

PRESENT: Deputy Supervisor Catlin; Councilmembers Bax, Marra, Palmer and Winkley; Town Attorneys Dowd and Davis; WWTP Chief Oper. Ritter; Building Inspector Masters, Highway Superintendent Janese; Town Engineer Smith, Police Chief Salada; Finance Officer Johnson; 2 Press; Approximately 23 Residents and Clerk Donna Garfinkel

Deputy Supervisor Catlin presiding over meeting; due to Supervisor Reiter taking a leave-of-absence, opened meeting, followed by Pledge of Allegiance and a moment of silent reflection.

TWO-MINUTE STATEMENT BY RESIDENTS

Deputy Supervisor Catlin asked if any resident wished to address the Board.

Glasgow, Paulette – 836 The Circle - Glasgow read the following statement: On November 5th, Lewiston residents voted for change. They were tired of the wasteful spending and having their money handled irresponsibly. They not only voted for a change in the Supervisor's office but they voted for a change of attitude.

Last Monday, this Board approved the 2014 budget. What was said at that time was that the budget was trimmed down to bare bones and if spending wasn't watched the Lewiston taxpayer would be looking at a town tax in 2015. What was also said was that in order to curb spending no new positions would be created. Because of this, Mr. Ritter, Mr. Janese and Mr. Nablo were denied the funding of any new positions in 2014.

Well, gentlemen, I guess you were all hoping the public won't ask for a copy of the approved 2014 budget and turn to page 3 and discover that you lied to them. Because what they discovered on page 3 was a newly created position – Internal Claims Auditor at a salary of \$43,679 plus benefits. Also, I think you all hoped the public won't do research regarding this position prior to this evening. And that's where you made your mistake, because the public did.

This afternoon, the public spoke with Niagara County Civil Service regarding this position. Civil Service informed the public that this position of Internal Claims Auditor doesn't exist within any Niagara County governmental entity. It doesn't exist in any Niagara County city, town or village. The only place this position exists in within school districts. The only school district where this position exists is the Lewiston Porter. The individual that presently occupies this position is part-time with no benefits. She comes in once a month and is paid \$1,500 for the entire year.

So I'm wondering why none of you informed the public you were creating a \$43,000 plus position especially after informing the public that no new positions were being created. I'm wondering why you are willing to pay someone over \$43,000 to do a part-time job, when someone is presently doing that job for \$1,500 per year. I'm wondering why there is a need to create so many new positions in the finance office at a cost of over \$100,000 plus benefits. And finally, I'm wondering if this specific position was budgeted for a specific person.

As a taxpayer who pays each and every one of your salaries, I would hope I get an answer to these questions real soon. And while you are looking for answers please inform me how a part time junior accountant is receiving benefits when no other part time town employees have been extended that courtesy.

The elimination of wasteful, irresponsible spending, that's what Lewiston residents voted for on November 5th. I would hope each of you would give them what they voted for by not funding this position and by looking for other line items and cut the budget.

Helmich, Helen – Ransomville Road – Helmich is a taxpayer in the Town of Wilson, Porter and Lewiston and is opposed to giving any more taxpayer dollars to RRG for what they are doing.

It is understood that \$200,000 to \$400,000 has been spent on lawyer fees to a Mr. Abraham. Helmich would like to know what has been accomplished with these dollars and what benefits have been provided to Niagara County residents. Helmich would like to know what the criteria was for giving RRG this money. Is there a set of rules or can anybody come to you and get

lawyer money? There are lawyers in Niagara County and in the Town of Lewiston so why should Mr. Abrahams be called in and what county is he from.

Jolbert, William - 4235 Williams Road- Jolbert congratulated those who were re-elected, and ask that they follow through with their promises to protect the citizens of Lewiston. You will be held accountable.

Jolbert thanked Quasar and Advanced Design Group for waking him and many residents up to what is happening and occurring in the Town of Lewiston, specifically with the Boards that are presently in place.

All the residents of Lewiston requested the Town Board create more transparency with the resident Boards and hold them accountable for their actions. There is no system in place to do that. Members of the Boards are not located on the web-site. This should be public record.

As residents, we need your help to protect us from predator companies. Jolbert is here to ask for the Boards help. Board/Commission agendas are set two weeks in advance. By the time it is put in the paper or the web-site, it is less than a weeks notice that residents have a chance to protect themselves and address the Board.

APPROVAL OF AGENDA

Following items added to agenda: Catlin: Lighting contract, GPS on parks vehicles, and purchase of a plotter. Winkley: Police personnel.

Bax MOVED to approve the agenda as amended, Seconded by Palmer and Carried 4 – 0.

APPROVAL OF MINUTES

Marra MOVED to approve P.H. – 10/21/2013; RTBM – 10/28/2013; Budget Worksession – 11/4/2013; P.H. – 11/4/2013, Worksession – 11/4/2013; Budget P.H. – 11/7/2013 and Budget Meeting – 11/18/2013, Seconded by Bax and Carried 4 – 0.

POST AUDIT PAYMENT

Marra MOVED to approve the following Post Audit Payments: Home Depot - \$724.40; Sam's Club - \$637.73; Key Bank - \$3,515.45; DeLage Landen - \$116.10; EBS-RMSCO, Inc. - \$800; Guardian Life Insurance Co. - \$4,431.60; Leaf - \$656.86; Office Max - \$187.75, Seconded by Bax and Carried 4 – 0.

OLD BUSINESS

Several tabled drainage issues have been addressed. There are more and Bax and Janese will continue to determine if they are benefits of the Town or if they are individual drainage.

Approval of Town Standards and Town Code – Water Dept. Catlin requests Supervisor Elect Brochey have an opportunity to get involved.

Winkley MOVED to table the approval of Town Standards and Town Code – Water Dept. till 2014, Seconded by Bax and Carried 4 – 0.

NEW BUSINESS - No Correspondence

DEPUTY SUPERVISOR CATLIN

Set Final Audit Meeting.

Marra MOVED to schedule the Final Audit Meeting for December 27, 2013 at 2:00 pm, Seconded by Palmer and Carried 4 – 0.

Legacy Drive Site Plan

Dowd spoke to the Town Engineer regarding his walk-through. The code requires once building plans are submitted, and the developer has indicated they are prepared for the road dedication, this can be approved.

The developer has requested Lannon, Engineer CRA, Building Inspector and the Highway Dept. to look at the improvements to see if the road can be taken by dedication.

A punch list was given to Mr. Massaro by CRA (letter dated 11/20/2013). Some of these issues can be addressed if the Board wishes. 1) Roadway signage – Highway Superintendent to purchase and install with the costs being charged against the escrow account. 2) Roadway sealing – needs to be sealed in the spring of 2014. It was suggested an additional escrow account be established for payment. 3) Project Record Drawings – drawings submitted are not record drawings. CRA will add record information to drawings and charge this to the escrow account. 4) Sanitary & Storm Sewer condition – the sewers must be assessed prior to dedication. 5) Sidewalks – no sidewalks have been installed to date. There would need to be an additional escrow account.

Sidewalks were originally shown on the approved site-plan, and are part of the road dedication. The developer does not believe this was a good idea and may petition the Town to waive this requirement. The Engineer suggested an escrow be set aside for this.

Sewer testing needs to be completed to make sure they are functioning properly.

Currently there is \$40,000 in escrow to pay for a many items, but it is not sure if that would cover all. The Board needs to decide whether or not they want a conditioning approval on the road dedication.

In regards to the recreation fee, there is a green-area, or park area that was set aside as part of the sub-division plan. It is not clear if this area was in lieu of the recreation fee.

Bax asked if the motion should be: conditional approval conditioned upon the appropriate escrow to be negotiated between the Town Attorney and the developer's attorney; department head approval on all punch list items; mandrel test; completion of stone road, and escrow for paving of road. Dowd said that is correct.

Dowd said it wouldn't be inappropriate to do a conditional approval of the road dedication and just not record it till those items are met.

Janese said Mr. Massaro was willing to seal the road a month ago, but Janese suggested, with the weather conditions he will wait till 2014.

Bax MOVED to conditionally approve the dedication of Legacy Drive,

Charles Ritter, Attorney for Massaro requested to address the Board.

A memorandum of understanding was signed in August, 2013 for the temporary road (stone road). There is a concern if the stone road meets specifications. The width of the road should be wider. Mr. Massaro will widen.

A \$40,000 escrow has been established for road signage and roadway sealing.

The project record drawings are not a condition any more; as-builds have been submitted. In regards to the sewer line collapsing; Atty. Ritter is not sure where this came from. The mandrel test will be done and should be returned within the week.

The estimated cost of the sidewalks is \$44,000. These dollars will stay in an escrow account until either the sidewalks are installed or there is an amended site-plan that eliminates them.

Winkley read from a letter, \$20,000 for recreation fee. It says 10% of the area of the land. Mr. Massaro said there is an area, about 10% – 15% of the total acreage of the development that is designated for recreation that is shown on the original site-plan that was approved some 7-years ago. It is not clear if this property is in lieu of the fee.

Lannon said nine (9) streetlights exist in the right-away. If site-plan is amended it is suggested they be removed. Atty. Ritter said this can be done.
Palmer said the Board is concerned that a lot of issues that there are no answers to, and might be better served to do at the next meeting.

Attorney Ritter said the applicant is in no way trying to cut corners. The requirements in CRA's letter of Nov. 20th will be met. There is almost \$90,000 in escrow. \$40,000 in an escrow with the Town and \$44,000 is in an escrow account with Attorney Ritter.

Catlin asked Masters if the 20-foot stone road meets the Town fire code. Masters said not today.

Bax MOVED to conditionally approve the dedication of Legacy Drive, subject to the conditions in CRA's letter dated November 20, 2013, 1) Roadway Signage; Roadway Sealing; Project Record Drawings; Sanitary & Storm Sewer Conditional Assessment; Sidewalks and Miscellaneous Water Items; continued improvement of stone road; agreement to remove 9 street lights out of right-of-way,

Dominic Massaro asked to address the Board. This is a two-step process. Massaro has been working with Mr. Lannon and Mr. Masters to the best of his ability to make this happen. The stone road is a temporary access road for emergency access that it is hoped will never be used.

Legacy Drive is 24-feet wide, paved access road and that is the logical way that any emergency vehicle from the Village or the Town would come into the condominiums at Legacy. The stone road has been constructed to the 20-foot dimension that is required under the memorandum with the Town. If it is required to be widened at the end locations, this can be done.

Massaro agrees with Mr. Janese to do the sealing of the roadway in the Spring.

Video evidence of the total pipe line, storm and sewer, within the road right-of-way, will be done next week and provided to the Town. Massaro would rather do with a video camera because a mandrel is pulled through the line, if it comes to a blockage a camera is used anyway.

Once the road is dedicated, Massaro will work with Mr. Masters regarding building issues that need to be addressed for Certificates of Occupancy for the condos.

Massaro assures the Board the road is perfect and the piping will be shown to be in great shape. Massaro has lived two blocks from the site for 20-years and is committed to making this a beautiful project for Lewiston.

Massaro respectfully requests the Board approve the dedication of Legacy Drive with limited conditions and allow him to work with Mr. Masters toward occupancy permits for the buildings.

Seconded by Winkley and Carried 4 – 0.

ENGINEERING

The in-house engineer is requesting the purchase of a plotter. This is used to make town maps and can be used by all departments. Grant writer is looking into a possible grant.

Winkley MOVED to allow the in-house Engineering dept. to purchase a plotter, not to exceed \$12,000, Seconded by Marra and Carried 4 – 0.

Smith updated the Board on several ongoing projects. The Modern truck wash waterline PIP will commence during the week of December 2nd.

The Sanborn Sewer Extension project is complete and correspondence shall be sent to residents outlining their responsibility to tie-into the new system.

FINANCE

Johnson said several town buildings have undergone a lighting review. The Town Hall remains. National Grid has come with a proposal. National Grid will pay 70% and the Town will pay

30%. The amount is \$3,954.54, with an estimated savings of 35,000 kilowatts which is about \$4,000/year on outside lights. Funds would come from the Power Allocation account.

Bax MOVED to authorize Mr. Johnson to sign a contract with Lime Energy for lights in the Town Hall parking lot, Seconded by Palmer and Carried 4 – 0.

Johnson addressed the resident's comment regarding employee positions in the WPCC & Highway budgets. Money has been budgeted for their requests for the additional positions. Janese is working things out with the teamsters, and Ritter will be replacing a position left vacant in 2013.

HIGHWAY

Approval of 2013 – 2014 County Snow & Ice Contract

Bax MOVED to authorize Highway Superintendent Janese to sign the 2013 – 2014 County Snow & Ice Contract, Seconded by Marra and Carried 4 – 1.

Highway Dept. finished paving jobs on over 11-miles of road in the Town and thanks the Board for the funds. Two new snowplows have been delivered. Brush and leave pick-up is a bit behind.

Janese receives several complaints regarding dangerous trees located in the greenspaces. Can the Board, on a case by case situation, authorize Janese to take care of these trees? Some are dead and are nothing but a nuisance.

Palmer MOVED to authorize Highway Superintendent Janese to take care of dangerous trees located in the greenspaces, Seconded by Bax and Carried 4 – 1.

In regards to the Riverwalk drainage issues, Janese would like to get two competent site contractors to give the Town a real idea of what has to be done. The Town is spending money on engineering and it is solving nothing.

Winkley questioned Catlin if he discussed with CRA the Riverwalk engineering? Catlin said no.

Janese said three designs have been done to lay the pipe. The pipe is flat and it can't be cleaned. It is extremely expensive, which mean if it does silt-in, in two or three years it will need to be replaced.

The other issue is the "retention pond". This is just a stagnant pond in the summer; with no inflow or outflow on a steady basis. Catlin and Janese will work on this together.

Palmer said all we have been doing is talking about it and never do anything. It seems the Town is afraid to move forward with a plan.

Smith wants to clarify with Mr. Janese's opinion on the pipe. It is new technology widely used pipe. This is a very hydraulically sensitive area and is extremely flat. Getting the discharge location is the greatest challenge in the project.

The DOT has used this pipe on various jobs, most recently on Route 219. It can be cleaned and it will not collapse under proper foundation.

Johnson has an invoice for 360-feet of 8-inch pipe for this project. If it is not going to be used it needs to be returned. Catlin will let Johnson know tomorrow.

WATER DEPARTMENT

Former Bob Nablo is asking permission to purchase 500 Badger Meters. Letters were sent out to distributors to bid on 500 Badger Orion water meters registers. The Town received one bid from Lock City Supply of Lockport. Nablo asks the Board to accept their bid.

Marra MOVED to accept the bid from Lock City Supply for 500 Badger Meters in the amount of \$69,740, from account H-97, Seconded by Palmer and Carried 4 – 0.

Catlin met with Grant Writer Rotella and he will search for possible grants for future purchases.

Johnson has been communicating with P2 Telecom, LLC regarding the phone system in the Town Hall. They would like to update the Board at the December 9th meeting.

PURCHASE OF VEHICLES

The Village of Lewiston sold the Town two vehicles.

Marra MOVED to purchase an F-150 Ford pick-up and a Chevy 3,500 Dump Truck at \$1.00 each, Seconded by Palmer and Carried 4 – 0.

VEHICLE SALVAGE

The following Parks Dept. vehicles need to be declared obsolete and scrapped:

1994 Chevrolet Dump Truck - 1GBHC34K5RE287511

1999 Chevrolet Pickup - 1GCEC19V6XE244279

1989 GMC Pickup - 1GTGR33K8KF701145

Marra MOVED to declare the following three vehicles obsolete and scrap, 1994 Chevrolet Dump Truck; 1999 Chevrolet Pickup and 1989 GMC Pickup, Seconded by Bax and Carried 4 – 0.

Glen Caverly to have vehicles taken to scrap yard and have check written to the Town of Lewiston.

GPS UNITS FOR TOWN VEHICLES

Verizon has a GPS system they claim can save fuel, know where the vehicles are and helps in navigation. Dashineau has six vehicles he is interested in installing this in. This will help with personnel management.

The Town purchases the equipment, and there is a fee of \$26/month for each vehicle. This would be up to each department head and the Board.

Bax MOVED to table for the December 9, 2013 Town Board Worksession, Seconded by Palmer and Carried 4 – 0.

Janese requested meeting with the Town Board in executive session to discuss personnel.

COUNCILMAN MARRA

Appointment to Assessment Review Board

Marra MOVED to approve the appointment of Barbara Carter to the Assessment Review Board for the term period of October 1, 2013 to September 30, 2018, Seconded by Bax and Carried 4 – 0.

COUNCILMAN PALMER

At the last Board meeting, a street light request for the corner of Swann and Harold Road was forwarded to the Lighting Committee. The Committee states there should be a light there.

Palmer MOVED to propose a resolution for a street light at the corner of Swann Road and Harold Road and forward to National Grid, Seconded by Bax and Carried 4 – 0.

Palmer wished to clarify a statement from a resident in regards to the budget. Palmer and Marra had the opportunity to meet with Supervisor Elect Mr. Brochey and discussed the budget. The Supervisor has appointments available to him as of January 1st. The deadline for the budget was approaching and a decision needed to be made.

During the course of the budget process, it was uncovered that purchases were made, throughout the Town, on items the Board would have liked to have known about and possibly go out to bid. Money had been placed into a budget line for Internal Audit Control, not necessarily the creation of a position. It was stated the Board created the position, which is not the case, a budget line was funded. This could be used for an outside auditor.

A lot of flexibility was built into the budget with this, and a lot of it depends on what the Supervisor Elect decides to do with his appointment.

Palmer said there was no kind of conspiracy, but to save the Town money.

COUNCILMAN BAX

The most clarifying part a Board members job is when the audit is done at the end of the month. Each Board member approves vouchers, sometimes greater than a million dollars worth of expenditures, on a rotation basis. The vouchers sometime go into detail, but most of the time are just have line items.

The audits are provided to the Board on Thursday or Friday, so they are audited over the weekend, therefore there is very limited access to personnel to clarify any questions there maybe.

To help tackle the frustration of coming in Monday morning and asking the questions, the Board conceived to having a person look over the vouchers and provides some background.

The request for clarity and transparency in town government will be able to provide more of that with more eyes on the bills.

COUNCILMAN WINKLEY

It has been recommended by the State that Lewiston improve its internal audit control, and that is what the Board is trying to do.

Winkley MOVED to approve the addition of Mark Williams Jr., 2800 Upper Mountain Road, to the Sanborn Fire Company, Seconded by Bax and Carried 4 – 0.

Winkley MOVED to approve the hiring of Justin Palumbo, Part-time Police Officer, Seconded by Marra and Carried 4 – 0.

Bax MOVED to enter into Executive Session to discuss personnel, Seconded by Marra and Carried 4 – 0. (7:15 pm)

Executive Session

PRESENT: Deputy Supervisor Catlin; Councilmembers Bax, Marra, Palmer and Winkley; Town Attorneys Dowd and Davis; Glenn Caverly, Andrew Meyers and Supervisor Elect Dennis Brochey

Discussion on highway personnel regarding health insurance, vacation days Contractual – CRA and SEQRA work.

Winkley MOVED to exit Executive Session, Seconded by Marra and Carried 4 – 0.

Palmer MOVED to approve the Highway employee, M. Cantara receive health insurance, post early retirement and 10 additional vacation days, Seconded by Bax and Carried 4 – 0.

Winkley MOVED to adjourn, Seconded by Marra and Carried 4 – 0.

Respectfully Transcribed and Submitted By,

Donna Garfinkel
Deputy Town Clerk