

PRESENT: Supervisor Winkley, Councilmembers Ceretto, Conrad and Geiben; Town Attorney Davis and Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Blazick; WWTP Chief Operator Ritter; Recreation Dir. Dashineau; Sgt. Previte; 2 Press; 33 Residents and Clerk Donna Garfinkel

ABSENT: Councilman Bax

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

AGENDA APPROVAL

Winkley addition: Executive Session - consult with attorneys on pending litigation and grievance settlement.

Geiben MOVED to approve the agenda as amended, Seconded by Conrad and Carried 4 – 0.

TWO-MINUTE STATEMENT – RESIDENTS

No residents wished to address the Board

TWO-MINUTE STATEMENT – DEPARTMENT HEADS

Chief Previte – 30 day calls: tickets – 153; accidents – 28; arrests – 15; calls for service – 809.

Previte said the car the Board had inquired about, for a Town department, is having equipment removed.

Winkley asked Previte to look at the intersection at Ridge Road and Model City in regards to cars passing on the right.

Geiben MOVED to direct the Clerk to forward a request to the Dept. of Transportation to investigate a better traffic plan for the intersection, Seconded by Conrad and Carried 4 – 0.

Town Clerk Garfinkel – The uniform bid has been prepared for the Town Hall, Highway, Water and Waste Water Treatment Plant. Clerk requesting Town Board approval to go out to bid, with bids to be opened on December 17, 2015.

Geiben MOVED to authorize the Town Clerk to go out to bid for uniforms for various Town Departments, Seconded by Conrad and Carried 4 – 0.

Clerk expressed the importance of the Town Board reading resolutions into the record at the time of passing. After the last meeting, Garfinkel received two calls asking what the resolution regarding the hydro-power allocations read. The Clerk volunteered to read now.

Seaman said that is fine, but the Clerk can take resolutions and incorporate it in the minutes as written. Clerk asked Winkley, and he said to incorporate it into the record.

Water Maintenance Townsend - Fire hydrants are winterized and ready for the season. Townsend attended a Fire Bureau meeting and will be working on some issues with them.

APPROVAL OF MINUTES

Conrad MOVED to approve the RTBM – 9/28/2015, Seconded by Ceretto and Carried 3 – 0. (1 abstention – Geiben)

Conrad MOVED to approve the Tentative Budget Presentation Meeting – 10/5/2015, Seconded by Ceretto and Carried 3 – 0. (1 abstention – Geiben)

Conrad MOVED to approve the TB WS – 10/8/2015, Seconded by Ceretto and Carried 3 – 0.
(1 abstention – Geiben)

Conrad MOVED to approve the TB Budget WS – 10/15/2015, Seconded by Ceretto and Carried 3 – 0. (1 abstention – Geiben)

RTBM – 10/26/2015 – Tabled for Work Session

Conrad MOVED to approve the Public Hearing – 2016 Preliminary Budget – 11/5/2015, Seconded by Ceretto and Carried 3 – 0. (1 abstention – Geiben)

Conrad MOVED to approve the TB WS – 11/9/2015, Seconded by Ceretto and Carried 3 – 0.
(1 abstention – Geiben)

AUDIT PAYMENT

Ceretto MOVED to approve the Regular Abstract of claims numbered 7677 to 7848 and recommended payment in the amount of \$101,434.94 plus a Post-Audit of \$93,337.42, Seconded by Geiben and Carried 4 – 0.

OLD BUSINESS – none

NEW BUSINESS – CLERK’S CORRESPONDENCE

Item No. 1 – The Mighty Niagara Half Marathon has set the date of September 24, 2016 for next year’s run. The Police Dept. was notified and their route will be forwarded to the Town.

Item No. 2 – Sewer Refund – Marietta – 4245 Calkins Road - \$47.25. Ritter said the refund meets the criteria for sewer relief.

Conrad MOVED to refund \$47.25 to Marietta at 4245 Calkins Road, Seconded by Geiben

To answer a question from Geiben, sewer refunds are Town policy.

Carried 4 – 0.

Boniello – 4776 Lauren Court. At the meeting of August 24th the Board approved a refund of \$144.00. The remaining balance on their water bill was less; therefore the Water Clerk is requesting a check be forwarded to Boniello in the amount of \$92.10.

Geiben MOVED to approve the issuing of a check in the amount of \$92.10 to Boniello – 4776 Lauren Court, Seconded by Conrad and Carried 4 – 0.

Item No. 3 – Resident Petition regarding an abandoned/foreclosed home at 4701 Curtis Court. Petition states “Town of Lewiston homes have always maintained their property value and this abandoned property is directly affecting the value of the homes”.

Winkley has discussed this with Masters. Masters said he has been working on this for over 5-years. The grass has been cut by the Town with the cost going on taxes. The issue is when people walk away from a home, and the bank doesn’t take it back, there is no one to violate. This house has since been bought by a bank and a violation has been forwarded.

Masters asked to contact and update the residents who submitted the petition.

Item No. 4 – Resident disappointed with the Town Zoning Board approving variance at 439 Kenwood Drive. “If we wanted our neighbor’s garage within 5-feet of our property line, we would have moved to a development or the city.” Notice was received to attend a Public Hearing, but they were unavailable due to a previous commitment. Their concerns were brought to the office, and voiced to some Zoning Board members, but it was passed 3 – 2. Since not being able to voice all opinions at the meeting, she feels the meeting should have been changed.

Masters said the Board could ask for a re-hearing, but the Zoning Board of Appeals is an administrative board. All was done according to the law, notification wise.

SUPERVISOR WINKLEY

Liaison Report

Schedule Final Audit Meeting

Geiben MOVED to hold the Final Audit Meeting on December 28, 2015 at 6:00 pm, Seconded by Conrad and Carried 4 – 0.

Legal – Executive Session

Engineering

Update from Lannon. Lauren Court project is approximately 80% complete. Paving and final restoration will be done this week.

Roof at the Water Pollution Control Center is 95% complete.

Roof at the Senior Center is 50% complete.

There is a delay with the Muck Land Pump. There are no spare parts to service the existing motor.

Riverwalk – Lannon said approximately 10-years ago, Phase 2, 3, 4 and 5 received Preliminary Plat approvals. Certain phases are completed others remain unfinished, one being Phase 4. The fire access road, which has been discussed in French Landing subdivision conversations, is located in Phase 4A.

The developer would like to move forward and enter into a contract with the previous owner in order to advance Phase 4 of Riverwalk, including submission of a Final Plat to address the roadway.

Lannon suggests the Board consider allowing, even though the six-month window from Preliminary Plat approval to submission of Final Plat has expired, moving to Final Plat with conditions. 1) There were two lots in Phase 4A that were designated as Greenspace, the developer would propose to eliminate these and pay the recreation fee. 2) There be a contract in place between the new owner and the Town, with a final end date, commitment to pave the fire access road.

Winkley questioned if a bond would be used. Lannon said that would be part of the agreement, a bond, escrow account or some type of legal agreement, between the Town and the developer.

Seaman said this is just information for the Board on what is to come.

Winkley requested Lannon work, as the Town's representative, directly with the developer.

Recreation & Parks Director Dashineau – The ice rink warming house tent was damaged in a wind storm. Dashineau is working with insurance adjusters and the manufacturer to fix but a temporary tent may be needed.

This will have many different ripple effects to the operation of the ice rink. Greenway dollars pay for the ice rink itself. Because of this fundraising is for the operation. With the tent not being there, no parties can be hosted, therefore putting a standstill on the fundraising.

Dashineau received a letter from a resident regarding a tree in the greenspace. Winkley said this was received today and will be addressed at next meeting.

Finance

Credit Application for the Recreation Dept. for the ice rink needs to be addressed. Seaman said the form of the agreement received is not the proper form for a Town to enter into. It needs to be a traditional rental agreement, not a credit application. Seaman will work with Dashineau.

Association of Towns dues – 2016

Geiben MOVED to pay the 2016 Association of Towns Dues in the amount of \$1,500 from account A00-1920-0400-0000, Seconded by Conrad and Carried 4 – 0.

Blazick requested the Board approve the payment to NYS Retirement as post audit.

Geiben MOVED to approve the payment to NYS Retirement as post audit, Seconded by Conrad and Carried 4 – 0.

Water Meters – The Board approved the purchase of one (1) box of water meters with funds from the H-81 account. There is enough to purchase additional boxes. Blazick is requesting the Board approve the purchase of seven (7) additional boxes.

Conrad MOVED to purchase seven (7) additional boxes of water meters, with funds from the H-81 Account, Seconded by Geiben and Carried 4 – 0.

Blazick is requesting a budget reclassification for the Account Temp. The dollars are in the Junior Accountant and need to be classified down to Contractual.

Geiben MOVED to reclassify \$10,000 from A00-1310-0100-0001 and transferring to Contractual – A00-1310-0400, Seconded by Ceretto and Carried 4 – 0.

COUNCILMAN BAX (absent)

Liaison Report

Ritter said last year the Town entered into a four (4) year lease-to-own agreement with First Niagara Leasing for a pipe crawling camera. Ritter requests the Board approve the yearly payment of \$20,000 to First Niagara Leasing with funds from SS3-8120-0200. Funds will be reimbursed by the Niagara County Sewer District upon proof of payment.

Conrad MOVED to approve payment to First Niagara Leasing in the amount of \$20,000, with funds from SS3-8120-0200, Seconded by Geiben and Carried 4 – 0.

COUNCILWOMEN CERETTO

Nothing to report

COUNCILMAN CONRAD

The Building Dept. and Assessor's office will each be leasing a vehicle. Conrad asked Seaman if he reviewed the contract. Seaman said no. They are requesting the Board sign a resolution on a form they provided to authorize the Supervisor to enter into the contract. No contract was submitted. Seaman reviewed the Resolution and it is fine as long as it is contingent on Attorney approval.

Conrad MOVED to authorize the Supervisor to enter into a contract with Honda Financial Services for two vehicles, conditioned on agreement meeting Attorney approval, Seconded by Geiben and Carried 4 – 0.

The Building Dept. is requesting the Board declare their 2004 Malibu be placed into surplus and auctioned to sell to the highest bidder.

Conrad MOVED to declare the 2004 Malibu, from the Building Dept. surplus, auction off and sold to highest bidder, Seconded by Geiben and Carried 4 – 0.

The Assessors office is requesting the Board declare their 2004 Malibu be placed into surplus and auctioned to sell to the highest bidder.

Conrad MOVED to declare the 2004 Malibu, from the Assessor's office, surplus, auction off and sold to highest bidder, Seconded by Geiben and Carried 4 – 0.

COUNCILMAN GEIBEN

Addition to Upper Mountain Fire Co. roster

Geiben MOVED the following be added to the Upper Mountain Fire Co. roster: Oliphant, Bruce; Oliphant, Stephanie; Smeal, Amber; Kraft, Shawn; Knight, Cullen and Goldfus, Caleb, Seconded by Conrad and Carried 4 – 0.

Geiben MOVED to enter into Executive Session to consult with the Attorneys regarding pending litigation and grievance settlement, Seconded by Conrad and Carried 4 – 0. (6:35 pm)

PRESENT: Supervisor Winkley, Councilmembers Ceretto, Conrad and Geiben; Town Attorney Davis and Seaman; Town Clerk Donna Garfinkel, Supervisor Elect Broderick and Councilman Elect Rob Morreale

Discussion on pending litigation and grievance settlement.

Conrad MOVED to come out of Executive Session, Seconded by Geiben and Carried 4 – 0. (7:02 pm)

Geiben read a motion in regards to Mawhiney Clay Mine.

Geiben MOVED to direct the Clerk to issue the mining permit as submitted by Mawhiney Trucking, Inc. pursuant to an order issued by Justice Boniello, NYS Supreme Court on May 10, 2013. The Board acknowledges the concerns raised by the Clerk in her letter dated November 18, 2015 and the fact that certain information was not submitted that would have otherwise been required absent the Court Order, Nevertheless, in order to comply with the Court Order, the Board directs the permit be issued as is, Seconded by Ceretto and Carried 4 – 0.

Clerk Garfinkel asked for clarification; with two permit applications being submitted, which date of permit is she to sign. Winkley said November 9, 2015.

Geiben MOVED to accept a Grievance Settlement with the Water Dept. filed by Dan Zahno, and authorize the Supervisor to sign the settlement agreement, Seconded by Conrad and Carried 4 – 0.

Geiben asked that the settlement be attached to the Union Agreement.

Geiben MOVED to accept the grievance settlement with the Police Union for the amount of \$200.00 concerning grievance # 001-2015, Seconded by Conrad and Carried 4 – 0.

Seaman said there is an additional matter for consultation with Attorney in Executive Session. There will be no action; it is just a matter Seaman needs to consult briefly with the Board about.

Conrad MOVED to enter into Executive Session, Seconded by Geiben and Carried 4 – 0 (7:10 pm)

Issue discussed.

Ceretto MOVED to exit Executive Session, Seconded by Conrad and Carried 4 – 0. (7:12 pm)

Ceretto MOVED to adjourn the Town Board meeting, Seconded by Conrad and Carried 4 – 0. (7:13 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk