

April 11, 2024

Work Session

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Jacoby, R. Morreale, J. Myers & S. Waechter; Atty. A. Bax; Police Cpt. M. Salada; Bldg. Insp. T. Masters; Finance Director J. Agnello; Water Foreman D. Zahno; Highway Sup. M. Zahno; WPCC Ch. Op. J. Ritter; Eng. B. Lannon; Sr. Coordinator M. Olick; Historian M. Maggard; 1 Press (NG); 3 Residents; & Deputy Clerk T. Burns

ZOOM: 1 Press (Sentinel); 1 Resident

EXCUSED: Dep. Sup. W. Conrad; Rec. Director T. Smith

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

AGENDA Additions: Broderick – Consultant Agreement

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

APPROVAL OF MINUTES

Morreale MOVED to approve the minutes of 3/25/2024 RTBM, Seconded by Jacoby and Carried 5-0.

ABSTRACT

Jacoby MOVED to approve the Regular Abstract of Claims Numbered 23-03391 thru 23-03391 and 24-00709 thru 24-00866 and recommends payment in the amount of \$445,402.09, plus a Post-Audit of \$21,309.62, Seconded by Morreale and Carried 5-0.

DEPARTMENT HEAD STATEMENTS

Sr. Coordinator M. Olick

Senior Center is still having phone problems. If you call and have problems hearing, that is why. We are working on solving this issue.

Recreation Director Tim Smith

Broderick said Smith had a coach meeting tonight for baseball. There were over 300 kids signed up for the recreation program. We cannot accept that many, unfortunately, there will be some disappointed families.

NEW BUSINESS - None

OLD PENDING BUSINESS

Local Law 1 of 2024 – Short-Term Rentals - Jacoby stated him and Waechter have been working with Attorney Bax. There will be no action taken tonight. During the Public Hearing, there was a lot

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of input. Every time you incorporate something new, it drags over and effects something else. Jacoby said he has worked on this more than any other subject as a Town Board member.

Local Law 2 of 2024 – 6 Month Solar Moratorium

Morreale MOVED to approve the extension of the Solar Moratorium Law. Seconded by Jacoby. Roll Call: Councilman Jacoby, yes; Councilman Morreale, yes; Councilman Myers, yes; Councilwoman Waechter, yes; Supervisor Broderick, yes; Carried 5-0.

SUPERVISOR BRODERICK

The May 27, 2024 Town Board meeting is rescheduled to May 30, 2024 in observance of Memorial Day.

Supplemental Agreement

Broderick said the Supplemental Agreement with the Niagara Falls Storage Site on Pletcher Road has expired as of 12/1/2023. The Army Corps of Engineers is asking the Town to extend it for 30-years. Broderick attended a meeting this past week and later this month there will be a public meeting at the Senior Center.

Resident Witryol stood up and asked the Board to table this and review the agreement carefully. Broderick said all we are doing is allowing them access to the Property. Witryol said if it's access and Mr. Bax sees a “hook” related to the opportunity that the Town missed by a month to put the property back to the Federal Government, she urges the Board to take a look and see if they're connected.

Mr. Bax said it is correct that there was this discussion. This particular document extends their ability to do surface and sub-surface testing. It does not modify the right. I don't believe the opportunity is available to put it back to the federal government, even given this. Right now, they're saying their ability to continue doing testing has expired and they want something in writing to continue doing that throughout their property and property that belongs to the Town.

Witryol said, on the surface, it sounds perfectly fine, but until you have an opportunity to review it carefully, maybe take another look to make sure. Bax said he will make a phone call and this can be discussed at the next meeting.

Jacoby MOVED to table the Supplemental Agreement for the Niagara Falls Storage Site, Seconded by Waechter and Carried 5-0.

Broderick said the Board previously approved a reassessment in coordination with the Town of Porter. Assessor L. Johnson said if anyone has any questions, once the contract is signed, we're going to start public relations and have meetings with the public, real estate agents, and tax payers to explain how this is going to “go about”. They're going to start mailing data surveys and the final will be done in 2026. Johnson believes they will do commercial properties first and then residential. At the end of 2025, the statements will be going out and everyone will have time to address and question and come in if they don't agree with it.

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Jacoby MOVED to hire GAR Associates at a total fixed price of \$485,000, Seconded by Morreale and Carried 5-0.

Morreale MOVED to have the Supervisor sign said contract, Seconded by Jacoby and Carried 5-0.

Finance Director Agnello recommends using the A-Fund balance each year (2024, 2025 and 2026) as the payments are used through contract. The Village is included in the reassessment and the A-Fund is the entire Town including the Village, this is why we will be using that fund.

WPCC Resolution

The Waste Water Treatment Plant is currently non-unionized.

WHEREAS, the Town of Lewiston Waste Water Treatment Plant employees were previously organized through Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, the certified union by the Town of Lewiston Employees Unit, Local 832, and

WHEREAS, the Town and such employees had entered into a Collective Bargaining Agreement which terminated on December 31, 2023, and

WHEREAS, the Town has received notification that the Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO is no longer acting on behalf of such employees, now therefore be it

Resolved that for the purpose of salary increases for the 2024 fiscal year, such Town employees who were previously represented by the Civil Service Employees Association, Inc. Local 1000 AFSCME, AFLCIO will be granted raises in the amount of 2.5% of their salaries, to take effect retroactively to January 1, 2024, said pay raise having been determined as it corresponds with the same percentage raise afforded to Town of Lewiston employees who are not unionized.

Broderick MOVED to approve the Resolution, Seconded by Morreale and Carried 5-0

Broderick requests termination of part-time employee Carole Schroeder.

Morreale MOVED to terminate part-time employee Carole Schroeder, Seconded by Myers and Carried 5-0.

Broderick stated the Town Hall enter into a Consultant Agreement with Carole Schroeder. Attorney Bax said he reviewed the agreement. This effectively allows the Town to hire Ms. Schroeder, at a consultant capacity whereby she will assist the Clerk's Office in performing tasks as they set. There are some duties that Ms. Schroeder performed that were critical and she is in the process of training current staff. This will

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allow Ms. Schroeder to work at the hourly rate of \$21.82 up to 19.5 hours a week and is an annual agreement that can be terminated at will by either party.

Jacoby MOVED to approve the Consultant Agreement as presented, Seconded by Myers and Carried 5-0.

Finance:

The New York State AFR (Annual Financial Report) which was previously AUD (Annual Update Document) has been filed for the Town through the State on March 29th and will be on the State Comptrollers website for review.

The USI property insurance is up for renewal on April 15th. Unfortunately, this year, for the same coverage, our cost increased 24.5 % which totals a little more than \$46,000. These things are due to increased claims, increased cost of replacement and inflation in general. Our cyber insurance went down about 65.4% which totals \$5,500. That decrease is due to all the increased security measures we've put on the internet, on our computers, etc. The proposal has been reviewed by Bax.

Morreale MOVED to approve said proposal and have the Supervisor sign the renewal paperwork, Seconded by Jacoby and Carried 5-0.

Finance Director asked for approval to process the following 2024 budget revisions:

1. A request to move \$4,650 to Insurance Contractual - A00-1910-0400-0000 from Interest Revenue - A00-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.
2. A request to move \$6,262 to Insurance Contractual - B00-1910-0400-0000 from Interest Revenue - B00-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.
3. A request to move \$8,279 to Insurance Contractual - DB0-1910-0400-0000 from Interest Revenue - DB0-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.
4. A request to move \$3,187 to Insurance Contractual - SS1-1910-0400-0000 from Interest Revenue - SS1-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.
5. A request to move \$1,802 to Insurance Contractual - SS2-1910-0400-0000 from Interest Revenue - SS2-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.
6. A request to move \$345 to the Insurance Contractual - SS3-1910-0400-0000 from Interest Revenue - SS3-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.

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7. A request to move \$3,187 to Insurance Contractual - SW1-1910-0400-0000 from Interest Revenue - SW1-1000-2401-0000, to cover increased property insurance expenses over the 2024 budget.

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

COUNCILMAN JACOBY

Roster Additions: Upper Mountain Fire Company requests approval to add Emma Woods of Porter Center Road and Charles Albert Reichle of Westchester Blvd. to their roll as a new member effective immediately.

Jacoby MOVED to accept the roster addition of Emma Woods and Charles Albert Reichle, Seconded by Myers and Carried 5-0.

Broderick said it's good to see people joining the Fire Company, it's a struggle. It's a lot easier and less stressful if you have more people and they're taking turns.

COUNCILMAN MORREALE

The Town bought two Hondas years ago and our Chevy van is getting tired. Morreale received bids on replacement vehicles. We stuck with the Escape to keep uniform with the Building Department's vehicle. The three vehicles will be electric and gas.

Three bids, one off the NYS bid website and two from dealers. Basil Ford was the lowest bid for \$40,000/vehicle, Ferrario Ford \$40,295.25/vehicle and West Herr \$42,180.00/vehicle.

Morreale MOVED to accept Basil Ford's bid at \$40,000 each for 3 new Ford Escapes to replace the two Hondas and Chevy, Seconded by Myers and Carried 5-0.

Broderick said through the Power Authority, we sell 6.5 megawatts of solar power on the open market and the money we get from that can be used to purchase the vehicles. They have to be energy-specific costs and that's why we're going with the electric vehicles.

The gas we purchase is minimal and the vehicles are perfect for around Town. This is a good purchase and we're probably going to be looking at adding another dual charger at Town Hall. One of the older vehicles will be given to the Recreation Department so we will have a total of 4 electric vehicles.

COUNCILMAN MYERS

The Sanborn Historical Society will have their regular meeting on April 23rd. There will be a potluck dinner at 5:30, you can bring a dish to share. The Supervisor from Town of Wheatfield, Don MacSwan, will be doing a special program "DOC" Vietnam.

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There will be a Spring Flea and Vendor Show on April 20 & 21, they will be accepting \$1.00 donations for the schoolhouse restoration. There is a car-parts swap meet. Outside set-up is free and inside set-up is \$15.00/table.

Lewiston No. 2 has a tennis court and basketball court at their location on Route 31. The tennis court is slightly used and the basketball court is used a lot. They're talking about possibly switching the tennis court into two pickle ball courts. All they would need to do is paint the court.

COUNCILWOMAN WAECHTER

The Recreation Department requests to hire Emily Quider, Sherry Schmahl and Shannon Young as Seasonal Summer Recreation Leaders at \$15.50/hr. and Elijah Russell, Vincent Carlo, Kendall Perreault, Samantha Notarianni, Connor Quider and Nathan Russell as Seasonal Summer Recreation Leaders at \$15.25/hr.

Waechter MOVED to approve the recreation hires as presented, Seconded by Morreale and Carried 5-0.

Broderick said Mr. Smith is expecting 150-175 kids for the Summer Rec. Program so will possibly be adding more staff. We had about 300 kids sign up. We want to accommodate everybody but we don't see it possible. We're building the program and hopefully next year we can take in all applicants.

RESIDENT STATEMENTS

Jena Copeland – Lower River Road

Copeland believes that Waechter deceived the community by making misleading statements during the 11/27/23 meeting when it was stated she owned a short-term rental in a "resort community" when it is in fact in a residential zone, the same zone that she supports banning short-term rentals in Lewiston. Copeland asks "why did you mislead our community?"

Waechter stated that her short-term rental is an allowed use in Cayuga Lake. They've been allowed and it's been approved. There's a percentage in their taxes that Waechter pays to the Town of Jerusalem, where the property is located.

Copeland said when she called the Town, they stated short term rentals are not regulated, there are no plans to be regulated and there are not any laws in place. They are allowed, just not regulated.

Copeland said Waechter stated on the record at the 11/27/23 meeting that her short-term rental is a resort property on Cayuga Lake. "Your short-term rental is not a resort property, that's a subjective term for your residential property, just like the ones you would like to ban in the tourist town of Lewiston." Waechter also stated on the record during the 11/27/23 meeting she has hesitation for short-term rentals in residential districts and she has a problem with short-term rentals in residential areas. Copeland said "your short-term rental is in fact located in a residential area whether the Town permits them or not, you're just a "lucky" short-term rental owner who operated in an area that

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doesn't regulate and have laws which is exactly how the Town of Lewiston handled this up until Amy Witryol complained that she didn't want it in her neighborhood."

It was stated on the record that Waechter is not a huge fan of short-term rentals. Why are you a fan of your short-term rental in a residential zone but not mine in Lewiston?

Waechter said they are two different entities and this is not a business for her. "This is our second home and I am no longer going to continue the conversation but thank you for your comment and interest."

Copeland said she does have more statements/questions for Waechter. How are only 10 houses out of approx. 6,200 homes that owners rent out and also use for personal use affect the affordable housing market? What about your short-term rental affecting the affordable housing market for the year-round residents of Jerusalem. How can you be concerned with damage to property values and affordable housing? Those concepts are contradictory. You're 130 miles away from your short-term rental, I'm sure your grass is cut and properly maintained, it's possible, isn't it? I am at my property daily so I am certain mine is maintained. You mentioned corporate ownership, you're not a corporate owner and neither am I. Did you take into consideration Penn Yann's burden to your short-term rental? Why is your burden ok?

How many times did you meet with Amy Witryol before you came appointed? Your words mimic Witryol's lawyer and Witryol perfectly. I have not had the luxury to speak to any elected officials regarding this matter because of fear of Witryol. That is why I am using this platform. Witryol is the financial burden and waste of resources, not short-term rentals. I am begging you to please think independently. It was stated "on the other hand, people buy their property and it is their property, the law should be good and fair for everyone."

I am asking you to please be reasonable and fair when making the short-term rental laws for Lewiston. Homeowners should be able to do in their residential zone what you do in YOUR residential zone.

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

Transcribed and
Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk

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