

October 26, 2015 Regular Town Board Meeting

6:00 P.M.

Present: Supervisor D. Brochey; Councilmembers A. Bax, B. Ceretto, and W. Conrad; Dep. Sup. M. Briglio; Eng. R. Lannon; Attys. M. Davis & B. Seaman; Highway Supt. D. Janese; WPCC Ch. Operator J. Ritter; Police Chief F. Previte; Building Inspector T. Masters; Finance Director M. Blazick; 3 Press; 14 Residents and Deputy Clerk C. Schroeder

Excused: Councilman R. Winkley

The Supervisor opened the Regular Meeting, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA:

Additions:

Brochey: Haz-Mat Truck; Police Appointment; Police Dept. Security System

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

RESIDENT STATEMENTS:

The Supervisor opened the two minute statement period. No one wished to speak.

DEPARTMENT HEAD STATEMENTS:

Police: Chief Previte reported for the last 30-days, the department issued 133 traffic tickets, handled 21 accidents, 27 arrests and a total of 679 calls for service.

Counsel: Seaman asked for an Executive Session for: 1) Consultation with Attorneys; 2) Update on Pending Litigation; and 3) Matters concerning the Employment of a Particular Individual. No formal action will be taken.

Highway: Supt. Janese said he received the specs for the Riverwalk drainage pipe project. He is awaiting costs from Kistner for the manholes. He estimated \$15,000 for the pipe. Janese said he is not sure who is paying for this. If you are going to try and recover your costs, he said he would have to document the cost of equipment and labor used. Bax concurred.

Janese asked if he should go ahead and order the materials and have them invoiced to the Town. Attorney Seaman said the Town's Procurement Policy would still apply.

Eng. Lannon said State Parks would have to approve the drawings first, as part of the easement with them. In the interest of time, he recommended that Janese order the necessary materials. Nothing that State Parks is going to do is going to change the design, he said.

MINUTES:

Conrad MOVED to approve the minutes of 9/28/15 (RTBM). Seconded by Ceretto and carried 4-0.

Bax MOVED to approve the minutes of 10/5/15 (Tentative Budget Presentation). Seconded by Ceretto and carried 4-0.

Bax MOVED to approve the minutes of 10/8/15 (Work Session). Seconded by Conrad and carried 4-0.

POST-AUDIT:

Conrad Bax MOVED for approval of post-audit payments to Home Depot - \$863.74; Key Bank - \$480.55; Sam's Club - \$320.27; Wex Bank - \$9,648.33; Com

Doc - \$98.68; Federal Express - \$74.10; Leaf - \$455.80; Pitney Bowes - \$268.05 and Staples - \$248.62. Seconded by Bax and carried 4-0.

OLD BUSINESS:

Legacy Drive Inspection: Supt. Janese said he walked the project. The road was accepted for dedication. As far as Highway and Drainage issues, Janese said he has no problems.

Brochey asked the Building Inspector if there was an issue with Lot 17. Masters said that Brian Seaman is working on condemnation filing. I'm not sure where that is sitting. That is the only thing that is left undone with that Subdivision to date right now.

Seaman said that is one of the issues he will address in Executive Session.

CLERK'S CORRESPONDENCE: None

Supervisor Brochey:

Legal: Mawhiney Fine Fee

Brochey asked about the status of the \$15,200 due the Town. They applicant filled out a new permit application months ago but they never completed it. Where are we going with this?

Davis: I'm confused myself. They submitted the application. They offered to pay the money. There is a Court Order saying the permit should be issued. Mr. Berrigan, Counsel for the owner is growing frustrated. If the Town does not issue the permit, this will end up before the Judge again.

Bax: I think the Town was willing to issue the permit. It was just that the permit was not fully completed.

Masters: The Clerk sent them a letter in July stating what was still outstanding.

Bax: We need to get a copy of that letter to Mr. Berrigan.

Davis: I have a copy of the letter. The letter, that I have, is attaching the Town Code from the Clerk's office highlighting certain provisions. The copy I have is not highlighted so I'm not exactly sure what the Clerk's office is telling him what he needs to provide. My concern is that there is a Court Order. If you continue to withhold his permit, you're going to end up before the Judge who issued the Order, asking some tough questions. I don't know what information remains outstanding.

Masters: I didn't see the highlighted version either. We haven't had any response from that. I know the day he was here, he did not have a check with him. We haven't had any correspondence since July.

Davis: He's not going to drop a check off unless this thing is tied up.

Conrad: Has anybody called him?

Masters: The last correspondence was sent to Mark (Davis) who was forwarding it to Mawhiney's attorney. That was the last I heard.

Davis: July 30th was the date of the letter. They think because there is a Court Order, the Town is supposed to issue the permit. Now, we are asking for more stuff.

Bax: If I recall correctly, the Order is issued despite Town Code. Am I right to read it that way?

Davis: I was not involved in that litigation. I just read the order. It's very one-sided.

Bax: It doesn't obviate their obligation to pay the fee that goes with it, right?

Davis: It specifically says to pay the fee.

Conrad: Can we document, being very specific, what we are requesting. Put it on record and then issue the permit if that is the advice from Counsel. We need to document very clearly what it is we are not receiving from them.

Bax: Do you see any problems with accepting the check and issuing the permit while still requesting additional documentation?

Davis: I would call up the owner and say bring in the check and we would issue the permit.

Conrad: But I want it documented what it is that they are not doing so that we have a record that we did request something in case something blows up in our face down the road.

Davis: That is where I'm confused. We sat in a room with the owner. Leaving that meeting, my understanding of that meeting was we had told him that "you need to complete this the one page form application". I recall turning to Tim Masters, and saying, do you need any more information. The response I thought you said was, we got this stuff years ago.

Masters: We have all the engineering. It's the application itself. The information on the application has to be correct. It has to have a proper owner on it. It has to have a proper SBL number on it.

Davis: I have not been copied on that. I have been back and forth on this with the Attorney for the owner. He said the information is correct. Tim says it's not.

Masters: The application calls for an owner of record. Mrs. Helmich does not own the property. Roger Mawhiney owns the property now. It's supposed to be filed in Quadruplicate. The day he came in to pay it, he wasn't prepared. He came up to the Town Clerk and said here it is, he was uncooperative with her. The application was not filled out correctly. They are small, little things but it still needs to be filled out properly.

Davis: I will call the attorney tomorrow. Pull the application that was submitted. It was submitted directly to the Town Hall. I was never copied. Fill out the correct information. We will set up a meeting to exchange payment.

Bax: Let me know about that. I will put it in my calendar to be there. We will advise Tim Masters and the Town Clerk to be there.

Davis: What I recall though is the Town was looking for more information than that.

Masters: It's just not one property, there are two property owners. All that information has to be on that application. The application says tonnage to be removed being put as 70,000 cu. yards but the DEC permit has 1.2 million cu. yards. It needs to be correct.

Davis: I will give him a call and tell him to complete it completely and accurately.

Davis said he was unaware if the Board has ever authorized the Town Clerk to issue that Permit, on the condition of this one page form being properly completed. I would recommend that you do that. I will make sure that is completed and they will set up a payment and set up a meeting.

Conrad MOVED to issue the Permit once the application is complete and the payment has been submitted. Seconded by Bax and carried 4-0.

Engineering: Eng. Lannon updated the Board on a number of projects:

- * The Contractor will start on the Lauren Court project.
- * The WPCC roof project is about 85% complete.
- * The Senior Center roof project will begin next week.
- * Waiting for a minor PIP for a water-line on Legacy Drive.

Finance:

* 2016 Preliminary Budget: The Finance Director compiled an updated version of the 2016 Preliminary Budget. She explained some of the changes based on the work session with Department Heads. She said the Board would need at least two additional meetings as there is a great deal of information that hasn't been covered. We need to decide how we are going to make the whole thing balance and work. We need to finalize that in an in-depth discussion.

* Abstract: Blazick said they had talked in their budget meetings to set up approving abstracts at both Board meetings. This would allow us to get those numbers in the general ledger on a timelier basis. I think it would be beneficial to everyone.

Bax MOVED to conduct review of the Abstract of Claims at both the Work Session and RTBM each month, effective November 2015. Seconded by Conrad and carried 4-0.

* Board/Commissions: **Bax MOVED to authorize the Clerk's office to advertise for vacancies on the various Boards and Commissions. Seconded by Conrad and carried 4-0.**

* Haz-Mat Truck: Brochey said there is a Haz-Mat Truck currently stored at Lewiston Fire Co. #2. He said the Water Dept. would be interested in said vehicle. The truck belongs to the Town of Lewiston, not the fire company. He wondered if the Fire Company had any plans for it. Councilman Ceretto said she would ask the President, Rich Lamar if they would have any use for it. Ceretto said she would report this at the next meeting.

* Police: Brochey said Chief Previte would like to appoint a full-time officer, effective January 1, 2016 to fill a vacancy in the department.

Bax MOVED the appointment of Mike Salada as full-time police officer, effective January 1, 2016. Seconded by Ceretto and carried 4-0.

* Access Control System: Chief Previte said he obtain three (3) quotes to install a new access control system at the Police Department. This would allow him to monitor who is in the building, along with updating the security already in place. This would consist of a Key FOB system that they could restrict access at any time.

Bids were received from: Life Safety - \$8,110; Buffalo Alarm - \$ 10,915 and Powered Protection, Inc. - \$14,483. The Finance Director recommended allocating funds from the Contingency Budget in the B-Fund.

Bax MOVED to award the bid to Life Safety for installment of a door access security system for the Police Department in an amount not to exceed \$8,110, with funds to come from Police Contractual. Seconded by Ceretto and carried 4-0.

Bax MOVED to transfer \$8,110 from B-Fund Contingency, Account B00-1990-0400-0000 to Police Contractual. Seconded by Conrad and carried 4-0.

Councilman Bax:

Highway: Supt. Janese said the Water Dept. has completed its water break repair on Country Club Trail. Janese said his department would provide restoration work, as part of the shared services. Highway funds will not be used to purchase any material, only manpower and equipment.

Councilman Ceretto: Nothing to report

Councilman Conrad: Nothing to report

Councilman Winkley:

In the absence of Councilman Winkley, **Brochey MOVED to delete Jeffrey Nowak and Bethany Zakrzewski from the Upper Mountain Fire Company roster. Seconded by Bax and carried 4-0.**

The Supervisor read the following announcements:

Halloween Hours, October 31, 4 – 8 PM

General Election, November 3, 6 AM – 9 PM

Conrad said they still need to talk about adopted the Preliminary Budget. Seaman said he did not see any restrictions restricting what can be changed from the Preliminary to Final Budget.

Bax MOVED to approve the 2016 Preliminary Budget, as presented. Seconded by Conrad and carried 4-0.

Bax MOVED to schedule a Public Hearing on the 2016 Preliminary Budget on Thursday, November 5, 2015 at 6:00 PM. Seconded by Conrad and carried 4-0.

Bax MOVED to enter into Executive Session for consultation with Attorneys, Pending Litigation and matter concerning employment of a particular individual. Seconded by Conrad and carried 4-0. Time: 7:00 p.m.

***EXECUTIVE SESSION:**

Present: Brochey, Bax, Ceretto, Conrad, Winkley, Davis, Seaman, Briglio and Previte

Items Discussed: 1) Matter concerning employment of a particular individual; 2) Consultation w/Attorneys; 3) Litigation

No Action Taken.

Bax MOVED to adjourn. Seconded by Ceretto and carried 4-0. Time: 8:30 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk