

Supervisor Gary Dickson called the meeting to order at 6:00 P.M.

ROLL CALL:

Present	-	Gary Dickson	Supervisor
		William Bauer	Councilman
		Joseph Cantafio	Councilman
		William P. Hanley, Jr.	Councilman
		Jeff Piekarec	Councilman
Absent	-	None	

MINUTES TO BE APPROVED

- Motion by Supervisor Dickson, seconded by Councilman Piekarec, to approve Minutes #2020-26 of December 21, 2020.

Ayes: All

Noes: None

Motion Carried

LEGAL NOTICES

1. Proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR REZONING FOR PROPERTY LOCATED AT 295 MAIN STREET, BEING PART OF LOT NO. 247, CHANGING ITS CLASSIFICATION FROM R-65A TO C-1, TO ALLOW 10,000-SF OF OFFICE SPACE AND 4,000-SF OF PROCESSING/WAREHOUSE SPACE" in the Town of West Seneca received and filed.

Motion by Supervisor Dickson, seconded by Councilman Bauer, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Ralph Lorigo, attorney for the applicant Joseph Lowry, stated the property has been a commercial property since its construction over sixty years ago which predated the current zoning code. The new owner is an engineering group that will use 10,000-sf as office space and 4,000-sf for warehouse space with no commercial vehicles coming to the property. Mr. Lorigo noted the previous owner used the space in the opposite way and had tractor trailers come to the facility. The purpose of the application is to bring the zoning into compliance with the C-1 zoning and will allow the purchaser to obtain bank financing. The Planning Board gave this a unanimous recommendation.

Councilman Bauer referred the disposal of concrete cylinders and asked the new owners to be considerate of the neighboring properties and questioned if there will be any outside storage Mr. Lorigo stated the owners will be considerate of neighbors and there will not be any outside storage.

Councilman Piekarec questioned the hours of operation. Mr. Lorigo replied there will be normal office hours of 8 A.M. to 5 P.M. with the possibility of some employees staying later.

LEGAL NOTICES (continued)

Code Enforcement Officer Schieber stated the surrounding property owners were notified of the zoning change and of the public hearing. The recommendation was made for C-1 zoning from the Planning Board which provides the future owners zoning compliance to secure funding and it protects the town, as the zoning of C-2 would allow for restaurants, bars, and the storing of construction equipment. The C-1 zoning is appropriate for this environment.

The property owner of 300 Main Street expressed concerns of the processing/warehouse space due to an increase in noise and traffic along with the safety of school students walking to and from the high school. Mr. Lorigo reiterated the new owner is an engineering firm, and the use is going to be substantially more office space with less noise and traffic. Code Enforcement Officer Schieber confirmed the enforcement of noise restrictions and this is a less intense use than what is there now.

Town Attorney Hawthorne noted the Planning Board recommended approval with no conditions.

Motion by Supervisor Dickson, seconded by Councilman Bauer, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to approve the rezoning for property located at 295 Main Street, being part of lot No. 247, changing its classification from R-65A to C-1, to allow 10,000-sf of office space and 4,000-sf of processing/warehouse space in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

PUBLIC COMMENTS ON COMMUNICATIONS

A resident referred to Item Nos. 13 & 14 and stated employees who were not bound by a contract should not receive pay increases.

A resident referred to the public hearing and believed there was a conflict of interest between the representing attorney and members of the Town Board. Supervisor Dickson stated West Seneca is a small town that encourages community involvement. Everything that comes in front of him stands on its own. This does not present a formal conflict of interest and requested Town Attorney Hawthorne's opinion. Town Attorney Hawthorne stated each individual board member should ascertain if they have a conflict. The Ethics Code set out the way something can be challenged in front of the Ethics Board.

NEW BUSINESS

1-A COMMUNICATIONS

1. Supervisor Dickson re Blue Collar Arbitration decision

Supervisor Dickson announced the arbitration decision stemming from a CSEA Blue Collar bargaining unit grievance concerning overtime pay during the COVID-19 state of emergency period was decided in the town's favor. This saved the town around \$500,000.

