

CALL TO ORDER Mayor Welch called the Village Board of Trustees meeting to order with the Pledge of Allegiance at 6:00pm.

PRESENT Mayor Welch, Trustee Gibson, Trustee Conde, Trustee Eydt, Law Counsel Leone, Katie Bednarz, representing Nussbaumer & Clarke, Zoning Officer/Building Inspector Candella, Superintendent Wills, Recreation Leader McDermott, Treasurer Myers, Clerk Fundis, Dep. Clerk Vazquez

EXCUSED Trustee Marasco

RESIDENTS Mayor Welch mentioned that she knew of a resident wanting to discuss the possibility to have a sewer bill pardon for filling their pool. A discussion ensued regarding the fact that the village has not honored this courtesy for quite some time; prior to this request, the village has denied about eight other residents who have asked for the same request this year.

Trustee Conde asked who denied all residents that made this request.

Mayor Welch replied and said the decision was made between the Village Clerk's office and the Department of Public Works. The Town of Lewiston Sewer agreement states that the village may honor the one time fill but we have not been practicing this. Welch asked Clerk Fundis to verify the amount that would be paid to the resident if this sewer pardon was honored.

Clerk Fundis stated that based on the readings submitted by the resident, the sewer amount to be paid out was \$73.31. Fundis added that she discussed the procedure with Superintendent Wills, who stated that the method of determining the sewer usage can be very inaccurate, due to pools normally taking about two days to fill, and during that time, the residents would be using the water for such things as washing dishes, taking showers, laundry, etc. Wills had mentioned that if the village decided to honor the sewer pardon going forward, a more accurate way to obtain this figure should be implemented into the code; for example, the amount of gallons the pool is listed to hold could be the basis to determine the sewer pardon amount. If the pool in question was filled with 10,000 gallons of water, the pardoned sewer amount would be \$63.33.

Mayor Welch stated at this time with denying other residents, I am not in favor of granting this request.

Trustee Eydt stated that he is not opposed to the sewer pardon for pool fills, but at this point we have turned down so many people. I think for future procedures, we need to add some verbiage to the code, and get Leone involved in this process before we go ahead with this. As far as the petition upon us right now, I am opposed to it.

Law Counsel Leone added that as a village, you have the discretion, but it does not say that you are required to exercise this discretion. Under the sewer agreement, it states that you 'may' choose to forgive, but it is not a requirement. Also, I don't see that if we forgive this, that you get a simultaneous break on what the village pays to the tri-community agreement. It is strictly a matter of discretion; there is no right and there is no wrong.

A discussion ensued regarding the Town of Lewiston's stance on reimbursing the village for the sewer forgiveness amount. Mayor Welch stated that if we were to excuse this sewer fee we would have to reach out to the Town of Lewiston to request that they excuse this amount from our bill.

Trustee Eydt stated that he does not expect the Village to take the financial hit for this pardon; this needs to be a wash all around.

Trustee Conde stated that he does not mind honoring this pardon now, but do feel we need to change our code so it reads clearer. The Town of Lewiston needs to agree to waive this amount from the Village's sewer bill as well. Trustee Gibson agreed with Trustee Conde.

A discussion ensued regarding prior residents who were denied the sewer forgiveness for filling the pool. Trustee Conde stated that this should have been brought to the board's attention after the first request.

A motion was made by Trustee Gibson and seconded by Trustee Eydt to table this request, so that the decision could be made with a full board present.

Resident Chris Salada joined the meeting and proposed his request for the one time pardon on the fill of his new pool for the sewer fee. I know this has been past practice and would like to take advantage of this.

Mayor Welch stated that we have denied eight other residents this year alone prior to this request; the decision was made between the Clerk's office and the Department of Public Works.

Salada asked, 'at which board meeting was this voted on or did you take care of this by yourself. You are the mayor and you are in charge of these people but are unaware of this decision?'

Trustee Eydt added that we have nothing stated in our code that we practice this sewer pardon, and recently we have not been doing this. I cannot recall the last time we honored this request. We discussed this prior to you joining this meeting; we are tabling this decision to discuss further when we have a full board present. We do not have anything on our books stating that we do this; what is on the books is a contract between the town and the village that we may pardon the sewer fee for a pool fill, which includes all municipalities involved with this water treatment plant. What others do I am not aware, with the exception of the Town of Lewiston; and even within the town, there are discrepancies with one person saying they do this and one saying they do not. We are up in the air at this time; we spoke with our law counsel and he would like to review this paperwork before we make a decision on this.

Mayor Welch addressed resident Chris Salada and said we need to request that the Town of Lewiston to excuse that fee from of our sewer bill. They Town of Lewiston will need to send us a letter excusing the amount.

Chris Salada stated that he already spoke with Jeff Ritter, and asked to verify that the amount of \$73.31 that Mayor Welch stated was correct.

Clerk Fundis stated that based on the readings submitted by Salada, \$73.31 is correct. As discussed with Superintendent Wills, if we move forward with using the amount of gallons the pool will hold based on the size of the pool, the amount we would pay out would be \$63.33 for 10,000 gallons of water.

It was clarified that gallons were converted to cubic feet to determine the cost of the sewer fee.

MINUTES

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the July 20, 2020 Village Board Meeting minutes.

BILLS

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the bills as presented by the Treasurer Myers in the following amounts:

General Fund: \$195,822.42

Trust & Agency: \$2,794.97

Capital Fund: \$478.80

REPORTS

Recreation Director McDermott stated that we will be shifting gears, especially with all of the families opting out of going to school and doing virtual learning. We will be opening the gym for family time at no cost; this would allow families to register for periods of time for families to be physically active together, and my staff and I will be sanitizing the space in between sessions.

Mayor Welch commented on what a great job Recreation Director McDermott does with his programs to benefit our community. Welch also addressed the issue with the litter on the playground area and recent vandalism to the bathrooms behind Red Brick. Chief Previte has been asked to patrol the area, and we will close down the park if needed.

NEW BUSINESS**Lewiston Fire Co. #1 Restricted Memberships**

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the request made by Lewiston Fire Co. #1 to add the following for Restricted Memberships:

Tyler Owen Chretien

Micah Stephen Heikoop

Lewiston Community Lions Club Dice Run Fundraiser

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to approve the facilities contract request made by The Lewiston Community Lions Club for use of Lewiston Landing Park on Saturday, August 22, 2020 from 10:30am to 1:30pm. A pop up tent and table will be set up for a community fundraiser event where participants in a motorcycle run can stop to roll dice and get water before moving to the next location. Expected attendance in the three-hour period is up to 50 people.

The Little Yellow House Lease – Just Desserts by Aimee

A motion was made by Trustee Conde seconded by Trustee Gibson and passed unanimously to approve the tenant month-to-month lease agreement with Aimee Loughran, owner of Just Desserts by Aimee, at The Little House, located at 476 Center Street.

Redbrick Lease – Betterway Enterprises

A motion was made by Trustee Conde, seconded by Trustee Eydt and passed unanimously to approve the six-month tenant lease agreement with MaryJo and Joel Erway, owners of Betterway Enterprises, in rooms #8 and #9 at The Red Brick School House, located at 145 North 4th Street.

Financing Approval – Kubota Tractor – mower/snow blower

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the funding for the Kubota 2020 F3990 4WD Tractor mower/snow blower from Key Government Finance for 5 years at 4.60%. Quotes were requested from Niagara Implement, M&T Bank and Key Government Finance.

Paper Ballots for 2020 Village of Lewiston Election

A motion was made by Trustee Eydt seconded by Trustee Gibson and passed unanimously to approve the use of paper ballots for the September 15, 2020 Village Election.

Lewiston Artisan Market Facilities Contract Request

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the facilities contract request made by Jamie Symmonds of Willow Consulting for use of Academy Park to hold the Lewiston Artisan Market at a cost of \$250.00 for the season. The 2021 market season would be held on Saturdays, beginning June 5, 2021 through October 9, 2021 (excluding the weekend of September 11, 2020, requested for use by Kiwanis for The Peach Festival).

DISCUSSION**Gerry Gismondi/GMA Properties – dumpster fees**

On behalf of Amendola Property Management and BLK Properties, LLC, Gerry Gismondi spoke on the Village Mini Plaza properties and the fee imposed for dumpster pick-up. Gismondi said that when the plaza was built, garbage sheds were built with individual receptacles inside; Department of Public Works employees would pick up as you would other residents at no charge a service provided for all taxpayers. A few years ago, the former Superintendent, Terry Brolinski, approached us about tenants not maintaining this area properly. Brolinski proposed that we switch to dumpsters in place of the individual receptacles, stating that if we purchased the dumpsters, the Department of Public Works would pick them up with the village trucks at no cost. We were told this would be a permanent arrangement; we spent about \$4,500 on dumpsters and had the sheds demolished. We have maintained a good working relationship with the village and we feel the dumpsters have worked out better than the garbage sheds. In March, we received a call from Superintendent Wills about a fee to have these dumpsters picked up. At \$390 a month, that adds up over the year. I am asking the village to reconsider this fee and to honor the deal that already made, even though it is not in writing. Gismondi added the three dumpsters the village is servicing are mainly residential with a few small businesses.

Mayor Welch stated that she appreciates where Gismondi is coming from, but we were not made aware if this arrangement, and you have been paying no fee to have the dumpsters picked up. Welch suggested reducing the price due to the fact these dumpsters are mainly used by residents.

Superintendent Wills stated that the village has rear-loading dumpsters, which makes it difficult to pick up, and there aren't too many personal properties that we go on. The village is not in the dumpster business, those with existing dumpsters we have an agreement with have been grandfathered in, but we are not allowing any additional dumpsters.

Trustee Eydt suggested reducing the fee to \$200 a month for the three existing dumpsters for on pick up per week. This agreement is just for you while you own this property; this deal does not stay with the property and extend to a future owner.

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to charge a fee of \$200 a month for three dumpsters to be picked up once per week.

Stop sign request at the corner of 5th Street & Onondaga Street

A request was made by a resident to add a stop sign at the corner of Fifth & Onondaga Street due to the increased traffic from changing Ridge Street to a one-way street. Mayor Welch spoke to Chief Previte, who does not think this warrants a stop sign. At this time we will follow the Chief's recommendations.

New water meter heads – adding fee for manual readings

A discussion ensued on facilitating the replacement of the estimated 100 water meter heads remaining that need to be replaced. A suggestion was made to add a fee if the water meter heads are not replaced by the third quarter billing cycle in the month of October.

Clerk Fundis suggested that if a fee was to be added, the village should send out notices soon to give the residents enough time to schedule appointments, and allow the Department of Public Works the time to work this into their schedules. The reason residents were unable to schedule appointments was due to their work schedules coinciding with our hours of operation. We will need to work with Superintendent Wills and Deputy Superintendent Mang to schedule possible evening or weekend hours to get these installed. Also, if the board decides to charge a fee for manual readings, this should be something we add to our existing fee schedule.

Law Counsel Leone commented on how a resident had previously sent a letter to the village stating that he was opting out of changing the water meter head, and sent legislation along with it; however, what he sent was not legislation, it was never passed. There is no provision that residents have stating they can opt out. I believe we have the authority to make this a requirement.

A motion was made by Trustee Eydt seconded by Trustee Gibson to adopt the following resolution to adopt a \$50.00 charge for manual in house water meter readings:

RESOLVED, that The Village of Lewiston will add a charge of \$50.00 to the fee schedule in the Village Code Book for the Department of Public Works to complete manual in house readings for quarterly water/sewer billings.

Clerk Fundis polled the board and the motion passed with four YES votes:

Trustee Gibson – YES

Trustee Conde – YES

Trustee Eydt - Yes

Mayor Welch - YES

REPORTS

Clerk Fundis spoke on the preparations for the upcoming election on September 15, 2020.

Clerk Fundis inquired on how to handle the sewer pardon requests for pool fills going forward, as there is no protocol or documentation set in place to follow as a guideline. A discussion ensued regarding the inconsistencies with determining the usage and the water eventually making its way to the sewer for unforeseeable reasons, and the need to come up with a decision on whether or not to honor this courtesy and consistent plan for the Clerk's office and Department of Public Works to follow.

Superintendent Wills stated that he is setting up to paint parking spaces by the waterfront, Ridge Street, and all the parking spots around Academy Park. I am also renting a forty-foot lift coming in this week to cut down limbs on Center Street and down by the waterfront.

Law Counselor Leone addressed a claim from a woman injured at Reservoir park. Even though this is not part of the village we were noticed on this. I sent a letter requesting to withdraw the claim. I attended a hearing this morning for this matter.

Leone stated he has to contact the representative from Sesac. There is an old contract Sesac has provided to us that was signed by Dick Soluri years ago with an automatic renewal agreement. There is a provision in NYS General Obligation Law that they are required for agreements with automatic renewability; they are supposed to give notice of intention to renew at least 15 days but not more than 30 days prior to the time specified for renewal to be notified annually for this renewal to be effective. I had Clerk Fundis & Treasurer Myers search for this type of documentation, which they could not find.

Engineer Katie Bednarz from Nussbaumer & Clarke gave her report on progress at Lewiston Landing; we are continuing to work with funding from DASNY and FEMA, and waiting on delivery of floating docks. We had a discussion regarding the ice boom and progress is being made on the final anchoring. We are also working with the state to determine a formal ribbon cutting for the opening of Lewiston Landing. We are waiting to hear about the grant agreement from DOS for Lewiston Landing Phase 5. We are moving forward with the Marilyn Toohey Playground, working with vendors regarding donations and reviewing the splash pad design. We also have not heard from DASNY on the grant fund disbursement agreement yet. We are preparing a new water system map, and have no word on the infrastructure grants yet. Regarding the bike trail, we have completed the topographic survey and are working on details for the trail through Center Street.

ANNOUNCEMENTS

The Zoning Board of Appeals meeting will be canceled this month.

The Historic Preservation Commission meeting will be held at 6:00pm, followed by the Planning Board meeting at 6:30pm on Monday, September 14, 2020 remotely at <https://www.zoom.us/>.

The Village Board of Trustees Board work session will be held at 6pm on Tuesday, September 8, 2020 remotely at <https://www.zoom.us/>.

The Village Clerk's Office and Department of Public Works will be closed on Monday, September 7, 2020 in observance of Labor Day.

ADJOURN

A motion was made by Trustee Gibson seconded by Trustee Eydt and passed unanimously to adjourn the Village Board Meeting at 7:33pm.

Shannon Fundis
Village Clerk