

**TOWN BOARD REGULAR MEETING - September 26, 2022 - 6:00 pm**

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad, Atty. A. Bax; Highway Supt. Trane; Police Officer B. Hall; Bldg. Insp. T. Masters; Asst. Bldg. Insp. Zimmerman; Water Foreman Zahno; Finance Director J. Agnello; Eng. R. Lannon; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter (ZOOM); Recreation Director C. Cvijetinovic (ZOOM); 17 residents, 1 Press and Clerk D. Garfinkel

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection.

**PUBLIC HEARING – Local Law - LMK Realty Associates – Northridge Drive – Revised Detailed Site Plan**

Clerk read Public Hearing notice into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 26<sup>th</sup> day of September, 2022 at 6:00 p.m., at the Town Hall, 1375 Ridge Rd, Lewiston, NY, on the adoption of a proposed Local Law entitled, “A Local Law Amending the Zoning Map to incorporate a Planned Unit Development,” an abstract of which is as follows:

The proposed Local Law amends the zoning map of the Town of Lewiston to change the zoning classification for certain lands located on Northridge Drive from “One Family Residential Use District (R-1)” to “Planned Unit Development Use District (PUD).”

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours.

At such public hearing, all persons interested, who wish to be heard will be heard.

By Order of the Town Board August 22, 2022

Murnyack, John – Ridge Road – This development and the rezoning has been discussed several times. All Murnyack’s fellow residents on Ridge Rd have been against this since day one.

“According to the Board, you don’t do zoning changes. Well, here you are. Either you have it one way the other”. Murnyack is guessing that only on a case-by-case basis the Board selectively goes forward and rezones based on how much tax dollars may come in the Town.

The Board can’t go forward, saying anyone else in this Town who wants to have a zoning change, special use variance, you can’t do this to the residents of the Town.

Murnyack feels if he spoke to each Board member individually, he could get them to say yes let’s do something for his son on Route 31.

Murnyack said that Masters said Mathew Murnyack created his own problems so ..... and that has how it has been for the last couple of years.

Town Board needs to be consistent and allow residents in the Town that want to have a business in the Town and operate in the Town to do that.

Murnyack does understand that his son has created some problems on himself.

Murnyack is against the Local Law.

Rossman, Mark – Scovell Drive – Rossman has been listening and believes there are questions that are not being asked.

What is the long-term benefit of this change in the zoning. How does it benefit the residents? It is great to have development, but this area is getting overly developed. There are apartments and condos going up in this area.

Rossman does not begrudge Massaro developing, he's a business man, that is what they do. What about the people that live there. They bought their homes, with the backyard having privacy, to see a condo with a patio.

The Board should be asking, does this help my community?

Secondly – how will these properties be maintained. The outside is very nice. Has anyone asked how the inside is being maintained.

Rossman asks the Board to think about the long-term effect to the present residents.

Ricotta, Sam – East Eddy Drive – There is way too much development in this area. The wildlife is starting to come out.

The traffic is chaos. People are speeding, not stopping at the stop signs. When is the Board going to look at the residents there now.

It's amazing how fast for a developer its changed, but residents need to jump through all kinds of hoops.

**Geiben MOVED to close the Public Hearing, Seconded by Morreale and Carried 5 – 0.** (6:11 pm)

#### AGENDA APPROVAL

Additions: Geiben – Senior Center Van Drive; Carpet at Senior Center and Ice Rink; Bax – Ransomville Fire Co. Fire Protection Agreement.

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

Niagara Military Affairs Council - NIMAC– Annual Update - Joel D'Aloise, NIMAC Secretary

D'Aloise thanked the Board for letting them present their update. The Niagara Falls Air Reserve Station is the largest employer in Niagara County and the last existing Air Force Installation in New York.

NIMAC works for the growth and prosperity of the Niagara Falls Air Service Station and those who work and serve here.

NIMAC is always working at least 5-years in the future.

The relationship with the Federal Delegation is all so important to what NIAMAC does. NIAMAC stays out of the political arena.

Businesses in Niagara County and in the region depend on the Base. 45 families living in Lewiston work at the Base.

The biggest threat to an Air Force Base is encroachment. NIMAC appreciates the Towns and Cities that surround this Base, that pass ordinances to work closely with the Base on development to protect the installation.

NIMAC works to educate and inform the leaders about the military and the military about the community.

NIMAC's most recent activities related to encroachment include the development of a Compatible Use Plan. This will provide for an opportunity for communities around the Base to receive additional Federal dollars for infrastructure projects.

Broderick thanked D'Aloise for his presentation.

### RESIDENTS STATEMENTS

Vanuto, Daniel – Paddock Lane – Vanuto would like to see the Board come up with a policy for a buffer zone. Essex is being developed behind his home. They just built a building behind three homes. It's a two-story wall, 7 ½ feet away from the homes.

Greenspace needs to be included and a buffer zone to those residents already living there.

### DEPARTMENT HEAD STATEMENTS

Clerk Garfinkel – Approval of Copy Machine contract – Town Hall and Police Station

Garfinkel received three (3) quotes for the Copy Machine Contract. ComDoc = \$7,071.69; Copier Fax = \$7,239.72; Duplication Consultants, Inc. = \$12,127.64.

**Jacoby MOVED to accept Copier Fax quote as lowest responsible bidder, in the amount of \$7,239.72 for copier machines at the Town Hall and Police Station, Seconded by Morreale**

Geiben is not comfortable with “lowest responsible bidder”. Bax said the Board is characterizing them as, based on the history with the company, as responsible bidder out of the three.

**Jacoby rescinds his motion and MOVED to accept Copier Fax for professional services, in the amount of \$7,239.72, for copier machines at the Town Hall and Police Station, Seconded by Morreale and Carried 5 – 0.**

Police Chief Previte – Festival season is done. All went smoothly.

Previte is looking for direction for the Police garage to move things to prepare for the winter. Previte will work with Highway Superintendent Zahno and the Supervisor on this.

Building Inspector Masters – Masters hired a new Clerk, upon the retirement of Sandy VanUden and training is necessary.

VanUden, Masters and Broderick met to discuss VanUden coming back as an independent contractor, for the month of October, for 40/hours at \$2,000.

**Broderick MOVED to bring Sandy VanUden back as an independent contractor to train the new Clerk, for 40 hours in October, for \$2,000, Seconded by Jacoby and Carried 5 – 0.**

Broderick appreciates VanUden coming back to help.

Masters updated the Board on the outfall building. The window replacement has started.

Broderick invited anyone to drive down and look at the River Road Park. It is not complete but encourages residents to take a look.

Highway Superintendent Zahno – Zahno will hire Joe Kostyrka as a Laborer, effective September 27<sup>th</sup> at \$24.92/hour.

Zahno submitted three (3) bids for a Parks Dept. Mower. Outdoor Equipment Dist. - \$7,888.00 / Niagara Frontier Equipment Sales - \$10,319.00 / John Deer - \$10,329.24.

**Morreale MOVED to accept Outdoor Equipment Dist. bid in the amount of \$7,888.00, Seconded by Myers and Carried 5 – 0.**

Senior Center Director Olick – Olick distributed the monthly Newsletter to the Board. The Center is offering an “adult care” session for those in need.

Broderick said Olick is working with Recreation Director C. Cvijetinovic on creating more programs for Seniors.

Recreation Director C. Cvijetinovic – Cvijetinovic said the Recreation Dept. had a booth at the Harvest and Hops Festival and distributed information on upcoming programs.

There is a Fall Festival October 15<sup>th</sup> and a Trunk-n-Treat at Lewiston Town Hall on October 28<sup>th</sup>.

APPROVAL OF MEETING MINUTES

**Jacoby MOVED to approve the Work Session – September 12, 2022 meeting minutes, Seconded by Myers and Carried 5 – 0.**

AUDIT PAYMENT

**Jacoby MOVED to approve the Regular Abstract of Claims numbered 22-02508 thru 22-02661 and recommend payment in the amount \$709,029.40 plus a Post-Audit of \$34,752.40, Seconded by Morreale and Carried 5 – 0.**

PENDING / OLD BUSINESS

Award Bid – Court Offices Grant – No Action  
Wilco Auto – Special Use Permit / Site Plan – Ward Road – No Action

NEW BUSINESS - Residents / Public Correspondence – None

SUPERVISOR BRODERICK

Unpaid Water / Unpaid Sewer Re-Levy

Deputy Clerk Burns requests Board approval to place unpaid water and sewer onto the 2023 Town and County taxes. Breakdown is as follows: Water - \$99,095.75; Sewer (Master) - \$47,660.41; Sewer (South) - \$7,308.83 and Town Charge - \$31,700.00 for a total of \$185,764.98.

**Geiben MOVED to approve the following unpaid water and sewer onto the 2023 Town and County taxes: Water - \$99,095.75; Sewer (Master) - \$47,660.41; Sewer (South) - \$7,308.83 and town Charge - \$31,700.00 for a total of \$185,764.98, Seconded by Myers and Carried 5 - 0.**

Real Estate Appraisal – Former Scout Camp/Simmons Rd. – Stonehaven

The Town received \$300,000 from a DEC grant and \$319,000 from Geological Environmental of the Greenway.

As part of the DEC grant the Town is required to get a second appraisal. The Town reached out to Gregory Klauk – K LW Appraisal Group, Inc. to prepare the appraisal. Broderick requests Board approval for K LW Appraisal Group at a cost not to exceed \$3,400.

**Geiben MOVED to approve K LW Appraisal Group, Inc. to prepare the appraisal at Stonehaven, at a cost not to exceed \$3,400, Seconded by Jacoby and Carried 5 – 0.**

**Geiben MOVED to authorize the Supervisor to sign the agreement with K LW Appraisal Group, Inc., Seconded by Morreale and Carried 5 – 0.**

Halloween Designation

**Broderick MOVED to designate Halloween October 31<sup>st</sup> from 4 pm – 7 pm, Seconded by Morreale and Carried 5 – 0.**

Teamsters MOU Approval

The Town worked with Teamsters 264 - Town Hall Staff on a Memorandum of Understanding. Broderick asks the Board to approve the Memorandum.

**Jacoby MOVED to approve the Memorandum of Understanding – Teamsters 264 – Town Hall Staff, Seconded by Geiben and Carried 5 – 0.**

New Hire – Parks Dept.

**Broderick MOVED to hire James Hescox as Head Grounds Person of the Parks Dept. at a rate of \$22.45/hour, beginning September 27<sup>th</sup>, Seconded by Geiben and Carried 5 – 0.**

**Broderick MOVED to hire John Aquino in the Parks Dept. at a rate of \$19.58/hour beginning September 27<sup>th</sup>, Seconded by Jacoby and Carried 5 – 0.**

New Hire – Town Hall Maintenance

**Broderick MOVED to hire Glenn Newton at a rate of \$18.59/hour, beginning September 27<sup>th</sup>, Seconded by Geiben and Carried 5 – 0.**

Legal

Ransomville Fire Company – 3-year contract

**Geiben MOVED to approve the Ransomville Fire Company Contract , for a three-year term, Seconded by Morreale and Carried 5 – 0.**

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

Engineering – Nothing to report

Finance – Budget Revisions - Agnello requests the following budget revisions:

Transfer \$2,500 from Building Inspection Personnel - B00-3620-0100-0000 to Building Inspection Equipment - B00-3620-0200-0000 to replace the office wall heater.

Transfer \$7,500 from Contingency - B00-1990-0400-0000 to Police Personnel Low-Port SRO - B00-3120-0100-0015, to cover SRO services. This initiative started in 9/22, therefore was not included in the 2022 budget. Expenses to be reimbursed by the school on a monthly cycle.

Transfer \$1,500 from Fire Inspection Contractual - B00-3410-0400-0000 to Fire Inspection Equipment - B00-3410-0200-0000, to cover purchase of a computer and monitor.

Transfer \$90 from South Sewer Admin. Equipment - SS3-8110-0200-0000, to South Sewer Admin. Contractual - SS3-8110-0400-0000, to cover contractual expenses through remainder of the year.

**Geiben MOVED approval of Budget Transfers as presented, Seconded by Jacoby and Carried 5 – 0.**

2023 Tentative Budget Presentation

Agnello thanked all Board members and Department Heads for their cooperation in preparing the budget. Department Head Budget meetings will be held on October 6, 2022.

Clerk Garfinkel distributed the 2023 Town of Lewiston Tentative Budget and read 2023 Schedule of Salaries for Elected Town Officials: Highway Superintendent - \$76,310; Town Clerk - \$66,500; Supervisor - \$45,567 (Annual salary for the Supervisor position is \$45,567. Supervisor Broderick currently only accepts an annual salary of \$35,000 with a salary waiver equal to \$10,567); Town Justices (2) - \$29,791; Council Members (4) - \$15,066.

Agnello requests a budget revision to cover Building Clerk VanUden’s training of new clerk.

**Geiben MOVED to transfer \$2,000 to Building Inspection Contractual - B00-3620-0400-0000, from Building Inspection Personnel - B00-3620-0100-0000, Seconded by Jacoby and Carried 5 – 0.**

Broderick said when a grant is received it takes time to receive the funds, therefore the following budget transfer is offered to increase funding for the Stonehaven Capital Project H24 for additional expenses.

**Geiben MOVED to transfer \$25,000 to Capital Account B00-9950-0905-0000, from B-Fund Appropriated Fund Balance - B00-1000-0599-0000 and \$25,000 from A-Fund Appropriated Fund Balance - A00-1000-0599-0000 to Capital - A00-9950-0905-0000, Seconded by Jacoby and Carried 5 – 0.**

Broderick thanked Agnello for all her work on the Budget.

**COUNCILMAN GEIBEN**

Geiben thanked Olick for receiving three (3) necessary quotes for carpet at the Senior Center. Olick was able to keep it under \$1,000.

Mr. Burrow declined the job as van driver, therefore Geiben asks this be posted again.

Geiben discussed the Ice Rink with Mayor Welch and she is not sure what the plans are for the proposed shelter in the park. Geiben would like Zahno and Cvijetinovic to discuss the rink to be ready if this moves forward.

Broderick said the Board needs to make an absolute decision by the Work Session on the 13<sup>th</sup>.

COUNCILMAN JACOBY

The Marble Orchard Ghost Walks have started and are very well attended.

COUNCILMAN MORREALE

Sewer Refund – Kennert – Military Road

**Morreale MOVED to approve a sewer refund to Kennert – Military Road in the amount of \$61.52, Seconded by Myers and Carried 5 – 0.**

Sewer Refund – Broderick – Morgan Drive

**Morreale MOVED to approve a sewer refund to Broderick – Morgan Drive in the amount of \$122.70, Seconded by Geiben and Carried 4- 0 .** Broderick abstained

Grass Cutting Re-Levy

Building Inspector Masters requests grass cutting fees be placed on 2023 Town & County tax bills.

**Morreale MOVED to place grass cutting fees on 2023 taxes as follows: \$7,421.25, with an administration fee of \$3,500, for a total of \$10,921.25, Seconded by Geiben and Carried 5 – 0.**

Parks Dept. – Mower Bid – Already addressed

2022 WPCC SCADA Upgrades Phase 2 – Panel project being done at the plant.

**Morreale MOVED to authorize the Supervisor to sign the 2022 WPCC SCADA Upgrades Phase 2, in the amount of \$387,000, Seconded by Geiben and Carried 5 – 0.**

Fence Bid Approval – Village Green Road – South side entrance of the Patios at Essex Ridge. One side was done but not the south side. This is Town property.

Morreale received three (3) bids: Davidson Fence - \$6,900; Iroquois Fence - \$8,500 and Fox Fence Inc. - \$10,814.30.

**Morreale MOVED to accept the bid from Davidson Fence in the amount of \$6,900 with funds from H-97 Fund, Seconded by Jacoby and Carried 5 – 0.**

COUNCILMAN MYERS – Nothing to report



## RESIDENTS STATEMENTS

Massaro, Dominick – Jason Court – Massaro asked if the Board will be making a decision on the Local Law this evening, and will the Planning Board move on approval of the change.

Broderick said the Board tries to stay consistent with Public Hearings. The Board discusses all comments made with the Building Inspector and those involved before a decision is made.

Murnyack, John – Ridge Road – Murnyack asked when the minutes will be put on the Website. Clerk Garfinkel will update tomorrow.

Murnyack asked if the wood chipping has begun and if the Town will designate another spot for the chippings to be dropped. Murnyack feels it would be in everybody's best interest if the Town came up with a secondary area. Murnyack said this is fought every year.

Broderick said this is a complementary service provided by the Town that the Town does not have to provide. There are other means in which Murnyack's son's company can dump their clippings. Broderick believes this cost is included in Murnyack's sons cost to their customers.

Broderick said the wood chipping will be done when the company gets there.

**Geiben MOVED to adjourn, Seconded by Morreale and Carried 5 – 0.** (7:11 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk