

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Attorneys Catalano and Parisi, Highway Superintendent Trane; Engineer Lannon; Building Inspector Masters, WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Chief Previte; Recreation Director Dashineau; 2 Press; 11 Residents and Clerk Donna Garfinkel

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

CONTINUATION OF MAY 8, 2017 PUBLIC HEARING – ELECTRONIC MESSAGE DISPLAY

Catalano is working with Mr. Fontanarosa regarding changes discussed at the May 8th Public Hearing.

There will be a continuation of the Public Hearing at the Work Session in June.

Glasgow commented that in the National Electrical Code, it is stated the signs are to have UL approval. Conrad said this is standard.

AGENDA APPROVAL

Additions: Broderick – Resolution regarding the NYS Medical Service Code and a water bill credit; Ceretto – New-hire seasonal - Recreation Dept.; Parisi – Executive Session – Personnel matter involving a particular employee; Catalano – Pending Litigation.

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

RESIDENTS STATEMENTS

Warren, Rose Mary – Griffin Street – Warren is dressed up a bit tonight. She is wearing the same outfit she wore to church, in hopes maybe a little religion will rub off on the Board.

To Highway Superintendent Trane – keep up the good work.

Witryol, Amy – Lower River Road - Witryol read the following letter.

“After several unsuccessful attempts, in private, over the course of a year, I recently spoke to the Board in public about complying with ethics laws and potential conflicts of interest with CWM. Since then, the situation seems worse, not better.

It appears that two Board members are not in compliance with the Town code of ethics and similar State law regarding CWM. I’ve recommended to one of the Board members, more than once, that they recue themselves from CWM matters.

The Town’s opposition to CWM has been predicated on keeping the public safe and preventing the economic damage an active hazardous waste landfill creates. CWM costs us far more financially than the gross receipts taxes paid - not just in my view as a retired business banker, but in the view of leading valuation experts testifying for petitioners in CWM proceedings, and in the view of the NY State Legislature when it enacted Gross Receipts taxes. I note these economics only for the few who believe a half million trucks carrying PCB’s and toxic waste past all of our schools or contamination of our waterways or the fires and accidents, are worth any price.

Like most residents, I want to see the entire Town Board succeed. Disclosure and recusal is not a poor reflection on integrity, rather it is a positive one. May I implore the two of you, please read the Town and State codes of ethics and start complying with them on CWM matters.

We owe it to residents to take every opportunity to end CWM’s quest for a new toxic waste landfill as soon as possible. Covering up for CWM is counter to that objective, and it’s a violation of our Code of Ethics. Thank you.”

Broderick said he knows Witryol is referring to him, so asks her how/why he is violating the Code of Ethics. He would like to address it.

Witryol said she is not prepared to go into detail, but is more than happy to continue the discussion.

Broderick asked if this is in reference to him attending a PGA Golf Tournament. Witryol said no, but has suggested this a couple of times, and that would have been the time to ask why.

Broderick asked Witryol to put it in writing. Broderick said the Attorney that represents the Town does not share Witryol's review. Witryol said that would depend on the information he was provided with and if it was complete and accurate. This would be an issue for one's personal attorney as opposed to the Town's attorney.

DEPARTMENT HEAD STATEMENTS

Clerk Garfinkel asks the Town Board if they wish to submit an ad into the 60th Annual Niagara County Peach Festival program. The Board budgeted \$150.00 for this. The Board said do the same as last year.

Chief Previte thanked the Supervisor and others for attending the service for Police Week. It was very well attended and is encouraging for law enforcement to see such support.

The Police Department is working with Lewiston-Porter School regarding an Active Shooter drill to be held possibly in December.

Deputy Supervisor Conrad informed the Board the NYS Parks, Recreation and Historic Preservation has recommended the Power Vista be placed on the New York State Register of Historic Places and has been nominated to the National Registry of Historic Places.

Highway Superintendent Trane – Bids are closed at Auctions International for 9 items. Trane is asking for approval of all bids except # 8 – Chip Box Spreader. There has been inquiries from different Towns that are interested in it.

Bax MOVED to approve bids made through Auctions International for lots 1 – 7, and lot 9, as presented, Seconded by Geiben and Carried 5 – 0.

#1 – 1994 Viking 1-way Plow = \$170.00; #2 – 1999 Everest 1-way Plow = \$510.00; #3 – 2001 Everest Swivel Plow = \$195.00; #4 – 1989 Viking 1-way Plow = \$460.00; #5 – 1994 Everest Plow = \$510.00; #6 – 2001 Everest Plow = \$210.00; #7 – 2001 Everest Plow = \$92.50; #9 – 1993 Ford 1-ton F350 = \$310.00.

Trane is requesting permission to sell lot #8 to a local Town at a cost over the bid price of \$21.00.

Bax MOVED to authorize the Highway Superintendent to sell Lot #8 – Chip Box Spreader for an amount greater than \$21.00, Seconded by Morreale, and Carried 5 – 0.

APPROVAL OF MEETING MINUTES

Bax MOVED to approve TB Work Session – 5/8/2017, Seconded by Geiben and Carried 5 – 0.

AUDIT PAYMENT

Ceretto MOVED to approve the Regular Abstract of claims numbered 1213 to 1365 and recommend payment in the amount of \$178,872.70 plus a Post Audit of \$23,250.68, Seconded by Bax and Carried 5 – 0.

OLD BUSINESS

Teamsters 264 Town – The vote was today and the contract was approved. This has not been discussed with Attorney Doyle since the vote. Parisi would like to speak to Doyle prior to the Board voting.

Bax MOVED to table, Seconded by Ceretto and Carried 5 – 0.

NEW BUSINESS Clerk's Correspondence – none

SUPERVISOR BRODERICK

Liaison Report

Shore Erosion Issue – Broderick received an e-mail from the County containing a shore erosion form. Anyone living on the lower river that has any type of shore erosion issue should complete the form and forward it to the County. The form does say Lake Ontario Shore Erosion but can be used for the lower river. This has been passed on to the Environmental Commission.

Discover Niagara Shuttle Resolution – Rotella said the minutes from a previous meeting, stating the Board approves the project, were submitted with the application.

Legal

Farm Animal Law Public Hearing – Catalano will work with Conrad in making some adjustments regarding Micro-Farm issues.

Broderick received a resolution from the Town of Royalton Supervisor, Jennifer Bieber, regarding EMT's. Currently NYS requires every ambulance to have a certified EMT on board before a patient can be transported to a hospital. There is a critical shortage of EMT's in rural communities like Niagara County.

Geiben MOVED to request the State amend the appropriate sections of the NYS Health Law, 10 NYCRR Part 800, to allow Certified First Responders to treat and transport patients when an EMT is not available and to also allow the ability to sign off a person who desires to refuse treatment and/or transport, who meets the requirements for mental clarity and decision making ability, Seconded by Morreale and Carried 5 – 0.

Finance

Blazick is requesting the Board approve an additional Post Audit check. The Town received and deposited a check for a sewer inspection, which should have gone to the Village.

Geiben MOVED to approve payment of \$120.00 to be paid Post Audit and forwarded to Magavern Magavern Grimm, LLP for the refund for CV & sewer inspection, Seconded by Bax and Carried 5 – 0.

2016 Budget Adjustments - These are entries that have become necessary due to adjusting entries that have come in during fiscal year 2017 that relate to 2016 expenses. In past years, we have never adjusted the budget and just allowed these accounts to be over spent. The correct way to handle these is for the Board to authorize the budget transfers BEFORE the expense is actually incurred. The auditors feel that it is better to have the Board approve these adjustments after the fact and confirm that these were paid in compliance with your wishes.

The first entry relates to the ice rink. Need to increase the ice rink budget revenues to the level of actual revenue raised. Additional revenues came in after we had adjusted the entry at year end. This revenue was used to fund the expenditures for the ice rink. These balance out but the budget did not accurately reflect the revenue and expense.

The entry relating to the Administrative Allocation is simply a reclassification from the budget officer to the supervisor departments. The breakout between the two accounts needs to be corrected.

The Medicare, social security and worker's comp entries are just a re-class to cover the final numbers.

Police contractual was over spent, so money was taken from equipment.

In the Highway fund, an invoice was recorded in 2017 that belongs to 2016. When correcting the posting, it made the ice and snow removal category over spent. Therefore, we are re-classing the budget from machinery equipment which was under spent. Also need to re-class minor dollars between unemployment insurance, hospital and flex plan to keep these budget categories from being over spent.

The SSI fund just needed a small reclassification to keep all expenditures under their budget.

Bax MOVED to execute the transactions as itemized on the Budget Revision Edit List, dated May 15, 2017 – 3:17:20 PM, Seconded by Geiben and Carried 5 – 0.

2017 Budget Adjustments – The first group of entries are required because the Flex Plan account, 9060 0800-0100 was moved to the Hospital & Medical Insurance accounts of 9060-0800-0000. Need to move the budget amounts to the medical insurance accounts.

The next two entries are moving additional amounts from the Contractual account to the gas & electric accounts. The Board has already approved the moving of the gas & electric expenditures into their own expense account. A review of the accounts shows that we underestimated the split out of this amount and need to correct this for both DB0 (Highway) and the SS2 (Outside Sewer).

The last two entries are correcting very minor adjustments that are a result of non-repeating entries.

Bax MOVED to execute the transactions as itemized on the Budget Revision Edit List, dated May 16, 2017 – 1:06:53 PM, Seconded by Geiben and Carried 5 – 0.

This budget adjustment is based on a conversation Blazick had with Dave Trane. Requesting to move \$15,000 of highway payroll from the snow removal personal service line, #DB0-5142-0100-0000 to the seasonal help line - DB0-5110-0100-0200. This will help utilize the workforce more efficiently.

Bax MOVED to execute the transactions as itemized on the Budget Revision Edit List, dated May 19, 2017 – 10:27:01 AM, Seconded by Geiben and Carried 5 – 0.

Engineering

Lannon distributed to the Town Clerk the Map, Plan and Report for the creation of the Town of Lewiston Water District. Copies are to be distributed to the Town Board, Attorney Seaman and Water Foreman Townsend. There was a discussion with Seaman and Bond Council and this is the result. This will be discussed further at the June 12th Work Session.

Broderick said the Water Department had an issue regarding late fees and a tax levy as a result of the wrong address being placed on a water account. After meeting with the resident and Michael Townsend, Broderick is asking a credit be approved to the account.

Broderick MOVED to credit Michael Taylor – 5926 Garlow Road, \$86.93, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN BAX

Liaison Report – Ethics Law

Bax and Morreale met with the Lewiston Taxpayer and Accountability Alliance group regarding the Ethics Law. A lot of progress is being made. Bax will keep the Board up to date.

COUNCILWOMAN CERETTO

Liaison Report - Approval of Recreation Department part-time seasonal employees.

Ceretto MOVED approval of the following seasonal employees: Bailey Stayner, Ryan Frasier, Robert Harrigan, Garrett Lester, William Lively, Matt Maslany, Patrick Sisler and Greg Stedgiewski, at the rate of \$9.75/hour, Seconded by Geiben and Carried 5 – 0.

COUNCILMAN GEIBEN

Liaison Report - Sanborn Business Association – Portable Sign

The Town received a letter from Paul Wendt stating he has given the Sanborn Business Association permission to place a portable lighted sign, on his property located at the north side of Rout 31 and Buffalo Street. Geiben said the sign was lit but it will not be now.

The sign will be used to advertise fund raising and community events occurring in the Town of Lewiston. The Sanborn community includes three towns, so Geiben is requesting the Attorney draft an agreement letting them know they can advertise fund raising and community events within the “Sanborn community”.

The sign was located on Jay Claus’s property for years, but he needs to put a different sign there so he has requested it be removed. It was then taken to the Sanborn Farm Museum. They are now requesting permission to place it on Wendt’s property. Catalano will discuss with Masters.

Geiben said the comfort station on Lower River Road is almost complete. Geiben would like to have a ribbon cutting ceremony. There is no signage indicating that is has been funded by Greenway money. Geiben would like a sign inside the building stating the funding and the name of the Supervisor at the beginning of the project.

Broderick said the Western New York Land Conservatory is putting signage with the history of the Stella Niagara Preserve.

Geiben would like, once all bills are paid for the station, the Town put in brochure racks. Broderick would like to see this be a stop for the Niagara Shuttle.

COUNCILMAN MORREALE

Liaison Report - Historic Preservation Law

Morreale met with the Historic Preservation Commission and reviewed the Law. State Laws have been forwarded to Catalano. It is hoped the Law will be ready in two weeks.

RESIDENTS STATEMENTS

Warren, Rose Mary – Griffin Street – Warren referenced the Town budget - Administration fee for the Power Allocation in 2015 was \$5,000. In 2016 it was \$50,000, now in 2017 it goes back to \$5,000. This is creative accounting and very confusing. Is this fee eating up the money the residents are to be getting?

Warren has been participating in euchre at the Senior Center.

Glasgow, Paulette – The Circle – Annually the Town Board passes a resolution establishing a standard work week, which is mandated by State law for elected officials. Glasgow questions when the Town Board will be passing this resolution.

Lannon distributed the Map, Plan & Report this evening. Glasgow questions if there is a cost associated with this and will it be on the Website? Lannon said the whole project costs \$10.2 million. Glasgow asked if the fees are broken down in the report. Lannon said yes.

At the last meeting the Board went into executive session to discuss the teamster's contract, which is a qualifier. The Board also discussed slag and unpaid taxes to the Parks Dept. Glasgow has a list of what is covered by executive session and unpaid taxes to the Parks Dept. and slag are not on it.

Many people have stood here and talked about what qualifies for executive session. The Board can only cover what qualifies. Catalano said they can both be considered potential litigation issues.

Glasgow asked Geiben if he spoke to the Superintendent of Lewiston-Porter about the broadcasting of meetings. Geiben said he would speak on it in two weeks; Glasgow is here and requests the statues.

Glasgow asked if residents are going to wait another two weeks. Broderick said we will wait as long as is necessary. Broderick told Glasgow if she wants to video tape the meetings she is free to do so.

Glasgow asked if the Town will ever broadcast the meetings. Broderick said maybe not. Glasgow asked why not. Broderick said it will be the Board's decision. It is being worked on; it is never good enough for Glasgow.

Glasgow said she is just asking a question; don't make it seem as if she is the person being the pain in the ass. Glasgow is not the one that said, when he ran, "I believe in transparency".

Broderick said the door is open, broadcast the meeting.

Broderick MOVED to enter into Executive Session, Seconded by Ceretto and Carried 5 – 0.
(6:50 pm)

PRESENT: Supervisor Broderick; Councilmembers Bax, Ceretto, Geiben and Morreale; Deputy Supervisor Conrad; Finance Officer Blazick; Town Attorneys Catalano and Parisi

Issues Discussed – Potential Litigation and Personnel issue involving a specific employee

Bax MOVED to exit Executive Session, Seconded by Morreale and Carried 5 – 0. (7:36 pm)

No action was taken

Geiben MOVED to adjourn the meeting, Seconded by Morreale and Carried 5 – 0 (7:37 pm)

Transcribed and
Respectfully submitted by:

Donna R. Garfinkel
Town Clerk