

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

TOWN BOARD PROCEEDINGS
Minutes #2015-08
April 20, 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 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 Eugene Burke, James Hillery, Richard Stacey, Alfreda Janiak, Genevieve Iafallo, Bernadine Foote, Dorothy Konert and Louise Smith.

8-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the April 6, 2015 work session.

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2015-07 of April 6, 2015.

Ayes: All Noes: None Motion Carried

8-B TABLED ITEMS

- 1. Supervisor Meegan re Appointment of Director of Recreation II Received and filed.

8-C COMMUNICATIONS

- 1. Supervisor Meegan re Re-designation of E. Hicks to Erie County Environmental Management Council Motion by Supervisor Meegan, seconded by Councilman Hanley, to re-designate Evelyn Hicks to serve as the Town of West Seneca's representative on the Erie County Environmental Management Council for a two year term to expire on May 31, 2017.

Ayes: All Noes: None Motion Carried

8-C COMMUNICATIONS

2. Supervisor Meegan re Appointment of Thomas Bilski to Board of Assessment Review

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Thomas Bilski to the Board of Assessment Review effective immediately for a term expiring September 30, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated that Mary Derk resigned from this position and Mr. Bilski had previously served on the board.

Ayes: All

Noes: None

Motion Carried

3. Supervisor Meegan re Appointment of Katie Hourihan as Secretary to Ethics Committee

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Katie Hourihan as secretary to the Ethics Committee at a rate of \$75.00 per meeting and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

4. Councilman Hanley re Appointment of Daniel Dyson as temporary, full-time Sewer Laborer

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Daniel DJ Dyson as part-time Sanitation Department laborer and appoint Daniel DJ Dyson as temporary, full-time Sewer Laborer, Group 1, Step 1, at a rate of \$20.41 per hour effective April 20, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

5. Town Attorney re Cancel Purchase agreement for former St. Bonaventure property

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Town Attorney to transmit the attached correspondence canceling the purchase agreement with St. Bonaventure Roman Catholic Church Society of West Seneca regarding the former St. Bonaventure property, noting this election to cancel is within the "Inspection Period" provided for in the agreement which permits the town to cancel the agreement and receive a refund of its \$5,000 initial deposit.

8-C COMMUNICATIONS

5. (continued)

On the question, Councilman Hart stated they cannot reveal the number but the assessment by the engineers made it unaffordable to go forward with the purchase.

Ayes: All

Noes: None

Motion Carried
APPENDICES

6. Town Attorney re Public hearing to consider increase and improvement of water district facilities

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution to schedule a public hearing on May 11, 2015 at 7 P.M. to consider the increase and improvement of facilities of Water Districts 1, 2, 3, 4, 6, 7 and 8.

Ayes: All

Noes: None

Motion Carried
APPENDICES

7. Highway Sup't re Attendance at 2015 Highway School

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Highway Superintendent Matthew English and Deputy Highway Superintendent Greg Zimmerman to attend the 2015 Highway School to be held June 1 – 3, 2015 at Ithaca College with costs not to exceed \$1500.

Ayes: All

Noes: None

Motion Carried

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

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of the following part-time sanitation laborers to part-time seasonal laborers effective May 4 – October 4, 2015 at a rate of \$8.75 per hour: Steve Amoia, Jr., Colin Brown, Timothy Czuprynski, Nicholas Gugliuizza, Andrew Maj, Jeffrey Roll, Matthew Schultz, Timothy Stevenson and Robert Walsh and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated he was abstaining from this vote because Robert Walsh is a second cousin.

Ayes: (2) Supervisor Meegan, Councilman Hanley

Noes: None

Abstentions: (1) Councilman Hart

Motion Carried

8-C COMMUNICATIONS

9. Highway Sup't re
Appointment of part-time
seasonal sanitation laborers

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint the following as part-time seasonal sanitation laborers at a rate of \$8.75 per hour effective May 4 – October 4, 2015: Adam Karyczak, Norman Locher, MacKenzie Szakacs and Patrick Kane; and further, terminate Austin Boehm and Kevin O'Shaughnessy as part-time seasonal laborers in Buildings & Grounds and appoint them as part-time seasonal sanitation laborers at a rate of \$8.75 per hour effective May 4 – October 4, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Chief Denz re Status change
for part-time Public Safety
Dispatcher A. Wagner to
part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher (PSD) Andrew Wagner to part-time seasonal effective April 1 - 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Senior Recreation Therapist
of Sr. Services re Status
change for J. Kropczynski to
part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time clerk typist Janet Kropczynski to part-time seasonal effective May 1 - 29, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Senior Recreation Therapist
of Sr. Services re Status
change for M. Bless to part-
time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Marirose Bless to part-time seasonal effective May 1 - June 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8-C COMMUNICATIONS

13. Youth Service Coordinator re
Status change for C. Kogut
to part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of Candice Kogut from part-time to part-time seasonal effective April 26 - September 12, 2015 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
Termination of Recreation
Attendant/ID Room Clerk L.
Green

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Lynn Green as Recreation Attendant/ID Room Clerk effective April 23, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

15. Code Enforcement Officer re
Hearing for emergency
demolition at 69 Dirkson
Avenue

Motion by Supervisor Meegan, seconded by Councilman Hart, to conduct a hearing for an emergency demolition to address unsafe conditions at 69 Dirkson Avenue, noting the conditions set forth in Chapter 57 of the Town Code have been met without any responsible person replying and the costs will be added to the tax rolls.

On the question, Supervisor Meegan commented on the process the town has started to aggressively address these unsafe homes.

Code Enforcement Office John Gullo stated there was a fire at this property and it is now a public safety issue in need of immediate demolition.

Ayes: All Noes: None Motion Carried

16. Code Enforcement Officer re
Hearing for emergency
demolition at 35 Benson
Avenue

Motion by Supervisor Meegan, seconded by Councilman Hart, to conduct a hearing for an emergency demolition to address unsafe conditions at 35 Benson Avenue, noting the conditions set forth in Chapter 57 of the Town Code have been met without any responsible person replying and the costs will be added to the tax rolls.

On the question, Code Enforcement Office John Gullo stated this property has a major foundation problem. It is a public safety issue and needs immediate demolition.

Ayes: All Noes: None Motion Carried

8-D 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 - \$377,434.51; Highway Fund - \$186,345.54; Special Districts - \$21,561.35; Capital Fund - \$585,341.40 (voucher #'s 84477-88769); Trust & Agency Fund - \$46,130.81 (voucher #'s 88733-88755)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

TOWN PARK COMMEMORATIVE PLAQUES

Vincent Graber commented on the commemorative plaques at the West Seneca Soccer Complex, Harlem Road Park, Sunshine Park and the Burchfield Center that have misinformation and do not properly acknowledge the Town Board members directly involved in the process of developing these parks (i.e. late Jerry Hicks, Christopher Walsh & Barbara Rudnicki). Mr. Graber asked the Town Board to research this information and have these plaques corrected.

Motion by Supervisor Meegan, seconded by Councilman Hart, to research development of the West Seneca Soccer Complex, Harlem Road Park, Sunshine Park and the Burchfield Center and take the necessary steps to correct the commemorative plaques on display to include former council members Christopher Walsh, Barbara Rudnicki and the late Jerry Hicks that were involved in developing these parks.

Ayes: All

Noes: None

Motion Carried

BUFFALO FENIANS

Amy Carpenter questioned the status of the Buffalo Fenians meeting. Town Attorney John Fenz responded they have reached an agreement in principle and he is in the process of drafting an agreement.

BURCHFIELD CENTER RESTORATION

Amy Carpenter questioned if steps will be added at the Burchfield Center.

Town Engineer Steven Tanner responded he is in the process of getting prices for the steps. He further commented on the comfort station that will include a ramp leading up to it, noting that keeping it on the steel pedestal was effective in keeping it above the flood plain and preventing it from flooding. Restoration should begin shortly.

ISSUES OF THE PUBLIC

TREE ORDINANCE

Amy Carpenter questioned the status of the Tree Ordinance.

Councilman Hart commented on significant changes made to the ordinance based on recommendations from the Environmental Commission tree sub-committee that will have an impact on projects going forward.

Town Attorney John Fenz stated a public hearing will be held at the May 25th Town Board meeting or the first meeting in June.

MASTER PLAN

Amy Carpenter questioned the status of the Master Plan and Councilman Hart stated the next meeting is scheduled for Wednesday, April 29th at 7 P.M. at the Burchfield Center.

QUASAR

Amy Carpenter questioned if Quasar has produced any electricity. Town Engineer Steven Tanner stated he feels they are very close to producing electricity and noted Quasar submitted plans for facility improvements that are permitted by the Department of Environmental Conservation (DEC) and include additional buildings that will require code enforcement review.

ETHICS COMMITTEE DETERMINATION

Amy Carpenter questioned if there will be a determination made based on the recommendation submitted by the Ethics Committee and Supervisor Meegan responded the board members have not had a conversation to discuss the findings.

TOWN LIGHTING

Amy Carpenter referred to a recommendation made for the type of lighting used in town and questioned if there are any plans to pass a law to require use of more energy efficient lighting.

Town Engineer Steven Tanner responded the original performance contract took care of changing to more energy efficient LED bulbs in lights owned by the town, but this consisted of only 15 percent of the town's lights at the time. The town is moving forward to get approval from the Public Utilities Commission to buy the remainder of the lights in town from the various utilities. Once approved, the performance contract will allow for every light to be switched to more energy efficient lighting over the course of the next year.

ISSUES OF THE PUBLIC

CREMATORIUM IN WEST SENECA

Amy Carpenter commented on Union Fire Company's proposal for a new fire hall and questioned if a crematorium is going into the old fire hall location.

Code Enforcement Officer John Gullo responded that a crematorium was proposed for the industrial park and he directed that person to obtain the necessary state approvals prior to proceeding with the town; however, he feels it is unlikely the state will give their approval.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EMERGENCY MANAGER CERTIFICATION

Supervisor Meegan announced that John Gullo received international certification as Emergency Manager.

REGISTERED MUNICIPAL CLERK CERTIFICATION

Supervisor Meegan announced that Town Clerk Jacqueline Felser will be receiving Registered Municipal Clerk certification at the NYS Town Clerks Association conference next week.

GRASS TRUCKS

Highway Superintendent Matthew English stated that grass trucks are starting May 4th and leaves, grass, etc. should be put in returnable containers.

NEW YORK PRIZE GRANT APPLICATION

Town Engineer Steven Tanner commented that Quasar approached the town about a grant application for a state sponsored program called New York Prize. There are three steps involved including a study, followed by initial engineering and finally ten communities are chosen to implement a microgrid that could provide electricity to critical facilities if electricity is out throughout the town. Mr. Tanner explained that a microgrid is a standalone unit that can use excess electricity, in this case produced by Quasar and Solar City, as an alternate power source for critical town services during emergency situations. He feels that even if the grant is not received, it is a good opportunity to partner with these companies to do good things with excess electricity with an emphasis on green energy.

RECREATION PROGRAM UPDATE

Youth Service Coordinator Lauren Masset stated that summer day camp registration is on-going and flyers are going out to the schools this week.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EMPIRE STATE STUDENT SERVICE AWARD

Councilman Hanley recognized Youth Service Coordinator Lauren Masset as the Empire State Student Service Award recipient, noting Lauren was selected from eleven finalists and the award is based on her services and volunteer work in West Seneca.

FAMILY HEALTH FAIR

Senior Recreation Therapist of Sr. Services Mary Josefiak announced that Senator Gallivan is sponsoring a Family Health Fair for all ages Saturday, April 25th, 10 A.M. – 2 P.M. at the senior citizens center.

COMPREHENSIVE PLAN

Councilman Hart stated the next Comprehensive Plan meeting will be held April 29th at 7:00 P.M. and is open to the public. Targeted future projects in the town will be discussed.

WEST SENECA STAKEHOLDERS COALITION

Councilman Hart stated there is a West Seneca Stakeholders Coalition meeting tomorrow at 1 P.M. at the Southgate Plaza meeting room and all are welcome to attend.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 7:45 P.M. to discuss four employee issues and two legal issues.

Ayes: All

Noes: None

Motion Carried

The board members returned from executive session at 10:15 P.M.

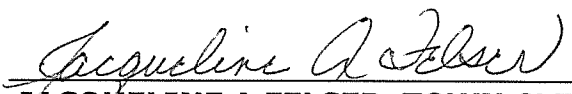
ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 10:15 P.M.

Ayes: All

Noes: None

Motion Carried



JACQUELINE A FELSER, TOWN CLERK



JOHN FENZ
TOWN ATTORNEY
jfenz@twany.org

TOWN OF WEST SENECA

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

Via Hand Delivery

April 20, 2015

Steven Roth
Catholic Diocese of Buffalo
795 Main Street
Buffalo, NY 14203

Re: St. Bonaventure's Roman Catholic Church Society of West Seneca
Former St. Bonaventure Church (the "Property")
Termination of Purchase and Sale Agreement (the "Contract")

Dear Mr. Roth:

Please be advised that, pursuant to Section 10 of the Contract for purchase and sale of the Property, the Town is exercising its right to termination within the provided for Inspection Period due to unsatisfactory inspection results. Enclosed please find your original Chicago Title Insurance Company Abstract of Title, number 1513-00364.

I kindly request that a check in the amount of \$5,000.00, payable to the Town of West Seneca, comprising the refundable Initial Deposit be returned to the Town at your earliest convenience.

We thank you for your cooperation with regard to the Town's contemplated purchase.

Very truly yours,


John J. Fenz, Esq.

Enc.

Cc: Joseph A. Stoeckl, Esq. (via hand delivery)
Sheila Meegan, Town Supervisor (via hand delivery)
Timothy J. Hourihan (via hand delivery)

TOWN HALL 1250 UNION ROAD • WEST SENECA, NEW YORK 14224 • (716) 558-3252 • FAX (716) 558-0682

www.westseneca.net

Supervisor Meegan offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, NEW YORK, ADOPTED ON APRIL 20, 2015, CALLING FOR A PUBLIC HEARING TO BE HELD ON MAY 11, 2015, FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF WATER DISTRICTS 1, 2, 3, 4, 6, 7, 8 AND 9, PURSUANT TO SECTION 202-b OF THE TOWN LAW

Recitals

WHEREAS, the Town Board has undertaken proceedings pursuant to Section 202-b of the Town Law for the joint increase and improvement of water system facilities of Water Districts 1, 2, 3, 4, 6, 7, 8 and 9 (herein called the "Districts") in the Town of West Seneca (herein called the "Town"), in the County of Erie, New York, in preparation for the eventual conversion to a Direct Service contract with the Erie County Water Authority for the benefit of water system users in the Districts:

WHEREAS, such joint increase and improvement of facilities located throughout the Districts includes construction of improvements to approximately 43,000 linear feet of watermains and the water storage tank located off of East & West Road approximately 1000 feet west of Leydecker Road, and replacement of approximately 55 existing hydrants, all as more particularly described in the map, plan and report dated January 2014 prepared by Clark Patterson Lee, engineers duly licensed by the State of New York (herein called the "Engineer"), as supplemented by letter dated April 17, 2015 from the Engineer, and filed with the Town Clerk of the Town; and

WHEREAS, the estimated cost of the project is \$8,000,000, of which \$400,000 is to be funded from Local Government Efficiency Grant funds expected to be received by the

Town on behalf of the Districts and \$7,600,000 is proposed to be financed through issuance of bonds by the Town of West Seneca on behalf of the Districts; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the increase and improvement of the facilities of the Districts may have on the environment and the Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), constituting Article 8 of the Environmental Conservation Law and the applicable documentation thereof has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has reviewed a Short Environmental Assessment Form prepared and signed by the Town Attorney and by resolution duly adopted on May 12, 2014 has determined that the proposed project is an unlisted action and will not have a significant impact on the environment;

Now, therefore

THE TOWN BOARD OF THE TOWN OF WEST SENECA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of a majority of all the members of said Town Board) AS FOLLOWS:

Section 1. A meeting of the Town Board of the Town shall be held at the Town Hall, 1250 Union Road, West Seneca New York 14224, on the 11th day of May, 2015, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Districts, as described in the Recitals hereto, and to hear all persons interested in the subject

thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

Section 2. The Town Clerk is hereby authorized and directed to publish, or cause to be published, at least once in the "WEST SENECA BEE," a newspaper having a general circulation in the Town and hereby designated as the official newspaper for such publication, and to post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, in substantially the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

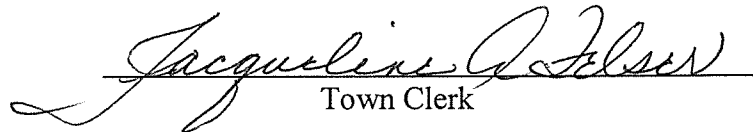
Section 3. This resolution shall take effect immediately.

CERTIFICATE

I, Jacqueline A. Felsner, Town Clerk of the Town of West Seneca, in the County of Erie, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution Calling For a Public Hearing with the original thereof filed in my office on the 20th day of April, 2015, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 21st day of April, 2015.

(SEAL)


Town Clerk