

15-B LEGAL ITEMS

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Edy Offhaus of Feral Cat Focus of WNY stated there are two separate issues - the issue of hoarding and the issue of free roaming cats. She commented that when looking at the issue of free roaming cats and the possibility of a four cat limit, they must look at community cats which have been an integral part of society for hundreds of years. By limiting cats to four she worried about what will happen to the community cats and questioned how the limit will be enforced. Ms. Offhaus encouraged support for a TNVR project and stated that under this program all cats are spayed/neutered, vaccinated to address health issues, and the spayed/neutered cats are then identified by a left ear tip. TNVR goes into an area and cats are trapped, neutered, vaccinated and returned. Kittens are taken out of the area and adoptable cats are put up for adoption through rescue groups. Unadoptable cats are returned but because they are already spayed/neutered no new cats will be generated. Once a healthy colony is established, they tend to stay in their area and not wander and education is provided on the proper way to feed the animals. Ms. Offhaus commented that since it is impossible to get rid of cats, the best approach is to get them healthy, spay/neuter them and keep them in the community. Through attrition alone the numbers will go down. She further stated that people have been caring for feral colonies for years, initially starting with 20-30 cats and through attrition now have 10. Residents need to be educated on spaying/neutering of their own animals and made aware that grants are available to help with the cost. Erie County residents have available to them the Mattie's grant which costs \$10 to spay/neuter and vaccinate. Ms. Offhaus stated that Clark County, Nevada, along with other areas of the country, were going through the same thing where feral free roaming cats were a problem. A program was put together by the county to support TNVR and a sponsor organization was established to help educate people in the community on the proper care of community cats. They have had enormous success and Ms. Offhaus stated she would like to work as a team to help address the problems West Seneca is having. She feels these issues can be solved very simply, not costing the town an enormous amount of money.

Supervisor Meegan stated they wanted get the public's input on this issue and would not be voting on it at this meeting. They planned to take the information provided by residents and various organizations, continue with research, and make the best decision possible. The opportunity to have this discussion with the public arose because of numerous cat incidents that were reported over the summer and they are attempting to resolve the problem. Supervisor Meegan thanked Ms. Offhaus for attending the meeting and providing valuable information that will be considered when making an overall decision. Since May of this year, 23 issues concerning urinating, vomiting, howling, screaming, etc. have been brought to the

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1. (continued)

board member's attention. Supervisor Meegan stated it is common sense and common courtesy to have a public hearing regarding these concerns so that issues such as this can be addressed. As a community they have a responsibility to each other and unfortunately there are people who are not responsible for their own behavior.

Ms. Offhaus commented that with the TNVR program, the inappropriate behavior of mating would end and howling would cease. The smell generated from unneutered male cats marking their territory would no longer exist. Cats will no longer wander once they are spayed/neutered, kept in their own colony, and fed and housed appropriately. An infinite amount of information is available on the proper way of feeding and caring for cats along with how to keep unwanted cats out of your yard.

Councilman Hart questioned if the organization would be willing to address the current issues that have been presented to the town by contacting individuals and attempting to work these problems out.

Ms. Offhaus stated that her organization along with Second Chance Shelter Network are already in the community and working on one of the cases. She is willing to contact and work with all the individuals and concerns once she is given the information.

Supervisor Meegan stated that this became a very serious issue this summer and the town is willing to work with organizations going forward. The SPCA was contacted for help, but they stated they were inundated with similar calls and advised residents to trap the cats themselves and bring them to their facility.

Linda Robinson, Executive Director of Operation Pets, stated she is willing to help solve the problem but the community must also help. Since services have been available, Operation Pets has spayed/neutered approximately 640 cats and 200 dogs in West Seneca. In Erie County 22,448 cats have been spayed/neutered since July 2008. Funding is provided through the use of Mattie's program and individual cat owners. Ms. Robinson stated there are humane ways to address this problem and people need to be more proactive. Stopping the reproduction factor is the key to controlling the problem.

Councilman Hart stated that the problem they have as a government is they are unable to react to a very serious situation since no law is in place. If a law is in place they will at least have the capability of doing something. Councilman Hart commented that part of the problem is people that have cat houses are feeding the cats and therefore attracting more.

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1. (continued)

Town Attorney Shawn Martin stated there is an ordinance in place that prohibits food outside because of the possible attraction of rodents.

Ms. Robinson stated that in many cases it takes someone to assess the situation. There may be other issues besides too many cats that involve mental health or cat hoarding. People might not be aware there are services available that will assist.

Councilman Hart questioned if the homeowner has to trap the cat.

Ms. Robinson stated it would depend on the situation. There are some volunteers that will assist with trapping, but they encourage all people to get involved and help. She questioned if a law is adopted who will be sent to trap the cats and where they will be taken.

Supervisor Meegan stated that West Seneca is not the first town that has looked at limiting the number of cats. She spoke with Brian Shapiro of the NYS Humane Society and went online to get information on Mattie's program for the possibility of funding assistance for residents. The board needs resources enabling them to assist the Code Enforcement Officer, the Chief of Police and the Animal Control Officer when situations such as this arise.

Ms. Robinson stated that people also need to be accountable and take ownership of the problem.

Councilman Hart stated that the problem is residents are not taking ownership of these situations, so the board needs to give department heads the ability to step in only when it is absolutely necessary. If there is no law on the books, they will not have that ability.

Ms. Robinson questioned what the Code Enforcement Officer will do if sent into a situation where there are more than four cats and if they will trap them and take the cats away.

Mr. Martin stated there will be penalties associated with violation of that order, subject to a \$250/day fine and 15 days in jail.

Councilman Hart complimented the presentation of information and the programs offered, but stated he feels the organizations do not have the ability to assist the town with these issues.

15-B LEGAL ITEMS

1. (continued)

Ms. Offhaus stated their organization does have the ability to help. Feral Cat Focus has traps and will work with the people. Once they are informed of a situation, they go in and tell the people what has to be done.

Councilman Hart stated that some of the homeowners may be dealing with mental health issues and are unable to do the trapping. He will provide Ms. Offhaus with a list of the addresses of the 23 reported incidents.

Charles Lickfeld stated that for 13 years he has dealt with feral cat problems on Dwyer Street. Currently there are 16 -17 cats in the driveway along with food and water bowls. The garage door is left open 6" – 8" allowing access for the cats. His flower beds are full of feces and urine. He is unable to take his dog out due to the excessive number of cats. Mr. Lickfeld stated he has complained to the town for years and would like the cats gone.

Maria Munchow stated that many of these situations are at epidemic stages and no organization has the ability to deal with this when it reaches that point. She commented on the need to inform and educate the public of the services that are available.

Maryann Kiera stated she is a Second Chance volunteer and has trapped, transported and fostered cats. She is currently working at several properties and educating in the schools. Ms. Kiera commented that this is a community problem and people need to use the resources that are available to them. She thought placing a limit of four cats was taking a high school mentality approach and not the answer to the problem.

Councilman Hart stated they are not taking a high school mentality approach on this issue. There are numerous residents that are being abused by people who have too many cats.

Frank Magavo questioned how the limit of four cats per household will be enforced and the definition of cats being kept in an "appropriate manner and under control." He suggested instead that the town enforce a no feeding law.

Supervisor Meegan stated there will be no policing of this law; however, if a law is in place and a complaint is received it gives the town the authority to inspect the property. If the property is not compliant with the language of the law, the town will have the ability to hold the homeowner accountable. Supervisor Meegan stated it is common courtesy to be a good neighbor and people who pay taxes should be able to enjoy their property without having to deal with cat feces odor from a neighboring yard. Cats need to be controlled from roaming into neighboring yards causing damage to canopies, gardens etc. and a local law will help the town to help the community when there are complaints.

15-B LEGAL ITEMS

1. (continued)

Michele Berger stated she has five cats, one of which was adopted from Operation Pets and has a tipped ear. All her cats are spayed/neutered and came from a feral situation. They are people friendly, however, they are indoor-outdoor cats. She has tried to keep them inside and has had only one complaint. Her concern is the four cat limit and questioned how she will be affected by a new law.

Supervisor Meegan responded that if a complaint is received regarding any of her five cats, a local law will allow the town to step in and have some control.

Ms. Berger suggested licensing cats and giving a portion of the money to organizations such as Operation Pets.

Councilman Hart stated that the licensing of cats would have to come under NYS law.

Joan Russ of Precious Paws Cat Rescue stated there are a lot of problems with cats in the city. She has rescued many cats and witnessed devastating situations where animals suffer. Ms. Russ stated she believes in saving lives, doesn't care about saving lawns, and would like to see more compassion. She spoke about Alley Cat Allies in New Jersey and commented how feral cats are maintained on the beach. These cats are vaccinated, ear tipped and fed only by volunteers from Alley Cat Allies. She feels the community as a whole is responsible for spaying/neutering of animals and the public needs to be educated.

James Barber congratulated the Town Board for addressing this issue, noting he has been complaining to the town for five years because his quality of life and rights as a homeowner have been affected. He is unable to spend time in his yard because of the smell. Mr. Barber has called the SPCA, Erie County Health Department & Social Services in the past with no results. As a taxpayer in West Seneca he applauded the Town Board for looking at a law and hoped they follow through with it.

Carol McMahon stated she is highly allergic to cats and lives next door to a cat lady on Creekview Drive. The smell is so disgusting she is unable to go outside or sit on her front porch. Cats have vomited and urinated on her property forcing her to replace her bushes. The cats also go in her garage and cry and whine. The neighbor runs Bob the Cat Rescue and receives money for adoptions. Cats are fed outside on paper plates and get into the garbage. Ms. McMahon further stated she has called the SPCA in the past and they have removed dead cats from the neighbor's home.

15-B LEGAL ITEMS

1. (continued)

Brenda Frey, a volunteer for Piece of Heaven, stated that every kitten they receive is an outdoor kitten which they spay/neuter and find a home for. She questioned how the proposed limit on the number of cats will impact litters in foster homes.

Supervisor Meegan responded that foster homes will not be affected and kittens will remain with their mother until they are adopted.

Nancy Beck stated she has three indoor, neutered/spayed cats and has never had an issue with feral or roaming cats. Her concerns are the deer, skunk, and groundhogs that have damaged her property.

Dolores Conlin stated that Feral Cat Focus is a great organization. Two years ago she had a feral cat and its litter and contacted Feral Cat Focus after the SPCA was unable to help her and they assisted her in trapping the cats.

Beth Cooper stated she has saved numerous cats since taking in a pregnant feral cat. All cats she has taken in are spayed/neutered and do not roam. The public needs to be educated and she urged the board to work with all the organizations.

Cindy Solly suggested that West Seneca be a leader in the state and require that cats be licensed just like dogs.

Karen Owens stated she volunteers at the SPCA and lives a block from Creekview. Through the SPCA she has processed kittens that were left in her neighborhood and found them homes. Cats coming from the Creekview Drive area roam for blocks, are not spayed/neutered and are having kittens a couple times a year. Ms. Owens suggested the potential law define "under control."

Camille Seweryniak commented that the public needs to be educated. Second Chance worked with her, showed her how to trap, provided information and were very helpful. She would like the proposed limit on cats raised to six.

Diane McClure stated she has been a volunteer for the 10 Lives Club and various other shelters. She suggested cats left behind by people be trapped and taken care of, noting that educating the public is imperative. Ms. McClure stated that Mattie's grant goes until 2015 and provides good opportunities. She was not in favor of having a limit on the number of cats she can care for or shelter and felt if someone can care for or foster animals they should be allowed to have them. Ms. McClure further did not believe this ordinance was necessary to get people to clean up their property.

15-B LEGAL ITEMS

1. (continued)

Code Enforcement Officer John Gullo stated that many homes are in an unsanitary condition because of pets, especially cats. Residents regularly complain about homes that smell and the inability to use their yards. Current ordinances do not recognize this particular issue. The proposed local law will be a tool to handle these complaints.

Johanna Guenther commented that she sympathizes with people that can't use their back yards because of cats and the smell. She recalled four years ago when a resident complained and now that something is finally being done people are protesting.

Mike Loughran stated there are great organizations for cats, but some people do not play by the rules and because of that his quality of life is being affected. He continues to have issues with cats in his yard destroying his property and thanked the board for trying to do something about this.

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Councilman Rusinski stated that this is a community issue and the spirit of government is being portrayed with this public hearing. There is a balance even though opinions are divided and quality of life issues are questioned. He does not want another ordinance that may be unenforceable or selectively enforced. Councilman Rusinski thought that based on the information provided and the terrific groups available, they can come up with a comprehensive plan to address this issue that may or may not be in the form of an ordinance.

Councilman Hart stated he is uncertain whether they will pass a local law, but something has to be done to help homeowners that are being abused.

Supervisor Meegan stated she has learned a lot on this issue and looked forward to future conversations. She further thanked her fellow board members for their support.

15-C COMMUNICATIONS

1. Supervisor Meegan re Correction to amended resolution/Erie County Development Block Grant

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the revised resolution which amends the Erie County Community Development Block Grant (ECCDBG) correcting the amount to \$452,970.45.

15-C COMMUNICATIONS

1. (continued)

On the question, Councilman Hart stated that he would appreciate the Finance Department providing the old dollar amount when a figure is being corrected.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re
Resolution/Justice Court
Assistance Program Grant

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adopt a resolution authorizing Connie D. Miner & Co. Grant Consultants to complete necessary application forms for the Justice Court Assistance Program (JCAP) Grant and authorize Supervisor Sheila M. Meegan to sign and if funded, execute a grant application entitled NYS Unified Court System Justice Assistance Program.

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re Municipal
Cooperation Agreement

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to enter into a Municipal Cooperation Agreement with the City of Lackawanna and the Town of Orchard Park, if approved by their respective governing bodies, for the purpose of soliciting bids for the purchase of garbage and/or recycling totes.

Ayes: All

Noes: None

Motion Carried

4. Highway Supt. re Disposal of
equipment

Motion by Supervisor Meegan, seconded by Councilman Hart, to dispose of the following pieces of equipment that are no longer in service and remove them from our insurance where applicable:

<u>Vehicle #</u>	<u>Plate #</u>	<u>Year/Make</u>	<u>Vin #</u>
1186	n/a	1993 Scat	482-BHZ
1661	K74607	1973 Eager Beaver	18HA731538
1021	M53369	2000 International Dump	1HTGBAAR8YH262330
1017	K74625	1999 Chevy Pickup	1GCGK24R6YF441525
1072	K70684	1993 GMC Flatbed Dump	J8DE5B1UXP3001975

15-C COMMUNICATIONS

4. (continued)

Lancaster Fuel Tank (unleaded)

Galion Body model #502F capacity 14.5/18 serial #B-23809 S.D. 3400058-92PkG

and further, authorize the Highway Superintendent to dispose of the following equipment at the salvage yard:

4 Fisher Plows

1041	K74608	1979 International Dump	CA257JGB1175
1012	K74650	1999 Chevy Pickup	1GCGK24R3YF443541
1401	n/a	1993 Red Brush Bandit	6224

On the question, Councilman Rusinski questioned how the equipment will be disposed of.

Highway Supt. Matthew English stated the equipment goes to an auction.

Ayes: All

Noes: None

Motion Carried

5. Chief Gehen re Bid award for purchase of one (1) Ford AWD Interceptor police vehicle

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to award the purchase of one police vehicle to West Herr Ford, S-5025 Camp Rd., Hamburg, New York 14075, at their low bid amount of \$22,157.00, noting there are sufficient funds in the 2012 police vehicle line item 1.3120.0208.

Ayes: All

Noes: None

Motion Carried

6. Chief Gehen re Purchase requiring Town Board approval

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize payment of \$6,078.50 to Amchar Wholesale Inc. for assorted ammunition & supplies, noting that funding is available under budget line item #001.3120.0409 – Ammunition.

Ayes: All

Noes: None

Motion Carried

7. Code Enforcement Officer re Rezoning request for property located at 959 Indian Church Road

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to refer the rezoning request for 959 Indian Church Road to the Planning Board.

Ayes: All

Noes: None

Motion Carried

15-C COMMUNICATIONS

8. Director of Recreation, Youth & Senior Services re Appointment of Troy Eberle as part-time rink guard
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Troy Eberle as part-time Rink Guard at a rate of \$7.50/HR effective September 20, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
9. Director of Recreation, Youth & Senior Services re Part-time summer/winter employees
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Marleah Martinez as Recreation Attendant at a rate of \$8.50/HR and appoint Nate Osmond, Leah Rennie, Tyler Schmidt, Jenna Slowik and Alyse Stevenson as Life Guards at a rate of \$8.00/HR and further, appoint Matt Amoia, Steven Amoia, Emily Baker, Patrick Braunscheidel, Kristen Keane, Patrick Keane, Daniel Lewis, Nicolette Nigro, Tyler Perna and Matt Wach as Rink Guards at a rate of \$7.50/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
10. Director of Recreation, Youth & Senior Services re Status change for Marirose Bless and Carol Kennedy
- Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of Marirose Bless and Carol Kennedy from part-time to part-time seasonal effective October 1 – November 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
11. Councilman Hart re Contract with Public Sector HR Consultants for needs assessment study
- Motion by Supervisor Meegan, seconded by Councilman Hart, to contract with Public Sector HR Consultants of Glennville, New York, to conduct a staffing needs assessment of the Recreation Department and Senior Services Department at a cost of \$7,500 plus travel expenses and further authorize the budgetary transfer of \$8,500 from Salary of Coordinator of Peer Counseling (1.7313.01000) to Planning Consultant (1.1910.0484) in order to fund the contract and travel expenses.

On the question, Councilman Rusinski was opposed to hiring a consultant to perform a needs assessment and thought this fell under the Town Board's responsibility.

15-C COMMUNICATIONS

11. (continued)

Councilman Hart disagreed and stated the board members did not have time to do this and prejudices are possible. There could be an appearance of conflict and this company will be neutral and give a fair assessment.

Supervisor Meegan stated that a needs assessment was conducted in other departments and the results have been positive. Four companies were interviewed and this company has a great understanding of civil service and labor law.

Councilman Hart stated that this company provided the low quote and he was impressed with their preparation and proposal.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: (1) Councilman Rusinski

Motion Carried

12. Town Attorney re Ice rink concession agreement

Motion by Supervisor Meegan, seconded by Councilman Hart, to enter into a contract with 7K Unlimited, Inc. of Hamburg, New York, effective September 23, 2012, through April 30, 2015 noting 7K Unlimited, Inc. was the only bidder who responded to the town's RFP.

Ayes: All

Noes: None

Motion Carried

13. Town Clerk re Credit card agreement

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to enter into an agreement with Municipay for the processing of credit card payments in the Town Clerk's Office, noting that said agreement has been reviewed by Town Attorney Shawn Martin.

On the question, Councilman Hart asked Town Clerk Jacqueline Felser if there was any cost to the town for this credit card agreement.

Mrs. Felser explained that as a municipality the town is not able to absorb the charges that credit card companies charge merchants, so they have to use a third party company to manage the charges and they charge the customer a convenience fee. There is no cost to the town. The current company charges a 3% convenience fee with a \$3 minimum. Municipay's cost is 2.45% with a \$1.50 minimum. They also only charge \$1.50 for e-checks as opposed to the current company's 3%.

Ayes: All

Noes: None

Motion Carried

15-C COMMUNICATIONS

14. Highway Supt. re Status change for part-time seasonal sanitation laborers to part-time

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of the following part-time seasonal laborers in the Sanitation Department to part-time effective September 17, 2012:

Ronald Balys	Andrew Herbeck	Corey Reynolds	Colin Brown
Jamie Lang	Jeffrey Roll	George Case	Andrew Maj
Derek Sleger	James Maslanka	Joseph Demma	Timothy Czuprynski
Chris Nowinski	Jonathan Slominski		

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

15. Highway Supt. re Status change for part-time seasonal buildings and grounds laborers to part-time

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of the following part-time seasonal laborers in the Buildings and Grounds Department to part-time at their current rates of pay effective September 17, 2012:

James Brady	Joseph Kropczynski	Kerry Painter	Ian Cashdollar
Rick Mingle	Harold Schwartz		

and further, change the status of the following part-time seasonal laborers in the Buildings and Grounds Department to part-time at a rate of \$9.00/HR effective September 17, 2012:

Kyle Dominczak	John Radder	Ryan Struzik	Jacob Hiam
Ryan Schrader	Thomas Yochum	Michael Pauly	Mitchell Smith

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

15-C COMMUNICATIONS

16. Highway Supt. re Status change for buildings and grounds personnel

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of Robert Walsh as part-time seasonal laborer in the Highway Department to part-time laborer in the Buildings and Grounds Department and further, appoint David Sadowski as a part-time laborer in the Buildings and Grounds Department at a rate of \$9.00/HR effective September 17, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

17. Councilman Hart re West Seneca Public Library architectural drawings

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Clark Patterson Lee to prepare architectural drawings and plans for the West Seneca Public Library as part of the overall concept plans for Veterans Park.

On the question, Councilman Hart stated that in the past years there have been significant construction grants available for the library. This past year \$1.8 million dollars was received for the HVAC system. Other towns and communities throughout Western New York received up to \$15 million in construction grants. Going forward this will put the town in a good position for significant grants for updates to the library. A mechanical study of the library was recently conducted and the building was found to be pretty sound considering it was built in the 1950's and expanded in 1960. The building does not fit into the current library system. There is a lack of effective computers and a larger meeting hall is needed along with space for tutoring. In the Erie County system this library is considered a high use library. Councilman Hart stated that the exterior is deteriorating and changes need to be made. The objective is to have a plan and be able to move forward if the opportunity presents itself. He questioned if the pointing will be done before the end of the season.

Town Engineer Steven Tanner responded that the grant is still pending.

Ayes: All

Noes: None

Motion Carried

18. Town Engineer re Change Order for Dover Greenmeadow Reconstruction Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize a change order in the amount of \$51,589.50 to DiPizio Construction Co., Inc. for additional work related to the Dover Greenmeadow Reconstruction Project, noting that funding is available under budget line 005.1440.0200.0511.

15-C COMMUNICATIONS

18. (continued)

On the question, Councilman Rusinski questioned if this project was still below budget.

Town Engineer Steven Tanner responded that 3 million dollars was bonded for the project. The project bid came in at \$2,048,000 and this change order will increase the overall cost to approximately \$2,098,000. This is something that was considered to be part of the project when it was initially bid, but due to time frame constraints it was not included. The prices were in line or below when checked against the cost on other projects.

Ayes: All

Noes: None

Motion Carried

19. Town Engineer re Change Order for Highway Garage Improvements

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize a change order in the amount of \$6,371 to Arrow Sheet Metal Works for additional work related to the Highway Garage Façade Renovations.

On the question, Councilman Hart requested clarification and questioned how far along the overall project was.

Town Engineer Steven Tanner responded that the block was unit priced because it was hard to determine how many blocks and bricks would have to be replaced. Once the project was underway the condition of the block and grout joints was more visible and 97 additional blocks were added at the initial bid unit pricing cost. The only actual extra is replacement of an existing louver. The work that has been done will enable the building to be used for a longer period of time. Mr. Tanner stated that the asbestos abatement has been completed and the siding work is complete except for replacement of the louver. The roofing work is approximately 25% complete, on schedule and well under the original bonded amount of \$1,000,000. The original design called for replacing all the roofing which has solar screens, significantly increasing the cost. It was later determined that a paint-like type of substance could be applied to the roof. This substance dries into a thick plastic, has a 10 year warranty and ultimately saved a significant amount of money on the overall cost of the project. The entire roof was infrared scanned and this section did not have any water damage. The application of this substance merely extended the life cycle of the roof at a minimal cost.

Ayes: All

Noes: None

Motion Carried

20. Code Enforcement Officer re Rezoning request – 4592 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to refer the request for a rezoning for 4592 Seneca Street to the Planning Board for review.

15-C COMMUNICATIONS

20. (continued)

On the question, Code Enforcement Officer John Gullo stated this was a proposal for a townhouse subdivision. The property is currently zoned R-75 and needs to be rezoned to R-75A. If approved, the developer will be able to go forward with the subdivision application and the rezoning request.

Supervisor Sheila Meegan stated the proposed subdivision is located next to Sky Hi Drive and the Senior Center.

Ayes: All

Noes: None

Motion Carried

15-D WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - \$205,852.14; Highway Fund - \$21,772.65; Special Districts - \$31,347.72 (voucher #'s 65389 - 74999); Trust & Agency Fund - \$32,042.16 (voucher #'s 75000 - 75018); Capital Fund - \$216,672.25 (voucher #'s 75019 - 75024)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

SIGNS/PROPERTY MAINTENANCE

John Moscato commented on the number of signs that are put up on street corners in the community and questioned what is being done to enforce the current laws regarding this issue. Mr. Moscato referenced signs posted on School Street across from the Burchfield Center.

Code Enforcement Officer John Gullo stated that off street advertising signs are taken down by his department. He encouraged Mr. Moscato to contact his office with any sign issues he comes across. With regard to the School Street property, the property owner was given warnings and when no response was received they were cited for both debris and overweight vehicles. The property owner recently appeared in court and the issue should be resolved within two weeks. Mr. Gullo noted that they have to follow procedures with issues like this.

ISSUES OF THE PUBLIC

GREENMEADOW/DOVER RECONSTRUCTION PROJECT

Karen Lucachik questioned when the Greenmeadow/Dover Drive Reconstruction Project will be done and when the blacktop plants close.

Town Engineer Steven Tanner stated the scheduled completion date is November 14th and the contractor has 30 days past that date to finish the project. Blacktop facilities typically close at the end of October depending on the weather.

Bill Hanley questioned the change order extras on the project and if valves were also included with the curb boxes.

Town Engineer Steven Tanner stated that 86 curb boxes and valves were replaced and the cost was in line with competitive bid pricing. Many of the replaced curb boxes were buried and unable to be inspected. The newly installed curb boxes are in the right-of-way and belong to Erie County Water Authority. Going forward these will be included in a project when it is initially bid.

POLICE DEPARTMENT REHABILITATION

Karen Lucachik questioned the status of the Police Department rehabilitation.

Supervisor Meegan stated that meetings take place every two weeks to discuss and review plans.

Town Engineer Steven Tanner stated that several things are being worked on and there are three different grants from two different agencies. One grant will help pay for the new elevator which will be on the back of the building where the stairs are currently located. After entering the building a person will have the option of using the elevator or taking the stairs to the second floor. Mr. Tanner stated that a comprehensive plan is in place incorporating both the proposed elevator and the needs of the Police Department. The dispatch area will be changed and there will also be a prisoner elevator added behind the court room. A bid date will possibly be requested at the next Town Board meeting addressing handicap accessibility issues which is the first part of the project. Grantwriting and drawings for the police expansion will then be finished.

Mrs. Lucachik suggested putting a sign directory on the first floor and questioned where the Supervisor's office will be.

Supervisor Meegan stated that her office will remain at the Burchfield Center. There are not sufficient funds to move the office and their priority is the Police Department expansion.

ISSUES OF THE PUBLIC

POLICE DEPARTMENT REHABILITATION (continued)

Chief Gehen stated they have had productive meetings with numerous ideas and sketches being discussed. The approach is systematic, logical and involves a lot of planning. The project is broken into four different phases involving the entrance, dispatch area, evidence room, locker rooms, etc. Administrative and operational offices will be separated. A saliport will be installed and located off the back of the building. A saliport is basically a garage that enables prisoners to be processed and transported up an elevator to court while keeping them away from the general public.

GARBAGE TOTES

Karen Lucachik stated she would like to see the proposed garbage totes and asked Highway Supt. Matthew English if he had any available.

Mr. English responded they have different size totes at the highway garage and he will bring them to the next meeting.

ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

Beverly Leising referred to the Erie County Community Development Block grant amendment and questioned if the dollar amount difference is reflective of HUD money or unrestricted money. Ms. Leising further questioned if this money will be used at the Senior Citizens Center.

Supervisor Meegan stated that this is HUD money and the senior center meets all the requirements for usage of HUD funding.

Councilman Hart stated that there are two pools of money. The first pool is \$450,000 designated for work on streets and the senior center. The other pool is a smaller amount of unrestricted money that will be used by the Chamber of Commerce for economic development.

Town Attorney Shawn Martin stated that all the money was available through the Local Development Corporation. The Local Development Corporation turned the restricted HUD money over to the town because the town had the ability to use it. The Local Development Corporation retained the unrestricted money which will be used by the Chamber of Commerce to fund their operations.

Mrs. Leising referred to Agenda Item #1 and questioned if the amendment was an increase to the amount of money turned over to the town.

ISSUES OF THE PUBLIC

ERIE COUNTY DEVELOPMENT BLOCK GRANT (continued)

Supervisor Meegan responded that it was not an increase. The unrestricted funds will be used to fund the part-time salary of Gerald Hathaway as Economic Development Director for the town.

GARBAGE PICKUP

Beverly Leising questioned if there was an ordinance concerning containment of garbage and specifying when garbage can be placed curbside.

Highway Supt. Matthew English stated that garbage should not be put out more than 12 hours prior to the scheduled pickup, but he was unaware of any ordinance that states garbage has to be brought to the curb in a can. Garbage is required to be stored at the house in a can.

Mrs. Leising suggested placing stickers on garbage that is not properly contained stating it will not be picked up. She further commented that it is Mr. English's job as head of that department to address garbage issues and violations.

Mr. English responded that he works with the Code Enforcement Office and all garbage complaints are addressed.

Arlene Vogt commented she is unable to take garbage cans out to the road. She instead opts to use tightly tied garbage bags which work fine.

Code Enforcement Officer John Gullo stated that according to the town ordinance garbage has to be in a container with a lid when it is alongside the house, but it can be taken to the curb in a bag.

LEGAL ITEMS

Bill Hanley questioned why legal items cannot be addressed at the end of a Town Board meeting.

Councilman Hart responded there is no reason they could not address legal items last on the agenda.

ISSUES OF THE PUBLIC

2013 BUDGET

Amy Carpenter questioned if the 2013 budget hearing had been scheduled.

Supervisor Meegan stated the date of the budget hearing will be posted on Friday or Monday morning and it will be held at the Senior Citizens Center. The budget will also be available online.

LIBRARY

Amy Carpenter was happy with the proposed plans for the library and suggested that before any pointing of the brick is done they consider a possible expansion and see what the architect comes up with. Mrs. Carpenter further requested that minutes of the Library Board be posted on the town's website.

Town Engineer Steven Tanner stated that having a set of plans ready will put the town in a better position when applying for a grant. An analysis was conducted and the mechanical systems which are typically the most costly were found to be great. Asbestos in the building, tile grouting, window problems and space confinement are issues that need to be addressed.

Councilman Hart commented on the need for a computer lab and a meeting room capable of holding approximately 250 people. Parking accommodations and a possible coffee shop atmosphere will also be considered. Councilman Hart stated he will have the Library Board minutes forwarded to Town Clerk Jacqueline Felser for posting on the website.

TAX STRUCTURE FOR TOWNHOUSES

Amy Carpenter questioned if townhouses have a different tax structure than patio homes.

Supervisor Meegan responded she believes patio homes have a little bit of an advantage.

DETENTION PONDS

Amy Carpenter commented that the Town Board has discussed the possibility of taking over detention ponds and creating a special tax district similar to those created for lighting districts. At recent meetings, the Planning Board had discussed establishing a homeowner's association to manage the detention ponds. Since there is no rule in place, she questioned what the protocol will be for detention ponds going forward.

ISSUES OF THE PUBLIC

DETENTION PONDS (continued)

Town Engineer Steven Tanner stated this issue is in the investigative stage. He is looking at what the zoning code currently states and will be making recommendations for changes to the Town Board at a future date.

Councilman Hart questioned if this will fall under drainage districts.

Mr. Tanner responded that his recommendation for a new subdivision will be the creation of a drainage district, so for townhomes or housing the town will accept the maintenance responsibilities of the facilities by creating a drainage district. When commercial buildings are built, the storm water maintenance facilities will be maintained by their owner. The town will require commercial owners to provide long term maintenance on the facility and have a deed restriction so the pond will continue to remain a storm water pond if the property is sold.

Mrs. Carpenter commented that it is a hindrance when there is no Town Attorney, Code Enforcement Officer or Town Engineer at the Planning and Zoning Board meetings. She further would like to see the Planning, Zoning and Town Board have joint meetings to better utilize their expertise and knowledge.

Town Attorney Shawn Martin stated that each board has its own distinct duties as defined by Town Law and to have joint meetings of the Planning, Zoning and Town Board is not called for under Town Law. The Planning Board is created to make recommendations to the Town Board and they are given well defined duties under the Town Code. The role of the Zoning Board of Appeals is whether or not to grant an exception to the Town Code.

Supervisor Meegan agreed but commented that better communication between the boards is necessary.

Karen Lucachik questioned why underground detention ponds like the one at Katie's Place cannot be used.

Mr. Tanner stated that the cost is a lot more for underground ponds and they are more difficult to maintain.

SEWERS

Arlene Vogt commented on the large number of people who came to the meeting because of the cat issue and compared it to the small number of people who came to meetings regarding the town sewer issues.

