

PRESENT: Sup. S. Maslen; Councilmen J. Ceretto, M. Johnson, D. Kilmer and J. Langlois; Town Atty. E. Brydges; Dep. Town Atty. J. Leone; Hwy. Supt. S. Reiter; Finance Officer E. Evert; Chief R. Winkley; Dep. Sup. C. Stojak; 1 Press; 60+ Residents; and Clerk C. Schroeder

The Supervisor called the worksession to order -- a special meeting called by the Highway Supt. to have a discussion with the Town Board. "There will be no time for public comments. This is not a public meeting in the word that people will come to speak. We will have a conversation between the Town Board and the Town Highway Supt. and that is the way it has been arranged. If you have any comments that you wish to make to any one of us, then you may do that either in writing or you may come to the Town Board meeting on the 14th. This is not a public hearing. This is not a public session. This is strictly a worksession between the Town Board and the Town Highway Supt. to straighten out some issues that are of concern." Having said that, the Supervisor called upon Supt. Reiter to address these concerns.

Reiter said he had asked some individuals to speak on his behalf. Reiter said he had asked for this meeting for the Town Board to understand all the aspects the Highway Department is doing. "If budgets are cut and men are laid off, some of the services would be diminished." He asked Village of Youngstown Mayor, Neil Riordan, to address the Board.

Mayor Riordan: I came here to thank not only Steve Reiter but also your Board for all the help you've given the Village in the past. In the most recent past, you gave us heavy equipment... Last year, we had a hurricane storm at Fort Niagara State Park, which would have closed down the *Snickers Tournament*. Again, with Sandy's permission, your Board's permission and the response of what I call "*Reiter's Raiders*", we were able to have the tournament; otherwise, the tournament would have been closed. Your crews, almost single-handedly, removed the trees, sawed them up and removed them from the park and reopened the park... Sandy and I are big advocates of shared services... Recreation and other services show that. Without question, your public works department has been the most responsive emergency public works team I have ever witnessed. I came here to thank you all and to thank Steve and his crew for a job well done.

Sup. Maslen corrected the Mayor's reference to the public works department. "In the town we have various departments. The departments in which our Highway Supt. oversees is highway and drainage at this point..."

The second speaker to address the Board was Harry Lehman, past president of the Lewiston Seniors and current member of the Senior Advisory Board.

Harry Lehman: I come before you on behalf of the seniors at the center and the town. At first, we thought there was no sense to speaking here because it seems when we bring an important matter before you we receive no satisfaction. I know the reason for this meeting but I have to refer back to our last meeting to prove a point. The last request was to reinstate the liaison between the seniors and the council. Nothing was done about this request and things are worse now than before. Otherwise, you would know exactly how the seniors feel against the cuts in the town highway crew. If it were working, you would realize this. You would most likely say it is to save money in the budget, which has been stated. When the men are transferred from one location to another when an emergency comes up, if this is to save money, how is it you are determined to hang a white elephant around our neck which you spend thousands and thousands of dollars on without the taxpayers having a word in it to say. My father always told me when something is working fine -- don't mess with it. Steve's crew is doing an excellent job. Don't mess with it. I can't understand how you would expect to interfere with someone's job and their family's welfare and living and then hire outside help to do necessary jobs. I cannot tell you how strongly the seniors are against this foolish action. The seniors feel that if we cannot get

satisfaction by coming here before the people who are supposed to represent us then we have no other choice to speak where it will be heard and that is at the voting booth.

At this time, a round of applause occurred. Maslen asked that the public refrain from any outbreaks or commotions or they would be asked to leave. "This is strictly an interest in the budget. It has nothing to do with any personalities, any changes or reassignments. The Highway Dept. is the full responsibility of our Highway Supt. That is his responsibility -- highway & drainage. The other departments do not come under his direction. We are here tonight to discuss the highway budget and how Mr. Reiter sees his budget for the rest of this year."

The Supervisor denied any further public comment. She asked Mr. Reiter to proceed with his presentation.

Reiter began his presentation with use of an overhead projector. He provided a comparison of the highway budgets for 2000 and 2001. In the year 2000, his first year as Supt. and using his predecessor's budget, the Highway Dept. had a budget of \$1.8M. In 2001, the budget decreased to \$1.7M.

Maslen: Mr. Reiter, you already have a budget. What our question here today is how you are going to work with the budget that you have. We are very well aware of what has happened over the last couple of years. Our concern is how you are going to balance your budget for the remainder of this year. That is what we are here to discuss. I would wish that you would keep to the subject... I would like for you to get to that point now.

At this time, an outburst from a resident in the audience led to his dismissal.

Johnson: With all due respect, we called a special meeting because the Highway Supt. wanted to come and make a presentation to us. For what it's worth, we should listen to him just like we do with the GLPBA and all the rest of the department heads that come in. This is his meeting. It is not our meeting... If he needs to go thru this dialog with us I think we should go thru it. It's only due respect to him. The faster we let him get thru with his presentation, then we can reconvene and talk however we want to talk. Whatever the case may be, this is his meeting. We've done it for other department heads.

Maslen: I'm sorry we have not. We have not revisited the budgets for the last two or three years for the others. We do that during budget sessions. Right now, we have a situation with this year's budget and we have asked the Highway Supt. to sit down and explain to us how he is going to balance his budget until the end of the year...

Reiter: The factor I wanted to get to is this -- you saw my 2000 Budget as \$1.8M. My budget this year is \$1.2M. I would ask any department...

Maslen: We know that. We are not arguing with the fact that we cut your budget, Steve. It was a tough year and we had a town tax...

Reiter provided a balance (as of 6/23) of his personnel budget lines for the remainder of the year. "It sounds like a large amount but it is a measly amount for my crew."

General Repair	5110.01 BD	\$ 53,458.64
Machinery	5131.01 BD	\$ 26,806.94
Brush & Weeds	5140.01 BD	\$ 57,201.16
Snow Removal	5142.01 BD	\$ 865.16
		\$ 138,331.90

In order to meet personnel obligations, Reiter proposed transferring a total of **\$84,000** from his contractual line-item budgets, as follows:

		<u>Balance as of 6/23</u>	<u>Proposed Transfers</u>
General Repair	5110.04 BD	\$ 70,995.38	\$ 40,000.00

Machinery	5130.04 BD	\$ 49,905.04	\$ 24,000.00
Brush & Weeds	5140.04 BD	\$ 14,713.35	\$ 10,000.00
Snow Removal	5142.04 BD	\$ 21,075.77	\$ <u>10,000.00</u>
			\$ 84,000.00

Reiter: We budgeted \$90,000 in transportation services. This is the line item for ice and snow removal contracts from the State of New York and Niagara County. At this time, we're due to receive \$169,912.67. We also will receive \$4,407.66 from N.Y.S. for roadside mowing. That's a balance of \$84,188.33 away from the \$169,912.67 total. Also, we were very fortunate in our State Aid Chips (paving money). I'm not asking to use that money at all. We received an additional \$4,944.64 more than we anticipated...

Reiter said his total personnel expenditures for the remainder of the year is anticipated to be **\$279,408.73**. With that in mind, Reiter noted the following:

2003 Remaining Budget Personnel	\$ 138,331.90
2003 Budgeted Revenue Transfer	\$ 84,188.33
2003 Budget Contractual Transfers	\$ <u>84,000.00</u>
	\$ 306,520.23
Less Total Personnel Expenses	\$ <u>279,408.73</u>
Balance	\$ 27,111.50

Reiter: That leaves me a balance in excess of \$27,000. All I'm asking is that eventually I can be allowed to, once again, transfer money within line-items so I can keep my men.

Reiter said he did not anticipate a problem in the personnel budget for the two employees in the drainage dept.

Reiter: To give you an idea as to the overtime, Payroll 14 was the last time we had any overtime concerning contractual issues. Last year, we had to go within 5 hours, if you remember correctly. From that time on, our costs have been rather small. Now, you're going to say, Steven, how are we going to get thru Nov. & Dec. with snow. Once again, we have not been paid. We will get paid for Nov. & Dec. We actually make money while we plow snow because of the amount of state roads and country roads we do...

With a \$27,000 cushion, and excess monies coming for refund money for snowplowing state & country roads, I feel very confident and I'm telling you that you should lay the burden on me and I'll see that we make those budgets. I did it last year and as you've seen, the 2000 Budget was \$1.8M. This year it is \$2.2M. I challenge any department in the Town of Lewiston or public works type department to maintain the services that we've maintained, the personnel that I've maintained and the materials that I've maintained with those kinds of drastic cuts. That is the end of my presentation.

Again, Reiter said his department generated more than \$84,000 in revenues from other governmental agencies for snowplowing.

Maslen said they have received \$45,000 to date. Reiter said they have not received all of their payments. Checks are forthcoming.

Evert: For clarification, a check came in last week for some \$91,000. It was marked as final for both the State & the County. That brought a total of \$135,943 against the \$90,000+ budgeted in that line item. The overage would be \$45,000.

Reiter: We have not received all of our funds... I'm sure we will receive our final checks. We've never had a problem before. I'm just telling you that they have not paid us all our money that we're due. We're not the only town in that situation.

Maslen: It's common practice for the County and the State to say "do now and pay later". That's a common practice. However, as you also know in the past, they haven't always come thru with the right amount of money. We can't spend it until we get it.

Reiter: But I have six months to get it too. And the amount we're talking about is two pay periods based on what you said -- a \$45,000 difference.

Ceretto: In the meantime, we don't have to lay anybody off.

Maslen: As I have stated before, and I've told this Town Board, the Town Board does not have the authority regarding lay-offs in the Highway Department. The Town Supt. of Highways processes the authority to employ and dismiss persons under their supervision... We cannot direct anyone to do anything. The only thing we can direct our Highway Supt. to do is to work within his budget and that is all we are asking you to do.

Reiter: I'm not asking for any budget increases. All I am asking is for simple line-item transfers. I have copies of transfers you have done last year -- over 14 times. One of them was for \$500,000. I don't think I am over-stepping my bounds by asking for this. You control my budget. If you are unwilling to transfer these funds, I need to know right now because if that's the case, then I need to tell three individuals and maybe six, that next Monday they won't be here. Based on the winter that we had, we went thru a lot of overtime at a very quick fashion. I will not be able to go on straight time and keep these guys if you will not tell me you are going to transfer these monies. That's what I'm here for... I'm in better shape now because we've rechecked our records as far as what we get for plowing. I'm very confident that I can do it like I did last year but I need to know if this Town Board is going to approve the transfers. If they are not going to approve the transfers yes, I will run into trouble -- no doubt about it... I need to know the Board's feelings. I need to know if the Board is willing to do that because if they aren't, then I should start laying-off people right now.

Maslen: The \$45,000 extra that you have received for plowing would need to go into your plowing budget. That would not be able to be used for general services. That's is my concern.

Reiter: I understand that. I ran out of plowing money and was using general services money for plowing.

Maslen: I need to see that so we can reimburse those funds.

Reiter: We can do that but there's no sense in me going thru a paper drill unless the Board is willing to do this (transfers).

Maslen: ... When you were doing these services for the State & the County, that would have been the appropriate time to come to the Town Board and say we are in an emergency situation with snow plowing because the one thing this Town Board is charged to do is to provide money for snow removal.

Reiter: What I'm trying to tell you is that \$45,000, I'm going to need in Nov. & Dec. for plowing...

Maslen: The point that I'm trying to get to you is this -- the one thing this Town Board is charged to do is to provide for snow removal. If we have not provided enough money in your budget to cover snow removal, then we are obligated, by Town Law, to take that money from wherever we can. When you find out that you're in a position where you have already spent -- whether it be for State or whether it be for the County or whatever, that's the time that you come to the Town Board and ask right then and there for those extra emergency monies.

Reiter: Here we are, because I'm going to need it for next fall.

Maslen: I don't have a problem with that at all. That is Town Law and we have to do that.

Ceretto: It should be one of cooperation.

Reiter: I'm trying to be as conciliatory and cooperative as I can. I've shown you my numbers. I've given you every bit of history. All I am asking is -- I need from the Board a feeling that when the time comes, you will allow me to transfer funds. If you will not allow me to transfer funds, then this is an exercise in futility. I might as well discuss it with three individuals, maybe four, five or six, and say "o.k. I have to lay you guys off because we are not going to make it thru the year."

Maslen: One of my concerns is that you have already jeopardized your general services. You're not supposed to take general service personnel monies and use it for snow plowing. We need to correct that. We need to do that and you need to give me the documentation to do that.

Reiter: That is not a problem.

Maslen: We have to cover that. Having said that, where will that leave you? Do you know where that will leave you?

Reiter: Not off the top of my head -- no. I can't be that specific. All I need -- that's the money I need to make it thru the year and keep all the guys that I have. If your concern is providing enough snowplowing and things of that nature, I need to know if I'm going to lay 3 or 4 guys off because when you do that, that removes 2 or 3 pieces of equipment off the road. It will mean an increased overtime burden and longer snowplow routes. I have to think about guy's rests and general safety... I have to know these situations now so I can plan for the rest for the year. I think I'm asking a fair question too.

Maslen: You are. But, I'm asking you this and I don't think you're understanding...

Reiter: I understand perfectly what you want to do. You want from me to go back and show where I took general service money and used it for plowing. I can do that. You will have that by Friday, but, if I run out of snowplow money, I have to ask what you will do for me in November and December.

Maslen: As I said to you, it is the responsibility of the Town Board to insure that the snow is removed.

Reiter: I think I should be congratulated then. I'm trying to find the funding within my total budget so you don't have to go outside the budget to other sources within the town or reserve. Whether it's general service personnel or snowplow personnel, it's still personnel.

Maslen: It's true, but you have to keep them separate... You felt you could take these monies you have in contractual and transfer them into payroll without jeopardizing the services for this town.

Reiter: Anything the Highway Department does has a three-part solution -- manpower, equipment and material. Manpower -- we are hurting right now money-wise. Equipment -- I haven't bought any equipment in two years. Soon, I will be hurting in that area. Materials -- I have plenty of that. I have been very careful this year. I'm not spending any more money that I have to... We have been doing our maintenance work as we should be doing... We've done everything that we're supposed to do. I'm not hurting any services. I've maintained my brush pickup. I've maintained my compost deliveries. Everything you've asked me to do as a Board I've done for you.

On a question posed by the Supervisor, Reiter said that brush pickup is funded out of his general services personnel budget. Only leaf pickup is allocated to the Brush & Weeds personnel budget. Maslen said she would change the name of the account from *Brush & Weeds* to *Leaf Pickup*, to reflect this.

Langlois asked to comment: We need to get back to fundamentals here. Town Law gives the Highway Supt. the responsibility of hiring the people to run his department and

present a recommended budget to the Town Board. The Town Board discusses this budget with the superintendent and modifies it according to how the Board views the work to be done and the finances available. During the budget sessions last fall, the Town Board determined that the Highway Dept. would no longer be helping with sewers -- we would contract those out; would no longer have any significant park work as the parks have already been built and would not be putting in any more pathways. Therefore, the Board allocated three less personnel in the Highway Dept. The Highway Supt. was told about this budget. He argued about it but the Board voted that budget and the Highway Supt. was told that his budget would support only three less people and that he needed to reduce his forces. This has not been done. It is obvious that funds for personnel will not be sufficient for the balance of this year. That is why this meeting is going on here. We also told you during the budget sessions that we would no longer allow you to not buy certain things that were budgeted in the contract lines and to transfer that to personnel. What you are proposing to do here is to cut half of your contract work and transfer it to personnel. We told you we would not allow that as it has been done in the past and that you needed to reduce your forces.

Reiter: You and Mr. Kilmer told me that. None of the other board members have told me that. Mrs. Maslen and I have talked several times and she said to try and work it out any way I could.

Maslen: You are absolutely right. It was your department and it was up to you to get the work done and work it out the best way you knew how... My entire object was to cut down on overtime. Unfortunately, unbeknownst to me, the skies opened up and we couldn't do that. It was not my intent to reduce staff. That is why I gave you the direction I did. It was your responsibility to do what you had to do to get thru this year. My hope was that you would be able to reduce overtime. It was not physically possible. Weather-wise, it was not possible.

Maslen said she has some questions on personnel, pertaining to rates & job classifications, but that they had to be discussed in executive session at a later time.

Kilmer: I'm not going to vote to move your contractual monies. I made that very clear to you. We let you do that last year. I have the minutes when we told you... It was a decision of the Board majority to reduce staff because we are not doing any special projects. You opted and said you would not lay people off and that is why you find yourself in this position. You chose to not lay-off, which is your authority under law. Where you see yourself today is simply your own fault and not this board's fault. I'm not going to let you push the blame on this Board. We made a decision. You chose not to follow it. If more than three peoples jobs are at risk, it's your fault, not this Board's fault. It's a shame that you didn't follow the Board's direction and put those men's jobs at risk...

Ceretto: I truly feel that under the budget constraints in October that the Highway Dept. did a wonderful job... It's been done in the past and whenever there is a transfer of funds we've done it... I hear it time after time after time from residents who move to this area that the services are great. I want to continue that. It seems at budget time when things get tougher and tougher that it is just a matter of cooperation and working together. I feel, just like you guys have done, that we can succeed. As for the transfers, it is the right thing for us to do as board members to accept Steve's challenge...

At this time, Ceretto MOVED to transfer the funds as needed so that the Highway Department will do its job for the community and continue to do whatever it has to do. There was no second.

Johnson: The Supervisor is going to check tomorrow with the County & the State for the extra money, as it is part of this presentation...

Evert: The figures that were presented are about two payrolls off. There is a discrepancy with year-to-date figures. It needs to be looked at.

Johnson MOVED to authorize the Supervisor, Highway Supt. and Finance Officer to sit down and work out the numbers so there would be enough money in the personnel lines to carry the Highway Dept. for the remainder of the year, without any lay-offs. Seconded by Ceretto for discussion.

Langlois: It's never pleasant to reduce personnel but it's very easy to add personnel. Every unit has this problem. It's one of the problems New York State has and it starts right with local governments. They are continually adding people and costs are going up. They never look at exactly how many people you're going to need to do the job and it's very difficult to lay-off when you have to. We looked at the workload and decided that we weren't going to increase the taxes any more than we had to. Taxes are going to continue to escalate unless we become more efficient with government. We decided, as a Board, that we didn't need three people in the Highway Department. That was going to have a savings of \$150,000 this year...

Johnson: There are a couple of things that concern me about any type of lay-off, especially with the union contract. 1) You have to pay the unemployment insurance and 2) there are contractual obligations -- if there is work in the town such as parks and other areas, that we might be obligated to do... Rather than think that we can get away with three less people and think we are going to get jobs done by outside contractors, we better look at the contract to make sure we are not putting ourselves in a vicarious liability-type situation where we're going to end up paying in the long run anyways and then have to hire the people back...

Reiter: ... You have to look at the contract very closely. There is what they call "exclusivity of work". The Highway Dept. has been involved putting sewers in. It is in their job description. If you contract that out, which I know you plan on doing, you could end up paying for guys sitting at home... I would be remiss if I didn't warn or advise the Town Board that that could cost you a lot more money in the long run... You're going to be paying half their salary in unemployment benefits. I would rather have the guy out there servicing the residents for an extra several hundred dollars...

Once again, Reiter said he is asking for a simple adjustment to his budget lines. "I'll stay within the total highway budget. I'm not asking for any extra funding."

Kilmer: The fact is, you went into this with the intent to not take the Board's direction. That's why I will not support the transfers... This is why you find yourself in this position. It is inappropriate for this Town Board to transfer \$84,000 in contractual money.

A call of the question resulted in 2 Ayes (Ceretto/Johnson) and 3 nays (Kilmer/Langlois/Maslen). Motion failed 2-3.

Maslen MOVED to reimburse the personnel line for the monies spent for snow removal as it comes in to this town. We have \$45,000 right now that can be put back into the proper personnel line. As the other monies come in, in excess of what we budgeted, it would be replaced by the money that was used. Seconded by Langlois.

Reiter: You basically told me to lay guys off. Even though we will reimburse those accounts, without the remaining transfers to be done -- that's only \$84,000. That is not going to make me get thru the rest of the year... I appreciate what you're trying to do here. I do appreciate that but all you are doing is forestalling the inevitable because that doesn't add up to enough money to pay the guys for a whole year... I was under the impression, and you (Maslen) and I discussed that at one time.... I thought that what you had told me was that if I could work it out... I thought that you understood that that meant that I would have to do some transfers...

Maslen: I want to act on this motion and then what I need to know is your actual savings. You've told me that you've done these other items where you expected to be at this time and where you actually are before I can make that other commitment. I don't want to jeopardize services. I want to be fair. You know that my biggest thing was overtime. I'd

like to see where some of these savings are. You have until the next board meeting where we could look at some of these things. I'll make that my commitment to you.

Motion carried 5-0.

Langlois MOVED to adjourn, Seconded by Johnson and carried 5-0. Time: 7:30 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk