

October 16, 2025

Work Session

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Myers, J. Jacoby, R. Morreale & S. Weachter; Dep. Sup. W. Conrad; Police Captain M. Battista; Eng. B. Lannon, Finance Director J. Agnello; Water Foreman D. Zahno; WPCC Ch. Op. J. Ritter; Atty. A. Bax; & Deputy Clerk B. Cogland; 5 Residents, and 1 Press

ZOOM: 1 Press

EXCUSED: Rec. Director T. Smith, Hwy Sup. M. Weiss; Bldg. Insp. T. Masters; Sr. Coordinator M. Olick

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

AGENDA APPROVAL

Waechter - Sr. Center Renovations Bid Approval
Morreale - Energy Choice Act
Broderick - Lewiston Public Library

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

APPROVAL OF MINUTES

Approval of Minutes **Morreale MOVED to approve the minutes from the 9/22/2025 Regular Town Board Meeting. Seconded by Myers and Carried 5-0.**

ABSTRACT

Abstract of Claims **Myers MOVED to approve the Regular Abstract of Claims Numbered 25-02545 thru 25-02746 and recommended payment in the amount of \$718,158.49, plus a Post-Audit of \$25,040.55. Seconded by Morreale and Carried 5-0.**

DEPARTMENT HEAD STATEMENTS

Deputy Town Clerk – B. Cogland

A special election was held at Town Hall on Wednesday October 15, 2025. This was a vote on the resolution to increase the contribution from the Town from \$700 to \$1000 to the Service Awards Program for Lewiston No. 2, Upper Mountain, and Sanborn Fire Companies. The results were unanimous – passing 69-0 in favor of the increase.

Highway Dept

Broderick read the results of the sealed bid for wood grinding services opened on October 1, 2025.

October 16, 2025

Villani's Lawn & Landscape - \$14,483; ETS Clearing and Grading - \$18,750; Lardon Construction Corp - \$31,955.20; and Zoladz Construction Co., Inc. - \$36,595.

Wood Grinding **Broderick MOVED to award wood grinding services to Villani's Lawn & Landscape in the amount of \$14,483.00. Seconded by Jacoby and Carried 5-0.**
Bid Award

WPCC Ch. Op. – J. Ritter

The Morgan Farms area has been plagued by water problems for a long time. In an effort to find out where the ground water is entering the sanitary sewer, Ritter would like to initiate smoke testing of the sanitary sewer in the Morgan Farms area. Smoke testing can be described as connecting a big fan over the top of a man hole and introducing liquid smoke that blows down into the sewer system. The smoke will find its way through cracks in the pipes and faulty connections and can show where the water is getting into the sanitary sewer. The public needs to know the smoke is non-toxic. This is the same kind of smoke you may see at a rock concert or a magic show. It is non offensive smelling and non-toxic. There is a chance the smoke may be seen inside homes if there are faulty fixtures. This smoke will not affect health in any way. The purpose is to detect potential defects and sources of infiltration in the sewer system. Postings of a letter of intent will be put on Facebook and on the Town's website with a material safety data sheet which will show the chemical makeup of the liquid smoke. Before this begins, Ritter intends to hand deliver a notice of the testing to everyone in the neighborhood.

Engineer – B. Lannon

There is a lot going on in Morgan Farms with not just the sanitary sewer, but also the storm sewers. At the last Board Meeting the Board authorized the deployment of flow metering. A total of 8 flow meters were installed in the collection system throughout Morgan Farms and has been collecting data ever since. The recent rainstorm was recorded which peaked at an inch and a half per hour. In total, 2 inches of rain was collected as a result of the rainstorm. That puts the Town to week three of a three-month data collection period. This will tell us from a full characteristic standpoint where the flow is coming in and what impacts it may have to the collection system in Morgan Farms. Also, in Morgan Farms a topographic survey – right of way to right of way – and have developed a computer model showing how the existing pipes are working and what improvements need to be made in the area as far as larger pipes, capacity, etc. There will be a meeting tomorrow to discuss the findings so far.

Similar, in Woodlawn Forest, a topographic survey has been done, that information has been put into a computer model and showed the system is not as robust as the Town would like for it to be. Improvements for that will be discussed. Several department heads visited the area of Elm Drive and Annover Drive and conversations were had with neighbors. What is hoped to be the problem has been found. Ritter and his team uncovered a collapsed pipe in the area and the continuation of that storm pipe will be investigated to make sure there are not any other obstructions.

Some improvements have been designed for Cliff Road area. There is a railroad ditch that runs east to west and there were some storm contributions on Sullivan Court within the right of way, but not necessarily the road way. This was complicating the flow characteristics. A new storm system has been designed that's about 1300 feet of 36" sewer pipe that will take the water from the railroad ditch and Sullivan Court up the roadway to the other side of the curb then down Cliff Road and Lewiston Hill to the Treatment Plant. There will be a meeting with the department heads tomorrow, and the reports of these efforts will be available after that.

Waechter asked Ritter when the smoke testing was set to begin – He would like to start by the end of the month.

Acting Town Clerk – A. Smith

The Town website will be changing to a .gov domain. This change is due to a requirement from legislation that has passed and must be done by all municipalities by the end of the year. The new website will be townoflewistonny.gov this change will happen overnight Monday October 20th. Smith said after Tuesday everything will be redirected to the new website and emails – this is posted on the website also.

Water Foreman – D. Zahno

There were two water main breaks on The Circle Drive within 30 feet of each other. All repairs have been made.

NEW BUSINESS

Chris Pannozzo is the President of the Lewiston Public Library Board of Trustees, and attended the meeting with Jill Palermo. Palermo would like to thank the Town Board for the funding provided to the library. People come to the library for adult programs as well as children's, some people come every day just to read the newspaper, and some for chess-club. The library is more than just books. Over the last year, 57,000 people came to the library; the library now has over 6,000 registered followers, and 233 children's programs with over 4000 people attending. The library provides computer and technology assistance, including a trainer that comes in once a month to help individuals one on one with learning how to use their tablets, smart phones, or anything else they may need help with. October 29th from 6-8pm, the library will host a "Friends of the Library" fundraiser with a volunteer of the year recognized and awarded. Pannozzo thanked the Board again for the contribution from the Town and wanted to specifically take a moment to thank Councilman Jacoby who has been an excellent liaison for the library, who was always available and accessible to them and wished him well in his retirement.

SUPERVISOR BRODERICK

Broderick was recently in the Village Hall, and it was mentioned to him the electric in the building has needed upgrading for the last 5-6 years, but every time they put it into the budget, something else comes up that takes precedence for the funding. There are two new air conditioning units there that can't be hooked up because the electric is not up to date. The Town has an energy fund from the 6.5 MW that are sold on the market. Sales have been good. Broderick would like to propose the Town make a resolution to provide up to \$150,000 to the Village from H98 for electrical upgrades at the Village Red Brick building. The bid will go out next month.

Village Red Brick Electrical **Broderick MOVED to approve up to \$150,000 from H98 to the Village Red Brick building for upgrading their electrical. Seconded by Jacoby and Carried 5-0.**

Attorney Bax submitted a temporary resignation letter. Bax has decided to retire from his current employment with Niagara County as Assistant Public Defender, effective October 31, 2025. He has been advised that he is unable to work on the day of his retirement, and for his retirement to be effective, he is required by NYSLRS to resign from any other position which contributes to his NYSLRS retirement

October 16, 2025

benefits. Employment with the Town of Lewiston is one of these positions impacted by the requirement. Bax also teaches at UB and will be temporarily retiring from that position as well. Bax requested resignation to be effective October 30, 2025. If it pleases the Board, Bax requested to be re-appointed as Town Attorney November 1, 2025, taking on all of his original responsibilities.

Morreale MOVED to accept the resignation of Al Bax as Town Attorney effective at the end of business day hours October 30, 2025. Seconded by Jacoby and Carried 5-0.

Attny Bax
Resignation

Broderick MOVED to reappoint Al Bax as Attorney for the Town effective November 1, 2025 at the same contractual rate. Seconded by Jacoby and Carried 5-0.

Attny Bax
Reappointment

The Town signed a contract with the Village relative to Lewiston No. 1 Fire Company. This contract spells out the Town's obligation relative to the LOSAP / retirement contribution the Town gives to the volunteer firefighters. Recently, negotiations have taken place giving an increase in contribution to the other fire companies. Since the Village is the manager of the Lewiston No. 1 Fire Company, the Town contracts with The Village. With the other three volunteer fire companies, a mandatory referendum was required. This is not the case with Lewiston No.1, the Town can modify the current contract. The prior contract has been modified to include the following language in paragraph 6 i: For so long as the Service Awards Program is in effect for the benefit of the Fire Company as adopted by the Village, the Town agrees to pay the Village, each year, a sum equal to \$300.00 multiplied by the number of vested firefighters of the Fire Company.

Fire
Protection
Services
Agreement

Jacoby MOVED to accept the modified language amending the Fire Protection Services Agreement for Lewiston No. 1 Fire Company. Seconded by Waechter and Carried 5-0.

Jacoby said this is a very important thing to do and a way to help build incentive and reward our firefighters for their service and increase the longevity of our servicemembers. He is very pleased to make a motion for approval. Thank you to all our firefighters and first responders.

Amended
Lew. No 1
Fire Prot.
Svc. Agreement
Contract

Jacoby MOVED to authorize the Supervisor to sign the amended contract. Seconded by Myers and Carried 5-0.

Bax and Seaman have been working together relative to the activity on Townline Road. There have been issues with the Pumpkin Farm and neighbor complaints alongside issues from the Building Department. The lawsuit was withdrawn without prejudice in order to allow for this particular settlement to move forward. Seaman has provided Bax with a resolution:

WHEREAS, Kyle King, operating as Niagara Pumpkin Farm (the "applicant"), conducts seasonal activities at 5368 Townline Road, identified as SBL #118.00-2-15.1 (the "Parcel") within the Town of Lewiston, NY; and

WHEREAS, the Town of Lewiston (the "Town") recognizes and acknowledges that historically, there have been legal actions related to Town code enforcement and land use issues related to the parcel and the uses thereon, and that up until recently, certain of those legal actions were ongoing and pending, and

WHEREAS, the applicant had submitted an application for site plan approval and special use permit before the Town of Lewiston Planning Board and was scheduled to be first heard and

October 16, 2025

considered on September 18, 2025, only days prior to the anticipated six-week operating window of the Niagara Pumpkin Farm, but that such application was formally withdrawn by the applicant thereby foreclosing the opportunity for Planning Board review and determination prior to seasonal operations; and

WHEREAS, the Town Board recognizes that operations on the Parcel have occurred for a number of years predating the 2025 fall season, and further recognizes that the typical Planning Board process would likely have required multiple sessions, making timely approval prior to the 2025 season impracticable and thereby creating the potential for pecuniary loss to the applicant; and

WHEREAS, the Town Board retains ultimate approval authority over site plan and special use permit applications in the Town of Lewiston, and

WHEREAS, prior to commencement of the 2025 operating season, the applicant permitted full site visitation and inspection by the Town Building Inspector and Fire Inspector and the applicant committed to implementation of all safety recommendations, including but not limited to:

- Increasing the number and quality of fire extinguishers on site;
- Limiting sound production to agreed-upon hours;
- Relocating certain generators;
- Restricting parking along Townline Road;
- Increasing on-site and off-site parking facilities;
- Temporarily closing the facility in the event of parking overflow;
- Increasing staffing related to supervision of open fires and parking;
- Adding “No Smoking” signage; and
- Ensuring clear and consistent access for emergency and fire equipment; and

WHEREAS, the Town Board finds that these voluntary mitigation measures, along with the unique procedural posture of the applicant’s withdrawn application, provide sufficient basis to defer code enforcement activities for the 2025 operating season while preserving public health and safety; and

WHEREAS, the applicant acknowledged and understood that beginning with the 2026 operating season, full compliance with the Town Code, including submission of all required applications to the Town of Lewiston Planning Board, will be required for future lawful operations; now therefore be it

RESOLVED by the Town Board of the Town of Lewiston as follows:

1. The Town of Lewiston hereby defers code enforcement activities for Kyle King / Niagara Pumpkin Farm at 5368 Townline Road, SBL #118.00-2-15.1, for the 2025 calendar year.
2. This action shall not be construed as granting site plan approval, a special use permit, or any other form of zoning, code, or Town authorization for operations on the Parcel.

3. This Resolution is expressly limited to deferral of enforcement of code enforcement activities for that specific parcel during the 2025 calendar year, for this applicant only and does not establish precedent for any future deferral or waiver of Town Code requirements for this parcel or any other parcel within the Town of Lewiston.

Pumpkin
Farm Resolution

Morreale MOVED to approve the presented resolution. Seconded by Jacoby and carried 5-0.

Jacoby asked if this is as tightly ruled as the Town can make it? Bax said all he can say is that the Town of Lewiston Building Inspector as well as Fire Inspector did a walk-through of the farm – not with a mindset for approval, but rather public safety. Bax said the Kings were accommodating and allowed the walk through. From Bax’s perspective and based on conversation with the supervisor, the itemized list in this resolution of solutions is exactly what was agreed upon by Seaman and the Kings’ attorney. Bax is fully comfortable with this agreement.

Broderick said the agreed upon hours include shut down time of 8:00pm.

Waechter asked if there will be a map of the agreed upon locations for the generators so if they get moved around there is a map of what was agreed upon, and where the generators should be. Bax said the Building Department will have that map. Waechter asked who is going to enforce the parking restrictions alongside Townline Road. Bax said “the Kings know and understand they could still be subject to concurrent violations of Town Code. Just because the lawsuit was withdrawn, their operation on a day-to-day basis could still violate Town Code, and one of them is they cannot have parking on Townline Road.” There have been a number of drive-bys since operations have been taking place, parking has been kept on the parcel, and Bax said the Kings are keeping people from parking alongside Townline Road. If overflow parking is needed, the Pumpkin Farm would have to have off-site parking with some kind of shuttle service to bring people back to the operation. Waechter asked how the temporary closing will work if the parking lots get full? Bax said the agreement is the Kings will refuse patrons or ask them to come back later if the parking lot is full, they are not to allow more people to enter. This does lend itself to a lot of self-governance, as there will not be any other monitoring to enforce these rules, but Bax assures the Kings know they have a lot to lose and trusts they will do as agreed upon. Bax said the applicants know the Town is trying to work with them not against them and operations need to be code-compliant. Waechter asked if there is a plan to operate during the Christmas holiday season. Bax said the operating season is only the six-week Halloween season. After this year the applicant will need to take the proper legal steps of Site Plan Approval, Special Use Permits, and Board approvals. There are plans for the applicant to submit their applications at the end of December this year, or in January. Bax said the lack of complaints is a sign that things are heading in the right direction. There is likely some disappointment by the neighbors, but it is the Town’s responsibility to allow what is legal and enforce Public Safety Laws. If it comes down to the need for it, neighbors can still file Civil Lawsuits if there are ongoing concerns of their own regarding the operation, but as far as the Town is concerned, this is the manner in which the operation will be moving forward.

Broderick said next year the Town Board will have to make the decision on what will be allowed, and what won’t. It will need to happen early in 2026 not 2 weeks before opening. Waechter said she understands there are rules that are set by New York State that the Town doesn’t necessarily touch on with the Town Code, as far as Agritourism. Bax said he has done research on temporary uses as a makeshift difference to the Town Zoning Laws that he will be presenting to the Board in the upcoming months. Waechter asked if that means putting this type of farm under a temporary use? Bax said it will not be specific to this operation, but it would be authorizing certain uses that are not within the Town’s current

October 16, 2025

Zoning Code for a short period of time with the direction of the Town Board and Planning Board. Waechter said we need to address the Agritourism and include in the Town Code what it falls under.

FINANCE

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

1. A request to move \$89 to Highway Garage Equipment - A00-5132-0200-0000 from Contingency budget - A00-1990-0400-0000, to cover purchase of a webcam for the Highway Superintendents' desk computer.
2. A request to move \$20,000 to Sanitary Sewer Contractual - SS2-8120-0400-0000 from Sanitary Sewer Equipment - SS2-8120-0200-0000, to cover contractual purchases through the rest of the year.

Budget
Revision

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

COUNCILMAN JACOBY – nothing to report

COUNCILMAN MORREALE

Morreale read a request from Brett Coppins of 4649 Vrooman Drive for a sewer forgiveness credit in the amount of \$74.54 for the filling of a new pool.

Pool Sewer
Forgiveness
Vrooman
Dr

Morreale MOVED to approve a sewer forgiveness credit in the amount of \$74.54 for 4649 Vrooman Drive. Seconded by Waechter and Carried 5-0.

Morreale presented Resolution 2025-006 “A Resolution in Support of Congressman Nick Langworthy’s Energy Choice Act (HR. 3699, S. 1945) And in Opposition to Government-Mandated Natural Gas Bans”.

WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and

WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and

WHEREAS, in 2019, New York State enacted the Climate Leadership and Community Protection Act (CLCPA), which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and

WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and

October 16, 2025

WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration's climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and

WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and

WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the Energy Choice Act (H.R. 3699, S. 1945), federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and

WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an "all-of-the-above" energy strategy that strengthens reliability and affordability;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lewiston town board strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State's natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and

BE IT FURTHER RESOLVED, that the Town of Lewiston town board urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature.

BY ORDER OF THE TOWN OF LEWISTON TOWN BOARD

Resolution
2025-006

Morreale MOVED to approve Resolution 2025-006 "A Resolution in Support of Congressman Nick Langworthy's Energy Choice Act (HR. 3699, S. 1945) And in Opposition to Government-Mandated Natural Gas Bans". Seconded by Myers. Roll Call: Jacoby-Yes, Morreale-Yes, Myers-Yes, Waechter-Yes, Broderick-Yes. Motion Carried 5-0.

Waechter stated although she does not agree with some of the language that is written in the resolution, as it seems a little harsh, she does believe we need to make better choices as far as our energy consumption. However, especially here in New York where we are burdened by frequent snow storms, gas does offer an alternative for those of us that live in this colder region. Waechter also agrees we do not currently have the grid that can maintain and withstand the use of the entire state of New York. Waechter agrees with this resolution, but does not agree with the harsh language within it.

Jacoby agrees with Waechter that resolutions like these are important to a lot of people, and would be better delivered without the editorial language as such.

October 16, 2025

COUNCILMAN MYERS

The Sanborn Historical Society will be having a ham dinner Saturday. Their regular meeting will be October 28th at 7:00pm at the Farm Museum with a special speaker series.

COUNCILWOMAN WAECHTER

The Senior Center Bathroom & Kitchen Renovations went out to bid. There was only one bid put in for the job opened on Wednesday October 15, 2025.

Sr. Cntr
Renovation
Bid Award

Waechter MOVED to award the Sr. Center Bathroom & Kitchen renovations bid to Tuscarora Roofing & Siding in the amount of \$79,000. Seconded by Morreale and carried 5-0.

A meeting will be held next week to set the work schedule and review expectations. Morreale said this a reputable company known for good work.

Recreation Director Smith was excused from the Work Session while he hosted Halloween Bingo at the Senior Center. Waechter announced in his place that on Saturday October 25, 2025 from 11am – 1pm Trunk or Treat and Haunted House (inside) will be held at the Lewiston Senior Center. Last year was a good turnout, this year is expected to be even better. If anyone would like to participate with decorating your trunk, please reach out to Tim Smith.

PRIVILEGE OF THE FLOOR

Amy Witryol – Lower River Road

Witryol said there was a motion approved in court this morning to change the number of plaintiffs against the Town in the Copeland lawsuit on the amended Air B & B Law to change the number of plaintiffs represented by council from 3 to 1. One of the two plaintiffs in attendance is no longer represented by council, Mrs. Burgey. As Witryol understands, Burgey's initial agreement with Copeland and Lance was that each of them would pay \$1,500 and work as a team. Recently Copeland said she wants 70% of the proceeds of the settlement. Witryol said if the Board does not know anything about the settlement discussions, she encourages them to contact out to Mr. Forbes directly. The Town won the motion to dismiss. Witryol stated Forbes has met with the Town Board in Executive Session in Broderick's office in the past. Copeland has appealed the motion to dismiss the case. Witryol said if there's concern already about who's going to pay the legal bills, the appeal papers may never be filed due to expectation of a settlement. Will the Town determine if the appeal will go forward? Because it's just going to be refile of the exact same argument. This prolonging of litigation is costing the taxpayer's money. There is a history of the plaintiffs postponing cases, there has already been one extension. This is not an urgent matter as far as the courts are concerned, Witryol said.

Broderick read a letter from a resident:

On Saturday, September 12, 2025, we had a major water line break at 5929 Garlow Road (our home). Jeff Dell was the first to respond from the Water Department. He assessed the damage and called for assistance. A short time later, a full crew responded. It took some time to locate the damaged line and repair it. There it was, a large hole in the middle of our two-year-old driveway. Mr. Zahno, water foreman, assured me that the driveway will be properly repaired.

October 16, 2025

Since then, the damaged material was removed, and stone and topsoil were brought in. Everything is looking better. Mr. Zahno informed me that a crew would be back in the spring with the black top & topsoil to complete the job (allowing the stone and top soil to settle).

We feel it is necessary and proper to thank the Water Department for the fast and professional work (on a Saturday morning!) The entire crew was informative and friendly towards us.

Sincerely,
James and Phyllis Giliam
(homeowners)”

Myers MOVED to adjourn. Seconded by Morreale and carried 5-0. 6:58 P.M.

Transcribed and
Respectfully submitted by:

Briggett R. Cogland
Deputy Town Clerk