

PRESENT: Supervisor Brochey; Councilmembers Ceretto, Conrad, and Winkley; Deputy Supervisor Edwards; Town Attorneys Davis and Seaman; Building Inspector Masters; Engineer McGraw; Highway Supt. Janese; Chief Operator WWTP Ritter; Recreation Dir. Dashineau; Police Chief Salada; 3 Press; 16 Residents and Clerk Donna Garfinkel

EXCUSED: Councilman Bax

The Supervisor opened the meeting.

TWO MINUTE STATEMENT – RESIDENTS

No resident wished to speak.

EXECUTIVE SESSION – JOSEPH DAVIS STATE PARK

Winkley MOVED to enter into Executive Session for consultation with the Attorneys regarding obligations to the Joseph Davis State Park lease, Seconded by Conrad and Carried 4 – 0. (6:10 pm)

PRESENT: Supervisor Brochey; Councilmembers Ceretto, Conrad, and Winkley; Deputy Supervisor Edwards; Town Attorneys Davis and Seaman and Mark Thomas – NYS Parks

Discussion on Joseph Davis State Park.

Winkley MOVED to exit Executive Session, Seconded by Conrad and Carried 4 – 0. (6:20 pm)

AGENDA APPROVAL

Brochey requests an Executive Session to discuss personnel. Winkley requests moving Joe Davis Park discussion to the beginning of Brochey's agenda.

Winkley MOVED to approve the agenda as amended, Seconded Conrad, and Carried 4 – 0.

APPROVAL OF MEETING MINUTES

Conrad MOVED to approve the meeting minutes for Work Session – 1/12/2015, Seconded by Ceretto and Carried 3 – 0. Winkley abstained

Conrad MOVED to approve the meeting minutes for RTBM – 1/26/2015 and Work Session – 2/9/2015, Seconded by Winkley and Carried 4 – 0.

POST AUDIT PAYMENT

Conrad MOVED to approve Post Audit payments: County Tax – Darlene Norwich - \$18,135.70; Key Bank - \$295.30; Lifetime Benefit Solutions - \$26,795.52 and Verizon Wireless - \$1,053.28, Seconded by Winkley and Carried 4 – 0.

OLD BUSINESS

Cell Tower Renewal Fees – Masters said Chris McAuliffe, Code Enforcement Officer, prepared and forwarded to the Attorneys their request. Once reviewed they would give a recommendation.

Davis asked that this be discussed in Executive Session.

NEW BUSINESS – CLERK'S CORRESPONDENCE

Item No. 1. Acknowledge Beverage License – Niagara Falls County Club

Winkley MOVED to acknowledge that Niagara Falls County Club has applied for renewal of their Alcoholic Beverage License, Seconded by Conrad and Carried 4 – 0.

Item No. 2. Standard Work Day – Prosecuting Attorney

The auditors ask that this be done on a yearly basis. Winkley said the Board was not comfortable with it stating an 8-hour day. Davis will follow up on this with Mr. Adamson. The Clerk suggested Davis speak to Barb Cich in the Supervisor's office.

Item No. 3. Closing of Town Hall – Designate

With the weather of the last couple weeks, it was questioned as to who makes the decision to close Town offices. The Town Clerk forwarded an e-mail to all Niagara County Clerks asking them who makes the decision in their Town/Village. Response was the Supervisor/Mayor along with guidance from the Highway Superintendent and Police Chief.

In Lewiston in the past, it has been the Town Clerk or Supervisor. Seaman said the Board can make a resolution to designate the Supervisor or in his absence the Deputy Supervisor the authority to close Town offices.

Winkley MOVED to designate the Town Supervisor as the official to make the decision to close Town Hall, with consultation with the Police Chief, Town Clerk and Highway Superintendent, Seconded by Conrad and Carried 4 – 0.

SUPERVISOR BROCHEY

LIAISON REPORT

Joseph Davis State Park – The Board met in Executive Session earlier with Mark Thomas from New York State Parks.

Seaman said the discussion was on the lease the Town has with New York State Parks. Under the terms of the current lease, the Town can choose to terminate the lease at anytime, with 90 days written notice.

Seaman understands Brochey and Ceretto spoke with Thomas, and they have a vision for how the Town and State Parks can use the park in the future without the Town being required to maintain the park. The next step the Board could take, is make a motion to terminate the lease and authorize the Supervisor to give 90 days written notice.

Ceretto MOVED to exercise the Town's termination clause in the lease with New York State Parks, and authorize the Supervisor to give formal notice, Seconded by Conrad and Carried 4 – 0.

Brochey said this will be a nice joint venture with NYS Parks. This will help the Town of Lewiston. Mr. Thomas and the State Parks will work well with the Town. The Board is very happy with the outcome of this. The park will be open just like everyone is use to having it open. This is a win win for both sides. Brochey thanked Thomas for his continuous efforts in moving forward with this.

Conrad MOVED to authorize the Supervisor and Town Parks Dept. to work with New York State Parks to formulate a plan to utilize and develop areas of Joe Davis State Park for enhanced recreation use, all plans and funding are subject to Town Board and State Parks approval, Seconded by Ceretto and Carried 4 – 0.

LEGAL

Resolution – Special Election – Under Town Law it is required, for the upcoming election, to designate the polling place, hours, and to specifically state what the ballot is in a Resolution.

The Clerk read the following Resolution into the record:

WHEREAS, the Town Board adopted a Local Law abolishing the office of Receiver of Taxes and Assessments in the Town of Lewiston and transferring all of the powers and duties of that office to the Office of the Town Clerk on December 8, 2014; and

WHEREAS, said Local Law is subject to a mandatory referendum; now therefore

BE IT RESOLVED, that a Special Election will be held on Tuesday, April 14, 2015 to consider the following proposition:

Should Local Law No. 6 of 2014, which provides that the elected Office of Receiver of Taxes and Assessments in the Town of Lewiston be abolished and all of the powers and duties of that Office transferred to the Office of the Town Clerk, be approved?
and be it further,

RESOLVED, that the polling place for said election will be the Town of Lewiston Town Hall, 1375 Ridge Road, Lewiston, New York, and be it further,

RESOLVED, that the polls will be open from 6:00 AM until 9:00 PM

Winkley MOVED the above Resolution, Seconded by Conrad and Carried 4 – 0.

Resolution – Highway Dump Truck - A State bid has been received for a new F-450 Dump Truck with a plow and box. Two bids have been received, very close in amount. The higher bid came in \$191.00 above the low bid. Janese would like to accept the higher bid. The low bid is from a firm outside of Auburn, NY– about a six-hour round trip. The other is from Boston, NY – about 45-minutes away. The concern is, going with the low bidder, anytime service or adjustments are needed, it will be a day trip. The convenience factor alone is important. More than the \$191 difference could be spent just once if the truck needs service.

The Clerk read the following Resolution into the record:

WHEREAS, the Town of Lewiston Highway Superintendent obtained four (4) written price quotations for the provision of a dump body and snow plow to be installed on a Highway Department truck, and

WHEREAS, the lowest price quote was from MDI Truck, which is located in Auburn, NY in the amount of \$ 12,593.00 and the second lowest price quote was submitted by Valley Fab and Equipment, Inc., which is located in Boston, NY in the amount of \$12,784.05, and

WHEREAS, the Town of Lewiston will have to bring the Highway Department truck to the location of the supplier of the equipment for installation and possibly for future maintenance issues, and

WHEREAS, the extra distance and travel time required to deliver the truck to Auburn, New York as opposed to Boston, New York would result in costs to the Town in excess of the savings to be realized by accepting the lowest quoted price, when fuel and employee time is considered, now therefore,

BE IT RESOLVED, that the proposal of Valley Fab and Equipment, Inc. be accepted and the Highway Superintendent be authorized to issue a purchase order or contract to Valley Fab for the provision of said equipment.

Winkley MOVED to adopt the above Resolution, Seconded by Conrad and Carried 4 – 0.

ENGINEERING

Cami McGraw represented CRA. The Joseph Davis State Park demolition contract was put out to bid. They will be accepted and opened on March 6th. CRA will canvas the bids, and forward a report to the Board. The Board can then consider the bids at the Work Session of the 9th. The contract is to have the work completed within 30-days.

Davis said the Board did close the Public Hearing on the Moratorium, but the Board needs to adopt the Local Law extending the Moratorium. Davis will then review and work with Assemblyman Ceretto, if this is what the Board wishes.

Winkley MOVED to adopt the Moratorium amendments regarding the solid waste and recycling, Seconded by Conrad and Carried 4 – 0.

FINANCE

Designate Signatory – Key Bank and M&T Bank – Brochey forwarded to the Attorneys for their review and tabled for the Work Session.

Land Conservancy – The Conservancy is waiting to hear what dollar amount Lewiston can afford per year. Brochey said there is about \$150,000 in Greenway funds now. More is expected later this year.

The Conservancy needs a commitment by June. It has been discussed the Town would give \$150,000 with \$50,000 a year for the next three years.

Conrad MOVED to commit \$150,000 at \$50,000/year payments starting in 2015, Seconded by Winkley and Carried 4 – 0.

This is funding for the Stewardship Fund for the Land Conservancy. This will be forwarded to the Host Community Committee for NYPA.

COUNCILMAN BAX

Janese asked to address the Board. In regards to snow removal costs. Janese wants the Board to realize the department is rapidly approaching the budgeted amount for snow removal. Janese does not know what to do; it is not prudent to stop salting. In order to maintain the roads the department will need additional funding.

Conrad asked if Janese had any projections of the dollar amount. Janese said that is almost impossible, he would have to guess what the weather would be. Some salt needs to be saved for autumn.

There was 200 tons of salt the other day and it was basically all used in three days. It takes 40 tons of salt to do one complete run of the Town.

In regards to the 284 Agreement. Before money can be spent on any permanent improvements an agreement needs to be in place. Janese was hoping the Board would allow him to draft something similar to last years, which ended up being any and all roads. There is a long list of roads, that in the past have been left for Janese to decide.

It's hard to commit to certain roads; it is not clear what will be found once winter is over. Janese will prepare the agreement for the Work Session.

An excavation job was done on Dickersonville Road and Route 104. Some work was done off the right-a-way at a home that has an invisible dog fence. Damage was done to the fence in the amount of roughly \$300. Janese will submit a voucher to reimburse the resident.

Ritter has the completed 2015 Sewer Use Agreement. It needs to be signed by the Supervisor and notarized. There is a rate increase of .5¢ per 1,000 gallons. In regards to the language on pool liner replacements, it was decided to leave the wording the way it is.

COUNCILWOMAN CERETTO

Dashineau is requesting permission to go out to bid for installation of Sport Turf at Washuta Park. Washuta Park is approaching 20 years old. It currently needs about \$25,000 worth of subgrad and drainage restoration work. In December monies were transferred from baseball tournaments into a capital fund in anticipation of doing a large improvement like this. Bids will

be received on the upgrade and see if it is within the budget. Each Board member has received the packet on the improvement.

Conrad MOVED to authorize the Recreation Director to proceed with the bid process for Sport Turf at Washuta Park, Seconded by Ceretto and Carried 4 – 0.

COUNCILMAN CONRAD

The Cable Commission has been working with Time Warner Cable on the Franchise Agreement. Conrad hopes to present information at the Work Session on what the potential financial benefit to the Town will be. Seaman and Davis asked to review the Draft Agreement.

COUNCILMAN WINKLEY

Nothing to report

Winkley MOVED to enter into Executive Session to discuss personnel, Seconded by Conrad and Carried 4 – 0. (7:20 pm)

PRESENT: Supervisor Brochey; Councilmembers Ceretto, Conrad, and Winkley; Deputy Supervisor Edwards and Town Attorneys Davis and Seaman

Discussion on Personnel, potential litigation w/ resident, tower fees and Upper Mountain Fire Co. tower.

Winkley MOVED to exit Executive Session, Seconded by Conrad and Carried 4 – 0. (8:30 pm)

Ceretto MOVED to retain Center for Municipal Solutions in regards to Tower Litigation and retain an appraiser, Seconded by Conrad and Carried 4 – 0.

Winkley MOVED to adjourn meeting, Seconded by Conrad and Carried 4 – 0. (8:35 pm)

Respectfully Transcribed and Submitted by:

Donna R. Garfinkel
Town Clerk