

**Public Hearing 2014 Budget      November 7, 2013      6:00 p.m.**

Present: Deputy Sup. G. Catlin; Council Members M. Marra, E. Palmer & R. Winkley; Finance Officer M. Johnson; Atty. M. Dowd; Bldg. Insp. T. Masters Sgt. Previte and Town Clerk C. Brandon.

Excused: Sup. S. Reiter & Councilman A. Bax.

2 press reps and 12 residents.

Deputy. Sup. Catlin opened the Public Hearing at 6:00 p.m. He directed the Clerk to read the Legal Notice of the Public Hearing, 2014 Preliminary Tax Levy and the 2014 Preliminary Budget Summary.

Town of Lewiston  
 Notice of Public Hearing Preliminary Budget of  
 The Town of Lewiston  
 For the Year of 2014

Notice  
 NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Lewiston for the fiscal year 2014 including general town funds, highway funds, fire protection district funds, and lighting district funds have been completed and filed in the office of the Town Clerk of the Town of Lewiston, 1375 Ridge Road, where it is available for inspection by any interested person during normal office hours.

The Town Board of the Town of Lewiston will hold a public hearing on said preliminary budget on Thursday, November 7, 2013 at 6 p.m. showing such changes, alterations and revisions as shall have been made therein by the Town Board of the Town of Lewiston.

At such hearing, any person may be heard in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

The following are the proposed 2014 salaries of certain Town officers of the Town of Lewiston.

- Supervisor                                   \$ 41,906
- Council Members (4)                       \$ 13,856
- Highway Superintendent                   \$ 70,181
- Town Clerk                                   \$ 48,672
- Town Justices (2)                           \$ 27,399

By Order of the Town Board  
 October 28, 2013  
 Carol J. Brandon  
 Town Clerk

Budget  
Summary  
 TOWN OF LEWISTON  
 2014 BUDGET SUMMARY  
 TENTATIVE 11/6/13

<u>CODE</u>	<u>FUND</u>	<u>APPROPRIATIONS</u>	<u>ESTIMATED REVENUES</u>	<u>APPROPRIATED FUND BALANCE</u>	<u>AMOUNT TO BE RAISED BY TAXES</u>
A	GENERAL	\$3,386,395	\$3,186,300	\$200,095	\$0
B	GENERAL/ OUTSIDE VILLAGE	3,302,364	2,924,800	377,564	0
DB	HIGHWAY/DRAINAGE-TOWN OUTSIDE VILLAGE	2,670,783	2,602,500	68,283	0
SS1	WATER POLLUTION CONTROL CENTER	<u>2,045,366</u>	<u>2,045,366</u>	<u>0</u>	<u>0</u>
	SUBTOTAL	\$11,404,908	\$10,758,966	\$645,942	\$0

		SPECIAL DISTRICTS	
SW1	LEWISTON WATER IMPROVEMENT	1,934,414	1,458,855
SF	FIRE PROTECTION	1,311,580	6,047
SS2	LMSIA	1,841,250	1,397,899
SS3	LEWISTON SOUTH SE	336,589	95,914
SL	LEWISTON HEIGHTS	16,000	0
SR	REFUSE	<u>326,130</u>	<u>0</u>
	SUBTOTAL	\$5,765,963	\$2,958,715
	TOTAL	<u>\$17,170,871</u>	<u>\$13,717,681</u>
			\$341,744
			<u>\$2,465,504</u>

ASSESSED VAL.	VILLAGE
	142,599,616
	<u>669,704,218</u>
	<u>812,303,834</u>

Tax Levy  
**TOWN OF LEWISTON**  
**2014 TAX LEVY**  
**TENTATIVE 11/6/13**

TOWN DISTRICT	FUND CODE	ASSMT UNITS OR FOOTAGE VALUE	RATE	TAX	TOTAL
LEWISTON O/S VIL.	B	669,704,218	0.0000	0	0
LEWISTON OSV-HIGHWAY	DB TOV	669,704,218	0.0000	0	0
LEWISTON OSV-DRAINAGE	DB	669,704,218	0.0000	0	0
FIRE PROTECTION	SF FP-241	699,925,722	1.7837	1,248,458	1,248,458
LEWISTON WIA	SW1 WD-240	905,309,291	0.5253	475,559	475,559
LEWISTON MSIA	SS2 SD-243	652,214,995	0.1016	66,265	66,265
LEWISTON MSIA	SS2 SD-243 P/U	4,153	35.9000	149,093	215,358
LEWISTON SSIA	SS3 SD-245	84,335,927	2.2193	187,167	187,167
SOUTH SEWER NON-U	SS3 SD-246	604	8.0000	4,832	191,999
LEWISTON HTS. GAS	SL GS-241	40	200.0000	8,000	8,000
LEWISTON O/S VILLAGE	SR RD-241 P/U	4,659	70.0000	326,130	326,130
	REFUSE				
					<u>2,465,503</u>

ASSESSED VALUATION	VILLAGE
	142,599,616
	<u>669,704,218</u>
	<u>812,303,834</u>

Overview

Johnson: Last year's total budget was \$16,640, 602. This year it is \$17,170,871. Some of the differences are because State Retirement is up and they give you an estimate every year and we try to do an estimate what will come in the following year and they send you the bill closer to the deadline which we got. It is just under a million dollars for the police and the state retirement. The worker's comp is up another \$100,000.00 over last year. I have been working with the County on that to try to see who is and who isn't on it. We are in a pool

Overview

there and there is nothing we can do about it. We talked about doing something different but there is no way we can get that rate if we tried to do it on our own.

Our sales tax and we are very fortunate this year is up and we have generated more sales tax towards the Highway Dept. For that reason we changed the formula a little bit because that is about the #1 revenue for the Highway Dept. You have your contractual agreements and all the union agreements and that has gone up. Insurance has gone up as well. Both the CSCA and the Teamsters both took a lesser plan in their contracts that helped including the Police Dept. by taking a lesser plan and cutting back. It is a savings.

I think that is basically it. I was looking back at the 2013 budget summary and it looks like the summary of the A, B, BD, SS1 was \$10,862,000 and in the 2014 budget \$11,40,908. We went from a \$16,640,602 budget in 2013 to \$17,170, 871 and that difference is basically what I explained to you. The employees got a 3% increase in their wages. The insurance is up, and state retirement is up. With the exception of the Supervisor and the Council Members salary stayed the same and it is a 3% raise across the board through the unions.

Catlin: Are there any questions from the Council?

Winkley: Are we requesting the department heads to freeze any spending till the end of the year?

Johnson: We usually do that at end of October every year, but I need some direction on that from the Board. We have entered into a contract and the Clerk and I sat and worked out an arrangement with Office Max and Staples and it is working out very well. We get an extra discount and free delivery. We hired a firm to check our franchise agreements and we picked up a check for \$43,000 from Time Warner based on some miscalculations for the past 3-4 years. That should help us in the future. There are some addresses in the village and the town with different zip codes and I am sure that was what happened. We get from Troy-Banks half of that and it will go on from here. Sales tax is up in the air. It was down this month and was very well for the last 4 months. I am hoping for next year. But, I have to tell you, this is as trim as we can get on this budget for 2014 and I would be very concerned that for 15, 16 &17 because we are fighting for no town tax for only a time but fund balances are starting to whittle down by trying to offset a tax. So, it is time for the Board to sit down and try to look for some new revenues. I have been chasing some revenues that we try to find out where somebody pays for a site plan review and the engineering firm goes over on that and we need to go back and collect from the person as we have been trying to police that which is a full time job in itself. We are also looking at these franchise agreement and I think the Clerk told me there is some percentage that we get from cell phone companies etc. and towers. We have been collecting some fees and hopefully we will collect some more for the future. Some of these smaller companies send us small checks but I think there maybe something out there that we are not looking into and we need to. These are things for the future.

Palmer said thank you for your efforts. You put a lot of time on the budget.

Johnson: We still are. We have a couple tweaks that I saw today that we have to do on the bond breakdown. We have a WPCOC bond that we just took and we just made it into permanent and now I have to go back and recalculate some of the revenue that is coming in from the other communities that are involved.

Palmer: To piggyback what Ron said, I think the Board will make a resolution to instruct the department heads that from now until the end of the year, not to make any purchases from their budget lines without first clearing it with the Budget Officer.

Catlin: With approval of the Budget Officer.

Freeze/  
Spending

Palmer MOVED that all Department Heads from November 7, 2013 till December 31, 2013 will not be permitted to make any purchases from their

budget lines without prior approval from the Budget Officer. Seconded by Winkley and carried 3-0.

RESIDENTS:

Amy Witryol of 4726 Lower River Road. I have given a memo to the Budget Officer regarding 2014 for the Hazardous Waste Assessment and CWM Defense. I recommend that Hazardous Waste Assessment revenue budgeted for 2014 reflect not more than the actual amount accrued for the 9 months year to date ending September 30, 2013. That figure may be roughly \$100,000, but I would refer you to the Budget Officer for details.

Residents

CWM tonnage for the first 9 months of 2013 is just 1/3<sup>rd</sup> the volume compared to last year. CWM has acknowledged to the press it is artificially depressing volume to extend the life of remaining capacity because its application has been delayed for so long. As for budgeting the annual payment due from CWM March 2014, it would seem conservative and prudent to assume \$0 accrual for 4<sup>th</sup> quarter 2013, were CWM to accept only industrial waste not subject to the assessment. In addition, they are required to put in some clean fill into the landfill for engineering reasons.

Mr. Dowd's surprising June letter stated that Lewiston has made \$0 CWM defense payments to the County in "several years." Immediate 2013 disbursements of \$32,000 to the County is needed to put health, science and legal professionals back to work on pressing issues of public risk which has already been identified.

May I recommend budgeting \$100,000 in 2014 for extensive and intense State proceedings to finally determine whether to allow or deny CWM's massive 30 year expansion proposal. As a reminder, that is the same amount the Board spend this year on a failed Recreation Center proposition.

Mr. Soda told the Board earlier this week that 25 years ago his municipality budgeted \$200,000 for representation (attorney and technical experts) to successfully prevent a hazardous waste landfill expansion. Typical in these situations, most costs are for expert health and science professionals in addition to the attorney knowledgeable in the applicable regulation and the site. 25 years later, it makes sense for the Board to consider that in the final round, Lewiston may be called up for more than \$50,000 in one single calendar year.

Mr. Johnson may recall that in meetings with the Town Board dating back several years, the attorney's initial forecast of the expense and timeframe associated with a hazardous waste landfill application have turned out to be substantially correct. Failure to finish the fight with adequate funding could leave Lewiston with one of the last toxic waste landfills in the U.S. with all the associated negative impacts. Thank you.

Nils Olsen of 650 Main Street, Youngstown. I have lived in the area for about 30 years and during that time, I have actively represented community groups in dealing with the many health, safety, and quality of life and property value issues associated with the continued expansion of the massive hazardous landfill just down the road from this area. I am a member of the faculty at the U.B. Law School. I am here to thank you for carrying over funding to address the problem of the landfill. There is no question that the citizens of this area are very concerned about another 40 year expansion of this. It is critical that the Town become involved quickly and that the funding from the 2013 budget be passed onto the County. A very competent attorney and experts are addressing health and safety issues associated with the landfill have been basically stopped in their tracks due to lack of funding from the County or the Town. I commend you for funding the line and putting it in this year's budget as well. I would ask you to send it to the County because it is my opinion the DEC could declare CWM's application for another 40 years of landfill complete that would then trigger a facility siting or procedure very quickly. It is extremely important that the experts be engaged now. Again, I realize that I am from Youngstown and I have talked with the Board many times in the past and I sincerely appreciate your efforts to help us stop this landfill expansion. Thank you.

Bart Klettke of 235 No. Water Street. I would hope that the Town of Lewiston wouldn't spend one nickel to oppose CWM. We should not spend money at the

Residents

behest of muckraking malcontent anarchists who want to shut down industry. I think it is a viable industry that offers environmental protections and I think that Lewiston ought to promote job growth in the area and keep CWM a viable operation. Thank you.

Ron Craft of 105 No. 4<sup>th</sup> Street. My question is this lawyer that is going to handle this and I have nothing against these people. You know, getting out in different ways about different things and voicing their opinion but when you start putting my money I would like to know where it goes, who is taking it, who is using it and what his batting average is. That is all I am asking. I don't know anything about it and I don't know if you know anything about it. I know that the lawyer is Abraham. Has he won any cases against CWM or any landfill operation? I know if I am going to hire a lawyer, I want to make sure he has a good batting average. That is all I have to say.

Paulette Glasgow of 836 the Circle. Under A fund revenue, A1000.2089 Joe Davis Park actually 2013 \$50.00; recommended 2014 \$50.00. I am hoping that you get that revenue. A1000.2070, \$2000 JDLC, recommended 2014 \$450,000. Why? There is no LDC. It was decided once the LDC generated funds and for the last couple of years their expenses would be reimbursed. When are we going to be reimbursed? Under A Fund, expenses 1410.401, Record Management and I am sure that Ms. Brandon put that in there that she didn't want it for a reason. 1420.400.200 Niagara Power Coalition, actual 2013 \$4412.00 amended 2014 \$9725 and is there a \$5000 increase? Is there a contractual agreement there? Or we haven't paid them? What do we get for our money? A 7110.100 Joe Davis Park Personnel, actual 2013 \$24,195, recommended 2014 \$60,000. Why the increase of \$35,000? I would hope that you would reduce that by \$30,000. Under the same fund 7110.400 under Joe Davis contractual recommended 2014 \$225,000. I understand you are contractual bound to maintain the State Park, but someone needs to define the word "maintain" what it actually means. I would hope that a more reasonable figure is to be decreased by \$45,000. A8095.400 Town Hall Communications recommend 2014 \$15,000. If this pertains specifically to that quarterly newsletter and it could be easily put on the web site. We would save \$15,000. Also we would save a couple of trees. 8989.432 Sanborn Professional Business, actually 2013 \$7000.00, 2014 recommended \$5,000. Why was there a decrease of \$2,000? It is a very viable organization. In the 2013 budget I found 13 line items overspent to the total of \$134,000. In 2014, more budgetary oversight should occur with regards to spending. Further, more oversight needs to be done with regards to what we are actually spending our money on and also to echo Mr. Johnson, you really need to find another source of revenue because you are going to start to deplete the fund balance. At a September budget meeting it was reported that the Water Departments budget had nearly doubled and more oversight was need to be exercised with regards to the driving reason that we had to order more water meters and an increase in bonding. So, I would hope that the new water meters actually work. 2014, I would assume that it will be \$70.00 for refuse? Correct? I have a couple of suggestions. The money that the Seniors get from Sanborn, Cambria, from Niagara County in their receipts and I would suggest that you establish a dedicated fund in the budget specifically for that dedicated fund to go towards the purchasing of a Senior van. That was done years ago and for some reason it was taken out of the budget. The same thing with regard to the Police Dept. The Police Dept. has some receipts and that money should go into a dedicated fund. The same thing with the Rec. Dept. They are generating revenue with the concessions etc. I would suggest that you put a dedicated fund specifically typically so Mr. Dashineau has a dedicated fund to buy equipment. Also, missing from this budget is a capital plan for 3-5 years out to put in roads and other things that would help alleviate the excess. Thank you.

Tim Henderson of 485 Oneida Street. I guess I am compelled to respond to a previous speaker. I did 2 tours of duty in Viet Nam and I am as patriotic as anybody in this room. I also don't understand and I never will understand some people's attraction to hazardous waste. Because I oppose the site, I think I am

probably more of a patriot than working toward improving our environment and our quality of life as I know you all are. I would like to respond to reference to our Atty. Gary Abraham. He is probably the number one environmental attorney in NYS. He has national recognition and also as far as the funding there was a poll taken roughly about a month ago and 80% of the responders responded in favor of funding for the attorney. Thank you for helping us in our struggle. I appreciate it.

April Fidelj of 343 Howard Drive, Youngstown. I am a representative of RRG the largest environment group in Niagara County. I am here to put a fire under you guys and write the check that you committed to doing. You committed to \$18,000 and then we saw in the Niagara Gazette today that you also committed to doing the \$32,000 to get the experts back on the clock. Right now they are still not working for us. We have met with people of DEC yesterday and the process is moving forward. It is moving forward without representation for the people of this community. So, we need to do whatever it takes to get the check to these people back to work for us. We don't need to wait for the Niagara Cnty. Legislature to take action. We don't need to wait for what ever happens. We just need to write the check. We owe them \$18,000 and we also owe the \$32,000 to pay the attorney and all of the experts. Not just the attorney, but there are experts that are involved and they have to go thru a lot of paperwork. There are a lot of things that they need to do in order to prepare. The Army Corp has said that CWM is one of the most complex sites that there is and the people that are going to represent us, we need to give them time to prepare and a through representation. I would also like to say that Mr. Craft's comments calling people names especially in front of my kids is very inappropriate. I would like to remind you guys that in the budget 2014 for the environmental attorney it would be wonderful if we could bump it up to \$100,000 because this is our end game that we have been working with Mr. Abraham and the County for the last 7 years and this is going to be the year that we are going to spend a lot. It would be in everyone's best interest to be ahead of the game instead of being behind the eight ball. Thank you.

Catlin: We are going have another budget meeting on Tuesday, Nov. 12<sup>th</sup> at 3:00 p.m.

Winkley MOVED to adjourn. Seconded by Marra and carried 3-0.

Time: 6: 35 p.m.

Respectfully Submitted and Transcribed by:



Carol J. Brandon  
Town Clerk