

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Engineer Lannon; Building Inspector Masters, Police Chief Previte; Recreation Director Dashineau; Water Maintenance Townsend; Grant Writer Rotella; 2 Press; 20 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting followed by the Pledge of Allegiance and a moment of silent reflection. Broderick asked all to keep Highway Superintendent Douglas Janese's family in their thoughts and prayers. Also Brian Christman for the loss of his father-in-law, and Donald Butkuss for the loss of his wife.

AGENDA APPROVAL

Additions: Broderick – Water meter resolution; Audit appointment; union settlement agreements; compensation for Dep. Highway Superintendent and union agreement for Dep. Highway Superintendent: Geiben – Recycling Totes and memorial for Janese: Bax – Zoning Board of Appeals schooling

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

Geiben MOVED to allow Bernie Rotella to make a presentation, Seconded by Bax and Carried 5 – 0.

Rotella requests approval of two resolutions to be presented to the Greenway Host Standing Committee.

An additional \$6,000 for the Sanborn Main Streetscape Project to purchase a sign. This was approved in 2010. Resolution reads as follows:

WHEREAS, the Town Board desires to use the Town of Lewiston's Niagara River Greenway funds for the Sanborn Streetscape Project for additional costs to complete the project. The additional funding is to purchase a sign that will be used to relay events, notifications, and articulate Greenway activities, and

WHEREAS, the Town Board has to apply and request additional funding from the Niagara River Greenway Host Standing Committee.

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits a request for additional funding for Sanborn Streetscape Project in the amount of \$6,000; and

RESOLVED, That Steve Broderick, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file a request for additional funds from the Niagara River Greenway Host Standing Committee to complete Sanborn Main Street Streetscape Project.

Bax MOVED to approve the Resolution for Sanborn Main Streetscape Project to purchase a sign, Seconded by Geiben and Carried 5 – 0.

Additional funding to complete the Lower River Road Comfort Station and connection of the sewer system. Resolution reads as follows:

WHEREAS, the Town Board desires to use the Town of Lewiston's Niagara River Greenway funds for the Lower River Road Comfort Station for additional costs to complete the project, and

WHEREAS, the Town Board has to apply and request additional funding from the Niagara River Greenway Host Standing Committee;

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits a request for additional funding for Lower River Road Comfort Station Project in the amount of \$35,600; and

RESOLVED, That Steve Broderick, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file an application for additional funds from the Niagara River Greenway Host Standing Committee to complete Lower River Road Comfort Station project.

Geiben MOVED to approve the resolution for the Lower River Road Comfort Station and connection of the sewer system, Seconded by Ceretto and Carried 5 – 0.

TWO-MINUTE STATEMENT – RESIDENTS

Catchpole, Ronald – Townline Road – Catchpole attended the Town & Village Joint meeting held earlier. In regards to the Police and the Village having issues with how much they are paying, the Mayor did not bring up the point that most of the officers are in the Village. The Town pays ¾ more for the Police of their \$1.3 million budget. Village pays \$280,000. About 15 of the officers are always in the Village for festivals, Artpark and anything else that goes on. The Town gets two. Catchpole doesn't understand what their complaining about.

They then complained about the hiring of officers, Catchpole researched and a majority of the officers reside in the Village. One of the Trustees son's was just interviewed by the police. Catchpole never sees a posting for an opening of an officer. They just get put in.

In regards to the Ice Rink, if purchased by the Town why is it in Academy Park. It is a portable rink. It can go to Sanborn, Colonial Village. This is a Town ice rink.

The Board should be building up the Town not the Village. Festivals and concerts can be brought to the Town. The Board spends more time building up the Village.

The Board gave up \$100,000 tipping fees so Artpark doesn't get the children programs, so now the Board will give them more Greenway money. Artpark is paying nothing for police protection; the Board keeps giving it up. The Town gave money for fancy boxes for the wealthy people, so they can watch the poor paupers down below.

Town taxpayers are paying this, now there is talk of a Town tax, when all the money seems to go to the Village.

Broda, Mary Ann – Lower River Road – On February 8th, Broda attended the Village of Lewiston's Planning Board meeting regarding Ellicott Development on Center Street and James Jerge's Onondaga Street apartment complex. Broda was impressed with how informative and transparent the Board meeting was. Equally impressed with the manner in which Village residents, Board members and the developer appear to be working together.

Many of the changes/modifications to both development plans were the result of the Planning Board and neighboring residents' suggestions which the developer implemented. It appeared that no rock was left unturned and this was only the projects first submission for approval.

As one of many residents impacted by the French Landing subdivision, Broda learned last week of a major modification with regards to the retention pond. As originally approved, by both the Planning and Town Boards, there were to be two retention ponds. It has been modified into one very large lake. Since this is a modification to the Final Plat approved, why wasn't this change referred back to the Planning Board for review and the Town Board for approval?

Broda wonders why the public, especially the neighbors impacted by this modification, were never informed. Due to the proximity to this large lake, Broda is concerned. What guarantee can the Town give these residents should there be a large rain storm, such as the one last August, that this lake will not flood? Because of this possibility, will these residents be forced to endure the additional expense of flood insurance?

With the public not being informed of the modification, and any future issues that may arise from this modification, Broda respectfully ask that this variation be sent back to the Planning Board for review and the Town Board for approval.

Lyle, Steve – Lower River Road/Rivermist – Lyle distributed photos of road damage being done in Riverwalk. There are a lot of large trucks, with the damage to the road stopping where the

trucks do. Lyle feels this is something that will need to be paid for in the near future, and hopefully not the taxpayers.

A lot of the details and changes are taking place in Riverwalk with Phase 4 and the fire road, with none of this being made public. Lyle asked the Board were the plans are? Broderick said he will address under his agenda.

TWO-MINUTE STATEMENT – DEPARTMENT HEADS

Previte – January 22 – February 21 numbers – 211 Traffic Tickets; 37 Accidents handled; 32 arrests and 981 calls.

There will be a joint training with the United States Border Patrol for an active shooter.

Townsend – Requests permission to go out to bid for the 1994 Ford E 350 van. Clerk asked to assist Townsend.

Geiben MOVED to go out to bid for the 1994 Ford E 350 Van, Seconded by Bax and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Bax MOVED to approve the RTBM – 1/25/2016 and TB Work Session – 2/8/2016, Seconded by Ceretto and Carried 5 – 0.

AUDIT PAYMENT

Morreale MOVED to approve the regular abstract of claims voucher numbers 8656 to 8667 for fiscal year 2015 and 341 to 482 for fiscal year 2016, and recommended payment in the amount of \$263,953.11, plus an additional amount withheld from the February 8th abstract in the amount of \$21,087.37 for a grand total of \$285,040.48, plus a post-audit of \$1,399.43, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS

The Attorneys have researched and found that the creation of the Cable Commission was in 1978. To the best of the Boards knowledge, it is a commission by name, which is created to serve the residents of the Town of Lewiston in regards to a cable franchise and any and all matters that come along. Members are appointed at the pleasure of the Town Board and the term is on-going till either replaced by the Board or the member resigns.

With this being said, Geiben wants to reiterate those members on the Commission will continue to be active, with James Abbondanza as Chairman. The Committee is moving ahead with the loan dollars received.

The Cable Commission will hold an open meeting on March 16th, at 6 pm. The Chairman will present information received from Time Warner and explain how the project will move forward

Geiben said the filling of vacancies is an ongoing process. Anyone interested in becoming a member of a Board or Commission should apply. Vacancies happen all the time.

Geiben MOVED to extend 2015 Cable Commission members into 2016, Seconded by Bax and Carried 5 – 0.

Geiben has been researching what the different communities have for Ad-Hoc Committees for the escarpment and the riverbank. Documentation will be forwarded to the Environmental Commission to review and make recommendations. It looks like they will be sub-committees of the Commission.

In regards to the Historic Preservation Commission, it is being requested a Chairman be appointed so a meeting can be held. Sharpe is a member and the Ex-Officio. The Clerk

questioned if they want to leave it as is, or appoint someone in Sharpe's place. Seaman believes the Town Code specifies the Historian is a member of the Commission.

Broderick MOVED to appoint Michael Rhoney as Chairman of the Historic Preservation Commission, Seconded by Bax and Carried 5 – 0.

Marjorie Maggard, a member of the Commission, said the Town Code states the Commission itself will appoint the Chairman.

Geiben MOVED to rescind the motion for further investigation, Seconded by Bax and Carried 5 – 0.

CLERKS CORRESPONDENCE

The Town Board acknowledges the Niagara Falls County Club has applied for an alcoholic beverage license for the Golf Cart and the Halfway House.

SUPERVISOR BRODERICK

Addition to Upper Mountain Fire Company roster – **Broderick MOVED to add Filicetti, Alex to the Upper Mountain Fire Company roster, Seconded by Bax and Carried 5 – 0.**

Legal – Water Meters

The Board needs to approve the following resolution regarding water meters. The Town cannot have five or six different manufactures of water meters and equipment.

Geiben MOVED

WHEREAS, the Town of Lewiston Water Department is responsible for metering water supplied to the users of the Town's water distribution system; and

WHEREAS, the Town regularly purchases, uses, and installs water meters, meter reading equipment, and other related equipment; and

WHEREAS, the Town currently owns, uses, and has installed throughout the Town meters, meter reading equipment, and other related equipment manufactured by Badger Meter, Inc. which equipment allows the Town to remotely read the meters installed at users' premises; and

WHEREAS, it is necessary that the Town's water meters, meter reading equipment, and related equipment be of the same kind and manufacturer, so as to allow the Town's meter reading system to be fully integrated and functional. To purchase or use equipment from other or multiple manufacturers would require maintaining multiple meter reading systems and would be inefficient and uneconomical, and

WHEREAS, by letter dated February 10, 2016, Badger Meter, Inc. has indicated that the sole authorized distributor of Badger Meter, Inc. utility products for the Town of Lewiston is Lock City Supply, Inc.,

NOW THEREFORE BE IT RESOLVED, that for reasons of efficiency and economy and pursuant to the authority confirmed by General Municipal Law Section 103(5), it is determined by this Board that there is a need for standardization in the purchase of water meters, water meter reading equipment, and related equipment, and that such equipment be Badger Meter, Inc. equipment, and

BE IT FURTHER RESOLVED, that the "sole source" of Badger Meter, Inc. utility equipment for Lewiston, New York is Lock City Supply, Inc.; and

BE IT FURTHER RESOLVED, that the Town of Lewiston may purchase Badger Meter, Inc. water meters, meter reading equipment, and related equipment from Lock City Supply, Inc. by purchase order, without advertising for several bids or seeking additional proposals; and

BE IT FURTHER RESOLVED, that this Standardization Resolution to Badger Meter, Inc. equipment shall stay in effect for future purchases; and

BE IT FURTHER RESOLVED, that the "sole source" resolution shall stay in effect for future purchases so long as Lock City Supply, Inc. remains Badger Meter, Inc.'s sole authorized distributor for the Town of Lewiston.

Seconded by Bax and Carried 5 – 0.

Legal – Auditors

The Town approved to engage with Drescher & Malecki LLP. An engagement letter has been received along with an engagement for the Annual Update Document (AUD), and a three year increase schedule. The Board needs to authorize the Supervisor to sign the two letters. It is the Boards discretion if they want to sign the increase schedule.

Geiben MOVED to authorize the Supervisor to sign the agreement with Drescher & Malecki LLP, Seconded by Morreale and Carried 5 – 0.

Geiben said the increase has not been discussed and asked Broderick if this was a fair amount. Broderick said it is in line with what they are offering. Blazick said their estimated cost, even at the end of five years, is under what the Town paid last year.

Geiben MOVED to authorize the Supervisor to sign the extended fee agreement, Seconded by Ceretto and Carried 5 – 0.

Geiben MOVED to authorize the Supervisor to sign the AUD, Seconded by Bax and Carried 5 – 0.

Legal – Settlement Agreement: PERB Case U034325 – Teamsters 264 v. Town of Lewiston

This was a dispute on how to allocate obligated dollars to the Union for a health care reimbursement account. The agreement provides the Town will provide a sum of \$12,000 to the bargaining unit members. This also addresses a grievance regarding uniforms.

Geiben MOVED to approve the Settlement Agreement Case No. U-34325, Seconded by Bax and Carried 5 – 0.

Legal – Set compensation for Deputy Highway Superintendent

This is an agreement for a Memorandum of Understanding with the Teamsters regarding the compensation of the Deputy Highway Superintendent. Jeff Cosgrove has been appointed the Deputy and this agreement sets forth certain things in regards to this appointment and the pay.

Geiben MOVED to enter into the agreement and authorize the Supervisor to execute, Seconded by Bax and Carried 5 – 0.

Legal – MOU – Teamsters

At the time of appointing Jeff Cosgrove as Deputy, no compensation was set. The Board has the authority to set that amount.

Geiben said this is a non-precedent setting motion.

Geiben MOVED to set the compensation for the Deputy Superintendent of Highways as follows: While the office of Superintendent of Highway is vacant, a weekly stipend is \$214.00. While the office of Superintendent of Highway is not vacant, a weekly stipend is \$97.00, Seconded by Bax and Carried 5 – 0.

Legal – Local Law 2016 – #1

Bax MOVED to approve Local Law 2016 – #1, Disposal of Sludge, Sewage Sludge and Septage, Seconded by Geiben

Councilman Bax – Yes

Councilwomen Ceretto – Yes

Supervisor Broderick – Yes

Roll Call

Councilman Geiben – Yes

Councilman Morreale – Yes

Motion Carried 5 – 0.

Engineering – French Landing

French Landing construction update – The waterline and service lateral are installed. Testing of the inner-connection still remains. The lateral and main line is installed for the sanitary sewer line. The pond is approximately 80% complete in construction. Storm sewer is about 40% complete. The road is starting to take shape.

In regards to the concern of the two ponds going to one pond; Lannon said it was originally proposed to have two. The consolidation into one larger pond was supported by DEC regulations. DEC supports a single pond verses a multiple pond. Lannon felt it was a small impact to the plan, which is why Lannon allowed the designer to make the change. This was endorsed by Lannon and supported by the DEC as well. It did not go back to the Town Board because, in Lannon's opinion, it was a minor change.

Morreale questioned the Attorneys if this would have had to be approved by the Board. Seaman said the question is whether it is a major or minor change. Typically it is the Engineer that has the knowledge to determine if it is a small or large change to the project. Lannon said it was his and his staff's collective opinion, this was a minor change.

Bax asked if a single pond would have more capacity to handle the wet-weather events than two ponds. Lannon said the capacity won't change; it got a bit longer and a bit narrower. Lannon said in regards to volume, he is not sure if it is a huge change.

Ceretto asked if this will accommodate the rain water residents are concerned with. Lannon said yes, fortunately this will remain the same.

Lannon said with the mild winter weather we are experiencing, construction is proceeding nicely and is comfortably ahead of schedule.

Engineering – Muck Land Pump

At the last meeting Rotella offered to research for grant dollars, and has determined no grant monies are available. Lannon recommends the Board advertise for bids.

Bax MOVED to authorize the Engineer to go out to bid for the specifications for the Muck Land Pump, Seconded by Morreale and Carried 5 – 0.

Blazick said the use of 2015 hydro money for the pump had been approved. It has not been determined if 2016 dollars will be approved for this project. Blazick wouldn't expect them to object, other than the fact it needs to be looked at if the funds are available. With oil and gas prices being miniscule now, they could increase.

Geiben questioned if this could be paid within the next several years, from hydro dollars. Seaman said he would need to research before giving an answer.

Engineer – Riverwalk Phase 4A Update

Phase 4A, which includes the fire access road, is under design by the developer's engineer. Lannon understands they plan on submitting an amended Preliminary Plat to the Planning Board on February 26th for their meeting on March 17th, to go before the Town Board on March 28th.

Morreale questioned how many homes. Broderick and Lannon believe 22.

Broderick spoke of the passing of Highway Superintendent Doug Janese. The Board would like to do a memorial planting of a tree on June 1, 2016 at the Highway garage. The Board will allocate \$100.00 from A00-5010-0400.0000.

Broderick MOVED to allocate memorial dollars for the tree from fund A00-5010-04000.000, Seconded by Geiben and Carried 5 -0.

COUNCILMAN BAX

Seaman was approached by the attorneys in the Town of Porter, Village of Youngtown and Village of Lewiston regarding a joint education class for the Zoning Board of Appeals and Planning Boards. Bax would like to poll the Board to authorize Seaman to move ahead with organizing one joint education seminar.

Masters made the Board aware that NCCC offers this yearly in October for free, and it can be done on-line.

Bax MOVED to authorize Seaman to continue to work with the municipalities, Seconded by Geiben

Conrad requested the Town of Cambria be contacted.

Carried 5 – 0.

COUNCILWOMAN CERETTO

The Board met with the Village earlier and there was discussion on the ice rink. Dashineau distributed the pros and cons of keeping the rink in Academy Park or moving it.

Ceretto's personal opinion is that Academy Park is the best place for it. Money has been spent to keep it there. There is work to be done when taking it down, but the other suggestions are out farther. One of the main reasons the Town wanted it in the Village is to help the businesses.

Dashineau wanted Board members to know that the packet received earlier is options for publicly owned property.

There are 6 basic needs for any site. Level ground, access to water, access to power, access to drainage, ability to handle ambient active noise and light, and a secure staging area. The rink runs 24-hours a day, whether being used or not. Residential areas are not an option.

Dashineau said the 5-year plan for the Greenway money is up. It will need to be reintroduced, and to reintroduce it at Academy Park, will require the Village Board's support.

Morreale questioned if this can be moved to different areas through-out the Town each year. Dashineau said staging is key. It is mobile in that it is not permanent, but still costly to move, and must meet these 6 needs.

Broderick notified residents that the Town will be meeting with the Village on a quarterly basis and the ice rink is one of the big issues.

Geiben appreciated Dashineau's presentation. It is very informative. One thing to be aware of is the Village has long range plans for different areas.

Dashineau said the long range plans for Academy Park have been in development with the Village for quite some time. The Town has tried to work with them, but the plan keeps evolving.

Bax feels one thing that did come out of the joint meeting, is there is not a place that has, or will have, the infrastructure for this coming holiday season. Until another place is available/vital option, the rink should continue to be at the park.

COUNCILMAN GEIBEN

Resignation – Zoning Board of Appeals Chairman

Geiben MOVED to accept, with regret, the resignation of Chairman Paul Hutchins, as of April 14, 2016, forward a letter of appreciation, Seconded by Bax and Carried 5 – 0.

It is an on going mission to fill Board and Commission positions.

Cable Commission Update – A Commission meeting is scheduled for March 16, 2016 at 6:00pm

Masters asked to update the Board on abandoned / vacant structures, nicknamed “Zombie Houses” in the Town.

There is an on-going list of vacant homes that continually revolve as banks foreclose. Currently there are 25 homes, all in various stages, 4 commercial and 5 homes with fire damage.

The problem municipalities are having is banks are not foreclosing on the property right-away. People are walking out and the property sits. Based on Town Code, there is not much the Town can do. Masters copied the Town of Niagara law for the Attorneys review. Their law allows them to go after the bank if there is an interest in the home.

Grass is cut at these homes, to a tune of \$5,000 - \$10,000 total and being put on their property taxes.

Masters asked to keep the Board apprised of actions being taken.

The Board received a letter that a resident on Creek Road Extension had forwarded to residents living on top of the escarpment. The letter referenced a situation regarding trees being cut and let to roll down the escarpment, with some landing on the old Hojack line.

Masters went to the home on Creek Road Extension and reports that the trees are everywhere and it is a mess. There are approximately 100 to 150 trees.

Portions of the old Hojack line, which runs along the escarpment, were purchased by Modern Corp, Giusiana and Niagara Mohawk. Niagara Mohawk owns this parcel. It is approximately 80 – 85 feet wide. The trees were cut/dropped on private property, rolled down the escarpment and landed on Niagara Mohawks private property. The Town does not have a local law to address this.

Geiben said this is something the “Environmental Sub-Committee on the Escarpment” will have to look into. If not done properly this could cause erosion. The Town has no jurisdiction and there is nothing that can be done.

Masters contacted the company that cut the trees. They admitted they cut the trees but were not hired to clean them up.

COUNCILMAN MORREALE

Site plan review – Niagara Falls County Club

Morreale MOVED for a Negative Declaration for the Niagara Falls County Club for a new cart barn and banquet facility, Seconded by Geiben and Carried 5 – 0.

Morreale MOVED to approve the Site Plan Review as submitted, Seconded by Bax and Carried 5 – 0.

Bax MOVED to adjourn, Seconded by Ceretto and Carried 5 – 0.

Transcribed and Respectfully Submitted by:

Donna R. Garfinkel
Town Clerk