

**PRESENT:** Supervisor S. Broderick; Councilmembers W. Geiben (ZOOM), J. Jacoby, R. Morreale, J. Myers (ZOOM); Deputy Sup. W. Conrad, Atty. A. Bax; Highway Supt. Trane; Police Chief Previte; Bldg. Insp. T. Masters (ZOOM); Finance Director J. Agnello (ZOOM); Eng. R. Lannon (ZOOM); Water Foreman Zahno (ZOOM); Senior Center Director M. Olick (ZOOM); WWTP Chief Opt. J. Ritter (ZOOM); Recreation Director M. Dashineau (ZOOM); 4 residents, 1 press (ZOOM) and Clerk D. Garfinkel

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

#### PUBLIC HEARING – Local Law For Flood Damage Prevention

Clerk read Public Notice into record:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston, Niagara County, New York, on the 22<sup>nd</sup> day of March, 2021 commencing at 6:00 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a “Local Law For Flood Damage Prevention.”

Said law is intended to reduce the potential and/or actual damages resulting from flooding and erosion to the residents of the Town of Lewiston and endeavor to limit damage to private and public housing, public facilities, both publicly and privately owned, and injury to and loss of human life. It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; (4) control filling, grading, dredging and other development which may increase erosion or flood damages; (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and; (6) qualify and maintain for participation in the National Flood Insurance Program.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours. At such Public Hearing, all persons interested, who wish to be heard, will be heard.

By Order of the TOWN OF LEWISTON TOWN BOARD - March 8, 2021

Supervisor invited residents to speak – none

#### **Jacoby MOVED to Close the Public Hearing, Seconded by Morreale**

Geiben questioned how the general public knows they are in the flood zone. Lannon believes if a resident has a mortgage, the bank will notify them.

**Carried 5 – 0.** (6:06 pm)

#### PUBLIC HEARING – Policing Reform Plan

Clerk read Public Notice into record:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston, Niagara County, New York, on the 22<sup>nd</sup> day of March, 2021 commencing at 6:00 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a “Policing Reform Plan” for the Town of Lewiston.

Said Police Reform Plan was collaboratively drafted in conjunction with Governor Andrew Cuomo’s New York State Police Reform and Reinvention Collaborative, Executive Order 203. In accordance with said effort, the Town of Lewiston convened a stakeholder committee for said purpose which included representatives from the Town of Lewiston, the Town of Lewiston Police Chief, the Village of Lewiston, the Tuscarora Nation, the Lewiston-Porter School District, the Niagara Wheatfield School District and the Lewiston Chamber of Commerce. The proposed plan included a comprehensive review of current police force deployments, strategies, policies, procedures and practices for the purposes of addressing the particular needs of the communities being served.

The complete text of said Policing Reform Plan is on file at the Office of the Town Clerk and is available for review by any interested person during business hours. At such Public Hearing, all persons interested, who wish to be heard, will be heard.

By Order of the TOWN OF LEWISTON TOWN BOARD - March 8, 2021

Supervisor invited residents to speak.

Smith, Tom – Cayuga Street – Smith said he was not able to find the Policing Reform Plan. Broderick said it was posted on the Town Website.

Smith said to him, he didn't think Lewiston had a problem, other than the fact when laws are not followed. Smith doesn't think they need to do anything different, just follow the law and the facts.

Smith spoke to Bax and was told anytime he would like to show him something, he is all ears. Smith will prepare a presentation, being put together by much smarter people, that are more organized, and Bax can see that. Then we will see the travesty of justice that has gone on in this Town long enough.

Smith's family shouldn't have to go through, the years can be gotten back. The Bill of Rights matter. It mattered to the people that fought for those rights. We have an epidemic of suicide among veterans who come home and see what? The Constitution not being applied evenly. False police reports filed against Air Force serviceman home on leave, then covered up. God Bless America.

**Jacoby MOVED to Close the Public Hearing, Seconded by Morreale and Carried 5 – 0.** (6:10 pm)

#### AGENDA APPROVAL

Additions: Broderick – Letter from Village of Lewiston – Policing Reform Plan

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

#### RESIDENTS STATEMENTS

Carpenter, David - Oakhill Drive – Carpenter is requesting the Zoning Board of Appeals meeting scheduled for April, be moved to May to allow for Carpenter to attend. Carpenter is affected by a driveway variance request on Sullivan Court. Carpenter will be out of town and the meeting is not ZOOM'ed.

Masters believes if the applicant consents, it could be done. Masters can reach out to them and ask. Broderick will get Mr. Carpenter's information. This could be a ZOOM meeting if need be.

Lyle, Steve – Lower River Road – Lyle said with the Public Hearings today, would they not be part of a packet that comes out with the Agenda? Broderick said the Local Law was on the Website.

Lyle understands that but is it not normally when the agenda comes out all the things on the Agenda are part of the packet? Does the Board have this in front of them? Board answered yes. Lyle said that is his point.

Broderick said it is on the Town Website. Lyle said he should have in front of him, what the Board has in front of them. Broderick said Lyle would have to print from the site. Lyle said he is not going to make a big deal out of it, that's okay.

#### DEPARTMENT HEAD STATEMENTS

Police Chief Previte – The Police Dept. has two (2) Part-time positions that need to be filled.

Town Clerk Garfinkel – Garfinkel notified the Board that she has reached out to two (2) vendors for the replacement of the Seal. Each department has started changing letterhead, shirts, stickers etc....

Broderick encourages all to drive by and take a look at the progress being made at the Lower River Road Park. With the nice weather, the crew is down there working.

Water Foreman Zahno – Water project is moving along. The crew is at Morgan Drive and Lower River Road, heading to Fifth Street, with another crew at Greenfield Road and Morgan Drive heading to Hickory Lane.

WWTP Chief Opt. J. Ritter - WWTP had an employee retire. Ritter is requesting to promote Erick Kramer to Crew Chief, with a pay increase of \$1.08/hour. Broderick said this is per Union Contract. Ritter said Kramer's position will not be filled at this time.

**Morreale MOVED to promote Erick Kramer to Crew Chief, with a pay increase of \$1.08/hour, Seconded by Jacoby and Carried 5 – 0.**

Senior Center Director M. Olick – Olick said with the extension of the tax deadline, AARP will continue to work on Senior's taxes.

The door and window project will move forward next week.

APPROVAL OF MEETING MINUTES March 8, 2021 – Work Session

**Geiben MOVED to approve meeting minutes of March 8, 2021, Seconded by Morreale and Carried 5 – 0.**

AUDIT PAYMENT - Councilman Morreale

**Morreale MOVED to approve the Regular Abstract of Claims numbered 02157 to 02162 (2020) and 00597 to 00728 (2021), and recommends payment in the amount of \$541,265.65, plus a Post Audit of \$11,573.12, Seconded by Jacoby and Carried 5 – 0.**

PENDING / OLD BUSINESS - None

NEW BUSINESS Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Local Law Flood Damage Prevention Approval

**Morreale MOVED to accept the Negative Declaration on SEQRA for the Flood Damage Prevention, Seconded by Jacoby and Carried 5 – 0.**

**Jacoby MOVED to approve the Local Law for Flood Damage Prevention, Seconded by Morreale and Carried 5 – 0.**

Policing Reform Plan Approval

Broderick read a letter received from the Village of Lewiston, outlining their support for the Town of Lewiston's resolution adopting the Policing Reform Plan.

**Jacoby MOVED to approve the Policing Reform Plan, Seconded by Morreale and Carried 5 – 0.**

Bax requests the Board authorize the Supervisor to sign the Certification and forward the document to Governor Cuomo and all appropriate offices at the State level.

**Jacoby MOVED to authorize the Supervisor to sign the Certification and forward the document to Governor Cuomo and all appropriate offices at the State level, Seconded by Morreale and Carried 5 – 0.**

Public Health Emergency Operations Plan Discussion - Broderick and Attorney Seaman worked on the Public Health Emergency Operations Plan which was mandated by the Governor. It was forwarded to the Board, department heads and unions. The Town is waiting to hear back from one union. No action will be taken tonight.

Legal – Nothing to discuss

Engineering

Kiwanis Park Basketball Court Project Bid – Five (5) Bids were received and opened on March 18<sup>th</sup>. Anastasi = \$192,605.00; Louis Del Prince & Sons = \$153,750; Mark Cerrone, Inc. = \$183,500; Pinto Construction Services, Inc. = \$195,110 and Thomann Asphalt Paving = \$156,750. GHD has reviewed the qualifications and experience of the lowest bidder, and recommend awarding to Louis Del Prince & Sons. The project should start in the next couple of weeks.

**Geiben MOVED to accept the bid from Louis Del Prince & Sons in the amount of \$153,750, subject to Attorney review and available project funding, Seconded by Jacoby and Carried 5 – 0.**

Finance - Budget Transfer - Agnello requests the following 2021 budget revisions:

Request to transfer \$1,895.00 from A Fund Contingency - A00-1990-0400-0000 to Supervisor Equipment - A00-1220-0200-0000, to cover repair/replacement cost of heater/AC unit in the Supervisors office.

Request to transfer \$1.00 from A Fund Contingency - A00-1990-0400-0000 to Lewiston Library - A00-7410-0400-0000, to cover payment rounding.

Request to transfer \$350.00 from Environmental Contractual - A00-8090-0400-000 to Environmental Personnel Services - A00-8090-0100-0000, to cover the salary for a secretary.

Request to transfer \$36.00 from Police Contractual - B00-3120-0400-0000 to B Fund Bank Charges - B00-9903-0000-0000, to cover fees.

Request transfer of \$8.00 from Treatment & Disposal Contractual - SS1-8130-0400-0000 to Treatment & Disposal Bank Charges - SS1-9903-0000-0000, to cover fees.

Request transfer of \$25.00 from South Sewer Sanitation Contractual - SS3-8120-0400-0000 to South Sewer Admin Contractual - SS3-8110-0400-0000, to cover postage permit.

**Geiben MOVED to approve the 2021 Budget transferred as written, Seconded by Jacoby and Carried 5 – 0.**

COUNCILMAN GEIBEN Nothing to report

COUNCILMAN JACOBY Nothing to report

COUNCILMAN MORREALE

WWTP Hire – already addressed

COUNCILMAN MYERS

Thanked all those that participated in the preparation of the Policing Reform Plan

RESIDENTS STATEMENTS No one wished to speak

**Geiben MOVED to adjourn the meeting, Seconded by Morreale and Carried 5 – 0. (6:47 pm)**

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk