

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad; Atty. A. Bax; Finance Director J. Agnello; Dpt. Bld. Insp. E. Zimmerman; Rec. Dir. T. Smith; Police Capt. M. Salada; Eng. R. Lannon; Sr. Cit. Coordinator M. Olick; WWTP Chief Opt. J. Ritter, 5 Residents, 2 Press (1 ZOOM) and Clerk D. Garfinkel

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection.

AGENDA APPROVAL

Additions: Bax – Executive Session regarding a Contractual matter and Resolution to clarify a previous Resolution; Jacoby – Part-Time Police hire

Geiben MOVED to approve the Agenda as amended, Seconded by Morreale and Carried 5 – 0.

RESIDENTS STATEMENTS

Copelin, Jena – Lower River Road - Coplin is one of the owners of a historical property located at 4736 Lower River Road. The home is located on 2.5 acres of land and was built and designed in 1915 by John Olmsted. The home and property were owned and maintained by the Olmsted Family for 70-years.

Coplin has discussed with local groups about hosting tours and possible charity events at the home on the river. Any local group or charity that is interested can reach out to Coplin herself. Coplin invites any Board member to come and take a tour.

Coplin is a good neighbor. Pays her bills on time, maintains the property very well, and all neighbors have contact information if they need to reach her with any concerns. Several Lewiston residents are employed by Coplin. The guests visit local shops and restaurants and contribute meaningfully to the local economy.

As Town officials, you represent all in the community, not just the few loud voices.

DEPARTMENT HEAD STATEMENTS

Town Clerk Donna Garfinkel

The Town received a thank you from the Lewiston Garden Club. “Without the financial support of local governments and businesses in our community, this event would not be possible.” Chairperson Barbara Carter expresses her deepest gratitude for the Town’s generous support.

HVAC Maintenance Contract Bid - Clerk Garfinkel informed the Board Bid Documents have been mailed out to HVAC companies, and a Legal Ad placed for a 3-year HVAC Maintenance Contract, for the Senior Center and the Town Hall.

TOWN BOARD MEETING

August 28, 2023

6:00 PM

Town Hall window replacement - Clerk Garfinkel would like to go out to bid for window replacement at the Town Hall and the replacement of the West side entrance door.

Broderick will work with the Clerk to prepare a Bid Spec.

APPROVAL OF MEETING MINUTES Town Board Meeting – 7/24/2023

Geiben MOVED to approve the meeting minutes of July 24, 2023, Seconded by Myers and Carried 5 – 0.

AUDIT PAYMENT

Jacoby MOVED approval of the Regular Abstract of claims - August 14, 2023, numbered 23-01970 thru 23-02189, and recommend payment in the amount of \$553,700.41, plus a Post Audit of \$13,889.00, Seconded by Morreale and Carried 5 – 0.

Jacoby MOVED approval of the Regular Abstract of claims - August 28, 2023, numbered 23-02190 thru 23-02321, and recommend payment in the amount of \$414,120.54, plus a Post Audit of \$10,555.96, Seconded by Morreale and Carried 5 – 0.

PENDING / OLD BUSINESS - None

NEW BUSINESS Residents / Public Correspondence - None

Senior Center Coordinator Melinda Olick

The Center will be hosting an End of Summer Picnic on August 30th, and invites all to attend. September is National Senior Center Month. Many activities have been scheduled.

Recreation Director Tim Smith

Summer Recreation Camps are done for the year. Very successful this year. There is Yoga in the Park which has received a great response. On October 14th the Fall Festival is planned. On October 28th the Truck or Treat will be held. Starting in November there will be Sponsor a Skate at Niagara University. A Corn-Hole night is planned for Tuesdays in September.

SUPERVISOR BRODERICK

Introduce Local Law Amending Section A-367-44 Water Rates Set - Broderick introduced and read the following into the record:

A Local Law Amending §A-367-44 Water Rates Set SECTION 1. TITLE: This law shall be known as Local Law No. 3 of the Year 2023 entitled “A Local Law Amending Section A-367-44 Water Rates Set”. SECTION 2. PURPOSE: The purpose of this Local Law is to amend the Code of the Town of

Lewiston to allow for the Town Board of the Town of Lewiston to establish water rates for both “in district” users and “out of district” users. SECTION 3. AMENDMENT: Accordingly, “§A-367-44 Water Rates Set” is hereby deleted in its entirety and replaced with the following language: “§A-367-44 Water Rates Set. The Town Board of the Town of Lewiston shall, from time to time, set water rates for both users within the water district of the Town of Lewiston and for users outside of the water district of the Town of Lewiston. Said user rates shall be established separately by Town Board resolution and shall be made publicly available by the Town of Lewiston Water Department.” SECTION 4. WHEN EFFECTIVE: This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

Geiben MOVED to hold a Public Hearing on Local Law No. 3 of the Year 2023 on September 11, 2023 at 6:00 pm, Seconded by Morreale and Carried 5 – 0.

Modern Agreement Approval

Broderick received a Letter of Agreement Between Modern & Lewiston in regards to the purchase of recycling carts.

Modern and Lewiston agree as set forth: *1. The Town of Lewiston shall purchase approx. 5,000 recycling carts for distribution to all Town of Lewiston residential homes. 2. Modern will reimburse the Town of Lewiston for the cost of the recycling carts. 3. The Town of Lewiston shall apply for all available grants to defray the cost of the recycling cards. 4. Upon receipt of grant funding , the Town of Lewiston shall pay over such grant funds to Modern in partial reimbursement for the cost of recycling carts.*

Geiben MOVED to approve and authorize the Supervisor to sign such Agreement between Modern & Lewiston, Seconded by Jacoby and Carried 5 – 0.

Legal

Bax presented a Resolution to clarify the resolution approved on November 14, 2022; 2022 – 014 - American Rescue Plan Employee Payment.

Clarifying Town Board Resolution 2022-014

WHEREAS, the Town of Lewiston passed a resolution on the 14th day of November, 2022 relative to the distribution of COVID-19 Pandemic and COVID-19 Essential Worker Premium Pay; and WHEREAS, the Town of Lewiston Town Board has determined that clarification of the term “eligible employees” is now necessary relative to said payments, now therefore be it

RESOLVED, that Resolution 2022-014 is hereby amended and clarified to define “eligible employees”, with the exception of the Town Clerk and Highway Superintendent, as those employees who were active employees as of the date of Resolution 2022-014 (November 14, 2022) and those

employees who, upon their retirement, receive full NYS pension benefits, including retiree health benefits from the Town of Lewiston.

Geiben MOVED to approve the Resolution as read, Seconded by Morreale and Carried 4 – 1.

(Jacoby voted no)

Engineering – Nothing to report

Finance - Budget Revisions

Agnello requests the Board approved the following 2023 Budget Revisions:

Transfer \$1,700.00 from Court Contractual - A00-1110-0400-0000 to Court Equipment - A00-1110-0200-0000, to cover replacement of a copier/fax machine.

Transfer \$1,050.00 from Traffic Control Contractual - A00-3310-0400-0000 to Highway Admin. Equipment - A00-5010-0200-0000, to cover the replacement of an outdated firewall device.

Transfer \$1,166.00 from Recreation Contractual - A00-7310-0400-0000 to Recreation Equipment - A00-7310-0200-0000, to cover the purchase of three AED's – one for each park.

Transfer \$139.00 to Recreation Concessions Personnel - A00-7310-0100-4402 from Recreation Personnel - A00-7310-0100-0000, to cover Concession personnel expenses.

Transfer \$3,260.00 from Recreation Contractual - A00-7310-0400-0000 to Recreation Concessions Contractual - A00-7310-0402-0000, to cover Concession contractual expenses.

Transfer \$1,237.00 from Contingency - B00-1990-0400-0000 to Delinquent Lawn Maintenance Contractual - B00-3620-0401-0000, to cover grass cutting expenses on unkept properties. These expenses go on property tax for reimbursement.

Transfer \$5,500.00 from Transmission & Distribution Contractual - SW1-8340-0400-0000 to Transmission & Distribution Equipment - SW1-8340-0200-0000, to cover equipment expenses.

Geiben MOVED approval of the 2023 Budget Transfers as presented, Seconded by Morreale and Carried 5 – 0.

COUNCILMAN GEIBEN

Geiben commends all those involved in the Jazz Festival that took place in Lewiston this past weekend.

COUNCILMAN JACOBY

Inter-Municipal Agreement SRO – Lewiston-Porter. Lew-Port has requested the Lewiston Police Dept. provide two (2) School Resource Officers. Said Agreement is for the term of four (4) years – 7/1/2023 – 8/31/2026.

Jacoby MOVED to approve the Inter-Municipal Agreement School Resource Officer Program Partnership with Lewiston-Porter, Seconded by Geiben and Carried 5 – 0.

Jacoby MOVED to authorize the Supervisor to sign said Agreement, Seconded by Geiben and Carried 5 – 0.

HPC – Sanborn Schoolhouse Museum – Historic Designated Building

The Board received a letter from the Lewiston Historic Preservation Commission (HPC) requesting the Board support the HPC with their designation of the Sanborn Schoolhouse Museum building as a TOL Historic Designated Building. The HPC received the request from the Sanborn Historical Society. The oldest date mentioned in writing, to date the structure is 1931.

Jacoby MOVED to designate the Sanborn Schoolhouse Museum Building located at 2822 Niagara Street, Sanborn, a Town of Lewiston Historic Designated Building, Seconded by Geiben and Carried 5 – 0.

One-Lot Subdivision – Dillard – Ridge Road

Planning Board recommends a Negative Declaration and approval of the Subdivision.

Jacoby MOVED a Negative Declaration for a one-lot subdivision for Dillard – Ridge Road – SBL# 90.00-3-8.1, Seconded by Morreale and Carried 5 – 0.

Jacoby MOVED to approve a one-lot subdivision for Dillard – Ridge Road – SBL# 90.00-3-8.1, Seconded by Morreale and Carried 5 – 0.

Site Plan – DiPietro – Buffalo Street

Planning Board recommends approval of the Site Plan.

Jacoby MOVED to approve the Site Plan for DiPietro – Buffalo Street, SBL# 118.20-1-22, Seconded by Geiben and Carried 5 – 0.

HAL – Lewiston Museum Request

Board received a letter from the Historical Association of Lewiston regarding a necessary roof repair to the Lewiston Museum located at 469 Plain Street. The total cost for the repair is \$52,500. They will receive some insurance money, members of the Association are raising money, and Jacoby would like to contribute \$15,000 toward the repair.

Jacoby MOVED to contribute \$15,000 to the Historical Association of Lewiston, toward the roof repair, Seconded by Morreale and Carried 5 – 0.

Agnello will need to transfer funds from the B – Misc. Revenue Account.

Jacoby MOVED to transfer \$15,000 from Misc. Revenue – B00-1000-2770-0000 to Lewiston Historical Association Contractual – B00-7510-0436-000, Seconded by Geiben and Carried 5 – 0.

Jacoby requests approval to hire a Part-time Police Officer.

Jacoby MOVED to hire Steven Skutnick – Part-time Police Officer at the rate outlined in the Union Contract, Seconded by Morreale and Carried 5 – 0.

COUNCILMAN MORREALE

Sewer Refund – Upper Mountain Rd – Hoyle; Calkins Drive – Cramer; Kenwood Drive - Parker

Morreale MOVED approval for the following Sewer Refunds: Upper Mountain Rd – Hoyle in the amount of \$30.59; Calkins Drive – Cramer in the amount of \$81.80 and Kenwood Drive – Parker in the amount of \$57.26, Seconded by Geiben and Carried 5 – 0.

Local Law Establishing Six-Month Moratorium – Solar Energy Systems/Farms - Morreale introduced the following Local Law.

A Local Law Establishing a Six-Month MORATORIUM ON New Applications, Approvals, and/or Construction or Installation on Solar Energy Systems / and or Solar Farms SECTION 1. TITLE: This law shall be known as Local Law No. 2 of the Year 2023 entitled “A Local Law Establishing a Six-Month MORATORIUM ON New Applications, Approvals, and/or construction or Installation on Solar Energy Systems / and or Solar Farms”. SECTION 2. PURPOSE: The purpose of this Local Law is to amend the Code to place a six (6) month moratorium on the processing, permitting and/or construction of ground mounted solar panels and solar farms within the Town of Lewiston to allow time for the research, development and adoption of a Solar Overlay to the Town of Lewiston Zoning Code together with any appropriate amendments to the Town of Lewiston Solar Code which regulates these types of uses. This time will give the Town Board the ability to complete all reasonable and necessary review, study analysis and, if warranted, revision to the Town of Lewiston Zoning Code as may be necessary to promote and preserve the health, safety and welfare of the Town of Lewiston and its residents. SECTION 3. EXEMPTIONS: This Law shall not apply to any solar project previously approved by the Lewiston Town Board or any application for a solar energy system/solar farm in the I-1 Zoning District. SECTION 4. TERM: This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town of Lewiston Town Board. SECTION 5. SEVERABILITY: If any portion, subsection, sentence, clause, phrase or portion thereof of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof. SECTION 6. EFFECT ON OTHER LAWS: To the extent that any law, ordinance rule or regulation, or parts thereof are in conflict

with the provisions of this Local Law, this Local Law shall control and supersede such law, ordinance, rule or regulation. Any provision of any local law requiring prior review by any Town of Lewiston advisory board, including without limitation, the Town of Lewiston Planning Board and Zoning Board, shall not be applicable to this Local Law. SECTION 7. WHEN EFFECTIVE: This Local Law shall become effective immediately upon its filing in the office of the Secretary of State. On enactment of this Local Law, the Moratorium shall remain in place for a six (6) month time period commencing with its effective date. This six (6) month time period may be extended by the Town Board by adoption of a Resolution for this purpose.

Morreale MOVED to introduce the Local Law and hold a Public Hearing on September 11, 2023 at 6:00 pm, Seconded by Geiben and Carried 5 – 0.

Building Dept. Car - Place on Auctions International

The 2013 Ford Escape is no longer needed by the Building Dept. It is in good shape with low mileage.

Morreale MOVED to place the 2013 Ford Escape, Vehicle number 1FMCU9GXXDUC48257, on Auction International, Seconded by Geiben and Carried 5 – 0.

Furnace for Town Hall

The furnace located in the basement of the Town Hall needs to be replaced. Morreale received three quotes as follows: Gray Furnace Service Inc. – Heil = \$7,290 / Amana = \$7,690; H.W. Bryk & Sons – York LX Series = \$10,365; Steve’s Heating & Air Conditioning, Inc. = \$7,700.

Morreale said quotes are for different furnaces, so he researched the units.

Morreale MOVED to approve the quote from Steve’s Heating & Air Conditioning, Inc., Lennox 70 BRU at the cost of \$7,700 with funds coming from H-98, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN MYERS

Upcoming Events at the Sanborn Farm Museum: Country Breakfast – September 17th from 8 am – Noon and Sanborn Historical Society’s regular meeting – September 26th at 7 pm.

RESIDENTS STATEMENTS

Lyle, Thomas – Lower River Road – Lyle asked the Board to explain the Resolution that was passed regarding the American Rescue Plan Employee Payment.

Bax said in in 2022, the Town received Federal Monies to distribute to employees that continued to work during the pandemic. The Board passed a Resolution to distribute the money to full time

TOWN BOARD MEETING

August 28, 2023

6:00 PM

employees. In reviewing the resolution that was passed in 2022, it was vague as to who qualified so the Board is clarifying this.

Broderick MOVED to enter into Executive Session for consultation with the Town Attorney, Seconded by Morreale and Carried 5 – 0. (6:31 pm)

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad; Atty. A. Bax; Finance Director J. Agnello

Items discussed: Contract with Key Bank – No Action Taken

Geiben MOVED to exit Executive Session, Seconded by Morreale and Carried 5 – 0. (6:54 pm)

Geiben MOVED to adjourn the meeting, Seconded by Morreale and Carried 5 – 0. (6:55 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk