

28-B HELD OVER PUBLIC HEARINGS

1. (continued)

Mr. Martin stated the ordinance is already in place and it includes a fine for violations. Only one paragraph was added in an attempt to eliminate the food source for rodents. If they find that a situation exists, the resident is subject to being cited and will be brought to court with the opportunity to defend themselves.

Mrs. Leising questioned if the ordinance covers feeding other animals and Mr. Martin advised there is a separate provision that covers feeding animals with food scraps, etc.

Councilman Hart expressed concern about the vagueness of the ordinance.

Code Enforcement Officer Jeffrey Baksa stated there are already provisions in the ordinance to cover certain situations (i.e. food scraps thrown directly on ground), but there wasn't language for birdfeeders with food falling to ground. There is no legitimate way to measure the amount of feed that falls and if they tell residents the food can't fall on the ground, they are basically telling them they cannot have a birdfeeder. Mr. Baksa stated the proposed change gives his office an avenue to address a situation that becomes a problem and residents take pictures and report things to the Code Enforcement office if they see a problem.

Councilman Rusinski commented that the proposed change in the ordinance puts residents on notice that the town is looking to reduce the rodent problem. Upon receipt of a complaint the process will begin and each case will be based on its merit. Councilman Rusinski thought this was a systematic way of holding people accountable.

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

Ayes: All

Noes: None

Motion Carried

2. Re: "A PUBLIC HEARING TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2013-07, MODIFICATION TO TOWN CODE CHAPTER 101 SOLID WASTE" in the Town of West Seneca.

Town Attorney Shawn Martin stated some definitions in the ordinance were changed relative to totes for collection of garbage and recyclables. When in effect, all garbage will have to be disposed of in town approved/provided totes, except for grass clippings which can be placed in biodegradable paper bags (no plastic bags allowed) or residents' own containers. The amendments also address the change in the way solid waste and recycling is picked up.

Councilman Hart questioned what will happen if a resident's garbage exceeds the 95 gallon garbage tote and what will happen if a wheel on a tote breaks.

28-B HELD OVER PUBLIC HEARINGS

2. (continued)

Mr. Martin responded that all solid waste must go in the tote and additional totes will be made available for purchase if needed at a cost of \$45 each. The Highway Department will also continue to have a truck on site to dispose of additional garbage. Contractors are responsible to arrange for disposal of their own solid waste, but a resident that does their own home improvement project can dispose of their solid waste as long as it fits in the tote. Mr. Martin further stated there is a warranty on the totes for the bar, wheels and axle.

Highway Supt. Matthew English stated the Highway Department will go out and repair the wheels.

Supervisor Meegan stated there will be full instructions distributed with the totes along with phone numbers and a website. The recycling contract needs to be rebid because the current vendor is not equipped to pick up the recycling totes so they will not be put into use until February 3rd.

Councilman Hart noted that for a designated number of days after the totes are rolled out, if a resident does not want the 95 gallon garbage tote they will be able to exchange it for a smaller tote. He further questioned who will be responsible for a tote being hit by a car.

Mr. Martin stated the totes are not warranted for car damage and the town will have to address this on a case-by-case analysis.

Councilman Hart questioned how commercial properties will be handled.

Supervisor Meegan stated that businesses the town currently picks up from will be provided one tote and the town will pick up a maximum of three totes per business. Some businesses may want to get rid of their dumpster if the town will pick up three totes and this could be a positive thing since dumpsters attract rodents.

Councilman Rusinski encouraged residents to recycle because the town pays by tonnage for garbage dumped in the landfills. He further stated that recyclables do not have to be separated and noted it is important to keep the lids closed on the totes to keep rain out.

Mrs. Leising questioned if residents can write their address on the totes.

Supervisor Meegan responded that residents can write their house number on the totes. She further noted the totes cannot be taken with if a resident moves; however, any extra totes purchased are their property and can be taken.

28-B HELD OVER PUBLIC HEARINGS

2. (continued)

Mr. Martin stated the totes have a serial number that will be scanned to each house, so if a tote is found they will know who it belongs to.

Dave Monopolus questioned how residents will get rid of old garbage cans.

Supervisor Meegan stated old garbage cans can be put at the curb and they will be picked up. The only time a resident's personal garbage can will be left on their property is if it is being used for grass clippings, branches, etc.

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

Ayes: All

Noes: None

Motion Carried

28-C LEGAL ITEMS

1. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2447 CLINTON STREET, BEING PART OF LOT NO. 1, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR PERMISSION FOR AUTOMOTIVE REPAIR" in the Town of West Seneca, received and filed. (Joseph Gatta)

PRESENTATION TO COUNCILMAN JOHN RUSINSKI

Assemblyman Michael Kearns presented Councilman John Rusinski with a proclamation honoring him for 34 years of public service including volunteer fireman, flight medic, certified paramedic, and West Seneca councilman for the last two years. Assemblyman Kearns commented on Councilman Rusinski's accomplishments during his term as councilman and commended him for his devoted, dedicated and tireless service to the community.

Councilman Rusinski thanked Assemblyman Kearns, board members, department heads, town employees and residents and stated the decisions he made were consistent with his deep seated principles and moral foundation. He encouraged Councilman-elect Hanley to do the same and wished him the best of luck in his term.

28-D COMMUNICATIONS

1. Supervisor Meegan re Bid date for recycling contract

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to set a bid date of Monday, January 13, 2014 at 10:00 A.M. for receipt of bids on the recycling contract.

On the question, Supervisor Meegan noted the recycling totes will not be in use until February 3rd.

Ayes: All Noes: None Motion Carried

2. Supervisor Meegan re Retirement of Daniel Rath

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Daniel Rath and terminate him as laborer in the Highway Department effective December 10, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, board members thanked Mr. Rath for his service to the town and wished him the best in his retirement.

Ayes: All Noes: None Motion Carried

3. Supervisor Meegan re Retirement of Kathleen Hauger

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Kathleen Hauger and terminate her as Senior Clerk Typist effective January 10, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, board members wished Mrs. Hauger a long and happy retirement and commented on the fantastic job she did for the town, noting she served under three supervisors and her base of knowledge will be missed.

Ayes: All Noes: None Motion Carried

4. Highway Supt. re Appointment of Julie McCormick as part-time seasonal Highway Maintenance Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Julie McCormick as part-time seasonal Highway Maintenance Clerk at a rate of \$11 per hour effective January 2, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

28-D COMMUNICATIONS

8. Town Clerk re Status change for part-time clerks L. Fischione & M. Pomana
- 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 January 6 - March 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the reason for the seasonal status.

Town Clerk Jacqueline Felser responded that extra help is needed for the upcoming tax season. The tax bills are in and will be mailed around January 13th with a due date of February 18th.

Ayes: All

Noes: None

Motion Carried

9. Finance Director re Budgetary transfer requests
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the attached list of budgetary transfers for the Finance Department.

On the question, Councilman Hart questioned why the line items were over expended.

Finance Director Laura Landers stated she could run a detailed report on each of the line items, but noted when they budget for things such as Judgments and Claims it is just a guess.

Supervisor Meegan noted they have closed out a number of outstanding worker's compensation cases, which reduces the burden on the town going forward.

Ms. Landers stated there will be a year end transfer of about \$237,000 forthcoming for the Highway Department relative to settlement of claims for worker's compensation. Unfortunately there is no reserve fund for insurance claims in the Highway Department, but she recommended this be instituted in the future.

Councilman Hart stated that the general fund can give money to the highway fund but questioned if a highway reserve fund could be created.

Ms. Landers stated that a highway reserve fund could be established with money transferred from the general fund, but money cannot be transferred from the highway reserve fund to the general fund.

Ayes: All

Noes: None

Motion Carried
APPENDICES

ISSUES OF THE PUBLIC

REQUEST FOR EVENING WORK SESSIONS

Karen Lucachik commented on the good things that happened this past year (i.e. removal of Town Hall steps, new elevator & entrance, police expansion). She further commented that afternoon work sessions exclude people that would like to attend and suggested the board members consider 6 P.M. work sessions instead.

Supervisor Meegan stated she had considered moving the work sessions to 5 P.M. and noted they sometimes last 2.5 hours so they could interfere with a 7 P.M. Town Board meeting.

REQUEST FOR MORE DETAILED MINUTES

Karen Lucachik commented that the minutes are not as complete as they have been in the past and much conversation that is taking place in public is not in the minutes. She thought important information has been overlooked.

Town Clerk Jacqueline Felser responded that she transcribed the Town Board minutes for 23 years when she was Deputy Town Clerk prior to taking office two years ago, and although her deputy now transcribes the minutes, Mrs. Felser reviews them and did not see where they were lacking information. She questioned what Mrs. Lucachik was referring to.

Mrs. Lucachik responded that she would get back to her with specifics.

Councilman Hart noted that minutes of the meetings are available on audio tape if anyone is interested in hearing the entire conversations.

COMMENTS ON YES PROGRAM AND SUMMER DAY CAMP

Karen Lucachik did not agree with the YES program and summer day camp and suggested the board members reevaluate them. She thought the YES program had no substance and objected to taking care of the children of people that work, noting that many people would have worked but couldn't because they didn't have day care. Mrs. Lucachik did not believe it was the town's duty to run a day care so that parents can work.

Councilman Hart responded that the YES program is still being evaluated and will either be merged into the Recreation Department or eliminated. The summer day camp has not been established yet and is still being researched. He expected to have an answer by February or March.

ISSUES OF THE PUBLIC

COMMENTS ON YES PROGRAM AND SUMMER DAY CAMP (continued)

Councilman Rusinski stated he had spoken with Recreation Director Craig Kroll about getting the Recreation Commission up and running so they can assess the summer day camp proposal and offer their recommendation. He commented on the possible cost savings of the summer day camp program at \$25,000 over the current recreation program at \$75,000.

Mrs. Lucachik commented that the people who need it the most probably cannot pay \$100 per week and it will not take care of every child through the entire summer.

NOISE ISSUE

Corrie Goller stated she lives on Briarwood Drive and referred to a noise issue with Rock n Roll Heaven. This has been an issue since they opened in September and she has called the police several times but the situation hasn't been rectified.

Chief Denz stated he will talk to Ms. Goller after the meeting and see what his department can do to improve the situation.

HIGHWAY RESERVE FUND

Beverly Leising expressed concern about transferring money into the Highway Reserve Fund from the General Fund and cautioned that not too much is transferred or accumulated because it cannot be transferred back.

Finance Director Laura Landers stated they will have to speak with Pomco relative to the worker's compensation cases and look at what claims are still open to determine a reasonable amount to transfer. In the future, the highway fund should be able to add to the reserve fund rather than transferring from the general fund. Ms. Landers stated the settlement claims save the town in the long run, but when they are preparing the budget they don't know what the settlements are going to be.

BASIC STAR FILING

Beverly Leising questioned how many town residents still had not filed for their basic STAR exemption and if calls are being made.

Supervisor Meegan responded that the current number is 612 that have not filed and only one resident showed up at the senior center when the Assessor's office was present to offer assistance. Robo calls are being made by Albany and the deadline has been extended until March.

ISSUES OF THE PUBLIC

PARTICIPATION OF COUNCILMAN RUSINSKI AT FUTURE MEETINGS

Beverly Leising thanked Councilman Rusinski for serving on the Town Board and suggested he now participate in the meetings in the audience and share his knowledge.

Councilman Rusinski understood he was precluded from attending meetings for the first 12 months under the ethics clause, but stated he will remain active in the community.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

UPDATE ON VACANT PROPERTIES

Supervisor Meegan stated that some of the homes on the vacant property list have recently been sold and the town has been working with Senator Gallivan's office for an opportunity to turn some of the homes for veterans. She further stated the Attorney General's office has prepared a flyer with information on how to avoid foreclosure. It will be available in the code enforcement office and posted on the town's website. Supervisor Meegan commented on the conversations the town has been having with the banks and stated they are now working with the town and willing to cooperate with the public for purchasing.

Code Enforcement Officer Jeffrey Baksa stated when his department sends letters on property maintenance issues they often get phone calls from property owners stating they don't have the funds to fix the problem. His office has been referring people to Erie County where there is a program available to assist them and the county has helped several property owners to make the necessary repairs.

POLICE DEPARTMENT REPORT FOR 2013

Chief Denz commented on changes in the Police Department in 2013 with the retirement of former Chief Gehen, noting the former Chief turned over a very good department and he is going to strive to make it even better and the best in Erie County. The department received in excess of 22,000 calls for service in 2013 and they were handled by 60 people. Chief Denz further announced that the Police Department and town just received an award from the Office of Secretary of Defense for being a patriotic employer for contributing to the national security and protecting liberty and freedom by supporting employee participation in America's National Guard and Reserve Force.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

TERMINATION OF CURRENT RECYCLING CONTRACT

Town Attorney Shawn Martin stated he had conversations with the current recycling vendor and their contract needs to be terminated with a suggested date of January 31st. They realize that totes are the way municipalities are going, but they are not willing or able to make the capital investment for the six months remaining on their contract. They will be eligible to bid on the new proposal which will be a long term contract.

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate the recycling contract with Allied effective January 31, 2014.

On the question, Councilman Rusinski questioned if there is a fine for early termination of the contract and Mr. Martin advised there is no penalty for early termination.

Councilman Hart questioned if Allied bids on the new recycling contract whether they will be able to begin using the new totes immediately.

Mr. Martin responded that one of the requirements of bidding is that they are able to perform the work and it is easier to make a capital investment in the equipment with a five year contract than it is with a six month contract.

Ayes: All

Noes: None

Motion Carried

MORTGAGE TAX PAYMENT RECEIVED

Finance Director Laura Landers stated her office received final payment for the mortgage tax and noted in total it is \$160,000 greater than last year. Although they had estimated it conservatively in the budget, the increase is a reflection of continuing refinancing due to low interest rates and increased home sales.

RECREATION DEPARTMENT UPDATES

Recreation employee Lauren Masset stated they have been discussing how to reform the Recreation Commission and they are trying to get independent individuals to serve. They are also still waiting to hear from the Health Department concerning the proposed summer day camp.

SENIOR CITIZENS CENTER EVENTS

Senior Citizens Director Mary Josefiak stated there is a New Year's party at the senior center tomorrow and a Heap Outreach sponsored by Legislator Lorigo upcoming in January.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

DRAINAGE ISSUES NEAR HIDDEN HOLLOW

Councilman Rusinski stated he had received a number of calls on drainage issues caused by melting snow and commented on a situation at the Hidden Hollow area near the gas company. There is a substantial problem with a 5' drainage tile and an 8' sink hole and he asked that the problem be referred to the Engineering Department. Supervisor Meegan stated the Highway Department is aware of the situation and has looked at it.

DEPARTURE OF COUNCILMAN RUSINSKI

Board members and department heads offered their best wishes to Councilman Rusinski as he leaves office. Chief Denz thanked him for his knowledge with emergency services and the opportunities offered to the Police Department through his contacts inside and outside the town. Councilman Hart stated he did not believe the town was finished with John Rusinski and thought they would be calling on his services once again in the future. He further commented on the difficulty of the job and wished Councilman-elect Hanley the best of luck. Supervisor Meegan stated it was an honor and privilege to work with Councilman Rusinski, noting he came into office with a number of great ideas and they were able to implement many of them.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:10 P.M. to discuss a personnel issue with Chief Denz.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:20 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:20 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK