

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax (ZOOM), W. Geiben (ZOOM), J. Jacoby, J. Myers (ZOOM); Dep. Sup. W. Conrad, Bldg. Insp. T. Masters (ZOOM); Deputy Bldg. Insp. E. Zimmerman; Finance Director J. Agnello (ZOOM); Atty. T. Seaman; Eng. B. Lannon (ZOOM); Police Chief Previte (ZOOM); Water Foreman D. Zahno; Assessor L. Johnson; Senior Center Director M. Olick (ZOOM); WWTP Chief Opt. J. Ritter (ZOOM); Parks/Recreation Director M. Dashineau (ZOOM); and Clerk D. Garfinkel

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

AGENDA APPROVAL

Additions: Geiben – Senior Center Items

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

RESIDENTS STATEMENTS – No one wished to speak

DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel submitted a letter requesting Deputy Carole Schroeder carry over vacation. This is allowed under the Union Contract so no approval is needed. Geiben acknowledged the letter.

Bldg. Inspector Masters was hoping to have the Fee Schedule updated and approved at this meeting. It will be addressed at the Re-Organization Meeting.

Assessor Linda Johnson distributed to the Board an Executive Order from the Governor to suspend required renewal of the Senior Citizen exemption. Over a hundred Seniors would be coming in person to do this. This Order allows local Assessors to use last year's information.

Seaman prepared the following Resolution for Board approval:

RESOLUTION DIRECTING THE ASSESSOR TO GRANT CERTAIN EXEMPTIONS IN 2021 PURSUANT TO COVID-ERA EXECUTIVE ORDER

WHEREAS, pursuant to Executive Order No. 202.83, the Governor of the State of New York temporarily suspended or modified Subdivision 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, from December 18, 2018 through January 17, 2021, and

WHEREAS, The Town Board wishes, for the purpose of COVID safety, to simplify the application process for such real property exemptions for the 2021 year only, now therefore be it

RESOLVED, that the Town Board hereby grants exemptions, pursuant to such State Law sections listed herein, on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal application from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and further be it

RESOLVED, that notwithstanding the foregoing, the Assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, and be it further

RESOLVED, that the Assessor may immediately take such actions as required to put this Resolution and said Executive Order into effect.

Geiben MOVED to approve the Resolution as presented by the Town Attorney, in regards to the request of Assessor Johnson to allow the Town to accept and use last year's information for Senior Citizen exemptions, Seconded by Jacoby and Carried 5 – 0.

Senior Center Director M. Olick – Olick submitted a letter requesting an extension of the Town Residency Requirement.

Broderick said when Olick was hired this was discussed. Olick has some needs in a home, and as known, Lewiston is a hard place to find property.

Broderick MOVED to give a six-month (6) extension, until July 1, 2021 for Olick to move into the Town of Lewiston, Seconded by Geiben and Carried 5 – 0.

Broderick has found one of the problems with Lewiston right now, is houses are selling in a day or two. The Town of Lewiston is the only Town in Niagara County that has a residency requirement. Broderick would like the Board to think about this.

Bax has always been a fan of hiring the best person for the job. A preference can be placed in the selection process that residents would be preferred.

Olick submitted a form she would like to have completed by individuals wishing to use the Senior Center. The form asks for information like time, date, group. Broderick suggests getting a count.

Bax questioned if this is limited to municipal group/organizations or is it the public at large. Broderick said the Center is just beginning to be utilized by citizen groups.

Geiben suggests requesting number of people, staff necessity, which room, exact time of arrival etc.... Geiben commends Olick on being pro-active on this and reaching out to the County for guidance. It is the Boards decision but with the County's "approval" that is even better. Olick given permission to use the form.

Chief F. Previte – Police / Recreation building seems to be moving along with no real issues.

After the first of the year Previte will request a meeting with the Supervisor and the Police Liaison to discuss Police Reform and create a Committee.

APPROVAL OF MEETING MINUTES – December 14, 2020 – Minutes not complete

Schedule Reorganization meeting

Broderick MOVED to schedule the 2021 Reorganization meeting for January 4, 2021 at 6:00 pm, Seconded by Geiben and Carried 5 – 0.

Work Session scheduled for January 11th, the Town Board Meeting on January 25, 2021.

AUDIT PAYMENT

Bax MOVED to approve the Regular Abstract of claims numbered 20-01695 to 20-01903, and recommend payment in the amount of \$584,323.48 plus a Post-Audit of \$10,360.04, Seconded by Jacoby and Carried 5 – 0.

PENDING / OLD BUSINESS

Rezoning Request – Murnyack – Saunders Settlement Road

The request is for Light Industrial zoning from Rural Residential. Broderick does not believe he is interested in doing this for one lot on Route 31.

Jacoby and Geiben believe this represents spot zoning and do not feel the Town should do this.

Seaman said a Zoning request change like this is a legislative function that the Board is not required to take up and it sounds as if the Board is not heading in that direction. Seaman can respond to the applicant indicating the Board is not, at this time, interested in taking up the matter.

Special Use Permits were stopped in 2012, therefore an applicant would have to ask for a Use Variance. Masters said the property was purchased with the current zoning, and in Masters opinion this is a self-created hardship and would not meet the criteria for a Use Variance.

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Court Officer Taczak retirement – Taczak has been a Court Officer for six-years.

Bax MOVED to accept with regret the resignation of William J. Taczak from his position as Court Officer, Seconded by Geiben and Carried 5 – 0.

Hire Court Officer

Broderick MOVED to hire Kevin LaCicero, at current wage in the contract for Court Officers, effective January 4, 2021, Seconded by Geiben and Carried 5 – 0.

Legal

Solar Law - Seaman provided the Board with two resolutions, one – SEQRA Determination and another for approval of the amended Solar Law. The Board had scheduled and held a Public Hearing, the law has been circulated via SEQRA through-out any interested agencies, and have heard nothing back.

The SEQRA resolution is declaring this action to be a Negative Declaration and authorizing the Supervisor to execute and sign all necessary documentation.

Geiben MOVED to declare the Lewiston Town Board as Lead Agent for the Amendment to Article XXVIII of the Zoning Code in regards to the Solar Law, Seconded by Jacoby and Carried 5 – 0.

Geiben MOVED to recommend a Negative Declaration for the Amendment to Article XXVIII of the Zoning Code in regards to the Solar Law, as written, Seconded by Jacoby

SEQR RESOLUTION REGARDING A LOCAL LAW - Amending Article XXVIII of the Zoning Code – Solar Energy Systems

WHEREAS, a Full Environmental Assessment Form having been prepared and filed by the Town of Lewiston, relative to the proposed Local Law entitled, “A Local Law Amending Article XXVIII of the of the Zoning Code – Solar Energy Systems”, and

WHEREAS, coordinated review has taken place, and no other agency has objected to the Town Board assuming lead agency, and the time for such comment or objection has passed, now therefore it is

RESOLVED, that the Town Board of the Town of Lewiston is lead agency pursuant to NYCRR Part 617, and it is further

RESOLVED, that based upon the information set forth in the EAF, the comments received from involved agencies, if any, and the Board’s own independent review, there will be no significant environmental impacts with regard to the proposed Local Law, and the Board hereby adopts and issues a “negative declaration” under SEQRA and authorizes the Supervisor to sign all necessary documents in conjunction thereto.

Carried 5 – 0.

Jacoby MOVED to approve the Resolution to adopt the Local Law as written, Seconded by Bax

AMENDING ARTICLE XXVIII OF THE OF THE ZONING CODE – SOLAR ENERGY SYSTEMS

WHEREAS, A local Law Amending Article XXVIII of the of the Zoning Code – Solar Energy Systems, has been proposed, and

WHEREAS, The Town Board has noticed and conducted a public hearing, declared a “negative declaration” pursuant to SEQRA, and has otherwise complied with all local, State and Federal statutes and regulations related thereto, now therefore it is

RESOLVED, that the Town Board of the Town of Lewiston hereby adopts “A Local Law Amending Article XXVIII of the of the Zoning Code – Solar Energy Systems” and directs the Town Clerk to file same with the Secretary of State, publish an abstract in the local paper, and submit notification to the Niagara County Planning Board.

Carried 5 – 0.

Retirement – Highway Department

Joseph Hosie submitted notification of his retirement, effective January 18, 2021.

Geiben MOVED to accept Joseph Hosie's retirement, with regret and great appreciation for his many years of service, Seconded by Bax and Carried 5 – 0.

The Highway Dept. went through State bid for 2 - Ford F150 trucks. Following bids received: VanBortel Ford - \$49,612.56; Delacy Ford - \$50,2258.64; Nye Automotive Group - \$50,604; Genesee Valley Ford Inc. - \$50,780; Beyer Ford LLC - \$51,402.82; Lithia Motors Inc. - \$50,634. Trane is requesting to award the bid to Van Bortel Ford, Inc. at \$24,806.28 each for a total of \$49,612.56

Seaman requests the motion be contingent on Attorney approval. Seaman saw the paperwork late, and has no doubt that Trane has bid this properly through the State bid, but would like the opportunity to look over the documents.

Broderick MOVED to approve the bid for 2 - Ford F150 trucks, to Van Bortel Ford, Inc. at \$24,806.28/each for a total of \$49,612.56, contingent on Attorney approval of the bid process, Seconded by Jacoby and Carried 5 – 0.

Engineering

Lannon discussed the Kiwanis Park Basketball Courts Engineering Services Proposal. This includes the replacement of the small half court, new full-size court, and survey of the whole area. The Proposal is for these services at a fee of \$7,000.

Jacoby MOVED to approve the Kiwanis Park Basketball Courts Engineering Services Proposal, from GHD at a fee of \$7,000, Seconded by Bax and Carried 5 – 0.

Finance - Budget Transfer

Bax MOVED the following budget revisions: Transfer \$70,000.00 from Highway Snow Removal Personnel - DB0-5142-0100-0000 to Highway General Repairs Personnel - DB0-5110-0100-0000; Transfer \$2,200.00 - \$200 from Highway Retirement – DB0-9010-0800-0000 and \$2,000 from Highway Unemployment – DB0-9050-0800-0000 to Highway Hospital & Medical - DB0-9060-0800-0000; Transfer \$300 from Water Retirement - SW1-9010-0800-0000 to Water Administrative Gas & Electric - SW1-8310-0400-3500, Seconded by Jacoby and Carried 5 – 0.

Agnello updated the Board on the search for a Junior Accountant. No success, so Agnello would like to advertise in the paper.

COUNCILMAN BAX

Detail Plan – Helipad – St. Mary's Hospital

Bax MOVED to accept the Planning Boards recommendation of a Negative Declaration for the Detail Plan – Helipad – St. Mary's Hospital, Seconded by Geiben

Geiben said the Environmental Commission also recommends a Negative Declaration

Carried 5 – 0.

Seaman said the Board needs to set a Public Hearing.

Bax MOVED to call for a Public Hearing for the Detail Plan – Helipad – St. Mary's Hospital Application, on January 11, 2021 at 6 pm, Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN GEIBEN

Liaison Report - Accept Auctions International bids for three (3) items placed by Parks & Recreation.

Geiben MOVED to accept \$1,700 for the 1990-1996 Beuthling 36” Diesel Heavy Roller, Seconded by Myers and Carried 5 – 0.

Geiben MOVED to accept \$600 for the 2006 Husqvarna 72” Zero Turn Mower, Seconded by Bax and Carried 5 – 0.

Geiben MOVED to accept \$1,275 for the 2002 05 EZ Go Electric Golf Cart, Seconded Jacoby and Carried 5 – 0.

COUNCILMAN JACOBY

Liaison Report - Historic Designation – 669 Mt. View Drive

A letter was received from the Lewiston Historical Preservation Commission to designate 669 Mt. View Drive Historical. Jacoby spoke to the Attorney and Broderick and it seems this is not an action the Board needs to take; this can be done by the Commission themselves. The Board acknowledges receipt of the request.

Conrad asked if this would put any restrictions on future sale of the property. Seaman said the Town has a code section that sets forth some provisions.

COUNCILMAN MYERS – Nothing to report

RESIDENTS STATEMENTS

Broderick thanked Jennifer Pauly for assisting with the ZOOM meetings for the Town.

Geiben MOVED to adjourn the meeting, Seconded by Jacoby and Carried 4 – 0. (6:55 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk