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

TOWN BOARD PROCEEDINGS
Minutes #2012-13
August 27, 2012

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 Chief Gehen.

ROLL CALL:	Present -	Sheila M. Meegan	Supervisor
		Eugene P. Hart	Councilman
		John M. Rusinski	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 WNY Disabled Veterans and K-9 officer "Gabby" Hanley.

13-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-12 of July 23, 2012.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the August 8, 2012 work session.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the August 8, 2012 special Town Board meeting.

  Ayes: All Noes: None Motion Carried

13-B LEGAL ITEMS

1. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2735 CLINTON STREET, BEING PART OF LOT NO. 37, CHANGING ITS CLASSIFICATION FROM R-100A TO C-2, FOR A WAREHOUSE AND STORAGE OF CONSTRUCTION RELATED EQUIPMENT AND MATERIALS" in the Town of West Seneca, received and filed. (EdBauer Construction)

13-C COMMUNICATIONS

1. Supervisor Meegan re Opposition to proposed BC/BS change in coverage for chiropractic care

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution opposing the proposed BC/BS change in coverage for chiropractic care.

On the question, Councilman Hart questioned if this will impact the amount the town is billed for each employee.

Supervisor Meegan stated that the services will be reduced, but the cost to the town will remain the same.

Ayes: All Noes: None Motion Carried
APPENDICES

2. Town Attorney re Municipal Cooperation Agreement, Town of Cheektowaga, Solid Waste Disposal

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the Supervisor to execute the attached Municipal Cooperation Agreement to bid solid waste disposal in conjunction with the Town of Cheektowaga.

On the question, Councilman Hart questioned if the town can piggyback on the contract.

Town Attorney Shawn Martin stated that the joint municipal cooperation agreement allows the town to bid. It does not obligate the town to anything and they do not have to accept the bid. They are not piggybacking, but will be bidding jointly in the hopes of getting a better rate.

Ayes: All Noes: None Motion Carried
APPENDICES

3. Town Attorney re Transfer of vacant property

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute any documents necessary to transfer vacant land owned by the Town of West Seneca adjacent to 5627 Seneca Street to Mr. & Mrs. William D. Falkner, noting that by transferring the land it will be returned to the tax rolls.

On the question, Councilman Rusinski questioned why the land was being transferred to the Falkner's.

Town Attorney Shawn Martin stated that at one time the land was to be used for construction of a water tower in town, but the project never took place. The land is vacant and landlocked and the town has no use for it.

13-C COMMUNICATIONS

3. (continued)

Supervisor Meegan also noted that the land originally belonged to the Falkner's so it was now being returned to them.

Ayes: All Noes: None Motion Carried

4. Town Engineer re Queens Landing Subdivision additional hydrants

Motion by Supervisor Meegan, seconded by Councilman Hart, to acknowledge the addition of eight (8) new hydrants for the Queens Landing Subdivision; and further, acknowledge on behalf of the fire district and resolve to pay the hydrant fee that will be charged by the Erie County Water Authority (ECWA) in the amount of $229.08 per hydrant in this ECWA direct service area.

On the question, Councilman Hart questioned the status of Queen's Landing Subdivision and if the fees are paid by the homeowners in that development.

Town Engineer Steven Tanner stated that this was part of final approval for the subdivision and they are still working on some requirement for the Erie County Sewer Department. The fees are paid by the water district that the subdivision is located in so the cost is absorbed by everyone in that district.

Councilman Rusinski questioned if the number of hydrants was conducive with the fire code and not an excessive burden on the fire district.

Code Enforcement Officer John Gullo stated that the developer added one additional hydrant as requested by Erie County and the fire district accepted that.

Ayes: All Noes: None Motion Carried

5. Town Attorney re Town Engineer re 2011 Annual Stormwater Report

Received and filed.

6. Highway Supt. re Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a budgetary transfer request of $3000 from Recycling Purchases Acct. #001.8161.0200 to Highway Building Acct. #001.5132.0452.

Ayes: All Noes: None Motion Carried

13-C COMMUNICATIONS

7. Chief Gehen re Bid date for police vehicle

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of September 17, 2012 at 10:00 A.M. for the purchase of one (1) new unmarked police vehicle, noting that funding is available through the 2012 police vehicle line item #1.3120.0208.

Ayes: All Noes: None Motion Carried

8. Chief Gehen re Attendance of Detective Captain M. Boehringer at homicide seminar

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize Detective Captain Michael Boehringer to attend the annual Col. Henry Williams Homicide Seminar at the NYS Police Training Academy in Albany, New York, September 15 - 20, 2012 at a total cost not to exceed $1,135.00, noting that sufficient funds are available in the police training course line item #1.3120.0459.

Ayes: All Noes: None Motion Carried

9. Chief Gehen re Attendance of Detectives R. Andolina & R. Bebak at fire/arson training seminar

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Detectives Robert Andolina & Robert Bebak to attend the Fire/Arson Investigation training seminar at the NYS Office of Fire Prevention & Control – Academy of Fire Science in Montour Falls, New York, November 7 - 9, 2012 at a total cost not to exceed $710.00, noting that sufficient funds are available in the police training course line item #1.3120.0459.

Ayes: All Noes: None Motion Carried

10. Chief Gehen re Termination of James J Bochenski as Public Safety Dispatcher part-time

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate James J Bochenski as part-time Public Safety Dispatcher effective August 28, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that Mr. Bochenski has found full-time employment outside New York State.

Ayes: All Noes: None Motion Carried

13-C COMMUNICATIONS

11. Chief Gehen re Appointment of Norman E Brem as Public Safety Dispatcher part-time

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Norman E Brem as part-time Public Safety Dispatcher at a rate of $10.95 per hour effective August 28, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Chief Gehen re Status change for part-time Public Safety Dispatchers to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatchers Andrew Oscypala, James McCullough and Richard Miller to part-time seasonal effective September 1 – 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Code Enforcement Officer re Height variance for proposed digester tank for Buffalo BioEnergy

Motion by Supervisor Meegan, seconded by Councilman Hart, pursuant to Section 120-34B of the Town Code, to approve a height variance of 69' for Buffalo BioEnergy's proposed main digester tank on North America Drive.

On the question, Councilman Hart questioned if there are any odors generated by the process and the possible fire hazard from producing methane gas.

Code Enforcement Officer John Gullo stated that the operation generates no odors or noise. There is only a nominal chance of a fire occurring and it would happen in the holding tank where it would burn off in seconds. There would be no explosion.

Councilman Hart noted that the plant operation does not use the town's sewer system at all; everything goes through the digester. Any waste produced becomes fertilizer and gets transported in tankers to farms. Councilman Hart stated that if residents would separate biomass garbage it could be used in the digester and Quasar would be interested in taking it.

Town Engineer Steven Tanner referred to a similar facility run by Waste Management along with a dairy farm in Livingston County, noting that he had never heard of a fire problem.

Ayes: All Noes: None Motion Carried

13-C COMMUNICATIONS

14. Code Enforcement Officer re Electronic message board at 1250 Union Road

Motion by Supervisor Meegan, seconded by Councilman Rusinski, pursuant to Section 120-44.4(G) of the Town Code, to approve an electronic message board for property located at 1250 Union Road.

Ayes: All Noes: None Motion Carried

15. Director of Recreation, Youth & Sr. Services re Rate increase for part-time Clerk Typist Sarah Flattery

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to increase the hourly rate for part-time Clerk Typist Sarah Flattery from $9 per hour to $12 per hour effective August 27, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Rusinski stated that Ms. Flattery is definitely qualified and due a raise, but he suggested the effective date be amended to September 1, 2012. Councilman Rusinski further commented on the need for a comprehensive pay scale structure for part-time workers and stated he will bring forth a plan at the next Organization Meeting.

Motion by Councilman Rusinski, seconded by Councilman Hart, to amend the motion and increase the hourly rate for part-time Clerk Typist Sarah Flattery from $9 per hour to $12 per hour effective September 1, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16. Director of Recreation, Youth & Sr. Services re Appointment of part-time van drivers

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Paul Gilmour, James Manley and Michael Pinnavaia as part-time van drivers at the West Seneca Senior Center at a rate of $7.25 per hour effective August 28, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

17. Director of Recreation, Youth & Sr. Services re Appointment of R. Morano as Youth Theatre staff

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Robert Morano as part-time seasonal Youth Theatre staff at a rate of $7.25 per hour effective June 1, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

13-C COMMUNICATIONS

17. (continued)

On the question, Councilman Hart questioned what Mr. Morano will be doing.

Director of Recreation, Youth & Sr. Services Mary Josefiak stated that Mr. Morano helps with planning the music performances for the year. He worked this summer but his name was omitted on a previous agenda.

Ayes: All Noes: None Motion Carried

18. Supervisor Meegan re Grant Application for the West Seneca Public Library

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing Town Grant Consultant Connie Miner to submit the Public Library Construction Grant and request that the West Seneca Public Library Board and West Seneca Town Board provide the necessary signatures and documents needed to successfully submit the application, noting the Town of West Seneca will provide matching funds in an amount not to exceed $25,250 to complete this project.

On the question, Supervisor Meegan stated that each year Grant Consultant Connie Miner applies for a grant for the library and the masonry work is on the wish list for this year's grant.

Councilman Rusinski stated that the town does not have this money yet and he normally would not support this without first receiving the money, but the work needs to be done.

Councilman Hart stated that if this grant is received the library has to be used as a library for the next 10 years. He questioned if the town can get out of it if necessary.

Town Attorney Shawn Martin stated he had not seen the grant application, but he understood the language is consistent and they would have to follow the terms of the grant.

Councilman Hart commented on the cost of repointing the bricks and stated that he thought it would cost less. He further questioned if there is asbestos on the outside of the building.

Town Engineer Steven Tanner stated that an architect and mechanical engineer evaluated the library and will have a formal report available at the second meeting in September. The mechanical systems are in pretty good shape, but there are building issues. Mr. Tanner stated that he had asked for the masonry to be power washed and sealed. He did not think the brick and mortar had asbestos, but thought there was probably asbestos in the roof.

Ayes: All Noes: None Motion Carried

APPENDICES

13-C COMMUNICATIONS

19. Supervisor Meegan re Contract renewal for Connie Miner & Co. Grant Consultants

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to sign a contract renewal for Connie D. Miner & Co. Grant Consultants to retain professional services for a period of one (1) year commencing October 1, 2012 and ending September 30, 2013.

On the question, Supervisor Meegan referred to Page two of the contract and stated that the amount of $20,004 should be $24,000.

Councilman Rusinski questioned if there would be any value in making the contract concurrent with the fiscal year.

Supervisor Meegan stated that Mrs. Miner was originally hired in October, which is why the contract has that renewal date.

Motion by Councilman Rusinski, seconded by Councilman Hart, to amend the motion and authorize the Supervisor to sign a contract renewal for Connie D. Miner & Co. Grant Consultants to retain professional services through December 31, 2012 and pro rate the renewal amount.

Ayes: All Noes: None Motion Carried

20. Councilman Hart re Appointment of James Caruso to WS. Environmental Commission

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint James Caruso to the balance of a one year term on the West Seneca Environmental Commission effective immediately and ending August 7, 2013.

On the question, Councilman Hart questioned if people not reappointed to the Environmental Commission were notified.

Supervisor Meegan thought the individuals had been notified but stated she would check into this.

Ayes: All Noes: None Motion Carried

21. Councilman Hart re Appointment of YES/Youth Program Liaison

Received and filed.

13-C COMMUNICATIONS

22. Councilman Hart re Appointment of Jolynn Keane as part-time coordinator of YES/Youth Program

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Jolynn Keane as part-time coordinator of the YES/Youth Program at a rate of $18 per hour effective August 28, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Rusinski stated that Mrs. Keane should account for her hours so the program can be evaluated.

Supervisor Meegan stated that Mrs. Keane will be required to fill out a time sheet.

Ayes: All Noes: None Motion Carried

23. Supervisor Meegan re WNY Kids are Heroes Too

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to support the WNY Heroes, Inc. WNY Kids are Heroes Too program by waving recreation fees for children of disabled veterans.

On the question, Supervisor Meegan invited Chris Kreiger to make presentation.

Mr. Kreiger stated that rather than put money towards the recreation fee, the organization pays for the equipment needed to participate in the activity, so it is 100 percent free to the family. He noted that in other towns they have limited it to two (2) children per family and one sport per year.

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to amend the motion and support the WNY Heroes, Inc. WNY Kids are Heroes Too program by waving recreation fees for children of disabled veterans, noting there is a limit of two (2) children per family and one sport per year.

Ayes: All Noes: None Motion Carried

24. Supervisor Meegan re Consulting Services for West Seneca Historical Museum

Motion by Supervisor Meegan, seconded by Councilman Hart, to support the West Seneca Historical Society in their efforts to be designated on the National Historic Register by funding a Historic Buildings Survey Consultant for the application process.

On the question, Supervisor Meegan noted that this will be limited to $5000.

13-C COMMUNICATIONS

24. (continued)

Town Historian Jim Pace stated that the program of National Historic Register of historic places was begun by the federal government in 1966 to recognize significant buildings or places and preserve them. He consulted with the regional director of the NYS Department of Parks, Recreation and Historic Preservation earlier this year and had her visit the museum to see if it is worthy of this esteemed honor. The museum was built by the Ebenezer Society in approximately 1850 and it was determined that it is extremely significant historically. Mr. Pace stated that it is a complex process to get the historic designation and to guarantee success they need to fund a consultant who knows architectural history. Designation as a historic site not only puts the museum on the map locally and nationally, it also opens up grant possibilities. They are thinking about an expansion to display artifacts, which is allowed and will have no effect on the historic value of the home.

Ayes: All Noes: None Motion Carried

25. Town Engineer re Bid award for Ice Rink Flooring Improvements Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the Ice Rink Flooring Improvements Project to Rink Systems at their bid price of $124,250 with the condition that the town receives confirmation of the anticipated grant from DASNY to pay for this work.

On the question, Councilman Hart commented that only one bid was received and asked Town Engineer Steven Tanner if this was a specialized process that would limit the number of bids received. He further questioned if they were under a time constraint to have the work done.

Mr. Tanner responded that the bid was properly advertised and he had also reached out nationally and received calls from other potential bidders. Rink Systems has the expertise in doing this work and he thought their bid was a fair and accurate representation. If they remove the condition of first receiving the grant money, they could get the work started within two weeks but they would still be rushing to get it done before the rink opens. The adhesive for the flooring material has to have a 65 degree concrete floor to be installed and this cannot be achieved once the rink is up and running, so they will not be able to do the work until next June.

Councilman Rusinski stated he would not support this motion without the stipulation that the grant money from DASNY is received before the floor is installed.

Ayes: All Noes: None Motion Carried

13-D WARRANT

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

General Fund - $208,295.64; Highway Fund - $185,460.42; Special Districts - $36,087.99 (voucher #'s 74438 - 74691); Trust & Agency Fund - $28,895.78 (voucher #'s 74536 - 74549); Capital Fund - $0

Ayes: All Noes: None Motion Carried

13-E REPORTS

- Jacqueline A Felser, Town Clerk's report for July 2012 & Receiver of Taxes' report for 2012 town & county tax collection received and filed.
- John A Gullo, Code Enforcement Officer's report & plumbing report for July 2012 received and filed.

ISSUES OF THE PUBLIC

DOG PARK

Supervisor Meegan stated that the Town Board had received a proposal from John Tighe regarding a citizen's dog park and she invited Mr. Tighe to step forward to discuss this issue.

Mr. Tighe was not present at the meeting.

LIBRARY GRANT

Amy Carpenter commented on the unattractive aesthetic appearance of the West Seneca Library and stated that although she was happy an architect was involved with the library grant, $75,000 will not do much to improve the appearance.

Councilman Hart stated that the grant is just for repairs such as repointing the mortar between the bricks. Engineers were given some concept ideas for grants in the future (i.e. computer lab, meeting hall, etc.) but they will have to wait for the reports to see what the possibilities are. Significant dollars were previously granted to other towns for new libraries and doing an assessment now puts the town in a position so that when these types of funds are available in the future, the town will be able to take advantage and act immediately. Councilman Hart noted there are no promises with this.

ISSUES OF THE PUBLIC

SOLID WASTE DISPOSAL

Amy Carpenter questioned if there was supposed to be an agenda item concerning a solid waste transfer station agreement with Cheektowaga.

Town Attorney Shawn Martin stated the agenda item was a municipal cooperation agreement which allows the town to have a joint bid with Cheektowaga to see what kind of prices they can get on landfills and transfer stations. It is nothing more than a bid and the town does not have to accept it.

ICE RINK PROJECT

Amy Carpenter questioned the total anticipated cost of the ice rink project and whether the lines underneath the ice rink are being replaced.

Supervisor Meegan stated that other than the flooring, the work includes replacement of locker room doors, lighting, windows, security, etc.

Town Engineer Steven Tanner stated the ice rink work is part of an energy project approved a couple of months ago. He did not have exact figures but estimates the cost to be $1.6 or $1.7 million. This will include the compressor, new rink floor, pipes throughout the rink, new doors, new painting of the rink, new windows, new ventilation system etc. The flooring project bid was $124,000 and is not considered part of the energy project.

Councilman Hart stated that the flooring project is being done under a separate grant that is already in place.

Bill Hanley questioned what happens when the cooling tubes and compressor lines are replaced and if the floor underneath will have to be ripped out.

Mr. Tanner stated that under the Danforth energy project the old floor has already been ripped out and a new floor installed. Old pipes have been replaced with new plastic pipes that won't corrode. Grant money will pay for the actual flooring which is the rubber matting.

HISTORICAL SOCIETY

Amy Carpenter questioned whether or not the historical society is part of the energy project.

Town Engineer Steven Tanner stated that Danforth looked at all municipally owned buildings and no work is being done at the historical building other than door sweeps and minor changes to doors. He did not believe there was anything of substance going into that building.

ISSUES OF THE PUBLIC

VETERANS MEMORIAL PARK

Amy Carpenter referred to the sidewalks around Veterans Memorial Park and the additional parking and questioned if a plan is available to view.

Supervisor Meegan stated they are moving forward with the sidewalks which will connect to the parking lot located at American Legion Post 735.

Town Engineer Steven Tanner stated that a plan was submitted for a grant application about 1½ years ago and the plan will change slightly since the sidewalks and parking at the Post were added. The revised plan will reflect the sidewalks connecting to the parking lot and circling around the pool allowing access to the playground.

DETENTION PONDS

Amy Carpenter referred to the Town Board meeting of August 22, 2011 where it was stated that the town was declining the responsibility of managing detention ponds. She questioned the status of this issue and if there will be drainage districts established.

Supervisor Meegan stated this was brought up at a board meeting but is still under discussion.

CAT ORDINANCE

Amy Carpenter questioned previous discussions about a cat ordinance and if permits will be required.

Supervisor Meegan responded that cats will not require permits, but there will be a local law proposed later at this meeting.

UNION CONTRACTS

Amy Carpenter questioned the status of a March 12, 2012 discussion regarding union contracts being put on the website.

Supervisor Meegan stated that there were some changes to the union contracts that need to be finalized and they should be available and on the website by the beginning of next year.

ISSUES OF THE PUBLIC

DRUG TESTING FOR NEW EMPLOYEES

Amy Carpenter referred to the new drug testing policy put in place for new employees and questioned why the town would hire an individual who failed a drug test.

Councilman Rusinski commented he would not hire an individual who failed a drug test unless there was a legitimate reason (i.e. being on a medication prescribed by a physician).

HUMAN RESOURCE DEPARTMENT

Amy Carpenter commented on the need for a Human Resource Department in town government and the need to hire an individual who knows the law. She did not think that Erie County was saving the town any money.

Supervisor Meegan stated she had spoken to Finance Director Laura Landers regarding this issue and asked Ms. Landers to speak to both council members and ask for their support in hiring a human resource person.

Mrs. Carpenter commented she would like the town to hire an individual who is qualified and has taken the test, not necessarily just a friend of a board member. She further questioned the code of ethics and if union employees had signed it.

Town Attorney Shawn Martin stated that the Ethics Code is contained in many sections of General Municipal Law and all employees are bound by it, resulting in anything from discipline to termination.

Supervisor Meegan stated that issues have occurred in the past where several employees have faced an Article 75 and are no longer employed by the town.

Karen Lucachik agreed that a Human Resource Department would be beneficial and commented that there are places in town government where there is no structure or procedure. She would like to see proper procedures followed and the hiring of friends, relatives and people who are not qualified stopped.

DOVER GREENMEADOW RECONSTRUCTION

Karen Lucachik commented that the road reconstruction on Greenmeadow Drive is progressing, but she has had some concerns since the concrete work began and has called the town periodically for assistance on leaving the street.

ISSUES OF THE PUBLIC

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments and the sale of the house on School Street.

Finance Director Laura Landers responded that a payment of $8,000 was received on August 3rd.

Town Attorney Shawn Martin stated they had not received any news on the sale of the School Street property. Numbers need to be finalized and meetings have yet to be scheduled with both boards.

DEPARTMENT HEAD SALARY

Beverly Leising commented on a recent news article regarding Mary Josefiak's salary increase and overtime pay. She questioned how overtime pay was given to a department head and suggested there be more accountability.

YES/YOUTH PROGRAM

Frank Russo questioned the appointment of a former employee as part-time coordinator of the YES/Youth Program. He thought the job only amounted to 10 hours of work per week and that $24,000 annually was an excessive amount to run a volunteer program. Mr. Russo further commented that the Recreation Department has been in a mess for years but it is the simplest service that government provides residents and taxpayers. He thought the Recreation Department has been the most costly over the years considering the positions and salaries of the past Recreation Director, Senior Director and Youth Program Director.

Supervisor Meegan stated Ms. Keane was hired at $18 per hour and will be submitting time sheets.

Mr. Russo did not believe this person should be employed by the town again after what took place in the past with Peer Counseling and the YES Program. Previous time sheets that were submitted went unchecked, and part-time employees were paid time & half. Mileage vouchers were also submitted when town vans were available for transportation.

Supervisor Meegan stated that all of this is in the past and a lot of work has been done to change things. Good changes have been made and will continue to be made. The Senior, Youth & Recreation Department will have a needs assessment done as have other departments and an unbiased opinion will be given on what is needed to run that department efficiently and effectively.

ISSUES OF THE PUBLIC

YES/YOUTH PROGRAM (continued)

Mr. Russo questioned who has been running the YES program.

Supervisor Meegan stated the program is currently being run by part-time employees.

Mr. Russo commented that the program is running fine with part-time employees. Rather than reappoint a former employee, he suggested appointing Sarah Flattery as part-time Recreation/YES Coordinator at $24,000 which will enable her to assist the Recreation Director. Mr. Russo further questioned if the Peer Counselors worked under the Recreation Department during the summer months.

Councilman Hart stated he believes the YES program is intended to be a 20 month program. After extensive discussions with Mrs. Keane, he was convinced that this appointment is necessary because the program needs to continue running. Plans are in place to meet with different consultants to do a needs assessment of the entire Recreation & YES Department. This will be an unbiased professional opinion. Once the needs assessment report is provided and recommendations are made, action will be taken and a plan will be put in place. He does not believe that someone who doesn't have any knowledge of the program can step in and run it. Councilman Hart further stated that being the liaison will give him the capability of closely monitoring and overseeing the program.

Donna Lepore, former Peer Counselor, responded to Mr. Russo's disparaging remarks and stated her position was full-time not part-time. Her work was monitored and she was in the schools every day. Mrs. Lepore stated she was entitled to mileage and only took it once in 24 years. She asked that someone stop Mr. Russo from making false statements.

Mr. Russo responded that his facts came from the budget and Comptroller's office and he did not make them up.

DORRANCE TOWN PARK

Bill Hanley complimented the Highway Department on recent work at Dorrance Town Park and questioned if the work was done by town employees.

Highway Supt. Matthew English stated that town employees did all of the prep work and the main work was done by a contractor.

ISSUES OF THE PUBLIC

2735 CLINTON STREET

Gary Mackiewicz, represented Lakeside Drive residents and questioned why their attorney was never contacted by Town Attorney Shawn Martin or the Assessor to review the plans.

Mr. Martin stated he had met with the residents' attorney, Ralph Lorigo, on an unrelated matter and at that time advised him of the case he was relying on and invited him to call or stop in at any time, but Mr. Lorigo never did.

Mr. Mackiewicz stated that according to their lawyer he never received a phone call or e-mail from the town.

Mr. Martin stated he had a conversation with Mr. Lorigo that took place at Seasonal Landscaping on Southwestern Blvd.

Mr. Mackiewicz questioned why residents were never notified that a statement was going to be presented at the last Town Board meeting and if Mr. Martin was responsible for drafting that statement.

Mr. Martin stated that at the June 23rd Town Board meeting Mr. Mackiewicz and his attorney were both present and were advised of the procedure the town was going to take. The vote was going to take place that night, the petition that was filed was going to be evaluated and a decision rendered at the next meeting. During the two week interim between meetings is when the meeting with Mr. Lorigo took place.

Mr. Mackiewicz questioned why no one other than Mr. Bauer, his associate, and their lawyer were present at the last meeting and how the conclusion was reached that a supermajority vote did not apply.

Mr. Martin stated he took the requisite state statute and evaluated another case that talks about square footage. The square footage was measured within the 100' foot boundary as dictated by the statute. The petition was then reviewed to find out which signatures represented people who were within that 100' radius. The neighborhood was walked, valid signatures were double checked and the calculations were done.

Mr. Mackiewicz questioned how a town owned piece of property could be used as part of a calculation against the supermajority.

Mr. Martin responded that there is case law and he will provide Mr. Mackiewicz with a copy of it.

ISSUES OF THE PUBLIC

2735 CLINTON STREET (continued)

Mr. Mackiewicz commented that Mr. Greenan and the Planning Board stated there was going to be a 175' buffer, and he questioned what good the Planning Board is if their recommendation is not followed.

Mr. Martin stated the Planning Board makes recommendations; they do not approve rezonings. Further, the Town Board is not governed by the recommendations of the Planning Board.

Mr. Mackiewicz commented that dumping is taking place within 8' of the property line and there is supposed to be a 40' easement from the Clinton Street property to where the berm starts.

Mr. Martin suggested Mr. Mackiewicz contact the Code Enforcement Office if he has an issue that violates the Town Code.

Code Enforcement Officer John Gullo stated he has been on location and clean fill is being brought in to create a berm. The project is not finished and the 40' conservation area that is on the drawing has to be adhered to.

Mr. Mackiewicz questioned where the fill was coming from.

Mr. Gullo stated that if the DEC thought there was an issue or was notified of an issue with the fill they would be onsite. This continues to be a work in progress.

Mr. Mackiewicz questioned if the property changed ownership, and if not, why the dumping was taking place.

Mr. Gullo stated the property has been rezoned and the rezoning goes with the property.

Mr. Martin stated the prior owner can agree to allow the potential buyer to make improvements on the property.

Mr. Mackiewicz referred to various statements made at the last Town Board meeting concerning Clinton Street and asked for Mr. Martin's definition of "spot zoning."

Mr. Martin defined spot zoning as a specific zoning being assigned to a designated area where it may or may not belong. He did not believe this to be spot zoning based on the fact there is a great number of commercial properties on Clinton Street.

ISSUES OF THE PUBLIC

CORNER OF ORCHARD PARK AND RIDGE ROADS

Karen Lucachik commented on the appearance of the corner of Orchard Park Road and Ridge Road and asked that the state be contacted to cut down the weeds and clean it up.

Highway Sup't. Matthew English stated he will call the state again and ask them to clean it up, but he cannot force them to do the work.

SPEEDING ON FRENCH LEA ROAD

Arthur Haas, French Lea Road, stated that his street is a race track and getting worse and worse. People are running the stop sign at St. Jude Terrace and he was concerned that kids are going to get killed.

Chief Gehen stated he will have the patrol cars check out this situation.

QUASAR ENERGY PROJECT

Johanna Guenther commented on an item at the Planning Board meeting for a project that produces energy with a by-product of green fertilizer. She noted that Europe has had this technology for years and it continues to improve. Mrs. Guenther further referred to a comment from Jack Welch, CEO of General Electric, that he surrounds himself with the best people he can find to guarantee great success and suggested that the Town Board consider doing the same.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

CORRECTION OF BUFFALO NEWS ARTICLE

Supervisor Meegan referred to a Buffalo News article that stated Mary Josefiak's salary had ballooned and clarified that she had only worked seven months the year before which is why her salary was much higher the next year. She further stated that the budgeted salary is higher because it includes pension and health insurance benefits. Mrs. Josefiak was also part of the public employees union because the consolidation of Youth & Recreation had not taken place yet. Supervisor Meegan stated that this was not about friends and family, but the perception will always be that way to the public.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to recess to Executive Session at 8:45 P.M. to discuss a litigation matter with Town Attorney Shawn Martin.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 8:55 P.M.

PASSING OF K-9 OFFICER GABBY

Chief Gehen thanked the elected officials and department heads who expressed their concern on the passing of K-9 Officer Gabby.

REMOVAL OF DIRECTOR'S POSITION FROM WHITE COLLAR UNION

Councilman Rusinski suggested that the Town Board take action to remove Mary Josefiak from the union as soon as possible.

Supervisor Meegan stated that she had met with Labor Counsel Sean Beiter and CSEA representatives Rob Mueller, Ron Pfeil and Erik Finbar to develop a Memorandum of Understanding to remove Mary Josefiak from the union and they are waiting for the appropriate language to be put together to accomplish this. Everyone is in agreement that Mrs. Josefiak does not belong in the union, but when she started working for the town she was put in the union because her predecessor was in the union.

YES PROGRAM/ RECREATION

Councilman Hart stated that when he supports a resolution it is thought out and done for a reason. He supported the YES position to get the program up and running and he looked forward to the needs assessment of the Recreation Department. Councilman Hart did not think mixing the departments was well thought out or planned and agreed with Councilman Rusinski that a pay scale was needed for part-time employees.

PARKING ON SENECA STREET NEAR SENIOR CENTER

County Legislator Joseph Lorigo stated he had talked with Chief Gehen regarding parking on Seneca Street near the senior center. Seneca Street is a county road, but a town ordinance needs to be passed prohibiting parking and then the town can put up the no parking signs.

Town Attorney Shawn Martin stated that Seneca Street can be added to the ordinance to prohibit parking between designated points.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

PARKING ON SENECA STREET NEAR SENIOR CENTER (continued)

Councilman Hart questioned what will happen with overflow parking when needed.

Chief Gehen responded that vehicles parked on the side of the road present a problem for seniors exiting the driveway. They just need about 100' to 150' clear so the seniors can see.

CAT ORDINANCE

Town Attorney Shawn Martin stated that a public hearing will be held September 10, 2012 at 7:00 P.M. to consider Local Law #2012-03 regarding an amendment to Chapter 92 Property Maintenance and the addition of §92-9(k) "No more than 4 cats shall be permitted per household. Cats shall be kept in an appropriate manner and under control in a clean, properly ventilated, wholesome, sanitary condition, free from offensive odors. All accumulation or collection of manure and other refuse derived from the keeping of cats must be disposed of in an appropriate and sanitary manner." Mr. Martin noted that the local law will be posted on the town website and Town Clerk's bulletin board and copies will be available for the public in the Town Clerk's office.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:05 P.M.

Ayes: All Noes: None Motion Carried

Jacqueline A Felser

JACQUELINE A FELSER, TOWN CLERK

Opposition to Proposed Blue Cross/Blue Shield Change in Coverage for Chiropractic Care

WHEREAS, the Town of West Seneca provides health care coverage to its employees to ensure that their health care needs are met in a responsible and comprehensive manner, and

WHEREAS, the Town of West Seneca currently utilizes Blue Cross/Blue Shield of Western New York to provide health coverage to West Seneca employees, and

WHEREAS, presently, the Town of West Seneca has 191 families and 231 individuals with Blue Cross/Blue Shield policies, and

WHEREAS, the Town of West Seneca's annual healthcare premium for these family and individual health care contracts is substantial and viewed as a significant contribution to annual health insurer revenues and

WHEREAS, a significant amount of Town employees and their covered family members annually receive chiropractic treatments as part of their Chiropractic and/or alternative therapy member benefit, which is a critical and valuable component of their overall health care management, and

WHEREAS, a recent internal policy change proposed by Blue Cross/Blue Shield will dramatically reduce the reimbursement rate paid to Chiropractors and alter the manner in which chiropractic care is administered and measured as a solution for back pain , and

WHEREAS, the change in administration of the benefit will also affect the management of services that are provided by chiropractors for maintenance care, as well as massage therapist and acupuncturists who deliver alternative medicine services under the current benefit structure, and

WHEREAS, the reduction of the reimbursement rate to chiropractors and the change in the way that chiropractic and alternative medicine care is going to be administered is likely to lead to a reduction in the number of chiropractors participating in the Blue Cross/Blue Shield network which will make it more difficult and costly for West Seneca employees to locate and establish a relationship with a provider of this health care service, NOW, THEREFORE, BE IT

RESOLVED, that the Town of West Seneca, on behalf of its insured employees and as a major customer of Blue Cross and Blue Shield, is opposed to this new policy and administrative approach to chiropractic and alternative medicine care delivery, and requests that the management of Blue Cross/Blue Shield not alter the current arrangement and partnerships that are in place to provide and manage this important health care service, and BE IT FURTHER

RESOLVED, that the Town Clerk is directed to send certified copies of this resolution to every town and village in Erie County, the Erie County Legislature, the New York State Association of Towns, the Erie County Association of Local Governments and the members of the Western New York State Senate and State Assembly delegation.

MUNICIPAL COOPERATION AGREEMENT

THIS AGREEMENT made and entered into this 27th day of August, 2012 by and between:

TOWN OF CHEEKTOWAGA, a municipal corporation formed under the laws of the State of New York, party of the first part, and hereinafter referred to as "CHEEKTOWAGA", having its principal office at 3301 Broadway, Cheektowaga, New York 14227;

TOWN OF WEST SENECA a municipal corporation formed under the laws of the State of New York, party of the first part, and hereinafter referred to as "WEST SENECA", having its principal office at 1250 Union Road, West Seneca, New York 14224;

WITNESSETH:

WHEREAS, CHEEKTOWAGA presently utilizes its own employees to collect solid waste in the Town of Cheektowaga and thereafter its employees deliver such solid waste to a waste-to-energy facility, and

WHEREAS, WEST SENECA presently utilizes its own employees to collect solid waste in the Town of West Seneca, and thereafter its employees deliver said solid waste to a landfill for disposal, and

WHEREAS, CHEEKTOWAGA and WEST SENECA (collectively hereinafter referred to as "Municipalities") wish to solicit competitive bids for the Municipalities to deliver their respective solid waste to a transfer station. The successful bidder will then be responsible to dispose of such solid waste in accordance with New York State law, and

WHEREAS, Sections 119-o and 462 of the General Municipal Law permit municipalities to enter into municipal cooperation agreements for this type of public works project, and

WHEREAS, the following provisions have been duly approved by a majority vote of the governing boards of the Municipalities,

NOW, THEREFORE, the Municipalities hereby hereto agree as follows:

(1) CHEEKTOWAGA hereby agrees to prepare Bid Specifications for the tipping of solid waste at a transfer station or waste-to-energy facility and ultimate disposal of solid waste for CHEEKTOWAGA; the bid specifications will include therein the right of WEST SENECA, LANCASTER and DEPEW to participate in the bid and to subsequently award a contract to the successful bidder

(2) CHEEKTOWAGA will publish the Notice to Bidders in its official newspaper, and WEST SENECA, will publish the same Notice to Bidders in its respective official newspaper;

(3) CHEEKTOWAGA will award a bid for the tipping of solid waste at a transfer station or waste-to-energy facility and the ultimate disposal of solid waste to the lowest responsible bidder; and will enter into a contract with the successful bidder. Said contract will contain language that WEST SENECA will have the right to enter into an agreement with the successful bidder under the same terms as CHEEKTOWAGA.

(4) WEST SENECA will have the right to and be responsible, if it so chooses, to adopt a resolution to award its own contract or to state that it will utilize the company awarded the bid by the Town of Cheektowaga,

(5) CHEEKTOWAGA and WEST SENECA will each sign separate contracts with the successful bidder.

(6) CHEEKTOWAGA and WEST SENECA will be each responsible for delivering their own solid waste to the successful bidder's transfer station/waste-to-energy facility at their own expense.

(7) CHEEKTOWAGA and WEST SENECA will each be solely responsible to remit payment to the successful bidder for all solid waste delivered to the transfer station/waste-to-energy facility from their respective municipality.

(8) INSURANCE. The successful bidder will be responsible to provide insurance certificates to the municipality which chooses to participate in the bid award.

(9) BONDS. The successful bidder will be responsible to provide a performance bond and labor and material payment bond to each Municipality which enters into a contract with the successful bidder

(10) INDEMNIFICATION/HOLD HARMLESS. The Municipalities agree to indemnify, defend and hold harmless the other Municipality, its agents and employees, from and against any and all liability for losses, damages, or expenses which the other Municipality may suffer or for which the other Municipality may be held liable by reason of bodily injury, including death, to any person or persons, or by reason of damage to or destruction of any property, including loss of use thereof arising out of or in any manner connected with the contracts with the successful bidder directly or indirectly whether or not such injury or damage be attributed or claimed to be attributed to the negligence of the respective Municipality, its agents, servants or employees or otherwise.

(11) EXECUTION. The parties hereto have executed this Agreement the day and year first above written.

TOWN OF CHEEKTOWAGA

By: _____
Mary F. Holtz, Supervisor

TOWN OF WEST SENECA

By: _____
Sheila M. Meegan, Supervisor

STATE OF NEW YORK)

COUNTY OF ERIE) SS.:

On _____, 2012, before me, the undersigned, personally appeared **MARY F. HOLTZ**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)

COUNTY OF ERIE) SS.:

On _____, 2012, before me, the undersigned, personally appeared **SHEILA M. MEEGAN**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Town of West Seneca Town Board Resolution:
Library Construction Grant Application for the West Seneca Public Library

Whereas the New York State Department of Education, Division of Library Development, under the Public Library Construction Grant Program ("State Grant") is offering funds up to 50% of approved costs for renovation or rehabilitation of public libraries in New York State, and

Whereas the Town of West Seneca is the owner of the building that houses the West Seneca Public Library, located at 1300 Union Road, in the Town of West Seneca, and maintains the building under an agreement with the Buffalo and Erie County Public Library System, and

Whereas the West Seneca Public Library is in need of masonry repointing to the exterior façade of the building, estimated to cost $50,500 for labor and materials

Whereas the West Seneca Public Library is in charge with of its library operations in cooperation with the Buffalo and Erie County Public Library System, and per the guidelines for the State Grant and County Grant, must be the applicant for such grants, and

Whereas the Town of West Seneca, as owner of the West Seneca Public Library building and grounds, would benefit from the aforementioned grant since renovation/rehabilitation to the Town-owned library building will be made; and,

Whereas the Town of West Seneca will be providing matching funds in an amount not to exceed $25,250 to complete the aforementioned façade rehabilitation project;

Now Therefore Be It Resolved that the West Seneca Town Board authorizes Town Grants Consultant Connie D. Miner to submit the Public Library Construction Grant for the West Seneca Public Library and requests the West Seneca Public Library Board and West Seneca Town Board provide all necessary signatures and documents needed for the Grant Consultant to successfully submit this application, and

Now Therefore Be It Resolved that the West Seneca Town Board agrees and covenants that the Library building at 1300 Union Road in the Town of West Seneca shall be legally available for use as a public library building for at least 10 (ten) years from the anticipated date of the completion of the aforementioned renovation/rehabilitation project.