

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

TOWN BOARD PROCEEDINGS
Minutes #2015-20
October 15, 2015

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 led by Karl Spencer.

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 Michael "Mickey" Pasternak and Andrew Rohloff.

20-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes 2015-19 of September 28, 2015.

Ayes: All Noes: None Motion Carried

20-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hanley, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS" 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

Beverly Leising suggested some community development funds be used for infrastructure (i.e. repairs to bridges and streets), adding benches in town parks and repairing the swings and slides.

Supervisor Meegan stated the town is looking to use the Consolidated Local Street and Highway Improvement Program (CHIPS) money for street repairs and alligator cracking, noting the town cannot fix the bridges because they do not own them. Town Engineer Steven Tanner and Highway Superintendent Matthew English will be touring the town next week to rank the streets and determine those that qualify.

20-B LEGAL ITEMS

1. (continued)

Councilman Hanley commented that Erie County recognizes the need for bridge and road repair and asked for \$50 million in their proposed budget.

Mrs. Leising further suggested some of the funds be used to refurbish low income houses by upgrading furnaces, painting or reroofing.

Supervisor Meegan responded this funding is separate from CDBG and code enforcement advises people on funding opportunities that are available for them.

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

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

1. Supervisor Meegan re Designation of Halloween

Motion by Supervisor Meegan, seconded by Councilman Hart, to designate Saturday, October 31, 2015 between 6:00 P.M. and 8:00 P.M. as the official night for trick-or treat in the Town of West Seneca, noting that residents are asked to please leave their porch lights on to provide lighting and safety for the children and drivers are urged to use extra caution.

Ayes: All

Noes: None

Motion Carried

2. Town Engineer re Request for authorization for new street lights

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize a request for new street lighting to be installed on pole 566-1 at 113 Gordon Avenue, pole #566-4 at 59 Gordon Avenue and pole #584-2 across from 20 and 26 Loxley Court.

On the question, Councilman Hanley questioned why there is a need for lighting at this point in a neighborhood that has existed for many years. Town Engineer Steven Tanner explained complaints from residents were received about lack of lighting and measured distances between lights were compared to other neighborhoods.

20-C COMMUNICATIONS

2. (continued)

Councilman Hart questioned if there is anything in the Town Code defining the distance between lights. Senior Code Enforcement Officer John Gullo responded there is nothing at this time, but in the future new subdivisions will have a complete plan review. Additionally, NYSEG responded to complaints from previous meetings and 75 percent of lights identified have been fixed in the last two weeks.

Ayes: All

Noes: None

Motion Carried

3. Highway Sup't. re Status change for sanitation laborers to part-time

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of the following Sanitation Department employees from seasonal part-time laborers to part-time laborers effective October 5, 2015 – May 5, 2016 at a rate of \$8.75 per hour:

Steve Amoia Jr.
Adam Karyczyk
Kevin O'Shaughnessy
MacKenzie Szakacs

Austin Boehm
Norman Locher
Matthew Schultz
Robert Walsh

Nicholas Gugliuizza
Andrew Maj
Timothy Stevenson

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: (2) Supervisor Meegan, Councilman Hanley

Noes: None

Abstentions: (1) Councilman Hart

Motion Carried

Councilman Hart abstained from voting because Robert Walsh is his second cousin.

4. Highway Sup't. re Appointment of Tyler Kluck part-time laborer in Buildings & Grounds department

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Tyler Kluck as a part-time laborer in the Buildings and Grounds Department effective October 16, 2015 – April 15, 2016 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

20-C COMMUNICATIONS

- | | |
|--|--|
| 5. Highway Sup't. re Change order on concrete storm damage repair | Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize a change order in the amount of \$2,700 to Sibley Construction for Section B of concrete storm damage repair due to the addition of the following two driveways: 139 Roycroft - \$2,040 and 63 Constitution-\$660; bringing the final bill to \$40,500. |
| | Ayes: All Noes: None Motion Carried |
| 6. Town Justices re JCAP grant application | Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize submission of the Justice Court Assistance Program (JCAP) grant application in the amount of \$30,000, noting this grant will be used to reimburse the town for the immediate mandatory courtroom (ADA) renovations to be completed by January 1, 2016. |
| | Ayes: All Noes: None Motion Carried |
| 7. Finance Office re Budgetary transfer request | Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a budgetary transfer request of \$470 from Contingency Acct. #001.1990.0004.0000 to Employee Assistance Program Acct. #1.9082.0806. |
| | Ayes: All Noes: None Motion Carried |
| 8. Senior Code Enforcement Officer re Rezoning request for Union Road & Indian Church Road | Motion by Supervisor Meegan, seconded by Councilman Hanley, to refer to the Planning Board the request for a rezoning for property located at 1371 & 1377 Indian Church Road and 1926, 1934 & 1954 Union Road for a restaurant and retail building. |

On the question, Councilman Hart was concerned that one of the buildings to be removed is one of the last original Ebenezer buildings left. He was also concerned with architectural consistency in that area of town.

Senior Code Enforcement Officer John Gullo responded the building is in deplorable and unsafe condition and the applicant plans to mimic the architecture in that neighborhood.

Town Attorney John Fenz advised the Town Board could ask the state if the building is eligible to be on the list of historic places.

20-C COMMUNICATIONS

8. (continued)

Councilman Hart further stated he believes money is available to residents for historical preservation and suggested the town look into this.

Ayes: All

Noes: None

Motion Carried

9. Senior Recreation Therapist of Sr. Services re Retirement for Barbara Brooks

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the retirement of Barbara Brooks and terminate her as ceramic instructor effective September 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

10. Senior Recreation Therapist of Sr. Services re Status change for Mary Ann Gullo to part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time ceramic instructor Mary Ann Gullo to part-time seasonal effective October 19 - December 18, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

11. Youth Service Coordinator re Section VI Cross Country Sectionals Championship/ State Qualifier

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve use of Sunshine Park for the Section VI, NYSPHSAA, Inc. for the annual Section VI Cross Country Sectional Championship/State Qualifier on November 6, 2015.

On the question, Councilman Hart questioned the staffing requirements for this event. Youth Service Coordinator Lauren Masset responded staff will only be needed to place garbage cans and open restrooms.

Ayes: All

Noes: None

Motion Carried

12. Youth Service Coordinator re Creation of Little Rascals Program

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the creation of the Little Rascals Program to include fitness, sports and social games for three to six years of age.

20-C COMMUNICATIONS

12. (continued)

On the question, Youth Service Coordinator Lauren Masset stated this is an age group that currently is not served. The program will be held at the East Middle School gym and parents will be asked to stay. Age appropriate activities will be offered and the cost has not yet been defined.

Ayes: All

Noes: None

Motion Carried

13. Youth Service Coordinator re Family swim re-appointments of part-time lifeguards

Motion by Supervisor Meegan, seconded by Councilman Hanley, to reappoint the following part-time lifeguards at their current rate of pay effective November 1, 2015 – April 30, 2016: Hannah Boltz at \$9.25 per hour; Ella Clune at \$9.15 per hour; Bridget Rodinelli at \$9.25 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

14. Youth Service Coordinator re Pay rate change for lifeguard Ella Clune

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a rate increase to \$9.30 per hour for Ella Clune, head lifeguard for family swim, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

15. Youth Service Coordinator re Community of Churches Annual Crop Walk

Motion by Supervisor Meegan, seconded by Councilman Hanley, to grant the request of the West Seneca Community of Churches to hold their annual Crop Walk on Sunday, October 25, 2015 from 2 – 4 P.M. on designated streets in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

16. Youth Service Coordinator re Southgate Plaza annual Halloween Parade

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request of Southgate Plaza to hold their annual Halloween Parade on Sunday October 25, 2015 with assembly behind the Town Hall at 11:30 A.M. and the parade starting at noon.

Ayes: All

Noes: None

Motion Carried

20-C COMMUNICATIONS

17. Town Attorney re Public hearing on tax levy limit override

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing on October 26, 2015 at 7 P.M. to hear all persons interested in the proposed Local Law No. 10, a local law to override the tax levy limit established in General Municipal Law Section 3-c.

On the question, Councilman Hart noted the current tax cap is only .73 percent and it will be difficult to stay under that. Town Attorney John Fenz stated Governor Cuomo recently made a statement that he expects most municipalities will not stay under the tax cap this year.

Ayes: All

Noes: None

Motion Carried

18. Town Attorney re Abandonment of paper street – North Street

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Town Board and the Superintendent of Highways to sign a Statement of Abandonment declaring the town's abandonment of a portion of the paper street known as North Street.

On the question, Town Attorney John Fenz stated the town has never used this right-of-way. When the town abandons the street, the abutting property owners become the owners of a portion and the property goes back on the tax rolls.

Ayes: All

Noes: None

Motion Carried

19. Town Attorney re Amendment No. 1 to Memorandum of Understanding for School Resource Officers agreement

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached amendment to the Memorandum of Understanding for the School Resource Officers agreement.

Ayes: All

Noes: None

Motion Carried
APPENDICES

20. Supervisor Meegan re Dedication of Union Road as Veterans Memorial Highway

Supervisor Meegan read into the record the attached letter to Senator Patrick Gallivan requesting a portion of Union Road be dedicated to our veterans and renamed Veterans Memorial Highway to recognize the service of our veterans.

Councilman Hanley and Councilman Hart recognized and commended Supervisor Meegan for her support of veterans and her efforts on their behalf.

20-D REPORTS

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

20-E 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:

Operating/Capital Account - \$181,209.08 (voucher #'s 90843-91146); General Fund - \$96,278.77; Highway Fund - \$48,117.89; Special Districts - \$27,984.78; Capital Fund - \$8,827.64; Trust Account - \$44,670.16 (voucher #'s 91049-91086)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

YOUTH SERVICE COORDINATOR PART-TIME STATUS

Susan Kims questioned if Lauren Masset is still working part-time seasonal hours and Ms. Masset responded that she had returned to 19 hours per week.

SPORTS ORGANIZATIONS

Susan Kims questioned if all the sports organizations have paid their fees to the town and Supervisor Meegan responded they are waiting for one check from baseball.

FEMA REIMBURSEMENT

Susan Kims questioned if FEMA money was received and Supervisor Meegan responded the FEMA money was received but she did not have the figure on hand at the meeting.

PART-TIME LABORER BUILDINGS & GROUNDS

Susan Kims referred to the appointment of Tyler Kluck as part-time laborer in the Buildings & Grounds Department and questioned if the position was posted on the town's website.

Youth Service Coordinator Lauren Masset responded that Tyler Kluck was previously employed as a part-time recreation attendant. Supervisor Meegan stated that Tyler Kluck was interviewed by Highway Superintendent Matthew English from several applications on file and he will be required to satisfactorily pass a background check and drug testing.

ISSUES OF THE PUBLIC

CONCRETE STORM DAMAGE REPAIR

Susan Kims questioned an expense for concrete storm damage on Roycroft Drive. Supervisor Meegan referred the question to Highway Sup't. English who was not present at the meeting.

ROSEWOOD PROJECT

Barbara Lipiew questioned the status of the Rosewood Drive reconstruction project and expressed concern that tree roots are getting in the sewers and costing her money. Town Engineer Steven Tanner stated Rosewood Drive has been surveyed and will be designed for a project next year.

TENTATIVE BUDGET

Beverly Leising commented on the proposed 2016 budget and asked department heads to look at their expenses and try to reduce them.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

COURTROOM RENOVATIONS

Supervisor Meegan noted the courtroom will be under construction November 27th – December 13th to allow for ADA compliant renovations. The December 7th Town Board meeting has been cancelled; December 14th there will be a work session at 3 P.M. and a Town Board meeting at 7 P.M.; December 21st there will be a Town Board meeting at 3 P.M.

POTTERS ROAD SCHOOL ZONE SPEED LIMIT

Supervisor Meegan stated she had received several calls from residents within the Covington Gardens neighborhood asking if the speed limit will be increased on Potters Road since the school has been closed. Chief Denz responded that BOCES holds educational programs at the school so the speed limit will not be increased.

CARBON MONOXIDE LAW FOR COMMERCIAL BUILDINGS

Senior Code Enforcement Officer John Gullo stated a new law mandates carbon monoxide detectors in commercial buildings and everyone should be compliant by June 2016.

CODE RED SYSTEM

Councilman Hart stated the town used Code Red to advertise the opening of the resource center and there was some criticism he felt was unjustified. He questioned Senior Code Enforcement Officer John Gullo if the town has a flat rate contract for the Code Red system. Mr. Gullo responded the town has unlimited use of the Code Red system and it will be used for emergency messages and general messages.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

UPCOMING EVENTS

Youth Service Coordinator Lauren Masset announced the following upcoming events and program updates:

- West Seneca Youth & Recreation will host its annual Enchanted Path Event on Friday, October 30th from 6-8 P.M. The event will include a safe and lighted path with stops for children to trick or treat. There will also be face painting, games and crafts.
- Youth Theatre will host their annual fundraiser and present "A Christmas Toy Story" on Saturday, December 12th with show times at 1 P.M. and 6 P.M. at the West Seneca West Middle School. Tickets are \$7 and available at the door.
- West Seneca Youth & Recreation has partnered with the Gaelic Games for its Summer Day Camp program in 2016. The Gaelic organization will run a one day minicamp with program participants during week two.
- Men's Basketball registration will close this week and paperwork can be found on the website or at the recreation department office.
- Family fun skate will be held during select recreational skates and regular admission will apply. Sunday, November 1st will be the first family fun skate and patrons are invited to wear their costumes, no masks please. A complete list of family fun skates can be found on the website.

PUBLIC HEARING FOR AMENDMENTS TO TOWN CODES

Town Attorney John Fenz requested a public hearing be scheduled for November 9th to discuss revisions to the Town Code including street lighting requirements for developers, administrative fees for the building department, food truck regulations, electrician licensing, defining LED temporary signs and the municipality's role in regulating exotic animals. Councilman Hanley asked that solar panel regulations be added to the list of proposed revisions.

IMPROVEMENT PROJECTS

Town Engineer Steven Tanner stated that years and years of doing nothing has lead to numerous infrastructure improvement projects that are required and they are moving deliberately to make sure money is spent in the right places. Mr. Tanner further stated Town Hall restrooms should be complete in two weeks and tomorrow the Kiwanis building will have air monitoring for pre-demolition that will be used for comparison when abatement work occurs within the next few weeks.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

BURCHFIELD RESTROOMS

Councilman Hart questioned issues with the Burchfield restrooms. Town Engineer Steven Tanner responded most of the issues have been fixed and the remainder of the restoration work will be done in the spring by the Buildings and Grounds Department.

FLOHR AVENUE FLOOD ABATEMENT

Councilman Hart questioned the flood abatement project on Flohr Avenue. Town Engineer Steven Tanner responded the NYSDOT had a problem with the Harlem Road project and work took longer which caused some issues with Flohr Avenue residents. In about two weeks a plan will be submitted to the DEC for the outfall at the Cambridge Avenue dam which he believes will help reduce the issues on Flohr Avenue.

CAZENOVIA CREEK ICE CONTROL STRUCTURE

Town Engineer Steven Tanner stated the Army Corps of Engineers will be doing a project to take care of some of the deficiencies at the ice control structure and the town is mandated to fund part of that project. The cost to the town will be \$250,000 and funds are being budgeted next year. In the meantime, Highway Department crews continue to do a great job removing trees from the structure and also maintaining access to the sewers in that area.

SENIOR SERVICES UPDATES

Senior Recreation Therapist of Senior Services Mary Josefiak stated they recently celebrated national "Do Something Nice Day" at the senior center and received donations of over 500 pounds of canned goods and paper products that will be distributed to area pantries and people in need. A health insurance fair will be held at the senior center on Wednesday, October 21st.

STREET LIGHT ISSUE

Town Attorney John Fenz stated he contacted the Public Service Commission on the street light issue and their recommendation is that the town write down every light pole location and light that is out. He and Councilman Hanley are working on a better way for residents to reach out to the town and issue the complaints directly to the Public Service Commission so utility companies are held accountable.

RESOURCE CENTER

Councilman Hart invited residents to take advantage of the new resource center that is now in operation at New Hope Church.

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PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to executive session at 8:45 P.M. to discuss a legal matter and a contractual issue.

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

**AMENDMENT NO. 1 TO
MEMORANDUM OF UNDERSTANDING**

This Agreement dated the 15th day of October, 2015, by and between the Town of West Seneca, a Municipal Corporation, located at 1250 Union Road, West Seneca, New York, (the "Town"), and the West Seneca Central School District, with offices located at 1397 Orchard Park Road, West Seneca, New York (the "District") (collectively the "Parties").

WITNESSETH:

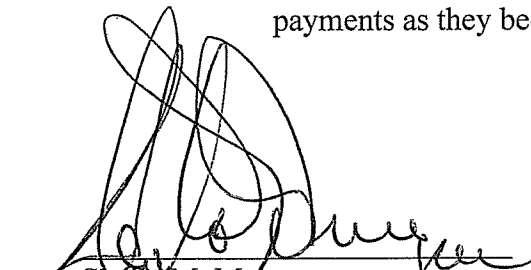
WHEREAS, the Town and the District entered into an agreement (the "Agreement") whereby the Town's Police Department would provide School Resources Officers to the District in exchange for reimbursement payments set forth in a schedule contained therein; and

WHEREAS, at the time the Parties entered into the Agreement it was anticipated that the District would receive certain grant funds to advance these payments; however, due to grant requirements the Town received \$25,000.00 in grant funding for the DCJS School Resource Officer Grant; and

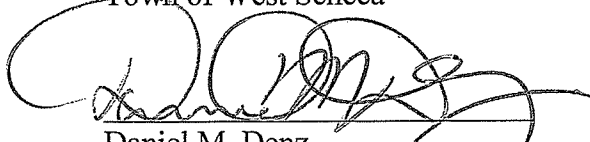
WHEREAS, the Parties mutually agree to modify the Agreement in the interest of preserving its original intent and ensuring that Town and District taxpayers realize the benefit of the grants funds and

NOW, THEREFORE, in consideration of the mutually benefit to the Parties by modifying the Agreement it is hereby agreed that:

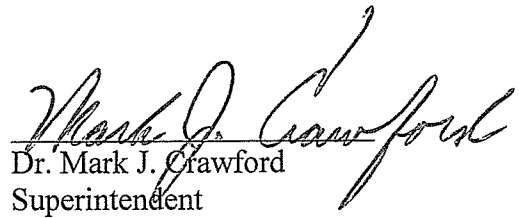
- 1.) The grant funds received by the Town shall be applied to the District's monthly reimbursement payments for the months of October and November of 2015.
- 2.) Once the grant funds are exhausted, the District shall pay the Town for the remaining balance of any monthly reimbursement payments as they become due.



Sheila M. Meegan
Supervisor
Town of West Seneca

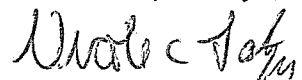


Daniel M. Denz
West Seneca Chief of Police



Dr. Mark J. Crawford
Superintendent
West Seneca Central Schools

NICOLE C. LATZA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 1, 2017



TOWN OF WEST SENECA



SHEILA M. MEEGAN
September 23, 2015

The Honorable Patrick M. Gallivan
2721 Transit Road Suite 116
Elma, NY 14059

Dear Senator Patrick Gallivan,

In recognition to the service of our veterans, the Town Board of West Seneca would ask that you rename Union Road to Veterans Memorial Highway. The commitment of our nation's veterans to this country is a blessing to us all. To be willing to go anywhere around the world to defend people whom they've never met is one of the most selfless acts any man or woman can be a part of.

Residents of Erie County, and the Town of West Seneca, have continued to serve this country during times of war and aren't immune to the sacrifices it takes to preserve our freedoms. Go through any city, town, or village in Erie County and I'm sure you'll encounter many residents that served this country because they believe strongly in standing up for those who are oppressed and live in peril.

The Town of West Seneca has looked to recognize the service of our nation's veterans. A few years ago we renamed the park at town hall to Veterans Memorial Park and constructed the Walkway of Freedom to honor our servicemembers – while also acknowledging the wars they have been in. The greatest part about the Walkway of Freedom is being able to look down at the bricks on the walkway and see the names of residents who've served in the military. It's a truly humbling experience to see how many people have devoted themselves to upholding our country's principles.

West Seneca also takes part in WNY Kids Are Heroes Too program which helps to waive recreation fees for children of veterans. Furthermore, the Harvey D. Morin VFW Post just recently named two of their halls after two men who were killed in Iraq.

Their unwavering commitment shouldn't be forgotten – and let us ensure that we do our part in remembering all they've done for us by naming Union Road in West Seneca after them.

Respectfully,

Sheila M. Meegan, Supervisor
Town of West Seneca

TOWN HALL 1250 UNION ROAD • WEST SENECA, NEW YORK 14224 • (716) 558-3253 • FAX (716) 675-7205

www.westseneca.net

email: smeegan@twsnny.org

Cc: James Manley, West Seneca Veterans Committee
Eugene P. Hart, Councilman
William P. Hanley, Councilman
John Fenz, Town Attorney
Jacqueline A. Felser, Town Clerk
Matthew English, Superintendent of Highways
Daniel Denz, Chief of Police