

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

**TOWN BOARD PROCEEDINGS**  
**Minutes #2014-07**  
**April 7, 2014**

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance to the Flag led by Councilman Hart.

**ROLL CALL:** Present - Sheila M. Meegan Supervisor  
Eugene P. Hart Councilman  
William P. Hanley Jr. Councilman

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

The meeting was dedicated to the memory of Ellen Veiders, Phyllis Hart, Kathryn Rudnicki, Joseph Rizzo, Thomas Keane, William Corrigan and George Paul.

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**7-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2014-06 of March 24, 2014.

Ayes: All Noes: None Motion Carried

**7-B LEGAL ITEMS**

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING FOR PROPERTY LOCATED AT 14 CENTER ROAD, BEING PART OF LOT NO. 98, CHANGING ITS CLASSIFICATION FROM R-60A TO C-1 FOR A CHILD CARE FACILITY" in the Town of West Seneca, be received and filed.

Ayes: All Noes: None Motion Carried

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

Ayes: All Noes: None Motion Carried

Connie Scioli stated the building at 14 Center Road was previously the Center Road Medical Facility and she is proposing to turn the bottom portion into a daycare center capable of accommodating 50 children ages 4 – 12 and employing 8 – 10 individuals.

No comments were received from the public.

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the public hearing until the April 21, 2014 Town Board meeting.

**7-B LEGAL ITEMS**

On the question, Supervisor Meegan stated that due to some personnel changes at Bee Newspapers, the legal notice for this hearing was not published so they had to adjourn this item until the next meeting to allow for proper publication.

Ayes: All

Noes: None

Motion Carried

**7-C TABLED ITEMS**

- |  |                        |
|--|------------------------|
| 1. Supervisor Meegan re Designation of Step 3 Grievance Officer                | Remained on the table. |
| 2. Supervisor Meegan re Transfer of paper street commonly known as Diane Drive | Remained on the table. |
| 3. Supervisor Meegan re Amendment for Cazenovia Creek Ice Control Agreement    | Remained on the table. |

**7-D COMMUNICATIONS**

- |  |  |
|--|--|
| 1. Supervisor Meegan re Resolution regarding placement of sex offenders in group homes | Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution requesting the State of New York review its policy regarding placement of sex offenders in group homes and giving proper notification to neighborhood residents regarding location and placement. |
|--|--|

On the question, Councilman Hart stated he strongly supports the resolution and emphasized the importance of preserving neighborhoods by not allowing placement of sex offenders in group homes that have residential homes with children adjacent to them.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**7-D COMMUNICATIONS**

2. Supervisor Meegan re 2014 Annual Kiwanis Arts and Craft Show
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request of the West Seneca Kiwanis Club for use of Town Hall grounds and Veterans Memorial Park to hold their annual Craft Show on July 12 - 13, 2014.

Ayes: All                      Noes: None                      Motion Carried

3. Bond Counsel re Refunding Bond Resolution
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize refunding bonds in the amount of \$3,100,000 to advance refund the remaining outstanding general obligation serial bonds 2005 series A and to advance refund the remaining outstanding public improvement serial bonds of 2004 and its various purposes serial bonds of 2005, both as more specifically described in the attached resolution.

On the question, Councilman Hart stated this resolution involves the combination of older bonds with the intent of saving money and reducing interest. Approximately 4 percent will be saved annually on principal and interest.

Supervisor Meegan thanked Town Comptroller Jean Nihill for her assistance, noting they will be looking for permanent financing going forward.

Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*

4. Bond Counsel re Bond Resolution for Highway Improvements
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the issuance of general obligation bonds and bond anticipation notes to finance the construction of certain highway improvements as described in the attached resolution.

On the question, Councilman Hanley questioned if companies on North America Drive could bond for future damages.

Town Engineer Richard Henry responded that North America Drive is a public right-of-way that was dedicated to the town, so they could not ask businesses to pay for road reconstruction.

Supervisor Meegan stated the industrial park was not initially designed for the type of heavy traffic it receives.

**7-D COMMUNICATIONS**

4. (continued)

Councilman Hart questioned if town roads mentioned in the resolution are part of the annual rotation of highway reconstruction projects.

Highway Supt. Matthew English responded that he and Mr. Henry met and discussed streets and areas in town requiring reconstruction. The projects are chosen based on need and damage.

Councilman Hart questioned if the reconstruction of Commerce Drive includes all infrastructure.

Mr. Henry responded that only the storm sewer is being replaced. The watermain and sanitary sewer are in good condition.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

5. Town Engineer re 2013  
Phase 2 & 3 Sanitary Sewer  
Rehabilitation Project,  
change order #2

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #2 for the 2013 Phase 2 & 3 Sanitary Sewer Rehabilitation Project in the amount of \$36,265.82 to United Survey, Inc. for additional work performed as a result of unforeseen conditions (poor soil conditions, etc.), noting that funding is available under budget line 005.8100.0200.0524.

On the question, Councilman Hart stated the overall project is still under budget even with approval of this change order.

Ayes: All

Noes: None

Motion Carried

6. Town Engineer re SEQR  
determination for Commerce  
Parkway Reconstruction  
Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached SEQRA resolution and determination of Type II action relative to the 2014 Commerce Parkway Road Reconstruction Project.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**7-D COMMUNICATIONS**

7. Town Engineer re Proposal for sewer inspection service

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Pipe & Plant Solutions, 231 West 29<sup>th</sup> Street, Unit 607, New York, NY 10001 to perform inspection service for the 36" sewer trunk main and siphons located between the West Seneca High School and the connection to the Buffalo Sewer Authority at their low alternate bid of \$36,900 and noting that funding is available under budget line 005.8100.0200.0524.

Ayes: All                      Noes: None                      Motion Carried

8. Highway Supt. re Attendance at 2014 School for Highway Superintendents

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Highway Supt. Matthew English and Deputy Highway Supt. Greg Zimmerman to attend the 2014 School for Highway Superintendents at Ithaca College, Ithaca, New York, June 2 – 4, 2014 at a cost not to exceed \$1500.

On the question, Councilman Hart questioned if \$1500 was the total cost.

Highway Supt. Matthew English responded that \$1500 is the total cost for both individuals.

Ayes: All                      Noes: None                      Motion Carried

9. Highway Supt. re Appointment of Derek Sleger as full-time Sanitation Laborer

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Derek Sleger as part-time sanitation laborer and appoint Derek Sleger as full-time sanitation laborer at a rate of \$18.06/HR effective April 7, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

10. Highway Supt. re Title change for Robert Finnegan as Highway Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Robert Finnegan as Highway Laborer and appoint Robert Finnegan as Highway Motor Equipment Operator, Group 2, Step 5, at a rate of \$27.13/HR effective April 7, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried



**7-D COMMUNICATIONS**

13. Chief Denz re Appointment of Melissa Denecke as Senior Police Clerk provisional

Motion by Supervisor Meegan, seconded by Councilman Hart, to create the position of Senior Police Clerk and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Melissa Denecke as part-time seasonal clerk and provisionally appoint Melissa Denecke as full-time Senior Police Clerk effective April 8, 2014 at an annual salary of \$32,078.34, Group 4, Step 1 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

14. Chief Denz re Retirement of Richard F. Cotter

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Richard F. Cotter and terminate him as Detective effective April 23, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Detective Cotter has served the Town of West Seneca for the last 30 years.

On the question, board members wished Detective Cotter well in his retirement.

Ayes: All                      Noes: None                      Motion Carried

15. Chief Denz re Retirement of Mary P. Caulfield

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the retirement of Mary P. Caulfield and terminate her as Detective effective April 22, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Detective Caulfield has served the Town of West Seneca for the last 25 years.

On the question, board members wished Detective Caulfield well in her retirement.

Ayes: All                      Noes: None                      Motion Carried





**7-D COMMUNICATIONS**

19. Sr. Recreation Therapist of Senior Services re Appointment of Van Drivers

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Richard Kelley, Charles Mager and Christopher Rusin as part-time van drivers at a rate of \$8.50/HR effective April 8, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

20. Sr. Recreation Therapist of Senior Services re Appointment of G. Busse as part-time Clerk Typist

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Georgiann Busse as part-time Clerk Typist at a rate of \$9/HR effective April 8, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

21. Sr. Recreation Therapist of Senior Services re Status change for J. Kropczynski to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Clerk Typist Janet Kropczynski to part-time seasonal effective April 8 – May 16, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

22. Recreation Director re Status change for Lauren Masset to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Recreation Supervisor Lauren Masset to part-time seasonal effective April 7 – August 22, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

23. Recreation Director re Pay rate change for Jillian Piniewski

Motion by Supervisor Meegan, seconded by Councilman Hart, to grant a rate increase to \$9.50/HR to part-time Recreation Attendant Jillian L. Piniewski effective April 7, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

## **7-E REPORTS**

- Jacqueline A Felser, Town Clerk's report for March 2014 received and filed.
- John A. Gullo, Code Enforcement Officer's report and plumbing report for March 2014 received and filed.
- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of April 7, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of April 7, 2014 received and filed.

## **ISSUES OF THE PUBLIC**

### **HUMAN RESOURCE CONSULTANT**

David Kims referred to the presentation given by Public Sector HR Consultants at the March work session and questioned why they are no longer working for the town.

Councilman Hart responded after evaluating the situation Public Sector HR Consultants decided it was in their best interest to back out of the contract. He stated he was not going to give any further reasons because he felt some of the information provided was private and sensitive.

### **SENIOR CENTER IMPROVEMENTS**

Brownie Michalczak thanked Sr. Recreation Therapist of Senior Services Mary Josefiak and the Town Board for increasing the parking lot at the Senior Center and for the installation of a new sidewalk at the rear entrance of the building.

### **AMERICORPS PAYMENT**

Karen Lucachik questioned if the AmeriCorps payment had been received and the outstanding amount still owed to the town.

Town Comptroller Jean Nihill responded that the AmeriCorps payment was received.

Supervisor Meegan stated AmeriCorps recently sold property and they are looking to settle their account with the town. Discussions are continuing as the board members review their offer and she hoped that it would be finalized by this time next year.

Mrs. Lucachik questioned if the entire debt will be paid, noting that AmeriCorps almost put the town out of business.

Supervisor Meegan responded that the town attempted to keep AmeriCorps healthy enough so they could manage the monthly payment while continuing their service to the community. That was the objective and they were able to fulfill it.

**ISSUES OF THE PUBLIC**

**LEXINGTON GREEN FLOOD VICTIMS**

Joe Koziol thanked Councilman Hanley for providing information about discounted appliances at Orville's for victims of the Lexington Green flood.

**SUMMER DAY CAMP PROGRAM**

John Domagala referred to the successful summer camp program in Orchard Park, the high number of children attending the program and the large amount of money it generates for the town. He hoped the summer camp program in West Seneca will be run adequately and asked the board members for their full support.

Recreation Director Craig Kroll responded that Orchard Park has been running their summer camp program for eleven years and they are very experienced. He hoped the summer day camp program in West Seneca will grow accordingly and generate revenue for the town.

**SCHOOL STREET PROPERTY**

Amy Carpenter questioned the status of the School Street property.

Supervisor Meegan responded the property is sold and she understood there was no profit after AmeriCorps paid their bills.

**BUDGETARY TRANSFERS**

Amy Carpenter referred to budget transfer forms used by the town and commented they are vague, do not indicate vendors or what the transfer is for and dollar amounts are questionable. She further questioned if the town is under contract with a vendor for cleaning supplies.

Supervisor Meegan responded that budget transfers are not for specific purchases. They are for projected shortfalls in line items so they do not go over what was budgeted.

Sr. Recreation Therapist of Senior Services Mary Josefiak stated that vendors such as Morgan and Chudy along with the Buildings & Grounds Department provide cleaning supplies for the senior center. The building is inspected by the Health Department so they have to keep it clean.

Councilman Hart explained that expenditures are charged to a particular appropriation account, and when it nears its budgeted amount the board can adjust the budget by transferring money to allow for continued purchasing against that budget line. Budget transfers are not made for specific vendors. By law the town cannot overspend an appropriation, but they can adjust it with a budget transfer.

**ISSUES OF THE PUBLIC**

**BUDGETARY TRANSFERS** (continued)

Mrs. Carpenter questioned if seniors pay for craft supplies and how that is reflected in the budget.

Mrs. Josefiak responded the town provides craft supplies and the seniors pay for any ceramics pieces they make.

Councilman Hart stated any incoming money is reflected in revenue lines of the budget and offered to show Mrs. Carpenter a report outlining specific revenue appropriated lines.

Brownie Michalczak stated he is one of over 600 volunteers that help run the senior center and money is not spent frivolously. Mr. Michalczak further commented that Mrs. Josefiak is doing a great job.

**ETHICS COMMITTEE**

Dale Clarke questioned the status of appointments to the Ethics Committee.

Supervisor Meegan stated the committee will consist of Town Clerk Jacqueline Felser and six individuals recommended by the board members. Each board member will be submitting two names to the Town Attorney tonight and Mrs. Felser will schedule meetings as issues of concern are presented.

Dale Clarke referred to a discussion at the last Town Board meeting and questioned the status of Zoning Board of Appeals Chairman Tim Elling receiving gifts.

Councilman Hanley responded he reached out to the Town Attorney and has spoken to Mr. Elling. He does not believe an ethics violation took place; however, once established the Ethics Committee will investigate the matter.

Mr. Clarke referred to a statement Councilman Hart made at the last Town Board meeting implying Mr. Clarke had hired relatives to town positions while he served as councilman and questioned if Councilman Hart was able to provide any names of relatives that were appointed.

Councilman Hart responded he did not have any names and Supervisor Meegan stated she is not aware of Mr. Clarke appointing any family members during his term as councilman.

**ISSUES OF THE PUBLIC**

**PARKING SITUATION ON CENTER ROAD**

Mike Truscott referred to a previous Town Board meeting where he voiced a concern regarding parking issues on Center Road and stated the visual problems still exist for vehicles pulling out of Louis Avenue. He further asked that the property be cleaned up.

Chief Denz responded they have looked at the situation and are contemplating what can be done. The issue will be brought to the Traffic Committee by the end of April to discuss a resolution to the problem.

Code Enforcement Officer John Gullo stated he is waiting to hear back from the property owner concerning the property maintenance issue. He further noted there is a parking lot across the street that belongs to the owner so they could park there instead.

**GARBAGE TOTES**

Johanna Guenther thanked Highway Superintendent Matthew English for all his personal assistance and questioned the status of her request for assisting senior and disabled citizens with the handling of garbage totes.

Mr. English responded he will look into the possibility of helping disabled and qualifying senior citizens that require tote assistance as soon as the exchange program is completed.

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

**EMERGENCY OPERATION CENTER**

Chief Denz stated he has been working with West Seneca School Superintendent Dr. Crawford to establish a new Emergency Operations Center (EOC) and the school district has agreed to provide space at the Alternative Education Center on Mill Road.

Councilman Hart questioned what type of equipment will be needed, if grants are available and where the red alert system will be run from.

Chief Denz responded that grants are available and the school district will also be helping out. He thanked Dr. Crawford and the school board for their assistance in the establishment of the new Emergency Operation Center.

Code Enforcement Officer John Gullo stated that some equipment has already been acquired such as radios, computers and furniture. He will compile a list of necessary equipment once he is aware of what the school district is able to provide. Mr. Gullo stated the proposed mass notification system will be run from the new EOC and/or the dispatch center.

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

**DETECTIVES RETIREMENT**

Chief Denz thanked Detectives Cotter and Caulfield for their service to the town and wished them well in their retirement.

**SUMMER RECREATION PROGRAM**

Recreation Director Craig Kroll announced that summer recreation program signup begins Saturday, April 12<sup>th</sup>, 10:00 AM - 2:00 PM. A brochure outlining all summer programs is available on the town's website.

**PRESCRIPTION DROP OFF / HEALTH & SAFETY FAIR**

Sr. Recreation Therapist of Senior Services Mary Josefiak announced a prescription drug drop off event will take place on Saturday, April 26<sup>th</sup> at the senior center from 10:00 AM – 2:00 PM along with a Health & Safety Fair sponsored by Senator Patrick Gallivan. The YES group will be offering a Kids Zone and police officers will be available for child car seat inspections.

**REQUEST FOR EXECUTIVE SESSION**

Town Attorney Charles Grieco requested an executive session to update the board members on a pending litigation matter.

**EXECUTIVE SESSION**

Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to Executive Session at 7:55 P.M. to discuss a litigation matter with Town Attorney Charles Grieco.

Ayes: All

Noes: None

Motion Carried

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

**ADJOURNMENT**

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

Ayes: All

Noes: None

Motion Carried