

Local Law amending Chapter 270 – Sewers, To establish a sewer remediation dedicated fund

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & J. Myers; Dep. Sup. W. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. B. Seaman; Eng. B. Lannon; WPCC Ch. Op. J. Ritter; Water Foreman D. Zahno; Highway Supt. Trane; 1 Press; 12 Residents and Clerk D. Garfinkel

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

PUBLIC HEARING - Clerk read Public Notice into record:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston, Niagara County, NY, on the 24th day of February, 2020 commencing at 6 p.m. at the Town Hall, 1375 Ridge Rd, Lewiston, NY, on the amendment of the Code of the Town of Lewiston, Chapter 270, to include a new article, “Article X. Sewer Remediation Dedicated Fund.”

Said article would establish the creation of the Town of Lewiston Sewer Remediation Dedicated Fund which shall dedicate funds for use on inflow and infiltration reduction projects. Prior to the establishment of any new connection to the Town sewer system, applicants who propose or construct a sewer extension designed to serve more than one sewer connection and/or intended to convey 2,500 gallons per day or more of residential sewage shall commit to projects for use on inflow and infiltration reduction, and pay into the Town of Lewiston Remediation Dedicated Fund.

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 OF LEWISTON TOWN BOARD

Supervisor asked if anyone wished to speak. No one did.

Bax MOVED to close the Public Hearing, Seconded by Jacoby and Carried 5 – 0. (6:05 pm)

AGENDA APPROVAL

Additions: Broderick – Presentation by Greenway Commission; Bax – Police resignation and Police Hire; Myers – Correction – Morreale’s name on agenda.

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

RESIDENTS STATEMENTS - No one wished to speak

Gregory Stevens, Executive Director – Niagara River Greenway Commission (NRGC).

The NRGC is funded by the relicensing proceeds with the Niagara Power Authority. The purpose of the funding is to restore the Niagara River shoreline and give the real estate back to the community.

This is a big and bold project, which has been happening for the last 12 years, with 38 more years to go. Those 38 years are fully funded. There is a lot the NRGC has the capability to do.

The Commission has kicked-off a study of the last section of the Niagara River Greenway System. This is from the Village of Lewiston to Lake Ontario.

Tremendous progress has been made in the last five (5) years getting this connected from Lackawanna, across Grand Island, through Wheatfield, Niagara Falls, and down the Escarpment into the Village of Lewiston. This connects to the Erie Canal Trail and Fort Erie.

The Commission is stopping here, in Lewiston / Youngstown and doing a significant outreach to the Community as to find out what the Communities’ vision might be.

In the coming months, the Commission will be holding several public meetings, which will give the Community the chance to participate/comment and provide ideas. The vision of the NRGC is to connect all communities to the waterfront. The first Public Workshop will be Monday, March 2, 2020, at 6:30 pm at the Lewiston Senior Center.

Stevens walked through a power-point program outlining the proposed project. The trails are a way of connecting a tourism experience into the many wonderful local communities. The trail is accompanied with parks, water-front, green spaces and great recreational resources.

The trail, the way it stands today, is the longest continuous multi-use trail in the Country. People all over the world are excited to see it. They are forecasting 8.6 million cyclists a year to come.

Stevens asked if anyone had any comments. Broderick believes there will be on March 2nd.

Previte asked Stevens for clarification; the existing path/route/sidewalk along Lower River Road, from the Village to Youngstown is not to be used for bikes. Stevens said yes. What is being discussed is something that does not now exist.

The Board thanked Mr. Stevens.

DEPARTMENT HEAD STATEMENTS

Clerk Garfinkel requested the Board declare the dog cage as surplus and of no value and allow her to dispose. The Town has a contract with Niagara County SPCA; therefore it is not needed.

Bax MOVED to declare the dog cage, used in the Town van, as surplus and of no value and allow the Clerk to dispose, Seconded by Jacoby and Carried 5 – 0.

APPROVAL OF MEETING MINUTES - Town Board Work Session – 2/10/2020

Geiben MOVED approval of February 10, 2020, Town Board Work Session minutes, Seconded by Bax and Carried 5 – 0.

AUDIT PAYMENT

Jacoby MOVED to approve the Regular Abstract of Claims numbered 3926 to 3932 (2019), and 270 – 400 (2020), in the amount of \$181,371.57, plus a Post- Audit of \$31,458.09, Seconded by Geiben and Carried 5 – 0.

OLD BUSINESS - 2018 Water System Improvement Project

PENDING - None

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Legal – Approval of Local Law - Amend Chapter 270 – Sewers

Geiben MOVED to approve Local Law – Amend Chapter 270 – Sewers, to establish a sewer remediation dedicated fund, Seconded by Jacoby – Roll Call: Bax – Yes; Geiben – Yes; Jacoby – Yes; Myers – Yes; Broderick – Yes., Motion Carried 5 – 0.

Engineering

Lannon requests permission to re-advertise the electrical bid for the Police / Recreation Building. Broderick said previous bids/specs were reviewed and changed in hopes of a better outcome.

Bax MOVED to re-advertise the Electrical Bid for the Police / Recreation Building, Seconded by Myers and Carried 5 – 0.

Finance - Agnello requests the following budget revisions for 2019:

Request to transfer \$184.00 from Highway Superintendent Equipment - A00-5132-0200-0000 to Town Garage Contractual - A00-5132-0400-0000, to cover expenses thru the fiscal year.

Request to transfer \$128.00 from General Repairs Contractual - DB0-5110-0400-0000 and \$1.00 from General Repairs Out of Dept. Personnel - DB0-5110-0100-0100 to Machinery Contractual - DB0-5130-0400-0000, to cover expenses thru the fiscal year.

Request to transfer \$17.00 from Highway Insurance - DB0-1910-0400-0000; \$50.00 from General Repairs Gas & Electric - DB0-5110-0400-3500; \$1,015.00 from General Repairs Gasoline & Diesel Fuel DB0-5110-0400-3510; \$48.00 from General Repairs Safety - DB0-5110-0400-5110, and \$188.00 from Highway Unemployment Insurance - DB0-9060-0800-0000 to Permanent Improvement Contractual - DB0-5112-0400-0000, to cover expenses thru the fiscal year.

Geiben MOVED approval of above transfers, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN BAX

Sewer refund – Fuller Place – Installed an in-ground pool. Ritter said this fits within the Towns Sewer Use Agreement.

Bax MOVED to approve a sewer refund to 452 Fuller Place in the amount of \$68.87, Seconded by Geiben

Geiben asked Ritter if the credit is given now, and there is an issue down the road, and they request to refill again does the Town approve this. Ritter said it depends on the reason for the fill. Each request is looked at individually. If there is a liner replacement or correction to the concrete, this is refunded.

Carried 5 – 0.

Snow & Ice Agreement – State

Bax MOVED to authorize the Supervisor to execute the Municipal Snow and Ice Agreement between Lewiston and the State of New York for the period of 5-years starting 7/1/2019, Seconded by Geiben and Carried 5 – 0.

Police Department Resignation – Mitchell Pegan

Bax MOVED to accept, with regret, the resignation of Mitchell Pegan, effective March 3, 2020, Seconded by Geiben and Carried 5 – 0.

Police Department Hire – William Barney

Bax MOVED to hire William Varney, Part-time, as per Union contract, effective March 3, 2020, Seconded by Geiben and Carried 5 – 0.

Captain Josh Cain is requesting to extend the use of 5 additional vacation days received at his 10-year anniversary, to be used prior to April 30, 2020.

Bax MOVED to permit Josh Cain to use 5 additional vacation days received at his 10-year anniversary, prior to April 30, 2020, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN - Liaison Report – Nothing to report

COUNCILMAN JACOBY

Centerline Communications – Collocation – Calkins Rd

Application was received in November, 2019. Seaman said the Town Tower Law doesn't differentiate between a new tower and a collocation, and the result is a lot of the criteria are what you want to review when there is a new tower. A collocation is going on an existing tower.

There are Federal Regulations on this that basically says that the Town is not allowed to overly burden an applicant.

Jacoby MOVED a Negative Declaration for Centerline Communications – Collocation – Calkins Rd, Seconded by Bax and Carried 5 – 0.

Jacoby MOVED to approve Centerline Communications – Collocation – Calkins Rd, Seconded by Myers and Carried 5 – 0.

COUNCILMAN MYERS - Liaison Report – Nothing to report

RESIDENTS STATEMENTS – No one wished to speak.

Geiben MOVED to adjourn, Seconded by Jacoby and Carried 5 – 0. (6:40 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk