

PRESENT: Supervisor Dennis Brochey; Councilmembers Bax, Conrad and Marra; Deputy Supervisor Edwards, Town Attorneys Davis and Seaman; WWTP Chief Oper. Ritter; Building Inspector Masters, Highway Superintendent Janese; Town Engineer Lannon; Finance Officer Kloosterman; Police Chief Salada, 1 Press; 7 Residents and Clerk Donna Garfinkel

EXCUSED: Councilman Winkley

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

AGENDA APPROVAL

Additions: Bax – Highway – Janese requests to address the Board and an Executive Session re: Personnel; Brochey – Glenwood Builders sign request; Conrad – removal of agenda items – Pertaining to Planning Board

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

APPROVAL OF ABSTRACT

Conrad MOVED the approval of the Regular Abstract of Claims numbered 1233 to 1553 and recommended payment in the amount of \$623,823.55, with a Post Audit of \$156,517.72, Seconded by Bax and Carried 4 – 0.

CONTINUATION OF PUBLIC HEARING – Amending Section 360-160, Planning Board

Davis said the Board needs to enact the revisions, and file before the Local Law goes into affect.

Conrad read the amended law.

- A. Establishment. A Planning Board is hereby established which shall consist of seven members appointed by the Town Board, none of whom shall hold any other public office in the Town or be members of the Town Board. The Town Board shall appoint one member as Chairperson. Terms of membership shall be seven years. Members of the Planning Board, appointed in accordance with the provision of this chapter then in effect and in office when the chapter takes effect, shall continue to serve for the balance of the terms for which they were originally appointed. The Town Board shall have the power to remove any Planning Board member for failure to attend three-quarters of scheduled meetings or failure to obtain training required pursuant to New York State Town Law 271.

Conrad MOVED to approve the amendment as read, Seconded by Bax and Carried 4 – 0.

Brochey asked if anyone else wished to address the amendment.

Bax MOVED to close the Public Hearing, Seconded by Marra and Carried 4 – 0.

APPOINT CHAIRMAN – CABLE COMMISSION

Conrad MOVED to appoint Anthony DiPasquale as Chairman, Seconded by Marra and Carried 4 – 0.

NEGATIVE DECLARATION – One-lot subdivision – Calkins Road

The Board approved the subdivision in April. A Negative Declaration needs to be declared.

Conrad MOVED to declare a Negative Declaration for Dauphine – Calkins Road, SBL# 073.000-0001-005, Seconded by Bax and Carried 4 – 0

SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Kevin Radke is requesting permission from the Town to hold the Special Olympics Law Enforcement Torch Run along Route 104 on June 2, from 2 pm – 4 pm.

Chief Salada said they will provide 2 part-time Police Officers.

The insurance submitted should be changed to list Town of Lewiston as additional insured.

Bax MOVED to authorize the Police Chief to utilize what services are necessary to facilitate safety for the Special Olympics Law Enforcement Torch Run on June 2nd, Seconded by Marra and Carried 4 – 0.

Bax MOVED to accept revised Insurance, issued to the Town, Seconded by Marra and Carried 4 – 0.

PILGRIMAGE WALK NOTIFICATION

St. Brendan on the Lake Church will hold a Pilgrimage Walk on June 7, from 8 am – 5 pm. They are in need of an escort and medical aid for the walkers. Chief Salada said the police will assist with this. Brochey to reach out to medical personnel for the event.

NOTIFICATION OF FIREWORKS

On August 2, 2014 a party will be held at 2636 Lower Mountain Road. They will be having fireworks. Police and the Pekin Volunteer Fire Department have been notified.

Masters said a permit is required from the Fire Inspector for explosives.

Tabled for further review from Davis and Masters, and report back at the May 29th meeting.

PROPOSED ADOPTION OF TOBACCO FREE POLICY

The Commissioner of the Erie County Department of Health and the Director of the Niagara County Health Department, are striving to create healthier tobacco-free communities. They are requesting the Town of Lewiston pass a Tobacco Free policy for parks and athletic fields.

Garfinkel said signage is provided at no cost to the Town. The Town could adopt a local law or pass a resolution. Seaman said a Local Law would allow the Town to enforce a fine if violated. A resolution allows the Town to promote the sentiment to not smoke in the parks.

Bax feels it is a good idea, and melds well with all the positive intentions for the Town.

Bax MOVED to table to Executive Session, Seconded by Conrad and Carried 4 – 0.

APPROVE WATER DEPT. HIRE

Bax MOVED to hire Brett Hurtgam, Seasonal Employee, at \$15.00/hour, Seconded by Marra and Carried 4 – 0.

WATER DISCOUNT RATE

Brochey requests the Board approve the lowering of the water discount residents are receiving.

The Town discounts residents' \$20 / 2-month bill period. Brochey would like to change this to \$14.90. \$14.90 is the minimum water bill for a two month period. The current \$20 discount being giving to residents with a minimum bill, each billing cycle, is causing a credit amount of \$5.10 and it is just accumulating. To date there is nearly \$10,000 credit to the residents. This credit may never be used, and it is unclear how to handle this.

The Village discounts Village residents' \$30 / 3-month bill period. Brochey would like to change this to \$22.35.

These changes would save the Town and Village approximately \$150,000/year. These dollars could help pay for the 5,000 new electronic meter heads for both municipalities. The new meters have a life-expectancy of 20-years.

Marra said these dollars are the power allocations it receives from the Power Authority. A couple of years ago, it was started to be sold as a commodity and started the discount, with the remaining going into a Capital account. NYPA was allowing the Town to use it for certain power projects within the Town. There was power upgrades at Academy Park, and upgrades at some Town owned buildings.

Brochey submitted a list, which they denied, for other improvements the money could be used for. He wrote them again.

Conrad questioned the positives of changing to new meters. Kloosterman said these meters increase the efficiency on water loss. If the meters are not working correctly or shuts-down it notifies the Water Dept. They also help residents and the Town to detect leaks.

Bax MOVED to adjust the Town water discount rate to reflect the decreased discount of \$14.90 (per billing cycle), with the difference being used to subsidize the purchase of new water meters, Seconded by Conrad and Carried 4 – 0.

Brochey requested to forward a letter to the Village noting the Town's change and encourage them to do the same. (\$22.35/billing cycle)

PROPOSED MEETING WITH FIRE COMPANIES

Brochey has contacted the four fire companies to meet to discuss the Haz-mat truck and the required training in this field. Brochey invited all Board members to attend. Once the date is set, the Board will be notified.

PROPOSED SIGN – GLENWOOD BUILDERS

Presently there is a sign, in the Town right-of-way, reading “Glenwood Builders – Phase III Starting Now. It is 18’ x 24’ and is asking permission to have it stay there for a couple months.

There was a similar concern for this action in Sanborn. The biggest reason Lewiston does not want them in the right-of-way is for safety and traffic.

Janese said he sees no reason to have any signs or obstructions in the right-of-way ever. As far as the Highway Superintendent goes, Janese said if it's put up, he will take it down.

Seaman said there is a code that deals with this, if he wants to do something outside of the code he comes and requests a variance. A letter to the Town Board for action tonight is the way to go about it.

Janese said it is Highway Law, and he is not inclined to say “yes we will grant that”. It comes down to Janese not the Town Board.

Seaman said there is a Town Law that states what signs can be posted where.

Janese said when it comes to the Town right-of-way, it is the Highway Department. Seaman said it is part of the Zoning Code as well. Janese said again if the sign is put in the right-of-way, he will remove it.

Brochey will contact Glenn Andrews, Glenwood Builders to let him know.

FINANCIAL DISCUSSION

Kloosterman submitted a letter to the Board outlining the Public Improvement Permit (PIP) and Building Department fee collection process.

In regards to PIP's Kloosterman would like to create an account, H63 – PIP. This will help track PIP's and assure the Town is not losing money. The permits will be labeled as 2014-01, 2014-02, year submitted then numerical. Going forward when a PIP is received the total check will be deposited to the fund. The account number would be based off the permit numbering system. Kloosterman would rather not have to come back each time a PIP is received and ask for another account to be created.

Bax MOVED to authorize Kloosterman to create account H63 - PIP, with additional authorization to open sub-accounts there-under for the purpose of tracking the fund balance on each account, Seconded by Conrad and Carried 4 – 0.

Discussions have taken place regarding the collection of Building Dept. fees. At this time, some fees are collected in the Clerk's office and some in the Water/Tax office. Kloosterman would like the Building Dept. to collect all the fees and be responsible for them. This would need to be looked into to see if the department can collect money. Kloosterman would suggest only checks and credit cards be accepted.

Masters said he would prefer the Clerk's office continue to collect the fees. There are several Codes that would need to be changed if his department collects. The Code states "payable to the Town Clerk".

TOWN HALL PHONE SYSTEM

Kloosterman and Garfinkel have been working on the phone system in Town Hall. Three different quotes have been received. One from P2 telecom, LLC, who provided two from New Horizons and Met Tel and another from Broadview Networks. There were multiple phone lines not in service being charged for, on a monthly basis. With the removal of those lines the Town has already saved approximate \$480/month.

Kloosterman is hoping to consolidate fax lines and remove at least two (2). This could be a saving of \$70/month.

Based on the analysis provided by Kloosterman of the quotes, the Town could save approximately \$15,000 a year in fees if all lines are moved to P2 with the service provided by New Horizon Communications. The contract would be for 36 months.

Seaman asked what the yearly amount the Town would be committed to under the proposals. Kloosterman said approximately \$25,000/year. Seaman said that is right at the dollar level where it gets into some general municipal law regulations on what procedure the Town is required to follow. Seaman requests time to review.

Bax MOVED to refer to the Town Attorney's for further review, Seconded by Conrad and Carried 4 – 0.

GPS

Kloosterman was asked to research GPS units. Information distributed to the Board. If the Board wanted to move forward there would be approximately 53 vehicles. Parks and Recreation have 5 vehicles using the system now. It is hard to determine if there is a cost savings to the Town. The best way to find out is to install the system.

Marra said Mike Dashineau, Recreation Director is fine with it.

Bax doesn't mean to degrade or minimize the effort that has been put into it, but it seems more likely a gadget or a toy. It may even become a distraction.

Kloosterman said it is only as good as the people watching it. If it is not being monitored by the Department Heads on a day to day basis, it is not useful.

The cost per unit is \$199.99 and a \$28.99/month fee per GPS unit. The Board will review this.

WRIGHT EXPRESS

Kloosterman has reviewed a pilot gas program with Wright express, better know as WEX, and has discussed this with Chief Salada. It provides a fuel program to New York State Governmental entities under a contract at a discount rate of 1.52% for 2014. This is a State bid contract. The data the Town would get back in turn would be invaluable to Chief Salada and Kloosterman. There is no commitment fee, and the Town can discontinue at any time. Each police car will have a credit card assigned to it and the officer will have a pin number associated with that car/shift.

The officers can fill-up anywhere, instead of having to go to the highway garage. Janese said this would allow him to lock up the garage securely each night.

Marra said the Niagara County Sheriffs use this system.

Conrad said his State vehicle is under the same system. There is a driver id number and mileage is entered in to the gas pump, each time. All this information is then printed on the receipt.

Bax MOVED to authorize the Police Chief to enter into an agreement with WEX with respect to procuring gas for the police vehicles, for a trial period of 3-months, Seconded by Marra and Carried 4 – 0.

PARKS FEE SCHEDULE

Dashineau is still working on a couple of things.

DRAINAGE

The Highway Dept. has been working at the Becken Farm for about a week. Janese said this is being taken care of. It is very over-grown, dense, and will take some time; possibly the bulk of the summer.

ZONING BOARD OF APPEALS ACTION

Bax MOVED to remove Dom Balassone as Chairman to the Zoning Board of Appeals, Seconded by Conrad and Carried 4 – 0.

Bax MOVED to appoint Paul Hutchins as Chairman to the Zoning Board of Appeals, Seconded by Conrad and Carried 4 – 0.

PAVING REQUEST – Bronson Drive

Janese has indicated they will be milling the street this coming Wednesday.

Janese said there is not a 284 Agreement in place; he just received the dollar numbers on May 2.

The revenue put in last year's budget for CHIPS was \$109,000. Earlier in the year it was increased to almost \$138,000. The State released another \$40-million for winter extreme repairs. The Town is \$45,000 ahead of the \$109,000. The paving budget is \$293,000 for paving and Janese would like to add that \$45,000 to it. The Town put less than \$100,000 into paving budget, of Town funds.

Janese said with the cracking filling program, the Town can extend the life span of the roads by 30%. Today's cost for paving is approximately \$100,000/per mile. Where the average cost to fill cracks is about \$15,000.

There are 65 miles of road in Lewiston. The Town has a \$100 million + asset, which basically since Mr. Mahar left, has not been maintained.

Janese is requesting a motion from the Board to authorize him to spend \$293,000 on paving. Depending on the signing of the 284 Agreement. Janese will have a written contract for the Board in 15 days, and have it signed it at the next meeting. Janese doesn't want the milling to continue without authorization from the Board on these permanent improvements.

There is \$100,000 in the budget to date. Kloosterman will present the documentation on how to transfer the money.

Bax MOVED to authorize the Highway Superintendent to spend up to \$100,000 on highway improvements, subject to the signing of the 284 Agreement, Seconded by Conrad and Carried 4 – 0.

Janese has been asking for several years for the Highway Department to be issued a credit card.

Bax MOVED to authorize Finance Officer Kloosterman to receive a credit card for the Highway Dept., with a maximum limit of \$2,000, Seconded by Conrad and Carried 4 – 0.

Janese noted the rate for the seasonal employees in the Water Dept. at \$15.00 / hour. There are Highway Dept. seasonal employees as well and Janese requests the Board authorize Janese to set the rate up to what the Water Dept. is making.

Bax said Janese has the discretion to pay what his budget allows.

The Highway Dept. purchased a large piece of equipment, mower deck, at a cost of \$13,000. This payment was taken from Machinery Equipment and should have been paid from Machinery Contractual.

Bax MOVED to transfer \$13,675.00, from account DB5130.0400 to DB5130.0200, Seconded by Conrad and Carried 4 – 0.

The Town has several Shared Services Agreements with surrounding Villages and Towns. Janese would like to have the same agreements with Fire Companies. Lewiston #2 has a catch basin in their parking lot that the Town installed some time back. This basin ties into the Town drainage line.

Seaman said there are legal issues. A Fire Company is not a municipality, and the amount of money a Town pays to the Company, under State Law, has to be a set dollar amount per year. There is no provision that allows the Town to build on Fire Companies property or do these things for them.

Janese says the Comptroller report says the Town can do this for Fire Districts, School Districts etc... so Janese is sure the State is wrong.

Janese said if anyone were to ask the Board, tell them we are repairing something behind Lewiston #2, that the Town installed previously, that failed.

Bax deferred this to Attorney Seaman to get the correct answer on shared services with Fire Companies.

MAINTENANCE OF TOWN GREENSPACE

Bax said the Town has been talking about this for quit some time. Different issues in the greenspace have come up, dangerous trees, maintenance of the grass, residents putting buildings on the land, etc. Bax suggests the Board continue to work on this.

This is a difficult process because each piece of property is different and poses different threats to the neighboring properties.

Bax MOVED to table for further discussion, Seconded by Marra and Carried 4 – 0.

RABIES VACCINATION REQUEST

Clerk Garfinkel is requesting the Town cover the cost of a rabies inoculation series for Dog Control Officer Dave Sherriff. Some dogs encountered by the Officer are from the Reservation. They are not required to license their dogs so it is not known if rabies are up to date.

Sherriff is a very active member of Wild Kritters of Niagara County. They are an Animal Rescue & Rehabilitation non-profit group. The Clerk's office receives many calls on wildlife, and with Mr. Sheriff's experience he is able to help the residents with any "unwanted guests".

Marra MOVED to approve a three-shot Rabies series for Dave Sherriff at a cost of \$281/shot, with funds coming from A- 3510-0400, Seconded by Bax and Carried 4 – 0.

ACCEPTANCE OF CREDIT CARD PAYMENTS – GOV-PAY

The Clerk's office has looked into this for many years and has never been able to find a company that would allow the payment without charging the Town a fee.

Clerk Garfinkel and Kloosterman have met with two companies, one being Gov-Pay. Gov-Pay will supply the equipment. Their system is set-up where the fee is charged to the customer.

At this time Garfinkel is requesting approval to move forward with Gov-Pay. At first it will be offered at the Clerk's office to see if this is a service wanted by the customer. If it proves to be successful, it is the thought of the departments to include water and tax and eventually do on-line payments.

Seaman said the Town would not have to bid this out if there is no cost to the Town.

Bax MOVED to authorize the Supervisor to sign the contract, after review of the contract by the Attorney, Seconded by Marra and Carried 4 – 0.

The Supervisor reminded residents there are no Worksessions for the months of June, July and August. If an emergency meeting is called it will be advertised.

Bax MOVED enter into Executive Session to discuss Tobacco Free Parks and Highway personnel, Seconded by Marra and Carried 4 – 0. (7:46 pm)

EXECUTIVE SESSION

PRESENT: Supervisor Dennis Brochey; Councilmembers Bax, Conrad and Marra; Deputy Supervisor Edwards, Town Attorneys Davis and Seaman; Building Inspector Masters, Highway Superintendent Janese; Town Engineer Lannon; Finance Officer Kloosterman; Police Chief Salada,

EXCUSED: Councilman Winkley

Issues Discussed: Tobacco Free Town Parks, Highway Personnel, Riverview and Tug Hill

Bax MOVED to exit Executive Session, Seconded by Marra and Carried 4 – 0. (9:45 pm)

Conrad MOVED to accept Brundige proposal for scoping of drain in Joseph Davis State Park, with \$6,000 coming from H-97, Seconded by Marra and Carried 4 – 0.

Bax MOVED to authorize Supervisor to sign Memo of Understanding with Tug-Hill settling potential litigation, Seconded by Marra and Carried 4 – 0.

Bax MOVED to accept Ron Getty's request for early retirement as of June 15, 2014 and cover health costs as a retiree, March 30, 2015, upon agreement and sign off by Teamsters, Seconded by Marra and Carried 4 – 0.

Bax MOVED to adjourn meeting, Seconded by Marra and Carried 4 – 0. (9:55 pm)

Minutes taken by Attorney Seaman.

Respectfully Transcribed and Submitted by:

Donna R. Garfinkel
Acting Town Clerk