

PUBLIC HEARING - LOCAL LAW ADOPTION October 26, 2020
Extending a Moratorium on Utility-Scale Energy System Installation

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & J. Myers; Dep. Sup. W. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters; Bldg. Insp. E. Zimmerman; Finance Director J. Agnello; Atty. B. Seaman; Eng. B. Lannon; WPCC Ch. Op. J. Ritter; Water Foreman D. Zahno; Highway Supt. Trane; 1 Press; 6 Residents and Clerk D. Garfinkel

Supervisor opened the Public Hearing with the Pledge of Allegiance.

Legal Notice of Public Hearing published in the paper:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 26th day of October, 2020 at 6:00 p.m. at the Town Hall, 1375 Ridge Rd., Lewiston, NY 14092.

Said Public Hearing is regarding the adoption of a proposed Local Law entitled “A Local Law Extending a Moratorium on Utility-Scale Energy System Installations within the Town for an additional period of two months,” an abstract of which is as follows:

The purpose of this Local Law is to amend the Code of the Town of Lewiston to extend the time period of the Moratorium on Utility-Scale Solar Energy System Installations within the Town, which was established by Local Law No. 4 of the Year 2019, for an additional period of six months. This Local Law is intended to incorporate Local Law No. 4 of the Year 2019 in all respects except for the extension of the Term.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours, or can be emailed upon request.

At such public hearing, all persons interested, who wish to be heard, will be heard.

Dated: October 15, 2020

Supervisor asked if anyone wished to speak. No one did.

Bax MOVED to close the Public Hearing, Seconded by Myers and Carried 5 – 0. (6:03 pm)

Town Board Meeting October 26, 2020 6:00 pm

PRESENT: Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & J. Myers; Dep. Sup. W. Conrad; Police Chief F. Previte; Bldg. Insp. T. Masters; Finance Director J. Agnello; Atty. B. Seaman; Eng. B. Lannon; WPCC Ch. Op. J. Ritter; Water Foreman D. Zahno; Highway Supt. Trane; 1 Press; 12 Residents and Clerk D. Garfinkel

Supervisor opened the meeting with a moment of Silent Reflection.

AGENDA APPROVAL

Additions: Broderick – Upper Mountain Fire Co. addition; Geiben – Niagara Falls Storage Site update.

Bax MOVED to approve the agenda as amended, Seconded by Jacoby and Carried 5 – 0.

RESIDENTS STATEMENTS

Lyle, Steve – Lower River Road – Commented on the quick progress on the water project.

DEPARTMENT HEAD STATEMENTS

Senior Center Director M. Olick

Olick reported on the numbers of those attending the Bingo and Lunch Programs at the Center.

Board members and Dept. Heads are welcome to join the Thanksgiving Day meal at the Center.

APPROVAL OF MEETING MINUTES - Town Board Work Session – 10/15/2020

Geiben MOVED approval of October 15, 2020, Town Board Work Session minutes, Seconded by Myers and Carried 5 – 0.

AUDIT PAYMENT

Jacoby MOVED to approve the Regular Abstract of Claims numbered 20-01114 to 20-01236, in the amount of \$1,432,935.82, plus a Post- Audit of \$18,155.44, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS - None

PENDING - None

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Liaison Report – Addition to Upper Mountain Fire Co

Broderick MOVED to add Donchu, Olga – Lafayette Ave., to the Upper Mountain Fire Company, Seconded by Bax and Carried 5 – 0.

Legal – Approval of Local Law Extending a Moratorium on Utility-Scale Energy System Installation.

Jacoby MOVED to approve the Local Law Extending a Moratorium on Utility-Scale Energy System Installation, Seconded by Geiben

Broderick hoped to move forward on the changes to the Solar Law before the previous 6-month Moratorium expired.

Seaman believes the COVID shutdown sidetracked this. The Board has a Local Law amending the Industrial Solar section of the Code. It will take approximately 6-weeks to complete the review for SEQRA, so it is prudent to extend the Moratorium a couple more months to allow the Town to comply with this time period.

A Board member will introduce the law with the amendments then set a Public Hearing for the December Work Session.

Roll Call: Councilman Bax – Yea; Councilman Geiben - Yea; Councilman Jacoby - Yea; Councilman Myers - Yea; Supervisor Broderick – Yea.

Carried 5 – 0.

Bax introduced the Local Law to amend the Solar Energy Systems regulations.

Jacoby MOVED to schedule a Public Hearing for December 14, 2020 at 6:00 p.m., for the new Solar Energy Systems Local Law, Seconded by Bax and Carried 5 – 0.

The Town Board needs to declare itself Lead Agency for SEQRA review, and authorize the Engineer to circulate the review documents to all interested agencies.

Bax MOVED to declare the Town Board Lead Agency for SEQRA review, and direct the Engineer to contact necessary agencies, Seconded by Jacoby and Carried 5 – 0.

Engineering

The Patios at Essex project is moving right along. The mainline sanitary sewer has been installed.

There will testing this week at the Oak Run project.

Finance

Preliminary Budget Presentation – Clerk distributed the 2021 Preliminary Budget to the Board.

Agnello requests the Board schedule Public Hearing.

Bax MOVED to adopt the Tentative Budget as the Preliminary Budget, Seconded by Jacoby and Carried 5 – 0.

Bax MOVED to schedule a Public Hearing on the Preliminary Budget for November 5, 2020 at 6:00 pm, Seconded by Jacoby and Carried 5 – 0.

Budget Revisions

Agnello requests the following budget transfers from the Safety Budget to cover the purchase of a computer tower, pad, and BAS software for Safety Department's new employee.

Geiben MOVED to transfer \$4,700 from Safety Personnel - B00-3620-0100-0000, with \$3,980 going to Safety Equipment - B00-3620-0200-0000 and \$720 to Safety Contractual - B00-3620-0400-0000, Seconded by Jacoby and Carried 5 – 0.

On Friday the Town received September's sales-tax notification. The Town received \$500,000, which is the highest amount received since 2007.

COUNCILMAN BAX

Sewer Refund – Forest Road – Installed a pool. Per Ritter, this complies with the Sewer Use Agreement.

Bax MOVED to refund sewer charges of \$76.96 to Mastantuono – 5020 Forest Road, Seconded by Myers and Carried 5 – 0.

Stop Sign request – Saddle Drive Homeowner's Association is requesting several stop signs to help slow down traffic, and removal of trees. Bax refers this to the Highway Dept. for further review.

Highway Supt. Trane said there is one tree that was planted by the Developer and will be removed.

No stop signs will be installed. Stop signs are not used for speed control, they are for traffic control. Trane will contact them.

COUNCILMAN GEIBEN

Geiben met with Jason Kulaszewski who sent an update regarding the Town's Clean Energy/Climate Smart Review. Geiben will have a virtual meeting on Wednesday to go over the Town's bronze category status.

Geiben, Broderick and Lannon sat in on the Niagara Falls Storage Site virtual public meeting. It was a review on the status of the clean-up. There was nothing really new, just a review.

Geiben forwarded two questions to be asked/answered. "What are the proposed traffic routes and method by which the material will be removed." "When all cleaned, will it go out for sale on the public market, and who will benefit from the sale?" Geiben is awaiting their reply.

Bax said the main concern there is, it is surrounded by other properties that have various contaminants that are still considered hazardous.

Parks Dept - Declare Parks Golf Cart excess.

Dashineau requests a 2002-05 EZ Go Electric Golf Cart, with water reservoir and ice scrapping attachment be declared obsolete and excess equipment, then placed on Auctions International.

Geiben MOVED to declare the 2002-05 EZ Go Electric Golf Cart, obsolete and excess equipment, and be placed on Auctions International, Seconded by Bax and Carried 5 - 0.
COUNCILMAN JACOBY

Site Plan – Waggoner – Pond

The Planning Board reviewed the Site Plan for this and recommends approval contingent upon the Board receiving a letter from Waggoner’s engineer stating the soil from the pond is suitable to meet the requirement for structural fill to set the foundation on.

The Board received the letter from Apex Consulting confirming this.

Jacoby MOVED to declare a Negative Declaration for construction of a pond before the residence is built at 4579 Porter Center Road, Seconded by Bax and Carried 5 – 0.

Jacoby MOVED to approve the Site Plan for construction of a pond before the residence is built at 4579 Porter Center Road, Seconded by Bax

Geiben said this was reviewed by the Environmental Commission and they had two issues. The slope of the pond and the drainage to neighbors.

Conrad said the main reason the letter was requested is because the soil testing performed showed mostly clay. Typically, you don’t want to build a foundation on clay. Conrad just wanted the confirmation from the Engineer that it was being used for what the applicant claims it is.

Broderick asked Conrad if he is satisfied with the letter. Conrad said yes.

Carried 5 - 0

One Lot Subdivision – Coney – Langdon Rd

The Planning Board reviewed the one lot subdivision application and classified this as a minor to be treated as a minor, and recommend approval.

Jacoby MOVED to approve the One-Lot Subdivision – Coney – Langdon Drive, Seconded by Geiben

Geiben said the Environmental Commission reviewed this and gave a Negative Declaration.

Carried 5 – 0.

COUNCILMAN MYERS – Nothing to report

RESIDENTS STATEMENTS

Glasgow, Paulette – The Circle Drive – Glasgow recommends the Board put the Local Law and all the recommendations and amendments to be done regarding the Solar Energy System, on the Town Website.

Broderick said yes.

Geiben MOVED to adjourn, Seconded by Jacoby and Carried 5 – 0. (6:34 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk