

**PRESENT:** Supervisor Winkley, Councilmembers Bax, Ceretto, Conrad and Geiben; Town Attorney Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Blazick; Chief Previte; 2 Press; 29 Residents and Clerk Donna Garfinkel

Also present Supervisor Elect Steven Broderick and Councilman Elect Rob Morreale

**EXCUSED:** Highway Superintendent Janese

The Supervisor opened the meeting, followed by the Pledge of Allegiance and a moment of silent reflection for thoughts of Rosalie Dreier, who passed on December 25, 2015. Rosalie worked at the Waste Water Treatment Plant for 25 years. Also Officer Swick's family for the lose of his mother.

#### AGENDA APPROVAL

Winkley addition: Sanborn Historical Society – Greenway Project.

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

#### TWO MINUTE STATEMENTS – RESIDENTS

Hoover II, Rob – Chief of Sanborn Fire Company. Hoover present to address the Board regarding Fire Company Contracts. Discussions took place with Supervisor Brochey and have since been discussed with Supervisor Winkley. The Fire Companies are concerned if their Workers Compensation will be covered come January 1<sup>st</sup>.

Physicals are also a concern. In the mid-90's, each Company bid for themselves, with the Town paying. The last contract, four years ago, all Companies went with one provider. This has since been changed and Hoover is not sure how this happened. The Fire Companies should have been part of that process, to ensure the Fireman's needs are met.

Seaman said the way he reads the four contracts, there is a provision that carries the contracts over for an additional year. It is Seaman's interpretation, of this provision, is the contracts remain in effect going into January. Hopefully the Town will negotiate something quickly, have a Public Hearing and a longer contract can be put into place.

Winkley requested Seaman review the physical provider portion of the contract. Seaman does not believe there was a contract, the Town solicited proposals for physicals.

Winkley said the offer the Town received was not reviewed by the Fire Depts. Items are being offered that are not needed, and items that are needed are not. This needs to be revisited.

Lyle, Steve – Lower River Road – Lyle owns a lot at Riverwalk. He has attended half a dozen meetings in the last year or so, and is very confused about one subject. After looking through the minutes starting in January, Lyle found the following. In January, Janese mentioned the Riverwalk drainage issue and "optimistically the pipe will be ready for installation in the spring. The Board needs to decide who will install the pipe, the Town or private contractor". May 11<sup>th</sup> Work Session, Lannon said he has prepared an estimated construction cost for the installation of the storm sewer, estimated cost being \$200,000. May 28<sup>th</sup> in speaking of Riverwalk / Joe Davis pipe, Janese asked if the \$200,000 is correct and Lannon said that is the estimated figure. Janese has stated four times in public, that this department is willing to do this, and the job can be done for a fraction. The Highway Dept. is going to do the job; this will allow Lannon to put together a more abbreviated set of plans.

Conrad suggested Lannon prepare the specifications so when the easement comes in, the Town is ready to go. August 10<sup>th</sup> Janese said he has had people asking about the drainage line for Riverwalk. The Engineer updated saying the design is complete, waiting for the easement.

At the August Public Hearing it was asked who owned the Riverwalk ponds. Masters said they are privately owned by the LLC. Lyle said the same LLC that refused to put the road in?

September 28<sup>th</sup> Board meeting, Janese wanted to clarify a couple of comments. Janese said he has nothing proposed for Riverwalk and not a penny of Town money has been spent on Riverwalk. The Board directing Janese to spend any money certainly is not the case.

October Work Session – Lannon said the Town is close to receiving the easement. The remaining work to be done is under the purview of the Town and or the residents along the impacted area of Riverwalk Drive. It is not clear who is responsible to get the water to the south side of Riverwalk. It may take twice as much pipe to get the pond toward the backyard.

At the October Town Board meeting, Janese said he received the specs for the drainage pipe project at \$15,000. Janese is not sure who is paying for this. He asked if he could go ahead and order the material and have them invoiced to the Town. Lannon suggested in the interest of time, he recommended Janese order the material.

Lyle asked “Who is paying for this?”

Winkley said the Town is negotiating with LLC, the owner of the property, to pay for the pipe and the Town will install it. Lytle said they have refused to put the road in for the last ten years, what if he refuses to do this? Winkley said the road is a separate issue. Lytle responded “it is still Joe Deck”.

Winkley said when Riverwalk was first put in; there was an error in the drainage. The Town accepted the property with that error, so the Town is responsible to make it correct. This was approximately 15-years ago. The Town does have their share to make this correct for the residents.

Lyle said in all discussions there seemed to be two phases. First phase; was to drain the ponds, this being 25% of the project. The rest of the business was to get the water from all the properties to the ponds. Draining the ponds is nice, but it is not going to solve any problems.

Correa, Ellen - Riverwalk Drive – Correa read the following statement:

On Monday, December 14<sup>th</sup> this Board adjourned the public Work Session to go into Executive Session, and as part of that closed session met with the developer for French Landing and his attorney, as quoted in The Sentinel on December 19<sup>th</sup>, “to update the Board on the Project.” I believe this meeting was in violation of NYS Open Meetings Law, which states that closed Executive Sessions can only be held for certain and specific purposes, including issues of, public safety or law enforcement, litigation of union or personnel issues.

According to NYS law, updating the Board on the French Landing development does not fall under the criteria for discussion at a meeting that is closed to the public.

Correa is among a group of Lewiston residents who are extremely concerned that the Town Board is negotiating behind closed doors regarding a development that has ramifications for all residents. Why did the update regarding the project need to be held in secret? Because discussion with the developer should have taken place in public, Correa is requesting the minutes of that discussion be made public and approved at the next Town Board meeting.

On the website for Open Meetings Law New York State maintains that:

*It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this State be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.*

Correa asks that the Board affirm its commitment to the democratic process by providing the minutes of that discussion and by abiding by the Open Meetings Law in the future.

Seaman's understanding of this particular manner is it was brought to the Board's attention just prior to the meeting, that there was some threatening litigation. It was co-counsel, Mr. Davis, who had been in contact with the individual who had threatened the litigation. The executive session, so the record is clear, Mr. Wolfgang or Mr. DeCastro was not involved in the initial part of the executive session. There was consultation between the Board and Mark Davis concerning some threatening litigation. This is outside of the scope of Public Officers Law, and was permissible.

There was a very brief period where in an attempt to settle the matter prior to litigation being instituted, Mr. Wolfgang and Mr. DeCastro were consulted for less than three minutes to see if the resolution could be done prior to litigation. Again Seaman does not think there was any violation to the Open Meeting Laws.

Correa asked if this was announced to the public in advance, because that is required. Seaman said yes.

Conrad said the Board always tries to make sure it is announced. The Board goes to great lengths to make sure the verbiage is proper. The Board looks to Council to make sure the verbiage is right.

Conrad recalled the meeting where the approval was being made for this parcel. Open government is kind of clumsy sometimes. There was no behind the door negotiations, when it is done, first hand it is clumsy.

Lyle asked if the minutes will then be provided. Winkley said there was no decision made.

Glasgow, Paulette – The Circle – Glasgow has a publication regarding open meetings. There were two motions made on December 14<sup>th</sup> to go into executive session. One – discuss Attorney consultation in regards to Police contract, and two – the hiring of a specific individual. There was no motion made with regards to any possible litigation.

Glasgow read: Any motion made calling for an executive session must be made at an open meeting. They must identify the subject matter to be discussed. It must be adopted by a majority of the public body, in total membership.

There was never a motion made, or tacked onto, that there was possible litigation, therefore, that is why Mr. Wolfgang and Mr. DeCastro were brought in. The motion was not specific and did not identify possible litigation; therefore it was a blatant violation of the Open Meetings law.

Winkley believes litigation was added to the motion.

Seaman recalls, at the end of the meeting, clarifying the reasons, and one was for consultation with the Attorneys regarding threatening litigation.

Winkley said no action was taken.

Correa, Nancy – Riverwalk Drive – Correa spoke regarding French Landing and their permits. Correa has been watching this closely and educating herself on Town law. The following is in the Subdivision of Land, Section 306-6 – Required Improvements; Section A-1 - Public Improvement Permit: “No person, firm, association or corporation shall install, construct or perform any work *incident* to the installation and/or construction of any public improvement upon real property in the Town without first having obtained a permit.” Correa believes with the research she has done, a permit should be secured.

Correa submitted a FOIL to the Town Clerk asking if a permit has been filed. A response from the Clerk, dated December 21<sup>st</sup> states no permits have been applied for.

Correa contacted Bob Lannon, Town Engineer, on December 18<sup>th</sup> he informed her that a permit had been applied for and the other requirements, insurance, bond, fees, etc., were in process.

To date, nothing has been applied for. Correa is asking the Board why? Clearance of the land is substantial. A permit is required. Correa is asking for clarification.

Supervisor Winkley said anyone wanting to clear trees off of their property can. That is what is happening at that location. No permit is required for the clearance of trees on private property. Correa said no documentation has been received regarding permits. Again, Winkley said “you don’t need a permit to clear trees.” Winkley said the permits for any construction, have been received, but not for removing trees.

The Engineer will address this under his Agenda.

#### TWO MINUTE STATEMENT – DEPARTMENT HEADS

Town Clerk D. Garfinkel

Garfinkel was contacted by Lewiston Village Clerk Salada asking the Town Board to schedule a Joint Village / Town Meeting. Bax suggested doing this at the Reorganization meeting in January.

Carry-over: 1 Floating Holiday and 2 Personal Days - Carole Schroeder.

**Geiben MOVED to approve the carry-over of 1 Floating Holiday and 2 Personal Days for Carole Schroeder, Seconded by Ceretto and Carried 5 – 0.**

Carry-over: 1 Personal Day – Linda Kreps

**Geiben MOVED to approve the carry-over of 1 Personal Day for Linda Kreps, Seconded by Bax and Carried 5 – 0.**

Award Uniform Bid

The Town held a bid for uniforms for the Highway Dept., WPCC and Water Dept. Two bids were received and forwarded to the Town Attorney for review. Bids: Doritex - Water Pollution Control Center - \$60.52/weekly; Highway Department - \$105.35/weekly; Water/Outside Sewage Department - \$20.50/weekly and Town Hall - \$6.21/weekly for a total of \$192.58/week. UniFirst - Water Pollution Control Center - \$99.15/weekly; Highway Department - \$133.34/weekly; Water/Outside Sewage Department - \$19.85/weekly and Town Hall - \$12.00/weekly for a total of \$264.34/week.

**Geiben MOVED to approve low bidder Doritex for the following cost: Water Pollution Control Center - \$60.52/Weekly; Highway Department - \$105.35/weekly; Water/Outside Sewage Department - \$20.50/weekly and Town Hall - \$6.21/weekly for a total of \$192.58/weekly, Seconded by Bax and Carried 5 – 0.**

**Bax MOVED to authorize the Supervisor to enter into a contract with Doritex, Seconded by Conrad and Carried 5 – 0.**

Award HVAC Bid

HVAC Preventative Maintenance Service for the Town Hall and Senior Center. Three bids were received. KJ Mechanical - \$2,425.00 / Yearly; H. W. Bryk & Sons - \$2,675.00 / Yearly and Greater Niagara Mechanical, Inc. - \$2,476.00 / Yearly.

**Bax MOVED to approve low bidder KJ Mechanical at \$2,425.00 / Yearly and authorize the Supervisor to sign the agreement.**

Geiben asked if the Town has used any of these companies in the past and is the Town satisfied with the service.

Garfinkel said the current company did not bid.

Masters has had no experience with KJ Mechanical. Masters suggests reviewing the bid; he does not recall any businesses being located on the road listed. It was suggested further information be received.

**Geiben MOVED to table, Seconded by Bax and Carried 5 – 0.**

**Bax MOVED to forward a notice to all three bidders requesting Liability Insurance, Workers Compensation, New York State Disability and references, Seconded by Conrad and Carried 5 - 0.**

Police Chief F. Previte

Calls from November 28 – December 27, 2015 – Tickets issued – 98; Accidents – 25; Arrests – 17 and Calls for service – 788.

Previte received a letter from NYS Dept. of Transportation regarding Garlow Road and Saunders Settlement Road. It is their determination that no light is needed. They will address this with signage. Geiben said the previous letter the Board directed the Clerk forward, has not been sent. Geiben would like to see Garlow Road squared off and aligned with the opposite side that would be helpful, and would like to work with Previte and Janese on this.

Previte is working on a proposal regarding Tryon Drive and Harper Drive and the right-of-way.

Attorney Seaman

Requests an executive session concerning the employment of particular individual.

Highway Superintendent Janese excused. Conrad addressed his items.

Janese is requesting the purchase of a Bobcat Skid-Steer Loader from Bobcat Buffalo. Conrad said three quotes were received. The Town received a credit of a used Bobcat in the amount of \$11,000, making the quote \$24,772.80.

**Conrad MOVED to approve the purchase of the Bobcat Skid-Steer Loader from Bobcat Buffalo in the amount of \$24,772.80, Seconded by Bax**

Bax asked Blazick if Janese had addressed this with her. Blazick assumes this is requested as part of the transfer monies from Snow & Ice to Equipment. Conrad said this is for both equipment requests.

**Carried 5 – 0.**

Conrad asked if the Supervisor needed to be authorized to sign. Seaman has not seen this paperwork, but a purchase order needs to be issued, assuming that the State bid was complied with.

Janese is requesting the purchase of 2 Stainless Steel Harder Spreaders from Vikings Cives USA in the amount of \$18,854.00. They were low bidder.

**Geiben MOVED to approve the purchase of 2 Stainless Steel Harder Spreaders from Vikings Cives USA in the amount of \$18,854.00, Seconded by Bax**

It was questioned as to what these are.

**Geiben amended the motion to include it contingent on the Attorney reviewing the bid, Seconded by Bax and Carried 5 – 0.**

APPROVAL OF MEETING MINUTES

**Bax MOVED to approve Budget Work Session meeting minutes of 10/20/2015; Budget Work Session of 11/16/2015 and RTBM of 11/23/2015, Seconded by Conrad and Carried 5 – 0, Geiben abstaining from 10/20/2015.**

AUDIT PAYMENT

**Bax MOVED to approve the Regular Abstract of claims numbered 8078 to 8346, and recommend payment in the amount of \$259,415.99, plus a Post-Audit of \$31,191.21, Seconded by Geiben and Carried 5 – 0.**

FINAL AUDIT

**Geiben MOVED to approve Budget Revision Edit List dated 12/28/2015 – 3:15 pm, with the bottom line between the moving of the funds from one area to the other comes out to be zero, Seconded by Bax and Carried 5 – 0.**

BATCH NO.	FiscalYear	REVISION NO. DIST. SUM	DATE ACCOUNT NO.	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
1734	2015	00000022	12/23/2015	12/2015	Final Aud	Final Audit Budget adjustments TBM 12/28/15	0.00
		001 D	DB0-5110-0100-0000			GEN REPAIRS PERSONAL S	-9,045.00
		002 D	DB0-5110-0100-0100		Detail Desc.: highway	Final audit adjustments TBM 1 OUT OF DEPT / PERS SVC	1,045.00
		003 D	DB0-5110-0100-0200		Detail Desc.: highway	Final audit adjustments TBM 1 SEASONAL HELP	8,000.00
		004 D	DB0-5110-0400-0000		Detail Desc.: highway	Final audit adjustments TBM 1 GENERAL REPAIRS CONTRA	-20,000.00
		005 D	DB0-5130-0200-0000		Detail Desc.: highway	Final audit adjustments TBM 1 MACHINERY EQUIPMENT	50,000.00
		006 D	DB0-5142-0400-0000		Detail Desc.: highway	Final audit adjustments TBM 1 SNOW REMOVAL CONTRACT	-30,000.00
		007 D	DB0-8010-0800-0000		Detail Desc.: highway	Final audit adjustments TBM 1 STATE RETIREMENT	-33,476.00
		008 D	DB0-8020-0800-0000		Detail Desc.: highway	Final audit adjustments TBM 1 MEDICARE	1,000.00
		009 D	DB0-8030-0800-0000		Detail Desc.: highway	Final audit adjustments TBM 1 SOCIAL SECURITY	3,000.00
		010 D	DB0-8060-0800-0000		Detail Desc.: highway	Final audit adjustments TBM 1 HOSPITAL & MEDICAL INS	25,000.00
		011 D	DB0-9710-0600-0100		Detail Desc.: highway	Final audit adjustments TBM 1 SERIAL BOND - PRINCIPA	4,700.00
		012 D	DB0-9710-0600-0100		Detail Desc.: highway	Final audit adjustments TBM 1 SERIAL BOND - PRINCIPA	1,200.00
		013 D	DB0-9710-0700-0000		Detail Desc.: highway	Final audit adjustments TBM 1 SERIAL BOND - INTEREST	-2,182.00
		014 D	DB0-9710-0700-0100		Detail Desc.: highway	Final audit adjustments TBM 1 SERIAL BOND - INTEREST	758.00
		001 D	B00-1440-0440-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	ENGINEERING FIRM	3,000.00
		002 D	B00-1990-0400-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	CONTINGENT ACCOUNT	-8,332.00
		003 D	B00-4020-0100-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	CLERKS (2) PERSONAL SV	5,000.00
		004 D	B00-8010-0100-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	ZONING PERSONAL SVC	160.00
		005 D	B00-8010-0400-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	ZONING CONTRACTUAL	-150.00
		006 D	B00-8020-0100-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	PLANNING REV BD PERS S	150.00
		007 D	B00-8020-0400-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	PLANNING CONTRACTUAL	-150.00
		008 D	B00-8030-0400-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	SITE PLAN/ENG. FEES	-1,250.00
		009 D	B00-8030-0400-0100		Detail Desc.: B fund final Audit Adj TBM 12/28/15	STORM WATER REVIEW CON	1,250.00
		010 D	B00-8010-0800-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	STATE RETIREMENT	-3,066.00
		011 D	B00-8016-0800-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	POLICE RETIREMENT	66.00
		012 D	B00-8020-0800-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	MEDICARE	500.00
		013 D	B00-8020-0800-0100		Detail Desc.: B fund final Audit Adj TBM 12/28/15	MEDICARE - POLICE	-500.00
		014 D	B00-8030-0800-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	SOCIAL SECURITY	1,000.00
		015 D	B00-8030-0800-0100		Detail Desc.: B fund final Audit Adj TBM 12/28/15	SOCIAL SECURITY - POLICE	-1,000.00
		016 D	B00-8050-0800-0000		Detail Desc.: B fund final Audit Adj TBM 12/28/15	UNEMPLOYMENT INSURANCE	3,000.00
		017 D	B00-8060-0800-0100		Detail Desc.: B fund final Audit Adj TBM 12/28/15	FLEX-PLAN	332.00
1734	2015	00000024	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00

BATCH NO.	FiscalYear	REVISION NO.	DATE	CALENDAR	REFERENCE	DESCRIPTION	AMOUNT
		DIST. SUM	ACCOUNT NO.				
		001 D	SS1-8110-0100-0000			SEWER ADMIN PERSONAL S	7,000.00
		002 D	SS1-8110-0400-0000			Detail Desc.: SS1 Final Audit Budget adj TBM 12/28/15 SEWER ADMIN CONTRACTUA	5,000.00
		003 D	SS1-9010-0800-0000			Detail Desc.: SS1 Final Audit Budget adj TBM 12/28/15 STATE RETIREMENT	-18,000.00
		004 D	SS1-9050-0800-0000			Detail Desc.: SS1 Final Audit Budget adj TBM 12/28/15 UNEMPLOYMENT INSURANCE	1,000.00
		005 D	SS1-9060-0800-0100			Detail Desc.: SS1 Final Audit Budget adj TBM 12/28/15 FLEX-PLAN	5,000.00
1734	2015	00000025	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00
		001 D	SS2-8110-0200-0000			MASTER SWR EQUIP	50.00
		002 D	SS2-9010-0800-0000			Detail Desc.: SS2 Final audit Budget Adj TBM 12/28/15 STATE RETIREMENT	-684.00
		003 D	SS2-9710-0600-0000			Detail Desc.: SS2 Final audit Budget Adj TBM 12/28/15 SERIAL BONDS PRINCIPAL	644.00
1734	2015	00000026	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00
		001 D	SS3-8110-0100-0000			SOUTH SWR ADMIN PERSN	200.00
		002 D	SS2-8110-0100-0002			Detail Desc.: SS2 Final Aud budget adj TBM 12/28/15 ADMINISTRATIVE ALLOCATION	-200.00
		003 D	SS3-9710-0600-0000			Detail Desc.: SS2 Final Aud budget adj TBM 12/28/15 SERIAL BONDS PRINCIPAL	1,861.00
		004 D	SS3-9710-0700-0000			Detail Desc.: SS2 Final Aud budget adj TBM 12/28/15 SERIAL BONDS INTEREST	-1,861.00
1734	2015	00000027	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00
		001 D	SF0-8080-0100-0000			HAZ-MAT SECRETARY	400.00
		002 D	SF0-8080-0400-0000			Detail Desc.: SF0 final audit budget adj TBM 12/28/15 HAZ-MAT CONTRACTUAL	-770.00
		003 D	SF0-9020-0800-0000			Detail Desc.: SF0 final audit budget adj TBM 12/28/15 Haz-Mat Hospital and Medical Ins	70.00
		004 D	SF0-9060-0800-0000			Detail Desc.: SF0 final audit budget adj TBM 12/28/15 PHYSICALS & HEPATITIS	300.00
1734	2015	00000028	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00
		001 D	SW1-1910-0400-0000			INSURANCE	-1,601.00
		002 D	SW1-8310-0100-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 WATER ADMIN PERS SVC	3,000.00
		003 D	SW1-8310-0100-0002			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 ADMINISTRATIVE ALLOCATION	-6,000.00
		004 D	SW1-8340-0100-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 TRANSMISS & DIST PERSO	17,601.00
		005 D	SW1-8340-0100-0100			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 OUT OF DEPT / PERS SVC	3,000.00
		006 D	SW1-8340-0400-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 TRANSMIS & DIST CONTRA	10,000.00
		007 D	SW1-9010-0800-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 STATE RETIREMENT	-13,000.00
		008 D	SW1-9050-0800-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 UNEMPLOYMENT INSURANCE	1,000.00
		009 D	SW1-9060-0800-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 MEDICAL INSURANCE	13,000.00
		010 D	SW1-9710-0600-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 SERIAL BOND - PRINCIPA	24,644.00
		011 D	SW1-9710-0700-0000			Detail Desc.: SW1 Final audit Adj Budget TBM 12/28/15 SERIAL BOND - INTEREST	-51,644.00
1734	2015	00000029	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00
		001 D	A00-1110-0100-0000			JUSTICES(2) & CLERKS(2)	500.00
		002 D	A00-1110-0400-0200			Detail Desc.: A fund final Budget adju TBM 12/28/15 PROSECUTOR CONTRACTUAL	-500.00
		003 D	A00-1220-0400-0000			Detail Desc.: A fund final Budget adju TBM 12/28/15 SUPERVISOR CONTRACTUAL	1,500.00

8.50 x 11.00 in

	004	D	A00-1310-0100-0000	BUDGET OFFICER	-11,000.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	005	D	A00-1310-0100-0001	JR ACCOUNTANT	-16,147.34		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	006	D	A00-1310-0400-0000	BUDGET OFFICER CONTRAC	-9,000.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	007	D	A00-1355-0200-0000	ASSESSOR EQUIPMENT	2,513.81		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	008	D	A00-1355-0400-0000	ASSESSOR CONTRACTUAL	-2,513.81		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	009	D	A00-1450-0100-0000	ELECTION INSPECTORS	75.75		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	010	D	A00-1450-0400-0000	ELECTION CONTRACTUAL	-75.75		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	011	D	A00-1620-0100-0000	BLDGS - CUSTODIAN	100.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	012	D	A00-1620-0200-0000	BLDGS EQUIPMENT	-300.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	013	D	A00-7630-0100-0000	SENIOR CENTER PERSONAL	-137.83		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	014	D	A00-7630-0100-0100	OUT OF DEPT / PERS SVC	137.83		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	015	D	A00-8090-0400-0000	ENVIRONMENTAL CONTRACT	295.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	016	D	A00-8010-0800-0000	STATE RETIREMENT	-34,000.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	017	D	A00-9040-0800-0000	WORKERS COMPENSATION	-2,900.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	018	D	A00-9050-0800-0000	UNEMPLOYMENT INSURANCE	9,000.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	019	D	A00-9055-0800-0000	DISABILITY INSURANCE	1,000.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	020	D	A00-8080-0800-0000	HOSPITAL & MEDICAL INS	32,000.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	021	D	A00-9903-0000-0000	BANK CHARGES	5,500.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	022	D	A00-1310-0100-0002	ADMINISTRATIVE ALLOCATION	2,605.00		
				Detail Desc.: A fund final Budget adju TBM 12/28/15			
	023	D	A00-3510-0400-0000	DOG CONTROL CONTRACTUA	200.00		
				Detail Desc.: A fund final Budget ad TBM 12/28/15			
	024	D	A00-1310-0100-0002	ADMINISTRATIVE ALLOCATION	26,147.34		
				Detail Desc.: A fund final Budget adj TBM 12/28/15			
	025	D	A00-1440-0200-0000	ENGINEER EQUIPMENT	1,134.00		
				Detail Desc.: A fund final Budget adj TBM 12/28/15			
	026	D	A00-1440-0400-0000	ENGINEER CONTRACTUAL	-1,134.00		
				Detail Desc.: A fund final Budget adj TBM 12/28/15			
	027	D	A00-1910-0400-0000	INSURANCE	-1,000.00		
				Detail Desc.: A fund Final Budget adj TBM 12/28/15			
	028	D	A00-1910-0401-0000	INSURANCE DEDUCTIBLE	-2,500.00		
				Detail Desc.: A fund Final Budget adj TBM 12/28/15			
	029	D	A00-1310-0200-0000	BUDGET OFFICE EQUIPMENT	-700.00		
				Detail Desc.: A fund Final Budget adj TBM 12/28/15			
	030	D	A00-8030-0800-0000	SOCIAL SECURITY	-800.00		
				Detail Desc.: A fund Final Budget adj TBM 12/28/15			
1734	2015	00000030	12/28/2015	12/2015	Final Aud	Final Audit Budget Adjust TBM 12/28/15	0.00
		001	D	A00-1000-2012-0000	RECREATION SPECIAL EVE	-12,000.00	
					Detail Desc.: Final Audit Recreation TBM 12/28/15		
		002	D	A00-1000-2020-0000	CONCESSION REVENUE	-2,000.00	
					Detail Desc.: Final Audit Recreation TBM 12/28/15		
		003	D	A00-7310-0401-0000	REC SPECIAL EVENTS	12,000.00	
					Detail Desc.: Final Audit Recreation TBM 12/28/15		
		004	D	A00-7310-0402-0000	RECREATION CONCESSIONS	2,000.00	
					Detail Desc.: Final Audit Recreation TBM 12/28/15		
Batch 1,734 Totals							0.00
Report Totals							0.00

Winkley thanked Blazick for the hard work she has done.

Blazick said Attorney fees is still an open item, the last payroll and the abstract need to be recorded as well as purchase orders coming in. Once these final numbers are in, the Town can do one final adjustment at the Reorganization meeting.

#### NEW BUSINESS – CLERK’S CORRESPONDENCE

Escarpment & Riverfront Residents submitted letter to be read at the meeting.

#### **Geiben MOVED to dispense from reading the letter and table for the Board to review, Secoded by Bax**

Bax believes this group is made up of a number of individuals that attended the last Environmental Commission meeting. At that meeting they asked for the Town’s position/efforts/actions they have taken with respect to the escarpment law received from another municipality.

In the discussion a suggestion was made that the residents along the riverfront do not have the same needs and rights that need to be protected as do those who residing on the escarpment. It was then suggested a Committee be formed to research this.



Vacation Carry over – Court Clerks

**Geiben MOVED the carry-over of 4 vacation days for Maria Sicurella and 10 vacation days for Patty Yacus, to be used in the first quarter of 2016, Seconded by Bax and Carried 5 – 0.**

Engineering

Lannon updated the Board on the P.I.P's for French Landing. The P.I.P's will cover four components: sanitary sewer, storm sewer, waterline and paving. These will be constructed then dedicated to the Town.

Several items still remain required by the applicant; Lannon has volunteered to be the coordinator of the assembling of these documents. They will then be forwarded to the Town Clerk for signatures along with Lannon's.

There is a Hold Harmless Agreement which has been submitted, reviewed and signed. The Insurance Certificates and Performance Bond have also been reviewed. Lannon has discussed these with Seaman and it is believed he is comfortable with them as submitted.

Seaman reviewed the Performance Bond and said it is in order. The Hold Harmless Agreement is the standard agreement the Town uses. Seaman spoke with Masters regarding some suggestive revisions moving forward. Insurance Certificates have been provided. The Certificate of Liability Insurance has changed in the last couple of years.

Lannon said there are a couple administrative items. There needs to be an engineers estimate contractors bid, which has been submitted for review. Detailed project schedule and 5 sets of plans. There are items that are between the Town Engineer and the developer

There are outstanding items: Approval from Niagara County Health Dept. was received for construction of the water system improvements. This covers 2 parts; approval to construct and then once constructed, tests are conducted and sent to the County for their review and approval, prior to connecting any homes.

In regards to sewer, this gets approval from NYS DEC. This also has 2 components, one being Down Stream Capacity Analysis. This addresses the sewage from the development and is there infrastructure within the Town to not only get the sewage from French Landing to the Town, but also the capacity at the WWTP to treat it. Lannon said the answer is yes; they have been reviewed and approved by DEC.

The other component, which is not complete, is Infiltration and Inflow Off-set. For every gallon of new sewage put in, 16 gallons need to be eliminated. This is being negotiated with the DEC. Lannon is confident this will be done. This will be to the Towns benefit. The developer constructs the improvements to move the infiltration.

The last remaining item is the submission of the fees. Recreation fee of \$250/lot has been submitted to the Town Clerk. The following fees have not been submitted: Engineering Review fee - \$1,000, Construction Observation deposit of \$52,120 (based on estimates of the duration of the project), Swift Compliance Inspection fee - \$1,150, and a Permit application fee of \$100. None of these fees have been submitted.

After the submission of these fees and the final approvals needed from the DEC, the P.I.P's can be issued.

Lannon requests approval of the P.I.P. contingent on receipt of the required fees and deposits as well as approval for the sanitary sewer from DEC.

**Geiben MOVED for discussion, Seconded by Bax**

Geiben asked if the Town has created a check-list of the things that need to be done. Lannon said all that he just said had been sent in e-mail to the developer, their engineer, and their attorney last week. This was all taken off of the PIP application. Geiben questioned if there is

any grey area, nothing left to add? Lannon said not in his mind. Other items that are required are as the project progresses. Certifications from the Health Dept. are not done until it is built.

**Carried 5 – 0.**

Finance

Blazick asked the Board for approval to close two accounts at Key Bank with a post-audit check. Dollars will go from Key Bank to First Niagara. Blazick is working with Key Bank on the exact dollar amount. The Key Bank transfer amount for the Account Payable account is \$12,474.17, and the balance in the Payroll Account is \$319,616.78. These amounts may change based on information from Key Bank.

**Geiben MOVED to authorize the Budget Officer to transfer all monies out of the Account Payable Account # 838312068, and Payroll Account #838245641 at Key Bank into First Niagara, Seconded by Bax and Carried 5 – 0.**

At the last meeting Dashineau requested to transfer dollars, but wrong account numbers were given. A70201000 should be A00.7020.0100 and A7310.4000 should be A007310.01000.

**Bax MOVED to make the following amendments to a previous motion: A70201000 to A00.7020.0100 and A7310.4000 to A007310.01000, Seconded by Geiben and Carried 5 – 0.**

At years-end, dollars are transferred from M&T Bank to First Niagara to cover the disbursements for the WPCC. Blazick is requesting a transfer of \$6,395.20 from M&T Bank account #9860606087 to First Niagara Bank Capital Fund account # 8840017530.

**Bax MOVED to authorize the Budget Officer to transfer \$6,395.20 from M&T Bank account #9860606087 to First Niagara Bank Capital Fund account # 8840017530, Seconded by Geiben and Carried 5 – 0.**

Blazick is requesting a transfer of \$419,187.67 from M&T Bank account #150042297666504, to First Niagara Bank account #8840017530. These dollars will be used to cover the cost of the Hydro Power money dedications. Those projects being the roofs at the Senior Center and the WPCC.

To reimburse electric and gas costs, also part of the 2015 Hydro Power allocations, a transfer of \$366,226.11 is necessary. This is what has been paid to date.

**Bax MOVED to authorize the Budget Officer to transfer \$419,187.67 from M&T Bank account #150042297666504, to First Niagara Bank account #8840017530, to cover the 2015 Hydro Power allocations for the roof projects at the Senior Center and the WPCC, and the transfer of \$366,226.11 to First Niagara for the cost of the gas and electric costs paid to date, Seconded by Geiben and Carried 5 – 0.**

The Town paid the 2016 Association of Towns dues in the amount of \$1,500. Blazick is requesting the Board authorize her to set up an account for 2016.

**Bax MOVED to authorize the Budget Officer to set-up account A00-0000.0480.1000, as a pre-paid expense fund in the A-Fund, Seconded by Geiben and Carried 5 – 0.**

Sanborn Historical Society Greenway

Rotella requests the Board pass a resolution allowing the Town to go to the Greenway Commission with a Greenway Parking Lot project.

**Geiben MOVED**

WHEREAS, the Town Board desires to acquiring the funds to complete Town of Lewiston, Sanborn Area Historical Society Greenway Parking Lot Project.

WHEREAS, the Town Board desires to provide this type of amenity to residents at the lowest possible cost to the Town and Town taxpayers, and  
WHEREAS, the Town Board desires to apply for financial assistance from the Niagara River Greenway, and  
WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed project.  
THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application for the Niagara River Greenway funds for the Sanborn Area Historical Society Greenway Parking Lot Project in the amount of \$200,000.00, and  
BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Niagara River Greenway Program application  
RESOLVED, That Ronald Winkley, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file an application for funds from the Niagara River Greenway, and execute a project agreement for such financial assistance to the Town of Lewiston for the proposed Sanborn Area Historical Society Greenway Parking Lot Project.

**Seconded by Conrad and Carried 5 – 0.**

Winkley said this will give the Sanborn Museum the ability to be open all year round. This will be a great addition to this project.

Geiben asked Rotella to prepare a step-by-step process sheet on how projects go through the Greenway Commission process.

COUNCILMAN BAX

The Environmental Commission had taken a tour of the LOOW Site and has some concerns regarding the up-keep of the property. The fence did not seem to be locked and there were holes in the fence.

The Commission is requesting the Board look into having a department be given the responsibility of up-keep. Bax will bring back to the Board at the Work Session.

The Commission also toured the WPCC. During the tour they noticed the surveillance cameras around the outside of the plant were facing inward to the building. The Commission is concerned with any possible damage to the outside of the building.

COUNCILWOMAN CERETTO

The ice rink is open and doing very well.

COUNCILMAN CONRAD

Nothing to report

COUNCILMAN GEIBEN

Geiben appreciates the resident coming forward and speaking on open government. It is also nice to see students in the crowd.

Geiben took the opportunity to thank Winkley and Conrad for their service on the Board. The wisdom, knowledge and leadership will be difficult to make up.

Bax concurred with Geiben and said they will be missed.

Winkley thanked Marti Blazick and Barb Cich for helping him through this time. Lewiston is a special place because of the employees that work here. There are truly the best department heads and employees that anyone can ask for. Being on the dais is easy compared to what they have to do, and they do an outstanding job.

Winkley thanked the Board for their trust in him being the Supervisor. Winkley thanked his wife for her constant support and always being there.

**Bax MOVED to enter into Executive Session to discuss matters concerning the employment of a particular individual, Seconded by Geiben and Carried 5 – 0. (7:10 pm)**

**PRESENT:** Supervisor Winkley, Councilmembers Bax, Ceretto, Conrad and Geiben; Town Attorney Seaman; Clerk Donna Garfinkel and Supervisor Elect Broderick

Item discussed - matters concerning the employment of a particular individual.

**Winkley MOVED to exit Executive Session, Seconded by Conrad and Carried 5 – 0.**

No Action Taken.

**Winkley MOVED to adjourn the meeting, Seconded by Conrad and Carried 5 – 0. (7:19 pm)**

Respectfully Transcribed and Submitted by:

Donna Garfinkel  
Town Clerk