

1-D COMMUNICATIONS

1. Supervisor Meegan re Tower Lease with Blue Wirelesco, LLC

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a five year lease with Blue Wirelesco, LLC for installation of an antenna on the town's tower behind Town Hall, 1250 Union Road, West Seneca, NY as well as an 8' by 10' area adjacent to the tower and authorize the Supervisor to sign the agreement.

Ayes: All Noes: None Motion Carried

2. Supervisor Meegan re Retirement of Kristine Wisniewski

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Kristine Wisniewski and terminate her as part-time Recreation Supervisor in the Recreation Department effective January 1, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan along with Councilman Hart thanked Ms. Wisniewski for well over 30 years of service and her hard work on the baseball program.

Ayes: All Noes: None Motion Carried

3. Town Engineer re Change Order #1 for 2013 Road Reconstruction Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #1 in the amount of \$17,245.75 for DiPizio Construction Co., Inc., 100 Stradtman Street, Cheektowaga, NY 14206 for field modifications and unforeseen conditions encountered during construction on the 2013 Road Reconstruction Project, noting that funding is available under budget line 005.1440.0200.0522.

On the question, Councilman Hart questioned if this project remained within the budget.

Town Engineer Richard Henry responded the project is approximately \$110,000 under budget.

Ayes: All Noes: None Motion Carried

1-D COMMUNICATIONS

4. Chief Denz re Retirement of David D. Dudziak

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of David D. Dudziak and terminate him as Detective Lieutenant in the Police Department effective January 23, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Mr. Dudziak has served the Town of West Seneca for thirty five years.

On the question, Chief Denz thanked Lieutenant Dudziak for over 40 years in law enforcement and service to the town, noting he was a top DWI enforcer, aggressive in traffic and trained most officers in firearms proficiency.

Ayes: All

Noes: None

Motion Carried

5. Senior Recreation Therapist of Sr. Services re Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$600 from Adult Recreation Craft Material Supplies #001.7620.0475 to Photo ID Clerk Acct. #001.7620.0417 to cover an increase in cleaning costs.

Ayes: All

Noes: None

Motion Carried

6. Recreation Director re Budgetary amendment request

Motion by Supervisor Meegan, seconded by Councilman Hart, to increase appropriation line #001.7140.0149 (Salary of part time employee's payroll costs for Youth Theatre) in the amount of \$6,625 noting that the source of funding for this request is 001.0001.2705 Donations.

Ayes: All

Noes: None

Motion Carried

7. Town Justice re Attendance at 2014 NYS Association of Towns annual meeting

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Town Justice Dale J McCabe and Court Clerks Maureen Murphy & MaryJean Fitzgerald to attend the 2014 NYS Association of Towns annual meeting in New York City, February 16 – 18, 2014 at a cost not to exceed \$1,500 per person.

On the question, Councilman Hart questioned if this was provided for in the budget.

1-D COMMUNICATIONS

7. (continued)

Supervisor Meegan responded that they had questioned her secretary, Emily Josefiak, last week regarding the annual meeting. She advised them to check the Justice Department budget and if the money was not budgeted they would need to do a budget transfer. Supervisor Meegan assumed the funds were budgeted since no budget transfer was submitted.

Ayes: All

Noes: None

Motion Carried

8. Councilman Hart re Release of information to Town Comptroller

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize and direct the CPA firms of Drescher and Malecki and Freed Maxic P. C. to release without delay requested information by the Town Comptroller including but not limited to data, work papers, spreadsheets, etc. in either paper or electronic form.

On the question, Councilman Hart stated the CPA firm of Drescher & Malecki requested this motion prior to releasing data during the changeover.

Ayes: All

Noes: None

Motion Carried

9. Councilman Hart re Counsel services of Shawn P. Martin

Motion by Supervisor Meegan, seconded by Councilman Hanley, to retain Shawn P. Martin at an hourly rate of \$225 to perform necessary services relative to the transition of pending matters to new counsel.

On the question, Councilman Hart stated Mr. Martin has unique knowledge on many hold over issues from prior years that need to be addressed during the changeover.

Ayes: All

Noes: None

Motion Carried

1-E REPORTS

- Jacqueline A Felser, Town Clerk's report for December 2013 & annual report for 2013 received and filed.
- Jacqueline A Felser, Receiver of Taxes' 2013 annual report received and filed.
- John A. Gullo, Code Enforcement Officer's report and plumbing report for December 2013 received and filed.
- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of January 13, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of January 13, 2014 received and filed.

ISSUES OF THE PUBLIC

OFFICIAL NEWSPAPERS

Amy Carpenter questioned if the town now has three official newspapers and if there will be an increase in expenses for placement of ads.

Supervisor Meegan responded all three papers were named as official newspapers, but unless there is an emergency an advertisement will only be placed in one. Advertisements are typically published in the West Seneca Bee.

Councilman Hart stated they may alternate papers.

Mrs. Carpenter questioned how the public will know which paper will publish advertisements.

Supervisor Meegan responded the West Seneca Bee will publish the majority of advertisements and the Buffalo News will be utilized in emergency situations due to its vast amount of readership.

Mrs. Carpenter suggested placing emergency situations on the front page of the town's website and Supervisor Meegan responded this was discussed with Highway Supt. Matthew English.

ZONING BOARD OF APPEALS APPOINTMENT

Amy Carpenter questioned if the recently filled position on the Zoning Board of Appeals was advertised to ensure the most qualified person is hired.

Councilman Hart responded this is an appointed position, not the type that would be advertised, and he feels the best qualified person was chosen to fill the position.

Karen Lucachik questioned the qualifications for the Zoning Board position.

Councilman Hanley responded that Tim Elling, a dispatcher for Erie County Water Authority, was appointed to the Zoning Board position and brings with him a vast knowledge of experience. Mr. Elling is on the chairman's board for underground locating, he knows the tickets and knows when construction work is going to be happening before the Town Board does. He gets the one call tickets well in advance, knows the property, is involved in a lot in West Seneca and knows property values and neighborhoods very well. Councilman Hanley thought Mr. Elling is very well qualified for the position.

Mrs. Lucachik questioned if Mr. Elling has attended Zoning Board meetings.

Councilman Hanley responded Mr. Elling attended the last Planning Board meeting and assumed he attends Zoning Board meetings.

ISSUES OF THE PUBLIC

RECREATION DEPARTMENT COMMISSION

Amy Carpenter questioned if there was a job description for the recreation commission, noting no information regarding the recreation commission is available on the town's website.

Supervisor Meegan responded Recreation Director Craig Kroll is working on revamping this since a previous member passed away. Once complete, information regarding the position will be placed on the town's website.

SIDEWALKS OVER BRIDGES

Amy Carpenter voiced her concern regarding sidewalks over bridges being shoveled and specifically mentioned the bridges on Union Road.

Highway Supt. Matthew English responded even though Union Road is a state road the town Highway Department has made numerous attempts to clear the sidewalks on these bridges only to have the state plow the snow back on. Mr. English stated sidewalks were cleared today and his crews do the best they can.

REQUEST FOR EVENING WORK SESSIONS

Amy Carpenter questioned if afternoon work sessions could be scheduled in the evening.

Supervisor Meegan responded a lot is accomplished at work sessions which are typically lengthy. Today's work session lasted 2½ hours and if scheduled in the evening would interfere with a 7 P.M. Town Board meeting.

Karen Lucachik questioned if the agenda for work sessions is published.

Supervisor Meegan responded there is no agenda. Work sessions are designed for department heads to discuss issues within their department. There were two speakers scheduled over the last few days for today's work session - one from DePaul relative to a proposed project at the Seneca City Line and another that Town Clerk Jacqueline Felser brought in regarding cost saving measures on town mailings.

Mrs. Lucachik thought it was important to advertise the agenda for work sessions and if they were held in the evening people would attend.

Supervisor Meegan responded that items discussed at work sessions are often brought up at the Town Board meetings that evening.

ISSUES OF THE PUBLIC

FLOOD ASSISTANCE

Mike Flannery Director of Disaster Relief for the State of New York for Baptist churches stated his organization has the ability to service flood victims and they have previously assisted victims of Hurricane Sandy and the Herkimer floods. Mr. Flannery offered their services to West Seneca residents whose homes recently flooded.

Supervisor Meegan responded she toured the flooded area and any service Mr. Flannery is able to provide would be greatly appreciated.

Councilman Hart stated a community meeting is being planned; however, a date and time have yet to be set. He suggested Mr. Flannery attend the meeting and speak on the services his organization provides.

Supervisor Meegan stated they are anticipating scheduling a meeting for sometime next week after the damage is assessed and they are currently working with the Code Enforcement office and Disaster Coordinator Dan Neaverth Jr., Congressman Brian Higgins, Assemblyman Mickey Kearns and Senator Patrick Gallivan in hopes of gathering all resources available to assist residents affected by the flood.

ORGANIZATION MEETING APPOINTMENTS

Dale Clarke referred to literature Councilman Hanley provided to absentee voters stating residents deserve full-time attention and questioned if he will have office hours and if he plans on retiring from National Fuel in order to devote his time to the residents of West Seneca.

Councilman Hanley responded he has already put in an excess of 40 hours a week for meetings and in response to flooding issues. He does not have office hours, but will work as much time as he possibly can and has already visited all town departments except for recreation and the senior center.

Mr. Clarke referred to the new hires at the Organization Meeting and stated that Councilman Hanley also told the residents that jobs will be posted online. He questioned if those jobs filled at the Organization Meeting were posted online or if they were political appointments.

Councilman Hanley responded that those jobs were appointments so they do not have to be posted and none of the appointments were political.

Mr. Clarke did not believe Tim Elling's position at the Erie County Water Authority qualified him to fill the position on the Zoning Board and commented that it was difficult to believe the appointment was not politically motivated since Mr. Elling supported Councilman Hanley at the endorsement meeting.

ISSUES OF THE PUBLIC

ORGANIZATION MEETING APPOINTMENTS (continued)

Councilman Hanley stated that trust is a hard thing to earn, but he has not lied to the public. He was impressed by Mr. Elling and thought he had more skills than the person he replaced.

Mr. Clarke referred to Councilman Hart's statement at the Organization Meeting that the changes made were not political and asked if Councilman Hart thought Mr. Elling's appointment was political.

Councilman Hart responded the appointment of Mr. Elling was somewhat political and as a former councilman Mr. Clarke is well aware of politics.

Mr. Clarke asked Councilman Hanley if there was a meeting held with Councilman Hart, Mr. Scott, Mr. Clark and Mr. Lorigo to discuss the appointments prior to the Organization Meeting.

Councilman Hanley responded there were many meetings held and he had met with Mr. Lorigo and Councilman Hart to discuss different options for the Organization Meeting. These meetings were prior to being sworn in as a board member and he has not met with Councilman Hart or Supervisor Meegan since he was sworn in.

Mr. Clarke questioned if the new Human Resource position includes work previously performed by the Town Attorney, noting this position is an additional cost of \$22,000 to taxpayers.

Councilman Hart responded the town has not had any human resources other than the work performed by Supervisor Meegan and her secretary.

Supervisor Meegan stated she and the Town Attorney both worked together on human resources pertaining to grievances, but the newly established Human Resource Department will prove to be valuable to the everyday operation and management of over 200 town employees.

Mr. Clarke questioned why Jacqueline Felser was replaced as Planning and Zoning Board Secretary and if it was due to her job performance.

Councilman Hanley responded that he thought it was time for a change, and although Mrs. Felser did a good job, sometimes it doesn't hurt to try something different.

Mr. Clarke questioned if Mr. Hanley replaced Mrs. Felser because she endorsed James Manley for councilman.

Councilman Hanley stated he did not know Mrs. Felser endorsed Mr. Manley, but she did stand with him.

ISSUES OF THE PUBLIC

ORGANIZATION MEETING APPOINTMENTS (continued)

Mr. Clarke questioned the two (2) year appointment of Paula VanRemmen as Bingo Inspector and the annual increase in salary of \$244.

Councilman Hanley was unsure of the term for this position stating he thought it was brought back to what it always was. He did not believe Mrs. VanRemmen received a raise and stated he didn't set the salary.

Mr. Clarke questioned the appointment of Rachel Kruska as Planning Board Secretary and if she has any ties to the Lion's Club.

Councilman Hanley was unaware of any ties with Ms. Kruska and the Lion's Club. He stated while campaigning door-to-door he asked for resumes and told residents he was going to make changes because he felt the status quo was getting old.

Mr. Clarke questioned why Wayne Drescher was replaced as town auditor and the association of Lion's Club member Roger Lis to RA Mercer, the firm that replaced Drescher and Malecki.

Councilman Hanley responded Mr. Lis has outstanding credentials and commented that the residents asked for change and he thought they will like his decisions.

Mr. Clarke questioned the appointment of Jean Nihill as Town Comptroller and if she is affiliated with former Town Supervisor Paul Clark.

Ms. Nihill confirmed she is a partner in Mr. Clark's accounting firm.

Mr. Clarke commented that it cost the town hundreds of thousands of dollars with AmeriCorps when Paul Clark's prior firm was Town Comptroller.

Councilman Hanley responded that Jean Nihill is not Paul Clark.

Mr. Clarke commented that he thought the town was better off financially with a Town Attorney and questioned the appointment of Jaeckle Fleischmann & Mugel, LLP as attorneys for the town, the overall cost and what the core fee of \$60,000 included.

Attorney Charles Grieco of Jaeckle Fleischmann & Mugel LLP responded the core service fee of \$60,000 includes preparing for and attending meetings, interacting with department heads and routine matters. Non-core services, billable at \$225 per hour, are services the town has sought outside counsel for in the past and are matters that are considered non-routine.

ISSUES OF THE PUBLIC

ORGANIZATION MEETING APPOINTMENTS (continued)

Councilman Hart responded the cost of having a Town Attorney's office exceeded \$250,000 a year for several years. Former Town Attorney Shawn Martin's salary was approximately \$67,000 and Jaekle Fleischmann & Mugel, LLP's core service cost is \$60,000. He further stated Drescher & Malecki billed the town \$75,000 last year and the new accounting firm, RA Mercer, has a cap of \$50,000 for audit and consulting costs. Also, the former accountant's base salary was \$96,000 and had requested an additional \$40,000 for preparing the budget. Councilman Hart thought Jean NiHill was the best qualified, very independent and will work for \$42,000, a savings of almost 100,000.

RECYCLING COLLECTION CONTRACT

Joe Hickman, sales and municipal accounts manager for Modern Disposal & Recycling, complimented the board on making the decision to move forward with a cart based recycling program. He believes there will be a huge increase in recycling with use of the new totes. Mr. Hickman stated bids for the contract for collection of recyclable materials were opened earlier today and he voiced a concern that required specifications were not met by one of the two contractors that bid.

Supervisor Meegan responded they are aware of the bid results and have scheduled a special meeting for Friday at 11 A.M. to discuss their options.

Terry Schweitzer with Republic Services also complimented the board on implementing a cart based recycling program and stated his company submitted one of two bids opened earlier today. It was Mr. Schweitzer's understanding that bids could be submitted outlining different scenarios and options, which is why an every other week bid for collection of recyclables was included. He was hopeful his bid would be considered and stated the Town of Cheektowaga recently decided to collect recyclables every other week.

RECOGNITION OF HIGHWAY DEPARTMENT

John Domagala thanked Highway Supt. Matthew English and his crews for their assistance during a flooding situation that took place in December.

FAMILY ENERGY SOLICITATION

Jane Piechocki voiced her concern regarding Family Energy Services and a representative who was soliciting on Burch Avenue. Ms. Piechocki stated the representative was repeatedly knocking on her door and window, requested to see her gas bill, could not produce proper identification and remained on her property when asked to leave.

ISSUES OF THE PUBLIC

FAMILY ENERGY SOLICITATION (continued)

Town Clerk Jacqueline Felser responded they have had problems with Family Energy representatives in the past and some individuals have been denied permits. Other permits that have been issued have been revoked due to complaints.

Supervisor Meegan stated the police should be called anytime a situation like this occurs.

STATUS OF EMERGENCY DIG ON MINERAL SPRINGS ROAD

Frank Diabola, 195 Emporium, questioned the status of the emergency dig on Mineral Springs Road.

Town Engineer Richard Henry responded the repair is ongoing involving a 24" sanitary sewer line that had integrity issues and half of the damaged pipe has been removed (40'). The system was bypassed and never shut down with four pumps constantly running. Mr. Henry stated there is also a separate storm sewer issue involving partial collapse of a 60" pipe behind National Fuel Gas that he and Highway Supt. Matthew English will be looking at on Thursday.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

HEAP OUTREACH PROGRAM

Senior Recreation Therapist of Sr. Services Mary Josefiak announced the Heap Outreach sponsored by Legislator Joseph Lorigo taking place on January 31st at the Senior Citizens Center.

FLOODING IN LEXINGTON GREEN NEIGHBORHOOD

Code Enforcement Officer Jeffrey Baksa stated his office will be inspecting homes in the flooded Lexington Green neighborhood on Wednesday & Thursday. Inspectors will be going house to house to assess and record damage for reporting to the state, FEMA and other agencies.

Councilman Hart questioned if the inspectors will be able to put a dollar value on damages.

Mr. Baksa responded it is up to insurance agencies to put a dollar cost on damages. He stated inspectors will be checking mechanicals, electric panels and the structural integrity of homes. Information on organizations offering assistance will be shared with homeowners.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

FLOODING IN LEXINGTON GREEN NEIGHBORHOOD (continued)

Councilman Hart questioned what residents should do if they do not have flood insurance.

Mr. Baksa responded assistance from organizations is first provided to the elderly and then to residents who do not have flood insurance. He further stated residents need to remove water and debris so that damages can be assessed by inspectors.

Supervisor Meegan stated they are reaching out to other municipalities for shared services and use of their building inspectors, noting she personally placed a call to the Governor's office for assistance. She commended Highway Supt. Matthew English and the Highway Department for their assistance in flooded neighborhoods.

Councilman Hart questioned if there could be damage to streets due to the flood.

Mr. English responded he and Town Engineer Richard Henry will be checking streets for structural damage once cleanup is well under way.

Councilman Hart thanked first responders of West Seneca and all of Erie County for their help during this crisis and expressed his thanks and appreciation to the emergency management team.

Chief Denz commented on the excellent coordination between all government agencies during the flooding and the blizzard, noting a 98% compliance with the town's driving ban during the blizzard and no report of major injuries or loss of life.

POLICE REPLACEMENT VEHICLES

Chief Denz stated two replacement police vehicles with new paint schemes and lighting packages are available to look at after the meeting.

YOUTH THEATRE SPAGHETTI DINNER

Recreation Director Craig Kroll thanked the public for their support of Youth Theatre by attending the spaghetti dinner, noting over 800 tickets were sold.

SUMMER YOUTH SPORTS REGISTRATION

Recreation Director Craig Kroll reminded resident's the summer youth sports registration has begun and information is available on the town's website.

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 received a request for a special use permit for the following described property located at 1976 Ridge Road from its classification of C-2 to C-2(S) for automotive sales & service:

All that tract or parcel of land, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot 296, Township 10, Range 7 of the Buffalo Creek Reservation described as follows:

Beginning at a point in the north line of Ridge Road south $86^{\circ} 46' 10''$ west 157.81 feet from the intersection of the north line of Ridge Road with the east line of lands conveyed to John Szczyplorski and one by deed recorded in Erie County Clerk's Office in Liber 3737 of deeds at Page 99; thence continuing south $86^{\circ} 46' 10''$ west along the north line of Ridge Road 152.81 feet to its intersection with the west line of land so conveyed to John Szczyplorski and one as aforesaid; thence north $8^{\circ} 09' 40''$ east along the west line of land so conveyed 150 feet; thence south $81^{\circ} 50' 20''$ east and at right angles to the last described line 149.80 feet to a point having a bearing and distance of north $8^{\circ} 09' 40''$ east 119.86 feet from the point of beginning; thence south $8^{\circ} 09' 40''$ west and along the west line of an entrance road to the shopping plaza located on lands next east of premises 119.86 feet to the point of beginning.

Whereas, this Town Board held a public hearing on the 13th day of January 2014 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 restriction: no exterior storage of unregistered motor vehicles except vehicles held in inventory for sale.

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.