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

TOWN BOARD PROCEEDINGS
Minutes #2013-02
January 14, 2013

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 and the changing of the colors from American Legion Post #735 to Marine Corps League Detachment 239.

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 Richard "Bubs" Martin, Joan Mazur, Marie Sager, Leonardo Tempestoso, John Munch and Richard Mancuso.

2-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the January 3, 2013 Reorganization Meeting.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2013-01 of January 3, 2013.

  On the question, Councilman Rusinski referred to the motion for appointment of Highway Supt. Matthew English as Dog Control Officer and stated he understood the appointment was only for one month while Town Attorney Shawn Martin researched this issue.

  Supervisor Meegan disagreed and stated the appointment was for one year at a stipend of $7000.

  Councilman Hart agreed the appointment was for one year and stated the board can explore other options next year.

  Councilman Rusinski stated he would have voted against the appointment if he had known it was for the entire year.

  Supervisor Meegan referred to Item #6 and stated that according to Erie County Personnel the correct title for the part-time job created in recreation is Directors of Recreation II and she requested that the minutes be changed accordingly.

2-A MINUTES TO BE APPROVED

Councilman Hart stated the reason for this title change is that Directors of Recreation I requires a master's degree and this is something the board does not feel should be a prerequisite for a part-time position. However, the position will require a college education.

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the January 3, 2013 Executive Session.

Ayes: All Noes: None Motion Carried

2-B COMMUNICATIONS

1. Supervisor Meegan re Attendance at NYS Association of Towns annual meeting

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Supervisor Sheila Meegan, Councilman Eugene Hart, Councilman John Rusinski, Town Clerk Jacqueline Felser, Town Justice Dale McCabe and Town Attorney Shawn Martin to attend the Association of Towns Annual Meeting in New York, NY, February 17 – 20, 2013 at a cost not to exceed $1,500 per person.

On the question, Councilman Rusinski stated he will not be attending the conference this year.

Ayes: All Noes: None Motion Carried

2. Supervisor Meegan re Title change for Jolynn Keane

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the title of Jolynn Keane from Recreation Attendant part-time to Youth Service Program Coordinator part-time effective January 1, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated there are no changes to the job and this is only a correction to the title in accordance with the needs assessment report.

Ayes: All Noes: None Motion Carried

3. Town Attorney re Intermunicipal Agreement for animal shelter

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute the Intermunicipal Agreement with the Town of Tonawanda and Village of Kenmore for use of the Town of West Seneca animal shelter.

2-B COMMUNICATIONS

3. (continued)

On the question, Town Attorney Shawn Martin stated this new agreement reflects changes to the initial agreement that was approved last year. Some of the changes are the inclusion of Tonawanda and Kenmore employees and the correction of some typographical errors. The crematory and disposal services section was also amended so the cost will now be based on the animal's weight.

Councilman Hart questioned how long the contract will continue.

Mr. Martin responded that the contract is cancellable by either party with notice. The contract includes a service fee of $200 per month for the right to do business with the town. In addition, the town charges per dog, per day along with veterinarian fees. Tonawanda and Kenmore employees will have access to the town's animal shelter during regular hours but must notify the town when using the facility after hours.

Ayes: All Noes: None Motion Carried

4. Highway Supt. re Terminations and appointment of part-time laborers in Buildings & Grounds Dept.

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Ian Cashdollar and Ryan Struzak as part-time seasonal laborers in the Buildings and Grounds Department effective January 8, 2013 and appoint Gerald Mingle as part-time seasonal laborer in the Building and Grounds Department at a rate of $7.25 per hour effective January 8, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

5. Director of Recreation, Youth & Senior Services re Budgetary transfer requests

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve budgetary transfer requests for the Recreation, Youth & Senior Services Dept. as follows:

	Acct. #	Description	Amount
From:	1.7620.0200	Adult Rec. Purchasing	$ 791.96
	1.7620.0420	Adult Rec. Telephone	$ 179.11
	1.7140.0472	Rec. Dept. Youth Bureau School Intervention	$7,773.40
To:	1.7620.0443	Adult Rec. Equipment Repairs & Maintenance	$ 971.07
	1.7620.0416	Adult Rec. Gasoline	$7,773.40

Ayes: All Noes: None Motion Carried

2-B COMMUNICATIONS

6. Chief Gehen re Appointment of Diane Nowicki as Public Safety Dispatcher

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Diane Nowicki as full-time Public Safety Dispatcher effective February 3, 2013 at an annual salary of $35,287 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Chief Gehen stated Ms. Nowicki placed first on the Civil Service list. She has been an excellent part-time Public Safety Dispatcher for many years and also has a number of years experience with Vigilant Fire Company. This will fill a vacancy due to a recent retirement, but there is another vacant position that has existed for 2½ years and scheduling dispatchers has been burdensome to the department due to lack of full-time employees.

Councilman Hart questioned if there was money available to fund a second position.

Finance Director Laura Landers responded that the contingency fund or fund balance could be used to fund a second position.

Ayes: All Noes: None Motion Carried

7. Chief Gehen re Appointment of Scott Windover as Public Safety Dispatcher

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Scott Windover as full-time Public Safety Dispatcher effective February 3, 2013 at an annual salary of $35,287 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Chief Gehen stated that Scott Windover has been an excellent part-time Public Safety Dispatcher and the town is fortunate to have both him and Ms. Nowicki full-time.

Ayes: All Noes: None Motion Carried

2-C 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 - $528,238.92; Highway Fund - $94,081.47; Special Districts - $15,948.94 (voucher #'s 76079 - 76769); Trust & Agency Fund - $58,154.94 (voucher #'s 76700 - 76755); Capital Fund - $208,767.35 (voucher #'s 76631 - 76639)

Ayes: All Noes: None Motion Carried

2-D REPORTS

- Jacqueline A Felser, Town Clerk's report for December 2012 & annual report for 2012 received and filed.
- Jacqueline A Felser, Receiver of Taxes report for 2012 – 2013 school tax collection & 2012 Annual Receiver of Taxes report received and filed.
- John Gullo, Code Enforcement Officer's Plumbing Inspector's report for December 2012 received and filed.

ISSUES OF THE PUBLIC

DEER POPULATION

Tony Diloreto commented on the abundance of deer in West Seneca and stated that as a gardener he is constantly confronted with this issue. He has been a member of the Clarence nuisance program for 8 years and would like to see the same program instituted in West Seneca. A great relationship has been established between the Clarence Town Board, the DEC, landowners and volunteers and the deer herd are taken care of within a 12 mile area which has resulted in a 40 percent decrease in deer collisions. Mr. Diloreto volunteered to spearhead a similar program in West Seneca.

Councilman Hart stated that a committee could be considered and he questioned if records are maintained for deer/car collisions.

Chief Gehen responded that records are maintained and he will provide that information to the board. He noted that the Police Department has issued nuisance permits, but they are basically in rural, farmland and nursery areas due to safety concerns.

DOG CONTROL OFFICER

Bill Hanley referred to the Dog Control Officer stipend of $7,000 and questioned the amount of money collected by the town for dog licensing, noting that the law states, "no town shall expend money greater than it receives during such a year."

Councilman Hart responded that dog license revenue amounted to $39,794 in 2012 and the town is required to have a Dog Control Officer if they issue dog licenses. Councilman Hart questioned the town's procedure regarding the dog census and if the census is required under law.

Town Clerk Jacqueline Felser responded that a dog census is not required by law but it does generate more licenses. Because it is so time consuming, the census has recently only been completed in two sections of town.

ISSUES OF THE PUBLIC

DOG CONTROL OFFICER (continued)

Beverly Leising questioned Highway Supt. Matthew English's appointment as Dog Control Officer and the duties he performs.

Highway Supt. Matthew English responded that approximately three years ago the dog control office and its two full-time employees were dissolved. He was then appointed Dog Control Officer and became responsible for overseeing the duties including dispatching personnel to handle animal issues/complaints and maintaining the budget.

ABANDONED HOUSES

Beverly Leising questioned the town's procedure for abandoned houses.

Code Enforcement Officer John Gullo responded there are approximately 60 structures in town that are posted as vacant, 25 to 30 of which are in foreclosure. The town is unable to move forward regarding these properties until the banks decide to do something.

Mrs. Leising questioned if back taxes are owed on the properties in foreclosure and if after a period of time a public notice is provided listing the properties for auction.

Mr. Gullo responded that some of the properties do have back taxes owed.

Town Clerk Jacqueline Felser stated that Erie County decides when there will be a foreclosure sale and it is usually no sooner than three years after back taxes are owed.

Councilman Hart stated he has weekly conversations with Mr. Gullo regarding abandoned properties in town. Often the banks do not foreclose but continue to pay property taxes and contract out to property managers. In many instances the town ends up maintaining and securing these properties.

Town Attorney Shawn Martin stated that sometimes the banks will commence foreclosure action but never complete it and this keeps the property in a state of limbo.

Councilman Rusinski questioned if the list of vacant structures is provided to fire services.

Mr. Gullo responded that he provides a report quarterly to the public safety dispatchers and Chief Gehen.

ISSUES OF THE PUBLIC

WORK SESSION

Amy Carpenter questioned what took place at the work session earlier this date, noting there was no agenda on the website.

Supervisor Meegan responded that Town Engineer Steven Tanner provided an update on the energy performance contract including all work completed in the town's pumping stations, sliplining and I/I study, ice rink, lighting in parks and town buildings.

HOUGHTON COLLEGE

Amy Carpenter questioned the number of sewer lines at the Houghton College project and how they will be taxed.

Code Enforcement Officer John Gullo responded there will be a main sewer line with individual lines branching off to each of the buildings. The floor plans for this development will be forthcoming.

Councilman Hart stated that fees are assessed based on the number of taps and fixtures.

PLANNING BOARD

Amy Carpenter commented on the absence of Code Enforcement Officer John Gullo at the last Planning Board meeting and stated she felt it was essential that he be in attendance because of his knowledge and direct dealings with developers. Ms. Carpenter further commented that one member of the Planning Board openly speaks to assist the applicant instead of helping the town.

Karen Lucachik questioned the purpose of the Planning Board and also commented that she felt one of the member's behavior was inappropriate.

Town Attorney Shawn Martin responded that certain powers and duties of the Town Board (i.e. subdivision approval and site plan review) are delegated to the Planning Board. The Planning Board also makes recommendations to the Town Board on rezoning and special permit issues.

ISSUES OF THE PUBLIC

DIRECTORS OF RECREATION II POSITION

Karen Lucachik stated she was happy to see the newly created recreation position advertised in the paper.

Supervisor Meegan responded that the needs assessment project began months ago and there have been many conversations. They have been very transparent and a number of applications have been received.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments.

Finance Director Laura Landers responded that a payment of $8,000 was received on December 20th and no payment has been received for January.

HIGHWAY PLOWS

Bill Hayes suggested that snow plow drivers in the Highway Department use their radios to alert police of parked cars on streets being cleared.

Highway Supt. Matthew English responded they have done this in the past if there is a chronic problem. The dispatchers will send a police car and the vehicle will be ticketed if parked after hours.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

2013 TOWN BOARD MEETING CHANGES

Supervisor Meegan stated that the next meeting is scheduled for January 22, 2013 at 2:00 PM to approve the warrant and it will be held at Town Hall rather than at the Senior Citizens Center as originally scheduled. The April 29th meeting has been cancelled and rescheduled for April 25th at 2:00 PM to approve the warrant.

NYS SENATOR GALLIVAN

Supervisor Meegan introduced Mitch Martin of Senator Patrick Gallivan's office noting that Senator Gallivan now represents the Town of West Seneca.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ELECTRICAL BID FOR TOWN HALL HANDICAPPED ACCESSIBILITY PROJECT

Councilman Rusinski referred to a question he had at the last meeting regarding a discrepancy in the bid amount totals for the electrical portion of the Town Hall Handicapped Accessibility Project and stated the error was a typo that has since been corrected.

TOWN BOARD FOCUSING ON FUTURE

Councilman Hart stated that after serving on the board for a year and understanding there have been issues in the past, he feels it most beneficial to focus on the future. He commented that the board is working very hard on the future and trying to correct errors of the past when they are able.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 7:50 P.M. to discuss a real estate matter.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 8:00 P.M.

Motion by Councilman Rusinski, seconded by Supervisor Meegan, to abandon that portion of Park Lane as outlined in the certificate of abandonment dated January 14, 2013 and transfer the property to 800 Union Road LLC and authorize the Supervisor to sign any and all forms necessary to complete the transfer.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:00 P.M.

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER, TOWN CLERK