

MEMO

Copy! T.B.  
Atty

Plf 5/21/2021

TO: Lewiston Town Board  
Steve Broderick, Supervisor  
William E. Geiben  
John O. Jacoby  
Robin Morreale  
Jason C. Myer

FROM: Linda E. Johnson, Assessor

DATE: May 17, 2021

RE: Board of Assessment Review Member.

I am requesting that Michael Johnson be added to the Board of Assessment Review for 2021 as it has been brought to my attention that we will not have The required members present to have a quorum for the Grievance proceedings On May 25, 2021.

I have asked Mike to step in to assist the other members as he comes from a Real Estate and Appraisal background of more than Thirty (30) years and I am Confident that he will be of great assistance in the Grievance proceedings.

I have contacted Niagara County Real Property Services and they emailed the Link for Mike to do the training on line prior to May 25, 2021. Once he has Taken the training Video course on-line, He will sign the Board of Assessment Review Training Attestation Statement and I will forward it to the Niagara County Real Property Office.

Thank You for your assistance in this matter.

Town Board meeting - 5/24/2021

Name	Current- As of 09/2020	Min Wage 12/31/2020	2% 01/01/2021	Adjust	New 2021	6 mos	1 yr	full rate end of 2021*
Vacant-New-Ray London	12.00	12.50			12.50	0.50	0.50	13.50
<del>_____</del> Mike	12.99		13.25	0.25	13.50			13.50
<del>_____</del> Randy	12.22	12.50	12.75	0.75	13.50			13.50

\*Minimum wage will increase again on 12/31/2021, amount TBD, potentially to \$13.20. Drivers rate will be revisited again for possible increase to account for the min. wage incr.

copy: T. B  
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 Finance  
 5/21/2021

RF

Town Board meeting 5/24/2021

Copy: J. B.  
Atty  
Police  
NWTP

### 403 Residency Requirements

**Policy Statement:**

**POLICE DEPARTMENT** – All full-time employees of the Town of Lewiston must be residents of the Town of Lewiston. All part-time employees of the Town of Lewiston Police Department must abide by the policy developed for part-time employees contained in the policy as established for “ALL OTHER DEPARTMENTS” below. *(Effective after 5/24/2021)*

**ALL OTHER DEPARTMENTS** - All other full-time employees of the Town of Lewiston must be residents of the Town of Lewiston or a contiguous municipality. Said contiguous municipalities shall include the Town of Porter, the Town of Cambria, Town of Wilson, Town of Niagara and the Town of Wheatfield. Part-time, seasonal and temporary employees need not be residents of the Town of Lewiston. However, residency shall be considered when hiring full-time, part-time, seasonal and temporary employees. Nothing herein shall be construed to require the Town to hire a Town resident over a non-resident for a full-time, part-time, seasonal or temporary position. Any employee who is a member of the Water Pollution Control Center collective bargaining unit should refer to the residency requirement contained in their current collective bargaining agreement.

Any newly hired employee of the Town of Lewiston must meet the above residency requirements within six months of their date of hire. An extension may be granted at the sole discretion of the Town Board. *(Effective after 5/24/2021)*

**New Employees** - Any newly hired employee or employee changing job classifications must meet the above residency requirements within six months of their hire date. Extensions for additional time may be granted at the Town Board's sole discretion. Any new employee who will be a member of the Water Pollution Control Center collective bargaining unit should refer to the residency requirement contained in their current collective bargaining agreement.

**Relocation** – Any employee who relocates outside the Town and contiguous municipalities, as more fully defined above, without the express written approval of the Town Board, may be terminated upon this ground.

**Family Members** – No more than one member of an immediate family shall be employed within the same department. This does not affect present Town employees of the same or related families already working within the same department. Seasonal employees are exempt from this provision (6/23/08). For purposes of this policy, immediate family is defined as spouse, parent, child, and sibling.

Town Board 5/24/2021

Copy: T.B., atty  
Police

Of



May 10, 2021

Good Afternoon,

My company, Race Management Solutions, Inc. has been in business for 10 years providing professional timing and finish line services for some of the largest events in Western New York. We are well known and respected in the industry for our attention to detail and for providing an exceptional finish line experience for our runners. Our event management company, iRun WNY, has produced many great local running events that have helped to raise funds for numerous charitable organizations.

I am writing today to inform you of our desire to host the inaugural **Niagara Falls USA Marathon** on April 30, 2022 along with 5K and half marathon options. The events will be held annually in partnership with the Niagara USA Chamber, Niagara River Region Chamber of Commerce, and Destination Niagara USA. The ultimate goal is to provide a world class venue for what will be one of the most scenic and historic marathons offered in the world.

We have designed a concept course that would start and finish in Historic Lewiston, New York. Participants would run through Artpark State Park, up Lewiston Hill using the new pedestrian path to Devil's Hole and Whirlpool State Park. Runners would continue on the new pathway under the Rainbow Bridge to the brink of Niagara Falls then follow the Upper Niagara River pathway to LaSalle Waterfront Park where they would turn around and head back to Lewiston (26.2 miles total).

We are seeking permission and approval from all stakeholders so that we can move forward with planning and promotion of the marathon. We have an ambitious goal of attracting 2,000 runners in our first year and growing the event into one of the premier marathons in North America. With your help and cooperation, we feel this will provide great exposure for the Niagara Region and help our local economy. We are also in the process of selecting a local charity for 2022 with Community Missions and the Salvation Army as possible options.

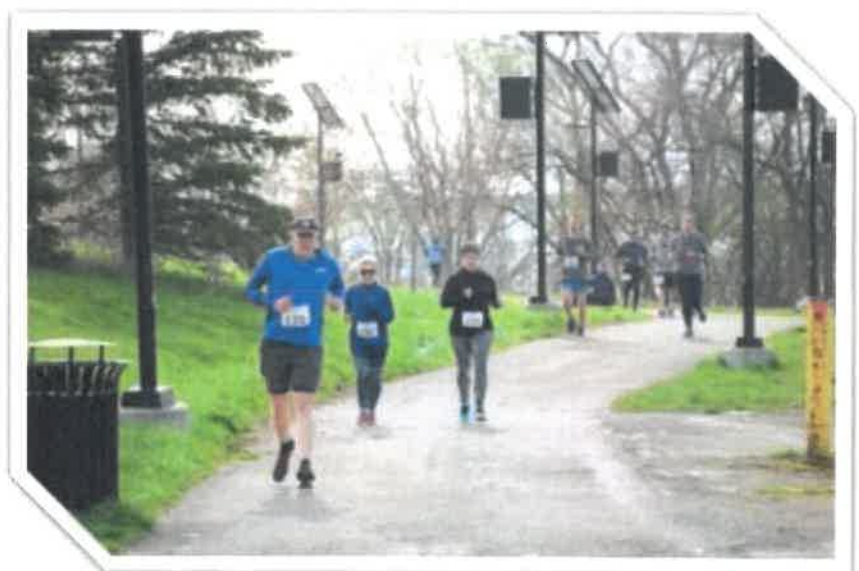
Thank you in advance for your consideration. We welcome your questions, comments, and suggestions as we move forward with planning and implementation. Please let us know what you will need from us to move forward with planning including any required applications and/or permit paperwork.

Sincerely,

Paul R Beatty Jr., President

iRun WNY Inc.  
Race Management Solutions  
1570 Braley Road  
Youngstown, NY 14174  
716-998-5777

- cc:
- City of Niagara Falls
- Town of Lewiston
- Village of Lewiston
- New York State Parks
- >Artpark State Park
- >Whirlpool State Park
- >Niagara Falls State Park
- NY Power Authority
- Niagara River Greenway Commission
- Niagara Falls Bridge Commission
- Niagara USA Chamber
- Niagara River Region Chamber of Commerce
- Destination Niagara USA
- Brickyard Pub & BBQ



Running along the beautiful Niagara River Trail!

Town Board 5/24/2021



# Upper Mountain Fire Company

839 Moyer Road  
Lewiston, NY 14092  
(716) 297-0330  
(716) 297-1074 (FAX)

Established 1959

Ms. Donna Garfinkel  
Town of Lewiston  
Town Clerk  
1375 Ridge Road  
Lewiston, New York 14092

May 11, 2021

*Copy: Sup*

*PK*

*5/21/21*

Re: Upper Mountain Fire Company  
Membership Roster

Dear Ms. Garfinkle:

Please add the following individuals to our rolls as a new member of the Upper Mountain Fire Co of Lewiston NY Inc., affective this date.

Thomas Kuun  
Moyer Road  
Lewiston, NY 14092

Sincerely yours

*John C. Malinchock*  
On Behalf of the Board of Directors  
John C. Malinchock  
President

President  
716.867.4650

*Town Board 5/24/2021*

copy: T.B. Highway  
Atty Ph 5/21/21

**GRANT OF EASEMENT**

**TOWN OF LEWISTON**, having a mailing address of 1375 Ridge Road, Lewiston, New York, 14092 (hereinafter referred to as "Grantor"), for consideration of One Dollar (\$1.00), and/or other valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **NIAGARA MOHAWK POWER CORPORATION**, a New York corporation, having an address at 144 Kensington Avenue, Buffalo, New York, 14214 (hereinafter referred to as "Grantee"), for Grantee and its lessees, licensees, successors, and assigns, the perpetual right and easement as described in Section 1 below (the "Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below (the "Grantor's Land").

**Section 1 – Description of the Easement.** The "Easement" granted by the Grantor to the Grantee consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, remove any poles or lines of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, guy stubs, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances (collectively, the "Facilities"), which the Grantee shall require now and from time to time, for the transmission and distribution of high and low voltage electric current and for the transmission of intelligence and communication purposes, by any means, whether now existing or hereafter devised, for public or private use, in, upon, over, under, and across that portion of the Grantor's Land described in Section 3 below (the "Easement Area"), and the highways abutting or running through the Grantor's Land, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others;

b. From time to time, without further payment therefor, clear and keep cleared, that portion of Grantor's Land described in Section 3 below (the "Trimming Easement Area") of any and all trees, limbs, branches, roots or vegetation and trim and remove danger trees adjacent to the Easement Area that, in the opinion of the Grantee may jeopardize the integrity of the Grantee's electric distribution facilities; Grantee shall follow accepted arboricultural standards which may require Grantor to make pruning cuts closer to the tree stems, outside the 10-foot easement area.

c. Excavate or change the grade of the Grantor's Land as is reasonable, necessary, and proper for any and all purposes described in this Section 1; provided, however, that the Grantee will, upon completion of its work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and

d. Pass and repass along the Easement Area to and from the adjoining lands and pass and repass over, across, and upon the Grantor's Land to and from the Easement Area, and construct, reconstruct, relocate, use, and maintain such footbridges, causeways, and ways of access, if any, thereon, as is reasonable and necessary in order to exercise to the fullest extent of the Easement.

**Section 2 – Description of Grantor's Land.** The "Grantor's Land" is described in a certain Deed recorded in the Niagara County Clerk's Office on July 31, 2020 as Instrument No. 2020-11770 and consists of land described as being part of Tax Parcel No. 74.00-1-11.1 of the Town of Lewiston, County of Niagara, State of New York, and part of Lot No. 20, Township 14, Range 9, of the Holland Land Company's Survey, commonly known as 4399 Harold Road (aka 1445 Swann Road).

**Section 3 – Location of the Easement Area.** The "Easement Area" shall consist of a portion of the Grantor's Land twenty feet (20') in width throughout its extent, the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled Exhibit A, which sketch is attached hereto and recorded herewith, copies of which are in the possession of the Grantor and the Grantees. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantees in substantial compliance with Exhibit A hereto. The "Trimming Easement Area" shall be a strip of land measured ten (10) feet from the outermost electric conductor on each side of the line.

**Section 4 – Facilities Ownership.** It is agreed that the Facilities shall remain the property of the Grantee, its successors and assigns.

**Section 5 – General Provisions.** The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantee that no act will be permitted within the Easement Area which is inconsistent with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated,

Town Board - 5/24/2021

or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written consent of the Grantee; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantee's prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling.

The Grantee, its successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOWN OF LEWISTON

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_ (sign here)  
Print Title: \_\_\_\_\_

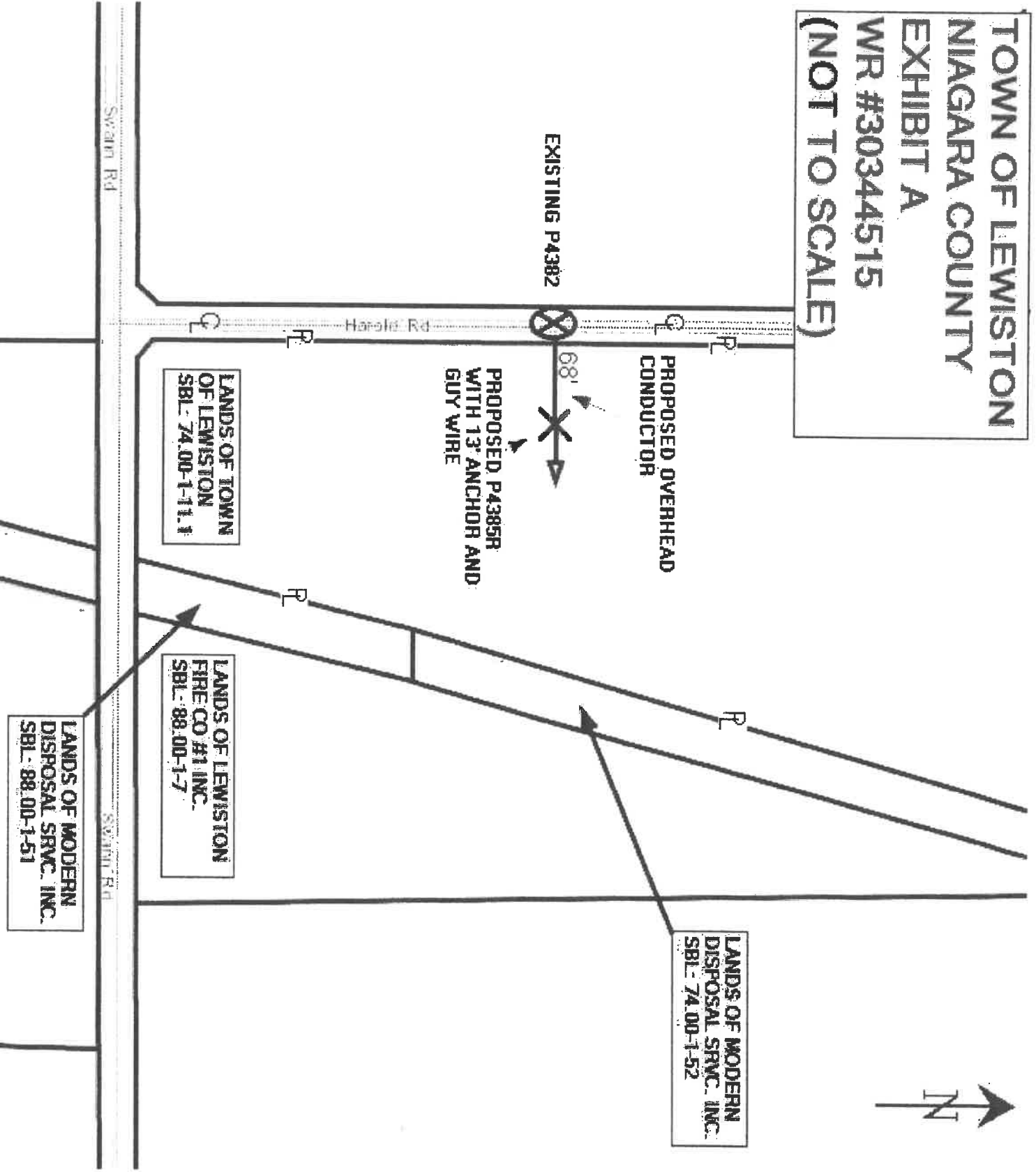
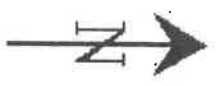
State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

ss:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**TOWN OF LEWISTON  
NIAGARA COUNTY  
EXHIBIT A  
WR #30344515  
(NOT TO SCALE)**







May 20, 2021

Steve Broderick  
Town of Lewiston  
1375 Ridge Road  
P. O. Box 330  
Lewiston, NY 14092

Copy: T.B.  
atty.  
WWFP  
Finance  
5/21/21

Reference No. 11210713

Dear Mr. Broderick:

**Re: Town of Lewiston  
WPCC Controls Installation Project  
Contract 2021-2E  
Recommendation of Award**

On Tuesday, May 18, 2021 at 2:00 p.m. local time, the Town of Lewiston received two (2) bids for the above-referenced project. The bids were as follows:

<u>Bidder</u>	<u>Total Amount of Base Bid</u>	<u>Total Amount of Alternate A</u>	<u>Total Amount of Base Bid + Alternate A</u>
O'Connell Electric Company, Inc.	\$351,695.00	\$14,100.00	\$365,795.00
Frey Electric Construction Co., Inc.	\$376,000.00	\$28,000.00	\$404,000.00

We have enclosed one copy of the bid tabulation for your information.

We have reviewed the qualifications and experience of the low bidder for the above-referenced project, O'Connell Electric Company, Inc., and have found they have performed similar work acceptably. We, therefore, recommend award of the WPCC Controls Installation Project – Contract 2021-2E, to O'Connell Electric Company, Inc., in the Total Bid Amount of \$365,795.00 (Base Bid – \$351,695.00 + Alternate A – \$14,100.00), contingent upon availability of project funding and review by the Town's legal counsel.

If you have any questions or require additional information, please advise.

Sincerely,

GHD

Daniel J. Kolkmann  
Senior Construction Administrator

DJK/snb

Encl.: Bid Tabulation

cc: Jacqueline A. Agnello – Town of Lewiston  
Robert P. Lannon, PE – GHD  
File: 11210713 – iConnect

Town Board  
5/25/2021

Over

**TABULATION OF BIDS**

**OWNER**  
 TOWN OF LEWISTON  
 NIAGARA COUNTY, NEW YORK  
 PROJECT  
 WPCC CONTROLS INSTALLATION PROJECT  
 CONTRACT NO. 2021-2E

**ENGINEER**

GHD CONSULTING SERVICES INC.  
 285 DELAWARE AVENUE, SUITE 500  
 BUFFALO, NEW YORK 14202

DATE ADVERTISED: 4/22/2021  
 DATE OPENED: 5/19/2021  
 DATE TABULATED: 5/19/2021  
 TABULATED BY: SNB

PROJECT NO. 11210713

BIDDER'S NAME:		O'CONNELL ELECTRIC CO., INC.		FREY ELECTRIC CONSTRUCTION COMPANY, INC.		
ADDRESS:		830 PHILLIPS ROAD VICTOR, NY 14564		100 PEARCE AVENUE TONAWANDA, NY 14150		
ITEM NO.	DESCRIPTION	BID UNITS	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID
1A	MOBILIZATION/DEMOBILIZATION	1 FMAXLS	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
2A	ADMINISTRATION BUILDING CONTROL SYSTEM	1 LS	\$62,900.00	\$62,900.00	\$82,000.00	\$82,000.00
3A	LEWISTON WPCC PUMP & CHEMICAL STATION CONTROL SYSTEM	1 LS	\$150,798.00	\$150,798.00	\$155,000.00	\$155,000.00
4A	LEWISTON WPCC FILTER BUILDING CONTROL SYSTEM	1 LS	\$47,622.00	\$47,622.00	\$44,000.00	\$44,000.00
5A	VILLAGE OF LEWISTON PUMP STATION CONTROL SYSTEM	1 LS	\$55,375.00	\$55,375.00	\$60,000.00	\$60,000.00
6A	GENERAL CONSTRUCTION ALLOWANCE	1 LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
<b>TOTAL BASE BID FOR ITEMS 1A - 6A</b>				<b>\$351,695.00</b>		<b>\$376,000.00</b>
<b>ALTERNATE A - WPCC CONTROLS INSTALLATION PROJECT</b>						
A1A	TEMPORARY BYPASS PUMPING	1 LS	\$14,100.00	\$14,100.00	\$28,000.00	\$28,000.00
<b>TOTAL BASE BID FOR ALTERNATE A</b>				<b>\$14,100.00</b>		<b>\$28,000.00</b>
<b>TOTAL BASE BID 1A - 6A + ALTERNATE A</b>				<b>\$365,795.00</b>		<b>\$404,000.00</b>

May 20, 2021

Dear Supervisor and Board Members,

At the 5/24/2021 Board meeting I will be asking your approval to process the following **2021** budget revision:

1. This revision is requesting to move a total of \$1,500.00 to the Master Sewer Contractual budget (SS2-8110-0400-0000) from the Master Sewer Sanitary Contractual budget (SS2-8120-0400-0000) to cover contractual expenses.

Thank you,

Jacquie