

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

EXCUSED Superintendent Wills, Building Inspector/Zoning Officer Candella

PUBLIC HEARING Mayor Welch opened the public hearing with the Pledge of Allegiance at 6:00pm to determine if the General Fund Balance can be utilized as a source of funds with which to pay 716 Clean Up and Restoration for their services rendered for mold remediation at the Red Brick Municipal Building.

No residents spoke on this matter. Mayor Welch closed the public hearing at 6:02pm.

CALL TO ORDER Mayor Welch called the meeting to order at 6:02pm.

MINUTES A motion was made by Trustee Conde seconded by Deputy Mayor Eydt and passed unanimously to approve the September 19, 2022, September 23, 2022 and the October 3, 2022 minutes.

BILLS A motion was made by Deputy Mayor Eydt seconded by Trustee Conde and passed unanimously to approve the October bills presented by Treasurer Longwell in the following amounts:

General Fund: \$277,884.24
Trust and Agency: \$6,862.46
Capital Fund: \$347,861.26

Total: 632,607.96

REPORTS **Recreation Director McDermott** said the recreation department will host a Halloween Movie Night on Friday, October 21, 2022 at 6:30pm at Academy Park. We will be playing the movie 'The Nightmare Before Christmas'. Our annual Halloween Scavenger Hunt will be on Saturday, October 29, 2022 from 1pm – 3pm, and this year we will have a haunted Halloween hallway in the Red Brick building.

Historian Piper gave an update on new acquisitions, and discussed the new plaque for the cemetery.

LIAISON REPORTS **Deputy Mayor Eydt** stated that he attended the sewer treatment plant meeting with Trustee Conde last week. They discussed where they stood financially, their man power and equipment status. They are working on many updates to adhere to Department of Environmental Conservation requirements. They are also looking to purchase a new jet/vacuum truck that will service four communities, which cost around \$800,000. There will be no price increase for sewer fees this year, but there could be an increase the following year.

NEW BUSINESS **Fund Balance For Red Brick Mold Remediation Payment**
A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to table the decision to adopt the following resolution:

RESOLUTION TO USE FUND BALANCE TO PAY FOR MOLD
REMEDICATION BY 716 CLEAN UP AND RESTORATION AT 145 N. 4TH
ST. LEWISTON, NY

At a meeting of the Board of Trustees of the Village of Lewiston, New York duly held upon notice at 145 North Fourth Street, Lewiston, New York 14092, the following was adopted:

WHEREAS, the Village of Lewiston, New York was confronted with an emergency situation involving the discovery of mold at potentially dangerous levels requiring the immediate and continuous evacuation of all persons present in the building at 145 North Fourth Street, Lewiston, New York; and

WHEREAS, the Village of Lewiston, New York called for an emergency public meeting on Friday, September 23, 2022 at 6:00pm for the purposes of awarding an emergency contract to 716 Clean Up and Restoration to remediate the mold situation and to pay out of cycle, a down payment to such company for the aforesaid remediation, and such Motions were approved; and

WHEREAS, the aforesaid building has been deemed safe for re-occupancy; and

WHEREAS, the current fiscal budget for the Village of Lewiston, New York does not contain funds budgeted for and/or appropriated for such contract given the emergency nature of the situation; and

WHEREAS, the Village of Lewiston, New York has called for and duly held a Public Hearing on Monday, October 17, 2022 to determine if the General Fund Balance can be utilized as a source of funds with which to pay the aforesaid 716 Clean Up and Restoration for the their services rendered;

NOW, THEREFORE, upon Motion duly made, seconded, and carried, it was

RESOLVED, that the General Fund Balance shall be utilized for the purposes of paying 716 Clean Up and Restoration for the balance of their contract in the sum of \$200,000.00.

Village of Lewiston Trick or Treating Hours

A motion was made by Trustee Coppins seconded by Deputy Mayor Eydt and passed unanimously to approve Trick or Treating in the Village of Lewiston for Halloween on Monday, October 31, 2022 from 4pm – 8pm.

125 S. Water Street Development Plans

A motion was made by Deputy Mayor Eydt seconded by Trustee Gibson and Trustee Conde in unison and passed unanimously to approve the development plans as presented for 125 S. Water Street, with the request that the village trees not be removed, wider trim placed around the windows, and for the round window in the front of the building to be larger. The plans were approved by the Historic Preservation and Planning Commissions on Tuesday, October 11, 2022 and the requested side setback variances were granted by the Zoning Board of Appeals on Thursday, October 13, 2022.

Village Code Amendment – Sign Regulations – Temporary Signs

A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to approve the proposed Village Code amendment:

Appendix B. Section 13 Sign regulations E. Temporary signs 2. Signs requiring permits:

Current:

A. The following signs may be permitted on a temporary basis after obtaining a temporary sign permit as approved by historic planning commission:

Proposed:

A. The following signs may be permitted on a temporary basis after obtaining a temporary sign permit as approved by the Zoning Officer.

Budget Amendment Request

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

From: G00-8130-4170 – Town WWTP Update – \$4,100.00
To: A00-5010-4150 – Streets Administration – Other - \$4,100.00

Executive Session

A motion was made by Trustee Conde seconded by Trustee Coppins and passed unanimously to enter into executive session immediately following the close of this meeting to discuss proposed litigation.

DISCUSSION

Short Term Rental Properties

Trustee Coppins said that the short-term rental advisory committee held their first meeting.

Mayor Welch said that we have a lot of information from other communities to research. We will have a public hearing once we have everything all together. The members of the committee are current board and commission members. It is time to do something; we do not want to lose our neighborhoods to short-term rental properties. We do not want to hurt the existing short-term rental properties, but do need to take a look at this and regulate it.

Law Counsel Leone said he thinks this a great idea, so we can get a local law together. It is narrowly possible to permit enforcement with our existing code, as it discusses tourist homes and bed and breakfast homes; however it is to iffy, and we need a new local law. We need more clarification.

Mayor Welch added that we want to make sure these properties are following a building safety codes and carry the proper insurance.

Trustee Gibson asked if the zoning of the property has an effect on this; it is technically a business running in a residential zone.

Law Counsel Leone said there is possible enforcement, but we need a little more teeth in the law.

Trustee Coppins said we are compiling a list of existing short-term rental properties. I am going to dictate these on a zoning map to get a visual.

Village Website

Recreation Director McDermott mentioned the request for all village events to be added to the Village of Lewiston website. McDermott stated he has no problem adding this, but feel it would be best to add a link to the Niagara River Region Chamber of Commerce. This way we are not responsible for updating and regularly adding events. I can work with the Clerk's office to get all this information.

Resident Water Bill

A discussion ensued regarding a resident's request to waive penalties for a late water/sewer payment. Deputy Mayor Eydt stated that we have never excused them in the past.

Mayor Welch added that the bill states 'failure to receive a bill does not waive penalty'. We have had these requests in the past, and it has always been our policy to not waive penalties.

Trustee Conde said he feels he agrees with Welch and Eydt.

Trustee Gibson added that if we do this now, we will set a precedence and have to continue honoring this.

REPORTS

Treasurer Longwell reported that an online payment system is now available for payments made to the Village of Lewiston.

Trustee Coppins asked if residents could view their bills online. Treasurer Longwell said amounts due are on the website ten days prior to receiving a bill.

Engineer Marino said that the Department of Public Works garage addition is advancing construction wise. Lewiston Landing Phase V is moving along, the contractors are hiring sub-contractors. I worked with Superintendent Wills on the North 9th Street water line, I will adjust the drawings and submit to Niagara County Health Department and send out for bids.

BOARD REPORTS **Mayor Welch** said she attended a fundraiser for the Lewiston Landing sign created and donated by Dan Buttery. It was very well attended and it was nice to see everyone turn out.

ANNOUNCEMENTS

The Zoning Board of Appeals meeting is at 6:30pm on Tuesday, October 25, 2022.

The Village Board of Trustees Work Session is at 6pm on Monday, November 7, 2022.

The Historic Preservation Commission meeting is at 6pm, immediately followed by the Planning Board meeting on Monday, November 14, 2022.

The Village Board of Trustees meeting is at 6pm on Monday, November 21, 2022.

The Village of Lewiston Recreation Halloween Scavenger Hunt will be from 1pm – 3pm, and Trick or Treat on Center St. will be from 2pm – 5pm on Saturday, October 29, 2022.

ADJOURN A motion was made by Deputy Mayor Eydt seconded by Trustee Conde and passed unanimously to adjourn the meeting and enter into executive session at 6:34pm.

Shannon Fundis, Clerk

EXECUTIVE SESSION

PRESENT Mayor Welch, Deputy Mayor Eydt, Trustee Conde, Trustee Coppins, Trustee Gibson, Law Counsel Leone, Clerk Fundis, Treasurer Longwell, Deputy Clerk Vazquez

CALL TO ORDER Mayor Welch called the Executive Session to order at 6:45pm.

No action was taken.

ADJOURN A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to adjourn the executive session at 8:22pm.

Shannon Fundis, Clerk