

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto & B. Geiben & R. Morreale; Dep. Sup. B. Conrad; Chief Previte; Attorneys J. Catalano & R. Parisi; Bldg. Insp. T. Masters; Finance Director/Budget Officer M. Blazick; Eng. R. Lannon; WPCC Ch. Op. J. Ritter; Grant Writer Bernie Rotella; 2 Press; 10 Residents and Dep. Clerk C. Schroeder

Also Present: Councilman-Elect J. Jacoby

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

**Public Hearing #1 Re: Proposed Local Law Repealing and/or Replacing certain sections of Chapter A367 "Water Department Rules and Regulations".**

PH RE TOWN  
CODE AMENDMENT

The Clerk read the public notice for the record:

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 11<sup>th</sup> day of December, 2017 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a proposed Local Law entitled, "A Local Law Repealing and/or Replacing certain sections of Chapter A367 Water Department Rules and Regulations" of the Code of the Town of Lewiston, an abstract of which is as follows:

The proposed Local Law amends §§ A367-39, A367-43, A367-44 and deletes §§ A367-61 and A367-63 of the Code of the Town of Lewiston.

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.

By Order of the Town Board of the  
Town of Lewiston  
November 27, 2017

The Supervisor opened the public comment period on the proposed local law.

PH COMMENTS

Amy Witryol, Lower River Road, asked if any portions of the Town Code for water that are proposed for deletion includes the modification passed in 2009 that prohibited the treatment of waste water from any hazardous waste facility.

Parisi said it a law to basically amend the Code to take the fees contained in the Code out and allow the Town Board to set these different fees by resolution. It has nothing to do with what the Water Treatment Plant is processing.

Nancy Correa, Riverwalk Drive asked if this amendment of the local law, by resolution, is ongoing; meaning at any given time the Board, in their wisdom, could raise rates without having to go thru a public hearing? If so, she strongly objects to it. She asked Parisi to clarify that.

Parisi said it allows the Town Board to set the rates by resolution. Most municipalities do not include rates in their Code. When the rate is included in the Town Code, it becomes a cumbersome process when you want to change the rates, he said. This allows the Town Board to determine the rates in a less cumbersome process. In order to change a local law you have to have a public hearing. In order to set a resolution, you do not have to have a public hearing. The resolution would have to be conducted at a public meeting. It cannot take place behind closed doors.

Correa said she wants her position noted that she objects to rate changes by resolution.

**Geiben MOVED to close the public hearing. Seconded by Bax and carried 5-0.**  
Time: 6:10 p.m.

**WORK SESSION:**

AGENDA

**AGENDA:** Additions: Bax: Executive Session re: consultation with outside Counsel for litigation purposes to discuss possible matters regarding Amy Witryol et al v. CWM et al lawsuit. Morreale: Continuation of Lime Energy project.

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

*Local Law: Amendment to Town Code, Chapter A367 "Water Department Rules and Regulations."*

L.L. ADOPTED

**Bax MOVED to approve a Local Law Repealing and/or Replacing certain sections of Chapter A367 "Water Department Rules and Regulations" of the Code of the Town of Lewiston. Seconded by Geiben.**

Roll Call: Bax: Aye; Ceretto: Aye; Geiben; Aye; Morreale: Aye; Broderick: Aye

**Carried 5-0.**

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

1) Section A367-39 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

**§ A367-39 Water meter testing fee.**

Water meters will be tested upon request of a customer for a sum as set from time to time by resolution of the Town Board of the Town of Lewiston.

2) Section A367-43 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

**§ A367-43 Water bills, rates and charges.**

A service charge to defray the cost of reading meters, billing customers and providing department services shall be made against each customer taking a supply of water during the applicable quarter from the mains of the Town of Lewiston as set from time to time by resolution of the Town Board of the Town of Lewiston.

3) Section A367-44 of the Code of the Town of Lewiston is hereby repealed and replaced with the following:

**§ A367-44 Water rates set.**

Water rates within the water district of the Town of Lewiston shall be set from time to time by resolution of the Town Board of the Town of Lewiston, and said rate(s) shall be made publically available by the Town of Lewiston Water Department.

4) Section A367-61 of the Code of the Town of Lewiston is hereby repealed.

5) Section A367-63 of the Code of the Town of Lewiston is hereby repealed.

**Bax MOVED the resolution setting Water Rates for the Town of Lewiston. Seconded by Geiben, as follows:**

**WHEREAS**, the Code of the Town of Lewiston Section A367-43 authorizes the Town Board to set water rates within the Town of Lewiston Water District; and

**WHEREAS**, the water rates charged to the Town of Lewiston water district have increased, now therefore be it

**RESOLVED**, that the water rates for the Town of Lewiston water district are set as follows"

**Water Rates:** Minimum Charge: \$29.06 per quarter.

0-1,000 Cubic Feet: \$29.06.

Over 1,000 Cubic Feet: \$0.02275 per cubic foot.

WATER RATES ESTABLISHED

And be it further **RESOLVED**, that said water rates charges and fees shall become effective January 1, 2018.

**Resolution carried 5-0.**

*ABSTRACT:*

ABSTRACT

**Ceretto MOVED to approve the Regular Abstract of Claims Numbered 3435 to 3589 and recommended payment in the amount of \$93,803.60, plus a post audit of \$75,007.69. Seconded by Geiben and carried 5-0.**

*MINUTES:*

Blazick noted a correction in the minutes of 11/27/2017, page 216. Under Budget Adjustments – NYS Retirement it reads: The NYS Retirement bill was received and it was \$17,000 over what was budgeted for. Blazick has fixed it for the future, but 2018 needs to be adjusted. 2018 should read **2017**, she said.

CORRECT MINUTES  
11/13/17, P 216

**Bax MOVED to approve the minutes of 11/13/2017, PH/Work Session. Seconded by Geiben and carried 5-0.**

MINUTES

**Geiben MOVED to approve the minutes of 11/27/2017, RTBM, with amendment as noted. Seconded by Morreale and carried 4-0. (Bax abstained).**

*DEPARTMENT HEAD CONCERNS:*

DEPT. HEADS

Grant Writer: Rotella said they are working on the Electric Car Station. He is waiting for the last quote from Councilman Morreale. He will be bringing in a resolution for an 80% funded grant. The Town's share would be 20% or about \$6,000.

They need to get started on the Mohawk Trail. Rotella requested the Town Engineer take over the project. He is looking for some direction. They have an extension until the end of 2018. This is the on-road trail coming off the Lewiston Pathway connecting to Pletcher Road.

Rotella is working with Tim Masters and the Town Clerk on the NYS Archives Grant. This is for the BAS Program for the Building Inspector's office. It is a 100% funded grant.

Rotella said he is still looking for some direction on the dog shelter. Broderick said he would like some guidance from the Board to go ahead with a dog shelter, without the grant. The Board agreed as long as it meets the guidelines of the NYS Dept. of Agriculture & Markets.

Lastly, Rotella said he asked the Town Engineer to do a SEQR for the Sanborn Sewer Project. Lannon said this project is an extension of a force-main about 700-ft from Bridgeman Road west to the Farm Museum and Treichler's nursery. He would classify this as an unlisted action. However, due to the other parties that would be involved and in addition to DASNY requirements, we would require a coordinated review. Lannon asked the Town Board to consider a resolution that classifies this project as an unlisted action with a coordinated review.

SEQR SANBORN  
SEWER PROJECT

**Geiben MOVED to classify the Sanborn Sewer Project as an unlisted action with a coordinated review. Seconded by Bax and carried 5-0.**

Broderick said they have the funding in place. Senator Ortt and Assemblyman Morinello have appropriated \$50,000 each for the Highway Department which will free up the money for the cost of the sewer extension. It is roughly \$100,000.

TOWN DECLARES  
LEAD AGENCY  
ON SANBORN SEWER  
PROJECT

**Geiben amended the resolution to include that it is the Town Board's intent to act as Lead Agency on the SEQR Review for the Sanborn Sewer Project. Seconded by Bax and carried 5-0.**

EXECUTIVE  
SESSION

At this time, Broderick asked to go into Executive Session. **Bax MOVED to enter into Executive Session regarding potential litigation. Seconded by Geiben and carried 5-0.** Time: 6:20 p.m.

Executive Session

Present: Broderick, Bax, Ceretto, Geiben, Morreale, Conrad, Catalano, Parisi

Also Present: Councilman-Elect Jacoby, Special Counsel Gary Abraham

Issues Discussed: Outside Counsel with regard to Potential litigation.

**Bax MOVED to exit executive session and re-convene work session. Seconded by Geiben and carried 5-0.** Time: 6:35 p.m.

## DEPT. HEADS

Police: Previte said they have money donated by a citizen, money left-over from the Stop DWI program for equipment and \$5,000 received from Senator Ortt earlier in the year for equipment. They will use this money to purchase Body Cameras. Currently, they are testing two different brands. The funds have to be spent by year-end.

Also, there are funds in the equipment line which he would like to use to shield the police clerk in the office with a glass partition so there is no direct access to her in the event no officers are present at the station. He is obtaining bids for this work.

Lastly, Previte said there is a lot of misinformation about an incident that occurred on Thanksgiving. It was a bar fight outside the Brickyard. An arrest was made. During the course of this event, a female was trying to break the fight up. She did not sustain any injuries that night. However, two weeks later she had a seizure and passed away. Previte said it is all over social media that it was a homicide and involved with this fight. Previte said there is no indication to believe that whatsoever. Lewiston Police were present at the Erie Co. Medical Examiner's office the next day for an autopsy. The Medical Examiner found no link or cause to the bar fight. Previte said they are not investigating any homicide. At this point we do not believe the young woman's death and Thanksgiving incident are linked. The family is supportive and working with the Police Department. It is an on-going investigation.

Engineer: Lannon said they have developed a concept plan for the Police/Parks Storage Building. He will be meeting with Previte and Parks Dir. Dashineau to advance that project.

Legal: The Supervisor read the following letter from A. Joseph Catalano: Please accept this letter as my resignation from the position of Attorney for the Town of Lewiston, effective December 31, 2017. I would like to thank you for granting me the opportunity to represent this Board and the members of our community for the past two years. It was my honor and privilege.

BD ACCEPTS  
ATTY. CATALANO'S  
RESIGNATION

**Geiben MOVED to accept Catalano's resignation with regret. Seconded by Bax and carried 5-0.**

Finance: Blazick said that Moody's Investor Service has affirmed the A1 rating for the Town of Lewiston, removing the A-1 negative outlook.

Factors that could lead to an upgrade include additional revenue diversification through continued increased to the tax levy; a trend of operating surpluses resulting in a material increase in reserves and continued tax base growth. Factors that could lead to a downgrade are declines in sales tax and tipping fee revenues, instability among the Town's major employers or institutional presences, or a trend of operating deficits resulting in a material decrease in reserves, which is what we had going on in the prior years, Blazick said.

December 11, 2017, PH / Work Session

Next, Blazick said she has two Budget Revision Edit Lists the Board needs to approve. The first was a printout dated November 30, 2017 and December 11, 2017.

Blazick explained the budget adjustments as follows:

1. Recreation staff moved from contractual to employees. Adjustments must be made to get the budget to the right account. For better transparency, we are setting up a separate personal services line for the concessions, special events and the ice rink. They were lumped together in one account in prior years. We have already set up the account for the ice rink and have planned on setting up the concessions accounts for 2018 but we want this to be effective for 2017 to better monitor these expenses.
2. The split between medical and union benefits need to be adjusted for the water fund, SW1.
3. Because we moved the HYDRO funds from a Trust and Agency fund to the capital fund per the auditors for the 2016 audit, we need to adjust the budget. When the reimbursement for energy comes to the funds, it used to be classified as revenue where now it needs to be a transfer of funds. This adjustment moves the revenue from a 1000-1189-0000 account to a transfer in of 1000-5031-1189. The revenue is recognized when money comes in the H98 Fund now.
4. A small adjustment to the Medicare and SS for the A fund is required. Because the A fund has had no unemployment claims, we can take the money from that account.
5. The highway department is over budget for payroll. We are making the required adjustments to meet payroll for the rest of the year. Dave Trane and I plan on doing a detail analysis after the first of the year so we can eliminate many of the adjustments we have had this year.
6. SS1 needs a small adjustment between medical and welfare benefits to finish out the year.

*BUDGET  
REVISIONS*

**Bax MOVED to approve the Budget Revisions dated 11/30/2017 at 4:19 PM. Seconded by Geiben and carried 5-0. (Attachment A)**

Blazick said additional budget adjustments dated 12/11/2017 are as follows:

1. We need to adjust the Traffic Control Contractual for an additional invoice that came in. These funds can come from the Town Garage which is currently under budget.
2. Recreational Personal Service needs to be increased because Aurora Campbell has worked slightly over the hours budgeted. We wish to reclass \$1,000 from the Recreation Equipment line.
3. Parks contractual is going to be over budget due to several unforeseen items which include the disputed water bill and a water line leak that still needs to be repaired. We want to reclass \$7,500 from Parks Personal Service to Parks Contractual.
4. Because of the final settlement of the clerical union, we need to make some adjustments to the personnel lines to cover the increase. The transfer will come from the contingency funds in both the A fund and B fund.

**Bax MOVED to approve the Budget Revisions dated 12/11/2017 at 10:45:40 AM and 12:25:37 PM. Seconded by Geiben and carried 5-0. (Attachment B)**

Lastly, Blazick said there is a T-Account on the books titled "Cash Donations". She has gone back thru the history of this fund. The only activity she sees going into that account \$367 in interest. It started at \$3,119.76 back in January 1, 2006. I have no idea what this is for, she said. We need to move that money out of there and back into the general fund. She asked the Board members if they had any knowledge of where this money came from. None did.

**Geiben MOVED to transfer \$3,486.76 from the T-Account (Cash Donations) to the General Fund. Seconded by Bax and carried 5-0.**

*OLD BUSINESS:*

L.L. Amendment §360-29(B), Niagara University Re-zoning: Parisi said he prepared a resolution relative to SEQRA. Before the Board can act on the law itself, the resolution

needs to be adopted declaring the Town Lead-Agency, authorizing a negative declaration and authorizing the Supervisor to sign the EAF.

**Geiben MOVED the following Resolution. Seconded by Morreale:**

**WHEREAS**, a Long Form Full Environmental Assessment dated October 3, 2017 having been prepared and filed by the Town of Lewiston, relative to a proposed amendment to the Town Code of the Town of Lewiston, entitled "A Local Law Amending the Zoning provision of the Town of Lewiston," and this form having been reviewed and considered, and coordinated reviewing having taken place, and no other agency having objected to the Town of Lewiston Town Board assuming lead agency, and the time for such comment or objection has passed;

**NOW, THEREFORE, IT IS,**

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Lewiston is the Lead Agency for SEQRA review; and be it further

**RESOLVED AND DETERMINED** that the action is a Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA), and coordinated review has taken place. This Board finds, after review of the EAF considerations therein, that this action will not have a significant adverse effect on the environment and, accordingly, directs that a negative declaration pursuant to SEQRA be issued, and authorizes the Town Supervisor to sign Part 3 of the EAF and any other necessary documentation.

**Motion carried 5-0.**

**Geiben MOVED to adopt a Local Law amending the Zoning Provisions of the Code of the Town of Lewiston, as follows:**

§360-2-(B) of the Code of the Town of Lewiston is hereby amended and the zoning classification 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.

Roll Call: Bax: Aye; Ceretto: Aye; Geiben; Aye; Morreale: Aye; Broderick: Aye

**Motion carried 5-0.**

Cold War Veterans Exemption: Parisi said no action would be taken tonight. It has taken a backseat to the other local laws he's been working on. He will look into it.

Bid – Fire Hydrant (NYPA): Broderick said due to bureaucracy, there is nothing to report. The Engineer said he would be coordinating the insurance and reporting requirements with Attorney Parisi.

Site Plan Application – Riverwalk/Wolf Run: Parisi said this can be taken off the Agenda. He spoke to Bill Tuyn from Forbes Carpetto. What they filed and called a Site Plan Application was not actually a Site Plan Application. There are no buildings. There is nothing to review. Parisi said he advised them of a different route to take.

Re-zoning Request – LMK Realty: Parisi said he prepared a Local Law for introduction and scheduling of a public hearing.

Masters said there was a typo in the Planning Board's letter to the Town Board recommending denial of the rezoning request. The Clerk had noted the parcels as SBL# 101.12-1-21 – 102.12-1-41. Masters said this is in the Board's packet to make the correction to SBL#101.12-1-21 – 101.12-1-41.

Parisi said this was just a typographical error. They are still talking about the same lots.

**Bax MOVED to schedule a Public Hearing for Monday, January 8, 2018 at 6 PM on a Local Law Amending the Zoning Provisions of the Code of the Town of**

LL ADOPTED  
ZONING CODE

P,H. 1/8/18, 6PM  
ZONING CODE  
REVISION

**Lewiston for certain Parcels to be Rezoned from “R-1 Districts” to “R-2 Districts.”  
Seconded by Geiben and carried 5-0.**

Broderick asked if they had to address the typo. Masters said they should. Broderick noted the correction as SBL# 101.12-1-21 – SBL# 101-12-1-41 (Lot 101.12-1-37 does not exist).

Police Car Purchase: Broderick said he has discussed funding for a new patrol car using H-97 Funds for public safety. The balance of funds they were going to use for the car will be rolled into the B-Fund fund balance.

FUNDS ALLOCATED  
FOR PATROL CAR

**Geiben MOVED to allocate funds from H-97 for the purchase of a 2017 patrol car under State Bid. Any funds remaining in the police budget will be rolled into fund balance. Seconded by Morreale and carried 5-0.**

Previte said the trade-in value of the patrol car they are replacing is \$7,200.

Bryk Payment Status Update: Broderick said he, and Councilman Morreale, had a meeting with Jason Bryk. They discussed the perimeters of how the work was done. Who hired My Bryk? Why they were hired and the Town’s involvement. Broderick said it is his opinion that this is something the Town is not responsible for. This matter will be removed from the agenda.

Memorandum of Agreement – Purchase of Used Paver: Broderick said there are some legalities that need to be figured out amongst the towns. Parisi said he is currently working with attorneys from other towns.

Erie County SPCA Agreement: Parisi said he has reviewed the contract. He had some issues with it that he would like to clear up with the SPCA. Those have been presented for their consideration.

Resolution Correction – Family Medical Leave: Parisi said this is a clarification to the resolution that was passed at the last meeting. There may have been some concern that no benefits in regard to Family Leave were being offered. That is not the case. The same Family Leave benefits that were in place before are still in place. It’s just that the **Town will not be offering paid family leave benefits.**

FAMILY MEDICAL  
LEAVE ACT  
RESOLUTION  
AMENDED

**Geiben MOVED the Resolution 2017-24, with the correction as noted. Seconded by Morreale and carried 4-0. (Bax abstained).**

Town Standards for Curbs: Lannon said this is a work in process as there is a potential parking issue with a vertical curb with the Fire Inspector. He is trying to set up a meeting with him to clarify that issue.

Lime Energy: Morreale said he, and Tim Masters, have been working with Dennis Gruarin, Lime Energy Services, a representative company of National Grid to replace the lights at Town Hall. When they first did the proposal some lights were left out at Town Hall. To finish the Town Hall, the estimated cost is \$1,451.38. NG is contributing 80%. The cost to finish Town Hall is \$286.45.

The proposal to replace the light fixtures at the Senior Center is \$17,088.18. National Grid will contribute 80% of the cost or \$11,487.08. The cost to the Town is \$3,338.33.

LIME ENERGY  
SERVICE TO  
FINISH REPLACING  
LIGHTS @ TH  
SR. CENTER

**Morreale MOVED to finish replacing the lights at the Town Hall and Senior Center at the costs stated. Funds to come from the HYDRO money. Seconded by Geiben and carried 5-0.**

**Morreale MOVED to authorize the Supervisor to sign necessary documents. Seconded by Geiben and carried 5-0.**

*NEW BUSINESS:*

Director of Finance: The Supervisor read the following letter from Martha Blazick.

Effective March 1, 2018, I will be resigning my position of Director of Finance. This should give you plenty of time to find a qualified replacement. I have had a challenging and rewarding three years with the Town but it is now time for me to spend more time with my family.

However, I am asking the Board for an opportunity to train my replacement thoroughly. I do not want the Town of Lewiston to go through the transitions of the past. I am asking for the chance to work an average of 20 hours per week through 2018 to teach my replacement all the intricacies of the position. This will get us through the budget season and year end closing. The job is extremely complicated and is intimately involved with all departments of the Town. We have worked hard to improve the financial health of the Town and I am asking for permission to see that the good health continue long into the future.

BD ACCEPTS  
M. BLAZICK  
RESIGNATION

**Geiben MOVED to accept the resignation of Martha Blazick, with extreme regret. Seconded by Bax and carried 5-0.**

The Supervisor thanked Marti for all her hard work and appreciates all she has done.

P.H. Re: L.L. Extending Moratorium Concerning the Disposal of Sludge:

PH, 1/8/18, 6:15PM  
MORATORIUM OF  
SLUDGE DISPOSAL

**Bax MOVED to schedule a Public Hearing on a Local Law extending the Town's moratorium concerning the disposal of sludge, sewage and septage for Monday, January 8, 2018 at 6:15 PM. Seconded by Morreale and carried 5-0.**

2018 Sewer Use Annual Agreement:

2018 SEWER USE  
AGREEMENT

**Bax MOVED to authorize the Supervisor to sign the 2018 Sewer Use Agreement. Seconded by Geiben and carried 5-0.**

Parisi said he did not update the figures. He updated the language. It is basically the same agreement. He just cleaned it up. He approved it as to content.

Pipe Crawling Camera Funds 2017:

The Niagara County Sewer District provides the Town a yearly reimbursement of \$20,000 for the Town's work on I&I in the Town's South Sewers.

In 2014, the NCSO approved a lease to own pipe crawling camera that the Town has been making payments on. There is one payment left of \$17,857.48. The remainder of reimbursement would come from the documented I&I reduction work done in the Sanborn SS3 area for the year 2017.

PIPE CAMERA  
FUNDS ALLOCATED

Ritter is requesting approval to spend \$20,000 from the South Sewer equipment line SS3-8120-0200-0000. These funds will be reimbursed by the NCSO.

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

CWM Lawsuit Resolution:

RESOLUTION-  
CWM LAWSUIT

**Bax MOVED the following resolution:**

**Whereas**, the Town of Lewiston Board seek to promote the health, safety, and general welfare of the community;

**Whereas**, the Town of Lewiston has long opposed the commercial importation of PCBs and hazardous waste for treatment, storage and disposal activities in the Lewiston-Porter community near schools, farms and homes;

**Whereas**, the Town of Lewiston has long opposed the commercial transportation of PCBs and hazardous waste through the Lewiston-Porter community and past all public schools;

**Whereas**, the commercial importation of PCBs and hazardous waste for disposal in the community ceased in November of 2015 and the associated landfill was certified as closed in June of 2017 by the New York State Department of Environmental Conservation;

**Whereas**, the Village of Lewiston, the Town of Lewiston, the Village of Youngstown, Niagara County, the Lewiston Porter Central School District, the Niagara County Farm Bureau and Residents for

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Responsible Government, Inc. are interveners in state regulatory proceedings in opposition to an application to site a massive new PCB and hazardous waste landfill in the community;

**And whereas**, a petition and complaint was filed by area residents on October 19, 2017, in Erie County Supreme Court (Amy Witryol, et al v CWM, et al) to prevent any impermissible commercial PCB and hazardous waste treatment and storage activities in the community;

**Be it resolved**, that the Town of Lewiston wishes to file papers with the court to participate in support of the residents' petition, in such form and substance deemed appropriate by Councilman Bax in consultation with counsel to the Town of Lewiston;

**Be it further resolved**, that no expense shall be incurred by the Town of Lewiston in advance of approval by a meeting of the Lewiston Town Board, and be it further resolved that a copy of this resolution be forwarded to the above named interveners.

**Seconded by Geiben and carried 5-0.** Broderick noted that the Town's Special Counsel Gary Abraham is 100% in support of this resolution.

Mrs. Correa asked what the last part of the resolution meant, "no expense shall be incurred by the Town in advance of approval..." Broderick said there would be no cost to the Town of Lewiston unless voted by the Town Board at a later date.

PERSONAL DAY  
CARRY-OVER OK'D  
T. MEOGROSSI

Personnel Carry-over Request: The Supervisor referred to a request from Tamara Meogrossi to carry-over one (1) Personal Day to be used in the first quarter of 2018.

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

COURT AUDIT

Court Audit: The Supervisor read a letter from the Town Justices that the courts must open their books to the Town Board for review. Pursuant to Section 2019-a of the Uniform Justice Court Act, it is the duty of every justice to present their records and docket, at least once a year, to the auditing Board of the Town. Consistent with Section 2019-a, the Court's advise that their records and docket are available to be presented for such examination.

*PRIVILEGE OF THE FLOOR:*

RESIDENT  
STATEMENTS

Rosemary Warren, Griffin Street, asked the Board to acknowledge when students are in attendance. She liked the layout of the meeting room as it is friendlier for the residents. Warren said she had a concern that the Board is approving so many budget transfers. Also, there should be more transparency when discussing the Budget Edit Lists that are referenced by email.

Nancy Correa, Riverwalk Drive, said she has been asked by some neighbors to speak in support of the action of the Board with respect to the CWM issue, but they are not in support of any of the Town finances to help bring it to fruition. Do not allocate any monies to fight the issue. In other words, because of the new taxes and new rates going up, we realize the Town is in a bind. We don't want to see it progress any further.

Correa commended Parisi on the clear clarification of the matter for executive session. That's the way it should be done, she said.

Correa asked if the video equipment is at Town Hall. Geiben said Professor Abbondanza took it to synchronize it. He is aiming to have it installed by December 28.

Amy Witryol, Lower River Road, said she did not have an opportunity to talk with Mrs. Correa or any of her neighbors about the nature of the lawsuit. "This isn't really an Amy Witryol suit. This is a public interest suit. I wouldn't be bringing a lawsuit if it weren't in the public interest." I would encourage Nancy to get her neighbors together and explain the cost to the Town if we lose this suit. It could easily take a year for a lawsuit to work its way thru the system and if there are appeals, etc. This is about seeing the landfill that closed in 2017 as officially certified by DEC, remains so, and that the activities associated with the 1993 approval for that also expire as intended by that approval. So, everyone in that neighborhood doesn't wake up five years from now with

60,000 trucks a year potentially coming thru the Town of Lewiston for treatment or repackaging at a facility near our schools... Some of the treatment at facilities out there include an 8,000 gallon tank for cyanide. These tanks must be vented to keep them from exploding. CWM will argue the engineering and the safety in the judicatory hearings. We will also argue the economics. When you have highly stigmatized facilities, and there are only ten left in the U.S. with respect to treatment, storage and disposal, there is a cost to municipalities. If there weren't, and you don't have to be an economist to figure that out, there aren't Towns and counties coming out of the woodwork all over the U.S. trying to recruit one of these facilities to their towns. If it's not important to protect the health and safety of all the residents in the Town in working the best we can to use all of our collective resources as efficiently as possible for the public good and some individuals at great expense solely to benefit the public and not themselves then I would also ask people to consider that there clearly is an economic benefit to the community. She thanked the Town Board for their vote this evening. I look forward to the Town's participation in whatever manner you deem appropriate.

Correa: Mr. Supervisor, I stand by my previous statement.

As he will not be at the last meeting of the year, the Supervisor took the opportunity to thank Councilwoman Beth Ceretto for the time and effort she's put in to the Town of Lewiston. "It's been an honor and a privilege to spend time with you these last two years. I wish you the best in your future."

RE=ORG 1/8/18  
 4 PM

The Board set the Reorganization Meeting for January 8, 2018, following the public hearings.

Morreale asked for an amendment to his earlier motion with regard to the Lime Energy project at the Senior Center. The cost to National Grid is estimated at \$13,670.54. The cost to the Town is \$3,338.33

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

**Bax MOVED to adjourn. Seconded by Geiben and carried 5-0. Time: 7:40 p.m.**

Transcribed and  
 Respectfully submitted by



Carole N. Schroeder  
 Deputy Town Clerk

Date: 12/11/2017  
Time: 10:45:40AM

**Budget Revision Edit List**

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Attach "A"

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3348	2017	00000145	12/11/2017	12/2017	Traffic	Adj Traffic control from garage	0.00
		001 D	A00-3310-0400-0000			TRAFFIC CONTROL	200.00
		002 D	A00-5132-0400-0000			Detail Desc.: Budget adj for traffic control from garag TOWN GARAGE	-200.00
3348	2017	00000146	12/11/2017	12/2017	Recr PS	Adjust recreation PS from Equipment	0.00
		001 D	A00-7020-0100-0000			RECREATION PERSONAL SV	1,000.00
		002 D	A00-7310-0200-0000			Detail Desc.: Budget adj for Recr PS from Equipmen RECREATION EQUIPMENT	-1,000.00
3348	2017	00000147	12/11/2017	12/2017	Parks PS	Adjust Parks for water leak and disputed bill	0.00
		001 D	B00-7110-0400-0000			PARKS CONTRACTUAL	7,500.00
		002 D	B00-7110-0100-0000			Detail Desc.: Budget adj from Parks PS to Contractu PARKS PERSONAL SERVICE	-7,500.00
Batch 3,348 Totals							0.00

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3358	2017	00000148	12/11/2017	12/2017	Union Inc	Budget adj needed to cover clerical union increas	0.00
		001 D	A00-1355-0100-0000			ASSESSOR PERSONAL SVC	800.00
		002 D	A00-1420-0100-0020			Detail Desc.: To cover clerical union increase from c TOWN PROSECUTOR - PERSONAL SERVIC	700.00
		003 D	A00-5010-0100-0000			Detail Desc.: To cover clerical union increase from c HIGHWAY SUPERINT PERS	1,000.00
		004 D	A00-1990-0400-0000			Detail Desc.: To cover clerical union increase from c CONTINGENCY	-2,500.00
		005 D	B00-3620-0100-0000			Detail Desc.: To cover clerical union increase from c SAFETY PERSONAL SVC	3,500.00
		006 D	B00-4020-0100-0000			Detail Desc.: To cover clerical union increase from c CLERKS (2) PERSONAL SV	600.00
		007 D	B00-1990-0400-0000			Detail Desc.: To cover clerical union increase from c CONTINGENT ACCOUNT	-4,100.00
Batch 3,358 Totals							0.00

Date: 11/30/2017  
Time: 11:52:11AM

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Attach "B"

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3314	2017	00000139	12/11/2017	12/2017	Recreatio	Budget Reclassifications for Recreation program	0.00
		001 D	A00-7310-0100-4401			RECREATION SEASONAL -SPECIAL EVENTS	4,000.00
		002 D	A00-7310-0401-0000			Detail Desc.: reclass tournament personnel to own e REC SPECIAL EVENTS	-4,000.00
		003 D	A00-7310-0100-4402			Detail Desc.: reclass tournament personnel to own e RECREATION SEASONAL -CONCESSIONS P	7,600.00
		004 D	A00-7310-0400-0000			Detail Desc.: reclass concessions personnel to own RECREATION CONTRACTUAL	-7,600.00
		005 D	A00-7310-0100-0000			Detail Desc.: reclass concessions personnel to own RECREATION SEASONAL HE	3,700.00
		006 D	A00-7310-0400-0000			Detail Desc.: reclass recreational ps from contractua RECREATION CONTRACTUAL	-3,700.00
		007 D	A00-7310-0100-4403			Detail Desc.: reclass recreational ps from contractua RECREATION SEASONAL -ICE RINK PS	10,000.00
		008 D	A00-7310-0403-4403			Detail Desc.: Reclass ice rink PS from contractual f RECREATION ICE RINK CONTRACTUAL	-10,000.00
		009 D	A00-7110-0100-4403			Detail Desc.: Reclass ice rink PS from contractual f PARKS P- OUT OF DEPT-ICE RINK	7,500.00
010 D	A00-7310-0403-4403			Detail Desc.: Reclass ice rink Park PS from contrac l RECREATION ICE RINK CONTRACTUAL	-7,500.00		
Batch 3,314 Totals							0.00

Date: 11/30/2017  
Time: 11:51:59AM

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BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3318	2017	00000140	11/30/2017	11/2017	Water He	Reclass Water health ins from Union Welfare	0.00
		001 D	SW1-9060-0800-0000			MEDICAL INSURANCE	3,000.00
		002 D	SW1-9070-0800-0000			Detail Desc.: To reclass budget for health ins - Wate UNION WELFARE BENEFITS SW1	-3,000.00
Batch 3,318 Totals							0.00

Budget Revision Edit List

Town Of Lewiston

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3321	2017	00000141 001 D	12/11/2017 A00-1000-1189-0000	12/2017	HYDRO r	Reclass HYDRO rev to transfer from H98 ENERGY CREDIT M&T UTILITIES HYDRO)	0.00 -43,407.00
		002 D	A00-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	43,407.00
		003 D	A00-1000-1189-4403			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTIL - ICE RINK	-7,200.00
		004 D	A00-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	7,200.00
		005 D	B00-1000-1189-0000			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTILITIES (HYDRO)	-152,480.00
		006 D	B00-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	152,480.00
		007 D	DB0-1000-1189-0000			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTILITIES (HYDRO)	-30,329.00
		008 D	DB0-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	30,329.00
		009 D	SS1-1000-1189-0000			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTILITIES (HYDRO)	-100,445.00
		010 D	SS1-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	100,445.00
		011 D	SS2-1000-1189-0000			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTILITIES (HYDRO)	-25,389.00
		012 D	SS2-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	25,389.00
		013 D	SS3-1000-1189-0000			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTILITIES (HYDRO)	-2,594.00
		014 D	SS3-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	2,594.00
		015 D	SW1-1000-1189-0000			Detail Desc.: To reclass HYDRO reimb from rev to T ENERGY CREDIT M&T UTILITIES (HYDRO)	-14,860.00
		016 D	SW1-1000-5031-1189			Detail Desc.: To reclass HYDRO reimb from rev to T TRANSFER FROM H98- HYDRO FUNDS	14,860.00
Batch 3,321 Totals							0.00

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3322	2017	00000142 001 D	12/11/2017 A00-9020-0800-0000	12/2017	A fund SS	Reclass SS and Medicare MEDICARE	0.00 1,200.00
		002 D	A00-9030-0800-0000			Detail Desc.: Reclass SS and Medicare from Unemp SOCIAL SECURITY	5,200.00
		003 D	A00-9050-0800-0000			Detail Desc.: Reclass SS and Medicare from Unemp UNEMPLOYMENT INSURANCE	-6,400.00
						Detail Desc.: Reclass SS and Medicare from Unemp	0.00
Batch 3,322 Totals							0.00

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3323	2017	00000143 001 D	12/11/2017 DB0-5110-0100-0000	12/2017	Highway	Adjustment accounts to cover payroll -TBM 12/1 GEN REPAIRS PERSONAL S	0.00 87,000.00
		002 D	DB0-5130-0200-0000			Detail Desc.: Busdget adj to cover two payrolls MACHINERY EQUIPMENT	-27,000.00
		003 D	DB0-5142-0100-0000			Detail Desc.: Busdget adj to cover two payrolls SNOW REMOVAL PERS SVC	-50,000.00
		004 D	DB0-9050-0800-0000			Detail Desc.: Busdget adj to cover two payrolls UNEMPLOYMENT INSURANCE	-10,000.00
						Detail Desc.: Busdget adj to cover two payrolls	0.00
Batch 3,323 Totals							0.00

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
3324	2017	00000144 001 D	12/11/2017 SS1-9070-0800-0000	12/2017	Sewer TB	Sewer Budget Adj for Medical TBM 12/11/17 UNION WELFARE BENEFITS	0.00 1,000.00
		002 D	SS1-9060-0800-0000			Detail Desc.: Adj Sewer medical to Union Welfare MEDICAL INSURANCE	-1,000.00
						Detail Desc.: Adj Sewer medical to Union Welfare	0.00
Batch 3,324 Totals							0.00