

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the December 3, 2012 Executive Session.

Ayes: All

Noes: None

Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the December 11, 2012 bid opening for a wheelchair accessible van.

Ayes: All

Noes: None

Motion Carried

20-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 5190 SENECA STREET, BEING PART OF LOT NO. 279, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR USED CAR SALES" in the Town of West Seneca, be received and filed.
(Mark Schiffhauer)

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

Attorney Ralph Lorigo represented Mark Schiffhauer and stated his proposal to sell used cars at 5190 Seneca Street, noting that Mr. Schiffhauer lives in town and currently owns a used car sales business across the street from this location. He acquired the property from Perry's Nursery who had previously owned it for three decades and used it for outside storage that sometimes blocked visibility at the intersection. Mr. Lorigo stated that the site plan shows the access from Center Road will be closed so the only ingress/egress will be from Seneca Street. There will be green area all around the property, 10' of green area in the front and large green areas in the rear. New garage doors have been installed and Mr. Schiffhauer plans to paint the exterior of the building. This location will supplement the business across the street and no other work than the sale of used vehicles will take place on the property. There will be an office in the building to accommodate one employee.

Supervisor Meegan referred to the parking of 12 vehicles across the front along Center Road and questioned where employees will park.

Mr. Lorigo referred to the site plan and indicated where employee and customer parking will be located. The site plan showed space for 21 used vehicles to be sold and three spaces for one employee and customers.

20-B LEGAL ITEMS

1. (continued)

Councilman Hart stated that discussions had taken place with the Code Enforcement Office regarding a reduction in the number of cars being displayed and construction of a fence in the rear of the property for screening.

Mr. Lorigo responded that Mr. Schiffhauer has no problem adding a fence along the rear of the property, but maximizing the number of vehicles for sale is of great importance.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a special permit for property located at 5190 Seneca Street, being part of Lot No. 279, changing its classification from C-2 to C-2(S), for used car sales, with the following stipulations: 1) a fence be installed on the west lot line 175' long; 2) provide four customer parking spaces and indicate with signs; 3) a limit of 15 cars for sale; 4) no dismantling of vehicles on site; 5) all vehicles on site shall be NYS inspected; 6) the building will be painted; 7) no parking of vehicles for sale on site until this is completed.

On the question, Mr. Lorigo questioned if the reduction in the number of vehicles from 21 to 15 was a requirement of the special permit.

Supervisor Meegan responded that these were the concerns of the board members and the project will now have to go through the site plan review process.

Town Attorney Shawn Martin questioned if granting of the special permit was subject to the stipulations recited and Supervisor Meegan responded that it was.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 2343 UNION ROAD, BEING PART OF LOT NO. 294, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR SERVICE OF ALCOHOLIC BEVERAGES" in the Town of West Seneca, be received and filed. (Jordan Blachowicz)

Ayes: All

Noes: None

Motion Carried

20-B LEGAL ITEMS

2. (continued)

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

Ayes: All

Noes: None

Motion Carried

Joe Blachowicz, owner of the proposed family restaurant, stated his proposal to serve alcoholic beverages, noting that this location is the former Denny's Restaurant on Union Road near French Road.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to grant a special permit for property located at 2343 Union Road, being part of Lot No. 294, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

Ayes: All

Noes: None

Motion Carried
APPENDICES

20-C COMMUNICATIONS

1. Supervisor Meegan re Bid award for wheelchair accessible van

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to award the bid for a wheelchair accessible van to Gorman Enterprises, 391 Bullis Road, Elma, NY 14059 at their bid of \$39,506.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re Amendment to Investment Policy & Guidelines

Motion by Supervisor Meegan, seconded by Councilman Hart, to amend the Town's Investment Policy and Guidelines originally adopted by the Town Board on December 18, 1989 and amended on August 15, 1994 to comply with current recommendations from the Office of the New York State Comptroller.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

3. Supervisor Meegan re Bid date for dishwasher for Senior Center

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of January 16, 2013 at 10:00 A.M. for receipt of bids on the purchase of a Jackson MSC Model No. TEMPSTAR W/O dishwasher for the Senior Center.

On the question, Councilman Hart questioned if this restricted the town to only purchasing that product.

Director of Recreation, Youth & Senior Services Mary Josefiak responded that this is the only product available that will fit without overhauling the entire kitchen.

Ayes: All

Noes: None

Motion Carried

4. Supervisor Meegan re Purchase of fitness & kitchen equipment for Senior Center

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the purchase of fitness equipment from G. Pacillo Company at their quote of \$21,635 noting all equipment is off the current New York State contract list; and further authorize the purchase of kitchen equipment from Buffalo Hotel Supply Co., Inc., at their quote of \$9,904 noting that reimbursement of these costs will be funded by the Erie County Community Development Block Grant agreement that was adopted at the July 9, 2012 Town Board Meeting.

Ayes: All

Noes: None

Motion Carried

5. Town Engineer re Bid date for 2012 Sanitary Sewer Repair Contract

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of January 29, 2013 at 10:00 A.M. for receipt of bids on the 2013 Sanitary Sewer Repair Project.

On the question, Councilman Hart asked for clarification on this project.

Town Engineer Richard Henry responded this is the annual sewer repair contract, the dollar amount of which was reduced in the 2013 budget because of ongoing work. This contract covers emergency sewer repair work.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

6. Town Engineer re bid award for Town Hall Handicap Accessibility Project
- Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the electrical construction of the Town Hall Handicap Accessibility Project to Frey Electric Construction Co, 100 Pearce Ave., Tonawanda, NY 14150 at their low bid of \$63,950; and further, award the bid for the general construction of the Town Hall Handicap Accessibility Project to Resetarits Construction Corp., 1115 Delaware Ave., Buffalo, NY 14209 at their low bid of \$452,000 noting that funding is available through a combination of Community Development Block Grant funds and Town of West Seneca budgeted funds.

On the question, Councilman Hart questioned if the schedule was available.

Town Engineer Richard Henry responded the schedule will be available once the contract is awarded. There were 12 bidders on this project and the bids came in significantly under budget.

Ayes: All

Noes: None

Motion Carried

7. Town Engineer re Reimbursement for work on NYSDOT ADA Compliance Project
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the Supervisor to sign the necessary paperwork to receive reimbursement in the amount of \$987.60 for work done by the Town of West Seneca on the NYSDOT's ADA Compliance Project, SFY 11-12, Erie County, PIN 5808.25.301, at Seneca Street and Wildwood Avenue to remove a pole and luminaire and relocate the luminaire to a nearby signal pole.

Ayes: All

Noes: None

Motion Carried

8. Highway Supt. re Termination of part-time sanitation laborers
- Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate James Rappleye and Corey Reynolds as part-time sanitation laborers effective December 3, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Rusinski asked that in the future any items concerning a termination of employment include the reason for the separation.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

9. Highway Supt. re Carryover of unused vacation days for Dina Weixlmann
No motion is required on this item so it was received and filed.
10. Chief Gehen re Purchase of computer equipment
Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the purchase of computer and IT related purchases at a total cost of \$25,514.42 including installation from SynchroNet Industries, 3654 Clinton Street, West Seneca, noting all equipment is off the current New York State contract list and funding is available in the Police Department Federal Asset Forfeiture Seizure Account #4.4.T72.

On the question, Chief Gehen stated this equipment has been recommended by IT Officer Adinolfi. Funding comes from a federal asset seizure account which is money obtained through a federal, state or local process based on investigations, usually narcotics investigations. During these investigations the assets are seized and turned over to the Finance Office, kept in a special fund and specifically used for police purposes. Purchasing the computer equipment will upgrade all servers in the IT room and bring the department up-to-date on its software needs.

Ayes: All

Noes: None

Motion Carried

11. Chief Gehen re Retirement of Robert Rappold as Public Safety Dispatcher
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to accept the retirement of Robert Rappold and terminate him as Public Safety Dispatcher effective January 6, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that Mr. Rappold has served the town for 20 years.

On the question, Councilman Rusinski noted Mr. Rappold's service to the community and wished him well in his retirement.

Chief Gehen stated that Mr. Rappold has been an excellent Public Safety Dispatcher and his retirement will be a loss for the department.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

12. Chief Gehen re Status change for part-time Public Safety Dispatcher Edward Jarka to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatcher Edward Jarka to part-time seasonal effective December 1 – 31, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Chief Gehen re Rate increase for part-time Public Safety Dispatchers S. Windover & R. Miller

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to grant a rate increase to \$11.45 per hour for part-time Public Safety Dispatchers Scott Windover and Richard Miller effective October 31, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting these individuals have reached their required 1400 hour service level and are eligible for the \$.50 hourly increase.

Ayes: All Noes: None Motion Carried

14. Town Clerk re Status change for part-time clerks L. Fischione & M. Pomana

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time clerks Laurine Fischione and Margaret Pomana to part-time seasonal effective January 7 - March 15, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

15. Town Clerk re Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request for the Town Clerk as follows:

From:

<u>Acct. #</u>	<u>Description</u>	<u>Amount</u>
1.1410.0460	Computer Maintenance	\$500
1.1410.0414	General Mandated Training	\$300

To:

<u>Acct. #</u>	<u>Description</u>	<u>Amount</u>
1.1410.0448	Print/Lit. Costs	\$800

Ayes: All Noes: None Motion Carried

20-C COMMUNICATIONS

16. Code Enforcement Officer re
Removal of unsafe conditions
at 38 Tampa Drive

Code Enforcement Officer Jeffrey Schieber stated his office worked with Town Attorney Shawn Martin and the board members and every attempt was made to resolve the unsafe conditions at this property. The property has a detached garage that will be demolished. An asbestos survey is required on all properties prior to demolition. The survey will be done by a licensed contractor and if asbestos is found and removal is required, it could result in increased costs.

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to proceed with the removal of unsafe conditions at 38 Tampa Drive, noting that the cost of this action will be assessed against the land on which the building is located; and further, accept the low bid of \$1,200 from Pirritano Excavating Inc., 28 Ransier Drive, West Seneca, for demolition of the garage.

On the question, Councilman Rusinski questioned the towns' liability for any contents in the garage.

Mr. Schieber responded that legally all required paperwork has been sent and all efforts exhausted.

Councilman Hart questioned what happens if the building is opened up at the time of demolition and they find automobiles, etc. inside.

Town Attorney Shawn Martin stated that if a registered automobile is found the town should make some effort to find the owner. If the owners can be identified, they can be summoned to court for violation of the building code and then there are other penalties and avenues they could be prosecuted for.

Supervisor Meegan responded that the town has done its due diligence and going forward this is the way the town will be conducting business. She felt this is a good plan and the town is doing what is allowable by law.

Ayes: All

Noes: None

Motion Carried

17. Code Enforcement Officer re
Removal of unsafe conditions
at 557 Main Street

Code Enforcement Officer Jeffrey Schieber stated there is a detached garage on the property at 557 Main Street that is leaning, has broken windows and is partially collapsed. Every attempt was made to resolve the unsafe conditions at this property.

20-C COMMUNICATIONS

17. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to proceed with the removal of unsafe conditions at 557 Main Street, noting that the cost of this action will be assessed against the land on which the building is located and further accept the low bid of \$6,500 from Pirritano Excavating Inc., 28 Ransier Drive, West Seneca, for demolition of the garage.

Ayes: All

Noes: None

Motion Carried

18. Finance Office re Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$20,250 from Acct. #1.1620.0445.0212 Building Repairs & Maintenance to Acct. #1.7410.0445 Library Repairs & Maintenance which represents matching funds for the Library Construction Grant.

Ayes: All

Noes: None

Motion Carried

19. Director of Recreation, Youth & Senior Services re Termination of D. Corcoran as Recreation Attendant

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Devan Corcoran as part-time Recreation Attendant for Youth Theatre effective December 1, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

20. Director of Recreation, Youth & Senior Services re Appointment of L. Kirchmyer as Recreation Attendant

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Lauren Kirchmyer as part-time Recreation Attendant for Youth Theatre effective December 17, 2012 at a rate of \$7.25 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

21. Director of Recreation, Youth & Senior Services re Status change for J. Kropczynski to part-time 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 December 10, 2012 – April 12, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

22. Director of Recreation, Youth & Senior Services re Status change for L. Piniewski to part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker LeeAnn Piniewski to part-time seasonal effective December 1, 2012 – March 29, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

23. Director of Recreation, Youth & Senior Services re Status change for part-time employees to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time employees Virginia Antos, Barbara Brooks and Maryann Gullo to part-time seasonal effective January 2 – May 31, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned what these individuals do at the senior center.

Director of Recreation, Youth & Senior Services Mary Josefiak responded that Mrs. Antos is a Clerk Typist and both Barbara Brooks and Maryann Gullo are ceramics instructors.

Ayes: All Noes: None Motion Carried

24. Town Justices re Budgetary transfer requests

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$120 from Acct. #1.1110.0469 Juror Fees to Acct. #1.1110.0200 Equipment to cover the cost of five keyboard trays.

Ayes: All Noes: None Motion Carried

20-C COMMUNICATIONS

25. Code Enforcement Officer re
Budgetary transfer requests

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve budgetary transfer requests for the Code Enforcement Office as follows:

From:

<u>Acct. #</u>	<u>Description</u>	<u>Amount</u>
1.3610.0419	Plumbing Board	\$148
1.8760.0216	Computer	\$250
1.8760.0419	Other Expenses	\$552.38

To:

<u>Acct. #</u>	<u>Description</u>	<u>Amount</u>
1.3620.0419	Miscellaneous Expenses	\$148
1.8760.0416	Gasoline	\$802.38

Ayes: All Noes: None Motion Carried

26. Town Engineer re Budgetary
transfer requests

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve budgetary transfer requests for the Engineering Department as follows:

From:

<u>Acct. #</u>	<u>Description</u>	<u>Amount</u>
1.1440.0137	Other Clerical	\$1340
1.1440.0443	Equipment Repairs & Maint.	\$607.66
3.8100.0445	Sewer Repairs & Maintenance	\$4493.36

To:

<u>Acct. #</u>	<u>Description</u>	<u>Amount</u>
1.1440.0139	Part-time clerical	\$1340
1.1440.0416	Gasoline	\$316.57
1.1440.0419	Other Expenses	\$291.09
3.8301.1443	WD#1 Repairs & Maintenance	\$208.25
3.8100.0144	Sewer Service Dept. Sewer Crew	\$272.47
3.8100.0400	Sewer Department Supplies	\$2790.06
3.8100.0443	Sewer Equipment Rep. & Maint.	\$1222.58

Ayes: All Noes: None Motion Carried

20-C COMMUNICATIONS

27. Councilman Hart re West Seneca Soccer Club debt

Motion by Councilman Hart, seconded by Supervisor Meegan, to credit the West Seneca Soccer Club \$7,392 which is the approximate value of miscellaneous equipment owned by the club and acquired by the town at the time of the town's acquisition of the soccer park, leaving a balance of \$10,000 due the town; and further, upon payment of the \$10,000 the town will absolve the West Seneca Soccer Club of any future debt payments associated with the original lease agreement dated April 20, 1999.

On the question, Councilman Hart stated he met with the soccer club and collectively came up with this resolution. The soccer club has paid approximately \$230,000 over the period of the lease and the debt has been retired. The final payment of \$10,000 will settle this issue.

Ayes: All

Noes: None

Motion Carried

28. Councilman Hart re Construction of storage building at soccer park

Motion by Councilman Hart, seconded by Councilman Rusinski, to authorize the West Seneca Soccer Club to construct a permanent secure storage building to replace the current storage facility at the soccer park, noting the location of the building will require the approval of Highway Sup't. Matthew English and Buildings and Grounds Foreman Steven Amoia and be subject to all applicable state laws, town codes, inspections and permits, and further note that funding will be provided with West Seneca Soccer Club funds at no cost to the town and prior to construction the West Seneca Soccer Club will be required to execute a lease agreement with the town.

On the question, Supervisor Meegan stated the importance of the West Seneca Soccer Club working with Highway and Buildings & Grounds due to concerns regarding wetlands. If possible she would like to see the current building expanded vs. construction of a total new building.

Town Attorney Shawn Martin stated he would like to review the lease agreement once it is prepared, noting the project may require prevailing wages if considered a capital improvement on town property.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

29. Councilman Hart re Mold abatement at Christian Metz building

Motion by Councilman Hart, seconded by Councilman Rusinski, to authorize the Supervisor to advertise for cost quotes to establish a mold abatement program at the Christian Metz Building.

On the question, Supervisor Meegan stated the Town Engineer will be reviewing the report from Stohl Environmental tomorrow. A recommendation will be made after the review and an RFP prepared to deal with the mold abatement. The basement could possibly be closed off and filled if it appears to be the main source of mold.

Councilman Hart noted they may not go forward with this if the quotes are too costly.

Ayes: All

Noes: None

Motion Carried

30. Councilman Hart re Certified Local Government Program

Motion by Councilman Hart, seconded by Supervisor Meegan, to authorize Town Historian James Pace to begin the process that will result in the Town of West Seneca becoming a Certified Local Government Program participant.

On the question, Councilman Hart stated this is just the first step and might not be as simple as it sounds. This will be looked at carefully and cautiously before the town actually becomes a Certified Local Government Program participant. If the opportunity presents itself for the town to be a participant, significant grant money could possibly be acquired to preserve many of the town's historic buildings.

Supervisor Meegan thanked Town Historian James Pace for all his efforts.

Ayes: All

Noes: None

Motion Carried

31. Councilman Hart re Contract requirement for use of town facilities

Motion by Councilman Hart, seconded by Councilman Rusinski, to require signed contracts from organizations using town facilities, and that the Town Attorney prepare a standard contract and any other contract that is necessary, noting the contract is to be signed by the Director of Recreation or the Supervisor prior to review and approval of the Town Attorney and Town Board.

On the question, Supervisor Meegan questioned if something specific happened to cause this motion.

20-C COMMUNICATIONS

31. (continued)

Councilman Hart responded he is trying to formalize the contract process. A contract outlines the rights, responsibilities and fees charged alleviating any potential problems with independent contractors.

Town Attorney Shawn Martin stated there are contracts already in place and available in his office for use of all town facilities.

Ayes: All

Noes: None

Motion Carried

32. Councilman Hart re Creation or reactivation of West Seneca Development Corporation

Councilman Hart stated that in recent years the West Seneca Development Corporation has been inactive and the town has utilized the Erie County Industrial Development Agency (ECIDA) to provide development services within the town. The town currently does not

have representation on the ECIDA and this places the town at a competitive disadvantage with other communities that operate industrial development corporations. Councilman Hart directed Town Attorney Shawn Martin to research and report to the Town Board within 60 days the rules and regulations governing the establishment of a West Seneca Industrial Development Corporation under General Municipal Law, Section 858, or any other law or regulation that applies, so as to enable the establishment of a West Seneca Industrial Development Agency. He further asked that Mr. Martin confirm the status of the former West Seneca Development Corporation and review for the existence of any contracts between the town and the ECIDA, and if any contracts exist, provide a summary of the terms and the rights and responsibilities of each party. Councilman Hart commented that West Seneca should have a voice on the ECIDA and he would like the members who don't attend the meetings to graciously step down and allow others the opportunity to participate.

Councilman Rusinski stated the purpose of this discussion is to have Mr. Martin research information and report back to the board. It does not mean a Development Corporation will be formed.

Supervisor Meegan commented that the Town of West Seneca deserves a seat on the ECIDA and noted that the Amherst Supervisor sits on the ECIDA board even though Amherst has their own industrial development agency.

33. Councilman Hart re Odenbach tournament at soccer park

Motion by Councilman Hart, seconded by Supervisor Meegan, to waive the \$1016 in charges for the Odenbach tournament at the soccer park.

20-C COMMUNICATIONS

33. (continued)

On the question, Councilman Hart stated that for several years the town allowed the Odenbach, a charitable organization, to sponsor a soccer tournament at the soccer park without a written contract specifying the rights and responsibilities of both parties and the fees. Tournament organizers do not believe they were notified that additional charges would be imposed for the 2012 tournament and they did not set the entry fee high enough to cover those additional charges. Since the town could not determine if the Odenbach was properly notified of the additional charges, Councilman Hart suggested that the town waive the \$1016.

Ayes: All

Noes: None

Motion Carried

34. Councilman Hart re
Burchfield Center report

Motion by Councilman Hart, seconded by Councilman Rusinski, to receive the Burchfield Nature and Art Center 2012 annual report and make the report a part of the official record.

On the question, Councilman Hart personally thanked all the volunteers for their 4,600+ hours of volunteer work. These volunteers make the Burchfield Center the wonderful place that it is and he encouraged everyone to stop in and enjoy all it has to offer.

Supervisor Meegan commented on the outstanding service provided by the volunteers and stated that part of the next grant application will include the volunteer in-kind hours.

Ayes: All

Noes: None

Motion Carried

35. Chief Gehen re Budgetary
transfer request

Motion by Councilman Rusinski, seconded by Supervisor Meegan, to approve a budgetary transfer request in the amount of \$2500 from Acct. #1.3120.0210 Various Police Equipment to Acct. #1.3120.0211 Dispatch Equipment.

Ayes: All

Noes: None

Motion Carried

20-D WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - \$2,761,492.07; Highway Fund - \$796,550.48; Special Districts - \$128,947.03 (voucher #'s 75507 - 76343); Trust & Agency Fund - \$30,120.27 (voucher #'s 76303 - 76318); Capital Fund - \$51,176.11 (voucher #'s 76211 - 76219)

Ayes: All

Noes: None

Motion Carried

20-E REPORTS

- Jacqueline A Felser, Town Clerk's report for November 2012 received and filed.
- John Gullo, Code Enforcement Officer's report & plumbing report for November 2012 received and filed.

ISSUES OF THE PUBLIC

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)

Karen Lucachik recalled that Amherst Town Supervisor Barry Weinstein asked to be reinstated on the ECIDA board. She also commented that the ECIDA did not serve the Town of West Seneca well when it approved a grant for Katie's Place, noting it is not a low income project and only serves the owner of the building with no benefit to the town.

BURCHFIELD VOLUNTEERS

Karen Lucachik commented she was happy the Burchfield volunteers were given recognition for their work and questioned if the town hosts a Christmas party for the volunteers.

Supervisor Meegan stated there are several volunteer groups in town and the town does not at the current time hold a party for them.

STATUS OF AMERICORPS DEBT

Karen Lucachik questioned the status of the AmeriCorps payments.

Patrick Clancy of the Finance Department responded they had not received any payment for the month of December.

STEPS AT BURCHFIELD CENTER

Karen Lucachik referred to the steps at Bldg. C at the Medical Park on Orchard Park Road and commented that the steps at the Burchfield Center should be constructed the same way.

COURT ROOM IMPROVEMENTS

Karen Lucachik commented that the improved seating in the court room is not comfortable and the audio system is inadequate. She further commented that exhibitions at Zoning and Planning meetings are shown only to board members. Power point presentations are not being utilized and the overhead screen needs to be bigger. She feels the right people are not being hired to study what is needed and questioned why security cameras at the parks don't work in the evening.

ISSUES OF THE PUBLIC

COURT ROOM IMPROVEMENTS (continued)

Supervisor Meegan stated the security cameras do work in the evening. Cameras were working when damage occurred at a town park; however, the vandals were out of camera range. Supervisor Meegan further stated the court room improvements were fully funded from Justice Court Assistance Program (JCAP) grants through the NYS Court System.

BENEFITS FOR BOARD MEMBERS

Karen Lucachik asked the council members to reconsider accepting health benefits like other Town Boards had. She further commented that she felt the board members were heading in the right direction and there was a lot of thinking and planning go on. They had worked very hard this year which resulted in many accomplishments. Mrs. Lucachik also thought the engineering firm was extremely beneficial to the town.

STATUS OF TRANSFER OF DEVELOPMENTAL CENTER LAND

Amy Carpenter questioned the status of the transfer of land at the developmental center.

Supervisor Meegan responded there was no update or time frame and it was not for the town to decide. She did have a conversation regarding the homes along East & West and Leydecker Roads, but everything is slow in government.

Mrs. Carpenter suggested the town do overlays for that property and questioned if the Master Plan had been started.

Supervisor Meegan responded that they had talked about rezoning the property to R-90 to keep the town safe and conversations concerning the Master Plan were moving along.

STATUS OF RECREATION AND SENIOR SERVICES STUDY

Amy Carpenter questioned the status of the recreation and senior services study.

Supervisor Meegan responded they had received the results of the study and will be discussing it in Executive Session as it involves employees and union contracts.

NOTIFYING NEIGHBORS OF ZONING CHANGES & VARIANCES

Amy Carpenter referred to the special permits granted for live music at bars and commented that the police should be aware of the permits. She further suggested the town solicit neighbors for their approval on special permits and variances.

ISSUES OF THE PUBLIC

NOTIFYING NEIGHBORS OF ZONING CHANGES & VARIANCES (continued)

Town Clerk Jacqueline Felser responded that when a rezoning or special permit is applied for, her office notifies property owners within a 250 foot radius of the proposal and advises them of the date and time of the meetings.

Code Enforcement Officer Jeffrey Schieber stated that when an application is submitted for the Zoning Board of Appeals, the petitioner is advised to get written approval of their proposal from the abutting property owners.

ABANDONED HOUSES

Linda Toy referred to a house on Burch Avenue in need of repairs and questioned how long a house has to be abandoned before the town takes action to tear it down.

Supervisor Meegan responded that if the town is not aware of a situation they cannot react and the more calls received the quicker the response.

Code Enforcement Officer Jeffrey Schieber stated there are over 80 houses in town that are a problem and it is all about safety.

NUMBER OF TOWN EMPLOYEES

Johanna Guenther asked Supervisor Meegan if she had any figures on the reduction in town employees as previously requested.

Supervisor Meegan responded there were 280 active town employees in 1980 compared with 215 today.

STATUS OF CAT ORDINANCE

Johanna Guenther questioned the status of the proposed cat ordinance.

Supervisor Meegan stated the proposed language needed to be changed. This will be addressed next year in February or March and another public hearing will be held.

Code Enforcement Officer Jeffrey Schieber stated they had not received any more complaints on those that were cited and agencies were sent over to help with the situations.

ISSUES OF THE PUBLIC

BATHROOMS AT SENIOR CENTER

Johanna Guenther commented that the bathrooms at the senior center, especially the ladies room, needed some attention, noting that one toilet was almost coming off the wall.

EXECUTIVE SESSIONS

David Kims questioned the authorized reasons for an Executive Session.

Town Attorney Shawn Martin responded that certain subject matter required discussion in an Executive Session and this was outlined in the Public Officers Law under Open Meetings.

SOCCER CLUB DEBT

Frank Russo questioned the outstanding balance on the soccer club debt.

Councilman Hart responded that \$17000 was still due from the lease and this figure was provided by the Finance Office. The balance due in 2006 was \$230,000 and the soccer club had caught that up.

Mr. Russo disagreed with the figures and noted that almost \$500,000 was owed in 2006 when the town took over the debt.

Councilman Hart stated that according to the Finance Office payments had been recorded in the wrong area.

Mr. Russo referred to the proposal for a storage building at the soccer park and cautioned that they work with the Engineering Department due to the flood plain, noting that the residents got flooded when the concession stand was built. Mr. Russo further questioned how much Odenbach paid for the soccer tournament they held at the soccer park.

Councilman Hart responded that Odenbach paid \$9500 and they still owe \$500. They claim they were not aware of the additional charges for overtime, etc. and there is no contract so it cannot be proved.

Mr. Russo suggested that the contracts put a limit on the number of teams for tournaments at the soccer park due to the limited parking.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

HIGHWAY GARAGE IMPROVEMENTS

Town Engineer Richard Henry stated that construction work at the Highway garage was complete and the two contractors performed the work under the bid amount. There is a 30 year warranty on the roofs that were replaced.

DONATIONS IN MEMORY OF DEVIN MILLER

Supervisor Meegan noted receipt of a thank you card from the Northwood School for donations made by town employees in memory of Devin Miller.

SAFETY IN WEST SENECA SCHOOLS

Chief Gehen stated that in response to the shooting incident in Newtown, Connecticut, he met with West Seneca School Superintendent Dr. Crawford to review and discuss the School Resource Officers and policies with the schools and police department to ensure safety in the schools.

HOLIDAY WISHES

Town Board members and department heads wished everyone a Merry Christmas and a Happy New Year.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to recess to Executive Session at 8:30 P.M. to discuss an employee matter and a Ridge Road real estate matter.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:50 P.M.


ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:50 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

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

Whereas, the Town Board of the Town of West Seneca has received a request for a special use permit for the following described property from its classification of C-2 to C-2(S) for used car sales at 5190 Seneca Street:

ALL THAT TRACT OR PARCEL OF LAND, with the buildings and improvements thereon erected situate in the Town of West Seneca, County of Erie and State of New York, being part of Lots No. 279 Township 10, Range 7, and more particularly described as follows:

BEGINNING at an iron pipe set at the point of intersection of the northerly line of Bullis Road (66.0 feet wide); extending thence (1) south 78 degrees 28 minutes 00 seconds west along the northerly line of Bullis Road, 178.26 to an iron pipe; thence (2) north 5 degrees 00 minutes east parallel to and distant 285 feet easterly from the west line of Town Lot 279, 195.72 feet to an iron pipe set in the southwesterly line of Center Road; and thence (3) southeasterly along the southwesterly line of Center Road the following two courses and distances; (a) south 48 degrees 51 minutes 30 seconds east 159.62 feet to an angle point and (b) south 34 degrees 33 minutes 35 seconds east, 65.97 feet to an iron pipe and place of beginning.

Whereas, this Town Board held a public hearing on the 17th day of December, 2012 at 7:30 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting a special permit for the above-described property; and

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

Now, therefore, be it resolved, that a special permit be granted and the same is hereby rezoned from C-2 to C-2(S), subject to the following restrictions: 1) a fence be installed on the west lot line 175' long; 2) provide four customer parking spaces and indicate with signs; 3) a limit of 15 cars for sale; 4) no dismantling of vehicles on site; 5) all vehicles on site shall be NYS inspected; 6) the building will be painted; and 7) no parking of vehicles for sale on site until this is completed.

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.

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

Whereas, the Town Board of the Town of West Seneca has received a request for a special use permit for the following described property from its classification of C-2 to C-2(S) for the sale of alcoholic beverages at 2343 Union Road:

Parcel 1: ALL THAT TRACT OR PARCEL OF LAND, situate partly in the Town of West Seneca, County of Erie and State of New York, being part of Lots No. 294 of the Ebenezer Lands, described as follows:

BEGINNING at a point in the easterly line of Union Road as a 66 foot road at its intersection with the north line of said Lot No. 294; running thence southerly along said easterly line of Union Road 150 to a point; running thence easterly parallel with the north line of Lot No. 294, 200 feet to a point; running thence northerly parallel with the easterly line of Union Road 150 feet to the north line of said Lot. No. 294; running thence westerly along the northerly line of said Lot. No. 294, 200 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the premises conveyed to the County of Erie described in a deed recorded in the Erie County Clerk's Office in Liber 2688 of Deeds at page 112.

FURTHER EXCEPTING THEREFROM all that portion of premises appropriated by the People of the State of New York pursuant to Appropriation Map recorded in the Erie County Clerk's Office in Liber 9002 at Page 217 and Liber 9005 of Deeds at Page 461.

Parcel 2: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, situate lying and being in the Town of West Seneca, County of Erie and State of New York, and being a portion of Lot 294, of the Ebenezer Lands, Map Cover 58 and being more particularly bounded and described as follows:

COMMENCING at a point in the east boundary of Union Road, as a 66.00 foot right of way, prior to its widening and reconstruction, said point being the intersection of the south line of Lot 294 with the east boundary of Union Road (as a 66.00 foot wide right-of-way prior to the widening and reconstruction); thence northerly along the east boundary line of Union Road for a distance of 387.40 feet to the point and place of beginning, said point also being the southwest corner of lands conveyed to Denny's Inc. from P.D.C. Building Corp. by deed dated September 27, 1974 and recorded in the Erie County Clerk's Office in Liber 8216 or Deeds at page 10 thence easterly along the division line between, lands of Denny's Inc. on the north and lands conveyed to the The Mutual Life Insurance Company of New York by deed recorded in the Erie County Clerk's Office in Liber 8596 of Deeds at page 141 on the south, parallel to the north line of Lot 294 for a distance of 200.00 feet to the southeast corner of lands of Denny's Inc.; thence southerly parallel with the easterly boundary of Union Road (as a 66.00 foot wide right-of-way prior to the widening and reconstruction) for a distance of 77.40 feet to a point; thence westerly parallel to the south line of Lot 294 a distance of 200.00 feet to a point in the easterly boundary of Union Road (as a 66.0 foot wide right-of-way prior to the widening and reconstruction); thence northerly along the easterly boundary of Union Road (as a 66.0 foot wide right-of-way prior the widening and Road reconstruction) for a distance of 77.4 feet to the point and place of beginning.

EXCEPTING AND RESERVING THEREFROM the part acquired by the State of New York for the reconstruction of Union Road, also known as Gardenville-Williamsville.

FURTHER EXCEPTING THEREFROM all that portion of the premises appropriated by the People of the State of New York pursuant to Appropriation Map recorded in the Erie County Clerk's Office in Liber 9002 at Page 283.

Whereas, this Town Board held a public hearing on the 17th day of December 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);

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.