

**PRESENT:** Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & R. Morreale; Captain Josh Cain; Bldg Insp. T. Masters; Finance Director J. Agnello; Atty. T. Seaman; Atty. B. Seaman; Eng. B. Lannon; WPCC Ch. Op. J. Ritter; Highway Supt. D. Trane; Parks/Rec Director Dashineau; Sr. Director J. Collesano; Historian M. Maggard 1 Press; 8 Residents and Dep. Clerk C. Schroeder

**EXCUSED:** Dep. Sup. W. Conrad

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of Silent Reflection.

*AGENDA:* Additions: Broderick: Vehicle Purchase, Kiwanis Clam Bake, Executive Session re: Consultation w/Attorneys, On-going Litigation (Art 7 Tax Assessment Cases), Collective Bargaining negotiations. Geiben: Cable Update, Senior Proclamation.

**Bax MOVED the agenda, as amended. Seconded by Morreale and carried 5-0.**

**ABSTRACT: Geiben MOVED to approve the Regular Abstract of Claims Numbered 1058 – 1268 and recommended payment in the amount of \$329,671.93, plus a post audit of \$188,383.22. Seconded by Bax and carried 5-0.**

**MINUTES: Geiben MOVED to approve the minutes of 4/25/2019, P.H./RTBM, as presented. Seconded by Morreale and carried 4-0.** (Bax Abstained).

*DEPARTMENT HEAD CONCERNS:*

**WPCC:** Ritter said he needs to purchase a new valve for the WPCC. This would be a purchase from a sole source provider and is an exception to the general purchasing requirements. The Town would need to pass a resolution that the Attorney prepared.

Ritter said the WPCC lost one of its key operational components last month, in way of an underground valve that has an electric motor on the top of it. The 20+ year old valve is used to divert water to an overflow basin in times of elevated flows coming into the Plant.

On March 30 and 31, the Plant dealt with over an inch of precipitation. Because we didn't have this valve, a lot of water was diverted to our parking lot. We looked into some other types of valves for replacement. We noticed that the less expensive valves varied in size. Since we would have to dig down into the ground 15 feet, set up shoring and heavy equipment customizing 16" pipe to fit, a new valve would be time consuming and expensive.

At a cost of approximately \$32,175.00 Ritter requests the Board's approval to purchase a DeZurik valve, with operator, from the sole source Tek-Sales. Funds to be taken from H-32.

Atty. T. Seaman provided a resolution that Tek-Sales, Inc. is the sole source provider of such valve and allows Ritter to sign off on that purchase. The resolution essentially allows for a purchase that is outside of GML-103 that would normally require quotes and bids.

**Geiben MOVED to approve the Resolution, as presented. Seconded by Morreale, for discussion.**

Jacoby said if they went with a different valve, a whole lot of other things would come up – excavating, replacement of fittings, customization of 16-in pipe, etc. Jacoby wants this in the record. We're not just throwing away money. It is something that is urgently needed.

**WHEREAS,** The Town of Lewiston Water Pollution Control Center ("WPCC") recently lost the use of an underground valve with electric actuator, manufactured by DeZurik, which is a key operational component of the plant and is used to divert water overflows to the overflow basin, and

**WHEREAS**, The Town of Lewiston and WPCC would like to replace said valve and actuator, and  
**WHEREAS**, the replacement of said valve and actuator will require underground excavation to approximately 15 feet, the shoring of trench, and the use of heavy equipment, and

**WHEREAS**, the Chief Operator for the WPCC has investigated the valves and actuators available on the market and has determined that the only directly compatible valve and actuator available is the direct replacement, manufactured by DeZurik, and the Chief Operator has also determined that the other valves and actuators available vary in size and assembly configurations and would necessitate custom modifications to connect to the WPCC system; said modification would result in additional unknown time, materials, costs, and heightened risks to the WPCC employees, and

**WHEREAS**, Tek Sales, Inc., located in Rochester, New York, has provided information to the Chief Operator of the WPCC indicating that Tek-Sales, Inc. is the exclusive supplier of DeZurik products in the State of New York, and

**WHEREAS**, Tek-Sales, Inc., has supplied a quote for the sale of the replacement valve and actuator for a total amount of \$32,175.00.

**NOW THEREFORE BE IT RESOLVED**, that Tek-Sales, Inc. is found to be the “sole source” of the DeZurik valve and actuator which is needed to repair the WPCC’s system, and such constitutes an exception to the bid requirement of General Municipal Law §103, and

**BE IT FURTHER RESOLVED**, that the Chief Operator of the WPCC is authorized to purchase the valve and actuator from Tek-Sales, Inc., for the amount of \$32,175.00 without the need to advertise for sealed bids.

**Motion carried 5-0.**

Engineer: Lannon obtained bids for the Police/Parks Building. They came in over the amount budgeted. Lannon offered to redo the bid specification and drawings with the potential project of the Niagara County tower to be put there.

**Jacoby MOVED for approval. Seconded by Bax and carried 5-0.**

Seniors: Director Collesano asked the Board to consider abolishing the Senior Advisory Board. The last time they met was March 2016. The liaison would be able to bring any issue to the Board. Geiben asked to move ahead at the next meeting.

Geiben noted the Lewiston Seniors Club is totally independent and the Town of Lewiston Seniors, Inc. is a separate entity. It was filed as a separate corporation in New York State and created for the sole purpose for obtaining grant funding in 1979.

Geiben then read a proclamation acknowledging the month of May 2019 as “Older Americans Month.” The proclamation will be read at the birthday luncheon at the Senior Center recognizing those seniors turning 80 & 90.

Finance: The Finance Director requested approval to process three budget adjustments.

1) A revision to move funding from SS1, SS2 & SS3 to a Disability account that was created in each of the sewer budgets to property account for Disability insurance payments. This revision will fund the Disability payments for the year. The revisions are as follows:

- a) Transfer \$324.00 from Treatment & Disposal Contractual (SS1-8130-0400-0000) to Disability budget (SS1-9055-0800-0000).
- b) Transfer \$55.00 from Sanitary Contractual (SS2-8120-0400-0000) to Disability budget (SS2-9055-0800-0000).
- c) Transfer \$30.00 from South Sewer Contractual (SS3-8120-0400-0000) to Disability budget (SS3-9055-0800-0000).

**Morreale MOVED for approval. Seconded by Geiben and carried 5-0.**

2) A revision to move \$10,000 to Sanitary Sewer Equipment (SS2-8120-0200-0000) from Sanitary Sewer Contractual (SS2-8120-0400-0000) to cover a current deficit of (-95.85) and future equipment purchases throughout the fiscal year.

**Jacoby MOVED for approval. Seconded by Morreale and carried 5-0.**

3) A revision to move \$26,613 to Water Transmission & Distribution Equipment (SW1-8340-0200-0000) from Water Misc. Revenue (SW1-1000-2770-0000) to cover the purchase of a new pickup truck funded by the receipt of the DASNY Grant.

**Morreale MOVED for approval. Seconded by Bax and carried 5-0.**

Agnello gave an update on the Troy & Banks Utility and Communications audit. The utility audit is complete and no overcharges were located. Telecommunications audit is complete. They located \$706.80 in overages for the year. Troy & Banks will receive a fee of 24% of that amount or \$169.63. The Town will retain the balance in savings.

The Cable Franchise audit is still ongoing. Agnello will update once that's complete.

*OLD BUSINESS:*

- a) Outfall Bldg Report: Lannon received a report from Sienna Environmental that focused on two components – The roof has two layers of asphalt shingles. Reports came back with asbestos containing materials and there is lead on some of the window glazings. Lannon said it is what they expected given the age of the building.

Recommendations from moving contractors are a complete teardown – shingles, all which has to be abated for the asbestos. Construction of a new roof, new windows, etc. you're looking at \$400,000 - \$500,000 in updates. Lannon said they are waiting on some of the abatement costs. It is going to be an expensive undertaking.

If you demolish the building, you have to abate the asbestos first. If you re-roof it, you have to abate the asbestos then put the new roof on.

Broderick said something needs to be done one way or another. We can't leave that building in that condition. The guts of the building need to stay from the floor down for the sewer outflow. We need to make a decision after Lannon obtains quotes.

- b) Dwyer Arena (N.U.) LED Sign: T. Seaman said this issue was brought up at the last meeting. Niagara University ("NU") has a sign in front of Dwyer Arena. They are looking to change to a LED sign. When they tried to go through the process of getting a building permit, the Building Inspection advised them that that may not be on NU's property. It appears to be Town land. Several meetings were held on how to remedy the situation. One idea is to lease the small portion of the land that the sign is on to NU, so they would have ownership control over that portion of land, and move forward with the building permit application. Seaman drafted a resolution that would allow for NU to lease that area of land. In consideration, NU would have to maintain that area of land, defend, indemnify and hold the Town harmless against any type of issue that might arise during construction of the sign and/or maintenance of that area as time moves forward.

Seaman said the resolution is contingent on NU signing a lease.

**Geiben MOVED the approval of a lease as per the resolution, as follows, and to authorize the Supervisor to execute said lease, subject to the approval by the Attorney for the Town. Seconded by Jacoby and carried 5-0.**

**WHEREAS**, the Town of Lewiston appears to be the owner of certain parcel of land upon which Niagara University has for several years maintained a sign for Dwyer Arena, without permission or consent of the Town; and

**WHEREAS**, Niagara University now wishes to replace the current sign with a digital sign, and

**WHEREAS**, the land upon which the sign is located is of no value to the Town, due to its location, configuration and size; and

**WHEREAS**, the Town has no present use for the land and the land is not marketable; now therefore

**BE IT RESOLVED**, that Niagara University is authorized and permitted to utilize said parcel of land for the purpose of maintaining a sign in the same location as the existing sign, along with necessary electrical connections, if any; and be it further

**RESOLVED**, that Niagara University will be required to follow the Town of Lewiston Code relative to obtaining a building permit for any digital or electrical sign that it wishes to erect on said parcel; and be it further

**RESOLVED**, that the agreement will be in the form of a 5 year lease containing these and any other necessary provisions, subject to approval by the Attorney for the Town; and be it further;

**RESOLVED**, that in consideration for said lease and authorization to utilize said parcel of land, Niagara University shall:

- a) Maintain the area adjacent to and surrounding the sign in a neat and attractive manner; and shall
- b) Defend, indemnify and held the Town of Lewiston harmless from any all liability, arising from the erection, use and maintenance of said sign and/or said parcel of land, arising from any and all causes of action including, but not limited to, errors and omissions, negligence or strict liability, to the fullest extent permitted by law; and be it further

**RESOLVED**, that said lease shall renew automatically for additional one-year terms unless terminated by either party on written notice; and be it further

**RESOLVED**, that the Town will forever retain the ability to unilaterally cancel said lease at any time in the event that the leased property becomes needed to Town purposes, and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to execute said lease, subject to approval by the Attorney for the Town.

c) Recreation – Purchase of Wood Chipper: Morreale asked that be tabled.

*VEHICLE PURCHASE*: Broderick said the Town has two leased 2018 Honda Clarity PHEV, used by the Assessor and Building Inspector. The payoff amount would be \$20,322.48 each.

**Broderick MOVED to purchase the two vehicles (VIN# JHMZC5F12JC013391 & JHMZC5F1XJC013395) in the amount of \$20,322.48 per vehicle. Seconded by Geiben and carried 5-0. Funds to come from H-98.**

*KIWANIS CLAM BAKE*: Broderick referred to a request from the Kiwanis Club to utilize Kiwanis Park June 5<sup>th</sup>, 2019 from 4 PM – 10 PM for its Annual Clam Bake.

**Bax MOVED to approve, pending approval by the Attorney, and insurance validations. Seconded by Morreale and carried 5-0.**

*STORMWATER REPORT*: Chris McAuliffe, Storm Water Manager submitted the 2019 Stormwater Report. It is filed in the Clerk's office and available for public inspection.

*CABLE RESOLUTION*: Geiben said the Cable Agreement has been signed between the Town and NCCC. The principle participants will meet at Town Hall on 5/14 at 3 PM to discuss equipment compatibility.

*HEWLETT PACKARD PLOTTER*: The Town Clerk requests that a Hewlett Packard – DesignJet 1055CM, Serial #SG9901311K, Map Plotter be declared excess equipment and placed on Auctions International. This plotter has since been replaced and no longer needed.

**Brockerick MOVED for approval. Seconded by Morreale and carried 5-0.**

*TOWER/ANTENNA APPLICATION, MSMH*: Broderick said all departments submitted their checklists for the Tower/Antenna Application submitted by T-Mobile Northeast LLC.

The Tower Committee was unable to meet because of lack of a quorum. The Committee will not be looking at this application. T. Seaman said the Tower Committee is an advisory committee. The Town Board is the approving board and can address the issues and comments from the checklists.

**Jacoby MOVED to accept Tower Committee Chairman Conrad's recommendation to authorize the Town Board to review the tower application in its authority. Seconded by Morreale and carried 5-0.**

The Town Board went through the check lists and Jeff Szkolnik, Site Acquisition Specialist for Network Building + Consulting, representing T-Mobile, was present to answer questions.

**Geiben MOVED to accept the recommendation of the Environmental Commission and declare a Negative Declaration for SEQR on said telecommunication facility located at Mt. St. Mary's Hospital. Seconded by Jacoby and carried 5-0.**

**Bax MOVED to approve the T-Mobile Northeast LLC application for installation of a telecommunications facility on the rooftop of Mt. St. Mary's Hospital, contingent upon submission of a signed lease agreement with appropriate removal bond language, subject to attorney approval and submission of all required documentation. Seconded by Jacoby and carried 5-0.**

Atty. B Season said the lease agreement is between the applicant and the hospital.

*RECREATION HIRES:* Approve for employment the following applicants for hourly employment within the Parks and/or Recreation Department:

Recreation Leader P/T: Leysa Broderick - \$12; Aleigha Carpenter - \$13.50; Courtney Gunderson - \$12; Emily Oliverio - \$12; Andrew Perreault - \$12; Olivia Rizzo - \$12.50; Anthony Vekich - \$12; Tracie Waterstram - \$13.50; Sierra Wilson - \$12.

Recreation Aide P/T: Gregory Sledziewski - \$11.35; Olivia Pignatore - \$11.10; Leah Galie - \$11.10; Grace Galie - \$11.10; Tyler Haight - \$11.10; Jon Adamson - \$11.10; Connor Haskell - \$11.10.

Parks Laborer P/T: Garrett Lester - \$11.75

**Morreale MOVED for approval, as submitted. Seconded by Geiben and carried 4-0.**  
Broderick abstained.

*RIVERFRONT PARK:* Lannon said the sampling and testing has been completed. Analytical results are currently under review.

*FRENCH LANDING SIDEWALK AGREEMENT EXTENSION:*

T. Seaman said the Town is in receipt of a request from Roscetti & DeCastro, representing the developers of French Landing Subdivision. French Landing has sold sixteen lots and construction is proceeding. Due to the home construction schedule, they are requesting an extension of the Sidewalk Agreement until November 15, 2020, for the completion of the sidewalks along the east side of Wolf Run, where home construction has not yet been completed. Three lots remain unsold on the east side of Wolf Run. They will continue to have the sidewalk installed on the individual lots prior to the issuance of the certificate of occupancy for the remaining lots.

Seaman said he drafted an extension agreement. It mirrors the previous agreement but changes the timeframe from October 2019 to November 2020.

Broderick spoke with both Masters and Lannon, neither had any issues. Broderick said he had concerns with the ground being frozen at the end of November.

**Broderick MOVED to extend the French Landing Sidewalk Agreement to have all sidewalks within the Subdivision installed, regardless of whether homes remain to be built, by July 1, 2020. Seconded by Morreale and carried 5-0.** T. Seaman said he would send it back to the developer for his signature if he is in agreement.

**Bax MOVED to authorize the Supervisor to sign said amended agreement. Seconded by Morreale and carried 5-0.**

*STATEMENTS BY RESIDENTS:*

Rob Hoover, Fire Chief, Sanborn Fire Co., asked the status of the \$70,000 that was approved for updates to Sanborn Park. The funds were approved last April. Where is that sitting? The playground equipment was installed in 1998. Some of the equipment was vandalized. It's dark and every year when we get nice weather it draws unruly kids that destroy everything. Hoover thinks it would help if there was some LED lighting there.

Broderick said the Town changed grant writers. There was a question on Greenway. The Grant Writer was going to go thru the Greenway as that is how it is going to be funded. She is looking into that to see what the status is. The question is do we have to go back to the Greenway Commission or to the Host Standing Committee for funding. It is just a formality on how we have to handle it.

Steve Lyle reported that he finally received a water bill this month. Broderick said they have received many complaints on non-delivered water bills. He blamed the U.S. Postal Service. He is working with them on improving the delivery of the bills. Broderick said residents now have the ability to pay their water bill on line via the Town's website, [www.townoflewiston.us](http://www.townoflewiston.us) under "Gov.pay".

**Geiben MOVED to enter into Executive Session regarding Consultation with Attorney; Pending Litigation and Collective Bargaining Negotiations. Seconded by Morreale and carried 5-0.** Time: 7:05 P.M.

Executive Session: Present: Broderick, Bax, Geiben, Jacoby, Morreale, T. Seaman, B. Seaman and J. Agnello.

Issues Discussed:

1. Collective Bargaining Negotiations – CSEA
2. Ongoing litigation – Article 7, Tax Assessment Cases
3. Consultation with Attorneys

**Bax MOVED to exit Executive Session and re-convene Work Session. Seconded by Morreale and carried 5-0.** Time 7:45 P.M.

Action Taken:

1. Approve agreement with GAR for preliminary appraisal Legacy Apartments Article 7 case and authorize the supervisor to sign, contingent on Attorney approval.  
**Geiben MOVED for approval. Seconded by Broderick and carried 5-0.**
2. Approve Inter-municipal Agreement with Lewiston-Porter School District and Niagara County for cost sharing whenever approval is required in Article 7 cases, contingent on Attorney approval.  
**Geiben MOVED for approval. Seconded by Morreale and carried 5-0.**

**Geiben MOVED to adjourn. Seconded by Jacoby and carried 5-0.**

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk