

Present: Supervisor S. Broderick; Councilmembers B. Geiben & R. Morreale; Dep. Sup. W. Conrad; Chief Previte; Bldg. Insp. T. Masters; Finance Director/Budget Officer M. Blazick; Eng. B. Lannon; Attorney R. Parisi; WPCC Chief Operator J. Ritter; Water: D. Zahno; Dep. Hwy. Supt. B. Christman; Parks Director M. Dashineau; 2 Press; 51 Residents and Dep. Clerk C. Schroeder

Excused: Councilmembers A. Bax, B. Ceretto; Attorney Catalano and Hwy Supt. D. Trane

The Supervisor called the Public Hearing/RTBM to order, followed by the Pledge of Allegiance and a moment of silent reflection.

Before starting the meeting, Geiben introduced his daughter Carrie and grandchildren, visiting from California. In January 1998, Carrie held the Bible as he was first sworn in as Town Councilman.

The Clerk read the Notice of Public Hearing into the record:

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON JULY 24, 2017

WHEREAS, the Town Board of the Town of Lewiston (herein called the "Town"), in the County of Niagara, New York has caused GHD, competent engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated May 22, 2017 for the proposed establishment of the Town of Lewiston Water District (the "District"), in the Town, and the construction of improvements therein, consisting of the construction and installation of approximately 43,800 lineal feet of new waterline to replace existing deteriorated piping that will be abandoned in place, including interconnections, hydrants, valves, watermains, borings, road crossings, stream crossings, a railroad crossing and other ancillary or related work in connection therewith, as further described in said map, plan and report (referred to herein as the "Water Improvement"), which map, plan and report have been duly filed in the office of the Town Clerk for public inspection; and

WHEREAS, the Town Board of the Town has determined to proceed with the proposed establishment of the District; and

WHEREAS, the proposed District is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND known as the Town of Lewiston, County of Niagara, State of New York, being all of Lots 10 through 29 of the New York State Reservation, plus Lot 1, Lots 4 through 8, Lots 11 through 15, lots 18 through 45 plus part of Lots 16 and 17 in Township 14, Range 9, plus Lots 33 through 49, Lots 53 through 57, Lots 62 through 64 in Township 14, Range 8 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the intersection of the northerly line of the Town of Wheatfield with the westerly line of the Town of Cambria; thence westerly along the northerly line of the Town of Wheatfield and the Town of Niagara and the City of Niagara Falls to a point located at the easterly edge of the Niagara River; thence northerly along the easterly edge of the Niagara River as it winds and bends to a point located in the southerly line of the Village of Lewiston; thence easterly, northerly and westerly along the southerly, easterly and northerly lines of the Village of Lewiston to a point located on the easterly edge of the Niagara River; thence northerly along the easterly edge of the Niagara River as it winds and bends to appoint located the southerly line of the Town of Porter; thence easterly along the southerly lines of the Town of Porter and the Town of Wilson to appoint located on the westerly line of the Town of Cambria; thence southerly along the westerly line of the Town of Cambria to the place or point of beginning.

Excepting the area known as the Tuscarora Indian Reservation, and

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, the maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement is estimated to be \$10,200,000, and the plan of financing includes the issuance of not to exceed \$10,200,000 bonds of the Town to finance said cost, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable;

Now therefore, be it

DETERMINED AND STATED that the estimated cost of hook-up fees is \$-0- and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is \$55.00 (the total cost to a Typical Property owner including water cost, existing debt service and the cost of the construction of this Water Improvement is \$285); and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the establishment of the District and construction of the Water Improvement to such Typical Property is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and therefore approval of the State Comptroller will not be required prior to establishment of the District; and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the 24th day of July, 2017, at 6 o'clock P.M. (Prevailing Time) to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Niagara Gazette*," hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and be it

FURTHER ORDERED, that the Town Clerk file a copy of this Order with the State comptroller on or about the date of the publication of a copy of this order.

DATED: July 10, 2017
TOWN BOARD OF THE
TOWN OF LEWISTON

The Supervisor called for Public Comment:

Paulette Glasgow, The Circle Dr., said the Town is about to enter into an area where the Town is going to vote on a \$10 million waterline project that is going to tax people and raise their water rates. She wondered where the other two council members are. They should be here to vote on this. They knew this meeting was going to occur and they are not here. I'm wondering why.

Les Myers, Chairman of the Bureau Prevention and Chief of Lewiston Fire Co #1, read the following statement:

I'm here to speak in favor of the waterline improvement project. This is not a new project started by Supervisor Steve Broderick. This project was not started by former Supervisor Dennis Brochey. This project was first discussed over 20 years ago. Back then, the Town had a survey conducted of the water infrastructure and identified many areas in the Town that were insufficient for water flow. Since the study, there have been letters written to the Town asking them to address some of the issues that were identified in the report. Some improvements have been made. Engineering was even completed for an improvement on Creek Rd. north of Pletcher Rd. where again we have a serious water deficiency where a good portion of our younger residents go to school. This project will fix this problem. In my mind, this all came to a head several years ago when we had a devastating fire on Lower River Road, just outside the Village. The availability of water on River Rd was not sufficient to knock down the fire. A long water relay was set up and also a tanker was called in to supply additional water. This was not a large house, just a two story house similar to many in our Town. This water improvement project will correct many deficiencies in the water system throughout the Town that are similar to what we encountered on Lower River Rd. Old 6" water lines are encrusted on the inside and will not allow the necessary flow of water. Many of them can be considered 2 or 3" water lines today. The new water lines will solve this problem and allow much additional flow of needed water. There have been some published reports regarding the financing of this project. I am confident that the Town Board will work for the taxpayers and residents of the Town of Lewiston to make sure the financing is the best available for us. That is what we elected them to do. I am hopeful that the rest of the community supports the project and that the Town Board secures the necessary financing and moves forward on the project.

Geiben MOVED to close the Public Hearing. Seconded by Morreale and carried 3-0.

Lannon provided a drawing detailing the nine (9) locations in need of water system improvements and upgrades that were brought to the Board's attention in April 2016. The map details the nine locations and the improvements that will be made in each particular area.

Lannon then showed an example of an old cast iron 4" waterline. The rust inside of the pipe is trabeculated, which chokes the flow of water. Lannon said the 4" line is substandard by today's standards. That is one of the reasons they are upgrading the size and material of the construction of the pipeline, as well.

Geiben said the Town was put on notice two years ago by the Bureau of Fire Prevention that this issue needed to be addressed. They looked at the potential of borrowing money. Now, he said, is the best time to borrow the money because rates are so low. The Town is able to take into consideration the Moody Bond Rate. Geiben said this is something the Town needs and now is the time to do it.

Broderick commented that he was the first officer to respond to that fire on Lower River Road. They went into the house three times. They couldn't get adequate firefighting equipment on that fire. Broderick said this is what government is supposed to do – take care of problems. In 2017, we should be able to put water on a fire.

Morreale agreed with everything said to this point but agreed with Mrs. Glasgow that a project of this magnitude should require the vote of the entire Town Board.

Broderick said there would be no action taken tonight. He moved forward with the Regular Meeting.

REGULAR TOWN BOARD MEETING:

AGENDA:

Geiben MOVED to approve the agenda, as presented. Seconded by Morreale and carried 3-0.

RESIDENT STATEMENTS:

Rosemary Warren, Griffin St., said she put in a FOIL request regarding the Hydro-Power Rebates. She asked: 1) How much did Key Bank Charge; 2) How much of \$1 million was spent; 3) How many more years does the Town get money; 4) Is it the same amount every time; and 5) What is it.

The response she received stated: "No responsive records located as this request demands information as opposed to documents possessed by the Town. However, the Town Finance Officer is willing to discuss the information with you and provide you with the requested information." Warren said she wants it in writing. She is not going to sit around and talk with anyone over the phone or at a meeting. She will be sending this FOIL to the State Comptroller. This is public information, she said.

Lastly, Warren praised the Highway Department on the paving of Griffin Street.

DEPARTMENT HEAD STATEMENTS:

Police: Chief Previte said one of his part-time officers has been offered a job with the State Police. Previte will conduct interviews to fill the vacancy in mid August. Also, he is working with other agencies to conduct an active shooting drill at Lewiston-Porter sometime in the fall.

Dep. Sup: Conrad noted that the NYS Office of Parks, Recreation and Historic Preservation on July 3, 2017 listed the Niagara Power Vista on the National Register of Historic Places.

Geiben told Conrad that he keeps getting emails in regards to Solar Energy. He asked what the status was on that. Attorney Parisi said he is working on that. He is putting together a final version of the Local Law. It is his intention to distribute that to the Board soon. They will go forward from there.

MINUTES:

Geiben MOVED to approve the minutes of 7/10/2017, Work Session. Seconded by Morreale and carried 3-0.

ABSTRACT:

Geiben MOVED to approve the Regular Abstract of Claims Numbered 1950 to 2127 and recommended payment in the amount of \$216,194.20, plus a post audit of \$6,293.13. Seconded by Morreale and carried 3-0.

Geiben commended the staff for working together in preparing the Abstract in the absence of Barb Joseph.

OLD BUSINESS:

Re-Zone Application – Niagara University: Broderick said no action would be taken on this tonight.

Medical Bill Payment – Norwich: Parisi said he would not move on this yet. At this point, he is trying to get the Union to sign off on it, as to not create a practice that would bind the Town in these types of situations going forward. Under the circumstances of this situation he would approve it but he wants the Union to sign off.

SUPERVISOR BRODERICK:

Legal: Parisi asked to reply to Mrs. Warren’s comment with regard to her FOIL. The FOIL the Town received from her asked for written material the Town does not have. So to speak, the Town does not create material. If she wants that information, she needs to request documents where that information is contained. That information may be buried in a document. She may not be able to decipher the material. She should sit down and talk with the Finance Director to get that material.

Blazick said there has been no payment. There is not responsive record for a payment to Key Bank. They are still processing a list of perspective electric users. The list will be compiled prior to the disbursement. We will transfer the money at the time they have processed that list. As of this moment, there has been no disbursement of any funds.

Engineering: Lannon provided copies of the SEQR for the Proposed Water District – Parts 1, 2 and 3 of the Full Environmental Assessment Form. If the Board proceeds with action on the Water District, this will be part of the discussion.

Regarding French Landing, Lannon said at the time of dedication last fall, there was a sidewalk agreement that was entered into by the Town and developer for the installation of 600-ft of sidewalk that had to be done by July 15, 2017. Because of the unusually wet Spring, the developer had challenges getting a contractor to do that additional sidewalk. Lannon is waiting to hear from the developer when he intends to retain a contractor and what the timeframe of that is.

Lannon provide a one page document titled “Town of Lewiston Roadway Crossing Trench Restoration Detail”. He has been in conversation with the Hwy Supt. who has reviewed and approved this. Essentially, if anyone has to go in and open a road in the Town of Lewiston, whether it be for a water line or sewer line, that the restoration of that trench be done and consistent with this cross section. As part of the Town Highway Work Permit, the contractor will be required to provide a \$5,000 Road Crossing Bond at the time of application.

Lannon asked for the Board's consideration in adding this Trench Restoration Detail to the current Town of Lewiston Standard Construction Specifications.

Geiben MOVED to add the Roadway Crossing Trench Restoration Detail to the Standard Details and Specifications (8/2016). Seconded by Morreale and Carried 3-0.

Finance: Blazick said she would like to establish a petty cash account for the Recreation Department. This is not something the Town has to fund. They get change and place it in a bucket. She would like to set up an account to record the money so it is accounted for.

Geiben MOVED to authorize the Budget Director to establish a petty cash account for the Recreation Department. Seconded by Morreale and carried 3-0.

Blazick said the five year agreement with Energy Cooperative of America ("ECA") to sell HYDRO allocation on the secondary market is up for renewal on September 1, 2017. This is a professional service and exempt from the Town's procurement policy. The monthly rate is being reduced from \$850 to \$625 per month. The Town can cancel the agreement with 30 days notice. The agreement has been reviewed and approved by Attorney Parisi.

Blazick noted that ECA is a non-profit organization with 19 years of service to their cooperative members; they are experienced and manage multiple NYPA Allocations; they function as a third party auditor for the NYPA Allocations; the Town received timely monthly reporting and payment is always on time; and ECA is extremely responsive whenever the Town has questions.

Geiben MOVED to accept the renewal agreement with Energy Cooperative of America, as presented. Seconded by Morreale and carried 3-0.

Geiben MOVED to authorize the Supervisor to sign the renewal agreement with ECA. Seconded by Morreale and carried 3-0.

Sewer Exemptions:

The Town received three requests for sewer exemptions. Ritter noted that these requests fit within the Town's Sewer Use Agreement.

Geiben MOVED to approve the sewer refund for Kim Houston, Hillview Court in the amount of \$56.10. Seconded by Morreale and carried 3-0.

Geiben MOVED to approve the sewer refund for Kristie and Jason Langer, Creek Road in the amount of \$118.05. Seconded by Morreale and carried 3-0.

Geiben MOVED to approve the sewer refund for Joanne and Craig Drachenberg, N. Fifth St. in the amount of \$88.55. Seconded by Morreale and carried 3-0.

Letter of Resignation: The Board received a letter from George B. Danielewicz giving his two week's notice resigning from his position as Building Maintenance Mechanic.

Geiben MOVED to accept the resignation of George B. Danielewicz, with regret. Seconded by Morreale and carried 3-0.

WPCC: Broderick referred to a request from Jeff Ritter to hire George Danielewicz to fill the vacant Maintenance position at the Treatment Plant.

Geiben MOVED to accept the recommendation of Jeff Ritter to hire George Danielewicz at the WPCC. Seconded by Morreale and carried 3-0.

2016 Annual Stormwater Report:

Geiben MOVED to direct the Supervisor to sign the 2016 Annual Stormwater Report. Seconded by Morreale and carried 3-0.

Annual Cooperative Bid Water/Wastewater Chemicals: Ritter said this is a cooperative bid with Niagara Falls for the purchase of chemicals to get them as cheaply as possible.

Geiben MOVED to approve the Annual Cooperative Bid for water/wastewater chemicals with the City of Niagara Falls, Seconded by Morreale and carried 3-0.

Town Park – Bronson Drive: The Supervisor read the following letter from Stephen Olejar, Chairman of the Deacon Board, Niagara Frontier Bible Church:

The Lewiston community and members of the Niagara Frontier Bible Church have enjoyed the many years of having a Town Park/Playground on the church property. With the desire of the church wanting to reach out to the community and our neighbors we would like to continue in this arrangement which will come to an end in the summer of this year.

We would like to ask the Town of Lewiston and the Parks Department to consider coming to a new agreement and possibly updating or expanding on the current facility. In the past, there was some concern of the green space requirements needed to meet specifications. Now, as we are looking to do repairs to our parking lot, we would also be willing to take back a portion of the parking lot to meet the green space requirements.

As you are aware there is no other such facility on top of the hill where families can bring their children to enjoy the playground/park close to home. If this strikes an interest, we would like to arrange a meeting to discuss the possibilities to continue with the playground/park and the enhancement that would be required.

Parks Director Mike Dashineau provided the Board with a brief history of the Church Park.

- In the late 90s, the Town signed a lease agreement with the Church of the Escarpment for use of space for recreation activities and installed a shelter and playground on property not accessible from Bronson Drive.
- In 2004, the church was purchased by its current owner, Lewiston Bible Church, and the lease was transferred as long as the physical conditions of the play area were not altered.
- In 2005/2006, the Church installed a new driveway and extra parking that butt directly up against the shelter and playground. At that time, the Town decided to terminate the lease as it felt having cars enter and exit the church in front of the shelter created a hazard.
- The Church agreed to maintain the equipment on site, instead of removing the equipment.
- Prior to this, the Recreation Commission expressed concerns about the location of the park on Bronson, with a fairly long strip of road with no sidewalks being the only access point to a public park. The Commission explored other options in the Escarpment Area but none worked out.

Dashineau concluded that he did not recommend a lease agreement on a park that is not on Town-owned property. However, if this is the direction the Town Board wishes to go in, he suggested forwarding this request to the Parks and Recreation Advisory Committee to advance any discussion.

Broderick suggested tabling this for discussion at the next meeting when they would have a full Board and to send this to the Parks and Recreation Advisory Committee for review. Dashineau said the Committee meets in mid-August.

COUNCILMAN GEIBEN: Nothing to Report.

COUNCILMAN MORREALE:

Morreale commented on the Planning Board meeting (7/20) where they reviewed the Upper Mountain Road PUD. There were over 50 residents in attendance speaking against the development. Morreale noted that a majority of those residents had an issue with the notification of the meeting three days prior. Masters said they sent out over 100 letters on that particular project. Letters were sent out to every abutting landowner. Also, an ad was put in the newspaper. We went over and above with notifications.

Conrad, Chairman of the Planning Board, said they are going to gather up all the comments and send to the residents and have another meeting before the Final Plat. There were some particular things that kept coming up that we want to have ironed out before the developer is allowed to move forward. The developer is on board with that. They are willing to conduct a meeting on their own with the residents to discuss their issues.

Morreale said there were complaints about water pressure on Bronson Dr. He asked Dan Zahno if there was a problem with water pressure, and he said he was not aware of any. Most of the lines are new up there.

PRIVILEGE OF THE FLOOR:

Rosemary Warren, Griffin Street, spoke about her FOIL request and the Attorney's response. Almost everything today is to push a button on a computer and a report would come up. It should be in the Finance Dept. as to how all this is being distributed. I'm not happy with the Attorney's answer. Also, she thanked the Police Dept. for the sign along Saunders Settlement Road informing motorists to use caution during the Sanborn Farm Festival.

Paulette Glasow, The Circle Drive, asked if the SEQR for the Waterline would be put on the Website. The clerk said it would be posted sometime next week.

Next, Glasgow said she was liaison to Parks and Recreation at the time the Church Park was built. She gave credit to the late Charlie Kraft, Ross Bellitto and all the firemen at Upper Mountain who built that park. It was at one time the only ice rink in the Town. That is how that park developed.

Glasgow recommended the parks Director and Recreation Commission put together a Town of Lewiston Recreation Master Plan. They have one but it's outdated.

As for the development being proposed off Upper Mountain, she highly recommends the Planning Board undertake a Traffic Study in that area. Conrad said he would like to speak to counsel on that. There are certain things that prompt a DOT study. Back when the original development was approved there was a traffic study done. Now, under the modified development, if they were to increase the number of houses, it would prompt an updated traffic study. The developer has reduced the density of homes that would be built. That, upon itself, would not prompt the requirement for another traffic study. Conrad wanted to find out if the Town could request another study with today's traffic standards. If the DOT says that is not required, they cannot force the developer to do one. Broderick said they will look into this.

Geiben asked Conrad to keep the Board updated at each meeting as the project moves along.

Masters said he made the developers go back and check all the density requirements, according to the code that exists today. Everything with regard to the road, the infrastructure, other than what is built there already, will be according to the new standards. There won't be anything grandfathered-in. Everything will be updated to today's standards, including the fire code.

Broderick said the next Work Session will be August 14, 2017 and the Regular Meeting, August 28, 2017.

Geiben asked to have specific budget dates set. Let's make sure we get in all our budget meetings in a timely fashion. Broderick said they can finalize those dates at the Work Session.

Geiben MOVED to adjourn. Seconded by Morreale and carried 3-0. Time 7:10 p.m.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk