

PRESENT: Dep. Sup. W. Conrad; Councilmembers W. Geiben, J. Jacoby, R. Morreale & J. Myers (via Zoom); Special Counsel T. Seaman; Eng. R. Lannon; Finance Director J. Agnello; Police Chief F. Previte; Bldg. Insp. T. Masters; Seniors Coordinator M. Olick; WWTP Ch. Op. J. Ritter (via Zoom); Water Foreman D. Zahno; 5 Residents and Dep. Clerk C. Schroeder

EXCUSED: Supervisor Broderick

Deputy Supervisor Conrad, presiding in the absence of the Supervisor, called the meeting to order, followed by the Pledge of Allegiance and a moment of silent reflection asking to keep the family of Kameron Stenzel in their thoughts and prayers.

AGENDA: Additions: Jacoby: Fire Company Roster Additions & Police Hires. Morreale: Remove Environmental Commission letter. Geiben: Recreation report & Town-wide Parks Signs.

MINUTES: Jacoby MOVED to approve the minutes of September 27, 2021 – RTMB. Seconded by Geiben and carried 3-0. Morreale abstained.

ABSTRACT: Morreale MOVED to approve the Regular Abstract of Claims Numbered 21-02547 – 21-02708 and recommended payment in the amount of \$821,068.47 plus a post-audit of \$19,957.71. Seconded by Geiben and carried 4-0.

OLD BUSINESS:

a) Site Plan/Special Use Permit – 2481 Saunders Settlement Rd, Borrego Solar

Jacoby MOVED the following Resolution regarding State Environmental Quality Review Act Negative Declaration and Notice of Determination of Non-Significance – Borrego Solar – 2481 Saunders Settlement Road, Sanborn, New York:

WHEREAS, a proposed solar energy generation facility located at 2481 Saunders Settlement Road, Sanborn, New York (the “Project”) is being considered for approval of a Special Use Permit and Site Plan Approval by the Town Board, and

WHEREAS, the Town has previously circulated notices of its intent to act as lead agency with respect to the Project for purposes of conducting a review under the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (hereinafter collectively referred to as “SEQR”) to all involved and interested agencies, and has received no objection to its serving as lead agency; and

WHEREAS, a Full Environmental Assessment Form was prepared by GHD, the Town’s Engineers, and was submitted to the Town Board (the “EAF”), and which EAF was also circulated to involved agencies for input pursuant to SEQR, and

WHEREAS, the Town Board has considered the Project and reviewed the EAF and all comments received from involved or interested agencies, in light of the criteria set forth in SEQR in order to determine whether the Project will have a significant effect on the environment, now therefore be it

RESOLVED, that the Town Board of the Town of Lewiston hereby declares itself lead agency for the purposes of SEQR review of the Project, and be it further

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 SEQR with respect thereto, and be it further

RESOLVED, that the Town Supervisor be, and hereby is, authorized to execute any necessary documents in conjunction hereto.

Seconded by Morreale and carried 4-0.

Jacoby MOVED the following Resolution regarding an Application by Borrego Solar Systems, Inc., for Site Plan Review and Special Use Permit for a proposed Utility Scale Solar Energy System located at 2481 Saunders Settlement Road, Sanborn, New York:

WHEREAS, the Town of Lewiston received an application from Borrego Solar Systems, Inc., for a Special Use Permit and Site Plan review for a utility scale solar energy system to be located at 2481 Saunders Settlement Road, Sanborn, New York; and

WHEREAS, the Town of Lewiston Planning Board reviewed the proposed project and recommended approval, with conditions, to the Town Board of the Town of Lewiston; and

WHEREAS, the Town of Lewiston Town Board, on September 13, 2021 did hold a duly advertised Public Hearing at Lewiston Town Hall, 1375 Ridge Road, Lewiston, New York, regarding the application for a Special Use Permit and site plan review of the proposed utility scale solar energy system and at such public hearing every party wishing to be heard was heard; and

WHEREAS, the Town Board has considered all relevant testimony, documents, and all other information presented and placed before it;

NOW THEREFORE BE IT RESOLVED, that based on the testimony, documents, and other information presented, the Town Board makes the following findings:

a. That the use, a utility scale solar energy system, is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected, to wit: the project has been designed and located such that the solar panels will be behind elevated berms, hedges and vegetation designed to substantially reduce its visibility and impact to neighboring properties and public highways and the solar panels are enclosed by a chain link fence which inhibits physical access to the system. Additionally, the project is also located in a relatively sparsely populated area of the Town, and a glare study submitted by the applicant shows no glare impact from the project; and

b. That the use, a utility scale solar energy system, will not cause substantial injury to the value of other property in the neighborhood where it is located, to wit: the project has been designed and located, such that the solar panels will be behind elevated berms, hedges and vegetation thus substantially reducing its visibility and impact to neighboring properties; and

c. That the use, a utility scale solar energy system, will be compatible with adjoining development and the character of the neighborhood where it is located, to wit: the neighborhood the project is located in is zoned rural residential which allows for such uses pursuant to special use permit and site plan approval. The rural residential zone generally consists of large lots with single family homes and/or large farming operations, vacant areas, or woods. The character of the neighborhood will not be affected since the project has been designed to substantially minimize and obscure the solar panels from view of neighboring properties and public highways; and

d. That the use, a utility scale solar energy system, provides adequate screening to preserve the character of the neighborhood, to wit: the project is located behind elevated berms, hedges and vegetation to obscure sight lines of the system; and

e. That the use, a utility scale solar energy system, provides adequate off-street and loading and the special use will not substantially interfere with traffic on abutting streets, to wit: while the project will cause an increase in traffic during construction that impact is not expected to be substantial and will be limited in time to the period of construction only. Once completed, the nature of the project does not require the presence of employees or other staff beyond periods of required maintenance; and

BE IT FURTHER RESOLVED that the Site Plan Approval and Special Use Permit for operation of a utility scale solar energy system at 2481 Saunders Settlement Road, Sanborn, New York, is granted, with the following conditions:

1) Submission of a fully funded decommissioning bond, with decommissioning plan, in substance and form acceptable to the Attorney for the Town and the Town Engineer, prior to issuance of a building permit.

2) Continued compliance with all requirements of Article XXVIII of the Town Code (Solar Energy Systems), as amended.

3) A PILOT agreement and/or community host agreement must be agreed to and fully executed prior to the issuance of a building permit.

4) Solar energy system to be constructed and operated in accordance with the New York Department of Agriculture & Markets: Guidelines for Agricultural Mitigation for Solar Energy Projects.

5) The access road/driveway is to be kept and maintained in a suitable condition for the use of emergency vehicles and personnel throughout the life of the project.

6) Any changes to the Utility Scale Solar Energy System, including but not limited to any increased energy production capacity and or any change to the solar cells (with the exception of minor replacement of damaged or faulty cells) shall requires a new application for Utility Scale Solar Energy System to be submitted.

7) Applicant shall fully conform with all of applicant's most recent and updated application materials and submissions (except in the event such materials conflict with the conditions set forth herein, in which case, the conditions set forth herein shall prevail).

Seconded by Morreale and carried 4-0.

b) Perry - Vrooman Subdivision:

Morreale MOVED the following Resolution regarding State Environmental Quality Review Act Negative Declaration and Notice of Determination of Non-Significance – Preliminary Plat Approval – Perry Subdivision.

WHEREAS, an application for approval of a preliminary plat of a residential major subdivision known as Perry Subdivision, located at 4639 Vrooman Drive, Lewiston, NY, (the “Project”) having been submitted and reviewed by this Board, and a Public Hearing having been held thereon, and

WHEREAS, the Town has previously circulated notices of its intent to act as lead agency with respect to the Project for purposes of conducting a review under the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (hereinafter collectively referred to as “SEQRA”) to all involved and interested agencies, and has received no objection to its serving as lead agency; and

WHEREAS, a Full Environmental Assessment Form was prepared by GHD, the Town's Engineers, and was submitted to the Town Board (the “EAF”), and which EAF was also circulated to involved agencies for input pursuant to SEQRA, and

WHEREAS, the Town Board has considered the Project and reviewed the EAF and all comments received from involved or interested agencies, in light of the criteria set forth in SEQRA in order to determine whether the Project will have a significant effect on the environment, now therefore be it

RESOLVED, that the Town Board of the Town of Lewiston hereby declares itself lead agency for the purposes of SEQRA review of the Project, and be it further

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, and be it further

RESOLVED, that the Town Supervisor be, and hereby is, authorized to execute any necessary documents in conjunction hereto.

Seconded by Geiben and carried 4-0.

Morreale MOVED the following Resolution Approving Preliminary Plat – Perry Subdivision:

WHEREAS, an application for approval of a preliminary plat of a residential major subdivision known as Perry Subdivision, located at 4639 Vrooman Drive, Lewiston, NY, having been submitted and reviewed by this Board, and a Public Hearing having been held thereon, and

WHEREAS, the Town of Lewiston Planning Board having previously considered such a project and recommended approval with certain conditions, and

WHEREAS, this Town Board having previously considered and issued a “negative declaration” concerning SEQRA, now, therefore, be it

RESOLVED, that said preliminary plat, identified by stamped engineering documents titled “Perry Subdivision” and dated 8/17/2021, is hereby approved conditioned upon the following conditions:

1. That the storm water drainage system shall be located in a perpetual, unobstructed easement for benefit of the Town of Lewiston, said Town to have no maintenance obligations for said storm water drainage system.

2. Notwithstanding condition 1, that the developer provide proof that the storm water drainage system, and all storm water drainage facilities will be perpetually maintained by a home owner’s association, a condo association, or if no such ownership entities are developed, that such drainage systems be perpetually owned, and maintained by one or more individual lots and that such requirements be added to the deeds of such lots and provided to the Town Attorney for approval thereof.

3. Both conditions 1 and 2 to be satisfied prior to approval of the final plat.

Seconded by Geiben and carried 4-0.

c) Small Cell Telecommunications Law: (L.L. #3, 2021)

Myers, via Zoom, said he will follow-up with this at the next meeting.

NEW BUSINESS: None

DEPARTMENT HEAD STATEMENTS:

Police: Previte said the Village Board will honor Officer Smith, who was involved with saving a person from a fire, with an award at their meeting on Monday (10/18/21). Any one interest is invited to attend.

BRODERICK

1. Legal: Memorandum of Agreement – CSEA Union.

Atty. Seaman said the Agreement is a minor adjustment to the insurance, as the result of the increase in the deductible of the Health Insurance. There is no change to the substance of the Agreement, other than to adjust the actual numbers for the change in insurance costs.

2. Engineering: Town-wide Drainage Study.

Eng. Lannon said the proposal is still under development.

3. Finance: Budget Revisions

a) A request to move \$2,000.00 to Highway Superintendent Contractual (A00-5132-0400-0000) from Highway Brush Contractual (A00-5140-0400-0000) to cover contractual expenses through the remainder of the year.

b) A request to move \$200.00 to Environmental Personnel (A00-8090-0100-0000) from Environmental Contractual (A00-8090-0400-0000) to cover the salary for the Secretary through the remainder of the year.

c) A request to move \$14,400.00 to Police SRO Personnel (B00-3120-0100-0025) from the Police SRO revenue budget (B00-1000-1520-0220) to cover SRO payroll expenses.

d) A request to move \$5,000.00 to Parks Gasoline/Diesel (B00-7110-0400-3510) from Parks Personnel (B00-7110-0100-0000) to cover gasoline expenses through the remainder of the year.

- e) A request to move \$3,310.00 to Water Transmission & Distribution Equipment (SW1-8340-0200-0000) from Water Transmission & Distribution Contractual (SW1-8340-0400-0000) to cover the purchase of fire hydrants.

Geiben MOVED the budget revisions, as submitted. Seconded by Morreale and carried 4-0.

GEIBEN:

1) **Halloween Events:**

Geiben noted the Town has set Halloween “Trick or Treat” Hours from 4 – 7PM, Sunday October 31, 2021. Village of Lewiston hours will be 4 – 8 PM.

Village of Lewiston Recreation will host a Halloween Movie Night on Friday, October 15th beginning 6:30 PM, at the Academy Park Bandshell. The movie “Hocus Pocus” will be shown, free of charge. Pre-registration required.

A Halloween Scavenger Hunt is scheduled for Saturday, October 30th from 1 - 3 PM at the Red Brick School, sponsored by the Village of Lewiston.

2) **Recreation:** Geiben noted that Titan Development would like to start building the new playground at Pletcher Park this year. There is a chance that the rubber surface will not be poured this year. If that happens, they will enclose the playground around the area with a fence for safety and security purposes. If the project is not started now, it will be delayed until the Spring and impact the baseball program, he said. Dashineau strongly recommends Titan Development move ahead. Geiben said he is following Dashineau’s recommendation.

Geiben MOVED to direct Titan Development to start the Pletcher Park Playground this Fall. Seconded by Morreale and carried 4-0.

The Ice Rink is on scheduled for a November 19th opening.

3) **Senior Center:** Geiben said the Senior Center has a pool table not being used and requests to declared it obsolete. Highway Supt. recommends it be disassembled, with the legs removed, and stored flat in the Recreation storage building for further use. If, it doesn’t come apart, a further decision will have to be made. Supt. Trane said he would take care of it.

4) **Parks:** Geiben said he would like to see a unified Town Sign for all current and new Town Parks.

Geiben said that Parks Supt. Dave Trane would like to purchase a 2022 Ford F150 truck. Five bids were received from Nye Automotive Group - \$28,424.00 (Short Box); Nye Automotive Group 1 - \$28,692 (Long Box); Delacy Ford - \$28,982.00; Beyer Ford LLC - \$29,192.88; and Genesee Valley Ford - \$29,200.00.

Geiben MOVED the purchase of a 2022 Ford F150 truck with long box in the amount of \$28,692.00 from Nye Automotive Group 1 for the Parks Department. Seconded by Morreale and carried 4-0.

Lastly, Geiben said the Lewiston Bicentennial Chiavetta’s Chicken BBQ fundraiser was a tremendous success.

JACOBY:

1. **Police Hires: Jacoby MOVED to hire Angela Micale and Jared Voelker as p/t Police Officers, as per the Union Contract, effective October 15, 2021. Seconded by Geiben and carried 4-0.**

- 2) Sanborn Fire Company: The Fire Company submits for active membership the following persons, Larry Treichler, Townline Rd, Sanborn; Caleb Krajnak, Shenk Rd, Sanborn and Eugene Scherer, Pearl St, Sanborn.

Jacoby MOVED for approval. Seconded by Geiben and carried 4-0.

MORREALE:

Morreale said there was a grant thru Senator Ortt's office for \$250,000 that expires at the end of next year. It is being used to purchase a new Tandem truck for the Highway Dept. The cost for a Tandem Truck is \$260,000.00. With that grant, the cost to the Lewiston Taxpayers would be \$10,000.00. He thanked Senator Ortt for the grant on behalf of the Town Board and taxpayers.

Morreale said he, Jacoby and the Finance Director met with the Town's grant writer on a grant for the purchase of a new Senior Van. There are a lot of things we are going to go after, Morreale said, such additional charging stations throughout the Town. They will also meet with department heads to get a sense of what they would like.

MYERS: Nothing to report.

PRIVILEGE OF THE FLOOR – No one spoke

Geiben MOVED to adjourn. Seconded by Morreale and carried 4-0. Time: 6:40 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk