

PRESENT: Supervisor S. Broderick; Councilmembers J. Jacoby, R. Morreale, J. Myers & S. Weachter; Dep. Sup. W. Conrad; Atty. A. Bax; Police Ch. F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Hwy Supt M. Zahno; Water Foreman D. Zahno; Sr. Coordinator M. Olick; Historian M. Maggard; 1 Press (NG); 51 Residents; & Deputy Clerk T. Burns

ZOOM: WPCC Ch. Op. J. Ritter; 1 Press (Sentinel); 1 Resident

Supervisor called the Work Session to order, followed by the Pledge of Allegiance and asked for a moment of silent reflection and to keep the family and loved ones of the victim of the accident over the weekend in their thoughts & prayers.

AGENDA Additions: Jacoby – Police Resignation

Jacoby MOVED to approve the agenda, as amended. Seconded by Waechter and Carried 5-0.

RESIDENT STATEMENTS:

Mark Elias – Morgan Drive

Elias, like a lot of other residents, woke up the morning of January 26th to sewage in his remodeled basement. Elias wants to know what the Town is doing to the Waste Water Treatment Plant at this point, to upgrade it, since we are adding more residents. Broderick and Ritter announced at the last Town Board meeting a backflow preventor grant program. The details haven't been sorted out but basically, you would put a backflow preventor in your house and after inspection, you would submit for a grant through the Town, to reimburse you for the backflow preventor. Ritter is also updating the Supervisory Control and Data Acquisition (SCADA) which will be moving the plant into the 21st Century. The estimated cost is 1.4 million. Hopefully, this will all be worked out within the next few months.

Elias asked if he was correct in understanding there is a lot of ground water infiltration into our sewer system and how can we solve this. We still have stacks that are underground which should be up. Unfortunately, a lot of people have separated stacks. The ditches are the main thing we can do right away which is what we are working on. Ritter said as far as stacks in the yard, we do not go onto private property and a lot of the inflow and infiltration comes from private property. We would be happy to do an inspection of a residence and see how we can protect those people and their neighbors if there is a stack out that's in a neighborhood. When the water has no place to go, it finds its way into the sewer system. We do not have a capacity issue; we have an inflow and infiltration problem and this is something we're constantly working on. We do this through lining of manholes and pipe repair but most of this now comes from private property. We're doing everything we can to try to stop this. It will never stop but we're trying to get it to be manageable at a time we're having flooding issues. Elias said most of these vents are in front yards and you can see them driving down the street. Can't we send letters out to people? Broderick suggests Elias reach out to Ritter, as the Board, we've made a commitment to support what Ritter & Zahno are doing financially. Broderick said Mr. Ritter runs this and he respects his experience, he would be the

person to talk to. Conrad said he just went through this on Friday on his own property. He had a blockage and as they started excavating, they found there was a broken vent 2ft below grade. Conrad had to replace the stack on his property, this was near the street but on his property. There was no record of the stack being there due to the house being built in 1941. Broderick said reach out to Ritter, he will sit down and talk to Elias and show him around the treatment plant, he's always looking to make the infiltration better.

Broderick is on the Board for the County Sewer District. They had almost a complete failure. That day, this happened everywhere in WNY. Elias said "I see us spending money on art projects." Broderick said these are different funds. We cannot use greenway money to replace sewer stacks. Greenway money is specific money for those kinds of projects. Elias wants to know if the Town is continually upgrading their line budget for sewer so they can start doing these improvements. We have 1.4 million dollars for the SCADA project. The sewer district is 4 communities, not just the Town of Lewiston. Town of Lewiston, Village of Lewiston, Village of Youngstown and Town of Porter, it's a district within itself so funds have to come within that district. 1.4 million is coming out of fund balance for the Sewer Department. Ritter will be able to answer a lot of these questions. Elias said he has a 1,000-dollar deductible for the water damage in his basement and asked for the Town to reimburse him. Broderick said he can file a claim, whether it'd be paid or not, we don't know. It wouldn't be from the Town; it would be from the Town's insurance company.

John Murnyack – Ridge Road

Back in June, the Town Board kicked off a code review/update and each of the Board members took on a liaison roll for different aspects of the code to try and go through and modernize the code. The short-term rental was pushed through pretty quick. Murnyack does not want the Board to lose momentum and get the code updated.

Jacquie Agnello – West Eddy Drive

On February 17th Agnello had a benefit for her son in Lewiston. The outpouring of support and donations were amazing. Agnello wants to thank the Supervisor, the Board, her co-workers, the local businesses and all of the residents who made it a beautiful day. "As a parent you couldn't have touched my heart greater, thank you."

DEPARTMENT HEAD STATEMENTS

Highway Superintendent Mitch Zahno

Broderick asked Zahno to update everyone on the ditching. Morreale and Broderick drove around to see Swann Road, Morgan Drive, Porter Center Road and Ransomville Road. Zahno said they have three crews that are going around cleaning ditches. This is a county – wide thing. We can get the water moved through the Town of Lewiston but if it gets to Town of Porter and the ditches aren't cleaned, that's where its going to stop. There was a county-wide meeting with all of the towns, working with the County, State and DEC trying to get this solved working together. Broderick said since the Storm, Zahno has had crews working weekends and overtime cleaning

ditches. Thankfully, with the mild winter, we have some money in plowing we can utilize to clean the ditches. If we get a lot of snow in the fall, we'll deal with it then.

Seniors Coordinator Melinda Olick

Olick requests to re-hire William Krell to come back as a seasonal hire for 6 months.

Weachter MOVED to approve the re-hire of William Krell for 6 months on a part-time basis for the Senior Center at \$15.77/hr. Seconded by Jacoby and Carried 5-0.

Olick said there is a lot going on at the Senior Center. Broderick said he stopped by the Senior Center to meet an electrician for parking lot lighting and you couldn't get in the building due to the turnout of chair yoga.

Recreation Director Tim Smith

The recreation department is busy with baseball registrations which will end next month on the 15th. A lot of kids have signed up. Casino night for adults is coming up on March 9th, Easter egg hunt is 23rd over at Pletcher and the Senior Center. We are hiring Seasonal employees.

Smith said skating at Niagara University was great, the only issue was, there was too many people which was great but there were not enough skates. We have a bunch of skates from the old ice rink at academy park. There are a lot of skates that could be re-usable. Smith is asking the Town Board if we could donate the good skates to Niagara University so they have more skates to use. Attorney Bax said we would have to declare them as "excess". In the past, the Town talked about the skates being scrapped due to a lot of them having mold on them. Zahno and Smith went through and threw out the ones with mold on them but there is still a good amount that we could donate to NU and they are willing to accept them.

Waechter MOVED to declare the ice skates as excess and donate said skates to Niagara University. Seconded by Jacoby and carried 5-0.

APPROVAL OF MINUTES

Morreale MOVED to approve the minutes of 2/12/2024 WS. Seconded by Waechter and carried 4-0. Myers abstained

ABSTRACT

Myers MOVED to approve Regular Abstract of Claims Numbered 22-03199, 23-03775 thru 23-003780 and 24-00308 thru 24-00423 and recommended payment in the amount of \$133,810.52, plus a post-audit of \$6,400.10. Seconded by Morreale and carried 5-0.

NEW BUSINESS - None

SUPERVISOR BRODERICK

Broderick presented a letter he wrote to the NYS DOT regarding the approval for the Mighty Niagara Half Marathon and Hospice Dash 5K to travel through the Town of Lewiston on October 5, 2024. We are hoping for a safe and enjoyable event that will benefit Niagara Hospice and have a positive impact on our community. We write this letter every year.

Jacoby MOVED to approve the presented letter and authorized the Supervisor to sign said letter. Second by Myers and Carried 5-0.

Legal:

Attorney Bax said the Town was placed on notice of a potential claim from an employee of the Niagara Falls Bridge Commission based on something that he had potentially contracted in the water line. That being said, we submitted this to our insurance carrier who has sent description as to why they were not going to be covering this. Based on that, just to have someone “in the wings” in the event that an actual law suit is filed, Bax spoke to a number of attorneys and Knauf Shaw out of Rochester was highly recommended. Bax presented a letter of engagement indicating that in the event that we need them, what their terms are and asks the Town Board approve and the Supervisor sign the engagement so that in the event that a notice of claims is actually filed, we have someone to take care of this.

Morreale MOVED to approve the Engagement Letter with Knauf Shaw. Seconded by Myers and carried 5-0.

Morreale MOVED to authorize the Supervisor to sign said engagement. Seconded by Jacoby and carried 5-0.

Finance:

Agnello asks the Town Board to approve to enter into an agreement with Troy & Banks which is a utility and telecommunications consultant. Troy & Banks would complete a cable franchise audit and a utility and telecommunications audit for the Town. There is no cost to the Town unless they recuperate any funds at which point, they would receive 50% of the cable franchise audit and 24% for the utility and telecommunications audit. The agreement has been approved by the Town Attorney. We used this company in 2013 and 2019. In 2019 the Town received \$47,800 for the cable franchise audit and \$535 for a utility audit.

Morreale MOVED to approve the agreement with Troy & Banks. Seconded by Jacoby and carried 5-0

Morreale MOVED to authorize the Supervisor to sign said agreement. Seconded by Waechter and carried 5-0.

COUNCILMAN JACOBY

Edward Millar resigned from the Historic Preservation Committee. The Historical Preservation Committee requests to appoint Cynthia Marcoaldi to the board. She is the current alternative member; they would just need to find a new alternate. Jacoby said he is the liaison to that group and knows Marcoaldi, she is doing a good job and attending all of the meetings. Marcoaldi's term will expire 12/31/2026.

Jacoby MOVED to appoint Cindy Marcoaldi to the Historical Preservation Committee. Second by Waechter and carried 4-0. Morreale Abstained.

Jacoby presented a letter of resignation from Martice Porter of the Lewiston Police Department. Jacoby met him personally and he was a nice young man.

Jacoby MOVED to accept the resignation of Martice Porter, with regret. Second by Myers and Carried 5-0.

COUNCILMAN MORREALE - Nothing to report

COUNCILMAN MYERS

There is a regular meeting tomorrow at the Sanborn Farm Museum with a special program, Niagara County Cemeteries by Jim Boles. The public is invited, there's no charge and refreshments.

COUNCILWOMAN WAECHTER – Nothing to report

Resident Statements - None

Morreale MOVED to adjourn. Seconded by Waechter and carried 5-0.

Time: 6:35 pm.

Transcribed and

Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk

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