

Present: Dep. Supervisor M. Briglio; Councilmembers A. Bax, Wm. Conrad & R. Winkley; Eng. B. Lannon; Attorneys M. Davis & B. Seaman; Highway Supt. D. Janese; WPCC Ch. Op. J. Ritter; Sgt. F. Previte; Ord. Enforcement Officer C. McAuliffe; Finance Director M. Blazick; 2 Press; 10 Residents and Dep. Clerk C. Schroeder

Excused: Supervisor Brochey, Councilwoman Ceretto

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

At this time, Councilman Winkley presented a proclamation to retired Town of Lewiston Police Chief Chris Salada.

AGENDA

Bax: Senior Center: Retirement / Hire Sr. Aide; Winkley: Consultant work for Police Dept; Conrad: Resolution for the Pathway Project

Bax MOVED to approve the agenda, as amended. Seconded by Conrad and carried 3-0.

ABSTRACT

Conrad MOVED to approve the Regular Abstract of Claims Numbered 6360 to 6674 and recommended payment in the amount of \$261,069.16, plus a post audit of \$135,080.98. Seconded by Bax and carried 3-0.

DEPARTMENT HEAD CONCERNS:

WPCC: Ritter said he had a request from Jeff Jordan to borrow a generator from the WPCC for use at the Jazz Festival. This has been past practice for the last 11 years.

Bax MOVED to lend the generator for use at the Jazz Festival. Seconded by Winkley and carried 3-0.

HIGHWAY: Janese said he has had people asking about the updates on the drainage line for Riverwalk. Also he said some decision must be made about the Muck Pumps.

The Engineer gave an update on the drainage issue. The design is complete. Lannon said they are awaiting an easement to be issued from NYS Office of Parks to the Town to allow access to the storm sewer.

FINANCE: Blazick said she would be sending out letters to department heads requesting 2016 preliminary budgets by September 1.

Regarding seal coating of the Town Hall parking lot, Blazick said she was asked to find available monies. The last time it was paved, funds were allocated from H55 (Town Hall Renovations). That account has been overspent and is in the negative by \$6,000. Monies need to be put back into that account. She suggested these funds come from H99 (monies from the original settlement from the NYPA funds). The H55 has not been funded yearly as it should be.

Winkley MOVED to transfer \$13,000 from H99 to H55 to cover the negative balance as well as to pay for seal coating of the parking lot. Seconded by Bax and carried 3-0.

Secondly, Blazick said in 2011 when they converted the financial system from KVS to Micro Fund, something happened in the process resulting in \$2,680 being out of balance. It has been carried over thru the years because it is a one-sided entry. Blazick

said she wants to reconcile this. It is phantom income and she wants to close it out and take it off the books.

Bax MOVED to authorize the finance officer to reconcile the books in the sum of \$2,680 for the purposes of balancing the books. Seconded by Winkley and carried 3-0.

Blazick said she met with the Auditor, Pat Brown, along with the Supervisor, to go thru some of the adjustments on the Financial Statements. She said the Auditor would like to present the Audit Report by the end of August.

Bax recommended meeting with Pat Brown at the RTBM in August (8/24).

Lastly, Blazick said she has information to give to the Board in regards to 1) a request from Chris Salada regarding sick leave pay and 2) a water department personnel issue. She would address this in Executive Session.

ROAD LIST FOR PAVING:

The Highway Supt. said he had been asked to give a list of roads that he is potentially going to pave. Garlow Road, Pearl Street, West Street have been done. They replaced a bridge crossing on Schoolhouse Road. The remaining roads include Morgan Drive, Ridgeview Drive, Pletcher Road and Bronson Drive depending on availability of funds.

WPC: GENERAL RELEASE, SEWER BACK-UP:

Ritter said there was a sewer back-up at the Labans residence at 4585 Creek Road on 5/11, as a result of a plugged sewer main. The Town accepts responsibility. The homeowner has a receipt for \$432.62 for a plumber. Mrs. Labans had asked for compensation for time missed at work, cleaning bills and replacement of things that were ruined. She has no proof of bills or invoices of anything but the plumber. Ritter said he thought he could get the Town to reimburse the homeowner \$500.00.

Bax MOVED to reimburse the Labans \$500.00, in exchange of the homeowner signing a full release of any further liability. Seconded by Winkley and carried 3-0.
For the record, Atty. Seaman said this is in compromise of a claim.

GREENSPACE: SCOVELL DRIVE:

Bax said they had talked about setting up a meeting with the residents of Scovell Drive to address their concerns with respect to the greenspace. Every season, Bax said they have certain residents have problems that the Town tries to resolve as best as it can. Bax asked the Clerk's office to write a letter to the residents on Scovell Drive that about the greenspace inviting them to the next RTMB (8/24). The Highway Supt. requested that the Recreation Director be involved in this also.

MORATORIUM ISSUE: Davis said the local law on the moratorium on the disposal of sludge, sewage sludge and septage (Equate) is expiring. He recommended the Board set a public hearing providing for an extension.

Winkley MOVED to set a public hearing on the proposed local law for Monday, August 24 at 5:45 pm., Seconded by Bax and carried 3-0.

POLICE:

Winkley said they would go into executive session to discuss Salada's request for unused sick time reimbursement.

Winkley referred to a request from Lauren Campbell for a change of status from full-time to part-time police officer, effective September 1, 2015.

Winkley MOVED for approval. Seconded by Bax and carried 3-0.

Winkley MOVED to change the status of police officer Alexander Ruckh from part-time to full-time, effective September 1, 2015. Seconded by Bax and carried 3-0.

Winkley MOVED to hire retired police clerk, Lisa Rizzo, as a consultant at a fee of \$30/hr., not to exceed two weeks, to train the temporary clerk, during the absence of Katelyn Allan who is on maternity leave. Seconded by Bax and carried 3-0.

PATHWAY PROJECT:

Conrad read the following resolution pertaining to the completion of a Pathway Project:

WHEREAS, \$1,800,000.00 in Federal grant monies were appropriated for the completion of a Pathway project from Devil's Hole to Center Street in the Village of Lewiston (the "Project") , and the NYS Department of Transportation has the responsibility of overseeing the spending of such money (NYSDOT Project PIN 5757.79); and

WHEREAS, a Niagara River Greenway Fund grant in the amount of \$210,000 was applied for and granted in order to contribute to local share funds required pursuant to the above mentioned project, such funds being in the control of the Town of Lewiston; and

WHEREAS, the Town of Lewiston entered into Contract #D031745 with NYSDOT to act as administrator for the Preliminary Design and Right of Way Incidentals phases of the Project, such phases being projected to cost \$210,000, and the work for such phases is nearing completion; and

WHEREAS, the Town of Lewiston has not entered into any contract to administer further phases of the project, and because the Federal funding requires site control (or ownership) of the project site; the NYSDOT and the OPRHP, and not the Town of Lewiston, are the agencies that can best administer future phases of the Project, including Final Design and Construction; and

WHEREAS, the NYSDOT has agreed to act as the administrator for the future phases of the Project, with no additional local share contribution by the Town of Lewiston, other than contributing the previously granted Niagara River Greenway Funds that are in its control; and

WHEREAS, the Town of Lewiston wishes to remain an active voice in future aspects of the Project and will, in coordination with the agencies with site control, coordinate for future maintenance of the Project after its completion, NOW THEREFORE BE IT

RESOLVED, that the Town of Lewiston agrees to allow NYSDOT to act as the administrator for all future phases of the Project at no additional cost to the Town, and BE IT FUTHER

RESOLVED, that the Town will contribute any unspent Niagara River Greenway Fund funds designated and released to the Town for this Project to the NYSDOT as the required local match funds for future phases of the Project come due, and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lewiston is hereby authorized to execute all necessary agreements and documentation required for the carrying out of this resolution upon attorney approval.

Conrad MOVED the foregoing Resolution. Seconded by Bax and carried 3-0.

The next agenda item regarding a personnel issue within the Water Department will be addressed in Executive Session.

WAIVER OF SEWER USAGE:

Edward H. Kroetsch, 721 Raymond Drive requested a waiver of sewer usage to refill pool due to installation of a new liner. Attached is a copy of the receipt of the new liner that was purchased.

Bax MOVED to credit Mr. Kroetsch, 721 Raymond Drive -- \$82.65. Seconded by Winkley and carried 3-0.

A request was submitted by Mark & Constance Rieker, 996 N. Brookside Drive, for a waiver of sewer usage to refill pool due to installation of a new liner. Attached is a copy of the receipt of the new liner that was purchased.

Bax MOVED to credit Mr. and Mrs. Rieker, 996 N. Brookside Drive -- \$23.99. Seconded by Conrad and carried 3-0.

RIVERWALK SUBDIVISION FIRE CODE ISSUES:

Winkley said the Fire Bureau and Fire Inspectors will meet with developer Joseph Deck, Jr. to discuss the undeveloped dead end roadway at Riverwalk.

UPPER MOUNTAIN FIRE COMPANY ROSTER:

Winkley MOVED to add the following persons for active membership to the UMFC: James Arigoni, Elizabeth Taibi, Paul Dragem and Tristan Diez. Seconded by Bax and carried 3-0.

AWARD CONTRACT – LAUREN COURT PROJECT:

Lannon said the Town received five bids for the Lauren Court Roadway Reconstruction on July 30, 2015. The bids were as follows:

NFP and Sons, Inc.	\$ 80,452.50
Nova Site Company, LLC	\$ 93,160.00
Mark Cerrone, Inc.	\$108,300.00
Yarussi Construction, Inc.	\$117,970.00
Sicoli Construction Services, Inc.	\$129,135.00

After reviewing the bids, Lannon recommended awarding the contract to the low bidder in the amount of \$80,452.50, contingent upon availability of project funding and review by the Town's legal counsel.

Bax asked the Highway Supt. if he could take over a portion of the bid. Janese said his department could do the milling and paving but not the curbing.

Briglio: With NFP and Sons, they have to do the whole deal so we get a warranty on it. If we start mixing things up we lose our warranty, correct?

Lannon: The project as designed and bid is for the curbs and the road surface. Everything would have a one-year warranty. They would not warranty work they would not do... If you wanted to delete the milling and paving aspect of it, that amount is about \$29,000 of the submitted bid price, which equates to about 36% of the overall project, which is a significant portion of the work. If you wanted to change direction you would have to re-bid the project, absent the milling and paving. You may get a different set of contractors if it were to become a "curb" project.

Briglio: Back on April 13th, Mr. Janese was asked if this could be something done by our own Town. He said probably not for us. It would be better to go with a construction company. Now, all of a sudden, we're changing gears here. I think we should stick with NFP and Sons and get the job done right.

Winkley MOVED to award the contract to NFP and Sons, Inc. in the amount of \$80,452.50 for the reconstruction of Lauren Court. Seconded by Bax and carried 3-0.

Janese: I'm glad the Board made a decision on it. I gave you an opportunity. That is all there is to that.

SANBORN FIRE COMPANY – SECTION 147(F) APPROVAL:

Attorney Seaman said the Sanborn Fire Company is seeking to buy new fire equipment. They have applied to the bank for a loan. They are seeking not-for-profit status. In order for them to get that, the Town has to execute a Section 147(F) approval. By signing this document, Seaman said the Town is not in any way taking on any financial involvement or obligation.

Bax MOVED to authorize the Supervisor to sign the Section 147(F) approval and written agreement for the Sanborn Fire Company. Seconded by Conrad and carried 3-0.

SENIOR CENTER:

Bax MOVED to accept the retirement of Catherine Burnett as Senior Aide, effective August 26, 2015, with regret. Seconded by Winkley and carried 3-0.

Bax MOVED to approve the hire of Mary Wittcop as p/t Senior Aide at the hourly rate of \$12.25. Seconded by Winkley and carried 3-0.

EXECUTIVE SESSION

Bax MOVED to enter into executive session for consultation with Attorneys for discussion of the employment of a particular individual; Consultation with Attorneys re Commencing Litigation and Potential Litigation. Seconded by Conrad and carried 3-0. Time: 6:50 PM

Present: Briglio, Bax, Conrad, Winkley; Davis and Seaman; Blazick

ISSUES DISCUSSED:

1. Consultation w/ attorney re employee benefits
2. Pending Litigation

Winkley MOVED to exit executive session and reconvene Work Session. Seconded by Bax and carried 3-0. Time: 7:20 PM

Winkley MOVED to settle 2014 Teamsters issue with PERB for \$400.00 for 10 employees of the WPCC. Seconded by Bax and carried 3-0.

Winkley MOVED to authorize Attorneys to litigate Article 7 actions filed with the Town for property tax assessments. Seconded by Conrad and carried 3-0.

Winkley MOVED to adjourn. Seconded by Bax and carried 3-0. Time: 7:30 PM

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk