

PRESENT: Supervisor S. Broderick (ZOOM); Councilmembers W. Geiben, J. Jacoby, R. Morreale (ZOOM) & J. Myers (ZOOM); Dep. Sup. W. Conrad; Finance Director J. Agnello; Atty. A. Bax (ZOOM); Water Foreman D. Zahno; Building Inspector Masters (ZOOM); Highway Supt. Trane; Police Chief Previte; Senior Center Director Olick (ZOOM); Town Engineer Lannon, 3 Residents, Press (ZOOM) and Clerk D. Garfinkel

Deputy Supervisor Conrad opened the Public Hearing with the Pledge of Allegiance and a moment of Silent Reflection.

PUBLIC HEARING – Conceptual Plan & Rezoning to PUD / LMK Realty – Northridge Drive/Ridge Road

Clerk read the Public Hearing Notice into the record.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewiston will hold a public hearing on Thursday, December 30, 2021 at Town Hall, 1375 Ridge Rd, Lewiston, NY, at 6:00 P.M. concerning the application of LMK Realty Associates, LLC, seeking approval of the conceptual plan and rezoning from R-1 to PUD to include the bonus density on their property located on Northridge Dr. and Ridge Rds., SBL# 101.12-1-1.4, Lewiston, NY. At the public hearing all interested parties who wish to be heard will be heard. 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 - Dated: December 20, 2021

Conrad invited the developers to speak.

There is a large 1.8-acre regular shaped lot, located in the northern most portion of the project. The request is to incorporate that into the existing PUD known as Ridgeview at Lewiston. This needs to be done because as a stand-a-lone piece of property it is not big enough to be classified as a PUD in of itself.

The request is for 10-units, drastically scaled down from the original concept plan of 30 to 26-units. There is a significant market / demand for these properties. The greenspace requirements are comfortably adhered to.

This Site Development is very well laid out and is a nice compromise made over the last several months between LMK, the Planning Board and Town Board.

Conrad invited residents to speak in regard to this project.

Gibbs, Millie – Ridge Road – Gibbs' three areas of concern are safety, density and conformity. There is limited visibility when you come off of Northridge Drive. If the entrance for this proposed PUD is closer to Ridge Rd, there is a possibility they may be creating a hazardous traffic situation.

In density, the Town's vision map and comprehensive plan states the Town will allow 4 units per acre. There have already been three re-zoning requests for this property. Almost 300 units have been built instead of the 40 recommended initially by the Town. That's a 650% increase.

In regards to conformity – the property along Northridge Drive should remain R-1 to conform with properties along Ridge Road.

Clerk read a letter received:

Teaman, Jon – Ridge Road - I would like you to know that I strongly oppose the rezoning of the two properties to a PUD for various reasons. I also have many questions that I would like answers for, regarding this rezoning.

What benefit is it to the Town of Lewiston to award LMK Realty this rezoning? Are there not enough rental units in the Town as well as the Village of Lewiston already? This project would be right at the town/village border. I am sure you are all aware of the units being built just down Center Street. Is there really a need for more in such close proximity?

Is there a financial benefit to the Town of Lewiston with this rezoning? If so, what is that number? Now divide that number by the number of residents in the town(roughly 18,000) and I am sure it is very minimal. For example, Let's say it provides \$100,000/year to the town. That comes to less than \$6 per person benefit for each resident of the town. This doesn't include the added expense to the town as far as fire protection, water /sewer, and road maintenance.

Is it not the obligation of the Town Board to look out for the best interest of the Town? The Town of Lewiston's own rules state that a PUD needs 10 acres. Why are we cramming two additional multiple units into an area less than 2 acres? It is understandable why LMK wants to combine these two properties to its existing PUD, but why is the Town willing do it? Is there not a need for single family homes in the Town of Lewiston?

Finally, by changing the rezoning is the Town of Lewiston leaving itself exposed to further development at the top of Ridge Road? Currently LMK says they have no plans for this part of the two parcels but we all know that can change at any time.

Geiben MOVED to close the Public Hearing, Seconded by Jacoby and Carried 5 – 0. (6:15 pm)

TOWN BOARD REGULAR MEETING / FINAL AUDIT

AGENDA APPROVAL

Agenda Additions: Geiben – Ice Rink

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

RESIDENTS STATEMENTS – No one wished to speak

DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel – Employee Time Carry-Over – No approval is needed; it is in their contract.

Chief Previte - They are interviewing for 2 part-time positions in hopes to appoint at the next meeting.

Finance Officer Agnello requests approval for the following 2021 Budget transferees:

Request to transfer \$1.00 from Engineer Contractual - A00-1440-0400-0000, to Engineer Personnel - A00-1440-0100-0000, to cover .02 rounding of full year payroll.

Request to transfer \$3,030.00 from Recreation Contractual - A00-7310-0400-0000, to Recreation Equipment - A00-7310-0200-0000, to cover the purchase of a new computer.

Request to transfer \$5,000.00 from Recreation Ice Rink Revenue - A00-1000-2025-4403, to Recreation Ice Rink Contractual - A00-7310-0403-4403, to cover Ice Rink Contractual expenses.

Request to transfer \$1,200.00 from Senior Center Contractual - A00-7630-0400-0000, to Senior Center Gasoline/Diesel - A00-7630-0400-3510, to cover gasoline expenses.

Request to transfer \$21,726.00, with \$14,958.00 from - Police Union Welfare Benefit - B00-9070-0800-0200; \$3,374.00 from Police Retirement - B00-9015-0800-0000, and \$3,394.00 from Contingency - B00-1990-0400-0000, to Police Personnel - B00-3120-0100-0000, to cover payroll expenses.

Request to transfer \$550.00 to Police Contractual - B00-3120-0400-0000, from Police Social Security - B00-9030-0800-0100, to cover contractual expenses.

Request to transfer \$414.00 from Unemployment - B00-9050-0800-0000, to Medicare - B00-9020-0800-0000, to cover Medicare expenses.

Request to transfer \$1,771.00 from Union Welfare Benefits - B00-9070-0800-0000, to Social Security - B00-9030-0800-0000, to cover Social Security expenses.

Request to transfer a total of \$95,618.00 with \$43,857.00 from Highway Snow Removal Personnel - DB0-5142-0100-0000; \$8,359.00 from Highway Snow Removal Out of Department Personnel - DB0-5142-0100-0100; \$6,042.00 from Machinery Personnel - DB0-5130-0100-0000; \$14,000.00 from General Repairs Contractual - DB0-5110-0400-0000; \$8,000.00 from Machinery Contractual - DB0-5130-0400-0000; and \$15,360.00 from Sales Tax Revenue - DB0-1000-1120-0000, to Highway General Repairs Personnel - DB0-5110-0100-0000, to cover payroll expenses.

Request to transfer \$4,000.00 from General Repairs Contractual - DB0-5110-0400-0000, to Highway Gasoline & Diesel - DB0-5110-0400-3510, to cover increased gasoline expenses.

Request to transfer \$167.00 from Machinery Equipment - DB0-5130-0200-0000, to Medicare - DB0-9020-0800-0000, to cover Medicare expenses.

Request to transfer \$713.00 from Machinery Contractual - DB0-5130-0400-0000, to Social Security - DB0-9030-0800-0000, to cover Social Security expenses.

Request to transfer \$2,200.00 from Gas Light District Fund Balance - SL0-1000-0599-0000, to Gas Light District Gas and Electric - SL0-5182-0400-3500, to cover increased expenses of streetlights.

Request to transfer \$75.00 from Sanitary Sewer Personnel - SS2-8120-0100-0000, to Master Sewer Personal - SS2-8110-0100-0000, to cover payroll expenses.

Request to transfer \$6.00 from Sanitary Sewer Contractual - SS2-8120-0400-0000, to Master Sewer Contractual - SS2-8110-0400-0000, to cover contractual expenses.

Request to transfer \$12.00 from South Sewer Personnel - SS3-8120-0100-0000, to South Sewer Personal - SS3-8110-0100-0000, to cover payroll expenses.

Jacoby MOVED to approve all budget transfers, as noted on December 29, 2021 memo from Agnello as presented, Seconded by Geiben and Carried 5 – 0.

Highway Superintendent - County Snow & Ice Agreement

Jacoby MOVED to approve the County Snow & Ice Agreement, Seconded by Geiben and Carried 5 – 0.

Jacoby MOVED to authorize Highway Superintendent Trane to sign said Agreement, Seconded by Geiben and Carried 5 – 0.

Letter of Retirement

MEO Gary Ferenc – Clerk read notice of retirement to the Board.

Geiben MOVED to accept with regret, Ferenc's letter, Seconded by Jacoby and Carried 5 – 0.

Highway Clerk Darlene Norwich - Clerk read notice of retirement to the Board

Jacoby MOVED to accept with regret, Norwich's letter, Seconded by Geiben and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve Regular Town Board Meeting minutes- November 22, 2021, Seconded by Jacoby and Carried 5 – 0.

Geiben MOVED to approve the Work Session Meeting minutes – December 13, 2021, Seconded by Jacoby and Carried 5 – 0.

AUDIT PAYMENT

Geiben MOVED to approve the Regular Abstract of Claims numbered 21-03308 to 21-03497 and recommend payment in the amount of \$241,410.80, plus a Post-Audit of \$340,906.65, Seconded by Jacoby and Carried 5 – 0.

PENDING / OLD BUSINESS

Comprehensive Drainage Study & Maintenance/Capital Plan

Lannon submitted a proposal at the December Work Session, and is requesting the Board approve the Supervisor to sign. It identified the project which was developed. Meetings were held with Town Department Heads to present the mapping component.

It will utilize a lot of existing data, with addition to supplementing with new data. This will be for drainage, water, and sewer. When project is complete, the Town will have a mapping tool to be used by the departments for their day-to-day activities.

Broderick asked Trane to speak to this.

Trane receives a lot of calls asking what is Town drainage. The question that keeps being asked by residents and developers is, what is the drainage and who is responsible for it?

The Army Corps. Of Engineers, Federal Government, County and State will all be listed and it will be outlined who can do what and who is to do it.

Drainage ponds are being put into new subdivisions. This will tell who will be responsible for them.

Lannon said the study will take about 5-months. The entire plan will be designed and then prioritized as time goes by.

This does not include the Village; therefore, it is a B Fund expense. Broderick would like to use the B Fund balance. The cost is \$110,700.

Broderick MOVED to approve the Comprehensive Drainage Study and Maintenance/Capital Plan as submitted by GHD, at a cost of \$110,700 with funds from the B Fund Balance, Seconded by Morreale and Carried 5 – 0.

Geiben MOVED to authorize the Supervisor to sign the Comprehensive Drainage Study and Maintenance/Capital Plan, Seconded by Jacoby and Carried 5 – 0.

Award Uniform Bid – Morreale

The Town received two bid responses. Cintas Corporation = \$720.29/week and Aramark Uniform Services = \$335.85/week. Morreale reviewed both packets. They are similar in what their services are.

Morreale MOVED to accept Aramark Uniform Services bid of \$335.85/week, for a 5-year contract, Seconded by Jacoby and Carried 5 – 0.

Morreale MOVED to authorize the Supervisor to sign the Contract, Seconded by Geiben and Carried 5 – 0.

Excess Senior Center Chairs - Geiben

The chairs have been declared excess. The First Presbyterian Church Director has requested 50 chairs. If the remaining chairs are not taken, she would take the rest.

Trane would like the Highway Dept. to take some.

Geiben MOVED to allow the First Presbyterian Church, a Not-For-Profit Organization, to, upon availability have fifty (50) chairs, Seconded by Jacoby and Carried 5 – 0.

The Ice Rink has been very successful this season. It was closed a couple days due to wind and rain.

NEW BUSINESS Residents / Public Correspondence

Letter received from Anita Muzzi resignation from the Zoning Board of Appeals.

Jacoby said Muzzi has been a great hard worker for the Town and involved in many things. When her time frees up, it is hoped she returns.

Jacoby MOVED to accept Muzzi's resignation, with regret, from the Zoning Board of Appeals, Seconded by Geiben and Carried 5 – 0.

SUPERVISOR BRODERICK

Recreation Director – The position has been posted internally, with no interest. The Town called for and received the Civil Service list. There were two candidates on the list. The Town will move forward and publicly advertise for the position.

Jacoby MOVED to publicly advertise for the position of Recreation Director, Seconded by Morreale and Carried 5 – 0.

Engineering – Lannon reported the CSX Railroad details are completed on the Waterline Improvement Project.

COUNCILMAN GEIBEN – Nothing to report.

COUNCILMAN JACOBY

Conceptual Plan and Rezoning to PUD – LMK Realty Assoc. Vote

Jacoby MOVED to declare a Negative Declaration for the Conceptual Plan and Rezoning to PUD – LMK Realty Assoc., Seconded by Geiben and Carried 5 – 0.

Jacoby MOVED to approve the Conceptual Plan and Rezoning to PUD – LMK Realty Assoc., seconded by Geiben and Carried 5 – 0.

COUNCILMAN MORREALE – Nothing to report

COUNCILMAN MYERS

Adopt fees for Small Cell Telecommunications Facilities

Myers spoke to Masters and Bax regarding the fees, and suggests the following: Application Fee = \$500 + \$100/any additional small wireless facilities over 5; Recurring Annual Town Fee = \$270/each small wireless facility; Application Fee for a new pole (not a collocation) = \$1,000.

The applicant also must meet the Town of Lewiston's minimum insurance requirements.

Myers MOVED to approve the following Fees for Small Cell Telecommunications Facilities for the Town of Lewiston: Application Fee = \$500 + \$100/any additional small wireless facilities over 5; Recurring Annual Town Fee = \$270/each small wireless facility; Application Fee for a new pole (not a collocation) = \$1,000, Seconded by Morreale and Carried 5 – 0.

RESIDENTS STATEMENTS – No one wished to speak

Geiben MOVED to adjourn, Seconded by Jacoby and Carried 5 – 0. (6:45 pm)

Respectfully Transcribed and Submitted by,

Donna Garfinkel, Town Clerk