

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby, J. Myers; Dep. Sup. W. Conrad, Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. T. Seaman; Highway Supt. Trane; Eng. B. Lannon; Police Chief Previte; Water Foreman D. Zahno; WWTP Chief Opt. Ritter; 5 Residents; 1 Press and Clerk D. Garfinkel

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection.

AGENDA APPROVAL

Additions: Bax – Police Officer resignation; Broderick – Attorney recusal/ Attorney appointment - FOIL request.

Geiben MOVED to approve the Agenda as Amended, Seconded by Jacoby and Carried 5 – 0.

RESIDENTS STATEMENTS – No one wished to speak

DEPARTMENT HEAD STATEMENTS

Police Chief Previte – The Police Dept. sponsored the Senior picnic for those graduating. The Department participated in the Niagara Wheatfield graduation and will participate in Lewiston-Porter on June 26th.

Town Clerk Donna Garfinkel - The Town received an \$8,250.00 grant, under the 2019 – 2020 cycle of the Justice Court Assistance Program (JCAP), to carpet the main meeting room/court room. In November 2019, \$3,675.00 was encumbered to cover the remaining cost of carpeting the front foyer, for a total of \$11,925.00

Mooradian Rug Co. is requesting a deposit to assist them in purchasing tiles. Garfinkel is asking the Board to approve a deposit of \$7,000.00.

Bax MOVED to approve the project total of \$11,925.00 with a \$7,000 deposit being forwarded to Mooradian Rug Co., Seconded by Jacoby and Carried 5 – 0.

Highway Superintendent Trane – Trane is requesting Board approval to dispose of road fill. Instead of bringing it back to the highway yard, it can be taken right to residents. Seaman asked Trane if there is any value. Trane said no and the same with road millings. Seaman said it needs to be declared as surplus and no value and direct the Supervisor that this will be under the discretion of the department head. Trane said he will not go out of the area.

Myers asked if there is public notice these items are available. Trane said no, he will find people, plus residents stop while the milling is being done and ask.

Bax MOVED to declare road millings and road fill as surplus with no value and authorize the Highway Superintendent to dispose of as he sees fit, Seconded by Geiben and Carried 5 – 0.

Trane requests approval of a Hold Harmless Agreement that is signed by those contractors bringing in brush. This relieves the Town of any responsibility. Seaman has reviewed and believes it is a good idea. The paperwork includes the homeowner's information and the contractors. This will eliminate brush from outside of Lewiston.

Geiben MOVED to approve the Hold Harmless Agreement regarding brush being accepted at the Highway garage as presented, Seconded by Jacoby and Carried 5 – 0.

Trane is requesting a fund transfer to purchase a reversible plow. With there not being enough suppliers and the plow being a standardized piece of equipment to the truck, only two bids have been received. Valley Fab and Equipment, Inc. - \$14,995; Tracy Road Equipment - \$16,187 Seaman said with a value of this purchase, just under \$15,000, three written proposals are required. Since only two can be received, justification needs to be stated, as said by Trane.

Geiben MOVED to transfer \$14,995 from Snow Removal Contractual – DBO-5142-0400-000 to Machinery Equipment – DBO-5130-0200-0000, Seconded by Jacoby and Carried 5 – 0.

Bax MOVED to approve the lowest bid from Valley Fab and Equipment, Inc. in the amount of \$14,995, Seconded by Jacoby and Carried 5 – 0.

Recreation Director Michael Dashineau – Broderick spoke for Dashineau. On June 10th a wind event damaged many trees, leaving a list of trees in immediate danger to neighboring property. Quotes to remove these trees has not been received, so Dashineau is requesting the Supervisor contract out and remove the trees in question at the earliest possible time. Trees are as follows: 645/667/663 Raymond Dr - 5-6 Ash Trees; 4784 Lauren Ct. - broken limb, hung and resting on healthy limbs and over a neighboring structure; 764 Michelle Ct. - 2 damaged trees in danger of splitting into neighboring property; 4812 East Eddy Dr. – 2 - 40+’ Oak trees to the South and 1 - 35’ maple tree to the West with damaged roots and trunk structures, as well as about 25’ of existing trunk on the ground that the Parks Department does not have the means to move.

Dashineau has not received any bids yet. This could be declared an emergency and proceed immediately. Several of the trees could cause additional damage. Seaman suggested the Board declare this as an emergency situation and allow the Board to overstep the procurement guidelines.

Broderick asked Trane to look at the broken limb on Lauren Court so this can be addressed.

Jacoby MOVED to declare the storm tree damage clean-up an emergency situation and authorize Dashineau to move forward with clean-up, Seconded by Bax

Geiben noted all trees are on Town property with some of the damage on private. **Carried 5 – 0.**

Recreation - Seasonal Hire

Geiben MOVED to hire Tom Kennedy – Recreation – Seasonal at a rate of \$12.50/hour, Seconded by Myers and Carried 5 – 0.

Deputy Supervisor Conrad – Conrad thanked Trane for helping a resident on Ridge Road with a dead deer. The resident had a difficult time getting the right person to address it.

Geiben suggested Conrad meet with Masters to move forward on Solar Local Law. Conrad agrees.

Building Inspector Masters – The roofs have been completed on two of the park pavilions. Masters said they did a good job. The contractor suggested to Masters that the Town put these roofs on a routine maintenance so they last. Broderick said they do look nice.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve the May 28, 2020 – Regular Town Board Meeting minutes, Seconded by Jacoby and Carried 5 – 0.

AUDIT PAYMENT

Jacoby MOVED to approve the Regular Abstract of Claims numbered 1183 to 1283, 6/8/20, and recommend payment in the amount of \$76,191.91, plus a Post-Audit of \$0, and MOVED to approve Regular Abstract of Claims number 1284 to 1497, 6/22/20 and recommend payment in the amount of \$272,172.18, plus a Post-Audit of \$14,883.63, Seconded by Bax and Carried 5 – 0.

NEW BUSINESS - Residents / Public Correspondence – None

SUPERVISOR BRODERICK

Resignation – Court Officer Gregory Schuey, effective April 15, 2020.

Geiben MOVED to accept Gregory Schuey’s resignation, with regret, Seconded by Bax and Carried 5 – 0.

Resolution Minor Adjustment - Legacy Drive

Seaman has drafted a Resolution. Domonic Massaro is requesting five (5) minor adjustments to the Planned Unit Development for Northridge Development, Legacy at Lewiston Phase III. There is a provision in the Town Code allowing this, if the minor adjustment is encountered during the development of the project. Board members, Masters, Lannon, Trane and Martin have had an opportunity to review how the developer wants to make the modifications. They are as follows: Install two additional curb cuts to provide for additional access to the site and for direct access to nearby Town hydrants; Increase all drive lanes to 26-feet wide to comply with the width of an Aerial Fire Apparatus Access Road; Displace parking and relocate driving lanes to be 22-feet from the front of the buildings to comply with the width of an Aerial Fire Apparatus Access Road; Move dumpsters 20-feet South and to relocate trees elsewhere on the property to avoid obstructing the Fire Apparatus Access Road; Remove the parking from in front of the buildings and relocating the drive lane closer to the building, in addition to adding sidewalks on the east and west end of the site in order to remove or displace any perceived obstructions to the Fire Apparatus Access Road

Geiben MOVED

WHEREAS, the Town of Lewiston approved a Planned Unit Development [“PUD”] project in 2004 located on Legacy Drive at Creek Road, which is currently known as Legacy at Lewiston; and

WHEREAS, the developer of the PUD project, Northridge Development, is preparing for Phase III construction; and

WHEREAS, the developer has submitted a request for minor adjustments to the PUD plan stating the need for said adjustments were discovered during the development of the project in order to ensure compliance with the International Fire Code; and

WHEREAS, the first adjustment requested seeks permission to install two additional curb cuts to provide for additional access to the site and for direct access to nearby Town hydrants; and

WHEREAS, the second adjustment requested seeks permission to increase all drive lanes to 26-feet wide to comply with the width of an Aerial Fire Apparatus Access Road; and

WHEREAS, the third adjustment requested seeks permission to displace parking and relocate driving lanes to be 22-feet from the front of the buildings to comply with the width of an Aerial Fire Apparatus Access Road; and

WHEREAS, the fourth adjustment requested seeks permission to move dumpsters 20-feet south and to relocate trees elsewhere on the property to avoid obstructing the Fire Apparatus Access Road; and

WHEREAS, the fifth adjustment requested seeks permission to remove the parking from in front of the buildings and relocating the drive lane closer to the building, in addition to adding sidewalks on the east and west end of the site in order to remove or displace any perceived obstructions to the Fire Apparatus Access Road; and

WHEREAS, the developer’s submissions and statements before this Board have been fully considered; and

WHEREAS, the Town Building Inspector, Fire Inspector and Engineer have reviewed the request for a minor adjustment and have no objections to the developer’s request,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Lewiston hereby finds that the five requested adjustments are minor in nature, are needed in light of engineering and technical considerations discovered during anticipated development; and be it further

RESOLVED, that all five requests as defined above and stated in the submissions are hereby approved pursuant to the Town of Lewiston Town Code § 360-124(M).

Seconded by Bax and Carried 5 – 0.

Resolution Minor Adjustment – Escarpment Estates now known as The Patios at Essex Ridge

Seaman drafted a Resolution. Rob Savarino is requesting to make minor adjustments to the Planned Unit Development for The Patios at Essex Ridge. This also follows the provision in the Town Code. The modifications deal with five building lots slighted to be constructed in Phase II, will now be constructed in Phase I and requesting permission to install a temporary swale, rather than hard piping, to transport certain storm water and groundwater runoff behind seven building lots, with the required hard piping to be installed in Phase II.

Geiben MOVED

WHEREAS, the Town of Lewiston approved a Planned Unit Development [“PUD”] project in 2018 known as Escarpment Estates and currently known as The Patios at Essex Ridge; and
WHEREAS, the developer of the PUD project is preparing for Phase I construction; and
WHEREAS, the developer has submitted a request for two adjustments to the PUD plan stating the need for said adjustments were discovered during the development of the project; and
WHEREAS, the first adjustment requested consists of an alteration to Phasing timelines such that five building lots which were going to be constructed in Phase II will now be constructed in Phase I; and
WHEREAS, the second adjustment requested seeks permission to install a temporary swale, rather than hard piping, to transport certain storm water and ground water runoff behind seven building lots, with the required hard piping to be installed in Phase II; and
WHEREAS, the developer’s submissions and statements before this Board have been fully considered; and
WHEREAS, the Town Building Inspector, Fire Inspector and Engineer have reviewed the request for a minor adjustment and have no objections to the developer’s request,
NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Lewiston hereby finds that the two requested adjustments are minor in nature, are needed in light of engineering and technical considerations discovered during anticipated development; and be it further
RESOLVED, that the developer’s request to add five additional lots during Phase 1 construction is hereby approved pursuant to the Town of Lewiston Town Code § 360-124(M); and be it further
RESOLVED, that the developer’s request to install a temporary swale behind seven lots to carry rear yard drainage is hereby approved pursuant to the Town of Lewiston Town Code § 360-124(M).

Seconded by Jacoby

Jacoby questioned a Bond regarding the piping. Conrad said this was not discussed at the Planning Board meeting. Broderick said after discussion with Seaman and Lannon there is about \$4,000 or \$5,000 in pipe then they’re going to put a \$270,000 - \$300,000 haul road in. It was not deemed necessary. Possibly an escrow account could be discussed.

Jacoby asked if changes had been made to the Bronson Drive access road. Savarino said no, all is the same as previously approved.

DiMino, Joe - Bronson Drive – Spoke regarding a fence that would be along the side of the lot near Bronson Dr. Questioned the lot size of Lot #9. Resident and Savarino discussed the plan.

Carried 5 – 0.

Savarino submitted four (4) PIP’s: Pavement and Curbs; Water Line; Sanitary Sewer and Storm Sewer. Lannon said a Performance Bond, Detailed Construction Schedule and the contractor’s Insurance still need to be submitted. PIP fees have been submitted to the Town Clerk.

Bax MOVED approval of the four (4) PIP’s - Pavement and Curbs; Water Line; Sanitary Sewer and Storm Sewer, contingent upon all the customary requirements of the permits ultimately being submitted, reviewed, and approved by the Town Attorney and Town Engineer, Seconded by Jacoby and Carried 5 - 0.

Jacoby thanked Mr. Savarino for the haul road. It is a big issue for surrounding residents.

Savarino requests an early start time to allow for clearing and grubbing for the haul road. Seaman does not believe this is part of the bond issue

Jacoby MOVED to allow The Patios at Essex Ridge to start clearing and grubbing, as it is not part of the bond issue, Seconded by Bax and Carried 5 – 0.

Legal

The Town received a FOIL request for a video from the Police Dept. Seaman Norris, LLC the Town Attorneys, have recused themselves from advising the Town on this FOIL in order to avoid any perceived conflicts of interest.

The Town received another FOIL request for the same video. Garfinkel has reached out to the applicant to see if they still want it, but they have not returned the call.

Broderick said an Attorney is needed, and requests approval of hiring Attorney Mark Davis to advise the Town for this FOIL. Davis's current rate is \$325/hour but will bill the Town \$250/hour.

Geiben MOVED the hiring of Attorney Mark Davis to advise the Town for this FOIL, at a rate of \$250/hour, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN BAX

Bax MOVED to accept, with regret, the resignation of Officer John Penzotti, effective July 1, 2020 from the Lewiston Police Dept., Seconded by Geiben and Carried 5 – 0.

Sewer Refund – Hickory Lane / Bronson Drive

Bax MOVED to approve a sewer refund to Monago – 4686 Hickory Lane in the amount of \$85.69, due to pool liner repair, Seconded by Geiben and Carried 5 – 0.

Bax MOVED to approve a sewer refund to Easton – 5253 Bronson Drive in the amount of \$30.30, due to pool liner repair, Seconded by Geiben and Carried 5 – 0.

Smoke Testing – Sewer System

The WPCC is conducting a flow study and CCTV investigation of Lewiston's sewer system. The Town received an Engineering and Planning Grant to assist with funding. Per the grant, one item to be done is Smoke Testing. Staff is evaluating where testing needs to be done. Above Lewiston Hill will be first.

Before the liquid smoke is used, all effected homes must be notified by mailer. The Fire and Police Departments are also notified. The smoke is harmless and non toxic. If for some reason there is no water trap in the house, the smoke may enter the dwelling, therefore the affected homes need to be notified that this is a possibility and not to panic.

Clerk Garfinkel to put information on the Town Website.

COUNCILMAN GEIBEN

Senior Center Coordinator Appointment - A sincere thank you to Carol Jacobs for a great job holding down the fort in the interim.

Senior Center Coordinator Jeanette Collesano retired in the Spring of 2020. The Town contacted Civil Service for the guidelines and regulations regarding filling the position. Interviews were conducted with candidates on the Civil Service list. A candidate was selected and agreed to accept the position and move into the Town.

The new Senior Citizen Coordinator comes with experience with both the aging population and government procedures. Geiben introduced Melinda Olick. Olick to start July 1st at \$50,352/year.

Geiben MOVED to appoint Melinda Olick, Senior Citizens Coordinator, effective July 1, 2020 at a pay rate of \$50,352, Seconded by Bax and Carried 5 – 0.

COUNCILMAN JACOBY

The May 28th Board meeting was a ZOOM meeting. Resident Steve Lyle read a statement and he requests to have it on the recording. It was placed in the minutes, complete and accurate but Lyle has asked that it be read into the video. Jacoby read it.

Lyle, Steve - "The Town Board has not fulfilled its fiduciary responsibility, and has put a Town employee in a difficult position.

When the Board awarded the \$1million contract to GHD for the waterline expansion project, which was wrong on 2 points.

It doesn't matter if you were allowed to do it, being a "professional" contract not needing bidding. Prudent oversight and good business practices require it. It's outrageous that you wouldn't seek any other engineering bids. You bid out copy machine contracts for a couple thousand dollars.

That was a terrible mismanagement of Lewiston taxpayer dollars. But far worse is putting the Town Engineer in a horrible conflict of interest.

Whatever his past work, whatever his strengths or familiarity with Town's places, systems and processes, he is first and foremost a GHD employee. Town Engineer, no matter how important it is to the Town, is a side gig, and of far more importance to the Town than to GHD.

As such, he reports to people who may have an entirely different agenda than saving Lewiston taxpayers' dollars. It's well known these projects make their real money on all the engineering changes, and all the engineering dollars required to make those changes. These big jobs can never go as expected due to "unforeseen circumstances".

This Town Engineer has bosses that want to make money, like any business. You forcing this contracted Town Engineer to have to make very difficult choices. Every day as the job unfolds. How will you, the Town Board, know if he was working for his bosses at GHD, or for Lewiston?

This project needs oversight by a competent engineering firm. They are out there, independents, or serving other municipalities. The Board's fiduciary responsibility requires it. Lewiston taxpayers demand it."

Jacoby said although he does not agree with a lot of the statements in the letter; he has always thought some items should be put out to bid. Jacoby is not implying he finds anything wrong with Lannon's performance; in fact they seem like an exemplary company, doing great work. Jacoby does agree with Lyle in "a wise and prudent man would say, let's at least check and see if we are getting a good deal".

The Historic Preservation Committee is working on a new Town Seal. Chairman Maggard said the Committee has about 7 drafts. The Board will have a voice in choosing the right one.

COUNCILMAN MYERS

Myers thanks the Police Dept. and volunteer Fire Companies for helping out with the graduation parade for Niagara Wheatfield.

Broderick said the Town was helping to sponsor a Household Hazardous Waste drop-off at the Highway garage back in April, but it was canceled. Haz-Man in Tonawanda is allowing Niagara County residents to bring in 50lbs of acceptable items. Residents need to register and take the items themselves. Clerk Garfinkel asked to put on the Town Website.

RESIDENTS STATEMENTS – No one wished to speak

Broderick announced the Parks (playgrounds) are open, but bathrooms are not. Parks staff is cleaning off the equipment the best they can. Broderick asks residents to also help clean. Residents are requesting to use the pavilions for private events, but the bathroom issue needs to be addressed.

Dashineau is working with Town of Porter, Village of Youngstown and Village of Lewiston on an online post to get ideas out on how to enjoy the summer with the kids.

Geiben MOVED to adjourn, Seconded by Jacoby and Carried 5 – 0. (7:05 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk