

April 22, 2024

Work Session

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers J. Jacoby, R. Morreale, J. Myers & S. Weachter; Bldg. Insp. T. Masters; Finance Director J. Agnello; Dep. Sup. W. Conrad; Highway Sup. M. Zahno; Rec. Director T. Smith; WPCO Ch. Op. J. Ritter; Eng. B. Lannon; Historian M. Maggard; 1 Press (NG); 29 Residents; & Deputy Clerk T. Burns

ZOOM: Sr. Coordinator M. Olick; 1 Press (Sentinel); 3 Resident

EXCUSED: Atty. A. Bax; Police Chief F. Previte; Water Foreman D. Zahno

Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection asking to keep the two Police Officers from Onondaga County and the Syracuse Police Department in your thoughts & prayers.

AGENDA Additions: Morreale – Planning & Zoning Board Additions/Deletions

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

RESIDENT STATEMENTS

Tom Smith – Cayuga Street

Smith said he called Councilman Jacoby and left a message regarding a police matter but did not receive a call back. Jacoby apologized he did not receive the message. Smith said it's obvious in this Town that certain people get special treatment and other people don't even get a fair "shake". Smith said he has video tapes and recordings and wants something to be done regarding this matter. Jacoby is the police liaison and now he is bringing the matter to Broderick.

DEPARTMENT HEAD STATEMENTS

WPCO Chief Operator Jeffery Ritter

Ritter said they have started the Phase II Main Pannel Project last week. He met with GHD and O'Connell Electric to work out some of the details and logistics. We're looking at one year for completion. Ritter will give the Town Board an update every month.

Recreation Director Tim Smith

Smith said they are going through baseball and softball registrations. There are 291 players registered which is more than last year. Camp registration goes until the end of this week, there are 281 kids and we'll take about 185 for the camps. Lego night will be this Thursday at Lewiston No. 2 Fire Hall.

Sr. Coordinator Melinda Olick

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Olick said the Senior Center is having their flower arranging class on Friday. There are a lot of events going on in May. The Senior Center will have their derby party on Friday May 3rd which is the Friday before the Kentucky Derby. Tuesday May 7th at 11:00, they will be having a decluttering speaker come in. Wednesday May 8th is their Mother's Day lunch. Tuesday May 14th is the 80th & 90th Birthday celebration, there will be another flower arranging class on Friday May 24th and Volunteer Recognition Day on Thursday May 30th at 11:00.

APPROVAL OF MINUTES

Waechter requested an amendment to page 44 of the minutes from 4/11/24 referencing Cayuga Lake should be Keuka Lake.

Morreale MOVED to approve the minutes of 4/11/2024 WS as amended, Seconded by Jacoby and Carried 5-0.

ABSTRACT

Jacoby MOVED to approve the Regular Abstract of Claims Numbered 24-00867 thru 24-00962 and recommends payment in the amount of \$404,044.28, plus a Post-Audit of \$14,334.90, Seconded by Myers and Carried 5-0.

OLD PENDING BUSINESS

Supplemental Agreement No. 3 – Department of The Army Corps of Engineers Right of Way

Broderick spoke with the Army Corps of Engineers to confirm the contract is just an agreement to allow the Army Corps to go in and take air samples at Lewiston Porter and several other locations.

Morreale MOVED to approve the Supplemental Agreement and have the Supervisor sign said Agreement. Seconded by Jacoby and Carried 5-0.

SUPERVISOR BRODERICK

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

1. A request to move \$3,000 to Town Clerk Personnel - A00-1410-0100-0000 from Contingency Revenue - A00-1990-0400-0000, to cover the tax collection stipend paid to three Town Clerk employees.
2. A request to move \$3 to Fire Protection Workers Compensation – SF0-9040-0800-0000 from Fire Protection Service Awards – SF0-9089-0800-0000, to cover workers compensation expenses.

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

COUNCILMAN JACOBY

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Jacoby said, as you know, the Town Board has been working on Local Law No. 1 – A Local Law Regulating the Use of Transient or Short-Term Rentals within the Town of Lewiston. After much input from the public, the Town Attorney and the research the Board has done themselves, Jacoby thinks the Town has a good, effective law and believes the Board should vote on it.

Broderick said, this law will be named Local Law No. 2 – 2024. Last meeting, the Town Board approved the Solar Moratorium. As the Board approves local laws and are filed with the State, they are numbered in order of which they are received. This would make the Solar Moratorium Local Law No. 1-2024 and the Local Law Regulating Short Term Rentals No. 2-2024.

Jacoby asked if the Board was ready to vote. A resident on Zoom asked to speak.

Carrie Bergey – Porter Center Road

Bergey said she lives on Porter Center Road in the residential rural district. She grew up in this Town and has invested her livelihood in her home. She has gutted and renovated her house that was abandoned for a decade. Bergey said she has improved her neighborhood. She has friends that run local bars, restaurants, stores, farms and wineries and her Airbnb supports their commerce.

Bergey's career and health issues have led her to seek part-time accommodation elsewhere leading her to share her home. She cannot afford her house without this Airbnb/Short-Term Rental income. Bergey hosts families and individuals that return for reunions, international families who come to visit their kids who are exchange students, pilgrims from the Fatima Shrine and people who come to Town to visit their local families during holidays and weddings. Her repeat customers have reservations well into the next year to spend time with their families, in Town, during the holidays. These are a few parties aside herself that would be adversely affected if the Board shuts down her Airbnb.

Bergey stated that $\frac{3}{4}$ of her income goes back into the Town of Lewiston. She employs a dozen local companies and individuals for cleaning, lawn care, tree trimming, snow blowing, weeding, etc. "I support this Town, my Airbnb generates a significant portion of my annual income allowing me to pay for my education, student loans and excessive medical bills." Airbnb has a severe cancellation policy which would include Bergey being penalized for any reservations and she is booked more than a year out. "I am requesting, if this does get passed, some of us existing hosts who have been doing this for seven years, very responsibly, supporting the Town, get an extension and are able to complete their current bookings at a minimum.

At the last Town Board meeting, it was noted that there are no official reports to document any negative impacts and this Local Law is based on hearsay for the 10 or less Airbnb locations in the Town. This regulation should equally protect homeowners and short-term rental owners. "I feel this law discriminates against protected parties whose livelihood, including myself, depends on the Short-Term Rental income. Given that there's no evidence to support the local law, prohibiting this type of land use in a community that's at risk for regulating racial and economic diversity, this would be considered a discriminatory, exclusionary zoning ordinance. As written, this local law discriminates against federally protected parties including low-income residents, middle income residents and residents with disabilities, by eliminating affordable housing opportunities and blocking supplementary income opportunities."

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Bergey said she loves her hometown and hopes the Town Board can consider her and the other residents that are in similar positions. “It’s not the wealthy that are going to be affected by this, it’s those of us that are struggling.”

Jacoby said we did put the law together. “I know that you’ve come in good faith and have expressed your opinion and for the most part, you were polite about it. I understand fully what is going on with you economically, that it is a hit, I know it’s a hit.” Jacoby said he has had a flood of people come to him and say “you’re not going to do this, are you? Legalize this all throughout the Town?” Short-Term Rentals do not have an economic interest. Jacoby said it’s one of those deals where he’s opposed to it and it’s his humble opinion that a majority of people in the Town of Lewiston do not want them.

“Our codes are inclusionary not exclusionary.” What Jacoby means by that is, if you were to look at the current Town Code and say “R-1 district, there’s nothing that says we cannot operate an Airbnb.” There’s currently a very specific included list of things that are permitted. The new Code is written the same way. “Unless you’re reading it different than me, when you guys opened these places, they were not allowed according to the existing code.” Jacoby said it went under the radar because the Town did not hear a lot of complaints.

Morreale said he would like to make a comment. He went through a couple of laws from adjoining Towns. The Town of Niagara just allows Short-Term Rentals in their commercial districts. Morreale then went to the City of Niagara Falls website and reviewed their law to regulate the Short-Term Rental dwelling units within the City of Niagara Falls, NY and establish a comprehensive registration and license regulations for the public health, safety and welfare by regulating and controlling the use of Short-Term Rentals. The city recognizes that extensive Short-Term Rentals have the potential to compromise the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring residences.

Morreale grew up in Niagara Falls and spent 32 years in the inner-city. He pulled up their map and he noticed Short-Term Rentals are only allowed in the inner-city and are not allowed in DeVeaux, LaSalle and Cayuga Island. The inner-city has a lot of empty homes that need to be brought back up to code so that’s a great idea for them. In DeVeaux, you have Whirlpool Park, Devils Hole and you can walk to the Falls. In LaSalle, you have shopping malls, plazas and restaurants. Cayuga Island would be ideal to sit on the big river with a bonfire at night, it would be a perfect setting but they’re not allowed there. “I’m wondering why they wouldn’t be allowed there. I have an idea why but they only allow them in the inner-city and that’s just my comment.”

Waechter said she would also like to comment. As far as looking historically on the Town of Lewiston’s stance on Transient Rentals has been, is that the Airbnb land use type has been excluded from R-1 and R-2 districts. Moving forward, Waechter thinks it’s the intent of the Town of Lewiston to keep them excluded in those areas since Short-Term Rentals appear to be an extension of Airbnb’s.

If you look at historical data, Short-Term Rentals are about a 28.8-billion-dollar industry now. It’s moving away from the homeowner subsidizing their mortgage into more of an industry platform. “I think there’s more push to have a hotelization of your residential districts so now you run into that issue as far as doing the hotelization and also dealing with possible cottage industry.

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If you look at the surrounding communities, Wilson has historically been a summer vacation resort community. For generations, people have had their summer homes there and they do not live there long term. There is a difference with that in The Town of Lewiston. We are mainly populated by young families, working people and retirees who have commitments and responsibilities. They're not on vacation 24/7, 365 days a year. A Short-Term Rental/Airbnb can potentially limit a neighbor's right to peaceful enjoyment. If you look at Niagara Falls, Cayuga Island and LaSalle is what I would deem comparable to what the Town of Lewiston is with our riverfront. In those areas, Niagara Falls has decided to exclude short term rentals and Airbnb's. Waechter does not think the Town of Lewiston is out-of-line with doing the same along our riverfront.

Waechter has heard a lot from the Town of Lewiston community. They may not have showed up to Board meetings but she has received phone calls and letters. When campaigning last year, going door to door and speaking to people face to face, they have expressed interest in the fact that they do not want to live next to a Short-Term Rental or an Airbnb.

Waechter stated, when people spoke at the last public hearing, a lot was said about neighbors and individuals as far as experiences. Good or bad. Neighbors end up becoming the interface between the consumers and the community. With Short-Term Rentals or Airbnb's, the homeowner is not on site so now it falls on the neighbors and they are left to meet and greet the individuals that are coming to stay. They often maybe have good conversations. Good or bad, that's not for me to judge, but they are left reliant on the fact they have to monitor those properties if it becomes inherent. The neighbors start to police the properties because they're the ones living next door dealing with nuisances or noises. That was a concern, it immediately establishes an adversary relationship between the neighbor and property owner.

Waechter recognizes there is a financial burden that individuals may face. There are still a variety of options that are open to individuals who have been operating Transient Rentals for use of their property and the ordinance allows for Short-Term Rentals and Airbnb's in appropriate districts and it does allow for a grace period for unauthorized Transient Rentals in the Town of Lewiston. The Town of Lewiston's original ordinance on Transient Housing and this ordinance is in alignment with surrounding communities.

Broderick said he wants to explain why he is against this law. Broderick said he believes Airbnb's can be regulated, he uses Airbnb's and has never had a situation that has been brought up negatively in the Town. We've had Airbnb's in the Town of Lewiston since about 2015 and this is the first time we've had issues. Broderick has two Airbnb's in his neighborhood and there has never been a problem, they are beautifully kept. There are about three houses within a quarter of a mile from his house that are absolute dumps that aren't Airbnb's and there's nothing you can do about them. "I think with the proper regulations, we could have made a law that could have worked. Being a diplomatic or democratic system, we have 5 people to vote on it."

Myers said his comments are in similar sediments to what Broderick portrayed, he also uses Airbnb's and there is also one close to where he lives and there have never been problems.

Jacoby MOVED to approve Local Law 2-2024, A Local Law Regulating the Use of Transient or Short-Term Rentals within the Town of Lewiston, Seconded by Morreale. Roll Call:

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Councilman Jacoby, yes; Councilman Morreale, yes; Councilman Myers, no; Councilwoman Waechter, yes; Supervisor Broderick, no; Carried 3-2.

COUNCILMAN MORREALE

Deputy Bldg. Inspector Zimmerman received 3 bids to refinish the tops and bottoms of all of the windows and the back door at Lewiston Town Hall. Braendel Painting - \$5,975.00, SBR Painting - \$3,750.00 and Scott Hefferon Painting - \$3,600.00.

Morreale MOVED to accept Scott Hefferon Painting's bid at \$3,600, Seconded by Jacoby and Carried 5-0.

Broderick would like to thank Ed Zimmerman for taking the lead on this, and all his hard work.

Morreale said the Planning Board would like to remove Thomas Lattanzio from the Board.

Waechter MOVED to remove Thomas Lattanzio from the Planning Board, Seconded by Jacoby and Carried 5-0.

Morreale would like to move Mark Gallo from the Zoning Board to the Planning Board.

Morreale MOVED to move Mark Gallo from the Zoning Board to the Planning Board with a Term to Expire 12/31/2026, Seconded by Jacoby and Carried 5-0.

Morreale would like to appoint Henry Sandonato to the Zoning Board.

Morreale MOVED to appoint Henry Sandonato to the Zoning Board with a Term to Expire 12/31/2028, Seconded by Jacoby and Carried 5-0.

COUNCILMAN MYERS

Myers had a follow up conversation with Rob Hoover from Sanborn Fire Hall, regarding the proposed enhancements to the Sanborn Park. He will continue the conversations and keep the Board updated as things develop. Broderick said they will do a site visit.

COUNCILWOMAN WAECHTER

Waechter presented a proclamation for the Town Board to sign, to designate May 2024 as Older Americans' Month.

WHEREAS, Older Americans in the United States, through their knowledge, talents, and abilities, contribute to the success of our Country and its communities. Their contributions benefit not only their well-being but all citizens of our great nation, and

WHEREAS, The Town of Lewiston is proud of our Older Americans. They make Lewiston a better place to live, work and play because of their enthusiasm, vitality and commitment to our community, and

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WHEREAS, Older Americans in Lewiston readily, on a regular basis, share their programs and activities with all Lewiston residents.

NOW, THEREFORE LET IT BE KNOWN, Recognizing the aforesaid and as an expression of pride and gratitude in the Town of Lewiston's Older Americans, the TOWN OF LEWISTON TOWN BOARD proclaims the month of May 2024 to be OLDER AMERICANS' MONTH in Lewiston, New York.

Waechter MOVED to designate May 2024 Older American's Month, Seconded by Morreale and Carried 5-0.

RESIDENT STATEMENTS

Francine DelMonte – Lower River Road

DelMonte said she has been in front of the Board several times regarding the Short-Term Rental Law. DelMonte would like to thank Councilmembers Jacoby, Morreale and Waechter for having the courage to put people over profits. "You did a tremendous service to the residents of the Town of Lewiston tonight." DelMonte said, when she went on the Town of Lewiston website this morning to try to find the law, she could not. She said it came as a surprise to walk in and see the law sitting on the table not knowing if the Board was going to move forward with any action.

"In one respect I want to say how thankful I am that you moved forward with this legislation and on the other side, I haven't had time to fully digest to understand fully what it was that was passed." Nobody in the public domain should be left without knowing exactly what it is that you're doing, especially on the evening that you're passing it. DelMonte said, based on what she heard and the skimming of reading of this law, she's hoping it achieves what so many have spoken to the Board over the last few months. "We only want peace, privacy of our residential properties, we want to have that in our control and not having people living next door renting it out to other who may create havoc in the community or neighborhood."

DelMonte appreciates what the Board has done and is glad this has come to a good conclusion. "For those who have been involved in this business and did not operate under the contingency of the law, you deal with it because we had to deal with it and I no longer want to deal with it. Thank you for doing this and I'm hoping people will abide by this law and if they don't, there will be an enforcement so any discrepancies that occur will be stopped immediately."

Broderick said the law was posted on the Town of Lewiston Website.

Jena Copeland – Lower River Road

Copeland said this has been a very long process and she thinks the timing is poor. Herself, along with other Short-Term Rental owners will be cancelling reservations and she thinks that is very unfortunate. Copeland said she thinks this new law is aggressive. The fines and the awfully fictitious and potential things that could possibly happen, it's a shame that so much effort has gone into writing the law for something that has shown no issues or problems for the Town. Compared to other areas, this is the Town of Lewiston. The only place people come and spend the day.

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Copeland said verbally, she would like it in the notes, she is putting the Town of Lewiston on notice that they will be hearing from her lawyer. This will be a process Copeland strongly supports and she thinks it is good for the area and the people and the people that come to the area and the people who own Short-Term Rentals. "I just don't think it's fair, I don't think this law was written with fairness." There are just as equally as many people who do support Short-Term Rentals. The amount of people who did show up at meetings was pretty strong. Most of the people had valid facts, good input, statistics and data and this law is not a compromise at all. "It is what it is. This is something I'm very involved in and invested in."

Susan Agnello

Agnello said most of you know who I am. "I had an awful lot of respect for the two gentlemen who voted for this law, and I have lost an awful lot of respect for you both." Agnello said they've taken the heart of Lewiston out of her. Agnello was born and raised and lived in this community and planned on moving back and still doesn't know what she's going to do with that. This is not the Lewiston that Agnello grew up in and loved. "People can say and accuse people of doing things before they even allowed it to be in existence. They listened to one person make complaints, nothing has been followed through with the police that have been called there and they let her sway you and that's very, very sad. God love Lewiston, because you are going to need help."

Morreale MOVED to adjourn, Seconded by Waechter and Carried 5-0. 6:48 P.M.

Transcribed and
Respectfully submitted by:

Tamara L. Burns
Deputy Town Clerk