



**4-B TABLED ITEMS**

1. (continued)

Motion by Councilman Hanley, seconded by Supervisor Meegan, to appoint Robert Borucki, Dennis Osinski and Donald Powers to the Board of Plumbing Examiners at an annual stipend of \$500 each.

On the question, Councilman Hart questioned if these individuals met the qualifications for the Board of Plumbing Examiners.

Code Enforcement Officer John Gullo advised they are the same individuals that served in previous years and they did meet the qualifications.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re Designation of Step 3 Grievance Officer

Remained on the table.

**4-C COMMUNICATIONS**

1. Supervisor Meegan re Retirement of David Solly

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of David Solly and terminate him as Senior Engineering Assistant effective March 1, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart & Supervisor Meegan thanked Mr. Solly for his years of service and wished him well in his retirement. Highway Supt. Matthew English also congratulated Mr. Solly on his retirement.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re HOME Cooperation Agreement

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing the Supervisor to execute a First Amendatory Agreement to the February 12, 2003 Cooperation Agreement with Erie County as pertains to forming a consortium for the HOME Investment Partnership Program, noting said agreement shall contain the automatic renewal provisions for successive three-year qualification periods as required by HUD.

**4-C COMMUNICATIONS**

2. (continued)

On the question, Councilman Hart questioned if this was relative to pooling together to compete for HUD money.

Supervisor Meegan responded this is the HOME Investment Partnership Program and West Seneca's team member is Hamburg. The program is run by Erie County with no staff required by the town. The money is for homeowner assistance with home rehabilitation and is based on income level. West Seneca residents apply with Erie County and info is available on the town's website.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

3. Town Engineer re Feasibility study for Buffalo Creek

Motion by Supervisor Meegan, seconded by Councilman Hart, to forward a letter to the Army Corps of Engineers (ACOE) for initiation of a feasibility study for Buffalo Creek in the vicinity of Lexington Green relative to the ice-jam flooding event that occurred on January 11, 2014, noting the ACOE will assess the area prior to performing the study to determine the scope and probable costs for completing the study.

On the question, Town Engineer Richard Henry stated the ACOE controls waterways in the United States and it is their responsibility to address issues with the creek. A formal motion is required to approve the feasibility study and the first step is a request for an assessment to determine how much a feasibility study will actually cost. Mr. Henry noted the feasibility study for the most recent project was well in excess of \$1 million. The first \$100,000 of the feasibility study is funded by the ACOE and the balance is then funded 50 percent by the federal government and 50 percent by the town and the state. If implementation measures are to be made, they are funded 65 percent with federal funds and 35 percent with non-federal funds. Mr. Henry commented that the process is not a quick event, noting it took ten years until the Cazenovia Creek ice retention structure was installed, but the town is independently and actively looking at short term mitigation measures to eliminate or minimize any future flooding.

Councilman Hart questioned what the feasibility study will look at.

**4-C COMMUNICATIONS**

3. (continued)

Mr. Henry responded that the study will look at the elevation along the creek along with impacts of development in that area. The town does not want to do something to rectify the situation that will cause a worse problem somewhere else and they are limited as to what they can do because they cannot put equipment in the creek. Mr. Henry stated they will be working closely with the City of Buffalo to find where the toe of the ice jam is, noting it has moved since January and if they can start to weaken the toe they may be able to get the ice to flow sooner. There is currently a ten day window of below freezing temperatures so they will be able to look hard at some things.

Ayes: All

Noes: None

Motion Carried

4. Town Engineer re Transfer of paper street commonly known as Diane Drive.

Motion by Supervisor Meegan, seconded by Councilman Hart, to transfer the paper street commonly known as Diane Drive from the Town of West Seneca to Leonard and Sophie Savage pending review and approval by the Town Attorney.

On the question, Councilman Hanley requested this item be tabled, noting the paperwork was not completed in time. Town Attorney Matthew Palmieri stated they are still investigating ownership of the paper street.

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

Ayes: All

Noes: None

Motion Carried

5. Town Engineer re Proposal for roadway repair design

Town Engineer Richard Henry stated his office has received several calls on the condition of North America Drive and he wanted to ensure the board members are aware that this project needs to be expedited.

6. Highway Supt. re Appointment for Julie McCormick as Highway Maintenance Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Julie McCormick as part-time seasonal Highway Maintenance Clerk and appoint Julie McCormick as full-time Highway Maintenance Clerk effective February 28, 2014 at an annual salary of \$26,101.53, Group 2, Step 1 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**4-C COMMUNICATIONS**

7. Highway Supt. re Title change for Joseph Steen to Highway Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Joseph Steen as Highway Laborer and appoint Joseph Steen as Highway Motor Equipment Operator, Group 2, Step 5, at a rate of \$27.13/HR effective February 25, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

8. Highway Supt. re Title change for Samuel Gioia to Highway Laborer

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Samuel Gioia as Sanitation Motor Equipment Operator and appoint Samuel Gioia as Highway Laborer, Group 1, Step 1, at a rate of \$25.36/HR effective February 25, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

9. Highway Supt. re Title change for Jonathan Kent to Sanitation Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Jonathan Kent as Sanitation Laborer and appoint Jonathan Kent as Sanitation Motor Equipment Operator, at a rate of \$21.74/HR effective February 25, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated these positions were all bid on by employees according to the Blue Collar contract and Civil Service Law.

Ayes: All                      Noes: None                      Motion Carried

10. Highway Supt. re Appointment of Chris Nowinski as Sanitation Laborer

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

Ayes: All                      Noes: None                      Motion Carried

**4-C COMMUNICATIONS**

11. Highway Supt. re Bid award for 2013 excavator

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for purchase of a 2013 excavator to Baschmann Services Inc., 1101 Maple Road, Elma, NY 14059 at their bid amount of \$89,699.00, noting Baschmann's equipment best met the specifications and funds are available in the Highway Reserve Fund.

On the question, Councilman Hart noted this is not the low bid but the equipment best met the specifications. He questioned if the wording of the motion should be more specific.

Highway Supt. Matthew English stated that two or three of the bids were not even close to meeting the specifications and the highest bid was eliminated because it was too expensive. He looked at the equipment for the remaining three bids and Baschmann's was the best and met the specifications.

Councilman Hart questioned if the wording "other than low bid meeting specifications" should be added to the motion.

Town Attorney Matthew Palmieri stated the motion could be amended to include that wording but he thought it was sufficient as stated.

Mr. English stated the low bidder actually bid the wrong size equipment (14,000 lbs vs. 19,000 lbs) and the heavier equipment is needed for cleaning ditches.

Councilman Hanley questioned if the specifications were detailed and Mr. English responded they were detailed but vendors still bid on the wrong size equipment.

Ayes: All

Noes: None

Motion Carried

12. Chief Denz re Attendance of Captain Sporysz and Detective Morano at training conference

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Captain Robert Sporysz and Detective Ken Morano to attend the International Law Enforcement Educators and Trainers Association (ILEETA) training conference March 24 -28, 2014 in Lombard, Illinois at a total cost not to exceed \$3,000 noting that sufficient funds are available in the police training course line item #1.3120.0459.

Ayes: All

Noes: None

Motion Carried

**4-C COMMUNICATIONS**

13. Town Clerk re Attendance at NYS Town Clerk’s Association Conference  
Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Town Clerk Jacqueline Felser to attend the NYS Town Clerk’s Association annual conference April 27-30, 2014 in Saratoga Springs at a total cost not to exceed \$1,200 noting that sufficient funds are available in Continuing Education & Training line item #1.1410.0414.  
Ayes: All                      Noes: None                      Motion Carried
14. Code Enforcement Officer re Status change for part-time Laborer D. Busse to seasonal  
Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time laborer Doug Busse to part-time seasonal effective February 24 – March 10, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.  
Ayes: All                      Noes: None                      Motion Carried
15. Code Enforcement Officer re Purchase requiring Town Board approval  
Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Code Enforcement Office to purchase a used 2011 Ford Fusion 4-door sedan from Galaxy Auto Place, Inc. at a total cost of \$8995 with trade-in, noting funding is available through the 2014 equipment line 1.3620.0200.

On the question, Councilman Hanley questioned why a request was made for this type of vehicle.

Code Enforcement Officer John Gullo stated he gave specifications for a four door sedan to the dealers in town and one vendor responded with a Ford Fusion.

Councilman Hart questioned if Mr. Gullo had researched a new vehicle under NYS contract pricing.

Mr. Gullo responded that he had checked out NYS contract pricing but the vehicles were too costly.

Ayes: All                      Noes: None                      Motion Carried

16. Code Enforcement Officer re Rezoning request for 2947 Seneca Street  
Motion by Supervisor Meegan, seconded by Councilman Hart, to refer the rezoning request for 2947 Seneca Street to the Planning Board for recommendation.

**4-C COMMUNICATIONS**

16. (continued)

On the question, Councilman Hanley questioned if the town will dictate how much time the property owner has to do something with the home.

Supervisor Meegan stated the property owner needs the rezoning in case he decides to sell the property so a potential buyer will be able to get a mortgage.

Ayes: All

Noes: None

Motion Carried

17. Director of Recreation re  
Status change for Youth  
Program Coordinator M.  
Melski to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Youth Program Coordinator Matthew Melski to part-time seasonal effective February 24, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

18. Supervisor Meegan re  
Creation of Senior Cashier  
position in Town Clerk's  
office

Motion by Supervisor Meegan, seconded by Councilman Hart, to create the position of Senior Cashier in the Town Clerk's office and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan stated this position will replace the Clerk Typist position as the job description better fits the duties being performed.

Councilman Hart questioned if this is a full-time position and if there will be a Civil Service exam.

Town Clerk Jacqueline Felser responded this is a full-time position replacing the full-time Clerk Typist position and the Civil Service exam took place in October 2013.

Councilman Hart questioned if there is a list from the exam and when it was anticipated the position will be filled.

Mrs. Felser responded there is a civil service list and the position could possibly be filled next month.

Ayes: All

Noes: None

Motion Carried



**4-C COMMUNICATIONS**

19. Councilman Hanley re Appointment of Daniel Walsh as full-time laborer in Buildings & Grounds Dept.

Motion by Councilman Hanley, seconded by Councilman Hart, to terminate Daniel F. Walsh as part-time laborer and appoint Daniel F. Walsh as full-time laborer in the Buildings & Grounds Department, Group 1, Step 1, at a rate of \$19.82 per hour effective February 25, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated a request was made by Chief Denz for additional maintenance help in his department.

Chief Denz stated that Mr. Walsh is a part-time custodial staff person working in the Police Department and with the new addition and construction work coming to completion he is unable to keep up with the work.

Ayes: All

Noes: None

Motion Carried

**4-D REPORTS**

- Jacqueline A Felser, Town Clerk's report for January 2014 received and filed.
- John A Gullo, Code Enforcement Officer's plumbing report for January 2014 received and filed.
- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of February 24, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of February 24, 2014 received and filed.

**ISSUES OF THE PUBLIC**

**FLOODING IN LEXINGTON GREEN NEIGHBORHOOD**

Audrey Petrie referred to flooding in the Lexington Green neighborhood and questioned if there is a law preventing the town from using dynamite at the Harlem Road Bridge. She spoke of a town in Michigan that had ice jamming problems similar to West Seneca and took a proactive approach using dynamite. Mrs. Petrie voiced her concerns and frustration with living in this area and feels the town isn't doing anything to address the issue.

Town Engineer Richard Henry responded there is no law in place to prevent the town from dynamiting; however, there are concerns the impact it might have further downstream.

**ISSUES OF THE PUBLIC**

**FLOODING IN LEXINGTON GREEN NEIGHBORHOOD** (continued)

David Monopolus questioned why the town didn't have proper sewer pipe fittings to connect fire hoses to pumps on Friday when the area began to flood again. He questioned placement of the pumps and what preventative measures are in place, noting the residents are afraid of what will happen next time. Mr. Monopolus suggested the flow and sediment of the creek be evaluated by Erie County Soil and Water District, the US Army Corps of Engineers and all responsible parties as soon as possible. He further commented that a feasibility study was done in 1979 and stated nothing has been done since.

Supervisor Meegan agreed that the Town of West Seneca does not control the creek, but stated the berm needs to continue through the floodplain and the creek needs to be cleaned. Supervisor Meegan emphasized the importance of reacting to this situation in a timely matter that will have a positive impact on all affected parties and stated the town is doing that.

William Wozniak commented on new developments in town, stating more questions need to be asked to ensure the town does not deal with problems such as flooding in future years.

Joe Koziol questioned if all rules were followed when the Canisius field was built on Clinton Street years ago and expressed concern that runoff water from that area is now directed to the Lexington Green area. Mr. Koziol further stated he previously lived on the Buffalo River and dynamite was used to break up ice jams on a regular basis without any problems.

Supervisor Meegan responded that the current board members were not in place at the time the facility was built, but she will look into that question.

Councilman Hart asked Mr. Henry to contact the Army Corps of Engineers regarding their stance on the use of dynamite.

Jim Mehnert questioned if a better system could be established for distribution of sandbags. He requested advance notification and volunteers to help transport the sandbags.

Supervisor Meegan responded they will review the distribution method and make any possible improvements and Councilman Hart stated he will speak with the newly developed Neighborhood Relief Team.

Code Enforcement Officer John Gullo announced an emergency preparedness lecture will take place at Town Hall on Thursday, March 6<sup>th</sup> @ 7 PM. He will be discussing how to prepare for any type of emergency and encouraged all residents to attend.

Dan Mathews questioned comments Mr. Gullo made on television regarding residents using sandbox sand and filling their own sandbags.

**ISSUES OF THE PUBLIC**

**FLOODING IN LEXINGTON GREEN NEIGHBORHOOD** (continued)

Mr. Gullo responded his intent was to suggest residents fill bags with sandbox sand in the fall and store them in the garage for possible use in an emergency situation. If sandbags go unused, the sand can then be returned to the sandbox in the spring for reuse. He expressed the importance and benefit of being proactive and prepared for all possible emergencies.

Stephanie Serrano commented on the need for better communication between the town/county and residents.

Mr. Gullo responded he is hopeful that a representative for the Code Red system will be in attendance at the next work session to explain options available for mass communication notification. Once in place, this system will have the capability of issuing advisories and warnings.

Mrs. Serrano referred to Governor Cuomo's comments concerning a possible buy out of resident's property and questioned if the town will support this idea.

Supervisor Meegan responded the town will fully support a possible buy out and noted it was the town that reached out to Governor Cuomo's office with this suggestion.

Mrs. Serrano questioned the town's short term plan and why it took so long for pumps to be placed on the corner of Brian Lane and Gregory Drive. She further requested the pumps be permanently put in place as a preventative measure for possible future flooding.

Mr. Henry responded they are looking at installing a major sandbag levy around the entire area and temporarily extending the berm, noting the berm cannot be extended on a permanent basis right now because it will float away. An analysis of the top of the levy will have to be conducted for possible use of jersey barriers and/or sand. The town will be able to perform some of this work in the next ten days since temperatures are not projected to go above freezing. Mr. Henry understood the residents' concerns and frustrations and stated they are working hard to make well thought out decisions that prove to be most beneficial. The January flood happened much faster than the past occurrence and they were better prepared this time. Mr. Henry stated the pumps will be put on site, but there are concerns of possible vandalism since the pumps will be on wheels.

John Chrynowicz stated the town, DEC and ACOE are aware of flooding issues in his back yard due to the creek. He spoke of the original berm that was built in 1979 and how in previous years the ACOE dynamited the creek. Mr. Chrynowicz also voiced concern for Earsing's nursery and stated they may be unable to plant this year due to the standing water. He asked that the property on the other side of the creek also be looked at.

**ISSUES OF THE PUBLIC**

**FLOODING IN LEXINGTON GREEN NEIGHBORHOOD** (continued)

Gary Mackiewicz commented that years ago amphibious vehicles were borrowed from Republic Steel to break up the ice in the creek. He suggested the use of bulldozers and concrete barriers supported by sandbags to help alleviate the problem.

Paul Kaczmarek referred to the reverse 911 system and questioned other ways of communicating with the residents. He suggested frequent updates on the town website.

Supervisor Meegan responded that a letter will be sent later this week to homes in the Lexington Green neighborhood with up-to-date information and residents will receive a letter bi-weekly thereafter until the issue is settled.

Christine Ventura referred to a meeting in January at the Winchester Community Church where Councilman Hanley stated he would contact the utility companies on behalf of residents. She questioned if the utility companies are able to provide any assistance to the residents.

Councilman Hanley responded that National Fuel Gas stated they are not in the business of providing free gas, but programs are in place that provide residents with rebates on hot water tank/furnace purchases. He did not receive a response back from the electric company.

Michael Machnica suggested placing portable pumps on concrete blocks or skids after removing the wheels to deter anyone from stealing them. He further commented there are manholes within the subdivision that could be used for draining water instead of running hoses across Mineral Springs Road.

Mr. Gullo responded they could look into the location of those manholes, but they look for the lowest point to drain water.

Councilman Hart stated it has already been determined that draining water to the manholes within the subdivision will only cause the water to re-circulate.

Beverly Leising expressed her sympathy and support for residents of the recent flooding and for residents who in the past experienced raw sewage backing up in their basements. She spoke of the amount of negative publicity West Seneca has recently received and commented on the importance of standing together in support of our fellow neighbors.

Suzanne Arndt voiced her concerns and fear of Buffalo Creek which is located in her back yard and questioned if she is overreacting by not feeling safe in her home. Mrs. Arndt further commented that her property value has dropped to nothing because of the flooding.

**ISSUES OF THE PUBLIC**

**FLOODING IN LEXINGTON GREEN NEIGHBORHOOD** (continued)

Councilman Hanley responded they are working on a solution to stop the water and everyone understands and shares her concerns and fears.

Councilman Hart agreed and stated that residents should be concerned, noting the town is working hard to mitigate the situation and assist the residents. He spoke of the numerous volunteers and distribution of money from the Neighborhood Relief Fund to the residents and assured Mrs. Arndt that the town is in contact with and putting pressure on representatives to help find short and long term solutions.

Bob Klier spoke of a letter from the New York State Department of Environmental Conservation dated 6/19/1998 referring to the north shore of the Buffalo River and how bringing in fill will cause downstream flooding. It was Mr. Klier's understanding that fill brought into this area contributed to problems in the Lexington Green neighborhood. He stated the West Seneca Engineering and Police Departments went on-site, stopped the illegal fill from continuing to be brought in and filed a police report. Mr. Klier believed properties located in the City of Buffalo containing fill from the NYS Thruway contribute to flooding further downstream. He suggested residents sue the responsible parties and demand that fill be removed from the existing properties along the north shore of the Buffalo River.

Richard Chemelli commented that the Town Board has worked hard to get answers and solve the recent flooding problem. After the January flood he offered bridge related advice to the Code Enforcement Office, only to learn this fell under the jurisdiction of the ACOE. Mr. Chemelli visited Lois Ortez at the ACOE and asked who is responsible for taking care of elevations and maintaining the creek. Ms. Ortez said the ACOE is not responsible and West Seneca has to submit a plan and obtain a permit. The ACOE will then analyze it and implement the plan.

Councilman Hart stated if approvals are received from the ACOE, they will then get engineer design and the Town Board will have to approve it. The study is the first step to get recommendations from the ACOE and the town will then choose from the recommendations and decide on the best project.

Mr. Chemelli suggested bringing back the ice that was removed and packing it solid to offer protection to the residents before the water comes over the bank again.

Mr. English stated they would need permission from the property owners to do this and if it didn't work and the ice slammed into residents' homes the town would be liable.

Councilman Hart stated the engineers have suggested sandbagging and they intend to put a 3 to 4 ft. berm across the back of the properties.

**ISSUES OF THE PUBLIC**

**SEX OFFENDERS ON LEYDECKER ROAD**

Tony Fischione recommended a policy change regarding resident notification of sex offenders and suggested information be published in the Pennysaver or Sun newspaper when a sex offender is registered. He stated that recent sex offender mailings did not include West Seneca residents in the Orchard Park school district.

Councilman Hart responded pictures of the sex offenders residing on Leydecker Road were published in the Front Page this past week.

Chief Denz stated that policy change can be looked at, but he is required to act under the auspices of current law. He stated though he might not be particularly happy about the placement of the sex offenders on Leydecker Road, the scope of the law was followed and they do have constitutional rights. Chief Denz further stated security measures are in place, but the sex offenders are not incarcerated and do have the ability to leave the residence. Information is provided to the public based on the level of the sex offender and there are numerous others that reside in town and live in private homes. The situation on Leydecker Road is unusual due to the concentration of offenders on state property being regulated by the state. Chief Denz was willing to meet with the Town Attorney to investigate other possible legal notification options the town may have and he is meeting with the state tomorrow to address numerous concerns, but policy change is a legislative issue and needs to be taken to that level of government.

Supervisor Meegan stated when sex offenders are registered with the Police Department the board should be notified enabling them to provide information to residents.

Councilman Hart stated he would like to see legislative change that would provide the public with addresses of sex offenders prior to them moving in.

Erin Reukauf questioned what security measures are currently in place on Leydecker Road.

Chief Denz responded that the facility is staffed 24/7 and they utilize a magnetized key coded "lock in" procedure to allow people in and out. Only the staff members have the key codes. The supervision is one-on-one outside the facility and no resident is left unsupervised at any time.

Mrs. Reukauf voiced her concern regarding the state's overall power and ability to supersede any law. She questioned what will prevent this from continuing to happen since New York State has the ability to overrule town laws.

**ISSUES OF THE PUBLIC**

**SEX OFFENDERS ON LEYDECKER ROAD** (continued)

Chief Denz responded the town code is based on state code and until state code is changed there is nothing that will prevent this from happening in the future. He suggested contacting NYS Senators and Assemblymen to move forward with legislation to initiate a change.

Supervisor Meegan stated letters have been sent to Governor Cuomo, Senator Gallivan & Assemblyman Kearns requesting a change in the language of the law. Citizens also need to reach out to the legislators so their safety and overall protection are assured.

Matt Nycek commented as long as the pedophiles remain on Leydecker Road taxes should be lowered since property values have declined.

Supervisor Meegan responded she is hopeful the situation will be corrected soon.

Mr. Fischione stated Assemblyman Kearns will be presenting a banner to the assembly and anyone interested in signing the banner can stop by his office at Southgate Plaza.

Shawn Mackiewicz stated the town needs to be proactive and should consider additional police presence in the Leydecker Road area going forward. He further commented the information on the New York State website is vague and doesn't give specifics.

Gary Mackiewicz questioned the degree of supervision for sex offenders going from jail to a home environment and if the facility is designed to house these individuals.

Chief Denz stated he was informed that current supervision is based on one state employee to one household member on a 24/7 basis. It is his understanding that the previous facility was more secure and the Leydecker Road location is temporary housing until they are moved in June. The occupants are mandated to the facility under medical supervision provided by the state. They are not allowed to leave the facility alone and supervised transportation is provided in state vehicles. Occupants do have the ability to go to local restaurants and stores on supervised outings.

Code Enforcement Officer John Gullo responded the state governs themselves as far as the facility being code compliant, noting they perform their own inspections and maintenance. Mr. Gullo stated he has not been in the building.

Lena D'Amore stated she had spoken directly with a representative from DDS and was informed that the sex offenders do not have to wear ankle bracelets. She was told that NYS will provide combination locks, delayed egress activation sensors and auditory alarms, but she could not confirm that the facilities located on Leydecker Road had these security measures in place. Ms. D'Amore also understood that the new facility had not been started yet.

**ISSUES OF THE PUBLIC**

**SEX OFFENDERS ON LEYDECKER ROAD** (continued)

Chief Denz responded the magnetized key coded locks are in place. He is unaware of the staff's qualifications, but he did know their background is medical related vs. corrections or probationary. Chief Denz stated he will have more specific information after his on-site visit scheduled for tomorrow.

**GARBAGE & RECYCLING TOTES**

Matt Nycek stated he is not happy with the size of the new garbage and recycling totes, noting he does not generate much garbage and would prefer a 30 gallon can. The current totes do not fit in his garage and he has no use for them.

Highway Supt. Matthew English responded everyone initially received a 95 gallon garbage tote and a 65 gallon recycling tote. Residents have the option of exchanging the 95 gallon garbage tote for a 65 gallon tote beginning March 20<sup>th</sup>. Mr. English stated he would have no problem purchasing 30 gallon totes if the Town Board revisits the situation and decides to do so.

**DEER POPULATION**

Shawn Mackiewicz questioned if anything is being done to reduce the deer population in town.

Chief Denz responded the NYS Department of Environmental Conservation did a presentation four months ago and offered several deer control options. The issue is still under discussion.

Supervisor Meegan responded that the Town Board recognizes this issue and is continuing to discuss all possible options. She noted that Lackawanna has been doing some deer removal along Fisher Road and some town residents also have permits in designated areas of town.

**HEROIN ANECDOTE**

Amy Carpenter questioned if the West Seneca Police Department will be providing the heroin anecdote similar to the City of Buffalo Police Department.

Chief Denz responded the availability of the anecdote already exists and is provided by Rural Metro along with volunteer firemen, so the Police Department is not considering it at this time. Dispensing the anecdote also involves liability and training.



**ISSUES OF THE PUBLIC**

**REQUEST FOR FOLLOW-UP COMMUNICATION ON ISSUES**

Marylou Dietrich suggested there be better follow-up communication to residents who voice concerns at meetings. She referred to an issue she presented at the last meeting regarding bathroom doors at Harlem Road Park opening toward the park and asked that cameras be installed. Mrs. Dietrich also asked that more information be available on the town website.

Highway Supt. Matthew English responded they will be looking into the possibility of having the doors open toward the park in the spring and noted there are cameras in place at the park.

Supervisor Meegan stated information is put on the website as it becomes available and residents can also contact her office at any time with questions they might have.

**FLOODING IN WINCHESTER AREA**

Sandy Tedesco questioned why the pump was removed from the end of Gordon Avenue when Lexington Green began to flood. He referred to flooding in his neighborhood that occurred in December and stated he had not heard back from Town Engineer Jason Foote or the Engineering Department after the last Town Board meeting. Mr. Tedesco further asked who is responsible for cleaning and maintaining a ditch that runs between Gordon Avenue and the NYS Thruway.

Town Engineer Richard Henry acknowledged the pump removed from Gordon Avenue was placed in the Lexington Green area and stated he will speak with Mr. Foote regarding getting back to Mr. Tedesco.

Highway Supt. Matthew English stated he will meet with Mr. Tedesco and walk the ditch area to determine who is responsible for maintenance. He further stated the pump was removed from Gordon Avenue because they had to get a pump in the Lexington Green neighborhood as fast as they could. The possible purchase of another pump was discussed.

Dale Clarke stated it is not the town's responsibility to maintain the area along the NYS Thruway and commented on flooding by National Fuel Gas property that needs to be cleaned.

**PASTORAL SUPPORT**

Pastor Jason Drapeau of Winchester Community Church spoke on behalf of area Pastors, offering residents counseling and opportunities to meet and share within the community.

Supervisor Meegan thanked Pastor Drapeau for his support and everything Winchester Community Church has done and continues to do to assist the community.

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

**ASSISTANCE FOR FLOOD VICTIMS**

Councilman Hanley offered a sign up sheet for residents of the Lexington Green area that are in need of additional sandbags.

Councilman Hart stated the Neighborhood Relief Fund will have a van on Brian Lane and Gregory Drive on March 5<sup>th</sup> to accept applications for assistance and there will be grants available for up to \$1000 for short term bills.

**EXECUTIVE SESSION**

Chief Denz requested an executive session to discuss a personnel matter with Comptroller Jean Nihill and the Town Board.

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 9:05 P.M. to discuss a personnel matter with Chief Denz and Comptroller Jean Nihill.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:15 P.M.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:15 P.M.

Ayes: All

Noes: None

Motion Carried

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

WHEREAS, the Town of West Seneca and County of Erie executed a Cooperation Agreement on February 12, 2003; and

WHEREAS, a key purpose of said Agreement was to formalize the inclusion of the Town of West Seneca Metropolitan City as so defined by Section 102(a)(6) of the Housing and Community Development Act of 1974, as amended, into the Erie County HOME Consortium; and

WHEREAS, said Consortium consists of those communities comprising the Erie County Urban County for purposes of the federal Community Development Block Grant Program and the Towns of West Seneca and Hamburg; and

WHEREAS, through its membership in the HOME Consortium the Town of West Seneca has participated in a variety of affordable housing programs ranging from Homebuyer Assistance to Housing Rehabilitation; and

WHEREAS, the February 12, 2003 HOME Cooperation Agreement includes certain automatic renewal provisions which occur following specific three-year cycles; and

WHEREAS, the federal Department of Housing and Urban Development (HUD) requires clarifications and adjustments to the existing automatic renewal provisions.

NOW THEREFORE BE IT

RESOLVED, that the Town Supervisor is hereby authorized to execute a First Amendatory Agreement to the February 12, 2003 Cooperation Agreement with Erie County as pertains to forming a Consortium for the HOME Investment Partnership Program; and be it further

RESOLVED, that said Agreement shall contain the automatic renewal provisions for successive three-year qualification periods as so required by HUD; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Deputy Commissioner of the Erie County Department of Environment and Planning Tomas J. Dearing, 95 Franklin Street, Room 1062, Buffalo, New York 14202.

**FIRST AMENDATORY AGREEMENT  
TO THE FEBRUARY 12, 2003 COOPERATION AGREEMENT  
PURSUANT TO THE  
HOUSING AND COMMUNITY DEVELOPMENT ACT AS AMENDED  
AND THE 1990 NATIONAL AFFORDABLE HOUSING ACT**

This First Amendatory Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 between the COUNTY OF ERIE, a municipal corporation of the State of New York, having its offices at 95 Franklin Street, Buffalo, New York 14202 (hereinafter referred to as the "County"), and the TOWN OF WEST SENECA, a municipal corporation of the State of New York, having its offices at 1250 Union Road, West Seneca, New York 14224 (hereinafter referred to as the "Town")

WITNESSETH

WHEREAS, the County and the Town have entered into a Cooperation Agreement for the purpose of forming a Consortium for the federal HOME Investment Partnership Program and the federal Community Development Block Grant Program, dated February 12, 2003; and

WHEREAS, it is necessary to clarify and better define the automatic renewal provisions within said Agreement as pertains to the HOME Investment Partnership Program.

NOW THEREFORE BE IT RESOLVED, in consideration of the above and of the terms and conditions herein, it is mutually agreed by the parties hereto as follows:

1. That the original Cooperation Agreement dated February 12, 2003 be and hereby is amended in the following manner:
  - a. Add Section 21 to read as follows:
    21. As pertains to the HOME Investment Partnership Program, this Agreement shall automatically be renewed for the HOME Consortium's participation in successive qualification periods of three federal fiscal years each. No later than the date specified by HUD's consortia designation notice or HOME Consortia web page, the County shall notify the Town in writing of its right to decide not to participate in the HOME Consortium for the next qualification period and the County shall send a copy of each notification to the HUD Field Office.

If the Town decides not to participate in the HOME Consortium for the next qualification period, the Town shall notify the County and the County shall notify the HUD Field Office, before the beginning of the new qualification period.

Before the beginning of each new qualification period, the County shall submit to the HUD Field Office a statement of whether or not any amendments have been made to this Agreement, a copy of each amendment to this Agreement, and, if the HOME Consortium's membership has changed, the state certification required under 24 C.F.R. §92.101(a)(2)(i). The HOME Consortium shall adopt any amendments to this Agreement that are necessary to meet HUD requirements for HOME Consortium Agreements in successive qualification periods.

The automatic renewal of the Agreement will be void if: the County fails to notify the Town or the HUD field office as required under this automatic renewal provision or the County fails to submit a copy of each amendment to this Agreement as required under this automatic renewal provision.

IN WITNESS WHEREOF, the parties have executed this First Amendatory Agreement on the day and year first above written.

COUNTY OF ERIE

\_\_\_\_\_  
Mark C. Poloncarz  
County Executive

Approved As To Content

\_\_\_\_\_  
Maria R. Whyte, Commissioner  
Department of Environment and Planning

Approved As To Form

\_\_\_\_\_  
Kristen M. Walder  
Assistant County Attorney  
Date: \_\_\_\_\_  
Doc. No.: \_\_\_\_\_

TOWN OF WEST SENECA

\_\_\_\_\_  
Sheila M. Meegan  
Supervisor

**FIRST AMENDATORY AGREEMENT  
TO THE FEBRUARY 12, 2003 COOPERATION AGREEMENT  
PURSUANT TO THE  
HOUSING AND COMMUNITY DEVELOPMENT ACT AS AMENDED  
AND THE 1990 NATIONAL AFFORDABLE HOUSING ACT**

This First Amendatory Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 between the COUNTY OF ERIE, a municipal corporation of the State of New York, having its offices at 95 Franklin Street, Buffalo, New York 14202 (hereinafter referred to as the "County"), and the TOWN OF WEST SENECA, a municipal corporation of the State of New York, having its offices at 1250 Union Road, West Seneca, New York 14224 (hereinafter referred to as the "Town")

**WITNESSETH**

WHEREAS, the County and the Town have entered into a Cooperation Agreement for the purpose of forming a Consortium for the federal HOME Investment Partnership Program and the federal Community Development Block Grant Program, dated February 12, 2003; and

WHEREAS, it is necessary to clarify and better define the automatic renewal provisions within said Agreement as pertains to the HOME Investment Partnership Program.

NOW THEREFORE BE IT RESOLVED, in consideration of the above and of the terms and conditions herein, it is mutually agreed by the parties hereto as follows:

1. That the original Cooperation Agreement dated February 12, 2003 be and hereby is amended in the following manner:
  - a. Add Section 21 to read as follows:
    21. As pertains to the HOME Investment Partnership Program, this Agreement shall automatically be renewed for the HOME Consortium's participation in successive qualification periods of three federal fiscal years each. No later than the date specified by HUD's consortia designation notice or HOME Consortia web page, the County shall notify the Town in writing of its right to decide not to participate in the HOME Consortium for the next qualification period and the County shall send a copy of each notification to the HUD Field Office.

If the Town decides not to participate in the HOME Consortium for the next qualification period, the Town shall notify the County and the County shall notify the HUD Field Office, before the beginning of the new qualification period.

**COOPERATION AGREEMENT  
PURSUANT TO THE HOUSING AND COMMUNITY  
DEVELOPMENT ACT OF 1974, AS AMENDED  
AND THE 1990 NATIONAL AFFORDABLE HOUSING ACT**

THIS AGREEMENT made this *12<sup>th</sup>* day of *February*, 200~~2~~<sup>3</sup>, by and between the COUNTY OF ERIE (hereinafter referred to as the "County") and the TOWN OF WEST SENECA (hereinafter referred to as the "Municipality"), both being municipal corporations of the State of New York

**WITNESSETH:**

WHEREAS, the 93<sup>rd</sup> session of the Congress of the United States has passed, and the President of the United States has signed into law, the Housing and Community Development Act of 1974, as amended through the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101.235) and the 1990 National Affordable Housing Act; and

WHEREAS, the primary purpose of the Housing and Community Development Act of 1974, as amended, and the 1990 National Affordable Housing Act is to develop better communities in the United States; and

WHEREAS, Erie County desires to cooperate with the cities, towns, and villages of the County in applying for and utilizing a maximum share of any funds available under said Housing and Community Development Acts; and

WHEREAS, the Municipality desires to undertake essential community development and housing assistance activities, as defined in said Act; and

WHEREAS, Erie County has been designated as an "Urban County" by the United States Department of Housing and Urban Development (hereinafter referred to as "HUD") and is thereby eligible for a formula share of program funds, provided said County enters into cooperation agreements with included units of general local government having a combined population of 200,000 persons or more; and

WHEREAS, the Erie County Legislature, by Resolution No. Comm. 3E-34 dated February 7, 2002, has authorized the County Executive to enter into such Cooperation Agreements with municipalities agreeing to participate in the "Urban County" Consortium; and

WHEREAS, the Legislature of the Municipality has authorized its Supervisor to enter into a Cooperation Agreement with the County of Erie by Resolution No. \_\_\_\_\_ dated Sept. 23 2002 so as to receive funds available by the application of the County of Erie under the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990.

**NOW, THEREFORE,** the County and the Municipality hereby agree as follows:

1. The terms of this Agreement shall cover the Community Development Block Grant Entitlement Program and the HOME Investment Partnership Program; and
2. The Municipality may not apply for grants from appropriations under the Small Cities or State CDBG Programs for fiscal years during the period in which it participates in the urban county's CDBG Program; and
3. The Municipality may receive a formula allocation under the HOME Program only through the urban county; and
4. The Municipality authorizes the County to act in a representative capacity for the Municipality for the purposes of administering the HOME Program and for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of the HOME Program, including requirements concerning a Consolidated Plan; and
5. The Program Year start date for the CDBG, HOME, and Emergency Shelter Grant Year Programs that are Consortium members shall be the first day of April; and
6. The County and the Municipality, shall cooperate in undertaking, or assisting in the undertaking, of community renewal and lower-income housing assistance activities, specifically urban renewal and publicly-assisted housing, as defined in the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990 and implementing regulations of said Act, each within the scope of its powers under New York State Law; and
7. The Municipality agrees to have its population counted so that the County may meet the population requirement of an "Urban County" applicant as provided for by the Housing and Community Development Act, as amended, for the County's Community Development Block Grant and HOME Investment Partnership applications for the Erie County qualification period which includes 2003, 2004, and the 2005 Program Years, and for future Urban County qualification periods which are defined as three-year periods of time; and
8. The County shall, in cooperation with the Municipality, develop a community development and housing assistance program for the County's Community Development Block Grant and HOME applications for each Urban County qualification period. The Municipality shall supply any available plans, surveys or data necessary to assist in the assessment of local community development and housing assistance needs and the setting of community development and



housing assistance goals. The Municipality and the County shall take such actions as are necessary to implement and accomplish said community development program and housing assistance goals, including but not limited to non-discrimination and affirmative action with regard to fair housing and employment and business opportunities for minorities and women, required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, the Americans with Disabilities Act of 1990 and other applicable laws; and

9. The County and Municipality shall not allocate Urban County funding for activities, in or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with the County's fair housing certification; and
10. The Municipality shall submit to the County funding requests for specific community development and/or housing assistance activities consistent with housing and community development needs of the urban county considered as a whole as may be identified by the County and the Urban County Consortium during the term of this Agreement. Maximum feasible priority should be given to activities that benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The County shall apply to HUD for community development block grants and HOME to fund such activities and urban countywide activities (including the County's reasonable cost for administration of the Erie County "Urban County" community development program provided for herein) which are determined by the County to be consistent with the housing and community development needs of the Urban County. To the extent that the application submitted to HUD by the County is approved and as approved includes funds for the Municipality's community development and housing assistance activities, community development block grant and HOME funds will be made available to carry out the above said specific community development and/or housing assistance activities, provided however, that a different distribution shall be made after receipt of advice or a determination by HUD or other duly authorized body that a different distribution is necessary to comply with the requirements of the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990. However, the County will not fund activities in or in support of a Municipality that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certifications; and
11. The County and Municipality shall cooperate in the preparation of any forms and applications required by the United States Department of Housing and Urban Development for funding under the Housing and Community

Development Act, as amended, and the 1990 National Affordable Housing Act, and shall sign such forms and applications as may be required by HUD. The County shall annually file such final statements as may be required by HUD. Pursuant to 24CFR 570.501(b) of the HUD regulations, the Municipality is subject to the same requirements applicable to sub recipients, including the requirement of a written agreement with the County prior to the disbursement of CDBG funds to the Municipality as set forth in 24CFR 570.503 of the HUD regulations; and

12. The Municipality shall inform the County of any program income generated by the expenditure of CDBG funds by the Municipality and that such program income may be retained by the Municipality only for eligible activities in accordance with all CDBG requirements as may then apply and subject to all other requirements set forth in this Agreement. Since the County has the responsibility of monitoring and reporting to HUD on the use of any such program income, the Municipality agrees to maintain appropriate record keeping and reporting systems as may be needed for this purpose. The Municipality further agrees that in the event of the termination of the grant or the termination of the Municipality's participation with the County's CDBG Program, any program income that is on hand or received subsequent to such termination shall be repaid to the County; and
13. The Municipality agrees to timely notify the County of any subsequent sale, or transfer to a use which does not qualify under the CDBG regulations, or real property acquired or improved in whole or in part using CDBG funds. In the event of the disposition or transfer to a non-CDBG qualifying use of real property acquired or improved in whole or in part using CDBG funds, an amount equal to the current fair market value of such real property (less any portion thereof attributable to expenditures of non-CDBG funds) shall be considered program income. Provisions contained in Section 8. above shall govern the treatment of such program income; and
14. The Municipality has adopted and is enforcing the following policies:
  - a) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
  - b) a policy of enforcing applicable state and local laws against barring physical entrance to or exit from a facility or location which is the subject of non-violent civil rights demonstrations within its jurisdiction; and
15. The terms of this Agreement will automatically be renewed for participation in successive three-year qualification periods unless the County or the Municipality provides written notice it elects not to participate in a new qualification period.

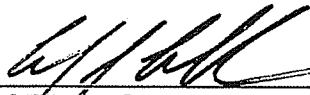
The County will provide written notification to the Municipality by the date specified in HUD's Urban County Qualification Notice for the next qualification period of its right not to participate. The Municipality shall provide a written notice of termination by the dates specified within the HUD Urban County Qualification Notice. Such written termination notice must be received by the non-terminating party at least ninety (90) days prior to the end of the current Urban County qualification period. If the Municipality fails to exercise the termination option at the end of the Urban County qualification period, the Municipality will not have the opportunity to exercise that option until the end of a subsequent Urban County qualification period; and


16. The County and the Municipality shall adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit such amendment to HUD as provided in the Urban County Qualification Notice. Failure to comply will void the automatic renewal for such qualification period; and
17. The Municipality agrees to undertake the necessary actions, as determined by the County, to carry out a community development program and the approved Comprehensive Housing Affordability Strategy (CHAS) and/or meet other requirements of the Community Development Block Grant (CDBG) Program and other applicable laws; and
18. The Municipality agrees that by executing this Cooperation Agreement that it understands that it:
  - a) may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County's CDBG program; and
  - b) may not participate in a HOME consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation; and
19. This Agreement must remain in effect until the CDBG and HOME funds and program income received with respect to the three-year qualification period and any successive qualification periods are expended and the funded activities completed, and that the County and Municipality may not terminate or withdraw from the Agreement while the Agreement remains in effect; and
20. Pursuant to 24 CFR 570.501(b), the Municipality is subject to the same requirements applicable to sub recipients, including the requirement of a written agreement described in 24 CFR 570.503.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date and year first above written.

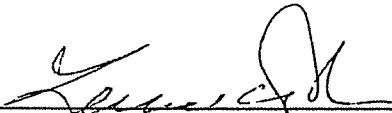
COUNTY OF ERIE

TOWN OF WEST SENECA

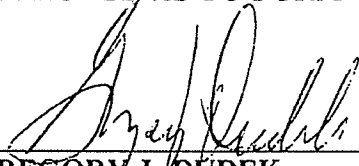
By:   
JOEL A. GIAMBRA  
County Executive  
Dated:                       
By Carl J. Calabrese  
Deputy CE

By:   
PAUL T. CLARK  
Supervisor  
Dated: 9-23-02

APPROVED AS TO CONTENT

  
LAURENCE K. RUBIN, Commissioner  
Department of Environment and Planning

APPROVED AS TO FORM

  
GREGORY J. DUDEK  
Assistant County Attorney

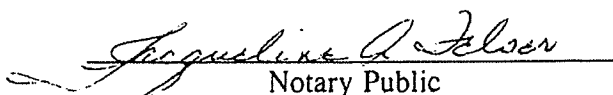
Dated: 12/5/02

Document No.: 02-1897-EP

**ACKNOWLEDGEMENT**

STATE OF NEW YORK )  
TOWN OF WEST SENECA) SS:  
COUNTY OF ERIE )

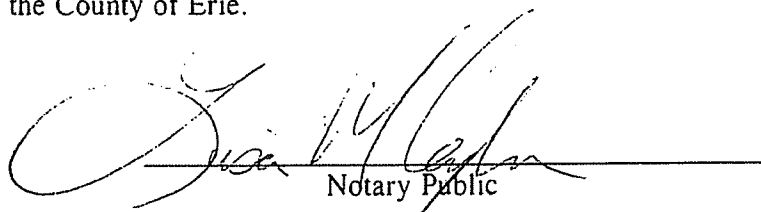
On this 23rd day of September, 2002, before me came **PAUL T. CLARK**, Supervisor of the Town of West Seneca, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his capacity for and on behalf of the Town of West Seneca.

  
Notary Public

JACQUELINE A. FELSER  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires 8/21/05

STATE OF NEW YORK)  
CITY OF BUFFALO ) SS:  
COUNTY OF ERIE )

On the 12th day of Feb, 2002, before me came **JOEL A. GIAMBRA**, Erie County Executive/**CARL J. CALABRESE**, Deputy County Executive, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his capacity for and on behalf of the County of Erie.

  
Notary Public

Lisa Marie Ceglia  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 11/4/08