

Present: Supervisor D. Brochey; Councilmembers A. Bax, B. Ceretto, Wm. Conrad & R. Winkley; Dep. Sup. S. Edwards; Eng. R. Lannon; Attorneys M. Davis & B. Seaman; Hwy. Supt. D. Janese; WPCC Ch. Op. J. Ritter; Police Chief C. Salada; Building Inspector T. Masters; Finance Director M. Blazick; Rec. Dir. M. Dashineau; 3 Press; 4 Residents and Dep. Clerk C. Schroeder

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

#### *AGENDA*

Bax asked to report on the "End User" Resolution for NYPA in Executive Session for consultation with Attorneys. They will come out of Executive Session to make some determination.

Winkley asked to remove two items from his agenda under Police: a) Re: Alexander Ruckh and c) P/T hire to fill vacancy.

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

#### *ABSTRACT*

**Winkley MOVED to approve the Regular Abstract of Claims Numbered 4713 to 5044 and recommended payment in the amount of \$405,147.96, plus a post audit of \$486,180.53. Seconded by Bax and carried 5-0.**

#### *DEPARTMENT HEAD CONCERNS*

Highway: Supt. Janese said that Attorney Seaman will be working on the 284 Agreement for paving. This will be made available at the RTBM.

#### *STANDARD WORK DAY – PROSECUTING ATTORNEY*

Attorney Davis said he spoke with the Personnel Director. The Board should move forward with adopting a resolution establishing the standard work day for the Prosecuting Attorney, as per the NYS Retirement System. The Prosecuting Attorney receives credit only for the time he spends in Town Court.

**Winkley MOVED to designate the standard work day at 8-hours for the Town Prosecutor. Seconded by Bax and carried 5-0.**

#### *REDUCING CELL TOWER COLLOCATION FEES*

Attorney Davis said he was working on this with the Building Inspector awhile ago but at the last meeting there was a miscommunication problem. The Attorney said he wanted to talk with Tim Masters but nobody let him know that he wanted to talk to him. We were unable to talk about it further. Davis said he had nothing further to report.

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

#### *SEWER CREDIT*

The Supervisor referred to a request from Carla Mackenna, 4695 N. 5<sup>th</sup> Street, to adjust her water/sewage bill for the months of September/October 2014 when work was completed on replacing her pool liner and having the pool refilled, approx. 22,000 gallons.

**Bax MOVED to approve a credit to Carla Mackenna in the amount of \$87.00 for the sewer portion of her bill. Seconded by Winkley and carried 5-0.**

*DESIGNATE SIGNATORY TO BANK ACCOUNTS*

The Supervisor introduced Martha Blazick as the new Finance Director. Brochey asked to adopt a resolution designating Mrs. Blazick as signatory to all Town of Lewiston Key Bank Accounts and M&T Accounts.

**Bax MOVED to approve said resolution. Seconded by Winkley and carried 5-0.**

*CABLE FRANCISE AGREEMENT*

Conrad said the Town Cable Commission has been working with Time Warner Cable to re-write the Franchise Agreement that was adopted years ago. They will hold a full presentation at the next meeting with the Chairman of the Commission, James Abbondanza, along with a representative from Time Warner Cable, who will answer any questions there may be. Conrad said the contract is currently in the hands of the Town Attorney for review. Atty. Seaman said there is some language that needs to be tweaked. Once the language is set, then the Board can schedule a Public Hearing.

*SITE PLAN REVIEW – MT. ST. MARY'S HOSPITAL*

The Planning Board, on February 19, 2015, reviewed a Site Plan Review for Mt. St. Mary's Hospital, Military Road, SBL# 115.00-1-2.11 & 2.12 requesting to change the location of their property line between the hospital and Our Lady of Peace Nursing Home. The Planning Board recommends approval of the subdivision line being moved. The Niagara County Planning Board and Environmental Commission had no issues.

When asked to comment, Eng. Lannon said because of the re-configuring of those lots he recommends the two parties enter into a utility agreement. Lannon said he thinks that has been done.

**Conrad MOVED to declare a negative declaration on said project as recommended by the Environmental Commission. Seconded by Bax and carried 5-0.**

**Conrad MOVED to approve the site plan for Mt. St. Mary's Hospital, as presented. Seconded by Winkley and carried 5-0.**

*HIGHWAY:*

- a) *Town Garage Camera Security:* Brochey said he spoke briefly with the Highway Supt. about the camera security at the Highway Garage. The cameras were purchase in May, 2014. There was some issue as to who would put in the system. The Highway Supt. said the individual they purchased the equipment from was going to do the installation. There was an issue with scheduling and the supplier said he was unable to install the equipment. At that point, Janese contacted other vendors. They were either too expensive or wanted to install their own equipment. Now that the weather has broken, Janese said he would have the work done in-house by Highway personnel. He estimated this being done within the month. A representative from Lewiston Computers would come down and do the final programming at a cost of \$200.
- b) *Mailbox Reimbursement:* Brochey said he was contacted by Mr. Leo regarding his mailbox that was destroyed. In December, the Board approved reimbursement of \$50 for the mailbox, per Town Policy. Mr. Leo FOILED information that somewhere down the line the Town replaced a mailbox for \$69.99. That bill was from Stevenson's Hardware from 12/17/14. Janese said he would check into it.

*WPCC:*

- a) *Crew Leader Pay:* Bax referred to a request from Jeff Ritter recommending Scott Clark for Waster Water Maintenance Person Crew Chief to fill a vacancy available through the retirement of the pervious Crewe Leader. Mr. Clark's pay will change from \$24.09/hr. to \$25.01/hr. per 2014 CSEA Union Contract.  
**Bax MOVED for approval. Seconded by Winkley and carried 5-0.**

- b) Sewer Use Agreement: **Bax MOVED to authorize the Supervisor to sign the 2015 Sewer use Agreement. Seconded by Winkley and carried 5-0.**

*NIAGARA RIVER GREENWAY RESOLUTIONS*

The Parks Supt. said he is looking for two resolutions to apply for funding from the Greenway for Colonial Village Playground Addition and Kiwanis Park Court Restoration. The projects had been approved last July. Now, we are following up with the procedure to submit for funding to the Greenway Committee, Dashineau said. The Grant Writer said the application for funding must be submitted by March 17. It will be presented to the Commission on May 19. The resolutions are for the support of the projects.

**Resolution -- Colonial Village Playground:**

WHEREAS, the Town Board desires to acquiring the funds to complete Town of Lewiston Colonial Village Playground Addition; and

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 and application for the Niagara River Greenway funds for the Colonial Village Park Playground Addition in the amount of \$55,000; 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 Dennis J. Brochey, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file an application for funds for the Niagara River Greenway, and execute a project agreement for such financial assistance to the Town of Lewiston for the proposed Colonial Village Playground Addition.

**Resolution – Kiwanis Park Courts Restoration:**

WHEREAS, the Town Board desires to acquiring the funds to complete Town of Lewiston, Kiwanis Park Court Restoration; and

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 and application for the Niagara River Greenway funds for the Kiwanis Park Court Restoration in the amount of \$45,000; 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 Dennis J. Brochey, as Supervisor of the Town of Lewiston, is hereby authorized and directed to file an application for funds for the Niagara River Greenway, and execute a project agreement for such financial assistance to the Town of Lewiston for the proposed Kiwanis Park Court Restoration.

**Ceretto MOVED to authorize the foregoing resolutions pertaining to Colonial Village Playground Addition and Kiwanis Park Courts Restoration. Seconded by Winkley and carried 5-0.**

*JDSP – BUILDING DEMOLITION & ASBESTOS REMOVAL*

The Engineer noted that on March 6, the Town received five bids for building demolition and asbestos removal at Joseph Davis State Park. The bids were as follows:

|  |              |
|--|--------------|
| Regional Environmental Demolition            | \$ 71,900.00 |
| Metro Contracting & Environmental, Inc.      | \$ 92,800.00 |
| A.A.A. Contracting, Inc.                     | \$129,000.00 |
| Guard Construction & Contracting Corporation | \$134,541.00 |
| Empire Dismantlement Corporation             | \$148,750.00 |

**Bax MOVED to award the contract for Asbestos Remediation to Regional Environmental Demolition in the amount of \$71,900. Seconded by Conrad and carried 5-0.**

*POLICE*

**Winkley MOVED to accept the resignation of Matthew Grainge from his position with the Lewiston Police Department effective March 14, 2015, with regret. Seconded by Bax and carried 5-0.**

Chief Salada said he is canvassing the list from Civil Service to fill the vacancy in the department.

*EXECUTIVE SESSION*

**Bax MOVED to enter into Executive Session for consultation with Attorneys re NYPA Energy end-user allocation, Seconded by Conrad and carried 5-0.** Time: 6:35 p.m.

Present: Town Board, Edwards, Seaman, Davis

Issues Discussed: NYPA Energy end-user allocation.

**Winkley MOVED to exit Executive Session and reconvene Work Session. Seconded by Ceretto and carried 5-0.** Time: 6:50 p.m.

Bax read the following Resolution:

WHEREAS, the Town of Lewiston entered into an agreement with the Power Authority of the State of New York in August 2007 concerning the disposition of Lewiston's hydro-power allocation; and

WHEREAS, said agreement allows the Town to designate the "Ultimate Users" or beneficiaries of the hydro-power allocation; and

WHEREAS, the Town has monies in a Trust and Agency account awaiting the Town's designation of Ultimate Users, now therefore,

**BE IT RESOLVED**, that the Town of Lewiston hereby designates the following "Ultimate Users" pursuant to the agreement, with an effective date of January 1, 2014:

The Town of Lewiston and its Special Districts -3.5 MW Residential electricity users within the Town of Lewiston -3.0 MW,  
And be it Further,

**RESOLVED**, that the Finance Director prepare journal entries/budget modification for presentation to the Town Board for its approval to effectuate the distribution of funds attributable to the hydro-power allocation for the years 2014 and 2015 in the following order:

**Town of Lewiston and its Special Districts -3.5 MW**

1. Costs of administration of the hydro-power allocation
2. Town electricity costs (including delivery charges)
3. The Town's Energy-related expenses:
  - Natural Gas and other energy related utilities
  - The portion of the Town's Fire Protection contracts attributable to electricity and utility bills
  - Gasoline/Diesel fuel for use in Town vehicles
  - If any funds remain they are to be retained to be used only for the Town's energy-related costs as determined by the Town Board

**Residential electricity users within the Town of Lewiston -3.0 MW**

1. Costs of administration related to residential user power credit distribution
2. Power Credits to be distributed to Residential electricity users to be applied toward the cost and/or delivery of electric power,

And be it further,

**RESOLVED**, that the Finance Director prepare a draft plan for presentation to the Town Board for the distribution of Power Credits, in the form of monetary payments to be applied toward the cost and/or delivery of electric power, to Residential electricity users within the Town.

**Bax MOVED the foregoing resolution. Seconded by Winkley and carried 5-0.**

*EXECUTIVE SESSION*

**Winkley MOVED to enter into Executive Session re Personnel (Recreation) and consultation with Attorneys re a Collective Bargaining Issue, Seconded by Conrad and carried 5-0.** Time: 7:55 p.m.

Present: Town Board, Edwards, Seaman, Davis, Dashineau and Brian Doyle

Issues Discussed: 1) Collective Bargaining; and 2) Matters relating to the employment of an individual.

**Winkley MOVED to exit Executive Session and reconvene Work Session. Seconded by Ceretto and carried 5-0.** Time: 9:18 p.m.

Action Taken: None

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

Transcribed and  
Respectfully and submitted by:

Carole N. Schroeder  
Deputy Town Clerk