

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad, Atty. A. Bax; Finance Director J. Agnello; Highway Supt. Zahno; Police Chief Previte; WWTP Chief Opt. J. Ritter, 2 residents, 2 Press (1 ZOOM) and Clerk D. Garfinkel

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection.

AGENDA APPROVAL

Agenda Additions: Broderick – Modern Disposal presentation, Park & Water Dept. Hires and a Town sign proposal; Myers – Sanborn Business Association; Jacoby – Police Hire, Historical Preservation and removal of Zoning Board appointment; Atty. Bax – Executive Session for advice of Counsel and Resolution for State to work on Town waterlines.

Myers MOVED to approve the Agenda as amended, Seconded by Geiben and Carried 5 – 0.

DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel - Thanks the Lewiston Garden Club for the donation of the beautiful flowers in the pots at the entrance to the Town Hall. They will be planting flowers out by the marque also.

Police Chief Previte – Previte spoke to Atty. Bax in regards to raising the curfew age in the Town Code. New York State decided that at 16 years old you were an adult, it has since been raised to 18.

The issues taking place in the village are with 16, 17-year-olds, out at 1:30 am and there is nothing Officers can do. With the State making the change, maybe the Board could revisit the Local Law.

Broderick asked if this has been addressed with the Village. Previte said yes, at their last Board meeting. Broderick asked Atty Bax what the process would be. Bax said the Board would have to adopt a new law. Bax to look into.

WWTP Chief Opt. J. Ritter – Updated the Board on the Main Panel project at the plant. There has been a delay due to staffing issues at GHD. GHD will have the bid documents sent to the Treatment Plant for Phase II.

Highway Superintendent Zahno – The Board was given the 284 Agreement to Spend Funds for Permanent Improvement for 2023 and Agreement for the expenditure of Highway Monies. Included in the packet are the streets to be paved (copy available in Clerk's Office)

The Town has an allotment of time when the paver is available. The paver is shared by several municipalities. Zahno distributed an additional Job Cost Estimate from Midland for Old Ransomville Rd and Schoolhouse Rd. to pave these additional roads.

Morreale MOVED to approve Midland Paving - \$142,900.35 to pave Old Ransomville Rd and Schoolhouse Rd, from budget code H-97, Seconded by Jacoby and Carried 5 – 0.

Geiben MOVED to approve the 284 Agreement to Spend Funds for Permanent Improvement for 2023 – outline as such: Micro-pave - \$159,926; Paving - \$460,000; General Repairs - \$34,000 for a total of \$653,926, Seconded by Jacoby and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Geiben requests a correction: May 22, 2023 abstract numbers should read 23-01138 – 23-01289.

Geiben MOVED to approve the Town Board meeting minutes of May 22, 2023, as corrected, Seconded by Morreale and Carried 5 – 0.

AUDIT PAYMENT

Myers MOVED to approve June – 6/12/2023, Regular Abstract of Claims numbers 23-01290 – 23-01502, and recommend payment in the amount of \$320,221.50, plus a Post Audit of \$14,727.39, Seconded by Morreale and Carried 5 – 0.

Myers MOVED to approve June – 6/26/2023, Regular Abstract of Claims numbers 23-01503 – 23-01654, and recommend payment in the amount of \$613,862.47, plus a Post Audit of \$11,899.51, Seconded by Jacoby and Carried 5 – 0.

PENDING / OLD BUSINESS – None

NEW BUSINESS

Mike McNerney – CEO Modern Landfill and Allan Davis – Vice-President of Operations at Modern in attendance for presentation on recycling. A packet was distributed called “A More Sustainable Lewiston”.

Current status: 5,170 homes are served. The average trash volumes – 5,839 tons/year. Lewiston residents own their trash containers. Town provides 18-gallon recycling bins All trash & recycling collection is on Mondays. Residents have access to Modern’s drop-off facility once/month.

Pathway to sustainability: Modern improve recycling performance for Lewiston. Create a cleaner and quieter community. Eliminate blowing trash and recycling.

Modern outlined four (4) phases.

Phase 1 – Enhanced Recycling Program

Implement a cart-based recycling program; receive partial NY grant for recycling carts. Automate collection service. Change management plan.

Phase 2 – Expand Bulk & Trash Services

Expand the Modern community recycling center. Expand the community drop off availability. It will be available 7 days/week. Enhance universal waste management & recycling. Drop off service for electronics, batteries, mercury containing equipment, pesticides, lamps & aerosol cans. Implement a bulk trash (large items) concierge service.

Phase 3 – Automate Trash Service

Improve service utilizing automated collection vehicles. Modern to provide 96-gallon carts to all homes. Utilize compressed natural gas vehicles. Reduce service hours in the community through increased productivity.

Phase 4 – Implement Organics Collection Services

Introduce a volunteer food waste collection and composting program. Modern has both composting capability and a partner program with digester facilities.

McNerney said Modern is excited. This will make a big difference in Lewiston as far as cleanliness in the community, improve recycling rates, and create a more sustainable Lewiston.

Modern will provide information and training. Flyers will outline a draft of all this, then Modern will work with the Town to make sure people absolutely understand.

Allen said Modern is going through some permitting, waiting for more engineering but the process has been started. It is hoped to be on-line by the end of August.

Morreale said the Town has a list of several residents waiting on an electronic drop-off. McNerney has mentioned a drop off at the Highway Garage. Morreale will work with Highway Superintendent Zahno on this.

Once an agreement is in place for the carts, the grant is applied for, ordering of the carts, McNerney is hoping to shoot for the end of August. The carts will be Modern property. Modern will make an arrangement with the cart manufacturer to distribute the carts to residents.

Broderick would like to address this at the next meeting. Modern will purchase the carts, the Town will submit for a grant, and those funds will be given to Modern.

Jacoby said when this was introduced in a neighboring community, initially there was some resistance. He has since heard comments that now that it's up and in motion it is very satisfactory.

McNerney said that was a significant change. They decided to go from every week recycling to every other week recycling and that took some time for them to get use to.

McNerney said the key to a successful change is communications.

NEW BUSINESS - Residents / Public Correspondence

The Liquor License Consultant for Niagara University – Dwyer Arena contacted the Town and is requesting a 30-Day Waiver for Advance Notice to a Local Municipality. They are requesting a letter be forwarded with the approval.

Geiben MOVED to waive the 30-day Advance Notice to a Local Municipality or Community Board for Dwyer Arena – 5795 Lewiston Rd, Seconded by Jacoby and Carried 5 – 0.

SUPERVISOR BRODERICK

Park Benches – The Board would like to purchase park benches and garbage receptacles for the parks and along the bike path. The Town would like to stay with the style the Village presently has.

Broderick reached out to distributors and they were similar in style and price but Parkitects is the bench the Board is wanting. Bax has said that Parkitects is a sole source. Broderick reached out to Parkitects for a quote.

Broderick asked the Board to approve the purchase of 5 – 8’ benches at a cost of \$1,858 each, for Lower River Road and Pletcher Parks and 5 – 6’ benches at a cost of \$1,596 each, for along the bike path, with shipping at \$975, for a total of \$17,440.

Geiben MOVED to approve the purchase of 5 – 8’ benches at a cost of \$1,858 each, for Lower River Road and Pletcher Parks and 5 – 6’ benches at a cost of \$1,596 each, for along the bike path, with shipping at \$975, for a total of \$17,440, from Parkitects, Seconded by Morreale

Geiben said there will be an additional cost for some type of footer for them. Broderick said the Highway Dept. will put concrete down.

Jacoby asked if they are steel or cast iron. Broderick said they are cast iron.

Carried 5 – 0.

In regards to garbage receptacles, only two (2) companies offered the particular garbage can the Town is looking for. Parkitects quote for a 32 gallon - \$2,361/can. Barco Products quote for a 45 gallon - \$1,230.78/can.

Currently the parks and parkway have several different types of inefficient cans. These cans will be for Pletcher Park, Stonehaven, Lower River Park, Kiwanis Park and along the bike path.

Morreale MOVED to approve the purchase of 10 – 45-gallon receptacles at \$1,230.78/can, for a total of \$12,307.80 plus shipping of \$890.24, for a total of \$13,198.04, Seconded by Geiben

The benches and garbage containers will come out of Recreation Fund - H-61.

Carried 5 – 0.

Recreation Director Hire

The Recreation Director resigned; the Town reached out to Civil Service for a valid list. The list had one individual, which makes the list invalid. Reached out to a couple employee locations, and thirty-five (35) people applied for the position. Not all thirty-five met the Civil Service requirement list. Many were interviewed and it was narrowed down to Timothy Smith.

Geiben MOVED to hire Timothy Smith, Recreation Director at a starting salary of \$52,275, effective June 26, 2023, Seconded by Jacoby and Carried 5 – 0.

Broderick introduced Mr. Smith. Smith has been attending a few events over the last few weeks to get a feel of the programs. He is a Lew-Port graduate and soccer coach at NU. Smith worked at Renaissance Camp – kids escaping drugs.

Broderick gives a lot of credit to Nicole Short, who held down the fort. Broderick thanks her. She worked tirelessly for those few months there was no director. They were the months that baseball was started, 8-week recreation program and hiring of workers, registering the kids. Nicole Short did a great job, in probably the most hectic time of the year. Broderick appreciates all she has done.

Smith thanked the Board. He is glad to be back home and looks forward to enhancing the Recreation programs, working with the community and is very excited to get to work.

Parks & Water Dept. Seasonal Hires

Geiben MOVED to hire Parks Dept. Seasonal Laborers - Thomas Parker and Brendan Barker at \$16.00/hr., effective June 27, 2023, Seconded by Morreale and Carried 5 – 0.

Geiben MOVED to hire Water Dept. Seasonal Laborer – Matthew Johnson at \$16.00/hr. effective July 3, 2023, Seconded by Morreale and Carried 5 – 0.

Proposed Town Park Signs

Broderick reached out to Cooper Signs requesting a proposal to design a Town of Lewiston Parks sign, that he would like to see be consistent through-out the Town. The quote falls under the Procurement Policy requiring three (3) bids.

This will be the standard Town of Lewiston sign that will be put up at Stonehaven Preserve and Lower River Road Park for now. Broderick will order two this week.

Broderick is working on dedication signs for Lower River Road Park and Stonehaven Preserve.

The Stonehaven Preserve will read: Stonehaven Preserve - Town Council – Funded by DEC Community Forest Grant & Niagara River Greenway Ecological Fund.

The Lower River Road Park will read: Riverfront Park – Niagara River Greenway Project - Town Council – Niagara River Greenway Commission.

The New York State Department of Transportation has a project scheduled in the Town and several other towns. They are asking for an agreement to allow the State of New York authority to perform the adjustment for the owner and agreeing to maintain facilities adjusted via State-let Contract

Water Foreman Zahno has spoken to the State about the scope of the work and he is in agreement for what they want to do. This will benefit the Town at the State’s expense.

Broderick read the following resolution for approval:

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of various large culverts in the Towns of West Seneca, Lewiston, Wheatfield, Alden and Niagara and, the scope of work requiring the relocation of an existing Town of Lewiston waterline in the Town of Lewiston located in Niagara County, New York, PIN 5814.20, D265055, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project the relocation of said waterline pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirement of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project.

NOW THEREFORE BE IT RESOLVED: That the Town of Lewiston, New York approves the relocation of said waterline and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Lewiston, New York will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED: that the Town Supervisor, Steve Broderick, has the authority to sign, with the concurrence of the Town Board of the Town of Lewiston, all documentation that may become necessary as a result of this project as it relates to the Town of Lewiston, New York, and

BE IT FURTHER RESOLVED: That the clerk of the Town of Lewiston, New York is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Geiben MOVED to approve the Resolution as read, Seconded by Jacoby

Geiben asked if this is all on State roads and the Town’s waterline. Broderick said yes.

Carried 5 – 0.

Budget Revisions

Transfer \$6,500 from Concessions Revenue - A00-1000-2020-0000 to Recreation Concession Personnel - A00-7310-0100-4402, to cover payroll expenses for the Concession Stand.

Transfer \$4,500 from Concessions Revenue - A00-1000-2020-0000 to Recreation Concession Contractual - A00-7310-0402-0000, to cover Concession Stand Contractual expenses.

Transfer \$2,723 from Sale of Scrap Revenue - B00-1000-2650-0000, to Police Equipment - B00-3120-0200-0000, to purchase six (6) police helmets, from the sale of scrap brass shells.

Transfer \$25,000 from Capital Improvement - SS2-8110-0401-0000 to Sanitary Sewer Equipment - SS2-8120-0200-0000, to cover the purchase of liner system in manholes.

Geiben MOVED to approve the Budget Revisions, as presented, Seconded by Morreale and Carried 5 – 0.

Agnello updated the Board on the Town’s Treasury Bill (T-Bill) investments.

Two T-Bills matured on June 15th, which at that time the Town earned a bit over \$84,000.

On that same date, the Town evaluated the market, and it was very favorable. Therefore, the Town reinvested for an additional 6-months, maturing in December, the Town will earn close to \$51,000.

The Town has two (2) T-Bill investments that will mature in September at which time the Town will earn a bit over \$101,000.

All Board members thanked Agnello.

Agnello said the 2022 Audit is almost complete and Auditors will attend the July 24th Board meeting to present.

COUNCILMAN GEIBEN

Geiben reminded all that tomorrow, the 27th is the Primary and asked all to get out and vote.

COUNCILMAN JACOBY

Zoning Board of Appeals – Appoint Alternate – Tabled till July 24th Board meeting.

The Sanborn Historical Society has requested the Historic Preservation Commission (HPC) to designate the Sanborn Historical Society’s Schoolhouse Museum located at 2822 Saunders Settlement Road as a Town of Lewiston Historic Designated Building and have it added to the Building Inventory the HPC keeps. This designation will help them in their effort to move the schoolhouse. The HPC unanimously supports this.

Jacoby read a letter of resignation from Officer Angela Micale. Micale's last day was June 16, 2023.

Geiben MOVED to accept the resignation of Officer Micale, with regret, Seconded by Morreale and Carried 5 – 0.

COUNCILMAN MORREALE

Sewer Refunds – They have been reviewed and given an okay by WWTP Chief Opt. J. Ritter.

Morreale MOVED to forgive the sewer fee of \$78.52 for Gravel – 1030 Upper Mountain Road, forgive the sewer fee of \$61.33 for Danielewicz – 4318 Creek Road, and forgive the sewer fee of \$48.64 for Streb – 5137 Dana Driver, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN MYERS

The Sanborn Historical Society will hold their Sanborn Area Farm Festival on July 22 – 23, 2023.

The Town is looking at updating the Christmas lights in the Sanborn area. Myers will continue researching.

RESIDENTS STATEMENTS - No one wished to speak

Morreale MOVED to enter into Executive Session for advice of counsel, Seconded by Geiben and Carried 5 – 0. (7:11 pm)

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad, Atty. A. Bax

Discussion: Legal consultation regarding Local Law.

Jacoby MOVED to exit Executive Session, Seconded by Morreale and Carried 5 – 0. (7:35 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk