

September 23, 2024

TOWN BOARD MEETING/PUBLIC HEARING

6:00PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Jacoby, Councilman R. Morreale, J. Myers & S. Weachter; Dep. Sup. W. Conrad; Atty. A. Bax; Police Ch. F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Water Foreman D. Zahno; WPCC Ch. Op. J. Ritter; Eng. B. Lannon; Rec. Director T. Smith; Sr. Coordinator M. Olick; Dep. Hwy Supt J. Cosgrove; Historian M. Maggard; 1 Press (NG); 43 Residents; Deputy Clerks T. Burns & B. Cogland

ZOOM: 1 Press (Sentinel); 2 Residents

EXCUSED: Hwy Supt M. Zahno

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

Clerk read legal notice into record.

**NOTICE OF PUBLIC HEARING
TOWN OF LEWISTON**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston, Niagara County, New York, on the 23rd day of September, 2024 commencing at 6:00 p.m. at the Town Hall, 1375 Ridge Rd, Lewiston, NY, on the adoption of “A Local Law Terminating the Environmental Conservation Commission and Creating the Planning and Environmental Review Board.”

Said law is intended to eliminate the Town of Lewiston Environmental Conservation Commission and to rename and redefine the current Town of Lewiston Planning Board as the Planning and Environmental Review Board together with establishing all appropriate authority therein.

The complete text of said Law is on file at Office of the Town Clerk and is available for review by any interested person during business hours. At such Public Hearing, all persons interested, who wish to be heard, will be heard.

Dated: September 9, 2024

Henderson, Tim – Oneida Street

Henderson lives in the Village and about 30 years ago, when he started working for the Town, there was a Local Ordinance on the books that limited the height of a landfill to about 30 feet. This landfill ignored the Ordinance and it's about 70-80 feet. There was no mechanism for enforcement and they wound up paying a small fine. To a multimillion-dollar company that has fines in their budget, it was nothing. This prompted the establishment of the Environmental Commission in 1991. Since then, as far as Lewiston's environment goes, nothing has really changed. If anything, there's been more challenges.

To dissolve the commission at this time would be ill-advised and is sending the wrong message to the waste industry. They would love to make things easier for them. Henderson is totally against the dissolution of the Environmental Commission.

September 23, 2024

Knowles, Richard – Riverwalk Drive

The Environmental Board has been around a long time and accumulated a lot of history, knowledge and details. Knowles was previously a Plant Manager at the DuPont Plant in Niagara Falls and is aware the environmental issues in Niagara County are very tough and there is a lot going on. This County has more environmental problems than most other counties. At one time, the Department of Environmental Protection in the state was not doing any soil sampling in Niagara County because they were afraid they were going to find contamination everywhere. Lewiston has a Board that has knowledge and has people interested. If we move that over to another group of people, they'll have to bring them up to speed, they won't have the knowledge. You're going to have a group of people that are relatively uninformed dealing with great big corporations.

Knowles has done a lot of reading about the history of the way lobbying goes in Washington D.C. The lobbyists for the big companies come in and talk to people like yourselves. Its beyond just education. Big campaign contributions for people who are on their side. Knowles hopes the Town Board is not getting into that ugly pattern because that'll spoil our community. The Board has to vote for the health and safety of the people here in our county and community, not help the big companies get what they want. They have plenty of resources. It is in the best interest of the Town to continue with the Environmental Commission as it is now. With people who know what's going on, who are dedicated, who put in a lot of effort and who will make good effort to improve the health and safety of those in our Town.

Plant, Mary – Florence Drive

Plant has lived in the Town of Lewiston for many years and in that time, has seen a lot in terms of things she was concerned about. Plant marched and picketed with a group called "Roll" to protect the environment. "I'm not saying that is going to happen again but I see no reason that when have a commission doing their job and that's there to protect, why anyone would want to disband it." Today, the environment is in a lot of trouble and not just here, all over the country. Plant hopes we do not go backwards and we continue to try to meet what's coming head on.

Swearingen, Wendy – Elliott Drive

Swearingen was reading over the proposal and didn't see any data. Why is this happening? Especially at this very extremely fragile time in Lewiston. Swearingen was on the Lake Ontario Ordinance Action Committee and spent a lot of time trying to get the uranium cleaned up from behind our school. At this time, we need not just a committee but we need "belts and suspenders". We need legal arm and advisory arm. We can't be up against all of the environmental degradation we've suffered for decades. "It's a bad look to try and disband something when we really desperately need environmental knowledge and inspiration for Lewiston."

Davy, Brock – Meadowbrook Drive

Davy has been a member of the Environmental Commission for the last 8 years and is against the dismemberment of it. The commission serves as very vital function and is an active commission. Lewiston is home to toxic matters such as the removal of radioactive material from the Manhattan Project, Modern Disposal, and the Chemical Waste Dump that are all very close to the Lewiston-

September 23, 2024

Porter Schools. These are things that need oversight. Davy said the commission has not been given the authority they need to be as proactive as they want to be. The administration has given no feedback of authority to the commission. Davy believes that the Board should discuss expectations of the commission with them and allow them the power to carry out necessary actions when dealing with these environmental challenges. After all, it is important. The commission is here, they care. The Board is not granting sufficient authority to the commission nor effectively communicating with them.

Davy insists the commission is worth having and should not be disbanded due to a “lack of performance” concern of the Board. Reshaping the commission to a mere review board is in no way in the best interest of our community. The commission was quite active before the passing of Jerry Wolfgang and admits there has been some struggle since, with direction and effectiveness, with the commission trying to move forward with things he handled so well. Davy would appreciate that be taken into consideration and for the Board to discuss and work together with the commission rather than eliminate it altogether.

Gallo, Mark – Ridge Road

Gallo has been a resident of the area for the past 29 years and has lived in the village of Lewiston and now lives in the town of Lewiston in Ransomville. Gallo has a Ph.D. in Biological Science and is a landowner of 160 acres, with some open fields, land in early successional growth, and mature deciduous hardwood forest with a diverse species of trees. Gallo is also a current member of the Planning Board and the Environmental Conservation Commission.

Our climate is influenced by where we live. We have Niagara Falls, The Great Lakes, we're in a great area. Land Use and modification within that water shed is something we need to be concerned about. An environmental commission is important for that reason. For the greater good of our community. What can we do?

Protect our local natural resources. A number of years ago, they built Pletcher Park. Gallo's concern was, is it safe for children to be on that field? Gallo did what a scientist would do and experimented. He went out there with Petry Dishes and captured to see if there were any aerosols that were produced by the Waste Water Treatment Plant. It's important that these things are measurable and its one of the things the community needs to do to be informed.

Ensuring compliance with state and federal regulations. We have a planning board and they do a wonderful job with this. They always look for SEQRA designation. Every one of these has been thoroughly addressed by people like Tim Masters and the rest of the people on the Commission so far. Gallo is impressed.

Long term sustainability issues in this area. The natural beauty here is undeniable. We have all sorts of reasons people come here as tourists (fishing, hunting, skiing, boating, biking, and hiking). We have a Niagara River Greenway Commission who really helps to ensure these things happen in our community. There are some things that are questionable. We have to weigh long and hard. As we're seeing now with the LOOW site. What if CWM went bankrupt and what if they left us with this place? What would we be left with at this point and what would it take to bring it back to its natural state? This is something that becomes a concept or talk that comes from an Environmental

September 23, 2024

Commission. These are proactive conversations that need to be brought up and need to remain that way.

“We owe it to future generations of the region to be conscientious environmental stewards of this land. If this happens through a sub-committee of the Planning Board or as a stand-alone environmental conservation commission then so be it.”

Gallo said Broderick and the Town Board have done terrific things for this region. For instance, their insight to purchase Stonehaven and then turn around and find funds to pay for it and now to allow it to remain in a naturalized state is highly commendable.

“As the saying goes, many hands make light work and ECC should be there to help. Perhaps what is necessary at the present time is to have the Town Board and the ECC members meet together and look at the current status of the mandate of the ECC and find a way to come up with a solution that meets the needs of the Town of Lewiston.”

Broderick said he’s 100% for the environment. He is a Greenway Commissioner; we are a climate smart community. We are doing things. The Board put Gallo and Collister on the Commission and Planning Board to do what the Town is trying to do. The Town has a DEC Air Quality Engineer that will be appointed to the Planning Board on January 1st.

Broderick said he appreciates what Gallo said about the deficiencies and the things that aren’t being done. “For people to paint a picture that the Environmental Commission is doing all of these wonderful things, I hate to say it but they haven’t been. We’re trying to get that to where it’s going to happen and I’m all for protecting everything everybody’s talking about and I want to do it more than we ever have but it’s not being done.” Gallo said we have to see how we can make this happen.

Collister, Zach – Sandlewood Drive

Collister has multiple properties in Lewiston and owns acreage in Youngstown. He is the current Chairman of the Environmental Commission, a Planning Board member, Chairman of the Historical Preservation Commission, on the Village of Youngstown Local Water Front Revitalization Program among many other non-profit & School Boards.

Collister is here tonight on behalf of the commission and residents’ concerns. Collister agrees with Broderick on certain aspects and agrees the commission should be more active at the Town Boards direction. There are projects that were not presented to the commission over the past couple of years. The failure was, the commission should have known the code more to hold the Town accountable to that. Collister is on board with streamlining government and knows that it is a good thing but not when its “kicking the bucket over”.

The Local Law, as it stands, does not cover what the Environmental Commission does. It doesn’t have the investigative legislative. The Town has two pages worth of gaps that have not been addressed. If those are addressed, the Environmental Commission could be the proactive commission that it is. That’s one thing. Right now, the commission is a review board.

September 23, 2024

The commission reviews what comes to their table and can't proactively call the Army Corp of Engineers and have a meeting like they do annually. They can't visit the LOOW site or the Niagara Falls storage containment cap. They can't proactively work like they are now with the Buffalo Niagara Waterkeeper to create educational pamphlets. The Town has an Escarpment. We have ecosystems that only exist here in the world. The commission has been working with organizations to create pamphlets to keep residents informed. Canada has made their Escarpment a UNESCO Biosphere, its protected for life.

Here in Lewiston, we have 7 miles of the Niagara River, more than other towns, minus Grand Island. We have corporations such as CWM, Occidental and Modern. All behind Lew-Port. The Town of Michigan did their job, they stopped the containments from being shipped there, 500 yards behind their school. Ours is 1000 yards behind our school. Our school was built on the Manhattan Project.

The law has to provide oversight. It has to give the commission the ability to provide oversight, it has to give the commission the ability to subpoena people and the ability to proactively work on projects. Whatever is done, the commission needs more authority. They should be able to create laws. Years past, the commission tried passing an Escarpment Law like the Town of Cambria to protect our Escarpment and it did not go through. The commission worked with the Town Board and engineers to clean up the Riverwalk subdivision during the expansion to make sure the same problems during the first subdivision that went in were rectified.

The commission is working actively with Modern. There's supposed to be a 4-phase program for them improving the community with recycling bins. We haven't heard of phase 2, 3 or 4 yet. There are things that are happening that the commission cannot leave to just oversight and with the Board. Collister said we shouldn't be able to see only what is presented by the Town Board. We should be able to say "this resident has a problem; we should investigate this".

The Town of Lewiston is a host community, not one single park has a recycling bin in it. East Aurora, Town of Niagara, Pendleton and Williamsville all have separate Environmental Commissions with full authority to make these decisions and advise the Town Board because the Board cannot do this alone. If the goal is to group it into one, it has to have the same legislative powers that are in the existing Town Code.

Geiben, Bill – Oneida Street

Geiben is a former councilman and served on the board for 6 years back in the 90's where they created the Environmental Commission. The specific objective in mind was to address the major issues facing the Town of Lewiston. After Geiben left the Board, the commission was morphed into a review board, spending more time on subdivisions than on the bigger projects. The commission has the best of intentions but it had "morphed" away. When Geiben was a liaison for the Board, he tried to get the commission away from doing the reviews and would question why one house subdivisions on major streets were being presented to the Commission. "We spent too much time on that and missed some of the big projects."

Geiben has full faith and confidence that if all of the good things in the Environmental Commission Law gets folded in and blended in with the Planning Board and the Planning Board has the

September 23, 2024

authority to set up sub committees to address specific issues when they come to task, it would make this a good planning board with the right objectives that protect the environment.

Feldman, Matthew – The Circle Drive

Feldman serves on the Environmental Commission but is here tonight as a resident. Feldman used to come regularly to the Town Board meetings when there were environmental issues because he really cares about our community. “I don’t need to tell anyone how unique it is. A lot of us have lived a lot of different places. Lewiston is distinct, unique and extortionary.” Feldman would also come to Town Board meetings because there are distinct, unique and extraordinary environmental challenges in our community. Broderick put Feldman on the environmental commission. He called Broderick with questions and concerns and Broderick told him there was a vacancy and put him on the commission. Feldman thought that was extraordinary leadership. We can all agree that over the years, historically, there has been some poor leadership decisions when it comes to environmental issues. That is part of the reason we have these unique and extraordinary issues here.

A decision to eliminate a distinct Environmental Commission will be one of those poor leadership decisions when it comes to environmental issues in this town. Feldman was shocked when he heard this commission would be eliminated. That might be appropriate in other communities. We’re all for efficiency but being a review board for Planning issues is not what the Environmental Commission should be doing and the Environmental Commission should not be dealing with Planning Board issues either. Our issues require distinct and dedicated focus of an Environmental Conservation Commission.

The commission should not be spending their time on Planning issues. They should be spending their time on accurate air that Feldman noticed when he came down the hill tonight. The commission should be focused on the distinct and significant issues that we have in this community.

Feldman said he is very much in favor of a conversation about redirecting, refocusing and reenergizing an Environmental Commission. Moving its authority over the Planning Board would be necessary but it would diminish the focus and would make our community less safe. “A decision that makes our community less safe will be another decision in a series of problematic decisions.”

“Please do not do this. Please come and talk with the commission, let’s work together as a Town. Let’s focus and prioritize the environmental issues, not lock the door and stop those meetings and then introduce an amendment. That is not the way to go about this.”

Masters, Tim – Swann Road

Masters is the Building Inspector for the Town of Lewiston and has worked with the Town for 17 years. Masters has had conversations with past supervisors and he has been a proponent of moving the ECC to the Planning Board for the past 15 years and is all about streamlining government.

Masters has a solar farm in his backyard and to say he is anti-environment couldn’t be further from the truth. The board members are all Lewiston residents. We all care about the environment. There isn’t anybody here that does not care about the environment. The Building Department Office and Supervisors Office have spent meeting after meeting with NYSERTA and got the climate smart

September 23, 2024

community designation for Town of Lewiston. Masters was trained to get that designation. Morreale spent countless hours meeting and getting all of the streetlights and Town building lights changed to LED's and added insulation to buildings. "We've done all of these things because we are climate friendly and care about our climate footprint." The Town of Lewiston has a good designation and we were one of the first communities in WNY to have a climate smart community. "Don't ever think we're against the environment. We're not."

Masters said if anybody wants to come to his office and talk to him about it, he can give them more time. Masters urges everyone to go on the Town of Lewiston website, look at the meeting minutes and see what's happening. That's all on there and you can get an educated glimpse of what has been going on and what hasn't been going on. There are people who care about their jobs, who care about their town and you have people who do the basic to "pass by".

Masters believes that if there was a sub-committee to the Planning Board like Geiben said, they could do a better job. You would have a Planning Board, attorney, engineer and building inspector all in the same room at every single meeting. More would get done, it'd be more profitable and more streamline with better care for the environment if it's done this way.

Broderick said he will leave the public hearing open. This is a working document. "We do not want anything to slip through the cracks we do care about the environment." Right now, there is no environmental oversight. Collister wrote a beautiful post on social media, if everything in that post was occurring right now, we would not be having this conversation. Morreale is the Liaison and Broderick the supervisor, they are active in knowing what is going on in the commission and it is not working the way it was designed. That is why Mark Gallo was put on the Commission. Right now, Pat Baker is on the Planning Board and has 40 years of environmental experience. He wanted to get off the Planning Board and Broderick told him we were moving environmental to the Planning Board and he was excited because that is his expertise.

The Town has a retired DEC Air Quality Engineer that will be put on the Planning Board to handle environmental issues. There will be a sub committee of the planning board which will be environmental, to do exactly what Collister said, to do exactly what Gallo said. Gallo is willing to sit down with the Board so there aren't any aspects of the Environmental Commission that falls through the cracks. Do we have to do some different things? Yes.

Broderick said nobody is "on the take" to get rid of environmental oversight. We are changing the focus and putting it where we believe it will be served best. There are other communities that do this. The Town's intent is to continue the environmental aspect but have it done by the planning board and like Masters said, with an attorney, engineer, and building inspector at every meeting.

Morreale is the Liaison for the Environmental Commission. Morreale lives in Lewiston and has kids and grandkids and would never do anything to damage our environment. Morreale owned a collision shop for 42 years. Their chemicals were hauled away as well as florescent lights and batteries, nothing was thrown out. Always for the environment.

The ECC duties are obviously known because they were said - investigating environmental capabilities. Morreale said the Town had dirt brought in from Niagara Falls and spread out at Joseph Davis. Did anybody get a report of what was in the dirt that was spread out? There was a 6-

September 23, 2024

Million dollar clean up of radiation on Upper Mountain Road. The Environmental Commission should have looked into that. Are there any other hot spots in Lewiston? Morreale attended 3 LOOW site meetings and doesn't know if anyone on the commission attended those. Two of them were public. Feldman said Jerry Wolfgang is not here to respond to these comments. Morreale said he is a liaison so knows what went on. There was a Tractor Trailer spill at Town Hall and hazmat was called for clean-up. Somebody should have reached out to the fireman. Collister said the commission was told not to meet. Modern put poles up and a screen and they wanted to put up a deodorizing mist. The Board put a stop to that and told them they weren't going to spray chemicals to mask the smell of the dump.

These are issues that the commission said they are following and Morreale is not seeing it. Feldman said Morreale did not come to all of the meetings and many of the meetings took place without a liaison and they stopped receiving materials. Broderick said there hasn't been a year end update since 2013 and that is required. Broderick said we're trying to make this better by having a sub committee within the Planning Board of environmental experts. There is currently only one expert on the commission.

Jacoby said Collister had health problems within the last couple of years and came back when he was at "deaths door" and if he did slip up on his aggressive handling of environmental issues, its completely understandable. The commission then suffered from Jerry Wolfgangs demise. The commission was disrupted. Jacoby said he is not taking sides but the Board is looking at all aspects and Collister should not be held responsible. Collister said he thinks the commission needs to have a meeting behind closed doors before a decision is made, he wants everybody to be logical and have all of the stakeholders at the table. Broderick said this is a working document. The public hearing will be held open.

AGENDA Additions: Morreale: removing roof replacement at WPCC

Morreale MOVED to approve the agenda, as amended. Seconded by Jacoby and Carried 5-0.

Niagara Military Affairs Council

Mike Zimmerman Niagara Military Affairs Council –

Zimmerman is the Vice Chairman on NIMAC and born and raised in Niagara Falls. He joined the Air Force and did 5 years Active Duty in North Carolina then came back to Niagara Falls and served 28 years at Niagara Falls Air Reserve Station. Zimmerman retired in 2020 as the Operation Group Superintendent as a Chief Master Sargent and has since then joined NIMAC.

NIMAC is here to support the growth and prosperity of the Air Base and act as liaisons to all the parties involved. Whether it be federal, state or on a local level. The Air Base provides positive economic impact for this community. It is the largest employer in Niagara County.

NIMAC has been around since 1995. Through the timeline, they helped negotiate and put a positive spin on things when they could've gone very bad, very quickly for the base. They've come out very strong where they are today. There are 3,000 families that are affected that work at the base that are impacted. "We're involved with business community, supporting educational training benefits for

September 23, 2024

the members, income opportunities and also supported things like the Niagara Falls International Airport.” The new terminal likely would not be there if it wasn’t for the strength of the Air Reserve Station being there. NIMAC has a 100-Million Dollar payroll and 200 million in operating expenses for about 300 million of annual impact. Those numbers are fairly old. NIMAC recently got funding from the state that’s going to allow them to get a new economic impact study so those numbers should increase significantly.

NIMAC is the information brokers on behalf of Niagara Falls Air Reserve Station. Albany, County Level, local level and Washington. They make many visits to all of those. Elected Officials & Military Leaders, to help focus their attention on Niagara Falls. NIMAC is hoping to get funding to improve the runway at the base. Currently, it is not long enough for the tanker mission to take off fully loaded. We’re hoping to get those extended. That’s about a 60 million dollar project we’re hoping to bring here. NIMAC directly benefits this community.

Broderick thanked Zimmerman for his service. The Town of Lewiston is extremely happy to continue to support NIMAC.

RESIDENT STATEMENTS:

Alduino, Amy – No. 7th Street

Alduino is an old and new resident of Lewiston. In June, her house on 7th Street and her mother’s house on Onieda Street backed up with sewage. Alduino said she would like to thank Ritter for answering the questions that were presented to him. One thing is, money was put towards backflow preventors and while that sounds in theory like a good idea, people are getting them but once the backflow preventor closes, its closed for 24-48hrs. You cannot use your water, you cannot take a shower, flush etc. You’ve created an interior sewage issue while you’re trying to keep the exterior sewage out. This is not going to work for a lot of Town residents. \$100,000 was money that was allocated by the town for backflow preventors. Alduino has a suggestion.

As you know, there are a lot of problems in Morgan Farms. One of the things noted in Morgan Farms was, the storm sewer grates are quite a bit above grade. The water would have to go up into it rather than down. There are 5 of these in Morgan Farms & she is suggesting they be lowered so that they’re below grade and water can flow into them. Alduino would like to see this done by the end of the year. It could be done with Town staff and she thinks it would be a good way to address the street flooding which is part of the problem in Morgan Farms.

Alduino asked how much is in the budget for next year for cleaning sewers and storm sewers in the town and how much money is being allocated for lining the sewers? This is the time budgets are made and we would like to make sure the Town is thinking about January, April and June this year, where a lot of people were impacted by flood water or sewage back up and we need to proactively be working on it.

Do these storm drains get cleaned; periodically, regularly, is there a schedule? The sanitary sewers have a regular schedule for looking at them and cleaning them. Is there anything for storm sewers? Alduino is hoping the Town can look into these questions and we can start working together and

September 23, 2024

then start looking into other neighborhoods for obvious things like storm drains and then we can work on the harder, more expensive things together.

Davis, Andrew – Townline Road

Davis and his wife have lived in their house for 45 years and his in-laws have lived down the road for 60 years. Davis said the new residents of 5368 Townline Road have no respect for the Towns Zoning Ordinance. They are operating 3 businesses on rural residential zoned property. WNY Property Kings, LLC, Niagara Nightmares, LLC and Niagara Pumpkin Farm, LLC. The current residents have used their 14-acre agriculture real estate and on over half of it installed an amusement park. They have the property disguised as a working farm, pretending to be agritourism. Instead of inviting the public to learn about agriculture and farming, they're showing people how to destroy farmland. Polluting the ground with oil, tar, asphalt filings from road grindings, they're polluting the air by burning construction debris, disturbing the wildlife with noise pollution, fireworks, blow horns, loud speakers and chainsaws during "Halloween haunts."

This parcel of land has not been a working farm for over 60 years. Running amusement parks, Halloween attractions and construction businesses should be operated on commercially zoned parcels. When done illegally on rural residential properties, there's no site plans submitted, there's no building permits, there's no child safety laws, no sanitation code, no food preparation inspections. Is the Town of Lewiston's liability insurance going to cover a lawsuit if, God-forbid, a child suffers a catastrophic spinal cord injury falling off one of these rides? Even a traveling carnival is required to pass safety inspections.

Most people who are new to agriculture and farming get educated first. They learn crop rotation, soil fertilization, the hydrology of the land. The current owners lease their farmland to local farmers. The owners then spend that money attending scare conventions, purchasing Halloween props, 12ft high skeletons, fake caskets, hire scare actors, build wooden wagons for hay rides, fake barns, fake general stores, fake filling stations, ticket booths and refreshment stands. This is all planted on their cropland.

The 5300 block of Townline Road used to be a quiet, healthy, friendly rural residential property. Davis said the quality of life has been allowed to be destroyed and is currently continued to be degraded by the operation of these business entities. "Please shut them down."

Elias, BethAnn – Morgan Drive

Elias is on the committee to help alleviate some of the flooding and sewage problems in and around the Town and Village of Lewiston. Elias asked before for funding to reimburse residents for damages if they're able to give proof of damages. Some people had close to \$20,000 in damages. Elias filed a claim just looking for a reimbursement for her insurance deductible, even though there was over \$8,000 in damages she sustained. There was a homeowner on Upper Mountain Road who had \$10,000 in damages, this happened multiple times.

The Board took money from one account to fund the backflow preventor, maybe some of that money could be used to put towards deductible expenses. Elias said she spoke to and seen people who were at their wit's end and she cannot let this go. "You didn't talk to these poor folks."

September 23, 2024

They're not able to sustain these damages. They've given up on fixing their basements. They don't have the funds. Elias would like to see something given to the homeowners that have had this much damage caused. "You can say its nature's way but Ritter even said, it is the responsibly of the cracked sewer, the storm water is getting into the cracked sewer. This is not the resident's problems; it is the Towns and the sewer districts. "I will keep asking until I get another answer other than no."

Elias, Mark – Morgan Drive

Elias attended the meeting a couple months ago and had a question for the Board and wanted every member to answer his question. His question was regarding instituting a moratorium on building until the water/sewage problem is solved. Broderick said, at this time, he is not prepared to do a moratorium on building. Waechter said no, she is not for a moratorium. After touring the treatment plant, we have the capability to actually be able to double what we currently have as far as houses and residents. Our system can handle that type of influx.

Morreale said he thinks this is due to a lot of rain at one time. We're not the only community this happened to and he is not ready to do a moratorium. Right now, the Town is jetting the sewer lines. The truck is out 4-5 times a week sewer jetting, highway is out jetting the storm sewers also. There's a camera we can put in the drain and we can see if its plugged. Highway has been cleaning ditches. Morreale walked the parkway looking at ditches. Some of them, the state owns and aren't maintaining them. It's an issue the Town is dealing with. The Highway Department is installing a new pipe that started today. It will go down to the Gorge at the end of Morgan Drive. There are regular meetings with the Sewer Department, Highway Department, Building Department and the Town Engineer and there's continued actions that will be completed. We are working.

Waechter said, the pictures that Alduino presented were helpful and thanked her. Those are the things that once the Board becomes aware, they can address them through the Highway Dept. and that's something that would absolutely help with drainage, not putting a moratorium on building. Myers said he would not be for a moratorium at this time. Jacoby said, it would be wonderful if Elias came up with a solution and presented the evidence that said if we put a moratorium on building, that's going to solve the problem or have a major impact on the problem. Jacoby is not convinced it would. Waechter pointed out our treatment plant can handle far more than it is now. This "solution" will not help. If you're a property owner/developer and for work you build homes, that's your livelihood. It's not fair for us to say "no you can't build, we got an idea, it might help the sewage problem." Jacoby said if Elias came up and said "here's the evidence" it would really help and Jacoby would say let's go for it.

Elias said his thought process was, the more we build, the more we're putting into the system and yes, it can handle double, however, we don't have a "once in a 100-year storm" 3 times a year. Somethings going on. Elias was thinking we could do this moratorium until we can figure it out and get through cleaning the ditches. Go through a season and see if we still have an issue.

The pipe on Morgan Drive the Town is working on that will run into the river was collapsed, and it should have a major impact on the flooding issue. Cosgrove said that pipe is storm water. The Highway Department put a camera in the drain to see this. It was put in 11 years ago and it rotted and collapsed so water could not get through that 36" pipe. A neighbor called and said water was

September 23, 2024

bubbling out. It was completely collapsed; they don't know why but the highway is going to fix that. 90% of the water on Morgan Drive comes out that drain. Nobody knew it was there because it was done 11 years ago and it failed. There was another problem with a catch basin which was cleaned out.

Geiben, Rita – Onieda Street

Geiben recently found out that Amy Smith is being considered for the Town Clerk position. Geiben has known and worked with Smith for many years at Niagara University. Smith developed into a competent, confident professional. Smith would help employees at NU and would find solutions. Geiben highly recommends Amy.

Geiben, Bill – Onieda Street

Geiben worked with Amy Smith for 8 years when he was on the Town Board. She was dedicated, proactive, and cooperative and helpful on all aspects. Geiben thinks she would make an excellent Clerk.

Strombeck, Margi – Morgan Drive

Strombeck was at a meeting in July and asked a question that she would like some clarification for the answer provided. The question was, "you received money for the I&I plan for each development and we have had a lot. Much has been received in the past five years, what has the money been used for?" The answer was, "we do not have a lot of money from new developments to perform miracles in the collection system. What we have from those particular funds are able to be spent on private property because they don't come from tax or user fees. Most inflow and infiltration problems in the sewer system are from private property. Town forces do not work on private property. This money will be for an a-clamp installation on private property."

Strombeck tried to do due diligence to find out what an a-clamp was and she could not find anything. She asked Ritter to clarify. Ritter asked if she has ever seen the PVC sticking out of front yards. That's a clean out or vent and it does go down and hits your sewage lateral that takes your sewage out to the main line. When the ground freezes and thaws, it grabs ahold of that pipe and eventually will pull it out of the sewer lateral. Effectively, it starts to drain your whole yard into the sewer system. Now you have all the rain water that falls on the front yard going into the sewer system. An a-clamp is a metal clamp that clamps onto the vent stack and the sewer lateral so they cannot be pulled out. That's what an a-clamp does.

There are some bad situations on private property that need to be fixed. Strombeck asked if Ritter will be notifying people that this is what they need. Ritter said we have to, yes. In 2025 the Town is going to take a stab at going on private property.

Strombeck said the money says it is spent on private property but then it's not because the Town doesn't work on private property. Ritter said the Town is not supposed to work on private property. If you have an a-clamp you need installed in your house, the only way we can find that out is at the time of house sale with an inspection. The homeowner then is required to fix it with their own money before they sell their house. What the Town is doing, because we have so much of the I&I issues, they're going to try and fix some of those with the money that comes from developments.

September 23, 2024

Strombeck thanked Ritter for clarifying, “I do appreciate the time and all of the efforts that have been done, I’ve seen the trucks, I’ve walked the neighborhood, I saw you when you were looking at the pipe that failed on Morgan Drive. Hopefully, we can continue to work together to find an issue and hopefully no more flooding and sewage in the basements.”

Garfinkel, Donna – Hillside Drive

Garfinkel is the current Town Clerk. As the Town Clerk, she would like to encourage the Board to appoint Tamara Burns as the Acting Town Clerk. Tamara has 10 years of experience and knows the job. Amy Smith is great with computers, but that’s not what the Town Clerk does. “Again, I encourage and ask you to appoint Tamara Burns as Active Town Clerk.”

APPROVAL OF MINUTES

Morreale MOVED to approve the minutes of 09/09/2024 WS. Seconded by Jacoby and Carried 5-0.

ABSTRACT

Morreale MOVED to amend the 9/9 abstract of claims due to a typo to \$377,670.51. Seconded by Jacoby and Carried 5-0.

Morreale MOVED to approve Regular Abstract of Claims Numbered 24-02430 thru 24-02556 and recommended payment in the amount of \$210,506.84, plus a post-audit of \$10,035.89. Seconded by Waechter and Carried 5-0.

DEPARTMENT HEAD STATEMENTS

Clerks Office

I am requesting approval to place the unpaid water and sewer accounts for the Town of Lewiston on the 2025 Town and County taxes. The breakdown of water and sewer is as follows: Water \$84,048.93, Sewer (Master) \$43,735.88, Sewer (South) \$7,043.32, Town Charge \$29,800.00 for a total of \$164,628.13. A complete listing of those who are unpaid is on file in the water department office.

Jacoby MOVED to place the presented unpaid water and sewer on the 2025 Town and County tax bills. Seconded by Myers and Carried 5-0.

Per the grass cutting law, the Building Department had 21 parcels in the Town cut and is requesting the following to be placed on the 2025 Town and County taxes. The total fee for grass cutting is \$10,506.25. There is also a \$100.00 administration fee per cutting with a total of \$4,100.00. With a grand total of \$14,606.25

Waechter MOVED to place the presented grass cutting fees on the 2025 Town and County tax bills. Seconded by Jacoby and Carried 5-0.

Police Chief Previte

Bax said several months ago, the Police Department came to him with property that was held by them and previously confiscated. There was a number of older casino chips. A police officer reached out to the local casino to turn them in and they were told they would not accept them and they had to be driven to Salamanca. The amount of the chips was between \$200 and \$300. It would not be viable for the Town to take one of its employees and have them drive all the way to Salamanca for a couple hundred dollars. Bax spoke with the Association of Towns and they said the best way to do it would be to place the chips on Auctions International. Bax is asking the Board to declare these as excess and place them on Auctions International at 50% of the value to start with.

Morreale MOVED to place the excess casino chips on Auctions International. Seconded by Jacoby and Carried 5-0.

Bldg. Inspector Masters

Masters said he thinks Mr. Henderson was insinuating that since himself, the attorney and engineer would be at the environmental meetings and since they are paid by the town that they would be hesitant on speaking up for the environment. "I can tell you, you all know me, that couldn't be further from the truth." Every board and commission member is appointed by the Town Board and receive a stipend from the Board. If people truly knew us well, they'd know we speak up.

Masters said he had a resident come in today from the Morgan Farms area to apply for the backflow preventor and has already had it installed. Masters said he understands the concern regarding the backflow preventor closing and not being able to use your sink but asks if homeowners would rather incur \$20,000 damage to their basement or install the preventor as a temporary stop gap until this other stuff can be resolved.

Broderick asked Masters if there was a backflow preventor homeowners could purchase that would allow you to still use water after it closes. Masters said you can install a sewer trajectory pump in your basement, it has a built-in backflow preventor and water can only go out under pressure but nothing could ever come in. That would be 100% foolproof, but it cost more money. The person that was in today put in the flapper valve. It was under her floor so she had to have concrete taken out and she also had them put in a gate valve on the other side so when she goes on vacation, she can shut that valve and there's no possible way her basement could flood. If we have a bad rain, until that water subsides in that sanitary lateral, you only have a certain amount of capacity. When Masters lived in Wheatfield, he had a grinder pump and knew when the power went out, he had a 40-gallon capacity until the pump was replaced or until the power went back on. Its not just unique to the Town of Lewiston.

Chief Operator WPCCR Ritter

Ritter said he would like to add to what Masters was saying. There wasn't a Waste Water Treatment Plant in WNY that did not have flooding issues on those two days. There were many people whose basements flooded. Something we do not take lightly and we're always going to be working on it.

September 23, 2024

Jacoby asked if the truck the treatment plant purchased was ordered some time before the issues started. Ritter said they ordered the truck about two years ago. Jacoby said the plant is always trying to find solutions. Ritter said the truck cleans the sewer out. The sewer back up in basements wasn't related to the sewer backing up, it was due to massive amounts of water.

Dep. Hwy. Supt. Cosgrove

Cosgrove submitted a quote in the amount of \$72,265.67 for a Sitech GPS unit for the machines at the Highway Department. This unit will help keep a record of ditches cleaned while making it more efficient and accurate. This machine will shape the cleaning of the ditches and will ultimately help with drainage. Sitech is the only company who makes this machine. Agnello said the funds will come from the H97 account.

Waechter MOVED to accept the presented bid from Sitech in the amount of \$72,265.67. Seconded by Jacoby and Carried 5-0.

Recreation Director Smith

Smith said there will be crafts this Thursday at the Senior Center. Fall bingo is coming up and trunk or treat will be at the end of October. The last outdoor yoga will be Saturday then will be moving indoors at the Senior Center. There are 25 Community skates for skating at NU. The Recreation Department is looking for sponsors. Skating is free for Lewiston Residents and all events are family friendly.

Historian Maggard

Maggard said our nation will be celebrating their 250-year Anniversary in 2026. There is a committee and so far, there has been 3 meetings. Bob Emmerson is the director of Old Fort Niagara and is the leader of the committee. There is not a lot of time before 2026, it takes about a year and a half to get fireworks so we do not have a lot of time. Niagara County is orchestrating this group as is every other County in New York across the United States. They are asking for suggestions and ideas to sponsor this celebration.

NEW BUSINESS - None

SUPERVISOR BRODERICK

The Town of Lewiston has a Work Session scheduled for Monday, October 14th. This is Columbus Day and Town Offices will be closed. The Work Session will be rescheduled to Thursday, October 17th at 5:30 PM. The time will be at 5:30 due to the Planning Board meeting being on the same day.

Morreale MOVED to reschedule the Town Work Session meeting from October 14th to October 17th at 5:30 p.m. Seconded by Myers and Carried 5-0.

Waechter MOVED to reschedule the Planning Board meeting on October 17th from 6:30 p.m. to 7:00 p.m. Seconded by Jacoby and Carried 5-0.

Finance:

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

1. A request to move \$345 to Budget Office Equipment budget - A00-1310-0200-0000 from Jr. Accountant Personnel budget - A00-1310-0100-0001, to cover the purchase of two new office chairs.
2. A request to move \$400 to Highway Admin. Equipment budget - A00-5010-0200-0000 from Highway Admin. Contractual budget - A00-5010-0400-0000, to cover the additional cost for the purchase of an iPad.
3. A request to move \$5,000 to Sanborn Pekin Library Contractual budget - A00-7410-0442-0000 from A Fund Balance budget - A00-1000-0599-0000, to assist with their roofing emergency as approved at the 9/9/24 TBM.
4. A request to move \$48,716 to Machinery Equipment budget - DB0-5130-0200-0000 from DB0 Fund Balance budget - DB0-1000-0599-0000, to cover the purchase of chipper as approved at the 9/9/24 TBM.

Morreale MOVED for approval as presented. Seconded by Waechter and Carried 5-0.

Agnello presented the 2025 tentative budget and thanked the Supervisor, the Board and all of the Department Heads for all of their hard work and dedication for compiling the budget.

Deputy Clerk read the 2025 schedule of salaries for elected Town Officials. Highway Superintendent \$80,565, Town Clerk \$70,208, Supervisor \$48,108 – Supervisor Broderick currently only accepts an annual salary of \$35,000 with a salary waiver equal to \$13,108, Town Justices (2) \$31,453, Council Members (4) \$15,906.

Broderick said at the last Work Session, we received a letter of resignation from our Town Clerk, Donna Garfinkel, after 34 ½ years of service to the Town of Lewiston. Broderick would like to thank Donna for her years of hard work for the residents of Lewiston and there's no questioning her work ethic. "I wish her nothing but the best in her retirement and wish her and Neil good health and happy retirement."

With that being said, on October 4th, there will be a vacancy in the Town Clerks position.

Broderick MOVED to appoint Amy Smith as active Clerk effective October 7th at the Town Clerk salary. Seconded by Morreale and Carried 5-0.

Morreale MOVED to appoint Natalie Soffriti as Confidential Secretary at 25.50/Hr. effective October 7th. Seconded by Jacoby and Carried 5-0.

Gate of Heaven Cemetery received a water bill in the amount of \$17,000 due to a major leak. Broderick spoke to our attorney. We are working with Gate of Heaven to try and make a resolution.

September 23, 2024

Cemeteries are unique and if anything happens, they become Town property and we do not want that to happen. We are within our rights to negotiate some type of settlement. There is no decision but hopefully by next meeting, we will have a settlement in place.

At a past meeting, it was approved for the Senior Center to go out to bid for their Lighting. After looking at the scope of work, they made some changes. That will hopefully go out to bid this week.

COUNCILMAN JACOBY

Roster Addition: Upper Mountain Fire Company requests approval to add Nathan Heikoop of Country Club Trail to their rolls.

Jacoby MOVED to accept the roster addition of Nathan Heikoop. Seconded by Waechter and Carried 5-0.

COUNCILMAN MORREALE

3 new cars were delivered to Town employees. Morreale would like to place the old cars on Auctions International. There are (2) 2018 Honda Clarity plug-ins and one 2010 Chevy Express Van.

Morreale MOVED to have the three cars placed on Auctions International. Seconded by Waechter and Carried 5-0.

Morreale received three bids to replace the windows at the Water Pollution Control Center. R.E. Krug Corp. bid \$47,820.00, American Glass and Mirror Co, Inc. bid \$28,770.00 and Sterling Glass, Inc. bid \$26,780.00.

Morreale MOVED to accept the bid in the amount of \$26,780.00 from Sterling Glass, Inc. Seconded by Jacoby and Carried 5-0.

COUNCILMAN MYERS – Nothing to report

COUNCILWOMAN WAECHTER

The Senior Center currently has 3 drivers and is looking to hire another driver to cover vacations and medical leave for the current drivers. In August, the van was used for 129 medical appointments, 135 lunch programs, 9 individuals use it to come to the Senior Center for activities and 31 for shopping. The hours will be split and this will not increase the budget.

Waechter MOVED for approval for the Senior Center to hire an additional van driver. Seconded by Morreale and Carried 5-0.

The Recreation Department would like approval to hire a part-time seasonal employee for the fall/winter season starting September 24, 2024.

September 23, 2024

Waechter MOVED to approve the seasonal hire of Nicole Short as a part-time Recreation Leader at \$16.22/hr. Seconded by Morreale and Carried 5-0.

BethAnn Elias – Morgan Drive

Elias presented an article to Waechter that was from 2006. Waechter said she toured the Treatment Plant and said that it can double the capacity. The article was done on the Treatment Plant and the title is “We’re Full”. Ritter stated there have been improvements to the plant but Elias said she does not recall any of the improvements stating they were regarding the expansion of the capacity. It was near capacity in 2006. That was before the Town added a lot more infrastructure.

Broderick MOVED to adjourn. Seconded by Waechter and carried 5-0. 7:57 P.M.

Transcribed and
Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk