

April 14, 2025

Work Session

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Myers, J. Jacoby, R. Morreale & S. Weachter; Dep. Sup. W. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters, Sr. Coordinator M. Olick; Finance Director J. Agnello; Water Foreman D. Zahno; HWY Sup. M. Zahno, Eng. B. Lannon; WPCC Ch. Op. J. Ritter; 3 Residents & Deputy Clerk B. Cogland

ZOOM: 2 Press (NG & Sentinel); Atty. A. Bax

EXCUSED: Rec. Director T. Smith

Supervisor called the Work Session to order followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA APPROVAL

Waechter - Sr. Center Hire – C. Schroeder

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

APPROVAL OF MINUTES

Myers MOVED to approve the minutes from the 03/24/2025 RTBM Seconded by Jacoby and Carried 4-0, Morreale abstained.

Morreale MOVED to approve the minutes from the 12/23/2024 RTMB. Seconded by Jacoby and Carried 5-0.

ABSTRACT

Jacoby MOVED to approve the Regular Abstract of Claims Numbered 25-00715 thru 25-00935 and recommended payment in the amount of \$818,785.11, plus a post-audit of \$36,508.34. Seconded by Morreale and Carried 5-0.

DEPARTMENT HEAD STATEMENTS

Town Clerk's Office

Deputy Clerk read letters from the Niagara Falls Country Club, "This is in notice that a renewal for an alcoholic beverage license has been applied for by the Niagara Falls Country Club, 505 Mountain View Drive, Lewiston, New York, in the county of Niagara; for on-premises consumption at the Halfway House – and as well as from the Beverage/Golf Cart."

There will be a free E-waste drop-off event held at the Highway garage at 1445 Swann Road in Lewiston on Saturday May 3rd from 9 a.m. until noon. Town residents are welcome to go and drop off any electronics they need to dispose of. The Town cannot accept freon containing appliances i.e. air conditioners, freezers, smoke detectors, etc.

Deputy Supervisor Conrad

Conrad mentioned for the record that he will be undergoing medical procedures coming up, and is unsure if he will be in attendance for the Regular Town Board Meeting on the 28th, but hopes to be.

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Bldg. Insp. T. Masters

Masters has been working on two unsafe structures, which he hopes to have before the board by the end of the month.

Highway Superintendent M. Zahno

Zahno presented the 284 Agreement to Spend Funds for Permanent Improvements for 2025 from the Highway Department to the Town Board.

Agreement for the Expenditure of Highway Moneys

AGREEMENT between the Town Superintendent of the Town of Lewiston, Niagara County, New York and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. General Repairs. The sum of **\$46,000** shall be set aside to be expended for priary work and general repairs upon **10** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
2. PERMANT IMPROVEMENTS. The following sum of **\$705,468** shall be set aside to be expended for the permanent improvements of Town highways.

For the year 2025, the below signed parties agree to spend the sum of **SEVEN HUNDRED FIVE THOUSAND, FOUR HUNDRED SIXTY-EIGHT dollars (\$705,468)** to be used for the permanent improvement for the following roads: **Micro-pave - \$137,797 ; Paving - \$452.663 ; General Repairs - \$117,008**

Micro-Paving

- Wolf Run: \$19,414.50
- Homestead Place: \$5,127.03
- Lewiston Road: \$15,073.06
- N. & S. Brookside: \$18,461.33
- S. Hewitt Drive: \$10,033.33
- N. Hewitt Drive: \$27,090
- Edna Drive: \$2,575.22
- Walmore Road: \$38,076.56

Permanent Road Improvements = **\$135,797.03**

Crack Patching

- West Street
- Miller Road
- Scovell Drive
- Cayuga Drive
- Walker Drive
- Schoolhouse Road
- Langdon Road

General Repair (Estimated 1,103 Gallons @ \$16.95 / Gallon) = **\$18,695.85**

Profile & Asphalt (Milling and Paving)

- Meyers Hill Road: \$158,539
- Dickersonville Road: \$282,924

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- Walmore Road: \$11,200

Permanent Improvement Paving = \$452,663

Chip Sealing:

- Old Ransomville Road: \$7,590.24
- Schoolhouse Road: \$21,794.83
- Albright Road: \$30,342.89
- Langdon Road: \$18,863.15

Chip Sealing - \$98,311.68

Agreement for the
Expenditure of Highway
Moneys

Morreale MOVED to approve the 284 Agreement to Spend Funds for Permanent Improvements for 2025. Seconded by Jacoby and Carried 5-0.

Waechter MOVED to approve the Supervisor to sign the Agreement for the Expenditure of Highway Moneys. Seconded by Myers and Carried 5-0.

J. Ritter - WPCC Ch. Op.

The sewer department continues to work on their Main Panel Project.

Engineer B. Lannon

Tuesday May 6th the bidding will open for the Riverfront Park Pavillion and Fishing Pier project as advertised. The winning bid will be awarded on Monday May 12th.

SUPERVISOR BRODERICK

Broderick read a thank you card from the Sanborn-Pekin Free Library.

“An update from the Sanborn-Pekin Free Library – April 5, 2025

During the heavy rains of the past week, it was reassuring to know that the Library and the collection were safe from water damage because of a new roof. The roof replacement was successfully completed, with thanks to additional funding, support through the NYS Library Construction Aid, and the support of the Town. Thank you to you and the other members of the Town of Lewiston Board for the additional funds given toward the new roof. In the next few weeks, many students will be on Spring Break. With a secure building, the library is able to offer several programs for the children in our area. These programs are usually well attended. Thank you for the support you have given to the Sanborn-Pekin free Library so we can serve our community.”

Police Chief F. Previte

At the next Board Meeting on April 28th, Chief will be naming two new part time Police hires.

Previte has cleared a resolution with the Town Attorney for the installation of LPRs (license plate readers) in the Town. Attorney Bax confirmed he is comfortable with the resolution to be presented at the next Town Board Meeting.

Bethany Agnello – Raymond Drive

Agnello addressed the Board regarding an outstanding balance on her water bill, requesting the remaining balance and late fee be waived as she had difficulties with processing her payment. Agnello explained her trouble with

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applying the payment in the midst of changing bank accounts, and that by the time she could correct the payment information, the due date had past, leading to late fees.

Broderick read a letter from the Water Department pertaining to Agnello's account:

Ms. Agnello paid her water/sewer bill online with an e-check and entered an incorrect account number causing the payment to be returned. We added the \$20.00 "returned check" fee and penalties on the account for the payment being late. Ms. Agnello was paying charges on the account but never the full balance. Due to this, the payment was being applied to furthest outstanding balance and there were penalties still being assessed on the most current bill (our system automatically does this). The water department reversed penalties in the amount of \$8.58 on 12/3/2024. Payment was still not being made in full. The balance on the account is \$13.21.

Principal Balance: \$10.92

Penalty Balance: \$2.29

Total Balance: \$13.21

Total Water Balance: \$6.52

Total Sewer Balance: \$6.69

Agnello-
Water
Penalties

Jacoby MOVED to waive the late penalty and remaining balance totaling \$13.21 for B. Agnello – Raymond Drive. Seconded by Waechter, and Carried 5-0.

Attorney Bax advised the Board it must be stated for the record that this is a separate and far from waiving water charges relating to broken pipes, as we have a policy against that. Broderick says this is unrelated to any pipe issues as this was a "computer glitch" and of no fault of anyone's.

Eagle Scout Project Presentation:

Eagle Scout Anthony Yates addressed the Board with desire for the Town to fund an Eagle project at the Lewiston Dog Park. The owner of the dog park has asked the Eagle Scouts to make a frame for the signage that lists the park rules to replace the one that was destroyed by a previous weather storm. The Eagle Scouts have sketched a plan for the frame, which would be made of cedar wood and bolted directly to the fencing to withstand any weather conditions. The project would be to build four total frames for the signs, two on the large dogs' side of the park, and two on the small dogs' side. The total estimated cost for materials for the project is \$279.53.

Morreale MOVED to approve the Eagle Scout's "Dog Park Rules" Sign project at Lewiston Dog Park. Seconded by Waechter and Carried 5-0.

Eagle
Scouts
Dog Park
Sign Project

Morreale MOVED to approve funding of up to \$300 for materials for the Eagle Scout's Dog Park Sign project. Seconded by Jacoby and Carried 5-0

Waechter MOVED to approve the Supervisor to sign the approval of funding for the Eagle Scout project. Seconded by Myers and Carried 5-0.

LEGAL

Attorney Bax presented a Resolution to the Board regarding an abandoned alleyway.

WHEREAS, the Town of Lewiston (the "Town") is the owner of a parcel of real property which, is part of an unimproved alleyway situate in the Town of Lewiston, County of Niagara and State of New York, being part of Lot 29 of the New York State Mile Reserve and limited to that portion of said unimproved alleyway which lies directly between Subdivision Lot Nos. 1 and 2 in Block "L" and Lot No. 2 in Block "K" as shown on a Map filed

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in the Niagara County Clerk's Office under Cover No. 61, being also found in Microfilmed Maps page 226, being approximately 15' by 96' all as shown on said Map (the "Property"); and

WHEREAS, the Town has been approached by Allison & Dana Varney (the "Purchasers"), residents of the Town who currently own real property directly adjacent to the Property, and who expressed an interest in acquiring title to same; and

WHEREAS, the Town Board of the Town of Lewiston, New York (the "Board") has determined that the Property is no longer needed for Town purposes and that it is in the best interest of the Town to sell the property to the Purchasers; and

WHEREAS, the Town Board is authorized to enter into such transactions under Town Law §64(2); and

WHEREAS, the Assessor's Office for the Town has investigated the Property and, with all due diligence, ascribed a fair market value of one hundred (\$100) dollars to the Property; and

WHEREAS, the Purchasers have expressed their desire to acquire the Property from the Town in exchange for the currently assessed fair market value; and

WHEREAS, the contemplated transaction is subject to 6 NYCRR § 617, State Environmental Quality Review and permissive referendum under Town Law §64.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Lewiston as follows:

1. The Town Board does hereby declare the Property to be surplus property.
2. The Town Board does hereby accept the Town of Lewiston Assessor's Office value assessment of the Property as its true fair market value.
3. That the Town Clerk of the Town of Lewiston is hereby directed to, within ten (10) days of the adoption of this resolution, post and publish a public notice in the Official Town Newspaper, the Town of Lewiston Website and on the Town of Lewiston signboard to include a) the resolution adoption date, b) an abstract of the resolution and c) a notice that this resolution is subject to permissive referendum.
4. That this resolution shall take effect immediately.

Myers MOVED to approve the resolution as presented, Seconded by Jacoby. Roll call: Councilman Jacoby, yes; Councilman Morreale, yes; Councilman Myers, yes; Councilwoman Waechter, yes; Supervisor Broderick, yes. Carried 5-0.

Broderick said the Town of Lewiston is a member of the Niagara Power Authority. The Town's relicensing agreement with NYPA expires in September. Every participant has the representation of an attorney. The group in whole is represented by Mark Gabriel, but each Town has their own attorney.

Broderick MOVED to hire Henry Wojtaszek as Town Attorney at a rate of \$300/hr. Seconded by Morreale, opposed by Waechter and Jacoby, and Carried 3-2.

FINANCE

The Finance Director asked for approval to process the following 2025 budget revision:

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1. A request to move \$50,000 to the Environmental Protection budget - A00-1420-0400-0100 from the Appropriated Fund Balance budget A00-1000-0599-0000, to cover legal fees for the CWM lawsuit.

Budget
Revisions

Morreale MOVED to approve the budget revision as presented. Seconded by Myers and Carried 5-0.

The annual Town property and cyber insurance is up for renewal on 4/15/25. Agnello has been working with our insurance company (USI Insurance). Agnello presented the 2025-2026 Proposal Document as well as the documents the Supervisor must sign to renew the policy.

The property and cyber insurance coverage are the same coverage that The Town had in effect last year. The cost for the property insurance renewal is \$373,802.04 which is higher than what the Town paid last year by 57.3% or \$136,148.44. This is due to increased claims, market inflationary factors along with equipment and property value increases. The Town budgeted a 22% increase but will still have a total budgetary deficit of -\$82,102 which is distributed by a percentage within each Fund.

The cost for the cyber insurance renewal is \$8,550 which is the same as what The Town paid last year. This is due to the increased security measures we are implementing with our staff and IT services. Hopefully our increased security measures will continue to reduce our risk of exposure and future costs. This cost is within budget.

Jacoby MOVED to approve the USI Insurance renewal for 2025-2026. Seconded by Morreale and Carried 5-0.

USI
Insurance
Renewal

Waechter MOVED to approve the Supervisor to sign said renewal with USI Insurance. Seconded by Myers and Carried 5-0.

COUNCILMAN MORREALE

The Planning Board met in regular session on March 20, 2025 and reviewed a revised Site Plan conversion of existing 4 bay car wash to JP2 Propane business office and Maple Syrup business previously approved by the Town Board on January 9, 2025, request from Jay Clause, at 2846 Saunders Settlement Road, SBL 11.20-2-42. The Planning Board recommend a negative declaration with regard to SEQRA with no changes as previously approved. approval of the revised Site Plan presented with the condition of the bollards being added to the plan.

Morreale MOVED to approve a negative declaration with regard to SEQRA with no changes to the previously approved Site Plan. Seconded by Waechter and Carried 5-0.

JP2 Propane
Site Plan
Revision
Approval

Morreale MOVED to approve the revised Site Plan presented with the condition of the bollards being added to the plan. Seconded by Waechter and Carried 5-0.

COUNCILWOMAN WAECHTER

The Lewiston Senior Center would like to hire Carole Schroeder as an Aging Services Aide at a starting pay rate of \$15.50/hour beginning April 21, 2025.

Morreale MOVED to approve the hire of Carole Schroeder as the Senior Center's Aging Services Aide at a pay rate of \$15.50/hour beginning 4/21/2025. Seconded by Waechter and Carried 5-0.

Carole
Schroeder
Sr. Center
Hire

COUNCILMAN MYERS

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Sanborn Area Historical Farm Museum will have their regular meeting Tuesday April 22, 2025 at 7:00 P.M. Including a speaker series program "Local War of 1812" by John McSwann. Doors open at 5:30PM, Pot Luck dinner at 6.

Custom Rods Car Club will host a Car Parts Swap Meet Sunday May 4, 2025 7am-2pm at the Sanborn Farm Museum. Breakfast at 7am, lunch at 10am.

Sanborn Farm Museum will have a Pork loin dinner Saturday May 17, 2025 4-7pm or until sold out. No reservations needed.

Town Hall will be closed Friday April 18th for Good Friday.

Adjournment **Myers MOVED to adjourn. Seconded by Waechter and carried 5-0. 6:34 P.M.**

Transcribed and
Respectfully submitted by:

Briggett R. Cogland
Deputy Town Clerk

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