

**PRESENT**

Mayor Collesano, Trustee Conde, Trustee Eydt, Trustee Sutherland, Trustee Gibson, Law Counsel Joseph Leone, Supt. Brolinski, Engineer Michael Marino, Police Chief Previte, Clerk Treasurer Salada, Building Inspector Candella and Zoning Officer Ed DeVantier came in after a scheduled Town of Lewiston Court appearance.

**PUBLIC HEARING**

Mayor Collesano opened the public hearing on the proposed changes to the Village Code; Trees Section 17-7 as recommended by Village of Lewiston Law Counsel Joseph Leone at 6:01 PM.

Law Counsel Leone stated the Village Board became aware of the need for changes to the Tree code after the presumption that a tree in the right-of-way was taken down without the Village Boards approval. Actually the Village Board denied approval to remove a tree which was taken down after the Village Boards decision. Essentially a willful action puts the homeowner in jeopardy.

This change to the local law will provide guidelines and punishment should someone remove a tree on village right-of-way without permission from the Village Board of Trustees. State Law section 8-61 also allows for trouble damage.

Law Counsel Leone also stated that an individual cannot just take a tree down on village right-of-way by their own resolve. This is something the Village Board is concerned and serious about this subject.

Law Counsel Leone continued we had an issue before that the Village Board is still trying to sort out. So if someone wants to take a tree down in the right-of-way they cannot just do this on their own. The current local law provides for this, the proposed change in the local law is for penalty that's it.

No public came forward to speak in regards to the proposed changes to Local Law 17-7 Trees.

Trustee Sutherland made a motion to close the public hearing at 6:04 PM, Trustee Gibson and Trustee Conde in unison seconded the motion and it passed unanimously.

**CALL TO ORDER**

Mayor Collesano asked everyone to please stand for the Pledge of Allegiance at 6:05, then he welcomed them saying thank you everyone for coming to our meeting tonight.

**RESIDENCE**

No residents came forward to speak.

**CORRESPONDENCE**

No correspondence was discussed.

**MINUTES**

Trustee Gibson made a motion to approve the December 18, 2017 Village Board meeting minutes and the January 2, 2018 Village Work Session minutes, Trustee Sutherland seconded the motion and it passed unanimously.

**BILLS** Trustee Gibson said he audited the January 2018 vouchers for payment and made a motion to approve them for payment. Trustee Eydt seconded the motion and it passed unanimously to pay the January 2018 vouchers in the following amounts:

General Fund	\$107,421.43	Trust & Agency	\$12,264.12
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## REPORTS

POLICE Chief Previte said he wanted to remind everyone that there would be an active shooter drill on January 26, 2018. This drill will be done with other local law enforcement departments and local EMS.

Chief Previte also reported that this month they have completed the purchase and training for body cameras for patrolmen.

Mayor Collesano said very good.

BLDG. INSPECTOR Building Inspector Candella said he has been working with Barry Beebe on the DiGuilio Pharmacy and the Griffon House Restaurant.

FIRE INSPECTOR: Inspector Beebe said his written report was submitted to the Clerk's office for distribution. There were no questions presented.

RECREATION DIRECTOR: Recreation Director McDermott reported that he had Adult Bingo scheduled for this coming Friday, January 18, 2018. I am also working with the Niagara Pioneer Soccer program on a mainly skills development clinic for five to seven year olds. This soccer project is a free program.

Recreation Director McDermott added that he received a six hundred dollar donation from the Lewiston Kiwanis Club for the upcoming Spring Fling.

PROJECT LIAISON: Project Liaison Skip Hauth reported there has been no activity for the Ellicott Development project or the 765 Fairchild Place project in the last thirty days. I also do not expect any activity for the next thirty days. I did receive some information late today that I should expect plans for the third building of the Ellicott Development project in the near future.

PLANNING COMM: Claudia Marasco gave a report for the Planning Commission, we gave permission for Hibbard's Custard Stand expansion, they are a long standing business and we felt they should expand. The former Marci's Restaurant building has a new tenant (the Griffon House) and they are hoping for the roof sign. The Planning Commission recommended the signage remain as it has been for the past tenants. One roof sign (special use permit previously approved) and two wall signs.

HISTORIAN: Historian Hauth did not have a report.

**LIAISON REPORTS**            No liaison reports

## OLD BUSINESS

Trustee Sutherland said he would like to thank Supt. Brolinski for getting the lights fixed on the flags at the Tuscarora Monument.

Mayor Collesano asked Supt. Brolinski how the LED lighting for Center Street is going.

Supt. Brolinski said he did not have any new information on the LED lighting for Center St.

## NEW BUSINESS

### LOCAL LAW SECTION 17-7 TREES AMENDMENT

A motion was made by Trustee Eydtt seconded by Trustee Gibson to change the amount stated in local law Section 17-7 Trees to state any person, as that term is defined in Section 1.3 Definition and Rules of Construction of the Village of Lewiston, New York Code of Ordinances, who removes a tree located in the Village right-of-way without permission of the Village Board of Trustees shall be presumed to have done so willfully and shall have committed an offense punishable by a **fine of at least \$1,500 or three times** the value of such tree or both. This motion passed unanimously.

Mayor Collesano asked Clerk Treasurer Salada to poll the Village Board of Trustees and she did receiving the following response:

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

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the amendment to Local Law Section 17-7 Trees in the right-of-way in the Village of Lewiston as follows:

Any person, as that term is defined in Section 1.3 Definitions and Rules of Construction of the Village of Lewiston, New York Code of Ordinances, who removes a tree located in the Village right-of-way without permission of the Village Board of Trustees shall be presumed to have done so willfully and shall have committed an offense punishable by a fine of at least \$1,500.00 or 3 times the value of such tree or both. Section 1-9 of the Village of Lewiston, New York Code of Ordinances penalties not exclusive in full force and affect and is applicable to this Local Law.

Mayor Collesano asked Clerk Treasurer Salada to poll the Village Board of Trustee and she did receiving the following response:

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

**LEWISTON FIRE COMPANY MEMBERSHIP**

A was made by Trustee Sutherland seconded by Trustee Gibson and passed unanimously motion to approve the request from Lewiston Fire Company #1 to accept the resignations of **Jean Penzotti, Kara Schul and Jed McInnis** and accept the restricted membership of **Kevin Day**.

**BUDGET AMENDMENT**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the request from Supt. Brolinski to make the following budget amendment:

<b>From: A00-5010-4150</b>	<b>\$150.00</b>	<b>To: A00-5010-4120</b>	<b>\$150.00</b>
<b>Streets Administr. Other</b>		<b>Streets Administr. Schools &amp; Travel</b>	

**BUDGET AMENDMENT**

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

<b>From: A00-1650-4010</b>	<b>\$2,000.</b>	<b>To: A00-1680-4050</b>	<b>\$2,000.</b>
<b>Central Communications Teleph.</b>		<b>Central Data Processing Service</b>	
<b>A00-3060-0000</b>	<b>\$11,466.62</b>	<b>To: A00-1325-4052</b>	<b>\$11,466.62</b>
<b>State Aid / Records Grant</b>		<b>Clerks Outside Contractor</b>	

**COMMUNITY LIONS CLUB SIGN**

A motion was made by Trustee Sutherland seconded by Trustee Gibson and passed unanimously to table the request from Lewiston Community Lions Club to place a sign stating Lions International on Center St. (Route 104) in a place where it can be seen while entering the Village of Lewiston. The size is approximately equal to a stop sign and would be colored blue and yellow. This request was tabled until the requested area to place the sign and the size of the sign could be further investigated.

Lynn Bahringer added that Dave Trane Town of Lewiston Highway Supt. said he would put the sign up as long as the village approves.

Trustee Gibson asked if the proposed Lions Club sign was a stand-alone sign and where the Lions Club would like to place it.

Lynn Bahringer representative for the Lion's Club of Lewiston said gave representations of the proposed Lions Club Sign to the Village Board. She said that Sheila Zulke Vice President of the club was unable to attend I am told she spoke to David Mallow of the NYS Dot he responded as long as the Lion's Sign was not in the NYS right-of-way it would be fine.

Trustee Sutherland said there are nine signs in that area already; there is one large sign that a Lion's Club Sign could be affixed to that would be okay with me. I have seen in other communities that one large sign houses signs for the groups signs.

Mayor Collesano said years ago we had a problem; everyone wanted their own sign and they wanted there sign larger than the next sign. We would want for everyone to have equal space for their signage.

Lynn Bahringer said the sign was thirty inches in diameter. Mayor Collesano asked where they hold their meetings, some organizations place the club's sign where they hold their meetings.

Trustee Eydt stated that he would like to see the signs have consistency.

Lynn Bahringer asked if this request could be tabled until farther information could be gathered. She suggested that her group go back to their original idea of placing the sign on state property; one place considered was on top of Lewiston Hill near the Country Club. That may be the solution. I will also ask about a smaller size for the sign.

#### **DIABETES 5K RUN / WALK**

A motion was made by Trustee Eydt seconded by Trustee Sutherland and passed unanimously to approve the request from the Lewiston Community Lions Club to hold a 5K run/walk Strides Diabetes Awareness on April 29, 2018 8:00 AM to 5:00 PM using Village roadways. A copy of the insurance coverage is required to accompany this race.

#### **GIRLSCOUTS COOKIE SALE**

A motion was made by Trustee Gibson seconded by Trustee Sutherland and passed unanimously to approve the request from the Girl Scouts of Western New York (represents eight Lewiston Porter Troops) to sell Girl Scout Cookies at Academy Park. The request is for March 10, 2018 8:00 AM to 6:00 PM and March 11, 2018 8:00 AM to 6:00 PM at the corner of Center Street and South Ninth Street.

#### **DISCUSSION**

Trustee Conde said **Ami Patrick of Embody Health and Wellness** in rooms one and three has agreed to move the aerobics classes down to room eleven over the gymnasium for the cost of \$200 per month.

Trustee Conde asked Clerk Salada to contact Ami Patrick to confirm the amount and discuss when she would like to move into room eleven.

**Hibbard's Custard stand proposed expansion** and request to use village right-of-way: Harold Hibbard and James Fittante, Architect presented pictures of the proposed expansion to Hibbard's Custard Stand on Portage Rd.

Supt. Brolinski voiced his concerns to the Village Board of Trustees concerning this expansion. He said there is an eight inch sewer line in the area they are hoping to encroach on with improvements, I have also been told there is a gas line in the area they are hoping to improve.

Architect Fittante said I would like to clarify a few things; this improvement is a six foot addition within the property line. The improvements in the right-of-way will be a concrete pad no deeper than blacktop with a corral as I call it. There will also be landscaping cut into the pavement no deeper than the existing asphalt. I know of other improvements like this in the village that have been approved. This improvement will amount to six inches of concrete with railings surface mounted that can be removed.

Really just going from asphalt to concrete a corral and railings surface mounted (removable more or less) dressing up the area with less of a slope.

Architect Fittante we can do an agreement that if the concrete needed to be taken up to work on the sewer line it would be at the owner's expense.

Harold Hibbard said this will give us rope room, line things up to keep pedestrians away from the traffic.

Architect Fittante said the concrete will be six inches that is a step up chained off. Architect Fittante said per the village code you can have a slope which this concrete pad would do.

Trustee Eydt asked would there be entrances at both ends.

Architect Fittante answered yes, and referenced the pictures.

Trustee Sutherland asked Supt. Brolinski how old is the sewer line in the area of requested improvement and what is it made of.

Supt Brolinski answered it is made of clay tile and I cannot tell how old it is.

Trustee Sutherland asked Harold Hibbard and Architect Fittante does the improvement have to be made of concrete.

Harold Hibbard asked what else should it be made of, concrete is neater, cleaner easier to maintain. Black top cracks.

Architect Fittante said it will be shallow concrete.

Trustee Eydt what about the awning are you bringing that out into the right of way also.

Architect Fittante answered yes it will come out four or five feet enough to cover the railings (corral).

Trustee Conde said the main concern is the sewer line and where it is located, same with the gas line. Where they are and how do we locate them.

Supt. Brolinski said the gas company will have to inform us where the gas line is.

Supt. Brolinski said the biggest thing is who is liable this will be in the village right-of-way.

Trustee Gibson asked Law Counsel Joseph Leone what would be required to approve this, to have an agreement with the owners to allow the encroachment.

Law Counsel Leone replied if something is going to be built on the village right-of-way I want a separate indemnification and hold harmless agreement with a personal guarantee from all the shareholders of the Hibbard Corporation with a significant interest in the insurance policy, a significant amount of money. There is a lot of foot traffic. This is what I recommend and I will do my best to insist.

Harold Hibbard asked why didn't we have to have this agreement before.

Law Counsel Leone answered I cannot answer to that, I wasn't the law counsel for the village before. This is my recommendation.

Mayor Collesano asked Zoning Officer Ed DeVantier what his opinion was.

Zoning Officer DeVantier said he felt this should come before the Village Board this way everyone knew what was proposed. The Planning Board gave this a good review, and I

felt it would be best to come to the Village Board and get it out in the open and discuss what needed to be done.

Architect Fittante stated this project would greatly dress up that area and decrease chaos.

Trustee Conde said I don't want to make a decision until we know where the gas line is located and how deep it is. I agree it would dress the area up.

Building Inspector Candella said in my opinion let it go and if the sewer line breaks then the cement gets dug up and replaced at the owner's expense.

Mayor Collesano said I personally like the improvement plan .

Mayor Collesano continued the Village Board is acting as trustees for the village residents we have to make sure that we cover the interests of all residents. With this I go along with Law Counsel Leone. I want to make sure we are covered as a village so we do not get stuck in a lawsuit.

Trustee Eydt said I would like to know where the gas line is.

Fire Inspector Barry Beebe asked doesn't this have to go before the Niagara County Planning Board this project is within five hundred feet of Center Street.

Clerk Treasurer Salada said yes that is another item that has to be attended to, I will make sure we reach out to the Niagara County Planning Commission and get their opinion and the date of their next meeting.

Trustee Sutherland summed up by saying iron out the gas line and insurance indemnifying.

Trustee Eydt asked does it matter if the material used is asphalt or cement.

Harold Hibbard said the material doesn't matter to me; this corporation has been there since 1956 it is not going anywhere.

Architect Fittante asked what is the next step.

Law Counsel Leone said I will get a proposed agreement together.

Trustee Sutherland said okay so we will discuss this again at the next February 2018 meeting.

Mayor Collesano asked Supt. Brolinski to check with the gas company.

Building Inspector Candella said in the mean time you can apply for a building permit to build up to the lot line.

Trustee Eydt said you can do this project in two phases, first the structure addition then second the patio which you won't be able to do until spring to avoid frost. In the meantime Law Counsel Leone can work on the agreement.

**APPROVAL TO MOVE FORWARD HAVE LAW COUNSEL LEONE DRAW UP AN AGREEMENT BETWEEN THE VILLAGE OF LEWISTON AND HIBBARDS**

A motion was made by Trustee Eydt seconded by Trustee Sutherland and passed with four "yes" votes. Trustee Gibson recused himself.

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

## REPORTS

**Clerk Treasurer Salada** reported that she had not heard back from MaryBeth Hall of the American Red Cross about holding a Blood Mobile drive at the Redbrick School House for the restroom on March 3<sup>rd</sup>, 2018.

The new appointments for Historic Preservation Commission, Zoning Board of Appeals and the Planning Commission are all set they have come in and signed the Oath of Office book and picked up the required paperwork.

I also wanted to communicate that I have reached out to Russ Piper about set visiting hours for the Museum on the first floor of the Redbrick building. Russ Piper said he was working on getting appropriate people to cover visiting hours. I asked him to please have something in place by the end of January 2018 and to keep me informed.

**Supt. of Public Works Brolinski** reported he is waiting for good weather then his crew will take the Christmas lights on Center Street down. The weather is showing no snow for a week or so. I am good with my salt supply and good on my fuel supply.

**Law Counsel Leone** said no report.

**Engineer Marino** we have set up a FEMA Portal and are all set to move ahead as needed with the high lake level damage.

I have been communicating with the Dept. of State we have a new contact Renee Parson's is no longer our project manager for the LWRP. I have put an extension in place to cover the work requirements.

Jim Campolong of the Nussbaumer and Clarke will be assisting with the water meter project.

## BOARD REPORTS

**Trustee Conde** said no report.

**Trustee Eydt** reported that he had been in contact with the company who sells and maintains historic clocks like the one at North Fifth St. and Center Street. I am asking them for a cost estimation to refurbish the paint. According to them the last time they maintained the clock was in 2001.

Trustee Eydt added thank you everyone for your thoughts and prayers expressed for my Granddaughter, she has come home and is doing well.

**Trustee Gibson** said no report.

**Trustee Sutherland** asked Zoning Officer DeVantier if he and Building Inspector Ken Candella had gotten together about the Frontier House yet.

Zoning Officer DeVantier said Ken Candella and I will be meeting tonight after this meeting.

Building Inspector Candella added I spoke to Harry Wright Historic Preservation chairman today also.

**Mayor Collesano** had no report.

## ANNOUNCEMENTS

Clerk Treasurer Salada read the following announcements:

There will be a Village Board Work Session Monday February 5, 2018 at 6:00 PM.

The next Planning Board meeting is scheduled for Monday, February 12, 2018 at 6:30 PM 145 N 4<sup>th</sup> St., Lewiston.

The next Historic Preservation Commission meeting will be held on Monday January 22, 2018 at 6:00 PM at 145 N 4<sup>th</sup> St., Lewiston.

The Zoning Board of Appeals has no business the meeting for Tuesday, January 23, 2018 at 6:30 PM has been canceled.

**ADJOURN**

A motion was made by Trustee Conde seconded by Trustee Eydtt and passed unanimously at 6:56 PM.

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Amy Salada Clerk Treasurer