

PRESENT

Deputy Mayor Sutherland, Trustee Gibson, Trustee Eydt, Trustee Conde, Law Counsel Joseph Leone, Supt. Terry Brolinski, Engineer Michael Marino, Building Inspector Ken Candella, Zoning Officer DeVantier, Captain Penzotti, Clerk Treasurer Salada.

EXCUSED

Mayor Terry Collesano

CALL TO ORDER

Deputy Mayor Sutherland opened the meeting with the Pledge of Allegiance at 6:01 PM.

RESIDENCE

Marianne Gittermann said I am speaking for the Lewiston Garden Club; Channel 2 and Channel 4 came to Lewiston and met with the Garden Club to do a feature on all that the Garden Club does for Lewiston. She will let us know when this will be aired on television. She also said the Buffalo News and the Niagara Gazette also came and took pictures and they should be doing a feature on the Garden Club.

Karla Smith of 205 S Third St. Lewiston stood to speak about her recent request for mulch to use in the community park that her and her neighbors developed on the west side of South Third at the 200 block area. Karla Smith referenced the park as Flannigan park, saying we adopted the area for a park eighteen years ago now, and in past years the village has supplied us with mulch. We pay for plants, fertilizer and labor. She stated that every year the village has provided mulch for the park. This park benefits the village said Karla Smith. She continued by saying she called the village last month to request the mulch and was told that program is no longer in effect that she has to pay for mulch now for the park. Before I came here tonight I did see that a single load of mulch has been delivered, that will not be enough we will need more. Karla Smith said she reached out for a quote to receive mulch from a nursery and it was \$1,200.

Supt. Brolinski said the mulch previously came from a program the Town of Lewiston offered to residents, that program is no longer in effect. The Town of Lewiston no longer mulches the brush collected, due to problems with the ash borer beetle.

Deputy Mayor Sutherland said fortunately Supt. Brolinski was able to reach out to other townships today at a Superintendents meeting and one of them was able to offer you a load of mulch.

Supt. Brolinski said one of the local townships had a little left over and I was able to call in a favor for you and your garden.

Karla Smith continued by saying so this is something we will have to pay for now; we already spend so much money on the garden, for a memory garden for a neighbor. We get so many compliments on this garden, there is only so much money that we have, I can't believe I have to come here for something for the village. You spend so much money on flowers and mulch for Center St. my husband is disheartened. I am a Federal Officer, I flew here as fast as I could to come before you at this meeting, I was in Washington D.C. my husband does not know I am here asking for mulch for this community garden.

Deputy Mayor Sutherland said we will do what we can unfortunately the Town of Lewiston stopped mulching due to the problems with the Ash Borer Beetle. We can continue to look for mulch for you but in the mean time you could ask local nurseries if they would be willing to give you a deal on mulch for your garden and maybe offer to have them put a sign in the garden for credit. Unfortunately, there are other residents who take care of other gardens throughout the Village of Lewiston who do not receive mulch for those gardens either. Maybe next year during the budget process we can find a way to have a community mulch supply. We appreciate the time and effort you have put forth to have and keep this garden.

Karla Smith said we have never asked for help before, we do not like to have to ask for help now.

Supt. Brolinski said I will keep looking for mulch, I do not budget to buy mulch for community gardens, we can talk about changing this in the future. This would have to be a Village Board decision.

Karla Smith stood and continued her request later in the meeting after New Business

Emery Simon of 755 Center St., Lewiston asked how the Village Board of Trustees were making out with his request to have the local law regarding parking lots and the local law regarding tents interpreted.

Law Counsel Joseph Leone answered; there has been some discussion on this subject, nothing about drafting a local law, I hesitate to do that. I will be in a position to draft some suggested language for both local laws in question, (Sec 12-7 – Prohibitions as to trailers, etc, and Appendix B Zoning 0 Se 12-Parking requirements) in the future. There is language in the current code about recreational vehicles for summertime use.

Law Counsel Leone continued saying the tent restrictions as you yourself read says they are not allowed; the question is should we amend the law for instance to allow for graduation parties or that type of event and put a time restriction on the approval of this type of request; a put up and take down restriction, and maybe allow for forty-eight hours. As to whether or not a tent should be used for other purposes; this law may have been written when people would come to Lewiston and pitch tents within the village to go fishing on the Niagara River. I suspect this local law was written toward that type of activity. I agree the law is very restrictive.

Emery Simon said my concern is with my parking lot, my business has been in operation for thirty-five years and now you have found a law that says my parking lot can only be used for business parking. That what I am doing is illegal so in good faith I am moving my equipment down to my lot on the 800 block of Center Street. But personally I don't think you want the first thing you see when you come into the village to be a construction yard. A remedy could be you saying you are not going to enforce this law for this year. The tent; we have been utilizing a tent in my parking lot for the last six years as have other groups. I understand this is going to take some time to sort this out to draft and redraft this law. I would like to ask you to let this go until you figure this out. I am contractually obligated for twelve events this summer. To say now that you are going to enforce this law or that I have to apply for twelve special use permits with twelve public hearings. Again I am asking for a permit for a temporary situation, what would be the best remedy right now for everybody.

Trustee Eydt asked Emery Simon if he had applied for special use permits.

Emery Simon replied that he went to the Planning Board they sent him to the Zoning Board of Appeals, the Zoning Board of Appeals sent me to you the Village Board of Trustees for a special use permit. If you can't afford to buy mulch for residents do you really want to go to court over this. I am not asking for anything that you haven't given to others. I am trying to do this without legal ramifications.

Trustee Eydt asked you are talking about tents right.

Emery Simon answered yes, I am talking about putting up a tent for events like the Brick Yard did for St. Patrick's Day. I am not talking about putting up a structure.

Trustee Conde asked you are not asking to put up a tent and leave it up all summer then what are the dates you are requesting for these events.

Emery Simon answered I am asking to keep my business operating the way it has operated for the last six years and put up a tent for events at my place of business.

Trustee Eydt asked Zoning Officer DeVantier if the Village Board could grant permission for Emery Simon to put up a tent for events.

Ed DeVantier Zoning Officer answered yes, you would give permission like you have for other events, like the Smelt Festival and the Peach Festival.

Law Counsel Leone said basically the language of the local law says no person shall construct, erect, place, or raise on any real property in the Village of Lewiston a tent or similar structure temporarily or permanently for "entertainment" purposes.

We need to change the wording of the local law, to say entertainment. What Mr. Simon is saying is correct we have allowed a tent to be erected for the Smelt Festival and for the Peach Festival. Unfortunately, that's the words that were used, in 1942 a local law was put in place and then in 1978 it was amended.

Deputy Mayor Sutherland asked can we make a motion to allow Mr. Simon to move and store his construction equipment at 755 Center Street, and make a motion for Mr. Simon to erect a tent for a certain number of times for a certain number of events at 755 Center Street.

Trustee Gibson said yes let's approve this request for this year.

Trustee Eydt said yes a motion as long as it includes the dates of the events.

Emery Simon said I do not know the dates.

Trustee Eydt made the following motion:

E SIMON TO PLACE TWELVE TENTS AT 755 CENTER STREET DURING 2018

A motion was made by Trustee Eydt seconded by Trustee Gibson and passed unanimously to allow Emery Simon owner of 755 Center Street to put up a total of twelve tents on a Friday and take down on Sunday (except on holiday weekends) during 2018 provided he gives notice to the village.

E SIMON TO KEEP HIS CONSTRUCTION VEHICLES AT 755 CENTER STREET

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to allow Emery Simon to keep his construction equipment on site at 755 Center St. until further notice. This motion is only good until the Village Code on tents and parking is considered and may be changed.

CORRESPONDENCE

No correspondence was brought forward.

MINUTES

Trustee Conde made a motion to approve the Village Board meeting minutes from April 16, 2018 and the May 7, 2018 Village Work Session minutes. Trustee Eydt seconded the motion and it passed unanimously.

BILLS Trustee Gibson made a motion to approve the May 2018 vouchers for approval Trustee Eydt seconded the motion and it passed unanimously to pay the following amounts:

GENERAL FUND \$75,235.29

TRUST & AGENCY \$2,506.60

REPORTS

Captain Penzotti reported for the Lewiston Police Dept. saying that Artpark starts on Wednesday May 23, 2018 other than that it is business as usual.

Anne Welch reported for the **Planning Commission** saying; we just talked about a small subdivision and resub-division creating a small revision in the Ellicott Development Project adding a detention pond to the west of the project. This change will add more parking and the project will be more in compliance. We are waiting for the Engineer to work out the storm sewer. We would like to see this project move ahead.

Trustee Gibson asked Anne Welch how much parking the revision would add to the proposed project.

Anne Welch answered two parking spots would be added.

Ken Candella Building Inspector for the Village of Lewiston reported on 430 West Lane saying Joe Zeintara has contracted to do exterior work at 430 West Lane.

Trustee Sutherland asked when does the building permit expire for that property (430 West Lane).

Insp. Candella answered I will check on that.

Trustee Eydt asked what the timeframe was on this proposed project.

Insp. Candella said they can keep renewing the permit unless the site is abandoned for six months.

Law Counsel Leone said "you have a vested right to complete your project, if you do not do anything in six months on your project then the municipality has a legitimate cause to claim abandonment".

Trustee Sutherland said this is an important point for the West Lane residents.

Insp. Candella said I will get that information to you and tell the property owner we want time limits.

Insp. Candella added that Hibbard's addition to the custard stand is close to finalizing.

Trustee Conde asked about the proposed landscaping in front.

Deputy Mayor Sutherland said the Hibbard's project looks good so far, thank you.

George VanHoose reported for the **Zoning Board of Appeals**; saying that Emery Simon had come before the Zoning Board for the full tent coverage and we did not issue a variance.

Zoning Officer DeVantier I have submitted my report, it is a busy season, its spring.

Trustee Eydt said thank you for taking care of 445 Baker Drive.

Deputy Mayor Sutherland inquired about 880 Onondaga St. there are one or two trees in the back yard that are a threat to the surrounding neighbors, specifically on the east side.

Zoning Officer DeVantier said there is a management company that took care of the tree in front, I will reach out to them and have them look at the backyard, trees and grass.

Deputy Mayor Sutherland asked about the low hanging flags on Center St.

Zoning Officer DeVantier said I try to get people to understand that you cannot have a flag hanging in the middle of a sidewalk; it is only five percent causing ninety- five percent of the work.

Brendan McDermott Recreation Director, reported that the 23rd annual Spring Fling had seventy runners participate and took in a total of \$4700 in cash/gift donations. I am hard at work on the summer recreation program, I think we will have a balanced program. I am distributing the information to the area schools, have hired two new employees to cover the programs. I think we are fortunate to have the two I selected.

Deputy Mayor Sutherland said good job we appreciate your work.

Skip Hauth, Project Liaison reported that the projects at 760 Fairchild Place and the Rivers Edge have ongoing activity. Both are facing the next step of framing and roofing. The large hole on the Fairchild property is being filled. the Ellicott project has a lot of new information, and a subdivision which would change the storm water prevention plan. This is under review and there is a meeting coming on May 25, 2018 to work on some of the details. I would not categorize the changes as small changes. The plan for the upcoming meeting is to drill down on the way to remove storm water from the site, DEC must weigh in on the plan to remove storm water.

Deputy Mayor Sutherland said we look forward to hearing your report from the upcoming meeting. May we request that as you work through the plan keep us , and our residents informed of the changes. We have to live with the changes this project on N. Eighth and Center Street brings for a long time as the years go on.

LIAISON REPORTS

Deputy Mayor Sutherland said I have been approached by several individuals about traffic safety here in our village. The complaints have included people not stopping all along N Fifth St., and at s. Seventh and Tuscarora. I have also seen and taken complaints of vehicles not stopping at crosswalks on Center Street. Safety is a problem we can't ignore, what can we do to get more police presence here in the village. We need to get on this, before someone gets hurt.

Captain Penzotti said he would discuss this with Chief Previte.

OLD BUSINESS

No old business was brought forward.

NEW BUSINESS

GARDEN CLUB REQUEST

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to approve the request from Lewiston Garden Club to place a life size statue of a girl with a sprinkling

can at Hennepin Park in the garden stone bed. The Garden Club will be paying for the statue, plaque, and installation.

LASERWIRX LEASE AT REDBRICK

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the request from Laserwirx to amend their lease which is due for renewal May 2018 to the amount of \$150 per month and go change the lease to a month to month basis.

SPIRIT OF THE EIGHTIES

A motion was made by Trustee Eydt and seconded by Trustee Gibson to approve the request from Spirit of the Eighties to use Academy Park and the Band shell on August 4, 2018 3:00 PM to 10:00 PM to hold a concert. This approval came with some amendments; a \$100 deposit must accompany the insurance certificate before the approval is complete. The Supt. of Public Works will inspect the park and band shell and if all is well the deposit will be refunded. If any maintenance is required a bill will be sent for the cost of repair.

NEW YORK STATE RETIREMENT 41(j) RESOLUTION

A motion was made by Trustee Conde and seconded by Trustee Gibson to approve a resolution to complete the 41(j) pension benefit with the New York State and Local Retirement system:

BE IT RESOLVED: that the Village Board of Trustees of the Village of Lewiston does hereby elect to provide the pension benefit of Section 41(j) of the Retirement and Social Security Law, as presently or hereafter amended.

BE IT FURTHER RESOLVED: that the effective date of such shall be the 21st, day of May 2018.

The Village Board of Trustees were polled with the following results:

Trustee Conde	“YES”	Trustee Eydt	“No”
Trustee Gibson	“YES”	Deputy Mayor Sutherland	“YES”

The resolution passed with three yes votes.

2018-2019 TAX WARRANT

A motion was made by Trustee Gibson seconded by Trustee Eydt and passed unanimously to authorize the levy of real property taxes for the year 2018-2019 Tax Warrant directing the Clerk Treasurer to receive and collect: taxes in the amount of \$1,119,319.40 a re-levy of water and sewer charges in the amount of \$14,018.90 a re-levy of \$175 for grass cutting & weed whacking services to go on the tax bill for 448 Baker Drive, a total warrant to collect \$1,133,513.30 and to establish the tax rate at \$7.38 per thousand dollars of assessed value.

TOOHEY PARK USE

A motion was made by Trustee Conde seconded by Trustee Eydt and passed unanimously to approve the request from Recreation Director McDermott to use Toohey Park Basketball Courts for a Men’s Basketball League on Monday evenings 5:00 PM to 9:00 PM from June 4, 2018 to August 24, 2018.

TOOHEY PARK TODDLER PLAY GROUP

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the request from Recreation Director McDermott to use Toohey Park Playground for a Toddler Playgroup, Monday to Friday mornings 9:00 AM to 12:00 PM from July 2, 2018 to August 24, 2018.

ACADEMY PARK USE FOR OUTDOOR MOVIES

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the request from Recreation Director McDermott to use Academy Park band shell to hold outdoor movies for the community. The Thursday, dates requested are July 12, 2018 July 26, 2018, August 2, 2018, and August 30, 2018 from 8:00 PM to 11:00 PM. In case of bad weather, make up nights are requested for September 20, 2018 and September 27, 2018 8:00 PM to 11:00 PM.

RECREATION TO HIRE KATIE RIES

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to approve the request from Recreation Director McDermott to hire Katie Ries for the position of Recreation Leader at the pay rate of \$12.60 an hour, with a hire date of June 1, 2018.

Brendan McDermott said we are fortunate to have Katie Ries for this program.

RECREATION TO HIRE DYLAN MILBRAND

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the request from Recreation Director McDermott to hire Dylan Milbrand for the position of Recreation Leader at the pay rate of \$12.60 an hour, with a hire date of June 1, 2018.

WHAT'S THE POINT MINISTRIES

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the request from What's the Point Ministries to hold their annual community picnic at the Gazebo located in Hennepin Park at 4th and Center Street. On July 1, 2018 9:00 AM to 1:30 PM.

EXECUTIVE SESSION TO DISCUSS PROPOSED LITIGATION

Trustee Eydt made a motion to enter into executive session immediately following the Village Board meeting to discuss proposed litigation. Trustee Gibson seconded the motion and it passed unanimously.

DISCUSSION

Trustee Gibson reported (on the proposed **Investing with Key Bank**) that he and Trustee Conde would be having a telephone conference with Mr. Mohan from KeyBank investing on Tuesday, May 22, 2018. They have prepared some questions for Mr. Mohan which they would like answered before moving forward with this project.

Historian position update – Trustee Eydt said he has not been able to connect with the second interested party for the Historian position with the village. He asked if Clerk Salada could reach out to the party and get some availability for this coming week.

Clerk Treasurer Salada said she was pretty certain she had the individuals email and she would try.

Lewiston Landing – Engineer Marino said that soil boring had been being performed at Lewiston Landing this week. The specs for the walkway are being put together and that work will be going out to bid. Hopefully this will all come together soon.

Trustee Eydt asked how long Engineer Marino thought it would take.

Engineer Marino answered it should only take a couple of weeks.

Deputy Mayor said one of the problems is we need to determine what the new normal will be for the water levels.

Engineer Marino said the water levels are much improved from what the levels were last year at this time. It is still higher than two years ago.

Deputy Mayor Sutherland said we have the funding to bring the Lewiston Landing waterfront back to the pre-existing state. If those conditions aren't good enough for a year or two from now. When the level comes back up all our work will no longer be good enough.

Changes to the Building fees – Trustee Eydt said I have submitted the proposed changes to the Village Board members. I would like to make a motion for a public hearing to change these fees in the Village Code.

SCHEDULE A PUBLIC HEARING

Trustee Eydt made motion to schedule a public hearing June 18, 2018 at 6:00 PM on the proposed fee changes to the Village Code. Trustee Conde seconded the request and it passed unanimously.

RESIDENTS

Karla Smith of 205 S Third Street stood and spoke again; I just want to make my point regarding the mulch I requested; it is not just a little spot in the village it is an entire block that we are taking care of and pay for supplies. My husband does that for the Smith family and for pride in this village. I want to say that I find it offensive that I have to come here and ask, write a letter requesting and am told I have to pay for mulch, we do this for the village. I understand the cost to the village but to my family the cost has been much higher and a lot we have done we have never asked for a dime for anything. I was gone for a year in DC with my daughter and my husband took care of this garden all by himself.

Karla Smith continued, the village actually asked us to purchase this property at one time, but we did not consider purchasing it because our insurance rates would go through the roof. This is

something my husband enjoys it has given my family years of enjoyment. Everything in the garden my family pays for in its entirety. He moves the mulch all by himself. I feel asking for a few loads of mulch to help us.

Deputy Mayor Sutherland said we appreciate what you do, we have to consider all the residents of the village. We do not want to personally insult you, we have to watch out for all and any funds we expend. It is unfortunate that we couldn't get you the amount of mulch you would like to have.

Karla Smith I want to be clear this isn't a little section of park it is a block long, we are asking for mulch, I do not care about the rest of the others or what they do or need. We respect the village we bring the Dept. of Public Works donuts. I feel this is a personal assault that I have to ask for mulch; six thousand pounds of mulch are needed to cover this park. This is something my husband enjoys and feels he should give back to the world; we are all about paying it forward. It has given my husband years of enjoyment. But I do not want to come back here again and ask. I came back from Washington, I left work today to come here because it was personally offensive to me. I want to make sure my husband is taken care of when I go back to DC, that this mulch, this park is taken care of and he doesn't have to worry about it.

Deputy Mayor Sutherland said we will do what we can, we want to work with you, we will consider this request for the future, we are trying to get you what you want.

Karla Smith replied If the village would like to take over this park and pay for all of it that would be fine, right now all I am asking for is three loads of mulch. I reached out to A-1 Landscaping and the quote I got was \$1,500.

Deputy Mayor Sutherland said we want to work with you, we will do our best the garden you are tending is a whole block long and the village does not have a budgeted resource to pay for this mulch.

REPORTS

Clerk Treasurer Salada reported that the Clerk's office is working on closing out the fiscal year. Working on the changes to the Ellicott Development project, the tax bill preparation work with Niagara County is complete and tomorrow I will be picking up the actual tax bills to be prepared and mailed to the village residents for June 1, 2018 collection. This is along with the four grants, FEMA, the Village Election and everyday business.

Supt. Brolinski reported that paving is scheduled for the third week in June 2018; we will be paving Cayuga St. from S. Seventh to Niagara, Portage Rd., Center St. to Cayuga St., Portage Rd., Cayuga to Seneca St., Seneca St., S. Eighth to Portage Rd., N.Eighth to Mohawk St., to village line, Oneida St., N. Seventh to N. Eighth St., Onondaga St., N Eight to N., Ninth.

Law Counsel Joseph Leone reported that he had given the proposed Police contract agreement to the Town of Lewiston Attorney for review. The Town of Lewiston sent over the changes to the Police Collective Bargaining Agreement.

Village Engineer Michael Marino reported that the MS4 report for DEC was completed and must be submitted by the end of the month. Supt. Brolinski does the bulk of the report, and the DEC ultimately posts the storm water. We are in compliance with all the areas required.

Engineer Marino requested that Mayor Collesano sign the agreement for completion of the filing.

A MOTION TO HAVE MAYOR COLLESANO SIGN THE MS4 REPORT FOR FILING

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the request from Engineer Marino to have Mayor Collesano sign the MS4 report to complete it for filing.

BOARD REPORTS

Trustee Conde had no report.

Trustee Eydt reported that he had been in contact with Jennifer Pauly of the Lower Niagara River Region Chamber of Commerce and she expressed that her Board members were apprehensive about funding a shuttle for events within the Village of Lewiston. Trustee Eydt recommends that a meeting be held getting the Police, and Supt. Brolinski together about parking throughout the village, to make sure we are all on the same page.

Supt. Brolinski said he recently sent Jennifer Pauly a map of the parking layout and then spoke to her to help educate everyone.

Deputy Mayor Sutherland suggested involving a Lewiston No 1 fire representative also.

Trustee Eydt said I really think we could use a shuttle but the event planners are apprehensive.

Trustee Gibson had no report.

Deputy Mayor Sutherland had no report.

ANNOUNCEMENTS

Clerk Treasurer Salada read the announcements aloud:

On Monday May 28, 2018 at 11:00 on Center Street to Academy Park there will be a Memorial Day Parade, Memorial Service followed by a free luncheon.

USAF Band that will be playing community concert in Hennepin Park on Thursday, June 7, 2018.

The Village Election will be held on June 19, 2018 in the Redbrick gymnasium; polls are open 12:00 (noon) to 9:00 PM.

There will be a meeting to close the 2018-2019 fiscal year on May 30, 2018 6:00 PM in the Morgan Lewis Village Boardroom 145 N 4th St. Lewiston, NY.

The Historic Preservation Commission will be meeting on Monday, June 25, 2016 at 6:00 PM in the Morgan Lewis village board room 145 N 4th St., Lewiston NY.

The Zoning Board of Appeals will be meeting on Tuesday, May 22, 2018 at 6:00 PM in the Morgan Lewis Village Boardroom, 145 N 4th St., Lewiston, NY.

The next Planning Board meeting is scheduled for June 11, 2018 6:30 PM 145 N 4th St., Lewiston, NY.

ADJOURN

A motion was made by Trustee Gibson and seconded by Trustee Conde to adjourn the Village Board meeting and enter into executive session at 7:14 PM. This motion passed unanimously.

EXECUTIVE SESSION

PRESENT

Deputy Mayor Sutherland, Trustee Conde, Trustee Eydt, Trustee Gibson, Law counsel Joseph Leone, and Clerk Treasurer Salada.

After a brief discussion no action was taken.

MOTION TO ADJOURN

A motion was made by Trustee Gibson seconded by Trustee Eydt and passed unanimously to adjourn the executive session to discuss proposed litigation at 8:01 PM.

Amy Salada, Clerk Treasurer