

PRESENT: Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad and Winkley; Deputy Supervisor Briglio; Town Attorney Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Blazick; Highway Supt. Janese; Recreation Dir. Dashineau; Sgt. Previte; 2 Press; 33 Residents and Clerk Donna Garfinkel

Brochey announced the Board will not be voting on the French Landing Subdivision this evening. Winkley said the Town Engineer has not submitted the necessary information.

Lannon said there are several items in front of the Board for consideration. An e-mail was forwarded to Advanced Design Group in the beginning of August with a dozen or so bullets that covered variance topics, many of which were engineering; those have since been addressed and resubmitted.

There are other items that need to be addressed: Niagara County Health Department and water and sewer extensions. This is not for the Town Board to address; it is for the applicant to address. Savard said these are not needed for Final Plat approval. Lannon agreed. There is still work to be done between the applicant and various Town departments.

Any information on the storm sewer district, which requires Town Attorney approval, Lannon can't comment.

DeCastro said a lot of these issues can't be addressed until after Final Plat approval. Normally these are conditions on approval.

Lannon asked Savard if any legality of the stormwater district has been submitted. Savard said the engineering and the ponds will not change. The legality of the Map, Plan and Report and district creation can not be done until after Final Plat approval. Lannon said some items can be approved conditionally. Department Heads need to approve it.

Masters said there are 31 prerequisites for Final Plat approval. It is not clear if all have been received.

Savard said everything has been submitted and comments received back. This was submitted 1½ months ago. DeCastro said they are contingencies, but contingencies that don't relate to Final Plat. The Niagara County Health Dept. won't even review until after it's built. The Final Plat is approved now, subject to any engineering concerns. DeCastro said he does know which comes first, the chicken or the egg. DeCastro said that is why it is appropriate for the Board to give Final Plat approval tonight.

Masters recalls, without having the code in front of him, the prerequisite for Final Plat approval is a letter from the Town Attorney stating that all legal aspects of the subdivision have been completed. To Masters knowledge, the Town does not have this. There needs to be a letter from the Town Highway Superintendent stating that he is on board and all is done.

Conrad said it looks like the Town is sitting and not doing what it should be.

Masters said it is not the Town's job to have the developer say where's this, where's that. It is incumbent on the developer to supply the Town with the documents.

DeCastro disagrees with Masters. He is off base here. There are a bunch of requirements. The developer has submitted everything in accordance with these requirements. Every comment received, the developer has responded appropriately. DeCastro has spoken to Mr. Janese and a couple other people in the Town.

Masters said there is no letter of Acceptance from Town Engineers CRA, stating all prerequisites are completed. DeCastro said he had a verbal conversation with Dave Britton, and DeCastro understood that Lannon would be prepared tonight to move forward. DeCastro can't speak to what Lannon has, but they are ready to get Final Plat approval tonight.

Lannon said the engineering comments were minor in nature. From an engineering perspective, it is fine. The other items, Lannon wants to make sure all are in agreement with. The legal aspect of this is not Lannon's.

There are a couple of items, which have been taken care of. The others that have not been addressed typically are done on condition of approval. Savard said it's not uncommon to have letters from department heads saying you have approval. Savard does not chase them, it is not her job. Savard submitted this to the Town, not the Building Dept. Maybe there were delivery issues.

DeCastro said these are not the developer's issues, these are Town issues. DeCastro has spoken to Seaman in regards to what DeCastro knew about the legal, and Seaman indicated the only new issue that he was aware of, is the fire district issue.

Seaman said Attorney Mark Davis attended the Planning Board meetings and is more conversant on what has happened, and what the issues are. Davis has indicated to Seaman, in regards to the fire access issue, Davis thought this had been sorted out at the Planning Board phase. If there is new information that has been brought forward, Seaman can't comment on it.

DeCastro has an issue with the aggregation of the existing road with the new road, to come up with a definition that is not in compliance, that it exceeds 600 feet. DeCastro has spoken to Pat Martin, Fire Inspector and Martin's position is the Building Inspector wouldn't issue permits, so go ahead and do what you want to do. Mr. Masters wouldn't issue permits, and DeCastro said he would address that at that time.

Martin is aware that DeCastro will be standing here tonight; telling the Board that aggregating the two projects is improper and probably illegal.

Masters offered his opinion. In Section 306-7 – Plat Requirements, the items needed for Final Plat submission listed. Masters spoke to Dave Britton, CRA Engineering last week, and not all submissions had been received. If they were received this morning, Masters does not feel that is in time for this Board to accurately review and make a judgment on. What is the hurry? Why does this need to be done tonight and not in two weeks to make sure all documents are in order?

DeCastro said it is now August; we need to get the project started so that come spring, the developer can top the road and finish the project. That is why tonight is important. The submissions today don't go to the Town Board; they go to the Town Engineer, who had more than enough time to review.

DeCastro does not know where Masters is coming from and believes he is out of line. This is a Board issue.

Brochey does not believe Masters is out of line. DeCastro said both are entitled to their opinion.

DeCastro said everyday the developer loses; will increase the cost of this project and will delay fixing the drainage issue. DeCastro wants to address this now, and get the project moving.

Brochey asked if there will be a delay due to the Fire Code. DeCastro said the Fire Code will not be a delay for installing any of the property. The Fire Code may be a delay if Masters does not issue building permits; if Masters believes this correct. This will then be addressed with Masters. DeCastro said "knowing that Tim is not in his head now, I will get prepared in advance". It should take about 6-months for the road to be constructed.

DeCastro said he and Masters have done this before; it won't be anything new for either one of them to be on separate sides on this issue.

DeCastro said the only reason to delay this tonight is because the Board doesn't want to vote with the public present. The public will be present, probably even more so next time.

Masters is telling the Board, that to his knowledge, not all the required items for Final Plat approval have not been reviewed and are not in the Town's possession at this time.

DeCastro asked Masters what he is missing. Masters said a statement by the Town Attorney approving the legal sufficiency of all offers of succession, all covenants governing the maintenance of undeeded public space, sewer districts and any bonds in lieu of completing. The list goes on and on.

DeCastro asked if this would be submitted to Masters. Masters said the Town Engineer. DeCastro said it would be more appropriate for the Town Engineer and the Town Attorney to address these issues. The covenanted have been discussed. You can't complete the conveniences until you know the dimensions of the Final Plat. The Attorney has sat through the Planning Board. This is a Board issue.

Brochey MOVED to re-open Public Hearing, Seconded by Bax and Carried 5 – 0. (7:10 pm)

Bax questioned Savard about the aeration of the ponds. Is it Savard position that the new DEC requirements would take care of the mosquito problem with the standing water in the detention ponds. There is no need for aeration.

In regards to Montante's comments on the drainage water in her ditch, Savard's position is that studies have shown the proposed retention ponds will diminish the water in this ditch, but in an insignificant amount. Savard agrees and states it will not increase the water.

Dr. Smutko spoke of the entrance to the development and this area on Lower River Road being a high-rate of speed area. Bax questioned Savard if any inspections on this have been completed. It has met the minimum requirements for sight-line. Savard said the County has done an inspection. They agree with the developer's findings, and it meets the requirements. This had been tested going in both directions.

Bax spoke to DeCastro earlier regarding the number of exits from the development on to Lower River Road. There is only one.

Brochey is a bit concerned when it said "a minimum requirement". How close would that be to not being a minimum requirement. Savard said this is how the law is set up.

Correa, Nancy – 439 Riverwalk Drive – Correa thanked the Board for reopening the Public Hearing. She is appalled at the tenure at this meeting. I understand the developer's representative speaking on behalf of the development, but Correa does not appreciate strong-arming. The Town staff has certain expertise that should be listened to, and considered. If Masters is not totally satisfied with that, why not post-pone until the requirements, which he is asking for, has been met.

The Board should not be strong-armed by DeCastro. The residents are here, listening and appreciate the Board's consideration. Please take care in what you are going to approve or not approve. Please extend for another time for approval.

Winkley MOVED to close the Public Hearing, Seconded by Bax and Carried 5 – 0. (7:20 pm)

AGENDA APPROVAL

Additions: Brochey – 284 Agreement, Muck Land Pump; Winkley – Outdated Police Equipment; Conrad – Executive Session - Cable Agreement; Seaman – Executive Session – Roof bids / Collective Bargaining; Bax – Greenway money.

Bax MOVED to approve the Agenda as amended, Seconded by Conrad and Carried 5 – 0.

BROWN & COMPANY

Patrick Brown, CPA for Brown & Company in attendance to review the 2014 Town Audit. Brown thanked the Board for having Brown & Company serve as the independent auditor. Financial audits are procedures conducted by CPA's with the objective and purpose of expressing an opinion as to whether the financial statements are fairly presented in accordance with generally accepted accounting principles.

The Town received an unmodified (clean) audit opinion for the year ending 12/31/14. The Town's financial statements are in compliance with generally accepted and government accounting principles and reporting requirements and free of material financial misstatements and unrecorded financial activity. An unmodified opinion is the desired and highest opinion for financial audits.

Brown noted a material weakness in internal control, as explained on pages 74-75, resulting from the lack of timely and completed bank reconciliations for 2014. This should be addressed and corrected during 2015.

An auditor's opinion applies to and is based on the actual financial results of the given year and is not an assessment, endorsement, commentary and/or opinion by Brown, as to future years budgeting, financial management or fiscal health of the Town.

The draft financial statements have been reviewed with Brochey and Blazick.

The Town's total financial position of all operating funds (excluding capital project funds) for 2014 decreased by \$884,295, as compared to 695,322 for 2013 (operating deficit all funds combined) compared to budgeted decreases of \$1,298,699 and \$1,155,863 for all operating funds respectively for 2014 and 2013. For 2014 the operating deficit was a \$414,404 favorable budget variance and for 2013 the operating deficit was a \$460,541 favorable budget variance.

General Town-Wide (A fund) operated at a deficit of \$385,251 which was a \$64,467 unfavorable variance due to \$450,000 of revenue for Joseph Davis Park not realized. For 2013 the fund operated at a deficit of \$451,669 and \$203,598 unfavorable variance. In the past 2 years, a total of \$836,920 of fund balance was used which was \$268,065 more than budgeted, due to revenue shortfalls and transfers to other funds. Pages 44 – 48

Part-town (B fund) operated at a surplus of \$66,428 which was a \$443,992 favorable variance. For 2013 the fund broke even with revenues/transfers equal to budget. Pages 49 - 51

Highway fund (DB fund) operated at a deficit of \$131,385 which was an unfavorable variance of \$21,328 primarily due to snow removal. For 2013, fund operated at a deficit of \$100,000 per budget. Pages 52 - 53

Fire fund (SF fund) operated at a deficit of \$61,263 which was a \$4,188 unfavorable variance. For 2013 the fund operated at a surplus of \$39,323. Page 55

Lighting fund (SL fund) operated at a deficit of \$5,767 and which was a favorable variance of \$2,233. For 2013 the fund operated at a surplus of \$4,674. Page 56

Refuse fund (SR fund) operated at a deficit of \$1,817 which was an unfavorable variance. For 2013, the fund operated at a surplus of \$176. Page 57

Master Sewer Pollution Control (SS1 fund) operated at \$67,227 surplus which was a favorable variance. For 2013 the fund operated at a 205,572 deficit and unfavorable variance. Pages 60 – 61

Master Sewer Improvement fund (SS2 fund) operated at a deficit of \$372,684 for 2014 which was a \$3,859 favorable variance primarily due to revenues under budget. For 2013 the fund operated at an \$8,543 deficit which was a \$303,872 favorable variance. Pages 62-63

South Sewer (SS3) operated at \$23,349 deficit which was a \$25,327 favorable variance primarily due to revenues under budget. For 2013 the fund operated at a \$27,759 deficit which was a \$19,565 unfavorable variance. Page 64 - 65

Water fund (SW1) operated at a \$36,434 deficit and unfavorable variance primarily due to revenues under budget. For 2013 the fund operated at a surplus and favorable variance of \$54,048. Pages 68 - 69

All operating funds except Refuse (SR) have total fund surpluses and in total operated at \$414,404 favorable variances. Not as much total Town fund balances were used as budgeted.

All funds except for highway (DB), fire (SF) and refuse (SR) operated with actual expenses and transfers to other funds under budget. Total Town actual expenses were \$16,399,687 compared to budget of \$17,407,142 resulting in a favorable variance (actual expenses less than budget) of \$1,007,455.

Total Town revenues were \$15,515,392 compared to budget of \$16,108,443 resulting in unfavorable variance (actual revenues less than budget) of \$593,051.

As of 12/31/14, the Town was in good financial condition with all operating funds having adequate fund surpluses except for Highway, Refuse and Water Pollution (SS1). All of the Town's other funds have adequate unrestricted/undesignated fund balances of over 10% of 2015 budget except Highway, Refuse and WWTP.

Except for the three funds mentioned, unrestricted/undesignated fund balances are just about where you want to have and maintain them having adequate surplus fund balances to address unforeseen/emergency situations but there is some concern with General Fund Town wide (A) when projecting 2015 operating results due to the steady decrease in revenues.

The Town had rather large fund balance surpluses available for use in balancing their budgets and it is understandable why the fund reserves were used over the past couple of years as the alternative of expense/service reductions and/or tax didn't seem appropriate when they had these reserves to use.

The Town took very strong action with the 2015 budget in that it used no fund balance in the General Fund and overall used a total of \$361,968 of fund balance for all funds compared to \$1,256,925 in 2014, a decrease of \$894,957 in fund balance reserves used to balance the 2015 budget compared to fund reserves used to balance 2014 budget.

In July Moody's Investors downgraded the Town's bond rating for its use of fund reserves over the last few years. Their concern over recurring revenues and reliance on revenues such as sales tax, but the town still has a good bond rating. This was not unexpected, as discussed last year when reviewing the 2013 year end audit but continued budgeting like 2015 with less reliance on fund reserves should bring an upgrade in bond rating back to what it was in future years.

As a percentage of their respective 2015 budgets, unrestricted/undesignated fund balances are:

General Town Wide Fund is 12.6% compared to 13.3% for 2013 of 2014 budget
General Part Town fund is 31.20% compared to 21.6% for 2013 of 2014 budget
Highway Fund is 3.5% compared to 6.8% for 2013 of 2014 budget
Fire Fund is 9.4 % compared to 10.2% for 2013 of 2014 budget
Lighting fund is 123.1% compared to 131.2% for 2013 of 2014 budget
Water Pollution Control (SS1) is 8.5% compared to 5.0% for 2013 of 2014 budget
Master Sewer Fund (SS2) is 105.3% compared to 97.1% for 2013 of 2014 budget
South Sewer (SS3) is 50.2% compared to 57.8% for 2013 of 2014 budget
Water fund is 12.5% compared to 14.2% for 2013 of 2014 budget

Highway and WPCC have work to do to get up to the desired 10% while General Town-Wide may be in a similar position by the end of 2015.

Personnel costs for the Town increased \$294,831 or 6.2% from \$4,734,539 for 2013 to \$5,029,370 for 2014 (\$4,415,421 for 2012 and 7.2% increase 2013 vs. 2012). Employee benefit expenses for 2014 were \$2,756,990 vs. 2,795,012 for 2013 a decrease of \$38,022 or 1.4%. 2014 personnel and related employee benefits represent approximately 47% of the Town's actual expenses (45% for 2013).

Capital project funds H35 and H58 for Colonial Village and Sanborn Park have deficit fund balances of \$43,223 and \$47,196 respectively. These projects were approved to be funded by Greenway funds, but money was spent on the projects prior to this approval so they are now ineligible and will need to be funded by Town (H97). Lewiston Town Park was also approved for Greenway funding.

For 2014 and 2015 budgets, the Town was able to remain under the State property tax cap. While the debt has been called manageable by Moody's Investor Services, future borrowing must be closely scrutinized and only as absolutely required. Debt service for principal and interest was \$1,277,083 for 2014 compared to \$995,508 for 2013, an increase of \$281,575 (28.3% increase) and makes up 7.8% of the 2014 expenses as compared to 6% in 2013.

Similar to Brown's message in 2014 when reviewing the 2013 audit report about the 2014 budget, the same holds true today. The 2016 budget will be challenging as fund balances for General Fund are pretty much used. Revenues are stagnate/fixed and dependent on sales tax and expenses rise with many contractual items and debt service (as with all local governments in the county). The Board will need to closely analyze expenses for all departments, especially employee benefits/personnel costs which make up much of the budget (47%) as the Town will need to comply with State prop tax cap.

Fees for all departments must be examined and should at least equal to surrounding municipalities to help offset costs. If fees are too low, the cost of the department is being subsidized by others.

Brochey feels the Town is on the right track, but there is still a lot of work to do.

Brown feels what the Town did with the A-Fund for 2015, is a positive direction. The A-Fund is most challenging. Without a Town Tax, the source of revenue needs to be examined. The Town is not running over-budget, it is the revenue streams that are falling short of budget.

Brown suggests when the department presents its budget, look back at last several years and if they are consistently under budget, the budget should be lowered. The department may think they need it but really don't.

Brochey is working with the Niagara County Supervisors Association on a health coverage consortium, hoping to save thousands. Modern notified the Town they may have to cut the money they give, by approximately \$400,000. That will be very hard to make up next year.

Blazick said fees collected really need to be looked at and compared to surrounding municipalities.

Blazick said Moody's is looking for 30% The Auditor is saying 10% and if you look at the State Comptrollers office they say anything over 20% is going to raise flags to them. It is a balancing act at what needs to be worked on, and planning ahead so it can justify the percentage.

The Town is in the first stages of the budget process and Blazick does not want the departments to not be able to function. Blazick will be looking at where the Town stands, what we're spending and why. Make sure that the expenditures are necessary. The departments need to look ahead. The Town is constantly getting hit with things it does not see coming.

Brown thanked the staff at Town Hall for their help.

Winkley MOVED to accept the Town Financial Statement as of December 2014 from Independent Auditor Brown & Associates, Seconded by Bax and Carried 5 – 0.

ADOPTION OF LOCAL LAW #2 – 2015 – Moratorium of Disposal of Sludge, Sewage Sludge and Septage

Bax MOVED to adopt Local Law #2 – 2015, Seconded by Winkley

Roll Call Vote:

| | |
|----------------------|-----|
| Councilman Bax | Yea |
| Councilwomen Ceretto | Yea |
| Councilman Conrad | Yea |
| Councilman Winkley | Yea |
| Supervisor Brochey | Yea |

Motion Carried 5 – 0.

APPROVAL OF FINAL PLAT – French Landing Subdivision

Brochey is concerned about Masters' issues and feels this should be tabled.

Bax appreciates all of the comments and concerns. The Board and the departments share in these concerns. The Board's primary concern is with not repeating the past.

In Bax's experience and communications with developer Wolfgang, he holds the same sentiment. He does not want to add additional problems, especially safety concerns on Lower River Road. So at this time it is unfair to group him into that category of developers who are only out for one thing. Bax does believe, despite the financial set-back a two week delay may cause, Wolfgang will appreciate that the Board is sincere in their job and doing their best.

Brochey MOVED to table the Final Plat approval for French Landing, Seconded by Bax

This will give all interested parties additional time to review. Brochey would like this to meet Masters approval.

Winkley said as long as within the next two weeks we get the necessary answers.

DeCastro said he listened to Masters speak and didn't really hear any objections that he had; he was making them for other departments.

DeCastro shared the Code section with Seaman. There are a couple issues here; Health Dept. approval is not done until it is installed and working. In regards to the Town Attorney, the Town Attorney does not submit a letter, unless there are things being done.

DeCastro also wanted to advise the Board, that when the documents are submitted, it is staff's responsibility to respond to the Board, otherwise the project has to be approved.

Seaman said this is not the time for DeCastro to argue back and forth with the Board.

Seaman was asked to prepare a list of the items that are needed to comply.

Conrad does not believe there is a list. It is the Town that needs to get the items together.

Seaman suggested assigning a staff member to be the "go-to" person for the documents.

Brochey and Conrad feel Masters is the most qualified and asked if he would.

Masters said on July 31, 2015 he sent an e-mail to CRA stating "French Landing is scheduled for a Public Hearing for Final Plat approval on August 24th. Will you be presenting a check list and letter to the Town Clerk showing that all items in the Code and requirements have been provided?" Response "We will review the package against the Town Code and prepare review recommendation letter." As of 4:30 today the Town Clerk did not have this document.

Winkley said the Board needs to do something. There is a system/method, it is clear and concise and who is responsible for what. If department heads are to be sending letters, it is on the Board's shoulders to make sure it is complete. It is the Board's fault for not getting the homework done.

Savard supports what Winkley is saying. It is difficult because comments trickle in. In other Towns all comments are collected into one dissemination of comments, which leads to one revision. If the Town can make that a focus that would be huge. It would be better for the developer, the Town and the residents.

Carried 5 – 0.

It was suggested the "go-to" person be appointed this evening. Winkley said they will address this.

TWO-MINUTE STATEMENT – RESIDENTS

Leone, Joe – 721 Powell Lane – Leone received a post card in the mail inviting him to tonight's meeting to discuss greenspace behind his property. The Town, in the past, has been concerned with liabilities and maintenance issues with the space. Some of the residents in this area are interested in acquiring the space.

However, Leone feels the greenspace should not be used for purposes of construction. No new structures should be allowed to take place. This could be done with a Conservation Easement.

This is not new for the Town. When the Golf Course was developed there was Town property declared surplus. It was turned over to the development with the understanding that it would be forever green. This could be done with the Lewistown Park greenspace. The difficult part is not all residents are interested.

Leone suggests the Board look at the original development plans. Some of this area has drainage easements. There could be a blanket drainage easement and then a conservation easement. The space would be divided to the back and front residents. Each resident to the left and the right would need to have interest in the property, as to not land-lock the space.

Montante, Margaret - 4342 Lower River Road – Montante did not count the number of residents that spoke, but the Board should note, no one said "no development". Everyone has legitimate reasons for concern. Montante asks the Board to pay attention to these things.

The Board can't link the two projects, Riverwalk and Wolfgang's project, but the Board needs to realize what went wrong. Either the responsibility of the developer's involvement or the drainage. The Board needs to be concerned about this.

Thank you for tabling this. In regards to the traffic, cars are passing on the right and it is dangerous.

Brochey said Bax's earlier comment regarding the Board doing this right is how the Board feels.

Glasgow, Paulette – 836 The Circle – Glasgow remembers discussing conservation easements when she was a Board member. She thanks Leone for bringing this option up.

On the agenda there are two issues Glasgow would like to discuss. One being greenspace and the other being political signs.

Glasgow is very concerned because there are political signs in questionable greenspaces throughout the Town. There are two signs located on Lewiston Road near Sacred Heart, which is a 501-C3 – Not For Profit tax-exempt property. Glasgow doesn't know if the Sisters know this, but if the IRS and the Diocese hears of this, there could be some serious problems. 501-C3 are not to participate in political activities. Glasgow hopes someone will get word to the Sisters that those political signs need to be removed.

Winkley questioned the Attorney if this is the Board's responsibility.

Arnold, Jack - 5256 Hewitt Parkway – After listening to Pat Brown and the drop in revenues verses doing business with the Town. Arnold has a problem with Wolfgang's project because it obviously would increase taxes. It has a positive thing.

Arnold has been asking the Board for years to take a look at other areas where the Town can develop revenue. One idea was to gather the business people together and see what their thoughts are.

If the Board does not want a Town tax, the Board needs to increase revenue, and it is time the Board looks at this.

TWO-MINUTE STATEMENT – DEPARTMENT HEADS

Sarg. Previte – In the last 30 days the Police Dept. has handled 674 calls, 130 traffic tickets, 37 arrests and 33 accidents in the Town.

APPROVAL OF MEETING MINUTES

Bax MOVED to approve the July 23, 2015 Special Meeting Minutes, Seconded by Conrad and Carried 4 – 0. (Winkley abstained)

Bax MOVED to approve the July 27, 2015 Regular Town Board Meeting Minutes, Seconded by Conrad and Carried 5 – 0.

Bax MOVED to approve the August 10, 2015 Town Board Work Session, Seconded by Winkley and Carried 5 – 0.

POST AUDIT PAYMENT

Conrad MOVED to approve the following Post Audit payments: Home Depot - \$78.76; Key Bank - \$92.16; Sam's Club - \$5,656.24; Federal Express Corp. - \$157.82; Leaf - \$455.80; NYS Assoc. of Magistrates Court - \$140.00; Lebens, Timothy & Toni - \$500.00 and Wex Bank - \$3,746.07, Seconded by Winkley and Carried 5 – 0.

OLD BUSINESS – None

NEW BUSINESS – CLERK'S CORRESPONDENCE – None

SUPERVISOR BROCHEY

Appoint Town Historian

Brochey MOVED to appoint John Sharpe as Town Historian, Seconded by Bax and Carried 5 – 0.

Scovell Cemetery - Ridge Road – Eagle Scout

Sean Foley – 2136 Swann Road is an Eagle Scout and working on his Eagle Badge. He has asked to clean up and restore the Scovell Cemetery located on Ridge Road. There is a stone wall needing repairs. Foley will remove trees and brush that surround the grave stones. The Lewiston Historical Committee has also showed some interest in helping.

There is a lot of history in this cemetery. Brochey understands there are past Supervisors and Town Clerks buried there.

Seaman questioned if the Cemetery is on Town property. Brochey said no. The owner is in agreement. Seaman said the Town can give its congratulations to this young man, but with it being private property the Town has no say.

Brochey will contact the owner and arrange it.

Legal – Executive Session requested for end of meeting

Engineering – Roof Bid Results – Senior Center / WWTP to be addressed in Executive Session.

Finance – Review 2014 – 2015 NYPA Expenditure Plan

Seaman said for the past two years it has been a collaboration of Board members to determine the use of the Hydro Power Allocation. The Board passed a resolution directing the Finance Director to come up with specifics to itemize the refund.

Blazick distributed the 2014 and 2015 Itemization of Hydro-Power Allocations Monetization. In regards to dollars being divided among residents, and how the distribution will take place, Blazick is very close to a workable plan.

2015 is basically the same. There are some additional projects added, the HVAC at the Senior Center, roof at the WWTP, and replacing the Muck Land pump with a more efficient unit.

Bax complemented Blazick on a job well done.

Seaman recommends approval of 2014 & 2015 Town of Lewiston Hydro-Power Allocation Monetization.

Bax MOVED to approve the 2014 & 2015 Town of Lewiston Hydro-Power Allocation Monetization reports, Seconded by Ceretto and Carried 5 – 0

Greenway Funds

Dashineau told the Board three projects, Kiwanis Park restoration, Colonial Village playground construction and the ice rink, are scheduled to go before the Greenway Committee. The Town received a two-year approval on the rink. The rink was bought out last year; it is a lot lower this year.

Town grant writer Bernie Rotella is trying to get Colonial Village and Kiwanis Park on the Greenway Commission agenda for September 15th. If not then, definitely on November 17th. Once through the Commission, Rotella is hoping to present all three to the Standing Committee on October 3rd. The ice rink is definitely going before the Standing Committee on Oct. 3, 2015.

284 Agreement

Brochey is uncomfortable after being criticized for signing the original 284 Agreement. Brochey contacted the Town of Niagara and how they prepare their 284 Agreement. Years ago, past administration prepared it similar to what Lewiston did, without a list of roads.

The Agreement was signed and Brochey is content with it, but has requested Janese send an itemized list of the roads. This will make it easier for signing of vouchers.

Janese said he breached the Board on this once. What the Supervisor wants is a specific list. Janese thought we were all set with this. Janese has told the Board before, .. Basically we will pave when we can, when we have the equipment to pave with. Janese told the Supervisor, if the Town is going to rent a paver, he will give a specific list of roads. Janese would need about \$20,000 to rent a paver. Janese is not sure if the Town has the funds, but has told the Board before, Lewiston is basically at someone else's mercy. The Town doesn't own the equipment. Lewiston has to deal with twelve other Towns. Lewiston has the equipment it needs only when the County has it available.

Brochey asked Janese if he didn't have the paver from the County for three weeks or so. Janese said no, Lewiston had it for three days, and then it went back Wheatfield. Janese will be paving for the Village. This is a smaller paver, it can't be used on the larger roads, it is not wide enough.

Janese said we are at the season where everyone wants the paver. Janese will basically pave predicated on the equipment Lewiston can get. Unless the Town wants to lease a paver.

Brochey asked Janese what roads remain. Janese said there is a whole list of roads to do, Pletcher Road; this is the third time we have been through it. Brochey said at the beginning of the year Janese said Pletcher Road was going to be \$360,000. How is this going to be accomplished within Highway budget?

Janese has said this will be done in portions. He can't just simply ignore the roads. If there isn't enough to do the entire length, we can't just say well lets just let it fall apart.

Brochey asked Janese about the paver sitting up at the Sanborn Historical Society for some time. Couldn't it have been used? Janese said that is the small paver. Janese explained, there are roads that are different widths, some are wider than others. A small paver does the narrow roads. Now we need the big paver, which will do the big roads. The department was paving in Sanborn, that is why it was sitting there, waiting for the Town of Wheatfield to pick it up.

The Town is now waiting for the larger paver. Once this comes, Janese would rather pave the larger roads. The money has to be put into places like Hillview Court, and then he will.

Janese has provided a list of roads and thought this was all settled. Janese told the Supervisor he will attach vouchers to each one of the invoices so the Supervisor knows what he is signing, and for what road.

Brochey requested a list of roads from Janese. Janese said as he knows what road will be paved; he will send an itemized list. Brochey requested such a list for what has been done. Janese said he did, they have already been signed. Janese will send Brochey a list of what has been forwarded to Brochey and approved. Janese said he is not going to debate the form of the 284, we have been around this block several times, and doesn't care what the Town of Niagara has.

COUNCILMAN BAX

Bax has been contacted regarding a project in the Village of Lewiston for a mechanized kayak launch at the sand-docks. There is a lot of kayak activity on the river, but unfortunately they are sharing the boat launch. Kayaks and boats together are causing a safety hazard.

It was expressed that Greenway monies be used for the kayak launch. The Village would require a sponsor and Bax believes the Town could be that.

Board members agree, this would be a great idea and much safer for all.

Bax will work on this with Leone, the Village and Rotella.

Sewer Refund Requests

Stafford – Creek Road – Replacement of pool liner.

Bax MOVED to forgive the sewer portion of the Stafford bill in the amount of \$50.20, Seconded by Winkley and Carried 5 – 0.

Boniello – Lauren Court – Replacement of pool liner

Bax MOVED to forgive the sewer portion of the Boniello bill in the amount of \$144.00, Seconded by Winkley and Carried 5 – 0.

Greenspace

Bax apologizes for the long delay in regards to addressing this. Post cards had been mailed to the residents inviting them tonight to discuss.

Carpenter, William - 742 Powell Lane – Carpenter has lived on Powell Lane for 27 years. There are a select group of neighbors that have been maintaining this property. It would be Carpenter's hopes that the Town has no ideas to do anything with it. The Board might consider giving each resident an option to have it.

Bax said this has been on the Board's agenda for the last 10 years. The issue is with those residents that don't care and those that do. To those that don't the property is becoming a nuisance.

The Board is looking for more residents that may be interested in taking ownership of the property. However, in the past, there are people that want to cut it all down and expand their yard and others want to leave it. A Conservative Easement is a good idea, the residents need to take ownership and agree to the restrictions. A no building restriction would need to be discussed. Bax was hoping to get the residents together, come up with a solution and move forward.

Leone would agree. There should be no building, which is part of the ambiance and charm of the neighborhood. Leone has taken care of the greenspace behind his home for years. When Leone was the Town Attorney, he took care of the trees himself.

Winkley said the main issue, is residents want the land, but they want the Town to clean it up.

Leone said there maybe a problem when dividing because the area is not uniform with each property. Both front, back, left and right all need to agree as to not land-lock any of the land.

Hunt, Al - 736 Powell Lane – Hunt has lived on Powell Lane for almost 30-years. When Lombardi was Supervisor, the back field was nothing but a junk yard for builders to dump their garbage. Before the last house was built on Mary Lane, Lombardi had the Town crew come in, dig 4 holes and bushed all the concrete, trees and garbage into the holes and covered. Trenches were put in for drainage. The problem with Scovell Drive and Mary Lane is all the drainage comes to Powell Lane. Behind some homes there are no trees, it has been leveled.

There is a drain ditch that goes from the fields to Mary Lane that hasn't been cleaned in years, and needs it badly.

Hunt said there are many older people that will not be able to afford the property. Bax said the Town is not looking for a monetary payment, just transfer ownership.

Bax would like a Committee formed to address greenspace issues throughout the Town.

Discussion on the legality and assessment aspect of transferring this land. Seaman said there are definitely issues that would need to be addressed if the land is added to the property. Leone said the question now is what is the value of the property (greenspace).

Leone thanked the Board for notifying the residents and giving them an opportunity to speak.

COUNCILWOMEN CERETTO

Political Signs

Each election season the Town Clerk forwards a letter to the candidates outlining the procedure and laws of political sign placement in the Town. Ceretto requested a paragraph be added to inform the candidates that if their signs are placed in the right-a-way and are removed by the Town they will be located at the Town Hall for the candidate to retrieve.

Seaman advises the Clerk to be very careful about any regulation on political speech. The right-a-way part is one thing. Each candidate is also forwarded a Town Board Resolution from 1999 stating a time table to remove the signs after the election. Seaman suggests being very, very cautious about this.

The Clerk said this was a Resolution passed by the Town Board in 1999. Seaman said he would not enforce this resolution. The Clerk said this resolution is on the books, therefore it is stated in the letter. Seaman understands, but his advice is there may be some legal issues with the Resolution and Seaman suggests no action to enforce it be taken.

Any regulation as to when you can and can't put up a political sign, the Town could have some first amendment problems. Whether it is from 1999 or not, Seaman said there are legal issues.

The Clerk said this letter has gone out to all candidates for years. This has been the practice. If the Clerk's office receives a complaint, a Town employee goes out determines if the sign is in the right-a-way, if it is it is removed and brought back to the Town Hall.

The Town of Lewiston has a Town Code, and as elected officials and Town employees, we too have to adhere to what the Code says.

Ceretto asked Seaman if he is referring to when the signs can go up. Seaman said yes. The law states the signs can be erected 30 days prior to an election. Ceretto asked Seaman if he is saying this should not be in there. Signs can be erected in June, even if the election is not until November? Seaman said yes,

Bax said if the Town enforces this, and a law suit was brought to challenge it, the Town would lose. Bax said this can be enforced but given the language of the resolution it may subject the Town to a lawsuit.

The Clerk said the code that is being enforced, is the code for the placement of the signs. This is how this all got started. In regards to the time limit, this is the first time since 1999 that anyone has ever mentioned that this is incorrect. The signs were being removed from the Town right-of-way and the candidates did not know where to find them.

Ceretto asked if the 1999 Resolution should be removed. Seaman believes this should be looked at closer.

Turf Bid – Washuta Park

Dashineau forwarded information to the Board in February requesting to go out to bid. It was decided the money was in the budget. Bid was conducted on August 18th, and one bid was received and reviewed by Seaman.

Dashineau is requesting the Supervisor sign the contract with A-Turf Athletic Surfacing.

Winkley MOVED to award the bid for the synthetic turf athletic field at Washuta Park to A-Turf Athletic Surfacing in the amount of \$99,000, with funds from H-61, Seconded by Conrad and Carried 5 – 0.

Post-Audit Approval of Recreation Voucher

Ceretto MOVED to approve the Post-Audit payment to the following recreation employees: Beccari, Mario - \$210.00, Deal, Brooke - \$109.38; Flegal, Joel - \$87.50; Galie, Vincent - \$43.75; Guerucci, Gianna - \$35.00; McRae, Madison - \$400.50; McRae, Mason - \$30.00; Merletti, Gabriella - \$30.63; Previtte, Alicia - \$113.75; Rizzo, Jacob - \$48.13; Roulley, Stephen - \$20.00; Spameni, Leah - \$262.50; Spameni, Peter - \$52.50; Torrie, Madison - \$32.98; Walerowicz, Joshua - \$118.13; Walerowicz, Nathan - \$183.75; Walerowicz, Nathan - \$80.00; Waugaman, Victoria - \$70.00 and NF umpires Association - \$3,121.00, Seconded by Bax and Carried 5 – 0.

COUNCILMAN CONRAD

An agenda item to be addressed in Executive Session

COUNCILMAN WINKLEY

Sanborn Building Placement – The Sanborn Fire Company, Inc. is notifying the Board of their approval of the placement of the Storage Building at the Sanborn Farm Museum.

Police Chief's Position

Winkley is very proud and with pleasure to promote Sergeant Frank Previte to Lewiston Police Chief.

Winkley MOVED to promote Sergeant Frank Previte to Lewiston Police Chief, Seconded by Bax and Carried 5 – 0.

Previte submitted a list of outdated equipment.

Winkley MOVED to approve the list of LPD Outdated Equipment 2015, Seconded by Bax and Carried 5 – 0.

Bax MOVED to enter into Executive Session, Seconded by Conrad and Carried 5 – 0. (9:05 pm)

PRESENT: Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad and Winkley; Deputy Supervisor Briglio; Town Attorney Seaman; Town Engineer Lannon; Union Rep. Brian Doyle

Session called for consultation with Attorney regarding roof projects.

Winkley MOVED to exit Executive Session, Seconded by Bax and Carried 5 – 0. (9:20 pm)

On August 19th the Town received bids for the replacement of the Senior Center Roof and replacement of three (3) HVAC units.

Lannon said the General Contract – Contract No. 2015-4G is for the roof and abatement of asbestos. Bidders were to give three (3) amounts, depending on the R factor of the insulation.

The low bid for the Base Bid was Grove Roofing, Inc at \$164,300.00; R-30 Alternate 2 - \$6,600.00. Lannon recommends awarding General Contract No. 2015-4 G to Grove Roofing, Inc. in the amount of \$170,900.00.

Winkley MOVED to award General Contract No. 2015-4 G to Grove Roofing, Inc. in the amount of \$170,900.00, for the roof project at the Senior Center, Seconded by Conrad and Carried 5 – 0.

The other component of the Senior Center project is the mechanical replacements. Contract No. 2015-4M is for three (3) heating units. Lannon recommends awarding Mechanical Contract No. 2015-4M to H.W. Bryk & Sons, Inc. in the amount of \$34,536.00.

Bax MOVED to award Mechanical Contract No. 2015-4M to H.W. Bryk & Sons, Inc. in the amount of \$34,536.00, for the roof project at the Senior Center, Seconded by Ceretto and Carried 5 – 0.

On August 19th there was a bid opening for roof replacement at the Waste Water Treatment Plant. Lannon recommends awarding Grove Roofing Services, Inc. the job, in the amount of \$302,200.00.

Conrad MOVED to award the Water Pollution Control Center roof replacement Contract No. 2015-2, to Grove Roofing Services, Inc., Seconded by Bax and Carried 5 – 0.

Blazick asked the Board to please consider moving forward with the Much Pump situation.

Winkley MOVED to enter into Executive Session, Seconded by Conrad and Carried 5 – 0.
(9:25 pm)

PRESENT: Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad and Winkley; Deputy Supervisor Briglio; Town Attorney Seaman; Union Rep. Brian Doyle

Session called for consultation with Attorney regarding collective bargaining.

Winkley MOVED to exit Executive Session, Seconded by Conrad and Carried 5 – 0. (10:07 pm)

No actions taken.

Brochey MOVED to adjourn the meeting, Seconded by Conrad and Carried 5 – 0. (10:08 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel
Town Clerk