

January 27, 2025

Regular Town Board Meeting

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Jacoby, R. Morreale & S. Waechter; Police Ch. F. Previte; Bldg. Insp. T. Masters; Dep. Bldg. Insp. Zimmerman; Finance Director J. Agnello; Water Foreman D. Zahno; WPCC Ch. Op. J. Ritter; Atty. A. Bax; Rec. Director T. Smith; Eng. B. Lannon; 1 Press; 9 WPCC Employees; 4 Residents & Deputy Clerk T. Burns

ZOOM: Sr. Coordinator M. Olick; Cela Sinay Bernie (Citrine)

EXCUSED: Councilman J. Myers; Dep. Sup. W. Conrad; Hwy Sup. M. Zahno; Historian M. Maggard

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

Clerk read legal notice into record

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Lewiston, Niagara County, NY, on the 27th day of January, 2025, commencing at 6:00 P.M., at the Town Hall, 1375 Ridge Road, Lewiston, NY, to hear and consider the following property and property owner/applicant:

OWNER/APPLICANT: Citrine Power LLC

PROPERTY LOCATION: 4746 Model City Road

Town of Lewiston, County of Niagara, State of New York
(Tax Map No. 102.02-2-1)

TO CONSIDER APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN REVIEW for a ground mounted utility grade solar energy system on said premises.

All interested parties will be heard by the Town Board of the Town of Lewiston at said Public Hearing. A full copy of the application is available for review at the Town of Lewiston Building Inspectors office during normal business hours.

Dated: January 9, 2025

Cela Sinay Bernie – Managing Partner for Citrine Power

Citrine has been working with the Washuta Family and Modern Disposal for a long time trying to develop a solar project on their landfill. Bernie said Citrine was in front of the Zoning Board of Appeals in August and there were some setbacks. Citrine has been in front of the County and Planning Board who recommended Citrine to come in front of the Town Board. This project is about 2 ½ Mega Watts AC and will be a community solar project. It is a good way of making use of a completely useless piece of industrial property.

Matt Vrajnes – Citrine Power

Modern has about 10 acres of solar farm. Because it's on a closed landfill, everything will be on ballasts with no real disturbance in the earth and inside the landfill cap itself. It's fenced in

completely. Waechter asked if the ballast system could be explained. Vrajnes said some fabric will be put down on the soil, then a structural engineer would come in and design what that would look like. You would have a certain section of stone and pre-cast concrete ballast that these things would sit on top of. A structural engineer would make sure they're big enough to not put too much pressure on the landfill cap itself and also to design for wind uplift forces on the panels themselves so they're weighted down. Waechter asked about settlement as far as the soil goes. Bernie said they need to obtain a permit from the NYS DEC and they are doing structural analysis in terms of loads that can be put on the landfill on top of the soil and the cap underneath to satisfy the DEC's needs. The ballasts are going to be manufactured accordingly. Citrine does not want any settlement either.

Waechter asked what the impact from construction vehicles would be. Bernie said this is not a big truck that would be coming and dumping things, this is a very carefully construction process with smaller vehicles. Morreale asked what the access road would be. Masters said he was sick last week and is not sure how it progressed. The two issues he had is he did not receive the access agreement between Modern Disposal and Washuta Family Trust and does not know if the engineer and attorney signed off to say the removal bond is complete. Summerfeld said they are in discussion regarding the access agreement. Bernie said their property has an access road that is part of the deed. Model City Road is part of the landfill property. Modern and Washuta have multiple parcels that may have to be crossed and they're also getting easement agreements. Broderick told Bernie to work with Masters to satisfy what he is looking for.

Steve Lyle – River Road

Is there a benefit to the Town for taxes, licensing fees? Broderick said there are benefits. One of the biggest complaints when previously approving other solar farms was why aren't these on landfills/dumps? The town moved it to where it had to be put on industrial property. Nothing will ever be put there. This is going to be a much better option as far as visual. The town will have a host community agreement which the attorneys will work out.

Bob Lannon – Engineer

Projects like these have been designated or determined by New York State in terms of SEQRA to be an effective type 2 action. They made an amendment to the regulation in 2019 that actually furthered the interest of having solar farms on closed landfills. They declared it in effect of a type 2 action which means no further actions required.

Close Public
Hearing
Citrine

Morreale MOVED to close the Public Hearing. Seconded by Waechter and Carried 4-0. 6:15 PM

AGENDA AMENDMENTS: Broderick – Resolution for WPCC; Waechter – Resignation; Morreale – Abstract of Claims; Jacoby – 3 Resignations

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

ABSTRACT

January 27, 2025

Abstract **Morreale MOVED to approve Regular Abstract of Claims Numbered 25-00146 thru 25-00146 and recommended payment in the amount of \$64,815.50. Seconded by Jacoby and Carried 4-0.**

APPROVAL OF MINUTES

Minutes **Morreale MOVED to approve the minutes of 1/6/2025 WS/Re-Organization Mtg. Seconded by Jacoby and Carried 4-0.**

RESIDENT STATEMENTS: None

DEPARTMENT HEAD STATEMENTS

Tax Collectors Office

The Tax Collectors Office will offer extended hours this Thursday, January 30, 2025. Town hall will remain open until 6:30 PM to receive tax payments. The last day to pay taxes without penalty will be Friday, January 31st. Any payments received after that date will have an additional 1% interest.

WPCC Ch. Op. J. Ritter

At the special board meeting on 1/23/2025, the WPCC received approval to employ a pipe lining contractor. There is a major sewer leak at the Power Authority. The leak is located half way across the dam on 104 and is suspended under the road. Sewer is coming down and it is a health and nuisance risk. It is also putting electrical distribution lines at risk. Work will start on this tomorrow.

Ritter asked for approval for the Supervisor to sign the 2025 Sewer Use Agreement. There are no changes from last year.

2025
Sewer Use Agreement **Jacoby MOVED for approval for the Supervisor to sign the 2025 Sewer Use Agreement. Seconded by Waechter and Carried 4-0.**

Phase 2 of SCADA project will take another step forward towards completion as we take half of our plant offline today so work can be performed on various totalizers and measurement devices.

Hwy Sup. M. Zahno

Zahno intended on attending the meeting tonight but is out clearing roads. Broderick read 3 estimates for Oak Hill for approximately 25 trees. BL Tree Care, LLC bid \$15,000, Arbor Tree bid \$18,000 and Michaels Tree Service Bid \$20,000.

Bid Award
Oak Hill
Tree Removal **Morreale MOVED to approve the low bid of \$15,000 from BL Tree Care with funds from H97. Seconded by Waechter and Carried 4-0.**

OLD/PENDING BUSINESS – None

NEW BUSINESS - None

SUPERVISOR BRODERICK

The Lewiston Public Library is seeking assistance from the Town of Lewiston. The only thing the Town will be able to help them with is an issue they have with their heating unit.

Lewiston
Library
Assistance
Heating

Jacoby MOVED to approve \$2,770 to the Lewiston Library to assist with repairs from the H98 account. Seconded by Waechter and Carried 4-0.

WPCC
Teamsters
Local 264

Broderick MOVED to approve a Resolution that the Town of Lewiston voluntarily recognize Teamsters Local 264 as the collective bargaining representative for the workers in the WPCC. Seconded by Waechter and Carried 4-0.

The Town of Lewiston posted for a second building inspector. There is a lot of needs in other communities for Building Inspectors. Ed Zimmerman is on the Civil Service List.

2nd Building
Inspector
Hire

Morreale MOVED to approve Ed Zimmerman as a second Building Inspector at an annual salary of \$74,258. Seconded by Jacoby and Carried 4-0.

Legal:

The towns auditors, Drescher & Malecki, have asked that the Town come up with a fund balance policy. Bax has been working on this. After meeting with Agnello, they talked about possibly having each department head come up with a 5-year plan for some additional investments into their department for things that they need so when fund balances allow for it, we can invest in those things to save tax payer money long term.

Engineering:

Lannon said they're wrapping up the final design for the Riverfront Park fishing pier, kayak launch and second pavilion and would like to advertise for bid for that project.

Riverfront Park
Advertise - Bid

Morreale MOVED for approval to go out to bid for Riverfront Park fishing pier, Kayak launch and pavilion. Seconded by Jacoby and Carried 4-0.

Broderick said the town went through a lot of obstacles to get where we are today with Riverfront Park. Anytime you deal with a waterway, NYS Dept of State had some issues with what we wanted to do from Albany. Thankfully, the young lady that came to Lewiston and attended a meeting became our biggest advocate. All the criticism from Albany became "don't change a thing" when she came here. It was a frustrating process but finally we were lucky enough to get her here because I don't think this would've gotten done if they didn't come.

Finance:

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

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1. A request to move \$1,851 to Justice Clerk budget - A00-1110-0400-0000 with \$121 from Justice Equipment budget - A00-1110-0200-0000, \$947 from Prosecutor Contractual budget – A00-1165-0400-000 and \$783 from Niagara Power Coalition budget – A00-1420-0400-0200, to cover contractual expenses.
2. A request to move \$105 to Professional Report Fees budget - A00-1220-0401-0000 from Supervisor Contractual budget - A00-1220-0400-0000, to cover reporting expenses.
3. A request to move \$212 to Assessors Contractual budget - A00-1355-0400-0000 with \$163 from Niagara Power Coalition budget - A00-1420-0400-0200 and \$49 from Election Contractual budget – A00-1450-0400-0000, to cover contractual expenses.
4. A request to move \$4,174 to Attorney Contractual & Litigation budget - A00-1420-0400-0000 from Environmental Contractual budget - A00-8090-0400-0000, to cover contractual expenses.
5. A request to move \$2,161 to Building Contractual budget – A00-1620-0400-0000 with \$1,172 from Building Equipment budget – A00-1620-0200-0000 and \$989 from Dog Control Contractual budget – A00-3510-0400-0000, to cover contractual expenses.
6. A request to move \$3,316 to Town Garage Contractual budget – A00-5132-0400-0000 with \$598 from Taxes Municipal Property budget – A00-1950-0400-0000, \$650 from Highway Admin. Budget – A00-5010-0400-0000 and \$2,068 from State Retirement budget – A00-9010-0800-0000, to cover garage door repair and contractual expenses.
7. A request to move \$3,589 to Recreation Contractual budget – A00-7310-0400-0000 with \$1,683 from Recreation Personnel budget – A00-7020-0100-0000 and \$1,906 from Recreation Seasonal Help Personnel – A00-7310-0100-0000, to cover contractual expenses.
8. A request to move \$5,728 to Seniors Contractual budget – A00-7630-0400-0000 with \$2,925 from Seniors Personnel budget – A00-7630-0100-0000, \$570 from Town Communications budget – A00-8095-0400-0000, \$1,000 from Unemployment Insurance budget – A00-9050-0800-0000 and \$1,223 from Disability Insurance budget – A00-9055-0800-0000, to cover contractual expenses.
9. A request to move \$9,507 to Hospital & Medical Ins. Budget – A00-9060-0800-0000 from Union Welfare Benefits budget – A00-9070-0800-0000, to cover medical insurance expenses.

10. A request to move \$3,775 to Police Gasoline/Diesel Fuel budget – B00-3120-0400-3510 from Transfer from Other Funds-Hydro budget – B00-1000-5031-1189, to cover gasoline expenses.
11. A request to move \$86 to Safety Inspection Contractual budget – B00-3620-0400-0000 from Safety Inspection Equipment budget – B00-3620-0200-0000, to cover contractual expenses
12. A request to move \$25,000 to Highway Snow Removal Contractual budget – DB0-5142-0400-0000 with \$20,000 from Highway Seasonal Personnel budget – DB0-5110-0100-0200 and \$5,000 from Highway Snow Removal Out of Dept. Personnel budget – DB0-5142-0100-0100, to cover the purchase of road salt.
13. A request to move \$31, 774 to Source of Supply budget – SW1-8320-0400-0000 with \$2,500 from Supply Out of District – SW1-8320-0400-0100, \$673 from Transmission & Distribution Personnel budget – SW1-8340-0100-0000, \$500 from Out of Dept. Personnel budget – SW1-8340-0100-0100, \$15,140 from Transmission & Distribution Contractual budget – SW1-8340-0400-0000, \$1,029 from Medicare budget – SW1-9020-0800-0000, \$4,400 from Social Security budget – SW1-9030-0800-0000, \$6,934 from Medical Insurance budget – SW1-9060-0800-0000 and \$599 from Union Welfare Benefits budget – SW1-9070-0800-0000, to cover source of supply contractual expenses.

Budget Revisions **Morreale MOVED for approval as presented. Seconded by Waechter and Carried 4-0.**

Agnello asked for approval for the town to enter into an agreement with Troy & Banks which is a Utility & Communications Consultant. They would complete a cable franchise audit for the town. This will not cost the town any money but they will keep a percentage of any savings obtained which is currently 50%. The town has used them in the past. In 2019, they recovered over \$47,000 in their cable audit and in 2013, they recovered \$43,000. This has been reviewed and approved by the town attorney.

Jacoby MOVED to approve the agreement with Troy & Banks. Seconded by Waechter and Carried 4-0.

Jacoby MOVED to have the Supervisor sign said agreement. Seconded by Morreale and Carried 4-0.

COUNCILMAN JACOBY

Jacoby received a letter of resignation from William Krell, the Senior Center gardener.

Senior Center Resignation Gardener **Jacoby MOVED to accept the resignation of William Krell from the Senior Center, with regret. Seconded by Morreale and Carried 4-0.**

January 27, 2025

Jacoby received a letter of resignation from Carly Brainard from the Lewiston Police Department.

Police Dept
Resignation **Jacoby MOVED to accept the resignation of Carly Brainard from the Police Department, with regret. Seconded by Morreale and Carried 4-0.**

Jacoby received a letter of resignation from Zachary Collister from the Zoning Board of Appeals. The letter says “with regret” and Jacoby knows Collister means that, he loves to do this stuff. “This is a good move for him and I hate to see him go.”

ZBA
Resignation **Jacoby MOVED to accept the resignation of Zachary Collister from the Zoning Board of Appeals, with regret. Seconded by Myers and Carried 4-0.**

ZBA
Appointment **Jacoby MOVED to appoint Lou Fontana to a permanent position on the Zoning Board of Appeals. Seconded by Morreale and Carried 4-0.**

COUNCILMAN MORREALE

Morreale said he is the liaison of the WPCC. The Town was allowing up to \$2,000 for a backflow preventor for residents that wanted to take advantage of the program the town has. So far, only 1-3 people have taken advantage of this. Talking with the Supervisor, Morreale made a recommendation to raise the allowance to up to \$2,500. Waechter asked what the “cap” was on the expenditure for the town. Broderick said, the town was looking at about \$100,000. Waechter asked if that amount was changing and wants to make sure the \$2,500 amount was not going to change what the initial investment amount was. Broderick said, this amount will not change. This program is made specific to certain areas.

Backflow
Preventor
Allowance **Morreale MOVED to change the Backflow Preventor allowance from “up to \$2,000” to “up to \$2,500”. Seconded by Jacoby and Carried 4-0.**

COUNCILWOMAN WAECHTER

Waechter introduced Local Law 1-2025, A Local Law Terminating the Environmental Conservation Commission and Creating the Planning and Environmental Review Board and scheduled a Public Hearing for February 10, 2025 at 6:00 PM.

Schedule
Public Hearing
LL #1-2025 **Waechter MOVED to schedule a Public Hearing for Local Law 1-2025 on 2/10/2025 at 6:00 P.M. Seconded by Morreale and Carried 4-0.**

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

Transcribed and
Respectfully submitted by:

Tamara Burns
Deputy Town Clerk

January 27, 2025

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