

October 28, 2024

Regular Town Board Meeting

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers R. Morreale, J. Myers & S. Weachter; Dep. Sup. W. Conrad; Police Capt. Salada; Atty. A. Bax; Bldg. Insp. T. Masters; Finance Director J. Agnello; Water Foreman D. Zahno; WPCC Ch. Op. J. Ritter; Eng. B. Lannon; Sr. Coordinator M. Olick; Historian M. Maggard; 1 Press (NG); 21 Residents; & Deputy Clerk B. Cogland

ZOOM: 1 Resident

EXCUSED: Councilman J. Jacoby; Rec. Director T. Smith

Supervisor called the Work Session to order, followed by the Pledge of Allegiance.

AGENDA AMENDMENTS:

Morreale – Accept van bid on Auctions International
Myers – Introduction of Local Law #8-2024 / Set Public Hearing

Morreale MOVED to approve the agenda, as amended. Seconded by Myers and Carried 4-0.

RESIDENT STATEMENTS:

Amy Witryol – Lower River Road

On October 1st closing briefs after 20 years were filed on CWM, the hearings officer will make 2 non-binding recommendations, one to the commissioner designee and another to the siting Board. Witryol said she thinks the Town, County and Villages were extremely well represented and encourages Bax to forward the link to the Board. Members of the County Legislature have gotten access to the brief for the attorney for the Town, the attorney for the school district, the attorney for water keeper, the attorney for the Tuscarora and for Witryol as well. Witryol encourages the Board to take a look at the brief. There will be two more rounds or hearings and then we will find out whether or not we'll have a decision after 20 years, but we're near the end and the facility has been closed for 9 years. Witryol expects a very positive outcome for the Town.

Witryol said she wanted to make sure the Board was aware of the Copeland Lawsuit that the Town attempted to file a motion to dismiss in July. The final was not signed so it did not get filed. The council for the Town tried again in August and there was another technical deficiency and it did not get filed. Another attorney in the matter representing some residents asked for a conference in order to make sure the attorney from the Town actually filed the order that the Judge agreed to a month earlier, to give the Town back its rights to enforce the short-term rental ban. The Town now has that right back as of October 6th. In that conference, it was determined that parties would have until September 27th to file a motion to dismiss. That was the third try, and the Town did not file its motion to dismiss. What happened?

Where Modern is concerned, based on the last annual report, the revenue stream has remained in line for 12 years. Witryol hopes the Town considers getting a qualified contract, financial and

environmental representatives to take a hard look at the relationship with Modern to make sure the Town is being treated fairly.

Bhavdeep Singh – Saunders Settlement Road

Singh came to the last Work Session in regards to the re-zoning of his lot. Currently, Singh's property is zoned to open certain businesses but is not zoned to have a drive-thru restaurant. The property is surrounded by general businesses and the only way to have a drive-thru restaurant would be to file a new variance or re-zoning the property to a general business district. Singh attempted to file a variance for this property last September and was directed to try and re-zone the property. There is a property on Buffalo Street, it is a corner lot, exactly like Singh's property and is zoned as a scheduled business district.

Property value and traffic were concerns neighbors had in regards to a drive-thru restaurant. Singh presented the board with an example of house value increasing. Since 2011 to current, the traffic has decreased by 600 cars per day on average. Singh said, if the traffic does increase, it's a good problem to have. That's when you stay in the town, widen the roads, it will increase construction and activity. 1 in 4 households in Sanborn have someone working in the construction industry. This is good for the Town and increases house values.

Tim Hortons, across the street in the Town of Cambria brings in \$20,000/year in Town Taxes and \$80,000/year in school taxes. They wanted to open this business in Singh's lot 10 years ago and it was denied because the property was residential at the time. Times have changed, we have commercial district all across. A Taco Bell is opening in November in Lackawanna, it is listed for 2.8 million dollars and it is not even open as of right now. It is exactly like Singh's property, but has less acreage. Singh said he can discuss this further next month and answer neighbor's concerns.

Singh said, if the re-zoning of his property is not approved, he is still able to open a sitting restaurant. It could be a restaurant that serves alcohol, may have a bar, may cause more issues.

Donna Garfinkel – Hillside Drive

Has the Town, Town Board or Highway Superintendent received the new drainage plan for Oakhill Subdivision / Hillside Drive from GHD that was approved on September 9, 2024? When is the work scheduled to be started and is there an approximate time period for completion? My husband and I would like to move forward with making our house livable again.

APPROVAL OF MINUTES

Morreale MOVED to approve the minutes of 10/17/2024 Work Session. Seconded by Myers and Carried 3-0, Waechter Abstained.

ABSTRACT

Myers MOVED to approve Regular Abstract of Claims Numbered 24-02805 thru 24-02913 and recommended payment in the amount of \$137,349.03, plus a Post-Audit of \$2,501.68. Seconded by Morreale and Carried 4-0.

DEPARTMENT HEAD STATEMENTS

Clerks Office

The Clerk's office needs a motion to delegate Supervisor Broderick as the Voting Delegate for the Association of Towns for the 2025 business session with Rob Morreale as an alternate.

Myers MOVED to delegate Broderick as the Voting Delegate for the Association of Towns for the 2025 business session with Morreale as an alternate. Seconded by Waechter and Carried 4-0.

Myers MOVED to approve the Town Clerk to sign the Certificate of Delegation. Seconded by Morreale and Carried 4-0.

Police Captain Salada

Salada would like to fill a part-time vacancy in the Police Department. Kevin Guarin comes as an experienced police officer. He was a full-time officer with the City of Niagara Falls and has since taken on a role as a full-time teacher and is looking to stay part-time in the field.

Weachter MOVED to hire Kevin Guarin as a part-time police officer at the contractual rate. Seconded by Morreale and carried 4-0.

Bldg. Inspector Masters

Masters said there was talk a while back regarding updating the Town Codes. We were trying to do this "in house" but it floundered because a lot of times, the urgent outweighs the important. Masters reached out to Wendel Engineering and asked them for a price to update Town Codes with regards to typos, height issues, Riverfront Overlake District, the PUD Law, the Subdivision Law, the noise ordinance, the Campground Law and Trailer Park Law. Masters' recommendation to the Board would be to move forward with hiring Wendel for their efficiency and experience. Broderick talked to Lannon in regards to this and Wendel would be the engineering firm to go with since they did the Towns comprehensive plan. The total cost is \$11,500 and 2 extra services possible, an optional Public Meeting for \$1,500 and Supplemental Services for \$3,000.

Waechter MOVED to hire Wendel Engineering to update the Town Code at \$11,500 from the B-Fund balance. Seconded by Myers and Carried 4-0.

Morreale said the Highway Department completed the drainage going down to Lower River. It was a tedious job and they did a phenomenal job. Morreale thanked Zahno and the Highway Department.

Sr. Coordinator Olick

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Tomorrow is the Halloween party at the Senior Center. There will be a costume contest, cider and donuts.

Historian Maggard

Maggard said they need two volunteers for the Historical Preservation Commission. Broderick said we will advertise the vacancies on the Town website and Facebook page.

OLD PENDING BUSINESS – None

NEW BUSINESS - None

SUPERVISOR BRODERICK

Broderick read a letter from resident Dr. Heather Heppner requesting a name change for a side street off Country Club Trail in the Lewiston Heights area. The proposed name for the street is from Mountain Ash Lane to Augusta Lane. Heppner is also requesting to change the new build address from 5107 Country Club Trail to 7 Augusta Lane, the driveway comes off Augusta Lane. This change would not have any detrimental effect on our community and there is no impact on anyone's address at this point, as there are no existing homes on this stub street. Heppner said the new name reflects an important aspect of Country Club Trail's history and would like to preserve that.

Broderick said before the Board even consider this name change, they would have to run any consideration by the Police Department, the Fire Dispatch in Lockport and our Town Highway Department.

No action taken at this time.

The Work Session was scheduled for November 11th which is Veterans Day. This meeting will need to be rescheduled to November 14th at 5:30 P.M.

Myers MOVED to reschedule the 11/11 WS meeting to 11/14 at 5:30 P.M. Seconded by Morreale and Carried 4-0.

The Regular Town Board Meeting for December was TBD. The Monday falls on December 23rd.

Waechter MOVED to schedule the Regular Town Board Meeting for December 23rd at 6:00 P.M. Seconded by Myers and Carried 4-0.

The Work Session/Reorganization Meeting falls on January 13, 2025. Broderick said it would be more appropriate to have this meeting the first week in January.

Broderick MOVED to schedule the Work Session/Reorganization Meeting for January 6, 2025 at 6:00 P.M. Seconded by Myers and Carried 4-0.

