

Regular Town Board Meeting

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers R. Morreale, J. Jacoby, J. Myers & S. Waechter; Dep. Sup. W. Conrad; Police Chief M. Salada; Bldg. Insp. T. Masters; Finance Director J. Agnello; Hwy Sup. M. Weiss; Atty. A. Bax; Sr. Coordinator M. Olick; Rec. Director T. Smith; Eng. B. Lannon; Water Foreman D. Zahno; WPCC Ch. Op. J. Ritter; 1 Press; 17 Residents & Deputy Clerk T. Burns

ZOOM: 1 Press

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

AGENDA AMENDMENTS:

Broderick – Comprehensive Committee Member Addition/Flow Study Proposal
Morreale – Pool Sewer Forgiveness

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

PRIVILEGE OF THE FLOOR

Andrew Davis – 5300 Townline Road

Davis said it is apparent that the Town of Lewiston is unable to enforce its own Zoning Ordinance and Town Code with respect to the owners of 5368 Townline Road. This inaction seems to indicate approval as long as it isn't in the Board's backyard or neighborhood. The operation of a haunted tourist attraction in a quiet rural residential location is sure to disrupt the normal lives of nearby citizens. The noise, loud music, loud chainsaws, loud blowhorns, customers yelling and screaming and ATV's riding up and down the property lines are some examples. The requirements of a site plan approval and issuance of a special use permit have not been enforced. Any resident can do whatever they want. Lewiston officials are OK with the wrongness as long as they don't live next door to it.

The Town officials have passed new laws concerning short-term rentals, operations of bed and breakfast and similar businesses in residential areas. Why? Because neighbors protested the loud parties and related parking, health and safety issues. These property owners must've lived in Board members neighborhoods because action was taken and restrictions were put in place for renting these properties.

Davis said he believed the proper steps were going to take place last week with the Public Hearing scheduled on this issue. The meeting was cancelled when the application was withdrawn by the applicant. Nobody seems to submit to the Town Code or Zoning Ordinance. It's just business as usual, as long as Board members don't live next to it. Our leaders and government officials tell us they need the assistance of law-abiding citizens to stop residents who are not following laws and assist law enforcement which many of us do to keep the peace. "If you see something, say

something”. 99% of the residents in the Town of Lewiston are law-abiding citizens. It’s the 1% who think they are above the law and say the law does not apply to them. They cause all the problems in society, they over-burden our law enforcement officers. “Just let everyone do whatever they want with less government enforcement. That is a sure recipe for chaos in society. Enforcing the Zoning Ordinance and Town Code is essential for all of us law-abiding citizens in the Town of Lewiston”.

Bax said he understands the sentiments that have been placed on the record and he along with the Town Board have been intimately aware of the conflict and the issues going on. A lawsuit was filed and wherein a full restraining order had been achieved against the Kings, the operators of the Pumpkin Farm on Townline Road. Since it was filed, there have been multiple negotiations going back and forth with council for the Kings and with respect to the Town and its approval of what is happening here, Bax wants to state for the record and everyone in the room, there has been no approvals of what is taking place on the property. All there has been is an acknowledgement that there is an issue that needs to be regulated and as Davis rightfully said, the Town needs to apply the laws and prior to last weekend, the Town had no communication and application of Town Code on that operation. As of tomorrow, there will be a walk through of the property by the Town’s Fire Safety officials and individuals from the Building Department. A full list of compliance issues will be identified and brought back to the Town Board and Building Department for further negotiation. The owner of the Pumpkin Farm has agreed and the Town’s lawsuit has been withdrawn without prejudice which means it can be brought at any time in the future and the Town does have a number of tools within our “tool box” to mandate and put pressure on compliance from this point forward.

Bax said he believes, moving forward, this is the right direction for the Town because it doesn’t lock the Town up in endless litigation. It gets what both the Kings, the neighbors and what the Town Board wants, in this circumstance, which is compliance with the Town Code, safety for individuals that are going to be there, peace of mind and the ability to enjoy the property for the neighbors. What is happening right now, this process is the correct one for the Town. If the Town finds violations, we will hold those people accountable and Bax said he will personally be involved in the process. The attorney for the Kings has indicated his dedication to safety and immediately agreed to allow the Town’s Safety Officers and Inspectors on the premises when it was requested. Negotiations went much better than expected and Bax only expects and hopes it continues in that direction and provides the Davis’s with peace in the future. Bax told Davis he doesn’t want to minimize what he is saying and just wants to correct him in the sense that the Town is still on the side of the residents, still on the side of compliance and safety and the Town Board is deeply committed to doing everything they can to address the Davis’s issues.

DEPARTMENT HEAD STATEMENTS

Deputy Clerk - T. Burns

Burns read a letter 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 Patio, Grill Room & Clubhouse.

Burns requested approval to place the unpaid water and sewer accounts for the Town of Lewiston on the 2026 Town and County taxes. The breakdown of water and sewer is as follows: Water: \$97,427.78; Master Sewer: \$48,371.56; South Sewer: \$11,561.91; Town Administration Charge: \$32,100.00 for a total of \$189,461.25.

Water/Sewer Re-Levy **Morreale MOVED to approve the amount of \$189,461.25 to the 2026 Town and County Tax Bills. Seconded by Jacoby and carried 5-0.**

Broderick said, this means 321 residents did not pay their water bill. We charge these people a one-hundred-dollar levy fee. The Town is collecting \$32,100 which brings the total since we started charging this fee to well over \$400,000. We want people to pay their bills but we'll take their money if they don't want to.

Burns said the Town Court is requesting authorization from the Town Board to apply for funding from the Justice Court Assistance Program during the upcoming 2025-2026 grant cycle. One required component of that application is a resolution from the Town Board authorizing the Town Court to apply for this funding. Accordingly, enclosed please find a proposed resolution for consideration by the Town Board of the Town of Lewiston. The application seeks funding in the amount of \$27,635 to provide document conversion services to scan and convert paper criminal files for the years 2018 through 2024 into digital format.

Town Board Resolution Authorizing Submission of a Grant Application to the Justice Court Assistance Program (JCAP)

WHEREAS, the New York State Legislature has established the Justice Court Assistance Program (JCAP) to provide funding to assist Town and Village Courts with operational improvements, security enhancements, technology, and records management; and

WHEREAS, the Town Board of the Town of Lewiston recognizes the need to enhance the efficiency of the Lewiston Town Court by digitizing paper criminal files to improve accessibility and long-term, preservation of court records; and

WHEREAS, the Lewiston Town Justice, the Honorable Hugh Gee, has identified the opportunity to apply for JCAP funding in the 2025-26 grant cycle in the amount of Twenty-Seven Thousand Six Hundred Thirty-Five Dollars (\$27,635.00) to provide document conversion services to scan and convert paper criminal files for the years 2018 through 2024 into digital format;

NOW, THEREFORE, BE IT RESOLVED:

The Board of the Town of Lewiston authorizes the Lewiston Town Court to apply for a JCAP grant in the 2025-26 grant cycle in an amount up to \$27,635.00

Grant App.
Justice Court
(JCAP)

Broderick MOVED to approve the Town Board Resolution Authorizing Submission of a Grant Application to the Justice Court Assistance Program (JCAP). Seconded by Jacoby and carried 5-0. Roll Call: Councilman Jacoby: Yes; Councilman Morreale: Yes; Councilman Myers: Yes; Councilwoman Waechter: Yes; Supervisor Broderick: Yes.

September 22, 2025

Hwy Sup. M. Weiss

Weiss said the Highway Department started the Cliff Road project and everything is going smoothly. Work should be completed in about 4 weeks.

Rec. Director T. Smith

Smith said fall and winter are coming up and there are plenty of activities. The Recreation Department still has their bocce and cornhole league, yoga is still going on. Fall crafts, Halloween Bingo is coming up for the kids, Trunk or Treat with the haunted house at the Senior Center will be October 25th and skating will start the day after Thanksgiving. There are going to be about 25 skate dates and that continues all the way through February.

Sr. Coordinator M. Olick

The Senior Centers new yoga class is working out nicely, it starts at 8:15 on Mondays to 9:15 and then they have their regular yoga class 9:30-10:30. The Senior Center will have an open enrollment insurance information event with representatives from various insurance companies on October 7th.

Broderick said if you haven't been to the Lower River Road Riverfront Park, the second pavilion is underway. Masters said the footings are poured and they're forming the walls which should be done by the end of the week. Broderick said, other than the two pavilions, there won't be anything else added, there will just be a kayak launch and fishing pier down below. Broderick said they are working with Building Inspector Zimmerman on the Outfall Building and will put bathrooms in but that is a working progress.

APPROVAL OF MINUTES

Minutes

Morreale MOVED to approve the minutes from the 9/8/2025 WS. Seconded by Jacoby and carried 5-0.

ABSTRACT

Abstract

Morreale MOVED to approve Regular Abstract of Claims Numbered 24-03371 & 24-03376 and recommended payment in the amount of \$64,822.00. Seconded by Myers and carried 5-0.

Morreale MOVED to approve Regular Abstract of Claims Numbered 25-02384 thru 25-02544 and recommended payment in the amount of \$546,588.40 with a Post Audit in the amount of \$7,575.77. Seconded by Myers and carried 5-0.

OLD/PENDING BUSINESS - None

NEW BUSINESS - None

SUPERVISOR BRODERICK

Broderick said there were members named to the Comprehensive Plan Committee last meeting. The Town wanted a local farmer to be on the committee and Masters said it was very important that a farmer be on the committee. Dennis Hannon from Hannon Farms stepped up.

D. Hannon
Comp. Plan
Committee

Broderick MOVED to approve Dennis Hannon to the Comprehensive Plan Committee. Seconded by Jacoby and carried 5-0.

Broderick said with that being said, he will reach out to Wendel Engineering who is doing the Comprehensive Plan study and let them know the Town has a full board and we can start scheduling dates to meet and hopefully, at the next meeting, those dates will be available. These meetings will not be public but there will be at least one, possibly two public meetings and public forums for residents to speak.

Legal:

Bax handed the Board a copy of the report from the Board of Ethics who met on August 18th and then again last week on September 17th in Bax's office to consult about the issue that was referred to them. The report is precise and goes through what they learned and provides the Town Board with some recommendations for the future. At the end of the day, they ultimately, unanimously found, there was not an ethics violation but there are certain things the Town Board can take into consideration to avoid this in the future.

Broderick read the report from Suzanne Pardee, Chair of the Ethics Committee.

The members of the Town of Lewiston Ethics Committee met on two occasions to discuss an ethics complaint related to work of the Town of Lewiston Planning Board regarding the "President's Park" development project.

Ethics Board
Findings

After discussion, the Ethics Committee provides the following results of our conversations and recommendations to the Town Attorney and Town Board.

1. On Monday, August 18, 2025, all five members met and reviewed written information provided to us regarding the alleged ethics violations. Following this review of the information available at that time, the committee voted unanimously that an actual conflict of interest did not occur.
2. To receive further information, the committee met again on Wednesday, September 17, 2025. Four members of the Ethics Committee were able to attend, along with the Town Attorney and one of the parties involved in the complaint.

After hearing more specifics regarding the complaint and important details regarding discussions among the parties, the committee members (excluding Mr. Bax) voted unanimously that, while an appearance of a conflict of interest can be argued, that no actual conflict of interest has occurred in this manner.

3. From what we have discussed and learned through this process, the Ethics Committee recommends that the Town Board develop and distribute guidelines to all of its citizen advisory committees, that should include, but not be limited to, the following:

- Committee members should immediately disclose any actual potential conflicts of interest on issues in which they are involved.
- Committee members should refrain from any public comments on issues under their review outside of their official proceedings.
- Committee members should refrain from comments on political issues or individuals.

This communication has been unanimously approved by the Ethics Committee.

Engineering:

Lannon presented a proposal titled Morgan Drive Area Flow Monitoring. Edward Bradfuhrer is the proposed project manager and has done many of these in his career including some for the Town. He has attended the meeting to answer any questions. This Proposal is three tasks. The first one is flow metering and smoke testing. Lannon is proposing to have eight flow meters installed for a period of about three months to try and collect a sufficient amount of both dry weather flow data and wet weather flow data to compare the two to see what impacts wet weather has on the sewer system. included with that will be the installation of two rain gauges to detect rainfall in that area. Lannon said hopefully the weather will cooperate and they can collect data for over three months and then get the data evaluated and compare rainfall derived infiltration and inflow to use for more analytics to compare wet weather flow versus dry water flow. Once all of this data is collected, a report will be compiled that will estimate the amount of infiltration and inflow that is entering the Morgan Farms area as well as what is believed to be coming from the Village.

Broderick said he and Morreale have been working with Ritter, Lannon, Masters and Weiss to try and get solutions for known areas that experience flooding in the Town of Lewiston. There was a meeting to address the Morgan Farms subdivision. In the Village of Lewiston, there is a drain pipe that comes directly down Eighth Street into the Morgan Farms subdivision and the Town wants to make sure this is not part of the problem.

Morgan Dr. Flow Monitoring **Broderick MOVED to approve the Engineering Proposal from GHD “Morgan Drive Area Flow Monitoring” in the amount of \$103,700 from H97. Seconded by Morreale and carried 5-0.**

Morreale asked what the flow meter does. Bradfuhrer said they’re like a little puck that have an ultrasonic sensor and a doppler for a pressure sensor to measure the velocity that comes down a sensor and it also measures the depth so you can see how the sewer is behaving. The flow meter is usually put on the bottom of the sewer pipe or sometimes on the side if there are sediment issues. There will be a rain meter put on the Village pump station that goes into the Town and the second one will be put at the Waste Water Treatment Plant.

Waechter asked to explain the smoke study. Bradfuhrer said smoke testing is a common way to find leaks in systems. You pour smoke into the sewer manifold and then if there is a cross connected catch basin that’s going into the wrong sewer or a broken pipe, you will see smoke coming out of the ground. Waechter said, there will be a flow meter put at the Lewiston Landing Site. Where does that connect to? Bradfuhrer said that connects upstream of the pump station so it will tell us how much flow is coming into the pump station. The Town has a magnetic flow meter attached to the

pump station itself that they use for billing. We will be able to look at how much force is coming into the pump station and how much the pump station is actually pumping and determine whether there is too much flow coming in. We're looking at where there might be a potential issue of water coming in from the Village. Bradfuhrer said the next one will be placed north in Town areas that will isolate sewers within the Town as well. Lannon said there will be six of these in the Morgan Farms area.

Waechter MOVED to approve the Supervisor to sign the Engineering Proposal from GHD "Morgan Drive Area Flow Monitoring". 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 \$3,442 to Highway Garage Equipment – A00-5132-0200-0000 from Contingency – A00-1990-0400-0000, to cover the purchase of an equipment scanner for the Highway garage.

Budget
Revisions

Morreale MOVED for approval as presented. Seconded by Jacoby and Carried 5-0.

Agnello submitted the 2026 Tentative Budget. Agnello thanked the Supervisor, the Board, the Department heads and their staff for working very collaborative with her, keeping in mind all of the residents and the tax levy and she appreciated all of their hard work. Morreale thanked Agnello and Milne.

Burns read Appendix D "2026 Schedule of Salaries Elected Town Officials." Highway Superintendent: \$82,982; Town Clerk: \$72,393; Supervisor: \$35,000; Town Justices (2): \$32,397; Council Members (4): \$16,383.

COUNCILMAN JACOBY

The Sanborn Fire Company is requesting to add Margaret Blum of Griffin Street to their active membership.

M. Blum
Sanborn
Fire

Jacoby MOVED to add Margaret Blum of Griffin Street to the Sanborn Fire Company active membership. Seconded by Waechter and carried 5-0.

COUNCILMAN MORREALE

Morreale presented a request from Mark Giannini – 5051 Marywood Drive to waive the sewer charge in the amount of \$49.71 for the replacement of a pool liner.

Sewer Discount
Replaced Liner
5051 Marywood

Morreale MOVED to waive the sewer fee for Mark Giannini in the amount of \$49.71. Seconded by Myers and carried 5-0.

Morreale presented a request from Lisa Rivera – 896 Elliott Drive to waive the sewer charge in the amount of \$53.83 for the installation of a new pool.

September 22, 2025

Sewer Discount
New Pool
896 Elliott

Morreale MOVED to waive the sewer fee for Lisa Rivera in the amount of \$53.83. Seconded by Myers and carried 5-0.

Morreale read a letter submitted by Masters from the Building Department.

Per the grass cutting law, I have had 18 parcels in the Town cut. The total fee for the cuttings is \$6,978.75. There is also a \$100 administration fee per cutting, with a total of \$3,300. Totaling \$10,278.75 for grass cuttings for 2025.

Grass Cutting
Re-Levy

Morreale MOVED to approve the amount of \$10,278.75 to the 2026 Town and County Tax Bills. Seconded by Waechter and carried 5-0.

COUNCILMAN MYERS

The Sanborn Historical Society will be having a ham dinner on October 18th. Their regular meeting will be October 28th. The Historical Society is looking to put together a Sanborn Information Committee. The Sanborn Treasurer is not able to handle all of the flower beds and they are looking for volunteers to help out.

COUNCILWOMAN WAECHTER

The Recreation Department is requesting to hire Charles Dieteman, Victoria DiCarlo and Olivia Virtuoso as Recreational Leaders at \$16/hr. and Arianna Ceretto as a Recreational Aide at \$16/hr. for the Fall/Winter season with hours starting on October 1, 2025.

Seasonal
Rec. Hires

Waechter MOVED to hire Charles Dieteman, Victoria DiCarlo and Olivia Virtuoso as Recreational Leaders at \$16/hr. and Arianna Ceretto as a Recreational Aide at \$16/hr. for the Fall/Winter season with hours starting on October 1, 2025. Seconded by Myers and carried 5-0.

Waechter said the bid packet for the Senior Center bathrooms and kitchen renovations has been completed. There will be a walk-through for contractors on October 2nd to look at the project so if questions come up, they can be answered. The bid opening will be October 15th.

Broderick thanked Waechter for all her efforts into this project.

RESIDENT STATEMENTS - none

Morreale MOVED to adjourn. Seconded by Waechter and Carried 5-0. 6:37 P.M.

Transcribed and
Respectfully submitted by:

Tamara Burns
Deputy Town Clerk