

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
Minutes #2012-11
June 25, 2012

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 Highway Supt. Matthew English.

ROLL CALL:

Present	-	Sheila M. Meegan	Supervisor
		Eugene P. Hart	Councilman
		John M. 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.

The meeting was dedicated to the memory of deceased Lion's Club members Gary Aeschbacher, John Dasta, Arthur Donley, Fred Furmann, Donald Goodman, Ken Monkelban, and Daniel Pentasuglio and Jacqueline Wisniewski, Paul Giese and Mitchell Pearce.

Councilman Rusinski introduced and recognized firefighters Tony DiChristopher, Adam Grabowski, Robert Vanwey, Norm Brem & Micah Milewski for their efforts in a water rescue on June 12, 2012 and presented them with a proclamation on behalf of the town.

11-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-10 of June 11, 2012.

Ayes: All

Noes: None

Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the June 14, 2012 bid opening for purchase of cab/chassis trucks w/plows & dump body.

Ayes: All

Noes: None

Motion Carried

Auditor Wayne Drescher reported on the 2011 audit of the town's financial records stating it was a sound and solid fiscal year. The town's fund balance at the end of 2011 was \$6,831,000 and included in that are assigned funds for certain liabilities (i.e. workers compensation insurance) along with \$1,892,000 that is considered non-spendable (i.e. receivables from AmeriCorps) and \$2,969,000 that is considered unassigned (uncommitted funds). Mr. Drescher gave an overview of the Highway Department noting a highway fund balance of \$5,193,000 and reviewed the year's activity, revenue, expenses and a net change in the town's fund balance which is up \$1.6 million due to an increase in sales tax and control of expenditures. New employees hired at lower salaries also saved significant money. Mr. Drescher further stated that the pension system has shown a substantial increase in the past two years, up from \$618,000 in 2009 to \$1.7 million last year, and this is something all municipalities are facing. The retirement and replacement of employees at different tier levels will somewhat offset the projected increase of this expense. Departmental audits of the Town Clerk/Receiver of Taxes and Justice Department are also included in the report.

11-B HELD OVER PUBLIC HEARING

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 REZONING FOR PROPERTY LOCATED AT 2735 CLINTON STREET, BEING PART OF LOT NO. 37, CHANGING ITS CLASSIFICATION FROM R-100A TO C-2, FOR A WAREHOUSE AND STORAGE OF CONSTRUCTION RELATED EQUIPMENT AND MATERIALS" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Pat Bittar of Wm. Schutt & Associates gave an overview of the site stating it is just under 21 acres, currently zoned R-100A, includes a 7500 sq. ft. warehouse, and is currently owned by Michael Serafini. EdBauer Construction plans to purchase the property and continue its use for storage of construction related material and equipment with the purchase dependent upon rezoning of approximately six acres (30 percent) of the parcel. Ms. Bittar presented an aerial view of the site along with a boundary and topographic survey. The property was previously owned by Majeski Nurseries from 1989 to 2007 and then bought by Michael Serafini. EdBauer has been the only interested purchaser of the property. Ms. Bittar indicated the location of the 100 year flood plain and wetlands boundary and stated that immediately to the west of the site are 12 residential properties that are zoned R-75. Properties to the north along Clinton Street are a mixed zoning of R-100A, R-75 and commercial and the Buffalo Creek and oxbow are located to the south and east. Ms. Bittar presented pictures of the site from various directions and commented on other commercial properties in the neighborhood. She noted that 14.6 acres is proposed to be sold to the town and adjacent property owners. Site improvements will be limited since a large portion of the property is occupied by NYS wetlands and the 100 year flood plain of Buffalo Creek extends into the lower two-thirds of the parcel. The existing hardscape will remain with limited tree planting being the only proposed disturbance. A SEQR long form was completed and three agencies responded. The NYS Office of Parks & Recreation indicated there would be no impact on cultural resources, the Army Corps of Engineers has no concerns, and approval was received from the NYS Department of Environmental Conservation. Ms. Bittar stated the proposed use is consistent with past usage. EdBauer Construction has a continued interest in investing in West Seneca. Their offices are currently located on Clinton Street and they are continuing their efforts working with the West Seneca Environmental Commission and Buffalo Riverkeepers to plant native materials in and around their site.

11-B HELD OVER PUBLIC HEARING

1. (continued)

Attorney Paul Michalek represented the petitioner and noted that the offer set forth on the maps contains a 45' buffer zone between the proposed rezoning area and the concerned Lakeside Drive property owners. In addition, a 6' berm with pine trees is being proposed. Mr. Michalek stated that all improvements being proposed are consistent with the town's Master Plan and will convert this site to an adaptive use, putting this parcel back on the tax rolls. He stated that EdBauer Construction has been a responsible neighbor and business owner and they have made every effort to be a good neighbor, going house to house and meeting with Lakeside Drive residents concerning the project.

Councilman Hart stated that he has not heard any mention of a 175' restriction indicated by the Planning Board and he questioned if the 175' should be converted into green space. He was also concerned with the proposed plan for the west side of the property and questioned why they would convert this area to C-2 and pay taxes on property that will not be used.

Mr. Michalek responded that a 175' buffer would leave the petitioner with little property to work with and be prohibitive. There are currently no plans for the property located on the west side. Code Enforcement Officer John Gullo stated that the 175' restriction was a proposed recommendation by the Planning Board.

Councilman Hart commented on spot zoning in town and how contractor's properties become an eyesore due to equipment being stored on site, a concern he has for this particular parcel. Councilman Hart stated he attempted to meet with both sides to come up with a compromise and feels a compromise is reachable.

Attorney Ralph Lorigo represented the Lakeside Drive and Clinton Street residents with concerns about the proposed rezoning. He stated that EdBauer Construction is referred to on the Internet as a road and bridge contractor who performs heavy highway construction. The company was founded in 2006, employs 94, and had a gross revenue of \$10.7 million in 2010. Historically this particular piece of property consisted of farmland and greenhouses, bordered on the west by 38 residential homes, a number of which currently are in an R-75 district. Mr. Lorigo referred to the Town Code and stated that this property and Clinton Street in general is substantially zoned R-100A. The possibilities of what a C-2 zoning will allow was discussed and comparisons were made between agricultural and commercial zoning. Mr. Lorigo stated that petitions were presented containing over 135 signatures reflecting 112 different residents in the immediate area who object to the rezoning. He referred to the section of Town Code pertaining to a super majority vote and thought it would require an affirmative vote from all three board members to fulfill the 80 percent requirement. Mr. Lorigo did not believe the rezoning complied with the Comprehensive Plan and he referred to the Planning Board minutes and the substantial disagreement between residents and the petitioner regarding use of the property. The present use of the property by the petitioner

11-B HELD OVER PUBLIC HEARING

1. (continued)

has not been in accordance with the Town Code. The petitioner initially stated the use would be for winter storage of vehicles with minimum summer traffic (out at 7 A.M. and returning at 3 P.M.), and no heavy equipment going in and out. Residents stated that heavy equipment is on site and started at 5 A.M., there are exhaust fumes and there is outside storage of materials. If the zoning is changed the petitioner will be permitted to do everything the residents are opposed to. Mr. Lorigo noted that diesel equipment needs to run 20 to 30 minutes before leaving the site which will create fumes and noise. He commented that the Comprehensive Plan indicates that Clinton Street should not be industrial and the R-100 zoning should be for lower density, semi-rural uses, not what is being proposed. The C-2 zoning is for intensive commercial establishments and this will be spot zoning. Mr. Lorigo noted that the Planning Board was split on this issue and only one member proposed and supported a 45' buffer. Also, only four members voted for the proposal for a 175' buffer.

Ms. Bittar stated that the site is limited by wetlands, the adjacent area and flood plain, so other uses in the C-2 zoning could not happen because of that.

Ed Doruszewski stated there are original and second generation homeowners on Lakeside Drive and they have existed peacefully and quietly for over 50 years. EdBauer Construction has been operating illegally and causing stress for the neighbors due to the noise and dust they create and they are contaminating the soil with diesel fuel. Mr. Doruszewski did not object to the business but stated it should be located in the proper area under proper zoning where it will not impact residential homes. He asked that the Comprehensive Plan be followed, noting that this area has always been agricultural farmland and rezoning this property would be spot zoning. Mr. Doruszewski asked the Town Board to protect their property values and oppose the rezoning.

Paula Minklei stated that a factor in developing the Comprehensive Plan was to prevent spot zoning. She felt the Clinton Street area should remain residential and agricultural and they should promote another area for this business.

Mike Meyer, a West Seneca resident and employee of EdBauer Construction, stated there is times when there is no one in the yard for days and weeks at a time and they have always tried to be a good neighbor. Mr. Meyer commented on the truck activity when Majeski's owned the property, stating that it was much more than this business generates. He suggested the Town Board approve the rezoning with restrictions.

Katrina Mackiewicz stated her parents have lived on Lakeside Drive their entire life and they don't want this business in their back yard.

11-B HELD OVER PUBLIC HEARING

1. (continued)

Another employee of EdBauer Construction stated he is also a resident of West Seneca and they will listen to the residents and address their concerns.

Gary Mackiewicz stated he is not against the employees making a living, but they will not lose their jobs if the business does not locate there. They can locate elsewhere.

Sandra D'Angelo commented that she never heard large trucks in the neighborhood prior to the business locating there, even when Majeski's owned the property. She questioned why the trucks could not be put at their offices on Clinton Street.

Mark Lukowski stated he lives on Clinton Street directly next to the proposed site and he is in favor of EdBauer Construction's proposal. He had no complaints on the business, noting that fumes and noise from the operation have never been an issue and there are only a limited number of vehicles that access the site. Mr. Lukowski stated there was more noise, dust and dirt generated by other businesses in the area. He further commented that the town will gain over 13 acres of oxbow property and the site will be improved.

Mary Urbanowski, 35 Lakeside Drive, commented that the property was a junk yard last summer and she was concerned it will be that again if the rezoning is approved.

Councilman Hart expressed concern about the C-2 zoning if EdBauer Construction does not own the property in the future. He further commented that construction yards tend to turn into junkyards. Councilman Hart suggested that Mr. Bauer find the right location for his business in an industrial area, noting that this is spot zoning in his opinion and he could not support it.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:20 P.M. with Town Attorney Shawn Martin.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:30 P.M.

11-B HELD OVER PUBLIC HEARING

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the request for a rezoning for property located at 2735 Clinton Street, being part of Lot No. 37, changing its classification from R-100A TO C-2, for a warehouse and storage of construction related equipment and materials.

Ayes: (2) Councilman Rusinski, Supervisor Meegan

Noes: (1) Councilman Hart

Motion Carried
APPENDICES

Town Attorney Shawn Martin advised that the petitions and maps will be reviewed and a determination will be made with regard to the super majority question.

11-C 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 2550 SENECA STREET, BEING PART OF LOT NO.33, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR USED CAR SALES" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Attorney Dennis Uminski represented the petitioner, Gary Brewer, and stated that Mr. Brewer owns an auto repair business at 2550 Seneca Street and it has been an established business for many years. He would like to sell used vehicles on the property and the Planning Board recommended approval conditioned upon a limit of six vehicles for sale on the west side of the building.

Linda Toy stated she has done business with Mr. Brewer for many years. He is very honest, maintains the property, and is a good business person. Mrs. Toy further stated she has never had a sight problem when exiting Columbia Parkway.

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

Ayes: All

Noes: None

Motion Carried

11-C LEGAL ITEMS

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a rezoning for 2550 Seneca Street, being part of Lot No. 33, changing its classification from C-2 to C-2(S), for used car sales, conditioned upon a limit of six vehicles for sale on the west side of the building.

Ayes: All

Noes: None

Motion Carried
APPENDICES

11-D TABLED ITEMS

- | | |
|--------------------------------------------------------------------------------------------------------|------------------------|
| 1. Councilman Hart re
Extension of Shared Assessor
Agreement | Remained on the table. |
| 2. Title change for Sarah
Flattery from part-time Clerk
Typist to full-time Recreation
Leader | Remained on the table. |

11-E COMMUNICATIONS

- | | |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Supervisor Meegan re
Termination of employees | Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate the attached list of inactive employees effective June 25, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Ayes: All

Noes: None

Motion Carried
APPENDICES

- | | |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Supervisor Meegan re
Appointment of Christine M.
Bajdas as Clerk Typist | Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Christine M. Bajdas as Clerk Typist, Group 2, Step 1, at an annual salary of \$24,603.19, effective July 2, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

On the question, Councilman Hart questioned if this was a civil service position and Supervisor Meegan stated this was a civil service position that is being filled after interviewing eight applicants.

Ayes: All

Noes: None

Motion Carried

11-E COMMUNICATIONS

3. Town Attorney re Little Loop football referee agreement

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve an agreement between the Town of West Seneca and the Western New York Officials Association in the amount of \$4,000 for referee fees for the 2012 Little Loop Football season.

Ayes: All Noes: None Motion Carried

4. Town Attorney re Contract for Ambulance Services

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to suspend the rules and allow the volunteer firemen to speak.

Ayes: All Noes: None Motion Carried

Town Attorney, Shawn Martin stated that Rural Metro was the only entity that entered a bid in response to the town's request for proposals.

Scott Winiarski, Chief of East Seneca Fire Company, asked for clarification in the contract with regard to volunteer ambulances' ability to transport patients.

Mr. Martin stated it is understood and respected that volunteer fire personnel devote their time and there is language in the contract that addresses that question. Mr. Martin further stated he submitted many requests to the fire districts asking for comments and no comments were returned from any of the districts.

Mr. Winiarski questioned whether fire districts will have control to hold Rural Metro at district lines for non-life threatening calls. Mr. Martin stated there is a protocol established in the proposal and he will forward a copy of it to the fire district.

Tim Eberle of Winchester Fire Company stated this has been talked about for a number of years and the service is needed. Every fire district has a hard time answering calls at times and with this contract a paramedic will be on location within ten minutes. Mr. Eberle noted that Rural Metro currently takes 90 percent of calls in town. The proposed two year contract is at no cost to the town and after two years it can be reviewed and language changed if necessary.

Peter Spilsbury of Seneca Hose commented that this has been talked about for three years and is long overdue. They need an ambulance stationed in town because fire districts can no longer guarantee that a truck will respond in a timely manner.

11-E COMMUNICATIONS

4. (continued)

Dave Kims questioned what happens with the equipment currently owned by the fire companies.

Councilman Rusinski stated that the fire districts will continue to use their equipment. This is basically a transparent issue. The only thing different is that the ambulance service will be held accountable.

Mr. Martin commented this has been a lengthy process and if approved will be a new direction with no guarantee. There were numerous meetings, fire district feedback and communication with other towns and it attempts to ensure better service for residents when needed.

Councilman Hart questioned if the proposal will be available online for the public.

Mr. Martin stated that it can be put online. Five copies were provided at the time the RFP was received - three for the board members, one for the Town Attorney; and a copy for the Town Clerk's office.

Beverly Leising recalled that the board members were going to talk with fire companies at Vigilant and bring the information back to a Town Board meeting.

Supervisor Meegan stated that the board members did meet with different fire companies at Vigilant and the information given provided an opportunity for the town to issue an RFP for the service. Only one company submitted a proposal at this time.

Councilman Hart stated that the meeting at Vigilant was regarding the possibility of the fire districts creating their own private ambulance service but that has not gone forward. Funding for a private company is an issue, but there is the possibility of future legislation allowing public funding to be used for a private company.

Mrs. Leising questioned what the cost would be for a person using this service as opposed to volunteers.

Councilman Rusinski stated that the federal government sets the rate.

Motion by Supervisor Meegan, seconded by Councilman Hart, to enter into a contract with Rural Metro Medical Services for a period of two years, from August 1, 2012 through July 31, 2014 noting that Rural Metro Medical Services is the only bidder who responded to the town's RFP.

11-E COMMUNICATIONS

4. (continued)

On the question, Councilman Hart commented that he has reservations on the impact this could have on the town's fire service. Based on conversations with fire district members he believes this is a good idea, but favors the overall concept of the creation of their own private ambulance service for the town.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: None

Abstentions: (1) Councilman Rusinski

Motion Carried

5. Town Attorney re Contract for beverages and pouring rights in the Town of West Seneca

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to enter into a contract with Coca Cola of Buffalo for a period of 3 years, from July 1, 2012 through June 30, 2015 noting that Coca Cola of Buffalo was the only bidder who responded to the town's RFP.

Ayes: All

Noes: None

Motion Carried

6. Town Attorney re Invoice for real estate appraisal services

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize payment of \$15,650 to Emminger, Newton, Pigeon & Magyar for appraisal services at 550 Orchard Park Road for a tax assessment challenge.

On the question, Councilman Rusinski thought the charge was excessive and noted that the invoice only indicated "services rendered". He further questioned whether there was a request for proposals for this service.

Town Attorney Shawn Martin stated that the town has used two different appraisal services for many years. This particular appraisal was court ordered. The petitioner filed an action in Supreme Court challenging their current appraisal and looking for a substantial decrease in their assessed value. A copy of the appraisal was not included with this invoice because the matter is still pending in court.

Councilman Rusinski questioned if there will be any additional costs. Mr. Martin stated that if the matter proceeds to trial there will be additional costs for testimony.

Ayes: All

Noes: None

Motion Carried

11-E COMMUNICATIONS

11. Highway Supt. Re Bid date for two (2) refuse trucks and packers

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to set a bid date of July 11, 2012 at 10:30 A.M. for receipt of bids for the purchase of two (2) rear loading refuse trucks and packers for the Sanitation Department.

On the question, Highway Supt. Matthew English stated that he, Supervisor Meegan and Town Engineer Steven Tanner visited Waste Management to look into the possibility of purchasing natural gas trucks. Natural gas trucks are approximately \$100,000 more per truck and costly improvements would have to be made to the highway garage to accommodate these vehicles. Because of the increased cost, diesel trucks with tipping arms seemed most logical at this time. Mr. English stated he has been looking at all size totes and would eventually like separate totes for garbage and recycling.

Ayes: All

Noes: None

Motion Carried

12. Highway Supt. Re Appointment of summer help in the Highway Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate James Palaszynski as part-time seasonal laborer in the Highway Department effective June 18, 2012 and appoint Kennedy Monaco and James Zasowski as part-time seasonal laborers in the Highway Department at a rate of \$7.25 per hour effective June 18 – August 17, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

13. Highway Sup't. re Title change for Timothy John to Sanitation MEO

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Timothy John as Sanitation Laborer and appoint Timothy John as Sanitation MEO, at a rate of \$20.29 per hour effective June 13, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

11-E COMMUNICATIONS

14. Chief Gehen re Appointment of Jeffrey Lukis as Detective Temporary
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to grant a leave of absence to Jeffrey Lukis from his current position of Police Officer effective July 15, 2012 and appoint Jeffrey Lukis as Detective Temporary at an annual salary of \$76,968.71 effective July 15, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

15. Chief Gehen re Appointment of David J. Pangallo as Public Safety Dispatcher part-time
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint David J. Pangallo as Public Safety Dispatcher part-time at a rate of \$10.95/HR effective June 26, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the current situation with Public Safety Dispatchers.

Chief Gehen responded there are three additional part-time vacancies and one full-time vacancy the town could fill. Due to injuries and various other reasons there are approximately 172 hours vacant every week.

Ayes: All Noes: None Motion Carried

16. Chief Gehen re Status change for part-time Public Safety Dispatchers to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Public Safety Dispatchers Edward Jarka, Andrew Oscypala, Diane Nowicki and James McCullough to part-time seasonal effective July 1 – 31, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

17. Town Clerk re Budgetary transfer request
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer of \$20,000 from Lock Box Fees Account #001.1410.0413 to Equipment #001.1410.0200 to cover security improvements and updates in the Town Clerk's/Tax Receiver's office.

Ayes: All Noes: None Motion Carried

11-E COMMUNICATIONS

18. Finance Department re KVS
Enterprise Training

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve training on Enterprise Miscellaneous Billing system (accounts receivable program) for Joanne Krakowski, noting the total cost of training will not exceed \$900.

Ayes: All Noes: None Motion Carried

19. Director of Recreation, Youth
& Senior Services re
Appointment of seasonal
part-time employees

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Kristine Capodagli & Debbie Sturm as part-time seasonal bus drivers at a rate of \$10.60/HR; Jaynemie Manley as Recreation Attendant at a rate of \$7.75/HR; and Jennifer Haun as Recreation Attendant at a rate of \$7.50/HR effective June 1 – September 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

20. Supervisor Meegan re
Elimination & Abolition of the
Peer Counseling Program
and Peer Counselor Positions

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to amend the May 21, 2012 agenda item #4 terminating, eliminating and abolishing the Peer Counseling Program and the positions of Peer Counselor effective June 30, 2012, eliminating line items 1.7313.0100; 1.7313.0433; 1.7313.0448, 1.7313.0475; 1.7313.0481 effective June 30, 2012 and transferring any and all balances to the General Fund, and suspending the employment of Donna Lepore and Jolynn Keane pursuant to Sections 80 & 81 of Civil Service Law and authorize the Supervisor to execute the necessary forms to provide the required information to establish a preferred list pursuant to Section 81 of Civil Service Law.

On the question, Councilman Hart questioned if Mrs. LePore & Mrs. Keane will remain as YES coordinators.

Supervisor Meegan stated that the offer was made to both ladies at their exit interview and she is awaiting their response.

Ayes: All Noes: None Motion Carried

11-E WARRANT

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

General Fund - \$188,344.08; Highway Fund - \$114,109.84; Special Districts - \$1,998,806.81 (voucher #'s 73445 - 73672); Trust & Agency Fund - \$32,062.87 (voucher #'s 73446 - 73470); Capital Fund - \$53,639.56 (voucher #'s 73673-73677)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

COMPREHENSIVE PLAN UPDATE

Paula Minklei referred to Supervisor Meegan's announcement at the March meeting that the Comprehensive Plan would be updated and people interested in serving on the review committee should contact the town. Ms. Minklei questioned when the review and update will begin.

Supervisor Meegan stated they are looking for a total of 15 people to serve on the review committee and they currently have eight interested individuals. The town will be reaching out to businesses in the future.

Ms. Minklei questioned the possibility of public advertising or a press release. She commented on the importance of the Comprehensive Plan and wanted to see involvement of people in town who have experience in planning and smart growth.

LEXINGTON GREEN WATER RESCUE

Michael Machnica, Lexington Green, stated he recently became aware of equipment that could be beneficial for water rescues and presented information to the Town Board on a survival stick that can be thrown 100 or more feet into the water and inflates upon impact.

Councilman Hart questioned Town Engineer Steven Tanner if he had any knowledge of the manmade structure in the area of Lexington Green known as the hydraulics. The structure was originally installed for the purpose of breaking up ice; however, the swirling action creates an undertow. Councilman Hart questioned if there was any way this situation could be corrected and the structure removed.

Mr. Tanner stated that the Army Corps of Engineers and NYSDEC are responsible for building the structure and the town has to obtain a permit to maintain it. If directed by the Town Board he could look into the possibility of correcting hazardous situations created by the structure.

ISSUES OF THE PUBLIC

LEXINGTON GREEN WATER RESCUE (continued)

Evelyn Hicks, Chairperson of the West Seneca Environmental Commission, commented that the Erie/ Wyoming County Joint Water Board is in charge of the structure. She has been in contact with Mark Gaston from Erie County Soil & Water who represents Erie County and John Whitney from the USDA Natural Resource Conservation Council to discuss this issue. Great Lakes restoration money is currently available for water initiatives and this area of low head dams is eligible since it falls into the area of concern with regard to the Buffalo River. The West Seneca Environmental Commission intends to develop an outreach plan and will work with the Town Board, Town Attorney, Engineering and whoever they need to work with to better inform the public of the danger at this site.

The board members thanked Mrs. Hicks for educating the public and applauded her for all her efforts.

DOVER GREENMEADOW RECONSTRUCTION

Karen Lucachik commented that the road reconstruction on Greenmeadow Drive is progressing well and the contractors are polite and hard working.

RENTAL HOUSING LICENSING

Karen Lucachik asked for clarification on licensing rental housing in town.

Supervisor Meegan stated the idea of licensing is to have all landlords on record for point of contact purposes. There are issues with incomplete foreclosures and abandoned housing and this will make the owners accountable. Every option is being looked at so that the town can keep a handle on the situation, and they are reaching out to Assemblyman Kearns, Legislator Lorigo, and other friends in government for assistance.

LEAVE OF ABSENCE

Karen Lucachik questioned Erik Finbar's leave of absence and Supervisor Meegan explained the leave of absence is from his previous job title while he awaits a test from Erie County for his current job title.

SCHOOL STREET PROPERTY

Karen Lucachik questioned the School Street property and was informed there is nothing new regarding the sale.

ISSUES OF THE PUBLIC

WEST SENECA DEVELOPMENT CORPORATION

Karen Lucachik questioned who makes up the West Seneca Development Corporation. Town Attorney Shawn Martin responded that the board consists of three members from the School Board, three members from the town and three members from the Chamber of Commerce.

BEAUTIFICATION OF TOWN

Karen Lucachik commented on the beauty of other towns such as Hamburg, East Aurora and Orchard Park and the unsightly appearance of certain businesses in West Seneca. She hoped that West Seneca could someday find someone or a group of people who can give some direction as to what the town should look like.

GARBAGE TOTES

A Wedgewood Drive resident commented on the proposal to purchase garbage totes and questioned whether the totes will help resolve the rat issue. She further commented that residents should be more proactive by covering their garbage and cleaning up dog droppings and bird feeders.

Highway Supt. Matthew English responded that totes have helped stop rat related issues and noted that rats are not a combative animal and will retreat when met with resistance. Mr. English further stated if the totes become available they will be at no cost to residents.

SEWER BACKUP

A Wedgewood Drive resident commented on a sewer backup at her home on June 6th. After notifying the Sewer Department, a blockage was found and the lines were flushed; however, her basement re-flooded because she neglected to shut her gate valve when the sewer crew flushed the line.

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 9:40 P.M. to discuss a personnel issue with Director of Senior Citizens, Recreation & Youth Mary Josefiak.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:50 P.M.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

TOWN BOARD MEETING DATE CHANGED

Supervisor Meegan noted that the August 20th Town Board meeting has been changed to August 27th.

JOB OPENINGS WITH JW DANFORTH

Councilman Rusinski announced that part-time summer jobs are available with JW Danforth for West Seneca residents and they will be posted on the town's website.

NEW HOMEOWNER PACKETS

Councilman Rusinski stated he anticipated a July 1st start for the new resident welcome packages that will be provided by the town.

BUFFALO SPREE MAGAZINE RECOGNIZES BNAC PLAYGROUND

Supervisor Meegan announced that Buffalo Spree magazine chose the Burchfield Nature & Art Center playground as one of the best outdoor playgrounds in WNY and she congratulated the volunteers on their efforts.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:55 P.M.

Ayes: All

Noes: None

Motion Carried



JACQUELINE A FELSER, TOWN CLERK

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca has received a request for a special use permit for the following described property from its classification of C-2 to C-2(S) for used car sales.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 33, Township 10, Range 7 or the Buffalo Creek Reservation and according to map filed in Erie County Clerk's Office under Cover No. 1322, is known and distinguished as Lots Nos. 123 to 127 inclusive, bounded and described as follows:

BEGINNING at the point of intersection of the northeast line of Seneca Street with the northwest corner of Columbia Parkway; then northwesterly along the northeast line of Seneca Street 178 feet; thence northeasterly parallel with Columbia Parkway and along the northwest line of Lot No. 127, 120 feet, thence southeasterly parallel with Seneca Street and along the northeast line of Lots Nos. 123 to 127 inclusive 178 feet to the northwest line of Columbia Parkway; thence southwesterly along the northwest line of Columbia Parkway to the point of beginning.

Whereas, this Town Board held a public hearing on the 25th day of June, 2012 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting a special permit for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a special permit be granted and the same is hereby rezoned from C-2 to C-2(S), conditioned upon a limit of six motor vehicles for sale on the west side of the building.

Be it further resolved that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.

Terminate the following employees effective June 26, 2012

Recreation Attendant Part Time

Brittany Barren
Gregory Bensman
Joel Betti
Kayla Czuprynski
Alison Lewis
Jennifer McQuade
Andrew Schwert
Matthew Schwert
Matthew Shea
Mary Stahl
Kelsie Tangelder
Raymond Ball
Juelie Scanlon
Erin Clark
Bryan Bader
Devin Bonner
William McCowan
Daniel Walsh
Samantha Szeluga

Clerk Typist Part Time

Barbara Wagner
Patricia Farr
Linda Boldt
Dolores Stefanacci

Laborers-Part Time

James Berst
Tod Dembik
John DePlato
Christopher Kane
Ryan Kelley
Paul Kocher
Donald Kruger
Philip Leone
Richard Lynch
Carmelo Marzullo
David M. Sadowski
William Smith
Andrew Thur
Marc Pollinger
Thomas Ignatowski

Bus Driver Part Time

Victoria Kopf

Lifeguard Part Time

Jennifer Peters
Thomas Robertson Jr.

Clerk Part Time

Christina Salisbury
Margaret Welker
Megan Paluch
Cecelia Strzempka

Fire Inspector Part Time

Robert Pinnavala

Robert Kaminski

Nicholas Astyk
Michele Kaylor
Christopher Moonan
Sandra Lewis
Nicholas Schultz
Daniel Zicarelli
David Helmbrecht
Andrew Fragale
Richard F. Cotter III
Michael Fahey
Robert Kaminski
Franklin Smith
Daniel McParlane
Dennis O'Sullivan
Ryan Dunford