

PRESENT: Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad, and Winkley; Deputy Supervisor Edwards; Town Attorneys Davis and Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Blazick; Highway Supt. Janese; Chief Operator WWTP Ritter; Police Chief Salada; 3 Press; 30 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting, followed by the Pledge of Allegiance and a moment of silent reflection.

TWO MINUTE STATEMENT – RESIDENTS

Warren, Rosemary – 5842 Griffin Street – Warren contacted the Buffalo Office of the Comptroller to thank them for the audit they did on the wasteful spending at Joseph Davis State Park by the Town. The gentleman told Warren they read all the letters they received from her. People may say this happened under a different Supervisor, but he was only one vote to approve the spending. Some members are still here, they too voted for the spending. The members of the LDC should be listed in the report; they too felt the spending was okay. Warren and Glasgow attended LDC meetings, time and location was not convenient for Warren but she attended. There would be maps of future projects, but no questions were asked about the cost.

Warren wrote Tom Marks, Director of the State Parks awhile ago, on how a hotel/convention center would disrupt the natural beauty at the park. Warren wrote recently about how a camp ground should not be there. Warren herself has camped in 48 states and across Canada for over 50-years, and she knows what makes a good campground. The big rigs of today want water and electric at every site. Tents and campers want the basic needs and will only pay for that. In today's world you would need 24-hour security, additional maintenance help and there would be more liability cost.

Warren said she will return and talk about the portable ice rink, which is not portable at all up in Sanborn and Colonial Village.

TWO-MINUTE STATEMENT – DEPARTMENT HEADS

Deputy Supervisor Sean Edwards requested to address the Board. At the end of this month he will be stepping down. Edwards needs some additional surgery on his neck. The Town deserves to have a Deputy Supervisor that is available to the Supervisor and the residents.

Edwards thanked all Board members for their time and has enjoyed being here.

Brochey said Edwards is such a great asset and hates to see him go. Brochey will start interviewing, but this will be a tough bill to fill.

Bax feels the Supervisor couldn't have made a better choice. Bax and Edwards served together on the Board a couple years ago, and Edwards brings something invaluable to the table every time he speaks.

TOWN CABLE COMMISSION PRESENTATION – FRANCHISE AGREEMENT

Conrad read a short history of Adelphia Cable/Time Warner.

In 1990, the Town of Lewiston granted Adelphia a franchise to operate a cable television system within Town limits. This agreement provided the Town with 5% of annual gross revenues for the delivery of cable television services to Town residents.

In 2005, Adelphia was acquired by Time Warner and Comcast, resulting in years of long restructuring, including changes in NYS Public Commission and Time Warner policy, rules and mandates governing cable franchise agreements.

In March of 2008, the operating authority under which Time Warner had been providing services to the Town of Lewiston was due to expire. A month before that deadline, the Public Service Commission determined that it would be in the public interest to grant Time Warner Temporary Operating Authority to continue to provide cable services to the Town, while urging the parties

to continue negotiations for the franchise renewal. As a result, the Town and Time Warner continued to operate under the original franchise terms.

Over the next 7 years, the Lewiston Cable Commission worked diligently with Time Warner and New York State Department of Public Service to agree on the articles for a new Franchise Agreement.

Over the past year and a half, working closely with Chris Muller, Director of Local Franchising for Time Warner, all issues have been resolved and we have a final Franchise Agreement in hand. Highlighting that agreement:

1. Time Warner has agreed to all of the changes the Commission has made to the language of the Franchise Agreement.
2. To show their good will, Time Warner worked directly with the Cable Commission to plan and execute the delivery of cable to the Town Waste Water Treatment Plant. The project was completed with the latest technology and allows for future systems integration as decided on by the Town.
3. Through their Courtesy Services Program, Time Warner will continue to provide Basic Cable service to a number of Town facilities at no cost.
4. As part of the Agreement, Time Warner approved a one-time advance of \$9,210 for audio-visual equipment for PEG access programming (Public, Educational, and Governmental Access Channels). This will be used for the production and broadcast of Lewiston public interest and Town government programs on Time Warner PEG channels.

Most importantly, it should be understood that over the past 25 years, there has been a significant shift in the technology and cable service franchising models.

No matter how the Federal or State franchising models may change, this Agreement now before you, will guarantee the Town of Lewiston significant revenue for the next 15 years.

Conrad introduces James Abbondanza, Chairman – Town Cable Commission.

Abbondanza thanked all Cable Commission members for their hard work. He thanked Board liaison Conrad and Attorney Seaman for attending Commission meetings and thanked Chris Muller, Director of Local Franchising for Time Warner, for all his help in getting this document completed.

Winkley questioned Abbondanza about updating the technology here at the Town Hall. Abbondanza said Time Warner is kind enough to agree to give the Town a free loan, so to speak, that the Town will repay by taking \$600/year out of the franchise revenue for the next 15-years. It will allow the Town enough money to set up technology for broadcasting Board meetings.

Conrad read the facilities that will receive courtesy service from Time Warner. Town Senior Center, Lewiston-Porter School, Sanborn Fire Hall, Upper Mountain Fire Co., Sacred Heart Villa, Niagara Wheatfield School and Lewiston Fire Co. #1.

Ceretto asked if other facilities can be added. Conrad said this is what is written in the agreement as it stands. Abbondanza said at this point and time this is the contract. Bax said this can be addressed at the time of the Public Hearing.

Conrad thanked Mr. Abbondanza and the Cable Commission for all their long hard work.

AGENDA APPROVAL

Winkley requests the addition of a resignation and hire in the Police Dept. Bax requested the addition of a couple comments on the Highway Dept.

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

APPROVAL OF MEETING MINUTES

Winkley MOVED to approve the following Board minutes: PH – 2/23/2015; RTBM – 2/23/2015; WORK SESSION – 3/9/2015

Bax will abstain from the meeting minutes of 2/23/2015.

Seconded by Conrad and Carried 5 – 0.

POST AUDIT PAYMENT

Winkley MOVED the following vouchers for Post Audit payment: American Legion Post #969 - \$500; Key Bank - \$1,714.49; New York Sales Tax - \$226.24; New York Water Environmental Association - \$390.00; Sam's Club - \$465.84; Sanborn Fire Company - \$280,000.00; Sanborn Area Historical Society - \$10,250.00; Staples - \$1,493.75 and VFW Downriver Post #7487 - \$300.00, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS

Cell Tower Renewal Fees

Davis has no new information. He will work with Masters and report at the Work Session on 4/13.

Masters distributed all the necessary documentation in February. The Tower Committee has not responded to Masters in regards to addressing this. There are cell tower companies that are refusing to pay the annual fee. The fees need to be substantiated to a service.

Brochey requested Davis reach out to the Tower Committee.

284 Agreement

Seaman circulated to the Town Board a couple of versions/types of 284 Agreements. This is a necessary agreement that the Board and Highway Superintendent enter into before paving work can start. One version was very similar to last years, and the other was just a template.

Janese said he has reviewed both versions. Janese said it is what the Board's pleasure is. It could take another month or so to see where this ends up.

Bax asked if it is difficult for Janese to itemize exactly what he is looking to paving until he can identify the severity. Janese said that is how this has been handled in the last couple of years, which is why he has gone with the simple agreement.

Seaman said there is no time limit in the law for the agreement, but it does need to be in place prior to any expenditure of monies for paving. The agreement can be amended, if both sides agree, if something were to arise that would require that.

Janese has a list of roads, and requests the Town Board go out and look at them, and the Board can decide.

"Wouldn't you have better recommendations than we would", Brochey asked. Janese said he doesn't know about recommendations. He can tell the Board what each one will need, the cost, but sometimes it is "flip of a coin". That is why he suggests the Board look at it.

CLERK'S CORRESPONDENCE

Item No. 1 - Resolution – Special Election Workers

The Board is required to pass a resolution containing the names of the Election Inspectors that will work the election.

Clerk read the Resolution into the record.

WHEREAS, a special election will be held on Tuesday, April 14, 2015 at Town Hall to consider whether Local Law No. 6 of 2014 should be approved, and

WHEREAS, pursuant to Town Law Section 83 the Town Board must designate election inspectors and ballot clerks for said election from the list of election inspectors and ballot clerks previously designated for general election purposes, and

WHEREAS, only one polling place will be utilized for the special election rather than multiple districts throughout the Town, now therefore be it

RESOLVED, that the following individuals are designated election inspectors for said election: Barbara Carter, Marilyn Harbison, Richard Gworek, and Judith Miller, and be it further, **RESOLVED**, that use of a single polling place for the entire Town requires the following number of individuals to efficiently carry out said election and the following are therefore designated ballot clerks: Mary Lostracco, Barbara Landree, William Walker, Nancy Deering, Elizabeth Pfohl, Mary Lodico, Daniel Vitch, Nancy Kenney, Marjorie Maggard, Mary Ann Carrier, Mary Pyle, Carol Patti, Patricia Roberts, Janis Sotherden, Patricia Fracassi, Sandra Stevens, Florence Lorenz, and Martha Troia.

Winkley MOVED approval of the Resolution for the Special Election Workers, Seconded by Bax and Carried 5 – 0.

Item No. 2 – Beverage License – Rathskellar at Niagara University

Board acknowledges receipt of above.

SUPERVISOR BROCHEY

Legal – Frontier House appraisal

Brochey read the following statement:

“For over a year or two I have had several small chats with the Hastings family about their businesses, families, future and every once in a while, the Historic Frontier House.

The Hastings family has worked hard for decades investing their labor, their energies and their money, to make Lewiston a place that we are all proud to call home. Just look at how beautiful the Lewiston landing has become with the addition to the remodeled Silo. They represent the epitome of the American Dream.

Off and on Richard Hastings and I would talk about his plans for the Frontier House and how he would like it to be restored to its glamour. Over the last several months Richard has said to me that he is getting tired and wanting to spend more time with his grandchildren, but never stopped talking about his vision of the Frontier House.

Recently, I mentioned to him a few ideas that I had that may encourage him in selling the Frontier House to the Town of Lewiston and how we could fund it without taxpayer money. We met eye to eye on restoring it for future generations and to have it become a national destination.

Richard Hastings and I believe this Town Board shares that dream and I'm sure many other Lewistonians, both local and afar, feel the same way. They made a decision to possibly place the Frontier House's future into the hands of the people of Lewiston which only solidifies their sterling reputation and their place in Lewiston history.

The Frontier House is our touchstone to the past and makes Lewiston the envy of other communities. It's not only a cultural icon, but it will become a key in unlocking Lewiston's economic development and potential. The Frontier House could become a fully functional and working building that will breathe new life and excitement into the Center Street business district.

Today, I hope we join hands with the Hasting family to take Lewiston to the next level, allowing everyone in our community to become a stakeholder in one of the most inspiring projects we've ever undertaken. We owe the Hastings' a debt of gratitude for their steadfast determination and encouragement to let the people of Lewiston set the course for the Frontier House's future development.

There will be many steps to be taken before this is to happen. The first is to get an appraisal of this Lewiston staple that many tourists have seen and wondered what it may have been like in 1824. Once that is done we, the Town Board, will sit with the Hastings' and negotiate a fair price for them and the people of Lewiston. Nothing further will happen until this is done.

Let it be known, it is the quest of this Board not to use taxpayer money on this project but to look for the assistance of the Greenway Commission, grants and donations to accomplish most of this. I will help form a committee ahead of time to figure out ways to also have it self-sufficient in

paying its own overhead costs. Even after the hopeful purchase of this diamond in the rough, it'll be several years until we see its completion.

Yes, it was a proud day when Benjamin Barton laid the cornerstone of the Frontier House 190 years ago. It took 18 men a year and a half to lay the 30-inch thick stone walls – stone that was brought all the way from the northeastern shores of Lake Ontario.

It was a proud day then and it is a proud day now. Today we stand together to mark the beginning of a new day for Lewiston – a day when we stand together as one community to protect and resurrect a community treasure that will mark our legacy and will be passed down to future generations.

Today, I hope we roll up our sleeves and get to work, knowing with full confidence that we will succeed in restoring the Frontier House to its original glory and splendor.

First step, I have received several bids to do the appraisal of Lewiston's most historical building. I would like the Town Board to approve getting an appraiser, of their chose, to start with this next step of many to come after this."

Discussion on the three appraisals. Board members don't know if they are comparable.

Brochey asked if the funding to pay the appraisal can be taken from the Supervisor's Contingency budget line.

Bax concurs with the Supervisor in the sense that he feels the Frontier House is one of those marquee buildings in the Town of Lewiston. It sets the Town apart from any other community in the area. The community at large has been looking for a way to utilize that facility, both the Hastings family and other interested organizations.

The Town becoming involved, leveraging the Greenway monies may be an opportunity for everyone in the Town. The first step is warranted to get an appraisal to figure out where the Town stands.

One of the major concerns Bax has is the status of the physical structure. It will require some engineering work. The Board has been criticized in the past for doing engineering work on things that have not born fruit.

Bax believes the appraisal estimates came in below the threshold that requires Board approval.

Seaman said this appraisal will fall into the area of the Town's purchasing policy that would require at most three quotations. Secondly, appraisers would fall under professional services.

Seaman and Davis asked to review the three quotes.

Engineering

Lannon gave the construction contracts to the Supervisor for the Joseph Davis Park Asbestos Demolition project. Lannon requests the Town Board authorize the Supervisor to execute these documents, subject to the Town Attorney review.

Bax MOVED to authorize Supervisor Brochey to sign the construction contracts for the Joseph Davis Park Asbestos Demolition project, subject to Town Attorney review, Seconded by Winkley and Carried 5 – 0.

Finance

Blazick has nothing to report.

COUNCILMAN BAX

Liaison report

An invisible fence was damaged by excavation being done by Town crews at the road. Janese is asking the Board for permission to pay the repair bill.

Bax MOVED to approve the payment of \$276.23 to Michael Smith – 2147 Ridge Road for fence repair, with funds from Highway, Seconded by Conrad and Carried 5 – 0.

Bax said last year Janese held an Electronic Recycling program at the Highway Garage. At this time Janese is asking for \$8,500 to fund the program. Bax questioned Janese if this is in cooperation with the County. Janese said not really, this is being done independently, but under County and State guidance.

Bax questioned if the items would be disposed of at the County. Janese said items will be disposed of by a contractor that other municipalities, including the County, use.

Winkley asked if the Town will go into a contract with a company for the disposal. Janese said yes, the Town can, but there are a couple different contracts Janese can look at. There is the cost per pound, pay for the small electronics, etc...

Janese said it has been questioned that things have already been stored at the garage; they are stored in accordance with the permit.

Bax asked if there will be a number of drop-off days. Janese said it would be more organized if something is held quarterly, if the money is approved. If the Town runs short on funding into the third quarter, simply would have to put it off until January.

Brochey recalls this being done free if the Town had 20,000 pounds. Janese said the contract keeps fluctuating.

Edwards and Blazick questioned the budget code this will be paid out of. This has not been budgeted for in the 2015 Highway budget. Bax said this is just a request at this time. Janese said if it is okay to use it out of highway, he would.

Seaman asked if there is a written contract between the Town and the company that will collect. Janese said he would take care of that as soon as funding is in place. Seaman would like to look at the contract prior to address the funding. Janese to get contract to Seaman.

Janese requests the Board members look at the curbs located in the cul-de-sac at Lauren Court. The curbs and the street pavement have failed catastrophically. Janese would like to have Board members more involved in these things. The entire cul-de-sac may need to be excavated, pull up all the curbs, and have a contractor replace them. He asked that this be addressed at next meeting.

COUNCILWOMAN CERETTO

Nothing to report.

COUNCILMAN CONRAD

Set Public Hearing – Cable Franchise Agreement

Conrad MOVED to set the Public Hearing for the Time Warner Cable Franchise Agreement for April 27, 2015 at 6:00 pm, Seconded by Ceretto and Carried 5 – 0.

COUNCILMAN WINKLEY

Sanborn Sign

Winkley requests a letter be forwarded to NYS DOT requesting permission for the Town to place a digital sign on their right-a-way in Sanborn. The Engineer will forward the Site-Plan to the Clerk to be included in the letter.

Winkley MOVED to forward a letter to the NYS DOT requesting permission for the Town to put a digital sign on the right-a-way in Sanborn, Seconded by Ceretto and Carried 5 – 0.

Court Officer

Upon the retirement of a court officer, Chief Salada has requesting the hiring of Adam Paul.

Winkley MOVED to hire Adam Paul as a Court Officer, Seconded by Bax and Carried 5 – 0.

Funding request – Sanborn Area Historical Society

Tabled until placement of signs can be identified.

Resignation acceptance

Travis Maggard, Part-Time Police Officer is resigning to move to a full-time position in the Niagara Falls Police Dept.

Winkley MOVED to accept the letter of resignation from Travis Maggard, Seconded by Conrad and Carried 5 – 0

Police Officer Hire

Winkley MOVED to hire Joshua Salada as a Police Officer, Seconded by Conrad and Carried 5 – 0. (He is not an immediate relation to Chief Salada)

QUOTATION OF APPRAISAL FOR FRONTIER HOUSE

Seaman and Davis have had an opportunity to review the three quotes. They do appear to be for a similar product; it would be an appraisal report. These are a quote for what the Town would need to get a look at the approximate value of the property.

Winkley MOVED to approve the low-bid of \$2,200 to C-Gar Associates, Seconded by Conrad and Carried 5 – 0.

Lewiston Village Mayor Terry Collesano requested to address the Board. Brochey approved.

Honorable Board and Madam Clerk,

I am here representing the Village of Lewiston as Mayor. The entire Board of Trustees are in attendance along with the Lewiston Historical Association.

All are present to encourage the Board to pursue the Frontier House. The Village Board is happy the Town is taking the lead in this.

The Village Board and I are very excited about restoring the Frontier House back to a fully functional and valued property; this would be one of the best investments Lewiston could make. The potential impact Lewiston would receive by bringing life back to this historical jewel will spell a dramatic difference in our local commercial downtown creating a new historical destination.

We also applaud the Hastings family for their grateful consideration to sell this historical property and their efforts in seeing that the historical significance of this property is upheld.

Bax MOVED to adjourn, Seconded by Winkley and Carried 5 – 0. (7:00 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel
Town Clerk