2. Supervisor Dickson re Appointment of Georgiann Busse as Acting Senior Center Director

Motion by Supervisor Dickson, seconded by Councilman Bauer, to appoint Georgiann Busse as Acting Director for Senior Services at a stipend of \$250 per pay period effective January 9, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Dickson stated several applications have been received.

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re West Seneca Chamber of Commerce, Inc. contract

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution authorizing the Supervisor to execute the contract with the West Seneca Chamber of Commerce:

WHEREAS, the Town of West Seneca (hereinafter referred to as "Town") recognizes that it requires professional services to plan, organize, coordinate and implement a variety of economic development related operations; and

WHEREAS, the West Seneca Chamber of Commerce's (hereinafter referred to as "Chamber") Mission is consistent with the Town's vision to promote economic development in the Town; and

WHEREAS, the Town desires to enhance continued efforts to expand its tax base for the benefit of the taxpayers by enlisting the services of a community economic development coordinator; and

WHEREAS, the Chamber possesses a variety of professional and technical skills to provide support to the Town by providing services to plan, organize, coordinate, and implement a variety of economic development related operations.

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Professional Services Agreement with the West Seneca Chamber of Commerce, Inc., for certain professional services related to planning, organizing, coordinating, and implementing a variety of economic development related operations for the 2021 calendar year.

On the question, Supervisor Dickson stated the fee is \$15,000, the same amount as previous years.

Ayes: All

Noes: None

Motion Carried

4. Town Attorney re 2021 Real Property Tax Exemptions

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution as it relates to real property tax exemptions for 2021:

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, on December 18, 2020, the Governor issued Executive Order 202.83, a portion of which includes a local option pertaining to Senior Citizens' and Persons with Disabilities' partial property tax exemption, Subdivisions 7, 7-a and 8 of Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received either of those exemptions on the 2020 assessment roll, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

WHEREAS, the Town is desirous to adopt such resolution while also allowing the Assessor to require a renewal application to be filed when the Assessor has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died; and

WHEREAS, the state disaster emergency has resulted in limited hours in municipal offices and rendered seniors and individuals with disabilities homebound and/or without the ability to file their real property tax exemption applications in person due to safety precautions and lack the ability to file such applications online; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of West Seneca hereby directs the Town Assessor, pursuant to the NYS Governor's Executive Order 202.83 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions, Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2021 Assessment Roll to all property owners who received that exemption on the 2020 Assessment Roll, except in the case when the Assessor has reason to believe that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons.

On the question, Town Assessor Finbar stated this is an executive order that exempts low income seniors and low income disabled residents from having to submit applications unless there have been changes in ownership or a death that affects their income. The exemptions received last year will carry over until September.

Ayes: All

Noes: None

Motion Carried

5. Town Attorney re Relevy charges to 2021 Town & County tax bills

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the following resolution for relevy of certain unpaid items to be added to the 2021 tax bills:

BE IT RESOLVED, in accordance with New York State Town Law, Section 198, the Town of West Seneca Town Board has opted to enforce various unpaid accounts for water, omitted taxes, and other unpaid services as indicated below; and

BE IT FURTHER RESOLVED, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town of West Seneca's Assessor's master computer assessment roll file:

TOTAL ERIE COUNTY WATER AUTHORITY UNPAID WATER \$ 1,738.19

TOTAL OMITTED TAXES \$36,125.73

TOTAL OTHER UNPAID TOWN SERVICES \$22,278.44

BE IT FURTHER RESOLVED, that the Town of West Seneca Town Board accepts the corrected Letter of Authorization, dated November 9, 2020, to include omitted taxes.

BE IT FURTHER RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the corrected Letter of Authorization to the Erie County Real Property Tax Department to enforce the various unpaid accounts/omitted taxes mentioned above.

Ayes: All

Noes: None

Motion Carried

6. Town Attorney re School Resource Officers agreement

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the following resolution to extend the prior School Resource Officers Agreement:

WHEREAS, the Town of West Seneca School District wishes to have School Resource Officers in place for the protection of school children; and

WHEREAS, Article 5-G of the General Municipal Law and Section 208-a of the General Municipal Law, the Town and the District are parties to a Municipal Cooperation Agreement, dated December 19, 2016, whereby the Town agreed to provide services of police officers employed by the Town and the District agreed to pay for said services during the period of January 1, 2017 through December 31, 2020; and

WHEREAS, the pursuant to Article 5-G and Section 208-a of the General Municipal Law, the Town and the District wish to extend the terms of the Agreement for services to be provided during the period January 1, 2021 through June 20, 2021;

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Municipal Cooperation Agreement School Resource Officers between the Town of West Seneca and West Seneca School District extending the terms of the December 31, 2016 Agreement through the period January 1, 2021 to June 30, 2021.

On the question, Supervisor Dickson stated the Board of Education will not be signing the agreement the following day, and any comments they may have can be considered and amendments made to the agreement if necessary.

Ayes: All

Noes: None

Motion Carried

7. Town Attorney re Municipal Cooperation Agreement – school crossing guards

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution to extend the prior School Crossing Guards Agreement:

WHEREAS, the Town of West Seneca School District wishes to have school crossing guards in place for the protection of school children going to and from school; and

WHEREAS, Article 5-G of the General Municipal Law and Section 208-a of the General Municipal Law, the Town and the District are parties to a Municipal Cooperation Agreement, dated October 17, 2019, whereby the Town agreed to provide and the District agreed to pay for services of school crossing guards employed by the Town during the 2019-2020 school year; and

WHEREAS, the pursuant to Article 5-G and Section 208-a of the General Municipal Law, the Town and the District wish to extend the terms of the Agreement for services to be provided during the 2020-2021 school year;

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Municipal Cooperation Agreement School Crossing Guards Between the Town of West Seneca and West Seneca School District extending the terms of the October 17, 2019 Agreement regarding the same,

Ayes: All

Noes: None

Motion Carried

8. Town Engineer re Spray Pad construction bid date

Motion by Supervisor Dickson, seconded by Councilman Bauer, to put the Spray Pad Construction out to bid on January 18, 2021 and set a bid date of February 11, 2021 at 2 P.M.

On the question, Councilman Bauer would like to review the plans and specifications before this is put out to bid.

Town Attorney Hawthorne advised the appropriate action would be to table the item until the next meeting.

Councilman Bauer would like to keep the dates the same and propose an addendum if necessary, to allow the project to keep the same timeline.

Ayes: All

Noes: None

Motion Carried

9. Town Engineer re Pavilion Rehabilitation Project – change order

Motion by Supervisor Dickson, seconded by Councilman Bauer, to approve the change order from Sicoli Construction Services, Inc. in the amount of \$37,338.00 to cover the additional expenses of repairing the roof of the structure.

On the question, Councilman Bauer explained that the contractor discovered the roof was in worse condition than previously identified. The roof will need to be completely replaced; this is the most cost effective option.

Supervisor Dickson stated this action will use more of the grant money which may impact the second phase, the comfort station.

Highway Superintendent Adams stated it is not uncommon to discover a bigger issue when projects are commenced and agrees this is the best solution.

Councilman Bauer stated the comfort station has not been designed yet, it is still in the conceptual phase.

Ayes: All

Noes: None

Motion Carried

10. Chief Denz re retirement of Senior Clerk Typist Colleen Schappert

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to accept the retirement of Colleen Schappert as Senior Clerk Typist from the Police Department Records Bureau effective January 5, 2021 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 retirement of Detective Lieutenant Kevin Baranowski

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to accept the retirement of Kevin Baranowski as Detective Lieutenant effective January 10, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

14. Sr. Recreation Therapist of Sr. Services re Pay rate change for Valerie Haladay

Motion by Supervisor Dickson, to change the rate of pay for part-time Fitness Instructor Valerie Haladay to \$16 per hour effective January 2, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Motion failed for lack of a second.

15. Sr. Recreation Therapist of Sr. Services re Status change for Georgiann Busse to seasonal

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to change the status of part-time Clerk Typist Georgiann Busse to seasonal effective January 4, 2021 through March 26, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

16. Sr. Recreation Therapist of Sr. Services re Status change for Janet Kropczynski to seasonal

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to change the status of part-time Clerk Typist Janet Kropczynski to seasonal effective January 4, 2021 through March 26, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

1-B APPROVAL OF WARRANT

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$99,388.75; Highway Fund - \$36,550.86; Sewer District- \$111.53; Electric Lighting - \$119.07 (vouchers 15615 - 15080)

Ayes: All

Noes: None

Motion Carried

1-C DEPARTMENT REPORTS

- Recreation Department received.

Town Assessor Erik Finbar

- Appreciates the support of the executive order regarding property tax exemptions and keeping seniors safe

Code Enforcement Officer Jeffrey Schieber

- Residents are required to maintain their sidewalks including snow removal and repairs

ISSUES OF THE PUBLIC

- Evelyn Hicks thanked the Town Board for her reappointment to the Zoning Board of Appeals
- Comments and questions were received as follows:
 - ✓ Could Police Officers enforce the Snowplow Permit requirement – Code Enforcement Officer Schieber stated the requirement was instituted for the protection of residents; monitoring is difficult, but the police assist when necessary. Chief Denz stated large snowfalls seem to bring out “emergency” situations of snow clearing, many plow operators do get permits annually.
 - ✓ No stakes for plows have been noticed in some neighborhoods resulting in damage to lawns and curbs from the town snowplows – Highway Superintendent Adams stated the plow drivers are responsible for placing them and he will follow up

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Councilman Piekarec

- Residents need to clear snow from fire hydrants
- Libraries will be reopening on January 5th

Councilman Cantafio

- Congratulated the retirees
- Congratulated Sgroi Financial for their fifty year anniversary

Chief Denz

- Police Reform Committee will be holding their third meeting
- Offered congratulations to the retirees

Highway Superintendent Adams

- Modern Recycling sent out a mailer with the schedule for 2021
- Highway’s department page on the town website is being updated

Town Clerk Kobler

- The office staff was able to complete many online training classes last month
- Currently waiting for the tax bills
- M&T will not be taking taxpayers due to COVID-19 – a drop box has been placed in the lower Town Hall vestibule

Town Attorney Hawthorne

- Congratulated the Town Board, Town Clerk Kobler, and Highway Superintendent Adams on their first year
- During COVID-19, the Federal Government put into place the Families First Corona Virus Response Act, an extension of FMLA to allow for people to be out on leave to include when they were unable to work due to childcare needs:
 - ✓ Employees received 2/3 of pay under the act
 - ✓ The new relief bill did not extend this after December 31st
 - ✓ Some employees that were taking advantage of the right have inquired about this, the HR group advised the town can extend the relief and it would be best practice to enact a policy to avoid the appearance of gifting taxpayer funds

Councilman Piekarec stated he is not in favor of paying employees not reporting to work; there are taxpayers who had to make their own childcare arrangements.

Councilman Cantafio stated he is in favor of looking into helping employees as it was irresponsible of the federal government to not follow through. This is a once in a lifetime pandemic.

Councilman Bauer questioned how many employees are affected. Town Attorney Hawthorne stated it is currently two; the employees work in the Court Office and cannot work from home due to the restrictions of Court Administration and New York State.

Councilman Hanley stated he supports helping the employees and extending the benefits through the end of March.

Councilman Piekarec speculated on the implications of the policy on employee's town wide.

Town Attorney Hawthorne confirmed it would be a town wide policy, noting it already was available town wide. One condition could be an employee must exhaust their sick time before the benefit would begin. This is expected to be a short term issue.

Supervisor Dickson acknowledged many good points have been offered and would like Town Attorney Hawthorne to draft a policy for the Town Board's consideration.

EXECUTIVE SESSION

Motion by Supervisor Dickson, seconded by Councilman Bauer, to enter into executive session to discuss the status of a PBA grievance regarding COVID overtime pay.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to adjourn the meeting at 8:41 P.M.

Ayes: All

Noes: None

Motion Carried

AMY M. KOBLER, TOWN CLERK