

PRESENT: Supervisor Dennis Brochey; Councilmembers Bax, Conrad, and Winkley; Deputy Supervisor Edwards; Town Attorney Seaman; Building Inspector Masters; Highway Superintendent Janese; Finance Officer Kloosterman; Police Sgt. Previte; 2 Press; approximately 20 Residents and Clerk Donna Garfinkel

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

The Clerk read the Public Hearing notice into record.

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Lewiston for the fiscal year 2015, including general town funds, highway funds, fire protection district funds, and lighting district funds has been completed and filed in the office of the Town Clerk of the Town of Lewiston, 1375 Ridge Road, where it is available for inspection by any interested person during normal office hours.

The Town Board of the Town of Lewiston will hold a public hearing on said preliminary budget on Thursday, November 6, 2014 at 6 pm showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Lewiston.

At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

The following are the proposed 2015 salaries of certain Town Officers of the Town of Lewiston.

Supervisor	\$41,906
Council Members (4)	\$13,856
Highway Superintendent	\$70,181
Town Clerk	\$48,672
Town Justices (2)	\$27,399

By Order of the Town Board

October 27, 2014

The Supervisor invited residents to speak.

Pauly, Jennifer – 2507 Upper Mountain Road – Pauly, President of the Niagara River Region Chamber of Commerce and members of the Board of Directors, who are also business owners, are in attendance.

The Chamber supports the budget, with the Chambers reinstated \$5,000. The Chamber has not asked for an increase in years, and feels they deserve the increase. The Chamber is open 7-days a week serving the Town of Lewiston, including the Village and hamlet of Sanborn. Services provided by the Chamber are very beneficial to all.

Chamber members work very hard to provide services to residents, visitors and the members. Next year the Chamber will celebrate 10-years as the Chamber of Commerce.

At a meeting with the Supervisor and Finance Officer there was a great discussion on what is expected of the Chamber and the services they provide. Pauly distributed their report and it is available to those interested.

The Chamber thanks the Board for reinstating the money.

Arnold, Jack – 5256 Hewitt Parkway – Arnold appreciates all the work and research Kloosterman is doing for the budget. Some of which Arnold agrees and some he does not. Arnold’s major concern is the Highway Dept. In reading articles in the paper he hears of cutting the budget. Cutting the budget in overtime is fine, but the Board needs to remember there may be a catastrophic event.

Lewiston has an old structure and it’s starting to cost a lot of money. Arnold feels for Mr. Janese when it comes to some of this stuff, because he has been watching him years. Every time Arnold turns around, Janese seems to take the brunt of the criticism that goes on, while maintaining a relationship with the residents.

Kloosterman said the highway budget has increased 21% in the last three years, taking into consideration a lot of that is equipment expenses.

Over the last seven years that Arnold has lived here, it is said there is no money for the budgets. Lewiston seems to forget one thing; the Board doesn't want to increase the tax base. There are very prominent citizens here that have a great knowledge of business. There is no reason the Board can't tap into this knowledge, and entice businesses to come to Lewiston, to increase the tax base.

Craft, Ronald – 105 North 4th Street – Craft is the owner of Fine Antiques, a member of the Chamber and a tax payer. There are a lot of cuts in services to the residents.

Craft complains about giving \$65,000 a year to the Arts Council and money to the Jazz Festival. The Arts Council has taken money from the Greenway Funds and putting it into memorials. Businesses have been complaining about the placement of the tents during their festival and local merchants are losing business. They don't listen to anybody and they don't have to answer to anyone. They receive all the money they want.

Same with the Jazz Festival, they charge local merchants to sit in front of their businesses to do business during the festival. Craft said this is ridiculous, we all use the streets. The businesses in the Town should be able to have a tent for nothing.

In 2013 they had \$50,000 left in their bank account and they still ask for money.

The only people the Board should support are those like the Chamber, people that have to do with all taxpayers instead of a select few. Nothing against the Council or the Jazz Festival.

Craft has spoken to many people regarding the use of Greenway money being used at Joseph Davis State Park. It is being said this is costing taxpayers money, it isn't. The Town is getting the money.

Craft had 523 signatures, to find out some facts and vote something and the Board says “nope, you can't do it”. These people haven't signed anything, they walk in, they call you on the phone and they get money. To Craft this is not right.

Brochey said he is always available to explain anything.

Glasgow, Paulette – 836 The Circle – Glasgow thanked the Board for the opportunity to comment on the 2015 Preliminary Budget.

After 4-years of unrealistic revenue projections, lack of budgetary oversight and wasteful spending; when reviewing the budget, Glasgow thought finally “the adults have arrived”.

A budget that cuts spending by over a million dollars has no employee lay-offs, and maintaining services is a realistic budget. Some have demonstrated their dislike and distaste for the budget, and one can understand why. After 4-years of being unsupervised and raiding the cookie jar, there is little or no cookies left. After 4-years of no oversight with regards to funding every pie in the ski project, with little or no return on the investment, we must now face reality. The reality is Lewiston can't continue the wasteful spending of public money.

Although agreeing with some of the budget, such as seeking RFP's for services of the auditor and legal counsel. There are parts Glasgow does not agree with. Since January over \$7,000 has been paid to secure grants. To date, Lewiston has received little or no return on the investment. In 2015 it is being proposed to give this individual a \$100/month raise. Why? Why is it being proposed to pay someone a \$1,000/month for service Lewiston may or may not be getting? These dollars should be returned to fund balance. There are many talented department heads and employees who in the past have successfully secured grant money. The Chamber has done this.

In regards to Artpark funding, Glasgow has heard several times that “because this entity is not-for-profit, it can't make a profit. That statement is half correct. Not-for-profit entities exist, not to make money, but to fulfill one of the purposes recognized by State and Federal law. As long as a not-for-profit entity is organized, and operated for a recognized purpose and secured the

proper tax exempt status, it can take in more money than it spends to conduct its activities. In another words, a not profit entity can make a profit.

\$100,000 is annually allotted for continuation to the children's programs at Artpark. Glasgow has no problem with providing funding for this purpose. There is a problem with holding the taxpayer hostage into paying for a problem Lewiston did not create. For nearly 6-month every year, concerts and festivals are causing an increase in traffic and security that the taxpayer did not create and is paying for.

The Board needs to understand enough is enough. These concerts do help our local businessmen. But if you are going to hold a concert or festival then you must assume the financial responsibly as it relates to traffic and security. The taxpayer should not be held as a financial hostage.

Glasgow suggests before any funding is released to any not-for-profit entity, holding a concert or festival, that an agreement is formed whereby that non-profit assumes all financial responsibility for any liability, traffic and security concerns they create.

20-years ago the budget for the consolidated police dept. was approximately \$300,000 - \$400,000. These funds were to be used to provide police services for 32-square miles that make up the Town of Lewiston, excluding the Tuscarora Nation. At that time, those involved were cautioned that what they were creating could cause a future concern that would eventually eat up a large portion of future annual budgets. Today the Police Dept. budget is over \$1-million, and Lewiston's area is still 32-square miles.

So not to be misunderstood, Glasgow stated, "does not, and will not support any effort to abolish the Police Dept." But does hope the Board takes a serious look and effort, to address the spiraling cost of police services. If not, 5, 10 years from now residents may be paying a tax to pay for police services.

Glasgow said Councilman Conrad, in a recent article, may have used the wrong word when referring to "reacting" to the concerns of the citizens. Glasgow hopes he meant to use the word "addressing" the concerns of the citizens with regards to the budget. Conrad said Glasgow is correct.

Lastly, the Board's responsibility in regards to the budgetary process should not be simply about passing and overseeing the budget, but making sure the budgetary process is fair and equal. The Board has a responsibility that department heads are treated equally, and that department heads provide rejected estimates, on time according to the law.

Last week, Glasgow unfortunately witnessed a glowing example as to why there is a need for adult supervision in certain departments of this Town. For 1½ hours the public business and public were held hostage, while a department head complained about a 1% decrease in his budget. What followed was the turning of a public meeting into a circus.

At one point, the department head stated that he used 2014 funding for brush pickup left at the side of the road by private contactors. In 2003 the Town passed the following Local Law: No person, persons, firm or corporation shall cause to be disposed of by placing at the curb, street side, or at any authorized disposal sight for regular scheduled municipal collection of any trees, shrubs, tree branches or brush where the owner of that property has contacted for the cutting and removal of the same. In such cases it is the duty and responsibility of the property owner and the contractor to make arrangements to have such disposal removed. It shall be unlawful for any Town of Lewiston personnel or equipment to be used for such removal.

Glasgow does not think the taxpayer should be footing the bill to have public money used to violate a local law. What guarantee does the taxpayer have that this will not happen in the future with the additional funding given to this department at the last meeting.

There is a desperate need for additional revenue in this Town. The formation of a business council may be a good idea. The grant dollars could be used for expenses for this.

The Town can't rely on CWM tipping fees, Greenway money or Modern. Lewiston needs to start making money. Glasgow thanked the Board again for the opportunity to speak

Winkley requests restoring \$1,000 to Heart Interfaith. They did not receive an increase, but would restore them back to 2014. Kloosterman said this has already been entered.

Dollars have been restored to the Chamber. Kloosterman said these dollars are not part of the Preliminary Budget at this time.

At the October 27th meeting the Board requested Kloosterman calculate a 1.5% pay raise for all non-union employees, not including elected officials. The dollar amount would be approximately \$21,000. The 1.5% is a cost of living increase.

Winkley said historically, for the last 20-years Lewiston has had two attorneys. Winkley doesn't agree to cutting it to one attorney. Winkley requests leaving it at two with the budget line being the same as 2014.

Brochey can understand the reason for two. There have been several times he has tried to locate the attorneys with no return calls received. Winkley said that is not a reason to cut the attorney out, maybe a discussion of another attorney.

Brochey would like to look into seeing if one attorney will work. Winkley would still like to restore the two attorneys. Kloosterman said \$20,000 was removed, not the number of attorneys. It is suggested the Board consider hiring a firm like Lewiston does with the engineer.

Bax said restore the funding, but then not necessarily hire at the historic rates, which is accomplishing both goals. Kloosterman needs time to see where the money will come from.

Bax met with Janese and he requests the \$40,000 taken from the Machinery Equipment line be put back. At the last meeting it was transferred to Snow Removal Contractual. \$300,000 was put into the paving budget. Janese requests \$50,000 of those dollars be transferred to General Repair Personnel line.

Janese looked at the over-time. From June to November, the highway dept. is averaging 2.2 hours per man per week. That is what it is. It is not every Saturday and Sunday, not 9 nights a week like previously spoken. Janese just wants the Board to understand. This is approximately \$1,700 extra a week, Janese does not consider this to be an adsorbent amount of money.

Overtime dollars are used for brush and leaf pick-up. The last five Superintendents had done it this way. At one time there was a separate budget line for over-time for leaves and brush. This was eliminated when the consolidation was done 3 – 4 years ago. Nonetheless Janese gets to set the policy. After last week, Janese knows what the residents want and that is how it will be done. Janese asks the Board to let him be Highway Superintendent this year.

Brochey is asking Janese to work with the Board on the budget. Compromises need to be made.

Janese said he has not exceeded his budget, why would he want to make a change. Janese has no problem working with the Board, just keep the budget as it is, put the money back in so he can pay the employees and he will take care of it from there. Janese promises he will not ask the Board for any extra funding next year.

Winkley wants to make sure that there is enough money in the paving budget. Janese said yes. Bax suggested there be monitoring of the over-time. This has been identified as an issue. Janese feels that sometime the Board is misinformed. Janese said he typical does monitor the over-time.

Bax said the Board's goal for the highway dept. is to fund the budget to allow adequate paving so that none of the roads are in any major sense of disrepair.

Conrad questioned Janese that if a development is constructed and road cuts are needed to tap in to a waterline, does the Town charge this service. Janese said when doing sewer or water work, Janese leaves it up to that department. Janese said the developer does their own, but does requests to see what the plan is prior to filling the property back.

Ritter said anytime they tap into his department, there is a charge and a fee schedule.

Brochey questioned Janese if the highway dept. puts a driveway or pathway in, for someone that may, in the future be building a home, does the Town charge? Janese said they don't put in any driveways. Brochey said he heard the highway dept. put in a pipe and covered it over so a farmer could get on his property.

Janese's understanding of the law is; we have to give people access to their property. If not, they are being denied the use of the property. This was explained to him this way 5-years ago by Mr. Dowd. Seaman's opinion would be appreciated.

Seaman said there are provisions in the law that allow the Town to absorb the cost of access ways onto Town highways. If there is a private road or a driveway, coming to a Town highway and often times there is a ditch that needs a pipe, there are provisions in the law that allow a Town to do this.

This was done as a safety matter to fire hydrants on Creek Road. The firemen needed access.

Capello, Herman - 657 Sara Court – Capello has been a resident for 22-years and this is the first meeting he has attended. Capello doesn't really like what is going on in this meeting.

Capello asked Janese when the leaves on Sara Court will be picked up; they have been there a few weeks.

At the beginning of the meeting, the Clerk read off the salaries of the Supervisor and the Highway Superintendent. Capello doesn't understand why the Highway Superintendent is making more than the Supervisor.

Resident Ron Craft asked how much the Village of Lewiston offer for Police Protection. Kloosterman said \$284,000. Craft asked what would happen if the \$284,000 goes away. Is there money in a contingency budget, does the State mandate the Village pay. Is Lewiston that short of money?

Brochey said there is a horrible rumor around that he said Lewiston is broke. He never said that.

Conrad said the Board is trying to account for the dollars and cents, Lewiston has as revenue and making sure they are put into the appropriate areas that are most efficient for the Town.

Craft can see that, but the Town needs outside revenue, or Lewiston is in trouble. Joseph Davis has a dock, there is a park, there is a number of ways to make money at the park.

Conrad said this is one of the challenges Lewiston has as far as the type of Town we are.

Craft said the cost of doing business in the Village is outrageous.

Glasgow said the last time Lewiston had one attorney was in 1997. Going back, Lewiston has historically had one attorney. Two attorneys were appointed in 1998 and has been the practice since.

The Board needs to establish a business council. Look at the zoning map and see where businesses can be placed that are compatible to the environment and produce revenue.

Capello said since the day Brochey got into office he has been saying there is a financial problem in Lewiston. Kloosterman writes the same in the paper. This is why everyone is concerned. If there is a financial problem, maybe the Town will need to go to a tax, and the residents will have to accept it.

Brochey agrees totally. Masters and Brochey have worked together with the Bridge Commission to increase the dollars received from them. For the last several years the Town has received \$17,000 - \$18,000 a year. Starting next year this will increase to \$67,400, the following year, increase to \$81,400. As they continue to expand, the Town will renegotiate.

Conrad pointed out how Sanborn has grown. With the NCCC dormitory and several businesses, this is a positive direction. One mistake there was Tim Horton's. They went across the street to Cambria but the traffic is still there. Lewiston needs to be smart in moving forward with business in the entire Town.

Conrad agrees with the idea of a business council. The Chamber works on these kinds of things, and to say the Board is not working on this is incorrect.

Brochey said this Board is working on the future, by trying to slow down the spending from the reserve accounts. The Board is moving in the right direction.

Winkley feels Lewiston is being punished by the Power Authority for not having a tax on their property. They feel they don't need to give anymore money because Lewiston doesn't have a tax.

A resident in the audience said the Town has been moving in the right direction and the Village, in the last 5-years, has started to move in the wrong direction. He commends the Board on what they have done.

Jamie Symmonds, Chamber member and business owner does not feel a business council would work. There is a Lewiston Advisory Committee that currently discusses things on a monthly basis. They have presented items to the Village with not a great response.

Conrad has never seen the Lewiston Advisory Committee come before this Board.

Edwards pointed out that the Town has no tax so bringing in businesses is not going to help. The schools and the County benefit.

Winkley MOVED to close the public comment period on the Preliminary – 2015 Budget, Seconded by Bax and Carried 4 – 0. (7:20 pm)

Respectfully Transcribed and Submitted by:

Donna Garfinkel
Town Clerk