

April 28, 2014 Public Hearing #1

5:30 P.M.

Present: Supervisor D. Brochey; Councilman A. Bax, W. Conrad, M. Marra and R. Winkley; Attys. M. Davis & B. Seaman; Finance Officer P. Kloosterman; Internal Claims Auditor M. Johnson; 2 Press and Clerk C. Schroeder

Also Present: Fire Inspector Pat Martin

The Supervisor opened the first public hearing. The Clerk read the legal notice into the record:

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Lewiston, on the 28th day of April, 2014 at 5:30 p.m., at the Town Hall, 1375 Ridge Road on a proposed contract with the Ransomville Fire District for the furnishing of Fire Protection Services to the Town of Lewiston Fire Protection District. Said contract is for a period up to and including December 31, 2015 and is for a sum of \$32,580 per year.

By Order of the Town Board, April 14, 2014

The Supervisor asked for public comment. There was none.

Winkley MOVED to close the public hearing. Seconded by Bax and carried 5-0. Time: 5:35 p.m.

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Public Hearing #2

5:45 P.M

Present: Supervisor D. Brochey; Councilman A. Bax, W. Conrad, M. Marra and R. Winkley; Attys. M. Davis & B. Seaman; Finance Officer P. Kloosterman; Internal Claims Auditor M. Johnson; 3 Press and Clerk C. Schroeder

Also Present: Fire Inspector Pat Martin

The Supervisor opened the second public hearing. The Clerk read the legal notice into the record:

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Lewiston, on the 28th day of April, 2014 beginning at 5:45 p.m., at the Town Hall, 1375 Ridge Road, to consider a local law amending Section 360-160 of the Town of Lewiston Town Code. The amendment would give the Town Board the power to remove any Planning Board member for non-compliance with minimum requirements relating to meeting attendance and training required pursuant to New York State Town Law 271. A copy of the entire text of the law is on file in the Town Clerk's office where it may be examined during normal business hours. All persons of interest will be given an opportunity to be heard.

By order of the Town Board, April 14, 2014.

The Supervisor asked for public comment. There was none.

Bax said the Town Board and the Town Attorney had a conversation at the last meeting whereby they were trying to define the actual perimeters upon which the Town Board would have purview to take action against any of the members of the Planning Board. That threshold would be a modification to the proposed law as published. We would have to keep this hearing open until our next board meeting.

Atty. Davis recommended the language specifically specify "failure to attend three-quarters of scheduled meetings."

Bax MOVED to amend the text of the law as presented with the language stated by Atty. Davis and adjourn the public hearing until May 12. Seconded by Conrad and carried 5-0.

Present: Supervisor D. Brochey; Councilman A. Bax, W. Conrad, M. Marra and R. Winkley; Attys. M. Davis & B. Seaman; Finance Officer P. Kloosterman; Internal Claims Auditor M. Johnson; 3 Press; 1 Resident and Clerk C. Schroeder

Also Present: Fire Inspector Pat Martin

The Supervisor opened the third public hearing. The Clerk read the legal notice into the record:

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Lewiston, on the 28th day of April, 2014 beginning at 6:00 p.m., at the Town Hall, 1375 Ridge Road, to consider a local law amendment to Chapter 130 of the Town Code: Said Local Law updates the Fire Prevention Code of the Town of Lewiston to ensure compliance with The Fire Code of New York State. The Local Law requires the Bureau Fire Inspectors to conduct inspections on multiple dwellings and all non-residential occupancies at least once every three years. Further, the Local Law requires the Bureau Fire Inspectors to inspect buildings that contain an area of public assembly at least once per year.

In addition, said Local Law amends Section 1.9 of the Fire Prevention Code to require operating permits for buildings that pose a hazardous risk as defined in said law. Further, said Law requires the building to be inspected prior to the issuing of a permit. Said Local Law also provides that the operating permit may apply to more than one hazardous activity, may be reissued, renewed or revoked.

A copy of the entire text of the law is on file in the Town Clerk’s office where it may be examined during normal business hours. All persons of interest will be given an opportunity to be heard.

By order of the Town Board, April 14, 2014.

The Supervisor asked for public comment. There was none.

Atty. Seaman said the proposed law would bring the Town Code in compliance with requirements in the State Code.

Winkley MOVED to close the public hearing. Seconded by Conrad and carried 5-0. Time: 6:05 p.m.

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Present: Supervisor D. Brochey; Councilman A. Bax, W. Conrad, M. Marra and R. Winkley; Attys. M. Davis & B. Seaman; Finance Officer P. Kloosterman; Internal Claims Auditor M. Johnson; 3 Press; 10 Residents and Clerk C. Schroeder

The Supervisor opened the fourth public hearing. The Clerk read the legal notice into the record:

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Lewiston, on the 28th day of April, 2014 beginning at 6:15 p.m., at the Town Hall, 1375 Ridge Road, to consider a local law amendment to Chapter 250 of the Town Code: Said Local Law amends Chapter 250 of the Code of the Town of Lewiston and makes it unlawful to act as a hawker, peddler or solicitor without first obtaining a license to conduct the activity in the Town of Lewiston, outside of any incorporated Village. Said local law requires every applicant for a license to hawk, peddle or solicit to provide detailed information on a written application to the Town Clerk. Further, said local law requires that any vehicle used in support of hawking, peddling or solicitation to have the name of the licensee and his address plainly displayed in letters and figures at least two inches in height on the dashboard of the vehicle. The law also requires every licensee to carry the license at all times and exhibit said license upon request of a police officer or citizen.

The law prohibits an applicant from reapplying for another license within twelve months from the previous rejection or revocation unless the reason for rejection or revocation no longer exists. Said local law also establishes a yearly \$100 fee for a hawking, peddling or soliciting license and a fine up to \$150 or up to 15 days incarceration for any violation of the local law. Lastly, said local law prohibits a licensee from falsely or fraudulently misrepresenting the quantity or quality of any goods or services sold. Licensees must also keep vehicles and receptacles being used in a clean and sanitary condition and any food must be covered and protected from dirt, just and insects.

A copy of the entire text of the law is on file in the Town Clerk's office where it may be examined during normal business hours. All persons of interest will be given an opportunity to be heard.

By order of the Town Board, April 14, 2014.

The Supervisor asked for public comment. There was none.

Winkley MOVED to close the public hearing. Seconded by Conrad and carried 5-0. Time: 6:18 p.m.

Present: Supervisor D. Brochey; Councilmen A. Bax, W. Conrad, M. Marra, and R. Winkley; Eng. R. Lannon; Attys. M. Davis & B. Seaman; WPCC Ch. Operator J. Ritter; Police Chief C. Salada; Building Inspector T. Masters; Finance Director P. Kloosterman; Claims Auditor M. Johnson; Highway Supt. D. Janese; Water Maintenance R. Nablo; 3 Press; 30 Residents and Deputy Clerk C. Schroeder

The Supervisor opened the Regular Meeting.

The Supervisor led the Pledge of Allegiance followed by a moment of silent reflection.

AGENDA:

Additions:

Winkley: Water Dept.

Marra: Building Inspector

Bax MOVED the agenda, as modified. Seconded by Marra and carried 5-0.

PUBLIC HEARING ACTION:

1) Ransomville Fire District

Winkley MOVED to approve a contract with the Ransomville Fire District for a period up to and including 12/31/2015 for a sum of \$32,580 per year. Seconded by Bax and carried 5-0.

2) L.L. Amending Section 360-160, Planning Board

Winkley MOVED to table. Seconded by Marra Bax and carried 5-0.

3) L.L. Amending Chapter 130, Fire Prevention Code

Winkley MOVED to approve the amendments to the Fire Prevention Code to comply with NYS standards. Seconded by Bax and carried 5-0.

4) L.L. Amending Chapter 250, Hawking, Peddling & Soliciting

Conrad MOVED to re-peal Chapter 250 and enact the new language in its place. Seconded by Marra and carried 5-0.

The Supervisor opened the two minute statement period.

RESIDENTS STATEMENTS:

Ronald Catchpole, 4888 Townline Road, said he has complained since 2006 about the increase in truck traffic on Route 429. No one seems to be enforcing the speed limit with the trucks. I see people in passenger vehicles constantly getting tickets. None of the commercial vehicles get tickets. I have everything on tape. Today I saw one officer out there at 10 am. Five minutes later he was gone. I saw the trucks come down the road at 65 mph. Nothing seems to be getting done.

Chief Salada: Since the last time we've spoken several months ago, I've had a car up there every single day. Townline Road is getting more attention than any other road in the Town of Lewiston, or Village, at this time. As far as the trucks speeding, we can only see what we see when we are up there. While we are up there the trucks are not speeding. We're seeing the cars speeding. Trucks always appear to be going faster than what a smaller vehicle does... I use the resources I have. Along with traffic, we're responsible for covering 64-sq. miles of this Town for everything else that occurs. We're doing our best. It is a State route. You also need to share your criticisms with the Sheriff's Dept. and the State Police.

Mr. Catchpole said he was told by the Sheriff's Dept. that since they don't have a contract with the Town, they won't enforce it.

Conrad said he responded to Mr. Catchpole's complaint by email. He will get some contact information from the State and/or Sheriff's office and to try and address this issue.

Bax: I think everybody shares the same sentiment. We're very concerned with truck traffic. We're very concerned with the noise pollution and air pollution. Your concerns are legitimate. Chief Salada is doing the best he can. The problem he has is that he does not have the cooperation of other agencies... We're trying to make inroads to getting a traffic officer for the Town of Lewiston. That being said, there are a lot of loopholes that we need to facilitate in order for that to come to fruition.

John Camp, Chairman of the Board, Artpark: I'm here tonight to set the record straight about some of the information that has been communicated in the paper and talked about at prior meetings. I understand there is a decision to be made about re-directing the Modern tipping fees away from Artpark. Although the Town is within its rights to reallocate the funds, I'm here to make the appeal for Artpark.

First of all, let me set the financials straight. Artpark has received roughly \$100,000 - \$120,000 per year for tipping fees. Those are specifically designated for family programming which is a loss overall for Artpark. In 2013, our costs for running family programming was \$500,000. Our revenue before the tipping fees was roughly \$300,000. With the tipping fees included, we still lose \$100,000 on our family programming. This is business as usual. It happens every year. We use other revenues from the park to offset those family programs. We believe that family programming is essential to our Mission's Statement and we have a commitment to continue family programming. We are hopeful the Town will reconsider the re-allocation of the Modern tipping fees because Artpark did intend to benefit based on the contract that was signed between the Town and Modern years ago.

It has been quoted in the paper that Artpark made \$1.3 million. That is not true. Generally our budget is to break even every year. Between revenues and expenses, that is somewhat risky. Particularly, a lot of our concerts are outside venues. If it rains we lose attendance. In no way shape or form have we ever made \$1.3 million in a given year. Our financial statements showed a decrease of our assets of \$45,000 last year. Artpark does not have deep pockets. It was made clear that the Town was concerned about the police overtime. I had a meeting with the Supervisor and Mayor of the Village on Feb. 6 and offered to pay all the true out-of-pocket expenses for police and other real costs that go to support Artpark's concerts. At that time, it was given to me that there was some \$55,000 of estimated expenses, \$30,000 of that was police overtime and the other \$25,000 was fuel costs, which was difficult to understand seeing that traffic protection doesn't involve riding in police vehicles. I again reiterated my position that we would pay for all true out-of-pocket expenses. We just need to have some reasonability to what those charges are. We will present them to the Artpark Board. Artpark is committed to reimbursing them. We are willing to be a good partner with the Town of Lewiston. The Town has been a good partner to Artpark over the years. We certainly thank you for the support. The tipping fees are very helpful for family programming which many of your residents enjoy the benefits of. You have also dedicated some of the Greenway money to capital improvements to the Park. We are not using that to fund our on-going operations. Again, I just wanted to set the record straight in terms of the numbers. Obviously, there are some tough decisions to be made. I don't question the financial condition. I don't know the details of it. Artpark does bring some ten million dollars of economic benefit based on its operations. We are an asset to the community overall. I just want that to be recognized in the decision making process as well as the true facts of the matter with respect to the expenses and the monies Artpark receives.

Conrad asked for a clarification to the term "decrease in assets".

Camp: I'm quoting out of the financial statement. That is the way financial statements are prepared for non-profit agencies. You look at the revenue we generate and the expenses and the other sources of revenue, i.e. tipping fees and other funding that we get. The net of all of that was a \$45,000 loss. That is a cash number. It does not have

to do with depreciation... The \$1.3 million, if someone did see that in the financial statement, we did have an increase in our assets by a substantial amount. As you know, we invested heavily in re-designing the Amphitheater. We fenced in the Amphitheater in response to concerns of the Village and Town residents of too many people coming to Artpark. We limited the number of people to 10,000. We invested considerably to making the park better. If it looked as though our assets were going up \$1.3 million that is because we received grant monies to fund some of those capital improvements. That would account for that anomaly in our financial statements.

Brochey: Yes, I am the “Bad Guy”. My heart is in the Town of Lewiston. Yours is with Artpark. Some of my numbers I got from Mike Johnson are somewhat higher than yours. The estimate you got from Chris Salada of \$29,000 was just a throw out number. Since then Paul Kloosterman has put together some numbers. He took the number of all employees who worked those Tuesdays and Wednesdays in 2013, a very small percentage for the gas, and wear & tear on the cars. His numbers come out to \$68,000 including the Village’s cost.

Winkley said this is the time for residents to comment. Artpark is on the Agenda later for discussion.

Paulette Glasgow, 836 The Circle: As one of the original Councilman that negotiated the Modern Agreement that created the tipping fees, I would like to know when that specific sentence was put in the contract that the money is taken from Artpark and given back to the Recreation Center. When we negotiated that contract, that line was not in. The heart of that negotiation was that 1/3 of the money from the tipping fees was to go to children’s programing at Artpark exclusively; 1/3 was to go to the Town Recreation program; and 1/3 to the Town coffers. Somewhere along the line someone has tinkered with this contract and did not inform the public. To be honest with you gentlemen, I’m a little bit upset because I was the original negotiator on that. I would like the Town to look into that.

Norm Machelor, 442 Plain Street: The truth is, Artpark is an asset to our Town. When you get into these numbers, especially accounting statements, they are not really what you have to look at. You have to look at cash. How this affects our Town and how much money we should have in order to provide the services that Artpark needs. It’s a symbiotic relationship. The Town needs to have the revenue that Artpark generates for its merchants and we need to pay these expenses. When you read in the paper all of these numbers, I say to myself, those numbers do not make any sense. I don’t know what they mean. As a councilman pointed out assets are a number on a piece of paper. They do not mean anything to you and me. It is an accounting transaction. I would like to think that the Town Board would get together to decide what the Town needs in order to function like it should with Artpark here. Let’s see if we can get an agreement that is not negotiated in the paper to keep everybody happy – both sides. If we have to do it in public that is one thing but I think there is an awful lot that can be done without doing this in public.

Ron Craft, 105 N. 4th Street: I’ve also been looking over some numbers after a certain article in the Sentinel a couple of weeks ago. I was at the Village meeting the other night and I wanted to know why the Village has to pay \$284,000 for its share of the Police Budget. Youngstown, which has 700 people less than we do, pays \$80,000. Our budget for this Town is \$1.2 million for the police. Wheatfield has 2,000 more residents and has 2 part-time officers. Somewhere along the line we have to make some really tough decisions. I don’t like to see money taken away from Artpark. You’re also starting to take money away from the Arts Council – entities that brings people into this Town to allow people to pay their taxes, especially the restaurants. I don’t want to wind up like Lockport. They can’t afford concerts. Why? Pensions. I know for a fact from the inside and it’s been on the table that Voutour (Sheriff) would take the police over and take it out of our hands... You’re either going to have to make the tough decisions or we’re in trouble. It’s strictly money. You’re supposed to be looking after us first. Then you look after the help.

Tod Davidson, 375 N. 2nd Street: I've lived in the Village of Lewiston for the last 54 years. Our community is about quality of life. Artpark has been a quality of life burden and an economic burden. The only venue that this community brings in and doesn't present a platform for is the Peach Festival. The Kiwanis of Lewiston pay for their security on the field. They are the only one who does that. Why doesn't Artpark?

MINUTES:

Bax MOVED to approve the minutes of 3/24/14 (Joint T/V Meeting). Seconded by Marra and carried 4-0-1 (Conrad Abstained).

Bax MOVED to approve the minutes of 3/24/14 (RTBM) and 4/3/14 (Special Meeting). Seconded by Marra and carried 5-0.

POST-AUDIT:

Bax MOVED for approval of post-audit payments to Home Depot - \$962.64; Sam's Club - \$619.52; Decatur Electronics, Inc. - \$50,215.00 and DeLage Landen Financial - \$116.10. Seconded by Marra and carried 5-0.

OLD/PENDING BUSINESS:

1. Maintenance of Town Greenspace: Marra said this is something that the attorneys have been looking at. It is a varied and complex issue. The liability is something they are looking at. Atty. Seaman said he would be leery of coming up with a "blanket" procedure for handling the maintenance of greenspace at this point, as there are different types of greenspace – big, large open tracts of woods or small spaces along residential property. I think it would be wise to first catalog what is out there and then decide how the Town is going to handle the maintenance. In the meantime, any dangerous situation should be addressed immediately.

2. Drainage – Swann Road (Becken Farms): Bax said this is a request to have the ditches cleaned on property on Swann Road, SBL#75.00-1-28.211. This is an issue that is continuously under investigation. Councilman Conrad, along with the Highway Supt. drove around the Town looking at a number of properties with drainage issues. The properties that are in the R.O.W. are being taken care of by Supt. Janese on a regular basis. That being said, **Bax MOVED to table and re-visit at the next meeting. Seconded by Conrad and carried 5-0.**

3. Fund Transfer – Rotella Grant Management: The Supervisor deferred to the Finance Officer. Mr. Kloosterman said the Grant Writer, Bernie Rotella is requesting a rate of \$1,000 per month, as opposed to the current \$900. As a compromise, he would drop the 2% incentive bonus for all future awarded grants. Kloosterman said \$10,800 was allocated in the 2014 Budget. He would have to do a fund transfer of \$1,200 to cover the additional cost. This would come from the contingency account, B-1990-0400 to B-8095-0400.

Winkley said they budgeted \$900. If he obtains a grant he gets 2%. All of a sudden if there are no grants available, we're losing money. We're putting his pay in his own hands. That is what we're doing. When you put in a 2% incentive they are usually more motivated to get more grants.

No action was taken.

4. Artpark Discussion: After the last worksession, the Finance Director sat down with Chief Salada and Lisa Rizzo of the Police Dept. and put together a cost analysis for police patrol at Artpark in 2013 during concert nights, which was around \$67,500. Kloosterman projected additional costs for fuel and benefits, based on an hourly basis or actual percentage. He provided everything to the Council. He provided a proposed budget for 2014 for what the Police Dept. is planning on using for Artpark concerts. That is projected at \$75,000. This figure includes the Village's contribution, which they are seeking assistance for.

Winkley responded: I too went thru every time sheet. My cost, with 40% additional for gas and benefits, came to \$28,302. Kloosterman is charging for officers that are already

scheduled which we do not do for any other organization. He put in 60 hours for the Chief who is salaried. He put in medical benefits which do not go up because of Artpark. That is a set fee for the year. Artpark is a not-for-profit organization. They have always said they are willing to pay. They've asked for a true cost. Let's give them a true cost. If we're going to charge for every little thing, then we have to do that for every not-for-profit organization, including Kiwanis. That is not fair to these organizations. They are here to help the community and support the people. We're here to support them. We are not here to make money off of them. It's not government's role to make a profit off of organizations. Artpark wants a realistic number. Last year it was \$28,302.07 with 40% for benefits -- FICA, Retirement. Also, if we keep the \$120,000 for tipping fees, that is a Whole-town income. We can't give any of that to the Village. If we give Artpark their money they pay us for the police. The Village will get their percentage of the money, plus whatever costs Artpark reimburses them for their other issues... I don't want to harp on it. The Chief's dollars the first time were right on. He had a little clerical error in gas, but his first budget was right on -- \$28,302.07... I want to get the fair amount of money from Artpark. I want them to have their money that they can proceed with their shows and programming for the children. Now, it's May. We're telling them they can't have the tipping fees. If we were going to do this, we should have done this in January. Give them chance to adjust their schedule. It's been dragged on for five months. Let's get this resolved. We will go back to the table next year. We'll talk about it and move forward next year. I refuse to add in all these costs that no one else is paying that are unrealistic. How can we double bill for things? It is not done like that.

Kloosterman: I did not get involved with this until March. When the Town Council asked me to put together numbers of everything associated with the Police Dept. for Artpark in 2013, I'm going to be thorough in my numbers and put them together. You can debate that you may not want to charge them for the fuel usage for the vehicles. That's fine. I'm asked to put together good numbers that I believe are sound. I spent 50-60 hours on this and I spent a lot of time with Chris and Lisa going thru each individual timesheet. Each individual item.

Winkley: I came up with the exact same number the Chief did. I'd say I did pretty well.

Brochey: Paul is a CPA, Ron.

Winkley: I was Chief of Police for 26 years. I did scheduling for Artpark. I would put my budget experience and my time against his CPA any day when it comes to this. If I wanted to charge them for every single thing then we should be billing Artpark for the time he (Kloosterman) put in. It's ridiculous that we are doing this to a not-for-profit group that we've been partners with for years and all of a sudden five months into something we say that's it. I can't believe a Town would do that to an organization.

Brochey: First of all, I called the Lewiston Board of Ethics, Ron. You should have recused yourself. You were on the Board of Directors of Artpark up to a couple of weeks ago. So you should recuse yourself. I've been after Artpark for over a year to help the Village as a Trustee. I went as low as saying we would take 18¢ a ticket. I was flat out refused by Mr. Camp and Mr. Osbourne. I sat with Mr. Camp recently and offered him to make himself look good saying it was his idea to put a \$1 surcharge on tickets and give 80% of that to the Town and 20% to Artpark. Make yourself look good and make yourself a good neighbor to the Town and Village of Lewiston. That was declined also... We were counting on a million dollars in tipping fees from Modern ourselves. That came out to \$814,000. We're \$186,000 short on that. We had a horrible winter this year. Because of that sales tax is down for everybody across Niagara County. That is way under budget. We're \$300,000 - \$400,000 shy already. If we don't do something, we are going to be the bad guys and form a Town tax. That is one of the things I'm trying not to do.

Winkley: I agree with you but when is it the government's position to tell people how to pay for something? We have the authority to say to Artpark this is how you're going to pay your bill? You're going to add a dollar to a ticket and pay us that dollar? I don't think it is our position to tell people how to pay their bills. They have agreed to pay.

They want to pay. We can't tell them how to pay it or raise the money. That is not our position.

Brochey: Again, Ron I still think you should recuse yourself.

Winkley: I resigned. Both attorneys said it was fine. I will tell you why I got on the Artpark Board. I heard all these rumors about how they are making millions and millions and millions of dollars. I wanted to find out what the truth was and see where the money was going and I found out. It's an organization that is not making millions and millions and millions of dollars. They are not making \$1.3 million. They never have. This money is in the contract for children's programming. That \$100,000 cannot go towards all these other problems we have. It has to go towards children's programming. You can't divert it to the senior van or a roof or send it anywhere else but children's programming. This year's budget is already set. If you want to talk about it next year we will talk about it at budget time.

Brochey: Ron, whose side are you on? Artpark or the Town of Lewiston?

Winkley: I'm just trying to do what's fair.

Brochey: And I'm trying to prevent the Town of Lewiston from having a tax.

Winkley: How is \$120,000 from Modern...?

Brochey: All that is going to add up.

Winkley: This year's budget has money set aside for Artpark. We cannot use it for anything but children's programming. You're not going to fix the other stuff with this money. You can't do anything else. Artpark gets their money... Let's take care of it. Let them get on with their programming. It's already May. We will get our money from Artpark. The Village will get their share of the money and we will go forward. That's all I ask. **AND MY HEART IS IN LEWISTON!** For 26 years, I was Chief of Police for this Town. **DON'T EVER QUESTION MY HEART IN LEWISTON AGAIN!** Stay on task. What is the Tipping fee for Artpark this year?

Kloosterman: Around \$100,000. Maybe less \$90,000 - \$100,000.

Winkley **MOVED** to release tipping fees of \$90,000 to Artpark and submit a bill of \$35,000 for police protection and the Village submits their bill of \$9,500.

There was no second.

Conrad: I agree with giving Artpark the tipping fees because it has already been budgeted. The only thing I have a concern about is if we get audited. The reimbursement for police services from Artpark what number is going to hold up? Is it yours Ron or the accountants?

Bax: Artpark, the Arts Council and the Library are all valuable pieces of the fabric of Lewiston. We need to preserve all of them. I think we are all on the same page. We want to preserve them but at the same time we don't want a Town tax. We have good intentions. However, the number isn't going to be \$70,000. The number may not be \$28,000. It may be somewhere in the middle to reflect an accurate reflection of what is additional to our expenses associated with police protection around Artpark. I think it is disingenuous to charge Artpark an 8-hour shift for an officer who is already engaged in his duties for the day. If there is over-time associated with that officer then Artpark should eat the cost. Artpark is trying to be a responsible partner and come to the table and pay what is and can be accurately reflected as their responsibility. The problem we have is we can't accomplish both goals at the same time. We aren't going to be able to accomplish a balanced budget and have Artpark pay what is fair in the same sentence. Artpark coming to the table and contributing to the Town is a big step for them. It is a big step for us. In the past we just handed the check over. I think it's the responsible thing to do to get some monies back. Given the timing of the request being made and

the fact that programs have already been scheduled is one consideration but in addition are the 30,000 kids that would go without this year if we were to pull it out. The reality is we have to come to an agreement and stop the bickering. I don't think the dialog is constructive. All we are doing is harming ourselves and the relationship we have with Artpark, someone who brings a lot of economic value to the Town and brings in a lot of traffic but also brings a lot of issues the Town has to deal with. I think Artpark should pay for those additional concerns and issues, but not a penny more.

Winkley amended his MOTION to release \$90,000 to Artpark and we come up with a bill for their police expenses. There was no second.

Johnson: Can I just ask that we sit down and Paul and I can look at these numbers. It's all based on tipping fees. We only have one check that we could release right now. We have to wait until we get the next check in to see what that formula is.

Bax MOVED to release the tipping fees from the third quarter of 2013 and fourth quarter 2013 from Modern to Artpark & Co. subject to the invoice from the Town of Lewiston for police protection services associated with the operation for 2014. Seconded by Marra and carried 3-1-1. Voting in favor were Bax, Conrad & Marra. Voting against was Brochey. Winkling recused himself.

5. Sanborn Fire Co. Band Agreement: Atty. Seaman said he was asked to prepare a contract for the Sanborn Fire Company Band which traditionally provides the services as Town Band for the Town of Lewiston, playing at various Town functions. It provides for the Town to pay \$5,000 per year for these services. It is a five-year contract.

Bax MOVED to authorize the Supervisor to sign the agreement with the Sanborn Fire Company Band. Seconded by Conrad and carried 5-0.

CLERK'S CORRESPONDENCE:

The Clerk read correspondence from the State DOT that it has completed a traffic engineering investigation related to the Town's request for a reduced speed limit on Swann Road in the Town of Lewiston.

Based on the data we have collected and our speed zone evaluation criteria, we will establish a 50 MPH speed limit for Swann Road from the existing 50 MPH speed limit at Porter Center Road easterly to Dickersonville Road. All signs necessary to post the speed zone will be the responsibility of the Town of Lewiston.

Supervisor Brochey:

Legal: Atty. Davis requested an Executive Session to discuss two contractual issues.

Engineering: Eng. Lannon distributed a Project Status Report (4/28/14) and went thru some of the hi-lites.

* Riverwalk/NYS Parks/Joe Davis Park: Met with NYS Parks to discuss storm water connection.

* Legacy Drive: There are a couple of minor items remaining to be completed in spring (weather permitting). Coordinating with the developer to get some of these things done.

* Rt. 265/I-190 Bridge Replacement: Need to submit revised NYSDOT agreement and fee estimate; CRA to inspect waterline installation; Town to be reimbursed by NYSDOT.

* Muckland Pumps: Site visit performed – awaiting pricing/options for replacement pump.

* University Drive: Research done, anticipate mapping to be completed by the end of the week – **completed, next step is to meeting with NU.**

Finance: Kloosterman had nothing further to report.

Older Americans Month: The Supervisor read a proclamation recognizing Lewiston Seniors; and as an expression of pride and gratitude in its senior residents, proclaiming the month of May, 2014 to be **OLDER AMERICANS MONTH** in Lewiston, NY.

The Supervisor MOVED the foregoing proclamation. Seconded by Bax and carried 5-0.

Councilman Bax:

WPCC: Operator Jeff Ritter said they looked into how much it would cost to connect the comfort station on Lower River Road and Pletcher to the Treatment Plant. The estimated cost is \$10,000.

Bax said he would like to appoint Jeff Ritter as the Stormwater Management Officer at a salary of \$10,000. It would be in addition to his current position and would save the Town a considerable amount of money.

Bax MOVED for approval. Seconded by Conrad and carried 5-0.

Highway: The Highway Supt. said he has contacted a vendor to grind up mulch. It would be another few weeks before deliveries begin.

Janese said he is still on the numbers to finalize the 284-Agreement. I would like to get this together and have it for the next meeting. We are looking for money for some preventative maintenance on the roads; specifically to fill the cracks – something we simply have to do.

Lastly, Janese thanked Councilman Conrad for taking the time to drive along with him looking at some of the infrastructure in need of repair. Janese said he would make himself available to other board members to do the same at their convenience.

Zoning: Marra said they have some housekeeping matters within the Zoning Board.

Bax MOVED to rescind the appointment of Mark Zarro as Chairman on the ZBA, Seconded by Marra and carried 5-0.

Bax MOVED to appoint Dominic Balassone as Chairman to the ZBA, Seconded by Conrad and carried 5-0.

Bax MOVED to appoint Anita Muzzi as Vice-Chair to the ZBA, Seconded by Conrad and carried 5-0.

Bax MOVED to set the term of Ms. Muzzi thru 12/2016. Seconded by Conrad and carried 5-0.

Bax MOVED to remove Ryan Hanna as Alternate on the ZBA. Seconded by Conrad and carried 5-0.

Bax MOVED to appoint Patrick Baker, Florence Drive, as Alternate on the ZBA and re-confirm William Geiben as Alternate, each for five-year terms. Seconded by Winkley and carried 5-0.

Councilman Conrad:

Removal of Planning Board Member: This matter is tabled until the local law amending Section 360-160 is adopted and filed with the Secretary of State.

Mt. St. Mary's Daycare: The Planning Board on April 17, 2014 approved a Sketch Plan Review for Mt. St. Mary's Daycare for an expansion at 5310 Military Road, SBL# 115.00-1-2.3, as presented.

Conrad MOVED to issue a negative declaration on said project. Seconded by Bax and carried 5-0.

Conrad MOVED to approve the expansion of the daycare center. Seconded by Marra and carried 5-0.

Councilman Marra:

Police Liaison: **Due to his retirement, Marra MOVED to remove Ernest Palmer as T/V Police Liaison. Seconded by Winkley and carried 5-0.**

Winkley MOVED to appoint Councilman Mike Marra as T/V Police Liaison. Seconded by Conrad and carried 5-0.

Fee Schedule/Town Parks: Marra said the Parks Director is currently looking into establishing a policy and fee schedule for use of a portion of Town Parks. He will revisit this at the worksession in May.

Building Inspector: Marra referred to a request from the Building Inspector. He would like the Board to officially allow Developer Glenn Andrews to help John Sharpe with some programming for the Town's GPS unit and to give permission to Glenn Andrews to use the unit to GPS some of the installed infrastructure for the Town's records for Oak Run Phase 3.

Marra MOVED for approval. Seconded by Conrad and carried 5-0.

Councilman Winkley:

Bureau of Fire Prevention: Winkley said the Chairman of the Fire Bureau has filed the 2013 Activity Report for the Bureau of Fire Prevention. It is on file in the Clerk's office for review.

Water Department: Winkley referred to a request from Robert Nablo, Town Water Department to hire two seasonal employees.

Winkley MOVED to hire Jeff Dell at \$15.00/hour. Seconded by Marra and carried 5-0. A second individual would be named at the next meeting.

The Supervisor read the following announcements:

Town offices will be closed Monday, May 26 in observance of Memorial Day.

May 4th to May 10th is Armed Forces Week.

Before adjourning, Bax asked to recognize the Highway Supt for one last comment.

Janese said he has been asked on several occasions as to when the Joseph Davis Park cut thru road would be re-opened. He is here to ask the Board for some direction. It is a park drive-way. I just want the Board's input.

Bax MOVED to direct the Highway Supt. to open the Joseph Davis State Park drive at his convenience, Seconded by Marra and carried 5-0.

Janese said he has been asked by the Village for help with their paving as they do not have the proper staffing. Janese said it is his intention to help them.

Also, the Village is looking to do some clean-up work at Academy Park. Janese said he has the equipment and personnel do help with the clean-up. He just wanted to inform the Board.

Lastly, Janese asked for a brief Executive Session re personnel.

Bax MOVED to enter into Executive Session to discuss contractual and personnel (highway). Seconded by Marra and carried 5-0. Time: 8:20 p.m.

*EXECUTIVE SESSION:

Items Discussed:

1. Tug Hill Environmental (Contractual)
2. Modern Disposal (Contractual)
3. Personnel (Highway)

No Action Taken

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk