

January 11, 2016

Work Session

6:00 PM

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto, W. Geiben & R. Morreale; Eng. R. Lannon; Attorneys B. Seaman & J. Catalano; Highway Supt. D. Janese; WPCC Ch. Op. J. Ritter; Chief F. Previte; Bldg. Insp. T. Masters; Finance Director/Budget Officer M. Blazick; 2 Press; 7 Residents and Dep. Clerk C. Schroeder

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA:

Additions: Broderick – Riverwalk Escrow Agreement. Bax – Board Liaison change for Police Department.

Bax MOVED to approve the agenda, as amended. Seconded by Geiben and carried 5-0.

ABSTRACT:

Ceretto MOVED to approve the Regular Abstract of Claims Numbered 8347 to 8582 (2015) & 1 – 14 (2016) and recommended payment in the amount of \$333,003.21, plus a post audit of \$334,009.34. Seconded by Geiben and carried 5-0.

DEPARTMENT HEAD CONCERNS:

Police: Chief Previte said he would be meeting with Supt. Janese to work on the intersection of Harper and Tryon as discussed at a prior meeting. Also, the statistics for 2015 were compiled as follows: 1,437 Traffic Tickets; 353 accidents; 289 arrests; and a total of 8,921 calls for service. Lastly, Previte thanked the Town Board (and Village) for their commitment to the Police Department and law enforcement, in general, for the safety of the community. As a result of the Board's commitment, Lewiston ranked 25th safest town in New York. He presented a certificate to the Town Board for their efforts in community safety and crime prevention.

Building/Zoning: Nothing; Finance: Nothing; Dep. Supervisor: Nothing

Engineer: Lannon said the Town Board on 12/28/15 approved the issuance of the French Landing PIPs contingent upon all fees being paid and approval from the NYS DEC on the sanitary sewer. Lannon said both of those have been accomplished. The fees were paid earlier in the day and the DEC approval was received last week. This is just an update and the PIPs will be issued.

Lannon said a PIP was taken out many years ago for Legacy Drive for waterline and road construction. The Town has since taken dedication of that infrastructure. The Developer now needs to install an additional 240-ft of waterline from the line that was originally installed so they can begin construction of the next two buildings. Lannon said he is trying to compile the documents from the original PIP that are still relevant (Health Dept. approvals, insurance certificates and the like) and compare that to what they need to issue a PIP for the additional waterline. Lannon asked the Board to pass a Resolution that is contingent on the receipt of those documents and having the Attorneys review said documents to make sure they are all in order. He expected the documents to be submitted to him in the next few days.

Geiben MOVED for approval for the additional 240-ft of waterline contingent upon the Engineer's approval and review of the Town Attorney of the required PIP application documents. Seconded by Bax and carried 5-0.

Legal: Attorney Seaman asked for an Executive Session for the purpose of consultation with Attorneys on Collective Bargaining negotiations and on-going litigation.

Geiben MOVED for approval. Seconded by Bax and carried 5-0.

Highway: None; WPCC: Nothing at this time.

OLD BUSINESS:

a) **Broderick MOVED to name the Sentinel the Town's weekly (not for legal notifications) paper. Seconded by Bax and carried 5-0.**

b) Broderick said at the Re-organization meeting Councilman Geiben was named as liaison to the Police Department. He asked that this be changed to Councilman Bax.

Geiben MOVED for approval. Seconded by Bax and carried 5-0.

c) **Geiben MOVED to set the October work session for Thursday, October 13, 2016 at 6:00 PM. Seconded by Bax and carried 5-0.**

d) Riverwalk Escrow Agreement: Attorney Seaman said this is an agreement circulated for the Board's consideration collimating from a lot of work by Eng. Lannon and former Councilman/Supervisor Ron Winkley. Seaman said there are two individuals who currently have a contract to purchase some part of the Riverwalk Subdivision. They have approached the Town and they will commit to the paving of the unpaved portion of Riverwalk Drive. They also have agreed to put \$20,000 into an escrow account for the paving of that piece of roadway if they don't do it by a certain time. It is tied to the time they will actually file for the Final Plat approval for the next phase of that subdivision.

Bax MOVED to approve the Escrow Agreement and to authorize the Supervisor to sign said Agreement. Seconded by Geiben and carried 5-0.

ASSOCIATION OF TOWNS:

The Clerk read that the 2016 Training School and Annual Meeting of the Association will be held at the Marriott Marquis, New York City, February 14-17, 2016. This is a training session for town officials. The Town Board must adopt a Resolution designating its delegate (and alternate). A Certificate of Designation to the Association of Towns must be submitted no later than February 5, 2016. The Business Meeting (where voting will take place) will be held Wednesday, February 17, 2016. The information budget hearing will be held Sunday afternoon, February 14, 2016.

a) Designate Voting Delegate/Alternate: **Geiben MOVED to designate Supervisor Broderick to attend the Annual Business Session of the Association and to cast the vote of the aforesaid town, pursuant to §6 of Article III of the Constitution and bylaws of said Association. Seconded by Bax and carried 5-0.**

b) Resolutions 1 – 10: Atty. Seaman said the Town Board should review the Resolutions that the Association of Towns suggests and approve them, if applicable. The Town Board tabled this for the RTBM.

FIRE COMPANY CONTRACTS: Broderick said he talked with Chief Hoover of the Sanborn Fire Company and former Supervisor Ron Winkley regarding the contracts. They will sit down with the fire companies before the next meeting.

CWM CAC: Geiben said, after receiving many comments, he would re-affirm all the delegates to the CWM CAC that were assigned at the Re-organization Meeting with the exception of Edward Jesella, who resigned.

Geiben MOVED to re-affirm the delegates that were appointed to the CWM CAC and to appoint Al Bax to fill the vacancy on said committee. Seconded by Morreale and carried 5-0.

WPCC:

- a) Unused Personal Days: Bax said the following employees have requested to carry over one personal day from 2015 to 2016: Marty Lauer, Richard Dreier, Kevin Norwich, Thomas Kromer and Bill O'Connor, pursuant to the Union Contract.

Bax MOVED to approve. Seconded by Geiben for discussion.

Geiben said in the future, individuals should make the request themselves, not the department head. The request should include the section of the contract and/or employee handbook that states they are eligible.

Motion carried 5-0.

- b) 2015 Annual Stormwater Report: **Bax MOVED to authorize the Supervisor to sign the 2015 Annual Stormwater Report. Seconded by Geiben and carried 5-0.**
- c) 2016 Sewer Use Agreement: **Bax MOVED to authorize the Supervisor to sign the 2016 Sewer Use Agreement, pending review of the Town Attorney. Seconded by Geiben and carried 5-0.**

ENVIRONMENTAL:

- a) Bax noted that the Environmental Commission forwarded a copy of a Resolution it adopted on December 14, 2015 in full support of the PREFERRED ALTERNATIVE (ALTERNATIVE 4) FOR THE INTERIM WASTE CONTAINMENT STRUCTURE (IWCS) OPERABLE UNIT OF THE NIAGARA FALLS STORAGE SITE (NFSS), WHICH IS ALTERNATE 4, EXCAVATION, PARTIAL TREATMENT AND OFF-SITE DISPOSAL OF THE ENTIRE CONTENTS OF THE IWCS.

Bax said this is a resolution that reflects that the Environmental Commission supports Alternative 4, the full remediation of that site.

Geiben said the Town Board should support the Environmental Commission as well as adopt its own position in support of Alternate 4.

Bax recommended the Town Board come up with its own resolution for the next meeting.

Bax MOVED to support the Environmental Commission's resolution, as drafted with respect to the NFSS Waste Remediation. Seconded by Geiben and carried 5-0.

- b) Bax said at the last meeting, the Board discussed correspondence from residents that had attended an Environmental Commission meeting; specifically regarding the creation of two advisory boards to investigate, research and formulate legislation for the proper development of Lewiston's escarpment and waterfront areas.

Bax recommended putting an ad in the newspaper advertising for members for this particular group. He recognized several individuals in attendance and asked that their names be included first.

Geiben suggest that this group be a sub-committee of the Environmental Commission. Bax said the purpose of the committee would be to review the law, as drafted, of the Town of Cambria and make changes that would benefit the Town of Lewiston.

Geiben asked Attorney Seaman, along with Councilman Bax, to put something together to say what the purpose of the committee is, so they have a charge as to what they are supposed to be doing as a committee.

Bax MOVED to authorize the Supervisor to advertise for members of this sub-committee upon the Attorney completing what the purpose of the sub-committee is charged to do. Seconded by Geiben and carried 5-0.

- c) Bax said he spoke to Jeff Ritter regarding the Environmental Commission's concerns about security at the WWTP with respect to upgrades being done there. Ritter indicated there are additional funds that could potentially be available. He will research this and get back to the Board.
- d) With respect to the Environmental Commission's concerns at the LOOW site, which is vicinity property that the Town of Lewiston owns. It is an old WWTP that the Town had secured with a fence. The Commission recognized there was no lock on that fence along with some other potentially dangerous, physical characteristics of the property. Eng. Lannon was asked to go back there and look to see if there is anything that requires further remediation. Broderick and Bax asked to accompany Lannon.

NOTIFICATION OF RESIGNATION: Geiben MOVED to accept the resignation of Jen Rossman, Laborer, effective January 22, 2016, with regret and to grant her whatever benefits she is entitled to per the employee handbook. Seconded by Bax and carried 5-0.

Bax MOVED to enter into Executive Session re ongoing litigation and Consultation with Attorneys on a collective bargaining issue. Seconded by Ceretto and carried 5-0. Time: 6:30 p.m.

The Attorney said there would be some action taken.

Executive Session*

Present: Broderick, Bax, Ceretto, Geiben, Morreale; Conrad; Atty. Seaman; Atty. Catalano

Also Present: Brian Doyle, Special Counsel to the Town

Issues Discussed:

1. Pending litigation
2. Collective Bargaining matters

*Minutes transcribed by:
Atty. Brian Seaman

Bax MOVED to exit Executive Session and re-convene work session. Seconded by Geiben and carried 5-0. Time: 7:45 p.m.

Atty. Seaman said there is one action that needs to be taken. It had been addressed by the Board several years ago but he wanted the Board to re-affirm and authorize the Town to pay the amount of \$13,340.00 to the estate of Benjamin Sicoli in satisfaction and consideration of his one-third interest in Lot 17 on Legacy Drive. This is the subject of the eminent domain proceeding that has been going on for some years, Seaman said.

Bax MOVED to authorize the Supervisor to pay \$13,340.00 to the estate of Benjamin Sicoli for his one-third interest. Seconded by Geiben and carried 5-0.

Bax MOVED to adjourn. Seconded by Ceretto and carried 5-0. Time 7:46 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk

