TOWN BOARD WORK SESSION August 14, 2017 6:00 P.M.

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Attorneys Parisi & Catalano; Engineer Lannon; Recreation Director Dashineau; Water Maintenance Townsend; Grant Writer Rotella; 2 Press; 13 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA APPROVAL – Additions: Bax – Sewer refund; Geiben – Council on the Arts and broadcast equipment; Blazick – Financial; Ritter – Auctions International; Broderick – Executive Session – Pending Litigation.

agenda approved

Geiben MOVED to approve the Agenda as amended, Seconded by Morreale and Carried 5 – 0.

ABSTRACT APPROVAL – Ceretto

abstract approved

Ceretto MOVED to approve the Regular Abstract of claims numbered 2128 to 2349 and recommended payment in the amount of $636,216.09, plus a Post Audit of $16,858.76, Seconded by Bax and Carried 5 – 0.

Parisi requests to add the establishment of the Town wide water district.

Bax MOVED to approve the addition, Seconded by Geiben and Carried 5 – 0.

PRESENTATION FROM AUDITOR - Drescher & Malecki (D&M)

Mat Montalbo and Carl Widmer reported on the results of the Town's external audit for the year ending Dec. 31, 2016. Report distributed.

D&M's responsibility is to form and express an opinion on the financial statements; they do not accept responsibility for the preparation of the books and records. D&M comes in as an independent, third party and express opinion that the financial statement fairly represents the Town's financial position. D&M will move forward with an unmodified or clean opinion on the financial statements.

There were no significant difficulties encountered during the audit. There was full and open access to the books and records. D&M was able to perform a full scope audit, in accordance to their standards and express that opinion on the financial statements.

All staff members at D&M that work on the audit are free of conflict of interest with the Town. This allows D&M to be objective in performing the audit.

Widmer reviewed the Financial Statement Update. The format included in the presentation is for each of the Town's major funds, General Fund, Town Outside of Village, Highway, Water & Sewer. There are three pages for each fund depicting the year's activity, total fund balance and then the components of fund balance.

Operations Trend – General Fund: Compared to last year the Town was able to control cost while experiencing not as much of a decrease in revenue, resulting in an over-all increase in fund balance of about $130,000. Modern tipping fees decreased almost $100,000. Some outside sources of revenue are on the decline.

Total Fund Balance – General Fund: From 2015 into 2016 there is an increase of $130,000. That is nice to see after 2012 – 2015 where there was a decline.

Fund Balance Trend – General Fund: Looking at the components of Fund Balance, the General Fund has moved into primarily unassigned fund balance. That is the portion that is looked at as what is available. At the end of 2016 the Town had just over $488,000. This represents approximately 18% of 2017 appropriations. This is the comparison the Government Finance

Officers Assoc. looks at. Their recommendation is to have a minimum of two-months of spending, which is 16.67%.

Operations Trend – General Town – Outside Village Fund: The revenues increased and are being attributed to franchise fees, mortgage tax and building permits. These items flow with the economy each year. There was a turnover in the public safety area, so there was a little bit of budgetary cost savings there.

Total Fund Balance – General Town – Outside Village Fund: There was a healthy increase in this fund. It increased $181,000.

Fund Balance Trend – General Town – Outside Village Fund: In all funds, other than the General Fund, portion looked at, is the Assigned For Specific Use.

Operations Trend – Highway Fund: It was a pretty normal year. Revenues are either staying the same or declining while expenditures are going to slowly climb up. At the end of the year the activity resulted in about a $60,000 increase to fund balance in the highway fund.

Total Fund Balance – Highway Fund: The ending fund balance is $510,000. This is a nice increase after 2012 – 2014, where the fund balance was being used. Last year was a big recovery year for the highway fund.

Fund Balance Trend – Highway Fund: The Assigned For A Specific use is at just about 15%.

Operations Trend – Water District Fund: Activity was consistent with prior years; however revenues did experience some growth primarily because of increased fees and a dry 2016 summer.

Total Fund Balance – Water District Fund: There is a recovery noted from past years and the use of the fund balance. This year they were able to improve it.

Fund Balance Trend – Water District Fund: The Assigned For A Specific Use represents about 13%. When compared to next year's budget, it's a little lower than compared to other funds. Most of the fund balance is wrapped up in customer receivables. There is a lag between billing for the usage and collecting.

D&M recommends the Town revisit the fund balance policy and improving upon that. It is particularly important to pay attention to cash flow.

Operations Trend – Sewer District Fund: In 2012 – 2014, prior to D&M being the auditors, the previous auditors presented certain inner fund activity within the different sewer districts gross rather than net. That is the reason for the drop in the 2014 – 2015's activity.

Total Fund Balance – Sewer District Fund: This fund has maintained a healthy position over the years. A sewer district fund may not be appropriate to judge on a percentage of next year's expenditures. There are large infrastructure and emergency repairs. The Board needs to look at the level of comfort they want.

Observations: There are improvements in the internal controls, procedures and operations within the office. 2016 was a good clean year.

There has been a segregation of duties within the Finance Office. Many tasks were being performed by the same individual without another independent person being part of certain cycles. With the addition to staffing in the office this was resolved.

Bank reconciliations are being performed. Policies and Procedures need to be created.

The main recommendation D&M wants to focus on is a Planned Use of Restricted Funds the Town receives. Maintaining the Capital Project funds is important. The Town needs to look at future planned use and align it with an updated fund balance policy.

Geiben asked "with what has been presented does D&M mean that Moody will give the Town a better bond rating based on this information." Widmer can't speak to what specific indicators they look at. From an objective stand point, there are improvements that are tangible.

Bax spoke of the Capital Improvement Projects in the departments and how different their needs are. Bax asked if D&M can assist in the best policy to be used for the different depts. Widmer said yes.

Blazick said she has been working on the fund balance policy and a 5-year plan. It is hoped this will be incorporated into the 2018 budget process.

The reason this year was so critical is because the Town was working on the water district. Working hard on getting the expenses and revenues under control to have a positive fund balance. When looking at the Moody's report, this is important.

Broderick thanks Blazick for all her hard work. Blazick thanks department heads for their work.

Broderick and Blazick thanked both Mat Montalbo and Carl Widmer; they have made a huge difference for Lewiston.

OLD BUSINESS

Town Wide Water District: At the last Board meeting, a Public Hearing was held. Seaman submitted to the Board three resolutions. When the Board is ready to move forward with the project, they need to be considered.

Morreale said since the proposed development on Bronson Drive, residents have been talking about their water pressure. They are asking if this project will improve their area.

Morreale said "Shame on me for not knowing the Town is using a 12-year old study" testing for this water line. Lannon said the study was done in 2007. Morreale doesn't want to be looking at more lines that need to be corrected next year. Should testing be done in other areas before this is done?

Town Wide H2O Dist. discussed

Morreale requested Townsend test fire hydrants in several different areas. Townsend said they tested poorly. Morreale feels that if there are others now, where does the Town go?

Seaman said the Town is not redoing the entire Town, there are going to be additional water projects in the future. The Town needs to make a plan to deal with the future.

Lannon said several water lines have been replaced since 1990. There have been significant improvements in these lines. As significant and expansive as this current project is, it is not going to eliminate the need to pay consistent attention to the infrastructure.

Geiben said the Town has prioritized and these are the most urgent that need to be addressed and believes the Town should move forward. Within the Town's internal budget, the others can be addressed. Right now bond rates are low. This project has been designed and ready to go.

Lannon said if the project is changed now, the brakes will be put on the entire project.

Morreale asked Seaman if it has been determined how this will be paid. Seaman said the way the Map, Plan and Report has been set out; the annual debt service will be funded through real property tax. In taxes, it is based on how much the revenues are in a given year. If the Board chooses to increase water rates, then Blazick will put in the numbers for increased revenue on water rates into the books. It is set up to be a tax, how much that will be will fluctuate depending on how much revenue you make through selling the water.

Bax said it is the Board's prerogative to set the water rates at such a level is that the taxes can then be adjusted. Seaman said this is up to the Board.

Broderick asked if this can be done every year. Seaman said yes. The Town will owe a certain

regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it, RESOLVED BY THE TOWN BOARD OF THE TOWN OF LEWISTON, IN THE COUNTY OF NIAGARA, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that: (a) the Notice of Public Hearing was published, posted and filed as required by Law, and is otherwise sufficient;

(b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed District; and (d) it is in the public interest to establish the District and construct the Water Improvement at the estimated maximum cost of $10,200,000.

Section 2. The establishment of the District and construction of the Water Improvement are hereby approved at the estimated maximum cost of $10,200,000, and said District shall be designated and known as the Town of Lewiston Water District, in the Town of Lewiston, and shall be bounded and described as follows: ALL THAT TRACT OR PARCEL OF LAND known as the Town of Lewiston, County of Niagara, State of New York, being all of Lots 10 through 29 of the New York State Reservation, plus Lot 1, Lots 4 through 8, Lots 11 through 15, lots 18 through 45 plus part of Lots 16 and 17 in Township 14, Range 9, plus Lots 33 through 49, Lots 53 through 57, Lots 62 through 64 in Township 14, Range 8 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the intersection of the northerly line of the Town of Wheatfield with the westerly line of the Town of Cambria; thence westerly along the northerly line of the Town of Wheatfield and the Town of Niagara and the City of Niagara Falls to a point located at the easterly edge of the Niagara River; thence northerly along the easterly edge of the Niagara River as it winds and bends to a point located in the southerly line of the Village of Lewiston; thence easterly, northerly and westerly along the southerly, easterly and northerly lines of the Village of Lewiston to a point located on the easterly edge of the Niagara River; thence northerly along the easterly edge of the Niagara River as it winds and bends to a point located the southerly line of the Town of Porter; thence easterly along the southerly lines of the Town of Porter and the Town of Wilson to a point located on the westerly line of the Town of Cambria; thence southerly along the westerly line of the Town of Cambria to the place or point of beginning. Excepting the area known as the Tuscarora Indian Reservation.

Section 3. The maximum amount proposed to be expended for the establishment of the District and construction of the Water Improvement as hereinabove described, is $10,200,000, which cost is planned to be financed by the issuance of bonds of the Town, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The estimated cost of hook-up fees is $-0- and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is $55.00 (the total cost to a Typical Property owner including water cost, existing debt service and the cost of the construction of this Water Improvement, is $285). The Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed. The permission of the State Comptroller is not required because the estimated cost of the establishment of the District and construction of the Water Improvement to such Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

Section 5. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published at least once in the "*Niagara Gazette*," a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and posted on the sign board of the Town, maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice which shall set forth an abstract of said foregoing resolution which shall be in substantially the following form: TOWN OF LEWISTON, NEW YORK

PLEASE TAKE NOTICE that on August 14, 2017, the Town Board of the Town of Lewiston, in the County of Niagara, New York, adopted a resolution entitled:

RESOLUTION OF THE TOWN OF LEWISTON, NEW YORK, ADOPTED AUGUST 14, 2017, APPROVING THE ESTABLISHMENT OF THE TOWN OF LEWISTON WATER DISTRICT AND CONSTRUCTION OF A WATER SYSTEM THEREIN, AT THE ESTIMATED MAXIMUM COST OF $10,200,000 an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows: FIRST: RECITING that the Town Board of the Town of Lewiston (herein called "Town Board" and "Town", respectively), in the County of Niagara, New York, has caused the preparation of a map, plan and report by GHD Engineers, competent engineers duly licensed by the State of New York, for the proposed establishment of the Town of Lewiston Water District, in the Town, and construction of a water system therein, consisting of the construction and installation of approximately 43,800 lineal feet of new waterline to replace existing deteriorated piping that will be abandoned in place, including interconnections, hydrants, valves, water mains, borings, road crossings, stream crossings, a railroad crossing and other ancillary or related work in connection therewith, as further described in said map, plan and report (referred to herein as the "Water Improvement"), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; pursuant to the Order duly adopted on July 10, 2017, the Town Board determined to proceed with the proposed establishment of the District and the construction of the Water Improvement, and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the estimated cost of hook-up fees, if any, and the cost of the Water Improvement to the Typical Property, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying July 24, 2017, at 6:00 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed establishment of the District and construction of the Water Improvement; a Public Hearing in the matter was duly held by the Town Board on July 24, 2017, at which all interested persons desiring to be heard were heard; the Town Board has given due consideration to the impact that the establishment of the District may have on the environment and the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and after a public hearing duly called and held on July 24, 2017, the Town Board of the Town determined that it is in the public interest to establish the District and construct the Water Improvement; and further

SECOND: RESOLVING AND DETERMINING that (a) the Notice of hearing was published and posted as required by Law and is otherwise sufficient, (b) all the property and property owners within the proposed District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the proposed District, (d) it is in the public interest to establish the District and construct the Water Improvement; and

THIRD: RESOLVING that the establishment of the District and construction of the Water Improvement are approved at the estimated cost of $10,200,000 and the District shall be designated and known as the Town of Lewiston Water District, in the Town of Lewiston; and

FOURTH: RESOLVING that the maximum amount proposed to be expended for the construction of said improvements in connection with the establishment of the District is estimated to be $10,200,000, which is planned to be financed by the issuance of $10,200,000 bonds of the Town, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable; and

SIXTH: RESOLVING that The estimated cost of hook-up fees is $-0- and the estimated cost of the establishment of the District and the construction of the Water Improvement to the Typical Property (as defined in the Town Law) is $55.00 (the total cost to a Typical Property owner including water cost, existing debt service and the cost of the construction of this Water Improvement, is $285); and therefore, the permission of the State Comptroller is not required with respect to the establishment of the District because the estimated cost of the establishment of the District and construction of the Water

Improvement to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts and/or extensions, as computed by the State Comptroller; and
FIFTH: STATING that this resolution is subject to permissive referendum, Seconded by Geiben
Roll Call: Councilman Bax – Yes; Councilwoman Ceretto – Yes; Councilman Geiben – Yes; Councilman Morreale – No; Supervisor Broderick – Yes,

Motion Carried 4 – 0. (Morreale)

OLD BUSINESS

Medical Bill – Norwich – Parisi contacted the Union, and an agreement has been created. The Board needs to approve the agreement, pay the $255 claim; authorize the Supervisor to sign the agreement. This will not create a "past practice".

Geiben MOVED to reimburse Norwich - $255 claim, Seconded by Ceretto and Carried 5 – 0.

Norwich medical bill approved

Geiben MOVED to authorize the Supervisor to sign the agreement with the Union, regarding health claim for Darlene Norwich, Seconded by Bax and Carried 5 – 0.

Niagara Bible Church – Bronson Drive – will be discussed at the Recreation Committee meeting.

Historic Preservation Law and Electronic Message Display Sign Law has been sent to the County Planning Board for their approval. Catalano explained there has been a delay due to his e-mail system declaring the receipt from the Clerk as a virus. It has since been forwarded to the County and is on their August 21st agenda.

APPROVAL OF MINUTES – 7/24/2017 – PH – Town-wide Water District / RTBM

Geiben MOVED to approve the 7/24/2017 – PH – Town-wide Water District / RTBM, Seconded by Morreale and Carried 3 – 0. Ceretto & Bax abstained

2016 ANNUAL STORMWATER REPORT – Bax / Ritter

This was e-mailed to all. Ritter is requesting this be signed by the Supervisor.

Sup. to sign Storm Report

Bax MOVED to authorize the Supervisor to sign the 2016 Annual Stormwater Report, Seconded by Geiben and Carried 5 – 0. This has been put on the Town Website.

SEWER REFUND - Briglio – Bax – This claim deals with an automated water sump-pump. Ritter said this does not fall within the Town policy. Ritter asked to contact Briglio and tell him no action was taken.

Bishara – Sewer Refund – Receipt accompanied an explanation and falls within Town policy.

Bishara sewer refund

Bax MOVED to refund Bishara $97.40 for sewer, Seconded by Morreale and Carried 5 – 0.

FIRE COMPANY ADDITIONS TO ROSTER – Broderick

roster additions

Sanborn Fire Company – Addition to roster

Broderick MOVED to add Ryan Pfohl, 3154 Raymond Road to the Sanborn Fire Company roster, Seconded by Bax and Carried 5 – 0.

Upper Mountain Fire Company – Addition and deletion

Broderick MOVED to add Mathew Maslany, 691 Sara Court to the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 5 – 0.

Broderick MOVED to remove Charlotte Munday from the Upper Mountain Fire Company roster, Seconded by Bax and Carried 5 – 0.

FINANCE

Blazick said a Highway BAN is scheduled for renewal. The Town will go out to bid. The Town needs to accept them on August 24th. Blazick is asking the Board to authorize the Supervisor to award the bid to the lowest bidder and authorize him to make the choice.

BAN approved lowest bid

Bax MOVED to authorize the Supervisor to choose the lowest bidder for the Highway BAN, Seconded by Geiben and Carried 5 – 0.

Geiben MOVED to authorize the Supervisor to sign necessary paperwork for the sale on September 2nd, Seconded by Bax and Carried 5 – 0.

Blazick forwarded a tentative budget meeting schedule but has not heard back from all department heads. Parisi said there is no reason the Tentative Budget can't be presented on the first day of the Department Head meetings.

Fire dept. fund transfer

Blazick is requesting a budget transfer for the Fire Fund. Insurance liability and service award budget came in under budget. Blazick requests transferring these dollars to the physicals line.

Geiben MOVED to authorize the budget transfer of $3,700 from SFO-1910-0400-000 and $6,500 from SFO-9089-0800-0000 to budget line SFO-9060-0800-0000, Seconded by Bax and Carried 5 – 0.

The auditors have asked that Greenway Funds and the Town's portion of the NYPA Hydro funds be moved to a Capital Fund. Blazick has established these accounts as follows: H-96 – Greenway; H-98 – NYPA Hydro Fund.

MAIN MEETING ROOM RFP's – Town Clerk

Garfinkel updated the Board. In April, 2017 Garfinkel forwarded an RFP to four (4) companies, with the Board deciding not to move forward with. In June, 2017 the RFP's were rewritten. This was forwarded to the same six (6) companies. It was then brought to Garfinkel's attention that no paperwork for prevailing wages and insurance was included; therefore was resent to all six. One (1) bid was received from Mike Kelly Construction in the amount of $34,882.

The Town has money from two grants totaling $28,500. Garfinkel is requesting the Board to finance the remaining dollars - $6,682 so this project can be completed. The Town will lose the grant money if this is not completed by December.

The RFP's have been sent out three times to the same 6 companies with no replies received. The in-house option has been taken off the table, and that is why the RFP was changed the last time.

Blazick said funds can come from Contingency in the A-fund. Blazick asked if the Judges are in agreement with this. Garfinkel said they have been involved in the whole conversation.

Rotella said the window and railing renovations can be submitted for 2017.

Broderick would like to approve this and move forward. Broderick asked Parisi if the fact the Town received only one bid make a problem. Parisi said that is an issue, there is suppose to be three written. It doesn't say if you send out half a dozen requests and you only get one back, you can move forward. It says you need three written. Parisi is under the opinion that the Town sends this out to more people.

Broderick said if legal is saying we can't accept it, more bids need to be found. Conrad said he will call the contractors.

Rotella said really and truly the Town is okay with the funds. The Town has the money; it just

needs to be accomplished.

DOG CONTROL CONCERN – Town Clerk

The Town has a Dog Control Officer and a Deputy. If neither of them can be located to assist with a dog call, they contact Garfinkel. She would go and get the dog. It has since been brought to Garfinkel's attention, by Ag & Markets, that even though an employee of the Town, picking up dogs is working outside of the Clerk's job duties. The Board can appoint Garfinkel as a Dog Control Officer position.

Broderick commended Garfinkel for wanting to help and appreciates her time and concern.

Parisi will look into this for the next meeting.

Garfinkel met with Broderick, Masters, Townsend, Martin, Trane and Sherriff regarding the building of a Lewiston Dog shelter. A plan needs to be drafted and forwarded to Masters to get the project going.

Garfinkel forwarded some information to Lannon to get started.

Funding for this is available in H-97. Rotella said he has two sources lined-up for the shelter so as soon as the plan is ready it should be forwarded to Rotella.

DOG SHELTER AGREEMENT WITH TOWN OF WILSON – Broderick

Parisi has reviewed the Agreement and approves it as to legal form.

TB approved Dog agreement with Wilson

Geiben MOVED to approve the Dog Control Agreement with the Town of Wilson, Seconded by Bax and Carried 5 – 0.

Geiben MOVED to authorize the Supervisor to sign the Dog Control Agreement with the Town of Wilson, Seconded by Morreale and Carried 5 – 0.

RESIGNATION – ENVIRONMENTAL COMMISSION CLERK – Town Clerk

Meogrossi resigns EC

Bax MOVED to accept, with regret, the resignation of Tamara Meogrossi as Environmental Commission Clerk, Seconded by Morreale and Carried 5 – 0.

There is no one available to clerk these meetings. Geiben said other Boards have a member of that Board take the minutes. Geiben asked Parisi for a legal opinion of this.

The Commissions need to get in and out of the building on their own. Geiben asked if something needed to be done to authorize them to have access to the building. If there is not a member of the staff or liaison available and the group wants to meet. Parisi asked to look into this.

Broderick said Garfinkel has some concerns with giving a key and code to non-employees.

RENEWAL – ALCOHOLIC BEVERAGE LICENSE – NIAGARA FALLS COUNTY CLUB

The Town received notice that the Niagara Falls Country Club has applied for a renewal of an alcoholic beverage license for on-premises consumption at the Clubhouse and Patio. Board notes receipt of notices.

SCHOOL RESOURCE OFFICER – AGREEMENT – Broderick

The Board needs to authorize the Supervisor to sign two agreements. One is with Niagara Wheatfield outlining all costs associated with the employment of this officer, starting September 1, 2017. The second is with the Union. Because of the nature of the job, School Resource Officer position, some terms of the officers employment would be different than what is set forth in the collective bargaining agreement.

A new officer will be hired, with a four-year contract, for this position. Previte said a part-time officer will take the full-time position.

Broderick said Previte and Parisi worked back and forth on all scenarios, where there would be cost to the Town, Wheatfield is going to cover it.

Parisi requested attorney approval be in the motion. He has not received a sign copy.

TB approves ROC w/Niagara Wheatfield

Bax MOVED to approve the School Resource Officer Contract with Niagara Wheatfield, subject to attorney approval and execution of the agreement with the Union, Seconded by Geiben and Carried 5 – 0.

Bax MOVED to authorize the Supervisor to sign the School Resource Officer contract with Niagara Wheatfield, Seconded by Morreale and Carried 5 – 0.

Uninon agreement to be signed

Bax MOVED to approve the agreement with the Union regarding terms of employment of the School Resource Officer, Seconded by Morreale and Carried 5 – 0.

Bax MOVED to authorize the Supervisor to execute the agreement with the Union regarding the School Resource Officer, Seconded by Geiben and Carried 5 – 0.

POLICE DEPT. HIRE - Broderick

Previte interviewed two current part-time officers for the Resource Officer position. This officer must be on the Civil Service list. Previte recommends the hiring of Officer Robert Rougeux.

police hired

Bax MOVED to hire Officer Robert Rougeux as the Niagara Wheatfield School Resource Officer, Seconded by Geiben and Carried 5 – 0.

Previte is in need of filling three existing part-time positions.

Bax MOVED to hire Marissa Bonita, Jonathan Emmons and Charlene Rutkowski at the rate of salary in the union contract, Seconded by Geiben and Carried 5 - 0

WATER ISSUE – RIDGE ROAD – Broderick

The property was flooded during heavy rains in May, 2017. Catalano sent Wedge a letter stating the Town is not responsible. Catalano addressed this with Ms. Wedge on three occasions' through correspondence. Catalano believes his answer to her, was not to her liking.

Catalano spoke to Ritter and Lannon to see if there is any responsibility on part of the Town. Ritter sent Town employees out to the property, explained to Ms. Wedge what the problem was. The problem was on her end.

Ritter said every sewer was flooded around the Town, Village and the Town of Porter. There was over two inches of rain in less than a 24-hour period. The water took the path of least resistance. There was no sump-pump and the home had no basement. So the water came up in the laundry room and ruined her new floors. She has since had a sump-pump installed.

The Board took no action.

RE-ZONING REQUEST FORWARDED TO PLANNING BOARD – Massaro

Parisi said ultimately a Local Law would need to be passed in order to amend this zoning. The zoning is within the code. In the past, these types of issues have been sent to the Planning Board.

re-zoning to PB

Geiben MOVED to forward the rezoning application to the Planning Board, from R-1 to R-2, submitted by LMK Realty Associates, property at Ridgeview, Seconded by Bax and Carried 5 – 0.

DRAINAGE ISSUE – Christman

To correct the collection of storm water from Rt. 31, Hewitt Drive and Brookside Drive to Gill Creek outflow, the Highway Dept. needs to install culvert pipe that would help alleviate flooding and insure proper flow and drainage of these areas.
25' of the installation will be on private property, in the rear of 995 Saunders Settlement Road. This work will be beneficial to the Town.

Parisi to create an agreement/easement to allow the Town to put in the pipe.

VIDEO RECORDING EQUIPMENT – RFP's – Geiben

Geiben commends Dr. Abbondanza on all his work on this project.

There are differences of opinion on how this can be purchased, one package or separate groups?

Catalano said the Town requires three bids, but Abbondanza has been piece-mealing it to receive better prices. If put together as one bid, the Town might get a better price or the company may say they can't do it the way the Town wants.

The Town needs to move forward. Catalano is very strong about the way he believes this needs to be done per the New York State Procurement Policy.

Geiben was very disappointed in the article in the Gazette in regards to this topic. What the Alliance group wants to do with its camera is fine, but when Commission members are quoted and it's inaccurate, it gets very confusing. What an independent group can do regarding procurement is their business. What the Town must do is complicated.

Catalano said he will figure it out.

Geiben attended a reception held by the Art Council and received a plaque for the Town.

AUCTIONS INTERNATIONAL

Ritter previously declared a Ford Backhoe and a Chevy Dump truck as excess equipment. They were place on Auction International, and Ritter requests approval of the bids.

Ford Backhoe - $6,000, and Chevy Dump Truck - $4,650

Morreale asked Ritter if he reached out to all the departments to see if there was a need. Ritter said everybody has a backhoe. It is a 1979, and Ritter would like to get rid of it while it is still worth something. This has already been replaced.

Morreale questioned if the Highway Department needs one. Morreale would like to check with other departments.

Broderick asked Christman the condition of the highway's backhoe. Christman said highway does not have a backhoe. If one is needed, that's a question for Trane. Ritter said they use WWTP.

TB approves A I bid for WWTP

Bax MOVED to approve the sale of the Dump Truck in the amount of $4,650, Seconded by Morreale and Carried 5 – 0.

Ritter said the backhoe was declared excess two meetings ago, and up for auction for two weeks.

Geiben MOVED to approve the sale of the Backhoe in the amount of $6,000, Seconded by Ceretto

Ritter said he would not be getting rid of it if it was being used. It sat in the corner for ten years and nobody used it.

Carried 5 – 0.

Previte spoke of scams out there trying to sell trips or solicit funds. Be cautious with any calls received.

Parisi was unable to attend a meeting scheduled to discuss the solar energy local law. It has been rescheduled and a final draft will be created to present to the Board.

Dashineau has a vacancy in the Parks Dept. and would like the Board to consider a change in the title of the position. Requests this be put on the next meeting agenda.

The ash tree removal bid has gone out and will be opened on August 25th.

Geiben asked Lannon if the survey that was done determines if an individual has encroached on the greenspace. A long term solution needs to be addressed. Either get the property back or dispose of the property to these people.

Broderick's solution is to send every resident a letter stating they need to remove their items. Geiben's solution is to sell them the property.

Dashineau said his department has been gathering information and measuring the property lines for quite some time. Residents have removed the property pins. There are permanent structures, tree houses, fences, trees etc… It is not about looking at one property. After spending the last year in this greenspace, a majority of houses have encroached into the greenspace.

Bax feels the problem is, once the information is found, it is what the Town does with it. If there is a permanent structure there, there are only two options, get it off or knock it down.

Dashineau has spoken to many of the residents, informing them of what is going on. Once the bids are back and the Town is ready a notification should be sent to these resident telling them anything in the greenspace will be damaged, not maybe, it will be.

For each greenspace area there should be two access points from the road. There should be no problem getting to the greenspace.

RESIDENT STATEMENTS

Glasgow, Paulette – The Circle – Glasgow requests the report from tonight's presentation from Drescher & Malecki be put on the Website.

Blazick said they have not been authorized to do so; this is the property of Drescher & Malecki. Glasgow said the Town is paying for it. Blazick agrees, but this has always been an issue.

In regards to Geiben's comment on the article in the Gazette, Glasgow was the person who asked John Sharpe if he had seen any RFP's or advertisement. He said no.

Correa, Nancy – Riverwalk Drive – Correa doesn't want to beat a dead horse, but again talk into the microphones. Some speak through their hands and can't be heard. Out of respect for the people that attend, clarity, transparency and accountability needs to be heard.

Warren, Rose Mary, Griffin Street – Warren submitted a FOIL regarding the fee charged by Key Bank, and did not like the answer. It was sent to the Comptroller's Office and the NYPA Chairman, asking them "shouldn't the Town know what Key Bank was going to charge."

Warren disagrees with Broderick saying that this is a onetime only. According to the meetings held, it is for 50-years. It's only been 10.

Glasgow and Warren shouldn't get a peace or noble prize, but Warren wonders if the vouchers would have been given if they didn't keep after it.

Warren commented on the police reports in the Sentinel.

Lyle, Steve - Lower River Road - Lyle gives kudos to the Highway Dept. for the fast response to collection of his branches.

Lyle asks if the debit cards will be coming out earlier next year. Geiben said there is a history here. Originally a credit was given on the electric bill, and then it was determined not to be the right way to do it. It was then proposed to give through the water bill but NYPA said no. So the Board chose to offer this back to the public as a cash refund.

Rhoney, Michael – Oak Run – Rhoney spoke of the 4-page agreement between the Town and Mr. Wendt for the Sanborn Business Associations sign. Rhoney is not sure why the Town wasted its time typing this up. The agreement says nothing.

Sanborn is a hamlet, which covers three towns within about 500-feet. The Sanborn Business Assoc. in conjunction with the Town of Lewiston got a sign to advertise different functions in the area. Somebody has a bug about what goes on the sign. The agreement was to state only Town of Lewiston activities are to be advertised. The agreement does not say that.

The sign was up, then replaced and moved. Mr. Wendt gave permission to the Sanborn Business Assoc. to place the sign on his property. The Town requested a lease with Wendt.

The agreement doesn't address the placement of the sign being 43-feet from the center of the road.

The agreement is saying, relatively speaking, the Town is going to pay for everything. They will manicure the 25 x 12 piece of property the sign will sit on. The Town will be held responsible to keep everything perfect. That is not what it is.

Mr. Wendt receives the letter and is asked to sign it or the sign will be taken away. Rhoney does not believe this is what it is all about. It's about helping one another in the Sanborn area.

Geiben MOVED to enter into Executive Session to discuss pending litigation issues, Seconded by Ceretto and Carried 5 – 0.

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Parisi & Catalano.

Discussion on pending litigation issues.

Bax MOVED to exit Executive Session, Seconded by Morreale and Carried 5 – 0.

Atty to represent town Legacy Apt.

Bax MOVED to authorize Seaman Norris to represent the Town in Tax Cert matter Legacy Apt, Seconded by Geiben and Carried 5 – 0.

Atty to represent Town Historical Ridgeview

Bax MOVED to authorize Catalano Law to represent the Town in Tax Cert Matter, Ridgeview + Historical Square, Seconded by Geiben and Carried 5 – 0.

Geiben MOVED to adjourn, Seconded by Bax and Carried 5 – 0.

Transcribed and
Respectfully submitted by:

Donna R. Garfinkel

Donna R. Garfinkel
Town Clerk