

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax (6:10 pm), W. Geiben, J. Jacoby & J. Myers; Dep. Sup. W. Conrad; Finance Director J. Agnello; Atty. B. Seaman; Eng. B. Lannon; Water Foreman D. Zahno; Highway Supt. Trane; Dpt. Highway Supt. Christman; Parks & Recreation Director Dashineau; 1 Residents and Clerk D. Garfinkel

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

AGENDA APPROVAL

Geiben MOVED to approve the Agenda, Seconded by Myers and Carried 4 – 0.

DEPARTMENT HEAD STATEMENTS

Town Clerk Donna Garfinkel

Auctions International Contract - The Town contracts with Auctions International to handle auctions of surplus items. Garfinkel is requesting approval and to authorize the Supervisor to sign.

Geiben MOVED to approve and authorize the Supervisor to sign the Auctions International Contract, Seconded by Jacoby and Carried 5 – 0.

SPCA Contract Approval - The contract is renewed yearly. A copy had been forwarded to T. Seaman. Garfinkel is requesting approval and to authorize the Supervisor to sign.

Geiben MOVED approval as presented and authorize the Supervisor to sign the SPCA Contract, Seconded by Bax and Carried 5 – 0.

Highway Superintendent David Trane

Mechanic Hire - Trane requests Board approval to hire a Mechanic to start in 2021. It was discussed at the Budget meetings. This will be a cost savings for all departments, to allow for repair / upkeep of the Town's fleet.

Seaman said the Mechanic position needs to be created then authorize Trane to fill the position.

Jacoby MOVED to create the position for Mechanic in the Highway Dept., Seconded by Geiben and Carried 5 – 0.

Jacoby MOVED to authorize Trane to begin the process of hiring a Mechanic for the Highway Dept., Seconded by Bax and Carried 5 – 0.

Trane said Town Hall parking lot will be complete within the next couple of days. Clerk Garfinkel thanked Trane for the great job.

Parks & Recreation Director Mike Dashineau

Ice Rink Update – At today's Budget meeting it was suggested there be no rink this year, with Covid issues, revenue not being there, and last year's losses for the tent. It is being looked at for next year. The Town will have to fund this. Dashineau said the 2021 – 2022 operation will depend on what the Village does with the stage.

Dashineau said the total cost of operation for the Ice Rink going forward will be different. There are additional obstacles. The Village removed the bleachers, dug out a significant portion of the rink area, as well as the concrete that is used as a level. Sand would have to be brought in again. This will raise the cost of construction and restoration.

The warming tent is sealed. Air comes from the outside in, when it is heated up. That is not the ideal atmosphere for our current situation. There is no way to get air-flow through without freezing up the roof and risking another roof collapse. The rink would run without the tent, which is the big money maker, wiping out a huge portion of revenue, making it risky to make a profit.

Broderick said the Town has offered no other Recreation programs this summer, and hates to do this but it just can't be offered.

ABSTRACT APPROVAL

Jacoby MOVED to approve the Regular Abstract of Claims numbered 20-00979 to 20-01099 and recommend payment in the amount of \$192,128.14, plus a Post-Audit of \$6,507.58, Seconded by Geiben and Carried 5 – 0.

APPROVAL OF MINUTES – 9/28/2020 – Regular Town Board Meeting

Geiben MOVED to approve the Regular Town Board meeting minutes of September 28, 2020, Seconded by Myers and Carried 4 – 1. (1 abstention – Bax)

SEWER REFUNDS

Bax MOVED to approve the following sewer refunds: Quarantello – 787 Raymond Drive in the amount of \$83.66; DeMunda – 4795 Creek Road in the amount of \$68.87; Beyer – Hoover Road in the amount of \$40.99, Seconded by Geiben

Bax said it was noted in Beyer's request a second filling was needed, but Ritter believes only the first fill is appropriate given the Town policy.

Carried 5 – 0.

FIRE COMPANY ROSTER ADDITION / DELETION - Upper Mountain Fire Co.

Bax MOVED to remove Kraft, Shawn – Roselle Avenue and Colins, Jordan – James Avenue, from the Upper Mountain Fire Co. Roster, Seconded by Jacoby and Carried 5 – 0.

Bax MOVED to add Justyk, William – James Drive to the Upper Mountain Fire Co. Roster, Seconded by Geiben and Carried 5 – 0.

Bax MOVED to remove Wilson, Kevin – Norwood Ave. from the Upper Mountain Fire Co., Seconded by Geiben and Carried 5 – 0.

FIRE DISTRICT CONTRACT

Broderick received a letter from the Fire Companies, dated August 14, 2020, which reads as follows: The Fire Protection Service Agreement that is currently in place for each of the four Fire Company's within the Town of Lewiston is set to expire on December 31, 2020. In light of the COVID-19 pandemic, the volunteer fire companies that service the Town of Lewiston have agreed to and would like to offer extending the terms and conditions of our 2020 contract through December 31, 2021.

Seaman said this requires a Public Hearing. This can be done in conjunction with the Preliminary Budget Public Hearing.

Bax MOVED to schedule a Public Hearing for the Fire Protection Services Agreement for the four Fire Company's within the Town of Lewiston, for November 5, 2020 at 6:00 pm, Seconded by Jacoby and Carried 5 – 0.

RIVERFRONT PARK

Engineering Proposal – GHD presented/distributed the Engineering Proposal at the last meeting.

Broderick MOVED to approve the Engineering Proposal submitted by GHD to move forward with the Lower River Road Park, Seconded by Geiben and Carried 5 – 0.

General Concept Plan Approval – This plan (picture) dated 4/14/2020, project #11137156, Revision – 4, is a design of what the park may look like. Broderick said the Plan is located at the Town Hall.

Broderick MOVED to approve the General Concept Plan dated 4/14/2020, Seconded by Jacoby

Jacoby asked if this is based on the meeting held at the Senior Center. Broderick said yes, and it has also been reviewed by the Town's Parks & Recreation Advisory Committee.

Carried 5 – 0.

SOLAR LAW

Seaman said this has been in the works for quite some time. The Board received a draft of the proposed amendments. Some of the amendments are: Clarifications as to what applies to ground mounted; Increase some set back requirements; Required screening and vegetation plans surrounding the entire system along with a two years growth and five years growth and plants are to be native to Western New York so as to promote pollinators, bees, wildlife etc.; Provide clarified mechanism for the Building Inspector to yearly inspect the systems, including the screening and vegetation plan; Batteries are limited to the industrial districts.

This will be a Type 1 SEQRA Action and require coordinated review, which generally takes 30 days minimum. Notice needs to be sent to the necessary agencies for their input.

With the time-line, and the time to do the SEQRA, the present Solar Moratorium will expire. Seaman suggests the Board extend the Moratorium for an additional two (2) months. The Board needs to introduce the Local Law to extend the Moratorium and schedule a Public Hearing.

Jacoby MOVED to introduce the following Local Law to extend the Moratorium for an additional two months and schedule a Public Hearing for October 26, 2020 at 6 pm:

A Local Law Extending a Moratorium on Utility-Scale Solar Energy System Installations within the Town for an Additional Period of Two Months

Be it enacted by the Town Board of the Town of Lewiston as follows:

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to amend the Code of the Town of Lewiston to extend the time period of the Moratorium on Utility-Scale Solar Energy System Installations within the Town, which was established by Local Law No. 4 of the Year 2019, and which was then extended by Local Law No. 2 of the Year 2020, for an additional period of two months. This Local Law is intended to incorporate Local Law No. 4 of the Year 2019, and Local Law No. 2 of the Year 2020 in all respects except for the extension of the Term.

SECTION 2. FINDINGS.

The Town of Lewiston Town Board does hereby find that an extension on the moratorium is necessary because the Town is considering altering certain uses related to solar energy systems within certain zoning districts within the Town, and as such, coordinated review under SEQRA is recommended. The extended moratorium will allow the Town Board the necessary time to fully comply with SEQRA and to consider that adequate restrictions and regulations are placed as may be necessary to promote and preserve the health, safety and welfare of the Town of Lewiston and its citizens.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY.

For the period of two (2) months, commencing on the effective date of this Local Law, or until such time as the Town of Lewiston passes a Local Law concerning utility-scale solar energy systems, whichever is sooner, there shall be a moratorium on the processing, permitting, and/or construction of utility-scale solar energy systems within the Town of Lewiston, outside of the incorporated Village of Lewiston. This moratorium shall not affect any existing or proposed building-mounted, ground-mounted, rooftop-mounted or any other solar energy system that is designed and intended to generate electricity solely for use on an individual lot. Additionally, this

moratorium shall not affect any processing, permitting, and/or construction of any utility-scale solar energy systems within the Town that have already received Town Board approval prior to the effective date of this Local Law.

SECTION 4. TERM.

This law shall take effect immediately, as provided by the law, upon filing with the Secretary of State and shall remain in full force and effect for a period of two (2) months from its effective date.

SECTION 5. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

Seconded by Bax and Carried 5 – 0.

CLEAN ENERGY COMMUNITIES

Geiben met with Jason Kulaszewski regarding grants for the Senior Center. Between him and Town Grant Writer Miner, it has been determined the Town does not qualify for grants for the windows & doors at the Center.

Kulaszewski spoke of the Clean Energy Policies and the Town is at the Bronze level. If the Town can achieve this classification it will help with grants in the future.

TRICK – OR – TREAT HOURS

Geiben said the Governor has left this up to local communities.

Bax MOVED to hold Halloween on October 31, 2020 from 4 pm – 7 pm, Seconded by Myers and Carried 5 – 0.

BUDGET REVISIONS

Agnello forwarded the revisions to the Board and is requesting approval.

Geiben MOVED the following Budget Transfers: Transfer \$3,000 from Junior Accountant Personnel - A00-1310-0100-0001 to Budget Officer Contractual - A00-1310-0400-0000; Transfer \$280 from Town Clerk Contractual - A00-1410-0400-0000, \$150 from Dog Control Equipment - A00-3510-0200-0000, \$600 from Dog Control Contractual - A00-3510-0400-0000, and \$150 from Dog Control Gasoline - A00-3510-0400-3510 for a total of \$1,180 to Town Clerk Equipment - A00-1410-0200-0000; Transfer \$1,000 from Registrar Contractual - B00-4020-0400-0000 to Registrar Equipment - B00-4020-0200-0000, Seconded by Jacoby and Carried 5 – 0.

The Board received updated Town Logo's. Maggard received approximately 5 responses from residents regarding them.

There is an opening on the Historic Preservation Commission.

Jacoby MOVED to appoint Louise Wasko to the Historic Preservation, term expiring December 31, 2027, Seconded Geiben and Carried 5 – 0.

RESIDENT STATEMENTS – No one wished to speak

Geiben MOVED to enter into Executive Session for Attorney Consultation, Seconded by Jacoby and Carried 5 – 0. (6:45 pm)

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & J. Myers; Dep. Sup. W. Conrad; Finance Director J. Agnello; Atty. B. Seaman

Town Board Work Session

October 15, 2020

6:00 pm

No Action Taken

Bax MOVED to exit Executive Session and adjourn meeting, Seconded by Jacoby and Carried 5 – 0. (6:59 pm)

Transcribed and respectfully submitted by:
Donna R. Garfinkel, Town Clerk