

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale & J. Myers; Dep. Sup W. Conrad; Hwy. Supt. D. Trane Captain J. Cain; Atty. A. Bax; Eng. B. Lannon (ZOOM); Finance Director J. Agnello (ZOOM); Bldg. Insp. T. Masters (ZOOM); WPCC Ch. Oper. J. Ritter (ZOOM); Seniors Coordinator M. Olick (ZOOM); Historian M. Maggard; 1 Resident (ZOOM) and Dep. Clerk C. Schroeder

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA: Additions: Broderick: Hiring of Court Officer; Geiben: Park Hires; Morreale: Highway 284 Agreement.

Geiben MOVED the agenda, as amended. Seconded by Jacoby and carried 5-0.

ABSTRACT: Jacoby MOVED to approve the Regular Abstract of Claims Numbered 20-01890 & 20-01905 and 21-01087 – 21-01187 and recommended payment in the amount of \$358,877.18 plus a post-audit of \$6,379.55. Seconded by Geiben and carried 5-0.

APPROVAL OF MINUTES: Geiben MOVED approval of the 4/26/2021 RTBM minutes with the following correction. Pg 53, Line 2 should reflect the replacement of 522 streetlights, not 30 as stated. Seconded by Jacoby and carried 5-0.

OLD BUSINESS: Resolution in Opposition to the Construction of an Asphalt Plant: Atty. Bax said there was a request to re-visit this resolution with a couple of additions. This is to mirror the resolution that is at the County level.

Jacoby MOVED the following Resolution.

Purpose: To express the Town of Lewiston's opposition to the construction of a proposed asphalt plant in the Town of Niagara in close proximity with the border of the Town of Lewiston and in support of the opposition expressed by Niagara University, neighboring residents and other stakeholders in the area.

WHEREAS, the Town of Lewiston Town Board has an obligation to preserve and defend against issues relating to the quality of life of all its residents and stakeholders; and

WHEREAS, the Town of Niagara has recently announced plans for the construction of an asphalt plant on the border of the Town of Lewiston, in close proximity to Niagara University, residential housing and other interested stakeholders; and

WHEREAS, the Town of Lewiston, had not previously been consulted to provide any input or comment with respect to said asphalt plant; and

WHEREAS, the Town Board of the Town of Lewiston believes that the construction of such an asphalt plant would have a negative impact on the quality of life for the residents of the Town of Lewiston, the Niagara University community and other stakeholder in the area.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewiston hereby formally opposes the construction of the proposed asphalt plant at the currently proposed location; and be it further

RESOLVED, that the Town Board of the Town of Lewiston hereby formally demands that the New York State Department of Environmental Conservation pause any further review of the Air State Facility Permit submitted by 4660 Witmer Road, LLC in association with said asphalt plant; and be it further

RESOLVED, that the Town Board of the Town of Lewiston hereby calls on the New York State Department of Environmental Conservation to extend the Air Permit application public comment period an additional sixty (60) days to provide residents and interested stakeholders to place their positions/concerns on record.

Seconded by Morreale and carried 5-0.

Jacoby MOVED to forward the Resolution to appropriate sources, i.e. Niagara University, Niagara County, NYS DEC & Town of Niagara. Seconded by Morreale and carried 5-0.

NEW BUSINESS: Clerk's Correspondence.

1. The Clerk requests approval of the Standard Work Day and Reporting Resolution for Elected Officials – Councilman Jason C. Myers, Town Clerk Donna R. Garfinkel and Town Justice Thomas J. Sheeran. This will be posted for 30-days and then forwarded to the NYS Retirement System

Geiben MOVED to approve, as per past practice. Seconded by Myers and carried 5-0.

2. Stormwater Manager, Chris McAuliffe, has filed the Annual Stormwater Report for the Period March 2020-2021 and is available in the Town Clerk's office for review and will be posted on the Town's website

DEPARTMENT HEAD STATEMENTS:

Parks: Trane asked to hire three (3) Park Laborers – one at \$13.50 per hour and \$13.00/hr. each for the other two, as per the contract. **Geiben MOVED for approval. Seconded by Jacoby and carried 5-0.**

Highway: Trane advised the Board that he wants to fill two (2) positions in the Highway Dept. to replace one retiree and one pre-Covid position that was never filled. Funds are available in his budget.

Trane asked approval of the 284 Agreement to Spend Funds for Permanent Improvement for 2021. The amount to be expended is \$438,871.26 to be used for Micro-Paving (\$200,897.00) and Paving (\$237,974.26) certain road improvements.

Geiben MOVED for approval, as presented. Seconded by Jacoby and carried 5-0.

Seniors: Olick said she is going to start looking for a replacement for Don Clark who served as seasonal laborer.

BRODERICK

1. Legal:

- a) 830 Oriole Ln: Bax presented a stipulated settlement of a real estate assessment matter between the owner of 830 Oriole Ln, and the Town of Lewiston, Niagara County and Lewiston-Porter School District. He asked for approval of said settlement on behalf of former Town Attorney, Tom Seaman who handled the negotiations.

Geiben MOVED for approval of said stipulated settlement. Seconded by Morreale and carried 5-0.

- b) Proposed Residency Requirement: Bax circulated the proposed Residency Requirement. The Police Dept. wants to make one change to it. Bax said he would circulate it again with the change. No action required tonight.
2. Engineering: The Dedication of Oak Run Phase 4 was tabled at this time.
 3. Sewer Credits: The Supervisor had two requests for sewer credit from residents at 1024 Escarpment Dr and 494 Riverwalk Dr, respectfully. Ritter, via zoom, said these meet the requirements as per the Sewer Use Agreement for sewer credit.

Geiben MOVED to approve a sewer credit of \$170.13 to Dave D'Avolio, Escarpment Dr and \$30.68 to Melanie Connolly, Riverwalk Dr. Seconded by Jacoby and carried 5-0.

4. Hire Court Office: Broderick said there are currently three (3) court officers. Justice Gee asked that they hire a fourth.

Broderick MOVED to hire Joseph Paul, Swann Rd, as P/T Court Officer, as per the current contract. Seconded by Geiben and carried 5-0.

GEIBEN – Geiben said he was excited to see children playing baseball at Pletcher Park. Spring is here!

JACOBY – Jacoby said he attended the Bi-Centennial Meeting, as well as the Library Board of Trustees. They are working on some improvements to the Library roof and are currently obtaining some prices. They are also working on getting the parking lot striped.

MORREALE – Nothing to report.

MYERS – Nothing to report.

PRIVILEGE OF THE FLOOR –

Steve Lyle via zoom, asked for an update on the cleaning up from the waterline project on Lower River Rd. What's the timing on doing that?

Eng. Lannon said that will be incorporated into the construction of the path. Once the main waterline is in, they will start to focus more on the restoration in the last couple of months they have. The path will be done within the stipulated line frame – no later than July 14th, 2021. When the contract completion is done, everything has to be done.

To answer Lyle's question, Broderick said total restoration will be completed no later than July 14th.

Geiben MOVED to adjourn. Seconded by Myers and carried 5-0. Time: 6:23 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk