

February 13, 2017

Work Session

6:00 PM

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto & R. Morreale; Dep. Sup. W. Conrad; Police Chief F. Previte; Eng. B. Lannon; Attorneys R. Parisi & J. Catalano; Finance Director/Budget Officer M. Blazick; Bldg. Insp. T. Masters; Highway Supt. D. Trane; Water Foreman M. Townsend; Parks Director M. Dashineau; 1 Press; 10 Residents and Dep. Clerk C. Schroeder

Absent: Councilman B. Geiben

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

AGENDA:

Additions: Broderick: Truck Purchase (Highway Dept.); Executive Session RE: Contract Negotiations; Amendments to Town Handbook; RFP for Grant Writer. Catalano: Cable Commission MOU

Bax MOVED to approve the agenda, as amended. Seconded by Ceretto and carried 4-0.

ABSTRACT:

Bax MOVED to approve the Regular Abstract of Claims Numbered 4186 to 4210 for F/Y 2016 and Claims 92 to 311 for F/Y 2017 and recommended payment in the amount of \$186,034.11, plus a post audit of \$7,203.57. Seconded by Ceretto and carried 4-0.

DEPARTMENT HEAD CONCERNS:

Police: Previte said they are going forward with the police liaison meetings with the Village starting March 13, 2017.

Previte reiterated they have received grant money from Senator Ortt's office. The Police and Parks Department are working together for a storage building on Town Highway property.

Finance: At the last meeting, Blazick said she had set up separate accounts for gas & electric expenses (0400-3500) from contractual (0400-0000). On 2/10/17, she forwarded a listing of these re-classifications to the Board (attached). Blazick said she is asking for a motion approving said budget adjustments. This will have a zero affect on the budget.

Bax MOVED to approve the re-classifications as outlined in the Finance Director's report of 2/10/17 at 4:12 PM. Seconded by Morreale and carried 4-0.

MONTHLY PHONE STIPEND:

The Supervisor was asked to include a monthly phone stipend for Les Myers, Chairman of the Fire Bureau, in the amount of \$25. This had been overlooked at the re-organization meeting.

Bax MOVED for approval. Seconded by Morreale and carried 4-0.

APPOINT ALTERNATE ZBA:

Broderick MOVED to appoint Leo Notaro as alternate to the Zoning Board of Appeals for a 2-year term (12/2018). Seconded by Morreale and carried 4-0.

STREET LIGHT REQUESTS:

Morreale said the Lighting Advisory Board met on February 2, 2017 and reviewed requests for additional street lighting in the Town of Lewiston. The Lighting Board recommends two (2) of the three locations to have lighting installed:

1. Entrance to Highway Department, 1445 Swann Road, Pole #1465
2. A light to be installed on Lauren Court (between Scovell Drive and 4791 Lauren Court) at the curve of the road. Exact location to be determined by Town Engineer due to underground utilities.

The Lighting Board recommends Modern Disposal's request be handled by Modern itself to negotiate directly with national Grid for lighting, as it is a safety issue for their employees, not a Town issue. It is a private business concern for their employees.

Morreale asked the Engineer what the next step is. Lannon said the Board approves the request. He would call National Grid and meet with them on site to determine the location, the type of light, wattage, etc. National Grid would follow up with a proposal which would identify an annual charge and an agreement would be submitted for review and approval by the Town Board and executed by the Supervisor. The agreement is forwarded back to National Grid and placed on their schedule. In his experience, Lannon said it would take a handful of months before there is an actual streetlight there.

Morreale MOVED to direct the Town Engineer to contact National Grid for a proposal for street lighting at 1445 Swann Road and Lauren Court, as proposed by the Lighting Advisory Board. Seconded by Ceretto and carried 4-0.

PERSONNEL – RETROACTIVE BENEFITS:

Attorney Parisi said he looked into the issue of retroactive benefits for a part-time employee going to full-time and whether they receive credit for the time spent part-time. Parisi said it is something that can be done; however, when you are looking at something like this, you don't want to move forward with it and end up in a situation because you did it for one person it's a right that the employees get moving forward. With that said, Parisi said if the Board decides to do it, the Union should sign off on that. It is a one-time only event and would not create any rights in the future. It is something that should get addressed in Collective Bargaining Negotiations.

Parisi said he drafted a resolution to amend the Employee Handbook but did not recommend voting on it at this time. He would table it at this point. Going forward, this issue is something that should be referred to the Labor Counsel to handle and sign off on, he said.

Bax MOVED to table. Seconded by Morreale and carried 4-0.

The Supervisor referred to another amendment to the Employee Handbook with regard to residency requirements for full-time, part-time, seasonal and temporary employees. Attorney Parisi drafted two amendments – one giving preference to Town residents and another that does not.

Broderick MOVED the following Resolution Amending the Employee Handbook Section 403, as follows:

WHEREAS, the Town of Lewiston Employee Handbook at Section 403 provides that all employees of the Town of Lewiston must be residents of the Town; and

WHEREAS, the Town of Lewiston has difficulty finding a sufficient number of experienced and qualified Town residents for part-time, seasonal and temporary positions with the Town, now therefore be it

RESOLVED, that the “Policy Statement” paragraph of section 403 of the Town of Lewiston Employee Handbook be and hereby is amended to read as follows:

Policy Statement- All full-time employees of the Town of Lewiston must be residents of the Town. Part-time, seasonal and temporary employees need not be residents of the town of Lewiston. However, residency shall be considered when hiring part-time, seasonal and temporary employees. Nothing herein shall be construed to require the Town to hire a Town resident over a non-resident for a part-time, seasonal or temporary position. Employees of the Lewiston Master Sewer Improvement Area/Water Pollution Control Center are required, as a condition of employment with the Town of Lewiston, to have their place of abode either in the Town of Lewiston or the Master Sewer Improvement Area, which includes a portion of the Town of Porter, for the life of their employment, except any employee employed by the Town who, prior to January 1, 1993, did not reside within the limits of the Town of Lewiston or the Master Sewer Improvement Area, may continue to reside outside the limits specified so long as the employee does not move to another residence. *An employee who is a member of the Water Pollution Control Center collective bargaining unit should refer to the collective bargaining agreement in reference to the residency requirement;*

And be it further

RESOLVED, that said amendment be retroactive.

A Copy of this resolution is to be incorporated into and kept with the Town’s official copy of the Town of Lewiston Employee Handbook.

Seconded by Bax and carried 4-0.

PERSONAL DAY CARRY-OVER: A request was made by the Town Clerk to allow George Danielewicz, Laborer, to carry-over one (1) Personal Day to be used within the first quarter of 2017.

Broderick MOVED for approval. Seconded by Morreale and carried 4-0.

NOTIFICATION OF LIQUOR LICENSE: Notification submitted by Lewiston Fire Company #2, Inc., 1705 Saunders Settlement Road, that an application will be filed with the State Liquor Authority for renewal of an on-premises alcoholic beverage license.

The Town Clerk received a notice that a renewal for an alcoholic beverage license has been applied for by the Niagara Country Club, 505 Mountain View Drive for an on-premises consumption at the Halfway House.

Bax MOVED to accept the notifications from Lewiston Fire Company #2 and Niagara Country Club, as submitted. Seconded by Ceretto and carried 4-0.

SANBORN BUSINESS & PROFESSIONAL ASSOCIATION: The Supervisor read the following letter from the Associations President, Bonnie Haskell: As you know, since 2011 the Niagara Falls National Heritage Area has been committed to designing and developing tourism experiences that showcase Niagara’s tremendous heritage, extend the stay for visitors and build pride within our community.

In 2016, in partnership with many agencies, they debuted the Discover Niagara Shuttle, which connects visitors and residents to 14 cultural attractions along the Niagara River corridor from the “falls to the fort”.

Even though, we in the Sanborn area haven’t had the shuttle in our area, we support this project full heartedly. Perhaps, in the future we will be included on this wonderful shuttle!

We at the Sanborn Business and Professional Assoc. support this project and its ongoing operations. We need the region to address the following priorities:

- Secure funding for 2017
- Develop a plan for a long term sustainability of the shuttle

Your commitment to this project is critical. The shuttle integrates local businesses and restaurants in our community.

Tourism development initiatives like the shuttle can reap dividends for our economy.

I ask for your help in requesting assistance for the funding of the \$200,000 gap to cover the cost of this project.

LETS MAKE NIAGARA COUNTY A GREAT PLACE TO LIVE, WORK AND VISIT!

Broderick said the Discover Niagara Shuttle group came last year inquiring about a \$50,000 Greenway grant. Broderick said the Shuttle has been a huge success. The Shuttle is something we need to talk about, either “yea” or “nay”, as far as supporting it thru Greenway funds, he said.

Morreale said Councilman Geiben asked Sara Capen to come back to the Board with Sanborn Business owners to develop a plan and present it at a future meeting.

Broderick said he would reach out to Capen to make a presentation at the next work session.

NIAGARA COUNTY OFFICE OF THE AGING CONTRACT: Attorney Catalano reviewed the contract for the Town of Lewiston Transportation Program to provide Senior Van Services, as defined in the federal Older American’s Act of 1965. Catalano asked the Board to permit the Supervisor to sign said contract.

Bax MOVED to authorize the Supervisor to sign the Office of the Aging contract. Seconded by Morreale and carried 5-0.

CABLE COMMISSION: Catalano copied the Town Board a letter he sent to the Cable Commission regarding filming Town Board meetings. After going thru the contract with Time Warner Cable, Catalano said he informed the Cable Commission they need to put together a curriculum that is acceptable by all of the schools in which students will be participating i.e., if Lewiston-Porter has a student that is participating, there has to be a curriculum approved by that school before that student can participate. That is per the contract with Time Warner. As soon as that is complete, and there is a curriculum in place for each school that is acceptable at the schools and the Cable Commission then we can re-visit the Memorandum of Understanding (MOU). Catalano said no action should be taken until that curriculum is done by the Cable Commission.

ANNUAL AGREEMENT FOR SERVICES: Blazick said this pertains to agreements Non-Profit Agencies provide for services to the Town. They are in the process of coming in. The Board has to authorize the Supervisor to sign those agreements as they come in.

Bax MOVED to authorize the Supervisor to sign contracts with Not-for-Profit organizations, subject to Attorney approval. Seconded by Morreale and carried 4-0.

DECOMMISSION OF WATER TRUCK: – Water Foreman Mike Townsend asked to declare the 1996 Ford F25 Pick-up Truck as excess equipment. The truck, he said, has 205,000 miles on it. It is no longer safe to be on the road.

Bax MOVED to authorize the Water Department to place the 1996 Water Truck for auction on Auctions International. Seconded by Morreale and carried 4-0.

DISCUSS BID PRICES FOR F-350 TRUCK: Townsend said he obtained three (3) bids for a new truck thru a mini bid process. The lowest bid was from Beyer Ford in the amount of \$38,267.98. Other bids came in at \$39,746.84 and \$39,846.66.

Bax MOVED to authorize the Water Department to accept the low bid from Beyer Ford, LLC for a 2017 F-350 Truck, as presented in the bid summary. Seconded by Morreale and carried 4-0.

POSTAGE MACHINE LEASE: Broderick referred to a lease agreement with Pitney Bowes for a new postage meter. The term is 60 months at \$188.88/month to be billed quarterly at \$566.64.

Attorney Parisi said he has some concerns with the contractual language in the lease agreement. He asked to table this issue until the next meeting to give him an opportunity to contact the company to see if they would be willing to change some of the terms in the agreement.

Bax MOVED to table, subject to Attorney investigation. Seconded by Morreale and carried 4-0.

MIGHTY NIAGARA HALF MARATHON/HOSPICE DASH: This would confirm approval for the Mighty Niagara Half Marathon and Hospice Dash 5K to travel through the Town of Lewiston on September 16, 2017.

Bax MOVED to authorize the Supervisor to sign the letter of authorization for the Mighty Niagara Half Marathon and Hospice Dash 5K on 9/16/17. Seconded by Ceretto and carried 4-0.

ICE RINK REVIEW: The Director of Parks/Recreation, Mike Dashineau, provided a revenue and expense report for the Lewiston Family Ice Rink.

- Revenue from Sponsors came in as expected.
- Daily operations came in almost 50% higher than expected.
- For the first 42 days (to Jan. 8) operations revenue was \$593 per day.
- For the last 14 days, operating revenue decreased to \$358 per day.
- The largest decrease in participation in the last 14 days came from the decline of visitors outside of Lewiston

Expenditures: As of 2/13/17, these are the up to date expenditures for the Lewiston ice Rink as well as an estimate of any outstanding payments to be made.

- Payroll: \$20,344.85
- Operations: \$35,872.85 (Restoration of Academy Park and Tent/Rink repairs outstanding.

Dashineau said they spent about \$56,000 in expenditures. He anticipated \$90,000. He will have final numbers once they get done with all the restoration on the park itself. Bottom line is that it cost less than they thought and they took in more money than they thought.

Broderick said that once the numbers are finalized they be placed on the website.

PARKS – CAPITAL PROJECTS LIST:

Sanborn Park: The Parks Department, in conjunction with the Sanborn Fire Company, would like to access Greenway funding to make the following improvements to Sanborn Park.

- Historic Preservation: Sanborn Fire Band Shell. The Band Shell was built in the early 1900's. In its early life, the band shell served as a spot for proclamations from Federal, State and Local Officials. It also housed community events for nearly 100-years.

The Parks Department would like to start the process by hiring an architect to work with Sanborn Fire Company to devise plans to restore the band shelter. Upon approval of an estimated cost, the Town would open this project up to bidding.

- Handicap Accessibility, Sanborn Park: Upon approval of an estimated budget, the Town would accept bids for the construction of a concrete handicap accessible path

through the center of the park. The current asphalt is in disrepair and is not wide enough for its purposes.

- Bathroom Construction/Remodel: Upon approval of an estimated budget, the Town would accept bids to remodel the existing bathrooms, which do not meet the standard within Lewiston Parks for functioning bathrooms. This project would include the installation of floor and wall tile, glass block for secure natural light, high efficiency power flush toilets, air hand dryers, and new light and wall fixtures.
- Installation of an Electric Sign: Upon approval of an estimated budget, the Town will accept bids to construct new LED signage that would front Buffalo Street. At this time, the Fire Company would need to apply for a variance for this work. The signage would be used to advertise both Recreation and Fire Company functions, as well as alerts to the public about events and public interest bulletins.

Masters was asked if he saw a problem with the sign there. Masters said yes. In the current Sign Law electric signs are not permitted. Every electric sign in the Town now has received a Use Variance. If they want to go down that road, they get the Use Variance first. Anybody in the Town of Lewiston would have to do the same thing. Our Town Code hasn't kept up with the technology that is out there. Our Sign Law needs to be updated with regards to these electronic message boards.

- Installation of high efficiency LED Park Lighting: Upon approval of an estimated budget, the Town would accept bids to install two light poles in the south portion of the park, to tie into existing and available source electric, which would allow the fire company to light portions of the park and offer fall, winter and spring programs.

The Town Parks and Highway Department meet frequently with the Sanborn Fire Company to discuss the needs of Sanborn residents at Sanborn Park. At this time, it has been agreed to assist them in helping to provide a weather dependent Ice Rink for the winter of 2017/2018. In addition, we are moving forward with expanded Recreation programs for the summer of 2017 that will be achieved using money budgeted in the normal Parks and Recreation 2017 Budget.

Dashineau said he discussed some different option with the Grant Writer regarding the Greenway. Both Pletcher Road Park and Sanborn Park have already been approved for consistency when it comes to these upgrades.

Pletcher Road: Dashineau asked consideration of improvements and updates to the park in 2017 as part of the Greenway Allocation.

- Bathroom and Storage Building Expansion:
 - a. We currently spend \$2,800 per year for additional "Port-a-Johns" for park use. The code calls for 1 toilet per 70 parks visitors.
 - b. The new design would
 1. Add an additional 6-8 toilets
 2. Correct problems with the second floor that make it uninhabitable
 3. Complete the exterior, a project that was abandoned in 1999-2000
 4. Expand concession area
- Refurbish Walking Trails and Connect French Landing and Riverwalk to Pletcher Park
- Install Turf Infields (\$50k per field): Each field (4) is approaching 20 years old. As the fields get older, maintenance and upkeep becomes more expensive as drain lines collapse or fill with sediment, use and settling shift the natural playing surface. A complete restoration is imminent. Installation of turf would do the following:
 - a. Extremely reduce maintenance costs (\$7-10k per year)
 - b. Reduce the number of seasonal employees needed (cut \$15-20k per year)
 - c. Immediately allow us to increase revenues from Baseball and Softball Tournaments (Revenue increase of \$22k per year with current level of participants)
- Add Parking along Pletcher Road Park – Add adequate parking to this area, as approved in the original Park design
- Spectator Seating: Replace existing 30 year old wood structures
- Add Border – property line fencing

PURCHASE OF HIGHWAY EQUIPMENT: The Highway Superintendent received a State bid quote for a 2017 Kenworth T470 Single axle Cab/Chassis, with plow/wing at the price of \$189,277.10. He budgeted \$220,000 for this.

Bax MOVED to approve the purchase of the 2017 Kenworth T470 in the amount of \$189,277.10 for the Highway Department. Seconded by Ceretto and carried 4-0.

RFP'S FOR GRANT WRITER: Broderick said he received two proposals for a Grant Writer. 1) J. O'Connell & Associates, Inc. at a monthly cost of \$3,200 for a one year contract (or \$3,000/month for a 2-year contract); and 2) Rotella Grant Management at a \$900 per month retainer.

Bax MOVED to accept the low bid from Rotella Grant Management at a monthly rate of \$900. Seconded by Morreale and carried 4-0.

The Finance Director has two invoices from Rotella Grant Management for services of January and February, pending acceptance of a contract with a firm. She asked the Board to consider approving these invoices for post-audit.

Bax MOVED for approval of the post-audit payment for Rotella Grant Management for January and February, subject to Attorney review. Seconded by Ceretto and carried 4-0.

STATEMENTS BY RESIDENTS:

Rosemary Warren, Griffin Street, said she has written to Rob Daly at NYPA about not receiving the Hydro-Power rebate check. Some people could use it to pay their heat bill and others to pay off Holiday expenses, she said. Warren said she hopes to live long enough to see it.

Next, Warren commented about the bike path. She has no problem with the top of the bike path along the gorge or the bottom. She does not like the part that is only 9-ft wide, not the concrete barriers between the highway and the path. Depending on the size of the bikes, she doesn't think two bikes would be able to pass each other. It would be very close. Warren also she said she would be nervous if someone was walking a dog on a retractable leash and the owner couldn't control the dog. She is very concerned about the barriers. If there were an accident/injury, how would emergency personnel get over the barrier? Would they have to stop traffic? Is the Town liable? This is not well-thought out, she said.

Paulette Glasgow, The Circle, said the Board discussed a host of items including contracts, financial items, capital projects, and truck purchases. Why weren't these items on the website? I thought you had a policy that these times would be posted on the website or if they came in late, copies would be available for the public before the meeting. I am a little bit disappointed there but I know you will correct it.

The second thing that concerned her was the Cable Commission. I hope you're not dragging your heels on broadcasting public meetings. The schools had nothing to do with the \$9,200 grant. I would love to read the MOU but Catalano won't give it to her. Catalano said the MOU was an Attorney/Client work product at the moment.

With regard to the two new truck purchases, Glasgow said each department should submit a 3-5 year list of capital projects, instead of piecemeal purchases.

Lastly, Glasgow said she was concerned about the residency requirement. I don't understand it. It was not put on the web-site. It is the same policy that currently exists.

Broderick said it is not going to be the same for part-time, seasonal and temporary employees. They can live outside of the Town, he said.

Broderick MOVED to enter into executive session to discuss union negotiations. Seconded by Bax and 4-0. Time 7:20 p.m.

Executive Session:

Present: Broderick, Bax, Ceretto, Morreale, Catalano, Parisi, Blazick and Ned Perlman, Labor Counsel

Issued Discussed: Water Department Contract

No Action Taken

Bax MOVED to adjourn. Seconded by Morreale and carried 4-0. Time: 7:44 p.m.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk