

8-B HELD OVER PUBLIC HEARINGS

1. (continued)

Code Enforcement Officer John Gullo commented that this is a good project, the 28 parking spaces are sufficient for the operation and the playground area will be used to store snow in the winter.

No comments were received from the public.

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 approve a rezoning for property located at 14 Center Road, being part of Lot No. 98, changing its classification from R-60A to C-1 for a child care facility.

On the question, Town Attorney Charles Grieco stated a zoning code amendment cannot be done by resolution and will require adoption of a local law. He explained that part of the zoning code is the zoning map showing how every parcel in town is zoned. Any rezoning is technically a change to the code requiring adoption of a local law vs. the passing of a resolution. Mr. Grieco presented board members with the proposed language.

Supervisor Meegan questioned how this impacted past approvals that were done by resolution.

Mr. Grieco responded that there is a very short statute of limitations and with no opposition the use of a resolution is not a problem.

The motion was withdrawn.

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following SEQRA resolution determination and Local Law 2014-03 changing the zoning classification of 14 Center Road from R-60A to C-1:

WHEREAS, the Town Board of the Town of West Seneca, as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant in connection with the proposed rezoning of the property located at 14 Center Road in the Town of West Seneca ("subject property") from R-60A to C-1 for the purpose of allowing the applicant to operate a child care facility, with no exterior changes proposed to the existing 4,000 square foot structure (the "project"), has reviewed the draft completed Part II of the EAF analyzing the potential for the project to result in any significant

8-B HELD OVER PUBLIC HEARINGS

1. (continued)

adverse environmental impacts, and has otherwise taken a hard look at the potential environmental impacts utilizing the criteria specified in 6NYCRR 617.7(c); and

WHEREAS, upon such review, the Town Board has not identified any potentially significant adverse environmental impacts associated with the project, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is therefore appropriate; and

WHEREAS, the Town Board further finds that the rezoning of the subject property to allow for the operation of a childcare facility is appropriate, given the subject property and a number of surrounding properties have been and/or continue to be used for commercial purposes;

THEREFORE, BE IT RESOLVED THAT the Town Board does hereby adopt a Negative Declaration with respect to the project pursuant to 6NYCRR 617.7(a);

BE IT FURTHER RESOLVED THAT the Town Board hereby adopts Local law No. 3 of 2014 changing the zoning classification of the subject property from R-60A to C-1.

Ayes: All

Noes: None

Motion Carried
APPENDICES

8-C 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 2014-04, MODIFICATION TO TOWN CODE CHAPTER 47 ALCOHOLIC BEVERAGES" 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 Charles Grieco stated this is a minor change to the current open container law that was proposed to accommodate wine tasting at the upcoming farmer's market.

8-C LEGAL ITEMS

2. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt Local Law #2014-05 modification to Chapter 87, Peddlers, Solicitors and Canvassers.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3. Proofs of publication and posting of legal notice: "OF THE ADOPTED REFUNDING BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE ISSUANCE OF A SERIES OF REFUNDING BONDS TO BE IDENTIFIED AS THE TOWN OF WEST SENECA VARIOUS PURPOSES REFUNDING BONDS OF 2014 IN AN AMOUNT NOT TO EXCEED \$3,100,000 PURSUANT TO SECTION 90.00 OF THE NYS LOCAL FINANCE LAW FOR THE OBJECT OR PURPOSE OF REFUNDING ALL OR A PORTION OF THE OUTSTANDING BALANCES OF PREVIOUSLY ISSUED BONDS AS FOLLOWS: \$7,890,000 PUBLIC IMPROVEMENT SERIAL BONDS DATED DECEMBER 1, 2004 ON WHICH THERE REMAINS OUTSTANDING PRINCIPAL IN THE AMOUNT OF \$1,310,000; \$4,756,000 VARIOUS PURPOSE SERIAL BONDS DATED AUGUST 15, 2005 ON WHICH THERE REMAINS OUTSTANDING PRINCIPAL IN THE AMOUNT OF \$1,500,000" in the Town of West Seneca, received and filed.
4. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE REPAIR AND RECONSTRUCTION OF THE FOLLOWING TOWN HIGHWAYS: HILLTOP COURT AND BEECHWOOD DRIVE AT A COST OF \$1,600,000; STEPHENSON STREET AT A COST OF \$1,500,000; AND NORTH AMERICA DRIVE/COMMERCE PARKWAY AND RANSIER DRIVE AT A COST OF \$1,400,000 AS WELL AS ADDITIONAL HIGHWAY REPAIRS AND IMPROVEMENTS AS NECESSARY THROUGHOUT THE TOWN AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR BOND ANTICIPATION NOTES IN THE AMOUNT OF \$4,400,000 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.

8-D TABLED ITEMS

1. Supervisor Meegan re Designation of Step 3 Grievance Officer Received and filed.
2. Supervisor Meegan re Transfer of paper street commonly known as Diane Drive Received and filed.

8-E COMMUNICATIONS

5. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time laborer Robert Walsh to part-time seasonal in the Sanitation Department at a rate of \$8/HR effective April 21 – September 21, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated he will have to abstain because Robert Walsh is a distant cousin.

Ayes: (2) Supervisor Meegan, Councilman Hanley

Noes: None

Abstentions: (1) Councilman Hart

Motion Carried

6. Highway Supt. re
Appointment of part-time
seasonal laborers in the
Sanitation Department

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Tyler Burdzy, Brian Kessel, Daniel Dyson, Kenneth Strell, Jr. and William Geary, Jr. as part-time seasonal laborers in the Sanitation Department at a rate of \$8.00/HR effective April 21-September 21, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Town Clerk re 5K run/walk in
honor of Devin Miller

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a 5K Run/Walk in honor of Devin Miller on Saturday, June 14, 2014 beginning at 6:00 PM on designated streets in the Town of West Seneca, noting that Chief Denz and Highway Supt. Matthew English have reviewed the request and given their approval.

Ayes: All

Noes: None

Motion Carried

8. Sr. Recreation Therapist of
Senior Services re Status
change for Georgeann Busse
to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Clerk Typist Georgeann Busse to part-time seasonal effective April 21 – May 30, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

8-E COMMUNICATIONS

9. Sr. Recreation Therapist of Senior Services re Status change for Marirose Bless to seasonal
Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Marirose Bless to part-time seasonal effective May 1 – June 30, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Supervisor Meegan re Budget transfer request
Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the transfer of \$350,000 from bonding anticipation note CUSIP#955771PYO dated August 1, 2013 to line item #005.1620.200.0523 for the police expansion.

Ayes: All Noes: None Motion Carried

11. Recreation Director re Budget amendment request
Motion by Supervisor Meegan, seconded by Councilman Hanley, to increase revenue Acct. #1.0001.2065 Recreation Charges and increase expense Acct. #1.7140.0476 Youth Summer Day Camp by \$4000 each.

On the question, Councilman Hart questioned if this amendment is funding a day camp salary.

Recreation Director Craig Kroll responded that the money will be used for field trips etc., not for funding salaries.

Ayes: All Noes: None Motion Carried

8-F REPORTS

- West Seneca Environmental Commission 2013 Annual Report received and filed. Supervisor Meegan recognized the 44th anniversary of Earth Day and invited residents to participate in activities at the Burchfield Center on Saturday, April 26th. She further thanked members of the West Seneca Environmental Commission for all their efforts and hard work.
- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of April 21, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of April 21, 2014 received and filed.

Supervisor Meegan noted that a sales tax check in the amount of \$395,781 was received from the County Comptroller along with a mortgage tax check of \$319,618 from County Clerk Chris Jacobs.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ANIMAL SHELTER VOLUNTEER

Supervisor Meegan questioned the status of the code of conduct paperwork for animal shelter volunteers.

Town Attorney Charles Grieco responded that he and Highway Supt. Matthew English have reviewed the code of conduct used by the City of Buffalo and have no issue with it. He will modify the language of the code so it is specific for West Seneca.

Supervisor Meegan requested that this be placed on the next agenda for Town Board approval.

HUMAN RESOURCE CONSULTANT

Supervisor Meegan questioned the status of the request for quotes (RFQ) for a human resource consultant and suggested former Councilman John Rusinski be considered for this position due to his experience and familiarity with town labor contracts.

Town Attorney Charles Grieco responded the RFQ is not yet complete.

Councilman Hart responded he believes the Code of Ethics would not allow Mr. Rusinski to hold a position with the town for one year after leaving office as councilman.

Mr. Grieco stated he will report back to the board members as to whether Mr. Rusinski is able to hold a position within one year of leaving office.

Karen Lucachik commented she is happy the town is actively pursuing filling the human resource position. She referenced an ad the Town of Cheektowaga placed in the Buffalo News for an HR person that outlined the extensive duties for this position. Mrs. Lucachik thought it would be beneficial to hire an HR person not living in town who could be unbiased with issues such as grievances.

Supervisor Meegan responded all grievances are handled by the town's labor counsel.

CHILDREN'S PSYCHIATRIC CENTER

Supervisor Meegan acknowledged a thank you she received from Assemblyman Michael Kearns for help and support in keeping the Children's Psychiatric Center open for another year. She encouraged residents to continue contacting state legislators regarding this issue.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

QUASAR BUFFALO BIO-ENERGY PROJECT

Supervisor Meegan voiced her concern about the proposed Quasar project in the industrial park and suggested that a public hearing be scheduled to establish a moratorium to allow time to explore the potential positive and negative impacts of this type of business.

Code Enforcement Officer John Gullo stated representatives from Quasar have not formally applied for, but are proposing a larger facility with a holding tank. Representatives from Quasar were told an expansion would involve the Industrial Review Committee, site plan review, SEQR etc. Mr. Gullo stated he had informed board members of the proposed plan for their information and input.

Councilman Hart questioned the process for a moratorium.

Town Attorney Charles Grieco responded the process involves calling for a local law, introducing legislation, and then publishing and holding a public hearing. Passing a moratorium will allow the town time to work on concerns and adopt appropriate regulations. Mr. Grieco added that Marilla has already enacted a moratorium and Wheatfield is currently in the process.

Councilman Hart questioned if certain activity can be banned.

Mr. Grieco advised that certain activity can be banned and the current location would then continue to operate as a non-conforming use with no expansion allowed. A general meeting is being held at Wheatfield Town Hall on Wednesday at 1:30 P.M. to discuss this issue and concerned municipalities are welcome to attend.

Motion by Supervisor Meegan, seconded by Councilman Hart, to hold a public hearing on May 12, 2014 at 7:00 P.M. to hear all interested parties and citizens for or against the adoption of proposed Local Law No. 6 of 2014 establishing a moratorium with regard to establishing or expanding facilities engaged in anaerobic digestion of solid waste and/or sewage or other sludges, or the processing, storage and/or disposal of such material within the town.

Ayes: All

Noes: None

Motion Carried

David Kims questioned if the Town, Planning and Zoning Boards have input on businesses intending to locate or expand in the Industrial Park.

Mr. Gullo responded that new projects are first reviewed by the Industrial Park Review Committee. After SEQR is in place, the proposed project is then forwarded to the Town Board with the findings of the Industrial Park Review Committee. Mr. Gullo stated an existing project proposing an addition may not have to go through the typical lengthy process.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

QUASAR BUFFALO BIO-ENERGY PROJECT (continued)

Mr. Kims questioned if the town has any input regarding the expansion of Quasar.

Mr. Grieco stated that putting a moratorium in place will allow the town time to look at current regulations to determine if they are adequate.

Councilman Hart questioned who is on the Industrial Park Review Committee.

Mr. Gullo responded current members include himself, Code Enforcement Officer Jeffrey Schieber, Town Attorney Charles Grieco, Planning Board Chairman Robert Niederpruem, town resident Donald Marts and Neil Voight from Clark Patterson Lee.

Johanna Guenther questioned if the Quasar project is planning to store human waste at their facility.

Mr. Gullo responded the bathroom at the facility was part of the original application.

Mrs. Guenther commented that this is outlawed in Europe and she did not believe the town should allow it at the Quasar facility.

Karen Lucachik referred to an article on the Marilla facility stating that sewer sludge will be stored at that facility.

Amy Carpenter referred to reports of seepage at Quasar and questioned what type and how much.

Mr. Gullo responded the east side of the tank had seepage down the side and Quasar contacted the DEC themselves. It was an environmental issue and it was cleaned up. If it had been something that was adverse to the environment, the town would have received a report from the DEC.

ETHICS COMMITTEE

Supervisor Meegan stated Shawn Martin, Esq. and James Manley will serve as her appointments to the Board of Ethics for 2014. Councilman Hanley stated Ed Gehen and George Clifford will serve as his appointments. Councilman Hart stated he will provide the names of his appointments tomorrow.

Town Attorney Charles Grieco stated Town Clerk Jacqueline Felser will also serve on the Ethics Board as dictated by Town Code and he is an ex-officio member.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ETHICS COMMITTEE (continued)

Dale Clarke thanked the board members for making appointments to the Ethics Committee. He further questioned why Councilman Hart abstained from the status change of Robert Walsh earlier that evening and not from his initial hiring.

Councilman Hart responded he did not know he was violating the ethics code and he was unaware that Mr. Walsh was related at the time of appointment.

Mr. Clarke referred to Councilman Hanley's comments at the last Town Board meeting regarding Zoning Board of Appeals Chairman Timothy Elling. Mr. Clarke took exception to Councilman Hanley's belief that an ethics violation did not take place. He further commented that information regarding receipt of gifts is a public issue and the public should know if a person is guilty.

Councilman Hart responded it is not the Town Board's place to make a determination whether an ethics code violation took place. The Ethics Committee will review this issue and release their findings.

Mr. Grieco stated the Ethics Committee will be subject to the open meetings law.

MUNICIPAL CLERKS WEEK

Supervisor Meegan read the attached proclamation designating May 4 – 10, 2014 as Municipal Clerks Week.

ISSUES OF THE PUBLIC

BURCH AVENUE FIRE

Linda Toy referred to a recent fire on Burch Avenue and expressed concern about the water pressure which she felt was inadequate.

Code Enforcement Officer John Gullo responded that the fire companies were only utilizing a 6" watermain and were unaware other watermains were available for use. Going forward, communication in situations such as this will be improved and information on all watermains will be accessible from a laptop computer.

ISSUES OF THE PUBLIC

GARBAGE PICKUP

Linda Toy questioned when leaves and brush will begin to be picked up and how carpet is handled.

Highway Supt. Matthew English responded the composting/grass clipping pickup will begin next week and carpet should be cut into 3' & 4' lengths.

ZONING MAP

Beverly Leising referred to the adoption of a local law for a rezoning at this meeting and questioned if previously rezoned properties will require new mapping.

Code Enforcement Officer John Gullo responded the zoning map is updated once a year and all the rezonings are added at that time.

Town Attorney Charles Grieco stated he was just advising the board members of a legal form change, but the end result is the same.

REQUEST FOR MORE DETAILED BUDGET

Beverly Leising questioned how the mortgage tax check received from Erie County will be listed on the budget.

Comptroller Jean Nihill responded the mortgage tax check will go into the general fund.

Mrs. Leising requested a more detailed listing of town revenues.

Supervisor Meegan responded that incoming revenues have always gone into the general fund and Councilman Hart stated that a detailed breakdown of revenue is available upon request.

ENVIRONMENTAL ISSUES

Johanna Guenther questioned the town's stance on environmental issues and if the town is considered "green."

Supervisor Meegan responded the town is very green and has saved over \$600,000. Solar panels were installed on the roof of town hall and the highway department and the ice rink and police department expansion are both green projects. Lighting in the parking lot is LED and the upcoming parking lot reconstruction project will be green. The town pool is also more efficient because of changes that have been made.

ISSUES OF THE PUBLIC

ENVIRONMENTAL ISSUES (continued)

Johanna Guenther commented on the plastic plates, cups and utensils used at the senior citizens center and questioned if dishes could be used for serving lunches, noting the new dishwasher is very energy efficient.

Supervisor Meegan responded they will discuss this issue at the monthly senior center meeting. She further commented that the new dishwasher and stove at the senior center are considered green appliances.

DEPUTY COMPTROLLER POSITION

Karen Lucachik referred to the Deputy Comptroller position previously held by Linda Kauderer and questioned if this issue has been resolved.

Councilman Hart responded he has been working with Civil Service to answer their questions and statements were prepared for review. If the position is approved by Civil Service it will have defined qualifications.

Dale Clarke commented on the additional cost of financing the Deputy Comptroller position, stating the work is already being performed under an existing title. He further questioned if the board had knowledge of a recording device being used in the Comptroller's office.

Councilman Hanley responded he heard a recorder was being used, but he did not personally see it. Councilman Hanley and Councilman Hart both acknowledged they had received and read a report from CSEA on this issue and Councilman Hanley stated it is continuing to be looked into.

SENECA MALL SITE FEASIBILITY STUDY

Amy Carpenter requested clarification on the purpose of the Seneca Mall feasibility study.

Supervisor Meegan responded the study conducted by Camoin Associates is a combination of whether or not the town can go into a public/private partnership and if the construction will be conducive for the neighborhood. The report from the study has been received, but has not been released to the public since it is still being reviewed. The board members have been in contact with Camoin Associates and are waiting for a response to questions regarding the study.

Mrs. Carpenter questioned why the initial time frame of 30 days to gather information and 30 days to file a report was not adhered to.

ISSUES OF THE PUBLIC

SENECA MALL SITE FEASIBILITY STUDY (continued)

Councilman Hart responded the report is quite complicated and very detailed. The scope of the study was expanded so the draft was delayed and it was also determined the original time frame was insufficient.

Mrs. Carpenter questioned if the residents will have the opportunity to review the study before the Town Board makes a determination on the next step.

Supervisor Meegan stated when the report is final and accepted by the Town Board it will be made available to the public and there will be numerous public discussions before any type of venture takes place.

PROPERTY MAINTENANCE ON KNOX AVENUE

John & Barbara Larusch commented on a property maintenance issue at 243 Knox Avenue. Mrs. Larusch stated the problem is getting worse and she is hopeful issues such as dog feces odor and rat attraction can be resolved before the warm weather arrives. She further commented on possible illegal auto work and drug activity and expressed concern that property values are declining in this area.

Code Enforcement Officer John Gullo responded that some property maintenance issues are not necessarily code violations. The property owner who does not reside at this residence has received letters from Code Enforcement and Animal Control for unsanitary conditions. He will visit the property tomorrow and issue a court appearance ticket if warranted.

Supervisor Meegan stated she will also talk to the Animal Control Officer regarding this issue.

CODE ENFORCEMENT TICKETING PROGRAM

Karen Lucachik referred to a new instant ticketing program implemented in Lackawanna allowing code enforcement officers to issue tickets/summons on location.

Supervisor Meegan responded they are aware of the program and are in contact with Lackawanna for feedback. The program is expensive, but it would be time saving.

MINERAL SPRINGS ROAD REPAVING

A resident of Mineral Springs Road questioned if his street is going to be repaired/repaved.

Town Engineer David Johnson responded some repair will take place prior to full repaving. Two out of three bids have been received and the work should begin soon.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

FEMA GRANT

Code Enforcement Officer John Gullo stated he received an email from FEMA regarding an available grant for flood and pre-disaster mitigation. He will forward information to Grant Writer Connie Miner to investigate if any town projects qualify under the grant.

ARTICLE ON FIRE PROTECTION

Code Enforcement Officer John Gullo stated he is submitting an article on fire protection guidelines to the West Seneca Bee. Mr. Gullo commented on the importance of property owners having fire insurance and tenants having renter's insurance to cover personal belongings.

PRESCRIPTION DRUG DROP OFF / HEALTH & SAFETY FAIR

Sr. Recreation Therapist of Senior Services Mary Josefiak announced that a prescription drug drop off event will take place on Saturday, April 26th at the senior citizens center from 10:00 AM – 2:00 PM along with a Health & Safety Fair sponsored by Senator Patrick Gallivan.

EXECUTIVE SESSION

Town Attorney Charles Grieco requested an executive session to update board members on two pending litigation matters.

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:40 P.M. to discuss two litigation matters.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:10 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:10 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK