

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby R. Morreale & J. Myers (Zoom); Atty. A. Bax; Eng. B. Lannon; Hwy Supt. D. Trane; Bldg. Insp. T. Masters; Finance Dir. J. Agnello; WPCC Ch. Op. J. Ritter; Chief F. Previte; Water Foreman D. Zahno, Sr. Coordinator M. Olick; Rec. Dir. C. Cvijetinovic (Zoom); Historian M. Maggard; 1 Press (Zoom) and Dep. Clerk C. Schroeder

EXCUSED: Dep. Sup. W. Conrad

The Supervisor opened the Work Session followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA: Addition: Broderick: Executive Session re Consultation with Attorney and Personnel (no action to be taken). **Geiben moved to approve the Agenda, as amended. Seconded by Morreale and carried 5-0.**

MINUTES: **Geiben MOVED to approve the minutes of April 25, 2022 – RTBM. Seconded by Jacoby and carried 4-0.** Myers abstained.

ABSTRACT: **Jacoby MOVED to approve the Regular Abstract of Claims Numbered 22-01042 thru 22-01206 and recommended payment in the amount of \$514,549.20, plus a post-audit of \$7,908.42. Seconded by Morreale and carried 5-0.**

DEPARTMENT HEAD STATEMENTS:

Police: Chief Previte said he had an issue that will need to be resolved regarding body cameras. Officers do not have cameras on some calls. He is looking for a solution on that. Also, police will be assisting the schools with their class parades and graduations.

Building: Masters said his Deputy, Ed Zimmerman, has been keeping the Board abreast of improvements at Riverfront Park and Sanborn Park. The roof is finished on the Outfall Bldg. The doors are scheduled for installment next week. The windows are projected to be installed in July or August. The inside of bathroom at Sanborn Park is done. The plumbing and water heater are complete. The next item on the schedule is painting for both the Outfall Bldg. and bathrooms.

Highway: Supt. Trane asked approval to transfer \$60,000 from Fund Balance to Permanent Improvement. He spoke with the Finance officer and funds are available.

Jacoby MOVED to approve the transfer of \$60,000 from Fund Balance to Permanent Improvement. Seconded by Geiben and carried 5-0.

Trane asked the Board to approve the 284 Agreement to spend \$524,523.00 to be used for 2022 permanent improvement of certain Town highways and \$41,275.00 to be set aside to be expended for primary work and general repairs upon 10 miles of town highways.

Morreale MOVED to approve the 284 Agreement, as presented. Seconded by Jacoby and carried 5-0.

Recreation: The Director stated that baseball is underway and programs are being planned for Yoga in the Park and softball clinics.

OLD BUSINESS: None

NEW BUSINESS: The Clerk is in receipt of a notification from the Code Enforcement Officer, Chris McAuliffe, that the 2022 Annual Stormwater Report is available for review on the Town's website, on the Building Department page.

BRODERICK:

1. Legal: Resolution for EPG Grant. **Broderick MOVED the following Resolution: Authorization for Representative to Execute Grant Agreement**

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Lewiston 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 obligations under the Grant Agreement.

Authorization and Appropriation of Local Match

Local match is a minimum of 20% of the EPG grant award.

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Lewiston authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program (EPG) for the Phase 2 EPG Project. Under the EPG program, this local match must be at least 20% of the EPG grant award of \$30,000. The source of the local match, and any amount in excess of the required match, shall be provided by the Town's General Fund. The maximum local match shall not exceed \$6,000 based upon a total estimated maximum project cost of \$36,000. The Town of Lewiston Supervisor may increase this local match through the use of in kind services without further approval from the Town of Lewiston Town Board.

SEQR Determination (Type II)

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT:

RESOLVED that the Town of Lewiston hereby determines that the proposed Phase 2 EPG Project is a Type II action in accordance with 6 NYCRR Section 617.5(c) (cite the specific subparagraph or subparagraphs that apply to your project i.e., options (1) through (46)) which constitute(s) the (provide quotation of the text of the cited subparagraph(s)) above which apply) and is therefore not subject to further review under 6NYCRR Part 617.

Seconded by Geiben and carried 5-0.

Atty. Bax said he wanted to make sure the public was aware that originally this resolution was enacted in February. It is just a follow-up to the resolution that was already approved. It is a new resolution to approve funding to move forward. It is just the next phase.

Bax said there is a line that needs to be filled in at the bottom of the Resolution. He asked for an amendment to the motion on the Resolution to authorize the Supervisor to fill in that blank, after consultation with the Attorney and Grant Consultant. Bax thinks he knows which one subparagraph it's going to be but he would defer to Ms. Minor to see that they have the best chance of getting the grant.

Morreale MOVED to amend the motion on the Resolution to authorize the Supervisor to fill in the blank as to which option of 6 NYCRR Section 617.5(c) applies. Seconded by Geiben and carried 5-0.

2. Engineering: Lannon said the waterline project is almost complete. All that remains is ground restoration and road striping. They conducted a site visit earlier that day at the Stonehaven site. He is looking to schedule a Department Head walk-thru next week at Essex Ridge/Upper Mountain and Bronson, to get some of the administration items of that project closed out, in advance of dedication.
3. Finance: The Finance Director requested to process the following 2022 Budget Revisions:
 - a. A request to move \$75.00 to Parks Out of Dept. Ice Rink Personnel (A00-7110-0100-4403) from Recreation Seasonal Help Personnel (A00-7310-0100-0000) to cover Ice Rink Personnel expenses for removal of the Ice Rink.
 - b. A request to move \$3,850.00 to PIP Engineering Contractual (B00-1440-0440-0100) from Engineering Review Fee (B00-1000-2660-0100) to cover engineering fees paid by applicants.

- c. A request to move \$17,640.00 to Data Processing Contractual budget (B00-1680-0400-0000) from Contingency (B00-1990-0400-0000) to cover the annual purchase of cyber protection insurance.
- d. A request to move \$26,667.00 to General Repairs Personnel (DB0-5110-0100-0000), \$3,218.00 to Machinery Personnel (DB0-5130-0100-0000) and \$8,235.00 to Snow Removal Personnel (DB0-5142-0100-0000) with \$20,000.00 from General Repairs Contractual (DB0-5110-0400-0000), \$8,120.00 from Machinery Contractual (DB0-5130-0400-0000) and \$10,000.00 from Snow Removal Contractual (DB0-5142-0400-0000) to cover union contract retro personnel payments.

Geiben MOVED the budget revisions, as submitted. Seconded by Morreale and carried 5-0.

Agnello asked to process the budget revision necessary for the additional \$60,000 for the paving.

Geiben MOVED a request to transfer \$60,000.00 from the Highway Fund Balance (DB0-1000-0599-0000 to Permanent Improvement Contractual (DB0-5110-0400-0000. Seconded by Jacoby and carried 5-0.

Agnello noted the auditors will be on site beginning 5/23. They will be auditing the books of the Town, Town Clerk and Courts.

GEIBEN:

Seniors: Pool Table: Geiben said the bidder of the Pool Table has forfeited his purchase, as per the Auctions International guidelines.

Geiben MOVED to place the pool table again on Auctions International. Seconded by Morreale and carried 5-0.

Sealing & Striping of parking lot: Trane suggested it be micro-paved next year. They will get five years out of it.

Geiben MOVED to authorize the Coordinator to obtain quotes to power sweep, spot prime, trim grass from all sides of parking lot, paint line markings, paint access for disabled parking and arrows. Seconded by Jacoby and carried 5-0.

Geiben said it might be to the Town's advantage to have the contractors bid on the Town Hall parking lot at the same time.

Geiben MOVED to amend the motion to include the Town Hall parking lot. Seconded by Morreale and carried 5-0. Broderick recommended the Coordinator work with the Town Clerk on this.

Recreation: New Hires: **Geiben MOVED the following seasonal hires for the Summer Recreation Program and Concession Stand:**

Recreation Leaders P/T - \$13.20 p/h: Samantha Notarianni, Elijah Russell, Kendall Perrault, Emily Quider & Nick Carlo; Recreation Aides P/T - \$13.20 p/h: Sherry Schmahl & Nathan Russell.

Seconded by Morreale and carried 5-0.

JACOBY: Jacoby reported on the success of the Chivetta's Chicken BBQ Bicentennial fundraiser. He thanked all the volunteers who came out to help at this event.

Site Plan/Special Use Permit: The Planning Bd, on April 21, 2022, approved a Site Plan/Special Use Permit for the Sanborn Area Historical Society, at 2660 Saunders Settlement Road, SBL# 118.00-1-22.12, contingent on a temporary fence being installed for the neighbor at the corner of the driveway to last the duration of the entire construction phase.

Jacoby MOVED to schedule a Public Hearing on May 23, 2022 beginning at 6:00 p.m. on the Site Plan/Special Use Permit for the Sanborn Area Historical Society, located at 2660 Saunders Settlement Road, SBL# 118.00-1-22.12 based on the recommendation of the Planning Bd. Seconded by Geiben and carried 5-0.

MORREALE: Sewer Credits: **Morreale MOVED to approve sewer credits (pools) to Pat Desimone, Elliott Dr., in the amount of \$31.08 and to MaryAnne Genovese, Tyron Dr., in the amount of \$59.31. Seconded by Jacoby and carried 5-0.**

MYERS: Nothing to report.

PRIVILEGE OF THE FLOOR –

Matt Murnyack, 708 Ridge Rd, said it's been discussed that there are not enough small business areas in the Town. Since Covid, more and more people are working from home. Small business owners are working out of their homes. Maybe at some point, the Town will address this and do something about it.

The second thing, Mr. Jacoby just mentioned a Special Use Permit. I was told the Town does not do Special Use Permits. Maybe, at a later point, you can explain to me why the Town has a zero-tolerance policy on Special Use Permits, yet, we are approving a Special Use Permit.

The Building Inspector was asked to address this. In the district regulations, Masters said there are allowed uses, R-1 thru I-2, and then, in every district what is allowed in the district by Special Use Permit. If you turn to that page, it will tell you what the criteria is for a Special Use Permit. The Solar Law, which Mr. Jacoby just cited, a Solar Farm is by Special

Use Permit per our law. It isn't that Special Use Permits aren't allowed period, it's only Special Use Permits that are listed in the law. The way the Town used to do it was if you wanted to do basically anything, you would go to the Zoning Board of Appeals. In our old law, the red book, if you wanted a Special Use Permit, there were no qualifiers or definitions. You would just go to the ZBA, apply for a Special Use Permit they would issue one. That was for the lifetime of the owner, unless revoked. We have a few of them out there, historically. In 2012, the Town Board eliminated the Zoning Board from doing that. Now, only Special Use Permits listed in the law are what is allowed.

John Murnyack, 716 Ridge Rd, understands what's being said when it comes to Special Use Permits, but The Town Board is the one that makes the rules. Rules were changed in 2012. Laws need to be re-visited, occasionally, on whether things still apply. The Town Board makes the rules. You're the final judge. There are conditions here in this town, after talking with property owners and problems they had. I believe some of these rules should be re-visited to either make an adjustment on the Special Uses or stand the way it is. I don't know if you have any plan that every so often you go thru the laws or is 2012 Gospel. There are too many things this town is involved in. Some of these laws may not apply as rigidly as they were thought of in 2012. I believe it is up to the Town Board to address that. There are a number of property owners, besides my son, that are affected by the code the way it is written. Mr. Masters is enforcing what was passed in 2012.

Geiben MOVED to enter into Executive Session re Personnel and Consultation with Attorney. Seconded by Jacoby and carried 5-0. Time: 6:29 p.m.

Executive Session: Present: Broderick, Geiben, Jacoby, Morreale, Myers (Zoom), A. Bax, J. Agnello & A. Smith. Minutes transcribed by A. Bax

Issues Discussed: 1) Possible Union Negotiations, 2) Contract Negotiations w/ Attorney

No action taken.

Geiben MOVED to exit Executive Session and adjourn Work Session. Seconded by Jacoby and carried 5-0. Time: 7:05 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

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