

PUBLIC HEARING – SPECIAL USE PERMIT - 1815 RIDGE ROAD July 27, 2020 6:00 pm

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby, J. Myers; Dep. Sup. W. Conrad, Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. T. Seaman; Dept. Highway Supt. B. Christman; Eng. B. Lannon; Police Chief Previte; Water Crew Chief J. Dell; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter; 13 Residents; 1 Press and Clerk D. Garfinkel

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

Clerk read Legal Ad into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston, on the 27th day of July, 2020 at 6:00 pm, at the Town Hall, 1375 Ridge Rd, Lewiston, NY to consider a request from Richard Washuta, for a Special Use Permit for a Produce Roadside Stand located at 1815 Ridge Rd. Said application referred above is available at the Building Inspector's Office located at Town Hall for public inspection during regular business hours. All persons of interest will be given an opportunity to be heard.

By order of the Town Board - July 17, 2020

Supervisor asked if anyone wished to speak – no one did

Geiben MOVED to close the Public Hearing, Seconded by Jacoby and Carried 5 – 0. (6:02 pm)

REGULAR TOWN BOARD MEETING July 27, 2020 6:00 pm

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby, J. Myers; Dep. Sup. W. Conrad, Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. T. Seaman; Dept. Highway Supt. B. Christman; Eng. B. Lannon; Police Chief Previte; Water Crew Chief J. Dell; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter; 13 Residents; 1 Press and Clerk D. Garfinkel

AGENDA APPROVAL

Additions: Bax - Police Lease; Finance – Temporary Hire; Broderick – Executive Session – Legal Counsel possible settlement.

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

RESIDENTS STATEMENTS

Penzotti, John – Pletcher Road – It is Penzotti's understanding and that of his neighbors that there is a proposal before the Town that could very possibly endanger the environment of the Town of Lewiston, its natural beauty and the well being of its residents. Penzotti is speaking of the EnSol Guard proposal for Pletcher Road.

Information that has been seen reveals the proposal is for composting and soil recycling. All though not many specifics have been given on the composting side, it appears they will be able to bring in construction debris, wood, home improvement waste, plastics, lawn and landscaping waste.

On the soil recycling side, it is believed they will bring in soil with some level of PCB metals and volatile organic compounds.

EnSol has lead residents to believe this project will have zero affect on the residents. No dust, no noise and no odor. As far as the noise, their model shows the use of a front-end loader, an excavator, shredders, and heavy trucks with backup alarms and slamming tail gates for delivery of raw materials and off loading of finished products and will not create any noise decibel of that over a normal conversation. Penzotti asked the Board if they could imagine someone having a constant conversation outside your house, Monday – Friday from 7 am – 6 pm, and half a day on Saturday.

As far as odors – they report on their application that the composting operations will have the potential to produce odors if the operations are not managed properly. Who will be overseeing their management; one of their three employees, are we leaving the fox to watch the hen house?

At the first meeting, EnSol reported they will have 30 to 50 trucks a day. At the Environmental Commission meeting, they reported about 30 trucks a day. On the application they checked the “no” box for “Will the project result in a substantial increase of traffic?” Adding a note “mining operations on the property including an approved traffic flow ranging from 292 – 396 trips a day. So is it 30 trucks or 300?”

As a community that has been at odds with truck traffic for as long as Penzotti can remember, the Town has aggressively worked to curtail it, why would the Town even entertain a proposal that will potentially put over 17,000 additional trucks a year past our residents homes?

At the Environmental meeting, it was asked “who will run the site?” It was responded that EnSol is just is a consulting firm, and to the best of Penzotti’s recollection, the question was never answered. Who will run this site? Chris Guard? Some outside company with no ties to Lewiston?

It was asked at the Environmental meeting, who their customers would be? One answer was Niagara Mohawk and National Grid. In speaking with the environmental department at National Grid, and to the person that’s responsible for disposing of their mud water waste, she said there was no additional need for such a disposal and is perplexed as to why Mr. Battaglia would use their name.

The Town was sold a bill of goods by Chris Guard to gain the residents support for what turned out to be unbeknownst to the residents, a clay mining project. Residents were told of a glorious plan for a beautiful fishing club with lakes. Once the clay was removed the project stopped and there sat vacant land for years.

Are the residents again to look forward to having all these materials brought in and stored and when the principals get their money and move on, get another abandoned project in their backyard? This one, not just leaving holes in the ground, but all kinds of debris and waste.

In the recent past, Lewiston Fire Co.’s received Federal funding to build a state of the art training facility. Due to the concerns of a group of residents over the noise and smell, the Town denied permission for the project. One concern was idling trucks; this facility would have operated a few hours a day for a few hours a month.

Can you imagine the disruption 30 – 300 trucks a day will bring to the neighborhood? The proposed facility will run 8 hours a day, for ¾ of a year, and impact numerous residents and households on a daily basis.

How can the Town even consider a project with trucks, machinery, and composting debris from several other counties?

Penzotti understands the Niagara Falls Storage Site is finally getting cleaned-up. The Town is making headway on getting the environment cleaned up, but yet are willing to look at a proposal to allow contaminants and more refuse back in, and at a property adjacent to Lewiston Porter Schools.

If Penzotti is reading the Code correctly, it appears this type of operation will be operated outside of a building, and does not even fit in a neighborhood which is zoned I-1.

If the Board allows this to go through what is the purpose of having a Town Code? Will this be considered if applied for on Scovell Drive? It doesn’t fit there either.

Penzotti and his wife have worked all their lives at many jobs and long hours to pay off their house. Now that retirement is here, will there be a waste facility across the street? Property values will decrease.

The well being of the neighborhood, along with its natural beauty will absolutely be impacted negatively by this proposal. Not to mention the danger to our environment. The truck traffic alone will negatively impact the well being of 100's of residents.

As a resident and potential neighbor to the proposed waste site, Penzotti adamantly opposes any and all of the project.

Penzotti, Jean – Pletcher Road – Penzotti is here to voice her opposition to the proposed soil recycling and composting project that will be located across the street from her home. The project will be 160 yards from the neighbor's house.

EnSol makes this project appear harmless. But in reality the DEC permits low level volatile organic compounds, semi DOC's, PCB's or both. Who will be testing this? Those bringing in the soil, the two employees; who is overseeing the site? Not the DEC or the Town.

They propose to truck in 30 – 50 loads of soil daily. The truck entrance is 3/10 of a mile from Penzotti's home. That is 60 – 100 trucks in and out, daily!

The noise of the trucks will be a lot and all day long. They will be operating three seasons, spring, summer and fall, all the seasons she will be outside. This essentially stops the enjoyment of her home.

There is Modern Disposal, CWM and the Niagara Falls Storage Site within a mile of her home. You ask why she stays there. Modern has shown to be a good neighbor, Niagara Falls Storage Site is scheduled for remediation, and CWM came after her purchase. This is her home, the home she hopes to pass on to her grandchildren.

Chris Guard and his granted permits for what he presented to our neighborhood as a lake for fishing, turned out to be a clay mining project.

Guard now wants neighbors to believe this will not impact the neighborhood; Penzotti has no trust in his business. Once the variance is granted and the DEC permits are issued, the Town loses any control of future development of this site.

An initial plan of 10 acres on a 144+ acre parcel, Penzotti sees the handwriting on the wall. Penzotti requests the Board deny the variance and say no to this project.

Thompson, David – Pletcher Road – Thompson's property will be greatly affected by this. 160 feet from the back of the house and less than 100 feet from the side.

Thompson is asking the Board for their support in denying the Special Use Permit. Concerns have been e-mailed to all Board members.

This will create 3 jobs, really going to do all this to create 3 jobs? Ruin the environment, wildlife will have nowhere to go.

The roads to be used, Model City, Pletcher Road getting all beat up already. The project will not be fenced. The wildlife will come and go.

Thompson does not see the benefit to the Town. There are plenty of properties they can go to. Why ruin this neighborhood. The permit application states it should not be in a residential area.

Thompson, Sally – Pletcher Road – Thompson asks the Board to please support the opposition for the Special Use Permit by EnSol and Niagara Properties.

Thompson is concerned with this project, she has asthma. She will be retiring in about a year, and wants to be able to enjoy her backyard. There will be dust, smells and all those that they said are not going to happen, are going to be there.

The noise from the trucks will be a lot. The wildlife that is there now, deer, rabbits and turtles will be harmed. No fencing is not right.

Please stop this project.

Kukovica, Martin – Pletcher Road – Kukovica owns 2 properties near this project.

Kukovica thanks the Board for allowing the residents to comment on this, and compliments all those that have spoken. It's direct, sincere and true.

Kukovica attended the Planning Board and Environmental meetings. Comments made by Board members at these meetings have made Kukovica sick. A Board member actually sat there and said; "People can do anything they want on industrial property without any regard for the community". When he gestured at the audience he said "Your rights stop at your property line". That is what we have to deal with, and Kukovica hopes the majority can see a difference.

Chapter 360 of the Zoning laws of the Town specifically state – an I-1 area is a district that supports light industrial use and serves as a transition zone between every industry nature I-2 and the residential district. This is a buffer zone. Why is it there? For protecting the residential properties from unreasonable adverse impacts associated with the uses of I-2.

Chapter 360-114-I (2) – this is the only place where it is permitted with a Special Use Permit. This project requires a Special Use Permit and it has to be in I-2. What is prohibited in I-1 – odor, dust, smoke, refuse matter, gas, fumes, noise and vibration. Sounds like everything the operation is going to generate.

Kukovica does not see how, in good conscience, the Town Board can approve such a ridicules request. Please review the minutes from all meetings. The answers from EnSol have been indirect and vague.

The quality of life will be destroyed for the immediate residents and all those along the truck route.

Jackson, Colleen – Pletcher Road – This project will be 160 feet from her back door. Jackson enjoys all the wildlife, foliage and her backyard, and this will be a mess.

Witryol, Amy – Lower River Road – If Witryol submitted an application for a fishing license to the Dept. of Motor Vehicles, would they process it as an application for a driver's license? Of course not they would reject my application and tell me to apply for a driver's license.

How is it after 2 meetings of the Planning Board and being told that this requires a Special Use Permit that Witryol finds that the Environmental Commission received a packet from EnSol saying this does not require a Special Use Permit?

SEQRA requires a hard look. There is nothing in writing from any Town commission to EnSol saying this requires a Special Permit application, you have not filed this, this is rejected, please come back with a Special Permit application if you want to pursue this.

Residents did a great job this evening expressing their concerns.

How is it that after 2 months, this is still here and the Board has not written the letter? If Mr. Battaglia sues the Town, he should get with it. The Town needs to get the right Counsel on this and say no. The Town looks like it has an open door to the waste industry.

DRESCHER & MALECKI – 2019 Town Audit Presentation - Carl Widmer, CPA

Auditor Communications – These are required communications between the Auditor and the Town.

RESPONSIBILITY - The responsibility of Drescher & Malecki is to provide an opinion on the Financial Statements. This is important because the auditor will outline what responsibilities the Town has and what they have as the auditors.

The auditor comes in, assess risk, design a set of tests they put the Town's financial records through, and then come up with their opinion; can these Financial Statements be relied upon for whoever is reading them. Widmer said they are hired to give that third party / unbiased verification.

SIGNIFICANT ACCOUNTING ESTIMATES - In the event there are any big changes from year to year the Board would be informed. There were no new changes in the policies this year.

GASB (Government Accounting Standards Board) sets the principals for how the financial statements need to be presented. During the audit Drescher & Malecki helps the Town to ensure that they comply with these standards. As a result they had to implement GASB statement 84.

INDEPENDENCE – As the Town's external auditors, Widmer can verify that Drescher & Malecki are independent from the Town. There is no conflict of interests that stop the Town from hiring Drescher & Malecki.

OTHER MATTERS – Widmer can report he and his team received full cooperation and access to all records at the Town. The Board would be notified if this was not the case. It was another successful year.

During the rest of the presentation Widmer will discuss two graphs per fund. First graph is a five (5) year line graph of the revenues over the expenditures. The second is a bar graph that will present the fund balance level at December 31 for the last five (5) years.

General Fund - Operations Trend. This is line-graph presenting total activities. Revenues versus expenditures for each of the last five (5) years. Revenues and Expenditures increased. The primary reason for that is the shift of the library contribution, of \$350,000. To support this increase there was a property tax increase, Modern tipping fees and Justice fees increased.

General Fund – Fund Balance. Total fund balance for 2019 is \$1,746,979, unassigned fund balance. This represents 58% of the 2020 budget. This is at the positive end as compared to other municipalities.

General – Town Outside Village Fund – Operations Trend. Library contribution moved out of the fund and into the General Fund, which is why there is a dip. Revenues are above expenditures. The fund balance increased \$410,000.

General – Town Outside Village Fund – Fund Balance. There has been steady growth in this fund in the last five (5) years. Total fund balance for 2019 is \$2,156,884 unassigned fund balance. This represents 71% of the 2020 budget. A health fund balance in this fund

Highway Fund – Operations Trend. Similar trend to last year, with a little decrease in revenues. A short-term Anticipation Notes liability was paid off.

Highway Fund – Fund Balance Trend. Total fund balance for 2019 is \$782,289, unassigned fund balance. This represents 24% of the 2020 budget.

Water District Fund – Operations Trend. There is a spike in activity due to an increase amount of transfer out to pay for a capital projects.

Water District Fund – Fund Balance Trend. This is a fund that needs to be kept an eye on. In a fund that spends nearly \$3,000,000 and maintains infrastructure, this represents 13% of 2020 budget.

Sewer District Fund – Operations Trend. Activity is consistent with the prior year. There was some savings in employee benefits. Revenues came in a little over \$200,000, higher than spending.

Sewer District Fund – Fund Balance Trend. Consistent with last year. Amount represents 63% of 2020 budget.

Observations – Widmer said Drescher & Malecki reminds the Town to continue on formalizing the Fund Balance Policy. If the Comptroller's office were to come in and audit the Town, they would want to see why the Town is maintaining x-amount of dollars in each operative fund. The Town would be prepared to answer that when there is a Fund Balance Policy in place. Broderick and Seaman said this is in draft form.

Widmer wants to include a comment on IT security here at the Town Hall, by training of the users of the financial software. This will avoid/prevent falling victim to any bad scams. The Town of Lewiston should be protected.

Over all, the Town is in a stable position, and in a good place to adopt a Fund Balance Policy.

The Supervisor thanks and appreciates the residents that came out tonight to speak of their concerns on the EnSol project. Broderick assured the residents that this project is not on the Agenda and there will be no more conversation on the project tonight.

DEPARTMENT HEAD STATEMENTS

Masters was asked by Current Electric, contractor at Pletcher Park, if payment has been paid. Dashineau said it is on the Abstract to be paid tonight.

Building Inspector Timothy Masters – Masters spoke with Seaman regarding the Change Order for the Washuta Park roof project with Swogier Construction, Inc.

Seaman spoke regarding the Swogier Construciton, Inc. Change Order. There was an adjustment to the original contract and the Town needs to execute a change order. There was an adjustment just over \$1,500 to the original contract, due to square footage needing to be changed, and damage to the roof at Washuta Park.

The Board can make a verbal motion to approve the Change Order, contingent on Town Council drafting this and getting it to Swogier Construciton, Inc.

Jacoby MOVED to approve the Change Order, in the amount of \$1,054, contingent upon the Town Attorney drafting the Change Order, Seconded by Bax and Carried 5 – 0.

WWTP Chief Opt. Ritter – The Sewer Dept. completed the smoke testing of the lines and it worked out very well and there were no problems. It did show some issues that will need to be addressed.

Senior Center Coordinator Olick – Olick has been cleaning up the Center to be ready when the Covid guidelines allow.

Niagara County will start the Nutrient Program in August, and seeing how that goes, they may be able to offer in September at the Center.

Olick has cleaned out the shed. The shed itself needs to be replaced. Three written bids have been received. Brookside Sheds - \$3,050; Heritage Structure - \$3,174; Sturdi-Built Sheds - \$3,375.

Masters said permits are required for sheds. Masters would like to take a look at the bid and where it will be going before purchasing.

Broderick would like the Highway and Recreation depts. help with emptying and taking away the old shed.

Geiben MOVED to approve Brookside Sheds – Amish Valley Sheds in the amount of \$3,050, to be paid out of H-97, with Masters assistance, Seconded by Jacoby and Carried 5 – 0.

Dashineau has volunteered his crew to shovel both the shed and the sidewalks for the winter.

Geiben MOVED to declare the old shed located at the Senior Center as excess and worthless, Seconded by Myers and Carried 5 – 0.

Recreation Director Dashineau – Dashineau requests authorization to purchase a Stump Grinder. Three bids were received: Bobcat SGX 60 - \$8,306.01; Vantage Equipment - \$8,788; Niagara Frontier Equipment Sales Inc. - \$8,814. Funding to come from A00.7310.0200.000. This will be shared between Recreation and Highway Dept.

Broderick said the Highway Dept. has been working on cleaning out the property on East Eddy Drive, between Scovell and Raymond.

Dashineau said the Town received a nice e-mail from a couple residents thanking the Recreation Dept. for this. This compliment belongs to the Highway Dept. and will share with Dave Trane.

Jacoby MOVED to approve the purchase of a Bobcat SGX 60 Stump Grinder, for \$8,306.01, funding from A00.7310.0200.000, Seconded by Geiben and Carried 5 – 0.

Police Chief Previte – Previte is requesting authorization to purchase HID Prox Readers for the new Police / Recreation building located at the Highway garage. These fobs will be tied into the existing system at the Police office.

Seaman said this is considered an improvement, so it requires a front-end contract. The Board can approve with the contingent of the Attorney creating the front-end contract.

Bax MOVED to approve the Life Safety proposal in the amount of \$4,335, funding from H-97, for Lewiston Police Access Control, contingent upon the Attorney's approval of the front-end contract, Seconded by Jacoby and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve June 22, 2020 – Regular Town Board meeting minutes, Seconded by Bax and Carried 5 – 0.

AUDIT PAYMENT

Myers MOVED to approve the Regular Abstract of claims numbered 19-13021, 19-13032 and 20-0001 to 20-0184 and recommend payment in the amount of \$309,496.59 plus a Post-Audit of \$16,140.01, Seconded by Geiben and Carried 5 – 0.

Myers MOVED to approve the Regular Abstract of claims numbered 19-13023, 19-13028 and 20-0187 to 20-0350 and recommend payment in the amount of \$430,409.63 plus a Post-Audit of \$10,794.70, Seconded by Geiben and Carried 5 – 0.

PENDING / OLD BUSINESS None

NEW BUSINESS Residents / Public Correspondence

The Town received a letter from a resident requesting it be read at the meeting - "I would like to thank both the Police and Highway Dept. Wrote the Police Dept that I hope they still went through Sanborn. An officer on patrol stopped and said "they did". The Highway dept filled all the pot holes in Sanborn on a recent day. I don't mind paying taxes, when I see worthwhile

projects being done – don't raise them too much. If you don't see me around – I've expired or eloped – I'm 86 which do you think will happen first?" Rosemary Warren

SUPERVISOR BRODERICK

Upper Mountain Fire Co. – Roster addition / deletion

Broderick MOVED to approve the addition of Buonopane, Amanda – Fort Gray Drive, to the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 5 – 0.

Broderick MOVED to approve the removal of Taibi, Elizabeth – Escarpment Drive, from the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 5 – 0.

Broderick MOVED to approve the removal of Sitek, Greg – Elliott Drive, from the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 5 – 0.

Deputy Building Inspector Hire

Masters said the Building Dept. is experiencing a large increase in permits. On an average ten years ago, 200 permits were issued a year, now it is 600 – 700. Another inspector is needed. This is a Civil Service position. There were two residents on the list.

Jacoby MOVED to hire Zimmerman, Edward – Garlow Road as Deputy Building Inspector, at a salary of \$50,000/year, Seconded by Geiben

Seaman has spoken to the Union representative and an MOU will be drafted and the motion should be contingent on that.

Jacoby MOVED to amend the motion to contain – contingent on the MOU being prepared, with start date of August 3rd, Seconded by Geiben and Carried 5 – 0.

Broderick and Jacoby said Zimmerman is a great choice.

Masters requests an Executive Session at the end of the meeting to discuss Personnel.

Executive Session to discuss Settlement Agreement between Lewiston and Spectrum/Charter.

Bax requested to address his agenda items prior to the Executive Session, so he could be excused to attend another commitment.

COUNCILMAN BAX

Sewer refund – James Drive / Fort Grey - Sewer refunds

Bax MOVED approval of a sewer refund to Linza – James Drive in the amount of \$67.75, Seconded by Geiben and Carried 5 – 0.

Bax MOVED approval of a sewer refund to Aloian – Fort Gray Drive in the amount of \$55.06, Seconded by Geiben and Carried 5 – 0.

Police Patrolman Resignation

Town received a letter from Officer Lauren Campbell announcing her resignation.

Bax MOVED to accept Lauren Campbell's resignation, with regret, from the Lewiston Police Dept., Seconded by Geiben and Carried 5 – 0.

Police Hires - Previte requests permission to hire 2 Part-Time Officers to fill 2 vacancies.

Bax MOVED to hire the following 2 Part-Time Officers, at the Contract rate with start date of July 31, 2020, Jonathon Smith and Nicholas DeFelice, Seconded by Jacoby and Carried 5 – 0.

The Lewiston Police Dept. has a lease with Lewiston-Porter School for the use of their building. Seaman has reviewed the document and made changes. Seaman suggests the Board motion to authorize the Supervisor to draft an agreement with Seaman's suggestion and forward to the School for their review. This is a 5-year contract at a cost of \$1.00.

Bax MOVED to authorize the Supervisor to enter into a lease with the Lewiston Porter School District, with Attorney comments to be added, Seconded by Jacoby and Carried 5 – 0.

Broderick MOVED to enter into Executive Session for Settlement Agreement discussion with Attorney, Seconded by Jacoby and Carried 5 – 0. (7:10 pm)

PRESENT: Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax, Geiben, Jacoby and Myers; Finance Director Agnello; Attorney T. Seaman

Discussion on Settlement Agreement.

Geiben MOVED to exit Executive Session, Seconded by Jacoby and Carried 5 – 0. (7:17 pm)

No Action Taken

Bax excused.

The Town has a Settlement Agreement with Spectrum/Charter for the amount of \$95,642.27 minus the fees for Attorney Troy and Banks.

Geiben MOVED to Authorize the Supervisor to sign the Settlement and Release Agreement for the Town of Lewiston and Spectrum Northeast LLC. and accept the settlement amount, Seconded by Jacoby and Carried 4 – 0.

Seaman outlined a Town property transfer to the Town. The Supervisor needs to be authorized to sign the deed, along with all necessary real-estate transfer papers. This will separate and transfer the piece of property the new Police / Recreation Building is on. This will allow for National Grid to provide electrical service free of charge. The property needs to be a separate parcel. This property transfer is from the Town of Lewiston to the Town of Lewiston. No new property is being acquired and the Town is merely subdividing a parcel of its own property

Geiben MOVED to authorize the Supervisor to sign the deed for property being separated for Police / Recreation Building and all necessary paperwork, Seconded by Myers and Carried 4 – 0.

I & I Grant

Seaman presented a Resolution for Authorization Acceptance of Grant for Wastewater Infrastructure Engineering Planning Study. This Grant will allow the Town to investigate the Waste Water system.

Geiben MOVED to accept the Authorization Acceptance of Grant for Wastewater Infrastructure Engineering Planning Study as Follows, Seconded by Jacoby

WHEREAS, pursuant to Town Resolution 2019-15, the Town of Lewiston applied for, an Engineering Planning Grant (EPG) under the 2019 Consolidated Funding Application process to complete a Sewer System Evaluation Survey Investigation to address Inflow and Infiltration (I&I) sources within the existing sanitary sewer collection system tributary to the WPCC; and **WHEREAS**, the Town of Lewiston was awarded said grant,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lewiston Town Board accepts the EPG program on behalf of the Town to complete the Sewer System Evaluation Survey Investigation; and be it further

RESOLVED, that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Lewiston's obligation under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that the Town of Lewiston authorizes and appropriates a minimum 20% local match, as required by the EPG program, for the Sewer System Evaluation Survey Investigation. Under the EPG program, this local match must be at least 20% of the EPG grant award of up to \$30,000. The maximum local share appropriated shall be \$6,000, using in kind services based upon a total estimated maximum project cost of \$36,000. The Supervisor may increase this local match through the use in kind services without further approval from the Town Board.

Carried 4- 0.

In the beginning of 2020 the Board passed a local law to establish an I & I Fund. New developments coming into the Town would be required, if they connect to the sewer system, by the DEC, to make modifications and repair work for Infiltration and Inflow. The Town has been identifying locations where water was getting into the system.

This established fund was created to allow the Town to accumulate an amount of money that is specified for just I & I work, so larger projects can be done in the future.

Seaman presented a Resolution to add these fees to the Town of Lewiston Fee Schedule. It also directs the Building Dept., Town Engineer and the Administrator of the WWTP to work in conjunction, to identify any and all procedures and processes necessary to implement said law for the proper collection of said fees.

Geiben MOVED to approve the Resolution adding infiltration and inflow fees to Town Of Lewiston Fee Schedule, which reads as follows, Seconded by Jacoby,

WHEREAS, pursuant to Local Law No. 1 of the year 2020 "A Local Law Amending Chapter 270. Sewers to Establish a Sewer Remediation Dedication Fund". Inflow and Infiltration remediation fees associated with certain development projects are to be collected by the Town of Lewiston pursuant to the Town of Lewiston Fee Schedule, and

WHEREAS, the Town Board has the authority to adjust the Town Fee Schedule pursuant to Resolution, and

NOW, THEREFORE BE IT RESOLVED, that the table "Town of Lewiston Schedule of Infiltration and Inflow (I&I) – Contribution Removal Values By Source and Fee Schedule" be and hereby is added to the Town of Lewiston Fee Schedule.

BE IT FURTHER RESOLVED, that the Building Department, the Town Engineer and the Administrator of the Water Pollution Control Center are hereby directed to work in conjunction to identify any and all procedures and processes necessary to implement said Law for the proper collection of said fees.

BE IT FURTHER RESOLVED, that the Town of Lewiston Engineer be charged with calculating such fees based on the particularities of any proposed project and the Fee Schedule. Geiben asked if this will be updated. Garfinkel said if this is to be attached to the Fee Schedule that is an item that is addressed at every Reorganization meeting.

Carried 5 - 0.

The Lewiston Library reached out to the Town requesting the Highway Dept. supply machinery and labor to pave the parking lot. The Library will pay for the materials.

Seaman prepared a Resolution.

Jacoby MOVED to approve the following Resolution Granting Labor and Use of Machinery Necessary to repave the Lewiston Public Library parking Lot, Seconded by Geiben

WHEREAS, the Lewiston Public Library holds a public library charter and services the people of the Town of Lewiston, and

WHEREAS, the Lewiston Public Library seeks to repave its parking lot and driveways, and has sought the assistance of the Town of Lewiston Highway Department in this regard, and

WHEREAS, pursuant to Education Law Section 256, a Town is authorized to grant services to a public library that furnishes services to the people of the Town, and

WHEREAS, the Town Highway Superintendent has indicated the Highway Department is willing and able to supply the labor and use of machinery necessary to repave said driveways and parking lot, and

WHEREAS, the Lewiston Public Library is willing to cover and pay all necessary costs of all required materials, and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Education Law Section 256, the Town of Lewiston does hereby grant to the Lewiston Public Library the labor and use of machinery necessary to repave the driveways and parking lots and authorizes the Town Highway Superintendent and the Highway Department to take such efforts which are required to accomplish same.

Carried 4 – 0.

Finance

Agnello requests Board approval to hire Martha Blazick, on temporary bases, in the role of a consultant/independent contractor, to assist with 2021 budget preparation. The contract will commence on 7/28/20 and terminate 10/31/20 with a maximum of 350 hours at a rate of \$25.00/hour. Agnello needs immediate assistance with the 2021 budget preparation and Blazick has the experience to jump right in. Salary will be covered by the vacant Junior Account position that was not filled.

Jacoby MOVED to approve the Agreement For Consulting Services and authorize the Supervisor to sign, Seconded by Geiben and Carried 4 – 0.

Seaman wants the Board to understand Blazick is not being hired to fill a temporary position, but as an independent contractor.

Budget Revisions - Agnello requests approval of the following budget revisions:

Transfer \$2,000.00 from Court Security Personnel - A00-1110-0100-0100 to Prosecutor Contractual - A00-1165-0400-0000 to cover Prosecutor expenses for the new process of sending pleas through the mail.

Transfer \$7,500.00 from South Sewer Equipment - SS3-8120-0200-0000 to South Sewer Contractual - SS3-8120-0400-0000 to cover contractual expenses through the remaining of the year.

Transfer \$1,345.00 from Water Administrative Contractual - SW1-8310-0400-0000 to Water Administrative Equipment - SW1-8310-0200-0000. to cover the purchase of the utility bill software scanners, card swipe, and printer.

Transfer \$305.00 from Senior Center Personnel - A00-7630-0100-0000 to Senior Center Equipment - A00-7630-0200-0000.) to cover computer upgrades to software and security.

Geiben has reviewed and discussed with Agnello.

Geiben MOVED to approve the budget transfer requests as written, Seconded by Myers and Carried 4 – 0.

COUNCILMAN GEIBEN – Items already addressed

COUNCILMAN JACOBY

Historic Preservation Commission Member appointment. Jacoby said the applicant is very well qualified for the Commission.

Jacoby MOVED to appoint Millar, Edward Yong Jun to the Historic Preservation Commission, Seconded by Geiben and Carried 4 – 0.

Special Use Permit – Ridge Road

The Planning Board reviewed the application for a Special Use Permit for a Produce Roadside Stand on Ridge Road – SBL# 89.00-1-12.111 and recommend approval. The Town Board held a Public Hearing earlier in the meeting.

Jacoby MOVED to following Resolution, Seconded by Geiben

WHEREAS, the Town of Lewiston received an application from Richard Washuta, for a Special Use Permit and Site Plan review to allow for a produce stand to be located at 1815 Ridge Road, and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, without any conditions, to the Town Board of the Town of Lewiston; and

WHEREAS, the Town of Lewiston Town Board, on July 27, 2020, did hold a duly advertised Public Hearing at Lewiston Town Hall, 1375 Ridge Road, Lewiston, New York, regarding the application for a Special Use Permit and site plan review of the proposed project, and at such public hearing every party wishing to be heard was heard; and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it; and

WHEREAS, The Town Board has issued a Negative Declaration under SEQR; and

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented, the Town Board makes the following findings:

The application fully complies with all general requirements set forth under Town Law Section 360-133 (C), to wit:

The use is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected.

The use will not cause substantial injury to the value of other property in the neighborhood where it is located.

The use will be compatible with adjoining development and the character of the neighborhood where it is located.

Adequate landscaping and screening is provided to preserve the character of the neighborhood.

Adequate off-street parking and loading are provided and the special use will not substantially interfere with traffic on abutting streets.

AND, BE IT FURTHER RESOLVED, that the Board further finds no adverse impacts that require mitigation caused by this Project and be it further

RESOLVED, that a Special Use Permit is hereby approved.

Carried 4 – 0.

Site Plan Review – Langdon Road – Pole Barn - Neg. Dec. / Approval

The Planning Board reviewed the Site Plan for Craggs – Langdon Road – SBL# 75.00-2-5.12 and recommend approval.

Board needs to declare a Negative Declaration.

Jacoby MOVED the following Resolution, Seconded by Geiben

WHEREAS, a Short Environmental Assessment Form has been prepared for the proposed action which consists of the construction of a new metal pole barn to be used for commercial

rental units in compliance with I-1 district regulations, located on Langdon Road, SBL# 75.00-2-5.12, and

WHEREAS, the Short Form Environmental Assessment Form does not identify any moderate to large impact to the environment associated with the project, and

WHEREAS, the Town of Lewiston Planning Board has recommended a negative declaration for SEQR

NOW, THEREFORE, BE IT RESOLVED that it is determined that the proposed action will not result in any significant adverse impacts on the environment, and it is directed that this negative declaration, pursuant to SEQR, be prepared and filed.

Carried 4 – 0.

Board needs to approve the Site Plan.

Jacoby MOVED to approve the following Resolution, Seconded by Geiben

WHEREAS, the Town of Lewiston received an application from Todd Craggs, for Site Plan Review to allow for a Metal Sided Pole Barn Building to be located at 1974 Langdon Road, and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, without any conditions, to the Town Board of the Town of Lewiston; and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it;

WHEREAS, The Town Board has issued a Negative Declaration under SEQR; and

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented, the Town Board finds that the application fully complies with all requirements set forth under Town Code, Article XX, and be it further

RESOLVED that the Board further finds no adverse impacts that require mitigation caused by this Project and be it further

RESOLVED, that the Site Plan Review is hereby approved as presented.

Carried 4 – 0.

Historic Preservation Commission – Present Town SEAL

Town Historian Maggard told the Board progress is being made to updating the Town Seal.

Historic Preservation Commission Chairman Zackary Collister presented three. The three designs were created by Maggard's granddaughter. The date has been corrected. The two Town hamlets, Sanborn and Model City are now represented. Agriculture has been depicted. The Lewiston – Queenston Bridge has been added along with the New York Power Authority. The Tuscarora Reservation is its own entity.

COUNCILMAN MYERS – Nothing to report

Engineer Lannon updated the Board on the 2018 Waterline Project. The water mainline has been installed in area 3, which is the Mayflower Road, Sweethome Road and Hermitage Road area. Creek Road in front of Lewiston Porter is waiting for a DOT permit.

Jacoby has spoken with a few residents residing on these streets. They have said they are pleased with the contractors doing the work.

RESIDENTS STATEMENTS

Collister, Zachary – Sandlewood Drive – Collister would like to see the pot-holes filled in Morgan Farms area. If that can't be done, maybe have the street cleaner come down and pick-up the gravel.

Witryol, Amy – Lower River Road – Witryol asked that the Board does not want to do anything until September, not even a notification, on the Special Use Permit requirement for the EnSol project?

Broderick said the Board is going to follow procedure and wait for the Environmental Commission and Planning Boards recommendations.

Witryol said that is not required. Broderick said that is what the Board is going to do, take no action and that is based on legal advice. Witryol questioned if the advice was from Seaman Norris. Broderick said yes. Witryol encourages the Board to be a bit more proactive.

Witryol thanks the Historic Commission for their work on the Seal. Witryol encourages the Commission to read the Town Website, and look at the vision, as opposed to being technically correct about the large properties depicted on the seal.

Witryol has never met anyone in the Town that likes the Power Authority, which takes up most of the Seal. Also, the State of New York took the land from the Tuscarora. The current Seal makes it look like they are running away. This is another sensitive area.

Geiben MOVED to enter into Executive Session, Seconded by Myers and Carried 4 – 0.
(7:54 pm)

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, J. Myers; Dep. Sup. W. Conrad, Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. T. Seaman.

Discussion on Personnel issue and Union negotiations.

Geiben MOVED to exit Executive Session, Seconded by Jacoby and Carried 4 – 0. (9:37 pm)

No action taken.

Geiben MOVED to adjourn the meeting, Seconded by Jacoby and Carried 4 – 0. (9:40 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk