

Present: Supervisor S. Broderick; Dep. Sup. W. Conrad; Councilmembers A. Bax, B. Geiben, J. Jacoby & R. Morreale; Chief F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. T. Seaman; GHD Eng. C. Jerrell; WPCC Ch. Op. J. Ritter; Highway Supt. D. Trane; Water Foreman D. Zahno; Historian M. Maggard; 1 Press (NG); 20 Residents and Dep. Clerk C. Schroeder

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

AGENDA: Additions: Executive Session re Contractual (Water/Sewer) and Personnel matters; Police Contract with Niagara Wheatfield for P/T position.

Bax MOVED the agenda, as amended. Seconded by Jacoby and carried 5-0.

NIAGARA FALL AIR RESERVE PRESENTATION

Joel D'Aloise, newly elected Secretary, thanked the Board for the opportunity to present the work of the Niagara Military Affairs Council (NIMAC). He provided a brochure which is available for inspection in the Town Clerk's office.

NIMAC is a volunteer organization with an annual budget of \$125,000.

The mission of NIMAC is to support the growth and prosperity of the NF Air Reserve Station and its personnel, creating a positive economic impact on the Western New York community.

NIMAC is noted for its success in 2005 when BRAC and the Dept. of Defense imposed a closure of the 914th Airlift wing and the 107th Air Refueling Wing which would have closed the entire base, including the loss of 3,000 jobs in Niagara County. The community came to the defense of the base under NIMAC's leadership. Had they lost the battle, the Niagara Falls Airport would not exist.

The area business community depends on over \$233,000,000 of annual economic impact from the Air Station Reserve, from base expenses and payroll.

NIMAC serves as a liaison to promote communication between the base, the community, other local military units, Department of Defense, business and government.

NIMAC's achievements and ability to cost-effectively generate multi-million dollar economic benefits for the region are clear criterion for continued support.

RESIDENTS STATEMENTS:

Evelyn Lauer, 4300 Williams Road, said today is the first she heard anything about an industrial energy facility being proposed for Williams Road. Residents should have been made aware of the proposal so they can comment. It seems like this company (Borrego) is trying to push this thru without residents being aware.

She then read a prepared statement: When my husband and I purchased property in the Town of Lewiston 25 years ago, it was because we loved the rural feel of Williams Road. The zoning is Rural Residential which is perfect for us and the animals we brought along. Many residents on Williams Road have a variety of animals that fit in with the current rural character. In ensuing years, we had to fight many times to maintain this rural atmosphere, as one after another companies have tried to destroy the peaceful residential flavor of the area. We had to fight against apartment buildings, radio towers and lagoons. Now, a solar company is trying to turn the property next door to me into an industrial energy facility. Williams Road is not the appropriate location for an industrial energy facility. It is not an industrial road. It's people, and homes, and animals and should be kept that way. I've read that the company who proposes this solar facility has never de-commissioned a site. It seems that the jury is out of the detrimental effects of residue left after the solar farm has run its course. There is no

doubt in my mind that this industrial energy facility will bring down property values of our homes, the single largest investment we made in our lives. Please don't use the excuse that no one will see the energy facility, that it will be hidden behind trees. One look at the Swann Road facility currently under construction will show the misconception of that claim. After more than 25 years, I'm tired of having to fight to maintain the rural character I purchased my property for. I will continue to fight on. Town Board, please leave the integrity of this area, as well as my property values alone, and deny this industrial energy facility in the mist of our homes.

The Supervisor said it was the Town of Lewiston that erred in not notifying residents of the public hearing. It is not part of the Town Code but past practice is anytime there is a public hearing for site plan approval, its Town policy to notify residents within 500-feet of the property and that was not done.

Broderick said they would re-schedule a public hearing for the next meeting. Residents within 500-feet will be notified.

Sister Terri Miklitsch, represented the Sisters of St. Francis at Stella Niagara, to create and build on the bonds with the Town going forward. She wanted to introduce herself as a new member of the leadership team.

DEPARTMENT HEADS:

Police: Chief Previte thanked the Board for its supports on the Mobile App for the Police Department. They have received positive feedback. It is available for either Android or Apple devices. The App (Lewiston, NY Police) can be downloaded for free. It provides notifications about weather emergencies, information about road closures, etc.

Building: Masters said he did a review of the Parks buildings. Three of the four pavilions at the parks need roofs ASAP. The one at Washuta Park is the worst. He is asking for permission to write a specification to go out to bid. The other needs he would discuss with the Parks Supt., Mike Dashineau.

Geiben MOVED to direct the Building Inspector to put together a bid package on repair of three pavilion roofs. Seconded by Bax and carried 5-0.

Highway: Supt. Trane said they will be making the intersection of Northridge Drive and Legacy Drive a three-way stop.

ABSTRACT:

Geiben MOVED to approve the Regular Abstract of Claims Numbered 2521 to 2679 and recommended payment in the amount of \$210,445.55, plus a post audit of \$20,713.28. Seconded by Bax and carried 5-0.

OLD BUSINESS:

- a) Sewer Request – NRB Properties, LLC: This was a request from Richard and Nardene Bradt who purchased 1.93 acres of land on the east side of Creek Road for the purpose of building 3 or 4 upscale duplex rental homes. With regard to the sewer systems needed for these homes, there are 4 options. They are requesting input regarding this matter.

Ritter said Option 1 to bore under Creek Road for each unit to connect to the existing sewer line on the west side would be the best option but would be very costly.

No action was taken.

- b) Sewer Credit – 454 Morgan Drive: A request from Kyle Hurtgam for sewer forgiveness of 19,000 gallons following a pool installation. Ritter said this falls under the sewer use agreement.

Bax MOVED to approve the sewer credit of 19,000 gallons for 454 Morgan Drive. Seconded by Morreale and carried 5-0.

- c) Solar Farm – Piva/Borrogo Solar:

Geiben MOVED to schedule a Public Hearing on October 17, 2019 at 6 PM to consider application for a Special Use Permit and Site Plan Review for a ground mounted utility grade solar energy system on premises located at 4352 Williams Road. Seconded by Jacoby and carried 5-0.

- d) Local Law – Towers:

Bax MOVED to approve a Local Law amending the Towers Law, Ch 320, to permit the construction of lattice towers. Seconded by Morreale and carried 5-0.

NEW BUSINESS: None.

SUPERVISOR:

Liaison Report

- a) Niagara University – Education Benefit: Atty. Seaman said this is a Corporate Partnership with Niagara University for the purpose of addressing the educational needs of employees. Tuition rates are 25% less than standard rates to employees and their immediate family members for enrollment in graduate level coursework or programs. The MOU will remain in effect for 12 months from the date of this partnership. Either party may cancel with a 90-day notice.

Jacoby MOVED the Corporate Partnership with Niagara University. Seconded by Bax and carried 5-0.

- b) Lewiston Fire Co. #2 Roster:

Geiben MOVED to remove Shera Mondoux and Amber Gansworth from the Lewiston Fire Co. #2 active roster. Seconded by Morreale and carried 5-0.

Geiben MOVED to add Elizabeth Broeker, as a Minor/Junior Member of the Lewiston Fire Co. #2. Seconded by Morreale and carried 5-0.

- c) Unpaid Water/Sewer:

Broderick referred to a request for approval to place unpaid water and sewer accounts for the Town of Lewiston on the 2020 Town and County taxes. The breakdown is as follows:

Water	\$ 116,192.52
Sewer (Master)	\$ 73,890.96
Sewer (South)	\$ 6,839.62
Town Charge	\$ 45,200.00
TOTAL	\$ 242,123.10

Bax MOVED for approval, as presented. Seconded by Morreale and carried 5-0.

- d) Justice Court Grant: The Grant Writer submitted a resolution for a Justice Court Assistance Grant that is due on October 10, 2019.

Brocker MOVED adoption of the following Resolution, Seconded by Bax and carried 5-0.

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the operation, security and facilities of municipal Justice Courts; and

WHEREAS, the grant may be used for a variety of purposes, including but not limited to the acquisition of the following high need security items as requested by the Lewiston Justice Court in order of priority:

- 1) A taser for use by Lewiston Court Officers
- 2) New carpeting for court room
- 3) An Updated Security Assessment

NOW THEREFORE, BE IT RESOLVED, that the Lewiston Justice Court is authorized to submit a grant application through the Justice Court Assistance Program to request up to the maximum amount available and BE IT FURTHER

RESOLVED, that the Town Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Historian: After a fire in the Barker Village Hall, Broderick said he was approached by the Historian who was concerned about losing Town records. Maggard requested a fireproof safe for historic documents. She found two new fireproof cabinets on Craigslist for a total of \$1,700.

Geiben MOVED the purchase of two fireproof cabinets in the amount of \$1,700 to be paid under post-audit. Seconded by Jacoby and carried 5-0. Funds allocated from the Supervisor's budget.

Finance: The Finance Director requested approval to process two budget revisions.

- 1) A request to move \$1700 to Historian Equipment (A00-7510-0200-0000) from Supervisor's Equipment (A00-1220-0200-0000) to cover the purchase of two fireproof, vertical, four drawer file cabinets for the historical documents of the Town.

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

- 2) A request to move a total of \$794 as follows: \$421 from Sewer Administration Personnel (SS1-8118-0100-0000); \$357 from Master Sewer Administration Equipment (SS2-8110-0200-0000) to Master Sewer Administration Personnel (SS2-8110-0100-0000) and \$16 from the South Sewer Personnel (SS3-8110-0100-0000) to cover the promotion approved by the Board and effective 9/2/19 in the Sewer Administration personnel.

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

COUNCILMAN BAX:

Sewer Credit – Dana Drive:

Bax MOVED a sewer credit of \$121.50 to Robert Norman, Dana Drive, after repair of his in-ground pool. Seconded by Geiben and carried 5-0.

Sewer Credit – Sandlewood Drive:

Bax MOVED a sewer credit of \$55.06 to Jennifer Anderson, Sandlewood Drive for filling a newly purchased above ground pool. Seconded by Geiben and carried 5-0.

WPCC Retirement: Thomas Kromer submitted a letter of retirement from the Town of Lewiston WPCC, effective 10/19/2019. His last day of work will be 10/18/2019.

Bax MOVED to accept with regret the retirement of Thomas Kromer. Seconded by Morreale and carried 5-0.

WPCC Hire: **Bax MOVED to approve the hirting of Andrew Carrigan as Wastewatr Operator Trainee, effective October 7, 2019. Seconded by Geiben and carried 5-0.** Carrigan was chosen from the Niagara County Civil Service list of eligible candidates.

WPCC Chemical Bids: **Bax MOVED approval to participate in the yearly Chemical Bids with Niagara Falls Water Board. Seconded by Geiben and carried 5-0.**

Grass Cutting Charges: Per the grass cutting law, the Building Dept. has 33 parcels in the Town cut. The total fee for the cutting totals \$6,722.50. There is a \$100 Administration fee per parcel for a total of \$3,300. Total charges to be levied on taxes for grass cutting is \$10,022.50.

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

NWSD Contract: Bax referred to a contract with Niagara Wheatfield for an additional part-time School Resource Officer (SRO). Hours would be from 3-7 p.m. and extra-curricular hours, for dances, etc. Seaman said the Town would amend the original SRO Agreement. He will work on that and present it at the next meeting. Niagara Wheatfield completely assumes the cost of having that officer there.

COUNCILMAN GEIBEN: Nothing

COUNCILMAN JACOBY:

Jacoby said the Historic Preservation Commission has been working for some time to get a clause added to designate a property historic. It would be subject to the approval of the homeowner. The clause was written up, sent in to Albany and word came back that they would not allow that. It's in its very formidable stages right now. We might have to work around it to be acceptable to everyone. The Attorney will have to work on it with us.

The Marble Orchard Ghost Walk, sponsored by the Council on the Arts, is on-going. Jacoby welcomed residents to attend.

COUNCILMAN MORREALE:

Morreale said they went to bid on Auctions International for a HP ScanJet Scanner. The high bid from was \$27.00.

Morreale MOVED to accept the bid. Seconded by Geiben and carried 5-0.

RESIDENTS STATEMENTS: No one wished to speak.

Executive Session

Geiben MOVED to enter into Executive Session for Contract Negotiations and Personnel matters (Water/Sewer). Seconded by Bax and carried 5-0. Time 6:55 p.m.

EXECUTIVE SESSION:

Present: Broderick, Bax, Geiben, Jacoby, Morreale, Agnello and Seaman.

Also Present: Dan Zahno (Issue 1)

September 23, 2019, RTBM

Issues Discussed:

1. Personnel Matters related to a particular person.
2. Contract/Collective Bargaining Negotiations

Bax MOVED to exit executive session. Seconded by Jacoby and carried 5-0.

No action taken. Minutes taken by Attorney Seaman.

Geiben MOVED to adjourn. Seconded by Morreale and carried 5-0.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk