

PUBLIC HEARING – LOCAL LAW – Removal of Fees from Town Code 6:00 pm

PRESENT: Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax; Geiben; Jacoby and Morreale; Attorney Parisi; Engineer Lannon; Building Inspector Masters; Recreation Director Dashineau; Finance Director Jackie Agnello; Martha Blazick; WWTP Chief Opt. Ritter; Deputy Water Foreman Zahno; Police Chief Previte; Grant Writer Rotella; 1 Press; 7 Residents and Clerk Donna Garfinkel

Supervisor opened the meeting with the Pledge to the Flag followed by a moment of silent reflection.

Clerk read Legal Ad into the record:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lewiston on the 23rd day of July, 2018 at 6:00 p.m., at the Town Hall, 1375 Ridge Road, Lewiston, NY, on the adoption of a proposed Local Law entitled, “A Local Law Amending the Code of the Town of Lewiston to Remove Fees and allow the Town Board of the Town of Lewiston to set Town fees by Resolution,” an abstract of which is as follows:

The proposed Local Law amends sections within the Code of the Town of Lewiston to remove fees from the code, and authorize the Town Board to set and change fees by Resolution.

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.

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

Dated: July 13, 2018

Supervisor asked if anyone would like to speak. No one did.

Geiben MOVED to close the Public Hearing, Seconded by Morreale and Carried 5 – 0. (6:05 pm)

REGULAR TOWN BOARD MEETING July 23, 2018 6:10 pm

PRESENT: Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax; Geiben; Jacoby and Morreale; Engineer Lannon; Building Inspector Masters; Recreation Director Dashineau; Finance Director Agnello; Martha Blazick; Attorney Parisi; WWTP Chief Opt. Ritter; Deputy Water Foreman Zahno; Police Chief Previte; Grant Writer Rotella; 1 Press; 7 Residents and Clerk Donna Garfinkel

AGENDA APPROVAL

Agenda Additions: Broderick: Senior Center sign bids; remove light request on Military Road; Bax: Police Dept. retirement / promotion; Parisi: Executive Session – consult with the Attorney regarding pending litigation on Thomas Smith vs. the Town; contract negotiations with Sewer Dept; schedule Public Hearing for Solar Farm; remove adoption of Local Law #4 (Parisi said there is an additional section that needs to be added and there is a typo). Parisi is working with Dept. Heads to prepare the resolution containing the fees.

Bax MOVED to approve the Agenda as amended, Seconded by Geiben and Carried 5 – 0.

DRESCHER & MALECKI AUDIT REVIEW – Carl Widmere and Matt Montalbo present

Widmere reviewed the December 31, 2017 Audit. The presentation will review Auditor Communications, Financial Statement Update and the Auditors Observations.

All dollar amounts on the report are owned and provided by Town management. Drescher & Malecki’s responsibility is to provide an independent, third party, verification/opinion that will verify the numbers are fair in standing.

There were no major changes this year. The Board can refer to the financial statements for the policies and estimates.

Drescher & Malecki is independent of the Town. This allows them to provide an unbiased opinion. Both in fact and appearance, all members of the firm, sound off as having no conflict of interest with the Town of Lewiston. Widmere said there was full cooperation from the Town. They worked with several departments, the Supervisor and his staff.

Financial Statement Update –This looks at the year's activities, spending and revenue to see where the fund balance for each fund ended.

General Fund – In 2017 it experienced an increase in fund balance of \$465,000. Expenditures stayed steady. Revenues experienced an increase, believed to be due to the new property tax. December 31, 2017 - fund balance \$966,000.

In the fund balance there is unassigned/available dollars. These dollars are looked at as to what percentage of the annual operation budget they would cover. The Government Finance Officers Association (GFOA) likes to see a minimum of two month spending, which is 16.67%. Last year the General Fund was at approximately 18%, this year it has grown to 34%.

General – Town Outside Village Fund – The year's activities, both revenue and expenditures increased a bit. There is controlled increase in the spending. The results of the activities increased the fund balance \$314,000.

It's important to note the GFOA has the recommendation, minimum amount, only on the General Fund. The other operating funds of the Town will vary. Widmere has been working with the staff to develop a fund balance policy.

Highway Fund – Increase in activities on both Revenue and Expenditures. On the Revenue side it was property tax. On the Expenditure side, there was a significant truck purchase. This fund balance increased \$154,000, with a total balance of \$664,000.

Water District Fund – Activity is consistent with the prior year. There is a small increase in fund balance of \$67,000, bringing the ending Fund Balance of \$315,000.

Sewer District Fund – Looking at the 5-year trend it looks a bit strange in 2013 and 2014. This is due to the change in the way inter-fund transfers were being reported. There was a moderate increase of \$56,000, for a total fund balance a bit over \$2.6 Million.

Observations – Drescher & Malecki has seen firsthand the improvement at the Town. Widmere does not anticipate any reportable findings. The recommendations from the past three years have been addressed and action has been taken.

The reporting of the financial statements and the codes being used in the General Ledger are much more consistent. The maintenance of the records in the Finance Office has vastly improved from when Drescher & Malecki first got here in 2015. There are small, less significant items the Town can now focus on.

Widmere will provide a Management Letter with a few recommendations. Two recommendations that have been on the list before, is to develop a fund balance policy and IT policies that should be addressed.

Widmere suggests the Town pay particular attention to and continue the analysis on the various Capital Projects that are open in the Town. In looking at the Financial Statements there is nearly \$4.5 million of cash, at year-end, in Capital Project funds. There is money that represents either past grants or past proceeds of debt. It needs to be determined if this is all set. If there is surplus dollars the Town needs to look at the source of the funds, and what can it be applied otherwise to.

Over all, the Town is in a stable financial position. There is a fund balance in all of the Town's major operating funds. This puts the Town in a good position to take on the upcoming budget challenges.

Widmere thanked the Board for the opportunity to work with the Town.

Geiben agrees with Broderick, that the Town has "Right the Ship". This has been done with the help of Blazick, Agnello and the Department Heads. Geiben asked Widmere if he had any thought on what Moody might do.

Widmere will not provide a guess. The improvements to fund balances and the Town Board's willingness to establish and put in place taxes, is favorable.

Morreale questioned what Widmere meant by IT issues. Widmere said items like password policies. What is the requirement for the password; capital, number, digit amount, special characters, how often should they be changed? It is less the procedures that are happening, and more so let's formulize what is going on. In the event the crew that is here leaves for any reason, someone can keep it going the way it is.

RESIDENTS STATEMENTS – No residents spoke.

DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel – There is a Free Rabies Clinic, July 28th - Highway Garage from 9 – 11 am.

Garfinkel asked the Board if they would like to address the Town Historian position. Jacoby said there are a few interested residents. Jacoby will reach out to them. Broderick said this will be addressed at the next meeting.

Chief Previte – There has been an increase in calls in the Town. There are a lot of complaints regarding vehicle and traffic items. The day to day stuff, running the stop sign, speeding, truck traffic. Previte said it is hard to keep up with and address. There are speed signs out, but they are semi-effective, but targeted enforcement is hard to do. Previte would like to have a Traffic Car, not so much a full-time position. If there is something that can be worked out with the different funds that would be helpful.

Previte held a meeting with the Superintendents and Principals from all schools in Lewiston. There is a Safe School Grant being offered. This is for making schools safer, like cameras, metal detectors etc... The Police Dept. will be writing the grant for the schools. By including several schools, Lewiston will have a better chance.

There is no Cops Grant for a School Resource Officer this year. Previte would like to have Lewiston-Porter apply when it comes up again.

Previte has offered all schools the opportunity to have an officer or two in the schools if they are having a special event. The school would reimburse the Town for the officer.

Building Inspector Masters – The courts put out to bid for the court clerk window. The grant is for the full dollar amount of the bid. The grant requires one estimate, the Town has that. The Town's Procurement Policy requires the Town get three. Masters has sent this to at least 6 contractors and no one is interested in this job.

Parisi said this has happened before. Everything done to satisfy the procurement police needs to be documented. Every call, e-mail, who it went to, etc... Once through all these efforts and still only have one or two bids, the Town can move forward.

Masters wants to move forward possibly at the next meeting. The justice dept. can't apply for another grant if this grant/work is not completed. Broderick asked Parisi if this should be put in the paper again. Parisi said it wouldn't hurt.

Deputy Supervisor Conrad – There was a lack of recreation equipment at the Sanborn Fire Hall recreation program. Conrad commended and thanked Dashineau for taking quick action.

Grant Writer Rotella – The Board passed a resolution a couple years ago regarding the Lewiston Pathway Project. The Board now needs to pass a resolution to transfer Federal Grant dollars and Greenway dollars to the DOT.

Bax MOVED to approve the following Resolution

WHEREAS, the Town of Lewiston was awarded \$1,800,000.00 in Federal grant monies (Project Number NYS DOT PIN 5757.79) to install a Pathway from Devil’s Hole to Center Street in the Village of Lewiston. This Pathway will be a trail along the Lower Niagara River Escarpment adjacent to the Robert Moses Parkway; and

WHEREAS, a Niagara Greenway grant in the amount of \$210,000 was awarded for the project and said grant was used as the Town of Lewiston’s matching funds to the project. The Town was responsible to complete the design and the pathway to the approval of the New York State Department of Transportation (NYS DOT), and

WHEREAS, the Federal funding requires site control (or ownership) of the project site and the project design has determined that NYS DOT is the current stakeholder for this project and would make the use of the Federal dollars available for construction of the Pathway, and

WHEREAS, the Town of Lewiston has completed the design phase of the project and will transfer the remaining balance of the Federal Funds PIN number 5757.79 and the balance of the Niagara River Greenway Funds in account H-31 in the amount of \$98,078.96 to advance the Project to the NYS DOT for completion. The NYS DOT will become the grantee and will be responsible for the construction of the project.

THEREFORE BE IT RESOLVED, the Town of Lewiston Town Board agrees to transfer the balance of the Niagara Greenway funds from account H-31 ((98,078.96) to the NYS DOT. It is further

RESOLVED, that Federal project number 5757.79 be signed over to the NYS DOT.

RESOLVED, the Supervisor of the Town of Lewiston be and is hereby authorized to execute all necessary Agreements and certifications for the Federal Grant on behalf of the Town of Lewiston with the NYS DOT in connection with the advancement or approval of the project; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the NYS DOT by attaching it to any necessary Agreement in connection with the project; it is further

RESOLVED, this Resolution shall take effect immediately.

Seconded by Jacoby and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve meeting minutes PH – LMK Reality & Regular Town Board meeting of 6/25/2018, Seconded by Morreale and Carried 5 – 0.

Geiben MOVED to approve meeting minutes PH – LMK Reality of 7/9/2018, Seconded by Jacoby and Carried 5 – 0.

AUDIT PAYMENT

Jacoby MOVED to approve the Regular Abstract of Claims numbered 2076 to 2245, and recommend payment in the amount of \$511,107.33 plus a Post-Audit of \$15,710.38, Seconded by Geiben and Carried 5 – 0.

OLD BUSINESS

Board/Commission Vacancies

Geiben MOVED to appoint Ronald Winkley to the Board of Ethics, Seconded by Bax and Carried 5 – 0.

Change Order – Ash Tree Removal – Dashineau said Michelle Court lot lines are very irregular. There are 7 additional trees that need to be cut. This has been forwarded to the contractor and no response has been received.

Street Light request – Military Road – Removed – has been denied

Sewer Refund – Kenwood Drive – This is not a new pool. Ritter said this does not fit within Sewer Use Agreement, therefore denied.

PENDING

Dog Shelter – No updates

Bingo Inspector – Full time employee Linda Kreps has applied for the position. The hourly rate will be time and a half as these are overtime hours. This is past practice for payment of these hours.

Bax MOVED to appoint Linda Kreps Bingo Inspector, Seconded by Jacoby and Carried 5 – 0.

NEW BUSINESS – Residents / Public Correspondence

Mighty Fitz 5K run - November 3, 2018. Hospice Dash 5K and The Mighty Niagara Half Marathon - September 15, 2018. Clerk forwarded all information to the Police Dept.

SUPERVISOR BRODERICK

Senior Center Sign Replacement – Town received five (5) bids. Parisi reviewed bids. Broderick requests the Board approve Cooper Signs replace the sign, which was damaged in a vehicle accident.

Geiben MOVED to approve the bid from Cooper Sign Company in the amount of \$7,780, Seconded by Bax and Carried 5 – 0.

Water Shut-off – The Clerk’s Corner article mentioned how the Water Dept. is requesting residents contact the department to have their meter replaced. There is no cost to homeowners. Meters have been being changed for the last two years. Remaining residents have been notified by certified mail, that if their meter is not replaced, the Town will shut the water off. Any expense incurred in shutting the water off will be the homeowner’s responsibility. Zahno said this could cost a homeowner approximately \$600.

Lewiston Fire Company #2 Roster Additions / Deletions

Bax MOVED to add Hindle, Hannah – Sweethome Road to the Lewiston #2 roster, Seconded by Morreale and Carried 5 – 0.

Bax MOVED to remove Greene, Sarah from the Lewiston #2 roster, Seconded by Morreale and Carried 5 – 0.

LEGAL

Adoption of Local Law #4 – Removal of Fees in Town Code – to be addressed at August meeting

The Planning Board reviewed the Town’s first Utility Scale Solar Farm project. The next step is it comes to the Town Board once the Board receives written notification from the Planning Board of the action taken. Parisi requests the Board set a Public Hearing for a Site Plan review and review of a Special Use Permit for a Utility Scale Solar Farm project proposed for 1897 Swann Road.

Bax MOVED to schedule a Public Hearing for a Site Plan review and review of a Special Use Permit for a Utility Scale Solar Farm project proposed for 1897 Swann Road, Seconded by Jacoby and Carried 5 – 0.

ENGINEERING

Lannon said the Senior Center HVAC project should be installed no later than Tuesday, July 31st.

The Board authorized an archeological survey at the Riverfront Park property. This work has been complete with no significant findings. Beginning July 25th soil samples will be taken to confirm the lack/presence of any material that may give the Town heartburn in the future.

FINANCE

Agnello requests the Board approve the services of USI Consulting Group to perform the Town's 2018 GASB 75 (which supersedes and eliminates GASB 45) actuarial valuation services of post-employment benefits report for a cost of \$4,095 which is within the approved \$4,500 budget.

Although not required, Agnello did receive 2 additional quotes: Burke Group - \$4,000 (no quote for the interim year cost was included); BPAS - \$9,800. USI is \$95 higher than the lowest bid, but they are the company who performed the last GASB-45 report and have our current information.

Bax MOVED to approve USI Consulting Group to perform the Towns 2018 GASB 75, Seconded by Jacoby and Carried 5 – 0.

Bax MOVED to approve the Supervisor to sign the contract with USI Consulting Group for said purpose, Seconded by Morreale and Carried 5 – 0.

The Town is moving forward with the issuance of \$800,000 BAN from August 2018 thru August 2019 for the \$10.2M Waterline Project. The sale date begins July 31, 2018, with the sale date of August 8, 2018 @11:00 am, and closing on August 22, 2018. Agnello requests the Board approve the Supervisor and herself as designated official (in the Supervisor's absence) to authorize the award of bids. Also approve the Supervisor and Clerk to sign and seal the Notes on August 22, 2018.

Bax MOVED to authorize the Supervisor and Agnello as designated official (in the Supervisor's absence) to authorize the award of bids and approve the Supervisor and Clerk to sign and seal the Notes on August 22, 2018, Seconded by Geiben and Carried 5 – 0.

Budget Revisions

Increase Police Equipment by \$6,000 which the Police Department received as revenue/donations to cover the K9 vest for Taser and body cameras. This allows them to spend the donation.

Bax MOVED to increase the Gifts & Donations budget line and the Police Equipment by \$6,020, Seconded by Morreale and Carried 5 – 0.

Increase Highway Gasoline & Diesel Fuel by \$20,000 from Highway General Repairs Contractual.

Bax MOVED to transfer \$20,000 from DB0-5110-0400-0000 – to DB0-5110-0400-3510, Seconded by Geiben and Carried 5 – 0.

Agnello requests Board approval to pay off the Highway BAN on September 6, 2018. The BAN principal payment would be \$995,000, plus current interest of \$18,448.61. Instead of sending out to a bond, the Town can use H97 for the principal payment. This has been discussed. Paying off the BAN would save the Town additional fees (approx. \$9,000) associated with issuing a Bond, as well as \$90,071.90, in interest that's associated with the life of the bond.

Geiben MOVED to approve paying off the Highway BAN in the amount of \$995,000 with funds from H97, Seconded by Morreale and Carried 5 – 0.

Bax MOVED to authorize the Supervisor to sign all necessary documents. Seconded by Jacoby and Carried 5 – 0.

COUNCILMAN BAX

Police Department Retirement – Captain John Penzotti to retire effective July 28, 2018 and continue serving as a part-time officer.

Bax MOVED to accept Captain Penzotti's retirement effective July 28, 2018, Seconded by Geiben and Carried 5 – 0.

Bax MOVED to provisionally appoint Josh Cain as Captain effective August 1, 2018, Seconded by Geiben

Previte explains why it is provisionally. There is nobody on the Civil Service list. The test will be held in October. Depending on the results, Previte will have a recommendation for the Board.

Carried 5 – 0.

Bax MOVED to hire John Penzotti part-time effective July 29, 2018, as per contract – top pay of a part-time Police Officer, Seconded by Morreale and Carried 5 – 0.

Previte will not fill Cain's position immediately. Once the Civil Service test is done, it will be known which direction to go.

Previte addressed past comments made regarding the replacement of part-time Officers. Officers are hired as part-time; they may have two or three different part-time jobs with different agencies. They are looking for full-time; they receive full-time somewhere else and leave Lewiston. It is hard to retain an officer.

Job Title Change – Ordinance / Code Enforcement

Chris McAuliffe is currently the Ordinance Enforcement Officer and Stormwater Manager. This is an issue with the Union and Civil Service.

Bax MOVED to change Chris McAuliffe's job title to Code Enforcement Officer subject to further agreement between the Town and the Union and Attorney approval, Seconded by Jacoby

Jacoby asked if this job title change would hinder McAuliffe's pay or seniority. Parisi said no. This will actually be to his benefit. The Stormwater Manager receives a stipend.

Carried 5 – 0.

Sewer Refund Request

1116 Saunders Settlement Road – Ritter said this fits within the sewer use agreement.

Bax MOVED to credit Sears – 1116 Saunders Settlement Road in the amount of \$41.35, Seconded by Geiben and Carried 5 – 0.

4701 Curtis Court North – Ritter said this fits within the sewer use agreement.

Bax MOVED to credit Capizzi – 4701 Curtis Court North in the amount of \$88.55, Seconded by Jacoby and Carried 5 – 0.

Reduce Speed Limit – Walmore Road

Highway Superintendent Trane requests a speed reduction on Walmore Road to 35 mph.

Bax MOVED to have the Supervisor execute the speed reduction on Walmore Road to 35 miles per hour, Seconded by Geiben

Previte believes the speed limit is now 40. Geiben said there are signs indicating a sharp turn, but to lower the speed limit would be responsible on the Town's part.

Carried 5 – 0.

WWTP Retirement – Scott Clark to retire effective August 14, 2018.

Bax MOVED to accept Scott Clark's retirement effective August 14, 2018, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN

Resignation of Sanbornites Seniors Director – Susan Letourneau to retire effective December 22, 2018

Geiben MOVED to accept Susan Letourneau's retirement effective December 22, 2018, Seconded by Bax and Carried 5 – 0.

COUNCILMAN JACOBY

Jacoby attended the first meeting of the Bicentennial Committee. Bax and Jacoby will be the Liaisons to this Committee. There was not a large turnout but those there are enthusiastic. The next meeting is August 22nd at the Village Hall at 7 pm.

Councilman Morreale was unable to attend the Planning Board meeting, so Jacoby attended. The utility solar farm was discussed. The combination of the Town Solar Law and the expertise of the installers, the residents of the Town and the applicant are all protected. The farm cannot be taxed but the Town will receive some revenue. It was a very interesting meeting. Jacoby hopes the Town receives more applications.

COUNCILMAN MORREALE

Street Light Request – Vista North Subdivision

Developer Giusiana is requesting additional street lights in the subdivision. The subdivision is growing; more homes and residents are moving in.

Morreale referenced Town Board meeting minutes of July 28, 2008. Britton, representing GHD, said “the second proposal is for a street light at the intersection of Vista Drive and Ridge Road. This is the only light proposed at this time for the subdivision. In the future, with more development there is one more location where there is a proposal for a light. We will look at it at a later date.”

Masters reviewed the plans and there are no street lights in the subdivision on the plans. Morreale believes the Town has done their responsibility as far as the lighting; anything else should go through the HOA.

Geiben has looked at this numerous times. There is an intersection, far from Ridge Road, that cries out for a street light. Whether there is non-Town common property in which the light can be put, Geiben doesn't see it. There is a stop sign, which definitely declares it an intersection. This seems to follow Town policy; intersections, cul-de-sacs, dangerous curves, it's there.

Broderick said according to Town Code the developer pays for the light and the Town pays the light bill.

Masters said National Grid will not enter into an agreement with a developer. Town Code says the developer shall put it in, along with curbs, sidewalks, sewer and water. In past practice the Town has put the street lights in and paid the electric bill. This is not what the Subdivision Code reads.

Geiben asked Giusiana to comment. In 2006 the development was started. At that time he was told lights would be at intersections and dangerous curbs. Giusiana said they were then approached and told since there are no homes yet, the Town will put off putting in the street lights till there are more homes.

Policy has always been intersections and dangerous curves. Giusiana developed the subdivision with Curtis Court and Raymond Drive and that has been the policy. Whether it was paid for out of the PIP or whatever, Giusiana doesn't know. Never, ever has he paid exclusively for street lights.

The policy is loosely enforced in some cases. Chicora got two street lights, the Town paid for, on a straight street. 4790 Lauren Court received a street light, the Town paid for, as a dangerous curb.

Giusiana is asking the Board to deal with the policy that was in effect, that was promised, when the subdivision was started, to be followed through. There are now 10 homes on the tax rolls. People walk the subdivision.

Giusiana said a light was placed at the intersection of Little Vista and Big Vista in 2008. There were 5 homes at that time. There are now 10 homes. There are homes at the very dark end where the two streets intersect again at the other end of the subdivision. Development is starting at that end, and that is why Giusiana is requesting the light.

Morreale said the Lauren Court light was on a dark curve. He has gone there. Giusiana said there is a light 200 feet away at the intersection of Lauren & Sara Court.

Jacoby asked Giusiana, with the footprint of the subdivision now, is this the only street light he anticipates asking for. Giusiana said yes.

Broderick asked Lannon for an estimate of a street light. Lannon said it will vary depending on the type of light. A simple light on a pole could be \$50 - \$75; or a standalone pole could be in the area of \$200.

Giusiana said it would have to be a standalone pole, all utilities are buried. It would be a mirror image of the one at Big Vista and Little Vista.

Lannon said this is a common misconception in subdivisions. A street light is defined by its location. In the right-of-way it's the Town's. National Grid (NG) will not enter into an agreement for a public street with anybody other than the municipality in that jurisdiction, because developers come and go and the municipality is here forever. NG puts the light in, charge for the conductor, installation, wattage and electrical use. If a developer wants lights outside of the right-of-way, like Legacy Drive and LMK, they can put them where they want.

Since being the Town Engineer, the policy has always been t-intersections, dangerous curves and cul-de-sacs.

Geiben feels this spot cries for a street light because of the way there is potential connection with the other area. Geiben would like to approve this in such a way, to limit the cost and to say because of this lingering for years, it will not set precedence.

Masters said he has been dealing with the street light enigma since starting here. It is a constant cause of confusion. Masters said this needs to be addressed. The Town needs a standard policy on how this will be done. It needs to be straight forward, clear and concise.

Lannon said the Town Code is inconsistent with practice. Vista North's request is for a light that is not at a t-intersection.

Broderick asks the Board to hold off till the next meeting.

Morreale said the Town will own all the street lights shortly. All paperwork has been submitted to the Power Authority and National Grid for a price on the lights. If all goes smooth, the high definition lights will be installed by February 2019.

Masters said if this is the direction, the agreement with National Grid is no longer on the table. The new subdivision law should reflect the Town owning the street lights. The Town will own the lamp and the arm, not the pole. The Town can state in the law, the developer put in all the street lights. When complete, dedicate all to the Town.

Giusiana said developers never install utilities. Developers have a contract with the utility company themselves for their design, their placement and their installation. The developer pays them for this. So Giusiana's not sure how the Town can say the developer is putting it in, it will not be done by them.

Morreale said there will a contractor for the Power Authority that the Town will contract with.

Jacoby said the Town is in the process of getting the LED street lights, because of the due diligent of Morreale and Masters. This will be a significant savings to the taxpayers.

Broderick commends both Morreale and Masters for taking this project over and getting it done.

Geiben asked if a professional can be brought out to move ahead with a new microphone system. Broderick said yes.

RESIDENTS STATEMENT

Warren, Rose Mary – Griffin Street –Warren still cannot hear Board members and Dept. Heads.

Warren spoke to the Drescher & Malecki gentlemen outside. Warren wonders if they would find fault in the Town's finances if they want to come back the next year. She suggested they look into certain departments. She told the gentlemen it is called creative accounting, all the budget transfers. Warren understands a transfer of \$1,000 here and a \$1,000 there. But over the whole year you cannot keep transferring.

Supervisor announced upcoming meetings.

Bax MOVED to adjourn into Executive Session for items stated, Seconded by Jacoby and Carried 5 – 0. (7:42 pm)

PRESENT: Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax; Geiben; Jacoby and Morreale; Finance Director Agnello; Martha Blazick; Attorney Parisi; Police Chief Previte and Julie Apter

Discussion on pending litigation on Thomas Smith vs. the Town and contract negotiations with Sewer Dept.

Bax MOVED to exit Executive Session, Seconded by Geiben and Carried 5 – 0. (8:17 pm)

Broderick MOVED to approve Seaman Norris LLP to negotiate Collective Bargaining Agreement with CSEA – Sewer Dept., Seconded by Geiben and Carried 5 – 0.

Bax MOVED to exit the Town Board meeting, Seconded by Morreale and Carried 5 – 0. (8:19 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk