

7-C COMMUNICATIONS

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| 2. Supervisor Meegan re Resolution in opposition to NYS Senate and Assembly Bill | Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution in opposition to NYS Senate Bill 2605 and Assembly Bill 3005 which will allow portions of reduced fines currently retained by municipalities to be given to the State of New York. |
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On the question, Councilman Rusinski stated that NYS asserts this bill is designed to positively affect traffic safety; however, this NYS general budget initiative is designed to generate \$16 million to \$24 million, and generally speaking, effective safety initiatives usually cost money and should not generate funds. This type of legislation will be at the financial detriment of local municipalities and is just another example of state government using local government as a source of revenue. Councilman Rusinski stated that Part C of the bill regarding reduced fines remaining with municipalities is the only portion he is opposed to and it needs to be adamantly opposed on behalf of the taxpayers.

Councilman Hart commented that this bill is a budget buster and will definitely put the town over the 2 percent tax cap. This type of legislation is extremely unfair to local governments who bear all the costs of the court, police department, overtime expenses and other expenditures to enforce the Vehicle and Traffic Law, and if passed, will result in a loss of between \$800,000 and \$1 million in revenue for the town.

Ayes: All

Noes: None

Motion Carried
APPENDICES

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| 3. Supervisor Meegan re Request for waiver of prevailing wage | Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Town Attorney to seek formal approval from the New York State Public Works Director to allow apprentices at local labor unions to perform work at Fireman's Park for improvements to the baseball facilities, noting this will allow the apprentices to obtain valuable work experience and provide an invaluable benefit to the residents of the Town of West Seneca. |
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On the question, Councilman Hart stated this will be low cost construction of five baseball fields for the youth baseball program.

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3. (continued)

Supervisor Meegan stated this will enable the Town of West Seneca to expand the diamonds and give boys baseball a park of their own. The town has a working document in progress with Local 17 who will start the project and then reach out to others. Boys baseball has raised \$50,000 to assist in providing meals for the apprentices and help alleviate fuel costs. Portions of the work will also be performed by the Buildings & Grounds Department and anyone else in the community that would like to help. Supervisor Meegan commented that this is a terrific opportunity and an example of unions and the town working together along with the youth.

Ayes: All

Noes: None

Motion Carried

4. Town Engineer re Additional hydrants – Camelot Square, Part 3 Subdivision

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the addition of four (4) hydrants for Camelot Square, Part 3 Subdivision; and further, acknowledge and resolve to pay the additional hydrant fee that will be charged by Erie County Water Authority in the amount of \$160.80 per hydrant, per year.

Ayes: All

Noes: None

Motion Carried

5. Chief Gehen re Increase of hourly wage for crossing guards

Motion by Supervisor Meegan, seconded by Councilman Hart, to increase the hourly rate for part-time crossing guards from \$8.00/HR to \$9.00/HR effective March 24, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

6. Town Clerk re Extension of tax collection

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve an extension of the time for collection of 2013 town/county taxes to July 1, 2013, noting that this will allow the town to keep the penalties rather than the county receiving them.

On the question, Councilman Hart questioned if extending the tax collection will allow residents to continue paying taxes at Town Hall and the bank.

Town Clerk Jacqueline Felser responded that residents can only pay their taxes at M & T Bank until February 15th, but can continue to pay by mail or in person at Town Hall up until July 1, 2013 and the town keeps the penalties instead of the county receiving them.

Ayes: All

Noes: None

Motion Carried

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7. Director of Recreation re Attendance at NYS Parks and Recreation Conference
Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Director of Recreation Craig Kroll to attend the New York State Parks and Recreation Conference, March 18 & 19, 2013 in Rochester, NY at a total cost not to exceed \$460.

Ayes: All Noes: None Motion Carried

8. Town Engineer re Attendance of R. Pfeil at Civil 3D 2013 Fundamental Training Class
Motion by Councilman Rusinski, seconded by Councilman Hart, to authorize Principal Engineering Assistant Ronald Pfeil to attend the Civil 3D 2013 Fundamental Training Class, April 9 – 12, 2013 in Amherst, NY at a total cost not to exceed \$1,395 and noting that sufficient funds are available in line item #1.1440.0200.

On the question, Councilman Hart commented on the cost and questioned if engineering employees are required to have training each year.

Town Engineer Steven Tanner responded that annual training is not required of employees in the Engineering Department and they have not participated in any training in a few years. This four day training involving Civil 3D software is not required, but will provide greater efficiency within the department as technology continues to evolve.

Ayes: All Noes: None Motion Carried

9. Councilman Rusinski re Resolution in opposition of gun control bill, NY safe act
Motion by Councilman Rusinski, seconded by Councilman Hart, to adopt the attached resolution urging that immediate action be taken to rescind, repeal and rewrite Gun Control Bill S.2230 known as the New York Safe Act.

On the question, Councilman Hart stated gun control is a very difficult issue throughout the state and he supports this resolution because the initial Gun Control Bill was rushed through the Senate and Assembly without adequate discussion.

Chief Gehen stated the biggest problem with the bill is how it was hurried through without any input from law enforcement. A reasonable way to address this issue would be the inclusion of law enforcement, mental health and prosecutors in a discussion, resulting in an educated process going forward.

Ayes: All Noes: None Motion Carried
APPENDICES

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10. Chief Gehen re Appointment of Lucille Malizia as part-time crossing guard
- Motion by Councilman Rusinski, seconded by Councilman Hart, to appoint Lucille A Malizia as part-time crossing guard at a rate of \$9 per hour effective March 24, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Town Attorney re Local Law #2013-04, Modification to Section 74, Discharge of Firearms
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to schedule a public hearing to consider Local Law #2013-04, Modification to Section 74, Discharge of Firearms.

On the question, Town Attorney Shawn Martin stated this local law involves updating and modifying Section 74 of the Town Code and if approved will allow for an indoor shooting range in the Industrial Park. The local law also enables law enforcement to train and undergo any appropriate measures necessary for certification and updates provisions for discharge of firearms permits in the town. Mr. Martin stated the notice will be published advertising the public hearing for April 29, 2013 at 7:00 P.M.

Councilman Hart questioned if there is a fee for a discharge of firearms permit and Mr. Martin responded that currently there is no fee but that could be included in the local law if the board members chose to do so.

Chief Gehen stated he is in agreement with the law as it is proposed and depending on the facility the proposed indoor shooting range could be a good opportunity for law enforcement to train locally.

Ayes: All Noes: None Motion Carried

7-D REPORTS

- Jacqueline A. Felser, Town Clerk's report for February 2013 received and filed.
- John Gullo, Code Enforcement Officer's report & plumbing report for February 2013 received and filed.

7-E WARRANT

Motion by Councilman Hart, seconded by Supervisor Meegan, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - \$335,015.10; Highway Fund - \$88,178.14; Special Districts - \$483,143.19 (voucher #'s 77023 - 77715); Trust & Agency Fund - \$36,388.28 (voucher #'s 77605 - 77722); Capital Fund - \$82,286.66 (voucher #'s 77618 - 77620)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

DEER POPULATION

Leonard Brooks commented on the abundance of deer in his yard on French Lea Road and the problems they are causing.

Supervisor Meegan responded she is working with the DEC and others regarding thinning the herd and there will be discussions on the territories that need to be targeted with the hope of having a plan in place by September.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of AmeriCorps payments.

Finance Director Laura Landers responded a payment of \$8,000 was received in March.

PLANNING BOARD MEETING

Karen Lucachik stated she attended the last Planning Board meeting when the shooting range was proposed and tabled without any explanation. She suggested in the future the Planning Board provide a brief explanation as to why a particular item is being tabled. Mrs. Lucachik further referred to the architect's application for the shooting range and questioned if the town or ECIDA was partnering in this venture.

Supervisor Meegan responded the town is not involved in a joint venture and she is unaware of any other involvement.

ISSUES OF THE PUBLIC

PLANNING & ZONING BOARD MEMBERS

Karen Lucachik questioned the ruling concerning Planning & Zoning Board members missing meetings.

Supervisor Meegan responded that members can miss up to three meetings with permission from the Planning or Zoning Board Chairman.

GARBAGE TOTES

Karen Lucachik questioned the size of the garbage totes.

Supervisor Meegan responded that a work session is scheduled for April 1st to discuss tote sizes and bonding. Several conversations are taking place addressing the needs and an overall plan involving tote size and inventory is projected to begin by August or September.

OPEN DITCHES ALONG TOWN ROADS

Beverly Leising referred to previous discussions regarding open ditches and questioned what the town does to maintain ditches along town roads. She noted there is a problem with standing water in ditches on Sky Hi Drive and East Avenue and questioned if the town does anything to prevent West Nile Virus.

Highway Supt. Matthew English responded that when a call regarding standing water is received, crews are dispatched to snake or clean the problematic ditch. Mr. English stated that Sky Hi Drive and East Avenue are town roads, but due to lack of funding the county no longer provides the town with pellets once used for prevention of West Nile Virus.

RAT PROBLEM

Mark Kalinowski commented on the increasing rat problem in town and urged the board to move quickly and expeditiously with the purchase of totes since the problem will only get worse in the summer months. He noted that West Seneca and Lackawanna are the only two localities that do not have totes and the Erie County Health Department has reported a 60 percent decrease in complaints once totes are instituted in a municipality. Mr. Kalinowski stated that rats have been an ongoing issue of discussion since first mentioned at a board meeting in 2007 and there is still no resolution. County funding to control the rats has stopped and as a taxpayer in the 13th highest taxed county in the nation he feels his basic health and safety needs are not being met.

Supervisor Meegan responded the board is addressing this along with many other issues presented to them over the last five years.

ISSUES OF THE PUBLIC

RAT PROBLEM (continued)

Councilman Hart noted not everyone is in favor of totes and he anticipates there will be significant discussions for and against the purchase.

Mr. Kalinowski stated he walks his dogs nightly in the Ebenezer area where rats are always visible. Many of the businesses do not have dumpsters but instead set their garbage out uncontained.

Code Enforcement Officer Jeffrey Baksa stated his department will respond to complaints of garbage, inspect the area and cite property owners that are in violation.

RECYCLING & GARBAGE ISSUE

Linda Toy requested that recycling bins be placed back on residents' lawns after they are emptied. She further questioned what happens after the town is notified a resident is placing garbage out early.

Supervisor Meegan responded she will call the recycling company regarding placement of the bins.

Code Enforcement Officer Jeffrey Baksa responded that Code Enforcement Officers will stop by properties and directly speak with residents that put garbage at the curb too early or notify them by mail.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SENECA STREET PARKING NEAR EBENEZER ALE HOUSE

Chief Gehen reported back on a request to monitor vehicle parking on Seneca Street near the Ebenezer Ale House and stated the area in question did not appear to pose a problem when checked on March 8th, 15th and 16th.

POLICE EXPANSION

Town Engineer Steven Tanner provided board members with the estimate for the police expansion. Due to timelines and how the project will be bid, a bond resolution request for \$1 million will be presented to the board at their next meeting. Finance Director Laura Landers had suggested bonding between \$1.2 - \$1.3 million in case a grant fell through.

Supervisor Meegan stated the town will present one request to bond counsel that bundles the garbage totes and police expansion.

**Town of West Seneca Local Government Citizens Re-Organization Empowerment Grant
Resolution for Planning Study of Sewer District Consolidation with the Erie County
Division of Sewerage Management**

WHEREAS: the Town of West Seneca, in collaboration with its sewer districts, seeks planning grant monies in an amount not to exceed \$27,000 through the Local Government Citizens Re-Organization Empowerment Grant to study the Town's sanitary sewer system in an effort to consider consolidation and transfer of ownership to Erie County Division of Sewerage Management;

WHEREAS: the Town of West Seneca, in collaboration with its sewer districts, is committed to reducing the cost of municipal services, while remaining committed to increasing the efficiencies of operating a sewage treatment system;

WHEREAS: the Town of West Seneca, in collaboration with its sewer districts, has determined that it may be in the best interest of the Town of West Seneca taxpayers to have the Erie County Division of Sewerage Management take over sanitary sewer infrastructure in the Town of West Seneca, thereby eliminating all future involvement and responsibility of the Town with respect to sanitary sewer facilities within the Town of West Seneca;

WHEREAS: the Town of West Seneca, in collaboration with its sewer districts, is seeking Local Government Citizens Re-Organization Empowerment Grant funds to study this consolidation in order to achieve municipal cost savings and property tax relief;

WHEREAS: the Town of West Seneca, in collaboration with its sewer districts, will share in the decision-making processes related to this consolidation study and consideration of subsequent ownership transfer;

WHEREAS: the Town of West Seneca will serve as the lead agency for the purposes of securing and administering this grant; and

WHEREAS: the Town of West Seneca will provide the required 10% cash match of \$3,000 required by this grant;

NOW, THEREFORE BE IT RESOLVED, that Town of West Seneca Supervisor Sheila M. Meegan act as the Lead Applicant Contact Person to represent the Town of West Seneca in all matters related to this grant, and to sign and if funded, execute, the grant, related to the 2012-2013 Citizens Re-Organization Empowerment Grant with the Town of West Seneca and the New York State Department of State to study the possible consolidation and transfer of ownership of the Town's sanitary sewer system to the Erie County Division of Sewerage Management.

BE IT FURTHER RESOLVED, that Connie Miner, Town of West Seneca Grants Consultant, be directed to prepare and submit a Local Government Citizens Re-Organization Empowerment Grant for the purpose of funding this planning study.

RESOLUTION IN OPPOSITION TO NYS SENATE BILL 2605 AND ASSEMBLY BILL 3005

WHEREAS, towns, villages and cities throughout the State of New York are dependent upon the fine revenues collected in their courts, to cover a large share of Justice Court and Police enforcement budgets, and

WHEREAS, Legislation proposed in NYS Senate Bill 2605 and Assembly Bill 3005, if passed would provide that if certain vehicular and traffic violations are reduced to a lower penalty, portions of the fines that are now retained by the municipalities in these cases would be given to the State of New York, and

WHEREAS, if these Senate and Assembly Bills should pass, it is most likely fewer plea bargains would be reached which would lead to more trials which would clog the Courts and mean more expenses, not only to the local municipalities but to the State of New York, and

WHEREAS, in many instances overtime would have to be paid to enforcement personnel to testify as more cases go to trial, and

WHEREAS, the NYS Association of Towns testified and opposed these bills at a hearing on the Executive Budget on Monday, January 20, 2013.

WHEREAS, the Town Board of the Town of West Seneca deems it in the public interest to oppose this proposed legislation;

NOW, THEREFORE, BE IT RESOLVED, that the Town of West Seneca opposes S.2605/A.3005, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Governor and New York State Senator Patrick M. Gallivan and New York State Assemblyman Michael P. Kearns.



WHEREAS, the West Seneca Town Board is the representative government of the Town of West Seneca residents; and

WHEREAS, the Town of West Seneca has a population of 44,711 people; and

WHEREAS, on Monday January 14th, 2013 the Gun Control Bill (S.2230) known as the NY SAFE Act was hurried through the New York State Senate and the New York State Assembly without any public hearings or input from law enforcement agencies; and

WHEREAS, our New York State lawmakers did not have an opportunity to review such legislation; and

WHEREAS, as a result of the manner in which the NY SAFE Act was passed it is viewed as an infringement of the rights of the people of the State of New York under the Second Amendment of the Constitution of the United States; and

WHEREAS, the NY SAFE Act negatively affects law abiding citizens and does nothing to enhance the safety of the residents of New York State.

NOW THEREFORE LET IT BE...

RESOLVED, that the Town Board of the Town of West Seneca goes on record and insists that the Governor of the State of New York, the New York State Senate and the New York State Assembly take immediate action to rescind, repeal, and rewrite the NY SAFE Act to suitably address the issue at hand and not to the detriment of law abiding citizens; and be it further

RESOLVED, that the Town Clerk be directed to forward copies of this resolution to New York State Governor Andrew M. Cuomo, New York State Senator Patrick M. Gallivan and New York State Assemblyman Michael P. Kearns.

March 14, 2013

Memorandum of Understanding

Details of the agreement between the Town of West Seneca and Erie1Boces; 705 Potter Rd., West Seneca NY are as understood, as follows:

As per discussions, the Town of West Seneca and the Erie1Boces enter into an agreement to provide a police presence at Erie1Boces, 706 Potter Rd., West Seneca, NY. All parties agree to the following:

- A. Effective April 1, 2013, the Town of West Seneca Police Department will provide a uniformed police officer, on a part time basis to the Erie1Boces, Technical & Educational Center located at 705 Potter Rd., West Seneca. The officer will act in the capacity of a School Resource Officer (SRO). Erie1Boces will reimburse the Town of West Seneca for the hours spent by the Officer, currently Officer Antony Ferrucci at his 2013 hourly rate of \$59.86. Payments will be invoiced on a monthly basis and paid to the Town of West Seneca by the 15th of the following month services are rendered.
- B. The amount of hours the SRO is assigned to the BOCES center will depend on the financial resources available from Erie1Boces as well as the availability of the West Seneca Police Officer based upon acceptable staffing levels within the police department. Hours will be mutually agreed upon and scheduled monthly.
- C. It is understood that the officers assigned to the Boces Center, may be utilized for other town law enforcement needs during periods of emergencies where manpower levels necessitate additional resources to address critical areas of public safety. Conversely, the town will supply additional resources, as appropriate, during times of emergency situations necessitating police actions at the Boces Center.
- D. This agreement shall be subject to termination upon thirty written days notice by either party.


Sheila Meegan
West Seneca Town Supervisor

3-18-13

Date

Ms Donna Mann
Erie1Boces Center

Edward F. Gehen
Chief of Police