

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto, W. Geiben & R. Morreale; Dep. Sup. W. Conrad; Police Chief F. Previte; Attorneys B. Seaman & J. Catalano; Eng. R. Lannon; Finance Director/Budget Officer M. Blazick; Bldg. Insp. T. Masters; WPCC Ch. Op. J. Ritter; Water Foreman M. Townsend; Parks/Rec. Dir. M. Dashineau; Fire Insp. P. Martin; 1 Press; 11 Residents and Dep. Clerk C. Schroeder

The Supervisor called the Work Session to order followed by the Pledge of Allegiance and a moment of silent reflection in remembrance of September 11<sup>th</sup>.

*AGENDA:*

Removal: Broderick: Snow and Ice Agreement.

Addition: Seaman: Executive Session for the purpose of Consultation with Attorneys.

**Bax MOVED to approve the agenda, as amended. Seconded by Geiben and carried 5-0.**

*ABSTRACT:*

**Ceretto MOVED to approve the Regular Abstract of Claims Numbered 2680 to 2866 and recommended payment in the amount of \$193,518.94, plus a post audit of \$14,161.54. Seconded by Geiben and carried 5-0.**

*DEPARTMENT HEAD CONCERNS:*

Police: Chief Previte said he had an item further down on the agenda.

Conrad: Nothing

Building Inspector: Masters said a couple of companies have blanketed the Town with regard to solar farms. "It's a good thing we are getting that law and a moratorium in place. The sooner, the better."

Engineer: Lannon said he wanted to discuss the next step for the water line project. At the last work session he submitted a Map, Plan and Report for comments. The next step would be to schedule a public hearing to begin advancing that project.

Atty. Seaman said it is termed an Increase in Facilities for a Water District. Lannon files a Map, Plan and Report, which he has done. The Clerk's office has it on file for public review. The Board would have to set a public hearing with a public notice 10 – 20 days before the hearing. Seaman said he would give legal advice in Executive Session as to the different things that have to be done. He requested the Finance Director attend said Executive Session.

**Bax MOVED to schedule a public hearing for October 13, 2016 beginning at 6 PM on the proposed Improvement to the Lewiston Water Improvement Area Facilities. Seconded by Geiben and carried 5-0.**

Water: Townsend said the P.I.P. for the Niagara Falls Bridge Commission is in place. It has been pressure tested and they are awaiting bacteria biological samples.

WPCC: Ritter said work will begin on the Comfort Station. Cameras will be delivered next week. Also, the Modern Leachate contract is still being worked on. Ritter said he would set up a meeting with Seaman and a Modern representative. They would present the contract to the Board for final approval. Bax said he would like to be included in the meeting also.

Finance: Blazick said the Town's Insurance Company, First Niagara Risk Management, is being moved over to Key Bank but they are keeping their name and keeping their entity, as is. The Town's insurance won't be affected. The actual insurance operation is not changing, she said.

Another issue she has is recycling bins. Blazick said she has not budgeted for recycling bins in the last two budgets. It should be part of the SRO (Refuse Special District) budget line. We are at a point where we desperately need them. She suggested buying one order of bins (250) out of H-97. This will cost about \$2,300. Going forward, funds will be covered in the budget.

Geiben said recycling is not a profitable operation at this time. There has been great movement from community to community to go to the larger cart-based totes. They would have collection every other week for recycling. We will have to see what the market is doing in the future to see whether or not we want to re-negotiate with Modern to go to the larger totes.

Conrad said the Environmental Commission did some research on the cost of the cart-based totes. Broderick said he would reach out to the Commission on this.

**Geiben MOVED to purchase 250 recycling totes with funds allocated from H-97. Seconded by Ceretto and carried 5-0.**

Lastly, Blazick said she, and the Town Clerk, have been working on proposals for updating and maintenance of copy machines. She said it is hard to get apples to compare to apples. Each machine is different. We have gotten the proposals to as close as we can. Three of the proposals are within \$400 of each other. Blazick said it is their recommendation to go with Copier Fax which was about \$1,000 cheaper than the other three. There are still some things they have to work out with them but we need to get this moving because the dollars to buy out our lease can disappear on us. Blazick said it is important to get something resolved tonight with the understanding there are a few details to work out with the company.

**Bax MOVED to pursue a yearly contact with Copier Fax in the amount not to exceed \$9,000 subject to the Attorney's review of the contract. Seconded by Morreale and carried 5-0.**

*PLETCHER ROAD PARK SEWER EXEMPTION FEES:* The Parks/Recreation Director requested an exemption of the sewer charges on account 20340403.00 (Town of Lewiston Pletcher Road Park). This water is an irrigation line which began to leak in 2014. They were unable to locate the leak until the underground pipe ruptured resulting in the high water bill.

**Geiben MOVED to waive the sewer charges of \$6,721.00 on the Pletcher Road Park water bill. Seconded by Bax and carried 5-0.**

*ICE RINK UPDATE:* Dashineau said there was an issue with this year's application to the Greenway Commission for funding of the Ice Rink. Dashineau believes there is going to be a hold-up at the Standing Committee level. The Grant Writer, Bernie Rotella, was supposed to be here tonight to explain this but he was unable to attend. Hopefully he will get us more information before the October Standing Committee meeting.

Dashineau said last year's allocation was \$105,000. He requested the same for the upcoming year. This completely funds all operations and maintenance for the ice rink. That is usually the issue at the committee level, he said. If the Standing Committee is going to reject the application, it should be done in public, Dashineau said. That will be precedent setting. Other members of the Standing Committee should know what the precedent is.

*GREEN SPACE UPDATE:* Dashineau provided a list of all of the houses in the Lewistowne Park Development that border Town-owned green space. At this time, nearly 100% of the Ash trees in the green space of this development have been infected with the Emerald Ash Borer bug and are certain to die. Many of them have already died.

At this time, the Parks Department is moving forward with a bid to remove these trees.

Dashineau said the Town Board must consider the scope of the work to be performed. Approximately, 30% of the trees sit at a distance greater than 100-ft from the property lines. It has been Town policy to act in the green space only when trees have presented an immediate danger to person or property. It is estimated that 80 – 120 trees will be removed in this development.

The first source of funding for this project should be **TE-4**, which is funded by the Recreation Fee charged to developers upon approval of any new build, subdivision or development in the Town. This account currently sits at \$23,123.39. We are going to need every penny of that to take care of the green space issue at Lewistowne Park.

Dashineau anticipated putting a bid notice in the paper this week. He is currently working on a bid package. He would forward to the attorney for review.

Seaman suggested putting together a bid packet that indicates the number of trees to be removed and sets a price per tree, per diameter, to allow for removal of additional trees if deemed necessary. The contractor would set forth the price for removal of trees with various diameters. Dashineau said he spoke with various companies to that specific issue. They had trouble with that, he said. I had trouble getting prices back.

Seaman said if this is done under a sealed bid, they will submit prices.

**Broderick MOVED to authorize the Parks/Recreation Director to go to bid on tree removal at Lewistowne Park green space, as indicated in letter of 9/12/16, with individual tree removal, as needed. Seconded by Bax and carried 5-0.**

*SEWER EXEMPTION FEES:*

a) 4702 Jason Court: Patrick O’Grady requested an exemption of sewer fees for refilling of a pool at his home because of necessary acid wash to alleviate scale build-up in the pool. The pool has a water volume of 22,037 gallons.

Ritter said he reviewed this but doesn’t see a receipt from Mr. O’Grady for the work being done. The Supervisor said he would follow up with the homeowner.

b) 4788 Creek Road: Janis Cirrito requested an exemption of sewer fees for refilling her in-ground pool that needed repair for a leak. On 4/29/16, Leisure Craft Pools emptied the pool to find where the leaks were and do some repairs. On 7/20/16, they came back to finish the repairs and had to empty the pool again. The pool holds 30,000 gallons.

Ritter said it would be his recommendation that the homeowner receive an exemption for filling the pool one-time only.

**Broderick MOVED to approve a sewer exemption fee of \$118.05 for filling her pool one-time. Seconded by Bax and carried 5-0.**

*SANBORN FIRE COMPANY ROSTER:* The Sanborn Fire Company submits for active membership the following individuals: Thomas Belviso, Deanna Koch, Albert R. Lewis III, and Michael Ziegler.

**Geiben MOVED for approval. Seconded by Bax and carried 5-0.**

*UMFC ROSTER:* The Upper Mountain Fire Company submits for active membership the following individual: Stephen Gorney.

**Geiben MOVED for approval. Seconded by Morreale and carried 5-0.**

*2016 JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION:*

The Supervisor said the Board is in receipt of a Resolution which reads, as follows:

RESOLUTION: Support of the Justice Court Assistance Program 2016 Grant Application for the Town of Lewiston Justice Department.

WHEREAS, the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, construction/renovations, automation, furniture, supplies and training; and

WHEREAS, the funding available is under the State of New York Unified Court System would facilitate local efforts in upgrading the Town's Justice Departments.

RESOLVED, that the Supervisor of the Town of Lewiston is hereby authorized and directed to file an application with the Justice Court Assistance Program not to exceed \$30,000 in grant funding.

DATED: September 12, 2016

**Geiben MOVED to authorize the Supervisor to sign the Justice Court grant application. Seconded by Ceretto and carried 5-0.**

*HISTORIC PRESERVATION COMMITTEE:* **Morreale MOVED the appointment of Thomas Patti, Riverwalk Drive, to the Historic Preservation Commission. Seconded by Geiben and carried 5-0.**

*RIVERWALK PHASE 4A (PUBLIC IMPROVEMENT PERMITS):* Lannon said the P.I.P. documents for Pavement/Curbs; Water Line; Sanitary Sewer; and Storm Sewer have been submitted to the Town Clerk. They are ready to go.

**Geiben MOVED to approve the P.I.P. applications submitted for Riverwalk Ph. 4A. Seconded by Bax and carried 5-0.**

*GARLOW ROAD INTERSECTION:* Geiben thanked Assemblyman John Ceretto for getting him in contact with Tom Messana from the State DOT regarding re-aligning the intersection at Saunders Settlement and Garlow roads. Mr. Messana was extremely knowledgeable and very forthright with me. Regretfully, the Town's request is denied because Garlow Road does not qualify by the standards set up by the DOT. The accident information does not qualify for the preceding three years and the amount of traffic volume does not qualify. Geiben asked if this was on the radar and was told it was because the Town of Lewiston has communicated with the State numerous times over the last couple of years.

*PART-TIME HIRE/POLICE DEPARTMENT:* Bax said the police department is looking to hire a part-time officer to fill some of the vacancies they have due to maternity leave, compensation leave, etc. A position is available in the budget.

**Bax MOVED to authorize Chief Previte to interview for a part-time police hire. Seconded by Morreale and carried 5-0.**

*STATEMENTS BY RESIDENTS:*

Rosemary Warren, a.k.a. Mrs. Sanborn, Griffin Street said she received a letter from Comptroller Dinapoli at his Buffalo office. She is sending him things on what to look for at the next audit.

Parks and Recreation is going to meet on Thursday. I went to one on their meetings once because my husband and I had visited every state and six Hawaiian Islands. I thought I could offer them some information. They were rude. This was 3-4 years ago.

I don't know if this is the same committee. I walked in the side door. Everyone is walking by me. No one asked if I needed help. I finally followed people downstairs to the meeting. I'm standing there. Not one man offered me a chair. I'm old. Finally one man offered me his chair. No one spoke to me. No one cared. I may show up to this Thursday's meeting. I don't want to be treated that way.

Marjorie Maggard: I wanted to come here tonight to tell you we are having a Historic Preservation meeting (Tuesday, 9/13, 6 PM). We invited Tom Yots to do a presentation. He is a guru for preservation. He is a very, very experienced man. He is going to talk about three different things – training and cost; certified government we are not (that is going to cost us something); and a survey (that will be a cost). There are grants for these things but we don't know how much it's going to be. We will have a question and answer period. She welcomed Board members to attend.

Paulette Glasgow, The Circle Drive, asked several questions:

- 1) The P.I.P for the 650-ft of road at Riverwalk Ph 4A – is that going to be paid by the developer? Lannon said it would.
- 2) The second question pertains to the Executive Session for Municipal Solutions. Is that contractual? Atty. Seaman said he would be advising the Board on the legal process that will have to be done.
- 3) The third question pertained to the camera at the Comfort Station. She thought that had been tabled. When did they purchase it and how much is it going to cost? Where is the money coming from? Ritter said it is coming from Greenway Funds. It has already been approved. The reason it was tabled last time was a yearly cost to enter this thru a cloud based computer. We didn't want to pay a yearly cost. We scaled down the price for the camera. We are going to get proper training and access it thru a smart phone. There will be no yearly fees. There will be a one-time fee of \$8,000.
- 4) Where is the funding coming for the copy machines? Blazick said it is allocated out of each department's budget.
- 5) Back in May, you gave us a gift and passed a policy concerning records availability. "The Town Clerk shall post such records that are on-hand at such time the agenda is posted but shall not be obligated to post additional records that are received after such posting. Such additional matters shall however be made available at public meetings."

Henceforth, The Lewiston Taxpayers Accountability and Action Alliance is requesting the Town Board amend its present policy pertaining to public document availability.

Open Meetings Law states that all agency records scheduled to be the subject of discussion by a public body during an open meeting shall be made available prior to or at the meeting during which those records will be discussed. On numerous occasions the public has questioned why the Town has not followed its policy and made information available to the public. The Town's present policy states that if information isn't given to the Town Clerk prior to the posing of the agenda, it will be "made available at the public meeting." Since this policy was approved, no information discussed at public meetings was either posted or made available at public meetings.

The Lewiston Taxpayers Accountability and Action Alliance is requesting that the Town Board amend its present policy to have ALL information addressed at meetings forwarded to the Town Clerk three (3) business days prior to the posting of the agenda. Further, should that information not be available prior to the posting of the agenda, copies of that information be made available to the public at that meeting. Finally, the Lewiston Alliance is requesting that this amended policy apply to all committees, boards and commission of the Town.

Broderick said they would take that into consideration.

Damon DeCastro, Counsel to the Developer for French Landing, said there is a question as to the issuance of a model home permit for the development. It is his understanding that improvements are complete. They are waiting for a walkthrough by the Town Engineer. He has been informed by the Building Inspector that there is some work on hydrants that have to be done. We will be looking at that immediately. In the meantime, DeCastro said the process or the procedure for applying for a model home permit is not clear. Mr. Masters indicated that once the waterline was in it would take care of the health and safety issue. I'm just trying to clarify the procedure.

Broderick: Don't we have some issues with sidewalks?

DeCastro: Sidewalks are occupancy issues.

Lannon: Frankly, I'm not exactly familiar how it works in the Town. I know that the hydrants are an issue. One hydrant is too close to the curb. It has to be re-located. There are a couple other hydrants that have connection issues. They have to be rotated. We have informed the contractor of those. I don't know when those will be modified. Until those are corrected, we are not quite there for a model home permit.

Broderick: There is an issue to whether the sidewalks are going to be 100% completed or 500-ft from River Road and 100-ft from Riverwalk. Then sidewalks would go in when homes are constructed. There is a discrepancy as to whether the sidewalk needs to be completed in full or as part of the occupancy.

DeCastro: The normal process is to put the sidewalk in when you put the house in. This way, you won't damage the sidewalk during construction. Mr. Lannon and I have had conversations on that dealing with the sidewalk issue. Mr. Lannon indicated Mr. Masters wanted the entire sidewalk put in before construction commences.

Broderick: That is how it was approved. The plan, as presented, was approved with the sidewalks going in entirely.

Lannon: The model home can proceed in advance of the P.I.P. completion and dedication. That is for the Board and Mr. Masters to consider.

Pat Martin: The model home cannot proceed until the hydrants are put in place and approved.

Lannon: The hydrants are under correction. Regardless, the sidewalks are a separate issue relative to the model home permit. That is a P.I.P. issue; not necessarily a model home issue.

DeCastro: I'm asking the Board to identify the process so that we can begin the process to apply for a model home permit in advance of dedication.

Masters: All permits are on-line. The applicant needs to fill out the building permit, specifying it as a model home. When Lannon lets me know that all the life safety issues with the road are complete then we will issue the model home permit.

Broderick suggested DeCastro call his office tomorrow to set up an appointment with all parties involved.

#### *UPCOMING MEETINGS:*

Before closing, the Supervisor read the list of upcoming meetings: Historic Preservation Commission: 9/13/16, 6 PM; Environmental Commission, 9/13/16 (cancelled); Planning Board: 9/15/2016 (cancelled); Parks/Recreation: 9/15/16, 7 PM; PH/Town Board Meeting: 9/26/16, 6 PM.

**Bax MOVED to enter into Executive Session for the purpose of consultation with Attorneys. Seconded by Geiben and carried 5-0.** Time 7:20 p.m.

*EXECUTIVE SESSION:*

Present: Broderick, Bax, Ceretto, Geiben, Morreale, Seaman, Catalano, Lannon, Blazick

Issues Discussed: Consultation with Attorneys.

No action taken.

**Geiben MOVED to exit Executive Session and adjourn work session. Seconded by Morreale and carried 5-0.** Time: 7:37 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk