

4-B LEGAL ITEMS

1. (continued)

Amy Carpenter questioned if existing detention ponds will fall under this proposed law or if they will remain private and be maintained through a homeowner's association.

Mr. Martin responded they will have the option. The last subdivision created was required to have a homeowner's association but that has not yet been accomplished so if this local law is adopted that could change.

Mrs. Carpenter questioned what the tax will be based on.

Mr. Martin responded the tax will be based on maintenance and upkeep.

Councilman Hart understood that a predetermined amount of funds will be provided upfront from the developer.

Mr. Tanner responded that the developer will be charged an upfront fee of \$500 per parcel. Once that money starts being spent the town can assess accordingly in order to recoup those funds. He suggested fees be collected as money is drawn down.

Councilman Hart questioned the cost of maintaining a stormwater detention pond.

Mr. Tanner stated the cost depends on the type and size of the pond. Typically stormwater ponds require maintenance every five years. Once water in a pond is drawn down with a pump, a backhoe is used to dig out the pond. This work is labor intense, a two to three day process requiring highway personnel and use of town equipment.

Councilman Hart questioned if the creation of a district will be based on a vote or if the town will create the district prior to it being accepted.

Mr. Tanner responded that this will be part of the process of the planning department. For existing drainage districts, anyone that benefits has to pay and anyone that pays must benefit. Anyone who drains to a stormwater pond will have to be part of a unanimous vote giving that pond to the town. Since some of these ponds are located on private property a vote will also be required by those homeowners to give up a portion of their land. There are approximately ten such existing ponds in town.

Mrs. Carpenter questioned how new homeowners will know of this tax going forward.

Mr. Martin responded that developers should notify new homeowners. He further noted the town will have fulfilled its obligation by properly passing a local law and publishing it in the town code.

4-B LEGAL ITEMS

2. (continued)

Supervisor Meegan stated the idea is to have a law in place to protect the town and have some control over people that solicit so they are not intrusive to the residents, along with compensating the town for the work involved in issuing permits.

Councilman Rusinski clarified that the law already exists and the basis is not going to change. The issue being addressed is the inclusion of language for services provided by utilities.

Amy Carpenter questioned if vendors are required to carry permits when soliciting.

Mr. Martin responded that solicitors are required to carry permits and produce the permit upon request.

Supervisor Meegan questioned if food trucks will be affected by this law.

Attorney Mitchell Stenger represented the WNY Food Truck Association and spoke on behalf of Michael Albarella who operates a food truck. He stated that some other towns are considering legislation that applies specifically to food trucks and questioned if this modification will pertain to food trucks.

Mrs. Felser thought that food trucks fell under the exempt category in the ordinance and Code Enforcement Officer John Gullo recited the current exemptions that included milk deliveries, baked goods, ice cream, daily papers and persons selling recognized products with regularly established routes within the town.

Mr. Stenger requested further clarification regarding a transient retail business and questioned whether food trucks are included since most vendors set up at a location by invitation rather than traveling up and down a street.

Mr. Martin stated since no peddling and soliciting is taking place a permit will not be required. Working an event at Southgate Plaza or an invitation to a private residence is considered catering not soliciting.

Councilman Rusinski questioned if language for food trucks should be included in the local law.

Mr. Martin stated food trucks are a separate business and should be addressed accordingly. Since they are already regulated by Erie County he would prefer to see it addressed by the county.

Councilman Hart questioned the parking of food trucks from a legal standpoint.

4-B LEGAL ITEMS

2. (continued)

Chief Gehen responded if vehicles are parked legally and there are no other current laws or ordinances in place prohibiting the activity from occurring, his department would have nothing to enforce.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adopt Local Law #2013-02, modification to Chapter 87 Peddlers, Solicitors and Canvassers as proposed.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4-C COMMUNICATIONS

1. Supervisor Meegan re Resolution supporting contact information for vacant structures

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution in support of NYS Assembly Bill A.88 & A.834 making it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures and require good faith in obtaining a foreclosure.

On the question, Councilman Rusinski stated adoption of this resolution is a step in the right direction and will hold people accountable for the property they have abandoned.

Code Enforcement Officer John Gullo stated there are approximately 45 vacant structures in town that fall under this category. Passage of this resolution will assist the town in acquiring contact information of parties responsible for vacant structures.

Councilman Hart commented that assistance from the state legislature is definitely necessary.

Supervisor Meegan commented that when foreclosure proceedings begin a letter of intent to foreclose is issued and residents vacate their property believing the property has already been foreclosed on. If a bank stops foreclosure proceedings, residents are often unaware of their responsibility for accumulating utility, tax and property maintenance bills. This resolution provides an opportunity for the town to partner with other municipalities in identifying and making public the banks that are responsible for this behavior.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4-C COMMUNICATIONS

2. Supervisor Meegan re Retirement of Janice Case Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Janice Case and terminate her as Senior Clerk Typist effective January 31, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that Mrs. Case has served the town for over 28 years.

Ayes: All Noes: None Motion Carried

3. Supervisor Meegan re Appointment of Director of Recreation II Part Time Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Craig Kroll as Director of Recreation II part-time at a rate of \$20 per hour effective February 5, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Rusinski stated that nine applicants were interviewed out of 20 that applied for the position and this appointment is contingent upon favorable pre-hire screening.

Councilman Hart stated the board worked very hard on this appointment and an arduous screening process took place with no politics involved. He commented on Mr. Kroll's impressive resume and experience and thought he was the best candidate.

Supervisor Meegan commented on Mr. Kroll's work with the Boys and Girls Club and his extensive experience.

Mr. Kroll thanked the Town Board for providing him the opportunity to be part of the recreation program and stated he hopes to build a program the community will be proud of.

Ayes: All Noes: None Motion Carried

4. Councilman Hart re Bid award for sidewalk repair & replacement project at the library Motion by Supervisor Meegan seconded by Councilman Hart, to award the sidewalk repair and replacement project at the West Seneca Library to S & T Enterprises Inc., 97 Sunset Blvd., Angola, NY at their quote of \$16,500 noting that funding is available from budgetary appropriations and a New York State grant.

Ayes: All Noes: None Motion Carried

4-C COMMUNICATIONS

8. (continued)

On the question, Councilman Rusinski complimented the detectives on their commitment to continuing education by attending seminars.

Councilman Hart questioned if there is a bidding process that determines who attends seminars and how big the prescription drug problem is.

Chief Gehen responded that training is targeted to a specific officer's or detective's specialty. He further stated that prescription drugs are a huge problem in all towns throughout Western New York. These detectives deal specifically with narcotics and prescription drugs along with detectives from other agencies so the training is very beneficial.

Ayes: All

Noes: None

Motion Carried

9. Chief Gehen re Purchase requiring Town Board approval

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize payment of \$5,050 to George's Collision for vehicle repairs to a 2011 Ford Crown Victoria.

On the question, Councilman Hart questioned how the vehicle was damaged.

Chief Gehen responded that the vehicle damage was the result of an accident that was not the fault of an officer and Town Attorney Shawn Martin is handling insurance paperwork to recoup the cost.

Ayes: All

Noes: None

Motion Carried

10. Code Enforcement Officer re Electronic message board at 3800 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve an electronic message board for Auricchio Insurance located at 3800 Seneca Street.

Ayes: All

Noes: None

Motion Carried

11. Director of Senior Services re Termination of D. Doctor & J. Manley as van drivers

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Donald Doctor & James Manley as part-time van drivers effective February 1, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that Mr. Doctor & Mr. Manley have found other employment.

Ayes: All

Noes: None

Motion Carried

4-C COMMUNICATIONS

12. Director of Senior Services re Status change for part-time van driver John McCartan to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time van driver John McCartan to part-time seasonal effective February 1 - June 28, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Director of Senior Services re Status change for part-time clerk Marirose Bless to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Food Service Worker Marirose Bless to part-time seasonal effective February 1 – March 29, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart referred to upcoming changes to health care and questioned how this will impact seasonal workers.

Supervisor Meegan responded that discussions on this issue will take place at future work sessions and numbers from this year will be a determining factor for 2014.

Ayes: All Noes: None Motion Carried

14. Town Justices re Attendance at NYS Association of Towns annual meeting
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize Town Justice Jeffrey Harrington and Court Clerks Linda Stefaniak & Michelle Leone to attend the NYS Association of Towns annual meeting in New York City, February 17 – 20, 2013 at a cost not to exceed \$1,500 per person with funding from Acct. #1.1110.0414.

Ayes: All Noes: None Motion Carried

15. Supervisor Meegan re Budgetary transfer request
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$1340 from Contingency Acct. #1.1990.0480 to Planning Consultant Acct. #1.1910.0484 for the Recreation Department needs assessment.

Ayes: All Noes: None Motion Carried

4-C COMMUNICATIONS

16. Director of Senior Services re Termination of Sarah Flattery
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Sarah Flattery as part-time recreation clerk effective February 8, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

17. Director of Senior Services re Bid award for Jackson Tempstar dishwasher
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to award the bid for a Jackson Tempstar dishwasher to Buffalo Hotel Supply Co., 375 Commerce Drive, Amherst, at their bid amount of \$7,498.

Ayes: All Noes: None Motion Carried

4-D WARRANT

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

General Fund - \$238,749.15; Highway Fund - \$81,598.85; Special Districts - \$5,188.90 (voucher #'s 76694 - 77082); Trust & Agency Fund - \$31,995.19 (voucher #'s 76967 - 76985); Capital Fund - \$85,276.63 (voucher #'s 76831 - 77087)

Ayes: All Noes: None Motion Carried

4-E REPORTS

- John Gullo, Code Enforcement Officer's report for December 2012 and year end report for 2012 received and filed.
- John Gullo, Code Enforcement Officer's year end plumbing report for 2012 received and filed.

ISSUES OF THE PUBLIC

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments.

Finance Director Laura Landers responded that a payment of \$8,000 was received on January 16th and February's payment has not yet been received.

ISSUES OF THE PUBLIC

VEHICLES PARKED IN YARD

Karen Lucachik referred to properties on Orchard Park Road she had previously complained about concerning vehicles, boats and equipment parked in yards. She questioned what happens after violation notices are sent from the town.

Code Enforcement Officer John Gullo responded that an initial letter is sent followed by a final notice and then a court appearance ticket is issued. Approximately 2000 violation letters concerning property maintenance have been sent from April 2012 to the end of the year. Problems are sometimes ongoing when property owners appear in court and temporarily comply to avoid the violation.

HEALTH INSURANCE

Karen Lucachik commented on a news article referencing health benefit perks received by county employees and questioned if any town employees receive these benefits.

Supervisor Meegan responded that approximately 15 – 20 employees have this benefit and it is no longer offered in current plans.

BANK FORECLOSURES

Beverly Leising questioned why the town did not go after banks last year as previously discussed and inquired if the town has recouped any money.

Supervisor Meegan responded the concern last year was incorporating language requiring property managers to register. Unfortunately, property managers are constantly changing as banks continue to sell off properties and in the interim the town ends up incurring the cost of maintaining the property.

Code Enforcement Officer John Gullo stated that some banks pay the property tax bills and the maintenance costs are included.

Town Attorney Shawn Martin stated that if a bank sells a property, past taxes including any maintenance charges take precedence over the mortgage.

ISSUES OF THE PUBLIC

STATUS OF CAT ORDINANCE

Beverly Leising questioned the status of the proposed cat ordinance and if a future agenda date has been set for discussion on this issue.

Supervisor Meegan responded that a date has not been set.

Councilman Hart stated the ordinance is currently on hold but they are working on other methods to force compliance on these properties.

DETECTIVE TRAINING

Beverly Leising questioned if detectives that attend training seminars pass information on to other officers and if there is any information that would be beneficial to the public.

Chief Gehen stated that information beneficial to the entire patrol force is shared during in service training. General topic instructors who train at least 21 hours a year keep the department up-to-date on relevant topics. Neighborhood watch programs, bike patrol, nixle, and newspaper publications are also essential ways to share information with the public. Chief Gehen further stated that officers are available for personal presentations on topics.

STATUS OF GARBAGE TOTES

Beverly Leising questioned the status of the garbage totes.

Supervisor Meegan responded that this issue is still being discussed.

Johanna Guenther stated in Rochester the elderly and disabled have their garbage picked up from their house and returned to the same location and she questioned if this is a New York State law.

Town Attorney Shawn Martin was not aware of a state law requiring garbage to be picked up from a house due to age or disability.

Larry Palaszynski questioned if the elderly will be able to handle oversized garbage totes.

Councilman Hart stated that currently the ordinance only requires that garbage be stored in a container and just the garbage bag can be put out at the road. All options will be reviewed and considered prior to going forward.

ISSUES OF THE PUBLIC

STATUS OF GARBAGE TOTES (continued)

Councilman Rusinski stated they are monitoring problems in Cheektowaga as they develop. The size of the totes may be reduced based on issues the elderly are having such as difficulty opening the lids and wheeling totes to the curb.

WORK SESSIONS

Amy Carpenter questioned if all work sessions will be held during the day and Supervisor Meegan responded that all the work sessions have been scheduled for during the day.

UNION CONTRACTS

Amy Carpenter referred to a previous discussion and questioned if blue and white collar contracts are going to be put online.

Supervisor Meegan responded there is a problem converting and formatting the file and she requested that Town Attorney Shawn Martin review this issue.

HIGHWAY DEPARTMENT BUDGET

Amy Carpenter questioned the year end highway budget and if there was a savings on salt and overtime expenses last year.

Councilman Hart responded that last year's highway budget was tight and underfunded in areas. Based on information he had received the overall highway budget was overexpended by \$36,000.

DETENTION PONDS

Amy Carpenter questioned if the town is liable for putting up signage on detention ponds.

Town Attorney Shawn Martin responded that New York has a recreational use statute where the town is not responsible unless they knowingly create an unsafe condition. Insurance covers town property; however, additional exposure and risk creates additional expense, something that may have to be addressed in the future.

POLICE DEPARTMENT

Johanna Guenther complimented Chief Gehen and his staff on their professionalism recently displayed in her neighborhood.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

NOTIFICATION OF FORECLOSED PROPERTIES BEING AUCTIONED

Town Clerk Jacqueline Felser referred to a question at the last meeting regarding notification of foreclosed properties going up for auction. She stated on March 5th the county will be having an auction at the Buffalo & Erie County Public Library at 9:30 AM. A list of properties up for auction is available on the Erie County website, www.erie.gov, along with information on how to purchase tax foreclosed properties.

CPR & DEFIBRILLATOR TRAINING

Chief Gehen stated CPR and defibrillator training is beginning this week and he thanked Councilman Rusinski for his help in acquiring mannequins for the training, noting that a substantial amount of money was saved by borrowing vs. purchasing the mannequins.

WORK SESSION PRESENTATIONS

Town Engineer Steven Tanner stated at the last two work sessions he provided presentations on the Danforth energy project and DEC Order of Consent regarding sewer districts and noted that both presentations are available on the town's website www.westseneca.net.

ICE RINK UPDATE

Town Engineer Steven Tanner stated there was a problem at the ice rink last weekend involving a heat recovery system that was not completely installed. When it was cold the compressors were kicking off because there was not enough heat in the room. Installation of a small boiler to heat the room will alleviate the problem. The system will be completed in the spring and the warranty extended.

Councilman Hart questioned if there was a leak at the ice rink on the weekend.

Highway Supt. Matthew English responded the building was evacuated after an ammonia leak was reported on Saturday at 11:15 PM. A Danforth representative fixed a loose valve and the rink was back up and running at 6 AM on Sunday.

EQUIPMENT AT SENIOR CENTER

Director of Senior Services Mary Josefiak stated all kitchen and exercise equipment acquired through the grant have been received. The vans have been registered and are in the process of getting signage.

