

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, & J. Myers; Police Chief F. Previte; Deputy Bldg. Insp. E. Zimmerman; Finance Director J. Agnello; Atty. T. Seaman; Eng. B. Lannon; Water Foreman D. Zahno; Police Chief Previte; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter; Recreation Director M. Dashineau; 1 Press; 4 Residents and Clerk D. Garfinkel

EXCUSED: Councilman J. Jacoby and Dep. Sup. W. Conrad

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

AGENDA APPROVAL

Agenda Additions: Broderick: Phones; Geiben: Petition on Solar Farm; Bax: Resolution NFSS

Bax MOVED to approve the Agenda as Amended, Seconded by Geiben and Carried 4 – 0.

RESIDENT STATEMENTS

Scott, Leandra – Big Vista – Scott is requesting additional lighting in the Big Vista Subdivision.

Broderick said the Town has a Code that outlines the placement of lights, intersections, cul-de-sacs and dangerous curves. A bit ago there was only one and the Town did place one at an intersection.

Geiben suggested Scott reach out to the neighbors and encourage them to leave lights on at the end of their driveways.

Broderick said with Big Vista and Little Vista still being developed, the developer could install additional lights. It was suggested she reach out to the developer.

Bax suggested having the neighbors reach out together, not to the Town because there is a policy to follow, but to the developer.

Smith, Thomas – Lewiston – Smith has been before the Board several times. Every time he comes to the Board to report the Chief, something happens. The last time Smith was charged with threatening someone with a gun at a gas station. There is a video to prove this never happened. Just another big set-up.

Smith spoke of an individual that cleaned the Supervisor's driveway.

Broderick told Smith that he is not going to stand there and make accusations. Smith said he has two minutes to speak.

Broderick said several times to Smith that he will not stand there and make accusations.

Smith is asking to not be messed with, along with his family.

Broderick asked Smith if he was arrested for the gas station incident. Smith said he was. Broderick asked if he went to court. Smith said yes. Broderick said then that is where it is to play out, not at the Town Hall at a Board meeting.

Broderick said this is over. Smith left the building.

Broderick apologized for this. People are allowed to speak, but he will not sit here and listen to false accusations, threatening people and going on and on.

DEPARTMENT HEAD STATEMENTS

Police Chief Frank Previte

Regular Town Board Meeting

November 23, 2020 6:00 pm

Previte updated the Board on the new Police building. It's almost complete, no items have been moved in.

WWTP Chief Opt. Jeffrey Ritter

Ritter requests the Board approve the Supervisor signing the 2021 Sewer Use Agreement. This has been reviewed by Attorney T. Seaman.

Seaman said it is the same as signed in many years' past, with a slight adjustment to the numbers.

Bax MOVED to approve the Supervisor signing the 2021 Sewer Use Agreement, Seconded by Myers and Carried 4 – 0.

Senior Center Director Melinda Olick

The Center is still open and things are moving smoothly. Olick reported the numbers for the Center. Lunch Meal - 429; Bingo – 118; Tia-chia - 38; Yoga - 52; Quilters - 11; Wood Carving – 15; Medical Transport – 30 and Lunch Transportation – 72.

Olick hopes to continue to keep the Center open as long as it is safe. The County will continue to serve the meals for as long as possible.

Town Assessor Linda Johnson

Appointment – Assessment Review Board. Johnson submitted a letter requesting the Board approve the reappointment of Thomas Deal to the Assessment Review Board.

Geiben MOVED to reappoint Thomas Deal to the Assessment Review Board with expiration of his term being September 30, 2025, Seconded by Bax and Carried 4 – 0.

Executive Order Governor – Suspend required renewal Senior Citizen exemption

Johnson wants to make the Board aware that the New York State Assessors Association has asked the Governor to sign an executive order to suspend the renewal requirement for seniors and people with disabilities for one year, due to Covid-19.

APPROVAL OF MINUTES – 11/9/2020 – Town Board Work Session Meeting

Geiben MOVED to approve the November 9, 2020 Work Session meeting minutes, Seconded by Myers and Carried 4 – 0.

ABSTRACT APPROVAL

Myers MOVED to approve the Regular Abstract of Claims numbered 20-01363 to 20-01236 and recommend payment in the amount of \$1,916,154.82, plus a Post-Audit of \$9,257.26, Seconded by Geiben and Carried 4 – 0.

PENDING / OLD BUSINESS

Verizon Fleet Services Contract – Parks & Recreation

Dashineau presented the Board with a contract with Verizon for a vehicle tracking subscription. The contract lowers the monthly payment. (\$144.95/month to \$56.85/month)

Geiben MOVED to approve the contract with Verizon Connect for the vehicle tracking subscription and authorize the Supervisor to sign, Seconded by Bax and Carried 4 – 0.

John Deere Snow Blower purchase – Parks & Recreation

Dashineau worked with Highway Superintendent Trane and received a State Bid for \$3,462.76.

Broderick questioned the removal of the cab. Dashineau said at this time the cab is a bit expensive, and the workers feel it is not 100% necessary.

Geiben MOVED to approve the purchase of a John Deere 47" Quick Hitch Snowblower in the amount of \$3462.76, Seconded by Myers and Carrie 4 – 0.

Agnello said this could be charged to the Equipment budget in Parks or Recreation. Geiben recommends this come out of Parks.

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Engineering

Lannon asked if the Town Board has any comments on the Riverfront Park road drawings distributed at the last meeting.

Geiben spoke with Lannon to voice his concern about the slope at the small children's toboggan run.

Lannon said if the Town Board is okay with this, the alignment needs to be approved. This will allow GHD to finalize the design and have Highway Supt. Trane begin the road at the department's convenience.

Geiben MOVED for approval of the Riverfront Park road drawings, Seconded by Bax and Carried 4 – 0.

Finance - Budget Transfer

Agnello requests a transfer in the Fire Bureau budget.

Geiben MOVED to transfer \$700 from Fire Bureau Contractual – B00-3410.0400.000 to Fire Bureau Personal Services – B00-3410.0100.0000, Seconded by Myers and Carried 4 – 0.

The Town has replaced the phones and phone system in all five of its buildings. Agnello requests the Board declare all the phones obsolete and approve the disposal of them at an electronic drop-off.

Geiben MOVED to declare the phones from the five buildings as obsolete and approve disposal, Seconded by Myers and Carried 4 – 0.

COUNCILMAN GEIBEN

The Board received a group of petitions outlining neighbor's concerns about another solar project on Moore Road. There is no application yet, but they have heard through the grape vine and want the Board to be aware of their concerns. Received and filed.

COUNCILMAN BAX

Sewer Refund

Sewer Refund – Curtis Court - Installed a new pool liner. Per Ritter, this complies with the Sewer Use Agreement.

Bax MOVED to refund sewer charges of \$85.08 to Miller – Curtis Court, Seconded by Geiben and Carried 4 – 0.

Sewer Refund – Siddall – Calkins Road - Installed a new pool liner. Per Ritter, this complies with the Sewer Use Agreement.

Bax MOVED to refund sewer charges of \$89.72 to Siddall – Calkins Road, Seconded by Geiben and Carried 4 – 0.

Bax presented a Resolution regarding the comment period for the clean-up/remediation of the Niagara Falls Storage Site.

Geiben MOVED for approval as printed and presented, Seconded by Bax (which reads)

WHEREAS, the U.S. Army Corps of Engineers (“Corps”) has solicited public comments on its proposed plan to remediate the Niagara Falls Storage Site Balance of Plant, (the area outside of the Interim Waste Containment Storage area), and

WHEREAS, the Corps has proposed Alternative 3, which states, “impacted soil, road bedding, and groundwater are removed; the foundation and utilities of former Building 401 are removed; and Building 433 and the foundations of former Buildings 430 and 431/432 are decontaminated by scarifying (mechanically grinding the surface) and left in place. FUSRAP-related material that is removed will be transported off-site for disposal at an appropriately permitted disposal facility. Following implementation of Alternative 3, the site would be remediated to levels suitable for industrial use (i.e., protective of both construction and industrial workers). Five-year reviews will be conducted to ensure continued protectiveness of the remedy.”

WHEREAS, the Town of Lewiston is in support of the Corps’ efforts to remediate the entire Niagara Falls Storage Site, including all subsurface areas beneath existing buildings, and

WHEREAS, the Town seeks a federal cleanup that would restore the Niagara Falls Storage Site property to its condition in 1940, prior to seizure by the federal government, to the extent practicable, and

WHEREAS, the Town of Lewiston would like to ensure the institutional memory of governing municipalities, schools and agencies regarding the history of property use at the site.

BE IT RESOLVED, that the Town of Lewiston requests that the Corps modify then approve Alternative 3 to require the removal of Building 433 and the removal of foundations of former Buildings 430 and 431/432 under its Record of Decision, and

BE IT RESOLVED, that the Town of Lewiston requests that the Corps recommend to the Department of Energy (“DOE) that it place an environmental easement that would restrict excavation and or the placement of any subsurface structure on the entire property other than for Corps or agency successor remediation of the Niagara Falls Storage Site, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Corps and to elected officials representing the Town of Lewiston in; the Niagara County Legislature, the New York State Assembly and Senate, the U.S. Congress and Senate, with a copy also to the Department of Energy Director of Legacy Management.

Carried 4 – 0.

Geiben received a response to his two questions asked at the meeting. Transportation routes have yet to be determined and who will own the land at the end, has yet to be determined.

Broderick said the Dept. of Energy will take it over from the Corps. Of Engineers and will monitor it for two years. They have said it is possible it could be municipal or sold to people.

COUNCILMAN JACOBY - Excused

COUNCILMAN MYERS

Myers wished all a Happy Thanksgiving.

RESIDENTS STATEMENTS

Geiben MOVED to adjourn the meeting, Seconded by Bax and Carried 4 – 0. (6:27 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk