

TOWN BOARD REGULAR MEETING April 25, 2022 - 6:00 pm

PRESENT: Supervisor S. Broderick; Councilmembers W. Geiben, J. Jacoby, R. Morreale, Deputy Sup. W. Conrad, Atty. A. Bax; Highway Supt. Trane; Police Captain M. Salada; Bldg. Insp. T. Masters; Finance Director J. Agnello; Eng. R. Lannon (ZOOM); Water Foreman Zahno; Senior Center Director M. Olick; WWTP Chief Opt. J. Ritter (ZOOM); Recreation Director C. Cvijetinovic (ZOOM); 10 residents, and Clerk D. Garfinkel

EXCUSED: Councilman J. Myers

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection.

AGENDA APPROVAL

Additions: Broderick – Sanborn Park bathroom building; Upper Mt. Fire Co. addition; transfer of funds.

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

RESIDENTS STATEMENTS

Murnyack, Mathew – Ridge Road – Murnyack is here to talk about the way the Town hands out variances, change of zoning requests.

Murnyack has been told there is nothing he can do to run his business in the Town based on the course of action he has taken. So, he asks, through the media or the Attorney General, how the Town is willing to rezone and get variances for his business. How can a towing company, five houses down from his property, park his tow truck there, but he can't run his business?

Murnyack has looked up public records, and there are 100's of businesses, since 2018, that are registered to residential properties in the Town of Lewiston. When he goes to court, there aren't 100's of people there for violating the code.

Murnyack is not going away. According to Masters, Murnyack's best bet is to show up and keep speaking for the little guy.

Murnyack, John – Ridge Road – Murnyack was dragged into court because of some vehicles. He has driven around Town and there are other properties with similar type vehicles. Apparently, Code Enforcement has overlooked them. When at court, Murnyack was threatened by Prosecutor Mr. Adamson, with a \$5,000/week fine if the vehicles were not moved.

Who watches over what Code Enforcement does in this Town? They drive around, and let's pick this guy out, harass the hell out of him until he finally does what the Town wants him to do.

Where is the equality in this Town? This is wrong. Murnyack said his son, Mathew has been dealing with this issue. Code Enforcement has come right out and told him, there is nothing they will ever allow him to do on that piece of property.

Is this right in this Town? Murnyack has been a resident for 34 years, and never been treated like this.

TOWN BOARD REGULAR MEETING April 25, 2022 - 6:00 pm

Five properties down from his son, the individual got a variance to put up a building to park his tow truck; but his son can't get a variance to be able to run a business on a transitional piece of property.

The Board is the over-sight of Code Enforcement, will you be looking into this?

Broderick said he has. Broderick asked if he is talking about property on Route 31. Murnyack said yes. Broderick said there are businesses on 31 that were issued Special Use Permits in the past.

Masters said Special Use Permits were stopped in 2012.

Broderick said a Special Use Permit cannot be issued to Murnyack, for the operation of a tree business, for the property on Route 31.

Murnyack asked how can the individual run his business, park his commercial vehicle on his residential property, and put up a building to do it.

Masters said this individual has a height variance for a garage. Tow trucks fall under a special category. The judge has taken Jimmy Page's towing to court. The judge ruled that a tow truck doesn't fit in the commercial vehicle category and the Town law does not have a strong enough definition of a commercial vehicle.

Murnyack was told since his son, Mathew had a chipper parked on his property, which is not a commercial vehicle, that it is not allowed on the property.

Murnyack provided Masters a list of properties where this was happening. Broderick said the properties have Special Use Permit, prior to 2012. Masters said there has not been a Special Use Permit issued since 2012, unless it is written in the law.

Masters told Murnyack that any property on his list that was valid, to be in violation, is being addressed.

Broderick told Murnyack to call the office, set up an appointment and they can discuss further.

DEPARTMENT HEAD STATEMENTS

Captain Michael Salada – Last week the Police Dept. spent time at Lewiston-Porter with Active Shooter Drills. All officers are up to date on the new training. The Dept. is getting ready for the busy festival and concert season.

Water Foreman Zahno – Award Bid for Truck

Dump truck placed on Auctions International. Final bid received is \$830.00.

Morreale MOVED to accept the low bid of \$830 for the 1990 Ford F700 Dump Truck from the Water Dept., Seconded by Jacoby and Carried 4 – 0.

Highway Superintendent Trane

TOWN BOARD REGULAR MEETING April 25, 2022 - 6:00 pm

The Town Board and Trane received a letter of retirement from Deputy Superintendent of Highway Brian Christman.

Broderick read the letter and wishes Brian all the best.

Broderick MOVED to accept Brian Christman's letter of retirement, with regret, Seconded by Geiben and Carried 4 – 0.

Trane said Christman has worked for the Town for 40 years and will really be missed.

Christman has his Road Masters and Road Masters II out of Cornell. He is like an encyclopedia, anything Trane needed to know, Brian had already done the research or was in the middle of it. He has helped other departments, other Towns and many people relied on him.

Senior Director M. Olick

Olick invited the Board to attend the Annual 80's & 90's Birthday Party at the Center on May 10th.

The pool table will be picked up on Saturday.

Recreation Director C. Cvijetinovic

Baseball Registration is complete. There are approximately 345 kids registered.

APPROVAL OF MEETING MINUTES

Geiben MOVED to approve Work Session – April 11, 2022 meeting minutes, Seconded by Jacoby and Carried 4 – 0.

AUDIT PAYMENT - Councilman Jacoby

Jacoby MOVED to approve the Regular Abstract of Claims numbered 22-00902 thru 22-01041 and recommend payment in the amount of \$593,880.91, Seconded by Morreale and Carried 4 – 0.

PENDING / OLD BUSINESS None

NEW BUSINESS - Residents / Public Correspondence - None

SUPERVISOR BRODERICK

Deputy Building Inspector Ed Zimmerman worked very hard to receive bids for the exterior painting of the Outfall Building and the Sanborn Park Bathroom / Exterior building.

Zimmerman received three bids for the Bathroom / Exterior Building – Sanborn Park: Braendel Painting & Services, Inc - \$7,470.00; Scott Hefferon Painting - \$10,150.00; Porter Drywall & Painting - \$11,729.00.

Jacoby MOVED to award the Sanborn Park Bathroom / Exterior Building bid to Scott Hefferon Painting in the amount of \$10,150.00, Seconded by Morreale and Carried 4 – 0.

Zimmerman received three bids for the Exterior Painting of the Outfall Building: Braendel Painting & Service, Inc. - \$2,000.00; CertaPro Painters - \$5,760.00; Scott Hefferon Painting - \$4,900.

Morreale MOVED to award the Exterior Painting of the Outfall Building to Scott Hefferon Painting in the amount of \$4,900.00, Seconded by Geiben and Carried 4 – 0.

Addition to the Upper Mountain Fire Company rolls.

Broderick MOVED to add Heikoop, Hendrick – County Club Trail, to the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 4 - 0

Finance - Budget Revisions

The following is an annual transfer for profit/loss of Recreation Department Special Events/Recreation Concessions. Special Events – Recreation Special Events & Concessions revenue - \$11,318.50, exceeded expenses - \$10,098.28.

Agnello requesting approval to transfer \$1,220.22 of net revenue to the H61 account. The H61 account was created to carry forward any Special Event and Concession profit/loss to cover future improvements. The actual transfer will be:

\$1,220.22 into H61-0000-0200-0000 (Cash) and into H61-1000-5031-0000 (Transfer In)
\$1,220.22 from A00-0000-0200-0000 (Cash) and from A00-9950-0905-0000 (Transfer Out)

The current balance in H61 is \$221,375.41, after this transfer the balance will be \$222,595.63.

Geiben MOVED to approve the above transfer for the profit/loss of Recreation Department Special Events/Recreation Concessions, Seconded by Morreale and Carried 4 – 0.

Approval for transfer of \$217.00 from Safety Inspection Contractual - B00-3620-0400-0000 to Safety Inspection Equipment - B00-3620-0200-0000 to cover the purchase of computer equipment.

Geiben MOVED to approve the above 2022 budget revision, Seconded by Jacoby and Carried 4 – 0.

Broderick said the bid from A-1 Landscaping for the Pavilion at the Riverfront Park was approved at the March 28th Town Board meeting.

Trane has an estimated cost of \$200,000 to finish the paving and complete other work at the park.

Broderick is requesting a motion to transfer funds from A-Fund and B-Fund Balance to cover the cost of the paving and the pavilion.

Geiben MOVED to transfer \$400,000 from A-Fund Balance and \$300,000 from B-Fund Balance to cover these costs, Seconded by Morreale and Carried 4 – 0.

These funds will be transferred to H-23 – Capital Account for the Park.

Agnello updated the Board on the Town property and cyber insurance, which is up for renewal. Agnello has been working with the current Town insurance company (USI Insurance) for months, and met last week with the representative. The property insurance coverage is the same as last year. There are a few changes due to additions/deletions of vehicles and equipment. The cost for the property insurance renewal is \$175,685.73, which is higher than last year by 5.28% or \$8,812.29.

Last year was the first year the Town elected for cyber insurance and the cost was minimal. This year the cost is substantial. The cost, coverage, and deductibles have changed. The environment for cyber-attacks is unstable and municipalities are extremely vulnerable. Insurance agents were only able to receive responses from two companies willing to write the Town a proposal.

Cyber insurance quotes expire after two weeks because the market is so volatile. The cost for cyber insurance renewal is \$17,004.00, which is \$15,206.80 higher than last year. This is the cheapest cyber insurance that could be secured. The Town is working on implementing greater securities with IT Services Consultants. More security changes will be happening on Town emails and servers. Hopefully, our increased security measures will reduce our risk of exposure and future costs.

The Town budgeted a 6% increase based on the expectations of the market. With the unforeseen increase in cyber insurance costs, the Town is over its 2022 insurance budget of \$179,200.00 by \$13,489.73. This will need to be funded through other budgets within various Funds.

Geiben asked how this will be paid. Agnello will work this out and present at the next meeting.

Agnello is asking for the Board to approve both contracts and authorize the Supervisor to sign. They have been reviewed by the Town Attorney.

Geiben MOVED to approve the Town Property Insurance contract and the Cyber Insurance contract, Seconded by Jacoby

Morreale asked what this will cover. Agnello said this covers any ransom, computer repair, they deal with the individuals holding the Town ransom and help build back up the system.

Motion Carried 4 – 0.

Geiben MOVED to authorize the Supervisor to sign the two contracts, Property & Cyber Insurance, Seconded by Jacoby and Carried 4 – 0.

COUNCILMAN GEIBEN

Liaison Report - Older American's Month Proclamation

Geiben read the Town's Older American's Month Proclamation to be presented to Seniors on May 10th.

Geiben MOVED for approval of the Proclamation, Seconded by Jacoby and Carried 4 – 0.

COUNCILMAN JACOBY

TOWN BOARD REGULAR MEETING April 25, 2022 - 6:00 pm

Liaison Report - Police Union Contract

Jacoby MOVED the following Resolution

WHEREAS, the Collective Bargaining Agreement (CBA) between the Town of Lewiston (Town) and the Teamsters Local 264; town of Lewiston Police Department (Union), has expired as of January 1, 2022, and

WHEREAS, the negotiating teams for the Town and Union have reached tentative agreements to renew said CBA for a term running from January 1, 2022 – December 31, 2025, and

WHEREAS, said tentative agreements are attached hereto, and

WHEREAS, the Union has voted affirmatively to ratify said tentative agreements and enter into a new CBA.

NOW THEREFOR BE IT RESOLVED, that the Town agrees to enter into a new CBA for the term of January 1, 2022 – December 31, 2025 incorporating the referenced temporary agreements, attached hereto, conditioned on attorney review and approval of said CBA.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby authorized to sign any and all said documentation relative to said renewal of the CBA.

Seconded by Geiben and Carried 4 – 0.

COUNCILMAN MORREALE

Liaison Report - Street Lighting

Morreale is working on finishing up the last of the street lights. There are about 80 lights left. This is being finalized with National Grid.

Also working on placing more electric charging stations through the Town and the Village.

COUNCILMAN MYERS – Excused

RESIDENTS STATEMENTS

Geiben MOVED to adjourn, Seconded by Jacoby and Carried 4 – 0. (6:41 pm)

Transcribed and respectfully submitted by:

Donna Garfinkel