

Work Session

October 13, 2022

6:00 PM

PRESENT: Supervisor S. Broderick; Dep. Sup. W. Conrad; Councilmembers W. Geiben, J. Jacoby, R. Morreale & J. Myers; Atty. A. Bax; Eng. Lannon; Hwy Supt. M. Zahno; Dep. Bldg. Insp. E. Zimmerman; Finance Dir. J. Agnello; WPCC Ch. Op. J. Ritter; Chief F. Previte; Water Foreman D. Zahno, Sr. Coordinator M. Olick; Rec. Dir. C. Cvijetinovic (Zoom); 1 Press; 3 Residents and Dep. Clerk C. Schroeder

The Supervisor opened the Work Session followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA: Broderick: Add - Executive Session re Consultation with Attorney; Geiben: Add - Traffic Sign and Jacoby: Add - Friends of Lewiston Library. **Geiben MOVED to approve the Agenda, as amended. Seconded by Jacoby and carried 5-0.**

ABSTRACT: **Morreale MOVED to approve the Regular Abstract of Claims Numbered 22-02662 thru 22-02836 and recommended payment in the amount of \$313,240.36 plus a post-audit of \$13,003.75. Seconded by Geiben and carried 5-0.**

MINUTES: **Geiben MOVED to approve the minutes of September 26, 2022 – PH/RTBM, as printed. Seconded by Jacoby and carried 5-0.**

OLD BUSINESS:

1. Proposed L.L. #1-2022 – Amend Zoning map to incorporate a Planned Unit Development.

Myers MOVED the following Resolution:

State Environmental Quality Review Act Negative Declaration and Notice of Determination on Non-Significance.

LMK Planned Unit Development
Northridge Drive, SBL# 101.12-1-1.4

WHEREAS, a proposed Planned Unit Development located at Northridge Drive, SBL# 101.12-1-1.4, along with a Local Law changing the zoning of said parcel to accommodate the PUD, is being considered for approval by the Town Board, and

WHEREAS, Short Environmental Assessment Form (“EAF”), part 1 was submitted by the applicant, and Part II and III were completed by the Town Building Inspector, with a recommendation for a Negative Declaration, and

WHEREAS, the Town Board has considered the Project and reviewed it in light of the criteria set forth in SEQR in order to determine whether the Project will have a significant effect on the environment, now therefore be it

RESOLVED, that the Town Board of the Town of Lewiston hereby declares itself Lead Agency for the purposes of SEQRA review of the Project, and be it further

RESOLVED, that based upon the information set forth in the EAF, and for reasons more fully set forth in Parts 2 and 3 of the EAF, the Town Board hereby determines that there will be no significant environmental impacts with regard to the Project, and hereby adopts and issues a Negative Declaration under SEQRA with respect thereto, and be it further

RESOLVED, that the Town Supervisor be, and hereby is, authorized to executive any necessary documents in conjunction thereto.

Seconded by Geiben and carried 5-0.

Myers MOVED the following Resolution:

PLANNED UNIT DEVELOPMENT DETAILED PLAN APPROVAL

**LMK Planned Unit Development
Northridge Drive, SBL # 101.12-1-1.4**

WHEREAS, LMK Realty Associates, LLC (“Applicant”) has proposed a Planned Unit Development expansion to the current Ridgeview at Lewiston PUD, such expansion to be located at Northridge Drive, SBL # 101.12-1-1.4, and

WHEREAS, the Town of Lewiston Town Board is considering the approval of such PUD, along with a Local Law changing the zoning of said parcel to accommodate the PUD, and

WHEREAS, the Town Board of the Town of Lewiston has declared itself Lead Agency for the purposes of SEQRA review of the Project, and issued a “Negative Declaration” pursuant to SEQRA, and

WHEREAS, the Town Board has previously approved Applicant’s Concept Plan contingent on submitting a Detailed Plan, and

WHEREAS, the Town has reviewed Applicant’s Detailed Plan, and has duly called for, noticed, and conducted a Public Hearing regarding said Detailed Plan, and

WHEREAS, the Town’s Planning Board has considered the Detailed Plan and recommends approval, contingent on final engineering approval

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lewiston hereby approves the applicant’s Detailed Plan, incorporating said parcel into the larger PUD footprint, conditioned on final engineering approval from the Town of Lewiston Engineer being obtained prior to the issuance of any building permit.

Seconded by Geiben and carried 5-0.

Myers MOVED to Adopt Local Law 1 of 2022 approving the Planned Unit Development (PUD) at Northridge Drive, SBL# 101.12.1.1.4, as described in the text of the local law, and to direct the Town Engineer to take action to change the Town’s Zoning Map accordingly. Seconded by Geiben.

The Clerk was asked to poll the Board: Geiben – Aye; Jacoby – Aye; Morreale – Aye; Myers – Aye and Broderick – Aye. **Motion carried 5-0.**

2. Court Office Renovations: Broderick said they received three bids for carpeting in the Court offices – Carpet Collection - \$13,006.20; Kenny Carpets and Floor - \$11,563.20 and Mooradian Rug - \$10,300.00.

Broderick MOVED to award the contract to Mooradian Rug in the amount of \$10,300.00 for new carpeting for the Court offices (including hallways and entrance way). Seconded by Jacoby and carried 5-0.

3. Special Use Permit – Wilco Auto: Broderick said no action would be taken at this meeting.

NEW BUSINESS: None

DEPARTMENT HEAD STATEMENTS:

Police: Chief Previte said they completed an Active Training Drill at Niagara University. Previte asked everyone to keep in their thoughts and prayers the officers ambushed and killed in Bristol, CT.

Seniors: The Director said they will be holding a Caregivers Support Group on Monday at the Senior Center.

Recreation: The Director, via Zoom, said they will be holding a Fall Festival on Saturday at Kiwanis Park from 1 – 5 pm. They will have pumpkins, hot chocolate, cider and activities. Families can sign-up to attend at lewportsports.com. Walk-ins are welcome too. Families can also register on the website for the Truck or Treat event to be held at the Lewiston Town Hall on October 28th from 6-8 pm.

BRODERICK:

1. Legal: Bax said they are making progress closing on the Stonehaven property. Broderick said he spoke with the parties involved. They are shooting for one month from today.
2. Engineering: None
3. Finance: The Finance Director requested to process the following (6) 2022 Budget Revisions:
 - a) A request to move \$8,000.00 to Union Welfare Benefits (A00-9070-0800-0000) from Contingency (A00-1990-0400-0000) to cover benefit changes due to personnel and benefit coverage changes.

- b) A requesting to move \$23,000.00 to Police Personnel Wheatfield SRO (B00-3120-0100-0025) from SRO revenue (B00-1000-1520-0220) to cover SRO services. Additional SRO personnel have been added since the budget was adopted.
- c) A request to move \$1,572.00 to Delinquent Lawn Maintenance (B00-3620-0401-0000) from Contingency (B00-1990-0400-0000) to cover the payments to lawn services for cutting negligent residents' lawns. Expenses are levied on their taxes.
- d) A request to move \$21,500.00 to Union Welfare Benefits (DB0-9070-0800-0000) from Hospital & Medical Insurance (DB0-9060-0800-0000) to cover benefit changes due to personnel and coverage changes.
- e) A requesting to move \$6,000.00 to Sanitary Sewer Gasoline/Diesel (SS2-8120-0400-3510) from SS2 Fund Transfer From Other Funds (SS2-1000-5031-1189) to cover current and future gasoline/diesel purchases. Current prices for these commodities have surpassed original budgeted estimates.
- f) A request to move \$2,000.00 to Water Admin.-Gas & Electric (SW1-8310-0400-3500) from the SW1 Fund Transfer From Other Funds (SW1-1000-5031-1189) to cover current and future electric and natural gas expenses. Current prices for these commodities have surpassed original budgeted estimates

Geiben MOVED the budget revisions, as submitted. Seconded by Jacoby and carried 5-0.

- 4. 2-Year Auctions Intl Contract: The Town Clerk asked the Board to approve a 2-year contract with Auctions International.
Morreale MOVED approval and authorized the Supervisor to sign said contract extension. Seconded by Myers and carried 5-0.
- 5. Sewer Credit – Silvaroli: Myers MOVED to approve a pool sewer credit of \$122.70 to Joe Silvaroli, Upper Mt. Road. Seconded by Jacoby and carried 5-0.

GEIBEN:

Road Sign: Geiben said as he is driving outside the Village to the Town Hall on Ridge Road, he is noticing more and more cars driving on the shoulder of the road. When someone is making a left turn into their driveway, cars are choosing to go around them using the shoulder. It is against the law. He requested that a letter be sent to the DOT requesting signate cautioning drivers not to pass on the shoulder.

Geiben MOVED to authorize the Town Clerk to request the state to place “No Passing on Shoulder” signs on Ridge Road, near Northridge Drive. Seconded by Jacoby and carried 5-0.

Senior Van Driver: Geiben MOVED to hire Ken Slaughenhoupt as Senior Van Driver at \$13.20/hr., 20-30 hrs. per week, as needed. Seconded by Jacoby and carried 5-0.

Status of Ice Rink: Geiben said they have been talking about the ice rink for well over a year as to what the future holds. He commended the Board for supporting the ice rink for many years. It is a true asset to the Lewiston community.

Geiben read a letter from Director Cathy Cvijetinovic: After many years of operation, the ice rink has reached its life expectancy. There are a number of repairs that include coils and manifold replacement. We would also need to update our current ice skate equipment. This would cost approximately fifty thousand dollars (\$50,000.00) Additionally, the current location of the ice rink is not finalized due to the approval from the Village of Lewiston. Our recommendation is to not operate our ice rink this winter due to the feasibility we are faced with. We are hopeful to operate a brand-new ice rink for the winter of 2023, and bring back the joy the ice rink has brought to families for many years.

Geiben commented: The ice rink has out-lived its life expectancy. It's done. If we're going to have an ice rink, we will have to find a new solid location where we can leave it up permanently. Tearing it down and putting it back up each season shortens the life expectancy of the coils. It is time to turn the page and move forward.

Geiben announced that there will be no ice skating rink for the winter season of 2022/2023.

Broderick said the Recreation Director is in the process of talking to Niagara University about having a Lewiston skating night two nights a week.

Geiben put forth a charge to the Director and Hwy Supt. that by March 1, 2023, they come before the Board with a recommendation of location, surface and necessary auxiliary equipment so the Board can move forward with securing grants and greenway funding to have a facility that will be able to stay up throughout the year and not have expense of tearing it down every year. The second charge would be to find a location for Lewiston skate nights. Hopefully, Niagara University will be our site. The facilities are excellent.

JACOBY:

Sanborn Fire Company Roster: Sanborn Fire Company submits for membership in said company the name of: Michael Allen, Joanne Drive, Sanborn, NY (T/Cambria).

Jacoby MOVED for approval. Seconded by Myers and carried 5-0.

Police Resignation: Jacoby read a letter of resignation from Joshua T. Salada as Police Officer, effective September 28, 2022, due to his conflicting scheduling with his other workplace.

Jacoby MOVED to accept Salada's resignation as Police Officer, with regret, effective September 28, 2022. Seconded by Morreale and carried 5-0.

Lewiston Library: Jacoby said the Friends of the Lewiston Library are having a gathering October 19th at the Library from 6-8 pm with appetizers, wine, champagne and desserts. Presale tickets are \$15 per person or \$20 at the door. Fund to support Friends of the Library.

MORREALE:

Lighting: Morreale is working on getting parking lot lighting at the Senior Center. It is very dark there when they have evening activities.

Morreale said they are looking for grants to purchase several new Town vehicles.

MYERS: Myers announced two upcoming events.

The Sanborn Area Historical Society will sponsor a Ham Dinner on Saturday, October 22, 2022 from 4-7 pm at the Farm Museum. Cost: Adults - \$15; Children (5-12) - \$7 and Kids 4 & under, Free.

The Sanborn Area Historical Society will hold their Regular Meeting on Tuesday, October 25, 2022 at the Farm Museum with a Special Program “Taking a Peak at Pekin”, presented by Ann Marie Linnaberry from the Niagara County History Center. The public is invited to attend.

PRIVILEGE OF THE FLOOR –

John Murnyack, Ridge Rd, asked if Niagara University has public skating hours. Broderick said they do but this is something the Town would sponsor for its residents.

In another matter, Murnyack said there was a Town resident that lived on a residential lot. That resident put in a request for a change in zoning. The request came before the Town Board. What came out of that was “we don’t rezone, or can’t rezone or won’t rezone”. With regard to the Mascaro development, Murnyack said the residents on Ridge Road were invited to a Public Hearing about that development to separate residential property in order to do this development. Residents spoke against it. The Planning Board sent it along to the Town Board for approval. The Town Board held a public hearing with the developer present and again the residents spoke against the proposed project. Broderick invited the developer to his office and had a private conversation on what he planned to do. So much for transparency. Here we are one year later. The developer wants to proceed, the neighbors are against it and it got approved. Here’s my point – you cannot use the excuse that neighbors are against something that a resident wants to do because you just proved that you moved forward in the case of a developer because it is generating cash dollars. Approving what you did tonight - the neighbors’ positions don’t count. It all about the tax dollars. Let’s make sure that we understand that that excuse that neighbors don’t want it can’t be used as an excuse for not allowing a resident to try and do something in this Town.

Geiben MOVED to enter Executive Session re Consultation with Attorney. Seconded by Jacoby and carried 5-0. Time: 6:40 p.m. Minutes taken by Atty. Bax

Present: Broderick, Geiben, Jacoby, Morreale, Myers, Zimmerman and Atty Bax.

Issues Discussed:

1. Niagara County Cooperative Extension – Application for Agriculture District Exemption.

No action taken.

Geiben MOVED to exit executive session and adjourn work session. Seconded by Morreale and carried 5-0.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk