

May 12, 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, Finance Director J. Agnello; Water Foreman D. Zahno; WPCC Ch. Op. J. Ritter; Atty. A. Bax; 17 Residents, & Deputy Clerk B. Cogland

ZOOM: 1 Resident & 1 Press

EXCUSED: Rec. Director T. Smith; Sr. Coordinator M. Olick; Eng. B. Lannon, Hwy Sup. M. Zahno

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

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 12th day of May, 2025 commencing at 6:00 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York, to hear and consider the following property and property owner/applicant:

OWNER/APPLICANT: 5/4 Development Corp

PROPERTY LOCATION: Washington Drive (between Madison and Jefferson)

Town of Lewiston, County of Niagara, State of New York

TO CONSIDER APPLICATION FOR A NEGATIVE DECLARATION AND CONCEPT PLAN
REVIEW for the Presidents Park Apartment Complex 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 Inspector's office during normal business hours.

By Order of the

TOWN OF LEWISTON TOWN BOARD

Dated: April 28, 2025

Supervisor opened the public hearing, allowing a time cap of four minutes for each resident to speak.

John Murnyack - Ridge Road

Murnyack attended the Zoning Board meeting a year ago when this project was presented. He hoped this idea would be "dead on arrival". 160 units were originally approved, 158 were going to be built – this was the number originally stated. Now an additional 52 units are being added, increasing the density on that parcel of land. If the reason for the additional units were to house Veterans or families in need, the feeling about this would be a lot different. The fact that it is increasing for purposes of monetary gain is rubbing the neighbors the wrong way. Murnyack feels the Board's decision to allow this development is opening the door for other developers to say "you did it for him, why not us?" The Town does not do spot zoning anymore, but that's what this feels like to Murnyack. Two years ago, four of the Board Members sat in on a kickoff meeting to revise the Town code, which has still not been done. Murnyack said in the revision of the Town Code if density is increased for everyone it would be different, but that wasn't done and he hopes this does not get approved.

Dave Montante -Youngstown-Lockport Road

Montante is here in protest of the development of Presidents Park Apartment Complex. The sewage treatment plant cannot handle anymore. The sewage treatment plant is taxed beyond belief, an individual from the plant has already

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said it cannot handle it. Lewiston has a world class fishery here. The plant can dump raw sewage into the river when there are high rainfall and when it gets overloaded, and we don't want or need that getting worse or word on it getting out, a lot of money is made on fishing. Another issue is the 3F Club losing usage of a lot of their property due to the 500-foot rule for discharging of a firearm. The 3F Club is a staple of Lewiston and it would be terrible to see that change because of this development being approved.

Elizabeth Coffey – East Ave, Youngstown

As the recording secretary of the 3F Club, Coffey had concerns. In February, the Town Planning Board said there were changes that needed to be made, and never voted on the approval of the complex. Updates were needed to be made on the size of drainage pipes, and other small things. Where did it go from there? Was there an updated SEQRA? Coffey wanted to know how it got to this point already when the Planning Board sounded to her like there were still things that needed to be discussed.

Masters said at the last Planning Board meeting the Town Engineer updated and approved the SEQRA. The Planning Board recommended approval of the negative declaration, and approval to the Board.

Coffey said the apartment complex will butt right up to the property line of the 3F Club property near the rifle range. This is a huge concern for the club who has been there since the 1940s. The Club has the appropriate footage from where they shoot to where the property line is, but as a mother and educator, Coffey knows the proper distance will not be enough to stop a curious child from exploring in the woods and going onto the property to see where the gunshots are coming from. Other concerns regard the fairly substantial woodland duck population in the area the development would back up to whose habitat will be disrupted if this development is built. It has been said the club can just put up a fence, but that will disturb the habitat also. Coffey is a Town of Porter resident, who frequents the Town of Lewiston, and also is concerned about the mass increase of traffic, and sewage volume. It was said that D.O.T and sewage treatment studies would be done, and she would like to know when they are and the results.

Clayton Miller - Creek Road

Miller framed his points on the viewpoints of the Board members as they were trying to get the votes from residents to hold the positions they are in today. He quoted Councilman Jacoby, "Developers design projects with no chance of meeting Town Codes then ask for a waive to make it compliant. This is done to maximize developers' profits at the objection of nearly all the residents." This project has changed a lot, and Miller has attended all the meetings it has come up in. About 20 times it has changed actually, and that is not a hyperbole. The recent increase in density was given so 5/4 Development could have a business model that would work for market rate apartments. No offense to the members of the 3F Club, but no one is going to pay market rate prices to live next to a gun club. If we are all being honest with ourselves, we know the end result of this project is subsidized housing. 5/4 Development said they had a failing business model, if that were the case, they wouldn't be asking to make it larger. "For Sale" signs are already up. "The owner is seeking a developer to buy the land and push it over the finish line." This project should not go forward until the land is sold, then the new owners will have to come and say what they are using it for. Miller fears 5/4 Development will put up the apartments then sell it to be made subsidized housing so they can say they didn't do it. What will the Town have to say when that happens?

Miller quoted Councilman Morreale, "We need to ensure the Lewiston we leave our children and grandchildren is a better community." Amen to that. Councilwoman Waechter once said, "The Plan Code needs to be cleaned up, and the Town Comprehensive Code needs a look at as well." Is there a plan for when this new project is built, and all the traffic from there, Woods at Blairville, a couple hundred golfers turning left or right at Hickory Stick, plus the entirety of the Lewiston Porter School District barreling down Creek Road at 55mph? Is there a comprehensive plan for what happens then? Miller quoted Councilman Myers, "The goal is to look out for the best interest of our people and make sure infrastructure is well maintained." Miller said it seems problems keep adding up with no solutions. It seems The Town has a "once in a hundred year" water storm every year because drainage problems

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are not being addressed. Also, to quote Supervisor Broderick, “It’s only my administration to do the right thing over politics as usual. The tax payers need to know that they have a partner at Town Hall who will follow through and is committed to the long-term veteran of this community.” If you do it to have leaders that are dedicated to doing the right thing by Lewiston then this project will stop tonight and the developers can go back to the drawing board and make a plan that the town wants and needs. During development of Blairville, the Town was sold on this being luxury / retirement housing. As we know, that’s not what it turned out to be. Miller pleaded to the Board “do not let this happen again.” Everyone has done their job here, but now its up to the Town Board to do what is best for Lewiston.

Rick Horton – Creek Road

Horton resides across the street from Washington Drive, and already has concerns about the traffic on Creek Road from the golf course alone, and stressed the severity of what will come with a major increase of population in the area. Horton is the Vice President of the local fire hall - Lewiston #1- which is staffed by volunteers. The Fire Hall isn’t ready to take on an additional 200+ units. Horton moved from Niagara Falls to be in a better environment, and doesn’t want to see Lewiston become one in the same. He said he doesn’t want to have subsidized housing in his neighborhood. Until yesterday, seeing about the development on Facebook, Horton was never made aware that this project was in motion, as a near neighbor to the development location, he feels he should have been made aware by the Town. Horton moved his family to get out of the “ghetto”. It would be a tragic mistake for the Board to open Lewiston up to it. The Board needs to really look at what changes they are approving to happen to Lewiston.

Tim Gunther – Porter Center Road

Gunther is the president of the 3F Club. Gunther holds several reservations against this project: the retention pond would be right against the duck marsh pond, obviously the rifle range distance. The 3F club already has issues with the adolescent crowd from Woods at Blairville trespassing on the Club property and making “makeshift party areas” and littering, there’s no logical doubt this is a problem that would only grow if this apartment complex is put up beside them. Gunther has seen the Board deny variances before of two feet for a fence that would only effect the owners’ property, and is baffled this has gone this far and asked the Board to deny this project.

Morreale MOVED to close the Public Hearing. Seconded by Myers and Carried 5-0. 6:26 P.M.

No action will be taken tonight on this topic.

AGENDA

Additions: Broderick -Juneteenth Holiday; Jacoby – Local Law #1 of 2025 Code Enforcement update; Waechter – Employee Resignation

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

APPROVAL OF MINUTES

Morreale MOVED to approve the minutes from April 28, 2025 Regular Town Board Meeting. Seconded by Jacoby and Carried 5-0.

ABSTRACT OF CLAIMS

Morreale MOVED to approve the Regular Abstract of Claims Numbered 25-01061 thru 25-01217 and recommended payment in the amount of \$668,671.23 and 25-01218 thru 25-01219 and recommended payment in the amount of \$1,887.87. Seconded by Waechter and Carried 5-0.

DEPARTMENT HEAD STATEMENTS

WPCC Ch. Op. - Jeff Ritter

A few months ago, during routine inspection it was noticed that there was a leak that formed in a lot of the digester man doors. The leak was working its way through a piece of ¼” steel. A company came in and repaired the leak with epoxy cement. During its use the digester is full, and can’t use any welding equipment to repair it because it is very flammable. The digesters were already scheduled for an overhaul since they have been in service since 1978 and only one of the two has ever been cleaned or emptied in all that time. Instead of getting into the detail on how these things work, or what is going bad on them, Ritter would love to have anybody from the Board come to the treatment plant and take a tour and see how these things [the digesters] work.

Ritter has contacted GHD, who are well versed in digester rehab and replacement at water treatment plants. This also coincided with the Town’s capital five-year plan, so he wanted to find out how much this was going to cost. To continue with this project and determine the cost, and to have GHD continue with the engineering its going to cost \$27,100. That is just to continue on with the engineering and find out how much the actual repair or replacement is going to cost. Eventually, Ritter is thinking The Town is looking into the millions of dollars, and that we may need to go to Bond and talk to the other four communities and talk about how this is going to be paid for. This is a huge job and as it may have been mentioned, Ritter believes this is an eminent threat and the fact is if there is a catastrophic failure, it’s going to cost a lot of money. Ritter would like to meet this challenge head on and start moving towards replacement or rehab of the WPCC digesters and grit removal system. Ritter must get an engineering report and a map planning report on how to handle the situation and needs approval to sign a report allowing the engineers to continue to work. The \$27,100 would be coming from the SS1 funding balance.

This would give a scope of work, price, and determination of exactly what needs to be done to properly resolve this serious issue. No other engineering should be needed after this is done. Once a dollar amount is determined, a meeting with the other communities can be held to discuss the bond.

WPCC
Eng. Report
for
digester
rehab

Waechter MOVED to approve J. Ritter to sign the engineering report to allow \$27,100 from the SS1 budget to work on the digesters. Seconded by Morreale, and Carried 5-0.

A. Smith – Clerk’s Office

Smith received 3 quotes to have UV filtering blinds installed in the windows of Town Hall. Dan Mills bid \$7, 090, Budget Blinds \$10,144.65, and Hurtin4Curtains bid \$13,680.

Window
Blinds bid

Morreale MOVED to accept the bid of \$7,090 from Dan Mills Installation, Inc to put blinds in the windows of Town Hall. Seconded by Myers, and Carried 5-0.

Supervisor Broderick

Broderick presented a tentative agreement between the Town of Lewiston and Teamsters Local Union No. 264 for the Town of Lewiston Highway Department and Water workers. Negotiations over the last ten months have concluded and Broderick now needs the Town Board to approve him to sign the agreement. Retroactive as of January 1st.

Tentative
Agreement
between
ToL &
Union #264

Broderick MOVED to approve the Tentative Agreement between the Town of Lewiston and Teamsters Local Union No. 264 and to have the Supervisor sign the Collective Bargaining Agreement once approved by the attorney. Seconded by Jacoby and Carried 5-0.

Broderick presented the Fire Protection Services Agreement contracts for the volunteer fire companies: Sanborn Fire Company, Ransomville Fire District, Upper Mountain Fire Company, and Lewiston Fire Co. #2.

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Jacoby MOVED to approve the Protection Services Agreements for Sanborn Fire Company, Ransomville Fire District, Upper Mountain Fire Company, and Lewiston Fire Co. #2. Seconded by Morreale and Carried 5-0.

Myers MOVED to approve Supervisor Broderick to sign the Fire Protection Services Agreements presented. Seconded by Jacoby and Carried 5-0.

The Tentative Agreement with the Local 264 for the Highway and Water workers includes the observance to Juneteenth as a federal holiday. Honoring a Federal Holiday within a Town is not as easy as just going with it, it needs to be worked into four different union contracts.

Juneteenth
Holiday

Broderick MOVED to approve the following resolution: Be it resolved that the Town of Lewiston hereby recognizes Juneteenth as an official Town Holiday. And be it further resolved that the Town employees will be afforded a paid holiday, on that day, in accordance with the Town of Lewiston Employee Handbook and/or Collective Bargaining Agreements applicable to each employee and/or union. And be in further resolved that the Town of Lewiston Employee Handbook shall be amended in accordance with this action. Seconded by Myers and Carried 5-0.

Masters said the roof on the water tank storage building has been leaking and block walls are being pushed out. There is equipment in the building, so it will need to be worked around. The walls will need to be repointed, and roof replaced and building made whole again. Broderick asked Zahno if he believes fencing around the equipment is necessary for security. Zahno said no, there is fencing around the property with a gate, he does not believe it is necessary to put up further fencing. Broderick asked for a motion to approve the contract with GHD to complete the repairs.

GHD to put
Water Tank
Storage
Bldg Repair
to bid

Myers MOVED to approve GHD to put Water Tank Storage Building Repairs out to bid. Seconded by Jacoby and Carried 5-0.

Broderick suggests for members of the Board to go to the water tank storage building and take a look at it.

Riverfront Park Pavilion and Fishing Pier project bid was closed On Tuesday May 6th. This is a Greenway project and funding for this project has already been secured. Five bids were opened. MD Concrete & Masonry bid \$987,850, Miller Const. Service Inc DBA/ Scott Lawn Yard bid \$1,281,480, Essential Const. Services bid \$1,185,000, A-1 Landcare Inc bid \$1,203,489, and Sicoli Const. Services bid \$997,600.

Jacoby asked why the one bid was so much cheaper. Masters answered the Town Engineer and himself interviewed the winner of the bid, and was ensured the difference is only due to the company having less overhead than the others. Broderick noted this was a similar situation as the Senior Center Parking Lot Lighting and they couldn't be happier with the result.

Riverfront
P&P / Fish
Pier Bid
Awarded

Waechter MOVED to approve MD Concrete & Masonry's bid of \$987,850 to complete the Riverfront Park Pavilion and Fishing Pier project. Seconded by Morreale and Carried 5-0.

FINANCE

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

1. A request to move \$6 to the Bingo Inspector Contractual budget A00-7989-0400-0000 from the Bingo Inspector Personnel budget A00-7989-0100-0000 to cover the purchase of a manual attendance counter.

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

Budget
Revision

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Agnello presented the Town's investment report. On 5/05/2025, the Town earned quarterly interest totaling \$49,157.30 from our 12 Month Public Funds CD Investment with Bank on Buffalo that will mature on 11/04/2025.

To date, the Town has earned investment interest over the past years. In 2019- \$7,595, 2020- \$77,024.95, 2021- \$4,553.89, 2022- \$343, 2023- \$236,641.41, 2024- \$263,415.29, 2025- \$99,950.59. Totaling \$689,524.13

COUNCILMAN JACOBY

The Code Enforcement Law – Local Law #1 of 2025 is completed. There is a copy available in the Building Department and the Clerk's Office if anyone would like to read over it.

Schedule
Public
Hearing
on Local
Law #1-2025
Code Enf

Jacoby MOVED to call for a Public Hearing on Local Law #1 of 2025 – Code Enforcement Law on May 29, 2025 at 6:00 P.M. Seconded by Myers and Carried 5-0.

COUNCILMAN MORREALE

Albert Celeste of Scovell Drive submitted a request for sewer forgiveness in the amount of \$63.64 for water used to fill his new pool in May 2025.

Pool Sewer
Forgiveness
Scovell Dr.

Morreale MOVED to approve sewer forgiveness in the amount of \$63.43 for A. Celeste of Scovell Drive. Seconded by Jacoby and Carried 5-0.

COUNCILMAN MYERS

Sanborn Historical Society will have a pork loin dinner fundraiser on Saturday May 17th.

COUNCILWOMAN WAECHTER

Sr. Center
Resignation
C.Schroeder

Waechter read a letter of resignation from Carole Schroeder as an aide at the Lewiston Senior Center.

Waechter MOVED to accept Carole Schroeder's resignation from the Senior Center with regret. Seconded by Morreale and Carried 5-0.

PRIVILEGE OF THE FLOOR / PUBLIC COMMENT

John Murnyack

Murnyak asked about the code revision. There will be a meeting about it with Wendel next Wednesday. Masters and Morreale will be attending this meeting. Murnyak said he has been pushing for the availability for small businesses to operate in the Town. The Code currently is very strict on the topic and Murnyak wants to see this become easier for residents to do. "If we are going to be the best town in this area, we need to address these things." Developers such as the one in the public hearing today are only able to be working on a development like this due to a "loop hole" in the code. Broderick said there is nothing in the code, nor will be, that allows for a business in a R1 district. Murnyak states a small business with a few employees is one thing, an individual with a single office wanting to work as an accountant is another and there are separate codes for them, and there should be a way for people who want to run a small business to be able to address the board and ask if they can. Broderick said the Town has looked for areas that would be good for this, and when letters were sent out to the neighbors there, they all said "no" they don't want a business next to them. Murnyak said for example, the guy wanting to open a small repair shop had to go to Wilson to open it because he could not open it within the Town of Lewiston. Murnyak said there should be a balance, residents should be able to get service in the Town not have to travel to another town because Lewiston is not zoned properly. Broderick answered that he wants there to be more business in Lewiston.

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Upcoming Historical Preservation Meeting on May 13th is cancelled.

Town offices will be closed on May 26th in observance of Memorial Day.

Adjournment

Morreale MOVED to adjourn. Seconded by Weachter and carried 5-0. 6:56 P.M.

Transcribed and

Respectfully submitted by:

Briggett R. Cogland

Deputy Town Clerk

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