

**REGULAR TOWN BOARD MEETING**  
**September 26, 2016**

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. . . . . .
1. RTBM – 8/22/2016
  2. TB Work Session – 9/12/2016

- AUDIT PAYMENT . . . . .
- Councilwoman Ceretto

- OLD BUSINESS. . . . . .
- Commission / Committee / Board Appointment  
Bereavement Leave Policy – Catalano  
Haz-Mat Truck Agreement – Catalano

- NEW BUSINESS . . . . .
- Clerk’s Correspondence

- SUPERVISOR BRODERICK
1. Liaison Report
    - a. Adoption Local Law – Moratorium – Solar Panels
    - b. Executive Session – Union Contracts
    - c. Addition to Upper Mountain Fire Roster
  2. Legal
  3. Engineering
    - Waterline Project update
  4. Finance
    - a. Appointment of Junior Accountant

- COUNCILMAN BAX
1. Liaison Report

- COUNCILWOMAN CERETTO
1. Liaison Report

- COUNCILMAN GEIBEN
1. Liaison Report

- COUNCILMAN MORREALE
1. Liaison Report
    - a. Grass Cutting Taxes

RESIDENTS STATEMENTS

**UPCOMING BOARDS/COMMISSION MEETINGS:**

Town Hall Offices – Closed in observance of Columbus Day

Historic Preservation Commission	October 11, 2016	6:00 pm
Environmental Commission	October 11, 2016	7:00 pm
Zoning Board of Appeals	October 13, 2016	7:00 pm
Town Board Work Session	October 13, 2016	6:00 pm (Thursday)
Flu Clinic – Sponsored by Wegmans	October 14, 2016	9:00 – 11:00 am Town Hall
Planning Board	October 20, 2016	6:30 pm
Regular Town Board Meeting	October 24, 2016	6:00 pm
Cable Commission	Meeting to be announced	

**NOTICE OF PUBLIC HEARING  
TOWN OF LEWISTON**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 26<sup>th</sup> day of September, 2016 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a proposed Local Law entitled, "A Local Law Imposing a Six Month 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 place a 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  
August 22, 2016  
DONNA R. GARFINKEL  
Town Clerk - Town of Lewiston

## INTER-MUNICIPAL AGREEMENT

**THIS AGREEMENT**, entered into by and between the County of Niagara (the "County"), with offices at 175 Hawley Street, Lockport, New York 14094 and the Town of Lewiston (the "Town"), with offices at 1375 Ridge Road, Lewiston, New York 14092;

**WHEREAS**, the Town of Lewiston is currently in possession of a 1996 International 4900 HAZMAT truck, VIN #1HTSDADRXTH315201, currently with 22,380 miles that it wishes to give to the County of Niagara, and

**WHEREAS**, the Town of Lewiston agrees to give and the County of Niagara agrees to accept said HAZMAT vehicle free of charge, and

**WHEREAS**, as consideration for the HAZMAT vehicle, Niagara County agrees to give the Town Of Lewiston HAZMAT services free of charge for the duration of viability of said vehicle, and (SCHEDULE A NEEDS ATTACHED OF WHAT SERVICES THERE ARE.

**WHEREAS**, both parties agree that the transfer of this HAZMAT vehicle is in the best interest of both the Town of Lewiston and the County of Niagara;

### **NOW, THEREFORE, INCONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED:**

- 1) Town will provide to County the aforementioned HAZMAT vehicle within 30 days of the complete execution of this agreement.
- 2) The Town will ensure that the HAZMAT vehicle is in good working order and inspected prior to its transfer to County. Town is unaware of any major problems or any replacement parts needed according to manufacturer's guidelines.
- 3) The Town is not responsible to staff the HAZMAT vehicle. The staffing and providing of services to the Town are now the sole responsibility of County.
- 4) County agrees to provide HAZMAT services including but not limited to: 1. Respond to any requested hazardous materials release within the Town of Lewiston for both emergency and non-emergency incidents as requested by any Town of Lewiston Fire Department Chief and 2. Respond for WMD/CBRNE incidents, drills, or exercises, for the duration of viability of vehicle. Said determination of viability. to be made by County exclusively.
- 5) County may terminate this contract by ninety (90) day notice, for any reason, by returning vehicle to Town in its then condition

- 6) Indemnification. The Town agrees to defend and indemnify the County, their officers and employees, and shall hold them harmless from any and all risks of every kind, nature and description resulting from or arising out of the work and/or service performed within the Town, under this contract; provided, however, that Town shall not be required to indemnify the County with respect to such risks to the extent caused by the negligence or intentional misconduct of the County or the County's contractors performing work over which the Town has no authority.

The Town by agreeing to defend the County of Niagara as set forth above, agrees that if the County of Niagara receives a claim, complaint, or is sued under this contract pertaining to their work, acts or services; then the Town agrees to pay all attorney fees and expenses the selection of such attorney to represent Niagara County shall be the sole and exclusive determination of Niagara County.

- 7) This is an Inter-Municipal Agreement pursuant to Article 5-G of the General Municipal Law.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date that the last of the two parties affixed and dated its signature below:

COUNTY OF NIAGARA, NEW YORK

TOWN OF LEWISTON, NEW YORK

By: \_\_\_\_\_

By: \_\_\_\_\_

WILLIAM K. MCNALL, CHAIRMAN

STEVE BRODERICK, SUPERVISOR

NIAGARA COUNTY LEGISLATURE

APPROVED:

NIAGARA COUNTY ATTORNEY

\_\_\_\_\_  
RES.# PW-

STATE OF NEW YORK )

) ss:

COUNTY OF NIAGARA )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM K. MCNALL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Chairman of the Niagara County Legislature, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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NOTARY PUBLIC

STATE OF NEW YORK )

) ss:

COUNTY OF NIAGARA )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2016, before me the undersigned, a notary public in and for said state, personally appeared STEVE BRODERICK , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

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NOTARY PUBLIC