

September 14, 2026

Work Session

6:00 PM

PRESENT: Dep. Sup. W. Conrad; Councilmembers R. Morreale, J. Myers, W. Burg & S. Weachter; Bldg. Inspector T. Masters; Finance Director J. Agnello; WPCC Ch. Op. J. Ritter; Eng. B. Lannon; Atty. A. Bax; Hwy Sup. M. Weiss & Deputy Clerk B. Cogland; 5 Residents.

ZOOM: Supervisor S. Broderick

EXCUSED: Rec. Director T. Smith; Water Foreman D. Zahno; Police Chief M. Salada; Sr. Coordinator M. Olick

AGENDA APPROVAL

Conrad: Association of Towns Delegation

Morreale: Vote on Local Law Imposing Moratorium on Storage Containers

Agenda
Approval

Waechter MOVED to approve the agenda, as amended. Seconded by Myers and carried 4-0.

APPROVAL OF MINUTES

Approval of
Minutes

Morreale MOVED to approve the minutes from the 08/24/2026 Regular Town Board Meeting. Seconded by Burg and carried 4-0.

ABSTRACT

Abstract of
Claims

Morreale MOVED to approve the Regular Abstract of Claims Numbered 26-02463 thru 26-02674 and recommended payment in the amount of \$701,977.03, plus a post-audit in the amount of \$12,784.12. Seconded by Myers and carried 4-0.

DEPARTMENT HEAD STATEMENTS

Clerk's Office – B. Cogland

The Clerk's office requested approval to place the unpaid water and sewer accounts for the Town of Lewiston on the 2027 Town and County taxes. The breakdown of water and sewer is as follows: Water \$105,520.47; Sewer (master) \$57,678.44; Sewer (south) \$8,882; Town Charge \$33,800; TOTAL: \$205,880.91. A complete listing of unpaid accounts is on file in the Town Clerk's Office.

Water/Sewer
Re-levy

Morreale MOVED to approve the re-levy of unpaid water and sewer accounts to the 2027 Town and County taxes in the amount of \$205,880.91. Seconded by Burg and carried 4-0.

The Water Department requested to purchase a single axle dump truck from Kenworth of Buffalo in the amount of \$183,000. This is a State Bid price. Some monies will come out of the Water Department budget and the rest will come out of H97. This was discussed with Agnello and Broderick. The dump truck will replace a 1998 International dump truck with a rotted frame. The truck will take 6 months to receive and the Water Department is looking to order it now due to a price increase of \$37,000 next year. Waechter asked if this will come out of the Water Department's 2026 budget or 2027. It will come from the 2026 budget. Even if the truck arrives next year, the money will still be held from the 2026 budget for this purchase.

Water Dept
Dump Truck
Purchase

Burg MOVED to approve the purchase of a single axle dump truck from Kenworth of Buffalo in the amount of \$183,000 for the Water Department. Seconded by Morreale and carried 4-0.

Building Insp. – T. Masters

Per the grass cutting law, 37 parcels in the Town have had to be cut by a third party. The fee for the cuttings totaled \$6,912. There is also a \$100 administration fee per cutting totaling \$3,700 making the re-levy amount \$10,612. Burg noticed multiple addresses are reoccurring and asked if there is any recourse for that or if the Town just keeps cutting it for the owner. Masters said some are abandoned, some are dilapidated properties and some are just from home owner's that refuse to maintain their grass to comply with Town Code. Per the grass cutting law, if the grass isn't cut, the Town will send a notice to the homeowner or resident and if arrangements to have it cut aren't made in 5 days, the Town sends a grass cutter out to do it. There are some properties in the Town that have to be cut every single year, which is why there is a \$100 administration fee per cutting – to keep the Town from becoming a grass cutting service. Burg asked if this work is subbed out or if Town resources are being used on this. Masters said there are two people who want the work, and so the Town splits the yards between the two of them.

Grass Cutting
Re-levy

Morreale MOVED to approve the re-levying of grass cutting fees in the amount of \$10,612 onto the 2027 Town and County taxes. Seconded by Waechter and carried 4-0.

FINANCE

The Finance Director asked for approval to process the following 2026 budget revisions:

1. A request to move \$436 to Building Equipment - A00-1620-0200-0000 from Building Contractual - A00-1620-0400-0000, to cover equipment expenses.
2. A request to move \$70 to Highway Admin. Equipment - A00-5010-0200-0000 from Highway Admin. Contractual - A00-5010-0400-0000, to cover equipment expenses.
3. A request to move \$1,900 to Union Welfare Benefits - B00-9070-0800-0000 from Hospital & Medical Ins. - B00-9060-0800-0000, to cover employee benefits.

Budget
Revisions

Morreale MOVED to approve the 2026 Budget Revisions. Seconded by Myers and carried 4-0.

Highway Supt. – M. Weiss

The Highway Department has been actively trying to find solutions to the drainage issues in the Town. Crews have been out jetting the drainage systems and performing inspections to look for blockages or other issues that may be contributing to the situation. They have been working with the Engineers to identify the best solutions and determine the appropriate next step for both Morgan Farms and Lewis Town Park which are the two major problem areas that need to be taken care of. Work is continuing on Langdon Road at 12 Mile Creek which is a main outlet for the Town. Crews have been working there for the past six weeks. Weiss invites anyone to drive by there and take a look at just how much work is put into projects like this and why they take so much time and to give some understanding to residents on exactly what is being done to help the cause. Weiss also gave an open invitation to anyone who is interested to come down to his office at the Highway

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Department and see before and after pictures of everything that is being worked on. In addition, crews have been out replacing drainage pipes that are damaged, deteriorated, or just inadequate in size.

Every year, all the material the Highway Department is unable to chip on the side of the road gets hauled back to the shop to have ground up. Weiss requested approval to put the brush grinding out to bid.

Brush Grinding out to bid **Waechter MOVED to approve the brush grinding job to go out to bid. Seconded by Burg and carried 4-0.**

Burg said he has been to the Langdon ditch at the start of the project and was out again today and the difference was absolutely night and day. There are anywhere from 4-6 guys out there every day working on it. Weiss said he will start using the Facebook page to post pictures of progress of these projects for residents to see.

Waechter asked Weiss if the Town Highway Department will be working with the Village on the ditch along the bike path on the west side of the parkway. As of now there has been no communication between the Town and Village on that topic. The permit has been obtained by the Village, and most likely it will be the Town that ends up doing most of that work. Weiss has reached out to a few companies for quotes on ground clearing to remove the large trees and such so the crews can focus on clearing the ditches. Waechter asked about the ditch on the east side of the Robert Moses that backs up to Perry Court, if the Highway Department is going to obtain any kind of permit from the DEC to work on that. Lannon said the first thing he would like to do is look at the permit to see what its conditions are, what it governs, and where it is, if it needs any amendments.

Broderick said there is a meeting on October 5th. The County is aware that this permit has been obtained. Niagara County Water and Soil is going to make an attempt to obtain a countywide permit that would allow all the towns within the county to be able to go ahead and start cleaning the ditches within. This would be much more efficient. Lockport had a really bad storm recently, every municipality in Niagara County is experiencing issues because of the ditches not being clear. The problem with the permit Lewiston received regarding the east and west side of the parkway, is it will just bring more water to the east side. Jonathan Shultz is spearheading this as well. Waechter asked if the meeting on October 5th will be open to the public, Broderick said he believes representatives from each town will be invited such as Highway Superintendents, Supervisors, and any interested parties from the towns, including the DOT, and a representative from the Governor's office. At this time, he said he is not sure if it will be open to the public or not.

OLD/PENDING BUSINESS - None

NEW BUSINESS – None

SUPERVISOR BRODERICK

The annual Legislative Priorities Session of the Association of Towns of the State of New York will be held September 23, 2026. A representative must be named to cast the vote for Lewiston at this meeting.

Conrad presented Resolution 8-2026 “New York Association of Towns Legislative Meeting Deligation”

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WHEREAS, Supervisor Broderick will attend the New York Association of Towns (“NYAOT”) Legislative Conference and Meeting on September 22-23, 2026; and

WHEREAS the Town of Lewiston benefits from having a delegate vote on what to include in the NYAOT’s 2027 legislative priorities; and

WHEREAS the Town of Lewiston has the authority to designate any officer, employee, or representative of the Town as a delegate for this meeting;

THEREFORE, BE IT RESOLVED that Supervisor Broderick be designated as a delegate for the Town of Lewiston, and further BE IT RESOLVED, that in the absence of Supervisor Broderick, Rob Morreale be designated as the delegate for the Town of Lewiston.

Res. 8-2026
NYAOT
Deligation

Burg MOVED to approve Resolution 8-2026 delegating Supervisor Broderick to represent the Town of Lewiston at the NYAOT, with Councilman Morreale as alternate. Seconded by Myers and carried 4-0.

Waechter MOVED to approve the Town Clerk to sign the Certificate of Designation. Seconded by Burg and carried 4-0.

Conrad read a letter submitted by Justice T. Sheeran

“I have been informed that my court clerk, Mary Gee, intends on retiring on January 11, 2027. As the Town Board is aware, court clerks are personal appointments made by a Town Justice, subject to affirmation at the annual reorganization of the Town Government in January.

Having served in the role for over three decades, I am very well aware of the critical nature of the time, expertise, and responsibilities that are demanded of the court clerk’s role. Additionally, I have had the pleasure of working with four different court clerks over my term in office and look forward to continuing the collaboration that is vital to the efficient and effective functioning of this critical branch of government. In that regard, and prior to Mary Gee’s departure in January, the appointment of a new clerk to the court is a vital step in maintaining continued operational consistency and to ensure that there is no gap in service to the public or in insuring that our municipal obligations to the State are realized.

In these regards, I seek approval from the board, to both accept Mrs. Gee’s letter of retirement and simultaneous approval for an appointment of a clerk for the express purpose of training her replacement effective immediately. The position has not yet been posted and, following Board approval, will be advertised according to all applicable policies and laws.”

Court Clerk
M. Gee
retirement and
position posting

Morreale MOVED to accept court clerk Mary Gee’s resignation, with regret, effective January 11, 2027. Seconded by Burg and carried 4-0.

Waechter MOVED to approve the position posting for Justice Clerk effective immediately. Seconded by Burg and carried 4-0.

The Village of Lewiston requested continued payment of Village electric bills. Conrad read a letter from the Village Treasurer,

“Dear Town Board Members, on behalf of the Village of Lewiston, we would like to express our sincere appreciation to the Town of Lewiston for all that you have done to support the Village and our community. As you know, the Town has generously assisted the Village by paying the Village of Lewiston’s electric bills through June 2027. Extending this assistance would be extremely helpful to the Village. We are grateful for the Town’s continued partnership and support of the

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Village of Lewiston. The cooperation between the Town and Village is an important benefit to our entire community, and we sincerely appreciate your consideration of this request. Thank you again for all that you have done for the Village and for your continued commitment to working together for the benefit of our residents.”

The Town Board has previously approved the paying of the Village’s electric bills with the H98 account, which is exactly what those funds are intended for. Back in May it was approved to pay the bills through October. This request is for an extension of what was already approved as an appropriate use of H98 funds. Previous bills from May-October 2025 were around \$66,000. Extending this through the winter may be slightly higher than that. Agnello explained that the Town is allowed to sell a percentage of megawatt hours on the free market and in turn receive payment through the NYPA settlement. Those funds go into H98 and can be used for a natural resource such as electricity. Energy or energy efficient upgrades are the only thing that can be purchased with these funds. Theoretically, when electricity rates go up, the megawatts sold also increase, so even if electricity bill prices increase, it will directly correlate and so covering these charges should not be an issue.

Extend coverage
of Village electric
bills

Burg MOVED to approve extending the coverage of electricity bills for the Village of Lewiston through June 2027. Seconded by Morreale and carried 4-0.

Legal

Back in February 2026, Citrine Power came to the Zoning Board of Appeals requesting an extension of time for the project that was granted by the ZBA. The presented resolution is essentially a memorialization of that decision. Henry Zomerfeild who represents the developers attended the meeting and said he had met with the developer and “as far as timing, there has been market changes, tax credit changes, and breakneck speed changes not only in the solar industry but across the board.” The developers have to hit certain benchmarks by the end of the year so it is their goal to have this done by the named time period. There is no guarantee however that they won’t come back and ask for another extension due to unforeseen circumstances. As of right now, they are working diligently toward meeting the February 2027 deadline the ZBA originally granted.

Burg presented Resolution 9-2026 “A Resolution Memorializing and Granting Extensions for CP Model City, LLC”

WHEREAS, the Town of Lewiston (the “Town”) from time to time receives permits from the New York State Department of Transportation (“NYSDOT”) and conducts activities and operations upon highways and/or within rights-of-way controlled by the State of New York; and

WHEREAS, the Town previously executed an undertaking in favor of NYSDOT in connection with its activities and operations affecting State highways, dated August 29, 2005; and

WHEREAS, the Town Board has been presented with a new NYSDOT form of undertaking entitled “UNDERTAKING for the benefit of The New York State Department of Transportation In connection with work affecting state highways,” which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the new undertaking establishes the terms and conditions applicable to the Town’s permitted activities and operations within State highway rights-of-way, including permit applications, compliance with applicable rules and regulations, site restoration, payment and release of liens, indemnification, and the Town’s obligations relating to claims, damages, losses and expenses; and

WHEREAS, the Town Board has reviewed the proposed undertaking and determines that execution of the undertaking is necessary and appropriate to facilitate the Town’s continued ability

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to obtain and maintain permits from NYSDOT for activities affecting State highways and State highway rights-of-way; and

WHEREAS, the form of undertaking presented by NYSDOT is to be executed without alteration or modification, and the Town Board intends that the undertaking attached hereto as Exhibit A constitute the exact form approved by this Resolution; and

NOW, THEREFORE, BE IT RESOLVED

1. The Town Board of the Town of Lewiston hereby approves and authorizes the Town of Lewiston to enter into the NYSDOT undertaking presented to the Town Board and attached hereto as Exhibit A.
2. The Town Supervisor is hereby authorized and directed, on behalf of the Town of Lewiston, to execute the undertaking attached as Exhibit A and to deliver the executed undertaking to NYSDOT, together with a copy of the instant Resolution and any other documents reasonably required by NYSDOT to process and accept the undertaking.
3. The undertaking attached as Exhibit A is incorporated into and made a part of this Resolution.
4. This Resolution shall take effect immediately upon its adoption.

Res. 9-2026
Granting
Extension
for CP Model City

Burg MOVED to approve Resolution 9-2026” Memorializing and Granting Extensions for CP Model City, LLC”. Seconded by Myers and carried 4-0.

COUNCILMAN BURG

Burg proposed the Town put a six-month moratorium on energy storage systems. The Town Board recognizes the benefit of renewable energy and energy storage and does not intend this temporary moratorium to constitute a determination that battery energy storage systems are inherently unsafe or inappropriate. Rather, this temporary measure is intended to preserve the status quo while the Town of Lewiston evaluates appropriate locations, siting standards, setbacks, screening, emergency access, fire protection, capacity thresholds, equipment configuration, noise, security, decommissioning, abandonment, and other land-use considerations before additional applications are accepted or approved. There is not currently a specific Town Code for these systems. Burg and Morreale have met with the Fire Prevention Bureau who has a lot of sincere reservations against them as far as suppression, minimum containment, and distances for fire safety. The Town fully intends to have a law in place before this moratorium is expired.

Set Public
Hearing on
battery storage
moratorium

Waechter MOVED to set the Public Hearing for “A Local Law Imposing a Temporary Moratorium on the Acceptance, Processing, Approval, Construction, Installation, and Operations of Battery Energy Storage Systems, Including Battery Energy Storage Systems Associated with Commercial Solar Energy Systems and Stand-Alone Battery Energy Storage Facilities” on September 28, 2026 at 6:00pm. Seconded by Morreale and carried 4-0.

Burg read a letter of resignation submitted by Officer Anthony Nicoletti #145

“It’s with mixed emotions and great sadness that I am writing to inform you that I will be retiring on September 26, 2026, after more than 29 years of service. It’s been an honor and a privilege to serve the Town and Village of Lewiston throughout my career. I am truly grateful for the opportunity to work alongside so many dedicated employees and members of the department who have become like family to me. I will greatly miss all of you and the friendships, memories, and experiences we have shared over the years. While I am looking forward to the next chapter of my life, leaving this department and the people I have worked with for so many years will be very difficult. Thank you for your support, friendship and for allowing me the privilege of serving this community for over 29 years.”

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Officer Nicoletti
Retirement

Morreale MOVED to accept the retirement of Officer Anthony Nicoletti, with regret, effective September 26, 2026. Seconded by Myers and carried 4-0.

Waechter said Officer Nicoletti was the School Resource Officer while her kids were in school at Lew-Port and she will be forever grateful for his service. Nicoletti is an outstanding gentleman and a fabulous Police Officer. He will be missed, but wished him well in his next chapter.

The Planning Board met in regular session on August 20, 2026 and reviewed a one lot split request from William Cody of 5881 Miller Road, Niagara Falls, NY 14304 SBL 116.00-1-14.11. The Board classified this as a “Minor Subdivision” as defined under subsection 306-2 of the Town of Lewiston Code and that it should be treated as such. The Planning Board, after considering all relevant information recommended that the Town Board adopt a negative declaration with regard to SEQRA and approve the one lot split as it was presented.

one lot split
5881 Miller Rd

Burg MOVED to approve the negative declaration in regard to SEQRA. Seconded by Waechter and carried 4-0.

Burg MOVED to approve the one-lot split as presented. Seconded by Myers and carried 4-0.

COUNCILMAN MORREALE

At the August 24th Regular Town Board Meeting, the Public Hearing for a moratorium on storage containers was closed.

Local Law 4-2026
approval

Morreale MOVED to approve Local Law 4-2026 “A Local Law Imposing a Moratorium on the Placement, Installation, Use, Storage, and Occupancy of Shipping Containers within the Town of Lewiston, Niagara County, New York.” Seconded by Waechter and carried 4-0.

COUNCILMAN MYERS - nothing to report

COUNCILWOMAN WAECHTER

Recreation Director Smith has submitted a request to the Board for approval to purchase Defibtech Lifeline AUTO AED Refresh packs for each of the parks which include AED batteries, adult and pediatric AED pads for defibrillators. Each pack is \$392.99 totaling \$1,178.97. It is important that these devices are available at each of the parks in case of emergency. All recreation staff must be CPR certified in order to work at any of the camps, and are taught how to properly use these devices when/if needed.

Defibrillators for
Parks

Waechter MOVED to approve the purchase of defibrillator kits for each of the three parks in the amount of \$1,178.97. Seconded by Burg and carried 4-0.

PRIVILEGE OF THE FLOOR

Amy Witryol – Lower River Road

Witryol recently noticed an ad in the Sentinel posted by Modern Corporation on the second to last page next to the classifieds that said “permit renewal”. Witryol said that gives the impression that there aren’t many changes even though it has been many years since the DEC has processed a permit renewal for Modern. She said she hasn’t seen it in the DEC Environmental notice bulletin

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so she's not sure why Modern was publishing that announcement. She said maybe because it's a major modification, not a customary permit renewal, if this is the case, Witryol encouraged the Town to take a look into this, and if there is a 30-day comment period then she would encourage the Town to immediately request an extension of 60-90-day comment period. If the Town were to make any comment on the renewal, it is Witryol's understanding that for landfill permits, that the DEC in the past has put a restriction preventing landfill related trucks from being on the roads before 7:00 am. This would make some people on Creek Road Extension and 104 very happy. If the Town were to make a comment on the permit renewal, Witryol thinks it would be extremely important to somehow reserve the Town's right with respect to any existing violations of the Host Agreement. Witryol has written publicly and privately to the Board over many years stating how the Town only gets paid "a pittance" compared to most landfills. Landfills were paying \$3 a ton 30 years ago and the Town of Lewiston is getting less than half that amount now, in additions to other benefits other Town's receive from landfills that Lewiston does not receive from Modern. Not all of the waste income that Modern takes require Modern to pay the Town under the existing Host Agreement. They may be reclassifying their waste to avoid payment to the Town. Witryol said this a precursor to a request for a new landfill which the company spoke with her about a year ago, so she is shocked that the Town Board has not raised this pending probability for which a permit renewal would be prerequisite, particularly in light of the Town's work on the Comprehensive Plan to start informing the Town residents about Modern's impact both positive and negative and make sure the residents fully understand. It is important that residents know as a town, Lewiston generated 4,000-5,000 tons of garbage per year, and Modern Corp takes in a million tons, including ash that has been burned from New York City waste. It is part of the Town's industrial zoning, and Witryol said the question should be asked if the residents of Lewiston want continued industrial operations for the next 30 or 40 years and share the Town's Comprehensive Plan which was extremely difficult to brief on during the CWM hearings because CWM considered it beneficial to them. When the Comprehensive Plan is finalized, it should be unambiguous and reflect what the Town's people want. For years and years, Town's people have come before the Board regarding Modern and the Town Boards keep saying there will "be a sunset" on Modern and that has been extended many times. It is important that the Board look into this and into violations of the Host Agreement and the Council needs to be familiar with landfill permitting and economics. The issue of a new landfill is a big deal for the Town and this permit renewal is something the Town ought to really look into and compare the Host Agreement here with the other 24 communities that have landfills in the area.

Burg MOVED to adjourn. Seconded by Morreale and carried 4-0. 6:47 P.M.

Transcribed and
Respectfully submitted by:

Briggett R. Cogland
Deputy Town Clerk