

Town Board Worksession	November 14, 2011	6:00 p.m.
Reconvene Public Hearing – 2% Tax Cap		6:45 p.m.
Reconvene Public Hearing – 2012 Budget		7:00 p.m.

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Deputy Sup. Catlin, Finance Officer Johnson; Building Inspector Masters; Police Chief Salada; Highway Supt. Janese; Town Attorneys Dowd and Davis; Engineer Smith; 6 residents; 3 Press and Clerk Donna Garfinkel

Supervisor opened meeting with the Pledge of Allegiance followed by a moment of silent reflection.

APPROVAL OF AGENDA

Reiter asked for additions. Bax requests an Executive Session to discuss Highway fund transfer, and a resolution on behalf of the LOOW RAB. Marra requests demolition of a house on Swann Road. Reiter requests addition of a memo from Judge Gee, a memo from Superintendent Janese, and a resolution for Joe Davis State Park.

Bax MOVED approval of Agenda as amended, Seconded by Marra and Carried 5 – 0.

APPROVAL OF ABSTRACT

Palmer MOVED to approve Regular Abstract of Claims numbered 3556 to 3933, and recommend payment in the amount of \$376,458.66, plus a Post-Audit of \$155,874.05, Seconded by Bax and Carried 5 – 0.

Palmer MOVED to approve an additional Post Audit voucher to Ice Rinks 2-Go in the amount of \$34,400, Seconded by Marra and Carried 5 – 0. Money from Greenway Funds

POST AUDIT PAYMENT CORRECTION

At the Board meeting of October 21st, the Post Audit approved for Home Depot should have been \$389.67, not \$202.79.

Winkley MOVED to approve the correct amount of \$389.67 for Home Depot, Seconded by Bax and Carried 5 – 0.

SUBDIVISION APPROVAL – VINSON – 5878 Buffalo Street

Palmer MOVED to accept the Negative Declaration for Vinson – 5878 Buffalo Street – TM#133.08-1-12, Seconded by Bax and Carried 5 – 0.

Palmer MOVED to approve the one-lot subdivision for Vinson – 5878 Buffalo Street – TM#133.08-1-12, Seconded by Marra and Carried 5 – 0.

STREET NAME CHANGE – THE CIRCLE – UPDATE

Town to hold a meeting with residents who reside on The Circle to gather more information. Clerk to send letters to residents.

DICKERSONVILLE CEMETERY – TREE PLANTING

Napier family requests permission to plant/pay for trees. Reiter would like to visit the cemetery and review the request.

Marra MOVED to allow the Napier Family to plant trees in the Dickersonville Cemetery, Seconded by Bax and Carried 5 – 0.

Palmer MOVED to authorize the Supervisor to work with the Napier family on the planting of the trees, Seconded by Bax and Carried 5 – 0.

FUND TRANSFER – WATER DEPT.

Robert Nablo requests to transfer funds in the amount of \$6,000 from SW18310.400 to SW18340.400. Funds to cover the cost of equipment.

Marra MOVED to transfer \$6,000 from SW18310.400 to SW18340.400, Seconded by Palmer and Carried 5 – 0.

ASSOCIATION OF TOWNS ATTENDENCE

Palmer MOVED to approve elected officials, department heads/representatives to attend the Associations of Towns February-2012, Seconded by Marra and Carried 5 – 0.

APPROVAL OF ATTENDENCE - TOWN CLERK'S REGIONAL MEETING

Town Clerk Brandon request attendance on December 4 & 5th at a cost of \$83.00.

Bax MOVED to approve Town Clerk Brandon attendance at the NYS Town Clerk's Assoc. Regional meeting on December 4 & 5th, Seconded by Marra and Carried 5 – 0.

ADVERTISE FOR BOARD / COMMISSION VACANCIES

Marra MOVED to advertising for Board / Commission vacancies, Seconded by Bax and Carried 5 – 0.

LEWISTON LIBRARY BOARD RECOMMENDATION

Board of Trustees recommend Nancy Smith for reappointment, as the Town's appointment.

Marra MOVED to appoint Nancy Smith to the Lewiston Public Library Board of Trustees, term to expire December 31, 2016, Seconded by Bax and Carried 5 – 0.

GRINDER PUMP EASEMENT – SAUNDERS SETTLEMENT ROAD

Bax said the Board discussed this at a past meeting, but an easement was never granted. Dowd asked to work with WPC Chief Ritter.

SWANN ROAD HOUSE DEMOLITION

1573 Swann Road had a fire approximately one-year ago. Building Inspector Masters has sent several violation notices, to no avail. Three bids were received bids for demolition: Mawhiney Trucking, Inc. - \$5,800; AFI Environmental - \$23,950; Cintex Contracting - \$5,000.

Marra MOVED to approve Cintex Contracting to demolish the structure at 1575 Swann Road, Seconded by Bax and Carried 5 – 0.

Marra MOVED to amend the motion, to place the demolition cost on the properties property tax, Seconded by Bax and Carried 5 – 0

Marra announced the Lewiston Ice Rink, located at Academy Park, will open December 1st.

Palmer requests payment to Ernest Krell for engineering/construction drawings for the new roof for the addition at the Highway garage.

Palmer MOVED to approve payment of \$500 to Ernest Krell, Seconded Marra and Carried 5 – 0.

Bax attended a LOOW RAB meeting, and discussion occurred in regards to fundraising. The RAB asked Bax to solicit the Town Board and request an account be set-up.

Bax requests the Board recognize the LOOW RAB as a Town Committee, and authorize Finance Officer Johnson to open a Trust Account for donations raised on behalf of the Committee.

Bax MOVED to recognize the LOOW RAB as a Town Committee, and authorize Finance Officer Johnson to open a Trust Account to receive donations raised on behalf of the Committee, subject to Attorney approval, Seconded by Marra and Carried 5 – 0.

VACATION CARRY-OVER

Due to illness in the office, Hugh Gee requests permission for Marie Sicurella to carry-over vacation and personal time into the first quarter of 2012.

Marra MOVED to allow Maria Sicurella to carry vacation and personal time over to the first Quarter of 2012, Seconded by Bax and Carried 5 – 0.

FUND TRANSFER – HIGHWAY DEPT.

Finance Officer Johnson received a request to transfer \$60,000 from Highway Fund Balance to Highway Personal Services. Transfer is necessary to cover additional costs related to the late April windstorm and replacement of manpower needed, due to four long term disability cases this year. These monies will be more than recouped by the \$112,000 in reimbursement the Town receives through the NYS office of Emergency Management.

Winkley MOVED to transfer \$60,000 from Highway Department Fund Balance to Highway Department Personal Services, Seconded by Marra

It was questioned if a Public Hearing is necessary to change the Highway budget. Dowd will look into this for the Town Board meeting of November 28, 2011.

Update of the Town Zoning Code will be December 5, 2011 at 4 p.m.

Winkley MOVED to enter into Executive Session for the purpose of Highway Personnel, Seconded by Marra and Carried 5 – 0. (6:30 p.m.)

PRESENT: Supervisor Reiter; Councilmembers Bax, Marra, Palmer, Winkley; Highway Supt. Janese; Town Attorney Dowd

Palmer MOVED to exit Executive Session, Seconded by Winkley and Carried 5 – 0. (6:45 p.m.)

No Actions Taken

PUBLIC HEARING - Reconvene 2% Tax Cap 6:45 p.m.

Winkley MOVED to reconvene the Public Hearing – 2% Tax Cap, Seconded by Palmer and Carried 5 – 0.

Supervisor Reiter said in working with Finance Office Johnson and Jr. Accountant Katelyn Farnham, the Board feels there are sufficient funds to pay down the refuse tax for this year.

At this time the Board does not feel it necessary to over-ride the 2% Tax Cap.

Winkley MOVED to close the Public Hearing, Seconded by Palmer

Johnson reiterated to the Board, any changes made after reviewing it, there will be no funds available.

Carried 5 - 0. (6:50 p.m.)

Winkley MOVED to reconvene the 2012 Budget Public Hearing, Seconded by Palmer and Carried 5 – 0.

Johnson gave an overview of the budget.

Changes made to Highway and Parks Department budgets.

The biggest change that took place, in order to stay under the 2% tax-cap, was to find other revenues/avenues to buy down the refuse tax. The refuse tax for 2012 will stay the same. The Town will pay \$319,480 to have the garbage picked-up in Lewiston. There are 4564 households. Each household will pay \$23.20/year, which equates to about .446¢/week for garbage collection.

Special Districts are under contract with vendors, unions, fire, etc... These items can not be changed. If you take all Special Districts dollars raised in 2011, add them up, it's \$2,350,661. To keep the Town under the tax cap the amount is \$2,397,652.

Johnson said there is money in the NYPA signing bonus money to cover the difference. The Town is looking into other avenues for revenue, to pay the money back.

The increase is 1.99999%. There is no General Town Tax, no B Fund Tax, no Highway Tax, and no WWTP Tax.

Palmer requested Johnson investigate what, if the Town was under Waste Index for 2011, Modern would have charged.

Supervisor invited residents to address the Board

Warren, Rosemary – 5842 Griffon Street – Read the following statement: “You are probably saying Mrs. Warren you wanted a later Public Hearing time and nobody is here. Well you had a very fragmented schedule. You started at 5 p.m. the last time, then set another Public Hearing for tonight, which if a person wasn't here the last time to hear about it, or maybe not able to read it in the paper, they wouldn't be here.”

Warren told the Niagara County Legislature that Public Hearings really are shams. When a Public Hearing is this late, and the Budget has been approved right afterwards, the Board won't change too much from what the public says. It would be nice if once in a while the Board would say “gee Mrs. Warren or someone, we changed this because we got thinking about it”. It would be nice to acknowledge the person that gave you the idea.

Warren would think that the Highway Dept., now that the Auditor said the fuel was being misused, the fuel in the Highway Dept. should come in as a savings.

Warren is sure the Board is not going to change the budget. Budget hearings should be earlier. By October you can tell what has been spent for the three-quarters of the year. Then add on another fourth and you should be able to see.

Warren is glad the Town is staying within the two percent.

Roberts, Diane – Town of Lewiston Resident - Roberts finds it interesting to hear Mr. Johnson just state that miraculously some money is there from the NYPA signing bonus. In reading last year's budget hearing minutes, Johnson stated the NYPA signing bonus was gone. Roberts wishes she could recreate and resurrect her personal finances the way this occurred.

Roberts is curious as to why, when the Town is concerned about retirement and those kinds of costs, we have seasonal employees in the Highway Dept. that are being allowed to work long enough so they qualify for unemployment benefits. Why is Lewiston, when other municipalities Country wide are down-sizing, the Town in the past two-years has had an

absorbanant number of new hires. Since January of 2010 there have been 53 new hires. Yes, some are seasonal, but not 53 seasonal hires.

The Board indicated nothing will change in the budget, but Roberts understands Highway Superintendent Janese held a \$60,000 plus invoice that was owed to Cambria Paving and a \$66,000 invoice owed to Midland Paving. They were held so long that finance charges have accrued. Mr. Johnson was made aware of these invoices were out-standing, in the past two or three weeks. Roberts' questions if this will be accounted for in this year's budget or next years, and who is paying the finance charges?

Winkley MOVED to close the Public Hearing, Seconded by Bax and Carried 5 – 0.
(7:20 p.m.)

Winkley MOVED to reconvene the November 14, 2011 Worksession, Seconded by Marra and Carried 5 – 0. (7:21 p.m...)

Winkley MOVED to approve the 2012 Budget with no changes, Seconded by Marra for discussion

Reiter told Ms. Roberts he will look into the 53 employees, 53 seems a bit outlandish.

Clerk polled the Board

Councilman Bax	Yea
Councilman Marra	Yea
Councilman Palmer	Yea
Councilman Winkley	Yea
Supervisor Reiter	Yea

Motion Carried 5 – 0

NIAGARA RIVER GREENWAY COMMISSION

Marra MOVED:

The Town of Lewiston will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Lewiston's Joseph Davis State Park Phase I Capital Improvement Project Grant funding request.

Councilman Bax	Yea
Councilman Marra	Yea
Councilman Palmer	Yea
Councilman Winkley	Yea
Supervisor Reiter	Yea

Motion Carried 5 – 0

Johnson asked if he could respond to Ms. Roberts's comments. He received the invoices for Cambria Paving last Friday, and submitted them for payment. He never saw it before that, never knew it were there, so two or three weeks ago he did not know about them. In regards to Midland Paving, Johnson has not seen this invoice.

Reiter said the Board can't answer why it is not here; this is an issue for the Highway Department.

Winkley MOVED to adjourn the Worksession, Seconded by Bax and Carried 5 – 0.
(7:30 p.m.)

Respectfully Transcribed and Submitted by,