

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 Lauren Masset.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
William P. Hanley, Jr. Councilman

Absent - None

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

11-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2017-10 of May 22, 2017.

Ayes: All

Noes: None

Motion Carried

11-B TABLED ITEMS

1. Town Attorney re Restricted use permit for Jim Collins Heating & Cooling, Inc. Remained on the table.

11-C COMMUNICATIONS

1. Supervisor Meegan re Amendment to the Erie County Tax Act Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution supporting a home rule request seeking permission from New York State to amend the Erie County Tax Act:

WHEREAS, since 2015 more than 800 homes in Western New York have been deemed "zombie houses" defined as properties undergoing the foreclosure process that can remain vacant for years; and

WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and

WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank's financial interest to foreclose on the property, implying that time is a crucial factor in these cases; and

11-C COMMUNICATIONS

1. (continued)

WHEREAS, these houses remain empty typically due to homeowners' misunderstanding of proper foreclosure procedure, leaving these houses in limbo (i.e. the homeowners no longer maintain the property and banks are not legally obligated to), which means these properties are maintained oftentimes at the expense of taxpayers; and

WHEREAS, in the United States the average time it takes to foreclose on a property is two years and if a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and

WHEREAS, as such the Town of West Seneca requests permission from New York State to make the following amendments to legislation known as the Erie County Tax Act; and

WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend §9-1.0 of the Erie County Tax Act to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant and abandoned from two years to one year; and

WHEREAS, additionally to recommend §11-2.0 of the Erie County Tax Act be amended to shorten the period in which the county may foreclosure on a tax certificate on a property that is certified by a municipality to be vacant and abandoned from two years to one year; now, therefore, be it

RESOLVED, this resolution is hereby adopted by the Town of West Seneca; and be it further,

RESOLVED, Town Clerk Jacqueline Felser forward certified copies of this resolution to New York State Assembly Speaker Carl E. Heastie and New York State Senate Majority Leader John Flanagan as well as Senator Patrick Gallivan, Assemblyman Michael Kearns, Erie County Executive Mark Poloncarz, Legislator Joseph Lorigo and all other parties deemed necessary and proper.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re
Appointments to the Board
of Assessment Review

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Timothy Hourihan and David Baker to the Board of Assessment Review with their terms due to expire September 30, 2020 and September 30, 2021, respectively, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

3. Town Attorney re Intermunicipal Cooperation Agreement for loaning of buses

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with West Seneca Central School District whereby the district would temporarily loan school buses to the town for transportation of youth to town activities for the term set forth therein, noting there is no fee to the town for rental of buses and the town shall provide insurance to cover the vehicles when used on behalf of the town and hire current active district bus drivers to operate the vehicles.

Ayes: All Noes: None Motion Carried

4. Town Attorney re Certo Brothers restricted use permit

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution for approval of a restricted use permit for Certo Brothers:

WHEREAS, on August 12, 1991, the Town of West Seneca accepted the Final Environmental Impact Statement for the West Seneca Industrial Park that was prepared by Waste Resource Associates, Inc.; and

WHEREAS, the Town of West Seneca received an application for a restricted use permit from Certo Brothers for expansion of their property located at 2500 Union Road for a cold storage facility in the West Seneca Industrial Park; and

WHEREAS, this application was considered by the Industrial Park Review Committee on May 19, 2017 and all conditions of review have been met; and

WHEREAS, the Town Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed the Final Environmental Impact Statement for the West Seneca Industrial Park Overlay District ("FEIS") and the Short Form Environmental Assessment Form, analyzing the potential for the project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon such review, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the subject property and has determined that the project is consistent with the Final Environmental Impact Statement and no further Environmental Impact Statement is necessary; and

WHEREAS, the Industrial Park Review Committee reviewed the project on May 19, 2017 and the Senior Code Enforcement Officer recommended to this board that the restricted use permit be granted; and

11-C COMMUNICATIONS

4. (continued)

WHEREAS, pursuant to the Town Code, the Town Board further finds that granting a restricted use permit for the subject property to allow for the project is appropriate for the location and will not adversely affect surrounding properties; now, therefore, be it

RESOLVED, the West Seneca Town Board certifies that any environmental impacts resulting from the project are consistent with the provisions of the Final Environmental Impact Statement and the proposed action is not anticipated to result in any significant negative effect on the environment and a Negative Declaration is hereby issued; and be it further

RESOLVED the Town Board hereby grants to the applicant a restricted use permit for the Industrial Park Overlay District.

Ayes: All

Noes: None

Motion Carried

5. Town Attorney re Purchase and sale agreement for Ridge Road property

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt a resolution authorizing the Supervisor to execute the purchase and sale agreement with Union Concrete and Construction Corporation for the sale of 0 Ridge Road, West Seneca, and take other further necessary actions to perform the agreement, noting the purchase price shall be \$10,000; the property will be used to store material excavated during a highway reconstruction project; the purchaser will complete all applicable environmental rules, regulations and laws; and all slopes will be graded and contoured to conform to surrounding properties with the purchaser planting and establishing vegetation on all filled areas.

On the question, Councilman Hart questioned if this use will have to go before the Planning Board. Code Enforcement Officer John Gullo advised the use does not require Planning Board approval, but must comply with all necessary provisions.

Town Attorney John Fenz stated the sale price of the property is above market value. The property is vacant land that is landlocked and it will now go on the tax rolls.

Ayes: All

Noes: None

Motion Carried

6. Town Engineer re SEQR review for Tim Russert & Veterans Park improvements

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution for improvements at Tim Russert Park:

11-C COMMUNICATIONS

6. (continued)

WHEREAS, the West Seneca Town Board (the "Board") has considered the impact to the environment of the following Scope of Work to be completed:

1. IMPROVEMENTS AT TIM RUSSERT PARK

- Rehabilitation and improvements to park and park infrastructure
- Work includes, but not limited to, replacement of equipment and installation of new equipment

WHEREAS, the Board has reviewed the Scope of Work set forth above as one proposed action and has further consulted with its engineer and legal counsel with respect to the potential for environmental impacts resulting from the proposed action; and

WHEREAS, the Board has reviewed the proposed action with respect to the Type II criteria set forth in 6 NYCRR, Part 617 of the Environmental Conservation Law, Article 8 ("SEQRA") and concluded that the project involves:

- Park improvements that would result in replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The proposed action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of Tim Russert Park; and therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. Part 617.
2. The Board hereby determines the proposed action is a Type II action in accordance with SEQRA regulations.
3. No further review of the proposed action is required under SEQRA.
4. This resolution shall be effective immediately.

On the question, Supervisor Meegan stated the improvements will make the park ADA compliant and enhance the children's part of the playground. Senator Gallivan secured funding for the park improvements.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

6. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolutions for improvements at Veterans Park:

WHEREAS, the West Seneca Town Board (the "Board") has considered the impact to the environment of the following Scope of Work to be completed:

1. IMPROVEMENTS AT VETERANS PARK (Centennial Park)

- Replacement in kind of the park pavilion
- Construction of a small (1000 sq ft A+/-) comfort and restroom station

WHEREAS, the Board has reviewed the Scope of Work set forth above as one proposed action and has further consulted with its engineer and legal counsel with respect to the potential for environmental impacts resulting from the proposed action; and

WHEREAS, the Board has reviewed the proposed action with respect to the Type II criteria set forth in 6 NYCRR Part 617 of the Environmental Conservation Law, Article 8 ("SEQRA") and concluded that the project involves:

- Park improvements that would result in replacement, rehabilitation, or reconstruction of infrastructure or facility, in kind, on the same site

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The proposed action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of Veterans Park (also known as Centennial Park) in the Town of West Seneca; and therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. PART 617.
2. The Board hereby determines the proposed action is a Type II action in accordance with SEQRA regulations.
3. No further review of the proposed action is required under SEQRA.
4. This resolution shall be effective immediately.

On the question, Supervisor Meegan stated the pavilion at Veteran's Park will be replaced with a much larger pavilion and funding will be from grant money.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

7. Highway Sup't re Appointment of John Schneck part-time seasonal laborer in Highway Department
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint John Schneck as part-time seasonal laborer at a rate of \$9.70 per hour effective June 12 - September 1, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
8. Highway Sup't. re Appointment of part-time seasonal laborers in Buildings & Grounds
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Quinn Finnegan, Cooper Panek, Nathaniel Stupak and Jake Weber as part-time seasonal laborers at a rate of \$9.70 per hour effective June 12 - September 1, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
9. Town Clerk re Payment to Biel's for microfilm conversion of payroll records
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize payment of \$23,595.40 to Biel's Information Technology Services for digital conversion of payroll records in the Finance Department as specified in the 2016-2017 Local Records Management Improvement Fund Grant, Acct. #01.1410.0442.333, noting Biel's partners with NYSID, a New York State Preferred Vendor, which under grant guidelines eliminates the need for securing three quotes.
- Ayes: All Noes: None Motion Carried
10. Senior Code Enforcement Officer re Approval of electronic message board – 1845 Union Road
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the request for an electronic message board for Union Fire Hall located at 1845 Union Road, noting this request was approved at the Zoning Board of Appeals meeting on May 24, 2017.
- Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

11. Senior Code Enforcement Officer re Bid date for sidewalk repair & maintenance

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of June 21, 2017 at 10:00 am for receipt of bids on the repair of sidewalks in the northeast zone of town.

Ayes: All Noes: None Motion Carried

12. Town Justices re Status change for Julie Korczynski to part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time court clerk Julie Korczynski to part-time seasonal effective June 5 – July 7, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Senior Recreation Therapist of Sr. 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 June 5 – July 5, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

14. Senior Recreation Therapist of Sr. Services re Status change for Carol Kennedy to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Carol Kennedy to part-time seasonal effective July 1 – 31, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

15. Recreation Supervisor re Termination of part-time employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate part-time recreation attendants Kaitlyn Griffin, Amy Griffin and Julia Reed and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

16. Recreation Supervisor re Resignation of part-time employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of part-time recreation employees Chloe Beach, Megan Burkowski, Rachel Funk, Rebekah Quinlivan, Sherry Gibson and Juliana Shanahan effective June 12, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

17. Recreation Supervisor re Pay rate increase for lifeguards with PSI Certification

Motion by Supervisor Meegan, seconded by Councilman Hanley, to increase the rate of pay for Robert Breidenstein, Claire Corbett, Jennifer Lew and Rachel Zak to \$12.50 per hour; and further, increase the rate of pay for Gabrielle Gelinias to \$12.25 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

18. Recreation Supervisor re Appointment of part-time Recreation Attendants

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Kaitlyn Alessi, Zachary Marshall and Bridget Bork as part-time seasonal recreation attendants at a rate of \$12 per hour effective June 13 – September 15, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting recreation attendants will be paid from Salary of Other Employees – Part-Time Account #1.7140.0149.

Ayes: All Noes: None Motion Carried

19. Recreation Supervisor re Appointment of bus drivers

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint the following individuals as part-time seasonal bus drivers at the corresponding rates of pay effective June 26 – August 30, 2017:

Michael Aures \$15.25/hour
Dianne Krone \$15/ hour

Thomas Keenan \$15.25/hour
Mary Ksiezarczyk \$15/hour

Gary Grosjean \$15/hour

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

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

20. Recreation Supervisor re Veterans Park Pool free admission days

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize free admission days for Veterans Park Pool to residents with a valid resident identification card on the following dates: Opening Day – date TBD, Family Swim Day – July 21, 2017 and Closing Day – date TBD, noting guest rates will still apply.

Ayes: All Noes: None Motion Carried

21. Recreation Supervisor re Agreement with South Buffalo Rugby

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

Ayes: All Noes: None Motion Carried

22. Recreation Supervisor re St. John Vianney 5K Run

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to enter into an agreement with St. John Vianney to host their annual road race on July 20, 2017.

Ayes: All Noes: None Motion Carried

23. Recreation Supervisor re Run for Life 5K

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Life Church to host their annual Run for Life 5K on July 22, 2017.

Ayes: All Noes: None Motion Carried

24. Recreation Supervisor re West Seneca Central School District Fall Cross Country schedule

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the request of West Seneca Central School District to use Sunshine Park for cross country events on the following dates and times:

Varsity Cross Country Meets	September 5, 19 and 26	4:30 P.M.
Varsity Cross Country Invite	October 7	7:00 A.M. - 6:00 P.M.
Gary Gaiser Run	September 23	7:30 A.M. – 1:00 P.M.

noting, if the event is cancelled due to weather, West Seneca Central School District will be allowed to reschedule with the Recreation Department.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

25. Chief Denz re Budgetary transfer request Motion by Supervisor Meegan, seconded by Councilman Hart, to transfer \$1,227.60 from Acct. #001.3120.0139 – Police Warrant Clerk to Acct. #001.3120.0153 – Detective.

Ayes: All Noes: None Motion Carried

26. Recreation Supervisor re Termination of Andrew Potter Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate part-time recreation attendant Andrew Potter effective June 12, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

27. Recreation Supervisor re West Seneca Youth Theatre agreement Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with West Seneca Youth Theatre for use of the Lions Band Shell August 4 – 5, 2017 for their production of "Pippin."

Ayes: All Noes: None Motion Carried

11-D REPORTS

- Jacqueline A Felser, Town Clerk's report for May 2017 received and filed.
- John A Gullo, Code Enforcement Officer's building & plumbing report for May 2017 received and filed.

11-E APPROVAL OF WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$182,132.62; Highway Fund - \$102,304.97; Special Districts - \$7,406.05; Capital Fund - \$24,063.78 (vouchers 99577 - 100218) Trust - \$296,520.49 (vouchers 99900 - 100276)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

PROPOSED DEVELOPMENT AT WESTGATE BLVD. AND RESERVE ROAD

Joe Celeste referred to the proposed 48-unit apartment development located on Westgate Blvd. in Orchard Park and questioned who authorized Orchard Park to utilize West Seneca sewers. He further questioned why the town would allow a low income property to be built in a nice neighborhood and expressed his concern that this will hinder future projects. Mr. Celeste stated this development affects only 14 people in Orchard Park, yet 250 West Seneca residents will be affected.

Supervisor Sheila Meegan responded that authorization to tie into West Seneca sewers was given years ago and there are many tie-ins to get to the city. She further stated the town has been under a consent order from the DEC and has done sliplining work which has reduced sewer issues throughout the town. They do not have any justification for saying no to Orchard Park and there is no reason for Orchard Park to not be able to tie into West Seneca sewers, especially with the improvements that have been made. Supervisor Meegan stated no one has ever stated the project will be low income Section 8 housing. There are apartments all along Southwestern Blvd. and Reserve Road, so this project will not be changing the neighborhood. The town also has no jurisdiction to dictate to another municipality. Supervisor Meegan suggested that residents with concerns express their comments to Orchard Park.

Town Attorney John Fenz stated the Town of West Seneca could do nothing to discriminate against low income housing and only if the land use was of a derogatory nature to the Town of West Seneca could the town then act upon it.

Bob Nowak stated he lives in Orchard Park on Reserve Road and questioned if his neighbors with a septic system will be allowed to tie into West Seneca's sewers.

Mr. Fenz advised Mr. Nowak that his neighbors could petition the town to tie into the sewers.

Mr. Nowak questioned the purpose of the pumps across from West Seneca Senior High School.

Supervisor Meegan stated the pumps are there to handle overflows.

Mr. Nowak further stated the driveway from the new development on Westgate Blvd. will be directly across from Willowcrest Drive which is located in West Seneca and he suggested the traffic be looked at. Mr. Nowak also stated he was told the apartments were supposed to be high end apartments and now understands they will be \$800 rent for single bedroom and \$900 rent for two-bedroom.

ISSUES OF THE PUBLIC

SALE OF RIDGE ROAD PROPERTY

Amy Carpenter questioned if the sale of 0 Ridge Road has anything to do with the NYS Thruway and expressed concerns with the visual. Councilman Hanley advised the parcel will be used for temporary storage and as a staging area for Union Concrete's equipment and material for work on the NYS Thruway. The property owner will be restoring the property when work is complete.

BURCHFIELD CENTER

Beverly Leising stated Channel 2 reported the findings of the Burchfield Center have been completed and questioned when the report will be made public. Town Attorney John Fenz responded the report was not intended for the public. The report was completed in anticipation of litigation and will provide him information so he can give advice to the Town Board concerning said anticipated litigation.

NEW HOMEOWNERS

Beverly Leising questioned if new homeowner packets are sent to new property owners and Town Clerk Jacqueline Felser confirmed that her office mails out new homeowner packets. Mrs. Leising further suggested the town give the Celtics something from West Seneca to take home with them.

UNPAID TAXES

Beverly Leising questioned how many taxes have yet to be paid. Town Clerk Jacqueline Felser stated on May 1st over 700 reminders were mailed and over 600 parcels remain unpaid.

STORAGE FACILITY AT RESERVE AND ORCHARD PARK ROAD

Karen Lucachik referred to the landscaping at the storage facility located at Orchard Park Road and Reserve Road, noting the original plan had trees in the middle of the lot.

Code Enforcement Officer John Gullo responded there are plants on the corner and adjacent to the building.

Mrs. Lucachik further questioned if the town contacted NYSDOT regarding widening Orchard Park Road and had concerns that if a lane is added along with sidewalks, the fence will have to come down because the blacktop has been extended.

ISSUES OF THE PUBLIC

STORAGE FACILITY AT RESERVE AND ORCHARD PARK ROAD (continued)

Supervisor Meegan stated funding was available for this project years ago and residents turned it down. She further stated that because the town is surrounded by thruways, she is currently fighting for sound barriers.

Paul Pytlak disagreed with concrete barriers along the NYS Thruway and suggested trees instead.

SIDEWALK BID

Karen Lucachik questioned if the sidewalk bid is to assist individual homeowners. Code Enforcement Officer John Gullo stated the town is offering a program for people to have sidewalks repaired. Performing the work in bulk will get a contractor with a better price. The cost will then be put on the property owner's taxes, interest free and spread over three years or the homeowner can pay up front.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RECREATION UPDATES

Recreation Supervisor Lauren Masset stated summer program registration ends Monday, June 19th with late registration beginning thereafter. Movie in the Park dates have yet to be confirmed.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:00 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK