mobile network upgrades.
30	<b>Access roads/parking</b>	320-9 A(2)	The proposed facility is a rooftop design on an existing building. No new access road or parking is required. There will be no measurable increase in existing traffic volume anticipated during construction or upon completion.
31	<b>Notarized refusal collocation on existing towers</b>	320-4 /a(6)	Existing towers within search ring were not considered as per waiver request for item #22 noted above.

In light of the foregoing, we respectfully request that the Town of Lewiston grant T-Mobile's requested waivers. Based on our review of the Code, the proposed modifications, this application and the exhibits attached hereto fully address each of the provisions of the Code.

We respectfully request that this application be placed on the next Environmental Committee and then the Planning Board, Tower Commission, and Town Board agendas. I look forward to appearing before the board to discuss this application in person. Should you have any questions or concerns with this application or exhibits, please do not hesitate to call me at the number below or contact me via email at [jszkolnik@nbcllc.com](mailto:jszkolnik@nbcllc.com). Thank you.

Sincerely,

*Jeffrey Szkolnik*

Jeffrey Szkolnik  
Site Acquisition Specialist, as agent for T-Mobile Northeast, LLC  
4142 Reddeer Road, Liverpool, NY 13090  
Mobile: (315) 350-4025

Town of Lewiston Parks & Recreation  
Mike Dashineau, Director  
1375 Ridge Road, Lewiston, NY 14092

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March 22, 2018

Honorable Members of the Lewiston Town Board,

My apologies for missing tonight's meeting. Please approve the following motions.

1. Motion to approve Steve Broderick, Lewiston Town Supervisor, to sign a Shared Services Agreement with Lewiston-Porter Central School District for years 2018, 2019, and 2020.

The Recreation Department would like to acknowledge and thank Supervisor Broderick and Town Attorney Ryan Parisi for all of their hard work and efforts in securing a new agreement that will continue to benefit both the Town and Lew-Port Schools.

2. Motion to Approve James Hescoc as a Parks Laborer F/T at a rate of \$13.92 per hour.

This position was vacated by Kevin Carpenter last year and completes the Parks Departments roster. The Parks Department would like to thank Councilman Morreale and Committee Chairman Tom Deal for their efforts and input into the interview and selection process.

3. Motion to accept the Auctions International bid of \$3,100.00 for the 2002 Chevrolet C35 Dump Truck declared excess equipment and approved for auction by this Town Board on February 26<sup>th</sup>.