

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 to the Flag led by Tim Reinard, Collin Heeb, Zach Lembke and Troop Leader Jim Lembke of Boy Scout Troop #8113.

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

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

**21-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve Minutes #2013-19 of September 12, 2013.

Ayes: All    Noes: None    Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2013-20 of September 16, 2013.

Ayes: All    Noes: None    Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the September 16, 2013 work session.

Ayes: All    Noes: None    Motion Carried

**21-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 PERMIT FOR PROPERTY LOCATED AT 444 INDIAN CHURCH ROAD, BEING PART OF LOT NO. 477, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), PERMITTING SALE OF ALCOHOLIC BEVERAGES" in the Town of West Seneca, be received and filed.

Ayes: All    Noes: None    Motion Carried

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

Ayes: All    Noes: None    Motion Carried

Jason Schneckenberger stated he is moving his business, Great Lakes Pizza, from 574 Harlem Road to the former Hidden Hollow Restaurant located at 444 Indian Church Road and needs a special permit for service of alcoholic beverages.



**21-B LEGAL NOTICES**

2. (continued)

Supervisor Meegan responded funding is available to assist homeowners in other areas of the community block grant.

Mrs. Toy further asked that money be used for installation of sidewalks on a section of Burch Avenue that needs to be addressed. Two dogs were hit by a car and she is concerned that a person will be hit.

Don Winkleman commented on the sewer system on Burch Avenue being a combined sewer with the City of Buffalo and in need of help. He eliminated a toilet in the basement years ago when he had frequent sewer backups and suggested money be used to improve the sewer system.

Supervisor Meegan stated the town is under a consent order with the DEC and is in the process of a \$70 million sewer project. She asked that Town Engineer Jason Foote take a look at the situation on Burch Avenue.

A resident commented on the condition of the Ridge Road bridge and Supervisor Meegan suggested he speak to Mitch Martin of Senator Gallivan's office, noting he is taking an aggressive approach on bridges within the territory he represents.

Supervisor Meegan suggested requesting \$100,000 for DI work and resurfacing of parking lots at Town Hall, Legion Drive and the ice rink. She stated the improvement will serve everyone in the community and compliment the recent Town Hall expansion project.

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

Ayes: All

Noes: None

Motion Carried

**21-C COMMUNICATIONS**

1. Supervisor Meegan re Pay rate change for Faith Leone

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the title of Faith Leone from part-time Recreation Attendant to part-time Clerk at a rate of \$10/HR effective September 16, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**21-C COMMUNICATIONS**

2. Councilman Hart re Main Street Marketplace

Motion by Councilman Hart, seconded by Supervisor Meegan, to authorize the Town Attorney to review and modify as needed the proposal provided by Kirchmyer Media and prepare formal contracts between the town and Kirchmyer Media defining the rights and responsibilities of each party and setting appropriate fees reimbursing the town for any cost incurred as a result of the operation of a farmers market, noting the contract shall be reviewed and approved by the Town Board prior to May 1, 2014.

On the question, Councilman Hart asked Mr. Kirchmyer to address the board.

Joe Kirchmyer stated his proposal to bring an upscale open-air farmers market to West Seneca on Thursday nights on the hill at the corner of Main Street and Union Road. He would like to have the commitment of 20 full-time vendors by year end in order to operate the market from May 15<sup>th</sup> through September 3, 2014.

Supervisor Meegan stated this is a great idea but issues such as setting up, taking down and cleaning up need to be discussed. Overtime and the use of town employees will also have to be worked out.

Mr. Kirchmyer stated the Town of West Seneca will be reimbursed by the vendors for all expenses/costs.

Councilman Rusinski thought this was a great idea but questioned the location.

Mr. Kirchmyer responded that his experience with other markets in the area has proven grass locations vs. parking lots are best for visibility and success.

Councilman Hart commented that Mr. Kirchmyer will have to secure 20 quality vendors by December 31, 2013 in order for this to go forward.

Town Attorney Shawn Martin stated his concerns regarding insurance/indemnification and assuring the town is protected.

Supervisor Meegan suggested Mr. Kirchmyer appear before the Town Board at a later date when the 20 vendors are secured.

Ayes: All

Noes: None

Motion Carried

**21-C COMMUNICATIONS**

- |   |  |
|---|--|
| 3. Town Engineer re Purchase of confined space truck for Sewer Service Department | Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the purchase of a 2013 Econoline Van from Delacy Ford, 3061 Transit Road, Elma, NY 14059 at the NYS bid price of \$21,535 for use by the Sewer Service Department to carry confined space safety equipment, noting that funding is appropriated under budget line #3.8100.1207. |
|---|--|

On the question, Councilman Hart questioned if the town already has this type of vehicle.

Town Engineer Jason Foote responded this is a replacement for the current vehicle used by town workers.

Councilman Rusinski questioned who performs confined space rescue.

Code Enforcement Officer John Gullo responded that trained personnel in the town's sewer department are assisted by the fire department when performing confined space rescues.

Ayes: All	Noes: None	Motion Carried
-----------	------------	----------------

- |   |   |
|---|---|
| 4. Town Engineer re Ice Rink Flooring Renovation Project, change order #1 | Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Change Order No. 1 for Ice Builders Supply Inc., 4628 Crossroads Pk. Dr., Liverpool, NY 13088 for a net deduct of \$216 to modify the final contract amount based on actual work completed on the Ice Rink Flooring Renovation Project, Job No. IR-1201. |
|---|---|

On the question, Councilman Rusinski questioned if the vendor identified the moisture issue.

Town Engineer Jason Foote responded the vendor supplying the floor identified water, calcium and vapor issues through testing he performed prior to installation. A different system consisting of fiberglass underlayment was recommended and installed in high moisture areas under the new floor. As a result, the mat is thicker and denser.

Ayes: All	Noes: None	Motion Carried
-----------	------------	----------------

- |   |  |
|---|--|
| 5. Town Engineer re 2013 Phase 2 & 3 Sanitary Sewer Rehabilitation Project, change order #1 | Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve Change Order No. 1 for United Survey, Inc., 25145 Broadway Ave., Cleveland, Ohio 44146 for a net deduct of \$50,625 to utilize an alternate product for manhole rehabilitations on the Phase 2 & 3 Sanitary Sewer Rehabilitation Project. |
|---|--|

**21-C COMMUNICATIONS**

5. (continued)

On the question, Councilman Hart questioned what VF is and Town Engineer Jason Foote responded volume foot.

Ayes: All

Noes: None

Motion Carried

6. Chief Denz re Status change for part-time Public Safety Dispatchers to seasonal

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Public Safety Dispatchers Matthew Leitzel and James McCullough to part-time seasonal effective October 1 - 31, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Chief Denz re Budget amendment request

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to increase appropriation line #1.3120.0210 Various Police Equipment in the amount of \$1,130 noting that the source of funding for this request is Trust and Agency T-71 Police Facility Expansion.

On the question, Councilman Hart questioned what is being purchased and Chief Denz responded two replacement computers.

Ayes: All

Noes: None

Motion Carried

8. Code Enforcement Officer re Electronic message board at 3951 Seneca Street.

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve an electronic message board at 3951 Seneca Street.

Ayes: All

Noes: None

Motion Carried

9. Director of Recreation re Appointment of part time Recreation Attendants

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Caitlin Deubell and Travis Hicks as part time Recreation Attendants effective September 26, 2013 at a rate of \$7.25/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**21-C COMMUNICATIONS**

10. Supervisor Meegan re  
Solicitor's permit for Clinton  
Brown  
Clinton Brown was not in attendance at the meeting.
11. Town Engineer re  
Appointment of Richard  
Henry as Stormwater  
Management Officer  
Motion by Supervisor Meegan, seconded by Councilman  
Rusinski, to appoint Richard Henry III of Clark Patterson  
Lee as the designated Stormwater Management Officer  
for the Town of West Seneca at an annual salary of  
\$5,000 noting the amount will be prorated for the  
remainder of the year.

On the question, Councilman Hart questioned if Mr. Henry will be able to do this work with all his other duties.

Supervisor Meegan suggested Councilman Hart speak with Mr. Henry regarding his schedule and duties, noting his appointment has been approved by the DEC.

Councilman Hart requested this item be tabled.

Town Engineer Jason Foote stated reports and required testing need to be performed in order for the town to remain compliant with the DEC. The town could be in violation if this work is not completed.

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

Ayes: All

Noes: None

Motion Carried

12. Director of Recreation re  
West Seneca Schools cross  
country events at Sunshine  
Park  
Motion by Supervisor Meegan, seconded by Councilman  
Rusinski, to approve use of Sunshine Park by the West  
Seneca School District for cross country events on  
September 10, September 14, September 24, September  
28, October 1 and October 5, 2013, noting the town is in  
receipt of a certificate of insurance.

On the question, Councilman Hart questioned if a contract will be prepared for these types of events.

Town Attorney Shawn Martin responded that a master contract will be established after the rights and responsibilities of both the school district and the town are determined.

Ayes: All

Noes: None

Motion Carried

**21-C COMMUNICATIONS**

13. Supervisor Meegan re  
Designation of Halloween

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to designate Thursday, October 31, 2013 between 6:00 P.M and 8:00 P.M. as the official night for trick-or-treat in the Town of West Seneca, noting that residents are asked to please leave their porch lights on to provide lighting and safety for the children and drivers are urged to use extra caution.

Ayes: All

Noes: None

Motion Carried

**21-D APPROVAL OF 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 - \$199,188.89; Highway Fund - \$359,213.56; Special Districts - \$40,080.16; (voucher #'s 80096 - 80584); Trust & Agency Fund - \$35,269.28 (voucher #'s 18329-18346)

Ayes: All

Noes: None

Motion Carried

**ISSUES OF THE PUBLIC**

**BURCH AVENUE**

Linda Toy referred to the last board meeting when residents voiced their concerns about gangs and safety issues on Burch Avenue, stating the situation has improved tremendously since police patrol was increased.

Chief Denz stated he is happy strategies are working and is looking to do more patrolling in the area.

**GARBAGE TOTES**

Debra Dailey stated her concern about rats and questioned the status of the tote purchase and delivery to residents.

Supervisor Meegan responded bonding was approved to purchase the totes; however, the board continues to work on language for the local law. Distribution will take place after the trucks are retro-fitted in approximately 6 to 8 weeks.



**ISSUES OF THE PUBLIC**

**STOP SIGN ON W. BIRHWOOD**

A resident commented on a stop sign in front of 48 W. Bihrwood Drive that is constantly ignored by drivers and expressed concern for the safety of children playing in the street.

Chief Denz noted the area of concern and will have officers monitor the situation.

**CAMELOT SQUARE PHASE 3**

JeanMarie Cieslica commented on Phase 3 of the Camelot Square Subdivision, referring to the Planning Board minutes of January 14, 2010 where it was stated that a tree conservation and preservation area will be designated on the west side of the property. Mrs. Cieslica is concerned about the preservation of green space after all trees were cleared by the developer this past weekend.

Code Enforcement Officer John Gullo responded the designated conservation area is on the east side of the parcel, not the west side, and noted the Planning Board is responsible for tree preservation in large developments. Mr. Gullo is in contact with the Planning Board and a consultant who worked for the town in an attempt to locate the plan that was approved.

Supervisor Meegan stated the Planning Board approves site plans, not the Town Board, but a developer has a right to utilize his property and the board cannot dictate what he can do unless it is illegal.

Mrs. Cieslica questioned the town tree ordinance and if trees will be replaced, stating no notification was given that work was going to begin. She further stated that many residents have sheds on the developer's property that now have to be moved.

Supervisor Meegan responded that 55 homes are being built and up to two trees per parcel will be planted.

Mr. Gullo referred to the motion made by the Planning board on May 13, 2010 that stated caution shall be taken to save the trees on the west side of the property. He stated the developer's intention is only to remove trees necessary for development. After speaking with the developer, residents will be given time to move their sheds.

Town Attorney Shawn Martin stated residents had raised concerns at Planning Board meetings, but the developer has the right to develop his property within the guidelines specified by the town.

**ISSUES OF THE PUBLIC**

**CAMELOT SQUARE PHASE 3** (continued)

Eric Paul stated he would like to hear something more specific. He questioned the tree survey and who will count trees and the stumps that are left. Mr. Paul objected to lifting the cease and desist order until the remaining trees are counted and marked prior to being removed. He further voiced his concern as to why West Seneca allows trees to be clear cut when other towns don't.

Councilman Hart stated he understood only brush removal would be allowed and no more trees would be cut until a tree survey is provided.

Town Engineer Jason Foote stated he has a copy of the approved plan showing the designated conservation areas and the west side is not included. He stated it is difficult to enforce something that has not been approved.

Mr. Paul questioned if the cease and desist order could remain in effect until all town departments are able to meet and review the plan.

Mr. Martin responded they can attempt to stop the developer; however, the developer has an approved plan and the town may be taken to court. The ordinance basically states that trees are a concern when doing site plans and an approved site plan is considered the tree plan.

Councilman Rusinski stated he supports enforcing the cease and desist order until all information is received and reviewed.

Councilman Hart thought the Planning Board should be more specific with their intention and language.

Motion by Supervisor Meegan, seconded by Councilman Hart, to continue the cease and desist order and schedule a meeting for Wednesday afternoon to review and discuss details with all departments; and further, set a date of October 21, 2013 for residents to have sheds and personal property removed from the developer's land.

Ayes: All

Noes: None

Motion Carried

Lynn Jentsch stated residents were not considered when trees were removed and she questioned how residents will be made aware of what happens at Wednesday's meeting.

Supervisor Meegan responded the developer should have given residents the courtesy of notification even though he owns the property and is able to build. Councilman Rusinski stated he will call Mrs. Jentsch.

**ISSUES OF THE PUBLIC**

**BICYCLES ON LANGNER ROAD**

Johanna Guenther stated bicyclists on Langner Road are creating a dangerous situation and questioned if they can be cited for not having any reflective clothing or reflectors on bikes.

Chief Denz responded the age of the bicyclist dictates whether or not they are able to cite the individual. Adults can be cited because traffic laws require them to have specific designated equipment on their bicycles; however, they are unable to cite a child under the age of 14. Chief Denz will talk to the afternoon lieutenants, have them check it out and continue to monitor the situation.

**PARKING LOT AT SENIOR CENTER**

Johanna Guenther questioned the square footage of the parking lot at the senior center and the \$27,000 blacktop estimate.

Town Engineer Jason Foote responded the parking lot is approximately 5,000 sf.

Supervisor Meegan responded that \$27,000 was not an estimate for blacktop but money that is being used for other improvements related to the project. Town highway crews are performing much of the work and funding for part of the project was acquired through HUD money from the West Seneca Development Corporation.

Councilman Hart stated a portion of work was put out to bid and awarded to the low bidder.

Councilman Rusinski noted there was only one bidder on the project due to the size of the job.

**FOLLOW UP ON RESIDENT ISSUES**

Beverly Leising questioned if the Town Board follows up on issues brought up by residents.

Supervisor Meegan responded issues/comments and suggestions are addressed directly with the individual or party that first brought forth the concern.

Amy Carpenter stated she has previously mentioned following up on old business to show how issues and concerns have been addressed. Communication with the public is key on issues such as rats and feeding deer and people need to stop feeding deer to help alleviate the rat problem.

Supervisor Meegan responded she will be meeting with Peter Tripi and Highway Supt. Matthew English to rollout a campaign to educate the public about feeding the animals.

**ISSUES OF THE PUBLIC**

**TESTS FOR RECREATION & SENIOR CITIZENS DIRECTOR**

Beverly Leising questioned the status of civil service tests for Recreation Director and Senior Citizens Director.

Councilman Hart responded requests have been made for the exams and it is now up to Erie County to schedule them.

**GARBAGE TRUCKS**

Beverly Leising questioned the interest rate on the recent bond.

Finance Director Laura Landers responded the bond has yet to be issued, so the interest rate is unknown at this point. The interest rate of the last bond issued was .26%.

**CAT ORDINANCE**

Beverly Leising questioned the status of the cat ordinance and licensing of cats.

Supervisor Meegan responded there have not been any issues or problems this summer regarding cats and it was never the town's intention to license cats.

Councilman Hart stated the issue is being addressed using different means through the court system in areas where there are numerous animals.

**CHIEF DENZ**

Beverly Leising commended Chief Denz for his actions when he personally assisted an individual last month.

**JOINT MEETING**

Amy Carpenter stated the tree ordinance has been a concern in the past with Princeton Estates and Houghton College. Tree surveys were provided initially but never updated as project plans changed. She suggested once again that Planning, Zoning & Town Board members have a collaborative meeting to discuss their responsibilities and concerns so that everyone is well informed and up-to-date on all issues.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**2014 BUDGET**

Supervisor Meegan stated the 2014 budget is available in the Town Clerk's office and will be online tomorrow.

**WORK SESSIONS**

Councilman Hart commented on the possibility of having an evening work session since many concerns of department heads and board members are addressed at that time. He further stated that town codes need to be looked at more closely and the Master Plan needs to be reviewed and updated to make it more efficient.

**STATUS OF AMERICORPS PAYMENTS**

Councilman Rusinski questioned the status of AmeriCorps payments and Finance Director Laura Landers responded payment was received for September.

**GOLD & BLUE STAR MILITARY WALK**

Supervisor Meegan invited the public to join the Buffalo Sabres and WNY I Am effort on Sunday, October 20<sup>th</sup> for a Gold & Blue Star Military Family Tribute Walk. The walk will be held at the harbor with all proceeds benefiting construction of the I Am Monument in memory of our fallen heroes. Anyone interested in participating should contact the Supervisor's office.

**EXECUTIVE SESSION**

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:30 P.M. to discuss six litigation matters and two contract matters.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:00 P.M.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:00 P.M.

Ayes: All

Noes: None

Motion Carried

  
\_\_\_\_\_  
**JACQUELINE A FELSER, TOWN CLERK**

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca has received a request for a special use permit for the following described property from its classification of C-2 to C-2(S) for sale of alcoholic beverages.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York, being subdivision Lot Number 477 in the plan of Lots of the Winchester land company's land in Lot Number 133, Township 10, Range 7 of the Buffalo Creek Reservation, said plan dated May, 1888, and filed in the Erie County Clerk's Office under Map Cover Number 299 and part of Lot Number 134 of said Township and Range, described as follows:

BEGINNING at a point marked by an iron pin where the easterly line of Aurora Avenue (50 feet wide) meets the Northerly line of Indian Church Road (Winchester Avenue), 66 feet wide: extending from said beginning point, the following 6 courses and distances N 3° 19' E along said easterly line of Aurora Avenue 75.50 feet to an iron pin at the Northerly Extremity thereof; following 2 courses and distances being by remaining land of Pennel Company, 66° 10' E 46.50 feet to an iron pin; S 55° 49' E crossing the line dividing said Lot Number 133 on the West from said Lot Number 134 on the East at 87.22 feet from the end of the course being described, 179.75 feet to an iron pin in the center line of said Indian Church Road; N 86° 41' W along said center line of Indian Church Road, 74.87 feet to a nail in the aforesaid Lot dividing line, N. 3 deg. 19' E along the aforesaid lot dividing line, 33 feet to an iron pin is said Northerly line of Indian Church Road and N 86° 41' W along said line of Indian church Road, 123 feet to the place of BEGINNING.

ALSO, all that tract of land, situate in the town of West Seneca, County of Erie and State of New York, being part of Lot Number 133, Township 10 Range 7 of the Buffalo Creek Reservation and according to a map filed in the Erie County Clerk's Office under Map Cover Number 299, is known as subdivision Lot Numbers 397 and 398, described as follows:

BEGINNING at a point marked by an iron pin where the Westerly Line of Aurora Avenue (50 feet wide) meets the Northerly line of Indian Church Road (Winchester Avenue), 66 feet wide; extending from said beginning point, the following 4 courses and distances: N 86° 41' W along said Northerly line of Indian Church Road, 62 feet to an iron pin in the easterly line of land of other owners, N 3° 19' E by land of other owners, 117.50 feet to an iron pin at a corner thereof; S 66° 10' E by remaining land of Pennel Company, 66.20 feet to an iron pin at the Northerly Extremity of said Westerly line or Aurora Avenue and S 3° 19' W along said line of Aurora Avenue, 94.30 feet to the place of BEGINNING.

Whereas, this Town Board held a public hearing on the 30<sup>th</sup> day of September 2013 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting a special permit for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a special permit be granted and the same is hereby rezoned from C-2 to C-2(S), subject to the following restrictions:

- 1) Parking lot be paved by October 31, 2014; and
- 2) An updated survey documenting the entire parcel is provided upon completion.

Be it further resolved that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.