

Present: Supervisor S. Broderick; Dep. Sup. Conrad; Councilmembers A. Bax, J. Jacoby & R. Morreale; Chief F. Previte; Budget Consultant M. Blazick; Attorney R. Parisi; Hwy Supt. D. Trane; Acting Water Foreman D. Zahno; 1 Press; 6 Residents and Dep. Clerk C. Schroeder

Excused: Councilman Geiben; J. Ritter and R. Lannon

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection asking everyone to keep the victims of Hurricane Michael in their thoughts and prayers.

AGENDA:

Additions: Historic Preservation Commission; Grass Cutting Taxes; UMFC Roster; Water Hire; Sexual Harassment Policy; Budget Adjustments. Remove: Sewer Refund Request.

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

ABSTRACT:

Bax MOVED to approve the Regular Abstract of Claims Numbered 2947 to 3113 and recommended payment in the amount of \$450,312.89, plus a post audit of \$10,720.81. Seconded by Jacoby and carried 4-0.

MINUTES:

The Clerk informed the Board that the minutes of 9/24/18 have been amended in the minute book to reflect that Finance Officer Agnello was present at the Joint T/V Meeting.

Broderick MOVED to approve the Jt. T/V Mtg of 09/24/18, with the notation that J. Agenlo was in attendance at that meeting. Seconded by Bax and carried 4-0.

The Clerk said the minutes of the 9/24/18 RTBM have been amended to reflect a correction of the Town Fee for Water bills from \$43,300.00 to the correct amount of \$43,600.00; and a change in the yearly mileage for the two leased vehicles from 1,200 to 12,000 per year, per vehicle.

Bax MOVED to approve the RTBM of 9/24/18, as revised. Seconded by Morreale and carried 4-0.

Morreale MOVED to approve the minutes of the 10/4/18 Tentative Budget. Seconded by Jacoby and carried 3-0. Bax abstained.

DEPARTMENT HEAD CONCERNS:

Police: Chief Previte thanked the Board for their thoughts and prayers during his recent bereavement. It has been a very difficult time for his family.

Previte said he has a resignation of a part-time officer, Justin O'Connor, that needs Board approval.

Bax MOVED to accept the resignation of Justin O'Connor, with regret, effective 10/11/18. Seconded by Jacoby and carried 4-0.

Highway: Trane said he hired a new laborer who will be starting on 10/15/18. Also, Assemblyman Morinello will be hosting a "Trunk or Treat" at Lewiston #1 Fire Hall on 10/29/18 from 6-7:30 PM. Trane asked if there would be an issue if he took a Town Dump Truck as part of the Town's involvement at the event. This is not considered a

political event. Parisi did not see an issue with this, as long as Town funds are not being expended.

Water: Acting Foreman Zahno asked to hire Andrew Hillman as laborer in the Water Department, effective 10/15/18 at a starting rate of \$22.86/hr., per the Contract.

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

Finance: The Finance Director asked for a budget revision to move the insurance payment received for damage to the Senior Center sign (\$8,181.42) to the Senior Center Equipment budget to cover the expenses associated with the sign replacement. The difference in insurance received (\$8,181.42) and replacement expenses (\$9,935) is \$1,753.58 which has been approved from the H97 account.

Bax MOVED to increase the budget for Insurance Recoveries (A00-1000-2680-0000) in the amount of \$8,181.42 and increase Seniors Equipment (A00-7630-0200-0000) in the amount \$8,181.42. Seconded by Jacoby and carried 4-0.

OLD BUSINESS: Resolution relating to electronic copies of Building Permits.

Parisi said no action is required. The Code indicates that the Building Department and/or Assessor's office can require the material be provided electronically. Going forward, when a developer submits plans with the Building Department, they will have to have to submit a disc with the required drawings. The Code requires that plans be submitted. The format as to how they are submitted will be left to the discretion of the two departments.

MIGHTY NIAGARA HOSPICE RUN:

The Supervisor read the following letter: Thank you for your continued support of the Hospice Dash 5K and the Mighty Niagara Half Marathon. We had another successful event on September 15th! Thanks to the support of the entire community, we are getting terrific feedback from our runners, community members and local businesses who were involved in the race. Can you let us know if Saturday, September 21st is available for our 2019 race?

Bax MOVED to designate Saturday, 9/21/19 for the Mighty Niagara Run. Seconded by Jacoby and carried 4-0.

ONE-LOT SUBDIVISION

The Planning Board, on September 20, 2018, approved a request from Marc & Cheryl Brunett for a one-lot subdivision, for property located at 708 Pletcher Road, SBL# 73.00-2-6.2.

Bax MOVED a negative declaration on said subdivision. Seconded by Jacoby and carried 4-0.

Morreale MOVED to approve a one-lot subdivision for Marc & Cheryl Brunett, as presented. Seconded by Bax and carried 4-0.

BELLA-ROSE WINERY:

The Planning Board reviewed a Site Plan and Special Use Permit for Michael Schweitzer, Bella Rose Winery, located at 1243 Ridge Road.

The Planning Board recommends approval of the Site Plan and Special Use Permit as presented with the following conditions:

1. Lighting to be provided down the driveway.
2. Black Top required on the apron of Ridge Road

3. Ridge Road to be clear of brush for sight lines.

Morreale MOVED to schedule a Public Hearing on Thursday, November 15, 2018 at 6:00 PM on the Site Plan/Special Use Permit for Bella Rose Winery. Seconded by Bax and carried 4-0.

Parisi said the Town Code requires action be taken within 62 days of the Public Hearing on the Site Plan and Special Use Permit.

SEXUAL HARASSMENT POLICY

Parisi said the Board is in receipt of a new Sexual Harassment policy. The State Law changed to require certain minimums. This policy will bring it into compliance with the new State Law. This is the model that was put out by NYS. It includes a Complaint Form for reporting Sexual Harassment. There are certain other requirements the Town will have to implement. The Board tonight will just be approving the new Sexual Harassment Policy and the Complaint Form to be made a part of the Town Employee Handbook.

Jacoby MOVED to update the Employee Handbook with a new Sexual Harassment Policy and Complaint Form. Seconded by Bax and carried 4-0.

BICENTENNIAL RESOLUTION

Bax MOVED the following Resolution:

WHEREAS, the Town of Lewiston was incorporated in 1823; and

WHEREAS, in 2023, the Town of Lewiston will be celebrating its 200th Anniversary; and

WHEREAS, it is fitting and proper that the full-year be commemorated with historical, educational, artistic, and joyful events in keeping with this rare and important Anniversary; and

WHEREAS, this year-long event should reach out to and connect with the people, places and faces of this vibrant and diverse geography of our Town; and

WHEREAS, organizations and groups from all sectors should be encouraged to join in and be a part of this celebration by incorporating the Bicentennial theme into their activities and events throughout the year. Municipal agencies, educational institutions, businesses, groups and individuals are encouraged to shape their activities to help celebrate our Bicentennial by looking behind us to our history, looking seriously at the present, and looking to the future for that which we will be able to accomplish for all our people in the years ahead; and

WHEREAS, the Town of Lewiston has appointed Councilman Alfonso Bax and Councilman John Jacoby, as Liaisons to the Bicentennial Commission to advise it about, and to prepare for, the upcoming celebration of this unique event.

NOW, THEREFORE BE IT RESOLVED, on recommendation of the Town & Village of Lewiston Bicentennial Planning Committee, that the Town of Lewiston hereby declares 2023 to be "Town of Lewiston Bicentennial Year."

Jacoby Seconded the Resolution. Carried 4-0.

HISTORIC PRESERVATION:

Now that she is Town Historian, Marjorie Maggard said the Board would need to fill her position on the Historic Preservation Commission. She will remain Ex-officio.

Bax MOVED to accept the resignation of Marjorie Maggard on the Hist. Pres. Commission. Seconded by Jacoby and carried 4-0.

Broderick MOVED to appoint Harry Wright to fill the vacancy on the Hist. Pres. Commission. Term to expire 12/31/2021. Seconded by Bax and carried 4-0.

BAS TAX PROGRAM:

The Board is in receipt of an agreement between the Town of Lewiston and BAS for the purchase of the Tax Collector System. The total first year cost is \$14,800. An initial payment of \$7,400 is due by October 31, 2018. The remaining payment of \$7,400 is due by January 31, 2019.

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

SANBORNITE SENIORS:

Broderick indicated that Susan Letourneau would like to withdraw her resignation as Group Leader of the Sanbornite Seniors. She will continue to work with the group.

Broderick MOVED to cancel the resignation of Susan Letourneau to the Sanbornite Senior group. Seconded by Bax and carried 4-0.

BUDGET ADJUSTMENT (BAS):

Blazick said a budget adjustment needs to be approved for the purchase of the BAS Tax Software Program. She is proposing the use of the Contingency A-Fund to fund the purchase.

Bax MOVED to transfer \$14,800,00 from Contingency (A00-1990-0400-0000) to Town Clerk Contractual (A00-1410-0400-0000). Seconded by Morreale and carried 4-0.

SUPERVISOR'S SALARY:

The Supervisor read the following statement: I, Steve Broderick, do hereby freely and voluntarily waive my right to receive that portion of my annual compensation, for services as Town Supervisor, that is in excess of thirty thousand (\$30,000) after February 1, 2018 and annually for each year thereafter.

I acknowledge that I am legally entitled to receive the additional compensation and that this waiver is unconditional and the amount being waived is not being designated for a particular purpose or use by the Town. Furthermore, I acknowledge that the Town, by its agents or employees, has made no representation regarding any tax impact to me of this voluntary waiver and that is my obligation to determine any tax impact or liability resulting from this waiver.

I further acknowledge that the waiver is only prospective and that there will be no retroactive pay.

DOG CONTROL AGREEMENT W/TOWN OF PORTER

Parisi said this is an updated version of the Dog Control and Harboring Agreement that has been in place with the Town of Porter. It includes updated fees. Parisi said he reviewed it and is now asking for Board approval.

Bax MOVED to approve the Dog Control and Harboring Agreement between the Town of Lewiston and Town of Porter, as presented. Seconded by Morreale and carried 4-0.

STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT – LMK REALTY

Parisi said the agreement included in the packet is not the proper contract. He provided a new version that was updated with additional language and protection for the Town.

This is an agreement that requires the Homeowners Association and the Developer for the project at Northridge Drive to maintain the Stormwater Facilities at their expense and not the Town's. It requires a bond that will be filed with the County, in the event they do not live up to their obligations. The project would not move forward unless signed by the Facility Owner and Town.

Bax MOVED to approve the Town of Lewiston Stormwater Control Facility Maintenance Agreement, as revised. Seconded by Jacoby and carried 4-0.

Bax MOVED to authorize the Supervisor to execute the Maintenance Agreement, as revised. Seconded by Morreale and carried 4-0.

HALLOWEEN HOURS:

Broderick MOVED to set "Trick or Treat" hours from 4 – 7 PM on October 31, 2018. Seconded by Bax and carried 4-0.

GRASS CUTTING TAXES:

The Board received a request from Tim Masters that another four (4) parcels be added on the Town Taxes in the amount of \$1,232.50.

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

UPPER MOUNTAIN FIRE COMPANY ROSTER: Please add the following person for membership to the UMFC – Brooklyn Banks, Escarpment Drive.

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

Broderick announced that Upper Mountain Fire Company, 839 Moyer Road, will be holding an Open House on Saturday, October 13, 2018 from 10 a.m. to 3 p.m., rain or shine.

Regarding the Police Dept., **Bax MOVED to appoint Charlene Rutkowski to Full-time status, from Part-time, effective November 1, 2018, per the contractual salary. Seconded by Morreale and carried 4-0.**

PRIVILEGE OF THE FLOOR:

Paulette Glasgow, The Circle, read a statement on behalf of the Lewiston Taxpayers Alliance:

On October 1, 2016, the Lewiston Taxpayers Alliance brought to the Town Board's attention the need to update its 48 year old Ethics Policy. At that meeting, the Alliance gave the Town Board a copy of proposed changes, along with a financial disclosure policy, for all elected and appointed Town officials.

Since doing this, many municipalities throughout New York State have followed suit and have begun to address changes in their ethics and financial disclosure policies.

When the Alliance proposed these changes, two members of the Town Board raised their hands and volunteered, along with the Alliance, members of the Town's Board of Ethics and Lewiston citizens to address the need to update this antiquated policy. Over a year these individuals met and along with suggestions from the two Town Board members revised and presented to the Town Board a new ethics and financial disclosure policy.

Since making that presentation many months ago, the Town Board has done nothing. In fact, when approached for support by two member of the Town Board to move this policy forward, the Town Board member who volunteered to be on the committee and made many suggestions that were incorporated within the policy submitted to the Town Board, balked at giving his support. Why he volunteered to help and then withdraw his support is a question only he can explain. The question at hand is there is a need to bring transparency to Lewiston by doing what other municipalities throughout New York State are doing by updating their ethics and financial disclosure policies.

Once again, the Alliance is asking the Town Board to address the need to update its 48 year old ethics and financial disclosure policies by either voting to accept, reject or formulating a new ethics and financial disclosure policy. Finally, should the Town Board choose to reject this proposed policy, the Alliance would hope in the spirit of transparency it would inform the public as to the reason for the rejection.

Last year, Glasgow said the Board adopted a policy concerning records availability. Anything that is discussed at a meeting or any information has to be given to the public prior to the meeting. If it isn't given to the Clerk prior to the meeting, the information should be available at the meeting. Tonight, she received two pieces of correspondence, when in fact there were more than 10 items discussed. I'm asking you again, please follow your policy. If it's late, fine. Bring it to the meeting and provide it to us.

Glasgow then brought up the changes to the Senior Services Department for the signs. Did Jeanette know anything about this? Was she consulted? Does she know this money is coming in or out of her budget? Blazick said she knew about the insurance coming in but not necessarily about the budget adjustments.

Glasgow said she had an issue that the Senior Director was not consulted about the A/C unit, LED lights, signs, budget adjustments, etc. She is the last person to be informed. Glasgow asked as a courtesy to Mrs. Collesano that she be notified of changes in her department. Bax said Mrs. Collesano, as a Department Head, should be attending the meetings if she wants the information.

Rosemary Warren, Griffin St., said she ran into Beth Ceretto, former Councilwoman. She said she missed me. She remembered what I said about the picture on the wall of the man in his work clothes. He would like to come to the meeting (6 o'clock) but was unable because he was still milking cows. That moved me a little bit. I'm flattered by that. I hope someday, somewhere, that picture can be put back up.

Eric Sherwood, asked about the contract for the Sanborn Fire Company Band. He thought it was on the agenda for tonight's meeting. Broderick apologized. He said the Finance Director is at a training session. Broderick said he would contact Mr. Sherwood within the week so he wouldn't have to come back.

Bax MOVED to adjourn. Seconded by Jacoby and carried 4-0. Time: 6:45 p.m.

Transcribed and
Respectfully submitted by

Carole N. Schroeder
Deputy Town Clerk