

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

The Supervisor called the Public Hearing to order, followed by the Pledge of Allegiance. The Clerk read the Notice of Public Hearing into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 8th day of May, 2017 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Town of Lewiston, New York, on the adoption of a proposed Local Law entitled, "Electronic Message Display (EMD) Sign or Light Emitting Display (LED) Signs," an abstract of which is as follows:

The Town Board of the Town of Lewiston currently has under review amendments to the Town Code with regard to Light Emitting Display (LED) and Electronic Message Displays (EMD) Signs. The matters pertaining to LED/EMD Sign construction within the Town emphasizes the need for suitable regulation under existing and clearly established standards, in an effort to plan for and protect the health, safety and well-being of the citizens of and property in the Town of Lewiston. The existing provisions contained in the Town Code of the Town of Lewiston do not currently address any such appropriate standards and controls to allow for a harmonious balance and to protect the health, safety and well-being of the citizens and property in the Town of Lewiston. The Town Board desires to review and address, in a careful manner, provisions relating to LED and EMD Sign construction on a comprehensive and Town wide basis and to amend and/or adopt appropriate provisions to achieve these purposes. The Town Board of the Town of Lewiston finds it prudent and necessary to create an applicable Town Law to deal with LED and EMD Sign construction.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard, will be heard.

Ordered by the Town Board

Dated: April 24, 2017

The Supervisor opened the hearing for public comment.

David Fontanarosa, James Drive, said he has an outdoor advertising company, more related to billboards. He is here to offer any industry expertise and guidance. Regulations need to be put in writing and done the right way. However, he wants the Town to consider any potential litigation issues when writing this ordinance. He questioned the distance between signs of 500 yards. He thought this was too far for industry standards. Again, Fontanarosa said he would be willing to assist the Attorney to help enhance the Law. He has access to trade associations and non-profit studies that would go a long way to help the cause. There are some improvements that could be made, he said.

Paulette Glasgow, The Circle Drive, questioned what the intent of the public hearing was about. The text of the proposed law was not posted on the website. I want to know what you're trying to accomplish.

Broderick said they would not be acting on it tonight. It is a work in process.

In another matter, Glasgow asked if the Board could contact Senator Ortt and Assemblyman Morinello about the high-intensity white lights in newer vehicles that can cause damage to the optic nerve. Maybe they can address the headlights on the State level, she said.

The public hearing remained open.

WORK SESSION:

Additions: Broderick: Parks/Recreation Seasonal Hires; Legal: Consultation with Attorneys re: Possible Litigation

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

ABSTRACT:

Ceretto MOVED to approve the Regular Abstract of Claims Numbered 1040 to 1208 and recommended payment in the amount of \$155,479.73, plus a post audit of \$20,182.86. Seconded by Geiben and carried 5-0.

MINUTES:

Geiben MOVED to approve the minutes of 4/24/2017, RTBM. Seconded by Bax and carried 4-0. Morreale abstained.

DEPARTMENT HEAD CONCERNS:

WPCC: Ritter read the following letter as it pertains to water problems throughout the Town:

This year, the Town of Lewiston has been the recipient of record amounts of rainfall. The average rainfall for this time is **6.6** inches. Last year, we had **5.4** inches for this time in the year. This year, we have had **14.2** inches. It is an all-time record for the treatment plant for the first 5 months of the year.

This equates to flooding streets and basements for the homeowners. The WPCC took hundreds of calls this week from Route 31 to Lake Road in the Town of Porter. The Treatment Plant can only pump as fast as the water can get there.

There were several irate homeowners who blame the Town when there is flooding and I would like to explain what happens.

- When we have as much water as we got last week, as fast as it came, it would not matter how many houses are connected to the system, there will be sewer backups. The water has to have someplace to go. Not unlike a traffic jam due to too many cars on the road.
- Some neighborhoods have poor drainage and pooling water will take the path of least resistance. A half dozen or so illegal sump pump hookups to the sanitary sewer would definitely help surcharge the system.
- A vent stack or cleanout that is not connected properly will drain an entire area of surface water into the sanitary sewer.
- Someone who cuts their vent stack down to be even with their lawn, for aesthetic purposes will effectually drain their lawn to the sanitary sewer.

All of these things are on private property and out of Town jurisdiction, until time of house sales. Then sometimes, after we leave an inspected property, the illegal connection is reconnected. This problem is called “**inflow**”.

Another problem is “**infiltration**”. That is when the ground becomes so saturated that water penetrates pipe joints and cracks. The Town is very diligent in locating causes of infiltration within the collection system and repairing it as soon as possible.

There are no municipalities that I know of that do not have sewer backups with this much water.

The Town sewer department responded to **every call** pertaining to sewer back up. We told the home owners what they need to protect themselves, like a plug in the floor or basement tubs, or installing a shut off valve.

Some home owners have their sanitary sewer lines under their basement slab. This usually means there is a shower or toilet down there as well. This creates a low spot for the water to go and is usually the first to back up. Every homeowner who had the Town respond to a backup call was told how to protect their homes. Some have been told year after year but continue to call the plant as if we can wave a magic wand and make it disappear.

If anyone has a sewer back up problem, the Town would be happy to evaluate their situation but most likely would have to call a plumber for the work that needs to be done.

Sort of like the buying a generator if your neighborhood is prone to electrical outages.

Police: Previte said he is still looking for some direction from the Board concerning the issue with the Courts. The further they get in, it will be a strain on his budget. In another matter, he and Councilman Bax will be meeting with the Village liaisons for the Police Department on Friday to get things in line for the summer season.

Dep. Sup.: Conrad praised the Highway Supt. on his response to drainage calls in the recent days.

Parks/Recreation: Director Dashineau had several items he needed to address. First is to accept the resignation of Kevin Carpenter, Parks Laborer.

Bax MOVED to accept the resignation of Kevin Carpenter, Parks Laborer, with regret. Seconded by Geiben and carried 5-0.

Dashineau asked to appoint Kevin Carpenter as Laborer, DL, to assist the department on an as needed, part time basis as projects arise.

Bax MOVED to appoint Kevin Carpenter as Laborer DL, P/T at \$16.74/hour. Seconded by Geiben and carried 5-0.

Lastly, Dashineau asked for approval to appoint the following Summer seasonal personnel.

Rec Leader D/L: Aleigha Carpenter, Austin Barr, Maria Gabriele, Michael Gabriele, Olivia Rizzo, Linday Romeo - \$10.50; Julia San Giacomo, Taylor James - \$11.50; Simon Brydges - \$10.75; Jake Rizzo, Anastasia Waugaman, Rachel San Giacomo - \$12.00; **Recreation Aide:** Tracie Waterstram - \$12.00; Jack Bernstein, Thomas Blum, Jaycee Medicigo, Charlie Dieteman, JJ Shanks, Jacob Kasbaum, Noah Coppins, Joel Flegal - \$9.75; Avery Carpenter, Taylor Deal - \$10.00; Alicia Previtte - \$10.50; Maddy Macrae - \$11.00; **Laborer P/T:** Aidan Decastro - \$10.00; Danny Gambino, Adam Muzzi, James Nossavage, Joe Powers, Joshua Smith, Brendan Perreault - \$9.75; **Laborer DL Seasonal:** Taylor Gibson, John Aquino - \$10.50; Tom Kennedy - \$11.50; Josh Tierney - \$12.50; **Seasonal Clerk P/T:** Brittany Kurek - \$13.50

Geiben MOVED the hiring of Parks and Recreation personnel, as presented. Seconded by Ceretto and carried 5-0.

Highway: Supt. Trane said they would begin crack sealing for the next five days.

Clerk: The Deputy Clerk read the following notice on behalf of Town Clerk, Donna Garfinkel: Back in September, I was approached by Barbara Carter, Chairman of the Lewiston Garden Club, asking if the Town would be interested in submitting a proposal of Native Plants for a planting at the Town Hall Marquee. A proposal was submitted and the Town was chosen as a recipient of a beautiful flower/shrub bed. The planting was done today and I encourage all to take a look at the beautiful job and join in with me to thank the Lewiston Garden Club.

NEW BUSINESS: The Supervisor said the local law on Electric Message Display (EMD) and Light Emitting Display (LED) signs has been tabled. They will continue with the public hearing at the next meeting. Atty. Parisi anticipated one month for the adoption of the law.

OLD BUSINESS:

Regarding the Town of Lewiston Historic Preservation Law, Catalano said what the Town received in its packet is not what he prepared. There are some additional changes that will be looked into after some concerns were brought up by Councilman Morreale.

Bax MOVED to schedule a Public Hearing on the Historic Preservation Law for June 26, 2017 at 6:00 p.m. Seconded by Geiben and carried 5-0.

The Board will address the Farm Animal law at the next meeting. Catalano provided a draft local law on Farm Animal for the Board's review. They can schedule the public hearing at the next meeting.

ONE-LOT SUBDIVISION, GEORGE BROWN:

The Planning Board, on April 20, 2017, recommends approval of a one-lot subdivision for George Brown for property located at 4510 Porter Center Road, SBL# 89.01-1-31, as presented. The Environmental Commission recommends a Neg. Dec. to the Town Board with the stipulation that water will be discharged properly per Town Code and SPEDES and to the satisfaction of the Building Inspector.

Morreale MOVED a Neg. Dec. with the stipulations presented. Seconded by Geiben and carried 5-0.

Morreale MOVED approval of the subdivision, as presented. Seconded by Geiben and carried 5-0.

POND REQUEST – WILLIAMS ROAD:

The Board received a request from David Catlin, Williams Road, to construct a pond on his property. A Pond Site Assessment was done by Scott Collins in association with the Niagara County Soil and Water District. The pond dimensions would be 80' by 80' square and a depth of 8 feet. This would be under the maximum square footage allowed on his 2.31 acres. Mr. Catlin requests a waiver of the \$5,000.00 mining fee as he will be using the fill excavated for landscaping around his home.

Catalano said there is a provision in the Town Code regarding a \$5,000.00 mining fee; however, after reviewing the Code, his legal opinion is the mining fee does not apply to individuals who are putting in recreational ponds on their property with the sole intent also to keep the dirt/clay on the property.

Catalano said his only issue would be the setback as the pond would be 20 feet from the northern property line. As the pond is less than 50 feet from the north and south property lines, a variance from the Zoning Board of Appeal would be needed with regard to that.

Masters said they talked about this last week. The Mining Overlay District regulation the Town adopted in 2012 requires a 50-foot side yard setback. However, with this situation, they were not going to use the Mining Overlay District because they are not creating an overlay. With the recreation pond, they thought they could use the Excavation Law, which gives the Town Board the right to waive any requirements such as the setback. Masters felt the setback, without a valid reason, did not need to apply.

Broderick said they would take no action on this tonight. The matter has been referred to the Zoning Board of Appeals regarding a variance to the 50-foot setback.

PROCLAMATION – OLDER AMERICANS MONTH:

Ceretto read a proclamation proclaiming the month of May, 2017 as OLDER AMERICANS MONTH in Lewiston, New York.

Ceretto MOVED the proclamation, as read. Seconded by Bax and carried 5-0.

Ceretto said the Town Clerk will present the proclamation at the Senior Center tomorrow.

SPECIAL OLYMPICS TORCH RUN:

Broderick read a letter from Erica Raeppe, Special Olympics New York:

For over 40 years Special Olympics has touched the lives of each person in the WNY community. The community's support of Special Olympic athletes has enabled children and adults with intellectual disabilities to enjoy the thrill of sports! Every day Special Olympics continues to show that when people with and without intellectual disabilities are brought together by Special Olympics, myths are dispelled, attitudes are changed and new opportunities to embrace and celebrate people with intellectual disabilities are created. The Law Enforcement Torch Run plays a large part in New York's Special Olympics program.

The Law Enforcement Torch Run for Special Olympics began in Wichita, Kansas in 1981 and has grown to over 85,000 law enforcement officers worldwide who volunteer their time to help our athletes. Our mission is to raise funds and awareness of the Special Olympics movement.

With your permission, on Tuesday, May 16th, the Flame of Hope will travel throughout the Town and Village of Lewiston, starting at Niagara University, traveling down 104 and making its way down Center Street. This event symbolizes the unity of Law Enforcement, Special Olympics and most importantly, the community. For the past 3 years, it has been our privilege to run through the streets of Lewiston, raising funds and awareness for Special Olympics New York. We hope that this tradition continues.

On behalf of our 68,547 athletes...THANK YOU in advance for your support!

Chief Previte said he contacted the Special Olympics New York and provided a letter for the DOT. He will have officers available.

Geiben MOVED to support the Special Olympics New York Torch Run, with pleasure. Seconded by Ceretto and carried 5-0.

PRIVILEGE OF THE FLOOR:

Rosemary Warren, Griffin Street, said Supervisor Broderick and Councilwoman Ceretto inquired about her during her recent illness. Supt. Trane and the Town Clerk came to her home after the "Meet and Greet" in Sanborn. She then inquired about the Town-wide Water District. One of the districts says "AKA River Road Water District Bond". If different districts have bonds out, are we going to be all lumped together to pay them off? I don't want to be paying for a bond for somebody else's water line. Have your attorneys look into this.

Atty. Parisi said this had been address by Atty. Brian Seaman. There are no outstanding bonds on any of the districts. That has been looked into.

Paulette Glasgow, The Circle, asked if they were going to address the Cable/PEG that is on the agenda for discussion.

Geiben said he spoke to the Supt. of Lewiston-Porter, Paul Casseri. He is excited about having the opportunity for students to participate in the program. Mr. Casseri asked respectfully that the Town take no action. He would like to consider replicating the program that Niagara Falls High School has with the Niagara Falls BOE to try and collaborate with us. Out of respect for Mr. Casseri, Geiben asked that the Town not buy any equipment or pass any resolution for two weeks.

At the last meeting, Glasgow said she asked a question with regard to the Water District Resolution, specifically Section 4, which reads, "All future costs of the management, maintenance, operation and repair of such improvements or services provided, or authorized to be provided by said districts hereby dissolved, shall hereafter be a charge on the area of the Town, outside of the Village, until such time a Town-wide Water District is established, and shall be levied and collected in the same manner and at the same time, as any other Town charges." At the time, Glasgow said she asked what was the meaning or intent of that section. The Board would not address her at that time as Atty. Seaman would have to answer that. Has anyone talked to Mr. Seaman about the interpretation of that section?

Broderick said he would address it at a future meeting. He tried to explain it to me but I'm not going to try and repeat his words as far as the legality of it. It is going to be a Town-wide Water District. The expenses will be shared amongst the Town. It will be a fee on your water bill.

Glasgow noted that the Board at the last meeting hired a law firm after coming out of Executive Session. Minutes were taken by Atty. Parisi. Parisi said it was subject to attorney approval. It hasn't been approved. Nothing has been entered into, he said.

Gary Catlin, Upper Mountain Road, asked if the Town ever received grant money for Highway Department trucks. The Supervisor asked Catlin to call him tomorrow. They will follow up on that.

Rob Hoover, Chief of Sanborn Fire Company, said the fire companies within the Town pumped out a lot of basements in the last couple of weeks.

Also, it has just come to their attention that railroad crossing on Hoover Road, Townline Road and Buffalo Street will be under repair, shutting down the roads at the same time for three (3) days. Hoover said this is a concern because this is within his fire district and could potentially cause a delay in emergency responses. He will be addressing this with CSX Railroad. Hoover said he just wanted to bring this to the Board's attention. Chief Previte said this is a big concern for the Police Department as well. He would be willing to be a part of that meeting with the Railroad.

Geiben said he is aware that many residents have had erosion issues. He suggested they take photos and document any damages in the event of State funding becomes available for remediation.

Bax MOVED to enter into Executive Session to discuss union negotiations; and consultation with Attorneys re: litigation. Seconded by Geiben and carried 5-0.
Time: 7:00 PM.

*Executive Session:

Present: Broderick, Bax, Ceretto, Geiben, Morreale, Conrad, Catalano, Parisi and Blazick.

Issues Discussed: 1) Teamsters Contract; 2) Slag; and 3) Unpaid Taxes (Parks Department).

No Action Taken.

Geiben MOVED to adjourn. Seconded by Bax and carried 5-0. Time 8:00 P.M.

*Minutes taken by A. Joseph Catalano, Esq.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk