

## Special Meeting

March 13, 2018

### PRESENT

Mayor Collesano, Trustee Eydt, Trustee Conde, Trustee Gibson, Trustee Sutherland, Law Counsel Joseph Leone, Police Chief Previte, Fire Inspector Barry Beebe, Zoning Officer Ed DeVantier, Clerk Treasurer Salada, and Deputy Clerk Myers.

Mayor Collesano called the special meeting requested by the Brickyard Restaurant to order at 6:00 PM in his office at 145 N 4<sup>th</sup> Street, Lewiston.

Steve Matthews and Bianca Falsetti from the Brickyard Restaurant were present for this request to have the Village of Lewiston acknowledge their event on Saturday, March 17, 2018. The State Liquor Authority has required a letter of acknowledgment from Village officials.

Steve Matthews gave a brief description of the proposed event; we will be erecting a forty by forty foot tent, to house a live band, an outside bar and an estimated two hundred person overflow. We will have six security guards and a cleanup team.

Police Chief Previte asked if alcohol will be served outside.

Steve Matthews said we sent in to the NYS Liquor Authority for a second bar outside, if we receive this acknowledgment then yes we will have a bar outside.

Chief Previte asked if there will be a fence around the tented area.

Steve Matthews answered yes, metal rails with one access in the back, toward Ridge Street.

Chief Previte asked where the parking would go for this event, will it be absorbed elsewhere?

Trustee Eydt said he has a considerable concern with the lack of parking. Last Village Board meeting representatives from your restaurant came before us with concerns about the lack of parking and now you are removing parking for your event.

Mayor Collesano said I was asked that question also, why don't you use your second floor at the BBC for this event. Where is everyone going to park their vehicles?

Steve Matthews answered that they have events scheduled on the BBC second floor such as Irish dancers at 3:00 PM. Artpark has agreed to take overflow parking and there is a shuttle which runs from Youngstown to Lewiston making several stops at other establishments.

Fire Inspector Beebe asked if the distance between Ridge Street and the old kitchen would have a clear path for an emergency vehicle to access in case of need.

Steve Matthews said the driveway access is along the pavement where the chiropractor office is and our building. It is fifteen feet to twenty feet wide and the entrance exit is on Ridge Street.

Trustee Conde asked that the employees park elsewhere for this event.

Trustee Sutherland asked if they had made connections with UBER and LIFT to assist.

Steve said no they had not.

Trustee Sutherland said it seems like you have thought this event out. It reinforces that a trolley of some sort would be an asset for events like this.

Fire Inspector Beebe said I am concerned with the available turning radiuses with vehicle parking on Ridge Street.

Chief Previte said I hope you have someone you trust at the entrances to contain the people, to have a strict watch. We will be out enforcing the open container law.

Zoning Officer Ed DeVantier added that it looks like a great event; I don't think we should give up the parking. The Village Code says parking lots are for parking; just something to think about. I am concerned about the businesses complaint at the last Village Board meeting. We are creating our own problems.

Mayor Collesano asked Law Counsel Joseph Leone if he wanted to comment.

Law Counsel Leone said it is certainly possible we are creating a liability. In the Village Code it does state that tents are not allowed on parking areas. You would be allowing someone to go against the code. I would want the Village of Lewiston to receive an Indemnification and hold harmless agreement from the owners of the Brickyard.

**MOTION TO ALLOW BRICKYARD BREWING COMPANY TO ERECT A TENT IN THE PARKING AREA AT 432 CENTER STREET.**

Trustee Sutherland made a motion to allow Brickyard Brewing Company to erect a tent in the parking area at 432 Center Street, to go up on Friday, March 16, 2018 and down on Sunday, March 18, 2018. With the required safety and security of the perimeter as requested by Chief Previte. With the Fire Inspector Beebe's request for a lane of access for emergency equipment to the kitchen area of the building. For the owners to make a onetime variation of the handicap parking, moving it to in front of the white house on Ridge Street. With the requirement from Law Counsel Joseph Leone to have a signed indemnification and Liability agreement before the tent goes up. With the understanding that Mayor Collesano will sign a letter to the NYS Liquor Authority acknowledging this event.

Trustee Conde seconded the motion. Mayor Collesano asked Clerk Treasurer Salada to poll the Village Board; she did receiving the following results:

Trustee Conde	"YES"	Trustee Gibson	"YES"
Trustee Sutherland	"YES"	Trustee Eydt	"NO"
Mayor Collesano	"abstain"		

**DISCUSSION**

Trustee Sutherland said he needed approval to move forward with the Welcome Sign at the entrance to the Village on Center Street near the parkway exit. He had collected the funding to redo the sign from the local service organizations and it was fully funded.

Trustee Sutherland produced a mockup of the sign.

**A MOTION TO HAVE MODERN GRAPHICS REFURBISH THE WELCOME SIGN AT THE EAST ENTRANCE TO THE VILLAGE**

Trustee Gibson made a motion to have Modern Graphics refurbish the Welcome Sign at the East entrance to the Village on Center Street with the International Club emblems on it. This sign was fully funded by the International Clubs. Trustee Conde seconded the motion and it passed unanimously.

**ADJOURN**

Trustee Sutherland made a motion to adjourn the meeting at 7:13 PM Trustee Conde seconded the motion and it passed unanimously.

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Amy Salada, Clerk Treasurer

**VILLAGE BOARD MEETING**

**March 19, 2018**

**A meeting was held in Mayor Collesano's office at 5:30 with Pat Brown to discuss investing Village Funds with Key Bank.**

PUBLIC HEARING - Hibbard's Custard Stand Special Use Permit for cement pad on village right of way.

NO public came forward with questions or comments for the Hibbard's Custard Stand Special Use Permit for a cement pad and landscaping on the Village Right of Way.

Architect James Fittante stood for questions in regards to the Hibbard's Custard Stand Cement queuing area. We went over this pretty thoroughly last time we met about this.

Trustee Conde asked if the gas line that was identified in that area had been located.

Architect James Fittante answered not exactly; the owners will just be scraping off the existing asphalt. The cement pad project will increase safety for the people in line for service; it will create a buffer from the traffic coming in and out. They are only placing a cement pad in place of the asphalt; they will not be putting in footers or anything else.

Trustee Sutherland asked if the driveway plan to the Custard stand parking will still maintain two way flow of traffic with the improvements.

Architect Fittante answered yes at least twenty feet will be between the landscaping and the first parking space.

Supt. Brolinski reminded Architect Fittante to call UFPO before they dig to pour the cement pad, to protect yourselves.

Architect Fittante said oh yes definitely.

Building Inspector Candella said for both of the building projects (the addition to the building and the cement queuing area).

**MOTION TO CLOSE THE PUBLIC HEARING**

Trustee Sutherland made a motion to close the public hearing for Hibbard's Custard Stand Special Use Permit request at 6:04 PM. Trustee Conde seconded the motion and it passed unanimously.

**PRESENT**

Mayor Collesano, Law Counsel Joseph Leone, Trustee Conde, Trustee Eydt, Trustee Sutherland, Trustee Gibson, Engineer Michael Marino, Supt. Brolinski, Zoning Officer Ed DeVantier, Police Chief Previte, Building Inspector Ken Candella and Clerk Treasurer Salada.

**CALL TO ORDER**

Mayor Collesano called the Village Board meeting to order at 6:05 PM, saying good evening everyone please stand for the Pledge of Allegiance.

**RESIDENCE**

No residents came forward.

**CORRESPONDENCE**

No correspondence was discussed.

**MINUTES**

Trustee Conde made a motion to Approve the February 20, 2018 Village Board meeting minutes and the March 5, 2018 Village Work Session minutes. Trustee Gibson and Trustee Sutherland in unison seconded the motion and it passed unanimously.

**BILLS** Trustee Conde made a motion to accept the March 2018 vouchers for payment as Presented by the Village Clerk's office. Trustee Sutherland seconded the motion and it passed unanimously to pay the March 2018 vouchers in the following amounts:

GENERAL FUND \$63,292.10      TRUST & AGENCY \$ 2,032.82

## **REPORTS**

**Police Chief Previte** reported that he recently met with Irene Rykaszewski from the Lewiston Counsel on the Arts for the Taste of Lewiston; their action plan is going well.

Chief Previte also said I have been speaking with Jennifer Pauly from the Chamber about barricades for the upcoming events, we both agree we need to move forward with this plan. Jennifer also expressed that she may be able to assist with the cost of the barriers.

**Building Inspector Candella** noted his written report. Candella said I have taken a look at the fees and see that some fees should go up (commercial building fees) and some should go down (residential building fees), also some fees need to be added like engineering fees. I think one of the main things is to get the Engineering fees in place.

Trustee Eydt offered to work with Building Inspector Candella on the fee schedule.

**Zoning Officer DeVantier** referenced his submitted written report saying it pretty much shows what's been going on.

Zoning Officer DeVantier said 100 Center Street (the Barton House) representatives and I met and we are coming up with a new design for the sign, we had to reevaluate the plan. I showed them where the right of way was. The sign they have is currently just leaning against a tree. The next step is to take it to the Planning Commission meeting.

**Fire Inspector Barry Beebe** said his written report was submitted. I would like to bring attention to the quick occupancy calculation for the Barton House. They expressed that they had misplaced the original one, so I gave them a letter stating occupancy allowance.

**Recreation Director McDermott** referenced his written report highlighting the partnership with Niagara Pioneer Soccer who held a youth soccer camp program with Coach Matt Leardini. This program had great participation and was a great success. Mc Dermott also said that the Recreation Department Facebook account now has six hundred followers.

**Skip Hauth Project Liaison** reported; new this morning I released authorization for plan submission Tyler Mekus, Associate Director of Construction for the 765 Fairchild Place project has released soil prep, soil barring and the building layout plans. Hauth continued by saying we will see work on this site daily for the rest of the month.

Claudia Marasco spoke for the **Planning Commission**; we worked with Architect Guisiana for the proposed N. 5<sup>th</sup> Street subdivision and new build project. The Planning Commission has asked them to come back we had some questions about the survey. Marasco said that Marilyn Toohey questioned the survey which was presented. Marasco also said there were sign applications presented to the Planning Board for approval.

Brendan Mc Dermott spoke for the **Parks, Recreation, Conservation Board**; we met last week McDermott reported and they discussed the Silo's request for new signage explaining the history of the Silo and the Caboose at Lewiston Landing. The Parks, Recreation Conservation Board approved the placement of these signs in the Lewiston Landing Park.

McDermott also said that the Parks, Recreation Conservation Board worked on the many details for the upcoming Spring Fling.

**Historian Pamela Hauth** said I enjoyed my position as Historian very much and learned a lot about the Village of Lewiston. It was a good time for me, thank you.

Mayor Collesano said I would like to take this opportunity to thank you for your time and effort as Village Historian for the Village of Lewiston. I am going to miss you.

Ken Slaughenoupt reported for the **Historic Preservation Commission** that they are holding a training program on March 20, 2018 in the Village Boardroom, with James Finelli from the NYS Historic Preservation.

**LIAISON REPORTS**

Trustee Sutherland said he will be attending the Lewiston Advisory Committee meeting on March 22, 2018 at 8:30 AM.

Trustee Sutherland also said he would be attending the School Shooting Awareness at the Lewiston Library Friday, March 23, 2018 at 6:30 PM.

Trustee Gibson stated that he planned to meet with Sonia at Artpark soon.

Mayor Collesano suggested that he confirm with Chief Previte for the traffic flow during concerts.

**OLD BUSINESS**

A motion was made by Trustee Conde and seconded by Trustee Eydt to amend the approval as follows: Approve the request from the owners of Hibbard’s Custard Stand to have a Special Use permit issued for a 24 foot x 13 foot concrete pad and customer queuing area and canopy overhang above. This approval requires an indemnification and hold harmless agreement from Hibbard’s Custard Stand, and an easement to allow access to the municipal parking area adjacent to Hibbards property.

Trustee Gibson recused himself from voting on this motion.

Mayor Collesano had Clerk Treasurer Salada Poll the Village Board.

Trustee Conde	“YES”	Trustee Eydt	“YES”
Trustee Sutherland	“YES”	Mayor Collesano	“YES”

The motion **passed** with four yes votes.

Law Counsel Joseph Leone opened conversation by saying he has met a couple of times with Attorney Alfonso Bax who is representing Hibbards for the encroachment project. Leone said he has been informed that the ownership of Hibbards is one entity not several individuals. In this case the personal guarantee is not as important. If the Village Board approves then Hibbards needs to have indemnification and a hold harmless agreement, and Attorney Al Bax has agreed to supply the insurance that is needed. This should be done between now and the next Village Board meeting.

Zoning Officer Ed DeVantier added that fifteen municipal parking spots will become land locked. The Planning Commission said vehicles and individuals have to encroach on Hibbard’s property to get to the municipal parking spots. If this is approved we will limit access to public parking spots. The signage that is going up will say parking for Hibbard’s customers only. I think we need a “parking plan” for this project. So we know who can park where and how we are going to get to those spots.

Law Counsel Leone said I have a plan at my office that was given to me.

Supt. Brolinski said basically the lot follows the country curb toward Center St. then there is a ninety degree cut through the State land.

Zoning Officer Ed DeVantier added you cannot get to the municipal parking from Center Street unless you go across the Hibbard’s property.

Trustee Eydt said my concern is the parking, in my whole life there has never been a problem until now with the parking in that lot and now with this project everyone wants no parking signs.

Kristen Hibbard Trunzo a shareholder in the Hibbard's property said we are willing to pay to have the signs changed to be clear where the village parking is located. We have been in business for seventy nine years and we have allowed everyone to cross our property from Center Street to get to the parking spots.

Supt. Brolinski I do not see a problem with people cutting that little corner to use the village parking area.

Trustee Conde said I think we should put the signs up and see how it goes.

Law Counsel Leone maybe as Mayor Collesano says we should consider an easement for ingress and egress.

Mayor Collesano said I am looking to the future none us are going to be on this board twenty years from now. I think we need it in writing for the record to eliminate confusion.

Law Counsel Joseph Leone asked Architect James Fittante can you give me a drawing with a legal description of the property showing ingress and egress.

Law Counsel Leone also said we will need an agreement for indemnification and hold harmless with an easement, ingress and egress. I will need a legal description; with the area defined by a map outlining the borders and the enter and exit onto Center Street.

## **NEW BUSINESS**

### **JULY 4TH FIREWORKS AGREEMENT**

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to approve the request from Sky lighters Fireworks for the annual pyrotechnic Display and services on July 4<sup>th</sup>, 2018 with a rain date of July 5, 2018 on the plateau area at dark.

### **LEASE WITH JAMES ALFIERE ADSENTIENT INC.**

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to approve the request from James Alfieri of Adsentient Inc., room 10 in the Redbrick Municipal Building to renew his lease for one year. The lease amount is \$350 month or \$4,200 annually.

### **ADOPT LOCAL LAW 2018-2**

A motion to **table** Local Law 2018-2 an amendment to the Motor Vehicles and Traffic Local Law of the Village of Lewiston, New York as recommended by Law Counsel Joseph Leone. A public hearing was held on March 5, 2018 before the Village Board of Trustees was made by Trustee Sutherland seconded by Trustee Gibson and passed unanimously. This was tabled until further information could be obtained.

WHEREAS, Chapter 11 Motor Vehicles and Traffic Article III Stopping, Standing and Parking in particular Section 11-46 Parking Areas and Parking Lots was enacted by the Village of Lewiston, New York as Local Law number 1 of the year 2011, and

WHEREAS, in order to clarify the provisions of this local law by the Lewiston Police Department since enforceability may require the entry onto private property by such police or other law enforcement personnel, and

WHEREAS, in order to effectuate such enforceability it is necessary that all penalty provisions of Chapter 11 – Motor Vehicles and Traffic Local Law of the Village of Lewiston, New York be available as potential penalties for failure to conform to the said parking provisions as set forth in Section 11-47 of the said Motor Vehicles and Traffic Local Law said Section 11-47 is hereby amended to state as follows:

Section 11.47 Parking Areas and Parking Lots

(A) No person shall park, stand, store or leave a motor vehicle or motorcycle upon any public or privately owned premises or property, parking areas or parking lot without the consent and permission of the owner or lessee of such premises.

To effectuate the prohibition on such premises as above described, a conspicuous sign or signs shall be posted at the entrance to such parking area or parking lot, informing the public as to the permitted and / or prohibited conditions of parking on such parking area or parking lot.

(B) All penalty provisions of Article 11 including the penalties and provisions of Section 11.40 and the authorizations contained in Section 11.41 shall be applicable to a violation of Section 11-47. Additionally, Article IV – Removal and Storage of Vehicles shall also be applicable to a violation of Section 11-47.

Chief Previte said this is something I remain opposed to you approving. I have two concerns; one concern is that can we do this, can a Police Officer go on private property.

Chief Previte said I reference the ability to remove vehicles and have a towing company store the vehicle. The law is now specific as to who is liable if damage occurs.

Trustee Sutherland said the owners of the property have the right to request this service.

Trustee Eydt asked can we put something in the law about liability.

Law Counsel Joseph Leone said essentially in 2011 a local law was adopted which enacts the local police to go onto private property. It was not clear whether or not tickets of violation can be written. So the purpose of this amendment was so all penalty provisions on streets would also be in private parking areas. Is the village of Lewiston potentially more liable, sure you would be exposing yourselves to more liability. Enforcement being subject to the owner of the property. Since there is a local law on the books the question is how we enforce the law. I attempted to make the local law enforceable, with the feasibility of allowing the police to go on private property.

Chief Previte said if challenged we do not have a guarantee that we would win. I feel we are using public funds for private property problems.

Law Counsel Joseph Leone said this law amendment is fashioned after other municipalities laws, other municipalities have this law.

Chief Previte said I think this section of the local law should be removed.

Trustee Sutherland said to Chief Previte you go onto private property all the time when you respond to a call.

Chief Previte said I guarantee the business owners will say they gave them permission to park there. Right now we only enforce fire lane parking and handicap parking because it is the NYS law.

Trustee Conde asked what if the property owner calls and an individual is getting aggressive.

Chief Previte said we would warn the aggressive individual to leave the property if they did not we would arrest them for trespassing. If everyone puts up private parking signs we would not be able to keep up. It is not our problem it is the property owners problem, we try to help them. It could be twenty calls in a shift, it takes away from what we should be doing for the residents, patrolling residential streets.

#### **LOCAL LAW 2018-3 NOTICE OF DEFECT**

A motion was made by Trustee Eydt as written seconded by Trustee Sutherland and Trustee Gibson in unison to adopt Local Law 2018-3 the purpose of this Local Law is to

adopt and codify §6-628 of the Village Law of the State of New York dealing with liability of a village in certain actions. The authority to codify such a state law is found in New York State General Municipal Law §15-g-Recording of Notice of Defect. As advised by Law Counsel Joseph Leone. A public hearing was held on March 5, 2018 before the Village Board of Trustees.

Section 17-9. Written Notice of Defects Required – No civil action shall be maintained against the Village, Village Superintendent of Public Works or any other employee or official acting in their capacity, for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed, or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk, and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the actual receipt of such notice.

Section 17-10. Contents of Written Notice/Transmittal of Notice – The written notice of defect required by Section 17-9 of the Village Code of the Village of Lewiston, New York shall contain the following information at a minimum:

- A. The name and mailing address of the person giving such notice.
- B. A precise statement as to the nature and extent of any defective, unsafe, dangerous or obstructed condition or the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk within the Village of Lewiston, New York.
- C. The date, or approximate date, that such condition first became known to the person providing the notice.
- D. The exact location of such condition by providing as clearly as possible reference to a street address or addresses, utility pole number, or other geographic reference so as to aid the Village in properly locating such condition.

The written notice as aforesaid shall be given to the Village Clerk or Village Superintendent of Public Works. If notice is given to the Village Superintendent of Public Works it shall be transmitted by that Superintendent to the Village Clerk within five (5) business days after the receipt thereof. The Village Clerk shall keep a separate indexed record of all notices received for such defects which shall be a public record and shall be preserved for a period of not fewer than five (5) years after the date it is received.

Mayor Collesano had Clerk Treasurer Salada poll the Village Board, she received the following responses:

Trustee Gibson	“YES”	Trustee Sutherland	“YES”
Trustee Eydt	“YES”	Trustee Conde	“YES”
Mayor Collesano	“YES”		

The motion passed with 5 yes votes.

#### **BUDGET AMENDMENTS**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the request from Clerk Treasurer Salada to make the following budget amendments:

FROM: A00-1325-4200	\$300.	TO: A00-9951-8000	\$300.
Acct for Interest		Bank Charges	

F00-9010-8000	\$975.	F00-1680-4050	\$975.
Retirement		Central Data Processing Contracts	
G00-9010-8000	\$845.	G00-1680-4050	\$845.
Retirement		Central Data Processing Contracts	
A00-3060-0000	\$1995.	A00-1325-4052	\$1995.
State Aid/Records Grant		Clerks Outside Contractor	
A00-3620-4150	\$110.	A00-3620-4130	\$110.
Safety Insp. Other		Safety Insp. Schools & Travel	
A00-5182-4012	\$219.71	A00-5182-4013	\$219.71
Street Lighting Electric		New Electric	

**HISTORIC MARKER AT SILO AND CABOOSE AT LEWISTON LANDING**

A motion was made by Trustee Eydt seconded by Trustee Sutherland and passed unanimously to approve the historic marker signage outlining the past history of the Silo and the Caboose as requested by Alan Hastings of Silo Restaurant, and presented by Stacy Sheehan. This signage will be donated by Alan Hasting.

This was taken to the Parks Recreation Conservation Board on March 15, 2018 and they approved this addition to the Lewiston Landing Park.

**EXECUTIVE SESSION**

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to schedule an executive session immediately following this Village Board meeting to discuss the proposed acquisition, sale or lease of real property.

**AMEND PARKING SIGNS AT TUSCARORA MONUMENT**

A motion was made by Trustee Eydt seconded by Trustee Sutherland and passed unanimously to approve the request from Hibbard’s businesses to amend the wording on three existing village signs at the Tuscarora Monument to say two hour municipal parking. The Hibbard property owners have offered to cover the cost of this amendment.

**DEMOCRATIC PARTY TO USE VILLAGE BOARDROOM FOR CAUCUS**

A motion was made by Trustee Sutherland seconded by Trustee Conde and passed unanimously to approve the request from Diane Perri Roberts, Democratic Chairwoman, to use of the Village Boardroom to hold a caucus for the Democratic Party. The request is for Thursday, April 26, 2018 at 7:00 PM.

**REPUBLICAN PARTY TO USE GYMNASIUM FOR CAUCUS**

A motion was made by Trustee Gibson seconded by Trustee Eydt to approve the request from the Republican Party to use the Gymnasium to hold a caucus on April 24, 2018 at 6:00 PM. This motion passed with four votes, Trustee Sutherland recused himself.

**RESIGNATION OF PAMELA HAUTH AS HISTORIAN**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to accept the resignation of Pamela Hauth as Village of Lewiston Historian effective immediately.

**INSURANCE FOR MEMORIAL DAY PARADE**

Trustee Eydt stated that he had some questions on the Memorial Day Parade this event is being headed up by a few of us; we always had insurance coverage from the Village of Lewiston. I think the Village of Lewiston should provide the insurance for this event; it is for Village Residents, Veterans and what not. When the other events such as the Jazz festival are putting on a function for cash they should get their own insurance coverage.

Trustee Sutherland said I do not remember the Village Board voting on this, to allow this group to do this event for the village. This event was always done by the VFW and we contributed to the VFW to support them and the Memorial Day event. The event is a great event.

Mayor Collesano said that Clerk Salada called the municipal insurance carrier to look into coverage for this event, Clerk Salada will you comment:

Clerk Treasurer Salada said a conversation was held with Janet Steggles of KeyBank Insurance. Janet Steggles said maybe this event was covered in the past by the village's coverage but she and the insurance company she represents do not recommend that the village cover this event now. Janet Steggles even went as far as to recommend that the community and groups holding an event go online to purchase insurance for their event. She said it was really easy to do. In fact Ed Walker Deputy Treasurer for the Village went on line and found insurance companies and websites to do this.

Ed Walker Deputy Treasurer said he also spoke to Janet Steggles of Key Insurance the Village of Lewiston's Insurance carrier. Walker said Janet Steggles interpretation was that the Village should not cover events with village insurance the entity holding the event or in this case the parade should be supplying the insurance coverage. The Village is always covered but that insurance should be the secondary coverage. Janet Steggles also said if it was done in the past it was wrong. In this litigious day we are in we must err on the side of caution.

Ed Walker continued saying that Janet Steggles advised him that there were numerous insurance carriers online where insurance coverage could be obtained. Walker said he went online and tried it out; for \$250 a group or individual can get a million dollars of coverage for an event. For \$500 a group or individual can get coverage with all the bells and whistles.

Anne Welch (from the audience) who is on the Memorial Day Remembrance Committee said we did file for a 501 3 C, because we asked for donations to put this forty five minute event on. I don't see why we have to pay \$250 for insurance to walk down Center Street for a half an hour to forty five minutes. It has always been handled with a simple insurance certificate. We are trying to do this for the Veterans and their families. We will not be getting anything out of it (no monetary benefit). I just don't understand why now we have to buy our own insurance. The Village is a part of this, the Town is a part of this, and you walk in the parade. We just want a nice event for the Veterans.

Mayor Collesano said what you fail to see is that that things have changed; it just not that simple any more we are being interrogated by the insurance company that covers us, by the banks on our policies, by the State Officials for procedures, by those who take an interest in Village Government. This world has changed. We just found out this information ourselves. It is just not that simple anymore it is much tougher the world has changed.

Trustee Sutherland added that if we made a vote to adopt your committee as a village appointed committee then that might be enough to satisfy the requirements.

Stacy Sheehan in the Audience representing Silo and the Caboose signage stated it is \$250 for a million dollars of liability insurance to hold this event. I live by meager means but I am willing to pay for the insurance to have the Memorial Day Parade.

Trustee Sutherland commented that that is a wonderful offer to Stacey Sheehan.

Anne Welch said it would nice for the Village of Lewiston to donate the Insurance as their part of the Memorial Day Parade.

#### **MOTION TO INSURE THE MEMORIAL DAY PARADE**

Trustee Sutherland made a motion to have the Memorial Day Remembrance Committee acknowledged by the Village Board as the sponsor of the annual Memorial Day Parade and to allow the parade to be covered by the municipal insurance.

Trustee Gibson seconded the motion and it passed unanimously.

## DISCUSSION

Discussion was opened on the request from Corey McGowan to serve liquor at the Blue Monday concerts and the Summer of 69 concert at Hennepin Park at Center and 4<sup>th</sup> Street.

Corey McGowan said I have the insurance and licenses required by the State Liquor Authority to serve alcohol at events, I served alcohol last year at the Taste of Lewiston. The Village of Lewiston would be the landlord and named as the additionally insured.

Law Counsel Joseph Leone said if you have the required liquor liability, liability insurance and then the indemnification and hold harmless.

Corey McGowan said correct the same policy and the Village of Lewiston would be added on as additionally insured. The Liquor Liability is a million and two million.

Trustee Sutherland asked who provides the Beer and Wine service.

Corey McGowan said Corey McGowan Productions with supplies from Try It Distributors, who brings a cooler truck where they sell the beer right out of the truck.

Law Counsel Leone added the Village of Lewiston has an Open Container law that would need to be lifted for this event. How will you ensure that people will not be walking up and down Center Street or in the Street.

Corey McGowan I will have personnel running the event and watching the area and making sure people do not leave with drinks. Serving this way you are limiting individuals bringing in coolers and their own containers.

Law Counsel Leone so your entity provides security and signage making individuals aware of the rules.

Corey McGowan answered yes absolutely this is part of the State Liquor Authorities application requirements.

Trustee Gibson asked if the park area will be fenced in.

Corey McGowan answered I did not plan to fence in the park. I could rope off the area in the park. The State Liquor Authority does not require fencing, it does require a map of the designated area.

Trustee Sutherland asked Irene Rykaszewski from the Arts Council if she had reached out to area Brick and Mortar's to see if they were interested in serving for your events. Have you talked to them to see if they are okay with a vendor. I always liked that the Blues Mondays was more of a family event without the alcohol.

Corey McGowan agreed that these events are more of a family type event and by doing this with my distributing limits coolers and individuals wandering in with drinks, which shouldn't be happening.

Irene Rykaszewski answered no one complained last year. We have partnered with Corey McGowan because he splits the profit with us. These are not big drinking events, it is mostly an older crowd. The Monday blues concerts ate 7-9PM (after dinner) drinking isn't the biggest part of these events. It isn't a party atmosphere.

Police Chief Previte said I do not know how without fencing you will be able to contain this event. The other issue is you will need signage.

Corey McGowan said we did serve alcohol last year at the Summer of 69 event without fencing and had no problems. I do this type of event in other Towns on a regular basis with any issues.

Chief Previte said I've seen the crowds and I do not see how you can do this service without many people monitoring.

Corey McGowan answered that the containers make a big difference I know what I am selling and what kind of a container it is going into.

Trustee Gibson asked what keeps people from going outside the park area. Say the other side of the sidewalk.

Corey McGowan answered the inside of the event is my responsibility. The sales are not huge, last year they was about a \$3000 profit and I split it 50/50 with the Lewiston Council on the Arts.

Trustee Sutherland said fencing would be wise.

Corey McGowan said he suggests tasteful; roping off the area.

### **MOTION TO ALLOW ALCOHOL SERVICE AT SUMMER OF 69 CONCERT AND THE MONDAY BLUES CONCERTS IN HENNEPIN PARK**

Trustee Sutherland made a motion to approve the request from Corey McGowan Productions with the Lewiston Council on the Arts to serve liquor at the Blue Monday's Concerts and at the Summer of 69' Concert held at Hennepin Park located at Center Street and S. Fourth Street; provided that fencing and points of entry are approved by the Lewiston Police Department; providing that liability insurance and indemnification and a hold harmless agreement is in place; provided that security is provided; provided that the open bottle law be lifted for these nights only; provided that Corey McGowan Productions submit diagrams of the park containing planned safety measurements; provided that the points of egress state no alcohol beyond this point; provided that the Village Board and Lewiston Police will follow up after the first concert ( a probation period) to decide if allowing to continue.

Trustee Gibson seconded the motion, Mayor Collesano asked Clerk Treasurer Salada to poll the Village Board she received the following results:

Trustee Conde	"NO"	Trustee Eydt	"NO"
Trustee Sutherland	"YES"	Trustee Gibson	"YES"
Mayor Collesano	"NO"		

**This motion did not pass.**

Discussion on the request From Alan Hastings to have the penalty removed from the Silo (175 N. Water St.) water/sewer bill from January 2018 began with Trustee Eydt stating that on the back of the water/sewer bill it says the village does not waive this penalty. Eydt further said Mr. Hastings was aware that he requested to have the water shut off when he closes the restaurant he knew to expect a bill.

Trustee Eydt made a motion to **deny** the request from Alan Hastings to waive the penalty amount on the Silo's water bill in the amount of \$62.31. Trustee Sutherland seconded the motion and it passed unanimously to **deny** the request.

Trustee Eydt reported that a one year extension has been filed for the **LWRP Expansion Update Grant**. Once the results are back a public hearing will be required, this could take eight months to a year. We are eight percent through this grants procedures.

Supt. Brolinski gave an update on the **Lewiston Landing damage repair**; we touched base with Walter Curtis from FEMA and are told we are ahead of time, we

need to do a little bit more paper work to catch up before the next Wednesday meeting. We are told we need to come up with a plan quick of what we would like to see done and what we have to do to replace the brickwork and the sheet piling.

Supt Brolinski said I want to go after the brickwork first and then get the new docks for the boats. The Village Board has to think about what they want to do with the JetBoat, there will be times when he will not be able to run his Jet Boat Business. There is also a gas pump in the Jet Boat area which will have to be dealt with.

Engineer Marino added that the new normal will have to be decided for the water levels. This will help decide where to place the docks for the boat leases.

Discussion opened regarding the replacement of Pamela Hauth Village Historian; it was decided to advertise in the Niagara Frontier Sentinel for this position.

A brief discussion was held regarding the Village of Lewiston's fee chart for Building Fees. Kenny Candella and Trustee Eydt said they would work on this, Engineer Marino said he would assist by getting fees from other municipalities.

## REPORTS

**Clerk Treasurer Salada** reported that the office is getting busier with the hints of spring, people have questions for building permits, yard clean up and disposal and what's in store for this summer. Budget work is being done, the Records Grant is being applied, meetings with FEMA for the Lewiston Landing damage along with our day to day duties.

Supt. Brolinski said no report

**Law Counselor Joseph Leone** reported that he had made contact with the fellow who came with Emery Simon to the Village Board Work Session on March 5, 2018. I will be getting him a copy of what I think is a decent indemnification and hold harmless policy. He said he works with lots of insurance clients that are municipalities.

**Engineer Michael Marino**, from Nussbalmer and Clarke said we are continuing to support the Lewiston Landing project and getting ready for grant applications for the village. The CFA announcement should be coming soon and I will be giving you our suggestions.

## BOARD REPORTS

TRUSTEE CONDE said no report

TRUSTEE EYDT said no report

TRUSTEE GIBSON said no report

TRUSTEE SUTHERLAND said no report

MAYOR COLLESANO said no report

## ANNOUNCEMENTS

Clerk Treasurer Salada read the following announcements:

There will be a budget meeting immediately following this Village Board meeting.

The Village sponsored Earth Day Cleanup will be held on Saturday, April 21, 2018 at 9:00 AM starting at the Redbrick School.

There will be a Village Board Work Session Tuesday, April 2, 2018 at 6:00 PM.

The next Planning Board meeting is scheduled for Monday, April 16, 2018 at 6:30 PM 145 N 4<sup>th</sup> St., Lewiston.

The Zoning Board of Appeals is scheduled to meet for any appeals on March 27, 2018 at 6:30 PM at 145 N 4<sup>th</sup> St., Lewiston.

The next Historic Preservation Commission meeting will be hold a training session on Tuesday March 20, 201 at 2:00 PM at 145 N 4<sup>th</sup> St., Lewiston.

The Village of Lewiston Clerk's Office and the Dept. of Public Works will be closed on Friday, March 30, 2018 for the Good Friday Holiday.

**ADJOURN**

A motion was made by Trustee Conde and seconded by Trustee Eydt to adjourn the Village Board meeting and enter into executive session at 7:50 PM. The motion passed unanimously.

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Amy Salada, Clerk Treasurer

**EXECUTIVE SESSION**

The executive session opened at 8:02 PM.

**PRESENT**

Mayor Collesano, Law Counsel Joseph Leone, Trustee Eydt, Trustee Gibson, Trustee Conde, Trustee Sutherland, Deputy Clerk Myers, Deputy Treasurer Walker, Clerk Treasurer Salada.

**ADJOURN**

After a brief discussion a motion was made by Trustee Gibson and seconded by Trustee Sutherland, to adjourn the Executive session and reconvene the Village Board meeting at 8:21 PM.

**MOTION TO HIRE SHIP HAUTH AS LIAISON FOR THE RIVERS EDGE PROJECT**

A motion was made by Trustee Gibson seconded by Trustee Sutherland and passed unanimously to hire Skip Hauth as project liaison to the Village Board for the Rivers Edge development project.

Clerk Treasurer Salada was directed to send Sam Talarico a letter informing him of this decision with Skip Hauth's contact information.

Mayor Collesano asked Clerk Treasurer Salada to poll the Village Board for their response:

Trustee Gibson	"YES"	Trustee Conde	"YES"
Trustee Eydt	"YES"	Trustee Sutherland	"YES"
Mayor Collesano	"YES"		

**BUDGET MEETING WITH DEPARTMENT HEADS**

The Village Board held public budget meetings with each department head; Brendan Mc Dermott, Recreation Director, Amy Salada, Clerk Treasurer, Terry Brolinski Supt. of Public Works.

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Amy Salada, Clerk Treasurer