

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Captain Penzotti; 1 Press; 14 Residents and Clerk Donna Garfinkel

EXCUSED: Town Attorneys Seaman and Catalano

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

AGENDA APPROVAL

Additional Agenda items – Broderick – approval of minutes: PH Riverwalk - 6/13/2016 and Work Session – 6/13/2016.

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

RESIDENT STATEMENTS

Warren, Rosemary – Griffon Street – Warren does not give out compliments very often, but told Town Clerk Garfinkel that her Clerk's Corner is very informative.

The Sanborn Historical Society held their Farm Festival this past weekend. Supervisor Broderick was in attendance serving pancakes.

Broderick MOVED to close the resident statements, Seconded by Geiben and Carried 5 – 0.

DEPARTMENT HEAD STATEMENTS

Captain Penzotti – Earlier this morning police executed a search warrant at a home on Model City Road that was being used exclusively to grow marijuana. Charges are pending.

There are volunteers in the Village that have created a campaign for donations to fund vests and other safety equipment. Broderick gives his full support to this.

Building Inspector Masters - Geiben questioned Masters if the certification of highway abandonment filing has been documented. Masters said he has not pursued it with Attorney Seaman, but has spoken to Assessor Johnson. Johnson has a call into the County Real Property Tax Office, and they have not responded as of today. Masters asked to report back at the August Work Session.

Water Foreman Townsend spoke of the severe draught the Town is experiencing. Townsend was contacted by the Niagara County Water District over the weekend regarding a problem filling the water storage tank on Upper Mountain Road which holds approximately 3-million gallons. NC Water District is requesting the Town consider placing a voluntary water ban for non-essential watering. Townsend recommends the Board advertise for a voluntary water ban. The next step would be a mandatory ban, and the Town doesn't want to see that happen.

Broderick also spoke to them. There is normally 31-feet of water, but it is down to 22-feet. Once it reaches a 20-foot level, it starts to affect pressure.

Townsend has spoken to Hickory Stick Golf Course and Niagara Falls County Club and they have agreed to limit their watering to help.

There was a volunteer water ban back in 1988. Mother Nature cooperated then, but this may not be the case this time.

Bax MOVED to advertise for a voluntary water ban, Seconded by Geiben

Geiben clarified unnecessary: no car washing, watering of lawn, flower beds, or filling swimming pools.

Morreale questioned if this included the Village. Broderick said the water tank serves the Village. Without Counsel in attendance, it's not clear if the Town has jurisdiction to tell the Village.

Geiben suggests contacting the Village recommending they do the same. Residents should be aware that when the Village is watering the plants/pots along Center Street, that water is pumped by permit, out of the river, and put into the container used.

Trane spoke to the Village Highway Superintendent and they are aware and will be doing the same.

Carried 5 – 0.

Conrad asked if the Board wanted to place a duration on this. Broderick suggests the next two weeks, and reassess at the Work Session.

French Landing – The waterline is complete and has passed the Niagara County Health Department code. Townsend said a tap was done on the 16-inch line, and showed the Board the coupon from the main. This piece represents the corroded condition of the 12-inch cast iron on Lower River Road. This is part of the Waterline Replacement Project. This shows the importance of replacing the cast iron mains through-out the Town.

Niagara Falls Bridge Commission maintenance building - Upper Mountain and Military Road – Townsend has requested the Commission extend their proposed 16-inch waterline down the east side of Military Road. They will not have to bust rock, put a 16-inch valve in, plus the cost of the pipe. This will benefit the Town to have them extend into the line. Their plan was to bore under Military Road. This line would weigh on the water going north on Military Road.

The Bridge Commission has agreed to put their waterline down the east side of Military Road. They are requesting the Town waive the PIP fees for this.

Bax MOVED to waive the P.I.P. fees with respect to the extension of the 16-inch waterline on the east side of Military Road, along with the tap-in fee for the Bridge Commission maintenance building, Seconded by Geiben and Carried 5 – 0.

Highway Superintendent Trane – Highway has finished paving of Dana Drive and The Circle. Scovell Drive is next and should be complete within a week. Riverwalk will follow.

It was brought to Trane's attention, residents questioning the early morning hours. Trane said this is done for safety reasons. If Trane decides to continue with the early morning hours, he will notify those residents that will be affected.

Trane has taken several Board members around showing them what is being done.

Bax thanked Trane for taking the Board out. This will help each Board member understand the projects better.

Grant Writer Rotella – Artpark & Company, Inc. is submitting a Consolidated Fund Application for a feasibility study for the building on their site. Part of the application requires that the Town, either in a form of a letter or resolution show their support. There is no financial commitment to the Town.

Bax MOVED Town Board approval of the following resolution, Seconded by Geiben

WHEREAS, Artpark & Company, Inc is applying to the New York State Consolidated Fund Application for a grant for the Artpark Feasibility Study Project to be located at 450 South Fourth Street, Lewiston, NY, a site located within the territorial jurisdiction of the Town of Lewiston; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW THEREFORE BE IT RESOLVED, that the Town Board of Town of Lewiston hereby does approve and endorse the application of Artpark & Company, Inc for a grant request submitted to the 2016 NYS Consolidated Fund Application for a park project known as Artpark Feasibility Study Project located within this community.

Carried 5 – 0.

Rotella provides quarterly and yearly reports to Greenway. Rotella is working with Blazick to submit these reports. The year-end report will be forwarded.

In regards to the Pathway Project, all is moving forward. Additional preliminary design work needs to be done. DOT is addressing some right-of-way issues. Once completed they will hold a public information session at Town Hall.

There is another grant for \$84,000. There will be an exit from 9th Street and Seneca Street and bring that up to the plateau.

Broderick said the grant submitted last year for water meters has been denied. There will be no dollars for the water meters.

Town Clerk Garfinkel - The old break-room remodeling into an employee kitchen is complete. All work is complete: electric, plumbing, countertop, sink, etc... for the employee kitchen. With these improvements this room is now able to accommodate several Boards and Commissions that hold their meetings the nights the main meeting room is being used.

At the Board Work Session of March 14, 2016 the Board approved the allocation of \$3,000 from Fund H-97 to cover the cost of plumbing and other minor costs. At this time I am requesting an additional \$1,303.04 be allocated from Fund H-97 to complete the payment for the plumbing.

Geiben MOVED to allocate \$1,303.04 from Fund H-97 to complete the payment, Seconded by Ceretto and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Geiben MOVED approval of meeting minutes of RTBM 6/27/2016, Seconded by Bax and Carried 5 – 0

Geiben MOVED approval of meeting minutes of Public Hearing – Drainage District – 6/27/2016, Seconded by Bax and Carried 5 – 0.

Geiben requests correction to the Town Board Work Session minutes of 7/11/2016, page 110, where Trane is speaking on Riverwalk drainage. The next sentence reads “paving is done except for finishing the driveways”. Geiben said the two sentences are too close together, that it can be construed that there will be paving on driveways in Riverwalk, and that is not the case.

Geiben MOVED for approval as corrected, Seconded by Bax and Carried 5 – 0.

Bax MOVED approval of the Public Hearing – Riverwalk Phase 4 – 6/13/2016 minutes, Seconded by Morreale and Carried 4 – 0. (Geiben abstained)

Bax MOVED approval of the Work Session – 6/13/2016 minutes, Seconded by Ceretto and Carried 4 – 0. (Geiben abstained)

AUDIT PAYMENT

Bax MOVED to approve the Regular Abstract of Claims number 2130 – 2316 and recommend payment in the amount of \$317,364.34, plus a Post-Audit of \$291,006.88, Seconded by Ceretto and Carried 5 - 0

OLD BUSINESS

Commission / Committee / Board Appointment

Geiben has contacted all previous members of the Lighting Advisory Board and makes the following appointments.

Broderick MOVED the following serve a term on the Lighting Advisory Board, with the term to expire December 31, 2016: Barber, John – Chairman; DiFlorio-Olds, Suzanne; Vitch, Daniel; Price, Mary; Gonka, Bruce, Seconded by Geiben and Carried 5 – 0.

Bereavement Leave Policy – Catalano excused

Haz-Mat Truck Agreement– Catalano excused

Removal Bond – SBA – Seaman excused

Leachate – Modern Disposal – Seaman excused

Waterline Replacement Project – Lannon updated the Board. A draft Map, Plan & Review was forwarded to Seaman. Seaman's comments are being addressed so additional analysis is being done on the financial end. This should be ready for presentation to the Board in August. This can be put on the Town web-site once this is complete.

Grants are available, but the Town's score is not high enough. Lannon said it can be submitted.

Lannon wants clarification on what the Board is thinking in regards to the Niagara Falls Bridge Commission maintenance building. The Board is waiving the fees but not the insurance requirements? Those need to be submitted to the Town. Board says yes.

NEW BUSINESS

Item No. 1 – Kiwanis Club – Program Book Advertising for 2016

These funds are in the budget. Town Board will submit a full page ad, including Town Board photo.

Bax MOVED to approve a full page ad for the 2016 Peach Festival program for \$150.00 with funds from Celebration, Seconded by Geiben and Carried 5 – 0.

Item No. 2 – Privilege of the Floor – Resident request

At the Work Session of July 11th, the Clerk brought forward a residents request to change the wording of paragraph 4 to read – “This allows Town Board members to do research to gather the necessary information to address those questions or concerns if **warranted**.” Not – “This allows Town Board members to do research to gather the necessary information to address those questions or concerns if **they choose to do so**.”

Broderick MOVED to change the wording of paragraph 4 in the Privilege of the Floor to read, “This allows Town Board members to do research to gather the necessary information to address those questions or concerns if warranted”, Seconded by Bax and Carried 5 – 0.

SUPERVISOR BRODERICK

Liaison Report

Supervisor read two letters received from residents regarding the speed limit on Mountain View Drive and Forest Road. Bax believes it is the Town's prerogative, as long as not a State or County road, to assess the speed.

Sewer refund

Juel – 546 Greenfield Rd – Maintenance on pool

Broderick MOVED to waive \$123.95 in sewer fees for 546 Greenfield Road, Seconded by Bax and Carried 5 – 0.

Geiben spoke with Darlene Norwich, Water Dept. Clerk, regarding residents indicating how they are disposing of the water from the pool. If by some chance they are running it through the sanitation line, which should not be, it is either going down the storm drain or in their yards. Those being the two that are acceptable.

Broderick asked Ritter what the means would be to get the water in the sewer. Ritter said through the clean-out in the front yard. This has been done many times. This could be taken into consideration when waiving the fee, but only if the Town knows about it. If so, they would not be forgiven the sewer fee waived.

Marotta - 665 Cayuga Dr – Automatic timer malfunction

Board made no action.

Litt – 5006 Forest Rd. – Filling of pool

Geiben MOVED to waive \$118.05 in sewer fees for 5006 Forest Road, Seconded by Bax and Carried 5 – 0.

Pacana – 485 Fuller Place – New pool liner

Geiben MOVED to waive \$59.05 in sewer fees for 485 Fuller Place, Seconded by Ceretto and Carried 5 – 0.

Geiben said Ritter recommend these three (3) waivers be granted as per past practice and the Town policy. The Marotta request doesn't meet with the Town policy.

Bax MOVED no action on Marotta, 665 Cayuga Drive, Seconded by Ceretto and Carried 5 – 0.

Legal

Supervisor distributed a proposed Local Law to establish a water bill levy fee.

Supervisor Broderick MOVED to introduce a Local Law establishing a water bill levy fee, with the Public Hearing to be held on August 8, 2016 at 6 pm, Seconded by Bax

Section A367-48 of the Code of the Town of Lewiston is hereby abolished and replaced with the following:

§A367-48. Unpaid bill becomes part of tax.

Any water bill remaining unpaid on September 30 of the year following rendition, will be placed upon the first County tax roll made up after such date. The amount owed, including the 10% penalty for being 30 days past due and any other fees imposed shall become a part of the tax, along with an additional \$100 levy fee to recoup Town costs in processing the unpaid bill for inclusion on the County tax roll, and shall become due with the same and shall be subject to the same penalties and interest as such taxes.

Carried 5 - 0.

There are residents that don't pay their water bill, and have it go on taxes. Blazick thought it was calculated on September 1st. Broderick will clarify this.

Geiben said once the deadline passes for collection, it automatically goes to the County, and the Town has an administrative responsibility to process. This will help to recoup that expense.

Broderick would like this to encourage the residents to pay their water bill. There are approximately 250 residents that let the water bill go to a tax levy.

Blazick believes residents do this so when they pay it on the taxes they take the deduction. There are residents that let it go automatically to their taxes all the time.

Finance

The Board scheduled an Auditor review session for August 15th. Broderick requested changing to the 16th at 3 pm.

Broderick apologizes to the residents but this is what works for the meeting rooms in the building.

Blazick wants to make the Board aware of where the hydro money stands. The Town is awarded 6.5 mega watts of hours, which in turn are sold on the secondary market. This was originally split between residents and the Town benefit.

In 2015 – first 6-months the Town collected \$576,000; in 2014 – first 6-months the Town collected \$1-million. So far in 2016 the Town has collected \$87,000. These revenues are way down. There may be some carry-over from prior years, so it may not affect the budget, but the Board needs to be aware that these funds are way down.

COUNCILMAN BAX

Training for Maintenance employees (4)

Bax MOVED to authorize four (4) employees at the Waste Water Treatment Plant to attend the EONE “Extreme” Pump Service & Repair Training in Rochester, with a cost not to exceed \$2,000, funds from WPCC training budget, Seconded by Geiben and Carried 5 – 0.

Ash tree removal – Greenspace

A resident at 4281 Lower River Road submitted a property survey along with a letter requesting assistance in removal of six (6) dead ash trees in the Greenspace. This is threatening both their home and his family.

Geiben said if this is in the Greenspace, it is the Town’s responsibility to correct.

Letter and survey to be referred to Dashineau.

Geiben went out with Trane to look at some of the greenspace in the Town. Some of the entrances into the greenspace seem much narrower than they are on paper. The Town needs to make sure the access to the greenspace is really there. To make sure no one inadvertently encroached upon it. If a survey error, the Town needs to make sure access is there.

Bax said if there is an encroachment on the Town’s greenspace it will be the resident’s responsibility to remove it so the Town can get in.

COUNCILWOMAN CERETTO

Nothing to report.

COUNCILMAN GEIBEN

Library Roof Grant – Geiben thanked Library Director Jill Palermo and the Library Board for a great job securing a grant, in the amount of \$120,000. These funds will cover ¾ of the cost for a new roof at the library.

Geiben wants the Board to encourage other not-for-profit organizations to be pro-active and look for grant dollars themselves.

COUNCILMAN MORREALE

Liaison Report

Morreale encourages residents to apply to be a member of the Historic Preservation Commission.

Geiben suggests contacting the Village Historic Society to see if they have interested members. Morreale said the Village has many more historical buildings than the Town, but the Town has its share.

RESIDENTS STATEMENTS

Glasgow, Paulette – The Circle – Glasgow has a neighbor, which in 87 degree weather at night, lights a fire. The Board should consider no bon-fires during this water ban.

In response to a question regarding scheduled Cable Commission meetings, Geiben said Chairman Abbondanza is working with NCCC, and has not heard back.

Glasgow assumes there will be no broadcasting of Town meetings as of September (fall), as once said in a meeting. Geiben would assume that is correct.

Glasgow requested the Audit report be put on the web-site, prior to the meeting, so residents will know what will be discussed. Blazick said the meeting is to discuss the draft. Once received it can be, but it is not clear how far in advance it will be received. The objective for the meeting is to work with the Board.

Glasgow asked if the Local Law the Board will be addressing at the Work Session be put on the web-site. Broderick said yes.

Back in 2015 the Board voted to forward the NYPA rebate checks. Glasgow asked if this will be forthcoming. Blazick said she is 100% the hold-up on this. A company capable to issue the checks needs to be found. With the audit and the additional work load, Blazick has not had the opportunity to research this.

Glasgow questioned why old business items have not been on line. Garfinkel said these items were discussed prior to the implementation of the resolution.

In regards to the lawyers not being present, Glasgow owns a business and when employees want vacation they don't all leave at the same time. Scheduling needs to be done so someone is there to take care of business. Glasgow hopes in the future the Board does the same with the lawyers.

Broderick said this happened last minute.

Glasgow suggests the Board use the court room/main meeting room upgrade dollars to change the seats. Broderick said there are safety issues the judges wish to address.

Warren, Rosemary – Griffon Street - Spoke regarding the water ban and the use of wells.

Bax MOVED to adjourn, Seconded by Geiben and Carried 5 – 0. (7:10 pm)

Respectfully Transcribed and Submitted by:

Donna R. Garfinkel
Town Clerk