

PRESENT: Supervisor Broderick; Councilmembers Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Seaman & Catalano; Water Foreman Townsend; Captain Penzotti; 1 Press; 12 Residents and Clerk Donna Garfinkel

ABSENT: Councilman Bax; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter

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

AGENDA APPROVAL

Additional Agenda Items: Broderick – SRO – Niagara Wheatfield School.

Morreale MOVED to approve the Agenda as amended, Seconded by Ceretto and Carried 4 – 0.

RESIDENT STATEMENTS

Assemblyman John Ceretto - Cayuga Drive - Ceretto said it is nice to be back, having been a Board member many years ago.

Geiben had asked Ceretto if he could reach out to the DOT in regards to the dangers at Garlow Road and Saunders Settlement Road. The DOT performed a study several years ago, and reported back that it was safe. Past Boards did not understand why. Since that time there have been several accidents at this area. Ceretto will work with Geiben, on behalf of the residents, with the DOT.

Ceretto finds himself in a good situation, he has money. This situation will allow him to help and make a difference. Ceretto receives approximately \$2 million in discretionary funds. These funds must go to schools, fire companies, libraries or municipalities for capital projects.

Ceretto has \$125,000 in one account and \$1/4 million in another. All other dollars are spoken for.

Last year \$1/4 million was given to the Village of Lewiston for lighting; a pathway; and the docks at the waterfront property. The Village matched these dollars, with a grant.

Gary Townsend reached out to Ceretto asking if there were funds for Sanborn. Townsend would like to build sidewalks and install street lighting in Sanborn. The sidewalks were discussed for Niagara County Community College, along Route 31, into the business area.

Broderick met with the Engineer and Gary Townsend and walked the route.

Ceretto suggests working with the Town as partners, making the dollars go further. Ceretto suggested the Town could devote the engineering costs and labor costs. Grant monies can be sought to increase the dollars.

There is an application process for these monies which can take 9-months once submitted.

Broderick said he received the applications today and will move ahead.

Indian Hill can be included in these funds.

Warren, Rosemary – Griffon Street – Warren attended the August 16th Audit meeting and Broderick said the previous auditors were uncooperative. Why wouldn't they be? They lost business. The Town should have already had the findings from them.

Warren moved closer to the auditors to make sure she could see everything he was saying, and she did.

Warren is glad Paulette Glasgow inquired about the long-stalled NYPA rebate checks, because the auditor said the finance person should not be doing the job alone. The finance person needs help, the auditors are saying it. The Board should do what the auditors say. Some people are living on Social Security, they need their money.

At the end of the last meeting some did not speak. It was asked why the residents aren't using it. The Board should be happy if the residents don't speak because it means the Board is doing its job.

Ceretto MOVED to close the Residents Statements, Seconded by Morreale and Carried 4 – 0.

DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel – Brown Electric Company requests a \$30.00 generator permit fee refund. They have since canceled the generator installation.

Geiben MOVED to refund the \$30.00 generator permit fee, Seconded by Ceretto and Carried 4 – 0.

Garfinkel updated the Board on the four copy machine RFP's that have been received. Blazick and Garfinkel still need to pin-point a few items and will report back in September.

Captain Penzotti – Police Dept. is preparing for this weekend's Jazz Festival.

The Police Dept. is requesting the Town enter into an agreement with Niagara Wheatfield School District to allow Lewiston Police to provide a School Resource Officer (SRO).

There is no cost to the Town. This will be paid by the school district. Seaman received the contract this evening and needs to review it. If the Board acted tonight, it can be contingent upon attorney review, Seaman said.

Morreale asked if the Town had a spare officer. Broderick said it will be two part-time officers. If the school receives the grant, it will go to a full-time officer.

At the last meeting Previte was very clear there is no cost to the Town. It is a three (3) year grant, with the fourth year being funded by Niagara Wheatfield. After that, the school board will have to make the decision.

Ceretto MOVED to enter into an inter-municipal agreement for a SRO at Niagara Wheatfield, contingent on Attorney approval, Seconded by Morreale

Broderick feels this is important. The officer should be present right from the beginning of the school year.

Carried 4 – 0.

Geiben was contacted by Channel 4 News regarding the water-ban. Geiben told them due to the cooperation of the citizens and Mother Nature the water ban was lifted last week. Townsend is comfortable with the amount of water in the tank.

Deputy Supervisor Conrad – Conrad distributed an article regarding a moratorium on solar farms.

APPROVAL OF MEETING MINUTES

Ceretto MOVED to approve the minutes of: RTBM – 7/25/2016; PH – Tax Levy Unpaid Water/ Town Board Work Session – 8/8/2016 and Audit Meeting – 8/16/2016, Seconded by Morreale and Carried 4 – 0.

AUDIT PAYMENT

Geiben MOVED to approve the Regular Abstract of claims numbered 2529 to 2679 and recommend payment for this abstract in the amount of \$119,878.94, plus a Post Audit of \$7,991.34, Seconded by Morreale and Carried 4 – 0.

OLD BUSINESS

Commission / Committee / Board Appointment

Geiben asked if the Board would like to reinstitute the Tower/Wind Energy Research Committee and rename it Alternate Energy and let them start researching. Geiben will contact past members to see if they would like to serve.

Broderick will be attending a seminar the Power Authority is sponsoring in October regarding alternative energy.

Geiben will wait until then and hopefully reinstate the Committee in 2017.

Bereavement Leave Policy – Catalano – To be dealt with through Union Contract

Haz-Mat Truck Agreement– Catalano – The proposed agreement should be received within the next week.

Waterline Replacement Project – Lannon is waiting for Seaman to review the documents for any comments/recommendations he may have.

Assessor – Office Funds – This can be removed. Funds will be refocused on computers.

NEW BUSINESS – none

SUPERVISOR BRODERICK

Niagara County Health Consortium

Seaman spoke of a resolution that has been proposed to all municipalities that are part of the Consortium study. The resolution speaks of a grant that has been awarded to the Consortium with a 10% match. The municipalities, all together, need to pay \$25,000. This will obligate Lewiston to contribute \$417.00, and an additional \$737.00 over a two (2) year period.

Broderick has been attending the meetings and the Consortium is still in a question and answer period. This will allow the Consortium to continue.

Geiben would like to see insurance within it that if there are major claims against the Consortium, the Towns will not be put into jeopardy. There should also be a good exit plan if Lewiston chooses to opt out.

Seaman said the agreement has not been drafted. It is in the very initial stage. In all likelihood, if the Town signs-up, it will be obligated for a certain amount of time.

Geiben questioned what account will fund this. Blazick said dollars are in the Supervisor's Contractual.

Broderick said the unions are participating in these negotiations. If it came to a point where they were against it, the Consortium would more than likely not go through.

Geiben MOVED to continue participating in the Health Care Consortium and fund at the level in the contract, Seconded by Morreale

**Town of Lewiston
Niagara County Municipal Health Insurance Consortium
No. 2016 - 17**

WHEREAS, the Greater Niagara Orleans County Municipal Health Insurance Consortium Study consists of twenty-six municipal entities throughout Niagara and Orleans Counties; and

WHEREAS, the Consortium's goal is to reduce overall health care costs to municipalities through purchasing health insurance jointly; and

WHEREAS, an initial comprehensive review was completed by Arthur J. Gallagher & Co. showing that significant savings would accompany the joint purchasing of health insurance through the Consortium, thereby reducing the overall operating costs to municipalities; and

WHEREAS, the Consortium, if adopted, should provide relief to taxpayers through efficiency and leverage provided by the Consortium; and

WHEREAS, by consensus vote of the Consortium Ad Hoc Committee comprised of participating municipalities, it was directed that the Town of Somerset as lead agency for the participating members apply for a \$250,000.00 grant from the New York State Department of State to further study the Consortium; and

WHEREAS, the twelve towns in Niagara County, who are all participating members, in this project, each contributed \$417.00 to date towards the cost of the grant writer to pursue the state grant; and

WHEREAS, the Consortium was successful in that the state grant was awarded and the Town of Somerset was designated as the lead agency for administering the grant; and

WHEREAS, as a condition to the Department of State \$250,000.00 grant, the recipient must provide matching funds equal to 10% of the overall grant total; and

WHEREAS, the Town of Somerset, as the lead agency, is responsible for providing the \$25,000.00 in matching funds as required by the New York State Department of State; and

WHEREAS, by consensus vote of the Consortium Ad Hoc Committee comprised of participating municipalities, it was agreed that participating municipalities would equally reimburse the Town of Somerset for the matching funds required to be paid by the Town of Somerset for this grant; and

WHEREAS, at this time and during the grant process, there is no obligation of any municipality to join the Consortium upon its final implementation; and

WHEREAS, in order to completely evaluate the full costs and benefits of a Consortium, it is essential that the grant project continue until its conclusion; and

WHEREAS, the Town of Somerset will seek reimbursement on a quarterly basis from the State for services and expenses rendered under this Grant, in which the State will deduct the matching grant portion; and

WHEREAS, the Town of Somerset will then submit quarterly to each participating municipality a voucher for its portion of the matching grant share; and

WHEREAS, this municipality is one of the entities participating in this project and will continue to benefit from the Consortium study and potential implementation; and

NOW THEREFORE BE IT RESOLVED, that in the spirit of cooperation, this municipal body agrees that the cost of the matching amount borne by the Town of Somerset shall be allocated amongst the current twenty-six participating municipalities in equal shares, with each Niagara County town who contributed towards the cost of the initial grant writer receiving a \$417.00 deduction from this equal share in order to ensure that each entity contributes an identical amount towards this worthy project; and be it further

RESOLVED, this municipal body does hereby authorize payment to reimburse the Town of Somerset in the amount not to exceed a total of \$737.00 over a two-year period in quarterly reimbursements not to exceed \$184.25 for our share of the grant matching funds for this worthy project; and be it further

RESOLVED, that if any additional municipal entity joins this Consortium study, then this municipal body recognizes that the aforementioned reimbursements will be adjusted downward accordingly.

Carried 4 - 0.

Sewer refund – O’Grady – Jason Court

O’Grady is requesting a sewer refund due to refilling the pool after a necessary acid wash to alleviate scale build-up in the pool.

Seaman suggested referring to Ritter. There are specific criteria, and it is not clear if this is one.

Decision tabled.

Legal

Local Law – Moratorium – Solar Farms – Seaman distributed a proposed local law. It will place a six-month moratorium on the installation of ground mounted solar energy conversion units within the Town. This will give the Town time to research various issues and draft a law.

Geiben MOVED to introduce the following Local Law “Imposing a Six Month Moratorium on Ground Mounted Solar Panel and Solar Farm Installations within the Town” and hold a Public Hearing on September 26, 2016 at 6:00 pm, Seconded by Ceretto

Be it enacted by the Town Board of the Town of Lewiston as follows:

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to amend the Code to place a six (6) month moratorium on the processing, permitting and/or construction of ground mounted solar panels and solar farms within the Town to allow time for the drafting and adoption of amendments to the Code of the Town of Lewiston affecting these types of uses. These amendments, among other things, will amend the location where ground mounted solar panels and solar farms may be allowed set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town of Lewiston and its citizens.

SECTION 2. FINDINGS.

The Town of Lewiston Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for ground mounted solar panels and solar farms there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of ground mounted solar panels and solar farms that could be located in the Town. By maintaining the status quo regarding such uses the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY.

For the period commencing on the effective date of this Local Law, and for six (6) months thereafter, there shall be a moratorium on the processing, permitting, and/or construction of ground mounted solar panels and solar farms within the Town of Lewiston. This moratorium shall not affect an existing or proposed rooftop-mounted solar energy system that is designed and intended to generate electricity solely for use on said lot.

SECTION 4. TERM.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

This law shall be effective upon filing with the Office of the Secretary of State.

Carried 4 – 0.

Engineering – Lannon absent

Finance

The Town will be accepting the bid on a BAN renewal on Thursday, August 25th. Broderick will be out of Town; therefore Blazick is requesting the Board authorize her to be designated as the individual to accept the bid.

Geiben MOVED to authorize Martha Blazick to accept the bid on the BAN renewal being presented on August 25, 2016, Seconded by Morreale and Carried 4 – 0.

COUNCILMAN BAX – Excused

COUNCILWOMAN CERETTO

The Art Festival was a success with no rain.

COUNILMAN GEIBEN

Geiben distributed an e-mail received from James Abbondanza regarding the PEG Project. Abbondanza is awaiting permission from the president of NCCC to proceed. Regretfully over the summer the students were not available, so things did not move along as fast as hoped.

A similar project is being offered at Niagara University. If NCCC does not pan-out the Town has an alternative.

COUNCILMAN MORREALE

The Historical Preservation Commission is still looking for members.

Morreale MOVED to direct the Clerk to advertise in the Sentinel, Seconded by Ceretto and Carried 4 – 0.

Supervisor announced the 15th annual Jazz Festival, August 26 & 27th.

RESIDENTS STATEMENTS

Warren, Rosemary - Griffon Street – The Niagara Wheatfield School superintendent several years ago wanted to have a 2% increase every year, but the School Board would not go for it. They used the fund balance right down to zero. After he left, they blamed him. Warren has been telling the auditors that the Town has to be very careful, wants to look good, not to bring the fund balance down to zero.

When you have a wind turbine out in a lake, Warren has heard it does not pay property taxes. Board should think about it.

Glasgow, Paulette – The Circle – A while back there was a discussion on putting stuff on the web-site. There are several items discussed tonight that were not on the website.

The RFP's for the copy machine. The RFP's for Washuta Park were on the web-site. Clerk Garfinkel said Dashineau might have done that on his own page, not the Town's.

The contract for the SRO at Niagara-Wheatfield was not on the site. Broderick believes once reviewed by the Attorney and approved by the Board it can be put on the website.

Glasgow hopes the Niagara County Health Consortium and the Solar Farm Moratorium can be put on the website.

Glasgow requested the bids for the BAN be placed on the website being it will affect the residents. Blazick said she will not physically have the bid, it is a phone call. Broderick said after-the-fact they can be published.

Glasgow requested Geiben, under the Sunshine Law; make Mr. Abbondanza's e-mail available. Glasgow has foiled Reiter's, Masters', Seaman's and others.

Seaman said there is a resolution in place stating what will go on the website. The Board can always change it.

Garfinkel said, in her own defense, a lot of what Glasgow is asking for today she does not have. Board members and department heads work on them right-up until the last minute.

Seaman said an e-mail from the Attorney to the Town would be privilege communication and should not be released. Glasgow said according to Mr. Freeman, when working on public policy they are. Seaman said no.

Geiben said the e-mail is not time sensitive, and will be in the minutes. If the Board was voting on policy, Geiben would understand it being posted. This was a simple update.

At the last meeting Rosemary Warren gave a very eloquent evaluation of the Norman Rockwell picture hanging in the main meeting room. Nothing was mentioned in the minutes. Glasgow requests the Board have this be added to the minutes. Warren's analysis of the everyday man was so eloquent.

The Lewiston Alliance concurs with the auditors that Blazick needs an assistant. They will be meeting and working on a policy to help the Town get her assistant.

Broderick and Blazick said this position has been advertized, Civil Service has been contacted, and they are working on this.

Glasgow has noticed that for the last four (4) months Catalano has been working on the Bereavement Leave Policy. It is understood this is union negotiations but he has been working on the Haz-Mat truck agreement for just as long. This agreement is not on the website either.

Catalano said he will present it as soon as it is received from the County Attorney.

Broderick MOVED to close the residents statements, Seconded by Morreale and Carried 4 – 0.

Supervisor read the following upcoming Board and Commission meetings: Zoning Board of Appeals - September 8, 2016, 7:00 pm; Town Board Work Session - September 12, 2016, 6:00 pm; Historic Preservation Commission - September 13, 2016, 6:00 pm; Environmental Commission - September 13, 2016, 7:00 pm; Planning Board - September 15, 2016, 6:30 pm; Regular Town Board Meeting - September 26, 2016, 6:00 pm; Cable Commission - to be announced.

Ceretto MOVED to close the Town Board meeting, Seconded by Morreale and Carried 4 – 0.
(6:45 pm)

Respectfully Transcribed and Submitted by:

Donna R. Garfinkel
Town Clerk