

February 10, 2025

Work Session

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Myers, J. Jacoby & S. Weachter; Dep. Sup. W. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters, Bldg. Insp. E. Zimmerman; Finance Director J. Agnello; Water Foreman D. Zahno; Hwy Sup. M. Zahno; WPCC Ch. Op. J. Ritter; Eng. B. Lannon; Atty. A. Bax; 1 Press (NG); & Deputy Clerk B. Cogland

ZOOM: Councilman R. Morreale

EXCUSED: Rec. Director T. Smith; Sr. Coordinator M. Olick

Supervisor called the Work Session to order followed by the Pledge of Allegiance and a moment of silent reflection. Supervisor Broderick asks everyone to keep in mind our dear friend, Marjorie Louise Maggard. Mrs. Maggard was the Town of Lewiston's Historian, who passed away last week. She was a big part of Town Hall, who worked very hard for very little, she never asked for much. The Veteran Hometown Hero banners we all see around town are there because of her. She has left behind very big shoes to fill, and will be greatly missed. We hope the next Historian for the Town will share her dedication and passion. Having said that, Wednesday February 12, 2025 is the day of her funeral service, and Town Hall will be closed from 9:30a.m. until noon to allow for the Town employees to attend.

Deputy 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 10th day of February, 2025 commencing at 6:00 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a "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 the 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: January 27, 2025

Supervisor opens the public hearing, noting that Councilman Morreale is away on vacation, but is present via Zoom, and asks if anyone wishes to be heard.

No residents wished to speak.

Broderick asked Masters for his take on the subject. Masters stated he has been a big proponent of this change, because he believes it will streamline and improve the process. Masters had a conversation with Mr. Henderson who attended the last meeting and brought attention to his concerns, Masters explained that the Planning Board is made up of exceptionally qualified members, including the head of the DEC Air Quality Division. The Town Engineer, Town Attorney, the Building Inspector, and the Fire Inspector are at every meeting; the ECC only had their members and a liaison, which gives this new Board a certain advantage, with plenty of input, and without taking anything from the previous ECC. It will overall make for a better, cleaner, more streamlined process.

Broderick said he could not agree more, and it is his sincerest statement to say, "the goal is to make it better, and make it work. It was not before. Long term, this is the best thing to do." No decision will be made tonight. There

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are people who want to make comments, so Broderick will not leave the Public Hearing open, but will be happy to let further comments be made and accepted before a final decision will be made. Councilwoman Weachter had a couple concerns over some minor issues that have been gone over. There has been effort over the last few months to get this over the finish line the way everyone wants it to be.

Masters said it will take a couple meetings to work the rough edges out. With Mr. Sandonato and Dr. Gallo, a biologist, now on the Board he has very high confidence in the performance to come. The only thing left to work out is the actual functions of the Planning Board and subcommittee.

Jacoby MOVED to close the Public Hearing. Seconded by Myers and Carried 4-0. 6:08 P.M.

AGENDA Additions Broderick - Modern Landfill Solar Farm – Citrine Power; Jacoby - Police Hires

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

APPROVAL OF MINUTES

Minutes from January 27, 2025 not yet reviewed by the Board.

ABSTRACT

Myers MOVED to approve the Regular Abstract of Claims Numbered 24-03717 thru 24-03738 and 25-00134 thru 25-00304 and recommended payment in the amount of \$961,118.09, plus a post-audit of \$13,604.55. Seconded by Jacoby and Carried 4-0.

DEPARTMENT HEAD STATEMENTS

Tim Masters – Building Inspector

December 18th Loudin Building Company was awarded the Senior Center Parking Lot Lighting Project, with a bid in the amount of \$39,600. There were 5 or 6 contractors that bid on the job. During the bidding process, there were phone calls with questions such as “how do you want me to transition the rigid conduit to the plastic?” Or “we wouldn’t recommend that light to that height pole.” Masters told the contractors to bid the job as it was written, so everyone is bidding “apples to apples,” and if the Board wants to make changes after the job is awarded, it can be discussed and potentially changed. Since the awarding of the project, further discussion and research with Loudin Building Company and Masters have been done. Light pole protection – bollards around the poles – would cost \$936.57 per bollard installed. They would need ten, totaling \$9,365.70. The recommended lighting upgrade was to go from an 18,000-lumen light to a 24,000. It was recommended for a dusk to dawn sensor that saves energy, fades with no motion so it will not bother neighbors, and will light back up when motion is detected for anyone walking through or in the parking lot.

Waechter MOVED to approve a change order to Loudin Building Company’s original bid for the Senior Center Parking Lot Lighting Project from \$39,600.00, to \$52,711.99. Seconded by Jacoby and Carried 4-0.

Broderick said \$50,000 of the total cost of this project will be covered by the New York State SAM Grant. This is a perfect way to utilize this grant funding, and the Senior Center will appreciate the much-needed new lighting.

Waechter asked for a start time on the project. Work is to begin the second week of March and should take two weeks to complete.

Dan Zahno – Water Foreman

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There was another water main break Saturday on Elliott Drive. This took ten hours to completely repair. The road suffered some damage, it will be summertime before a full black top repair can be done.

Jeff Ritter - WPCC Ch. Op.

The 24" line that was leaking at the Power Authority was fixed on Wednesday February 5th. The Main Panel Project phase 2 at the plant is still underway, contractors have installed some meters and required half the WPCC plant to shut down, but everything is back up and running now.

Bob Lannon – Engineer

The Morgan Drive relief sewer is under design. The water storage tank improvements and Hillside Road draining are all underway.

Mitch Zahno – Highway Superintendent

Tree removal went well for three days, there is only about half a day's work left of hauling away what was cut.

Henry Zomerfeld – Hodgson Russ Representative for Citrine Power Farm

Since Citrine's appearance here a couple weeks ago, there has been continual discussion about access regarding the Solar Project at Modern Landfill. An access agreement has been negotiated and partially executed. They expect to have that back sometime this week. Masters saw a copy of the agreement in its final form. He asked if the Board has any questions, and asked that the Board move forward with granting Site Plan approval.

Waechter asked when there will be a soil study, as far as the stability. Zomerfeld said he thinks this is in the works, but he is happy to ask Citrine what their expectations are and let her know. Masters says he went back and forth on the language of the Easement Agreement which gives the Town access rights into the property that is across Modern Disposal's property. Masters's follow up question regards the annual safety inspections on those sites, and the Easement Agreement didn't cover that, so he asked if there is a representative that would come with the Building Inspectors to get them into the gate and across the property on an annual basis. Masters was assured that would not be a problem, every time the Town needs to go, they will open the gate with no issue.

Lannon said he is comfortable with the agreement and site plans. Bax said he is okay with the Easement Agreement language as it exists, A Host Community agreement is required prior to the project starting and he will negotiate that. Bax said there are a number of details in the Easement Agreement he would have liked to "tweak" before it began, but he is confident that we can address that by referencing the Host Community Agreement that states if there are any changes relative to the operations, etc., the two parties to the easement will notify each other at the following address. Bax would like to include the Town Building Department and the Town Clerk. If there are any changes relative to the operation The Town would like to be notified. Zomerfeld is happy to work that into the agreement.

Jacoby MOVED to approve the final signature on the easement language, the easements that are being circulated, and the negotiation of the Host Community Agreement. Seconded by Waechter and Carried 4-0.

Jacoby said he believes this to be a win-win agreement and is happy to see it moving forward, in regards to putting the solar farm on top of brown fields.

Morreale asked that if the project is ever sold, would the agreement stand. Zomerfeld said it would be sold as an entity and all agreements would stand.

Supervisor Broderick

Broderick read a letter from Greg Stevens, Executive Director of the Niagara River Greenway Commission:

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“The Village of Lewiston Board of Trustees is requesting your support for a pavilion at Lewiston Landing Waterfront Park. We are requesting \$200,000 in Niagara River Greenway funding to enable us to proceed with the construction of this project.

The previous Niagara River Waterfront Pavilion was enjoyed by many residents, visitors and boaters for picnics, parties and events, but was damaged and removed due to the 2017-2019 major flooding of the Lower Niagara River. The Village of Lewiston applied for grant funding but was not able to secure funding at this time. We ask for your support to reconstruct this beautiful pavilion that will enhance our beautiful waterfront for years to come. Please find the enclosed pavilion plans for this.”

Since Broderick has been in office, the Town of Lewiston has provided the Village with \$33,850 in Greenway funds in 2016, in 2017 Discover Niagara Shuttle \$100,000 which mainly benefits the Village of Lewiston, in 2019 The Circle of Honor at Academy Park \$100,000, 2023 the Lewiston

Public Art Project \$90,000, 2022 the Marilyn Toohey Park \$200,000 for the all-inclusive park behind Red Brick, just last year for the pavilion at Academy Park \$190,000. On top of that, The Town paid for their holiday lights last year. All the new lights on Center Street, The Town paid for, which totaled to approximately \$18,000. Broderick feels The Town has supported the Village incredibly well. The Town has paid for both the Tuscarora Monument and Freedom Crossing by the river. Broderick said for the next year or two The Town should focus on Town of Lewiston projects and should not be funding another pavilion in the Village beyond what we have generously already done.

Morreale said for example, Kiwanis Park Pavilion, is about 40 years older or more. The prices to rehab it were not feasible. It is a highly used park, and needs to be torn down and rebuilt. Pletcher Road Park pavilion is getting old and will need tending to. The bathroom floors at the Lower River Road Park needs to be redone, and needs new toilets. Playgrounds behind Lewiston 2 Fire Hall and Sanborn are ready for improvements. It is time to put the money towards our Town projects. When Morreale gets back from vacation he intends to get together with Zimmerman and Lannon to get the ball rolling on these.

Jacoby said he agrees the parks in the Town need attention more and is surprised the Village didn't come before the Board with a presentation or even a solid defense on why The Town is the only source for funding for them.

Waechter said Kiwanis Park deserves the attention, and it would be wiser for The Town to use the money there, where joists need replacement.

FINANCE

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

1. A request to move \$11,707 to the Waiver of Salary Personnel budget - A00-1220-0100-0001 from the Supervisor Personnel budget - A00-1220-0100-0000, to cover the waiver of Supervisor salary line.
2. A request to move \$603 to the Supervisor Admin. Allocation Personnel budget - A00-1220-0100-0002 from the Supervisor Personnel budget - A00-1220-0100-0000, to cover the Admin. Allocation salary line.
3. A request to move \$6,680 to the Budget Office Admin. Allocation Personnel budget - A00-1310-0100-0002 with \$5,048 from the Jr. Accountant Personnel budget - A00-1310-0100-0001 and \$1,588 from the Supervisor Personnel budget - A00-1220-0100-0000 and \$44 from the Budget Officer Contractual budget - A00-1310-0400-0000, to cover the Admin. Allocation salary line.
4. A request to move \$860 to the Building Contractual budget - A00-1620-0400-0000 from the Copy Machine Lease budget - A00-1620-0401-0000, to cover contractual expenses.

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5. A request to move \$312 to the Town Garage Contractual budget - A00-5132-0400-0000 with \$196 from the Traffic Control Contractual budget - A00-3310-0400-0000 and with \$116 from the Highway Admin. Contractual budget - A00-5010-0400-0000, to cover contractual expenses.
6. A request to move \$64 to the Sanborn Seniors Contractual budget - A00-7635-0400-0000 with \$54 from the Sanborn Seniors Personnel budget - A00-7635-0100-0000 and with \$10 from the Seniors Equipment budget - A00-7630-0200-0000, to cover contractual expenses.
7. A request to move \$444 to the Hospital & Medical Ins. Budget - A00-9060-0800-0000 from the Union Welfare Benefits budget A00-9070-0800-0000. to cover medical insurance expenses.
8. A request to move \$15 to the Fire Protection Physicals budget - SF0-9060-0800-0000 from the Fire Protection service Awards budget - SF0-9089-0800-0000, to cover fire fighter physicals contractual expenses.
9. A request to move \$3 to the Water Admin. Contractual budget SW1-8310-0400-0000 from the Admin. Allocation Personnel budget - SW1-8310-0100-0000, to cover contractual expenses
10. A request to move \$2,973 to Medical Insurance budget - SW1-9060-0800-0000 and with \$1,739 from the Transmission & Distribution Contractual budget - SW1-8340-0400-0000 and with \$1,234 from the Admin. Allocation Personnel budget SW1-8310-0100-0002, to cover medical insurance expenses.

Myers MOVED to approve the budget revisions as presented. Seconded by Jacoby and Carried 4-0.

COUNCILMAN JACOBY

Jacoby read a request to hire Maria Westphal and Nicholas Hess as P/T Police Officers to start 2/10/25 at contractual pay.

Jacoby MOVED to approve Maria Westphal and Nicholas Hess as part time Police Officers at contractual pay. Seconded by Myers, and Carried 4-0.

COUNCILMAN MYERS

The Sanborn Area Historical Society will have their regular meeting Tuesday February 25, 2025 at 7:00 P.M. Farm Museum. Speaker Series Program “Legends, Lore, & Secrets of WNY “, by Lorna Czarnota. Refreshment will be served at no charge.

COUNCILWOMAN WAECHTER – Nothing to report

Weachter MOVED to adjourn. Seconded by Jacoby and carried 4-0. 6:27 P.M.

Transcribed and
Respectfully submitted by:

Briggett R. Cogland
Deputy Town Clerk

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