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

TOWN BOARD PROCEEDINGS
Minutes #2014-16
August 25, 2014

Supervisor Sheila M. Meegan called the meeting to order at 2:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance to the Flag led by Asst. Police Chief Michael Boehringer.

ROLL CALL:	Present -	Sheila M. Meegan	Supervisor
		Eugene P. Hart	Councilman
		William P. Hanley Jr.	Councilman

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 John Gangloff, Phyllis Weixlmann, Charles Caruana, Leonard Redlinski and Harvey Trautmann.

16-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve minutes from the August 11, 2014 work session.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2014-15 of August 11, 2014.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve minutes from the August 7, 2014 bid opening for the 48-inch Trunk Sewer Installation.

  Ayes: All Noes: None Motion Carried

16-B TABLED ITEMS

1. Highway Supt. re Title change for Jonathan Slominski to full-time Sanitation Laborer

   Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to executive session at 2:02 P.M. to discuss a personnel issue.

   Ayes: All Noes: None Motion Carried

The board members returned from executive session at 2:40 P.M.

Motion by Councilman Hanley, seconded by Councilman Hart, that the item remain on the table.

Ayes: All Noes: None Motion Carried

16-C COMMUNICATIONS

1. Attorney for the Town re Assessment settlement – Wegman's Food Market

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize and direct Attorney for the Town Charles Grieco and outside counsel Richard H. Cole to execute on behalf of the town and the Town Assessor the consent order and judgment settling the assessment challenge captioned *Matter of Wegman's Food Market v. Assessor, Town of West Seneca* and further authorize the Town Assessor to take any and all necessary and appropriate additional steps to effectuate said settlement.

On the question, Councilman Hart questioned what this will mean to the taxpayers.

Attorney for the Town Charles Grieco responded that Wegman's Food Market will be getting a full reduction but no refunds.

Ayes: All Noes: None Motion Carried

2. Attorney for the Town re Assessment settlement – 2745 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize and direct Attorney for the Town Charles Grieco and outside counsel Richard H. Cole to execute on behalf of the town and the Town Assessor the Stipulation of Settlement settling the assessment challenge captioned *Matter of 2745 Seneca Street, LLC by Joseph A. Bueme v. Town of West Seneca* and further authorize the Town Assessor to take any and all necessary and appropriate additional steps to effectuate said settlement.

Ayes: All Noes: None Motion Carried

2b. Attorney for the Town re Assessment settlement – Roadway Express

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize and direct Attorney for the Town Charles Grieco and outside counsel Richard H. Cole to execute on behalf of the town and the Town Assessor the Stipulation of Settlement settling the assessment challenge captioned *Matter of Roadway Express v. Town of West Seneca* and further authorize the Town Assessor to take any and all necessary and appropriate additional steps to effectuate said settlement.

Ayes: All Noes: None Motion Carried

16-C COMMUNICATIONS

3. Town Engineer re Bid award of 48" Trunk Sewer Installation

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the 48" Trunk Sewer Installation Project to CATCO, 1266 Townline Road, Alden, NY 14004 at their low base bid amount of $1,908,075 noting funding for this work is budgeted under the $30 million capital sewer project.

On the question, Councilman Hart questioned if the bid is below the Town Engineer's estimate.

Town Engineer David Johnson responded the bid is below their estimate for the project. They met with the contractor and are comfortable that the project can be completed at bid price.

Ayes: All Noes: None Motion Carried

4. Highway Supt. re Title change for J. Fleming to Sanitation MEO

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate James Fleming as Sanitation Laborer and appoint James Fleming as Sanitation Motor Equipment Operator at a rate of $19.05/HR effective August 13, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

5. Highway Supt. re Termination of D. Reynolds & B. Kessel as part-time seasonal laborers

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Devin Reynolds as part-time seasonal laborer in the Buildings and Grounds Department and Brian Kessel as part-time seasonal laborer in the Sanitation Department effective August 20, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

6. Highway Supt. re Extension of part-time seasonal laborers in Buildings and Grounds

Motion by Supervisor Meegan, seconded by Councilman Hart, to extend Devin Chavanne, Tyler Sullivan and Michael Zuchowski as part-time seasonal laborers in the Buildings and Grounds Department at a rate of $8/HR effective August 29 – September 14, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16-C COMMUNICATIONS

7. Town Clerk re Status change for part-time clerk Margaret Pomana to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time clerk Margaret Pomana to part-time seasonal effective September 1 – October 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8. Code Enforcement Officer re Unsafe conditions at 208 Indian Church Road

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to proceed with the removal of unsafe conditions at 208 Indian Church Road and seek bids for its demolition, noting that the cost of this action will be assessed against the land on which the building is located.

On the question, Councilman Hanley questioned if demolition is bid out.

Code Enforcement Officer John Gullo responded that the demolition is not bid out. This is an emergency demolition and he was quoted a good, low price.

Ayes: All Noes: None Motion Carried

16-D APPROVAL OF WARRANT

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

General Fund - $167,056.93; Highway Fund - $165,205.89; Special Districts - $11,217.31; Capital Fund - $12,105.90 (voucher #'s 85059 –85594); Trust & Agency Fund - $30,735.34 (voucher #85557 - 85611)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

QUASAR BUFFALO BIO-ENERGY PROJECT

David Kims questioned the status of the Quasar issue.

Supervisor Meegan responded they have had great conversations with Quasar and were invited along with members of the Environmental Commission to tour the plant. A date for a public meeting at the senior center will be announced at the next Town Board meeting and questions submitted prior to the meeting will be addressed by Quasar's panel. Supervisor Meegan noted the site plan design that was initially proposed has been pulled and they will just continue with current operations.

Mr. Kims commented on the expiration date of the moratorium, noting that the Town of Wheatfield has passed a law with a 21 page explanation. He was concerned that Quasar will now come to West Seneca to build their storage facility.

Supervisor Meegan responded that Wheatfield is a completely different project and Quasar is not coming to West Seneca to build a storage facility.

Mr. Kims questioned if the board members were aware of an information session scheduled in the Town of Wheatfield and Supervisor Meegan responded she is aware of the meeting.

STREET SWEEPING SCHEDULE

William Mayback stated he feels Highway Supt. Matthew English is doing a good job; however, he voiced his concern regarding the street sweeper being on Treehaven Road August 8, August 11th and other recent dates, stating it is a waste of taxpayer money. Although he likes a clean street and a clean neighborhood, he would rather have his taxes lowered. Mr. Mayback stated he is a licensed real estate agent and constantly hears that taxes in West Seneca are too high. He suggested town representatives stop talking about reducing taxes and do something about it, noting he has had ten tax increases in 13 years. Mr. Mayback questioned the cost of equipment and manpower associated with street sweeping and why they would sweep the same street so many times.

Highway Supt. Matthew English responded that from May to August each street is typically swept three times. He had no explanation as to why Treehaven Road had back to back weeks of street sweeping, but noted there are instances streets are swept when spills are reported. Mr. English stated he will talk to the employees who run the street sweepers.

ISSUES OF THE PUBLIC

DEC PERMITS FOR CLEANING CREEKS

Councilman Hart questioned the extent of the DEC permit to clear shoals in Buffalo Creek.

Highway Supt. Matthew English stated the permit is limited to the area at the bridge and crews have been working in Buffalo Creek and will continue to do so this entire week, weather permitting. The plan is to push shoals to the north bank and most trees have already been removed. Crews have removed trees by the black bridge and will continue to make their way to where Buffalo Creek and Cayuga Creek meet. The plan for Cazenovia Creek is to remove the debris clogged in the fingers.

Michelle Pikula, a resident of Lexington Green, voiced her concern regarding stones being pushed on the north shore, noting when it rains water spills off into that area. She questioned why the Indian Church Road side of the street is not used and if the initial permit application is for all of Buffalo Creek.

Mr. English responded the initial permit application is not for all of Buffalo Creek and when he met with the DEC and their biologist it was their suggestion that stones be pushed to the left side. The DEC and their biologist determined that the designated permit area is the spot that will alleviate the flooding.

Ms. Pikula commented that her property goes to the middle of the creek and she has lost land over the years due to erosion. She feels the DEC and Army Corp of Engineers have neglected taking care of the creek. Ms. Pikula further stated during the flood there was no water runoff on the Clinton Street side of the creek.

Mr. English responded that part of the study being conducted by the DEC is how to get water to the strawberry fields on Clinton Street.

Councilman Hart announced a community forum will take place on Wednesday, September 10th at the Covenant Church. Supervisor Meegan, Mr. English, Code Enforcement Officer John Gullo and Town Engineer David Johnson will be present at the meeting and they have invited the DEC and Army Corps of Engineers. Councilman Hart questioned the status of the Flood Relief Committee.

Ms. Pikula responded that work is continuing daily. EB Galaxy dropped off topsoil on Lexington Green and neighbors are assisting an elderly resident on Frank Court.

Supervisor Meegan stated that last Friday she gave a letter to Kathy Hochul to be delivered to Governor Cuomo asking for assistance.

ISSUES OF THE PUBLIC

HIRING OF FULL-TIME SANITATION LABORER

Dale Clarke questioned who was appointed to the full-time position in the sanitation department.

Supervisor Meegan responded no one was appointed; the item remained tabled.

Dale Clarke questioned why Councilman Hanley continues to deny his political involvement regarding this appointment and referred to a previous meeting where Councilman Hanley commented on hard work and job performance being the basis of hiring vs. hiring individuals who circulate petitions and work on campaigns. Mr. Clarke noted the individual Councilman Hanley is proposing for the job, Mr. Dyson, is running for the democratic committee.

Councilman Hanley stated he did not know Mr. Dyson and noted it is a different person, although they are related.

Mr. Clarke further referred to a West Seneca Bee editorial from 2011 concerning hiring practices and knowing someone to get a job. He acknowledged there are reasons why certain individuals are and are not appointed to positions, but questioned the motivation behind this particular appointment.

Councilman Hanley responded the results of a West Seneca Bee poll that questioned who should be responsible for hiring in town were: 78% - Town Board; 22% - Department Heads.

Highway Supt. Matthew English stated it is a travesty and disheartening that an employee who has worked hard and lifted garbage through blizzards and snowstorms is being bypassed for a full-time position by someone who has worked less than four months. Mr. English stated since he has taken office he has always followed the practice of recommending the most senior person on the alternate list who has a Commercial Drivers License (CDL). He further stated politics should not be playing a role in this case.

Councilman Hanley responded he is not playing politics and all his decisions are based on what is best for the residents of West Seneca, noting he went through years of records and had paperwork showing where other employees were chosen ahead of senior people. Councilman Hanley stated he is not in favor of handing out jobs based on someone being a friend or family member.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

HUMAN RESOURCE POSITION / PAYROLL ACCOUNT

Supervisor Meegan stated several inquiries were received on the request for quotes (rfq) for the Human Resource Department. Information was also provided on the payroll account, so meetings will need to be scheduled this week to go forward with both issues.

BUDGET MEETINGS

Supervisor Meegan announced budget hearing meetings are tentatively scheduled to be held on October 20th at 6 P.M. and November 10th at either 3 or 6 P.M. at Town Hall.

RURAL METRO CONTRACT

Supervisor Meegan questioned the status of the Rural Metro contract that expired July 1st, stating she had spoken to a gentleman from Vigilant Fire Company who has some thoughts.

Attorney for the Town Charles Grieco responded he also has had conversations and is aware of the situation.

FUEL COST FOR FIRE DISTRICTS

Councilman Hart stated he received a letter from Paul Notaro who is representing some fire districts in town concerning their cost for fuel. He questioned if the fire districts are looking to negotiate the price.

Highway Supt. Matthew English responded he received the letter, called Mr. Notaro and has yet to hear back. Three of the five fire companies have no problem with the cost and he is unsure as to whether or not they want to negotiate the price. Information that is being requested will be released once a FOIL request is received. Mr. English stated he will discuss this further in executive session if necessary.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 3:20 P.M. to discuss contractual issues.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 3:55 P.M.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

AGREEMENT WITH KVS SPRINGBROOK AND TIMECLOCK PLUS

Motion by Supervisor Meegan, seconded by Councilman Hart, to enter into an agreement with KVS Springbrook and TimeClock Plus effective August 25, 2014 and subject to review by Attorney for the Town Charles Grieco.

On the question, Supervisor Meegan stated that a lot of research was done on this and it is the best price for the town, noting that other municipalities are moving in the same direction.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adjourn the meeting at 3:58 P.M.

Ayes: All Noes: None Motion Carried

Jacqueline A Felser

JACQUELINE A FELSER, TOWN CLERK