

17-B LEGAL ITEMS

1. (continued)

Board & Zoning Board of Appeals. The plan must be taken into consideration by a governmental agency doing projects in our community. Mrs. Minklei commented that although the Master Plan has been mostly ignored, it is an existing tool prepared for the same reasons as the proposed commission. There have been many requests that the Master Plan be reviewed, revised if necessary and properly used. She thought it was important to have a well understood Comprehensive Plan in place to avoid mistakes of the past and make future decisions less dependent on politics and strongly urged the Master Plan be updated rather than adopt this proposed local law, stating this would be another useless layer of bureaucracy.

Councilman Hart agreed that the Master Plan needs to be updated and used more frequently but he supported establishing an architectural commission because of serious changes that will be happening in town that will require attention. Initially the commission will only make recommendations, something that may change in the future. He referred to the architectural planning in Orchard Park, Hamburg and East Aurora and commented that West Seneca needs more of this type of consistency.

Town Attorney Shawn Martin stated the language for this commission was based on comments from Code Enforcement Officer John Gullo and review of other communities and their ideas. Once established the commission will consist of a group of individuals with certain skills and backgrounds providing guidance and making recommendations and nothing will prohibit them from using the Comprehensive Plan.

Councilman Rusinski stated establishment of the architectural commission will enhance and work in tandem with the Master Plan to promote consistency and direction.

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 the attached Local Law 2013-05 creating the Town of West Seneca Architectural Commission.

Ayes: All

Noes: None

Motion Carried
APPENDICES

17-C TABLED ITEMS

1. Supervisor Meegan re Snow removal and de-icing of Erie County Roads

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

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adopt the attached resolution objecting to the 4.5 percent fee reduction with regard to snow removal and de-icing of Erie County Roads.

On the question, Highway Sup't. Matthew English stated the county has been giving the towns a 5 percent fee for plowing and salting certain county roads; however, this year the county does not want to pay the towns. The Erie County towns have been expressing their objection and the county is now offering to pay .5 percent, a 4.5 percent reduction.

Councilman Hart questioned what will happen if the town tells the county they will not plow county roads.

Mr. English listed the county roads the town plows that will not be plowed if this is not settled, noting that this involves tens of thousands of dollars in revenue for the town.

Ayes: All Noes: None Motion Carried
APPENDICES

2. Supervisor Meegan re Feasibility study for former Seneca Mall site

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

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a feasibility study regarding the proposed development of the former Seneca Mall site at a cost not to exceed \$30,000 from Programmed Maintenance line item #03.8100.0445.

Ayes: All Noes: None Motion Carried

17-D COMMUNICATIONS

1. Supervisor Meegan re
Removal of unsafe conditions
at 3894 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to conduct a hearing with regard to removal of unsafe conditions at 3894 Seneca Street, noting the conditions set forth in Chapter 57 of the Town Code have been met without any responsible person replying.

Ayes: All Noes: None Motion Carried

Councilman Rusinski stated he supports holding the banks and property managers accountable for dilapidated and unsafe structures in the town and he commended the board members and town departments for their unified approach to this issue.

Councilman Hart commented there are approximately 90 buildings in the town that are vacant and Code Enforcement Officer John Gullo has indicated to the board members there are three additional that need to be addressed.

Mr. Gullo stated not all of the 90 buildings are dilapidated and the problem lies in how long the buildings remain vacant.

Supervisor Meegan stated they have been working aggressively to address these vacant properties, noting she was recently invited to Attorney General Eric Schneiderman's office and a lawsuit was filed against HSBC on this issue.

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to proceed with the removal of unsafe conditions at 3894 Seneca Street, noting the cost of this action will be assessed against the land on which the building is located.

Ayes: All Noes: None Motion Carried

2. Town Engineer re Bid date
for East & West (Leydecker)
Sewer Replacement Project

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to set a bid date of Thursday, August 29, 2013 at 11:00 A.M. for receipt of bids on the East & West (Leydecker) Sewer Replacement Project.

Ayes: All Noes: None Motion Carried

On the question, Councilman Hart questioned if this was more than sliplining and how long it will take to complete the project. Town Engineer Richard Henry responded that this is a complete replacement project and the timeframe is based on the time of year the work is done. The project is the next phase in complying with the consent order.

Ayes: All Noes: None Motion Carried

17-D COMMUNICATIONS

3. Highway Supt. re Purchase requiring Town Board approval
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the purchase of one (1) Hyundai HL757-9 Wheel Loader with Cummins B6.7C diesel engine at a total cost of \$151,332 noting this purchase is off the current New York State Contract List and funding is available in the Highway Reserve Fund.

Ayes: All Noes: None Motion Carried

4. Highway Supt. re Budgetary amendment request
Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budget amendment increasing concrete curbing repairs #002.5110.0445 in the amount of \$21,375 and noting the source of funding for this request is the unreserved, assigned fund balance.

On the question, Councilman Hart questioned how many curb repairs this involves.

Highway Supt. Matthew English responded this is for all the concrete work done within the town.

Ayes: All Noes: None Motion Carried

5. Chief Denz re Purchase requiring Town Board approval
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the purchase of one (1) Speed Alert 18 Radar Traffic Monitoring and Message Sign from All Traffic Solutions at a total cost of \$6,130, noting this will replace the current speed trailer that is no longer operational and there is sufficient funding in budget line 1.3120.0210.

Ayes: All Noes: None Motion Carried

6. Town Clerk re Status change for part-time clerks L. Fischione & M. Pomana to seasonal
Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time clerks Laurine Fischione and Margaret Pomana to part-time seasonal effective August 12 – November 30, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the purpose for the extra hours.

17-D COMMUNICATIONS

6. (continued)

Town Clerk Jacqueline Felser responded that hunting licenses go on sale August 12th followed by collection of school taxes beginning in September so extra help is needed in the office.

Ayes: All

Noes: None

Motion Carried

7. Finance Director re JP Morgan Chase purchasing card system

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request to upgrade the commercial card program and implement a purchasing card system with JP Morgan Chase effective immediately.

Ayes: All

Noes: None

Motion Carried

8. Highway Supt. re Termination of Jamie Lang

Received and filed.

9. Chief Denz re Budgetary amendment request

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a budget amendment increasing Various Police Equipment #1.3120.0210 in the amount of \$7,296.90, noting the source of funding for this request will be Trust and Agency T-71 Police Facility Expansion.

Ayes: All

Noes: None

Motion Carried

10. Supervisor Meegan re Grant application for development of Strategic Development Plan

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adopt the attached resolution authorizing Grantwriter Connie Miner to submit a grant application for development of a Strategic Development Plan.

Ayes: All

Noes: None

Motion Carried
APPENDICES

11. Supervisor Meegan re SEQRA determination for Economic Development Plan

Motion by Councilman Rusinski, seconded by Councilman Hart, to adopt the attached resolution concerning SEQRA determination for an Economic Development Plan.

On the question, Councilman Hart questioned if this was related to the feasibility study for the Seneca Mall site.

ISSUES OF THE PUBLIC

STATUS OF CLINTON STREET – LAKESIDE DRIVE LAWSUIT

Amy Carpenter questioned the status of the Clinton Street - Lakeside Drive lawsuit.

Supervisor Meegan responded it has been determined the area is not considered spot zoning.

STATUS OF SCHOOL STREET PROPERTY

Amy Carpenter questioned if a determination was made regarding the School Street property.

Town Attorney Shawn Martin responded that he met with the town's auditor, Wayne Drescher, and reviewed figures that have been agreed to by both the town and AmeriCorps. The drafted agreement should mirror what is now being paid and just extend the payments. Increasing the amount of the current monthly payment could shut AmeriCorps down, something the town does not want to do.

SENECA MALL SITE

Amy Carpenter suggested the Seneca Mall site zoning be changed from industrial to commercial.

Councilman Hart responded that this request was made earlier in the year by the property owners and it is the intention of the board to make this change.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments.

Finance Director Patrick Clancy responded that all payments are up-to-date.

FORECLOSED HOMES

Karen Lucachik questioned why signs are posted on the front door of vacant homes and expressed concern that the signs indicate the residence is empty.

Code Enforcement Officer John Gullo responded that state law dictates a decal has to be placed on buildings. The decal is beneficial for first responders and could be one of many required stickers being displayed.

ISSUES OF THE PUBLIC

WORK SESSIONS

Karen Lucachik questioned why there is no agenda or minutes for work sessions and if they are always going to be held in the afternoon.

Supervisor Meegan responded that generally all department heads are present for work sessions and conversations are based on issues and topics they would like to discuss. Work sessions will continue to be held in the afternoon.

Town Clerk Jacqueline Felser stated work session minutes are available online.

GARBAGE TOTES

Karen Lucachik referred to a Buffalo News article from a Depew resident stating their garbage totes are not all that great. Senior citizens and other residents stated the totes are heavy, cumbersome and difficult to maneuver and they were not offered smaller size totes.

Highway Supt. Matthew English responded that residents will be offered smaller totes.

FEASIBILITY STUDY

Linda Toy referred to the feasibility study resolution passed earlier in the meeting and commented that important things such as this should be listed on the agenda.

Supervisor Meegan responded paperwork for the feasibility study was just received today and there is a sense of urgency because the study involves the filing of a grant application.

IMPROVEMENTS AT SENIOR CENTER

Brownie Michalczak thanked everyone involved with the kitchen improvements at the Senior Center and commented that the bathrooms have been repainted and are functional, but they have not been refurbished in years. He would like to see updates when money is available and offered to help look for grant funding. Mr. Michalczak further commented on the noise and smell created from asphalt plants and hoped the town would not consider them in future development.

Johanna Guenther questioned if the board has decided to put two handicapped toilets at the senior center.

Highway Supt. Matthew English responded that a riser was placed on one of the toilets.

ISSUES OF THE PUBLIC

SEWER ISSUES IN OAKBROOK DEVELOPMENT

Thad Klaich spoke on behalf of residents on Oakbrook, Northridge & Southridge Drives. For several years this area has been experiencing sewer issues such as runoff water from Carriage Park, flooding in back yards and raw sewage backing up into basements. Mr. Klaich was in contact with various departments but had not received a response since he last spoke to town representatives on July 16th.

Supervisor Meegan stated she will talk to Town Engineer Richard Henry and determine a course of action.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

AMERICAN LEGION BASEBALL TEAM

Highway Supt. Matthew English congratulated the West Seneca American Legion baseball team for winning the state championship.

NATIONAL NIGHT OUT

Chief Denz noted that National Night Out will be held at Southgate Plaza on August 6, 2013, 5 – 9 P.M.

HISTORICAL BUILDING ON MILL ROAD LISTED WITH NATIONAL REGISTRY

Supervisor Meegan announced that notification was received on June 25, 2013 that the historical building located at 919 Mill Road was listed with the National Registry, an official list of properties worthy of preservation. Listing on the registry recognizes the importance of a particular piece of property and provides it with a measure of protection. Properties owned by municipalities are eligible to apply for state historical preservation matching grants.

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

TOWN OF WEST SENECA
LOCAL LAW 2013-05
LOCAL LAW ESTABLISHING THE TOWN OF WEST SENECA ARCHITECTURAL
COMMISSION

Chapter 12, Town of West Seneca Architectural Commission

§12-1 Legislative Intent:

The revitalization, preservation and improvement of the vacant land and developed properties within the Town of West Seneca, is found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and requires action by the governing body of the Town of West Seneca. In order to foster smart growth, reasoned redevelopment and improvements within the Town, the governing body of the Town of West Seneca states that the creation of the Town of West Seneca Architectural Commission is a necessary step for achieving the goals stated herein.

§12-2 Establishment of the Town of West Seneca Architectural Commission:

The Town Board of the Town of West Seneca hereby creates a commission which shall be known as the "the Town of West Seneca Architectural Commission," hereinafter called the "Architectural Commission."

§12-3 Membership

A. The Architectural Commission shall consist of Five (5) members as follows:

The Town Board will appoint Five (5) Members which, if available include the following if available.

Architect

Planning Board Member

Local Contractor

Resident(s)

A member of the Code Enforcement Office and the Town Board will have a liaison attend meetings.

All members shall be residents of the Town of West Seneca.

Vacancies on the Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

B. Terms of membership:

All members shall serve a term of two years, with the exception of the member of the Building and Plumbing Department, who shall serve at the pleasure of the Code Enforcement Officer. Members may be re-appointed to the Commission.

C. Selection of Chairman and Recording Secretary:

At the first meeting of the Architectural Commission, its members shall elect from among themselves a Chairman and Recording Secretary. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in §12-5 of this Local Law.

§12-4 Powers and Duties of the Architectural Commission:

The powers and duties of the Architectural Commission shall be to:

- A. Give non-binding advice and counsel to the Town Board on issues relating to architectural standards, design standards, zoning codes, property maintenance codes, and development standards within the Town of West Seneca.
- B. Seek to coordinate, assist and unify the efforts of municipal agencies or departments and those of private groups, institutions or individuals within the Town of West Seneca in accord with the purposes of this local law.
- C. Have communications with any future Historical Preservation Commission
- D. Hold meetings at least quarterly

§12-5 Reports:

The Architectural Commission shall submit an annual report to the Town Board not later than the first day of April of each year, concerning the activities and work of the Architectural

Commission, and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this local law.

§12-6 Compensation and Expenses:

The members of the Commission shall receive no compensation for their services as members thereof, but may be reimbursed, from funds raised by and held for the benefit of the Architectural Commission for reasonable and necessary expenses incurred in the performance of their duties.

§12-7 Construction:

This local law shall be deemed an exercise of the powers of the Town of West Seneca to preserve and improve the quality life on behalf of the present and future inhabitants thereof. This local law is not intended and shall not be deemed to impair the powers of any other public corporation.

§12-8 Effective Date:

This chapter shall become effective immediately upon its enactment by the Town Board after proper filing, including filing with the office of the Secretary of State.

Resolution Regarding Snow Removal and De-icing of Erie County Roads

WHEREAS, the Town of West Seneca, recognizes that plowing and de-icing Town, as well as, County roads, is in the best interest and safety of its residents, and

WHEREAS, Erie County and the 25 towns within the County have negotiated contracts which assure that the majority of the County roads within the Towns would be maintained according to the same snow and ice control methods used on all Town roads, and

WHEREAS, such methods have been approved by the Erie County Department of Public Works, and

WHEREAS, in the past, all costs of manpower, equipment and materials have been calculated to the satisfaction of all parties, and

WHEREAS, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and

WHEREAS, a new contract between the Towns and Erie County is currently being negotiated, and

WHEREAS, on March 20, 2013, there was a tentative agreement between the Towns and Erie County which included a 3 year term with an annual increase of 5.0% as was past practice, and

WHEREAS, this agreement was considered fair and within the budgeting confines of Erie County, and

WHEREAS, on April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5%, and

WHEREAS, the County proposed rate is one the Towns cannot afford, and

WHEREAS, the budgetary planning for 2014 is going to be starting in many municipalities, and

WHEREAS, the deadline for Towns to order road salt de-icer is now past.

NOW THEREFORE BE IT RESOLVED, that the Town of West Seneca calls on the Erie County Executive and the Erie County Legislature to help resolve the issue between the Erie County Department of Public Works and the 25 Towns within the County of Erie with regards to snow removal and de-icing of County roads within the Towns that is fair and equitable to all parties, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of West Seneca transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislator Joseph Lorigo and Erie County Department of Public Works Commissioner John Loffredo, and other Towns within Erie County.

**TOWN OF WEST SENECA GRANT APPLICATION FOR THE
DEVELOPMENT OF A STRATEGIC DEVELOPMENT PLAN:**

WHEREAS, the Town of West Seneca Town Board has determined there is a need to analyze how proposed development will impact direct and indirect job creation, wages and spending within its borders;

WHEREAS, the Town of West Seneca Town Board has determined there is a need to coordinate the efforts of all sectors of the Town to maximize the effectiveness of economic development activities;

WHEREAS, the Town of West Seneca Town Board has determined there is also a lack of coordinated efforts to determine the best uses of vacant, undeveloped or underdeveloped nonresidential sites in the "distressed" Town of West Seneca;

WHEREAS, this Strategic Development Plan will have the goals of increasing the viability of existing businesses, stimulating new enterprises, analyzing potential development opportunities and determining what are the obstacles to development.

NOW, THEREFORE, BE IT RESOLVED that the Town of West Seneca will submit a grant request through the Consolidated Funding Application to the Empire State Development Corporation;

NOW BE IT FURTHER RESOLVED that Connie D. Miner & Co. Grant Consultants, the Town's grants consultants, be authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant; and,

AND BE IT FURTHER RESOLVED THAT Sheila M. Meegan, Supervisor of the Town of West Seneca, is hereby authorized and directed to sign an application for funds from the Empire State Development Corporation for the Strategic Planning & Feasibility Study, requesting \$50,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of West Seneca for the development of a Strategic Development Plan; and,

AND BE IT FURTHER RESOLVED THAT the Town of West Seneca will provide a 50% (fifty percent) match to the grant, with a 10% (ten percent) cash match, for a total amount not to exceed \$50,000.

TOWN OF WEST SENECA TOWN BOARD SEQRA DETERMINATION FOR ECONOMIC DEVELOPMENT PLAN

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

1. Economic Development Plan

- Increasingly, public officials recognize the importance of assessing the economic and fiscal merits of proposed development projects and policy decisions. This study will analyze how proposed development will impact direct and indirect job creation, wages and spending within a defined local or regional economy. In addition, the Plan will attempt to coordinate the efforts of all sectors of the Town to maximize the effectiveness of economic development activities. It will also provide a well-managed and comprehensively supported approach for economic development.

WHEREAS, the Board has reviewed the Scope of Work set forth above as one Proposed Action, and has further consulted with its Engineer with respect to the potential for environmental impacts resulting from the Proposed Action,

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:

- conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action (6 NYCRR §617.5(c)(21));

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

1. The Proposed Action, individually and cumulatively, 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.