

**PRESENT:** Supervisor S. Broderick; Councilmembers A. Bax, W. Geiben, J. Jacoby & J. Myers; Dep. Sup W. Conrad (via ZOOM); Chief Previte; Finance Director J. Agnello (via ZOOM); Bldg. Insp. T. Masters (via ZOOM); Atty. T. Seaman; Eng. B. Lannon (via ZOOM); WPCC Ch. Oper. J. Ritter (via ZOOM); Hwy. Supt. D. Trane; Rec. Dir. M. Dashineau (via ZOOM); Seniors Coordinator M. Olick (via ZOOM); Dep. Bldg. Inspect. E. Zimmerman; 1 Press; 5 Residents and Dep. Clerk C. Schroeder

The Supervisor called the Public Hearing / Work Session to order, followed by the Pledge of Allegiance and a moment of Silent Reflection.

At this time, Broderick read a letter he received today from Alfonso Marra Bax: Dear Supervisor Broderick: Please let this letter serve as my formal resignation from the position of Councilman for the Lewiston Town Board, effective January 11, 2021. It has been my honor and privilege to serve the residents of the Town over the past fifteen years and I look forward to being of service in whatever capacity you may deem appropriate in the future.

**Geiben MOVED to accept the resignation of Alphonso Marra Bax, effective January 11, 2021. Seconded by Jacoby and carried 5-0.**

**Broderick MOVED to appoint Robin “Rob” Morreale to complete the term of Mr. Bax as Town Councilman. Seconded by Geiben and carried 5-0.**

Town Clerk Donna Garfinkel swore-in Rob Morreale as Town Councilman. Morreale thanked the Town Board for putting their trust in him.

Broderick noted that Attorney Tom Seaman was recently hired by the Town of Lockport to serve as their Town Attorney. Because of such hiring, Broderick introduced a resolution to create the position of Town Attorney

**Whereas**, the Town of Lewiston desires to create the position of Town Attorney, now therefore be it

**Resolved**, that the Town of Lewiston does hereby establish the position of Town Attorney, pursuant to Civil Service guidelines, and does hereby further establish an annual salary of \$39,000 for said position; and be it further

**Resolved**, that the Town Attorney is an employee of the Town of Lewiston for all purposes, including purposes of reporting to the New York State Retirement System; and be it further

**Resolved**, that the Town Supervisor may execute any and all documentation necessary to create such position.

**Broderick MOVED the Resolution, as read. Seconded by Geiben and carried 5-0.**

Broderick introduced a resolution to hire Alfonso Marra Bax as Town Attorney

**Whereas**, the Town of Lewiston has hereby established the position of Town of Lewiston Attorney pursuant to Civil Service guidelines; and

**Whereas**, the annual salary of \$39,00 has been set for said position; and

**Whereas**, the Town Board of the Town of Lewiston does hereby set the term of expiration for said position to be at the end of this year; now therefore, be it

**Resolved**, that the Town of Lewiston does hereby appoint Mr. Alfonso Marra Bax as Town of Lewiston Attorney effective January 11, 2021, and his term expires at the first Town Board meeting in 2022.

**Broderick MOVED the Resolution, as read. Seconded by Geiben and carried 5-0.**

Town Clerk Donna Garfinkel swore-in Alfonso Marra Bax as Town Attorney

Broderick read a letter from Thomas Seaman, Seaman Norris LLP, dated January 11, 2021, advising that he was recently hired by the Town of Lockport to serve as their Town Attorney. As such, Seaman Norris LLP must reduce the legal services it offers to the Town of Lewiston. Seaman Norris is respectfully offering to act as independent counsel for the Town of Lewiston’s Planning Board and Zoning Board of Appeals. Additionally, they will

continue servicing the Town on issues related to union collective bargaining negotiations, tax assessment review cases, capital projects and any other issues mutually agreed to handle as particular issues arise.

Seaman prepared a revised contract and respectfully requests the Town Board approve.

**Geiben MOVED to approve the contract with Seaman Norris LLP and authorized the Supervisor to sign said agreement. Seconded by Morreale and carried 5-0.**

The Supervisor opened the Public Hearing on the PUD Detailed Plan Application for the Mt. St. Mary's Hospital – Helipad.

The Clerk read the public notice, as follows:

Notice is hereby given that the Town Board of the Town of Lewiston will hold a public hearing on Monday, January 11, 2021 at Town Hall, 1375 Ridge Road, Lewiston, New York at 6:00 P.M. concerning the application of Mt. St. Mary's Hospital and Care Center, 5300 Military Road, Lewiston, NY for Detailed Plan Approval of the construction of a helipad with modifications to the parking lot area. The applicable development is already zoned as a Planned Unit Development with applicant seeking specific modifications thereto. At the public hearing, all interested parties who wish to be heard will be heard.

Broderick asked if there were any public comments. There were none.

Ed Perlman, Magavern Magavern Grimm LLP, spoke on behalf of the applicant, Mt. St. Mary's Hospital and Catholic Health Systems. Accompanying him was the Administrator of MSMH and representatives from Catholic Health and Mercy Flight. They have gone thru the concept phase with approvals from the Planning Board and Town Board and detailed plan approval from the Planning Board. Mr. Perlman would answer any questions to the plan. This will be a benefit to the Town, the residents and the patients at Mt. St. Mary's Hospital, he said.

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

**AGENDA: Geiben MOVED the agenda, as presented. Seconded by Jacoby and carried 5-0.**

**ABSTRACT: Geiben MOVED to approve the Regular Abstract of Claims Numbered 20-01910 – 20-02010 (2020) and 21-00001 – 21-00017 (2021) and recommended payment in the amount of \$408,713.82 plus a post audit of \$939.27. Seconded by Jacoby and carried 5-0.**

**APPROVAL OF MINUTES: Geiben MOVED to approve the minutes of 01/04/2021 – Re-Organization. Seconded by Jacoby and carried 4-0.** (Morreale abstained)

*OLD BUSINESS:*

**Amend 2021 Mileage Rate: Geiben MOVED to approve the mileage rate of 56¢ per mile. Seconded by Jacoby and carried 5-0.** (57.5¢ had erroneously been approved on 1/4/21).

*DEPARTMENT HEAD STATEMENTS:*

Police: Chief Previte said they had potentially put together a list of members for the Board to approve for an Ad Hoc Committee on Police Reform. The members would consist of the Town Supervisor; Councilman Jacoby; Chief Previte; Attorney Bax; Mayor Welch; Village Trustee Eydt; Lewiston-Porter Supt. Paul Casseri; Niagara-Wheatfield Supt. Daniel Ljiljanich; Jennifer Pauley, LRRCC; and James Bissell, Tuscarora Nation.

**Geiben MOVED to create an Ad Hoc Committee solely for the purposes of investigating Police Reform as outlined in NYS Executive Order No. 203. The**

**committee will serve until the conclusion of Board adoption of a plan. Seconded by Morreale and carried 5-0.**

**Broderick MOVED to approve members of the Ad Hoc Committee as recommended by Chief Previte. Seconded by Geiben and carried 5-0.** The first meeting will be held on Thursday.

Highway: Supt. Trane obtained three written quotes for rental of an excavator. The low bid being from Villani Construction in the amount of 7,800.00. This is a month-to-month rental for use on the Riverfront Park project.

Geiben MOVED to approve the bid from Villani Construction for rental of an excavator in the amount of \$7,800/month. Seconded by Morreale.

Broderick said there is also a delivery and pick-up charge. Trane said he would see if he could pick it up with a trailer, depending on the weight limit or he would check with the Town of Wheatfield. Broderick suggested approving a motion not to exceed \$8,300. This way Trane does not have to come back and ask for additional fund approval for delivery and pick-up.

**Geiben amend his motion to approve the bid from Villani Construction for rental of an excavator not to exceed \$8,300. Seconded by Morreale and carried 5-0.**

Next, Trane said he is looking to purchase a lift to service the police Cars, and some parks and highway vehicles. A brand new 15,000-lb lift would cost \$31,325. He has the opportunity to purchase a used lift for \$7,500 from the Ransomville Bus Lines. They went out of business and are selling their equipment. There would be a \$1,700 fee to remove/install the lift. Fleishmann Services would install the lift.

Seaman said the purchase would be a sole-source opportunity. A public works contract would have to be prepared with Fleishmann Services, which he would prepare.

**Geiben MOVED to approve a Sole-Source purchase of a used lift in the amount of \$9,200. Seconded by Jacoby and carried 5-0.**

Buildings: The Supervisor asked the Building Inspector for his input on the MSMH application (Helipad Construction). Masters (via ZOOM) said he had concerns with the removal of 46 parking spaces. There is not enough parking as is. Masters addressed these concerns with the applicant. The applicant is only able to come up with 10 additional spaces. Although the parking does meet code, Masters is concerned there is not enough parking.

Finance: The Finance Officer asked for approval of 2020/2021 budget revisions.

1. A request to move \$1,348.00 to Court Admin Personnel (A00-1110-0100-0101) from Court Security Personnel (A00-1110-0100-0100) to cover increased personnel expenses due to contractual negotiations in 2020.
2. A revision to move \$2,714.00 to Assessor Personnel (A00-1355-0100-0000) from the Assessor Contractual (A00-1355-0400-0000) to cover increased personnel expenses due to contractual negotiations in 2020.
3. A revision to move \$1,738.00 to Buildings Custodian Personnel (A00-1620-0100-0000) from Buildings Contractual (A00-1620-0400-0000) to cover increased personnel expenses due to contractual negotiations in 2020.
4. A revision requesting to move \$14,998.00 to Police Personnel (B00-3120-0100-0000) from the Police SRO revenue (B00-1000-1520-0220) to cover personnel expenses.

5. A revision to move \$5,277.00 to Police SRO Personnel (B00-3120-0100-0025) from Police SRO revenue budget (B00-1000-1520-0220) to cover SRO personnel expenses.
6. A revision to move \$348.00 to Registrar Personnel (B00-4020-0100-0000) from Registrar Contractual (B00-4020-0400-0000) to cover increased personnel expenses due to contractual negotiations in 2020.
7. A revision to move \$7,771.00 to Parks Equipment (B00-7110-0200-0000) with \$5,559.00 from Parks Personnel (B00-7110-0100-0000) and \$2,212.00 from Parks Contractual (B00-7110-0400-0000) to cover equipment expenses.
8. A revision to move \$1.00 to Stormwater Personnel (B00-8140-0100-0000) from Stormwater Site Plan/Engineering Fees (B00-8140-0400-0100) to cover personnel expenses due to rounding.
9. A revision to move \$97.00 to Disability Insurance (B00-9055-0800-0000) from State Retirement (B00-9010-0800-0000) to cover disability insurance expenses.
10. A revision to move \$15,000.00 to Treatment & Disposal Contractual (SS1-8130-0400-0000) from Treatment & Disposal Personnel (SS1-8130-0100-0000) to cover contractual expenses.
11. A revision to move \$1,160.00 to Master Sewer Personnel (SS2-8110-0100-0000) from State Retirement (SS2-9010-0800-0000) to cover increased personnel expenses due to contractual negotiations in 2020.
12. A revision to move \$843.00 to Sanitary Sewer Personnel (SS2-8120-0100-0000) with \$500.00 from Master Sewer Equipment (SS2-8110-0200-0000) and \$343.00 from Sanitary Sewer Unemployment (SS2-9050-0800-0000) to cover increased personnel expenses due to contractual obligations in 2020.
13. A revision to move \$57.00 to Medicare (SS2-9020-0800-0000) from Sanitary Sewer Unemployment (SS2-9050-0800-0000) to cover Medicare insurance expenses due to salary changes.
14. A revision to move \$242.00 to Social Security (SS2-9030-0800-0000) from State Retirement (SS2-9010-0800-0000) to cover Social Security insurance expenses due to salary changes.
15. A revision to move \$262.00 to Master Sewer Personnel (SS3-8110-0100-0000) from State Retirement (SS3-9010-0800-0000) to cover increased personnel expenses due to contractual negotiations in 2020.
16. A revision to move \$130.00 to South Sewer Personnel (SS3-8120-0100-0000) from the State Retirement (SS3-9010-0800-0000) to cover increased personnel expenses due to contractual obligations in 2020.
17. A revision to move \$12.00 to Medicare (SS3-9020-0800-0000) from State Retirement (SS3-9010-0800-0000) to cover Medicare insurance expenses due to salary changes.
18. A revision to move \$49.00 to Social Security (SS3-9030-0800-0000) from State Retirement (SS3-9010-0800-0000) to cover Social Security insurance expenses due to salary changes.

19. A revision to move \$1,524.00 to Water Admin Personnel (SW1-8310-0100-0000) from State Retirement (SW1-9010-0800-0000) to cover increased personnel expenses due to contractual negotiations in 2020.
20. A revision to move \$92.00 to Water Out of Dept Personnel (SW1-8310-0100-0100) from State Retirement (SW1-9010-0800-0000) to cover out of department personnel expenses.

**Geiben MOVED to approve the above-referenced budget revisions 1-20 for 2020, as presented. Seconded by Jacoby and carried 5-0.**

1. A revision to move \$5,000.00 to Parks Equipment (B00-7110-0200-0000) from Parks Personnel (B00-7110-0100-0000) to cover equipment expenses for the new building.

**Geiben MOVED to approve the above-referenced budget revisions #1 for 2021, as presented. Seconded by Jacoby and carried 5-0.**

The Finance Director provided a list of 2020 Encumbered Purchase Orders. Agnello asked that these listed items be paid in 2021 using funds from 2020.

**Geiben MOVED to approved the list of 2020 Encumbered Purchase Orders to be paid in 2021, as listed in email from the Finance Director on January 6, 2021 @ 1:28 p.m. Seconded by Jacoby and carried 4-0.** Morreale abstained.

The total amount expended on said 2020 encumbered purchase orders is \$150,656.95.

Recreation: The Recreation Director (via ZOOM) said he is intending to move forward with outdoor plans for 2021 Spring/Summer Recreation Programs under the guidance of NYS guidelines.

Attorney Seaman said if NYS allows children to convene 2021 outdoor programs, the Town Board would need to lift the moratorium it placed in 2020.

**BRODERICK**

MSMH-Helipad: The Supervisor asked if anything has been planned in regards to the parking. Perlman said with the configuration, there would be 696 parking spaces which meets the minimum requirements for the hospital, including physicians, patients, employees and child care. Approximately 80 spaces will be lost thru construction. Additional spaces will be added after configuration and striping exceeding the minimum requirements for parking under state law.

When asked, Masters commented that the parking codes have not been updated since the 1970s. They are not in tune with 2020 standards.

Perlman said there may be some availability on the West side to increase parking, if necessary. They will do whatever they can to comply with applicable codes.

Broderick asked for a Motion for a Negative Declaration.

**Geiben MOVED the following resolution**, on SEQR, as prepared by Attorney Seaman.

**WHEREAS**, Mt. St. Mary's Hospital proposed modifications to the Town's existing Planned Unit Development ("PUD") located a 5920 & 5300 Military Road, Lewiston, NY, and

**WHEREAS**, a Short Environmental Assessment Form was prepared by Mt. St. Mary's Hospital, and submitted to the Town Board (the "EAF"), and

**WHEREAS**, the Town Board has considered the proposed modifications and review the EAF, now therefore be it

**RESOLVED**, that based upon the information set forth in the EAF, and for reasons more fully set forth in parts 2 and 3 of the EAF, the Town Board hereby determines that

there will be no significant environmental impacts with regard to the Project, and hereby adopts and issues the attached Negative Declaration under SEQRA with respect thereto.

**Seconded by Jacoby and carried 4-0.** Morreale abstained.

**Geiben MOVED the following resolution** for PUD Detailed Plan Approval, as prepared by Attorney Seaman.

**WHEREAS**, the Town of Lewiston (“Town”) has an existing Planned Unit Development located at 5920 & 5300 Military Road, Lewiston NY, which is the located of Mt. St. Mary’s Hospital, and

**WHEREAS**, the Town of Lewiston (“Town”) has an existing Planned Unit Development located at 5920 & 5300 Military Road, Lewiston NY, which is the location of Mt. Saint Mary’s Hospital, and

**WHEREAS**, Mt. Saint Mary’s Hospital (“Applicant”) has been seeking modification to the Town’s PUD plan to provide for the construction of a helipad and for modification to its parking lot, and

**WHEREAS**, the Town approved Applicant’s Concept Plan contingent on submitting a Detailed Plan, and

**WHEREAS**, the Town has reviewed Applicant’s Detailed Plan, and has duly called for, noticed, and conducted a Public Hearing regarding said Detailed Plan, and

**WHEREAS**, the Town’s Planning Board has considered the Detailed Plan and recommends approval,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Lewiston hereby approves the applicant’s Detailed Plan.

**Seconded by Jacoby and carried 4-0.** Morreale abstained.

Association of Towns: The 2021 Training School and Annual Meeting of the Association will be held Virtually, February 14-17, 2021. The Annual Business Section (Official Delegates) – Wednesday, February 17. The Town Board must adopt a resolution designating its delegate (and alternate).

**Jacoby MOVED to appoint David S. Broderick as Voting Delegate and William E. Geiben, alternate to the Association of Towns. Seconded by Morreale and carried 5-0.**

Upper Mt Fire Company: **Geiben MOVED to add Raymond Oliphant, Mountain View Drive, to the UMFC Roster, effective January 2, 2021. Seconded by Jacoby and carried 5-0.**

NYS Liquor Authority Notice: The Supervisor noted that Tecla LLC provided a 30-Day Advance Notice for an On-Premises Alcoholic Beverage License for property located at 5894 Ward Road, Sanborn. Notice received and filed accordingly.

Retirement Notice: Jeffrey VanUden provided notice that he will be retiring from his position in Outside Sewer at the WPC. His last day of employment with the Town will be January 29, 2021.

**Geiben MOVED to accept Jeffrey VanUden’s retirement, with regret. Seconded by Jacoby and carried 5-0.**

GEIBEN

Seniors Van Driver: The Seniors Coordinator, Melinda Olick, requests the approval of Raymond London as Van Driver for the Lewiston Senior Center.

**Geiben MOVED to hire Raymond London, as Van Driver, effective January 12, 2021 at an hourly rate of \$12.50. Seconded by Jacoby and carried 5-0.**

Coordinator Olick said they are limiting the number of residents at the Senior Center at 25 plus staff.

**Auctions International: Geiben MOVED to accept the Bid in the amount of \$630.00 for a 2004 Chevy Malibu Classic 4DSD (Parks), VIN #1G1ND52F54M671633. Seconded by Morreale and carried 5-0.**

**Mighty Niagara /Hospice Dash:** Allison Bolt, Special Events Coordinator, is asking for support of the Mighty Niagara Half Marathon and the Hospice Dash 5K. This year's event will be Saturday, October 2<sup>nd</sup>. They will keep the same route with the starting line at Artpark and post-race party at Porter on the Lake Park.

Chief Previte said he had no issue with it.

**Geiben MOVED approval to support the Mighty Niagara and Hospice Dash. Saturday, October 2<sup>nd</sup>. Seconded by Jacoby and carried 5-0.**

*JACOBY*

Jacoby said the Historic Preservation Commission meeting schedule for January 12<sup>th</sup> has been cancelled.

*MYERS* – Nothing to report

*MORREALE* – Nothing to report

Seaman noted that former Councilman Bax was appoint liaison to several commissions. He asked the Board if they wanted to formally replace him now or re-visit it at a later time.

Broderick said that Councilman Jacoby would like to fill the appointment of liaison to the Police Department. **Broderick MOVED for approval. Seconded by Geiben and carried 5-0.**

**Broderick MOVED to appoint Morreale to fill the liaison appointments, previously filled by Bax. Seconded by Myers and carried 5-0.**

Residents Statements – None

The following announcements were made.

Town Offices closed January 18, in observance of Martin Luther King Jr. Day

Upcoming Meetings

Planning Board – January 14, 6:30 PM

P.H. / RTBM – January 25, 7 PM

**Myers MOVED to adjourn. Seconded by Geiben and carried 5-0.**

Time: 7:00 p.m.

Transcribed and  
Respectfully submitted by:

Carole N. Schroeder  
Deputy Town Clerk