

Present: Supervisor D. Brochey; Councilmembers A. Bax, B. Ceretto, Wm. Conrad & R. Winkley; Dep. Sup. M. Briglio; Eng. C. Jarrell; Attorneys M. Davis & B. Seaman; Highway Supt. D. Janese; WPCC Ch. Op. J. Ritter; Chief F. Previte; Bldg. Insp. T. Masters; Finance Director M. Blazick; 3 Press; 6 Residents and Dep. Clerk C. Schroeder

Also Present: Sup. Elect S. Broderick; Council-Elect Wm. Geiben; Water/Waste Water Maintenance Person II M. Townsend & Rec. Dir. M. Dashineau

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA

Additions: Brochey – Executive Session – Consultation with Attorneys re Greenway Contractual & Retiree Issue, and Land Conservancy Parking; Winkley – Riverwalk Property Discussion; Seaman – Litigation and matters re Collective Bargaining Unit.

Bax MOVED to approve the agenda, as amended. Seconded by Conrad and carried 5-0.

ABSTRACT

Winkley MOVED to approve the Regular Abstract of Claims Numbered 7296 to 7676 and recommended payment in the amount of \$628,364.61, plus a post audit of \$115,219.95. Seconded by Bax and carried 5-0.

DEPARTMENT HEAD CONCERNS:

Police: None

Engineer:

* Cami Jarrell said the WPCC Roof is almost complete. The Contractor will be on sight Thursday for the start of the Senior Center roof.

* Lauren Court has been milled. The curbing and existing underdrain dug and the new underdrain installed. They hope to be pouring curbs on Thursday.

* The design of the Muck Pump is in the works. They hope to be ready to advertise by the RTBM.

Highway: The Highway Supt. said the Ascent Company will be striping a few miles of roads in the Town within a week or so.

Water: Townsend said he was inquiring about the Haz-Mat Truck.

Finance:

* Blazick said she would like authorization to hire a temp for the Jr. Bookkeeper's position. She plans on having him start immediately and end by December 18. She has specific projects lined up, bank reconciliations, worksheets, etc. The rate of pay is \$31.50/hr., the majority of which is paid to Account Temps. Funds are available in the 2015 budget for this expense. Blazick said she forwarded a copy of the terms and agreement from Account temps to Attorney Seaman. She asked if he had any objections to this agreement. Seaman said the Board could authorize the Supervisor to enter into an agreement, subject to the Attorney's approval.

Bax MOVED to authorize the Supervisor to sign the Agreement with Account Temps, subject to the Attorney's approval. Seconded by Winkley and carried 5-0.

* Blazick said the water department needs to purchase new meters. If the Town purchases 1,000 meters they would get a reduced rate. There is a balance in the H-81 Capital Account of \$29,988, which isn't enough to cover 1,000 meters, \$125,000.

Bax MOVED to authorize the water department to purchase 1 box of meters from Account H-81. Seconded by Winkley and carried 5-0.

* Blazick said the Greenway Commission has a meeting on December 1st. Due to the impending retirement of the Town Supervisor, Mike Dashineau is willing to represent the Town. Blazick said they do need a representative there. One of things on their agenda is our bank account signatures. They have to approve it at their meeting. Depending on what you do tonight with the Supervisor, who do you want me to have put on as signatories. We were adding Dennis Brochey, Mark Briglio and myself. Dennis is the only current signatory on the bank account that is valid. She asked for a Resolution to add her name to the bank account.

Bax MOVED to add the Finance Director as signatory to the Greenway Account at First Niagara. Seconded by Winkley and carried 5-0.

* Blazick noted that Key Bank is in the process of buying First Niagara Bank. It probably won't affect us until the first part of 2017 or the last quarter of 2016. I just wanted to make you aware that this is going to complicate everything. We're going to have to go back thru the whole process. It is still possible that Key Bank will not want government accounts.

* Blazick said the Highway Department is over budget in their Seasonal Help as well as their Equipment lines. To cover this shortage, she proposed the following transfers:

1) Transfer \$15,000 from DB0-5110-0100-0000 (Gen Repairs Personnel) to DB0-5110-0100-0200 (Seasonal Help).

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

2.) Transfer \$15,625 from DB0-5130-0400-0000 (Machinery Contractual) to DB0-5130-0200-0000 (Machinery Equipment).

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

* Blazick said she has a credit application to purchase parts for the leaf vacuum machine for the Highway Dept. She asked for authorization to apply for a line-of-credit with them. Attorney Seaman said he would like to review this before they proceed because there are terms and conditions with it. Municipalities are limited to the types of credit they can take out, he said.

* Once the budget is finalized, Blazick said she would move into a top priority for the Hydro Funds. Adding 6,000 vendors to the system would over-tax the system. The mechanics of it would be impossible with the manpower we have. She wondered if the Board would like her to pursue a third party to issue the checks for a fee. I don't know if that would exist or be a possibility but it would be a way of mechanically making this work as quickly as possible if such a thing exists. Bax said it is something they could pursue but the fee could be prohibitive.

* Blazick said the newly-elected Supervisor and Councilmen need to attend the training school for newly appointed officials. Do you want them to pay for the registration upfront or authorize us to post-audit those checks when they fill out the application? We need to get them registered as soon as we can at a cost of \$200 each.

Winkley MOVED to authorize post-audit checks for registration. Seconded by Conrad and carried 5-0.

* Lastly, with the re-financing of the BANs, payments due in February and October got moved up to December. The December payment came in higher than anticipated because they are moving the payment up two months. Blazick asked for authorization

to pay it. She will then have to figure out how to transfer money in the budget to pay for it.

Bax MOVED to authorize payment of the Serial Bonds that are due. Seconded by Winkley and carried 5-0.

Winkley MOVED to approve the transfers, as presented. Seconded by Conrad and carried 5-0.

HAZ-MAT TRUCK:

Brochey said the Haz-Mat truck is at the Town Garage, and the Water Dept. is interested in obtaining it.

Bax MOVED to transfer the Haz-Mat truck to the Water Dept. Seconded by Conrad and carried 5-0.

ROAD STRIPING:

The Highway Supt. said they would be striping Moore Road, Garlow Road and Bronson Drive next week.

NATIONAL GRID AUDIT SETTLEMENT AGREEMENT:

National Grid has been working with the Town's rate consultant, Troy & Banks, Inc., on an audit of street lights in the Town. All field work has been completed. National Grid and Troy & Banks are in agreement as to discrepancies and time periods.

National Grid is asking for Town acceptance of the Settlement Agreement and Mutual Release. Upon receipt of a certified copy of the Town Resolution accepting the Settlement Agreement, National Grid would request a refund check in the amount of \$16,175.76 payable to the Town of Lewiston, which is based on the audit findings and includes interest through October 31, 2015.

Attorney Seaman said he approves the actual Settlement Agreement as to form but has not looked at any underlining documents that have to do with overpayments that were discovered by the third party company, Troy & Banks. Seaman said someone should check the underlining documents to make sure they make sense.

Blazick said she has no documentation. She was asked to contract Troy & Banks.

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

RESIGNATION – SUPERVISOR:

The Clerk read the following notice of resignation: Please accept this letter as notice of my resignation as Town Supervisor for the Town of Lewiston. This has been a very difficult decision to make as I have enjoyed working for the people of Lewiston, but it's time for me to retire. I have two young grandchildren that live in Las Vegas that I have a great desire to see more of plus a new home there. I have not seen my wife in two months who is taking care of her 91 year old mother and cannot imagine waiting to the end of my term to see her again. I do hope that you will understand my reasons. I hereby give the required notice with the last day of employment being on November 10, 2015. I would like to take this opportunity to thank you all and everyone that I have had the pleasure to work with over the past two years. Kindest regards, Dennis J. Brochey.

Bax MOVED to accept the resignation of the Town Supervisor, with regret. Seconded by Winkley and carried 4-0-1. (Brochey abstained)

APPOINTMENT TO FILL SUPERVISOR'S POSITION:

Winkley said they would address this at Monday's meeting.

SEWER CREDIT:

Mr. and Mrs. Manning, Autumn Lane, are requesting a sewer credit for filling approximately 22, 000 gallons of water in their pool after repairs.

Bax MOVED to credit Mr. and Mrs. Manning, Autumn Lane \$85.60 for the sewer portion of their water bill. Seconded by Winkley and carried 5-0.

PERSONNEL:

A request was made from typist Barbara A. Joseph for an additional twenty (20) sick days paid at half pay as per the employee handbook as she has exhausted all of her sick, vacation and personal time as a result of a prolonged illness.

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

TOWN HALL GARAGE DOOR/FIRE DOOR REPLACEMENT:

The Town allocated money from the Hydro-Power allocation for replacement of a Garage Door and replacement of a fire door at Town Hall. The Town Clerk requested proposals from four (4) companies on September 3, 2015. To date, the Clerk received one proposal from Vaughan Door Center in the amount of \$2,270.00 (Fire Door - \$1,281 & Garage Door - \$998).

Conrad MOVED to approve the proposal from Vaughn Door. Seconded by Bax and carried 5-0.

TOWN ABSTRACT AUDIT SCHEDULE:

At the RTBM of October 26th, the Board approved review of the Abstract twice a month. The following is the Audit Review schedule for the remainder of the year.

November 9	Councilman Winkley
November 23	Councilman Winkley
December 14	Councilman Bax
December (tbd) (Final Audit)	Councilman Bax

Bax MOVED to approve the audit schedule, as presented. Seconded by Winkley and carried 5-0.

BUDGET DISCUSSION:

The Finance Director said there are still some items left in the budget that have yet to be determined.

A-Fund:

* Discussion of traffic patrol car. Blazick said they cannot move revenue but can move the expense of the officer to the A fund since this is not included in the Police Consolidation. Based on discussions with Judge Sheeran, Chief Previte and the Supervisor, they decided to start with three days per week, mainly because of the time of year. Because revenue will be there to offset the cost, they can have a budget adjustment mid-year to add additional days. The related expense is under Traffic Control – police in Account A00-3310-0100-0000 and A00-3310-0400-0050.

* The Prosecutor's office moved out of the Town Justice budget. His expenses, and that of Patti Yacus (typist) and court security were moved down to the legal department.

* Blazick said one of the items they have not addressed is the Town Board's contractual. With two new board members, they may need to increase contractual, as she is not sure what training they need or related costs. Right now, there is currently \$2,000 in the budget. The Board agreed to leave it at \$2,000.

* Blazick increased the Supervisor's contractual to account for the postage that was left out of last year's budget. The Gasby 34 Startup account needs to be re-named. It is where they record the Gasby 45 costs and Inventory Report that is required every year by the Industrial Appraisal Company. This will not affect the budget, she said.

* Blazick wants to keep \$60,000 in the budget for the Finance Officer & Jr. Accountant position. The Board said neither yeah or nay. She asked the Board to resolve it. When asked, Blazick said "it is absolutely a two person job. There is so much that I am not doing that it's very frustrating. I'm falling more and more behind each day." Blazick noted that Confidential Secretary Barb Cich would be retiring as of June 1, 2016. Blazick suggested filling the Jr. Accountant position as soon as they could get someone in there and cross-train that person while Barb is still here.

Blazick said she needs to know what amount she should allocate in the budget. The Board to discuss in Executive Session.

* Blazick said she adjusted the Administrative allocation in each fund to account for the full budget amount of salaries in the budget. This give more expense to the other funds and can always come down. She felt it was more conservative to include the full amount.

* Blazick said they can lease cars for both the safety department and Assessor's office for \$185/month with no money down. This would be a three-year lease, 12,000 annual miles. The Board need to authorize them to pursue this before year end. Bax said they should go forward with it. Attorney Seaman said the Board needs a Resolution to enter into a lease agreement. The Board tabled this until they have the agreement before them. Also, they will have to declare the old vehicles as surplus to auction them off.

Blazick said the Board needs to address the reassessment of Town properties. Bax said this would be a significant expense. I don't know if we'll have all the details before year end. As the information becomes available, the Assessor would provide a presentation before the Board for exactly what it would cost the Town.

* Blazick said the Town Clerk's salary is still an open issue. Attorney Seaman said it is a question for an open session. Bax said the Board has to assess where the budget stands before any changes are made to salaries.

Conrad said it comes down to whether they can afford it – whether she is deserving of it or not. Bax said the Clerk has done a great job. She has saved tons of money in consolidating offices. At one point, the Board had a conversation to suggest that if the money is there we can do something but I don't think we have come to that realization.

Seaman said if the Board wanted to change the salary as printed in the Preliminary Budget, it could make a modification up until November 20th. Blazick was directed to leave the salary as is right now. The Board would discuss it at the next budget session.

* Attorney Fees: Blasick said the Town has three attorneys, Mark Davis, Brian Seaman and Brian Doyle working for the Town. Our fees are out of control with no method of monitoring it. We cannot afford three attorneys. We should not be paying this money out. Attorney costs outside the retainer were \$28,743 in 2012, \$49,589 in 2013, and \$18,445 in 2014. In 2015, the Town spent the following outside of the retainer fees:

- a) \$1,064 for assessor issues
- b) \$48,742 for Tower litigation
- c) \$10,260 For CSEA negotiations
- d) \$1,401 for the Joseph Davis dissolution to Harris Beach
- e) \$3,812 to Magavern, Magavern

- f) \$444 for LIBP vs Lewiston
- g) \$800 to Harris Beach

Winkley asked the Finance Director have the Attorneys peruse this to respond to any questions the Board may have.

- * Blazick said she did not increase the budget for Environmental Protection legal fees.
- * Blazick said she gave the Board a detailed list of non-profit budgets. She asked the Board if they are going to leave them as currently submitted or cut them. She reduced the Chamber of Commerce from \$55,000 to \$50,000 on the Supervisor's request. The VFW increased from \$300 to \$600. Bax said if they make any changes they will do so at Monday's meeting.
- * Traffic control (A00-3310-0400) is used for road signs. She left the budget at \$3,500. Janese asked that it be left at this amount.
- * Blazick said they had talked about the need to increase the Bingo Inspector's salary by \$1,230 for O/T pay. We have been informed if he works over 40 hrs. He needs to be paid overtime for that whether it is a second job or not. An alternative would be to shorten the dog control hours to compensate him for the 40 hours. It would be 4 hours a month.

Conrad: Is the Town going to suffer from the Animal Control Officer for those four hours?

Town Clerk: I would say no.

The consensus was to leave it at straight time.

- * Blazick asked what they wanted to do about the phone system. The money is currently not in the budget for that. The cost is estimated at \$21,000 to upgrade. Bax said they should look around at other possibilities.
- * Blazick asked if they wanted to combine or eliminate any boards/commissions. Attorney Davis said they are part of the Town Code. Blazick said compensation for meeting attendance would remain the same as 2015.
- * Blazick asked about the Grant Writer. Conrad asked Rotella how much his services bring in. Rotella said it varies from year-to-year, depending on the number of applications they submit. He did not have the numbers in front of him but he would put a report together for the Board.

B-Fund:

- * Engineering Firm. Blazick said they eliminated the PIP Engineering (B00-0440-0100) last year. I think this should be brought back with an expense of \$3,000 but change the name to Engineering Review. This dollar amount should match the revenue in B00-2660-0000 since this is really an in and out expense. The developer pays for the review. We have offset the revenue and expense in the same account and that should not be.
- * Blazick said she lowered the Contingent account from \$25,000 to \$15,000. To date, they have used \$8,110. The Board agreed to leave as is.
- * Blazick asked if they should include revenue (\$41,000) from ArtPark for Police protection. It is currently not in the budget. Brochey said there is a meeting on Tuesday. They should learn something from that.

SF- Fund:

- * Blazick said Fire Dept. contracts need to be discussed and decided on what will be given to them.

Attorney Seaman said they would have to schedule a public hearing before the Board can enter into Fire Protection contracts.

Winkley said to leave it at the 2015 rate. After discussion the Board agreed to discuss this in Executive Session.

In-Lieu of Taxes (B00-1000-1120) – Blazick said she allocated \$81,000 from the Bridge Commission. There is an additional \$2,285 that needs to go into the Revenue account from Country Estates.

Winkley asked if Blazick included a tax rate in the budget as they had recently discussed. Blazick said she did not because the Budget was prepared before that discussion. Winkley asked if she could include that in the Budget for the next meeting.

Blazick asked if the tax would benefit the A-Fund or the B-Fund. The A-Fund needs the most help, she said. Winkley said it should be put in the A-Fund, which includes the Village. He estimated the tax to be \$4.23 for a \$100,000 house. Winkley said they only have to raise \$38,000. Blazick said she would calculate the tax going into the A-Fund and would figure out what the tax cap allows us to do.

* Police Consultation – Winkley said they would have to discuss this in Executive Session. It's a Contractual issue.

Blazick said most of the budget is going to be staying the same. What she is taking out of the H-97 account is \$1,268,986. This is not taking into account the changes made today. We need to figure out where we are going to cut money. You need to cut, at a bare minimum \$450,000. Blazick recommended cutting all contractual budgets, as well as non-profit agencies by 10%.

Winkley said it is a little late in the game to start doing this. We should have had this a while ago.

I said from Day One, this budget needs to be cut, Blazick said. We need to find ways to save money. I was hoping in these discussions that we would find things that we could cut back but that really hasn't happened at all. The problem is that a Town tax isn't going to fix it. Never having been thru any of this, are we going to find things? Are there going to be ways to cut this back?

Bax said the Town has always depended on finding that Pot of Gold. It never materialized. Our revenues have gone down. It's unfortunate. We should start talking about next year's budget come January.

Winkley said, with the exception of contractual employees, salaries should remain the same, including removal of the Jr. Account. We were told it is a one person job. Blazick said she will do her best. "I have always said my desire to have my money in that budget is because it's there and when I leave you will have to pay it. I would never have applied for the job for what I get paid. But because I was vested, I was more than willing to do it. I'm only here for a few years.

Winkley said to start with cutting the not-for-profits by 10%. I maintain very strongly that it is not fair to them to cut them at the last second, Blazick said, but everybody needs to be put on the alert that this is an interim. They need to be looking for alternative funding.

Bax commented: The reality is the municipal economy of Lewiston is changing. We depended for decades on tipping fees and those types of things. It is not that way anymore. We have to accept the reality in the future that we will have to get by living hand to month but in the same sense we will have to deliver the same services that the residents require. I'm just not sure we are going to figure it out in this next six week period. I think we're going to end up having to dip into reserves for some time. We're

going to have to hit the road running next year for the next year's budget. I don't think it's fair or realistic to ask everyone to cut 10% at this late date.

Conrad recommended department heads find ways to increase revenues in some way, going forward.

Blazick said she would send an email to all department heads asking them if there is anything they could cut from their contractual budgets.

Winkley MOVED to enter into Executive Session. Seconded by Bax and carried 5-0. Time: 9:20 PM. (Minutes transcribed by Attorney Seaman)

Present: Brochey, Bax, Ceretto, Conrad, Winkley, Briglio, Seaman, Broderick and Geiben

Issues Discussed: 1) On-going Litigation; 2) Collective Bargaining Matters; and 3) Consultation with Attorneys.

Bax MOVED to exit Executive Session and reconvene work session. Seconded by Winkley and carried 5-0.

Action Taken:

- 1) Authorize Attorneys to settle Ctr. Plaza Ltd, Article VII for assessed value of \$1,270,000. Carried 5-0.
- 2) Authorize Attorneys to settle Mawhiney, Article VII for assessed value of \$138,000. Carried 5-0.

Conrad MOVED to adjourn. Seconded by Bax and carried 5-0.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

