

TOWN BOARD REGULAR MEETING May 23, 2022 - 6:00 pm

Public Hearing – Site Plan / Special Use Permit Borrego Solar Systems, Inc. - 2660 Saunders Settlement Road

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad, Atty. A. Bax; Highway Supt. Trane; Police Captain M. Salada; Bldg. Insp. T. Masters; Finance Director J. Agnello (ZOOM); Eng. R. Lannon; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter; Recreation Director C. Cvijetinovic (ZOOM); 20 residents, and Clerk D. Garfinkel

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

Clerk read Public Hearing Notice into the record.

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston Town Board, Niagara County, New York, on the 23<sup>rd</sup> day of May, 2022, commencing at 6:00 P.M., at the Town Hall, 1375 Ridge Road, Lewiston, New York, to hear and consider the following property and property owner/applicant: OWNER/APPLICANT: Sanborn Area Historical Society, Inc. / PROPERTY LOCATION: 2660 Saunders Settlement Road - (Tax Map No.118.00.0.22.12) Niagara County, New York

TO CONSIDER APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN REVIEW for a ground mounted utility grade solar energy system on said premises.

All interested parties will be heard by the Town of Lewiston Town Board at said Public Hearing. A full copy of the application is available for review at the Town of Lewiston Building Inspector's office during normal business hours.

By Order of the TOWN OF LEWISTON TOWN BOARD Dated May 9, 2022

Supervisor invited residents to address the Board.

Wienke, Glenn – West Street – Wienke shared many memories of the farm. He was born on this farm and lived on the land for many, many years.

Wienke has been an active member of the Sanborn Area Historical Society since its creation in 1996. He helped the Society to gather millions of artifacts for the Museum. School classes come to the Farm and Wienke shares his past. The kids love it.

Wienke is here to support the Museum, always is and always will, and prays it will continue. The money from the solar farm is greatly needed to continue with the Farm.

Reed, Bill – President – Sanborn Area Historical Society – Reed thanks this Board and all Boards prior, for their continued support of the Society.

The Society is chartered by New York State Board of Regents, 501C-3 Non-profit. The Museum preserves and displays the rural character of the area. Wienke is correct in the millions of artifacts in the Museum. They have been entrusted to the Society by the people of this area. They are used for educational purposes for current and future generations.

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The Museum has over 500 members who volunteer untold hours working to make it what it is today. The income from the proposed solar project is needed to ensure the future of the Museum.

The Sanborn Area Historical Society asks the Board to approve the proposed solar project.

Townsend, Gary – Townline Road – Townsend spoke on behalf of Museum Curator Bonnie Haskell.

Haskell thanks the Town Board for all of the things, now and in the past, done for the Museum. This would not have been possible to continue, since 1996, without you.

When the Society asked the Town to help move a school house, you did without hesitation. Over 700 school students have come to the Museum for learning.

The financial part of the project will help the Museum get back up and going.

Craft, Ron – North 4<sup>th</sup> Street – Craft joined the Society and is amazed at the work these individuals do at the farm. The Society and farm help gives the Seniors in the area a purpose, something to do and be involved with. Craft suggested the Police might escort the Seniors to the Farm.

The Museum and Farm need the Solar Farm to exist.

**Geiben MOVED to close the Public Hearing, Seconded by Jacoby and Carried 5 – 0.** (6:16 pm)

#### AGENDA APPROVAL

Additions: Broderick – Recreation Director; Geiben – Bicentennial

**Geiben MOVED to approve the Agenda as amended, Seconded by Morreale and Carried 5 – 0.**

#### RESIDENTS STATEMENTS

Lyle, Steve – Lower River Road – Lyle asked for an update of the Stonehaven Camp purchase.

Broderick said the Town is in the purchase process, with hopes to close in mid-July. The Town is trying to obtain 2 grants to help with the purchase price.

#### DEPARTMENT HEAD STATEMENTS

Supervisor requested to address Finance Officer Agnello' s agenda items now.

Agnello is asking for two budget revisions, but a Resolution needs to be passed first.

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**Geiben MOVED the following Resolution**

**WHEREAS**, the Town of Lewiston approves the salary of all Town employees each year in its annual budget, and

**WHEREAS**, the salary of the Town Supervisor has been duly published and approved for the years 2020, 2021 and 2022 within the body of the Town's annual budget; to wit \$43,583 per year in 2020 and 2021, and \$44,455.00 per year in 2022, and

**WHEREAS**, the Town Supervisor has routinely waived a portion of the approved Supervisor's salary to remain in compliance with the retiree earnings limits as established under Section 212 of the New York State Retirement and Social Security Law, as modified from year to year, and

**WHEREAS**, it has come to the recent attention of the Town of Lewiston that above referenced retirement earnings limit had been temporarily suspended due to COVID-19 concerns for periods of time during the years 2020, 2021 and 2022 by an Executive Order issued by the Governor Andrew Cuomo's Office and as continued by Governor Kathy Hochul's Office, and

**WHEREAS**, under said Executive Order, the Town Supervisor would be entitled to collect his full salary for his position without violating the retiree earnings limit, and

**WHEREAS**, the Town Supervisor's salary had been reduced by \$330.00 per pay check over forty pay periods in 2020 and 2021, representing \$13,204.62 in waived salary over the period of the suspended retiree earning limit, and

**WHEREAS**, the Town Board of the Town of Lewiston desires to allow the Supervisor to collect that portion of his salary, previously waived, for the period defined within the above referenced Executive Orders,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Supervisor is hereby entitled to receive his previously waived salary on a retroactive basis in the following manner.

The Supervisor will receive 2 payments in pay period #11 in addition to his regular salary as follows:

2020 – 20 pay periods \* \$330.12 = \$6,602.31

2021 - 20 pay periods \* \$330.12 = \$6,602.31

The additional payments for 2022, a total of \$9,455.00, are being paid with his regular salary this year as per the current earnings limit suspension.

**Seconded by Morreale, Motion Carried 4 – 0.** Broderick Abstained

If anyone has any questions regarding this, reach out to Broderick.

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**Morreale MOVED the following budget revisions: transfer \$9,455.00 from Supervisor Personnel - A00-1220-0100-0000, to Waiver of Salary - A00-1220-0100-0001, and transfer \$22,696.00 from Fund Balance - A00-1000-0599-0000 to Supervisor Personnel - A00-1220-0100-0000, transfer \$51.00 from Recreation Contractual - A00-7310-0400-0000 to Ice Rink Contractual - A00-7310-0403-4403, transfer \$74,000.00 from Fund Balance - A00-1000-0599-0000, to Senior Center Equipment - A00-7630-0200-000, transfer \$550.00 from Engineering**

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**Firm - B00-1440-0440-0000, to PIP Engineering Contractual - B00-1440-0440-0100, Seconded by Jacoby and Carried 5 – 0.**

Highway Superintendent Trane requests to purchase a 2017 Roller for \$56,610. Town mechanics have gone to check it out.

Agnello said there is \$120,000 in the 2022 budget for the purchase of two rollers.

**Jacoby MOVED to approve the purchase of the 2017 Roller, Seconded by Morreale and Carried 5 – 0.**

Senior Director – Award Pool Table – Auctions International

Pool table put back on Auctions International last month due to the prior bidder forfeiting his bid.

**Geiben MOVED to accept the bid of \$510.00 for the Senior Center Pool Table, Seconded by Jacoby and Carried 5 – 0**

Recreation Director Cvijetinovic requests approval to hire Summer Recreation Aides / Umpires.

**Geiben MOVED to hire the following Recreation Leader P/T at \$13.20/hour – Lannon, Taylor; Bernstein, Jack; Recreation Aide P/T - Radke, Luke at \$13.20/hour and Waterstram, Tracie at \$13.50 along with the following Umpires at \$25/game – Staszczyk, Spencer; McIntyre, Michael; Burkett, Conner and Schmahl, Patrick, Seconded by Myers and Carried 5 – 0.**

Cvijetinovic reported registration for Summer Camp at Kiwanis Park is complete. There are approximately 65 kids. There is plenty availability at Sanborn Park.

Broderick moved to his Liaison Report – Recreation Director. Cvijetinovic was hired officially 90 days ago on the 29<sup>th</sup> of May, therefore Broderick makes the following motion:

**Broderick MOVED to increase Cathy Cvijetinovic – Recreation Director salary to \$51,000/year, effective May 29, 2022, Seconded by Geiben and Carried 5 – 0.**

Cvijetinovic thanked the Board.

APPROVAL OF MEETING MINUTES

**Morreale MOVED to approve Work Session – May 9, 2022 meeting minutes, Seconded by Jacoby and Carried 5 – 0.**

AUDIT PAYMENT

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**Jacoby MOVED to approve the Regular Abstract of Claims numbered 21-03710 to 21-03711 (2021) and 22-01207 to 22-01363 (2022) and recommend payment in the amount of \$312,801.85, plus a Post-Audit of \$14,063.79, Seconded by Morreale and Carried 5 – 0.**

PENDING / OLD BUSINESS - None

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Addition to Sanborn Fire Company Roster

**Broderick MOVED to add Herlan, Jonathan – Raymond Road to the Sanborn Fire Company roster, Seconded by Jacoby and Carried 5 – 0.**

**Broderick MOVED to add Amacher III, Lawrence – Raymond Road to the Sanborn Fire Company roster, Seconded by Myers and Carried 5 – 0.**

Court Officers

The Town approved the Police Union Contract, which includes Part-time Police Officers.

It has been Broderick's goal to mirror the Court Officers, who are Part-Time officers, to the Police Part-Time Police Officers. If the court needs a fill in, Police Officers are available.

**Broderick MOVED to have Town Court Officers salaries be the same as the Part-time Police Officers according to the Union Contract, Seconded by Jacoby**

Jacoby asked if they are on a scale. Broderick said yes.

**Carried 5 – 0.**

Legal – nothing

Engineering

Lannon updated the Board on the Water Improvement Project. There are a couple landscaping issues to be dealt with. Hope to close this project out by the June meeting.

COUNCILMAN GEIBEN

The Lewiston Bicentennial is moving along. Donations are still being collected and encouraged. It will be a full weekend of activities. Parade, bands, fireworks, and a lot of activities.

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COUNCILMAN JACOBY – Nothing to report

COUNCILMAN MORREALE

Sewer refund – Oak Run Drive – Masset

**Morreale MOVED to approve the sewer forgiveness for Masset – 528 Oak Run Drive in the amount of \$61.76, Seconded by Myers and Carried 5 – 0.**

Declare Excess Equipment / Place on Auctions International - WPCC

Water Pollution Control Center has five (5) items to be declared excess and be sold on Auction International.

**Morreale MOVED to declare the following excess and place on Auction International for sale: 1997 Chevy Truck Model 2500; 2006 Ford F350 Service Truck; Ford E350 Transportation Van; 1977 International Tractor Model 364 and 3 – 6” Trash Pumps, Seconded by Geiben and Carried 5 - 0.**

Essex Homes – Building Permits

The Town received a letter of request for permission to provide building permits. These permits are needed for subplot 7 and subplot 51 of Bridle Path Lane. A meeting was held with Tim Berger, Morreale, Jacoby, Lannon and Masters to discuss this. A punch list was created.

Discussion included no occupancy permits until after the road is built.

Masters said Essex Homes plan is to have all the punch items done by the June 27<sup>th</sup> meeting. Then move forward with the road dedication. The foundation for the homes will be in, but will be several months away from occupancy.

**Morreale MOVED to approve two (2) building permits for subplot 7 and subplot 51 of Bridle Path Lane, in The Patios at Essex Ridge Subdivision, Seconded by Jacoby**

Broderick has spoken to Masters extensively after the walk-through, and Broderick has no problem with this, must finish the punch-list before any occupancy or any additional building permits are issued.

**Carried 5 – 0.**

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Broderick said the Board typically has a Resolution prepared.

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Bax said the Board can make an oral motion to approve the design as presented with a roll call for approval. What happens with the Resolution, if there any negative comments they are added to the Resolution as part of the written document, to show the punch list items that are necessary before approval.

Lannon said they have put the temporary fence by the house, that was one item. The other is if the Board would consider recording an updated decommission bond at the time of the building permit.

Masters would add removal bond and the Pilot. All motions for other solar farms have been contingent upon Attorney/Engineering approval of the bond and the pilot. The motion must state Site Plan approval, Special Use Permit and the SEQRA completion.

Bax said the motion would be – approve the project as previously approved, subject to Attorney and Engineering approval, the negotiation of a pilot, the installation of a 320-foot temporary chain link fence for the house to the east of the project, updated decommissioning bond at the time of the building permit and removal bond.

**Morreale MOVED to approve the Sanborn Area Historical Society, Inc. – Borrego Solar Systems, Inc. – 2660 Saunders Settlement Road Special Use Permit and Site Plan Review, Seconded by Geiben**

Roll call: Councilman Geiben – yes  
Councilman Jacoby – yes  
Councilman Morreale – yes  
Councilman Myers – yes  
Supervisor Broderick – yes

**Motion carried 5 - 0**

COUNCILMAN MYERS - Nothing to report

RESIDENTS STATEMENTS

Maggard, Marjory – Today is the Building Inspectors Birthday.

**Geiben MOVED to adjourn meeting, Seconded by Jacoby and Carried 5 – 0, (6:53 pm)**

Transcribed and respectfully submitted by:

Donna Garfinkel