

**PRESENT:** Supervisor S. Broderick; Councilmembers W. Geiben (ZOOM), J. Jacoby, R. Morreale & J. Myers; Dep. Sup W. Conrad; ; Hwy. Supt. D. Trane Chief Previte; Finance Director J. Agnello; Atty. A. Bax; Eng. B. Lannon (ZOOM); Bldg. Insp. T. Masters; WPCC Ch. Oper. J. Ritter; Water Foreman D. Zahno; Rec. Dir. M. Dashineau (ZOOM); Seniors Coordinator M. Olick (ZOOM); Dep. Bldg. Inspect. E. Zimmerman; Historian M. Maggard; and Dep. Clerk C. Schroeder

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance.

*AGENDA:* Additions: Broderick: Resolution re Real Property Tax Law 757-b; Jacoby: Police Hire & Resignation. Morreale: WPCC Hire

**Myers MOVED the agenda, as amended. Seconded by Morreale and carried 5-0.**

**ABSTRACT: Morreale MOVED to approve the Regular Abstract of Claims Numbered 02152 - 02156 (2020) and 00392 - 00575 (2021) and recommended payment in the amount of \$987,542.91 plus a post-audit of \$3,322.60. Seconded by Jacoby and carried 5-0.**

**APPROVAL OF MINUTES: Geiben MOVED to approve the minutes of 02/22/2021 – RTBM. Seconded by Morreale and carried 5-0.**

*DEPARTMENT HEAD STATEMENTS:*

Water: Zahno reported that Milherst Construction will commence the Waterline Project next Monday, March 15. They will start on Morgan Dr.

Finance: The Finance Officer asked for approval of 2020 budget revisions.

1. A request to move \$8,583.00 to Supervisor Waiver of Salary (A00-1220-0100-0001) from Supervisor Personnel (A00-1220-0100-0000) to cover the Supervisor's Waive of Salary.
2. A request to move \$22.00 to Supervisor Administrative Allocation (A00-1220-0100-0002) from Supervisor Personnel (A00-1220-0100-0000) to cover unused Administrative expenses.
3. A request to move \$15,995.00 to Budget Office Administrative Allocation (A00-1310-0100-0002) with \$13,224.00 coming from the Jr. Accountant Personnel budget (A00-1310-0100-0001) and \$2,771.00 coming from The Auditor budget (A00-1320-0400-0000) to cover unused Administrative Allocation expenses due to the vacancy of the position.
4. A request to move \$8,652.00 to Sanitary Sewer Equipment (SS2-8120-0200-0000) from Sanitary Sewer Contractual (SS2-8120-0400-0000) to cover equipment expenses for manhole work performed.
5. A request to move \$1,222.00 to South Sewer Equipment (SS3-8120-0200-0000) from South Sewer Contractual (SS3-8120-0400-0000) to cover equipment expenses for manhole work performed.

**Jacoby MOVED to approve Budget Revisions 1-5, as presented. Seconded by Geiben and carried 5-0.**

Agnello asked for approval to hire John Walker as P/T Jr. Accountant, effective 3/9/21, at an hourly rate of \$19.00.

**Geiben MOVED the hiring of John Walker, P/T Jr. Accountant. Seconded by Jacoby and carried 5-0.**

**BRODERICK**

1. Legal: Authorizing Resolution – Opposing Section 575-b to Real Property Law

Attorney Bax read a Resolution opposing the Addition of Section 575-b to the Real Property Tax Law in the 2022 NYS Budget. Bax said there is a lot of interest in solar projects in the Town. The Town would like to keep local control with the Town Board

WHEREAS, the New York Real Property Tax Law – Section 487 – provides a 15-year real property tax exemption for properties on which wind or solar energy projects are built, and

WHEREAS, the real property tax exemption is not mandatory under current law since Section 487 allows local governments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, if a town does not opt out of the current Section 487, it can require the wind or solar project to enter into a Payment In Lieu of Taxes (PILOT) agreement, and

WHEREAS, under the current Section 487 provision, towns have the ability to negotiate a PILOT with a developer or require that the project pay full taxation based on the assessed value, and

WHEREAS, through the budget process, the State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state wide standardized approach for real property tax exemption for wind and solar energy projects, and

WHEREAS, through the budget process, the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of Taxation and Finance, and in consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, and hereby be it

RESOLVED, the Town of Lewiston holds strongly to the right to home rule established in Article 9 of the NY State Constitution, especially with regard to land use and real property taxation, and be it further

RESOLVED, Governor Cuomo has introduced Section 575-b in this year's budget bill in order to abolish the Town of Lewiston's ability to assess real property used for renewable energy projects and effectively eliminate any local control provided by Section 487, and be it further

RESOLVED, the Town of Lewiston is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 budget, and be it further

RESOLVED, the Town of Lewiston calls upon Niagara County and New York State elected officials to oppose Section 575-b of the Real Property Tax Law before it is enacted in the budget process.

**Geiben MOVED the Resolution, as read. Seconded by Jacoby. Roll call vote: Geiben – Aye, Jacoby – Aye, Morreale – Aye, Myers – Aye, Broderick – Aye. Carried 5-0.**

2. Authorizing Resolution – Sanborn Park Project

Bax read a Resolution, as follows, in support of filing an application for funding to the Niagara River Greenway for the Sanborn Park Playground Project.

WHEREAS, the Town Board desires to acquiring the funds to complete Town of Lewiston 2021 Sanborn Park Playground Project in the amount of \$100,000.00

WHEREAS, the Town Board desires to provide this type of amenity to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the Niagara River Greenway, and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed project.

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application for the Niagara River Greenway funds for the Sanborn Park Playground Project in the amount of \$110,000\* and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Niagara River Greenway Program application.

**Jacoby MOVED the Resolution, as read. Seconded by Myers,** for discussion.

The Clerk said in the first Whereas, the amount listed is \$100,000 and in the first Resolved, it is listed as \$110,00. Recreation Supt. Dashineau said that is a typo. The amount is \$100,00.

**Geiben amended the Motion to read \$100,000. Jacoby Seconded the amendment.**  
Roll call vote: **Geiben – Aye, Jacoby – Aye, Morreale – Aye, Myers – Aye, Broderick – Aye. Carried 5-0.**

- Amended to \$100,000.

2. Engineering: Eng. Lannon introduced a proposed local law that would amend Chapter 175 of the Town Code to reflect changes to the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMS), recently completed by the Federal Emergency Management Agency (FEMA). It is necessary for the Town to adopt the new FIRMS and FIS into the community's floodplain management to comply with regulations. In order for the Town to embrace and adopt those changes, the Town must adopt a new local law. The law was first drafted by the DEC to meet all State and Federal requirements. The draft was sent to the Town to fill in certain information. It was reviewed by the Town Attorney and approved by the DEC. The Town proceeded to issue Lead Agency Coordination letters for SEQR in connection with the adoption of the local law. The Lead Agency Coordination timeframe will expire on March 11. In order to comply with the schedule the DEC and FEMA have articulated, it will be necessary to call for a Public Hearing and adopt the new local law by April 4.

**Geiben MOVED to schedule a Public Hearing on said Local Law for Monday, March 22, 2021 at 6:00 p.m. Seconded by Morreale and carried 5-0.**

Lannon then noted the Kiwanis Park Basketball Court has gone out to bid. The bids will be opened on March 18 and will be placed on the Agenda at the next meeting.

3. Liquor License: Lewiston Fire Co. No. 2, Inc. has filed to renew its liquor license with the State of New York. The renewed license will take effect April 1, 2021 and will expire March 31, 2023. Notification received and filed.
4. Call for Public Hearing – Police Reform: The Supervisor said every municipality in the State of New York, with a police department, has been tasked with creating a new Police Reform document. The Town put a group together to revise the document. Part of the requirements is holding a Public Hearing.

**Broderick MOVED to schedule a Public Hearing on the Police Reform document for Monday, March 22, 2021 at 6:00 p.m. Seconded by Jacoby and carried 5-0.**

Broderick said the document will be made available on Wednesday and will be posted on the Town's website.

*GEIBEN*

Senior Center – Geiben referred to a letter from Donald Clark with a formal notice of his retirement from the position of Groundskeeper at the Senior Center effective, February 17, 2021.

**Geiben MOVED to accept Donald Clark's resignation, with regret. Seconded by Jacoby and carried 5-0.**

Seniors Coordinator Olick said AARP will be doing tax preparation at the Senior Center on Mondays and Fridays in March.

*JACOBY*

Police: Jacoby referred to a notice of resignation from Joshua Salada, Police Officer/Patrolman, effective March 8, 2021. Starting March 12, he will be taking a position as a Federal Agent with the U.S. Border Patrol.

**Jacoby MOVED to accept Joshua Salada's resignation, with regret. Seconded by Morreale and carried 5-0.**

Chief Previte said they conducted interviews for the open full-time officer's position. Based on the interviews, he recommended Jonathan Smith be promoted to full-time, as per the current contract.

**Jacoby MOVED to promote Jonathan Smith as F/T Police Officer. Seconded by Myers and carried 5-0.**

*MORREALE*

Parks: Accept Auctions International bid. Morreale MOVED to accept the high bid of \$1,625.00 for a 2003 Chevy Silverado 3500, VIN# 1GBJC34U03E356986. Seconded by Myers and carried 5-0.

WPCC: New Hire: Morreale MOVED the hiring of Steve Arora as new Wastewater Treatment Plan Operator Trainee. Seconded by Geiben and carried 5-0. He was hired off the Niagara County Civil Service list.

*MYERS* – Nothing to report

*PRIVILEGE OF THE FLOOR* – No statements made

Before closing, the Supervisor read correspondence from the Cooper Sign Company.

I would like to thank you for allowing Cooper Sign Co. the opportunity to provide the sign replacement for the Town of Lewiston. As a thank you to the Town, Cooper Sign Co. is donating \$50.00 to the Niagara Gospel Rescue Mission in Niagara Falls, NY. The mission has been a positive light in the Niagara community and shares the vision of sharing the Gospel. Thank you again for your business in the wonderful sign replacement for Lewiston.

**Geiben MOVED to adjourn. Seconded by Myers and carried 5-0.** Time 6:35 p.m.  
Time: 7:00 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk