

TOWN BOARD PROCEEDINGS
Minutes #2013-18
August 26, 2013

ROLL CALL: Present - Sheila M. Meegan Supervisor
John M. Rusinski Councilman
Eugene P. Hart Councilman

The meeting was dedicated to the memory of Walter Hahn, Thomas Birkmeyer, Jack Kennedy, Benjamin Schick and Timothy Keane.

18-A MINUTES TO BE APPROVED

- Ayes: All Noes: None Motion Carried

- Ayes: All Noes: None Motion Carried

- Ayes: All Noes: None Motion Carried

- Ayes: All Noes: None Motion Carried

Ayes: All Noes: None Motion Carried

- Ayes: All Noes: None Motion Carried

18-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 356 LEIN ROAD, BEING PART OF LOT NO. 283, CHANGING ITS CLASSIFICATION FROM M-1 TO M-1(S), PERMITTING AUTOMOTIVE REPAIR" in the Town of West Seneca, be received and filed. (Rick Sayler)

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

Rick Sayler stated his request to operate an automotive repair shop at 356 Lein Road. There will be no collision work and no sale of vehicles. He is currently waiting for approval from NYS and plans to employ two certified NYS inspectors and a receptionist. Mr. Sayler stated the parking lot will be paved and it will then be striped in accordance with the Planning Board's recommendation.

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 the request for a special permit for property located at 356 Lein Road, being part of Lot No. 283, changing its classification from M-1 to M-1(S), for automotive repair with the following stipulations: 1) no collision, painting or outdoor storage of dismantled vehicles; 2) no new openings on the north side of building; 3) special permit applies to the rear 209'; 4) parking lot should be striped for five spaces in the rear, eight spaces in the center, eight spaces in the front and two additional handicapped spaces.

Ayes: All

Noes: None

Motion Carried
APPENDICES

18-C COMMUNICATIONS

1. Supervisor Meegan re Halloween Parade

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the request of Southgate Plaza to hold their annual Halloween Parade on Sunday, October 20, 2013 with assembly behind Town Hall at 11:30 A.M. and the parade starting at noon.

Ayes: All

Noes: None

Motion Carried

18-C COMMUNICATIONS

2. Supervisor Meegan re
Creation of five part-time van
drivers positions

Motion by Supervisor Meegan, seconded by Councilman Hart, to create five (5) part-time van driver positions and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan stated they were not hiring additional van drivers. The purpose of the motion is to establish the correct number of part-time van driver positions with Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

3. Town Engineer re Resolution
enabling reimbursement on
NYSDOT Compliance Project

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the Supervisor to sign the Municipal General Release for the contract for the New York State Department of Transportation's ADA Compliance Project, SFY 11-12, Erie County, PIN 5808.25.301, noting this will enable NYSDOT to close the contract out and reimburse the remaining \$98.76 for relocation work completed by the Town of West Seneca.

On the question, Councilman Hart questioned what this project involved. Town Attorney Shawn Martin responded the release states the work performed by the town consisted of removal of a light pole and relocation of a luminary to a signal pole.

Ayes: All

Noes: None

Motion Carried

4. Highway Supt. re Part-time
seasonal laborers in Buildings
and Grounds Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to extend the appointment of Thomas Bebak, Devin Reynolds, Austin Boehm & Daniel Walsh as part-time seasonal laborers effective August 24 – September 22, 2013; and further, appoint Andrew Balys as part-time seasonal laborer in the Buildings and Grounds Department at a rate of \$7.25/HR effective August 24 – September 22, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

18-C COMMUNICATIONS

5. Chief Denz re Status change for part-time Public Safety Dispatchers Matthew Leitzel and Andrew Oscypala to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatchers Matthew Leitzel and Andrew Oscypala to part-time seasonal effective September 1 - 30, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

6. Director of Recreation re Termination of inactive employees

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate James Whalen as part-time bus driver effective June 17, 2013 and Cody Dascomb, Chelsea Marzullo, Emily Schutrum, Lanie Simon and Taylor Whalen as part-time lifeguards effective August 19, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting these employees have been inactive and this motion will remove them from the town's active payroll and clarify employee records with Erie County Personnel.

Ayes: All Noes: None Motion Carried

7. Director of Recreation re Title change for Grace Reedy to Recreation Attendant

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Grace Reedy as part-time Clerk Typist and appoint Grace Reedy as part-time Recreation Attendant at a rate of \$8/HR effective August 19, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8. Director of Recreation re Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a budgetary transfer request of \$3000 from Clerical Part-Time Acct. #1.7140.0139 to Photo ID Clerk Acct. #1.7140.0167.

Ayes: All Noes: None Motion Carried

18-C COMMUNICATIONS

9. Senior Recreation Therapist of Senior Services re Status change for Lee Ann Piniewski to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Lee Ann Piniewski to part-time seasonal effective September 2 - 30, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

10. Town Attorney re Bid award for totes

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the contract for furnishing, assembling and distribution of 95 gallon refuse totes and 65 gallon recycling totes to Rehrig Pacific Company, 1738 West 20th St., Erie PA 16502 at their low prices as follows:

95 gallon refuse tote - \$43.50/EA

65 gallon recycling tote - \$37.50/EA

distribution of refuse totes - \$3.75/EA

distribution of recycling totes - \$3.75/EA

On the question, Councilman Rusinski referred to the one percent discount offered for prompt payment, noting this amounted to a \$15,000 savings, and suggested the town be sure to take advantage of this.

Councilman Hart understood that delivery of the totes will begin in November and asked for confirmation.

Town Attorney Shawn Martin responded that Rehrig's plant produces 1000 totes per day, they are shipped the following day and distributed the day after. They hoped to complete the distribution by Thanksgiving, but the garbage trucks will first have to be retrofit.

Highway Supt. Matthew English stated there are six trucks to be retrofit and it will take one week per truck to do the work. The cost is approximately \$10,000 per truck and payment will come from the bond.

Ayes: All

Noes: None

Motion Carried

18-C COMMUNICATIONS

11. Town Engineer re Bid date for senior center parking lot improvements

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of September 11, 2013 at 10:00 A.M. for receipt of bids on the parking lot improvements at the senior center, noting the project consists of installation of concrete sidewalks, curbing, sealing of asphalt surface and re-striping the entire rear parking lot.

Ayes: All

Noes: None

Motion Carried

18-C REPORTS

- Jacqueline A. Felser, Town Clerk's report for July 2013 received and filed.
- John A. Gullo, Code Enforcement Officer's report and plumbing report for July 2013 received and filed.

18-D APPROVAL OF WARRANT

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

General Fund - \$272,007.77; Highway Fund - \$71,609.81; Special Districts - \$23,734.71; (voucher #'s 79713-80046); Trust & Agency Fund - \$77,299.07 (voucher #'s 79891-80076); Capital Fund - \$360,624.96 (voucher #'s 79778-79949)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

BID AWARD FOR GARBAGE TOTES

Karen Lucachik referred to the last work session minutes and questioned why the bid award for the totes was considered confidential.

Town Attorney Shawn Martin responded that the bid award was public; however, the board's discussion on the price, whether the specs were met and numerous other issues relative to implementation of the totes program constitutes attorney/client privilege and that is confidential.

ISSUES OF THE PUBLIC

DEVELOPMENT CENTER PROPERTY

Karen Lucachik referred to a proposal to use the developmental center for youth and recreation purposes and commented on asbestos, location of buildings and the lack of sidewalks on East & West Road.

Councilman Hart responded he would like to see the center developed by the town (i.e. gymnasium) but at this time the state will not allow the town use of the building. He stated that most gym activities are held at schools and the town is looking for a facility where they do not have to depend on the schools for availability. The state has had the property for sale a year with no offers. The grounds manager estimates the value at minus (-) \$18 million due to remediation costing more than the value of the property. The town remains uncommitted and continues to look at all options. Councilman Hart further commented that the center of town has the Veterans Memorial Park complex, but he recognizes the west side needs help.

ELECTRONIC SIGNS

Karen Lucachik commented that the Town of Hamburg put a moratorium on digital signs and suggested that West Seneca do the same until the architectural commission is in place.

Councilman Hart commented on the number of temporary signs that are actually permanent and thought they looked worse than the digital signs. Under current town code temporary signage continues if a monthly fee is paid.

Code Enforcement Officer John Gullo stated temporary signs can continue as long as they are renewed and his office is vigilant on making sure permits are up-to-date.

Amy Carpenter suggested amending the temporary signage law so that a sign up for more than three months would be considered permanent. Mr. Gullo stated currently there is no time frame or period of duration on temporary signs.

TALL GRASS ON RIDGE ROAD

Karen Lucachik thanked Code Enforcement Officer John Gullo for responding to her previous comment about tall grass on Ridge Road and having the property owner cut it.

ABANDONED HOUSE ON WICHITA ROAD

Patty Zeman commented on an abandoned house at the end of Wichita Road and expressed concern that it was inviting crime into the neighborhood. The house has been broken into numerous times and after speaking to the police she was encouraged to approach the board and request a dead bolt be put on the front door.

ISSUES OF THE PUBLIC

ABANDONED HOUSE ON WICHITA ROAD (continued)

Code Enforcement Officer John Gullo responded that he had toured the house and it is one of the vacant houses identified, but there is a process that has to be followed. Letters have been sent to the property owner, the lending institution and the property management company. If no one responds, a public hearing will be held September 30th to consider demolishing the house. His department will ensure that the house is secured.

Supervisor Meegan stated the town is taking aggressive action on vacant homes and following the county charter.

Kathleen Ruzeski stated she had received a call from the property owner who was happy the house will be torn down. She further commented that police presence is visible on Benson Avenue but not on Wichita Road. The golf course also poses a problem and Buffalo police do not respond when called. Mrs. Ruzeski stated residents are frightened and she thought the presence of police cars would deter crime.

Mr. Gullo suggested that Mrs. Ruzeski have the property owner call his office.

Chief Denz stated the golf course is located entirely in the City of Buffalo so West Seneca does not have jurisdiction over it, but he will contact Buffalo. He will also talk to his officers to make sure they are patrolling Wichita Road.

Another resident of Wichita Road commented on the raised sidewalks and broken curbs, also noting there is a town tree that needs to be removed.

Supervisor Meegan stated that sidewalks are the responsibility of property owners and Highway Sup't. Matthew English stated he will talk to the resident after the meeting regarding the process for having a town tree taken down.

GARBAGE TOTES

James Quinn referred to the timeframe for delivery of garbage totes and stated residents of Brookside Drive are being overwhelmed with rats and rodents. He questioned what can be done to help alleviate their problem in the interim.

Supervisor Meegan stated the town is taking the necessary steps and moving forward to get the tote program in place. She will call Peter Tripi of Erie County Health Department for assistance with the residents' problem.

Councilman Rusinski stated that public education will also be provided to help alleviate the rat problem.

ISSUES OF THE PUBLIC

GARBAGE TOTES (continued)

Dave Kims questioned if the 65 gallon garbage totes will be the same as the 65 gallon recyclable totes.

Town Attorney Shawn Martin responded the totes will be the same and have different lids.

NOISE ORDINANCE

Ray Eldermayer Jr. referred to a problem over the weekend on Doster Place regarding the outdoor event at 14 Holy Helpers. Prior to and after the event, tractor trailers utilized Doster Place after 11:00 PM (violating the noise ordinance) to gain access to 14 Holy Helper's parking lot. Mr. Eldermayer called the police before and after the event concerning the noise and was told there was nothing that could be done since the noise wasn't that loud. Mr. Eldermayer questioned why the company moved their equipment during the night since their next job wasn't until the following weekend. He further commented on the smell created from the generator sitting in the parking lot.

Supervisor Meegan questioned if this was the first year that noise was a problem and stated companies should be considerate when setting up and breaking down. She further commented that other areas go through the same inconvenience once a year (i.e. Community Days, Queen of Heaven Carnival, St. John Vianney) and the town could ask vendors to be conscious of the 11 PM hour as specified in the noise ordinance. Supervisor Meegan asked Councilman Hart to have a conversation with 14 Holy Helpers regarding this issue.

Town Attorney Shawn Martin noted that commercial traffic is not allowed on Doster Place.

Mr. Eldermayer stated he would like to permanently block off the end of Doster Place so it doesn't connect to 14 Holy Helpers parking lot and further suggested a 25 mph speed limit on Doster Place, the same as on Indian Church Road.

Amy Carpenter suggested establishing a permitting process for lawn fetes and implementing a penalty if the rules of the permit are not followed.

Code Enforcement Officer John Gullo stated there are rules to be followed in the special events permits that are issued and he will write a letter to all associations/organizations to avoid any problems in the future.

ISSUES OF THE PUBLIC

ECONOMIC DEVELOPMENT GRANT

Amy Carpenter asked for clarification on the economic development grant and SEQR Type II action adopted at the previous Town Board meeting and questioned if NYS will work with the town. Mrs. Carpenter further questioned if the town could take over the industrial park.

Supervisor Meegan responded that both resolutions needed Town Board approval in order to apply for economic development funds. If received, the funds will be used for several areas (i.e. Seneca Mall, industrial park, state school, Ridge Road). Supervisor Meegan stated that NYS will work with the town to make sure they are an eligible candidate for the funding. There could be matching funds if the project meets the criteria of a matched grant. They could also look into the possibility of helping manage the industrial park. A feasibility study is being done to look at the Seneca Mall site exclusively with regard to sanitary sewers, impact on surrounding neighborhoods, lighting, traffic, etc.

STATUS OF LAKESIDE DRIVE/CLINTON STREET LAWSUIT

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

Supervisor Meegan responded that the only decision so far was that it was not spot zoning.

RESTROOM FACILITY AT BURCHFIELD CENTER

Amy Carpenter questioned the status of the proposed restroom facility at the Burchfield Center.

Councilman Hart responded that the bids were too high so they are looking into the possibility of a prefab building.

Supervisor Meegan stated if they decide on the prefab building they will utilize town employees to do the work at a considerable less cost.

DEER POPULATION UPDATE

Beverly Leising questioned if any decision had been made on the deer population.

Chief Denz stated he called Tim Spiro and Mark Candell of the DEC and they offered to come out and assist the Town Board with different options from education to possibly a bait and shoot program.

Councilman Hart suggested they come to the next work session.

ISSUES OF THE PUBLIC

DEER POPULATION UPDATE (continued)

Councilman Rusinski commented on the amount of complaints he had received from residents and stated the number of deer vs. car accidents has remained the same for the last three years.

Chief Denz stated this is a difficult situation because some people don't want the deer and others feed them. He was opposed to the general public discharging firearms to control deer in town and noted there have been problems with bait and shoot in other jurisdictions.

Karen Lucachik commented on a deer deterrent product called liquid fence and also referred to the community Hastings-on-Hudson that will be using birth control to control the deer population.

Chief Denz understood that birth control and capture and release are not viable options.

STATUS OF CAT ORDINANCE

Beverly Leising questioned the status of the proposed cat ordinance.

Supervisor Meegan responded there has been no update.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

UPDATE ON METZ BUILDING

Councilman Hart questioned if there was anything new regarding the Metz building.

Supervisor Meegan stated that the air conditioning has been changed, the piping cleaned up and they will be moving forward.

STATUS OF AMERICORPS PAYMENTS

Councilman Rusinski questioned if a payment was received from AmeriCorps.

Finance Director Laura Landers advised that AmeriCorps payments are current.

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

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PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

PATRICK KANE WEEK IN WEST SENECA

Councilman Rusinski thanked West Seneca Youth Hockey Association President Dick Lynch and Chicago Blackhawks Patrick Kane for bringing the Stanley Cup to West Seneca on Saturday, August 24th.

Councilman Hart commented on the event and noted that physically challenged children had an opportunity to meet Patrick Kane one-on-one at the ice rink.

Supervisor Meegan thanked everyone involved in organizing the event.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:10 P.M to discuss two tax assessment matters with Town Attorney Shawn Martin.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:30 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:30 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK