

October 17, 2024

TOWN BOARD WORK SESSION

5:30PM

PRESENT: Supervisor S. Broderick; Councilmembers R. Morreale & J. Myers; Dep. Sup. W. Conrad; Atty. A. Bax; Police Cpt. M. Salada; Finance Director J. Agnello; Water Foreman D. Zahno; Eng. B. Lannon; Rec. Director T. Smith; Sr. Coordinator M. Olick; Assessor N. Fiutko; Historian M. Maggard; 1 Press (NG); 9 Residents; Deputy Clerks T. Burns & B. Cogland

ZOOM: WPCC Ch. Op. J. Ritter; 1 Press (Sentinel); 2 Residents

EXCUSED: Councilmembers J. Jacoby & S. Weachter; Hwy Supt M. Zahno, Bldg. Insp. T. Masters

Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of Silent Reflection.

Broderick said Councilmembers Jacoby and Waechter are unable to attend tonight's meeting. As a result, as far as the Environmental Commission, there will be no decision tonight out of respect for them not being able to attend.

AGENDA Additions: Morreale: Funding for Senior Center should be funding for Treatment Plant.

Morreale MOVED to approve the agenda, as amended. Seconded by Myers and Carried 3-0.

APPROVAL OF MINUTES

Morreale MOVED to approve the minutes of 09/23/2024 WS. Seconded by Myers and Carried 3-0.

ABSTRACT

Myers MOVED to approve Regular Abstract of Claims Numbered 24-02557 thru 24-02804 and recommended payment in the amount of \$969,305.16, plus a post-audit of \$16,163.36. Seconded by Waechter and Carried 3-0.

OLD PENDING BUSINESS –

There were many residents who signed in for the Public Hearing, Broderick asked each resident if they wanted to speak on the Environmental Commission Public Hearing. Each resident responded that they were here tonight to speak on a different issue.

Morreale MOVED to close the Public Hearing. Seconded by Myers and Carried 3-0. 5:35 P.M.

NEW BUSINESS - None

DEPARTMENT HEAD STATEMENTS

Clerks Office

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Our contract with Auctions International expired. Attorney Bax looked over the new contract and approved it.

Myers MOVED to approve the contract with Auctions International. Seconded by Morreale and Carried 3-0.

Myers MOVED for approval for Supervisor to sign said contract. Seconded by Morreale and Carried 3-0.

Water Foreman D. Zahno

The Water Department has been out winterizing fire hydrants, fixing hydrants and water breaks.

Zahno said they have been trying to assist Gate of Heaven Cemetery with finding a major water leak they have on their property and were unsuccessful. A company with special equipment will have to be called in to help them find the leak.

SUPERVISOR BRODERICK

Gate of Heaven Cemetery received a large water bill due to a major water break on their property. Broderick and Burns worked with the Niagara County Water District to figure out what we could do. We analyzed the cost of the water bill to the town, and came up with the amount of \$4,000 to settle the cost. Attorney Bax said we are doing this because the Cemetery is not for profit. This is not a modification to our normal policy on residential water leaks. Broderick said that towns are allowed to assist cemeteries because if a cemetery ever went bankrupt, the Town by law is required to take over that cemetery. We do not want to get into a multi-cemetery business at the Town of Lewiston. We have the Dickersonville Cemetery which keeps us busy enough. This adjustment will be no cost to the Town of Lewiston tax payers.

Morreale MOVED to approve the adjusted \$4,000 water bill to Gate of Heaven Cemetery. Seconded by Myers and Carried 3-0.

Assessor Fiutko submitted a letter to the board. Andrew Nicols is a State Certified member of the Assessment Review Board and his term expired on September 30, 2024. Nicols has been a competent member and Fiutko is requesting the re-appointment of another term effective October 1, 2024 to September 30, 2030.

Broderick MOVED to re-appoint Andrew Nichols to the Assessment Review Board, term to expire September 30, 2030. Seconded by Myers and Carried 3-0.

At the last Board Meeting, Amy Smith was appointed as Acting Town Clerk. Now therefore, it be resolved, that Amy E. Smith, is hereby appointed to the positions of Registrar, Records Access Officer (FOIL), Records Management Officer, Tax Collector & Dog Control Officer for the Town of Lewiston, effective immediately.

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Broderick MOVED to appoint Amy E. Smith to Registrar, Records Access Officer (FOIL), Records Management Officer, Tax Collector & Dog Control Officer, effective immediately. Seconded by Morreale and Carried 3-0.

Legal:

Every four years, the Town has to enter into a Snow and Ice Agreement with the State of New York. The Town forces take care of some county and state roads and the Town gets reimbursed on a per mile basis. This contract covers that.

Myers MOVED to approve the Snow and Ice Resolution/Agreement and MOVED to have Supervisor sign said Agreement. Seconded by Morreale and Carried 3-0.

Engineering:

Broderick presented a proposal from GHD, Morgan Drive Relief Sewer, for a field investigation phase for borings and a topographical study for the possibility of running a new sewer line down Vrooman Road from Morgan Drive to Dutton Drive. This study will cost \$16,700 and will be funded from H97.

Broderick MOVED to approve the proposal from GHD as presented. Seconded by Morreale and Carried 3-0.

Broderick presented a proposal from GHD for a Water Storage Tank Accessory Building Improvement Project. The proposal provides a scope of work on repair for the building that is in need of repairs, some of them ordering on emergency repairs. The cost is \$28,700 and will be funded from H97. This is to design hazardous material assessment and put the job out to bid.

Morreale MOVED to approve the proposal from GHD as presented. Seconded by Myers and Carried 3-0.

Finance:

The Finance Director asked for approval to process the following 2024 budget revisions:

1. A request to move \$5,000 to Recreation Seasonal Help - A00-7310-0100-0000 from Contingency budget - A00-1990-0400-0000, to cover Personnel expenses.
2. A request to move \$125 to Bank Charges budget - A00-9903-0000-0000 from Contingency budget - A00-1990-0400-0000, to cover wire transfer fees.
3. A request to move \$31,500 to Police Equipment budget – B00-3120-0200-0000 with \$6,500 from Police Contractual budget – B00-3120-0400-0000 and \$25,000 from Contingency budget – B00-1990-0400-0000, to cover police car equipment expenses.

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4. A request to move \$1,000 to Medicare budget – B00-9020-0800-0000 from Unemployment Insurance budget – B00-9050-0800-0000, to cover Medicare expenses.
5. A request to move \$1,200 to Social Security budget – B00-9030-0800-0000 from Disability Insurance budget – B00-9055-0800-0000, to cover Medicare expenses.

Myers MOVED for approval as presented. Seconded by Morreale and Carried 3-0.

The Town of Lewiston currently does not have a Grant Writer. Agnello reached out to Municipal Solutions, a company who has done financial work for us for many years in the past. They have a grant writing portion to their company that we would like to hire to assist us with obtaining grant funding for the Town in a professional matter.

Morreale MOVED to accept the presented proposal with Municipal Solutions and have the Supervisor sign said proposal. Seconded by Myers and Carried 3-0.

Broderick said this agreement is an as needed proposal. The Town of Lewiston does not pay a yearly rate.

Recreation Director Smith

Smith said next Saturday the department will be doing their Trunk-or-Treat at the Senior Center. The center will be turned into a haunted house.

Broderick read a letter of resignation from Nicole Short, Recreation Clerk, effective October 25, 2024.

Morreale MOVED to accept the resignation of Nicole Short, with regret, effective October 25, 2024. Seconded by Myers and Carried 3-0.

Senior Coordinator Olick

Olick said the Senior Center will be having a Halloween party on October 29th. They will be awarding prizes for a costume contest.

COUNCILMAN MORREALE

Morreale presented a sewer forgiveness request for a new pool located at 5095 Dana Drive in the amount of \$95.23.

Morreale MOVED to approve the sewer credit in the amount of \$95.23. Seconded by Myers and Carried 3-0.

Lewiston Town Hall is in need of a new roof-top furnace. The Town tried to obtain prices for a new one and only received 2. Morreale is requesting the Town goes out to sealed bid for the new furnace.

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Morreale MOVED to hold a sealed bid for a new roof-top furnace at Town Hall. Seconded by Myers and Carried 3-0.

Morreale tried to have the furnace fixed so the cost would be less expensive. The furnace stopped working the other day and Steve's Heating and Cooling got it back up and running but the unit needs to be replaced.

Last meeting, the Board approved window replacements at the Water Pollution Control Center. The funding will come from the H98 fund.

Myers MOVED to approve the funding for the windows at the WPCC to come from H98. Seconded by Morreale and Carried 3-0.

The Water Pollution Control Center is in need of a new roof. Ritter received 3 bids for this project. Grove Roofing bid \$36,560, Blue Ox bid \$21,896 and Danny Thompson Roofing bid \$12,500.

Morreale MOVED to approve Danny Thompson Roofing's bid of \$12,500 from H98 for the roof at the WPCC. Seconded by Myers and Carried 3-0.

There are 19 decorative lights on Buffalo Street in Sanborn that the Town of Lewiston owns. We've been in negotiations with National Grid for them to take them over and maintain them. There is a maintenance issue with the lights and they will need to be replaced. National Grid has agreed to take them over and eventually switch them to LED lights.

Morreale MOVED to approve the presented Agreement with National Grid and have the Supervisor sign said agreement. Seconded by Myers and Carried 3-0.

COUNCILMAN MYERS

The Planning Board met in regular session on September 19, 2024 and reviewed a two-lot subdivision from Mark and Julie Kowalski, on Langdon Road, SBL 75.00-2-11.11. The Board classified this as a minor to be treated as a minor. The Planning Board recommends a negative declaration with regard to SEQRA. The Planning Board recommends approval of the subdivision as presented.

Myers MOVED to accept the negative declaration. Seconded by Morreale and Carried 3-0.

Myers MOVED to approve the subdivision as presented. Seconded by Morreale and Carried 3-0.

Bhavdeep Singh owns property located at 2938 Saunders Settlement Road. The property is currently zoned as a TND and Singh is requesting to rezone this lot to a business. Singh filed a variance and it was denied. Across the street is the Town of Cambria, there is a restaurant built on the lot that was originally denied and then a year later approved by Cambria. Singh said the restaurant would bring in revenue. Broderick said the Town will look into this.

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Myers read a letter of request to approve 6 seasonal hires for the Recreation Department for the Fall/Winter Recreation Season. They will start their hours on November 24, 2024.

Myers MOVED to approve Owen Feistel, Julian Jenosheck, Madylynn Waldeck, Victoria DiCarlo, Gabrielle Casale Jr., & Abby Zimmerman at \$15.50/Hr. for the Fall/Winter Season, starting 11/24/24. Seconded by Morreale and Carried 3-0.

Myers read a letter of request to approve a temporary clerk hire in the Recreation Department for Fall/Winter Recreation Season starting their hours October 22, 2024

Myers MOVED to approve Cindy Marcoaldi at \$16.50/Hr. for the Fall/Winter Season, starting 10/22/2024. Seconded by Broderick and Carried 3-0.

Broderick said the Town looked at doing some heavy repairs and improvements at the Kiwanis Park concessions building. Ed Zimmerman led that charge and put it out to bid. The Town only received one bid and it came in higher than expected. The Town needs to consider what we need to do with that building. There will not be any action as of right now.

The Sanborn Historical Society has their ham dinner Saturday. They will have their regular meeting scheduled for October 22nd. The speaker series program will be The Niland Brothers of Tonawanda presented by Preston Niland, first-hand account of sacrifices during WWII. The public is welcome.

Broderick said Lewiston #2 Fire Company will be having their annual meat raffle on Saturday at 6.

Broderick read a letter from Paul & Candy Swisher and all Carriage Lane residents. “Thank you very much for repairing the pavement and curb concrete on the corner of Carriage Lane and Paddock Lane in Saddlewood Development. Your crew did an outstanding job and were friendly and amiable throughout the process. If you guys are ever thirsty on a hot day, or even a cold day, ring the bell and well set you up with a cold “bottle of water”. It doesn’t get any better than that.” That was to Mitch Zahno and Jeff Cosgrove.

Richards, Thomas – Griffin Street

Richards said they’re talking about building a restaurant behind his house. He does not want that. Richards has owned his house for 34 years and there used to be a house there. He doesn’t want the traffic, there are already accidents happening. This is a residential area, not commercial property.

Cowen, Walter – Townline Road

Cowen lives next door to the vacant lot that Singh wants to put a restaurant on. Cowen bought his house 2 years ago and the plaza in Cambria already impacts the value of his home but there’s nothing that can be done about that. A drive-thru restaurant will cause issues with noise, maybe problems with rats. The traffic is going to be unbelievable. Cowen is opposed to this. It’s going to cause a lot more problems and Cowen doesn’t want his property impacted more than it already has been.

Davis, Andrew – Townline Road

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Davis has spoken to the council before regarding the illegal businesses at 5368 Townline Road. Now they are inviting additional businesses. Food Trucks and a Tiki Bar that is run by a Niagara County Legislator on the Seventh District representing North Tonawanda. He advertises for the Niagara Pumpkin Farm. This is another business they are inviting in. They're planning on having a vendor fair on October 27th and charging \$100 for a 10x10 space. They're inviting a woman running Haunting Esthetics, LLC, which is a Halloween themed adult entertainment.

This is a family farm and they're supposed to be promoting agriculture. Andrews used to enjoy Halloween and loved trick or treating and trunk-or-treats. Since this business moved in three years ago, Andrew's quality of life has gone downhill. Putting up with the pollution, wind blow trash, millings they're dumping on the farmland because of the rain and the mud. The noise is still getting worse. The chainsaws, blowhorns, creature sound effects, screaming, howling, evil laughter on loud speakers. "We used to have a quiet neighborhood."

Andrews said the safety is a huge issue. All the traffic on the state highway is unsafe. There was a head on accident right in front of their house. People are trying to get in and out of this business on residential land. Niagara Pumpkin Farm hired a guy to waive a red flashlight on the shoulder of this State Highway to try and invite people in. People are hitting their breaks to stop. This is unsafe and they are endangering the public. There are vehicles doing U-turns in residential driveways because the traffic is so bad. This should have been put in a business zoned area or on Clifton Hill in Canada. Andrews asked the Board "would this be stopped by now if it was next to your home?" "The business is claiming agritourism to operate a haunted attraction. Nothing more. Nothing less. Please stop this."

Morreale MOVED to adjourn. Seconded by Myers and carried 3-0. 6:05 P.M.

Transcribed and
Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk

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