TOWN BOARD PROCEEDINGS Minutes #2022-03 **January 31, 2022** 

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

**ROLL CALL:** 

Present Gary Dickson Supervisor

Robert J. Breidenstein Joseph Cantafio Susan K. Kims

Councilmember Councilmember

Jeff Piekarec

Councilmember Councilmember

**Absent** 

None

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

### **MINUTES TO BE APPROVED**

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve Minutes from the bid opening of Emergency Select Demolition of Highway Garage on January 18, 2022.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to approve Minutes #2022-02 of January 20, 2022.

On the question, Supervisor Dickson stated there was an error on the original cover letter submitted with the January 20, 2022, Warrants; the second charge listed for Sewer District stated \$68,133.00 and the correct amount is \$33,272.88; the correction results in the total decreasing from \$503,128.55 to \$468,268.43.

Ayes: All

Noes: None

Motion Carried

### **PUBLIC COMMENTS ON NEW BUSINESS**

No comments were received.

#### **NEW BUSINESS**

### **3-A COMMUNICATIONS TO BE VOTED ON**

1. Supervisor Dickson re Fitness Court Grant

Motion by Supervisor Dickson, seconded by Councilmember Kims, to adopt the following resolution:

WHEREAS, the Town of West Seneca has submitted a Grant Application to National Fitness Campaign (NFC) for participation in their 2022 initiative to install and activate outdoor Fitness Courts® in 200 municipalities and schools across the country, and;

TOWN BOARD PROCEEDINGS Minutes #2022-03 January 31, 2022

WHEREAS, the Town of West Seneca will accept a \$50,000 National Grant from our NFC Grant Committee and Statewide Partners, and provide a local match in the amount of \$115,000 to promote and implement a free-to-the-public outdoor Fitness Court®, and;

WHEREAS, the Town of West Seneca will secure supplemental funding as needed through community sponsors, which will be made available and committed to this program for the purchase of the outdoor Fitness Court®, and;

WHEREAS, the Town of West Seneca will commit to construction and launch of the outdoor Fitness Court® by the end of the 2022 calendar year, and;

WHEREAS, Town Board believes the outdoor Fitness Court® is an important wellness ecosystem that supports healthier communities, commits to funding/fundraising to participate in NFC's 2022 Campaign, and will earn local and national recognition as a leader in providing affordable health and wellness.

NOW THEREFORE BE IT RESOLVED that the Town Board will collaborate with NFC to implement the outdoor Fitness Court® and make fitness free to community residents and visitors.

On the question, Councilmember Breidenstein questioned if the amount of \$115,000 was an estimate. Supervisor Dickson stated that is a fixed amount and any sponsorships that are obtained would reduce the amount. Councilmember Breidenstein questioned if the Town Board will approve sponsorships. Supervisor Dickson confirmed the Town Board will have approval.

Councilman Cantafio questioned if there will be an impact on taxes. Supervisor Dickson stated the sponsorship will offset the taxpayers' expense or American Rescue Plan money that can be used.

Ayes: All Noes: None Motion Carried

2. Supervisor Dickson re Transfer of ownership of Korean War Monument

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adopt the following resolution:

WHEREAS, the sacrifices of the men and women who gallantly served their country as members of the various armed services must never be forgotten, and

WHEREAS, many of those individuals gave the ultimate sacrifice in the defense of our great Nation, and

WHEREAS, the West Seneca Joint Veterans Committee has long taken steps to ensure that the memories of the brave men and women who served over many years are not forgotten and their actions and bravery memorialized for future generations, and

WHEREAS, the West Seneca Joint Veterans Committee believes that the trusteeship of the Korean War Monument honoring those West Seneca veterans who served during that time of conflict would best be transferred to the Town of West Seneca, and

TOWN BOARD PROCEEDINGS Minutes #2022-03 January 31, 2022

WHEREAS, the West Seneca Joint Veterans Committee has taken the necessary steps to transfer such monument to the Town of West Seneca,

NOW BE IT THEREFORE RESOLVED, that the Town of West Seneca, with the deepest gratitude, accepts the honor of trusteeship of the Korean War Monument recognizing the importance of never forgetting the men and women who have bravely and without reservation served their country and local community.

Ayes: All

Noes: None

Motion Carried

3. Highway Sup't. re Termination of inactive part-time Laborers

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to terminate the following non-active parttime Laborers effective January 20, 2022:

Liam Kelly Jared Rodems Joshua Cooke

Jacob Maurino

Chase Weber

Jared Maurino

Ayes: All

Noes: None

**Motion Carried** 

4. Highway Sup't. re Vehicle purchase for Buildings and Grounds

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to allow the Highway Superintendent to complete a mini bid via NYS Office of General Services contract award No. 23166 for the purchase of one (1) new pickup truck with plow for the Buildings and Grounds Department with funds from equipment line 01711000.50200.

On the question, Councilmember Kims questioned the cost of the bid. Highway Superintendent Adams stated he does not know at this point, and the motion allows him to go through the process.

Ayes: All

Noes: None

Motion Carried

5. Highway Sup't. re Purchase of Ferris mower for Buildings and Grounds

Motion by Supervisor Dickson, seconded by Councilmember Kims, to authorize the Highway Superintendent to purchase one (1) new Ferris 61" mower in the amount of \$13,279.17 for the Buildings and Grounds Department noting, pricing is based on the BuyBoard contract No. 529-17, vendor No. 3092, with funds from line 01711000.50200.

Ayes: All

Noes: None

Motion Carried

6. Highway Sup't. re Retirement of Alan Parker as Buildings and Grounds Laborer

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to accept the retirement of Alan Parker as Buildings and Grounds Laborer effective February 15, 2022.

Ayes: All

Noes: None

Motion Carried

# TOWN BOARD PROCEEDINGS Minutes #2022-03 January 31, 2022

7. Chief Baker re Resignation of John Zahlhas as Crossing Guard

Motion by Supervisor Dickson, seconded by Councilmember Kims, to accept the resignation of John Zahlhas as Crossing Guard effective February 11, 2022.

Ayes: All

Noes: None

Motion Carried

8. Director of Finance re Budget transfer - Highway Department

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the following 2021 budget transfer for expenses related to the Highway Department for purchasing of parts:

#### Increase

\$12,000.00 02.5130.50493 - Highway Machinery - Parts

\$12,000.00 Total Increases

#### Decrease

\$12,000.00 02.5110.50497 - Highway General Repair - Blacktop Paving

\$12,000.00 Total Decreases

Ayes: All

Noes: None

Motion Carried

9. Director of Finance re Budget transfer – Police Department

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to authorize the following 2021 budget transfer for expenses related to the Police Department equipment and vehicle purchases:

### Increase

<u>\$20,000.00</u> 01.3120.50420 – Police – Vehicles \$44,941.74 Total Increases

# Decrease

\$	9,966.73	01.3120.50198 -	Police –	Holiday
----	----------	-----------------	----------	---------

\$ 3,000.00 01.3120.50407 - Police - Uniform Allowance

\$ 559.92 01.3120.50447 - Police - Micro Filming

\$ 1,000.00 01.3120.50454 - Police - Professional Services - Legal

\$ 2,000.00 01.3120.50459 - Police - Training Course

\$44,941.74 Total Decreases

Ayes: All

Noes: None

**Motion Carried** 

TOWN BOARD PROCEEDINGS Minutes #2022-03 January 31, 2022

Town Attorney re Substitution of Attorney – Andrews vs Town of West Seneca

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to consent to the substitution of counsel in the matter of Andrews v. Town of West Seneca, Index No. 805866/2021 pursuant to the Substitution of Attorney form.

Ayes: All

Noes: None

Motion Carried

11. Town Attorney re Substitution of Attorney – Warren vs Town of West Seneca (Burchfield)

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to consent to the substitution of counsel in the matter of Warren v. Town of West Seneca, Index No. 807781/2020 pursuant to the Substitution of Attorney form.

Ayes: All

Noes: None

Motion Carried

12. Town Attorney re Substitution of Attorney – Warren vs Town of West Seneca (Canisius)

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to consent to the substitution of counsel in the matter of Warren v. Town of West Seneca, Index No. 809040/2021 pursuant to the Substitution of Attorney form.

Ayes: All

Noes: None

**Motion Carried** 

### **3-B APPROVAL OF WARRANT**

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$732,938.90; Highway Fund - \$164,977.51; Sewer District - \$4,946.07; Electric Lighting Districts - \$3,948.95; Capital - \$1,625.40 (vouchers 21926 - 22953)

Ayes: All

Noes: None

Motion Carried

### **ISSUES OF THE PUBLIC**

The following comments and questions were received:

- ✓ West Seneca Cares received a thank you note from Father Baker Manor
- ✓ Will the town be liable for any injuries that may occur on the fitness court Town Attorney Trapp stated it would depend on the injury.
- ✓ How many deer vehicle collisions have occurred Chief Baker stated he will provide that information at the next meeting.
- ✓ Is there a snow removal ordinance for businesses, who enforces it, and expressed concern over fire hydrants not being cleared—Supervisor Dickson stated there is an ordinance that applies to businesses and property owners. Councilmember Piekarec stated the Code Enforcement office follows up on complaints.
- ✓ Opposed to mask mandates, they are ineffective and unsafe, and requested a written response identifying what sections of the Public Officers Law authorized the mask mandates – Supervisor Dickson referred to a letter from the Erie County Minority Caucus sent in November and stated the Erie County Executive is relying on NYS Executive Law section 24-1 to extend the county state of emergency. Town

TOWN BOARD PROCEEDINGS Minutes #2022-03 January 31, 2022

Attorney Trapp stated nothing under the Public Officers Law or Executive Law will specifically state masks or mask mandates, they are general statutes which provide certain authority to governmental officials to make emergency decisions. Supervisor Dickson noted Mr. Trapp will provide the information in writing.

Is there a determination to the fire – Highway Superintendent Adams stated it is an ongoing investigation, but it has been determined it was a result of one of the trucks in the back shop and the official cause has not been determined.

## **COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

### **Town Attorney Trapp**

Resolved additional contracts for approval at the next meeting

### Supervisor Dickson

West Seneca Arts Society thanked the Town Board for permission to display artwork in the hallway

### **Chief Baker**

Car thefts are continuing, please lock cars

### **EXECUTIVE SESSION**

Motion by Supervisor Dickson, seconded by Councilmember Kims, to enter into executive session to interview insurance brokers seeking to represent the town.

Aves: All

Noes: None

Motion Carried

Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, to return from executive session at 8:57 P.M.

Ayes: All

Noes: None

Motion Carried

Motion by Councilmember Piekarec, seconded by Councilmember Kims, to enter into an agreement with Tomkins Insurance to provide insurance brokerage services for the Town of West Seneca.

Ayes: (4) Supervisor Dickson

Noes: (1) Councilman Cantafio

Motion Carried

Councilmember Breidenstein Councilmember Kims

Councilmember Piekarec

## **ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adjourn the meeting at 8:58 P.M.

Ayes: All

Noes: None

Motion Carried