

December 12, 2016      Work Session

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto, W. Geiben & R. Morreale; Dep. Sup. W. Conrad; Police Captain J. Penzotti; Eng. B. Lannon; Attorneys B. Seaman & J. Catalano; Finance Director/Budget Officer M. Blazick; Bldg. Insp. T. Masters; WPCC Ch. Op. J. Ritter; Water Foreman M. Townsend; Highway Supt.-Elect D. Trane; 1 Press; 10 Residents and Dep. Clerk C. Schroeder

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance.

*AGENDA:*

Additions: Broderick: RFP's Grant Writer, New Hire (Water); Geiben: Town Clerk Fund Transfer; Bax: Executive Session re: Employment of Particular Individual, Police Resignations (2) and Police Appointment; Catalano: Executive Session re: Pending Litigation.

Deletion: Morreale: Table RFP's Waterline Project.

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

*PRESENTATION: Niagara River Greenway Commission*

Jeanne Leccese said she is the new Executive Director of the Niagara River Greenway Commission, appointed in September. She is going to each of the 13 municipalities that are located along the Niagara River providing an update as to what the Greenway Commission has been up to and the priorities set for 2017. She thanked the Town of Lewiston for its continued support of the work of the Commission.

Ms. Leccese said the Niagara River Greenway is a world class corridor of places, parks, and landscapes that celebrate and interpret the areas unique natural, cultural, recreational, scenic and heritage resources and provides access to and connections between the department's resources while given rise to economic opportunities in the region.

A Greenway Plan was put together in 2007, with a lot of input from the communities along the Greenway. That Plan is on the Greenway's web-site at [niagaragreenway.org](http://niagaragreenway.org). The Plan outlines the principles of the Greenway, the vision for the Greenway and different projects they hope to see implemented.

Leccese said the first part of the Greenway is to have a continuous trail from Lake Ontario to Lake Erie – a physical trail that people will be able to walk and bike on. There are several gaps currently along that trail. We're looking to work with the communities to fill those gaps so that if you so choose you could bike or walk the 37 miles from Fort Niagara to the City of Buffalo.

They are also looking to insure there is consistent trail signage along the whole path. The signage would also include attractions for people to access that area's resources.

Also within the greenway corridor is an attempt to maintain and support the natural resources along the Niagara River. The Buffalo/Niagara Riverkeepers have put together a habitat, conservation strategy. They are working with municipalities along the Niagara River to implement that strategy.

The third priority is to have the Niagara River Corridor an Eco-tourism destination. We have many natural resources. People can walk, bike, go bird watching, go kayaking and canoeing. People come from all over to experience what we have in our own backyard. We are building off of that. As part of that we are looking to hopefully get an International Award destination for our region as this ecological habitat of significance.

Leccese asked for any ideas and suggestions how she can be of assistance to the Town with regards to the greenway.

Morreale said he spoke with Senator Ortt last year. Morreale said if you walk the trail from Devil's Hole to Whirlpool Park you cannot see the gorge because of the brush. I asked him what can be done to get that cleaned up. He said to write a letter, which I did, but nothing's been done. Leccese said this is something the volunteer corp. could address once it's established. She asked Morreale to send the letter to her. She would forward the letter to the office of State Parks to see what could happen.

Geiben recommended a public information meeting and opening it up to the public. Let the residents present their ideas as to what they want. It would have to start with what the restrictions are. What can be done and what cannot be done. Should we go for small projects or should we go for a bigger project where we have to bond some of our anticipated revenues? Leccese said this would be a fantastic idea to open it up to the community to see what they are interested in seeing. She would be happy to coordinate and participate in that.

The Supervisor asked if anyone else had anything to say.

Marjorie Maggard said the Historic Preservation Commission is interested in putting up a large, visible plaque along the ridge where the natives came down from the Escarpment. Maggaard asked if this could be part of the greenway money.

Leccese could not say for certain. It would depend on the location of the plaque. For clarity purposes, Leccese said the Greenway Commission doesn't have the funding to do projects. That stands with the Host Community Standing Committee for Niagara County. The applicant would come to the Greenway Commission with the proposal. The Greenway Commission provides consistency based on whether the proposal is consistent with the Plan. From there, if deemed consistent, it then goes to the Standing Committee where they would review the project and ultimately provide the funding.

Geiben said as a Host Community that is something they could sponsor.

Terry Duffy, reporter from the *Sentinel* inquired on behalf of neighboring communities that are not Greenway members, per se. Is there a process they could pursue in terms of getting the Commission's interest? Grant Writer, Bernie Rotella, said there are seven (7) Host Communities in Niagara County. For those communities like Porter, Youngstown, and City of North Tonawanda they are not sponsors. They would have to go to Niagara County to ask for sponsorship of a project.

*ABSTRACT:*

**Bax MOVED to approve the Regular Abstract of Claims Numbered 3559 to 3674 and recommended payment in the amount of \$875,616.47, plus a post audit of \$7,233.47, as of 11/28/16. Seconded by Ceretto and carried 5-0.** Geiben said they did not have the abstract numbers available at the last meeting.

**Geiben MOVED to approve the Regular Abstract of Claims Numbered 3675 to 3841 and recommended payment in the amount of \$119,043.85, plus a post audit of \$53,297.38. Seconded by Ceretto and carried 5-0.**

*DEPARTMENT HEAD CONCERNS:*

Police: Chief Previte said they have been working with the local schools evaluating lock-down procedures.

At this time, the Board wished Dep. Sup. Conrad a Happy Birthday.

Grant Writer: Bernie Rotella said he rode with the DOT on the Lewiston Pathway just before Thanksgiving. Two areas that were found to be pre-disturbed for a rest stop. The

DOT will come up with a final design, hopefully soon. Then, we can hold a public information meeting on the details of the trail sometime in January or February.

They are presenting the Mohawk Trail to the Greenway on January 17, 2017 at 3:00 P.M. He is not sure where exactly this presentation will take place.

Also, Rotella said the DEC gave its o.k. for the Town to put a kayak launch in at one of two areas down by the river. Preliminary estimates for the Greenway budget is \$30,000 for the kayak launch itself and another \$10,000 for signage. The two areas are the Town property at Stella Niagara and the one at Joe Davis.

Geiben wanted it understood that they are not getting involved with Joe Davis State Park. They will utilize the Town-owned piece of property directly north of the Stella Niagara Preserve, opposite the Senior Center.

Rotella said his only recommendation based on other projects is that Joe Davis has the parking and it has the walking ramp. The layout at Joe Davis is an ideal place, he said.

If the Board wants to move forward, the deadline is January 17<sup>th</sup> to submit the application to the Greenway Commission. They would then present it in March.

Rotella was asked to set up a meeting with the Village to get them on board with the project. Bax said he would attend, also.

Geiben asked Rotella to keep an eye out for other grants to leverage the development of a site. Also, he recommended a public information meeting on the proposed site to come up with some suggestions and a plan.

Lastly, Rotella said they got a \$50,000 grant from Senator Ortt for a police and recreational department shed (garage). Rotella said he received some very high quotes on this. We need to speak with the recreation director to see what is needed.

*FINANCE: BUDGET RE-CLASSIFICATIONS:*

**Bax MOVED to approve Budget Revisions (see attached) for Fiscal Year 2016, as presented by the Budget Officer, Seconded by Geiben and carried 5-0.**

Budget Revision attached.

Blazick said she has two other items she needs Board resolutions for. Both are for appropriation of Fund Balance.

- 1) Appropriate Fund Balance (2016) in amount of \$50,000 for SS1 to cover amount of retro pay not covered by budget revisions (full cost \$79,281.62).

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

- 2) Appropriate Fund Balance (2016) for \$10,000 for SS3 to cover amount of capital lease payment not covered by budget revisions (full cost \$20,000).

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

*SANBORN FIRE COMPANY ROSTER:*

**Broderick MOVED to re-affirm the appointment of Lynn Marie Allerd to the Sanborn Fire Company Roster, effective 11/14/16. Seconded by Geiben and carried 5-0.** (11/14/16 minutes reflected an incorrect name, Lynn Marie Allan.)

*MAWHINEY ONE-LOT SUBD – NEG DEC:*

Morreale said the subdivision was reviewed at the November 15, 2016 Environmental Commission meeting. The Commission recommends a Negative Declaration to the Town Board.

**Morreale MOVED to accept a Neg. Dec. on the Mawhiney One-lot Subdivision, SBL# 90.00-3-33. Seconded by Geiben and carried 5-0.**

The subdivision was approved 11/28/2016.

*RETAINER AGREEMENT W/ATTY. PERLMAN:*

Broderick said at the last meeting, the Board approved the Retainer Agreement with Atty. Ned Perlman in negotiations with the Teamsters Union representing the Water and Highway Departments conditioned on Attorney approval.

Atty. Seaman said Mr. Perlman provided an updated version with the changes requested. Seaman said he approved it as to form.

*RFP'S GRANT WRITER:*

**Broderick MOVED for proposals for the Grant Writer for 2017. Seconded by Bax and carried 5-0.**

Seaman said he prepared a RFP last year. He will go back and see what modifications need to be made.

*SET 2016 FINAL AUDIT MEETING:*

Broderick said the Final Audit will coincide with the Regular Town Board Meeting.

**Broderick MOVED to schedule the Final Audit/RTBM for Thursday, December 29, 2016 at 6:00 P.M., Seconded by Geiben and carried 5-0.**

*SET 2017 RE – ORGANIZATION MEETING:*

**Broderick MOVED to scheduled the Re-organization/Work Session for Monday, January 9, 2017 at 6 P.M. Seconded by Geiben and carried 5-0.**

*HIRING PRACTICE:*

Morreale shared his opinion with regard to hiring. “It’s basically because of the budget is where I’m coming from. We have a \$200,000 balance on a \$16,000,000 budget. That gives us 1¼ % of our budget we have in the bank... When employees leave, you still incur costs – medical and retirement. Then you hire a new employee and it starts all over again. Now you incur more costs. Right now, I don’t know if we’re in a position to do that. We need to get our bottom line up to where we need to be. We are quite a ways away. Three to four million is what the auditors told us. All our costs are going to keep going up and I don’t see any new revenue coming in that is going to help us. I don’t want to go to the taxpayers next year with another deficit and tell them we need to come up with more money. It’s nothing personal about any department. We have great department heads and great employees. It’s just about the financial part of it. That’s where I’m coming from on this.”

Morreale commented on the Power Authority Agreement. He does not think the Town got a fair deal on it. Same with CWM. “Our best year was \$1,000,000 to pollute our property? Shame on the DEC for even putting that thing there.”

Blazick said the two positions (Water and WPPC) are already budgeted for 2017. This comes back to looking at each department and what it takes to run that department and not to replace out of habit but to replace truly out of need.

Morreale: You have to start doing more with less.

Geiben: This is something the department heads can look at – to decide what services to cut back on. That is up to the department head to address those on a timely fashion. If you do have some concerns maybe we should present this to the department heads and say what is your long-range plan? What can be done to streamline your department? What can be done to automate it?

Ritter said he eliminated a whole shift five years ago. The Treatment Plant runs 24/7. He eliminated the third shift and put Watch People on who don't get retirement benefits, insurance, etc. The second shift is where they do a lot of the processing. They only have one guy. Ritter had to work this out with the DEC because they think there should be two people to man the plant at all times for safety reasons. We cut down quite a bit. We have a crumbling infrastructure that needs to be fixed. We have to have people to do it. I'm having trouble catching up with the extra things we have done like the Comfort Station. I need people out there to do the work. When we don't have that, things don't get done.

Trane said the Highway Department is down from nine pieces of equipment to six.

Water Foreman Townsend said he started in the Water Department in 1986. The Town has grown since then, but the department hasn't. We have more houses and more subdivisions. This Town is not shrinking, he said.

Blazick said they have also focused on eliminating as much of the over-time as they can and for the first time, Department Heads are very aware of their budgets –what they are spending and why.

Morreale asked what would happen if the Town incurred a lot of additional costs that were unanticipated and the Town ended up in a shortfall. Are you looking at layoffs? Is that what happens?

Blazick said the Town is getting to a point where it would have to have layoffs or cut services if it does not figure out its revenue situation and control expenses.

*ASSESSMENT REVIEW BOARD – APPOINTMENT:*

The Supervisor read a request from Assessor Linda Johnson asking for the re-appointment of Tricia Vacanti-Belter to the Assessment Review Board for a term effective October 1, 2016 to September 30, 2021. Mrs. Vacanti-Belter was appointed in 2015 to finish out the term of Rita Hager Merino and took the required certified training through the Niagara County Real Property Office.

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

*HIGHWAY:*

- 1) Vantage Equipment Sole Source Resolution: Atty. Seaman said the Highway Dept. currently owns a Volvo brand skid steer and would like to purchase a Mulcher attachment for the skid steer, along with related ancillary equipment. The Highway Supt. researched the equipment that is compatible with the Volvo brand skid steer and found out that the only compatible mulching attachment and related equipment is that manufactured by Volvo, and that other brand equipment either could not be used on the Volvo skid steer or would require extensive modifications and involve safety hazards. Vantage Equipment of Batavia has supplied a quote for the sale of one "Mulcher" for the Volvo skid steer and one "Protection Screen Kit" for a total amount of \$30,325.00. Vantage Equipment is found to be the "sole source" of the Mulcher and related equipment and as such constitutes an exception to the bid requirement of General Municipal Law §103.

**Geiben MOVED to authorize the Highway Supt. to purchase a Mulcher and related equipment from Vantage Equipment, the Sole Source supplier, in the amount of \$30,325.00. Seconded by Bax and carried 5-0.**

- 2) Purchase of Equipment: Trane asked for approval to purchase a 4 in 1 multi-purpose bucket for a John Deere Loader to replace a worn bucket. Per the procurement policy three (3) written quotes were received: Vantage Equipment \$15,100; Five Star \$17,900; and Anderson Equipment \$15,687.

**Geiben MOVED for approval of Vantage Equipment in the amount of \$15,100. Seconded by Bax and carried 5-0.**

- 3) Trane wanted to make the Board aware he would be hiring Darlene Norwich beginning January 2, 2017. The current Secretary, Barb Travis, will stay on for a week or two for training purposes.

*WPCC:*

- 1) Purchase of 2017 Ford F450 w/plow attachment: Ritter asked to table this item.
- 2) Hire Waste Water Maintenance Person: Ritter asked approval to hire Andrew Hill, effective January 2, 2017, as per CSEA contractual rate.

**Bax MOVED for approval. Seconded by Geiben and carried 4-1 (Morreale).**

- 3) Auctions International: Ritter said he placed three pieces of equipment that were declared excess by the Town Board: A 1992 pick-up truck, a small generator and a blower. These items were placed for sale on Auctions International. Bids were \$980 for the pick-up truck and \$830 for the generator. The blower was \$53. Ritter said he was looking for at least \$2,000 for the blower, so he turned that down.

**Bax MOVED to authorize Ritter to accept the bids for the pick-up truck and generator and to continue to market the blower. Seconded by Geiben and carried 5-0.**

*WATER DEPARTMENT HIRE:*

Water Foreman Townsend asked to hire Michael Weiss as Laborer in the Water Department. Mr. Weiss is currently working for the Niagara County Water Department as a Water Maintenance person and has been employed there for 4 ½ years and has a great deal of experience.

Seaman asked if others in the interviewing process had water experience. What are Weiss's qualifications over the others that were interviewed?

Townsend said one other individual has some water experience and worked part-time for the department. He works for the WWTP now. Mr. Weiss has done a lot of plumbing. For 4½ years he's worked as a Water Maintenance person for Niagara County, maintaining, repairing and replacing water lines and has operated heavy equipment. He holds a Class "A" CDL. He has a Grade D certificate with the Health Department. No other individual interviewed had these qualifications.

**Bax MOVED to hire Michael Weiss as laborer for the Water Department at the laborer's rate as per union contract. Seconded by Ceretto and carried 4-1 (Morreale).**

*POLICE ISSUES:*

Bax read a letter of resignation from Daniel Trapasso from the Lewiston Police Department, effective in two weeks. He will be accepting a full-time position at the Niagara County Probation Department.

**Bax MOVED to accept the resignation of Daniel Trapasso, with regret. Seconded by Ceretto and carried 5-0.**

Bax read a letter of resignation from Jeffrey Swick from the Lewiston Police Department, effective January 1, 2017. He will be accepting a full-time position with the North Tonawanda Police Department.

**Bax MOVED to accept the resignation of Jeffrey Swick, with regret. Seconded by Morreale and carried 5-0.**

Chief Previte said he would come forward with a replacement for both positions in the future.

*MOBILITE, LLC PERMIT APPLICATION SUBMISSION:*

Atty. Catalano said he received an email back in August from Mobilite's network real-estate manager regarding a request for a permit to build a 78' broadband tower on the corner of Fairway Drive and Meadowbrook Drive. At that point in time, Catalano said the applicant had to go thru the Building Inspector for permits. Catalano said the location in question is on the Town right-of-way. Mobilite is under the impression they can file the permits and do whatever they want. After further review, Catalano said this is a "cell tower" and the applicant would have to comply with the Tower Law. Catalano said he would do some further research. If need be, he would ask the Board to forward the request to the Tower Committee at the next meeting, after he looks thru everything.

*TRANSFER OF FUNDS:*

Geiben read a request from the Town Clerk for a transfer of \$500.00 into Town Hall Equipment – A00-1620-0200-0000, from the budget line the sale of the 2008 Ford Crown Victoria was placed in. The Town received \$1,375.00 from the sale. A full-sized refrigerator will be purchased to replace two apartment sized refrigerators in the Town Hall lunch room. At this time, one will be placed in the basement break-room to be utilized by the Recreation Department. The Clerk will reach out to other departments for the second one.

The Finance Director said they have not received the funds yet. Those funds should go into a revenue fund, she said. I haven't talked to the Clerk about where these funds are coming from.

Bax suggested this be tabled until the next meeting.

*STATEMENTS BY RESIDENTS:*

Steve Lyle, Lower River Road: We talked about transparency and openness for some time. A lot of this was going to come about by putting things like meeting minutes and agendas on the web-site. If they are up there, they are pretty well hidden. Is there a plan to have these minutes come in a timely manner?

Geiben said the minutes have to be approved before they are placed on the web-site.

Lyle said he cannot find any reference to Environmental Commission minutes. Geiben said they never discussed posting boards and commission minutes.

Bax said they should put together a committee to try and get this fixed once and for all. For all intents and purposes, it's a simple fix. It's just a matter of putting together the protocol in order to have it happen.

Geiben questioned how long they have to be posted. Sooner or later it gets cumbersome on there, he said. It takes up a lot of space. Bax said he would look into this further.

Rosemary Warren, Griffin Street: I pray for the safety of the plow guys. When they hit the plow in the road at 2 in the morning and wake me up, I don't care. The Clerk had in her Clerk's Corner to shovel out the fire hydrants. I did ours today... I attended Niagara County Legislature meetings for two years before I ever spoke. I also attended Niagara Wheatfield School meetings for ten years before I ran for the school board. I think anyone running for public office should not come out of the woodwork. They should be sitting with us, the residents, for at least a couple of years...

Mrs. Warren said she would speak about the Greenway Commission at the next meeting.

Nancy Correa, Riverwalk Drive said she is frustrated: Many, many weeks ago the Taxpayers Alliance submitted an updated Ethics Policy. We have never gotten a formal response on that. Let's get something on the books newer than 40 years old, which is the existing policy now. The second issue I want to address concerns Mr. Geiben, and that is the Cable Commission. I know you said you are working on it and I believe you but where does it stand now?

Catalano said he is in the process of putting together a memorandum of understanding. I will have that prepared within the next week. By the time we meet in January, we will be ready to have Mr. Broderick sign it.

Geiben said the Cable Commission would like to meet on that before it is submitted to the Supervisor. The Cable Commission Chairman is extremely frustrated that it has taken so long to get thru this. He had hoped that the memorandum that he wrote would have been satisfactory. But, it had to go thru attorney approvals. There have been some modifications made that they are hoping to progress. The Chairman, Jim Abbondanza wants to buy the equipment and start the operation.

Mrs. Correa thanked Geiben for the update. "Now, if we could get an update on the Ethics Policy. That would be fantastic."

Bax said he would volunteer to spear-head that. He asked if a member of the Taxpayers Alliance would like to be a part of that. Mrs. Correa suggested Karen Lyle, as she did extensive research and accumulation of what other government entities are doing. I will ask her if she is willing to do that. If not, someone else will.

In closing, Broderick wished everyone a Merry Christmas & safe Holiday Season.

Broderick said the Town Offices would be closed December 23<sup>rd</sup> and 26<sup>th</sup> for the Christmas Holiday.

Upcoming Meetings:

The Final Audit and RTBM will be held December 29, 2016 at 6 PM  
The Re-organization Meeting/Work Session to be held January 9, 2017 at 6 PM

Historical Preservation Commission, December 13 @ 5:45 PM  
Environmental Commission, December 13 @ 6:00 PM  
Planning Board, December 15 @ 6:30 PM

**Bax MOVED to enter into Executive Session for the purpose of Pending Litigation and employment status of a particular individual. Seconded by Geiben and carried 5-0. Time: 7:35 p.m.**



*EXECUTIVE SESSION:*

Minutes taken by Attorney Seaman.

Present: Broderick, Bax, Ceretto, Geiben, Morreale, Conrad, Catalano and Seaman, Previte and Blazick

Issues Discussed:

- 1) Ongoing litigation
- 2) Matter concerning employment of a particular individual

**Bax MOVED to exit executive session and reconvene work session. Seconded by Ceretto and carried 5-0.** Time 7:55 p.m.

Action Taken: None

**Bax MOVED to adjourn. Seconded by Morreale and carried 5-0.** Time: 7:55 p.m.

Transcribed and  
Respectfully submitted by

Carole N. Schroeder  
Deputy Town Clerk