

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & R. Morreale; Dep. Sup. W. Conrad; Police Chief F. Previte; Eng. B. Lannon; Attorney R. Parisi; Bldg. Insp. T. Masters; Finance Director/Budget Officer M. Blazick; WPCC Ch. Op. J. Ritter; Water Foreman M. Townsend; Dep. Highway Supt. B. Christman; Rec. Dir. M. Dashineau; Grant Writer B. Rotella; 2 Press; 11 Residents and Dep. Clerk C. Schroeder

Before calling the first Public Hearing, the Town Clerk, Donna Garfinkel, swore-in the Town Supervisor, Steve Broderick and Councilmen A. Bax and J. Jacoby to their respective offices.

The Supervisor called the meeting to order, followed by the Pledge of Allegiance.

Public Hearing #1, L.L. Amending §360-29(B) of Town Code/Zoning Map

The Clerk read the notice into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 8th day of January, 2018 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 Amending the Zoning Provisions of the Code of the Town of Lewiston for Certain Parcels to be Re-zoned from ‘R-1 Districts’ to ‘R-2 Districts’” an abstract of which is as follows:

The Proposed Local Law amends §360-29(B) of the Code of the Town of Lewiston and the zoning map of the Town of Lewiston to change the zoning classification for properties identified as SBL Nos. 101.12-1-21 through 101.12-1-41 from “R-1 Districts” to “R-2 Districts.”

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, December 11, 2017

The Supervisor called for public comments. There were none.

Bax MOVED to close the Public Hearing. Seconded by Morreale and carried 5-0.

Public Hearing #2, Moratorium of Sludge, Sewage Sludge and Septage

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 8th day of January, 2018 at 6:15 p.m., at the Town Hall, 1375 Ridge Road, Town of Lewiston, New York, on the adoption of a proposed Local Law entitled, “Moratorium of Disposal of Sludge, Sewage Sludge and Septage,” an abstract of which is as follows:

The Town Board of the Town of Lewiston currently has under review amendments to the Town Code with regard to solid waste and recycling. The matters pertaining to solid waste and recycling activity within the Town emphasizes the need for suitable regulation under existing and clearly established standards, in an effort to plan for and protect the health, safety and well being of the citizens of and property in the Town of Lewiston. The existing provisions contained in Chapter 293 of the Town Code of the Town of Lewiston may not create and meet such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and well being of the citizens and property in the Town of Lewiston. The Town Board desires to review and address, in a careful manner, provisions relating to solid waste and recycling and the disposal of sludge, sewage sludge and septage on a comprehensive and town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes.

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.

Ordered by the Town Board

Dated: December 11, 2017

The Supervisor called for public comments. There were none.

Bax MOVED to close the Public Hearing. Seconded by Geiben and carried 5-0.

REORGANIZATION

JANUARY 8, 2018

AGENDA: Additions: Hwy Dept. Appointments; Fire Bureau Appointments; Dep. Supervisor Appointment; Amendment of Salary Schedule.

Geiben MOVED to approve the agenda, as amended. Seconded by Morreale and carried 5-0.

2018 REGULAR MEETING & WORK SESSION SCHEDULE:

Geiben MOVED to approve the following 2018 Regular Meeting & Work Session schedule: RTBM: 1/22; 2/26; 3/26; 4/23; 5/31; 6/25; 7/23; 8/27; 9/24; 10/22; 11/26; and tentative RTBM/Final Audit 12/27: Work Sessions: 1/8; 2/12; 3/12; 4/9; 5/14; (no mtgs June, July or August), 9/10; 10/11; 11/15; and 12/10. Seconded by Morreale and carried 5-0.

2018 MEETING TIME / AGENDA SUBMISSION DEADLINE:

Geiben MOVED that Board meetings be scheduled at 6:00 p.m., and agenda items be received in the Clerk's office by 4:30 p.m. on the Wednesday prior to the meeting. Seconded by Morreale and carried 5-0.

2018 HOLIDAY SCHEDULE:

Bax MOVED to approve the following 2018 Holiday Schedule: 1/1 – New Year's Day; 1/15 – Martin Luther King, Jr. Day; 2/19 – Presidents' Day; 3/30 – Good Friday; 5/28 – Memorial Day; July 4 – Independence Day; 9/3 – Labor Day; 10/8 – Columbus Day; 11/12 – Veterans' Day; 11/22 & 23 – Thanksgiving Holiday; and 12/24 & 25 – Christmas Holiday. Seconded by Morreale and carried 5-0.

2018 PAY SCHEDULE:

Broderick said the pay scale needs to be adjusted to correct the hourly rate for Andrew Hillman from \$21.73 to \$22.66 and Michael Weiss from \$23.33 to \$24.86

Geiben MOVED to approve the 2018 Pay Schedule, as amended and adjusted for the minimum wage increase for seasonal recreation staff. Seconded by Bax and carried 5-0.

SUPERINTENDENT OF HIGHWAY APPOINTMENTS:

Geiben MOVED to accept Highway Supt. Dave Trane's re-appointment of Darlene Norwich, Typist/Clerical 1, and Brian Christman, Deputy Highway Supt. for the year 2018. Seconded by Morreale and carried 5-0.

FIRE BUREAU APPOINTMENTS:

Bax MOVED to accept Fire Bureau Chairman Les Myers' re-appointment of Part-time Fire Inspectors Patrick Martin and Donald Cosentino, and Part-time Secretary Kathy Kifer for the year 2018. Seconded by Morreale and carried 5-0.

2018 MILEAGE RATE:

Geiben MOVED to approve the 2018 IRS Mileage Rate at 54.5¢. Seconded by Bax and carried 5-0.

2018 FEE FOR NON-CERTIFIED COPIES:

Geiben MOVED to approve the 2018 fee for non-certified copies at 25¢/page. Seconded by Bax and carried 5-0.

2018 ASSESSOR'S FEES:

Geiben MOVED to approve the 2018 Assessor fees for copies of deeds at 65¢/page, minimum \$1.30. Seconded by Morreale and carried 5-0.

CELL PHONE STIPEND:

Bax MOVED a \$25 monthly cell phone stipend for the Code Enforcement Officer, Deputy Dog Control Officer, Fire Inspectors (2), Fire Prevention Chairman and Town Clerk; \$30 monthly stipend for the Assessor; and an \$80 monthly stipend for the Building Inspector and Supervisor. Seconded by Geiben and carried 5-0.

OFFICIAL TOWN NEWSPAPER:

Bax MOVED to designate the *Niagara Gazette* as the official Town newspaper for legal notices and the *Sentinel* as a secondary official newspaper for display ads and notifications. Seconded by Morreale and carried 5-0.

OFFICIAL TOWN DEPOSITORIES:

Broderick MOVED to designate Key Bank and M & T as official Town Depositories, and to designate the Town Supervisor, Deputy Supervisor and Finance Director as signatories to the designated Town Depositories. Seconded by Bax and carried 5-0.

Broderick MOVED to designate the Town Supervisor, Deputy Supervisor and Finance Director as signatories to the Host Community Standing Committee. Seconded by Morreale and carried 5-0.

Broderick MOVED to designate Confidential Secretary Amy Smith to have access for payroll at Key Bank. Seconded by Geiben and carried 5-0.

TOWN PHYSICIAN:

Geiben MOVED to re-appoint Dr. Jerome Ulatowski as Town Physician for 2018. Seconded by Bax and carried 5-0.

PROCUREMENT POLICY:

Broderick MOVED to adopt the Procurement Policy, as written. Seconded by Bax and carried 5-0.

INVESTMENT POLICY:

Geiben MOVED to adopt the Investment Policy, as written. Seconded by Morreale and carried 5-0.

ROBERTS RULES OF ORDER:

Geiben MOVED to adopt Roberts Rules of Order for all business conducted in the Town of Lewiston. Seconded by Bax and carried 5-0.

TOWN/VILLAGE JOINT MEETING DATES:

Broderick said no dates have been scheduled, as yet.

APPOINTMENTS:

Board Liaisons:

Broderick read the 2018 Appointed Liaisons as follows:

Board of Ethics Ex-Officio – Ryan Parisi; Building Inspector – Bax; Cable Commission – Geiben; CWM Siting Advisory Committee – Bax; Engineer – Geiben; Environmental Commission – Bax/Geiben; Fire Bureau – Broderick/Jacoby; Highway/Drainage – Bax; Historic Preservation – Jacoby; Justice Court Office – Broderick; Lewiston Council on the Arts – Jacoby; Library – Jacoby; Lighting Advisory Board – Morreale; Lower Niagara River Region Chamber – Broderick/Geiben; Modern CAC -- Bax; Parks & Recreation Advisory Committee – Morreale; Personnel Committee – Geiben; Police – Bax; Town/Village Police Liaisons – Broderick/Bax; Planning Board – Bax/Morreale; Recreation – Morreale; Risk Manager – Broderick; Sanborn Business and Professional Assoc. – Broderick/Geiben; Senior Citizens – Geiben; Signage Committee – Morreale; Tower/Wind Energy Research Committee – Jacoby; Water – Broderick; WPCC – Bax; and Zoning Board of Appeals – Bax.

Broderick MOVED the Liaison Appointments, as read. Seconded by Geiben and carried 5-0.

Broderick MOVED to re-affirm the appointment of William Conrad as Deputy Supervisor. Seconded by Geiben and carried 5-0.

Attorney: **Broderick MOVED to retain the law firm of Seaman Norris, LLP as Attorney for the Town, represented by Ryan Parisi for 2018 and approve the agreement and contract rate of \$65,000. Seconded by Morreale and carried 5-0.**

Geiben MOVED to authorize the Supervisor to sign said agreement. Seconded by Morreale and carried 5-0.

Engineering Services: **Bax MOVED to retain GHD Consulting Services, represented by Robert Lannon. Seconded by Broderick and carried 5-0.**

Geiben MOVED to approve the contract with GHD. Seconded by Bax and carried 5-0.

Geiben MOVED to authorize the Supervisor to sign said contract for Engineering Services. Seconded by Bax and carried 5-0.

Grant Writer: **Broderick MOVED to retain Rotella Grant Management, represented by Bernie Rotella. Seconded by Geiben and carried 5-0.**

Storm Water Management Officer: **Broderick MOVED to re-appoint Chris McAuliffe. Seconded by Geiben and carried 5-0.**

Minority Business Officer: **Broderick MOVED to re-appoint Donna Garfinkel, Town Clerk. Seconded by Geiben and carried 5-0.**

Women's Business Officer: **Broderick MOVED to re-appoint Donna Garfinkel, Town Clerk. Seconded by Geiben and carried 5-0.**

Electrical Inspectors: **Broderick MOVED to re-appoint New York Atlantic-Inland, Inc. Seconded by Morreale and carried 5-0.**

Geiben MOVED to authorize the Supervisor to sign said agreement with NY Atlantic Inland. Seconded by Morreale and carried 5-0.

Record Appeals Officer – FOIL: **Broderick MOVED to appoint the Town Board as Record Appeals Officers. Seconded by Morreale and carried 5-0.**

CWM Siting Board Members: Bax said this Board does not require re-appointment. It is a lifetime appointment unless there is cause for removal, death or resignation.

Town/Village Police Liaison: Broderick confirmed his appointed of Town Police Liaison.

Bingo Inspector: Broderick said they would take no action at this time.

BOARDS, COMMISSIONS & COMMITTEES:

Cable Commission: **Geiben MOVED the following individuals to the Cable Commission for 2018: James Abbondanza (Chairman), Anthony DiPasquale, Karl Frankovitch, and John Sharpe. Seconded by Bax and carried 5-0.** Vice-Chair to be determined. One vacancy exists.

Environmental Commission: **Geiben MOVED the re-appointment of Jerald Wolfgang and Matthew Feldman to the Environmental Commission. Terms to expire 12/31/2020. Seconded by Bax and carried 5-0.**

Geiben MOVED to appoint Jerald Wolfgang as Chairman and James Allen as Vice-Chairman on the Environmental Commission. Seconded by Bax and carried 5-0.

Broderick said Cheryl Milicia submitted her resignation as Secretary to the Environmental Commission. Her replacement to be determined.

Board of Ethics: **Broderick MOVED the re-appointment of Suzanne DiFlorio-Olds, Robert DiFrancesco and Linda Johnson, with the appointment of Ryan Parisi as Ex-Officio to the Board of Ethics. Seconded by Geiben and carried 5-0.** Two vacancies remain.

Broderick MOVED to appoint Suzanne DiFlorio-Olds as Chairperson to the Board of Ethics. Seconded by Morreale and carried 5-0.

Historic Preservation: **Geiben MOVED to re-appoint Zackary Collister to the Historic Preservation Commission, with a term to expire 12/31/2024. Seconded by Morreale and carried 5-0.**

Geiben MOVED John Sharpe, as Ex-officio to the Historic Pres. Comm. Seconded by Bax and carried 5-0.

Bax MOVED the appointment of Zachary Casale as Alternate to the Historic Preservation Commission. Seconded by Geiben and carried 5-0.

Lighting Advisory Board: **Geiben MOVED the re-appointment of John Barber, Suzanne Di-Florio-Olds, Bruce Gonka, Mary Price and Daniel Vitch to the Lighting Advisory Board. Seconded by Bax and carried 5-0.**

Modern CAC: Broderick noted that no appointments were made in 2017. Discussion ensued about potentially de-activating this Committee. No action taken.

Personnel Committee: **Broderick MOVED to re-appoint Donna Garfinkel, Amy Smith and Attorney Ryan Parisi to the Personnel Committee. Seconded by Morreale and carried 5-0.**

Parks and Recreation Advisory Committee: **Geiben MOVED to re-appoint Robert Flegal II to the Parks & Recreation Advisory Committee with a term to expire 12/31/24. Seconded by Bax and carried 5-0.**

Planning Board: The Board took no action on the appointment to the Planning Board. **Broderick MOVED to appoint William Conrad as Chairman on the Planning Board. Seconded by Geiben and carried 5-0.**

Senior Advisory Board: **Geiben MOVED to re-appoint Donald Clark, Terry Jones and William Scully; and appoint Tanis Toponak to the Senior Advisory Board with terms to expire December 31, 2020. Seconded by Bax and carried 5-0.**

Signage Committee: The Board received a request from the Highway Supt. to re-establish a Signage Committee to consist of the Highway Supt. (or his designee), two (2) Highway Employees, the Police Chief and one Board Member. In the absence of the Highway Supt., no action was taken.

Tower/Wind Energy Committee: **Broderick MOVED to re-appoint Karl Frankovitch, Ernest Krell, Charlene McDonald, Wayne Rivers and Terry Vargo and appoint William Conrad, as Chairman with terms to expire 12/31/2018. Seconded by Bax and carried 5-0.** One vacancy remains.

Zoning Board of Appeals: **Geiben MOVED to re-appoint Gary Heuck to the Zoning Board, with a term to expire 12/31/2022. Seconded by Morreale and carried 5-0.**

Broderick MOVED to re-appoint Anita Muzzi as Chairperson to the Zoning Board for the year 2018. Seconded by Morreale and carried 5-0.

This ended the Re-organization Meeting.

WORK SESSION JANUARY 8, 2018

The Supervisor called the Work Session to order.

AGENDA:

Additions: Bax: Approval of Retainer Agreement between the Town of Lewiston and Knauf Shaw, LLP.

Bax MOVED the agenda, as amended. Seconded by Geiben and carried 5-0.

AMEND §360-29(B) – ZONING CODE/MAP:

Atty. Parisi said this is what they just had the public hearing on for Northridge Drive. Parisi said he plans on providing written findings (conclusions) for the Board, i.e. why the Board is ultimately deciding to make the decision it is going to make.

Geiben said he is comfortable with going forward with the local law for the Massaro rezoning and sending it back to the Planning Board for site plan review.

Charles Grieco, Attorney for Dominic Massaro, said as a matter of procedure, before the adoption of the local law, the Board has to make a determination of SEQR. The Environmental Assessment Form (EAF) was submitted some time ago. Those same reasons that would support the re-zoning would support a negative declaration – The issues being consistent with the character in the community and no significant traffic impacts.

Bax MOVED to accept Parts I, II and III of the SEQR Determination and issue a negative declaration, determining no significant adverse environmental impacts to the environmental. Seconded by Morreale and carried 5-0.

Bax MOVED to declare the Town of Lewiston as Lead Agency on the SEQR. Seconded by Morreale and carried 5-0.

Geiben MOVED adoption of a Local Law Amending the Zoning Provisions of the Code of the Town of Lewiston for Certain Parcels to be Rezoned from “R-1 Districts” to “R-2 Districts”, as follows:

§360-29(B) of the Code of the Town of Lewiston is hereby amended and the zoning classifications for the following parcels, as identified on the Niagara County tax map, are changed as follows:

- a) From “R-1 Districts: One-family Residential Districts” to “R-2 Districts: Two-family Residential Districts”: 101.12-1-21; 101.12-1-22; 101.12-1-23; 101.12-1-24; 101.12-1-25; 101.12-1-26; 101.12-1-27; 101.12-1-28; 101.12-1-29; 101.12-1-30; 101.12-1-31; 101.12-1-32; 101.12-1-33; 101.12-1-34; 101.12-1-35; 101.12-1-36; 101.12-1-38; 101.12-1-39; 101.12-1-40 and 101.12-1-41.

The Zoning Map of the Town of Lewiston is hereby amended to incorporate such changes and the amended Zoning Map, as certified by the Town Clerk, is incorporated herein.

Seconded by Morreale. The Clerk was asked to poll the Board. Bax – Aye; Geiben – Aye; Jacoby – Aye; Morreale – Aye; Broderick – Aye. **Motion carried 5-0.**

LOCAL LAW – EXTENDING MORATORIUM ON DISPOSAL OF SLUDGE

Geiben MOVED the local law extending the Town of Lewiston’s Moratorium concerning the Disposal of Sludge, Sewage Sludge and Septage, effective for nine months from and after its adoption. Seconded by Morreale and carried 5-0.

ABSTRACT:

Bax MOVED to approve the Regular Abstract of Claims for Fiscal Year 2017 Numbered 3785 to 3868 and Fiscal Year 2018 Numbered 1 –20 and recommended payment in the amount of \$244,387.05, plus a post audit of \$20,692.76. Seconded by Geiben and carried 5-0.

Bax MOVED to approve the retainer agreement with Knauf Shaw, LLP in the prosecution of claims in the pending Article 78 proceeding pending in Supreme Court, entitled Amy H. Witryol and Thomas Freck v. CWM Chemical Services, LLC, et al., Index No. 814750/2017. Seconded by Morreale and carried 5-0.

Bax said under the agreement, Knauf Shaw, in full disclosure, has indicated that another client has agreed to pay all legal fees and expenses to prosecute the Article 78 proceeding. The Town of Lewiston will not be charged for any expenses.

Bax MOVED to authorize the Supervisor to sign said agreement. Seconded by Geiben and carried 5-0.

DEPARTMENT HEAD CONCERNS:

Police: Chief Previte informed the Board that construction has commenced on the partition in the Police clerk’s office. He wanted to make the Board aware that he did not budget in the Key Fobs for the new doors that are going in. He does not have a price on that yet. He will keep the Board informed as to what that is.

Also, they will be doing an active-shooter drill on January 26 at Lewiston-Porter. It will be a full scale drill, with other entities involved with other agencies, fire and EMS.

Building: Masters said his office has issued over 600 building permits. He estimated over 25 new builds in 2017. Most of the permits are residents putting on additions, pools, fences, etc. Masters noted that a draft of the new Subdivision Law is under review. He hoped to have it ready for adoption in the next couple of months.

Finance:

Blazick said the Board needs to do a budget modification to the 2018 Budget. The Attorney Contractual and Litigation was allocated at \$69,000. As this amount is contractually \$65,000, she asked to move \$4,000 out of A00-1420-0400-0000 to the equipment line for the Attorney, A00-1420.0200-0000.

Geiben MOVED for approval. Seconded by Morreale and carried 5-0.

Blazick requested a budget revision for 2017. This is for two grants that are accounts receivables at year end. They need to increase the revenue and the expense so that it is within the budget.

Geiben MOVED to approve the Budget Revision Edit List dated 1/8/2018, Time 4:13:58 PM, totaling \$38, 916.00. Seconded by Morreale and carried 5-0.

OLD BUSINESS:

- a) Cold War Veterans Exemption: Broderick said no action would be taken tonight.
- b) Fire Hydrant (NYPA): Parisi said he had a conference call with the Power Authority last week. They are working out some of the last issues with that.
- c) Town Standard for Curbs: Lannon said he submitted some revisions to the building Inspector and Highway Superintendent. He would be meeting with them to review those revisions.

ASSOCIATION OF TOWNS:

The 2018 Training School and Annual Meeting of the Association of Towns will be held at the Marriott Marquis, New York City, February 18–21, 2018.

This is a training session for town officials. The Annual Business Session (Official Delegates) begins at 8:00 a.m., Wednesday, February 21. A copy of the preliminary 2018 Legislative Program and Resolutions are on file in the Town Clerk's office.

Broderick MOVED to designate the Town Supervisor to attend the Annual Business Session of the Association of Towns to be held February 21, 2018 and to cast the vote of the Town of Lewiston, pursuant to §6 of Article III of the Constitution and Bylaws of said Association. Seconded by Bax and carried 5-0.

Broderick MOVED to designate Bill Geiben as alternate in the absence of the person so designated. Seconded by Bax and carried 5-0.

Geiben asked the Board members to read the 14 Resolutions and convey their concerns.

Geiben MOVED to authorize the Delegate to use his discretion in addressing the Resolutions (1-14). Seconded by Bax and carried 5-0.

PURCHASE OF WATER METERS:

Water Foreman Townsend asked to purchase another 1,000 Badger water meters at a cost of \$132,413.45. This is a sole-source purchase from Lock City Supply.

Bax MOVED for approval. Seconded by Geiben and carried 5-0.

STATEMENTS BY RESIDENTS:

In Closing, the Supervisor called for a Moment of Silent Reflection in the remembrance of James Lombardi, who served as Town Supervisor for 20 years.

Announcements:

Town Offices will be closed January 15th in observance of Martin Luther King Jr. Day.

Upcoming Meetings:

Historic Preservation Commission, January 9 @ 6PM

Environmental Commission, January 9 @ 7 PM

Zoning Board of Appeals, January 11 @ 7 PM

Planning Board, January 18 @ 6:30 PM

RTBM, January 22 @ 6 PM

Geiben MOVED to adjourn, Seconded by Morreale and carried 5-0. Time: 7:00 PM.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk