

**PRESENT:** Supervisor D. Brochey; Councilmembers B. Ceretto, W. Conrad and R. Winkley; Deputy Supervisor M. Briglio; Town Attorney B. Seaman; Building Inspector T. Masters; Town Engineer R. Lannon; Finance Officer M. Blazick; Highway Supt. D. Janese; Chief Opt. WWTP J. Ritter; Sgt. F. Previte; 2 Press; 8 Residents and Clerk Donna Garfinkel

**ABSENT:** Councilman A. Bax and Town Attorney M. Davis

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

#### AGENDA APPROVAL

Agenda additions: Brochey - Executive Session - Litigation; Winkley - Police personnel to fill a position and Highway budget transfer.

**Brochey MOVED to approve the agenda as amended, Seconded by Conrad and Carried 4 - 0.**

#### TWO-MINUTE STATEMENT - RESIDENTS

Glasgow, Paulette – 836 The Circle – According to Highway Law, a 284 Agreement must contain the location or locations, appropriated amount/cost of and type of manner in which approved highway appropriations for road repair and improvements are to be spent.

As a taxpayer, Glasgow has a concern regarding the document the Town Attorney and the Highway Superintendent recommended the Board approve at the last meeting as the 284 Agreement.

Glasgow distributed an example of what the New York State Comptroller and the Association of Towns recommends to be used as a template. Also distributed was a copy of what was approved last month as the 284 Agreement. Nowhere on the approve document is there an appropriated sum set aside for general repairs. Nowhere is there a detailed description of where, type of, and cost of every permanent improvement.

As the financial and auditing Board of the Town, with responsibility to account for and insure that every public dollar is spent properly and legally, and looking at the document the Board approved, Glasgow asks how the Board can audit and account for every dollar spent on road repairs if it is not known how, where or what it was spent on.

The approved document is vaguely written. It gives the Highway Superintendent a raw spectrum to go anywhere he chooses/wishes, to do anything he chooses/wishes with a quarter of a million dollars.

Under the law, the approved document can be amended by using the proper form, recommended by the State Comptroller and Association of Towns, which is being used by towns throughout New York State, and by the Town of Lewiston, up until 2009.

As a taxpayer, Glasgow is asking the Town Board amend the present 284 Agreement and replace it with a document that gives a detailed description and specific cost of every road repair / improvement in the Town of Lewiston. In doing this, the Board will once again assume their authority to monitor compliance and oversight with regards to the Agreement.

#### TWO MINUTES STATEMENTS – DEPARTMENT HEADS

Police Sgt. Previte - The Police are ready for the busy season ahead. Numbers for the last 30/days are: 768 calls for service, 51 arrests and 40 traffic accidents.

Building Inspector Masters - Waive Demolition permit fee – Sanborn Fire Co. - The Fire Company used a house on Townline Road for a practice burn. They have filed for a permit to

demolish the home and are requesting the Town Board waive the required demolition fee of \$30.00.

**Conrad MOVED to waive the Demolition Fee for the Sanborn Fire Company, Seconded by Ceretto and Carried 4 – 0.**

Highway Superintendent Janese – Morey Magnetics is requesting the Board make a decision on the Muck Pump. Janese urges the Board to think about his.

Paving will begin tomorrow on Garlow Road at 7:00 am. They will be milling on half of West Street and a portion of Pearl Street, with hopes of paving on Monday or Tuesday of next week.

The County is down to a single paver, and they want theirs returned next week. Janese will try and get some of this done prior to returning it to the County. Lewiston may need to rent a paver, if so Janese will come back to the Board and ask for funding, possible under permanent improvement.

Brochey asked Seaman, with what has been stated from an earlier resident regarding the 284 Agreement, can the paving move forward.

Seaman asked the Board to recall, a couple different 284 Agreements were provided to the Board. One was detailed and contained a place for all the roads to be listed. No agreement was made between the Board and the Highway Superintendent as to who was going to determine the roads for this agreement.

A more general agreement also was distributed to Board members, which does meet, in Seaman's opinion, the requirements of the law. It is not as detailed as the agreement brought forth by the resident, but it does meet the parameters of the law. If the Board wishes to do a more detailed agreement, they are free to do so.

Brochey feels this might be a good idea.

Seaman said looking at the statute and case law, or lack of case law, attached to that statute, in Seaman's opinion, the current 284 Agreement is legal, although it does not have the detail the Board could do.

This is not an agreement that is used to track the dollars and cents that are spent on every project done by Janese. The 284 Agreement is meant to be an agreement between the Board and the Superintendent of which roads are going to be paved. With every project that Janese does, there is a voucher, it is audited and signed by the Supervisor. There are specifics in the law about the Superintendent providing a voucher to the Supervisor before payment can be made for paving. That is the check, making sure it is being spent properly.

Janese said if the Board decides to put the paving on hold, the Board needs to know there are 5 trucks from other towns, a paver from the County, and the black top has been ordered. If tomorrow's schedule needs to be put off, there will be a cost.

Conrad does not believe the intent of the project is going to change, simply because the document will change.

Janese said he will leave it to the Board.

Blazick wants to clarify that Mr. Janese's vouchers are processed; the Supervisor does not see the voucher until he signs the checks. Department heads sign their vouchers. Blazick feels the original invoices should be initialed by the Supervisor, no matter what department. The Department Heads are responsible for their budgets.

Janese will forward vouchers to the Supervisor. Winkley questioned, is that not how it is suppose to be. Conrad said they are reviewed by the Board member that audits the vouchers. Janese says he signs them and brings them to Town Hall, after that he does not know the process.

The Town Clerk said all vouchers are submitted by the Department Heads, processed to the abstract, and Board member audits and signs vouchers for approval for payment.

Janese said he followed the Town Attorney's advice. He said it was legal, Janese signed it. If the Town Attorney said it was not adequate, Janese would not have signed it. If someone on the Board had said they needed more information submitted, he would have submitted it.

The following is a list of streets to be paved: West Street, Garlow Road, Pearl Street, culd-de-sack and the edge of Morgan to Lower River Road, portion of milling and repairing Pletcher Road coming from Lower River Road to the east, and Myers Hill Road. Janese will submit the list to Seaman and the Board for the August Work Session.

Seaman said if the Board wants to update the 284 Agreement; it has to be done in writing, signed by the Highway Superintendent and members of the Board. It could be as simple as, another version of what is approved, that states "incorporating this list as the roads to be paved". It can be done at the next meeting.

Janese needs to know if there is a valid contract now, if not people need to be contacted and cancelled for what is scheduled for tomorrow. The Board agrees Janese can move ahead with Garlow Road and Sanborn.

Brochey asked Janese if he is doing all those roads for the budgeted \$250,000, or will the cost skyrocket? Janese said there is an amount of money, \$250,000 that is it. Once that pocket is empty, there's no money. Unless the Board wants to provide more money, Janese would welcome it.

Town Clerk Garfinkel - Town Hall Parking Lot Paving

The Clerk requested three (3) oral quotes, with two (2) being received. Royal Sealcoating - \$6,730; R & M Paving & Sealing, Inc. - M-F at \$6,100 and Saturday at \$8,900. The Clerk is requesting the Board accept the Royal Sealcoating, Inc. quote.

**Winkley MOVED to approve, pending locating funding source, Seconded by Ceretto and Carried 4 – 0.**

Scovell Cemetery – Ridge Road

The Town is to assume and maintain any abandon cemeteries located in the Town of Lewiston, such as was done at the Kline Cemetery. There is an abandoned cemetery located in the back portion of property located at 1015 Ridge Road.

The Clerk requests the Board direct the Attorney to research the process/steps the Town needs to do to assume ownership of this cemetery.

Brochey said he is working with a local Boy Scout, who is working on his Eagle Scout Badge, and has shown interest in helping to clean-up this cemetery. The Lewiston Historical Society is also willing to step in and assist this young man.

Seaman said this is a permanent process; it becomes permanent maintenance for the Town. It is the last step of last resort. There are steps that need to be followed; what type of cemetery is it, is it private/not-for-profit etc ...

Seaman will look at the information provided by the Clerk and report back to the Board.

The Clerk asked which Board members will be marching in the Lewiston Peach Festival parade. All Board members will march.

APPROVAL OF MEETING MINUTES

**Winkley MOVED to approve the RTBM minutes of June 22, 2015, Seconded by Conrad and Carried 4 – 0.**

**Winkley MOVED to table Special Meeting minutes of July 23, 2015, Seconded by Ceretto and Carried 4 – 0.**

POST AUDIT PAYMENT

**Conrad MOVED to approve the following Post Audits; Key Bank - \$948.28; Sam's Club - \$1,207.30; ComDoc, Inc. - \$97.01; Goodyear Wholesale - \$1,022.40; Ronco Communications - \$673.71; Staples Business Advantage - \$450.21; Wex Bank - \$3,310.48; Lewiston Fire Co. #2 Exempt & Benevolent - \$7,295.74; Sanborn Fire Co. Exempt & Benevolent - \$7,295.75 and Upper Mountain fire Co. Exempt & Benevolent - \$7,295.74, Seconded by Winkley and Carried 4 – 0.**

OLD BUSINESS - None

NEW BUSINESS – Clerk's Correspondence - None

SUPERVISOR BROCHEY

Resignation – Town Historian – Robert Martinez has submitted his resignation as the Town of Lewiston Town Historian, effective July 31, 2015. He has been the Historian for the past four years. Martinez recommends the position be filled by John Sharpe. Sharpe has worked very closely with Martinez on many different projects in the Town.

Conrad questioned if Mr. Sharpe is interested in the position. Brochey said yes and he feels Sharpe will do an excellent job for the Town.

Conrad MOVED to accept the resignation of Robert Martinez and appoint John Sharpe to the position,

Winkley questioned if it needs to be advertised. Clerk said that is a decision of the Town Board. This is a paid position and not Civil Service. Seaman said the Board can appoint tonight if they want.

Ceretto, Conrad and Winkley feel it should be advertised.

**Conrad MOVED to advertise the position of Town Historian, Seconded by Ceretto and Carried 4 – 0.**

LEGAL

Executive Session to be held at the end of the meeting.

ENGINEERING

Lannon said the Lauren Court Project has gone out to bid with the return date of July 30<sup>th</sup>, with tentative award date of August 10<sup>th</sup>.

The Water Pollution Control Center roof bid will be advertised on July 30<sup>th</sup>, bid opening on August 19<sup>th</sup>, with tentative award date of August 24<sup>th</sup>.

The Senior Center roof bid will be advertised on August 3<sup>rd</sup>, bid opening on August 19<sup>th</sup>, with tentative award date of August 24<sup>th</sup>.

Lannon was asked to research the cost of a new Muck Pump. The price to purchase a new pump, not installed, is \$25,535.

The Joseph Davis drainage design is complete. Once the easement is complete the work can start. The asbestos job is complete.

In Lannon's opinion Sara Court is not as bad as Lauren Court, at this point. What the winter will bring is not known.

Janese said, in Sara Court, there is a drop, low enough at each driveway, where 2 inch run-a-crush will need to be used. Janese agrees it is not as bad, but the Board might want to take a look at it and consider.

Janese likes Lannon's design for Lauren Court and could be something to consider in the future for everywhere. Once the bids are open, Janese asked the Board to run them by him and maybe he can save the Town a few dollars. This will be milled and repaved, this is a relatively simple operation, and the Highway Dept. can do this.

#### FINANCE

Highway BAN renewal – Blazick said the BAN is up for renewal or conversion to a regular bond. Detailed discussions have taken place with the Supervisor and Municipal Solutions. The BAN can be renewed for one more year. The BAN, if kept at a short term, will have a lower interest rate than if it went to long term.

The Board needs to authorize the Supervisor to sign the paperwork. This will need to be completed prior to the next Work Session; therefore Blazick is requesting the Board to renew the bond. Blazick will forward a copy of the BAN to each Board member.

**Winkley MOVED to renew the Highway BAN, Seconded by Conrad and Carried 4 – 0.**

**Conrad MOVED to authorize the Supervisor to sign the Highway BAN paperwork, Seconded by Winkley and Carried 4 – 0.**

Highway Budget – Blazick said this budget is over-budget on a couple line items. There is temporary help that is listed as Seasonal; therefore Janese is over in this budget line. Blazick would like to re-classify seasonal help, at \$25,000 from the General Repairs Personnel.

At the same time the Snow Removal Personnel budget is over \$11,000.

**Winkley MOVED to transfer \$25,000 from General Repairs Personnel – DB0-5110-0100-0000 to Seasonal Personnel - DB0-5110-0100.0200, Seconded by Conrad and Carried 4 – 0.**

**Winkley MOVED to transfer \$11,000 from General Repairs Personnel – DB0-5110-0100-0000 to Snow Removal Personnel - DB0-5142-0100-0000, Seconded by Conrad and Carried 4 – 0.**

Janese questioned if the money is being transferred from General Repair Personnel to cover the Snow Removal. Blazick said yes.

Janese said, referencing the latest financial reports, he noticed all of his appropriations have been changed since the Board finalized. Blazick said any changes are those approved by the Board.

#### COUNCILMAN BAX

Brochey will address Bax's agenda.

Sewer Credit – Sheusi – Dana Drive

A letter has been received from Mr. Sheusi requesting the sewer charges be refunded. Sheusi drained his pool because he could not get the correct balance of chemicals. Ritter feels this does not fall into the criteria of a refund; therefore Ritter recommends the sewer charge be paid. Board agrees.

WWTP – Appoint Treichler – Senior Wastewater Maintenance Person

With the retirement of Dave Harvey last month, Ritter requests the provisional appointment of Ryan Treichler, pending Civil Service exam results, to Senior Wastewater Maintenance Person.

**Winkley MOVED to appoint Ryan Treichler provisionally to Senior Wasterwater Maintencance Person, Seconded by Conrad and Carried 4 – 0.**

Ritter requests Dave Alexander be moved to Outside Crew Leader, which is now vacated by the appointment of Treichler.

**Winkley MOVED to appoint Dave Alexander to Outside Crew Leader, Seconded by Ceretto and Carried 4 – 0.**

COUNCILWOMAN CERETTO

Nothing to report

COUNCILMAN CONRAD

Subdivision – Schott

This is a two lot subdivision. The Planning Board recommends approval.

**Conrad MOVED to issue a Negative Declaration based on the recommendation of the Environmental Commission, Seconded by Winkley and Carried 4 – 0.**

**Conrad MOVED to approve the Schott Subdivision as proposed, Seconded by Winkley and Carried 4 – 0.**

Public Hearing – Wolfgang Subdivision Final Plat

**Winkley MOVED to call for a Public Hearing for Wolfgang Subdivision – French Landing – Final Plat for Monday, August 24, 2015 at 6:00 pm, Seconded by Ceretto and Carried 4 – 0.**

COUNCILMAN WINKLEY

Sanborn Fire Company / Addition to roster

**Winkley MOVED the following be added to the active membership to the Sanborn Fire Company: Mallone, Nicole – Niagara Street and Ditto, Jeremy – 5214 Chew Road, Seconded by Conrad and Carried 4 – 0.**

**Conrad MOVED to enter into Executive Session, Seconded by Ceretto and Carried 4 – 0.**  
(7:05 pm)

**PRESENT:** Supervisor D. Brochey; Councilmembers B. Ceretto, W. Conrad and R. Winkley; Deputy Supervisor M. Briglio and Town Attorney B. Seaman

Discussion: Consultation with Attorney on a matter regarding employment of particular individual and pending litigation.

**Winkley MOVED to exit Executive Session, Seconded by Ceretto and Carried 4 – 0.** (9:30 pm)

**Winkley MOVED to authorize Attorney B. Seaman to undertake case of Mawhiney v. Town of Lewiston et al, Seconded by Conrad and Carried 4 – 0.**

**Winkley MOVED to adjourn Town Board meeting, Seconded by Conrad and Carried 4 – 0.** (9:32 pm)

Executive Session minutes taken by Attorney Brian Seaman.

Transcribed and Respectfully Submitted by:

Donna Garfinkel, Town Clerk