

Present: Supervisor S. Broderick; Councilmembers B. Geiben (via ZOOM), J. Jacoby (via ZOOM), R. Morreale & J. Myers; Atty A. Bax; Finance Director J. Agnello Chief F. Previte; Highway Supt. D. Trane; Bldg. Insp. T. Masters (via ZOOM); Dep. Bldg. Insp. E. Zimmerman; Eng. B. Lannon (via ZOOM); WPCC Ch. Op. J. Ritter (via ZOOM); Water Foreman D. Zahno; Parks/Rec Director M. Dashineau (via ZOOM); 1 Press (Sentinel); 0 Residents and Dep. Clerk C. Schroeder

The Supervisor called the P.H./regular meeting to order, followed by the Pledge of Allegiance and a moment of silent reflection.

The Clerk was asked to read the legal notice into the record.

**NOTICE OF PUBLIC HEARING  
TOWN OF LEWISTON**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 25th day of January, 2021 at 6:00 p.m. at the Town Hall, 1375 Ridge Rd.,

Lewiston, NY and will be available through video/teleconference. In person attendance may be limited. The meeting will be live streamed via Zoom software and the public may participate in the live stream via Zoom by using the following link: <https://us02web.zoom.us/j/84368053108?pwd=VlIzN0NTS1hkczJkcU1BZ3NSdi82dz09>

Meeting ID: 843 6805 3108

Password: 717896

Said Public Hearing is regarding the adoption of a proposed Local Law entitled "A Local Law Increasing the Salary of the Highway Superintendent for the Year 2021," an abstract of which is as follows:

The proposed Local Law increases the salary of the Highway Superintendent for the year 2021 only, for compensation related to the additional duties of acting as Superintendent of Parks.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours, or can be emailed upon request.

At such public hearing, all persons interested, who wish to be heard will be heard.

Dated: January 6, 2021

The Supervisor asked if any one wished to be heard. No one wished to speak.

**Myers MOVED to close the public hearing. Seconded by Morreale and carried 5-0.**

Regular Town Board Meeting

*AGENDA:* Additions: Broderick: Sanborn Fire Co. Roster; Geiben: Residency Requirement, Association of Towns & Recreation Items

**Myers MOVED the agenda, as amended. Seconded by Morreale and carried 5-0.**

*ABSTRACT:*

**Geiben MOVED to approve the Regular Abstract of Claims Numbered 20-02011 to 20-02109 (F/Y 2020) and 21-00022 to 21-00095 (F/Y 2021) and recommended payment in the amount of \$1,008,674.63, plus a post audit of \$156,500.71. Seconded by Morreale and carried 5-0.**

*MINUTES:*

**Geiben MOVED to approve the minutes of 12/14/2020, Public Hearing / Work Session. Seconded by Myers and carried 4-0.** Morreale abstained.

**Myers MOVED to approve the minutes of 1/11/2021, Public Hearing / Work Session. Seconded by Morreale and carried 5-0.**

*RESIDENT STATEMENTS* – No one spoke

*PUBLIC HEARING ACTION*

Atty. Bax said a Short Environmental Assessment Form on the Highway Superintendent's Salary Increase was prepared by Thomas Seaman, Esq. Bax asked for a motion for a negative declaration on said project.

**Myers MOVED to issue a negative declaration on the Highway Superintendent's increase in salary. Seconded by Morreale and carried 5-0.**

**Broderick MOVED adoption of Local Law No. 1 of 2021, subject to permissive referendum, increasing the salary of the Highway Superintendent by \$10,000, for the year 2021 only, to compensate for undertaking additional duties as Superintendent of Parks. Seconded by Morreale.**

A roll call vote was called for as follows: Geiben – Aye; Jacoby – Aye; Morreale – Aye; Myers – Aye and Broderick – Aye. **Motion carried 5-0.**

*DEPARTMENT HEADS:*

Police: Chief Previte noted that Officer Robert Rougeux submitted a letter of resignation from the Lewiston Police Department, effective Feb. 5, 2021.

**Jacoby MOVED to accept Mr. Rougeux's resignation, with regret. Seconded by Myers and carried 5-0.**

Previte said he plans to fill that position and call for a list at the end of February; that will start the Civil Service process.

WPCC: Ritter (via ZOOM) said the Police garage grinder pump and sewer line connection is finished. They will have some clean-up in the Spring.

Recreation: Dashineau said the Parks & Recreation Advisory Committee will be meeting via Zoom on Thursday, Feb. 25, 2021 at 7:00 p.m. The Zoom link would be posted on the Town's website and Recreation Facebook page.

Engineer: Lannon gave an update on the 2018 Water System Improvement Project. A no cost change order was approved in December allowing Milherst Construction an 80-day suspension of the contract time of completion, from Dec. 24, 2020 to March 14, 2021. Milherst has elected to take advantage of the mild weather and has since completed the final connection on Lower River Rd to the Town of Porter line, put cold patch on the pathway and will remove the hydrants no longer in service along River Road. Subsequently, he will submit a second no-cost change-order to reflect those days worked during the pause. He anticipated completion of the entire project in July.

*FINANCE:*

a) The Finance Director presented the Board with 10 budget revisions to the 2020 Budget, as follows:

1. A revision to move \$4,000.00 to Professional Report Fees (A00-1220-0401-0000) from the Jr. Accountant budget (A00-1310-0100-0001) to cover the expense of the 2020 GASB OPEB 75 report.

2. A request to move \$1,050.00 to Town Clerk Equipment (A00-1410-0200-0000) from Town Clerk Contractual (A00-1410-0400-0000) to cover the cost of a computer.
3. A request to move \$650.00 to Recreation Contractual (A00-7310-0400-0000) from Recreation Seasonal Personnel A00-7310-0100-0000) to cover contractual expenses.
- 4 A request to move \$2,000.00 to Police Contractual (B00-3120-0400-0000) from Police Equipment (B00-3120-0200-0000) to cover contractual expenses.
- 5 A request to move \$691.00 to Parks Equipment (B00-7110-0200-0000) from Parks Gasoline (B00-7110-0400-3510) to cover equipment expenses.
- 6 A request to move \$850.00 to Parks Contractual (B00-7110-0400-0000) from Parks Gasoline (B00-7110-0400-3510) to cover contractual expenses.
- 7 A request to move \$3,000.00 to Highway Machinery Equipment (DB0-5130-0200-0000) from Snow Removal Contractual (DB0-5142-0400-0000) to cover the purchase of a plow.
- 8 A request to move \$100.00 to Treatment & Disposal Contractual (SS1-8130-0400-0000) from Treatment & Disposal Equipment (SS1-8130-0200-0000) to cover contractual expenses.
- 9 A revision is to move \$133.00 to South Sewer Administrative Allocation (SS3-8110-0100-0002) from South Sewer Administrative Equipment (SS3-8110-0200-0000) to cover allocation expenses.
10. A request to move \$15,000.00 to Water Source of Supply (SW1-8320-0400-0000) from Transmission & Distribution Personnel (SW1-8340-0100-0000) to cover contractual water expenses.

**Jacoby MOVED for approval of the revisions, as presented. Seconded by Myers and carried 5-0.**

b) The Finance Director presented the Board with 2 budget revisions to the 2021 Budget, as follows:

1. A revision to move \$39,000.00 to Attorney Personnel budget (A00-1420-0100-0000) from Attorney Contractual (A00-1420-0400-0000) to cover the hire of Attorney approved at 1/11/2021 Work Session.
2. A request to move \$138.00 to Taxes Municipal Property (A00-1950-0400-0000) from Contingency (A00-1990-0400-0000) to cover 2021 property taxes.

**Myers MOVED for approval of the revisions, as presented. Seconded by Morreale and carried 5-0.**

c) Investment Report: Agnello gave an update on Investments. An investment in US Treasuries matured on Jan. 7, 2021 and earned \$437.50 in interest. She evaluated the opportunity to make additional investments and proceeded with another 6-month investment that will mature July 8, 2021. The Town is expected to earn \$227.50 in interest on that investment.

d) RFP for Refinancing of 2013 Serial Bond: Agnello said the Town has the opportunity to re-finance its 2013 Serial Bond. The original amount was \$5,119,159 and matures in 2033. As of 2021, the Town owes \$3,430,000. The bond is due on call

in July. In an initiative to save money, she has decided to put out an RFP to bring competition into the decision with the possibility of re-financing given the low-interest rate environment. By refinancing, the Town could save over \$400,000 over the maturity of the bond thru 2033 if it proceeds.

**Jacoby MOVED to acknowledge and approve the RFP which seeks the opportunity of refunding certain Serial Bonds and to authorize the Supervisor to execute any and all documents in that regard. Seconded by Myers and carried 5-0.**

*SUPERVISOR BRODERICK*

a) Legal: Memorandum of Agreement-Teamsters Local 264: Atty. Bax said this is a memorandum between the Town and Union regarding a particular PERB Agreement.

**Myers MOVED the following Memorandum of Agreement:**

WHEREAS, the parties, the Town of Lewiston (hereinafter "Town") and the Teamsters Local 264 (hereinafter "Teamsters" or "Union"), for good and valuable consideration, enter into the following settlement agreement;

WHEREAS, Teamsters Local 264 filed an improper practice charge with the State of New York Public Employment Relation Board (Case No. U-37562) contending that the Town had not bargained in good faith with the Union;

WHEREAS, the Town denied any improper conduct or violation of Civil Service Law §209-a and entered an Answer and numerous affirmative defenses; and

WHEREAS, the parties are desirous of settling the dispute amicably.

NOW, THEREFORE, in consideration of the mutual promises, agreements and covenants hereinafter set forth, it is hereby agreed between the parties:

1. The performance of the specific at-issue work on June 15, 2020, as alleged in the improper practice charge, shall not be raised by either party in the future as precedent.
2. In consideration of the foregoing, Teamsters Local 264 agrees to withdraw the above-referenced improper practice charge filed with the State of New York Public Employment Relations Board (Case No. U-37562).

**Seconded by Morreale and carried 5-0.**

b) 2021 USDA European Cherry Fruit Fly Program: The USDA is seeking to renew permission to trap and treat for the European Cherry Fruit Fly in the Town of Lewiston.

**Morreale MOVED to grant the USDA access to Town property. Seconded by Myers and carried 5-0.**

c) Sanborn Fire Company: The Sanborn Fire Company submits for active membership in said Fire Company: Scott Paige, West St., Sanborn.

**Jacoby MOVED for approval. Seconded by Myers and carried 5-0.**

*COUNCILMAN GEIBEN:*

Recreation: The Recreation Department is looking to advertise for the following part-time and seasonal positions. These are budgeted positions and do not require Board action.

1) Clerk/Typist P/T - \$14.75 per hour (with 6-month increase to \$15.25 and 12-month increase to \$15.75

2) Recreation Leader - \$13.00 per hour starting / \$13.50 for third season returning

3) Recreation Aide - \$12.50 / \$13.00 per hour.

The Recreation Director is moving forward with baseball & softball programs and is coordinating communication with the public thru the Town's website and Recreation Facebook page.

Dashineau was directed to submit a press release stating CDC and NYS Covid-19 Guidelines for recreation programs.

In other matters, the Parks Department was instructed to remove the playground equipment at Washuta Park to potentially get approved to scrap.

Geiben said there were 4 purchase orders that did not get approved for encumbering at the last meeting. He said they would move forward with these purchases from Fund Balance totaling \$42,106.80. The items are as listed:

Colonial Village Swing Set	\$13,171.21
6' Benches, Bike Racks	3,605.85
6' / 4' Picnic Tables/Recycling Bins/Path Lighting	17,529.74
12 dugout covers (Pletcher & Kiwanis)	<u>7,800.00</u>
	\$42,106.80

**Geiben MOVED to go forward with the purchases orders with funds to come from Fund Balance. Seconded by Jacoby and carried 5-0.**

*COUNCILMAN JACOBY:* Nothing to Report

*COUNCILMAN MORREALE:* Nothing to Report

*COUNCILMAN MYERS:* Nothing to Report

*PRIVILEGE OF THE FLOOR/PUBLIC CONCERNS:* None

**Lastly, Geiben MOVED to revise the Residency Requirement, as per the Town of Lewiston Handbook to include the Town and/or abutting adjoining municipalities, i.e., Porter, Wilson, Cambria, Wheatfield, Niagara and City of Niagara Falls. Seconded by Morreale and carried 5-0.**

**Myers MOVED to adjourn. Seconded by Morreale and carried 5-0.** 6:47 p.m.

Transcribed and  
Respectfully Submitted by

Carole N. Schroeder  
Deputy Town Clerk