

PRESENT: Supervisor S. Broderick; Councilmembers J. Jacoby, R. Morreale and J. Myers; Deputy Sup. W. Conrad; Atty. A. Bax; Finance Director J. Agnello; Bld. Insp. T. Masters; WWTP Chief Opt. J. Ritter; Recreation Dir. T. Smith; Police Captain Salada; Eng. R. Lannon; Sr. Center Coordinator M. Olick; Town Historian M. Maggard; 35 Residents, 1 Press and Clerk D. Garfinkel

EXCUSED: Councilmember W. Geiben

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

AGENDA APPROVAL

Morreale MOVED to approve the Agenda, Seconded by Jacoby and Carried 4 – 0.

RESIDENTS STATEMENTS – No one wished to speak

Niagara Military Affairs Council (NIMAC) Annual Presentation

Chairman John Cooper - Niagara Military Affairs Council thanks the Town Board and Lewiston residents for their support of NIMAC and the Niagara Falls Air Base.

Cooper can't believe it has been 28-years since the original fear of the closing of the Air Base. NIMAC continues to advocate for the Base in Washington, Albany and at various levels of the Air Force.

NIMAC continues to be a liaison between the Air Base and the community and works strategically for the Base in planning for the future.

Broderick asked Cooper to take a moment and address all the students in the room to explain about the Base and BRAC and the attempt to close the Base.

Cooper said there is legislation within Congress called Base Realignment and Closure, referred to as BRAC. This process can be enacted at any time by Congress, to have the Military review their Bases in the World. They are asked to make a decision if any should/need be closed.

Each Community creates a Committee to defend the Base. It is not done by the Base itself, so the Base relies on and is thankful for, the Community that helped successfully 18-years ago.

The Base employs 300 employees. It is the largest employer in Niagara County. There are two main units at the Base, referred to as Wings. They are the 914 Air Refueling Wing and the 107 Attack Wing. The 914 flies 24/7 with approximately 900 members and fly aircraft all over the world.

Broderick said the Base is a huge access to Niagara County.

DEPARTMENT HEAD STATEMENTS

TOWN BOARD MEETING

October 23, 2023

6:00 PM

Highway Superintendent Mitch Zahno

Lawn Mower Purchase - Zahno received three (3) Quotes for the purchase of two (2) lawn mowers for the Parks Dept. Niagara Frontier Equipment Sales Inc. - \$28,112; Outdoor Equipment Dist. - \$29,878.34 and John Deere - \$32,370.68

The budget was discussed with Finance Director Agnello and a transfer is being requested.

Myers MOVED to accept the bid from Niagara Frontier Equipment Sales Inc. for the purchase of two (2) mowers in the amount of \$28,112, Seconded by Jacoby

Jacoby asked if they are larger or standard mowers. Zahno said they are Zero Turn 72-inch mowers.

Carried 4 – 0.

Recreation Director Smith

The Fall Festival was held, despite the rain, had a great turn out. Everyone enjoyed themselves. Saturday the 28th is the Trunk or Treat at Kiwanis. Lego at the Senior Center is November 2nd. Open Skate at Niagara University will start November 24th.

Senior Center Coordinator Melisa Olick

The Center exercise classes have great turn out. A baby kangaroo surprised the Seniors last week. There will be a Scam and Fraud Alert Presentation on November 8th.

Broderick said the Town will meet with National Grid Tuesday the 24th regarding the lights in the parking lot at the Center.

APPROVAL OF MEETING MINUTES

Morreale MOVED to approve the meeting minutes of the Work Session held on October 12, 2023, Seconded by Myers and Carried 3 – 0. (Jacoby abstained)

AUDIT PAYMENT

Myers MOVED to approve the Regular Abstract of Claims for numbers 23-02777 thru 23-02922 and recommends payment in the amount of \$245,494.18, plus a Post Audit of \$5,835.82, Seconded by Morreale and Carried 4 – 0.

PENDING / OLD BUSINESS - None

NEW BUSINESS

Clerk Garfinkel received information regarding the 2024 Niagara Falls USA Marathon and Historic Lewiston 5K. The map and information have been forwarded to the Police Dept. Race management Solutions Inc. wanted the Board to be aware of the Run.

SUPERVISOR BRODERICK

MOA – CSEA Union - Broderick read the Agreement into the record:

Between Town of Lewiston and Civil Service Employees Association, Inc. – Local 1000, AFSCME, AFL-CIO, Local 832, Town of Lewiston Unit #7653

THIS UNDERSTANDING, by and between the Town of Lewiston (hereinafter, “Town”) and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO, Local 832 Unit 7653 (hereinafter, “CSEA”) and,

WHEREAS, the Town Supervisor and CSEA are parties to a collective bargaining agreement (hereinafter, “CBA”) covering the period January 19, 2019 through December 31st, 2023 and

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained herein, it is understood and agreed by and between the parties as follows:

- 1) The Town and CSEA agree that the contract language in Section 10.1.1 shall be changed to: **10.1.1 Reimbursement Arrangement:** The Town shall contribute to each employee’s reimbursement account the amount of Three Thousand dollars (\$3,000) for a single plan or Six Thousand dollars (\$6,000) for a two person/family plan for the December 1, 2023 through November 30, 2024 plan year. These contributions are intended to be used towards the employee’s deductible, coinsurance responsibility and/or premium contributions. Any unused portion of the Town contributed moneys shall not carry over from year to year and will remit to the Town.
- 2) This change is a result of the increase in the deductible of the Health Insurance.
- 3) The parties agree that this agreement is without precedent or prejudice to either party with respect to future matters.

Jacoby MOVED to approve the above Memorandum of Agreement, and authorize the Supervisor to sign, Seconded by Morreale and Carried 4 – 0.

Village Greenway Project – Building of Pavilion in Academy Park

Mayor Ann Welch, Deputy Mayor Victor Eydt and Architect Fittante present. Mayor Welch thanked the Board for their time.

The Village forwarded correspondence requesting Board support for Greenway Funding for a Pavilion.

Fittante distributed photos of Academy Park with the Pavilion and without it and a new drawing showing the percentage of greenspace taken by the Pavilion.

Mayor Welch said Angelo Morinello sent a letter of support for the project to the Town Board. The Kiwanis and VFW support this also.

Morreale asked Welch if she has a total cost of the Pavilion. Welch said a couple of contractors she has spoken to have said between \$325,000 - \$350,000. Welch has secured \$120,000 in donations, to offset the cost, therefore requesting \$250,000.

Broderick asked if the Village is paying anything towards this. Welch said they may; need to see how it plays out.

Jacoby asked if this has been put out to bid. Welch said no, just estimates until permission is given. It will need to be bid at prevailing wage.

Broderick said he received no correspondence on this other than a letter last week. The Town has already approved \$90,000 in Village projects in Greenway. \$60,000 for art signs and \$30,000 for artwork being done on the bathroom. The Town rescinded the \$60,000, but promised the Art Council that if the Village resolved where the art signs will go, the Town will fund it.

The Village is asking for \$250,000 on top of this for a total of \$340,000, which is 67% of the \$510,000 in Greenway Monies the Town receives. Broderick wishes the Village would have come to the Board before promising the Council the \$90,000.

Welch said they need to apply to the Greenway before November 14th to get the money for next year.

Broderick will make a motion to approve \$190,000, \$250,000 minus the \$60,000, for the Pavilion, with the following stipulations: Town Building Inspector Timothy Masters to be involved in the inspections of the Final Plans before they go out for sealed bid, Broderick to see the Bids and Masters to be involved in the inspections of the project as it progresses.

Broderick asked Masters what the important aspects of the Pavilion are and what he would like to be a part of. 1 - Footings pre-pour with rebar installed, soil test provided prior from testing agency. 2. Concrete columns pre-pour with rebar installed. 3. Floor and haunch pre-pour with rebar, wire and plastic installed. 4. Framing with truss bracing installed as per Stamped truss drawings. 5. Stamped truss drawings provided prior for review. 6. Final Inspection 7. Electrical Inspection. 8. Village DPW to install conductors and grade and seed.

Broderick MOVED to approve providing \$190,000 of Greenway Monies for the Pavilion at Academy Park, with the following stipulations: Building Inspector Timothy Masters 1 - Footings pre-pour with rebar installed, soil test provided prior from testing agency. 2. Concrete columns pre-pour with rebar installed. 3. Floor and haunch pre-pour with rebar, wire and plastic installed. 4. Framing with truss bracing installed as per Stamped truss drawings. 5. Stamped truss drawings provided prior for review. 6. Final Inspection 7. Electrical Inspection. 8. Village DPW to install conductors and grade and seed, Seconded by Morreale and Carried 4 – 0.

CDL Insurance – Drug & Alcohol

During COVID the Town was a part of a Drug & Alcohol Testing Policy through the County. During this time, the Town was dropped by their pool. By Federal Law the Town has to be in a Federal Motor Carrier Safety Administration - Drug/Alcohol Clearinghouse.

The Clearinghouse is a secure online database that employers are required to use to query all CDL drivers employed by them to check CDL driver violation histories. The Town is required by DOT rule 49 CFR Part 40 Section 40.25 to register an account and all CDL drivers must be queried. Also, we are required to report drug and alcohol violations and check that no current or prospective employee is prohibited from operating due to a previous violation.

The Town will be working with Occustar Workstar Compliance to administer the requirements of the Clearinghouse and to comply with DOT Drug/Alcohol Random testing. The Town was previously using WNY Occupational Health for our Random Pool but were dropped due to a staffing shortage. The Town has a relationship with Occustar for physicals with the Fire Depts. Occustar will also be assisting the Town in updating its Drug/Alcohol Abuse Program/Policies.

Morreale MOVED to enter into a contract with Occustar Workstar Compliance for the required Federal Motor Carrier Safety – Drug and Alcohol and authorize the Supervisor to sign the contract, Seconded by Myers and Carried 4 – 0.

Legal – Nothing To Report

Engineering

Lannon reported GHD prepared the plans and specifications for the second pavilion at the Riverfront Park. Lannon requests authorization to advertise for bids, once drawings are reviewed by the Town.

Myers MOVED to authorize GHD to advertise to solicit bids for the second pavilion at the Riverfront Park, once plans are approved by Building Inspector Tim Masters, Seconded by Jacoby and Carried 4 – 0.

Finance - Budget Revisions – Agnello requests the following 2023 budget transfers:

Transfer \$50,000 from Police Personnel - B00-3120-0100-0000 to NW SRO Police Personnel - B00-3120-0100-0015, to cover NW SRO payroll expenses through the remainder of the year. These expenses are reimbursed monthly when the school is billed for SRO services.

Transfer \$2,125 from Grant Writing Contractual - B00-8095-0400-0000 to Delinquent Lawn Maintenance Contractual - B00-3620-0401-0000, to cover delinquent lawn cutting expenses. These expenses will be placed on the property owners 2024 taxes.

TOWN BOARD MEETING

October 23, 2023

6:00 PM

Transfer \$47,000 from Parks Personnel (unused personnel budget due to EE's moving to the Highway Dept.) - B00-7110-0100-0000 to Parks Equipment - B00-7110-0200-0000, to cover the purchase of two lawn mowers for the Parks and eight new bleachers for Pletcher Park.

Morreale MOVED to approve the 2023 Budget Revisions as presented, Seconded by Jacoby and Carried 4 – 0.

Agnello placed the 2024 Preliminary Budget at each Board members place. She is requesting acceptance and the scheduling of a Public Hearing.

Morreale MOVED to accept the 2024 Preliminary Budget as presented, Seconded by Jacoby and Carried 4 – 0.

Myers MOVED to schedule a Public Hearing on the 2024 Preliminary Budget for Thursday, November 9, 2023 at 5:30 pm, Seconded by Jacoby and Carried 4 – 0.

COUNCILMAN GEIBEN - Excused

COUNCILMAN JACOBY – Nothing To Report

COUNCILMAN MORREALE

Auctions International Bid Acceptance – Bunk Beds

The bunk beds were located in Stonehaven Park when the Town took ownership. The Town received a bid in the amount of \$105.

Morreale MOVED to accept the bid of \$105 for the Bunk Beds located at Stonehaven Park, Seconded by Myers and Carried 4 – 0.

COUNCILMAN MYERS – Nothing To Report

RESIDENTS STATEMENTS

Murnyack, John – Ridge Road – Murnyack questioned why, for the last couple of meetings the Board has approved a lot money for audits. How much does the Town spend on Audits?

Broderick explained at each Board meeting, the Board approves payment of Town bills, Town spending, for the month, not for an Auditor.

The Town started working on the Code revisions and Murnyack doesn't want it to lose steam.

Myers MOVED to adjourn the meeting, Seconded by Morreale and Carried 4 – 0. (6:36 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk