

Work Session

December 11, 2023

6:00 PM

PRESENT: Supervisor S. Broderick; Dep. Sup. B. Conrad; Councilmembers B. Geiben, R. Morreale, J. Jacoby & J. Myers; Eng. B. Lannon; Finance Director J. Agnello; Water Foreman D. Zahno; Rec. Dir. T. Smith; Hwy. Sup. M. Zahno; WPCC Ch. Op. J. Ritter; Police Ch. F. Previte; 1 Press (NG); 8 Residents and Clerk T. Burns.

ZOOM ATTENDEES: Sr. Cit. Coordinator M. Olick; Bldg. Insp. T. Masters; 1 Press (Sentinel)

EXCUSED: Atty. A. Bax

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 house fire on Route 31 in their prayers.

AGENDA Additions: Broderick – Engineering matters; Jacoby – Police in-car cameras

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

APPROVAL OF MINUTES - 11/27/2023 RTMB - Tabled

ABSTRACT

Jacoby MOVED to approve the Regular Abstract of Claims Numbered 23-03240 thru 23-03388 and recommended payment in the amount of \$462,859.69, plus a Post-Audit of \$21,771.80. Seconded by Geiben and Carried 5-0.

DEPARTMENT HEAD STATEMENTS

Highway Superintendent Mitch Zahno

Zahno received an estimate from The Pump Doctor, Inc. for an emergency shut-off system for the fuel pumps at the Town Garage. The Pump Doctor is the only company to receive an estimate from due to the compatibility with our system. The insurance company stated this is something we should have in case of an emergency. Now, there is no way to shut the fuel pumps off if there is an emergency.

Geiben MOVED to approve the estimate from The Pump Doctor, Inc. in the amount of \$5,884.19, Second by Jacoby and Carried 5-0.

Recreation Director Tim Smith

Smith said they've been celebrating the Holidays with events. The Electric Light Parade was great. Even with the weather, the kids had a lot of fun. Saturday was the Ginger Bread House decorating

contest at the Senior Center. Smith thanked Councilman Geiben for coming out to be the guest judge.

Breakfast with Santa will be on December 16th, Christmas Cookie Baking will be Thursday, December 21st.

Skate Nights at NU Dwyer Arena are going great and will continue. There will be a Skate with Santa and Skate with Mickey Mouse.

Seniors Coordinator Melinda Olick

Olick said many events are coming at the Senior Center. This week, Lewiston Larks will be providing a concert, December 14th is Music with Mike & the Kids - Senior Van Driver Mike Cuddahee & his grandkids will be coming in to sing Christmas Music for the Seniors. December 15th will be a Flower Arranging class. December 20th the Center will have their Christmas luncheon with piano music by one of the seniors.

NEW BUSINESS - None

SUPERVISOR BRODERICK

Engineering

Lannon prepared a proposal to talk about the continuance of work at Riverfront Park. This component will include construction of a boardwalk along the water's edge and a walk down (ramp) to a new kayak launch at the river's edge.

There are three different tasks being proposed. A preliminary investigation which includes a Topographic Survey, geographical borings, and analytical work on samples to create a geotechnical report. A design will be done for those improvements (board walk, kayak launch & ramp).

Upon approval of the Town, an advertisement for bids will go out for construction of the project. If it is acceptable to the Board, the designs will be prepared over the winter months and within a few months, the project will be ready for advertisement of bids. Construction should be ready for Spring of 2024.

Broderick spoke with Agnello regarding funds of this project. There is about \$50,000 in this account. \$5,000 will be moved from A-Fund balance and \$5,000 from B-Fund balance to cover the cost of design. Once the design is finished, the Town will be going back to Greenway funds to cover the cost of the project.

Geiben MOVED to approve GHD's proposal for Riverfront Park Boardwalk & Kayak Launch in the amount of \$59,700 and authorized the Supervisor to sign said proposal. Second by Jacoby and Carried 5-0.

Finance: The Finance Director asked for approval to process the following 2023 budget revisions:

1. This revision is requesting to move \$8,000.00 to the Highway Admin. Equipment budget (A00-5010-0200-0000) from the Traffic Control budget (A00-3310-0400-0000) to cover the purchase and installation of an emergency shut off switch on the gasoline storage tank.
2. This revision is requesting to move \$133.00 to the Safety Inspection Equipment budget (B00-3620-0200-0000) from the Safety Contractual budget (B00-3620-0400-0000) to cover the purchase of a new desk top computer.
3. This revision is requesting to move \$800.00 to the Police Retirement budget (B00-9015-0800-0000) from the Retirement budget (B00-9010-0800-0000) to cover Police retirement expenses.
4. This revision is requesting to move \$1,00.00 to the Disability Insurance budget (B00-9055-0800-0000) from the Unemployment Insurance budget (B00-9050-0800-0000) to cover Disability insurance expenses.
5. This revision is requesting to move \$2,900.00 to the Physicals budget (SF0-9060-0800-0000) from the Service Awards budget (SF0-9089-0800-0000) to cover Firefighter physicals.
6. A transfer of funding of \$5,000 from the A Fund Balance and \$5,000 from the B Fund Balance totaling \$10,000 to the H23 Lewiston Town Park capital project to fund the design scope.

Geiben MOVED for approval, as presented. Seconded by Morreale and Carried 5-0.

COUNCILMAN GEIBEN

The Senior Center received a donation of three lamps. They were placed on Auctions International and received a bid of \$10.00 per lamp.

Geiben MOVED for approval of accepting the bid of \$10.00 per lamp on Auctions International Second by Morreale and carried 5-0.

Recreation

Director Smith requests the approval to hire two seasonal employees, Elijah Russell and Nathan Russell as Recreational Aides at \$15.00 per hour starting on December 15th.

Geiben MOVED for the approval of the two seasonal hires at \$15.00/hr. starting December 15th. Second by Myers and Carried 5-0.

COUNCILMAN JACOBY

Jacoby met with Broderick, Police Chief Previte and Officer Commerford. The Police Department has body cameras, but do not have cameras inside their patrol cars. Axon Enterprises who provided the body cameras has made a proposal to purchase in-car cameras.

The first year (2024) of the 5-year contract will cost \$38,702, which includes cameras and full installation. For subsequent years, Operation Stonegarden (Border Patrol & Homeland Security) has agreed to pay \$12,000 per year to offset the cost. The cameras will be placed in 13 patrol cars and will not only capture the driving of the patrol car, it will capture footage of the rear of the vehicle focusing on the back seat if somebody is in custody. The cameras will also have license plate readers.

Jacoby MOVED for approval of the contract with Axon Enterprises. Second by Geiben and Carried 5-0.

Jacoby said this is long overdue. The community will be well served by having these cameras, it's much safer for the officers and the public.

Broderick said as a retired police officer he thinks the cameras are phenomenal, as an administrator, they're expensive. The \$12,000 from Stonegarden really made it more affordable. The cameras are a good thing, you see footage on the news all the time.

Roster Additions

Upper Mountain Fire Company requests approval to add Carmen Montgomery of William Street to their roll as a new member effective immediately.

Jacoby MOVED to accept the roster addition of Carmen Montgomery. Second by Geiben and Carried 5-0.

COUNCILMAN MORREALE

Site Plan approval - Argona – 4612 Model City Road, SBL # 88.00-1-29. The Planning Board has identified the project's relevant areas of potential environmental concern and has thoroughly analyzed them for significant adverse impact. Based on the Planning Board's analysis and the recommendations of Town Building Inspector Mr. Masters, the Board recommends the Town Board issue a Negative Declaration with regards to State Environmental Quality Review.

Morreale MOVED for a Negative Declaration. Second by Geiben and Carried 5-0.

The Planning Board met in regular session on November 16, 2023 to review Argona's Site Plan request for construction of a commercial storage facility. The Planning Board has further recommended approval of the project, subject to the applicant satisfying the following conditions:

1. Prior to the presentation of the site plan application to the Town Board, applicant shall revise applicant's plans to extend vinyl fencing on the north and south side of the project to fifty feet in length.
2. Prior to the presentation of the site plan application to the Town Board, applicant shall revise applicant's plans to move the business sign from the north side of the property to the south side of the property, subject to a determination of appropriateness of the Town Engineer.
3. Prior to the presentation of the site plan application to the Town Board, applicant shall submit all revisions to the site plan to the Town Engineer and receive the Town Engineer's approval.
4. Hours of operation shall be limited to 8:00AM – 8:30PM.
5. Remain neat and orderly for fire safety and access for fire inspector.

Morreale MOVED to approve the project contingent to the 5 provisions. Second by Geiben and Carried 5-0.

COUNCILMAN MYERS

Presented was a contract for 2024 between Lewiston and the Town of Cambria for the Sanbornites Senior Citizens. Cambria funds \$4,000.00 for the Sanbornites senior citizens activities which are recognized through the Town of Lewiston's Senior Citizen Program

Myers MOVED to approve the contract between the Town of Lewiston and The Town of Cambria for the Sanbornite Seniors. Second by Geiben and Carried 5-0.

Myers MOVED to authorize the Supervisor to sign said agreement. Second by Morreale and Carried 5-0.

Myers would like to thank The Sanborn Farm Museum for their Christmas event this past weekend. They had Santa and each child received a gift. They did a great job and will be having a "Light up Sanborn" event on Saturday, December 16th at 6:30PM. Don Dwyer will be performing and there will be cookies and snacks. The Museum is always accepting donations.

Resident Statements

Annie Edwards – 1085 Escarpment Drive

Edwards has lived at 1085 Escarpment Drive for 11 years and is not happy with her neighbors. Every month they're calling the police that they're doing something wrong. "They have this alleged fear regarding short term rental guests". The people invited in the home of Mr. & Mrs. Edwards are their guests. They are approached from a reliable source, the guests are vetted and insured by

Airbnb and they have the opportunity to have conversations with potential guests to determine if they are compatible with their living environment. There is access to other host reviews of said person also. The Edwards' do not book groups or anyone under the age of 25 and guests are supplied with house rules including quiet times. If any guest were to receive a bad review, they lose Airbnb privileges. After their visit, guests go back to their homes.

During 2023, there were 16 bookings total at their residence on Escarpment Drive. This included overnight Artpark guests, parents/grandparents visiting their kids at Niagara University, 3 artist exhibitors from Lewiston's Art Festival, tourist couples, locals back in town visiting and includes an 82-year-old grandmother who comes every year for her grandson's birthday; Elderly guests who require extra comfort. "These are the people who make our neighbors "terrified" to step out of their house, these are the type of people we've had in our home." Edwards has been with Airbnb since 2018. Covid stopped any travel and they took down their Airbnb. Neighbors are blowing this out of proportion and have gathered this fear in 16 months of bookings in the home. When is it their turn to show proof of negligence, that guests are being unruly. At the last Board meeting, everyone recited the exact same story as if it was scripted, each one was equally as terrified as the last. Without proof, its only hearsay.

Code Enforcement informed the neighbors to take pictures of the license plates of guests as proof. A license plate is considered personal information. This photo is an invasion of privacy. The Edwards ask that these residents taking pictures be contacted and all pictures be handed over to the Police Department immediately with an explanation to their origin. This has to stop. Guests will file charges if this were to ever get out to them.

Amy Witryol – 4726 Lower River Road

The last Board meeting we learned who would be drafting changes to the Town Zoning, to include the short-term rentals. Witryol would like to express concern as to what she believes to be an appearance of a conflict of interest on the part of the Supervisor and the law firm that would be drafting any revisions to the Towns short-term rental ban, Seaman Norris. Witryol respectfully urges both parties to consider recusal on this topic. For the Supervisor, there are concerns that go beyond campaign finance issues but today, limiting remarks to what is publicly available on the NYS Board of Elections website.

First, the host of the largest number of Airbnb's in the village and who has also illegally operated two more Airbnb's on River Road in the Town this year, are related to key employees whom are stockholders in Severson Environmental. According to the Board of Elections website, if it's correct, Severson or its key employees and stockholders have contributed \$45,000 since 2008 to various committees which directly or indirectly benefit Mr. Broderick and two of the 5 members of Seaman Norris, who currently hold elected office. Roughly \$33,000 in the past 5 years. A third member of the law firm is a retired Assemblyman who may have indirectly benefited from earlier contributions that were also large. Although the public seems to consider campaign contributions a conceptual conflict of interest, campaign contributions are not typically a legal conflict of interest. Therefore, recusal is not required, it is simply discretionary.

“I would not normally raise this kind of association with the Board, but there were too many troubling actions.” Witryol urges the Board to have counsel other than Seaman Norris provide an independent assessment of any improvements to the current ban on short-term rentals in the Town, excluding the Village.

Time: 6:35 pm.

Transcribed and
Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk

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