

PRESENT: Supervisor Dennis Brochey; Councilmembers Bax, Ceretto, Conrad, and Winkley; Deputy Supervisor Edwards; Town Attorneys Davis and Seaman; Building Inspector Masters; Town Engineer Lannon; Finance Officer Kloosterman; Police Chief Salada; 1 Press; 5 Residents and Clerk Donna Garfinkel

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

TWO MINUTES STATEMENT – RESIDENTS

Briglio, Mark – 904 James Drive – Briglio asked if the leaf blower truck was budgeted for October and November use? Briglio has not seen anything happening since September. Residents physically clean their yards. Some pay to have the yard cleaned. It is just sitting there, and each day the wind is blowing around. There are large piles of leaves on Bronson Drive, James Drive and Escarpment Drive. At the end of October, all the leaves were wet and soggy and are still not getting picked up.

Brochey spoke to Janese today and he said they are out picking up leaves.

AGENDA APPROVAL

Bax MOVED to approve the agenda, Seconded by Winkley and Carried 5 – 0.

POST AUDIT PAYMENT

Winkley MOVED to approve Post Audit payments to Home Depot - \$225.49; Key Bank - \$270.19; Sam's Club - \$213.72, DeLage Landen - \$120.50; Leaf - \$455.80; Mountain Glacier - \$43.70; NY State & Local Employees' Retirement System - \$745,872.00; NY State & Local Police & Fire Retirement System - \$215,091.00 and Sanborn Business & Professional Association - \$1,250.00 Seconded by Bax and Carried 5 – 0.

OLD BUSINESS

Bax noticed the upper portion of the Robert Moses Parkway was being removed by the Parks Department and is wondering if there is any progress being made on the pathway.

Rotella met with the Engineer, Parks and NYPA. The parkway will be moved back to the west side onto the grass. The Engineer is working on finalizing a design report. This is a stand alone project, so no matter what happens to the Parkway this will be fine.

NEW BUSINESS – CLERK'S CORRESPONDENCE

Item No. 1: Hire Employee Full-Time – Clerk's Office

At the Town Board meeting of October 27, 2014, the consolidation of the Town Clerk's Office and Receiver of Taxes was discussed. In this discussion the Board was agreeable with making part-time Deputy Town Clerk Linda Kreps full-time as of December 1, 2014, with these additional hours to assist in the Water Department and Tax Receiver Office upon the retirement of Ms. Joan Stephens.

Garfinkel is requesting approval to hire Linda Kreps full-time starting December 1, 2014, at the rate of \$13.50/hour.

In regards to vacation, the policy manual states after 1-full year of continuous service an employee will receive 10 days. (Section 800-802) Ms. Kreps will have 11-months part-time service to the Town as of December 1, 2014.

Garfinkel is requesting Ms. Kreps be credited 3-months of service time-accrued toward her 1-year anniversary, making her eligible for 10-days in September, 2015.

Full-time employees are eligible to participate in the medical insurance plan on the first day of the month following 60-days of employment. (Section 800-808) With Ms. Kreps completing 11-months of employment the Clerk is requesting the Town Board waive this requirement and allow health insurance beginning December 1, 2014.

Brochey requested this be discussed in Executive Session.

Item No. 2: Deputy Tax Receiver Authorization To Be Signer

Effective December 1, 2014, please authorize First Niagara Bank to remove Joan Stephens as signer for the Town of Lewiston Tax Account. By law, the duties of Tax Receiver default to the Deputy Darlene Norwich are requesting authorization to be the signer for the tax account.

Winkley MOVED to remove Joan Stephens as the signer to the Town of Lewiston Tax Account, and appoint Darlene Norwich as the signer, Seconded by Bax and Carried 5 – 0.

Item No. 3: Deputy Tax Receiver Request

The following memo was submitted by Deputy Tax Receiver Darlene Norwich:

As you are aware, Joan Stephens, the current Tax Receiver is retiring on November 26, 2014. On December 1, 2014, I will be taking over the duties of both Water Clerk and Tax Receiver with no trained help. Where there were two (2) experienced full-time employees for these jobs for over 30-years, there will now be one (1) with, hopefully, two (2) part-timers that I will need to train while also performing these duties.

I am requesting a \$5,000 stipend to complete all of the tasks asked, to the best of my ability with the inexperienced help being given.

Past practice has shown that when adversity in a department has been realized a raise or stipend was given i.e.: when there was an interim Building Inspector, Sandra VanUden was given a raise to cover extra duties and responsibilities; Kevin Payne was given a raise as Acting Highway Superintendent before the appointment of the current Superintendent; Linda Johnson was given a raise when appointed Assessor; and Donna Garfinkel was given a raise when appointed Acting Town Clerk. I humbly request the same consideration.

Brochey requests this be discussed in Executive Session.

SUPERVISOR BROCHEY

Liaison Report

The following letter was submitted.

The members of the Town of Lewiston Water Department request permission to switch the Christmas holiday. This has been discussed with all employees and all agree that instead of having December 24th and 25th off, the Water Department requests permission to take December 25th and 26th off.

Seaman said any bargaining contract, in regards to holidays, needs to be signed-off by unions. Davis had spoken to Ritter to tell him there just needs to be a sign-off.

Winkley questioned if a Memorandum of Understanding needs to be signed, stating that it is for this time only. Seaman said it was.

Winkley MOVED to accept the change, on the condition there is an MOU signed by the unions stating that this is for this time only, Seconded by Bax and Carried 5 – 0.

December Final Audit Meeting

In past years the Board scheduled the Final Audit meeting as close to the end of year as possible. With the new system in place this doesn't need to be done.

Winkley MOVED to schedule the Final Audit meeting and the Town Board meeting for December 22, 2014 at 6:30 pm, Seconded by Conrad and Carried 5 – 0.

It was suggested setting the Re-organizational meeting.

Winkley MOVED to schedule the 2015 Reorganization Meeting for Monday, January 5, 2015 at 6:00 pm, Seconded by Conrad and Carried 5 – 0.

Town Board Liaison Appointments

Tabled until the 2015 - Reorganization Meeting.

Legal

Davis requested discussing a disputed invoice in Executive Session, to bring Councilwoman Ceretto up to date.

Engineering

Lannon distributed his November Project Status report.

Lannon is awaiting a response from NYS Parks to see if they will allow the Town to proceed with installation of the storm sewer concurrently with the demolition of the existing buildings at Joseph Davis State Park.

Report on file in the Town Clerk's Office.

Finance

Currently the Town has two savings accounts at Key Bank and only one is needed. These accounts are for the flex account dollars. Kloosterman would like to change Account 1592 to a checking account called Town of Lewiston Benefits. Money currently in the savings account will be transferred to TOL Savings 3826.

Bax MOVED to authorize the Director of Finance to change account 1592 from a savings to a checking account named Town of Lewiston Benefits, for HRA and Flex Money, with current money in account 1592 being transferred to account 3826, Seconded by Winkley and Carried 5 – 0.

In regards to the electronic Sanborn Sign, the Board gave authorization to present this to the Host Committee for Greenway dollars. What was approved at the Greenway Commission meeting was not the electronic sign; therefore the requested dollars are much less than needed. Kloosterman believes this needs to go to the Greenway Commission again.

Bax MOVED to authorize Kloosterman and Rotella to go before the Greenway Commission for the electronic Sanborn Sign project, Seconded by Ceretto and Carried 5 – 0.

COUNCILMAN BAX

As the liaison to the Highway Dept. Bax is glad Lewiston was spared the storm of last week.

Highway Superintendent Janese asked Bax to apologize for him for being unable to attend this evening. He reported limbs down on three different roadways.

Bax did text Janese regarding the leaf complaint from the resident on James Drive. Janese vows to get to it.

NYS DOT Snow and Ice Agreement

Bax said the Agreement is executed yearly with the State for reimbursement.

Bax MOVED to authorize the Supervisor to sign the NYS DOT Snow and Ice Agreement pending approval of the Attorney, Seconded by Conrad and Carried 5 – 0.

Becken Farms – Ditch Cleaning Request

A letter was received from Ronald Becken requesting the cleaning of a 30 foot ditch. It is unclear to Bax if this is part of the Towns drainage system.

Masters said the project was started last Spring. Becken only works there a day or two at a time. There is a 30-foot strip along the ditch that Becken did not farm on. Becken is saying he lost \$4,000 worth of crop land because the project was never completed for him to plant. The first 600 feet of the ditch was cleaned, the remaining half mile was never completed.

Winkley believes the Board authorized this to be cleaned.

Bax will bring this to Janese's attention again, asking him to complete this. Masters said there are no weather restrictions on this type of work.

COUNCILWOMAN CERETTO

Ceretto wished all a Happy Thanksgiving.

COUNCILMAN CONRAD

Conrad presented the following Local Law to the Board:

A Local Law Abolishing the Office of Receiver of Taxes and Assessments and Transferring All Powers and Duties of that Office to the Office of the Town Clerk.

Be it enacted by the Town Board of the Town of Lewiston as follows:

Section 1. Purpose.

The purpose of this law is to abolish the Office of Receiver of Taxes and Assessments in the Town of Lewiston and to transfer all the powers and duties of that office to the Office of the Town Clerk of the Town of Lewiston.

Section 2. Authority.

This law is enacted pursuant to Municipal Home Rule Law Section 10 and supersedes the provisions of the Town Law, Article 3, Section 20(1) (a) as it pertains to the Office of Receiver of Taxes and Assessments.

Section 3. Abolition of Office and Transfer of Powers and Duties.

The Office of Receiver of Taxes and Assessments in the Town of Lewiston is hereby abolished. The powers and duties of the Receiver of Taxes and Assessments are hereby transferred to the Office of the Town Clerk of the Town of Lewiston.

Section 4. Mandatory Referendum.

This law is subject to a mandatory referendum and shall be submitted for the approval of the qualified voters of the Town of Lewiston at a special election. The date of such special election shall be fixed by resolution of the Town Board and shall not be less than 60 days after the adoption of this law.

Section 5. Effective Date.

This law shall be effective immediately upon the filing of the law with the Office of the Secretary of State after the affirmative vote of a majority of the qualified voters voting at the aforesaid election.

Conrad MOVED to present the above Local Law, Seconded by Winkley and Carried 5 – 0.

Seaman explained the process. First, a Public Hearing is held allowing residents to speak on the Local Law. The Board then votes and adopts the Local Law. If adopted, it then goes to referendum and a Special Election is held.

Winkley MOVED to hold a Public Hearing on Local Law #6 - 2014 on December 8, 2014 at 6:15 pm, Seconded by Bax and Carried 5 – 0.

COUNCILMAN WINKLEY

Winkley commended Chief Salada for sending a Town officer to Erie County during the storm. Winkley thanked the local fire departments that also sent volunteers.

Bax MOVED to enter into Executive Session to discuss ongoing Collective Bargaining negotiations and Personnel, Seconded by Winkley and Carried 5 – 0. (7:14 pm)

PRESENT: Supervisor Dennis Brochey; Councilmembers Bax, Ceretto, Conrad, and Winkley; Town Attorneys Davis and Seaman and Clerk Donna Garfinkel

Issues Discussed: 1.) Litigation regarding disputed invoice 2.) Matters leading to appointment of a particular employee 3.) Union Contract

Winkley MOVED to exit Executive Session, Seconded by Ceretto and Carried 5 – 0.

Winkley MOVED to hire Linda Kreps full-time at a rate of \$13.50/hr and approve Kreps being credited 3-months of service, time-accrued towards her 1-year anniversary, making her eligible for 10-days in September, 2015, and the request for health benefits to start December 1, 2014, Seconded by Bax and Carried 5 – 0.

Winkley MOVED to approve the Collective Bargaining Agreement between the Town and Teamsters Local 264, Police for January 1, 2013 through December 31, 2017, conditional on incorporating amendments to Sections 6.1.1 and 9.1.2, as drafted by the Town Attorney for Town, Seconded by Bax and Carried 5 – 0.

Winkley MOVED to adjourn, Seconded by Bax and Carried 5 – 0.

Respectfully Transcribed and Submitted by:

Donna Garfinkel
Deputy Town Clerk