**TOWN BOARD PROCEEDINGS** Minutes #2020-17 August 17, 2020

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

ROLL CALL:

Present -Gary Dickson Supervisor

William Bauer Joseph Cantafio William P. Hanley, Jr. Councilman Councilman

Councilman

Jeff Piekarec

Councilman

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 Councilman Cantafio, to approve Minutes #2020-16, of August 3, 2020.

Ayes: All

Noes: None

Motion Carried

## <u>ANNOUNCEMENTS</u>

- Notice of increase from Modern Disposal Services, Inc.
  - ✓ Effective August 2020 2.98% increase in the per ton disposal rate for a price of \$42.14/ton

## **PUBLIC COMMENTS ON COMMUNICATIONS**

- A resident questioned/commented on the following:
  - ✓ Notice of increase from Modern Disposal Services, Inc.
    - Can the town end the contract at any time Town Attorney Hawthorne stated the town cannot just give notice and end the contract
    - If residents stop recycling would there still be a charge Town Attorney Hawthorne explained there are two elements to the fees: pick up of items (tipping fees) and processing of items; Highway Superintendent Adams concurred and added the items that are not recyclable are then taken to the landfill and the bills fluctuate monthly due to this.
    - Would it be less expensive for the town to just put all items in the garbage Highway Superintendent Adams believes it would be less expensive but understood there is an agreement with New York State that the towns must offer recycling. Town Attorney Hawthorne stated the tipping fees would go down as a result.
  - ✓ Item No. 2 Record of Activities Resolution
    - Requested clarification on "standard workday" and "record of activities" Town Attorney Hawthorne explained the standard workday is a formula based on the NYS Retirement system: three months of a record of activities in hours divided by 3, then divided by 8; anything 6 hours or more is considered full time and less than 6 hours is part-time. This is required for the first year of one's election or appointment.

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page two...

- Is there a reason for differences in each Councilman's hours Town Attorney Hawthorne stated the standard workday varies based on the actual time they have recorded. Councilman Bauer explained that each council member had the responsibility to log their time and activities and the time will vary.
- Should residents expect a certain amount of time from each Council member Councilman Hanley stated there are not a specified minimum number of hours required for their positions, meetings do count. Councilman Hanley stated he is not subscribed to the retirement system and will not be taking benefits when he leaves office.
- ✓ Item No. 6 Agreement with Auctions International
  - Did not see a list of items (vehicles/equipment) Highway Superintendent Adams stated this is the initial agreement to partner with Auctions International; any vehicles/equipment to be auctioned will go through the Town Board.
  - What happens to vehicles/equipment that do not sell Highway Superintendent Adams stated the town can try to sell through another auction.
  - What are the criteria for vehicles/equipment to be sold Highway Superintendent Adams stated age and deterioration are factors; it is usually more beneficial for the town to trade in vehicles.
- A resident questioned if Modern Disposal was the only available contractor Councilman Piekarec stated Modern bought out their only local competitor

# NEW BUSINESS 17-A COMMUNICATIONS

 Town Attorney re Information Technology Professional Services Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the following resolution authorizing the Supervisor to execute the Professional Services Agreement with Alternative Information Services:

WHEREAS, the Town of West Seneca (hereinafter referred to as "Town") recognizes that it requires professional services to maintain, update, and service it's information technology systems; and

WHEREAS, the Town secured proposals for information technology professional services from three companies (iEvolve, SynchroNet, and Alternative Information Services); and

WHEREAS, the Town has carefully weighed the proposals, including the services proposed and the cost for said services, and the Town desires to secure cost effective professional information technology services that best suit the technology needs of the Town for the benefit of the taxpayers; and

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 Alternative Information Services for information technology professional services as more fully described in the attached proposal at the rates contained therein.

Ayes: All Noes: None Motion Carried

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page three....

Town Attorney re Record of Activities Resolution Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the attached Standard Workday and Reporting Resolution and authorize the Finance Department to submit completed forms to the Elected & Appointed Officials Reporting Program.

Ayes: All

Noes: None

Motion Carried \*APPENDICES\*

 Highway Sup't. re Title change for Chris Nowinski to Highway Heavy Motor Equipment Operator Motion by Supervisor Dickson, seconded by Councilman Bauer, to terminate Chris Nowinski as a Highway Laborer and appoint him as a Highway Heavy Motor Equipment Operator, Group 5, Step 5, at a rate of \$27.84 per hour as per the Blue Collar contract effective August 18, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

**Motion Carried** 

 Highway Sup't. re Title change for James Vamvakitis to Highway Heavy Motor Equipment Operator Motion by Supervisor Dickson, seconded by Councilman Bauer, to terminate James Vamvakitis as a Highway Laborer and appoint him as a Highway Heavy Motor Equipment Operator, Group 5, Step 7, at a rate of \$29.53 per hour as per the Blue Collar contract effective August 18, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

**Motion Carried** 

5. Highway Sup't. re Budget transfer for the purchase of a rubbish truck

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to authorize a budget transfer in the amount of \$90,000.00 from 02995000.50975.2 Trans to Capital Proj – Roads to 02995000.50975.1 Trans to Capital Proj Fund for the purchase of a new rubbish truck and authorize Highway Superintendent Brian Adams to complete a mini-bid via NYS Office of General Services contract award #23166 for the purchase of the rubbish truck.

Ayes: All

Noes: None

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page four...

6. Highway Sup't. re Agreement with Auctions International

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize Highway Superintendent Brian Adams to enter into the attached agreement with Auctions International for the sale or disposal of old vehicles noting all proceeds from Highway equipment will go to the Highway Fund, proceeds from buildings and grounds and sanitation equipment will go to the General Fund.

Ayes: All

Noes: None

Motion Carried \*APPENDICES\*

7. Chief Denz re AXONS Enterprise, Inc. annual payment Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the fourth annual payment of \$5,754.24 to AXON Enterprise, Inc., formerly TASER International, per the signed five year equipment agreement between the town and Axon; funds are available through the police budgetary line .0459.

 Chief Denz re Status change for part-time Public Safety Dispatcher Gerard Mazurkowiecz to seasonal Ayes: All Noes: None Motion Carried Motion by Supervisor Dickson, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher Gerard Mazurkowiecz to seasonal effective August 1 - August 31, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

9. Chief Denz re Title change for Police Officer Jonathan Luterek to Police Lieutenant

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to terminate Jonathan Luterek from the rank of Police Officer and appoint him to the rank of Police Lieutenant effective August 18, 2020 at an annual salary of \$103,891.36 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

 Chief Denz re Title change for full-time Public Safety Dispatcher John Pingitore to Police Officer Motion by Supervisor Dickson, seconded by Councilman Piekarec, to grant John Pingitore a one year leave of absence from his position as full-time Public Safety Dispatcher effective August 18, 2020 and appoint him as Police Officer effective August 18, 2020 at the training rate of \$25.71 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page five...

11. Chief Denz re Title change for part-time Public Safety
Dispatcher Matthew Greenan to Police Officer

Motion by Supervisor Dickson, seconded by Councilman Bauer, to terminate Matthew Greenan as part-time Public Safety Dispatcher and appoint him as Police Officer effective August 18, 2020 at the training rate of \$25.71 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

12. Chief Denz re Appointment of Matthew Skea as Police Officer

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to appoint Matthew Skea as Police Officer effective August 18, 2020 at the training rate of \$25.71 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

13. Chief Denz re Appointment of Joshua Kinner as Police Officer

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to appoint Joshua Kinner as Police Officer effective August 18, 2020 at the training rate of \$25.71 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

 Chief Denz re Appointment of Salvatore Callea as Police Officer Motion by Supervisor Dickson, seconded by Councilman Cantafio, to appoint Salvatore Callea as Police Officer effective August 18, 2020 at the training rate of \$25.71 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

**Motion Carried** 

 Director of Finance re Request for Proposals – professional auditing services Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Director of Finance Megan Wnek to prepare a request for proposal for the performance of audit services for the fiscal years ending December 31, 2020, 2021, and 2022.

Ayes: All

Noes: None

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page six...

16. Director of Finance re Budget transfers

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the following budget transfers:

Kindly authorize a budget transfer for \$373,825 from highway department salaries of laborers 02.5110.144 to 02.9040.803 workers' compensation insurance to cover budget overages for SLU payments.

Kindly authorize a budget transfer for \$5,900 from buildings and grounds salaries of part time laborers 01.7110.149 to 01.8160.149 sanitation salaries of part time laborers.

Kindly authorize a budget transfer for \$34,100 from buildings and grounds salaries of part time laborers 01.7110.149 to 01.9040.803 workers' compensation insurance to cover budget overages for SLU payments.

Kindly authorize a budget transfer for \$126,700 from recreation salaries of seasonal and temp 01.7140.149, \$53,680.96 from recreation – pool salaries of part time laborers 01.7180.149, \$5,280 from salaries of recreation supervisor 01.7180.100 and \$758 from sports and recreation equipment 01.7180.230 to 01.9040.803 workers' compensation insurance to cover budget overages for SLU payments.

Kindly authorize a budget transfer of \$14,000 senior center salaries of part time clerks 01.7620.139 and \$30,000 from senior center drivers, instructors and cooks 01.7620.144 to 01.9040.803 workers' compensation insurance to cover budget overages for SLU payments.

Ayes: All

Noes: None

**Motion Carried** 

17. Recreation Supervisor re Addendum – West Seneca Youth Hockey Association Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the COVID-19 Addendum with the West Seneca Youth Hockey Association.

Ayes: All

Noes: None

Motion Carried

#### 17-B REPORTS

- Amy M. Kobler, Town Clerk's report for July 2020 received and filed.
- Jeffrey Schieber, Code Enforcement Officer, building & plumbing reports for July 2019 received and filed.

### 17-C 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 - \$115,090.13; Highway Fund - \$196,207.02; ewer Fund - \$6,929.83; Electric Lighting - \$318.32 (vouchers 12852 - 13736)

Ayes: All

Noes: None

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page seven...

## **ISSUES OF THE PUBLIC**

- A resident questioned the following:
  - ✓ Will the old rubbish truck be up for auction Highway Superintendent Adams stated that is a possibility
- Has the town considered privatizing trash collection to save on costs Supervisor Dickson replied yes,
   but currently there is not much savings as well as contractual issues
- Residents from Covington Drive questioned/commented on the following:
  - ✓ Could the speed limit on Covington Drive be lowered from 35mph to 25mph Councilman Hanley stated the speed limit has been questioned across town; unfortunately people will speed despite the speed limits
  - ✓ Will be collecting signatures on a petition from Covington Drive residents. The petition would
    go before the Town Board and the Town Board would send it on to NYS. Councilman Hanley
    lives in that neighborhood and agrees speeding is an issue
- A resident questioned the following:
  - ✓ Are there candidates for the Ethics Board and Environmental Committee Supervisor Dickson stated there are candidates and they will be discussed during the Executive Session
  - ✓ Is the town currently negotiating any contracts Supervisor Dickson replied the town is currently negotiating with the PBA
  - ✓ Did Highway Superintendent Adams sign the Highway contract 284 Highway Superintendent responded yes around the time of the Organizational meeting
  - ✓ Requested clarification between seasonal and part-time seasonal Highway Superintendent Adams explained part-time status allows an employee to work up to 20 hours/week and seasonal allows for an employee to work up 40 hours/week with a maximum of five months total in a twelve month period.
- A resident questioned the following:
  - ✓ Has the town done an analysis on where it stands with sales tax revenue by the end of the year Supervisor Dickson stated the most recent report from the county is that overall sales tax revenue is down approximately 13.8%; in May it was at -30%. In 2019 the town budgeted for \$6M and actually received \$6.4M; anticipates losing a few hundred thousand dollars this year.
- A resident commented/questioned on the following:
  - ✓ Suggested speed bumps for Covington Drive
  - ✓ Are ambulance sirens needed in the middle of the night Chief Denz responded if ambulances do not use their sirens it increases their liability in the event of an accident
  - ✓ Suggested parking on Union Road for Spot coffee customers Supervisor Dickson replied Union Road is a state Road but this may be possible on Legion Drive
  - ✓ Suggested fundraisers and uses for the Community Center

## PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

### **Town Attorney Tina Hawthorne**

Requested an Executive Session to discuss a PBA grievance

## Councilman Piekarec

 Complimented the volunteers for their recent work on the Walkway of Freedom – weeding the gardens and staining the gazebo

TOWN BOARD PROCEEDINGS Minutes #2020-17 August 17, 2020 Page eight...

## Supervisor Dickson

Met with all departments heads for the budget, tentative budget to be submitted to the Town Clerk before the end of September

### Councilman Bauer

Thanked the first responders and fire companies for their professionalism when they responded to a fire at his home

## **Highway Superintendent Brian Adams**

- Update for the project on East & West Road completion anticipated toward the end of October
- Drainage problems due to last large rain events continuing to inspect lines, ditch work, and replacing pipes in problem areas
- Residents calling about brush pick up please anticipate about a week and a half for pick up

## **Chief Denz**

Requested an Executive Session regarding a disciplinary issue

### **EXECUTIVE SESSION**

Motion by Supervisor Dickson, seconded by Councilman Cantafio to enter into executive session to discuss the following three items: candidates for the Ethics Board and the Environmental Commission; a PBA grievance regarding work time; and a disciplinary issue in the Police Department.

Ayes: All

Noes: None

Motion

Carried

## **ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 7:56 P.M.

Ayes: All

Noes: None

Motion Carried

AMY M. KOBLER, TOWN CLERK

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Employer's website at: WIUU

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Office of the State Comptroller  New York State and Local Retirement System 110 State Street, Albany, New York 12244-0001 Please type or print clearly in blue or black ink	Employer Location Code	BE IT RESOLVED, that the report the officials to the Ne

Tier 1 do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the day of Augus, 2020 Sene Con this 18th day of AUGUSt 20 26 Tawn of West Jerus Cathe State of New York, Axam ti からなれる Diruck Ely SI-WEEK LY 力・いべい下る Pay Frequency N-WAK Not Submitted being duly sworn, deposes and says that the posting of the Resolution began on 00°00 00,66 34:00 つのったの 00 × 10 Record of Activities Result 8,60 (Name of Employer) Standard Work 4 , (Name of Secretary or Clerk), and continued for at least 30 days. That the Resolution was available to the public on the: Highway Saperinkphakm 12131123 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. <u>र</u>ु Director of Finande all 180-08/180/190 08/190/190 Town atterney (1/8/1/3/1/3) 'Name of Employer) 01/01/2/20 Current Term Begin & End 12/16/19 MAN TOWN CLERKY Employer's website at: WWW. WILH SIMICA. MI Q 558550 V Title MOUNCE IN WITMESS WHEREOF, I haye hereunto set my hand and the seal of the NYSLRS ID Social Security Number (Name of Secretary or Clerk) Arry M. Kobler Affidavit of Posting: I, HDX Haust harne C. HOM Batter Brian adams Megan Winek Finbar というでん Appointed Officials: Name Elected Officials: 12 763

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## ONLINE AUCTION CONTRACT-AGREEMENT FOR SALE OF GOVERNMENT ASSETS BY ONLINE AUCTION

This Agreement made on 8 117 120 20, between Jown of West Senece Highway hereafter called "Seller", and Auctions International, Inc., 11167 Big Tree Road, East Aurora, NY 14052, hereafter called "Auctioneer":

The Auctioneer hereby agrees to use professional skills, knowledge, and experience to the best advantage of both parties in preparing for and conducting the sale. All auction items will be sold "As-Is, Where-Is", subject to the Seller's terms.

The Seller agrees to provide Titles, Keys and all other Proof of Ownership to customers who present a paid invoice from Auctions International, and release the purchased items once the Auctioneer has received full payment for the goods listed and described in detail on provided condition reports, and/or provided by electronic means to Auctioneer.

#### GOVERNMENT VEHICLES, MACHINERY, EQUIPMENT AND ALL OTHER SURPLUS ASSETS

The Seller agrees to provide merchantable title (with no liens or encumbrances) for motor vehicles, and agrees to write-in the purchase information on the back of any titles issued to purchasers (as required by law). The Seller furthermore agrees not to sell listed merchandise before the term of the online auction is complete, under any circumstances.

The Auction is to be held online at www.AuctionsInternational.com, beginning and closing on mutually agreed dates and times. The terms and prices of this contract shall remain in effect for two (2) years after the agreement is executed, based on the needs of the Seller. Notwithstanding the foregoing, the Seller may terminate this contract at any time for convenience.

It is agreed that all listed merchandise be sold to the highest bidder, "as-is", "where-is", with no warranty expressed, implied or otherwise, and with the Government Seller retaining the right to reject any bids that are insufficient. Seller agrees to specify a minimum acceptable price on each rejected bid, which will be posted on the 'Past Prices' page of the Auctioneer's website.

Purchaser's will be required to pay a 4% buver's premium for vehicles and equipment sold within two (2) years of the manufacture date, a 5% buyer's premium for vehicles and equipment within three (3) years of the manufacture date, or a 10% buyer's premium for all older equipment to be added to the successful high bid prices, which will constitute the Auctioneer's compensation for these services. There is NO commission charged to the seller.

The Auctioneer will conduct auction(s) at no-cost to the Seller, provided the Seller takes photos and descriptions of the merchandise, and provides this information to the Auctioneer's staff. The Auctioneer reserves the right to combine low-value merchandise into larger online auction lots as necessary, based on past experience with such items.

If requested by the Seller, the Auctioneer's staff will travel to the Seller's facilities to obtain photos and condition reports of the Seller's items, for the following listing fees: Thirty dollar (\$30) fee for each motorized vehicle/equipment, and Five dollar (\$5) fee for each auction lot that is not a motor vehicle. These listing fees will be deducted from the sale proceeds, before final payment is made to Seller.

The Auctioneer will mail a check to the Seller for all proceeds collected within fifteen (15) business days after the Seller approves the bids for the sale items and all monies are collected, along with an accounting summary. In the event of a bidder's refusal or failure to pay for their invoiced items, the Auctioneer will offer the unsold merchandise to the backup bidder, and the reneging bidder will be banned from future auctions. If the backup bidder does not take the merchandise for the backup bid price, then the merchandise will revert back to possession of the seller, after a reasonable time has been allowed for the backup bidder to get their payment to the Auctioneer. At the request of the Seller, any unsold merchandise can be re-listed in a future online auction. At no cost to the seller.

INDEPENDENT STATUS. That during the existence of this agreement, the Auctioneer shall remain an individual, independent contractor, retaining its separate identity and shall in no way be considered a division, department or agent of the Seller's agency or organization.

WAIVER. No waiver of any breach of any condition of the agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among the parties with respect to the subject matter of this

		orisitudes the entire agreement among the parties with responsive prior understandings and agreements, whether written or oral,		
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` /	Seller's Authorizing Signature	Printed Name and Agency Title	Telephone Number	
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