

Present: Supervisor D. Brochey; Councilmen A. Bax, Wm. Conrad & R. Winkley; Eng. R. Lannon; Attorney B. Seaman; Hwy. Supt. D. Janese; WPCC Ch. Oper. J. Ritter; Parks/Rec. Director M. Dashineau; Chief C. Salada; Finance Director P. Kloosterman; 1 Press; 7 Residents and Dep. Clerk C. Schroeder

Excused: Atty. M. Davis & Bldg. Insp. T. Masters

The Supervisor opened the Worksession at 6:30 p.m., followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA

Winkley: Change Resignation to Retirement of Mike Johnson; Remove Karl Frankovitch, Atty. (Towers).

Winkley MOVED to approve the agenda, as amended. Seconded by Bax and carried 4-0.

ABSTRACT

Winkley MOVED to approve the Regular Abstract of Claims Numbered 2308 to 2647 and recommended payment in the amount of \$389,967.04, plus a post audit of \$289,578.92. Seconded by Bax and carried 4-0.

TOWN DISASTER PLAN

Winkley said he had a conversation with the Supervisor. It is his understanding the Supervisor would be working on this.

SANBORN HISTORICAL SOCIETY

The Sanborn Area Historical Society is in the process of making application to the Town of Lewiston for relocating the recently donated American Legion Building on Pearl Street in Sanborn to our Farm Museum at 2660 Saunders Settlement. At this time, we request that the Town of Lewiston waive any Town fees associated with such a relocation.

Winkley MOVED to waive the Building Permit Fee and any applicable Planning Board Review Fees associated with said relocation. Seconded by Conrad and carried 4-0.

DISCUSSION RE A-61 CAPITAL ACCOUNT

Winkley MOVED to table. Seconded by Bax and carried 4-0.

BRIDGEWATER

Conrad asked the status of Bridgewater. Atty. Davis said this issue is in litigation. He does not have a status update to report on.

QUASAR/EQUATE

Conrad asked the status of the moratorium/ban on the spreading of Equate. Atty. Davis said a public hearing has been scheduled for the next meeting. The Town Clerk has a copy of the public notice and a full text of the proposed law.

MAWHINEY CLAY MINING

Conrad was told this was potential litigation. Any issues should be discussed in executive session.

YARUSSI WORK PROGRASS

Conrad asked the progress of the PRV pits. Atty. Davis said that work should be completed by the end of October.

Bax MOVED to discuss the above four potential litigation items in executive session. Seconded by Conrad and carried 4-0.

BOARD OF ETHICS – APPOINT TOWN EMPLOYEE

Brochey MOVED to table. Seconded by Bax and carried 4-0.

BOARD & COMMISSIONS

The Supervisor said he needs to appoint a liaison to the various Boards/Commissions now vacant due to the resignation of former Councilman Mike Marra. After some discussion, the following appointments were considered:

Building Inspector – Conrad
Lewiston Council on the Arts – Conrad
Library – Bax
Lower Niagara River Region Chamber – Winkley
Parks & Recreation Advisory Committee – Bax
Police Commission – Winkley
Sanborn Business Profession Assoc. – Winkley
Seniors – Bax

Also, Conrad said he would assume the liaison appointment for the Zoning Board of Appeals in place of Bax.

Bax MOVED for approval of the aforementioned appointed liaisons, Seconded by Conrad and carried 4-0.

RETIREMENT NOTIFICATION

The Supervisor read the following memo submitted by Michael A. Johnson:

As we discussed earlier this year, I have submitted my paperwork for retirement to commence August 25, 2014. I will continue to work for the Town Board until August 22, 2014 which will be my last day of employment.

I thank the Town Board for their support over the past five (5) years. I am grateful and feel privileged to have represented the residents of Lewiston for 14 years as a Councilman. I will be available anytime to answer any questions or to assist you with any information from my past years.

Winkley MOVED to accept Johnson's retirement, with regret. Seconded by Bax and carried 4-0.

Bax and Winkley conveyed their sincerity to Mr. Johnson for his service to the Town.

HIGHWAY/DRAINAGE ISSUES

- 1) Drain line on Chicora: This matter was discussed at the July worksession after a contractor complained of hitting a drainage line on Chicora Drive because it was not in the easement as it should have been. Janese said it would not be that expensive to fix as far as materials go. The pipe was put in the wrong spot. It's an 8-inch pipe. It's the Town's responsibility to fix it.

Bax MOVED to authorize the Janese to replace the drainage line, subject to the Engineer's review. Seconded by Winkley and carried 4-0.

- 2) Surplus Equipment: Janese said he has a chipper that is over 20-years old that he would like to trade-in; however, something happened where the hour meter had been taken out of the machine some time ago. The hour meter is similar to that of an odometer in a car, he said. We don't know if 50,000 hours are on it or 500,000 hours. It's been used extensively. No one would give us a trade-in, only because of the fact that no one knows how many hours are on it. The gentlemen who does our tree removal is interested in buying it. The quote was for \$2,400. That was the best offer we had. I told him \$2,500. I would like the Board to consider selling it to him or accept his offer of \$3,200 in credit towards tree removal, as there are a lot of older, diseased and dying trees in the Town. I will call the Niagara County Cooperative Extension to check out the trees before they are removed. I want to make sure I'm not spending money on a tree that can somehow be saved.

Atty. Seaman said the chipper should be declared as surplus equipment and sold in a reasonable manner with a reasonable return on it. There is no requirement that it be in an auction scenario if it is declared surplus. He recommended the Highway Supt.

obtain a record of the trade-ins that were offered should the Highway Dept. be audited.

Bax MOVED to declare the old chipper at the Highway Garage as surplus equipment. Seconded by Winkley and carried 4-0.

Bax MOVED to authorize the Highway Supt. to sell the Morbark chipper to Woodchuck Tree Service for \$2,500 as surplus equipment. Seconded by Winkley and carried 4-0.

- 3) Riverwalk Sidewalks: Janese said he put together a cost estimate. He would defer this to Executive Session.
- 4) Greenspace: Janese said he is getting more and more complaints with issues of overhanging tree branches, poor drainage and stagnant water in the Town's greenspace areas. Bax recommended establishing an Ad-Hoc Committee consisting of himself, Supt. Janese and Councilman Conrad to discuss how to move forward with these issues.
- 5) Riverwalk Drainage: Janese said he was under the impression that the camera work of the pipe would be completed shortly to determine the condition of the pipe and what the Town is going to have to do eventually install that drain line. The problem you have is beyond that. There is not a single area to put one pond or a ditch we can drain everything into. Basically, the developer built into an area that was marshy. There are large ponds that are stagnate. There is no source of water coming in and going out at the same time. Because of that you have water sitting in a pool, heats up and fills with algae and insects. Those, in my opinion, have to be filled, as part of the project. Once you do that, then you can figure out some way to get this water to move the length of Riverwalk to get it into a drain that we can install. Right now, even if you were to put in a channel or a ditch, there is nowhere for the water to go. By installing the 2" pipe, this will be a means to solve the problem but it's not the solution. There would still be standing water in the fields. As far as the installation of the line, that's going to be the simplest part of this. Even at that, you're going to have to bring in heavy equipment and a lot of fill if you want to eliminate those ponds. It's much too time intensive for us to take our entire staff and put it there for three months. It should be the contractor's responsibility to do that.
- 6) Muckland Pumps: Janese asked the Board's permission to remove the damaged pump and send it out to a manufacturer in either Rochester or Syracuse and let them assess it. Rather than invest a tremendous amount of money, we can upgrade the motor and re-build it for \$30,000 - \$40,000. That may be the way to go. I would put a set of controls on these pumps. Janese said he would contact both manufacturers to give him a cost to assess the pump.

The Engineer asked to comment. At the last Board meeting, Lannon said he was authorized to undergo a design, which he took as an expedited procedure because of the state of the pump. Going with a base bid, new motor starters, new bar rack, and new level controls. The alternate item being a second pump. Lannon said they have already invested engineering to get to this point. If you want me to stop, I'll stop. I just don't know which way you want to go. I don't want there to be any, who's doing what?

Bax: Bob, is there critical engineering that's going to be done between now and our next meeting?

Lannon: It would have been fully designed and ready for advertisement.

Winkley said he was under the impression that the pump that is down isn't worth fixing. Isn't that what I heard? The Dep. Supervisor said that was what they were told. That it was unfixable.

Janese: If we send it in for a total re-build that's a different ballgame. Let's stop the engineering for now until I get a price on a total re-build.

Bax MOVED to authorize the Highway Supt. to make contact with a manufacturer either in Rochester or Syracuse to evaluate the downed pump and to report back to the Board. Seconded by Winkley and carried 4-0.

The Engineer was instructed to hold off on any further engineering pertaining to the pump until the next meeting.

LEASE TRANSFER FOR MINI EXCAVATOR

Bax MOVED to table until the numbers are finalized. Seconded by Winkley and carried 4-0.

CHANGE TO TOWN POLICY MANUAL

Bax MOVED to table the request from the Highway Supt. to change the Town's Policy Manual until he has time to review it. Seconded by Winkley and carried 4-0.

PAVING UPDATE

The Highway Supt. said the base on Moore Road will have to be re-built. This will cost about \$125,000. This won't be done until the end of September. They won't be able to put the top on it this year. They will instead put oil and stone chip on it. This will keep the road from deteriorating. Moore Road, Janese said, did not fail for any other reason than it was not maintained. For every dollar you don't spend it will be \$20 you'll have to spend going forward.

SWANN ROAD DRAINAGE ISSSUE

The Highway Supt. said they are getting more and more requests from people who have deep ditches in front of their houses that they would like filled in.

Bax said there used to be a Town policy where the resident would buy the pipe and the Highway Dept. would install it. Janese believed that to be changed as a result of the Comptroller's report. We agreed not to install any pipe unless it was a general benefit to the Town. The Board has to decide that, not me. The only thing I will caution you with is there is more than one deep ditch in Town. If you do one, perhaps you wind up doing all.

Bax suggested developing a drainage policy for front yard drainage issues. Janese said he would help design it.

Former Finance Officer Mike Johnson said the State Comptroller was concerned because the Town was not charging for labor to put in the pipe. The State Comptroller's office recommended establishing a Town-wide drainage area.

Atty. Seaman said it still comes down to whether it's a Town-wide benefit or a benefit to one person. That is the determination he has to make.

Bax said maybe they could establish a stipend for labor.

ASSESSOR – PERSONNEL

The Clerk read the following memo from Assessor Linda Johnson:

I regret to have to notify the Town Board that Molly Penale's last day of employment with the Town of Lewiston will be September 8, 2014. I am presently working with the Niagara County Civil Service Agency to find a replacement from the updated Civil Service job listings for the Assessor Clerk position.

Letter received and filed.

DIRECTION FOR TOWN BOARD VACANCY

Winkley MOVED to advertise for applications for the vacancy on the Town Board. Seconded by Bax and carried 4-0.

SENIOR VAN

Brochey said he has been discussing the financing for a new Senior Van. The current van has close to 200,000 miles on it and is constantly under repair. There are a lot of appointments that the seniors rely on for that van.

Kloosterman said he contacted the previous vendor of the current van. He got a quote of \$52,000 for the same van. They are some leasing options. One being a 5-year lease to own for \$11,000/year.

Winkley MOVED to go out to bid, provided there is no State Bid, for a senior van. Seconded Conrad and carried 4-0.

SEWER FEE WAIVER:

The Town Board received a request by the Lewiston-Porter CSD that sewer fees be waived on the meter readings for consumption of water used to irrigate sports fields within the district boundaries. No sewer disposal of any waste is necessary and the irrigation water is serviced by a separate meter. The District extends this request to encompass the area of the athletic fields housing the baseball diamonds, which are shared with the Town of Lewiston Recreation Department for their use. A waiver for the sewer fees for irrigation of this area of mutual use fields would require the installation of a separate meter.

Atty. Seaman said if the Board is so inclined to do this it has to be in a form of an inter-municipal agreement.

Bax MOVED to defer this request to Town Counsel. Seconded by Conrad and carried 4-0.

EXECUTIVE SESSION:

Bax MOVED to adjourn into executive session to obtain advice from counsel; contractual matters; and pending litigation. Seconded by Conrad and carried 4-0.

Time: 7:30 p.m.

*Executive Session:

Present: Brochey, Bax, Conrad, Winkley, Davis, Seaman and B. Doyle

Issues Discussed:

1. CSEA Pay Rate
2. Niagara County Tower
3. Parks Personnel

Bax MOVED to exit Executive Session and adjourn Worksession. Seconded by Conrad and carried 4-0.

Action taken:

Winkley MOVED to retain Brian Doyle, Esq. as Special Counsel re CSEA Union Contract. Seconded by Bax and carried 4-0.

Winkley MOVED to adjourn, Seconded by Bax and carried 4-0. Time 8:45 p.m.

* Minutes taken by Town Attorney Brian Seaman

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk