

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben (ZOOM), J. Jacoby, R. Morreale, J. Myers; Deputy Sup. W. Conrad (ZOOM), Atty. A. Bax (ZOOM), Highway Supt. Trane; Bldg. Insp. T. Masters (ZOOM); Deputy Bldg. Insp. E. Zimmerman; Finance Director J. Agnello (ZOOM); Eng. R. Lannon (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.

AGENDA APPROVAL

Additions: Geiben – Association of Town’s update and Recreation items

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

RESIDENTS STATEMENTS

Smith, Thomas – Cayuga Street – Smith distributed a FOIL request to Bax and Broderick.

Smith is “here to make the Town better, and all should be able to communicate about what has gone on wrong, because there is a lot of stuff that has gone on wrong. There is a Police Commission set up. People want to make things better. There is a dialoged where we start, and we can look into, the mountain of evidence Smith has, and this is not to grind an axe.

This is to prevent this finely tuned machine of corruption from swallowing up another family and spitting them out. From another son, like Smith’s, to have to go through all these years of all this nonsense. It is not fair, it is not right, its unamerican.

Hopefully going forward, it can be figured out how to make this place better, how to affect a positive change. How to get the residents to start believing in the Police Officers that patrol Lewiston, because behind the scenes it is not good.

Nobody is going to answer the survey with anything. It needs to be a little bit more than that.”

Clerk Garfinkel received an email from Steve Lyle – Lower River Road, requesting she read his statement to the Board if he were unable to attend. (Waterline Project) “I once again ask the Town Board to consider an independent audit of the \$1 million + engineering contract for this project. It is inconceivable that the Town would award this contract to the company, GHD, that the Town Engineer works for. Aside from the ethical optics, it puts the Engineer in a very difficult position. It is only fair to the Engineer, and a fiduciary responsibility of the Town Board, to ensure that this \$1 million + of my and your money is being spent responsibly. You bid out \$2,000 copier contracts? Computer services? Tree cutting? But not a complex million-dollar deal?

DEPARTMENT HEAD STATEMENTS

Police Captain Cain

There will be a Physical Agility test in March for the open position in the Dept., then interviews will take place. All Officers will be going through Disability Training.

Town Clerk Garfinkel

The Town received two (2) Notices Of Renewal for an Alcoholic Beverage License at the Niagara Falls County Club. One for Beverage/Golf Cart and one for Halfway House.

Geiben said the Board needs to state no objections, received and filed.

Recreation Director Dashineau

The Pletcher Road Park playground project has been submitted to the Greenway Committee, and it will go before the Standing Committee in hopes of receiving funding.

Spring Sports registrations have started for softball and baseball.

Geiben has spoken to Dashineau regarding the Sanborn playground equipment. It has been there since 1998, and it has passed its life expectancy. Dashineau has put together specs with cost and hopes to present at the March 8th Work Session.

Town Engineer Lannon

The Town is in the middle of the Lead Agency coordination timeframe for the adoption of the Local Law for Flood Prevention. The proposed time-line: March 8th Work Session – call for a Public Hearing to be held at the March 22nd Town Board meeting.

Kiwanis Park Basketball – Bid Packet

The Board received the Bid Packets. The project/bid is to demolish the existing basketball half-court, construct a new large court and a new half-court adjacent to the existing court. The existing basketball, tennis courts, and pickle board courts will be resurfaced. This will include installation of drainage in the area beneath the adjacent new courts.

Dashineau purchased four (4) basketball poles off of State bid., to be incorporated into the project and installed by the contractor.

Atty. Bax reviewed the Bid Specs and they are approvable.

Jacoby MOVED to authorize GHD to advertise for Kiwanis Park Basketball Construction bids, Seconded by Myers and Carried 5 – 0.

Senior Center Director M. Olick – AARP tax preparation has started at the Senior Center.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve the December 28, 2020 Town Board Meeting, Seconded by Jacoby and Carried 4 – 0. 1 Abstention – Morreale

Geiben MOVED to approve the February 8, 2021 – Work Session and February 12, 2021 – Emergency Grant Resolution, Seconded by Jacoby and Carried 5 – 0.

AUDIT PAYMENT

Geiben MOVED to approve the Regular Abstract of Claims numbered 2147 to 2151 (2020) and numbered 230 to 392 (2021), and recommend payment in the amount of \$639,427.98 plus a Post-Audit of \$17,557.51, Seconded by Jacoby and Carried 5 -0.

PENDING / OLD BUSINESS Kiwanis Park Basketball Program – already addressed

NEW BUSINESS - Residents / Public Correspondence – Nothing

SUPERVISOR BRODERICK

Legal - Resolution Refunding of 2013 Serial Bonds

In 2013 the Town bonded approximately \$5million. Municipal Solutions has recommended the Town go out for an RFP to see if other lenders could provide the Town a better deal.

The Town could in fact save approximately \$600,000 over the next twelve (12) years. The greatest savings would come from the bonds being reissued by Green County Commercial Bank. Green County Commercial Bank will hold them internally, not reissue to the public. There is a resolution for Board approval, provided by Town Bond Council, to allow this to be done.

Morreale MOVED the following Resolution, Seconded by Jacoby

REFUNDING BOND RESOLUTION DATED FEBRUARY 22, 2021 - A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 or Section 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF LEWISTON, NIAGARA COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT

REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Lewiston, Niagara County, New York (hereinafter, the “Town”) heretofore issued \$5,119,159 Public Improvement (Serial) Bonds, 2013, dated July 25, 2013, pursuant to duly authorized bond resolutions to pay the cost of certain Town sewer and water district purposes, and a bond determinations certificate of the Supervisor (hereinafter referred to as the “Refunded Bond Certificate”), such Public Improvement (Serial) Bonds, 2013, now outstanding in the amount of \$3,430,000, maturing on July 15 annually in each of the years 2021 to 2033, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the \$3,180,000 outstanding principal balance of said bonds maturing in the years 2022 to 2033, both inclusive (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Lewiston, Niagara County, NY, as follows:

Section 1. For the object or purpose of refunding the \$3,180,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the Purchaser or Purchasers, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$3,205,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the “Town Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,205,000, as provided in Section 4 hereof. The Town Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-21 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form

of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is as described in Exhibit A attached hereto and hereby made a part hereof; (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law and subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable; (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refunding's authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding's, the estimated present value of the total debt service savings and the

basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$3,205,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed, to the extent required by law, to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Lewiston, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of the Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially

the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to Greene County Commercial Bank (the "Purchaser") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Purchaser if sold at private sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Purchaser in accordance with said purchase contract upon the receipt by the Town of said the purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor. The Supervisor shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

ROLL CALL:

Councilman Geiben – Yes

Councilman Jacoby – Yes

Councilman Morreale – Yes

Councilman Myers – Yes

Supervisor Broderick – Yes

Motion Carried 5 – 0.

Finance - Budget Transfer - Agnello requests Board approval.

Jacoby MOVED to transfer \$5,400.00 from Town Clerk Personnel - A00-1410-0100-0000 to Buildings Equipment - A00-1620-0200-0000, to cover remaining expenses for paving the Town Hall Parking Lot; Transfer \$1,000.00 from Police Equipment - B00-3120-0200-0000 to Police Contractual - B00-3120-0400-0000, to cover contractual expenses; Transfer \$1,194.00 from Snow Removal Personnel - DB0-5142-0100-0000 to Highway Hospital & Medical Insurance - DB0-9060-0800-0000, to cover medical insurance expenses, Transfer \$42,107.00 from Appropriated A Fund Balance - A00-1000-0599-0000, to Recreation Equipment - A00-7310-0200-0000, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN

Geiben attended the Association of Towns. With the amount of money coming down the pipe from the stimulus, communities should be prepared to make sure they can utilize the revenue. The use of funds for infrastructure is going to be a very short turn-around. It could be six (6) weeks from when the grant is presented, as to being awarded. Municipalities having shovel ready projects may have a leg-up. The Town needs to think about this.

COUNCILMAN JACOBY

Site Plan Review – 4647 Lower River Road - construction of decking, steps from street level to the river, and an observation pavilion enclosure with utilities

The Planning Board recommends approval of the Site Plan with the following conditions: 1) The grinder pump is to be maintained by, and remain the responsibility of the property owner. 2) Applicant to satisfy all DEC and Army Corps of Engineer permit requirements. 3) Applicant to demonstrate same to the Town.

Jacoby MOVED the following Resolution in regards to SEORA, Seconded by Morreale

SEQR FOR SITE PLAN REVIEW - ELIA – RIVERFRONT STAIRS/DECKING

WHEREAS, a Short Environmental Assessment Form has been prepared for the proposed action, which consists of the construction of decking, steps from street level to the river, and an observation pavilion enclosure with utilities, located at 4647 Lower River Road, within the Town of Lewiston Riverfront Overlay District, 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 5 – 0.

Jacoby amends his motion to accept the Negative Declaration for SEORA, Seconded by Morreale and Carried 5 – 0.

Jacoby MOVED the following Resolution for approval of the Site Plan, Seconded by Morreale

APPROVING SITE PLAN REVIEW - ELIA – RIVERFRONT STAIRS/DECKING

WHEREAS, the Town of Lewiston received an application from Alan Elia, for Site Plan Review to allow for a project which consists of the construction of decking, steps from street level to the river, and an observation pavilion enclosure with utilities, located at 4647 Lower River Road, within the Town of Lewiston Riverfront Overlay District, and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, with the following conditions:

- 1) The grinder pump is to be maintained by, and remain the responsibility of, the property owner
- 2) Applicant to satisfy all DEC and Army Corps of Engineers permit requirements
- 3) Applicant to demonstrate same to the Town; and

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

WHEREAS, applicant has satisfied the Planning Board's recommended conditions 2 and 3; and

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

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, specifically Articles XVII and 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 5 – 0.

Town Seal

Town Historian Marjorie Maggard presented the Town with two (2) proposals. After discussion the Board is very happy with the second Seal proposal.

Jacoby MOVED to accept proposal two (2) Town Seal draft as the Town Seal, Seconded by Myers and Carried 5 – 0. (attached to the original minutes)

COUNCILMAN MORREALE

Retirement – WWTP – Lauer - Martin Lauer to retire effective March 25, 2021.

Morreale MOVED to accept, with regret the retirement of Martin Lauer from the WWTP effective March 25, 2021, Seconded by Jacoby and Carried 5 – 0.

Rezoning Application – 5235 Lewiston Rd – From R-1 One Family Residence classification to a B-Business classification

Broderick asked if any Board member is interested in making a motion to rezone the property? No Board member wished to.

Bax said no action needs to be taken tonight, just take this under advisement.

2021 Fee Chart

Building Inspector Masters office has been working on the Building Department Fee Chart and the Municipal Review Fee Schedule for over a year. Broderick has spoken with Masters about this several times. Discussions have taken place with contractors, other municipalities and Board members. Fees have not been updated since 2006.

Morreale MOVED to accept the Building Department Fee Chart (dated 2/22/2021) and the Municipal Review Fee Schedule (dated 2/2021), as presented, Seconded by Jacoby

Jacoby said in many of these cases if not most, these new fees reflect the amount of time they have to spend on inspecting, paperwork etc. The old fees, broken down, illustrate the Town was paying more in wages and benefits.

Morreale said Masters is liable for a budget, and if loosing money is what's happening, it makes sense. This is long over-due.

Carried 5 – 0.

COUNCILMAN MYERS Nothing to report

RESIDENTS STATEMENTS No one wished to speak

Bax commends and thanks both Agnello and Broderick on the Bond refinancing. These types of items seem to slip by, and this was a great savings to the Town.

Morreale MOVED to adjourn the meeting, Seconded by Myers and Carried 5 – 0. (6:43 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk