

REGULAR TOWN BOARD MEETING

September 25, 2017

A G E N D A

Please turn off cell phones, pagers and electronic devices/ Assistive Listening Devices available for the Hearing Impaired

PLEDGE OF ALLEGIANCE

SILENT REFLECTION

AGENDA APPROVAL

RESIDENTS STATEMENTS

PRESENTATION – NIAGARA MILITARY AFFAIRS COUNCIL – (NIMAC) - Holly Curcion

DEPARTMENT HEAD STATEMENTS

APPROVAL OF MEETING MINUTES

AUDIT PAYMENT Councilman Morreale

OLD BUSINESS. Fire Hydrant Installation – 817/823 The Circle – Townsend
Lower River Road water issue – Bax
Drainage Issue – Saunders Settlement Road - Ryan
Dog Shelter - Lannon
Personnel Issue – B. Joseph - Ryan
Video Recording Equipment – Geiben
Re-Zoning – Niagara University –Ryan
Upper Mt. Road PUB Concept Plan – Rubino Brothers

NEW BUSINESS Clerk’s Correspondence

SUPERVISOR BRODERICK

1. Liaison Report
 - a. National Grid – LED light upgrades
2. Legal
 - a. Public Hearing – Chapter 360 – Special Use
 - b. Water District Resolutions
3. Engineering
4. Finance

COUNCILMAN BAX

1. Liaison Report
 - a. Sewer Credit – Conway

COUNCILWOMAN CERETTO

1. Liaison Report

COUNCILMAN GEIBEN

1. Liaison Report
 - a. Grass Cutting - taxes

COUNCILMAN MORREALE

1. Liaison Report
 - a. No-Smoking

RESIDENTS STATEMENTS

UPCOMING BOARDS/COMMISSION MEETINGS:

Budget Discussion – Department Heads	October 5, 2017	9:00 am
Town Hall Offices Closed – Columbus Day	October 9, 2017	
“Indigenous Peoples Day”	October 9, 2017	
Work Session	October 12, 2017	6:00 pm (Thursday)
Environmental Commission	October 10, 2017	7:00 pm
Zoning Board of Appeals	October 12, 2017	7:00 pm
Parks & Recreation Advisory Committee	October 18, 2017	7:00 pm
Planning Board	October 19, 2017	6:30 pm
Regular Town Board Meeting	October 23, 2017	6:00 pm

A Local Law Amending the Zoning Provisions of the Code of the Town of Lewiston

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

§ 360-29(B) of the Code of the Town of Lewiston is hereby amended and the zoning classifications for the Southeastern portion of a property identified as SBL # 115.00-1-2 and more specifically described in Deeds bearing Instrument Numbers 2011-10647 and 2015-02248, and filed with the Niagara County Clerk's Office on June 24, 2011 and February 12, 2015 respectively, are changed from "RR Districts: Rural Residential" to "Planned Unit Development Districts."

The Zoning Map of the Town of Lewiston is hereby amended to incorporate such changes and the amended Zoning Map, as certified by the Town Clerk, is incorporated herein.

Chapter 360. Zoning

Article III. Establishment of Districts

§ 360-29. Districts established.

- A. For the purpose of promoting the public health, safety, morals and the general welfare of the community, the Town of Lewiston is hereby divided into the following types of districts.^[1]

R-1 Districts: One-Family Residence Districts

RRT Districts: Rural Residential Transitional Districts

RR Districts: Rural Residential Districts

R-2 Districts: Two-Family Residence Districts

CH Districts: Cluster Housing Districts

B Districts: Business Districts

RB Districts: Rural Business Districts

TND Districts: Traditional Neighborhood Development Districts

OSPR Districts: Open Space Preservation and Recreation Districts

PD Districts: Planned Development Districts

I-1 Districts: Light Industrial Districts

I-2 Districts: Industrial Districts

PO Districts: Publicly Owned Districts

Riverfront Overlay District

[1] *Editor's Note: The following enumeration of districts was updated pursuant to L.L. No. 4-1991 and 2011 and to match the text of the chapter.*

- B. Said districts are bounded and defined as shown on a map available at Town Hall entitled "Zoning Map of the Town of Lewiston," adopted simultaneously herewith and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.^[2]

[2] *Editor's Note: The Zoning Map is on file in the offices of the Town Clerk.*

Town of Lewiston
 National Grid/Lime
 Retro-fitting fixtures with LED lights

<u>Building</u>	<u>Total Project Cost</u>	<u>National Grid Grant</u>	<u>Town Expense</u>	(Less discount) <u>Town Actual</u>	<u>Estimated Annual Savings</u>
Town Hall	19,337.48	11,602.14	7,735.34	7,492.61	5,020.89
Senior Center	1,376.80	826.08	550.72	523.19	210.41
Police Department	5,558.71	3,335.22	2,223.49	2,122.32	1,040.68
Highway	18,356.34	11,013.80	7,342.54	6,999.17	4,231.28
	<u>44,629.33</u>	<u>26,777.24</u>	<u>17,852.09</u>	<u>17,137.29</u>	<u>10,503.26</u>

Town of Lewiston

A Local Law Amending Chapter 360 of the Code of the Town of Lewiston to include a Special Use in certain zoning districts.

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

Section 360-50 of the Code of the Town of Lewiston is hereby amended to include the following:

- M. Emergency Services and Fire Protection Services, training facilities, and incidental facilities on land owned or operated by a Fire Company or Emergency Service Provider, or on municipally owned land.

Section 360-108 of the Code of the Town of Lewiston is hereby amended to include the following:

- E. Emergency Services and Fire Protection Services, training facilities, and incidental facilities on land owned or operated by a Fire Company or Emergency Service Provider, or on municipally owned land.

Section 360-114 of the Code of the Town of Lewiston is hereby amended to include the following:

- C. Emergency Services and Fire Protection Services, training facilities, and incidental facilities on land owned or operated by a Fire Company or Emergency Service Provider, or on municipally owned land.

Chapter 360. Zoning

Article VII. RR Districts: Rural Residential Districts

§ 360-50. Uses permitted with a special use permit.

The following shall be permitted within RR Districts only after submission of a Special use permit application in accordance with § 360-132 and approval is received from the Town Board.

- A. Kennels, animal hospitals, veterinary clinics, animal boarding places.
- B. Public riding stables.
- C. Nursing homes and facilities for the elderly.
- D. Child care and nursery schools.
- E. Schools.
- F. Colleges and universities.
- G. Clubs, lodges and other nonprofit institutions.
- H. Farm market, provided that any structure be set back a minimum of 20 feet from public right-of-way and that there be at least five off-street parking spaces.
- I. Bed-and-breakfast establishments.
- J. Cluster development, subject to Article IX, Cluster Development, of the Code of the Town of Lewiston.

Chapter 360. Zoning

Article XIV. I-1 District: Industrial Districts

§ 360-108. Uses permitted with a special use permit.

The following uses shall be permitted within I-1 Districts only after submission of a special use permit application in accordance with § 360-132 and site plan approval from the Planning Board.

- A. Manufacturing, processing or assembly of materials into a finished product.
- B. Automotive-related uses.
- C. Marine uses.
- D. Building material yards.

Chapter 360. Zoning

Article XV. I-2 District: Industrial Districts

§ 360-114. Uses permitted with a special use permit.

- A. Waste disposal, recycling and landfill facilities as defined and prescribed by Chapter 293 of the Town Code, Solid Waste.
- B. Adult uses as defined in this chapter and prescribed in Article XXVI, Supplemental Regulations, Adult Uses.

A meeting of the Town Board of the Town of Lewiston, in the County of Niagara, New York, was held at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the 25th day of September, 2017.

PRESENT:

Hon. David Steve Broderick, Jr.
Alfonso M. Bax, Boardmember
Beth Ceretto, Boardmember
William E. Geiben, Boardmember
Rob Morreale, Boardmember

In the Matter
of the

Establishment of the Town of Lewiston Water District, in the
Town of Lewiston, in the County of Niagara, New York,
pursuant to Article 12-A of the Town Law

FINAL ORDER ESTABLISHING DISTRICT

WHEREAS, the Town Board of the Town of Lewiston (herein called the "Town"), in the County of Niagara, New York, has caused GHD Engineers, competent engineers duly licensed by the State of New York, to prepare a map, plan and report dated May 22, 2017 for the proposed establishment of the Town of Lewiston Water District, in the Town, and construction of improvements therein, consisting of the construction and installation of approximately 43,800 lineal feet of new waterline to replace existing deteriorated piping that will be abandoned in place, including interconnections, hydrants, valves, watermains, borings, road crossings, stream crossings, a railroad crossing and other ancillary or related work in connection therewith, as further described in said map, plan and report (referred to herein as the "Water Improvement"), which

map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order duly adopted on July 10, 2017, the Town Board determined to proceed with the proposed establishment of the District and the construction of the Water Improvement, and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the estimated cost of hook-up fees, if any, and the cost of the Water Improvement to the Typical Property, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying July 24, 2017, at 6:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and construction of the Water Improvement, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on July 24, 2017, commencing at 6:00 o'clock P.M. (Prevailing Time), at the Town Hall, 1375 Ridge Road, Lewiston, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed establishment of the District and the construction of the Water Improvement; and

WHEREAS, the Town, as lead agent, has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, the Town Board, by resolution duly adopted August 14, 2017, determined that the notice of public hearing was published and posted as required by law and is otherwise sufficient, that all the property and property owners included within the proposed District are benefited thereby, that all the property and property owners benefited are included within the limits of the proposed District, and that is in the public interest to establish the District and construct the Water Improvement at the estimated maximum cost of \$10,200,000; and the Town Board approved the establishment of the District and the Water Improvement at a cost not to exceed \$10,200,000; and

WHEREAS, said resolution, adopted on August 14, 2017, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and no petition signed and acknowledged by the electors of the Town for their approval or disapproval has been filed with the Town Clerk within thirty days after the date of adoption thereof, or at any other time since said adoption; and

WHEREAS, the permission of the State Comptroller is not required because the estimated cost of the District and construction of the Water Improvement to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller;

Now, therefore, be it

ORDERED, that the District is hereby approved, to be known as the Town of Lewiston Water District, in the Town of Lewiston, situate wholly outside of any incorporated village or city, and bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND known as the Town of Lewiston, County of Niagara, State of New York, being all of Lots 10 through 29 of the New York State Reservation, plus Lot 1, Lots 4 through 8, Lots 11 through 15, lots 18 through 45 plus part of Lots 16 and 17 in Township 14, Range 9, plus Lots 33 through 49, Lots 53 through 57, Lots 62 through 64 in Township 14, Range 8 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the intersection of the northerly line of the Town of Wheatfield with the westerly line of the Town of Cambria; thence westerly along the northerly line of the Town of Wheatfield and the Town of Niagara and the City of Niagara Falls to a point located at the easterly edge of the Niagara River; thence northerly along the easterly edge of the Niagara River as it winds and bends to a point located in the southerly line of the Village of Lewiston; thence easterly, northerly and westerly along the southerly, easterly and northerly lines of the Village of Lewiston to a point located on the easterly edge of the Niagara River; thence northerly along the easterly edge of the Niagara River as it winds and bends to a point located the southerly line of the Town of Porter; thence easterly along the southerly lines of the Town of Porter and the Town of Wilson to a point located on the westerly line of the Town of Cambria; thence southerly along the westerly line of the Town of Cambria to the place or point of beginning.

Excepting the area known as the Tuscarora Indian Reservation.

and be it further

ORDERED, that the Town of Lewiston Water District is hereby established and the Water Improvement hereinabove referred to shall be constructed as set forth in the map, plan and report prepared by GHD Engineers, dated May 22, 2017, at a cost not to exceed \$10,200,000, which is planned to be financed by the issuance of \$10,200,000 bonds of the Town to finance said cost, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable;

and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Niagara and file with the Department of Audit and Control in Albany, New York, copies of this Order, certified by said Town Clerk.

DATED: September 25, 2017

TOWN BOARD OF THE TOWN OF LEWISTON

(SEAL)

BOND RESOLUTION OF THE TOWN OF LEWISTON, NEW YORK,
ADOPTED SEPTEMBER 25, 2017, APPROPRIATING \$10,200,00 FOR
THE ESTABLISHMENT OF THE TOWN OF LEWISTON WATER
DISTRICT AND THE CONSTRUCTION OF A WATER SYSTEM
THEREIN, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE
PRINCIPAL AMOUNT OF \$10,200,000 TO FINANCE SAID
APPROPRIATION

Recitals

WHEREAS, the Town Board of the Town of Lewiston (herein called “Town”), in the County of Niagara, New York, has caused GHD Engineers, competent engineers duly licensed by the State of New York, to prepare a map, plan and report dated May 22, 2017 for the proposed establishment of the Town of Lewiston Water District, in the Town, and construction of improvements therein, consisting of the construction and installation of approximately 43,800 lineal feet of new waterline to replace existing deteriorated piping that will be abandoned in place, including interconnections, hydrants, valves, watermains, borings, road crossings, stream crossings, a railroad crossing and other ancillary or related work in connection therewith, as further described in said map, plan and report (referred to herein as the “Water Improvement”), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, a public hearing in the matter was duly held by the Town Board on July 24, 2017, commencing at 6:00 o’clock P.M. (Prevailing Time), at the Town Hall, 1375 Ridge Road, Lewiston, New York, at which all interested persons desiring to be heard were heard,

including those in favor of, and those opposed to, the proposed establishment of the District and the construction of the Water Improvement; and

WHEREAS, the Town Board, by resolution duly adopted August 14, 2017, determined that the notice of public hearing was published and posted as required by law and is otherwise sufficient, that all the property and property owners included within the proposed District are benefited thereby, that all the property and property owners benefited are included within the limits of the proposed District, and that is in the public interest to establish the District and construct the Water Improvement at the estimated maximum cost of \$10,200,000; and the Town Board approved the establishment of the District and the Water Improvement at a cost not to exceed \$10,200,000; and

WHEREAS, said resolution, adopted on August 14, 2017, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and no petition signed and acknowledged by the electors of the Town for their approval or disapproval has been filed with the Town Clerk within thirty days after the date of adoption thereof, or at any other time since said adoption; and

WHEREAS, the permission of the State Comptroller is not required because the estimated cost of the District and construction of the Water Improvement to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller; and

WHEREAS, said Town Board duly adopted a Final Order on September 25, 2017, establishing the District, therein designated as the Town of Lewiston Water District, in the Town

of Lewiston, and ordered construction of a water system therein, at a cost not to exceed \$10,200,000;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LEWISTON, IN THE COUNTY OF NIAGARA, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$10,200,000 for the establishment of the Town of Lewiston Water District and construction of the Water Improvement, as described in the Recitals hereto, all in accordance with the map, plan and report prepared by GHD Engineers, engineers duly licensed by the State of New York, dated May 22, 2017, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$10,200,000. The plan of financing includes the issuance of \$10,200,000 bonds of the Town to finance said cost, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$10,200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said object or purpose for which said bonds are authorized be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of

the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Niagara Gazette*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.



TOWN OF LEWISTON
1375 Ridge Road
Lewiston, New York 14092
(716) 754-8213
www.townoflewiston.us

Copy: TUB
attp
PJ
9/21/17

MEMORANDUM TO: Town Board

FROM: Timothy Masters *TM*

DATE: September 18, 2017

RE: Grass Cutting – Taxes

Per the grass cutting law, I have had 28 parcels cut in the Town. The total fee for the cuttings as of today is \$5,418.75. There is also a \$100. Administration fee per parcel, totaling \$2,800.

I am requesting that fee and administration fee be placed on the taxes for 2017.