

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Chief Gehen.

ROLL CALL:

Present	-	Sheila M. Meegan	Supervisor
		Eugene P. Hart	Councilman
		John F. Rusinski	Councilman
Absent	-	None	

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

3-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-02 of January 23, 2012.

Ayes: All	Noes: None	Motion Carried
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- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the January 30, 2012 work session.

Ayes: All	Noes: None	Motion Carried
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- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the February 3, 2012 special meeting.

Ayes: All	Noes: None	Motion Carried
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3-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 2801 SENECA STREET, BEING PART OF LOT NO. 198, CHANGING ITS CLASSIFICATION FROM C-1 TO C-1(S), FOR A 100' MONOPOLE TOWER AND WIRELESS COMMUNICATION ANTENNAS, 12 X 8 ROOFTOP EQUIPMENT SHED AND RELATED SITE IMPROVEMENTS." in the Town of West Seneca, be received and filed.

(Upstate Cellular)

Ayes: All	Noes: None	Motion Carried
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Motion by Supervisor Meegan, seconded by Councilman Rusinski, to open the public hearing.

Ayes: All	Noes: None	Motion Carried
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3-B LEGAL NOTICES

1. (continued)

Town Attorney Shawn Martin read the recommendation of the Planning Board: "At its January 12, 2012 meeting, the Planning Board recommended approval of the request for a special permit and site plan approval for property located at 2801 Seneca Street, being part of Lot No. 198, changing its classification from C-1 to C-1(S), for a 100' monopole tower and wireless communications antennas, a 12' x 8' rooftop equipment shed, together with other site improvements as set forth in the application materials and site plan."

Robert Burgdorf, 1300 Clinton Square, Rochester NY, an attorney for Nixon Peabody along with John Englebert, Project Manager and Bret Morgan Site Acquisition Consultant were present on behalf of Verizon. Mr. Burgdorf referred to Verizon's initial application to the Planning Board made on July 1, 2010, noting that the purpose of the project is to solve capacity issues and service gaps. At that time, the project was discussed in detail and it was suggested that other areas be looked at for a possible alternate location. On November 21, 2011, Mr. Burgdorf once again came before the Planning Board with other possible alternate locations. After reviewing all locations, the Planning Board recommended the initial site of 2801 Seneca Street as the best and preferred location for the monopole tower and wireless communications antennas. Mr. Burgdorf requested the Town Board issue a Negative Declaration pursuant to SEQR and grant a special permit and site plan approval for the project.

Beverly Leising, Harwood Road, questioned the location of the project and Supervisor Meegan stated that it will be located at the Seneca Hose Fire Hall.

Councilman Hart questioned if the monopole will be attached or free standing and Mr. Burgdorf stated that the monopole will be close to the building but will be free standing.

Councilman Rusinski questioned if the monopole self collapses. Mr. Burgdorf confirmed that it does and stated that the monopole is built to very intense standards, noting that in the 20 years he has been the attorney for Verizon there has not been any incidents.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adopt the attached resolution issuing a Negative Declaration with regard to SEQR for the proposed Upstate Cellular project located at 2801 Seneca Street.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3-B LEGAL NOTICES

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request for a special permit and grant site plan approval for property located at 2801 Seneca Street, being part of Lot No. 198, changing its classification from C-1 to C-1(S), for a 100' monopole tower and wireless communications antennas, a 12' x 8' rooftop equipment shed, together with other site improvements as set forth in the application materials and site plan."

Ayes: All

Noes: None

Motion Carried
APPENDICES

2. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 348-350 LANGNER ROAD, BEING PART OF LOT NOS. 293 & 294, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR REPLACEMENT OF EXISTING FUEL CANOPY, FUEL PUMPS & UNDERGROUND FUEL TANKS; DEMOLITION OF EXISTING CONVENIENCE STORE & CONSTRUCTION OF A NEW 6488 SF CONVENIENCE STORE; CONSTRUCTION OF A NEW 4300 SF DETAIL SHOP; AND CONSTRUCTION OF A NEW 1750 SF OIL CHANGE CENTER." in the Town of West Seneca, received and filed.

(Delta Sonic)

3-C TABLED ITEMS

1. Code Enforcement Officer re Appointment of Daniel McCartan as Deputy Disaster Coordinator
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to remove this item from the table.
- Ayes: All Noes: None Motion Carried

Motion by Councilman Rusinski, seconded by Councilman Hart, to appoint Daniel McCartan as Deputy Disaster Coordinator.

On the question, Councilman Rusinski commented on the importance of this position and stated he had asked that this appointment be tabled because he was not familiar with Daniel McCartan and wanted to make an informed decision. After review, Councilman Rusinski stated that Mr. McCartan's resume is impressive and he is well qualified and will be an asset to the town.

Ayes: All

Noes: None

Motion Carried

3-D COMMUNICATIONS

1. Supervisor Meegan re Amendment to voucher protocol

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to amend the town's voucher program to remove the requirement that the vendor sign the voucher as long as there is a letter or other written documentation outlining the charge to the town such as an invoice, bill, etc.

On the question, Councilman Hart stated that this is allowed by Town Law and suggested that the motion be amended to indicate that. He further stated that the vendor's signature is unnecessary; however, it is important that the voucher is properly supported with a vendor's invoice and that the department head verifies and approves the voucher as a legitimate charge against the town for services delivered.

Motion by Councilman Hart, seconded by Supervisor Meegan, to amend the motion and eliminate the requirement for vendors' signatures on vouchers in accordance with Town Law Section 118.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re Transfer of Linda Kauderer

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the transfer of Linda Kauderer, Account Clerk Mini-computer Operator from the Finance Dept. to the Police Dept. effective February 6, 2012.

On the question, Councilman Rusinski questioned if this was a full time position transfer and if it was budget neutral. Supervisor Meegan confirmed this was a full time position transfer.

Chief Gehen stated that prior to Mrs. Kauderer's transfer there was a full time position and one part-time position open in his department. This transfer filled a void in his department, but he did not believe it was budget neutral since the budget only called for a part-time position.

Councilman Hart stated he would like to see budget amendments when transactions like this take place so the financing sources are clear.

Ayes: All

Noes: None

Motion Carried

3. Supervisor Meegan re Appointment of Dawn Both-Kim

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Dawn Both-Kim as Recreation Attendant at a rate of \$7.25/HR effective January 21, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

3-D COMMUNICATIONS

3. (continued)

On the question, Councilman Hart questioned if this is a part-time position.

Supervisor Meegan stated this is a part-time position. It is in the current budget and being filled by an existing employee. It was discovered while processing vouchers that some people who work for the town have historically received their pay by voucher, a process that needs to be corrected. Mary Josefiak, Director of Recreation, Youth & Senior Services, stated that rectifying this issue will not be an added expense to the town. It will instead produce a paycheck vs. utilizing the voucher system to pay an employee.

Ayes: All

Noes: None

Motion Carried

4. Councilman Hart re
Extension of Shared Assessor
Agreement

Supervisor Meegan suggested that the board members meet with Assessor Kandace Whitmeyer at their next work session to discuss the objectives and ideas she has put forth in her department. Supervisor Meegan did not have a copy of the new agreement and stated that Mrs. Whitmeyer received a 3 percent raise in the Town of Elma which is not reflected in the current agreement. Her revised work hours are also not in the agreement.

Motion by Councilman Hart, seconded by Supervisor Meegan, to table this item.

Ayes: All

Noes: None

Motion Carried

5. Town Attorney re Execution
of van contract with Erie
County for 2012

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute the van contract with Erie County for 2012.

On the question, Councilman Rusinski stated that some of the contract language needed to be updated reflecting the current Supervisor, etc. Town Attorney Shawn Martin responded that the updates have been made, but Councilman Rusinski did not have the most recent contract reflecting the changes.

Ayes: All

Noes: None

Motion Carried

3-D COMMUNICATIONS

6. Town Engineer re Direct Energy – 2012 renewal of energy supply rates

Town Engineer Steve Tanner explained the breakdown of different rates and periods of availability the town is charged for energy supply. Currently the rates are at a 15 – 20 year low and the town has the opportunity to renew their contract without penalty. The current three year contract will be up for renewal in July. Mr. Tanner

recommended that the town renew the contract with Direct Energy for a term of 48 months at a rate of 5.266 cents per kilowatt hour, ultimately saving approximately \$500,000 over the course of four years.

Councilman Rusinski questioned if the delivery change will be transparent. Mr. Tanner stated that the delivery will continue to come from NYSEG and National Grid and they will be contacted directly regarding any issues as in the past. If approved, the new agreement will be in effect immediately showing cost savings.

Motion by Councilman Hart, seconded by Councilman Rusinski, to authorize the Supervisor to execute the necessary paperwork to renew the contract with Direct Energy for a period of 48 months at a rate of 5.266 cents per kilowatt hour.

Ayes: All

Noes: None

Motion Carried

7. Chief Gehen re Bid date for police vehicles

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of Tuesday, February 28, 2012 at 10:00 A.M. for purchase of five (5) new marked police vehicles, noting that funding is available through the 2012 police vehicle line item #1.3120.0208.

On the question, Councilman Rusinski questioned the police vehicle replacement policy.

Chief Gehen stated there are ten marked vehicles and replacement is scheduled every two years. Each vehicle when traded in has approximately 70,000 – 100,000 total mileage. State bids are available; however, competitive bidding between dealers is usually lower.

Ayes: All

Noes: None

Motion Carried

8. Town Clerk re Appointment of Patricia DePasquale as part-time Records Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Patricia DePasquale as part-time Records Clerk at a rate of \$12/HR effective February 14 – June 30, 2012, noting funds were allocated in the Records Management Improvement Fund grant and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

3-D COMMUNICATIONS

8. (continued)

On the question, Councilman Hart questioned the duties of the town's current Records Inventory Clerk, and what, if any her role will be with regards to this grant.

Town Clerk Jacqueline Felser stated the current Records Inventory Clerk will not have any involvement in the work on this grant. Funds were allocated specifically in the grant for part-time help at \$12 per hour. The work has to be completed by the first part of June and the money spent by June 30th. Mrs. Felser further commented on the specific duties and responsibilities of the current Records Inventory Clerk which includes every aspect of record storage, retrieval, and maintenance of a database on the records. She also participates in other shared duties performed by all the employees in the office.

Ayes: All

Noes: None

Motion Carried

9. Finance Office re Title and department change for Jodie Wysocki

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Jodie Wysocki as Senior Clerk Typist in the Engineering Department and appoint Jodie Wysocki as Senior Account Clerk, Group 4, Step 2 in the Finance Department effective February 6, 2012, 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 Adoption of By-Laws for WSYHA

Supervisor Meegan stated that after reviewing the by-laws, she has some questions and would like to have representation from the Youth Hockey Association in front of the Town Board for a discussion.

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to table this item.

Ayes: All

Noes: None

Motion Carried

11. Director of Recreation, Youth & Senior Services re Appointment of part-time clerk Julia Krezmien

Motion by Supervisor Meegan seconded by Councilman Hart, to appoint Julie Krezmien as a part-time recreation ID clerk at a rate of \$8/HR effective February 13, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

3-D COMMUNICATIONS

11. (continued)

On the question, Councilman Rusinski questioned if this was another employee being paid by voucher. Mary Josefiak, Director of Recreation, Youth & Senior Services advised this was a new employee that was replacing the former id clerk.

Ayes: All

Noes: None

Motion Carried

12. Director of Recreation, Youth & Senior Services re Status change for part-time clerk Marirose Bless to seasonal

Motion by Supervisor Meegan seconded by Councilman Rusinski, to change the status of Marirose Bless from part-time to part-time seasonal effective February 1 - February 29, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned what position this involved and whether or not the seasonal status was in the budget.

Supervisor Meegan stated it was a budgeted position in the cafeteria and Erie County Personnel requires a status change to seasonal part-time when employees work more than 19 hours per week.

Ayes: All

Noes: None

Motion Carried

13. Director of Recreation, Youth & Senior Services re Status change for part-time van driver John McCartan to seasonal

Motion by Supervisor Meegan seconded by Councilman Hart, to change the status of John McCartan from part-time to part-time seasonal effective February 1 - June 29, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

14. Supervisor Meegan re West Seneca Veterans Memorial Park Resolution

Motion by Supervisor Meegan seconded by Councilman Hart, to adopt a resolution authorizing the Supervisor to sign the application for funds from the NYS Office of Parks, Recreation and Historic Preservation, noting that a matching grant in the amount of \$50,603 has been reserved from the Environmental Protection Fund (EPF) Municipal Grant Program for the Veterans Memorial Park project; and further, authorize and direct Supervisor Sheila M. Meegan to sign an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in

3-D COMMUNICATIONS

14. (continued)

an amount not to exceed \$75,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of West Seneca for rehabilitation of Veteran's Memorial Park.

Ayes: All

Noes: None

Motion Carried

15. Councilman Hart re
Resolution opposing NFTA
proposed bus service
reduction in the Town of
West Seneca

Carl Spencer, Cam Court, presented a resolution opposing the proposed elimination of bus route 75 in the Town of West Seneca and voiced his concerns on how the elimination of this route will have an adverse impact on West Seneca residents and its economy. Mr. Spencer currently works downtown and uses this bus route as his transportation. He noted it is the only public transportation available connecting West Seneca to Buffalo.

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution opposing the proposed elimination of bus route 75 in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried
APPENDICES

16. Town Engineer re Phase 2
and 3 Sanitary Sewer
Evaluation Study for
Professional Services

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize GHD Consulting Engineers to perform the work included in their proposal to complete a thorough evaluation of Phase 2 and 3 of the town's sanitary sewer system as indicated in the original sewer system infiltration and inflow evaluation dated July 2011 with revisions dated November 2011, noting that funding for this work is budgeted under the major repair line in Sewer District 13, Account #03.8113.1441.

On the question, Town Engineer Richard Henry stated that the initial phase took place two years ago and involved smoke testing, televising, dye testing and an overall field evaluation. Once Phase 2 and 3 are finished, 30 percent of the sewer system evaluation will be completed. The sections of town that will be affected are available online under the sewer presentation. The work will show where problems such as leaks, cracks, broken pipes or illegal connections exist, but it will not show where laterals are deficient.

Ayes: All

Noes: None

Motion Carried

3-E REPORTS

- Jacqueline A. Felser, Town Clerk's report for January 2012 and Receiver of Taxes final report for 2011 – 2012 school tax collection
- John A Gullo, Code Enforcement Officer's report and plumbing report for January 2012
- Finance Office, Revenue/expense comparison control report posted as of February 8, 2012; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report for the period January 19, 2012 – February 8, 2012

Councilman Rusinski referred to a discrepancy on Mr. Gullo's Code Enforcement report under the monthly valuation summary and fee schedule. He further asked that Mr. Gullo furnish the board members the citations and violations along with his report.

Mr. Gullo responded that they recently had an upgrade to the Building Department software. He will check this discrepancy and submit a revised report. He will also talk to the computer programmer about developing a report on the citations and violations.

STATEMENT BY SUPERVISOR MEEGAN CONCERNING SEWER LATERAL ISSUE

Supervisor Meegan referred to the sewer lateral issue and stated that she takes her job very seriously and has taken an oath of office in the past as councilwoman and most recently as Supervisor. She is aware of the responsibility and seriousness of her job and has handled every issue that has come before her with a trustworthy decision making approach. Supervisor Meegan stated she was extremely insulted by statements that infer she has not done her due diligence on previous agenda items. She takes great pride in working for the community and makes sure that every decision made is not just about its affect now but also in years to come and she believed the people she works with took the same approach, but unfortunately that was not the case with the sewer lateral issue. Supervisor Meegan stated she was not privy to the language that was inserted in the local law concerning the sewer laterals and when people keep things from her they are keeping things from 46000 people. When she said the language was vague to her, it was so vague it was not there. The language was never given to her or former Councilman Dale Clarke. When they voted on the local law it was the language that was originally given to them. They were not given a memo with any revisions and they believed the only changes made to the local law were those that were outlined in Town Engineer Richard Henry's public sewer presentation and those discussed at the October 17, 2011 Town Board meeting. There was never any discussion concerning replacement of the sewer laterals, broken or not broken. Supervisor Meegan stated she has always been upfront and honest. When asked to meet with Dan Locche of the Realtor's Association she welcomed the chance to work this issue out. If she was hiding something she would never have made it public that she was meeting with him. Supervisor Meegan stated it was never her intent to keep anything from the public, it has never been her practice to do so, and it is not correct for other people to make those assumptions. This is not how she operates and anyone that knows her also knows this. Supervisor Meegan stated she was elected to do a job she truly loves and she will continue to do it with honesty and integrity.

ISSUES OF THE PUBLIC

STATUS OF HOUGHTON COLLEGE PROJECT

Arlene Vogt, Union Road, questioned the outcome of the appeal on the Houghton College project.

Town Attorney Shawn Martin advised that he forwarded copies of the decision to the board members this date. The Appellate Division in Rochester upheld Judge Whelan's order from Buffalo.

Mrs. Vogt noted it was said that nothing is wrong with the sewers and she questioned how this was possible when 350 million gallons of raw sewage went into Cazenovia Creek last year. She questioned if the town provided this information to the attorney, noting that the former Town Engineer had said there was capacity in the sewers.

Supervisor Meegan did not believe the Planning Board should have been the lead agency and when the issue went before Judge Whelan the town did not have all the data on the sewers and they were not able to offer the information to him when it became available.

Mrs. Vogt stated she gave a lot of information on the sewers to the attorney representing the town.

Mr. Martin stated the information was part of the presentation made to Judge Whelan. He agreed with Mrs. Vogt and does not know why Judge Whelan made that decision. Mr. Martin stated there is a sewer problem and evidence was presented to the Appellate Division and they attempted to expand the record to include additional information. He stated the town could potentially appeal to the Court of Appeals of the State of New York, but the chances they would take the case are slim to none because it is an Article 78 from denial of a special permit.

Supervisor Meegan stated it was unfortunate but they now have to make the best out of what has happened and do what is right going forward. The sewer issue will be addressed and there will be demands made on the project.

Mrs. Vogt questioned if the project will again come before the Planning Board and Town Board.

Code Enforcement Officer John Gullo responded that the project will go back before the Planning Board for site plan review and SEQR review.

SEWER LATERAL ISSUE

Karen Lucachik, Greenmeadow Drive, stated she attended every meeting concerning the sewers and did not hear anything about the laterals discussed. She questioned where the sentence that was added to the local law came from.

ISSUES OF THE PUBLIC

SEWER LATERAL ISSUE (continued)

Town Engineer Richard Henry stated that he met with Supervisor Piotrowski and Code Enforcement Officer John Gullo on October 19, 2011 to discuss the local law. At that time, Supervisor Piotrowski requested there be stronger language in the local law, and that is when the sentence was added.

Mrs. Lucachik commented that the resolutions read at this meeting were read in their entirety; however, that did not happen at the meeting when the local laws were adopted. If the local laws had been read, everyone would have known what was being voted on.

NEW WELCOME SIGNS

Karen Lucachik, Greenmeadow Drive, referred to the sign committee mentioned at the previous meeting and questioned how the committee was formed.

Supervisor Meegan stated that it is not really a committee. Frank Calieri from the Chamber of Commerce and Michael Yost of Yost Signs are working on some great ideas for signs, but there are some legal issues to deal with.

Highway Supt. Matthew English stated that they were looking for businesses to buy and sponsor the signs, but Town Attorney Shawn Martin thought there might be a concern with promoting a business on state or county property. They will be asking permission from the state and county.

Mrs. Lucachik was more concerned about the welcome signs entering the town and hoped to see a more attractive sign than what has been there.

Supervisor Meegan stated that Mr. Calieri had proposed the signs on the east side of town be painted green for East High School and the signs on the west be painted blue for West High School.

Mrs. Lucachik did not like that idea and thought it would only serve to divide the town. She suggested allowing the public to have some input on the design of the signs.

Paula Minklei, Orchard Park Road, did not believe the welcome signs should have businesses advertised on them.

BENEFITS FOR TOWN BOARD MEMBERS

Karen Lucachik, Greenmeadow Drive, questioned if the Town Board members received any payment in lieu of health insurance since none of them accepted that benefit.

ISSUES OF THE PUBLIC

BENEFITS FOR TOWN BOARD MEMBERS (continued)

Supervisor Meegan stated she receives the in lieu of stipend which is 25 percent of the cost of health insurance or about \$3400 after taxes.

Councilman Hart stated he had not decided whether to accept the in lieu of stipend. He is personally opposed to this type of stipend and has to decline in writing if he doesn't want to accept it, but if he does take the money it will be distributed to different organizations in town (i.e. Burchfield Center, Union Fire Company in memory of a friend of his, etc.).

Mrs. Lucachik noted that several other towns have stopped insurance benefits for their council members and there is no in lieu of payments.

Councilman Hart stated that one of the problems he has with this is that the Town Board negotiates the contract with the employees and he did not believe they should then take advantage of the benefits they are in charge of negotiating.

PART-TIME CLERICAL APPOINTMENTS

Karen Lucachik, Greenmeadow Drive, referred to the recent appointment of two part-time employees and questioned if these jobs were advertised.

Supervisor Meegan stated that Emily Josefiak was originally hired last summer and was recently rehired as a part-time clerk to work in various departments as needed. Supervisor Meegan had worked with Miss Josefiak last summer at the Queen of Heaven picnic and at that time asked if she would like to work on a project in the Code Enforcement Office. The part-time recreation id clerk was one of a number of applicants on file in Supervisor Meegan's office.

SECRETARY TO SUPERVISOR APPOINTMENT

Karen Lucachik questioned if Supervisor Meegan's appointment as secretary, Thomas Sullivan, had purchased a home in West Seneca yet.

Supervisor Meegan stated that Mr. Sullivan has six months to relocate to West Seneca and she understood he had put in a bid on house.

NEW HOMES IN CAMELOT SQUARE

Karen Lucachik, Greenmeadow Drive, referred to a newspaper announcement that Ryan Homes will be building ten new homes in Camelot Square. She questioned if this was located in Sewer District 13 and if they had permission to build the houses.

ISSUES OF THE PUBLIC

NEW HOMES IN CAMELOT SQUARE (continued)

Code Enforcement Officer John Gullo responded that Camelot Square is located in Sewer District 13 and if Ryan Homes is using Mr. Piotrowski's lots the sewer taps have already been approved.

STATUS OF AMERICORPS DEBT

Karen Lucachik, Greenmeadow Drive, questioned if the town received the February payment from AmeriCorps. She further questioned the total paid and balance due on the \$1.8 million owed.

Patrick Clancy of the Finance Department advised that the town received both the January and February payment from AmeriCorps. The balance due on that portion of the debt is approximately \$459,000.

Town Attorney Shawn Martin advised that a portion of the \$1.8 million was recovery of grant money that is still due. This will be turned over to the town upon their receipt. It is monitored and they do report to the town. The other portion owed was \$660,000 which is being paid at \$8000 per month over 60 months.

Mrs. Lucachik questioned the amount owing on the grants.

Mr. Martin stated that the separation agreement has the grant balances and he did not have that information with him. He will gather the information and provide it at the next meeting.

Councilman Hart understood there was some concern on the collectability of some of the \$1.8 million. He questioned if there was any further information on this.

Mr. Martin did not recall any specific conversations about collectability with the exception of the Mississippi grant and there may be a litigation option with that.

Paula Minklei, Orchard Park Road, questioned if there was documentation that the grant contracts were fulfilled and reimbursement sought.

Mr. Martin stated that the town has the grant documents and some of them continued through 2011, but there were early termination agreements to cease advancing funds. This was part of the separation agreements and he will bring them to the next work session.

Mrs. Minklei thought the town would need something that actually says the grant was completed.

ISSUES OF THE PUBLIC

STATUS OF AMERICORPS DEBT (continued)

Mr. Martin stated they have the underlying intent of the grants and have gone through them with the accountants and lawyers to come up with numbers they agreed upon.

Supervisor Meegan stated that in December the town's auditor, Wayne Drescher, asked for her help with these outstanding items with AmeriCorps. She went to Senator Schumer's office and Mr. Dimitri is helping with this issue. Supervisor Meegan stated they will be making sure that AmeriCorps did not get the money, and once they have confirmation that the money was not delivered, they will know there is an opportunity to go after it. However, if the money was received by AmeriCorps, they have to take a different approach.

MASTER PLAN REVIEW COMMITTEE

Paula Minklei, Orchard Park Road, questioned if Supervisor Meegan had already put together a committee to review and update the Master Plan.

Supervisor Meegan stated she had not put together a committee and only suggested that members of the community should be part of a committee to consider updating the Master Plan. She asked if Mrs. Minklei would be on the committee.

Mrs. Minklei stated she would be happy to be part of the committee and suggested that something be put in the media requesting that interested parties notify the town.

NEW POLICE VEHICLES

Thomas Kelly, Centerview Drive, questioned if the new police vehicles put out to bid at this meeting will be equipped with video cameras.

Chief Gehen stated that all the old equipment is removed from the trade-ins and reinstalled in the new vehicles. He received a quote from Watchguard this date and will be ordering two replacement cameras that were included in the 2012 budget. Chief Gehen will also be discussing with Councilman Rusinski the possibility of grant money for two additional cameras.

SALE OF DEVELOPMENTAL CENTER PROPERTY

Thomas Kelly, Centerview Drive, commented on the sewer problem and referred to the proposed sale of the developmental center property on East & West Road, noting that a contractor will want to develop it. He suggested that the size of the laterals going into the main be considered and increased from 6 inch to 8 inch.

ISSUES OF THE PUBLIC

SALE OF DEVELOPMENTAL CENTER PROPERTY (continued)

Supervisor Meegan stated that this will be considered and a part of the conversation when the sewers are discussed.

Town Engineer Richard Henry stated there are restrictions on the sewers. The town is under a consent order that limits the number of connections and there are about 230 approved connections in three different subdivisions – Queens Landing, Princeton Estates, and Hazel Court in Orchard Park. A developer could not develop the developmental center property without doing mitigation work as discussed in the past.

Amy Carpenter, Woodward Crescent, stated she had attended the last Environmental Commission meeting concerning the developmental center property and it was mentioned there was a house on East & West Road that is collapsing. She questioned if the state was given a citation.

Councilman Hart stated that he talked to the state property manager this date and referred him to the Code Enforcement Office. There will be action taken on this property.

Mrs. Carpenter questioned if there was a time frame and if the town could take the state to court on this issue.

Mr. Gullo responded that the town has no jurisdiction over the state and they can basically do what they want.

Mrs. Carpenter understood this but suggested that since the board members are attending an upcoming training session with other communities, they talk about this situation with those town officials and try to put an end to these types of rules where the state takes control over everything. There are a lot of places that are abandoned by the state and nothing gets done and Mrs. Carpenter was concerned this will happen with the developmental center property, so the town needs to continue a proactive approach with this issue.

LISTING OF TOWN WEBSITE ON TAX RECEIPTS

Amy Carpenter, Woodward Crescent, stated she received her receipt for payment of property taxes and the town's website was not listed anywhere on the receipt. She thought the website should be on any correspondence from the town and posted on the sign at Union Road and Main Street.

Town Clerk Jacqueline Felser questioned if Mrs. Carpenter's receipt came from the bank or from the Town Clerk's office.

ISSUES OF THE PUBLIC

LISTING OF TOWN WEBSITE ON TAX RECEIPTS (continued)

Mrs. Carpenter stated that her taxes were paid through her escrow account.

Mrs. Felser stated that the escrow payments are made directly with M & T lockbox and they mail receipts to the property owners. She has requested other changes be made to the bank's receipts, but they informed her the changes cannot be made because of the software vendor.

GRANT FUNDS

Amy Carpenter, Woodward Crescent, referred to a previous discussion on the police expansion and the loss of grant funds for that project and questioned if there was any update on this.

Supervisor Meegan stated she had nothing to report on that grant, but since the last work session she did have a conversation with Grantwriter Connie Miner about transferring the funds allocated for the ice rink grant and using the \$250,000 for the police expansion. She hoped to have an answer on that soon.

Mrs. Carpenter referred to the funds to be used for the pool renovations and questioned why the funds were sitting in fund balance for years with no one questioning it.

Supervisor Meegan stated that as a councilwoman she was never privy to that information.

Mrs. Carpenter thought that even the citizens should have been aware of these funds that were available.

Supervisor Meegan agreed and stated that the town's auditor, Wayne Drescher, pointed out several areas where there has been money sitting there. Town Clerk Jacqueline Felser queried the minutes and found \$483,000 that was bonded in 1999 for the Madison Wire site project. Because of the vagueness of the resolution that money is available to help with other things.

Councilman Hart stated that unfortunately in most governments when you want that kind of information you have to dig for it. There is a financial report that is put out by the accountants every year and within it is a schedule of capital projects and their age. There are projects on the list that have never been funded, so there are many problems that go back many years.

Mrs. Carpenter recalled previous board members stating that when work is done it is not guaranteed. She hoped that if there is masonry work being done on the pool there is some statute that will hold them liable for the work.

ISSUES OF THE PUBLIC

GRANT FUNDS (continued)

Town Engineer Richard Henry advised there is a minimum one year performance bond required on any town contract.

Mrs. Carpenter thought there should be a minimum five to twenty year performance bond even if it costs a little more for that guarantee.

ENERGY SUPPLY RATES

Amy Carpenter, Woodward Crescent, was happy to see the savings with the energy supply rates that were voted on at this meeting, but noted that in the past they have put this out to bid. She questioned if it was unnecessary to see what competitors were offering. Mrs. Carpenter also thought it was worth exploring the possibility of matching up the town's electric with the school district's to see what savings can be realized with this type of bulk purchase.

PEER COUNSELING PROGRAM

Amy Carpenter, Woodward Crescent, questioned if a meeting had been scheduled with the school district to discuss the peer counseling program.

Supervisor Meegan responded that Town Attorney Shawn Martin will be contacting Dr. Crawford to schedule a meeting for the beginning of May.

Mrs. Carpenter thought that was too late since the school budgets are adopted in May. Also, if the town and school both decide not to fund the program, it will give the employees an opportunity to look for another job.

Supervisor Meegan asked that Mr. Martin try to schedule a meeting with Dr. Crawford in late March to discuss the peer counseling program.

RECYCLING PROGRAM

Linda Toy, Burch Avenue, referred to the town's recycling program and questioned if the town is making money on it.

Town Attorney Shawn Martin stated the recycling was bid out three years ago and the town pays per household to have recyclable material picked up.

Mrs. Toy questioned if other communities were making money on recycling.

ISSUES OF THE PUBLIC

RECYCLING PROGRAM (continued)

Mr. Martin stated that the City of Buffalo has a recycling plant and they take the material back to their plant where it is sorted and sold on the open market. The Town of West Seneca does not sell its recycling; it is picked up and gone.

Mrs. Toy suggested that the town join with another community and sell their recyclables to make money.

Mr. Martin stated they could possibly look into this at the end of the current contract, but the town does not have the equipment or facilities to process recyclables.

Mrs. Toy also noted that some communities have purchased covered totes for their garbage pickup which would help with the rat problem in her neighborhood.

EMPLOYEE PAYROLL

Beverly Leising, Harwood Road, referred to the employees being paid by voucher that are now on the payroll. She questioned if they will now have taxes and social security taken out of their pay and if this was done under the voucher system.

Supervisor Meegan stated there will be payroll taxes taken out of their pay. Under the voucher system, they were given a 1099 form if they exceeded \$500.

STATUS OF SECURITY CAMERAS

Beverly Leising, Harwood Road, questioned if the security cameras had been ordered.

Supervisor Meegan advised they cannot order the cameras until the amendment is accepted by Albany. She did not have a timeframe for their acceptance.

AMERICORPS SALE OF 16 SCHOOL STREET

Beverly Leising, Harwood Road, referred to AmeriCorps sale of a house at 16 School Street for \$60,000 that a previous administration had given them to use. She suggested that the \$60,000 be given to the Police Department to be applied to their expansion.

Supervisor Meegan stated that although the house sold for \$60,000 the town will only receive about \$6000 because there was a lien on the house.

ISSUES OF THE PUBLIC

AMERICORPS SALE OF 16 SCHOOL STREET (continued)

Town Attorney Shawn Martin stated that AmeriCorps agreed to turn over the remaining proceeds after they take care of all the expenses involved in transferring the property and paying off the lien along with taxes. The net result is actually about \$8000.

Chief Gehen stated that if they receive the \$250,000 from the ice rink grant they will be able to do a lot with the area they were planning to move into and also work on the vacated areas of the existing police department.

Mrs. Leising questioned if Supervisor Meegan will be keeping her office at the Burchfield Center and Supervisor Meegan advised that she will be moving back to Town Hall.

Councilman Hart questioned if Chief Gehen will be able to use the asset seizure funds for the expansion as previously discussed.

Chief Gehen thought that they could use about \$50,000 of the asset seizure funds but he wanted to first double check with the feds.

CERTIFICATE OF OCCUPANCY & SEWER LATERAL LOCAL LAW

Beverly Leising, Harwood Road, referred to the certificate of occupancy information and questioned if it came from grassroots of neighborhood housing services that started in the early 1980's.

Code Enforcement Officer John Gullo stated that it came from a 2006 discussion in his office and it was approved in 2008. The situation was discussed internally and was not based on neighborhood housing services.

Councilman Hart questioned if it was required under the consent order and Mr. Gullo advised it was not. Councilman Hart further stated that he thought the sewer lateral language was in response to the consent order and he questioned what they will be doing now to address that.

Town Engineer Richard Henry responded that they are working on revised language to deal with this.

Mrs. Leising stated that former Town Engineer George Montz had informed the public about the five pump stations that were dumping sewage into the creek, and she called the DEC and was told that the town is being fined for dumping raw sewage into the creek. Mrs. Leising did not recall the amount but thought that the money from the fines could be saved and instead used toward the bond issue.

ISSUES OF THE PUBLIC

CERTIFICATE OF OCCUPANCY & SEWER LATERAL LOCAL LAW (continued)

Mr. Henry stated that he checked this question last year and was unable to find any fines the town is paying to the DEC. Patrick Clancy of the Finance Department concurred that no fines were being paid to the DEC that he was aware of.

Mrs. Leising further commented on Town Attorney Shawn Martin's behavior at the previous Town Board meeting when he addressed people concerning the sewer lateral situation and asked that he be a little more compassionate with people.

Dave Kims, Covington Drive, referred to the sewer lateral language that was inserted in the local law and questioned if it was legal for this to happen after it was voted on.

Mr. Martin stated that the changes were made in October 2011 and the law reads that a proposed local law must sit on the desks of the governing body for seven days plus a Sunday (the eight day rule). It was his understanding now that the proposed changes were not received by all the recipients and that appears to be a lack of communication that they are looking into. The local law was properly passed in November 2011 because when the changes were made in October he replaced the local law that was on file in the Town Clerk's office with the revised one.

Councilman Hart questioned if it was the job of the Town Clerk's office to furnish the board members with the local law.

Mr. Martin stated that he furnishes the board members with the local law. He was not at the October meeting when the changes were made and understood that they were just housekeeping changes and typos.

Mr. Kims thought this was an important change in the local law that should have been discussed in public before being voted on and he was concerned that something like this not happen again in the future. Mr. Kims further stated that his house is located in Sewer District 5 that also has problems and he questioned why three hotels were allowed to be built in that sewer district.

Mr. Henry stated that the developer of the hotels was required to provide 4:1 mitigation, which means they had to provide four times a reduction in flow for every one part they add. They do this by fixing laterals, pipes and manholes. Mr. Henry stated this was another reason why they looked at the sewer laterals the way they did. He noted that 60 to 70 percent of all the inflow and infiltration in the system that is causing all the backup in basements is coming from the private laterals and they have to start dealing with this situation.

ISSUES OF THE PUBLIC

CERTIFICATE OF OCCUPANCY & SEWER LATERAL LOCAL LAW (continued)

Arlene Vogt, Union Road, referred to the 4:1 mitigation and understood that a developer only gives the town a sum of money that can go into any fund.

Mr. Henry stated that if the developer agrees to a financial agreement instead of doing the repairs themselves, the money goes into the sewer fund for that particular district. They have only done this once since 2011.

Cheryl Pacer, Crofton Drive, stated that she and her husband put their house on the market two weeks ago and they have been receiving calls about the sewer lateral. This was hurting the sale of her home and Mrs. Pacer questioned why the local law was not rescinded February 3rd and why it cannot be rescinded at this meeting.

Councilman Hart stated that they have suspended enforcement of the local law, but they have to follow the laws of the State of New York to rescind the law which requires certain periods of time for advertising and holding a public hearing. However, they will have to review and address the sewer lateral situation in the future.

CAPITAL PROJECTS BONDING

Tom Trimper, Pine Valley Court, referred to the proposed 15.9 million dollar bond issue and questioned the tax implication of this.

Supervisor Meegan stated that the board members just received information from the town's auditor, Wayne Drescher, but the spreadsheet does not show the tax implication. This will be addressed at the next work session to be held February 27th at 5:00 P.M.

Mr. Trimper commented on all the proposed projects and stated he was not against making improvements but they have to keep the numbers in line.

Supervisor Meegan stated that each of the projects will be presented to the public and indicate the cost factor and need. The buildings have been neglected for over 30 years and if they do not do something about it the buildings will be closed. Supervisor Meegan stated it was the board members responsibility to the public to let them know what is necessary to be done along with the cost and how it will affect them. Everything will be made very clear to the public and they will be able to decide.

ISSUES OF THE PUBLIC

CAPITAL PROJECTS BONDING (continued)

Councilman Hart stated that the town needs a 10 year capital plan because they will not be able to do all the work at once. They will also have to prioritize what needs to be done according to their ability to pay. In addition, they also need a 10 year plan showing the implications of any money spent. Councilman Hart stated that he sat with Mr. Drescher after the last work session and he has a very comprehensive spreadsheet he is working on that will show the tax implications.

Mr. Trimper questioned the length of a bond issue.

Councilman Hart advised that it depended on how long the equipment or building lasts. He further noted that they also have to consider the 2 percent tax cap that was imposed by the State of New York and he thought they might already be over that. Councilman Hart and Supervisor Meegan both stated there was a lot of planning to do and they would not support that kind of expenditure in one year. Councilman Rusinski agreed and stated he would be adamantly opposed to anything that is not imperative.

NFTA RESOLUTION

David Bagley, Campus Drive, was disappointed that none of the board members attended the public comment period for the NFTA, but thanked them for supporting the resolution opposing the elimination of certain bus routes. Mr. Bagley further asked that the police enforce the state law regarding parking across a sidewalk and asked that the snow removal ordinance for sidewalks be enforced so people are not forced to walk in the street.

Chief Gehen asked that Mr. Bagley contact the police department when he comes across a vehicle blocking a sidewalk and they will come out and address the situation.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to recess to Executive Session at 9:20 P.M. to discuss one contract matter and two employee issues.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:40 P.M.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

PUBLIC HEARING ON SEWER DISTRICTS

Town Engineer Richard Henry stated that he met with bond counsel over the last couple weeks and they were still lacking a description of the sewer district. This took some time to re-create because the districts were formed a long time ago. They have been working on the description and it should be done by next week, so they should be able to set the date for the public hearing by the February 27th Town Board meeting. The meeting will probably be held at the Senior Citizens Center the week of March 19th, but a specific date will be announced at the next meeting.

DOVER/GREENMEADOW DRIVE RECONSTRUCTION PROJECT

Town Engineer Richard Henry stated that a date will be announced at the next meeting for a public information meeting to be held at the Senior Citizens Center concerning the Dover/Greenmeadow Reconstruction Project. The plans will be available for review and comments and they would like to put the project out for bid with construction starting before July 2012.

SENECA CREEK PATHWAY PROJECT

Town Engineer Richard Henry submitted a map to the Town Board of the Seneca Creek Pathway project that was funded 80 percent by the NYSDOT and 20 percent by the Erie County Department of Public Works (ECDPW). He did not know how old the project was but was recently contacted by the county stating they would like to revive it. The project is primarily a bike/walking path, it is on Page I-12 of the Comprehensive Plan under Recreational Paths and Trails, and it was desired by the community at some point. Mr. Henry asked the board members if they wanted him to discuss this with ECDPW.

Supervisor Meegan, Councilman Hart and Councilman Rusinski were all in favor of the Seneca Creek Pathway project.

AUDITING OF CLAIMS

Councilman Hart stated there still appeared to be a problem with claims auditing and in the absence of a Comptroller, the town is required to come up with a system to audit the claims. He hoped the Finance Department would be giving the board members a recommendation on this soon.

Supervisor Meegan stated that she has been working on this with Laura Landers of the Finance Department and they now have a plan in place.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

COUNCILMAN ASKS TO BE KEPT INFORMED OF MEETINGS

Councilman Hart understood that Supervisor Meegan and Town Attorney Shawn Martin meet with different groups and he would like a list of who they are meeting with. He asked Mr. Martin to notify him by email when they are meeting with someone.

Supervisor Meegan stated that they meet with several people and Councilman Hart should ask questions whenever he chooses.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:50 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK