

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

TOWN BOARD PROCEEDINGS
Minutes #2015-16
August 10, 2015

Supervisor Sheila M. Meegan called the meeting to order at 4:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Town Clerk Jacqueline Felser.

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

Absent - None

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 Helen Paul.

16-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2015-15 of July 27, 2015.

Ayes: All

Noes: None

Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the August 7, 2015 bid opening for Repair of Concrete Storm Damage.

Ayes: All

Noes: None

Motion Carried

16-B LEGAL ITEMS

1. Proofs of publication and posting of legal notice: "OF THE ESTOPPEL NOTICE AND ADOPTED BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA (THE "TOWN"), AUTHORIZING ADDITIONAL FINANCING FOR ROAD RECONSTRUCTION AND REPAVING IMPROVEMENTS (THE "PROJECT"); ESTIMATING THAT THE TOTAL COST THEREOF IS \$2,050,000; APPROPRIATING \$150,000 IN ADDITION TO THE \$1,900,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION" in the Town of West Seneca, received and filed.
2. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN THE ZONING ORDINANCE FOR PROPERTY LOCATED ON NORTH DRIVE, BEING PART OF LOT NO. 426, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, CHANGING ITS CLASSIFICATION FROM R-65 to R-50A FOR CONSTRUCTION OF A TOWNHOME DEVELOPMENT" in the Town of West Seneca, received and filed.

16-C TABLED ITEMS

- 1. Code Enforcement Officer re LED Temporary Signs Remained on the table.

16-D COMMUNICATIONS

- 1. Supervisor Meegan re Retirement of William Zawieruszynski Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the retirement of William Zawieruszynski and terminate him as Heavy Motor Equipment Operator effective August 10, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

- 2. Supervisor Meegan re Retirement of William Schwartz, Jr. Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of William Schwartz, Jr. and terminate him as General Crew Chief effective July 31, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

- 3. Town Engineer re 2014 Stephenson Street Road Reconstruction Project – Final Change Order Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the final change order for a net deduction of \$42,445.26 on the 2014 Stephenson Street Road Reconstruction Project.

Ayes: All Noes: None Motion Carried

- 4. Chief Denz re Status change for part-time Public Safety Dispatcher A. Oscypala to seasonal Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatcher Andrew Oscypala to part-time seasonal effective August 1 - 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16-D COMMUNICATIONS

5. Chief Denz re Status change for part-time Public Safety Dispatcher J. McCullough to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher James McCullough to part-time seasonal effective August 1 - 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

6. Chief Denz re Appointment of part-time Crossing Guard Linda Loft

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Linda D. Loft as part-time Crossing Guard effective August 11, 2015 at a rate of \$9 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

7. Youth Service Coordinator re Bi-Centennial Pool – Free Admission Day

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a free admission day at the Bi-Centennial Pool on closing day, Friday, August 28, 2015, noting that Town of West Seneca residents with a valid resident identification card will be admitted at no charge and guest rates will still apply.

Ayes: All Noes: None Motion Carried

8. Youth Service Coordinator re Termination of Inactive Employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate the following inactive employees: Jason Lepowski, Mary McNamara and Benjamin Rich and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9. Senior Recreation Therapist for Sr. Services re Status change for Barbara Brooks to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time ceramic instructor Barbara Brooks to part-time seasonal effective August 3 - September 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16-D COMMUNICATIONS

10. Youth Service Coordinator re Appointment of part-time clerk typist Amanda Murphy

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Amanda Murphy as part-time clerk typist effective August 12, 2015 at a rate of \$10 per hour, noting this hire is contingent upon successful completion of a background check, drug test and proof of physical as outlined by Town Code Chapter 25, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Chief Denz re Appointment of Senior Police Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the title of Martha Franklin from Senior Clerk Typist to Senior Police Clerk, Group 4, Step 1, at an annual salary of \$44,054.25 effective August 11, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Town Clerk re Status change for part-time clerk Amy Kobler to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time clerk Amy Kobler to part-time seasonal effective August 10 – November 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting this change is to cover additional hours needed for sporting license sales and collection of school taxes.

Ayes: All Noes: None Motion Carried

13. Highway Supt. re Bid award for Concrete Storm Damage Repair

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for Concrete Storm Damage Repair to Sibley Construction at their low bid of \$132,580 for four sections of town.

On the question, Councilman Hanley noted this bid is considerably lower than the other bid received. Councilman Hart also noted this contract was rebid because only one bid was received on the first bid date.

Ayes: All Noes: None Motion Carried

16-E REPORTS

- Jacqueline A Felser, Town Clerk's report for July 2015 received and filed.
- John A Gullo, Code Enforcement Officer's building report and plumbing report for July 2015 received and filed.

16-F APPROVAL OF 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 - \$338,357.03; Highway Fund - \$15,480.61; Special Districts - \$134,372.78
Capital Fund - \$142,052.24 (voucher #'s 89854-90305); Trust & Agency Fund - \$83,257.62
(voucher #'s 89558-90378);

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

QUEEN OF HEAVEN 5K RUN

Amy Blume, Asst. Principal at Queen of Heaven School, requested approval of a 5K run they are organizing to recognize October as anti-bullying month.

Councilman Hart suggested meeting with Chief Denz and Highway Supt. Matthew English for their approval of the route prior to Town Board approval.

DEER CONTROL EFFORTS

Beverly Leising questioned the status of deer control efforts. Chief Denz responded there has been a steady decrease in car/deer accidents over recent years and only 80 for this year so far, so the percentage is small considering the amount of traffic in town. He further stated the City of Lackawanna has a deer control program in effect and a number of private businesses in town also have permits.

UNION CONTRACT NEGOTIATIONS

Beverly Leising questioned the status of union contract negotiations and Supervisor Meegan responded they are currently working with the police and reviewing the health care.

ISSUES OF THE PUBLIC

CARRIAGE PARK SIDEWALK

Mike Wach commented on a hazardous condition with the sidewalk in front of 213 Carriage Park, noting the house at that address is abandoned. He questioned who is responsible if someone is injured due to the sidewalk. Town Attorney John Fenz responded in accordance with Town Code sidewalks are the property owner's responsibility.

SEWER DEPARTMENT SALARIES

Mike Wach referred to a recent newspaper article on overtime in the sewer department.

Councilman Hart responded the sewer department employees are also highway department employees, so they receive overtime for sewer calls after hours and also for snow plowing. The overtime is supervised, but there were unique situations last year including two floods, a blizzard in January and the November snowstorm that contributed to this overtime.

Councilman Hanley noted they have started negotiations with the union to create a sewer department and remove those employees from the highway department, which will alleviate the overtime.

Susan Kims understood the town was in the process of fixing the sewers so the department can be turned over to Erie County.

Town Engineer Steven Tanner stated there are three sewer projects that still need to be done and at completion they will sit down with Erie County Sewer Department. He further noted the camera work is now being done by town employees rather than contracting out to a private company, and that is saving hundreds of thousands of dollars.

PLANNING AND ZONING BOARD CONTACT INFORMATION

Susan Kims questioned why contact information for Planning & Zoning Board members was removed from the town's website.

Town Clerk Jacqueline Felser responded the email link was not setup properly and the IT people were in the process of fixing it.

ISSUES OF THE PUBLIC

MEETING MINUTES AVAILABILITY

Susan Kims commented that minutes for some of the boards within the town are not available within two weeks as required by law.

Town Attorney John Fenz stated minutes should be available within two weeks pursuant to the Freedom of Information Law and the secretaries to the various boards make an effort to post them to the website in a timely manner.

Supervisor Meegan questioned if Mrs. Kims was referring to the Zoning Board minutes and asked Mr. Fenz to communicate with the secretary to that board and advise her of the requirements.

INSTANT TICKETING SYSTEM FOR CODE VIOLATIONS

Susan Kims questioned the status of the instant ticketing system for code violations. Code Enforcement Officer John Gullo responded that Lackawanna has been using the system and there are still a few problems with it.

TOTE STORAGE

Susan Kims commented on the storage of totes, noting they should not be visible from the street. Code Enforcement Officer John Gullo stated he is working on an informational article on this issue for the newspaper and his office has been citing people and instructing them where to store the totes.

RESIDENTIAL WIND TURBINES

Susan Kims expressed concern about the possibility of residential wind turbines in town. Code Enforcement Officer John Gullo responded the Town Code limits wind turbines to zoning districts C-1, C-2, M-1 or M-2.

FRONT LAWN PARKING

David Kims commented on violations to the Town Code with vehicles parking on front lawns. Code Enforcement Officer John Gullo responded that his department cites people every day for this violation and also noted it is not good for underground utilities.

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PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to executive session at 4:35 P.M. with Town Engineer Steven Tanner and Town Attorney John Fenz to discuss two legal matters and three personnel issues.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 5:30 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK