

**REGULAR TOWN BOARD MEETING  
Thursday - May 28, 2020 – 6:00 pm**

**Town Board Meeting will stream live via Zoom  
Meeting ID: 912 3606 1767 / Password: 05282020**

**AG E N D A**

Please turn off cell phones and electronic devices. Assistive Listening Devices are available for Hearing Impaired

PLEDGE OF ALLEGIANCE

SILENT REFLECTION

AGENDA APPROVAL

RESIDENTS STATEMENTS

DEPARTMENT HEAD STATEMENTS

McAuliffe – Stormwater Manager – Annual Stormwater Report

APPROVAL OF MEETING MINUTES      May 11, 2020 - Work Session

AUDIT PAYMENT      Councilman Geiben

OLD BUSINESS

PENDING      None

NEW BUSINESS      Residents / Public Correspondence

SUPERVISOR BRODERICK      1. Liaison Report

2. Legal

a. Resolution – Final Order Proposed Increase Maximum

Amount Authorized - Establishment of a Water District

b. Bond Resolution - Proposed Increase Maximum Amount

Authorized - Establishment of a Water District

3. Engineering

4. Finance

a. Budget Transfer

COUNCILMAN BAX      1. Liaison Report

COUNCILMAN GEIBEN      1. Liaison Report  
a. Senior Center Update

COUNCILMAN JACOBY      1. Liaison Report

COUNCILMAN MYERS      1. Liaison Report

RESIDENTS STATEMENTS

UPCOMING BOARDS/COMMISSION MEETINGS

Town Board Work Session      NONE

Town Board Meeting      June 22, 2020 6:00 pm

The following dates of Board / Commission / Committee Meetings are pending:

Historic Preservation      June 9, 2020      6:00 pm

Environmental Commission      June 9, 2020      7:00 pm

Zoning Board of Appeals      June 11, 2020      6:30 pm

Planning Board      June 18, 2020      6:30 pm

**PRESENT:** Roll Call: Supervisor S. Broderick; Councilmembers A. Bax (via ZOOM), W. Geiben (via ZOOM), J. Jacoby, J. Myers; Dep. Sup. W. Conrad (via ZOOM), Bldg. Insp. T. Masters (via ZOOM); Finance Director J. Agnello (via ZOOM); Atty. T. Seaman; Eng. B. Lannon (via ZOOM); Police Chief Previte (via ZOOM); Water Foreman D. Zahno (via ZOOM); WWTP Chief Opt. Ritter (via ZOOM); parks & Recreation Director Dashineau; 2 Residents (1 via ZOOM / 1 present) and Clerk D. Garfinkel. Meeting hosted by Jennifer Pauly of the Lower Niagara River Chamber

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

#### AGENDA APPROVAL

Additions: Broderick – Court Officers Employment; Geiben – Covid-19 discussion

**Bax MOVED to approve the Agenda as Amended, Seconded by Jacoby** Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. **Carried 5 – 0.**

#### DEPARTMENT HEAD STATEMENTS

Highway Superintendent Trane submitted the 284 Agreement for spending of funds for permanent improvements for 2020. Trane cut this budget by 45%.

The Agreement reads as follows: The below signed parties agree to spend \$290,000 to be used for the permanent approval of the following roads: Micro-pave Swann Road - \$165,000; Pave - Moore Road, Colonial Drive, North Klein Road, Laurel Road and Wayside Drive - \$125,000. This list may be subject to change at the discretion of the Highway Superintendent with funds used for any and all Town roads.

A letter has been received from the New York State Dept. of Transportation in regards to a culvert replacement project at Pletcher Road and Creek Road. This will be started on May 19, 2020. Pletcher Road will be closed between Creek Road and Calkins Road. A detour will be in place for approximately 3 weeks.

Recreation Director Dashineau requests the paving of Colonial Village Park when the Highway Dept. is paving North Klein Road. Trane quoted approximately \$9,000. The Board needs to discuss.

Dashineau notified the Board all programs in Recreation are cancelled for the month of June. There were 4 baseball / softball tournament weekends. Refunds will be processed. In the reopening guidelines there is a paragraph that says no one should be brought in from outside of our area, and no large gatherings. Dashineau to research the definition of large and area. This will help in making the decision for July 1.

The baseball / softball season runs May to the first week or two of July. This will not occur. If allowed to open it will be a modified program.

Geiben questioned the opening of tennis courts. Dashineau said it looks like parks can open in Phase 2. As of now, there is no set program/schedule/maintenance of the equipment.

Deputy Supervisor Conrad received a call from a resident regarding a stop sign issue at North Ridge and Legacy Drive. Broderick believes enforcement by police is the best means. Previte will place a speed sign there. Geiben suggested moving the “new sign ahead” notification off the curve.

Building Inspector Masters would like to move forward in getting pricing on barrier for office counters. All Board members are in favor.

Broderick is not sure of re-opening of the Town Hall. A discussion needs to take place regarding what is needed to protect the workers.

#### AUDIT PAYMENT

REGULAR TOWN BOARD MEETING

May 12, 2020, 2020 6:00 pm

**Geiben MOVED to approve the Regular Abstract of Claims numbered 927 to 1050 and recommend payment in the amount of \$299,335.64, plus a Post-Audit of \$14,212.37, Seconded by Jacoby** Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes; **Carried 5 – 0.**

Geiben thanked the Clerks preparing the Abstract and compliments them on an excellent job.

APPROVAL OF MEETING MINUTES April 27, 2020 - Work Session

**Geiben MOVED to approve Work Session minutes of April 27, 2020, Seconded by Jacoby** Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. **Carried 5 – 0.**

Geiben reported on Covid-19 testing sites in Niagara County. Anyone wishing to have the Covid 19 diagnostic test can get tested at NCCC. Call to make an appointment - Covid Hot Line – 1-888-364-3065. Geiben encourages Town employees to take the diagnostic test. Those employees working full time may take the test on Town time.

I & I GRANT / GHD PROPOSAL APPROVAL

Grant Writer Miner received for the Town an Environmental Facility Grant for \$30,000. Ritter budgeted \$36,000 in 2020. The Grant will help the Town to broaden the scope.

Seaman said GHD has submitted a proposal for the engineering studies. The Board needs to make a determination relative to SEQRA. This is Type 2 Study.

**Jacoby MOVED to declare a SEORA Type 2 Action for the 2020 Sewer System Evaluation Survey Investigation, Seconded by Geiben** Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. **Carried 5 – 0.**

Approve the Professional Engineering Serviced Proposal and Authorize the Supervisor to sign.

Seaman discussed the recently passed Local Law that allows for the I & I bank. Every time a development is done, there needs to be certain corrective measures to the I & I system. The bank was set up to facilitate a more robust ability by the Town to attack these issues. This engineering study will give the Town a further ability to identify exactly what needs to be done.

The Grant is for \$30,000; GHD's proposal is for \$30,000, and the Town will contribute 20%, being \$6,000 in in-kind services.

**Geiben MOVED to approve the Professional Engineering Services Proposal and authorize the Supervisor to execute any and all documents that are needed to obtain the grant, Seconded by Jacoby** Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. **Carried 5 – 0.**

FOIL APPEAL DENIED

A FOIL request was received on February 19, 2020 requesting certain police documentation relative to an individual that was charged with a misdemeanor which was later reduced. The FOIL was denied, therefore the applicant made an appeal to the Town Board. Seaman makes the same recommendation to the Town Board to deny. This is a matter of law, the case is closed / sealed, pursuant to Criminal Procedure Law §160.50(1) (d).

**Jacoby MOVED to deny the appeal for the FOIL received from Ackley, Kathleen and authorized the Supervisor to sign the letter, Seconded by Geiben** Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. **Carried 5 – 0.**

INVESTMENT UPDATE

Agnello reported that two of the Town investments have matured and the Town earned \$11,450.83. These funds were reinvested. There are three other investments waiting to mature in July.

## BUDGET REVISIONS

Agnello requests the following budget revisions: 1 – Transfer \$110.00 to Town Clerk Out of Department Personnel - A00-1410-0100-0100, from Town Clerk Contractual A00-1410-0400 to cover security for Saturday Tax collection. 2 - Transfer \$3,648.00 to Recreation Ice Rink Gas & Electric - A00-7310-0403-3500, from Recreation Ice Rink Contractual - A00-7310-0403-4403 to cover Ice Rink electricity charges. 3 - Transfer \$48.00 to Senior Center Out of Department Personnel - A00-7630-0100-0100, from Senior Center Personnel A00-7630-0100-0000, to cover aid coverage during transition.

**Geiben MOVED to approve the following budget revisions: 1 – Transfer \$110.00 to Town Clerk Out of Department Personnel - A00-1410-0100-0100, from Town Clerk Contractual - A00-1410-0400; 2 - Transfer \$3,648.00 to Recreation Ice Rink Gas & Electric - A00-7310-0403-3500, from Recreation Ice Rink Contractual - A00-7310-0403-4403; 3 - Transfer \$48.00 to Senior Center Out of Department Personnel - A00-7630-0100-0100, from Senior Center Personnel - A00-7630-0100-0000. Seconded by Bax Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. Carried 5 – 0.**

## LED STREETLIGHT CONVERSION PROJECT

The Town received a payment of \$27,570. The Town paid \$33,679.44 in October of 2019 to launch the project. Minus the incentive rebate check received, this project cost the Town \$6,109.44. According to all data received the Town should see a return on the investment within a year.

Broderick wishes to thank former Councilman Robert Morreale. He worked hard for the Town to get this completed.

Broderick spoke regarding the Part-time Court Officers. If they don't work they don't get paid if they work they get paid. When the courts closed the Town continued to pay them. As of today, May 11<sup>th</sup> Broderick would like to stop this practice. Broderick has spoken to the Judges. They thought it was a good gesture when started. With not knowing when the Courts will reopen, it was suggested to not pay them.

**Broderick MOVED to stop payment to Part-Time Court Officers that do not work. Seconded by Jacoby**

Seaman agrees, with the officers not having set hours; they get paid for hours they do work.

Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes. **Carried 5 – 0.**

Jacoby feels the Town is obligated to not pay them; it is out of the norm to pay people who are part-time employees who are not working.

Broderick congratulated Clerk Garfinkel on her 30 years of service to the Town.

It is National Police Week. Broderick thanked all officers for their dedicated service. Previte said it is a time to reflect and honor those that have given their lives for others.

**RESIDENT STATEMENTS**

Ceccato, Ed – Legacy Drive – Ceccato shared with the Board what he believes is a situation that is slowly developing into a major situation.

With the development that is taking place on North Ridge Drive and Legacy Drive off of Creek Road; quite the traffic pattern has been created that was not there two years ago.

It is a 30 mph ¾ mile stretch of road with 5 curves, running from Ridge Road to West Eddy Drive. There is a lot of traffic in this area. Construction workers, residents, and a cut through for people.

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Ceccato said in speaking with the Police Clerk, he was told several complaints have been received. People are constantly running through the Stop sign.

Previte will put up a sign notify drivers there is a new sign ahead.

Lyle, Steve - Lower River Road – Lyle questioned why his water bill and others that have mentioned it has gone up 40% - 50%. Broderick asked Lyle to contact him in the office to look into it.

Broderick announced the following meetings are canceled for the month of May: Environmental Commission, Historic Preservation, Planning Board and Zoning Board of Appeals.

**Jacoby MOVED to adjourn the meeting, Seconded by Geiben Roll Call Vote: Bax – yes; Geiben – yes; Jacoby – yes; Myers – yes; Broderick – yes, Carried 5 – 0. (6:45 pm)**

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk