

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale & J. Myers; Dep. Sup W. Conrad; Hwy. Supt. D. Trane; Water Foreman D. Zahno; Atty. A. Bax; Eng. D. Britton; Finance Director J. Agnello; Bldg. Insp. T. Masters; WPCC Ch. Oper. J. Ritter; Seniors Coordinator M. Olick; Historian M. Maggard; 1 Press (Sentinel); 6 Residents and Dep. Clerk C. Schroeder

The Supervisor called the meeting to order, followed by the Pledge of Allegiance and a moment of silent reflection keeping in mind the U.S. Military and all U.S. citizens in Afghanistan.

The Supervisor opened the Public Hearing on the proposed Ridge Road (Thompson) Solar Array project. The public notice was read into the record:

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston Board, Niagara County, New York, on the 23rd day of August, 2021, commencing at 6:00 P.M., at the Town Hall, 1375 Ridge Road, Lewiston, New York, to hear and consider the following property and property owner/applicant:

OWNER/APPLICANT: Thompson, Kevan & Uderitz, Jamelle / DG New York CS III, LLC
PROPERTY LOCATION: 2645 Ridge Road, Ransomville
(Tax Map No. 76.00-2-12.1)
Niagara County, New York

TO CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN REVIEW for a ground mounted utility grade solar energy system on said premises. All interested parties will be heard by the Town of Lewiston Town Board at said Public Hearing. A full copy of the application is available for review at the Town of Lewiston Building Inspector's office during normal business hours.

By Order of the Lewiston Town Board
July 26, 2021

The Supervisor asked for public comment.

Mary Dillon, Ridge Rd, is opposed with development of a Solar Farm. She bought her house 35 years ago. She owns 2.1 acres. She does not want any development abutting her property.

Barbara Yandian, Ridge Rd, also has lived at her property for 35 years. What she thought was a rural community has become a business now. She lives directly across from the proposed project. The truck traffic is bad enough. She cannot sit outside and enjoy her property.

The developer, Chris Georgiadis, asked to respond to the residents that spoke. There was a lot of thought with developing the solar project based on the Moore Road solar project. As a result, they changed layout of the solar array to the middle of the property. It will not be close to any of the surrounding homes. The project is pushed back to the center of the property. There are a lot of existing tree lines that surround the project. They prepared and filed a Visual Assessment Study with the Planning Board. Surrounding homes will not have any visual impact.

Geiben MOVED to close the Public Hearing. Seconded by Jacoby and carried 5-0.
Time

The Supervisor said no action would be taken tonight on the solar project at this meeting.

AGENDA: Additions: Myers: Introduce and call for hearing on Small Cell Telecommunications Facilities Law.

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

RESIDENT STATEMENTS

MaryEllen Helm, East Eddy Dr, along with Terry Tempest, Oxbow Dr. spoke about the Kiwanis Park Tennis / Pickleball Courts.

Ms. Helm moved to Lewiston in 2011 from Elmire, N.Y., where she was a High School tennis coach & Coordinator of Summer Parks Programs.

We appreciate the rehabilitation of the tennis & pickleball courts at Kiwanis Park, realizing that in the future, the current “cosmetic fix” will require extensive “structural work” for court longevity.

Tennis court surfaces require resurfacing every four to eight years or extended if the tennis court was well constructed.

The Town has put time and money into the courts. We would like to preserve that work completed in 2021.

Maintenance procedures are designed to ensure the playing surface is clean, free drainage of surface water is maintained throughout the life of the court and the court looks attractive and well cared for, and achieves a reasonable life span.

They recommend the following to maintain the courts.

- 1) Tree limbs overhanging the Pickleball court causes mold and court deterioration. Players have slipped on the court as a result of the slime left from foliage. Water dripping and leaves falling from the branches causes slippery or discolored patches, encouraging the growth of algae or moss. This has previously eroded the court surface. Overhanging branches should be pruned well back.
- 2) Court surface will benefit from a vigorous wash at least once a year, essential to maintain a good foothold.
- 3) Weeding is essential around the perimeter. Weeds can invade and disintegrate court surface integrity.
- 4) Courts & nets take a serious hit in winter with bitter temperatures, snow and ice. In winter, when not in use, nets should be removed and stored, ensuring they are first carefully dried. When in use, the nets should be lowered so they're under less pressure. Slackening nets reduces strain on the equipment. Low temperatures at night cause the cable to contract and be stressed further.

Mr. Tempest said when they constructed the basketball court there was quite a bit of damage done to the black top pathway and the parking lot to the entrance of the park. Some of those holes are rather big and someone could get hurt if not repaired.

The Highway Supt. said he would put the barriers back up to block the use of the bike path.

Thomas Smith, Cayuga St., said he's attended several meetings in the last year and a half. No one on the Board has addressed any of his concerns regarding Chief Previte at those meetings. Smith said he handed in paper work to many people to obtain answers as to whether Dave Sherriff was lying or if Chief Previte was lying. Dave Sherriff told me, personally, that he never made any statements about me to anybody, ever. But, Previte in his Federal Court deposition says that he has a sworn statement from Dave Sherriff saying that I said “if the Lewiston Police follow me, I'm going home and will be on my roof with my rifle.” That's pretty disturbing. No wonder cops want to shoot me in front of my driveway.

Instead of having a moment of silence for the Serviceman and U.S. citizens in Afghanistan, why don't we honor the sacrifice that was made in Afghanistan. The Constitution still exists here. That is what they were all fighting for. Instead of a moment of silence, why don't you hold somebody accountable who has violated that oath over and over. He's supposed to be the Chief of Police. He's supposed to be leading young people. What's he doing? He's committing perjury. I can prove it. I have the audio of him at the gas station where he testifies in Court that I tried to fight him. It never happened. It was a lie. You cannot

believe anything that he says going forward. Is anyone going to contact me? Or, is everyone going to be silent and act like this doesn't exist. Dave Sherriff is not too happy that he used his name in this whole entire thing.

We can either make this community better, and support our police. How are we going to support our police? By holding those accountable who lie under oath. That is the most sacred of all of your duties.

The Supervisor said if we have a Court of Law that says the Chief of Police committed perjury, we will address it then. If any of our police officers has committed perjury and is charged with perjury in a Court of Law, it will be addressed by this Town Board. I guarantee it to you.

The Deputy Clerk read a letter from Rosemary Warren, Griffin St. I want to thank your staff for adding two nice additions to the Town Park: Bike rack & portable bathroom with outside washing station.

DEPARTMENT HEAD STATEMENTS:

Building: Masters reminded the Board to schedule a Public Hearing for the Caldwell Solar Farm on Rt 31. **Jacoby MOVED to schedule a Public Hearing at 6:00 p.m., prior to the September 13, 2021 Work Session on the Caldwell Solar Farm. Seconded by Myers and carried 5-0.**

Water: Foreman Zahno asked to purchase a used 1999 International Dump Truck in the amount of \$14,500.00, from American Paving Co.

Morreale MOVED the purchase of a 1999 International Dump Truck in the amount of \$14,500.00 from American Paving Co, subject to approval of the Town Attorney. Seconded by Jacoby and carried 5-0.

Seniors: Olick said since the beginning of the year, 915 seniors played Bingo; 572 – Yoga; 1,325 – Silver Sneakers; 423 – Resistant Band Exercise; 151 – Quilters, Crafters & Knitters. For the month of July, the Senior Van provided medical transportation to 23 seniors and transported 72 seniors to the Lunch Program.

The Supervisor said they are looking at options for the issues with the Boiler at the Senior Center.

Highway: Trane asked for the transfer of funds to purchase a Boom Mower to be shared by parks and highway. He asked for the transfer of \$100,000 from B-Fund and \$88,506 from Highway to Equipment.

Geiben MOVED the purchase of a Boom Mower in the amount of \$188,506 and the transfers of \$100,000 from Appropriated Fund Balance (B00-1000-0599-0000) to Machinery Equipment (B00-7110-0200-0000) and \$88,506.00 from Appropriated Fund Balance (DB0-1000-0599-0000) to Machinery Equipment (DB0-5130-0200-0000) for said purchase. Seconded by Morreale and carried 5-0.

Recreation: Geiben said the summer programs in the parks have finished. It seems it's ending early but so many of the workers are preparing to go back to college and are not available. The Fishing Derby was a success. The Nerf Ball out at the parks had a lot of fun and excitement. He gave accolade to Recreation Director Mike Dashineau.

APPROVAL OF MINUTES: **Geiben MOVED approval of the 7/26/21 RTBM minutes Seconded by Jacoby and carried 5-0.**

ABSTRACT: **Geiben MOVED to approve the Regular Abstract of Claims (8/9/21) Numbered 21-01957 – 21-02086 and recommended payment in the amount of \$224,846.26 plus a post-audit of \$68,971.06; and Regular Abstract (8/23/21) Numbered**

21-02087 – 21-02226 and recommended payment in the amount of \$665,617.25 plus a post-audit of \$8,619.38. Seconded by Myers and carried 5-0.

New Business: The Board is in receipt of a On-Premises Liquor Application with the NYS Liquor Authority for Niagara University-Gallagher Center. Notice received and filed.

BRODERICK

1. Notice of Resignation: The Board received notification from William Conrad of his formal resignation as Chairman/Member of the Planning Board, effective immediately.

Geiben MOVED to accept Conrad's resignation from the Planning Board, with regret. Seconded by Jacoby and carried 5-0.

Broderick said Mr. Conrad will continue as Deputy Supervisor with the Town.

2. U.S.D.A. Property Access Request: Broderick said the U.S. Dept. of Agriculture is requesting permission to trap for an invasive pest, the Box Tree Moth (DTM) on Town-owned property.

Geiben MOVED for approval. Seconded by Morreale and carried 5-0.

3. Legal: Bax said he has talked with both Councilman Morreale and Jacoby when he was on the Town Board. They have done a significant amount of work on revising the Ethics Law. At that time, they came up with a good mix with the number of laws that they looked through. Bax said he has the last version of the law and will continue to work with Morreale and Jacoby to come up with the law to present to the Town Board to call for a public hearing and approval.
4. Engineering: Eng. Britton said the curbing for the Riverfront Park was approved. It's about 5-6 weeks out. In the meantime, they will be setting up a pre-construction meeting with the contractor on-site for when those curbs arrive.
5. Finance: The Finance Officer asked approval of the following 2021 budget revisions.
 - a) A request to move \$1,165.00 to Highway Administration Equipment (A00-5010-0200-0000) from Highway Administration Contractual (A00-5010-0400-0000) to cover the purchase of a laptop for the Highway Supervisor.
 - b) A request to move \$500.00 to PIP Engineering (B00-1440-0440-0100) from Engineering PIP revenue (B00-1000-1589-0700) to cover engineering fees paid by applicants.
 - c) A request to move \$33,000.00 to Parks Equipment (B00-7110-0200-0000) from Parks Personnel (B00-7110-0100-0000) to cover the purchase of new F150 Pick Up Truck and a Cab Cover for the Snowblower.
 - d) A request to move \$650.00 to Sewer Administration Equipment (SS1-8110-0200-0000) from Sewer Administration Contractual (SS1-8110-0400-0000) to cover the purchase of new computer.
 - e) A requesting to move \$5,000.00 to Sanitary Sewer Gasoline/Diesel Fuel (SS2-8120-0400-3510) with \$4,000.00 coming from Sanitary Sewer Contractual (SS2-8120-0400-0000) and \$1,000.00 coming from Sanitary Sewer Insurance (SS2-1910-0400-0000) to cover gasoline and diesel fuel expenses.
 - f) A request to move \$14,500.00 to Water Equipment (SW1-8340-0200-0000) from Water Personnel (SW1-8340-0100-0000) to cover the purchase of a used 1999 Int'l Dump Truck.

Geiben MOVED the budget revisions, as submitted. Seconded by Jacoby and carried 5-0.

Lastly, Agnello said she hopes to have the 2022 Tentative Budget presented at the RTBM of 9/27/21. It is due with the State on 9/30/21.

GEIBEN: Geiben said the Bi-Centennial is moving along. Hopefully, everything will be in place for next year. The Supervisor noted the first coin that was distributed is sold out.

JACOBY: Jacoby said the Historic Preservation Commission is moving its meeting night back to the second Tuesday of the month at 6:00 p.m. at Town Hall.

MORREALE:

Sewer Credits: Morreale MOVED to approve Sewer Credits, confirmed and approved by WPCC Operator Jeff Ritter for: Ryan Treichler, 5989 Mayflower Dr - \$22.67; Elwood DeHaven, 604 Sandlewood Dr - \$61.42; and Cynthia Cindrck, 4699 N. 5th St Ext - \$51.36. Seconded by Geiben and carried 5-0.

Planting of bioretention ponds at Wolf Run: Morreale said the Town received two bids from landscaping companies to maintain the bioretention area behind Wolf Run. Proposals were received from Wayside Nursery, Inc. - \$14,360.00 and Villani's - \$28,000.

Morreale MOVED to award the bid to Wayside Nursery, Inc. in the amount of \$14,360.00. Seconded by Jacoby and carried 5-0.

MYERS: Myers introduced a Small Cell Telecommunications Facilities ("SCTFs") Law for the purpose of regulating the siting, location, construction and maintenance of SCTFs.

Myers MOVED to schedule a public hearing for September 13, 2021 beginning at 6:00 p.m. on a proposed local law, titled Small Cell Telecommunications Facilities. Seconded by Jacoby and carried 5-0.

Geiben said they would have to incorporate a fee schedule into the law. The Building Insp. was asked to assist with the 5G law and the fee schedule associated with it.

PRIVILEGE OF THE FLOOR – No one spoke

Jacoby MOVED to adjourn. Seconded by Myers and carried 5-0. Time: 6:50 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk