

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

EXCUSED Building Inspector/Zoning Officer Candella, Recreation Director McDermott

CALL TO ORDER Mayor Welch called the meeting to order with the Pledge of Allegiance at 5:59pm

RESIDENTS Be OK Studio – Thanksgiving Turkey Trot Run

Bobbi Stokes, owner of Be OK Studio, presented a plan to host a turkey trot relay race on Thanksgiving morning, from the parking lot of the studio, located at 265 Portage Road, to the upper Artpark parking lot, and back to the studio parking lot. Proceeds will be donated to a local food pantry.

Mayor Welch asked Stokes to contact Artpark to inform them of this event. Deputy Mayor Eydt and Trustee Conde said they think this is a great idea.

Tom Daigler – 5001 Forest Road

Resident Tom Daigler of 5001 Forest Road expressed concerns about his property having his sewer billed by the village and his water billed by the town. Daigler also expressed concerns about his property no longer getting two leaf picks up per week as he has in the past.

Superintendent Wills explained that this is a village property, but he has a shared agreement with the Town Highway Supervisor; that Wills helps pick up town properties around North 2nd, North 4th, North 5th and North 8th Street while the town picks up on the village properties on Mountain View and Forest Rd.

Treasurer Longwell explained that the water and sewer bill is being worked on with the town, they are waiting for the finance officer to return to the office to move forward.

**NEW
BUSINESS**

Resolution to Use Fund Balance to Pay 716 Cleanup Restoration

A motion was made by Deputy Mayor Eydt and seconded by Trustee Conde 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 \$100,000.00.

Clerk Fundis polled the board and the motion passed with five yes votes.

Mayor Welch – YES Deputy Mayor Eydt – YES

Trustee Conde – YES Trustee Coppins – YES

Trustee Gibson - YES

Out of Cycle Payment - 716 Cleanup & Restoration

A motion was made by Trustee Gibson seconded by Trustee Coppins and passed unanimously to approve an out of cycle payment to 716 Cleanup & Restoration, in the amount of, \$100,000.00 for the remainder of the contract for mold remediation at 145 N 4th Street. This payment will come from General Fund Balance.

Boy Scout Troop 855 Christmas Tree Sale

A motion was made by Deputy Mayor Eydt seconded by Trustee Conde and passed unanimously to approve the request made by Boy Scout Troop 855 for use of Academy Park on the corner of Cayuga and 9th Street from November 19th, 2022 through approximately December 18, 2022 for their annual Christmas Tree sale. The facilities use fee will be waived for this event.

VFW #7487 Veteran's Day Ceremony at Academy Park

A motion was made by Trustee Gibson seconded by Deputy Mayor Eydt and passed unanimously to approve the request made by the Veterans of Foreign Wars Down River Post #7487 to hold its annual Veteran's Day Ceremony at Academy Park on November 11, 2022 at 11:00am. The facility use fee will be waived for this event.

Budget Amendment Request

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

Decrease Revenue line: A00-0689-0000 – Other Liability ARPA - \$3,250.00

Increase Expense line: A00-1440-4150 – Engineer – Other - \$3,250.00

Budget Amendment Request

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

Decrease Expense Line: A00-5182-4012 – Street Lighting Electric - \$511.95

Increase Expense Line: A00-5182-4013 – New Electric – \$511.95

Budget Amendment Request

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

Decrease Fund Balance Line: A00-0888-0000 – Fund Balance Red Brick Long Term Maintenance Fund - \$26,784.20

Increase Expense Line: A00-1620-4052 – Village Hall – Outside Contractor - \$26,784.20

Out of Cycle Payment – H. W. Bryk & Sons Inc.

A motion was made by Trustee Conde seconded by Trustee Coppins and passed unanimously to approve an out of cycle payment to H. W. Bryk & Sons Inc., in

the amount of, \$26,784.20 for the remainder of the new boiler system at 145 N 4th Street. This payment will come from A00-1620-4052 – Village Hall Outside Contractor.

Refund Request for Resident

A motion was made by Deputy Mayor Eydt seconded by Trustee Conde and Trustee Gibson in unison and passed unanimously to issue a refund to Carol Stuart of 440 Oneida Street in the amount of, \$102.27. This was an overpayment made by the owner.

Budget Amendment Request

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

Decrease Revenue line: A00-2660-0000 – Sale of Real Property - \$94,486.00

Increase Expense line: A00-5110-4150 – Streets maintenance - Other - \$94,486.00

This is to use the approved funds from the sale of 475 Ridge Street for the fence on Center Street.

Budget Amendment Request

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

Decrease Revenue line: A00-2660-0000 – Sale of Real Property - \$7,575.00

Increase Expense line: A00-1620-4052 – Village Hall – Outside Contractor - \$7,575.00

This is to use the approved funds from the sale of 475 Ridge Street for the cameras at 145 N 4th Street.

Public Hearing – Water Rate Increase

A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to schedule a public hearing on Monday, November 21, 2022 at 6:00pm on the proposed 8-cent water rate increase from \$3.95 to \$4.03 per 100 cubic feet of water consumed, effective January 1, 2023. This increase is due to a rate increase from the Niagara County Water District.

Executive Session

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

DISCUSSION**Removal of HVAC duct work in the Clerk's and Mayor's office area**

Mayor Welch addressed that this is the second time the HVAC unit and ductwork in the Clerk and Mayor's office area has caused a mold issue. We need to remove the ductwork and want to replace with a heat pump.

Trustee Conde stated that he would like a heat pump on the third floor, one in the Mayor's office, one in the Clerk's office, and one in the gym; this way we will not have to turn the boiler until around December each year.

Trustee Coppins suggested Conde write up specs, so that each company has a standard list to use for quotes.

Deputy Mayor Eydt addressed concerns about power issues in the building.

Conde said it might be ok; Engineer Marino is working on options and cost estimates to upgrade the system.

Rezoning of properties – corner of Onondaga & N. 7th Street

A discussion ensued on the rezoning of residential homes on the corner of Onondaga and N. 7th Street that are currently zoned B-1. Mayor Welch said I

would like to keep this a residential area; I suggest rezoning to R-2, I feel this is the best use for it.

Law Counsel Leone stated that we would need to contact the Niagara County Planning Board first to discuss what we would like to do, then we can schedule a public hearing.

Trees for Playground

Mayor Welch stated that three people had donated to the Marilyn Toohey Park and All-Inclusive Playground to have trees planted; we couldn't plant these in July, and I would like to do it in the Fall. Jason Lombardi has given us a quote of \$1,800.00 per tree.

A motion was made by Trustee Conde seconded by Deputy Mayor Eydt and passed unanimously to approve the purchase of three trees for the playground at \$1,800.00 per tree, using the funds from the sale of 475 Ridge Street.

Army Corp of Engineers

Deputy Mayor Eydt gave an update on his work with Amy Witryol and the Army Corp of Engineers on the proposed removal of radioactive soil on Pletcher Road.

Lewiston Landing Surveillance Cameras

Superintendent Wills stated that the cameras at Lewiston Landing have been updated. Captain Salada mentioned how they already have helped to identify suspects in a boat that was stolen on Saturday.

Short Term Rental Committee

Mayor Welch and Trustee Coppins gave an update on the research and work the committee has done on working towards regulation of short-term rental properties in the village.

ANNOUNCEMENTS

The Historic Preservation Commission meeting is at 6:00pm, immediately followed by the Planning Board meeting on Monday, November 14, 2022.

The Village Board of Trustees meeting is at 6:00pm on Monday, November 21, 2022.

The Zoning Board of Appeals meeting is at 6:30pm on Tuesday, November 29, 2022.

ADJOURN A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to adjourn the meeting at 6:44pm.

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, Superintendent Wills

CALL TO ORDER Mayor Welch called the Executive Session to order at 6:53pm.

No action was taken.

ADJOURN A motion was made by Trustee Conde seconded by Trustee Coppins and passed unanimously to adjourn the executive session at 7:24pm.

Shannon Fundis, Clerk