

PRESENT Mayor Welch, Deputy Mayor Eydt, Trustee Conde, Trustee Coppins, Trustee Gibson, Law Counsel Leone, Superintendent Wills, Engineer Marino, Treasurer Longwell, Deputy Clerk Vazquez, Police Captain Salada, Fire Inspector Beebe, Recreation Director McDermott, Historian Piper

EXCUSED Clerk Fundis, Building Inspector/Zoning Officer Ken Candella

CALL TO ORDER Mayor Welch called the meeting to order at 6:03pm with the pledge of allegiance.

RESIDENTS **Claudia Marasco** questioned why the archway was relocated from the entrance of the Peace Garden off Center St to the side entrance by the Frontier House. I purchase that archway from a local artist and gifted it to village. Superintendent Wills explained that the Chamber and business owners would like the DPW to plow a path in the winter to Ridge St. and the snow plow will not fit through the archway. Wills said this is a trial run and if the snow plow scratches up the bricks we will shut it down.

Trustee Coppins told Marasco she will meet with her at the garden to see if there is a better spot to place the archway.

Resident Terry Brown asked what can be done about the run down house at 490 Mohawk St. The house looks like it is falling down. The windows have mold and the back yard is all overgrown. There are mice running in and out and I cannot even go outside and enjoy my own backyard.

Mayor Welch said she will have Zoning Officer Ken Candella go over to the property and send a violation notice to the owner.

MINUTES A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to approve the June 20, 2023 and July 5, 2023 Organization minutes.

BILLS A motion was made by Deputy Mayor Eydt seconded by Trustee Gibson and passed unanimously to approve the July 2023 bills presented by Treasure Longwell in the following amounts:
General: \$702,731.53
Capital: \$ \$170,295.60
Trust & Agency: \$18,072.96
Total: \$891,100.09

REPORTS **Fire Inspector Beebe** stated report was submitted. Trustee Coppins questioned if the STR inspections were only on Saturdays. Fire Inspector Beebe said they are also being done during the week after 5:30pm.

Recreation Director McDermott stated all summer programs are up and running. We had a great turnout for the scavenger hunt and great weather.

Historian Piper said he has acquired some new pieces and the benches have arrived and are ready to be placed in Potter's Field.

OLD BUSINESS **453 Center – Gather Façade**
A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to table this discussion until the next meeting.

NEW BUSINESS **Local Law #15-2023 – Amend Section 13 Sign Regulations**
A motion was made by Trustee Gibson and seconded by Trustee Conde to adopt Local Law #15-2023 - amend Section 13 Sign Regulations to read:

To adopt Local Law #15-2023 - amend Section 13 Sign Regulations to read:

B. Definitions
Change number 25 to:

“A-Frame/Vertical Sign”- a hinged freestanding sign that is composed of two sign faces, unattached to any building or ground surface and which opens in an “A” shape or a Vertical sign.

C. Prohibited Signs

Item 13 – Upon submission of application and all requested information, the Village Zoning Officer may grant approval for one A-frame/Vertical sign per business. Eligibility for authorization of an A-frame/Vertical sign requires the business to have a primary sign approved by the Planning Commission (Refer to Section 13 – Sign Regulations of the Village Code) before A-frame signs (secondary signage) can be considered. Evidence of insurance coverage for the sign, with the Village of Lewiston listed as additionally insured, must be submitted with the application, as well as an image of the proposed location of the A-frame/Vertical sign. If approved, the use of one A-frame/Vertical sign would not be counted towards the allowed signage (Refer to Section 13 – Sign Regulations of the Village Code). No A-frame/Vertical signs of any size, shape or design shall be permitted within the public right-of-way of Village streets. The sign must be non-illuminated, not exceed 8 square feet in area and 4 feet in height and have nothing attached to it. The use of an A-frame/ Vertical sign is only permitted during the business’ hours of operation. The business is to put the A-frame/Vertical sign out no sooner than open of business and remove by close of business and be sufficiently secure to prevent movement from the wind. Any weights or cords used with the sign must also be taken in with the sign. Placement will not obstruct free egress from a window, door, or a fire escape and will not interfere with vehicular or pedestrian access or visibility. Failure to comply with the requirements detailed above may result in the revocation of the A-frame/Vertical sign approval, and/or a \$100 fine. The Village Zoning Officer has the right to collect the A-Frame/Vertical sign, if it is left out beyond the business’ hours of operation.

Deputy Clerk Vazquez polled the board and the resolution passed with the following results:

Coppins – YES Conde – YES Gibson – YES Eydt – YES Welch - YES

Budget Amendment Request

A motion was made by Deputy Mayor Eydt seconded by Trustee Gibson and passed unanimously to approve the budget amendment as requested by Treasurer Longwell as follows: (This is for the new fence around the basketball courts)
Decrease Revenue Line: A00-2660-0000 – Sale of Real Property - \$2,200.21
Increase Expense Line: A00-7110-4050 - Parks Outside Contractor - \$2,200.21

Budget Amendment Request

A motion was made by Trustee Gibson seconded by Trustee Coppins and passed unanimously to approve the budget amendment as requested by Treasurer Longwell as follows: (This is for two benches and the plaque installation at Potter’s Field. All funds are from donations.)
Decrease Revenue Line: A00-2192-0000 – Cemetery Services - \$3,100.00
Increase Expense Line: A00-8810-4000 – Cemeteries Contractual - \$3,100.00

Public Hearing – Deputy Clerk Term

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to schedule a public hearing on Monday, August 22, 2023 at 6:00pm to adopt Local Law #16-2023 – amend Sec. 2-69 (1) to read: The position of deputy clerk in the village is hereby created, and the term of office of the deputy clerk shall be four years.

Lewiston Porter Youth Football - Fundraiser

A motion was made by Trustee Coppins seconded by Trustee Gibson and passed unanimously to approve the request made by the Lewiston Porter Youth Football Program to host a car drying fundraiser event on Saturday, July 22, 2023 from 10am to 6pm. This will require use of eight parking spots at Academy Park across the street from Magic Mist Car Wash, on the corner of North 9th and Cayuga Street.

Lewiston Fire Co. No. 1 – Conditional Member

A motion was made by Trustee Conde seconded by Deputy Mayor Eydt and passed unanimously to approve the Lewiston Fire Co. No. 1 Conditional Membership of Cody James Alfieri.

Budget Amendment Request

A motion was made by Trustee Gibson seconded by Trustee Coppins and passed unanimously to approve the budget amendment as requested by Treasurer Longwell as follows:

Decrease Revenue line: A00-0689-0000 – Other Liability ARPA - \$52,824.33

Increase Expense line: A00-1440-4150 – Engineer – Other - \$52,824.33

Payment to DJM Contracting, Inc.

A motion was made by Deputy Mayor Eydt seconded by Trustee Conde and passed unanimously to approve the payment to DJM Contracting Inc. in the amount of \$97,911.05 to come out of the Water Improvements Capital Fund H05-8397-2000. This is for the work completed on the 9th Street Water System Improvement Project.

Resolution – LWRP Application – Local match

Engineer Marino explained this is for Lewiston Landing Phase 6 to put in a grant to replace one of the staircases at the Landing and the staircase from 1st St parking lot down to the parking lot on N. Water St. level. This will also include some main stabilization by the Silo.

A motion was made by Trustee Gibson and seconded by Deputy Mayor Eydt to adopt the following resolution:

**RESOLUTIONS REQUIRED FOR NY LOCAL WATERFRONT
REVITALIZATION PROGRAM (LWRP) APPLICATION****Authorization and appropriation of Local match (25% local match):**

WHEREAS, the Village of Lewiston (Village), is seeking a grant for the Lewiston Landing Phase VI Project and intends to submit via the New York Consolidated Funding Application (CFA) to the Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Village project cost estimate for the Lewiston Landing Phase 6 Project is \$487,500 and

WHEREAS, the LWRP, through the NYS Department of State (NYSDOS), is authorized to fund up to \$365,625 of the project cost;

NOW, THEREFORE, BE IT:

RESOLVED that the Village authorizes and appropriates a minimum of 25% local match as required by the Local Waterfront Revitalization Grants Program. Under the LWRP, this local match must be at least 25% of the total project equating to \$121,875. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$121,875 pending receipt of an LWRP grant and available funding. The total estimated maximum grant is \$365,625. The Mayor may increase this local match through the use of in-kind services without further approval from the Village.

Deputy Clerk Vazquez polled the board and the resolution passed with the following results:

Conde – YES Coppins – YES Gibson – YES Eydt – YES Welch – YES

Resolution – LWRP Application – Representative to sign documents

A motion was made by Deputy Mayor Eydt and seconded by Trustee Conde to adopt the following resolution:

**RESOLUTIONS REQUIRED FOR NY LOCAL WATERFRONT
REVITALIZATION PROGRAM (LWRP) APPLICATION**

Authorization for a representative to sign documents:

WHEREAS Nussbaumer & Clarke, Inc. is authorized to prepare a grant application on behalf of the Village of Lewiston (Village) via the Consolidated

Funding Application (CFA) to the NYSDOS Local Waterfront Revitalization Program for the Lewiston Landing Phase VI Project; and

WHEREAS the Mayor is required to sign the grant application on behalf of the Village of Lewiston as well as a Grant Agreement with the NYSDOS and any and all other contracts, documents, and instruments necessary to bring about the Project if a grant is awarded;

NOW, THEREFORE, BE IT:

RESOLVED that the Mayor is authorized to sign a grant application on behalf of the Village via the CFA to the NYSDOS Local Waterfront Revitalization Program for the Lewiston Landing Phase VI Project; and

BE IT FURTHER RESOLVED that should a LWRP grant be awarded to the Village, the Mayor is authorized to execute a Grant Agreement with the NYSDOS and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the Village's obligations under the Local Waterfront Revitalization Program through NYSDOS.

Deputy Clerk Vazquez polled the board and the resolution passed with the following results:

Conde – YES Coppins – YES Gibson – YES Eydt – YES Welch - YES

Resolution – LWRP Application – SEQR

A motion was made by Trustee Conde and seconded by Deputy Mayor Eydt to adopt the following resolution:

RESOLUTIONS REQUIRED FOR NY LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) APPLICATION**SEQR Type II Determination Resolution:**

WHEREAS, the Village of Lewiston (Village) has reviewed the proposed project for the Lewiston Landing Phase VI Project in conjunction with 6 NYCRR 617, commonly known as State Environmental Quality Review (SEQR), for a determination as to the level of required environmental review for the proposed Project,

NOW, THEREFORE, BE IT:

RESOLVED that the Village Board does hereby determine that the proposed action is a Type II action pursuant to 6 NYCRR 617.5 (c)(2) “the replacement, rehabilitation or reconstruction of a structure or facility, in kind, and on the same site has been determined not to have a significant impact on the environment.” as defined under SEQR, and that the Regulations specify that Type II actions are not subject to review.

Deputy Clerk Vazquez polled the board and the resolution passed with the following results:

Conde – YES Coppins – YES Gibson – YES Eydt – YES Welch – YES

115 S. Water Street development plans revision

Trustee Coppins questioned Architect David Giusiana and owner John Kinney on the change of use on the second floor.

Giusiana explained that the second floor is still going to be used as part storage for the Jet Boat and the other part will be for office space for the secretary who is currently working out of the basement.

Trustee Gibson asked if there will be living quarters in there, as well and Giusiana said no.

Trustee Coppins said it just seems like all our projects come in looking like one thing and all of the sudden it gets changed. Then it gets crammed down our throats that we have to approve this because it has been changed.

Trustee Gibson said nobody stops and goes through the proper channels to come back to the board with revisions. They just build it because nobody is going to say anything. We just want to find out how this happened and why this keeps happening.

Giusiana stated that all the volume of structure that is there is the same. This is just a change of use for part storage and part office space.

Kinney said the balcony is larger because we were required to go out further to drive the pilings where they would get to refusal to support the structure where it was acceptable to the engineers.

Trustee Conde said that is true when you start pile driving foundations the earth is going to tell you where to go.

A motion was made by Trustee Conde seconded by Deputy Mayor Eydt and passed with the following results to approve minor revision to the development plans for 115 S. Water Street as presented. The Planning Commission approved the revision on Monday, July 10, 2023.

Conde – Yes Gibson – Yes Coppins – No Eydt – Yes Welch - Yes

Executive Session

A motion was made by Trustee Gibson seconded by Trustee Conde and passed unanimously to enter into Executive Session to discuss real property immediately following the close of this meeting.

Wargo payment

A motion was made by Trustee Conde seconded by Deputy Mayor Eydt to approve the payment to Wargo in the amount of \$41,199.55 for the DPW Expansion project. This will come out of H17-7180-3000 DPW Garage Expansion Contractors.

DISCUSSION Lewiston Artisan Market

Rachel Jolbert said she will be taking over the market from Jaime Symmonds and would like the market to be switched to her name and that nothing else would be changing. I have filled out all the paperwork and my insurance will be turned in this week.

Symmonds stated officially this Saturday will be my last day. I would never turn this over to just anyone. I have known Rachel a very long time. She knows the vision and what the plan was and she is going to stick to that so nothing is going to change.

Mayor Welch thanked Symmonds and said you did a fantastic job. It has been great having the market up at Academy Park for all those years.

Jolbert stated that she would like to request to have a Fall Festival within the market and would need more space on October 7, 2023.

A motion was made by Trustee Coppins seconded by Trustee Gibson and passed unanimously to accept the Facility Use Agreement for change of hands of the Lewiston Artisan Market from Jaime Symmonds to new owner Rachel Jolbert and to have a Fall Festival within the market on October 7, 2023.

Dan Buttery – Benches

Mayor Welch said she and Buttery met with Jennifer Pauly and Matt Villneve who are members of Niagara Heritage Partnership. Niagara Heritage would like to fund three benches to be placed on Center St at the Niagara Shuttle bus stops.

Buttery showed the proposed images and said they will be blue and the insert that

says Lewiston will be aluminum cutout and will have the shuttles logo on it.

A motion was made by Trustee Gibson seconded by Trustee Coppins and passed unanimously to approve the three benches funded by Niagara Heritage as presented.

OTHER 401 Cayuga St – Garage

Trustee Gibson asked if the owners of 401 Cayuga St. plan to live in the garage that is being constructed in their backyard. That is a pretty exquisite garage to be used just for storage. It looks like there are waterlines in there.

Mayor Welch said no they are not. I have walked through the garage and it is a big empty space. I don't think its waterlines. I know they just had the electrical installed.

Law Counsel Leone wanted to add that he had written a memo in the past that the structure cannot be used as a dwelling. There has been lots of requests by the owner from one change to another after another. We have been consistent all the way in saying the boards will take a look at the changes and determine if they are acceptable or not. But none of them would allow living quarters in the garage.

REPORTS Treasurer Longwell said that Clerk Fundis, Engineer Marino and myself had a meeting with Charge Point last week regarding training for the EV Stations. Both Stations are up and active. Currently charging \$0.25 per kWh and \$5.00 per hour after 4 hours. This was the recommendation of Charge Point.

Engineer Marino said we are giving the grant applications a push. The charge stations are both active now. We will be working on the bike path and promenade up at Academy Park, soon.

Mayor Welch stated she gave Marino the information to apply for funds from the LWRP because I would like to get antique lights, signage and plaques for the historic district.

BOARD Mayor Welch wanted to thank Matt Cafarella from Cafarella Concrete for
REPORTS putting in the handicap access pathway to the Lewiston Veterans Memorial Circle of Honor at Academy Park. Cafarella also install the handicap access pad at Hennepin Park so the Garden Club will be able to place a handicap access picnic table. Matt Cafarella did a really great job.

**ADJOURN A motion was made by Trustee Gibson seconded by Trustee Coppins and
passed unanimously to adjourn the meeting and go executive session at 7:19pm.**

Donna Vazquez, Deputy Clerk

EXECUTIVE SESSION

**PRESENT Mayor Welch, Deputy Mayor Eydt, Trustee Coppins, Trustee Conde, Trustee
Gibson, Deputy Clerk Vazquez, Treasurer Longwell, Superintendent Wills,
Engineer Marino, Law Counsel Leone, John Kinney, and David Giusiana.**

**CALL TO Mayor Welch called the Executive Session to order at 7:20pm.
ORDER**

A discussion ensued on regarding real property. No action was taken.

**ADJOURN A motion was made by Trustee Coppins seconded by Trustee Conde and
passed unanimously to come out of Executive Session at 8:03pm.**

Donna Vazquez, Deputy Clerk