

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 Commander Hugh Ganser and Boy Scout Troop 616.

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 Richard F. Cotter, William G. Humiston, Kathleen G. McCarthy, William (Billy) Rieman, Irene J. Felser-Hartnett, Luke A. Gould and Dawn S. Donaldson.

6-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-05 of March 12, 2012.

Ayes: All

Noes: None

Motion Carried

6-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2012-02, AMENDMENT TO CHAPTER 55" " 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

Town Attorney Shawn Martin read Local Law 2012-02 that will amend §55-7 of the Town Code. Adoption of this local law will delete in its entirety Subsection C that currently reads "an up-to-date certificate of occupancy shall be required on property when ownership is transferred."

Ken Hansen opposed the proposed local law and stated that these inspections protect homebuyers and will save lives. Based on the number of home inspections that have failed, Mr. Hansen would like the law to be kept in force.

6-B LEGAL ITEMS

1. (continued)

Tracy Marino stated she pays a lot in taxes and having someone come into your home and tell you something is wrong when inspections are already taking place is not only redundant but costly.

Councilman Hart commented that the \$100 fee was rescinded at the last board meeting. He would like the service to continue in the future at no cost. Councilman Hart stated it is the duty of the inspector to inform the homeowner of any illegal hookups or other issues that arise during an inspection and safety has always been an issue. He noted that many towns across the state issue certificates of compliance.

Code Enforcement Officer John Gullo explained that once violations are identified they are handled accordingly. If the issue is a life safety issue such as a smoke detector or carbon monoxide detector it needs to be handled immediately. If the violation is not a life safety issue, such as a roof repair that could be costly, the resident is given six months to become compliant.

Paula Minklei thought that subsection C should remain part of the code since subsection A refers to altered buildings or buildings having had work performed on them requiring a certificate of occupancy.

Councilman Rusinski stated that he sponsored the change in this law because he considered it governmental intrusion and was also concerned about the cost associated with the inspection. If a resident requests an inspection at the time of property transfer, the town can provide this service at no cost to the resident. Councilman Rusinski suggested that packets be provided to new homeowners in town with information from individual departments informing them of safety concerns and other important information.

Beverly Leising questioned if the town could publish or furnish a list of what to look for in a home inspection.

Mr. Gullo responded that his department has pamphlets that are currently available in his office. He will be working with the Town Clerk's office to have these pamphlets put on the town's website to enable residents to download and print the information. They also do public presentations to educate people.

Amy Carpenter thought providing letters to new homeowners was a great idea and suggested utilizing the schools by sending information home with students to keep residents informed. She further commented on educating the public, possibly with the use of volunteer firemen and other community organizations.

6-B LEGAL ITEMS

1. (continued)

Dan Locche of the Buffalo Niagara Association of Realtors thanked the board members for reconsidering the ordinance. He stated that the majority of licensed home inspectors he has encountered seldom overlook safety issues. This is a major issue that is discussed frequently and taken very seriously. Mr. Locche further commended the board members for providing future certificate of occupancy inspections upon request at no cost to the homeowner.

Richard Schunke stated he would like to see the certificate of occupancy requirement remain in place until the number of failed inspections declines. He further commented that the cost of carbon monoxide and smoke detectors is minimal and getting the message out on their importance is crucial.

Karen Lucachik commented on the importance of providing handouts to the public and utilizing all possible venues. She further questioned the possible liability to the town if a certificate of occupancy is issued and subsequently something happens.

Bob Rigby commented on all the positive things and knowledge acquired through discussions that have taken place. As a realtor he personally attends all home inspections that have taken place with regard to homes he has sold. Mr. Rigby stated that in his experience as a realtor he has encountered qualified and capable inspectors and their job is to be honest and objective in what they find.

Don Weiss property owner and landlord in town stressed the importance of smoke detectors and carbon monoxide detectors, but he did not believe that government should get involved with inspecting residents' homes.

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 Rusinski, to approve the attached Local Law 2012-02 which amends Chapter 55-7, Building Code Administration and Enforcement, and deletes in its entirety Subsection C.

Ayes: (2) Supervisor Meegan, Councilman Rusinski

Noes: (1) Councilman Hart

Motion Carried
APPENDICES

6-B LEGAL ITEMS

2. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO TOWN HIGHWAYS, NAMELY: THE RECONSTRUCTION OF DOVER DRIVE AND GREENMEADOW DRIVE AT A COST OF \$3,000,000. THE RESOLUTION FURTHER AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR BOND ANTICIPATION NOTES IN THE AMOUNT OF \$3,000,000 TO COVER THE COSTS OF THE PROJECT PLUS THE COSTS OF ISSUANCE AS PERMITTED BY LAW." in the Town of West Seneca, received and filed.

6-C TABLED ITEMS

1. Councilman Hart re Extension of Shared Assessor Agreement
Remained on the table
2. Code Enforcement Officer re Rezoning request for 60 Terrace Blvd. from R-65 to R-65A
Motion by Supervisor Meegan, seconded by Councilman Hart, to remove this item from the table and refer it to the Planning Board for recommendation.
Ayes: All Noes: None Motion Carried

6-D COMMUNICATIONS

1. Supervisor Meegan re Proposal for ambulance provider
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to request the Town Attorney to issue an RFP to all ambulance companies servicing WNY for providing ambulance services for the Town of West Seneca.

On the question, Councilman Hart commented that the RFP is not binding and receiving proposals from ambulance companies does not mean that an ambulance service will be hired.

Ayes: All Noes: None Motion Carried

2. Supervisor Meegan re Retirement of Michael F. Breen
Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Michael F. Breen and terminate him as Working Crew Chief effective March 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that he has served the town for 34 years.

Ayes: All Noes: None Motion Carried

6-D COMMUNICATIONS

3. Town Attorney re Revisions to engagement letter from Freed Maxick
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve an addendum to the engagement letter previously executed by Freed Maxick as the provider of services to the town's Finance Department.

On the question, Councilman Rusinski questioned if there was any additional cost for this revision.

Supervisor Meegan responded that this addressed a question of concern from Freed Maxick that their services were not designed to detect errors or fraud.

Councilman Hart commented that Freed Maxick is not providing auditing services to the town.

Ayes: All

Noes: None

Motion Carried

4. Town Engineer re Acceptance of proposal for 2012 Town of West Seneca Energy Project
- Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the proposal from J.W. Danforth Company for the 2012 Town of West Seneca Energy Project and have them conduct a complete energy audit.

On the question, Councilman Rusinski questioned how acceptance of J.W. Danforth's proposal of \$55,000 will impact projects that are proposed but not necessarily going to be done such as the ice rink.

Town Engineer Steven Tanner responded that acceptance of J.W. Danforth's proposal will include recommendations from an energy standpoint. The board is not obligated to accept a recommendation included in their proposal. The \$55,000 cost of the energy audit will be absorbed in the project if a project is undertaken. Mr. Tanner further commented that in order to come up with an energy project it makes sense to go forward with an energy audit.

Ayes: All

Noes: None

Motion Carried

5. Town Engineer re Budgetary amendment request
- Motion by Supervisor Meegan, seconded by Councilman Hart, to increase appropriation line 03.8100.1459 "GIS" from \$40,000 to \$80,000 noting that the source of funding for this request is the unreserved, unappropriated fund balance and these funds were appropriated in the 2011 budget and never utilized.

On the question, Councilman Hart questioned what the money is being appropriated for.

6-D COMMUNICATIONS

5. (continued)

Town Engineer Richard Henry responded that the town has to do a needs assessment for the geographic information systems at a cost of approximately \$65,000. This will allow information to be put into a database and accessed by different departments. The money was initially appropriated in 2011 but never used.

Ayes: All

Noes: None

Motion Carried

6. Chief Gehen re Attendance of Lt. Szmania, Officers Szymanski & Gibbons at Traffic Safety Conference

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize Lieutenant Dave Szmania and Police Officers Dan Szymanski & James Gibbons to attend the annual Empire State Law Enforcement Traffic Safety Conference April 19 & 20, 2012 in Albany, NY at a total cost not to exceed \$890.12, noting that sufficient funds are available in the police training course line item #1.3120.0459.

Ayes: All

Noes: None

Motion Carried

7. Chief Gehen re Status change for part-time Public Safety Dispatchers Windover & Szewc to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatchers Scott Windover & Bill Szewc to part-time seasonal effective April 1 - 30, 2012 and authorize the Supervisor to completed and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned why this was necessary.

Chief Gehen stated that currently seasonal people are needed to cover shifts due to dispatcher injuries and other vacancies that need to be covered. According to civil service law, a part-time employee can work up to 19 hours a week, but if their status is changed to seasonal they can work up to 39 hours a week for a maximum of five months annually.

Ayes: All

Noes: None

Motion Carried

6-D COMMUNICATIONS

8. Town Clerk re Attendance at NYS Clerk's Association Conference
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Town Clerk Jacqueline Felser to attend the NYS Town Clerk's Association annual conference April 22 – 25, 2012 in Saratoga Springs at a total cost not to exceed \$1,200 noting that sufficient funds are available in the mandated training line item #1.1410.0414.

Ayes: All Noes: None Motion Carried

9. Director of Recreation, Youth & Senior Services re Appointment Matthew Hourihan
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Matthew Hourihan as a part-time Recreation Fitness Instructor at a rate of \$15/HR effective March 23, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question Councilman Hart questioned the qualifications for this position. Mary Josefiak, Director of Recreation, Youth & Senior Services, stated that Mr. Hourihan has a degree in physical education. This is not a new position but an existing employee who was being paid by voucher. Mr. Hourihan will now receive a paycheck vs. utilizing the town's voucher system.

Ayes: All Noes: None Motion Carried

10. Chief Gehen re Step 2 status for part-time Public Safety Dispatcher William Szewc
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to grant step 2 status to part-time Public Safety Dispatcher William Szewc effective March 4, 2012 and set his rate of pay at \$11.45/HR as he has reached the required 1400 hour level and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Chief Gehen re Step 2 status for part-time Public Safety Dispatcher Andy Oscypala
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to grant step 2 status to part-time Public Safety Dispatcher Andy Oscypala effective December 11, 2011 and set his rate of pay at \$11.45/HR as he has reached the required 1400 hour level and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

6-E WARRANT

Motion by Supervisor Meegan, seconded by Councilman Rusinski, that the General Fund, Highway Fund, Special Districts, Trust & Agency Fund and Capital Fund being vouchered, submitted for audit, and chargeable to the respective funds be approved:

General Fund - \$108,906.04; Highway Fund - \$84,965.30; Special Districts - \$107,167.28 (voucher #'s 71990-72253); Trust & Agency Fund - \$32,070.86 (voucher #'s 71976-71989 & 72011-72012)

On the question, Councilman Hart stated that the town is now implementing the voucher auditing system and the board members will be personally reviewing vouchers prior to their approval.

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

CENTENNIAL FIELD IMPROVEMENTS

Don Benker commented on conditions at Centennial Field and the need for safety improvements. The pitcher's mound and home plate are in need of clay bricks and the cost is under \$1000. The bases are ripped, the outfield needs leveling and there are a number of light bulbs that are out. Mr. Benker commented that the improvements are not overly costly in comparison to the safety issue.

RECYCLING PROGRAM

Linda Toy questioned if any thought was given to changing the recycling program to make money for the town.

Highway Supt. Matthew English referred to a statement made at a previous meeting that the Town of Amherst made a million dollars on their recycling program and stated that this was not true. Amherst actually saved a million dollars when their recycling contract was up for rebid.

Mrs. Toy questioned how much the town pays the recycling company.

Town Attorney Shawn Martin advised that each year the town gives Allied a census of all residential properties and their fee is based on that.

Mrs. Toy questioned why the recycling was not picked up this date.

Mr. English stated that Allied is in contract negotiations and on Friday all their workers called in sick, but they should be caught up in a couple days.

ISSUES OF THE PUBLIC

PEER COUNSELING MEETING

Karen Lucachik referred to the proposed meeting with the school district to discuss the Peer Counseling program and suggested that it take place before the upcoming school budget vote.

Supervisor Meegan stated they have not been able to schedule a meeting yet, but she hoped that it will take place soon.

NEW WELCOME SIGNS

Karen Lucachik commented on Amherst's new welcome signs and stated she would like to see West Seneca get some classy signs.

Highway Supt. Matthew English stated that he is currently receiving bids for new welcome signs and he invited Mrs. Lucachik to stop by his office to review them.

STREET SIGNS

Mrs. Lucachik referred to the street signs for Greenmeadow Drive and noted that Greenmeadow is stated differently on each sign.

Highway Sup't. Matthew English stated they will change the signs and make them uniform when the scheduled road reconstruction project is complete.

Mrs. Lucachik questioned if the state is still requiring capital letters on street signs.

Mr. English responded that originally the town was told to comply with the state requirement, which is why some signs bear capital letters. Many municipalities have since complained and were told at the March Highway Superintendents meeting that the state requirement is currently on hold.

STATUS OF AMERICORPS DEBT

Karen Lucachik questioned the status of the outstanding AmeriCorps debt and Patrick Clancy of the Finance Department responded that the March payment was received.

SEWER BONDING

Amy Carpenter referred to the proposed bonding for the town's sewer issues and questioned if a referendum is needed. Town Attorney Shawn Martin advised that he will be meeting with bond counsel to discuss this and it will depend on how the project is framed.

ISSUES OF THE PUBLIC

CONSOLIDATION OF SPECIAL DISTRICTS

Amy Carpenter questioned the possibility of consolidating the special districts.

Town Attorney Shawn Martin did not see a problem consolidating the water districts but stated that the lighting districts will be difficult since there are many different lights and rates. There are 63 lighting districts and each individual district would have to vote in favor of consolidation.

YOUTH BOARD & PEER COUNSELING REPORT

David Nagy reported on the West Seneca Youth Board and Peer Counseling program activities for March, noting that the Peer Counseling group spent a lot of time educating kids on synthetic drugs.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:30 P.M. to discuss three personnel issues with labor counsel and the town's counsel.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:15 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:15 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

LOCAL LAW 2012-02
TOWN OF WEST SENECA
MODIFICATION TO Chapter 55, BUILDING CODE ADMINISTRATION AND ENFORCEMENT

§55-7 Certificate of Occupancy.

A. No building erected subject to the New York State Uniform Fire Prevention and Building Code

shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No buildings similarly enlarged, extended, or altered, or upon which work has been performed, shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.

B. A temporary certificate of occupancy may be issued if the building or structure, or a designated portion of a building or structure, is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Official may place special conditions on temporary certificates of occupancy, as necessary, to insure safety and to protect the interest of the Town of West Seneca.

C. Deleted March 26, 2012.