Finance:

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

1. A request to move \$24 to the Assessor Equipment budget - A00-1355-0200-0000 from the Contingency budget - A00-1990-0400-0000, to cover auto decals for new hybrid cars.
2. A request to move \$24 to the Recreation Equipment budget – A00-7310-0200-0000 from the Contingency budget – A00-1990-0400-0000, to cover auto decals for the new hybrid cars.
3. A request to move \$200 to the Senior Center Equipment budget – A00-7630-0200-0000 from the Contingency budget – A00-1990-0400-0000, to cover updates to the alarm system.
4. A request to move \$200 to the Bank Charges budget – A00-9903-0000-0000 from the Contingency budget – A00-1990-0400-0000, to cover bank wire transfer fees.
5. A request to move \$6,500 to the Contingency budget – B00-1990-0400-000 from the Data Processing budget – B00-1680-0400-0000, to cover overages.
6. A request to move \$10,000 to the Park’s Contractual budget – B00-7110-0400-000 from the Parks Personal budget – B00-7110-0100-0000, to cover contractual expenses.

Morreale MOVED for approval as presented. Seconded by Waechter and carried 4-0.

Agnello presented the 2025 preliminary budget and asked to schedule a public hearing.

Waechter MOVED to schedule the 2025 Preliminary Budget Public Hearing for November 7th at 5:30 P.M. Seconded by Morreale and Carried 4-0.

COUNCILMAN JACOBY

COUNCILMAN MORREALE

Morreale presented the Modern Sewer Leachate Agreement. Ritter raised the rate from \$0.035 to \$0.04. Ritter said the plant will aggressively raise rates every year. What Modern is trying to do eventually, is create their own treatment plant and discharge the sewer per the Town Code. Ritter said he sees us partnering up with them for a long time and decided to go to \$0.04/gallon. Broderick said this is a 14% increase.

Morreale MOVED to approve the rate of \$0.04/gallon for the Modern Sewer Leachate Agreement. Seconded by Myers and Carried 4-0.

The Town put a 2010 Chevy Express Van on Auctions International. The closing and highest bid was \$5,300.

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Morreale MOVED to accept the bid of \$5,300 for the 2010 Chevy Express Van. Seconded by Waechter and Carried 4-0.

COUNCILMAN MYERS

Myers introduced Local Law 5 of 2024, A Local Law Modifying “Chapter 320-Towers” of the Town of Lewiston Code and requested to schedule a Public Hearing.

Myers MOVED to schedule a Public Hearing on Local Law 5-2024, A Local Law Modifying “Chapter 320-Towers” of the Town of Lewiston Code, on November 14, 2024 at 5:30 P.M. Seconded by Morreale and Carried 4-0.

COUNCILWOMAN WAECHTER

Waechter said the Trunk or Treat this weekend was wonderful. There were about 100 kids. What Waechter likes the most is, the collaboration between the Senior Center and Recreation Department. It has really strengthened the community and there will be better to come from that relationship. Broderick said he agrees, we’re bridging the gap between seniors and juniors. Everyone is using the Senior Center. There’s a cornhole league, Smith is anticipating bocce ball, they have yoga. We’ve gotten younger seniors to join the center also.

Witryol, Amy – Lower River Road

Witryol encourages the Board to get a second quote for updating the Town Code. The 2011 update was not an informant comprehensive plan, it didn’t even have a cover sheet that says who prepared it. More concerning, at the time Wendel was doing that plan for the Town, they were doing the traffic study for the CWM application and they should have known the State Environmental Quality Review Act would require review of the comprehensive plan for the town as part of CWM’s application. It’s not exactly a remote conflict of interest.

The other concern is competitive bidding, in addition to the fact that, if Masters has many changes that need to be done and errors that were made in the past, it would be better not to hire the same firm that looked at it 15 years ago and get a fresh set of eyes. Witryol would also encourage the Board to take a look at the 2000 comprehensive plan, that was actually superb. Those who submitted closing briefs on CWM were asked by the hearings officer to brief specifically on that document, the 2011 document is tiny by comparison. The state likes these updated every 5 years. Witryol said the Board should consider doing a comprehensive plan because it is not done behind closed doors. It’s done in a professionally facilitated manner and there are usually 2 or 3 public meetings and sub committees.

“We have tremendous expertise in the community that can be helpful, in addition to the terrific expertise of our Town employees. I would anticipate that any of the typos that would be fixed in the current code would not materially change the intent of the code, that would trigger a requirement for a comprehensive plan as well. Not only for competitive business bidding reasons but particularly this firm, given the conflict 15 years ago. Maybe get a second opinion and compare the two.”

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Masters said a lot of the things the Town is updating are codes that haven't been touched since 1971. A lot of the typos were left over from the previous code so it's not mistakes that were made in 2012. These were historical things that haven't been touch in the last 30, 40, 50 years.

Meyers MOVED to adjourn. Seconded by Morreale and carried 4-0. 6:38 P.M.

Transcribed and
Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk

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