

**PRESENT:** Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax, Geiben, Jacoby and Morreale; Finance Director Agnello; Martha Blazick; Attorney Parisi; Highway Superintendent Trane; Engineer Lannon; Code Enforcement Officer McAuliffe; WWTP Chief Opt. Ritter; Water Foreman Townsend; Police Chief Previte; 2 Press; 9 Residents and Clerk Donna Garfinkel

The Supervisor opened the meeting with the Pledge to the Flag followed by a moment of silent reflection.

#### AGENDA APPROVAL

Additions: Bax – Mini-bid approval - WWTP; Geiben – Update on televising Board meetings; Morreale – Table street light request – Vista North; Parisi – Executive Session – consult with Attorney; Collective bargaining agreement – Police / Lawsuit Thomas Smith / Frontier House / personnel issue Water Dept.

**Bax MOVED to approve the agenda as amended, Seconded by Morreale and Carried 5 – 0.**

#### DEPARTMENT HEAD STATEMENTS

Chief Previte – Officer Brandon Hall has been deployed overseas since October, 2017 to return in September. Hall is requesting to use 60 hours, of his 120 hours of vacation received in 2018, in 2018 and carry-over the remaining 60 hours into 2019.

Geiben has no problem with this; the Military deserve consideration, but has not read the Union Contract pertaining to this.

**Geiben MOVED to approve Brandon Hall using 60 hours of vacation in 2018, and carrying over the remaining 60 hours into 2019, Seconded by Bax and Carried 5 – 0.**

Previte met with the fire companies to get all on the same page regarding Active Shooter drills. Lewiston-Porter and Niagara Wheatfield have express interest in doing an exercise each year.

Police Dept. is assisting in the dismissal of students at St. Peter's School.

Finance Officer Agnello – Requests approval of a Post Audit payment to Harris. Harris is the software system for the Water Dept. / Payroll / Finance / Tax. The payment is \$14, 534.28. Bax will add to Post Audit.

Chief Operator WWTP – Jeffery Ritter – Mini-Bid # T18030002 – 2019 Ford F350 XL. Ritter is requesting the Board accept the bid in the amount of \$28,310.09 from Van Bortel Ford Inc.

**Bax MOVED to approve Bid # T18030002 – 2019 Ford F350 XL, in the amount of \$28,310.09 from Van Bortel Ford Inc., Seconded by Geiben and Carried 5 – 0.**

Highway Superintendent Trane – Trane would like to hire a second mechanic, as a part-time seasonal employee to help refurbish a 1995 truck. This will be very helpful to the Town mechanic. Trane is requesting transferring money.

**Geiben MOVED to transfer \$15,000 from DB5110.0100.0000 to DBO5110.0100.200, to cover the cost of the part-time seasonal employee, Seconded by Jacoby and Carried 5 – 0.**

Geiben received an e-mail from a resident concerned about no smoking in the parks. Geiben contacted Dashineau and he said there is no smoking in Town parks. Signs are placed in the parks. The resident was happy for the quick response.

Geiben spoke with an individual on his plane last week who complimented the Recreation Department and spoke very highly of the great programs.

Water Foreman Townsend – Townsend wants to acknowledge his staff and thank them for the long hours worked during a water break, some working 23 hours. Townsend also thanked those from the Highway Dept. for their help also.

Townsend requests Seasonal Employee hire.

**Geiben MOVED to hire Patrick Gallagher, Seasonal Employee starting June 4<sup>th</sup> at a rate of \$15.00/hour, Seconded by Morreale and Carried 5 – 0.**

Grant Writer Bernie Rotella – The Multi-Model Culvert Program for the Highway Dept. will be submitted May 15<sup>th</sup>.

The DASNY Grant for the fire hydrant and pick-up truck requested additional information. Once completed it was submitted.

The Town was formally awarded the Electric Charging Station. Rotella will work with Morreale and the Grant Gateway to get documentation moving.

The Greenway application for the Town Park should be done within the next week. Rotella wants to submit this month with presentation in June. Geiben requested this be forwarded to the Board via e-mail.

#### ABSTRACT APPROVAL

**Bax MOVED to approve the Regular Abstract of claims numbered 1119 to 1359 and recommend payment in the amount of \$885,005.92, plus a Post-Audit of \$14,059.66 plus an additional bill to Harris Software in the amount of \$14,534.28, Seconded by Geiben and Carried 5 – 0.**

#### APPROVAL OF MINUTES

**Geiben MOVED to approve the Regular Town Board meeting minutes of April 23, 2018, Seconded by Morreale and Carried 5 – 0.**

#### OLD BUSINESS

Street light request – Big Vista Subdivision - Tabled

Ethic Policy Update – Jacoby – A review of the Policy has been received from the Association of Towns. Several changes were suggested, some critical and some to streamline things. Jacoby and Bax will review them together, and see what direction to move in.

Crediting past time employment – Trane – In February a Highway employee requested to be credited time from past seasonal employment to his present full-time employment.

#### **Geiben MOVED the following:**

**WHEREAS**, The Town of Lewiston Employee Handbook at Section 800 sets forth the employee benefits for employees of the Town of Lewiston, and

**WHEREAS**, the Town of Lewiston provides benefits to full-time employees based on their length of employment with the Town, and

**WHEREAS**, the Town of Lewiston has in the past made provisions crediting part-time employees with service time when their employment status changes to full-time, and

**WHEREAS**, the Town of Lewiston wishes to provide a uniform policy for crediting employees with service time when they become full-time employees, now therefore be it

**RESOLVED**, that section 800 of the Town of Lewiston Employee Handbook titled EMPLOYEE BENEFITS be and hereby is amended by adding section 818 to read as follows:

#### **818 Service Credit for Part-Time Employees**

**Policy Statement-** All part-time employees of the Town of Lewiston who move from a part-time employment position with the Town, immediately to a full-time employment position with the Town shall have their seniority and benefits status calculated by dividing the number of

hours worked in the part-time status by 2080 hours. *An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement with regard to the crediting of service time for part-time employment.* and be it further

**RESOLVED**, that since it has been the practice of the Town of Lewiston to credit part-time service when an employee's status changes from part-time to full-time, said amendment be retroactive.

A Copy of this resolution is to be incorporated into and kept with the Town's official copy of the Town of Lewiston Employee Handbook.

**Seconded by Bax and Carried 5 – 0.**

OLDER AMERICANS MONTH PROCLAMATION – Geiben read a proclamation that will be presented at the Senior Center on Tuesday, May 15, 2018.

4-LOT SUBDIVISION APPROVAL – Ransomville Road – Morreale

Posa, Robert, SBL# 76.00-1-12.11 on the West side of Ransomville Road.

**Bax MOVED to declare the Town of Lewiston Lead Agency for purposes of SEORA review for the Posa 4-Lot Subdivision, Seconded by Morreale, and Carried 5 – 0.**

**Jacoby MOVED to declare an unlisted action under SEORA for the Posa 4-lot Subdivision, Seconded by Morreale and Carried 5 – 0.**

**Bax MOVED to accept SEORA Parts 1, 2, 3 as reviewed and presented by the Environmental Commission, Seconded by Morreale and Carried 5 – 0.**

**Morreale MOVED that the proposed action will not result in any significant adverse environmental impacts and therefore a Negative Declaration is issued, Seconded by Jacoby and Carried 5 – 0.**

**Morreale MOVED to accept the Planning Board recommendation for approval, Seconded by Geiben and Carried 5 – 0.**

SUBDIVISION LAW UPDATE – Morreale

In a memo dated May 9, 2018 from the Planning Board, they recommend approval of the draft with the addition of adding Section 270-194, Expiration of Site Plan Approval C, from the Town of Ithaca's law with the stipulation that unless work has materially commenced in accordance with the Final Site Plan within one year from the issuance of the PIP authorizing such work, or within 36-months of the date of the Town Board giving Final Site Plan approval, whichever is earlier. If no action is taken within a year the Site Plan approval is revoked.

Parisi said this is called a Sunset Provision. This will need to be presented to the Town Board, as a total law, with this provision included. This is for information at this time.

Conrad feels this will save a lot of heartache in the future as far as some of the smaller subdivisions approved in the past. No work is being done and then they start and are bound by what was done in the past. The sooner this is put in the books the better.

Geiben asked Parisi to look into possibly making this retroactive.

Morreale and Broderick thanked Conrad and Masters for working so diligently on this.

SENIOR CENTER HVAC – Morreale. The coil is bad in the Lennox unit that is 8-years old. Morreale asked Lannon if he recalls if the unit is flashed into the roof or on a stand. Would it be feasible to fix the coil or replace the unit? Lannon will speak with mechanical engineers to find the value of the coil and go from there.

Geiben suggested looking into the funding so this can be taken care of at the next meeting.

WATER DEPARTMENT SEASONAL HIRE – Broderick – addressed

DELETION – UPPER MOUNT FIRE COMPANY – Broderick

**Broderick MOVED to remove Copland, Christopher from the Upper Mountain Fire Company rolls, Seconded by Morreale and Carried 5 – 0.**

ADDITION - SANBORN FIRE CO. ROSTER – Broderick

**Broderick MOVED to add Letorneau, James – 5822 Griffon Street to the Upper Mountain Fire Company roster, Seconded by Geiben and Carried 5 – 0.**

**Broderick MOVED to add Strucik, Aaron – 5877 West Street to the Upper Mountain Fire Company roster, Seconded by Bax and Carried 5 – 0.**

DICKERSONVILLE CEMETERY RULES & REGULATIONS – Garfinkel

The Town owns Dickersonville Cemetery. Many issues have come up in the last couple of years that could have been addressed with updated Rules and Regulations.

Garfinkel wants the Board to be aware that the Town may be required to install a fence.

**Broderick MOVED to approve the updated Rules and Regulations for the Dickersonville Cemetery as presented, Seconded by Morreale and Carried 5 – 0.**

BAS (Business Automation Services Inc.) – Garfinkel

The Clerk's Department software is with a company that has one employee. Garfinkel would like to move forward with the BAS system. The BAS program is more advanced and allows the Clerk's to work and create within the system to accommodate additional revenue lines.

Prices are as follows: Clerk Licensing System - \$6,000; System Configuration & Installation - \$600; Software Training - \$1,200; Annual Software Support & Maintenance Fee - \$1,200 for a total 1<sup>st</sup> year investment of \$9,000. The annual software support & maintenance fee will be the one constant fee, which is less than the current fee.

With the employment of the Dog Control Officer not filled at this time, Garfinkel requests the salary be used to purchase the system.

**Geiben MOVED to approve the BAS Clerk Licensing System Proposal dated May 2018, Seconded by Bax**

Geiben questioned if the fund transfer Personnel to Town Clerk Contractual needs to be done.

Blazick questioned how this complies with the Town Procurement Policy. This is a unique situation with the BAS program. So many other Clerks in the County use it, successfully. There is no other program with this kind of record being used by the Clerks.

Comparing BAS's program to the current program is like comparing a horse drawn buggy to a jet. It is extremely advanced over the current system.

Broderick and Parisi said this is professional services so the procurement policy is set aside.

**Geiben MOVED to approve the BAS Clerk Licensing System Proposal dated May 2018 as a professional service, Seconded by Bax, and Carried 5 – 0.**

**Geiben MOVED to approve the transfer of \$9,000 from DCO Personnel to Town Clerk Contractual, Seconded by Jacoby and Carried 5 – 0.**

## 2018 ANNUAL STORMWATER REPORT – DRAFT – McAuliffe

McAuliffe said the report is available at Town Hall for review.

## GREEN SPACE ASH TREE REMOVAL NOTIFICATION – Additional trees – Dashineau

Property located at 768 Michelle Court supplied their land survey and it has been concluded there are 7 additional trees on their property that need to be included in the removal. It is not known the cost of these additional trees but Dashineau will be submitting a change order in cost to cover these trees.

Since the last wind storm, trees are now in the right-of-way and determined to be a danger that also will need to be added.

## PARKS &amp; RECREATION HIRE – Dashineau

Morreale recused himself for the vote.

**Geiben MOVED to hire Cynthia Marcoaldi, Clerk Typist @ \$14.50/hour, Seconded by Jacoby and Carried 4 – 0.**

Bax recused himself for the vote.

**Geiben MOVED to hire Daniel Bax Jr., Recreation Aide @ \$10.40/hour, Seconded by Morreale and Carried 4 – 0.**

**Bax MOVED to hire Tom Kennedy, Laborer DL Seasonal (Parks) @ \$12.75/hr; Josh Tierney, Laborer DL Seasonal (Parks) @ \$13.50/hr; Austin Barr, Laborer DL Seasonal (Parks) @ \$12.00/hr; Donald Allender, Parks & Recreation Laborer @ \$10.75/hr; Joel Flegal, Parks & Recreation Laborer @ \$10.75/hr; Garrett, Lester, Parks & Recreation Laborer @ \$10.75; Simon Brydges, Rec Leader D/L @ \$11.75; Aleigha Carpenter, Rec Leader D/L @ \$11.00; Andrea Donovan, Rec Leader D/L @ \$11.00/hr; Maddy Macrae, Rec Leader D/L @ \$12.00/hr; Emily Oliverio, Rec Leader D/L @ \$11.00/hr; Brendan Perreault, Rec Leader D/L @ \$11.00/hr; Olivia Rizzo, Rec Leader D/L @ \$11.25/hr; Jacob Rizzo, Rec Leader D/L @ \$12.00/hr; Julia San Giacomo, Rec Leader D/L @ \$12.50/hr; Tracie Waterstram, Rec Leader D/L @ \$12.50/hr; Anastasia Waugaman, Rec Leader D/L @ \$12.50/hr; Jonathon Adamson, Recreation Aide @ \$10.40/hr; Jack Bernstein, Recreation Aide @ \$10.40/hr; Noah Coppins, Recreation Aide @ \$10.40/hr; Adam Coppins, Recreation Aide @ \$10.40/hr; Charlie Dieteman, Recreation Aide @ \$10.40/hr; Leah Galie, Recreation Aide @ \$10.40/hr; Austin Lange, Recreation Aide @ \$10.40/hr; Meghan Pacana, Recreation Aide @ \$10.40/hr; Alicia Previtte, Recreation Aide @ \$10.40/hr; Samuel Torrie, Recreation Aide @ \$10.40/hr; Maddison Torrie, Recreation Aide @ \$10.40/hr; Ellie Waterstram, Recreation Aide @ \$10.40/hr. Seconded by Morreale and Carried 5 – 0.**

## RFP – GRIND / REMOVE WOOD BRUSH &amp; CHIPS – Trane

The following RFP's were received: Villani's Lawn & Landscapes - \$41,000.00; Lardon Construction Corp. - \$51,898.00; Zoladz Construction - Grinding & removal = \$92,180.00 / Grinding of waste only = \$48,250.00.

Trane requests the Board approve the lowest bid.

**Bax MOVED to accept Villani's Lawn & Landscapes in the amount of \$41,000.00 with funds from H-97, Seconded by Jacoby**

Morreale asked if this will be a yearly event. Trane will meet with Modern Landfill to see if other arrangements can be made.

**Carried 5 – 0.**

Trane has been working with Ritter on the Comfort Station on Lower River Road. Broderick said there are a couple issues with the sewer and the Land Conservancy. Land Conservancy has submitted a grant and the Comfort Station is included.

Trane said the shuttle stop is there and people are using the restrooms at the Senior Center. This needs to be up and running soon.

Dashineau submitted a memo outlining expenditures that are specific to the baseball/softball program. The programs create money at it is placed into Capital Account H-61. This is used to improve and maintain the baseball/softball program/fields. Dashineau requests the Board permission to use the funds for the following:

Toro Field Rake – about \$14,500 on State Contract. This is a service tractor and rake that only services fields. This needs to be replaced. Portable Pitchers Mounds – (2) about \$3,600 each. Storage Shed replaced at Washuta Park – about \$4,500. Replacement of the current shed which was purchased in 2002.

**Morreale MOVED to authorize the use of funds in the H-61 Fund for above outlined items, Seconded by Jacoby and Carried 5 – 0.**

CABLE AGREEMENT PEG UPDATE – Geiben

Cable Chairman James Abbondanza has been working diligently on this and believes it is set to go. Abbondanza has pledged this will be up and functioning by the end of the month.

#### RESIDENTS STATEMENTS

Correa, Nancy – Riverwalk Drive – Correa noted that there were documents discussed and approved, that were not made public prior to the meeting. This is just a reminder that there is a commitment from the Board to provide the documentation so residents are aware.

Correa noted that no minutes from the Environmental Commission are on the Website. This is an important Commission and should be on record.

Witryol, Amy – Lower River Road – Witryol addressed the Supervisor (regarding CWM) – “as you are probably aware, a couple of weeks ago, there were some major submissions to the DEC Hearings Officer and Sitting Board”. Witryol, as one of the parties involved, when she submits something, it needs to be copied to all the other parties and vice-versa. Witryol asked Broderick if he received a copy of the Attorney’s submission. Broderick said he did. Witryol asked Broderick, in the past few years, when receiving submissions, does he forward to the rest of the Board. Broderick said sometimes, he tries. Witryol strongly urges Broderick to forward to all Board members so they have an opportunity to see the submissions giving them the benefit of the same information that CWM has.

If notified, Board members would know that last year the Air Emission expert found concentrations from emissions from the facility unsafe in any concentration. And this year, in reviewing the air monitoring, that the facility used the airport data instead of the weather station data. That unstated the concentration by more than double.

Health issues are the most important reason to follow this through; we are in the home stretch. Economic issues are the easiest to identify and the most compelling.

In the last 12-years, CWM or Waste Management, being one in the same, had given more than \$100,000 to the majority County Committee in this County. The Town has their own municipal counsel and engineering firm, they have made very substantial donations just in the last 36-months. CWM continues to give to the County majority, which is quit bewildering. A publicly owned company has to get a benefit for any of its expenditures. That’s SCC regulations. It begs to question what CWM is getting for this money.

Witryol asks the Board to recognize these issues and be as educated as possible regarding this application.

Glasgow, Paulette – The Circle – With regards to financial disclosure, this is a very important part of what has been done with the Ethics Policy. The Board needs to look at the Procurement Policy.

Glasgow believes there is a proposal from the Governor, which if a person is bidding on a contract, or possibly be awarded a contract; there should be scrutiny with regards to campaign contributions.

In regards to Professional Services, the Board can't just say acquisition of Professional Services. It needs to be stated how it will be done, bid or RFP.

When speaking of State Contract, the Board needs to explain fuller.

Discussion on the proposed prescribed burn at Stella Niagara Preserve. It is scheduled for May 10 – May 25. Those owning property within 75-feet of the controlled burn need to be notified. Parisi is working with the Land Conservancy, and wants to make sure the Town is covered should something go wrong. The Town should be named as an insured and prepare a Hold Harmless Agreement.

Broderick said if Board approval is needed, they will have to wait for the next meeting. Parisi suggested approving subject to Attorney approval of insurance and Hold Harmless Agreement.

**Bax MOVED to approve the prescribed burn at Stella Niagara Preserve, subject to Attorney approval of insurance and Hold Harmless Agreement, Seconded by Morreale and Carried 5 – 0.**

Previte announced that starting today; it's Police Week, which is a memorial for all officers that have fallen. There will be a Police Memorial Ceremony May 16<sup>th</sup> at St. Paul's Church in the Village.

**Geiben MOVED to enter into Executive Session, Seconded by Bax and Carried 5 – 0.** (7:20 pm)

PRESENT: Supervisor Broderick; Deputy Supervisor Conrad; Councilmembers Bax, Geiben, Jacoby and Morreale; Finance Director Agnello; Attorney Parisi; Police Chief Previte; Police Captain Penzotti and Clerk Donna Garfinkel

Discussion on Frontier House; Thomas Smith v. Town of Lewiston; Personnel Issue – Water Dept. Employee; Collective Bargaining Agreement status Police Dept.

**Morreale MOVED to exit Executive Session, Seconded by Geiben and Carried 5 – 0.** (9:15 pm)

**Geiben MOVED to authorize Seaman Norris to represent the Town in an employee personnel arbitration matter involving an employee of the Water Dept., Seconded by Jacoby and Carried 5 – 0.**

**Bax MOVED to adjourn meeting, Seconded by Morreale and Carried 5 – 0.** (9:16 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk