

Public Hearing – Town Cable Franchise Renewal with Time Warner Cable – April 27, 2015

**PRESENT:** Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad, and Winkley; Town Attorneys Davis and Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Blazick; Highway Supt. Janese; Chief Operator WWTP Ritter; Police Chief Salada; 3 Press; 30 Residents and Clerk Donna Garfinkel

The Clerk read notice into the record:

NOTICE OF PUBLIC HEARING

Town of Lewiston Cable Franchise Renewal with Time Warner Cable

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewiston will hold a public hearing on Monday, April 27, 2015 at Town Hall, 1375 Ridge Road, Lewiston, New York, at 6:00 P.M. concerning renewal of the cable television franchise agreement between the Town of Lewiston and Time Warner Cable. A copy of the proposed agreement is available for public inspection at Town Hall in the office of the Town Clerk during regular business hours. At the public hearing all interested parties who wish to be heard will be heard.

By Order Of The Town Board

March 23, 2015

The Supervisor asked if any residents wished to address the Board. No one did.

**Winkley MOVED to Close the Public Hearing, Seconded by Bax and Carried 5 – 0.** (6:05 pm)

Regular Town Board Meeting

April 27, 2015

6:00 pm

**PRESENT:** Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad, and Winkley; Deputy Supervisor Briglio; Town Attorneys Davis and Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Blazick; Highway Supt. Janese; Chief Operator WWTP Ritter; Police Chief Salada; 3 Press; 30 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting, followed by the Pledge of Allegiance and a moment of silent reflection.

Brochey requested approval of the Franchise Agreement with Time Warner be addressed prior to the Residents Two Minute Statement.

The Board wishes to add five (5) additional locations to Exhibit B: Lewiston Highway Dept.; Lewiston Police Dept.; Water Treatment Plant; Lewiston Fire Co. #2 and Stella Niagara.

**Conrad MOVED to authorize Supervisor Brochey to sign the Franchise Agreement, as amended, to provide Cable Television service between the Town of Lewiston and Time Warner Cable Northeast LLC, Seconded by Bax and Carried 5 – 0.**

Winkley requests Niagara County Legislature William Ross being able to address the Board.

Legislature Chairman William Ross and Vice-Chairman Clyde Burmaster addressed the Board. In 2013, Gaming Laws changed to benefit 2 cities and 12 towns in Niagara County. Dollars will be distributed each year from a percentage of the Seneca Casino gaming money. The County will receive the money and it is then distributed to the municipalities.

Ross and Burmaster are happy to present the Town of Lewiston with a check in the amount of \$54,843.23.

AGENDA APPROVAL

Brochey requests an executive session regarding personnel; Winkley requests executive session regarding union negotiations.

**Winkley MOVED to approve the Agenda as amended, Seconded by Brochey and Carried 5  
- 0.**

TWO MINUTE STATEMENT – RESIDENTS

Warren, Rosemary – 5842 Griffin Street – Warren said she should be grateful that families are getting \$100 rebate on their electric bills. Every month there was a reduction when Fred Newlin was Supervisor. It got smaller; people complained and blamed the Supervisor, but she did not.

The portable ice rink, which is not portable for all residents that live elsewhere in the Town. Warren thought it might come above the hill, but Sanborn and Colonial Village don't have bars and restaurants to profit from.

The Lewiston Senior Citizen Center has the wrong name; it should be called Lewiston-Porter Senior Center. It is not in the center of the Town, but on the edge of the Town of Porter. Yet her taxes are going to help pay for the roof replacement.

The Sanborn Seniors meet at the Fire Hall, and Warren thanks them. It is not a stand along building, but a room used by other groups. Warren is not a member of this group.

The Friendship Club meets in the Cambria recreation building. They give the Club \$900/year and free use of the building.

Warren asked the Board to get the railroad tracks fixed on Ward Road. There needs to be a rubber crossing. It is dangerous.

At this time the Clerk was asked to swear in newly appointed Deputy Supervisor Mark Briglio.

TWO-MINUTE STATEMENT – DEPARTMENT HEADS

Janese said the costs for snow-removal are almost completed. The Town budgeted \$150,000 for salt with the actual cost being \$215,000. \$40,000 was taken from the equipment line to cover some of this expense.

Janese said if Board members go back to the 2013 budget the Town spent \$198,000 on snow removal. In 2014 the Town spent \$265,000. Janese told Councilman Bax in January that the department has run out of money. Janese was told to "simply continue".

Janese will get the figures for the Board, but Janese will guess it to be somewhere around \$200,000 in the hole.

Bax said this is something that is not going to be able to forego. Janese said that is why he told him in January, and Bax said that is right.

Brochey suggested working on a more accurate budget for next year.

Janese said he told Bax he needs to do something to make that money up. Bax asked Janese if this money has been taken out of other areas of his budget. Janese said in the past it has. This year the labor line should have gone up \$35,000, instead cut \$9,200; garage maintenance line was cut by \$40,000, parts was cut by \$3,500. There simply is nowhere in the budget to remove the money.

The Highway Dept. held an Electronic Recycling Event at the highway garage. It was a pretty busy day. The first event collected approximately 26,000 lbs. Janese is thinking maybe somewhere around that amount was collected on Saturday. There were over 300 residents that took advantage of the event. There will be a small cost to the Town, but it is a great benefit.

The highway staff that worked the event did a great job. Janese believes by the end of the week the materials will be ready to be picked up and sent to Buffalo for recycling. Material is all stored indoors, on pallets and wrapped all in accordance with the permit.

Brochey has been informed there might be a fire hazardous in the garage, where this material is being stored. Masters said if it is removed this week, it won't be an issue. Janese said half of the material collected on Saturday has already been palletized and moved out of the garage. It shouldn't be a hazard.

#### APPROVAL OF MEETING MINUTES

**Bax MOVED to approve meeting minutes of RTBM – 3/23/2015 and Work Session of 4/13/2015, Seconded by Conrad and Carried 5 -0.**

#### POST AUDIT PAYMENT

Clerk apologizes for not having this available to the Board.

**Winkley MOVED to table the Post Audit Payment, Seconded by Ceretto and Carried 5 – 0.**

#### OLD BUSINESS

##### *Cell Tower Renewal Fees*

Conrad will contact the Chairman and report back at the Work Session.

##### *284 Agreement*

Janese is waiting to get the numbers together. Janese looked at the approved 2015 budget, and the paving dollars have been reduced so this needs to be revamped. There is not \$350,000; it will be around \$265,000.

#### NEW BUSINESS – CLERK'S CORRESPONDENCE

Item No. 1 *Standard Work Day Reporting – Councilman Conrad*

**Winkley MOVED to set the Standard Work Day for Councilman Conrad at 6 hrs, Seconded by Bax and Carried 5 – 0.**

Item No. 2 *Town Hall Extended Hours Reinstated*

Memo of notification to the Town Board that Town Hall will return to the extended hours of second and fourth Monday, from 8 am – 6 pm, starting May 11, 2015.

Item No. 3 *Contract for ATM – Niagara Novelty Co.*

Town Clerk is asking permission to have the Supervisor sign a contract with Niagara Novelty Co. for an ATM in the front foyer. There is no charge to the Town for the machine. A fee will be charged for each transaction with the Town receiving .50¢ for each transaction.

The Clerk worked with Seaman on the contract.

**Bax MOVED to authorize the Supervisor to sign the Automated Teller Machine Placement Agreement with Niagara Novelty Co., Seconded by Ceretto and Carried 5 – 0.**

Item No. 4 *Town Hall concrete repair estimates and dollars*

In October the front walk way was repaired. It was air lifted, which did not work. It became a tripping hazard again.

The Clerk, along with Masters reached out to four concrete companies requesting estimates to replace the whole piece of concrete, in addition to the West entrance door concrete and the East sidewalk corner replacement. Two estimates were received: Reinforced Concrete/Construction in the amount of \$3,900 and Solid Ground Concrete, Inc. in the amount of \$5,275.

The Clerk is asking for authorization to go ahead with the repair and is asking for a budget code to charge the cost to.

Bax asked Masters for his opinion on the quotes. Masters said he has worked with both companies. Masters recommends going with the lowest bidder.

Blazick was questioned amount a budget code. Blazick said with the consolidation of the Tax and Clerk dept. dollars may come from there.

**Conrad MOVED to award the concrete repair to the front entrance, west entrance and the east sidewalk to Reinforced Concrete/Construction in the amount of \$3,900, Seconded by Bax and Carried 5 – 0.**

Item No. 5 *Notification of “Ride for Missing Children, Buffalo” throughout Lewiston*

Letter of notification has been forwarded to the Police Dept. outlining the route.

SUPERVISOR BROCHEY

May is Older Americans Month and the Supervisor read the proclamation into the record.

**WHEREAS,**

Seniors in the United States lend to the success of our Country in many ways by sharing their knowledge, talents and abilities that not only benefit their well being, but all citizens of our great nation, and

**WHEREAS,**

The Town of Lewiston is proud of our Senior Citizens. Lewiston is a better place to live, work and enjoy because of their constant enthusiasm and energy, and

**WHEREAS,**

Seniors in Lewiston continue to reach out to all Lewiston residents, young and old, who wish to share in their programs and activities on a daily basis.

**NOW, THEREFORE LET IT BE KNOWN,**

Recognizing the aforesaid and as an expression of pride and gratitude in its' Senior residents the LEWISTON TOWN BOARD proclaims the month of May, 2015 to be OLDER AMERICANS MONTH in Lewiston, New York

LEGAL

Winkley read resolution for Union organization.

**Winkley MOVED**

**WHEREAS,** through a Certification Petition (Case No. C-6314), the Town of Lewiston (Town) was notified by the Public Employment Relations Board (PERB) that certain Town of Lewiston employees desired to be represented for purposes of collective bargaining by Teamsters Union, Local 264, and

**WHEREAS,** PERB has declared that a sufficient showing of interest of the employees in the proposed unit existed in the form of signed authorization cards filed with PERB, and

**WHEREAS,** New York State Civil Service Law §203 describes the rights of public employees to be represented by employee organizations with limited exceptions, and

**WHEREAS,** the Town wishes to resolve this matter in furtherance of harmonious labor relations and in consideration of the risks and costs of further litigating the matter;

**NOW, THEREFORE, BE IT RESOLVED** the Town of Lewiston, voluntarily recognizes Teamsters, Local 264, as an employee organization representing a new unit of Town employees in the following titles:

Laborer  
Typist  
Justice Clerk  
Dog Control Officer  
Ordinance Enforcement Officer  
Real Property Appraisal Technician  
Building Inspector  
Account Clerk  
Deputy Town Clerk  
Deputy Receive of Taxes,  
and be it further

**RESOLVED**, the following titles and positions are excluded from this new unit: Assessor, all part-time employees, all seasonal employees, and all employees represented in other existing bargaining units.

**RESOLVED**, Supervisor Dennis Brochey is authorized to sign any necessary documents on behalf of the Town related to this matter.

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

ENGINEERING

Lannon reported the roof repairs at the WWTP and Highway garage are under design as well as the Lauren Court curbs.

The Joseph Davis asbestos abatement has started. This should take approximately 10-days, followed by two days of actual demolition. Should be complete in three weeks.

Janese said the highway new roof issue, as said before, is simply an ice jam issue. It is believed this can be remedied by insulating the inside wall of the existing building. There is nothing wrong with the roof, so no one needs to litigate or call for warranty assistant. The older roof, had a bid of \$3,100 to repair, but Janese believes he will repair this, in-house.

Brochey asked Lannon if he had an opportunity to look at the drawings of the roof at the highway garage. Some of the pictures do not look like ice jam damage. Janese said there is an existing building with a shed roof on it. One wall is warm, it fills against it, it melts, ice comes down, freezes and backs up water, and that is the problem. It is not something the builder can fix; it is weather related and something that can be taken care of internally for a few pennies.

Brochey said the pictures show cut-out pieces and bolts missing. Lannon said from the photos he reviewed, yes, there was some roof penetration along the seam. There seems to be screws or connections that have deteriorated. Janese said that is all on the original roof that has been there since 1971.

Janese feels instead of spending \$3,000, this can be fixed in-house for \$200. That is Janese's preference. Brochey asked if he feels the guys are qualified to do the work. Janese feels they are qualified to do just about anything. Highway maintains their buildings themselves.

In regards to the Muck-Land pump, the water has receded enough to inspect. The shaft is broken. Janese has found someone who will pull it out, the Town will do the removal. It will be brought to the shop and he will go from there.

FINANCE

Insurance - Finance Officer Blazick notified the Board the Insurance Premium is \$168,110.41. The Town will have \$250,000 Miscellaneous Equipment coverage and \$250,000 Employee Dishonesty coverage. There was duplicate coverage on a vehicle, so that has been removed.

Attorney Fees – The Town has not been consistent as to how they are paid or recorded. It is questioned if the Town should pay the individual or the firm. The Contract is with the individual. Blazick wants the Board to be aware that the Town pays the firm and not the individual and that this is what the Board wishes to do. Winkley said this was fine.

The Attorneys have always been on the Personnel Line item. This line is for individuals who are employees of the Town, and receive W-2 Forms. They should not be on the Personnel line; they need to be on the Contractual line. Blazick is requesting the Board authorize this budget move. Once approved the budget and expenses will be moved to the Contractual line. This has been addressed in the Audit for the last two years to have this done. Other people are being paid out of this line that are not employees. The Town Historian, Election Inspectors, Zoning Board of Appeal members and Planning Board members.

**Bax MOVED to transfer the budgeted line amounts for the following individuals: Town Attorney, Town Historian, Election Inspectors, Zoning Board of Appeals and Planning Board members, to the Contractual Line 400, Seconded by Winkley and Carried 5 – 0.**

With the abolishment of the Receiver of Taxes and Assessments position, the budget needs to be addressed. Blazick will work with the Town Clerk to transfer the funds to the Clerk's budget.

**Winkley MOVED to transfer the Receiver of Taxes and Assessments budget to the Town Clerk's budget, upon the filing of the Local Law that abolished the Receiver of Taxes position, Seconded by Ceretto and Carried 5 – 0.**

An itemized list of expenses for the Special Election held on April 14, 2015, was submitted with the cost of the election being \$2,502.32. There is money in the Election budget line, but not enough to cover the total.

**Bax MOVED to approve the payment of the shortage for the Special Election out of monies transferred from the Receiver of Taxes budget line, Seconded by Ceretto and Carried 5 – 0.**

Artpark – The Town has paid Artpark from Modern tipping fees. As of 2015, the Town no longer will be paying this. Blazick asks the Board if tipping fees received in 2015, for the fourth quarter of 2014, need to be paid to Artpark. All Board members say yes, these are 2014 dollars.

Purchase Defibrillator Pads – In 2007 the Town acquired Automated External Defibrillators and distributed them throughout Town buildings. Machines are located at Town Hall, Senior Center, Highway Garage, WPCC, and the two libraries. It is suggested the cost for the pads in the amount of \$373.18 be taken from H-97.

**Bax MOVED to approve the expenditure of \$373.18 for Defibrillator Pads with funds from H-97, Seconded by Winkley and Carried 5 – 0.**

Winkley suggests this be budgeted for on a yearly basis.

Retirement – Robert Nablo

Robert Nablo has been an employee of the Town for 38-years and will be retiring in two-weeks. Brochey can't thank Nablo enough for all he has done for this Town over the years.

**Winkley MOVED to regretfully accept the retirement of Robert Nablo, Seconded by Ceretto**

Winkley worked many of these 38-years with Nablo. He was always there when needed and has always had the Town in his heart. He has always worked hard.

Bax said there are certain people in the Town that are classified as irreplaceable, and Bob fits this category. The institutional knowledge that will leave when he retires is monumental. Bob knows where everything is buried. Thank you very much for your years of service.

Conrad and Ceretto congratulated Bob and thanked him for his time.

**Carried 5 – 0.**

COUNCILMAN BAX

Board members received a letter from Ellis W. Delahoy – 2143 Adams Circle regarding cleaning out the ditch located in front of his home. Delahoy spoke to Janese, who told him he would clean out the ditch and grade the ground. Janese said Delahoy's sump line comes out very low in the ditch. Everything froze early along with many lines that may have not froze in years. Janese is not certain what it is. He did tell Delahoy that as soon as the weather gets decent and dry, he would clean it out.

WWTP – *Chemical Bulk Storage Registration*

**Bax MOVED to take \$625.00 from SS1 to renew the Chemical Bulk Storage Registration, Seconded by Winkley and Carried 5 – 0.**

WWTP – *Lower River Road Comfort Station*

The Comfort Station is proposed for the property of the Land Conservatory project. Ritter is working with the Dept. of Health as to what all needs to be done. It is unclear as to the amount of use it will get, so Ritter is looking into a holding tank.

Ritter suggests the use of Greenway funds for the installation of the bathroom.

This will need to go before the Greenway Committee. Ritter was asked to research the cost of a holding tank and to hook into the sewers.

WWTP – *Camera*

Seaman said when the Town went to bid for the camera; there was an option for installment payments. The Board needs to pass a resolution prior to the funding being released by First Niagara.

**Bax MOVED to authorize the Supervisor to sign the Resolution approving funds for the Waste Water Treatment Plant camera, Seconded by Winkley and Carried 5 – 0.**

COUNCILWOMEN CERETTO

There has been a lot of damage at Colonial Village, Sanborn, Pletcher and Kiwanis Parks. Most of it if not all has been repaired. Chief Salada said they are working on catching the people that have been doing the damage.

Brochey encouraged anyone with any information on the vandalism to contact the Police.

Ceretto commended all of the Boy Scouts in attendance from Boy Scout Troop 855. This is a wonderful opportunity for them to see how government works.

COUNCILMAN CONRAD

No Agenda Items

COUNCILMAN WINKLEY

Winkley thanked the Supervisor for his earlier thoughts on the passing of his sister.

Haz-Mat Control Commission – Commission President John Malinchock resigned on March 18, 2015 and the Commission elected Vice President Paul Beecher as President.

**Winkley MOVED to appoint Paul Beecher as President of the Haz-Mat Control Commission, Seconded by Conrad and Carried 5 – 0.**

**Brochey MOVED to enter into Executive Session, Seconded by Winkley and Carried 5 – 0.**  
(7:20 pm)

**PRESENT:** Supervisor Brochey; Councilmembers Bax, Ceretto, Conrad, and Winkley; Deputy Supervisor Briglio; Town Attorneys Davis and Seaman; Building Inspector Masters; Town Engineer Lannon and Robert Nablo

Discussion concerning employment of a particular individual and consultation with attorneys.

**Winkley MOVED to exit Executive Session, Seconded by Bax and Carried 5 – 0.** (8:10 pm)

No action taken

**Winkley MOVED to adjourn the Town Board meeting, Seconded by Bax and Carried 5 – 0.** (8:05 pm)

Transcribed and Respectfully Submitted By:

Donna R. Garfinkel  
Town Clerk