

PRESENT: Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax, Geiben, Jacoby and Morreale; Finance Director Agnello; Martha Blazick; Attorney Parisi; Highway Superintendent Trane; Engineer Lannon; Building Inspector Masters; WWTP Chief Opt. Ritter; Deputy Water Foreman Zahno; Police Chief Previte; 2 Press; 13 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting with the Pledge to the Flag followed by a moment of silent reflection.

AGENDA APPROVAL

Additions: Geiben – Cable Commission; Morreale – Change order Car Charging Station; Jacoby – Ethics Board

NY STATE DEPT. OF TRANSPORTATION PRESENTATION

Short-Term Detour - Culvert Replacement – Pletcher Road. Keith Gawronski, P.E., Senior Design Engineer, NYS DOT is present to outline the work.

Gawronski said the DOT will be replacing a culvert pipe at the corner of Pletcher Road and Route 18 (Creek Road). Bids will be opened on March 28, 2019, with work to begin in the Spring of 2019.

This culvert was repaired once before, but did not handle well; therefore it needs to be replaced. The DOT will replace the existing 63” x 43” steel arch pipe on Pletcher Road with a 7’ x 4’ concrete box. DOT will need a Resolution from the Board to allow for them to use the roads.

Once the contract is awarded they will schedule the date of construction. It will be noted, no construction to take place during school hours.

The detour should last anywhere from 3 – 4 weeks, but construction will continue. A week or two before construction begins the DOT will note the upcoming detour.

Temporary easements for staging areas, for construction and the slip line across Route 18. Staging area will be located on the South / West corner of Creek and Pletcher.

Lannon said the Town will have a waterline going through this area in 2019. Gawronski said this can be noted in the contract during the bidding process. Lannon feels it would be best if waterline was done first.

Previte was concerned about emergency services. Gawronski said the DOT will notify all emergency personnel. Pletcher Road from Calkins Road to Creek Road will be closed. Signs will be placed to notify all of the detour.

RESIDENTS STATEMENTS

Warren, Rosemary – Griffin Street – Warren spoke of an article in the Buffalo News regarding the Cold War. Warren would like the Town to have a Cold War exemption for Lewiston residents.

DEPARTMENT HEAD STATEMENTS

Conrad thanked all for the condolences and kind words regarding the passing of his father.

WWTP Chief Opt. Ritter – Met with Rotella and a representative for a combined heat/power grant. Rotella said it is a NYSERTA Grant so this will compliment the grant for the Court.

Broderick said the Ice Rink opened over the weekend and has been very successful.

APPROVAL OF MEETING MINUTES – No minutes to approve

AUDIT PAYMENT

Jacoby MOVED to approve the Regular Abstract of Claims numbered 3490 – 3612, and recommend payment in the amount of \$870,254.08, plus a Post-Audit of \$11,237.39, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS - Board/Commission Vacancies

Jacoby MOVED to appoint Roscetti, James to the Board of Ethics, Seconded by Morreale and Carried 5 – 0.

Geiben anticipates receiving an application for the Cable Commission. Zoning Board of Appeals has an opening, and the Board needs to appoint a Chairperson for Zoning also.

PENDING

Bella Rose Winery – Site Plan/Special Use Permit – This was tabled at the last meeting due to a legal issue.

Parisi received materials from the applicant and neighboring property owner Modern Landfill. The Board received the letter from Modern as well. In looking into the issue, there certainly appears to be an issue between property owners. Parisi does not believe that because there is a neighbor issue this would prevent the Board from taking action on the Special Use Permit.

The Board needs to address the SEQRA, Special Use Permit and the Site Plan.

The application was reviewed by the Environmental Commission and recommends a Negative Declaration. Part 1 was completed by the applicant, Part 2 & Part 3 were completed by Building Inspector Masters.

In completing Part 2 the Town determines if no, or small impact may occur or Moderate to large impact may occur. This helps to determine a Positive or Negative Declaration.

Parisi reviewed Part 2 of the SEQRA:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No or small
2. Will the proposed action result in a change in the use or intensity of use of land? Moderate to large
3. Will the proposed action impair the character or quality of the existing community? Moderate to large

Masters answered questions 2 and 3 with Moderate to large because it is a winery, which is allowed under the Agricultural Use, but surrounding properties are all single family.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No or small
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No or small
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No or small
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities? No or small
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No or small
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No or small
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No or small

11. Will the proposed action create a hazard to environmental resources or human health? No or small

Part 3 is for the explanation: Masters wrote the following: 2 boxes were checked Moderate to Large impact may occur because this is vacant farm land now. With a Winery at that location and the public coming on to the property the traffic & use of the property will be intensified. The existing neighboring homes and property are all single family with large acreage.

Bax MOVED to approve Parts 1, 2 & 3 of SEQRA and authorized the Supervisor or Building Inspector to sign, Seconded by Jacoby and Carried 5 – 0.

The Planning Board recommended approval of the Site Plan and Special Use Permit with the following conditions: 1. Lighting to be provided down the driveway; 2. Black top required on the apron of Ridge Road; 3. Ridge Road to be clear of brush for sight lines.

Bax MOVED to approve the following Resolution with the three recommendations of the Planning Board, Seconded by Jacoby

WHEREAS, the Town of Lewiston received an application from Michael Schweitzer (Bella Rosa Winery) for a Special Use Permit and Site Plan review for a farm market (Winery) to be located at 1243 Ridge Road, Lewiston, New York; and

WHEREAS, the Town of Lewiston Environmental Commission reviewed the proposed project and recommended approval to the Town of Lewiston Town Board by letter dated September 21, 2018; and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, with conditions, to the Town Board of the Town of Lewiston by letter dated October 2, 2018; and

WHEREAS, the Town of Lewiston Town Board, on November 15, 2018, did hold a duly advertised Public Hearing at Lewiston Town Hall, 1375 Ridge Road, Lewiston, New York, regarding the application for a Special Use Permit and site plan review of the proposed farm market (winery) at 1243 Ridge Road, and at such public hearing every party wishing to be heard was heard; and

WHEREAS, the Town Board received from applicant on November 15, 2018, materials relevant to the application, and whereas the Town Board received a letter dated November 16, 2018 from Charles D. Grieco, Esq., on behalf of his client Modern Disposal Services, Inc.; and

WHEREAS, it appears that the applicant and Modern Disposal Services, Inc., have previously been involved in litigation involving a piece of real property on Ridge Road in the Town of Lewiston; and

WHEREAS, the litigation has previously been voluntarily discontinued by the parties thereto; and

WHEREAS, the Town of Lewiston takes no position regarding the legal rights or obligations of either the applicant or Modern Disposal Services, Inc.; and

WHEREAS, this decision is in no way intended to make a determination as to what property rights applicant possesses or lacks; and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it; and

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented the Town Board makes the following findings:

a. That the use, a farm market (winery), is designed, located and proposed to be operated so the public health, safety, welfare, comfort and convenience will be protected; *to wit*: the project has been designed and located such that the project is located on major east-west corridor (roadway) in the Town. It is located on a large agricultural tract of land that is surrounded by other similar properties; and

b. That the use, a farm market (winery), will not cause substantial injury to the value of other property in the neighborhood where it is located, *to wit*: the project has been designed and located, such that it is located on major east-west corridor (roadway) in the Town. Further, it is located on a large agricultural tract of land that is surrounded by other similar properties. The increased use, revenue and improvements produced by this project may increase property values in the immediate vicinity. Additionally, the Board has reviewed the November 16, 2018 letter from Charles D. Grieco, Esq. Mr. Grieco's letter indicates there is a dispute over what rights applicant has with

respect to an adjoining tract of property that was subject of previous litigation. The Board finds that this decision will not cause substantial injury to the adjoining property because it does not amend, modify or affect the rights either party may or may not have with respect to the property; and

c. That the use, a farm market (winery), will be compatible with adjoining development and the character of the neighborhood where it is located, *to wit*: the neighborhood the project is located in is zoned rural residential. It generally consists of large lots with single family homes and/or large farming operations or woods. The character of the neighbor where the project is located will not be effected since the project involves a use (i.e., a farm market) that is ancillary to other use of the property and neighboring properties (i.e., agriculture/farming); and

d. That the use, a farm market (winery), provides adequate screening to preserve the character of the neighborhood, *to wit*: the project does provide adequate landscaping to preserve the character of the neighborhood; and

e. That the use, a farm market (winery), provides adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, *to wit*: the parking area for the project has been reviewed by the Town Building Department, and Town Engineer and found to be more than sufficient for the use of the property. Additionally, an overflow parking area has been provided by applicant in the even the permanent parking area is full; and

BE IT FURTHER RESOLVED that the Special Use Permit for operation of a farm market (winery) at 1243 Ridge Road is approved with the following conditions: 1. Lighting to be provided down the driveway; 2. Black top required on the apron of Ridge Road; 3. Ridge Road to be clear of brush for sight lines, and

BE IT FURTHER RESOLVED that the Site Plan for operation of a farm market (winery) at 1243 Ridge Road as presented in the site plan maps dated August 2, 2018 and filed with the Town of Lewiston Building Department is approved with the following conditions: 1. Lighting to be provided down the driveway; 2. Black top required on the apron of Ridge Road; 3. Ridge Road to be clear of brush for sight lines.

Carried 5 – 0.

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Liaison Report

Sacred Heart Villa School – Slide – In June there was a water-main break behind Sacred Heart. In order to get to the break the Town had to take down their slide. This slide was un-savable. Dashineau provided Broderick with a State-Bid proposal in the amount of \$3,795.70 for the slide only. It is believed it will be a minimum of \$2,500 for installation.

Sacred Heart Villa has since replaced the playground. The Town needs to make financial restitution to Sacred Heart for the slide.

Broderick MOVED to approve the Town give Sacred Heart Villa \$5,000, based on Attorney approval, for the replacement of the slide, Seconded by Geiben

Parisi to talk to Sacred Heart to make sure this is satisfactory, and then create a Settlement Agreement together.

Broderick amended the motion to include payment to come from Water Department Contractual, Seconded by Geiben and Carried 5 – 0.

Legal

Parisi said, included in the 2019 Final Budget there is a sewer increase. To move forward procedurally, the Town needs to hold a Public Hearing.

Bax MOVED to hold a Public Hearing, December 10 at 6:00 pm for the purpose of discussing a .05¢ increase in the sewer rate, Seconded by Morreale and Carried 5 – 0.

Engineering

Lannon has contacted National Grid regarding the light at the corner of Big Vista and Little Vista.
Finance - Budget Adjustments

Agnello requests the following budget revisions:

Water Department – cover the increased cost of health insurance for a new employee and a current employee who went to family coverage.

Geiben MOVED to transfer \$3,394 from SW1-9050-0800-0000 to SW1-9070-0800-0000, Seconded by Jacoby and Carried 5 – 0.

Highway Department – cover the increased cost of health insurance for an employee who went to family coverage.

Geiben MOVED to transfer \$144 from DB0-9050-0800-0000 to DB0-9070-0800-0000, Seconded by Bax and Carried 5 – 0.

Dog Control – will increase dog pound revenue and Dog Control contractual budget. The Town has taken in more dogs than budgeted for, which will increase both the revenue and the expense.

Geiben MOVED to transfer \$1,500 into A00-3510-0400-0000 and \$1,500 into A00-1000-1550-0000, Seconded by Morreale and Carried 5 – 0.

Sewer Department – cover the cost of gasoline for the remainder of the year.

Geiben MOVED transfer \$2,000 from SS2-8120-0400-0000 to SS2-8120-0400-3510, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN BAX

Liaison Report

2019 Sewer Use Agreement – Ritter said the 2019 Sewer User Annual Agreement has not changed from the last Agreement.

Bax MOVED to authorize the Supervisor to sign and execute the 2019 Sewer User Annual Agreement, Seconded by Geiben and Carried 5 – 0.

2019 Modern Leachate Agreement

Bax MOVED to authorize the Supervisor to sign and execute the 2019 Modern Leachate Agreement with Modern Landfill, Inc, Seconded by Geiben

Jacoby asked if this was a one-year agreement. Ritter said yes. Parisi said there is a 90-day cancelation period.

Carried 5 – 0.

Dreier, Richard retirement – Bax read his letter of resignation. “This letter is to inform you that after over 40-years of dedicated service, in a responsible role at WPCC, I’ve decided to retire as of Dec. 29, 2018. It has been both a privilege and a pleasure to work under your leadership. The town is most fortunate that WPCC is in your capable hands.”

Bax MOVED to accept Richard Dreier’s resignation, with regret, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN

Liaison Report

Jacoby read a letter from Leandra Collesano, Chairperson - Lewiston Bicentennial Committee. They are requesting \$500 in funding.

Jacoby MOVED funding in the amount of \$500 to the Lewiston Bicentennial Committee, Seconded by Bax

Agnello said this is not in the 2018 budget, therefore suggests \$500 be taken from the Contingency budget and put in Celebration.

Jacoby amends his motion to include the funding to come from Contingency into Celebration, Seconded by Bax and Carried 5 – 0.

The Committee will be reaching out to the Village for the same.

COUNCILMAN JACOBYCOUNCILMAN MORREALE

Liaison Report

Morreale has a change order request for the Car Charging Station. The NYS DEC mandates the Town place a sign at the station stating they funded the grant. The additional sign is \$140, making the total for the station \$9,706.

Morreale MOVED the change order, with the total amount of the charging station being \$9,706, Seconded by Geiben and Carried 5 – 0

RESIDENTS STATEMENTS

Glasgow, Paulette – The Circle – The Town approved the SEQRA and resolution for the Winery on Ridge Road, and another resolution for a different issue. The Town recently approved a resolution with regards to a policy concerning records availability. Glasgow said it reads: “Any proposed resolution, local law, rule, policy, or amendment thereto which has been drafted prior to the meeting and which appears on the agenda for such meeting shall be made available either prior to the meeting or at the meeting.”

This is the second time Glasgow brought this up. First time she asked Parisi, “Does State law require that resolutions be made available to the public”. Parisi said no. Glasgow said the State says yes and suggests Parisi look at 103, Public Officers Law.

Second issue pertains to what the Board did for the Bicentennial Committee. Is this Committee a Committee of the Town and recognized by the Town and Village? Broderick said yes, the Committee had been recognized by both.

Glasgow read something from the State Comptroller. “A Town approved Committee is charged with planning the States Bicentennial celebration. This committee sets up a bank account into which it begins to deposit monies raised from bake sales and other activities conducted to raise funds for that celebration. There are two problems with this example, first the committee may not solicit contributions, or conduct fund raising activities as a Municipal entity. Committees appointed by a municipality may not hold funds in separate accounts outside of appointing municipality control. Glasgow will make this available to Agnello. Glasgow suggests the Board look into this a bit more before moving ahead.

Bax MOVED to adjourn, Seconded by Jacoby and Carried 5 – 0. (6:55 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk