

2-B LEGAL NOTICES

1. (continued)

Town Attorney Shawn Martin read the recommendation of the Planning Board: "At its December 8, 2011 meeting the Planning Board recommended approval of a special permit for property located at 348 – 350 Langner Road, being part of Lot Nos. 293 & 294, changing its classification from C-2 to C-2(S), for replacement of existing fuel canopy, fuel pumps underground fuel tanks, demolition of existing convenience store, and construction of a new 6488 sf convenience store, a new 4300 sf detail shop, and a new 1750 sf oil change center."

James Boglioli, 570 Delaware Avenue, an attorney for Benderson Development and Delta Sonic, stated that currently there is a 3600 sf carwash facility, a 1700 sf convenient store, five gas pumps and a canopy on the site. The proposal is to demolish the convenience store, gas pumps and canopy and construct a new 6400 sf convenience store, a new 4300 sf detail shop and a new 1750 sf oil change to be located in one building along the back of the parcel. Associated with this project, an environmental cleanup of the site will take place. The fuel canopy, fuel pumps and underground fuel tanks will be replaced. The new tanks will be double hulled and the highest grade available. Driveway improvements will also take place on Langner Road where a new entrance and exit pattern will be established for better traffic patterns and a 24' wide drive isle. The proposed plan includes striped parking which will result in a more orderly and better looking facility. A color rendering of the facility was presented showing an all brick façade with decorative lighting similar to the facility on Delaware Avenue. Mr. Boglioli commented that the proposed facility will be a vast improvement over the current building. By request of the Planning Board, a fire hydrant along with an additional waterline was added to the site.

Joan Lillis, 25 Leocrest Court, commented that in the last few days when the weather was nice it has been a safety hazard with the number of cars on Langner Road and Ridge Road attempting to enter the facility. Mrs. Lillis thought this was a great opportunity for Delta Sonic to clean up the area.

Councilman Hart stated that he attended the Planning Board meeting regarding Delta Sonic and that was why he did not have a lot of questions about the project. He commented that a lot of town business is conducted at the Planning Board meetings and these meetings provide insight into projects. Councilman Hart encouraged citizens to take advantage of this.

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

2-B LEGAL NOTICES

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution issuing a Negative Declaration with regard to SEQR for the proposed Delta Sonic project located at 348 – 350 Langner Road.

Ayes: All

Noes: None

Motion Carried
APPENDICES

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request for a special permit for property located at 348 – 350 Langner Road, being part of Lot Nos. 293 & 294, changing its classification from C-2 to C-2(S), for replacement of existing fuel canopy, fuel pumps & underground fuel tanks; demolition of existing convenience store & construction of a new 6488 sf convenience store; construction of a new 4300 sf detail shop; and construction of a new 1750 sf oil change center.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2-C TABLED ITEMS

1. Purchase of in-car video systems

Motion by Supervisor Meegan, seconded by Councilman Hart, to remove from the table the request for purchase of in-car video systems.

Ayes: All

Noes: None

Motion Carried

Councilman Rusinski stated that he met with Chief Gehen to discuss this purchase and there is a good replacement program in place. The rationale for the camera program involves safety and accountability for both the officer and the public. Councilman Rusinski stated that prior to approval he would like to see some stipulations in place. He suggested creating a quality improvement program where a percentage of the videos will be routinely viewed to ensure proper safety precautions and noncompliance should be identified as soon as possible. Councilman Rusinski thought they should be proactive vs. reactive to a video and that coaching and educating the patrolmen is the safety aspect of the program. It was his goal to have the cameras in all ten patrol vehicles, including the supervisor's vehicles. He further thought the officers needed to unconditionally trust the program and feel that it is in place for their benefit, so any form of discipline should only come about from a substantial deviation of policy or procedure. Councilman Rusinski suggested that discipline decisions from a video not be made by any one person, but instead by a committee involving the Town Board, or at least one member, to eliminate the perception of targeting.

2-C TABLED ITEMS

1. (continued)

Councilman Hart stated that he supports the quality improvement process and has no problem with installing video cameras in all ten vehicles and they should plan for that in the next budget. With regard to the discipline committee, Councilman Hart thought that negotiations with the police union would have to take place in order to establish such a committee. He further commented that the police operation is a para military operation that has a command structure that needs to be respected. The Chief of Police position also requires a great deal of respect and he has a great deal of power within the town and that department. Councilman Hart had a lot of concerns about discipline by a committee and noted there are union contracts, the employees' right to file grievances, and legal avenues through the court system available to the officers. Councilman Hart did not think it was appropriate to have such a committee. He questioned how often a video is actually used for discipline.

Chief Gehen did not recall one issue with disciplining an officer last year. Videos were only used as a tool to inform an officer when there were non-compliance issues, but there have not been any formal discipline issues written as the result of a video. Currently there are eight vehicles that have video cameras and two vehicles that are command vehicles that do not have the cameras.

Councilman Hart asked if Chief Gehen had any problem with the video cameras being installed in the command officers' vehicles.

Chief Gehen stated that the supervisors are there to supervise and historically do not do the volume of traffic stops that a patrol officer does. A bad message could be sent as to who is supervising the supervisors and why the cameras are in their vehicles. Chief Gehen did not feel it was necessary to have the video cameras in the command vehicles, and did not believe it would be cost effective. He thought having a quality improvement program in place and the establishment of a schedule to randomly review recordings on a weekly basis was a good idea, and if there are any issues on the video regarding training or violations they will be dealt with accordingly.

Supervisor Meegan questioned how many times per month Chief Gehen reviews the tapes. She further questioned if the supervising officers are writing as many tickets as the patrol officers.

Chief Gehen stated he does not review the tapes, but Captain Shea reviews a couple of tapes per week. There is one lieutenant that writes a lot of traffic summons, but that is because he is the traffic enforcement lieutenant and he is leading by example.

Supervisor Meegan suggested that they move forward with Councilman Rusinski's suggestions except for the committee issue which can be considered and discussed at a future date.

2-C TABLED ITEMS

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase of four (4) WatchGuard DV-1-DOH-GPS, DV-1D, overhead console, 4th/5th generation in-car video systems at a cost not to exceed \$15,000.00, plus shipping and less trade in value of two older units, from WatchGuard Digital In-Car Video, 30001 Summit Avenue, Plano, TX 75074. WatchGuard is the sole source provider for the WatchGuard video system.

On the question, Chief Gehen questioned if the extra units were coming out of this year's budget.

Councilman Rusinski stated that he had spoken with the town's grantwriter about the possibility of obtaining a grant for the additional cameras.

Councilman Hart stated he had approached the Finance Department and requested additional information regarding the financing of some purchases. There will be no trade-ins for the two additional cameras, so the cost will be approximately \$10,000 which is a significant expenditure from the budget. There is the possibility of a grant, but if that does not happen there is a question on how they will be financed. He thought they needed to know a little more about the money they are spending and where that money will come from.

Ayes: All

Noes: None

Motion Carried

2-D COMMUNICATIONS

1. Supervisor Meegan re Stop – Motion by Supervisor Meegan, seconded by Councilman
DWI Contract 2011 - 2013 Rusinski, to authorize the Supervisor to sign the Stop-
DWI Contract 2011 -13 between the County of Erie and
the Town of West Seneca.

On the question, Councilman Hart questioned how the Stop DWI program works and if the program involving the West Seneca Police is done just in West Seneca.

Chief Gehen stated that this is reimbursable through Erie County based on 35 percent of the fines collected or the actual expenses incurred, whichever is less. Lt. Szymania keeps track of all DWI arrests in town and submits the total monthly cost to the county. All expenses including overtime, court time and anything associated with any DWI arrest is included in the submission. The county then reimburses the town based on the above formula. Chief Gehen stated there is another program in place through the county called the Police Lifesaver Program that at times involves West Seneca officers being utilized in other jurisdictions throughout the year. There is no cost to the town for taking part in this program.

Ayes: All

Noes: None

Motion Carried

2-D COMMUNICATIONS

2. Supervisor Meegan re Appointment of Emily Josefiak as clerk part-time
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Emily Josefiak as part-time clerk effective January 1, 2012 at a rate of \$10 per hour under account #1.3620.0447 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned if there was sufficient funding in that line item and Supervisor Meegan confirmed there was.

Councilman Rusinski questioned if this appointment was a reinstatement.

Supervisor Meegan confirmed that Miss Josefiak was being reinstated as a part-time clerk and will be utilized by various departments as needed.

Ayes: All

Noes: None

Motion Carried

3. Town Engineer re Bid date for 2012 Veteran's Park Pool Rehabilitation
- Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of March 6, 2012 at 2:00 PM for receipt of bids for the 2012 Veteran's Park Pool Rehabilitation Project, noting that this project includes remarketing of the pool interior and possibly addition of a chlorine generator, and funding will be based on the passing of the bonding for improvements throughout Veteran's Park.

On the question, Councilman Hart stated he intends to support this project because he understands the pool needs work and they need to get started now in order to have it operational this summer. However, he did not believe it was appropriate to base the funding on a bond issue that has not been approved by the Town Board or the voters. Once the bond resolution is passed by the Town Board, the voters will have 30 days to challenge it in an election if they so choose. Although this could happen, Councilman Hart thought it was a remote possibility after the voters hear at next week's work session what the Town Board is looking to do and what is necessary to do. He asked that in the future department heads consult with Supervisor Meegan and the Finance Office to confirm sufficient funding is available.

Patrick Clancy of the Finance Office stated he had a conversation about this with Supervisor Meegan prior to the meeting and he confirmed that sufficient funding is available in the capital projects budget line.

2-D COMMUNICATIONS

6. Chief Gehen re Status change for part-time Public Safety Dispatcher James Kavanaugh to seasonal
Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatcher James Kavanaugh to part-time seasonal effective February 1 - 29, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Rusinski questioned if the status change was due to a shortage in manpower.

Chief Gehen stated that currently seasonal people are needed to cover shifts due to a dispatcher being out sick and vacancies that need to be covered.

Ayes: All

Noes: None

Motion Carried

7. Town Clerk re Local Government Records Management Improvement Fund Grant
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize Biel's Document Management to digitally archive Building and Plumbing records and birth and death records at a cost not to exceed \$44,583.00 and begin the work January 24, 2012.

On the question, Councilman Rusinski questioned what the remainder of the grant is designated for.

Code Enforcement Officer John Gullo stated that the grant involved digitally archiving the town's microfiche and will also include the purchase of a scanner that will have the capability of scanning 36" wide documents for digitally archiving as well.

Councilman Hart questioned if Biel's will be doing all the work or if the town will be hiring people.

Town Clerk Jacqueline Felser explained that Biel's will be doing the actual work of converting the microfilm onto a disc and there is also \$6282 allocated to cover the cost of hiring personnel to transfer this information from the disc into the town's system. Two people will be hired to do this work and it will probably be placed on the next agenda along with the purchase of a scanner. The deadline for completion of the work is June 30, 2012 and there will be no extensions granted. There is no cost to the town involved.

Ayes: All

Noes: None

Motion Carried

2-D COMMUNICATIONS

8. Code Enforcement Officer re Appointment of Daniel McCartan as Deputy Disaster Coordinator
Motion by Supervisor Meegan, seconded by Councilman Hart, to table this item.
Ayes: All Noes: None Motion Carried

9. Town Attorney re Attendance at NYS Association of Towns annual meeting
Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Supervisor Sheila Meegan, Councilman John Rusinski, Town Clerk Jacqueline Felser and Town Justice Dale McCabe to attend the Association of Towns Annual Meeting in New York, NY, February 19 – 22, 2012 at a cost not to exceed \$1,500.00 per person, noting there are sufficient funds in training line item #1.1990.0480.

On the question, Councilman Hart stated he will not be attending the Association of Towns meeting this year but is aware that several of the courses presented are online and he intends to take advantage of that availability.

Ayes: All Noes: None Motion Carried

Motion by Councilman Hart, seconded by Supervisor Meegan, to designate Supervisor Sheila M. Meegan as a delegate to attend the annual business session of the Association of Towns in the State of New York to be held in New York City on February 22, 2012 and to cast the vote of the Town of West Seneca pursuant to Section 6 of Article 3 of the constitution and by-laws of said association, and further, designate Councilman John M. Rusinski as alternate delegate.

Ayes: All Noes: None Motion Carried

10. Highway Superintendent re Leave of absence for Brandon Setlock
Motion by Supervisor Meegan seconded by Councilman Hart, to authorize a leave of absence for Brandon Setlock effective December 20 – 31, 2011 and February 2 – 10, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

2-E REPORTS

- Jacqueline A. Felser, Town Clerk’s report for December 2011 & annual report for 2011 received and filed.
- John A Gullo, Code Enforcement Officer’s plumbing report for December 2011 and 2012 – 2016 Strategic Plan received and filed.

2-E REPORTS

- Finance Office, Revenue/expense comparison control report posted as of January 18, 2012; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report for the period January 5 – 18, 2012 received and filed.

ISSUES OF THE PUBLIC

STREETSCAPE PROJECT FOR UNION ROAD

Paula Minklei, Orchard Park Road, questioned if there are any anticipated changes or beautification of Union Road in the next year or two.

Supervisor Meegan responded there is a project scheduled to begin in the spring. Several people added input back in 2010 and 2011 and the overall project has been outlined by the state since Union Road is a state highway.

Town Engineer Steven Tanner stated that the NYS Department of Transportation (NYSDOT) will be milling and resurfacing portions of Union Road. There are also plans to landscape around some of the signage, including the two signs in front of Town Hall, the welcome sign at Route 400, and a new sign he thought would be locate near Southgate Plaza.

Mrs. Minklei questioned if the town's Master Plan was considered, noting that it outlined steps for enhancing a portion of Union Road as part of the town center. Mrs. Minklei questioned if a public review of the state's plans could take place and that possibly an agreement could be reached pertaining to the overall goals and priorities.

Supervisor Meegan responded that this is a state project and it begins near the Burchfield Center and extends to the bridge at Southgate Plaza. She further noted that a committee has been put together to review, update, and consider all of the Master Plan.

Mrs. Minklei further commented on the importance of the town's Master Plan and expressed that it is still a good planning tool for the town that should be promoted.

Councilman Hart questioned if the NYSDOT will be presenting any program in the future outlining what they are going to do such as architectural planning, slide shows, etc.

Town Engineer Steve Tanner did not believe they would but stated there are a set of plans in the Engineering Department available for public review and it basically involves rehabilitation work relative to signage and landscaping.

Marylou Dietrich, Bellwood Avenue, suggested that a new sign be put in place at the end of Route 400 at Seneca Street along with possibly fencing certain unattractive areas surrounding the sign.

ISSUES OF THE PUBLIC

STREETSCAPE PROJECT FOR UNION ROAD (continued)

Supervisor Meegan stated that she has had many conversations with Highway Sup't. Matthew English concerning entry signs to the town and this issue was being addressed. They have also reached out to businesses to sponsor a new sign.

NEW SEWER ORDINANCE

Cynthia Stachowski, Terrace Blvd., stated she is a realtor and recently became aware of a new law that was adopted in West Seneca wherein people selling their homes are required to replace their sewer laterals prior to the sale if the house was built before 1980. She questioned why a homeowner should have to replace the lateral if there is no problem with it and commented that this is a big expense for people.

Supervisor Meegan stated she had spoken with Daniel Locche of the Realtor's Association and other realtors regarding this local law and was aware of their concerns. A meeting will be scheduled with the association, Town Attorney Shawn Martin, Town Engineer Richard Henry and Code Enforcement Officer John Gullo to discuss this in depth.

Ms. Stachowski thought this should have been discussed with the community prior to it being adopted as a local law and let them decide what to do.

Town Attorney Shawn Martin stated that a public hearing was held over a month ago and it was posted on the town's website and Town Clerk's bulletin board and advertised in the West Seneca Bee.

Robert Rigby, Cathedral Drive, recalled seeing something published about code enforcement but it did not go into detail. He commented that this local law has a huge impact on the Town of West Seneca and its residents since 80 percent of the homes will fall into this category. Mr. Rigby understood there is a big problem with the sewer lines, but did not agree with replacing the laterals if they are not broken.

Councilman Hart stated that he has discussed this with Mr. Gullo and it was agreed that all the laterals they think will have to be replaced will be scoped.

Mr. Rigby questioned who will pay for the sewer to be scoped.

Councilman Hart stated they will have to talk about this because the town is barred by law from spending money on this unless they make it available to everyone in town and that would be too expensive. He noted that scoping of the sewer is a couple hundred dollars, but it is much cheaper than having to replace a lateral. They will discuss this and address the problem.

ISSUES OF THE PUBLIC

NEW SEWER ORDINANCE (continued)

Mr. Rigby understood there were a lot of homes that had illegal connections (i.e. sump pump) to the sanitary sewer and he thought it was wise and proactive to address that. However, he did not think it was right to force the expense of digging up and replacing laterals on the citizens. This will be a huge burden for everyone selling a home and will shut down any movement of home ownership and deplete the value.

Supervisor Meegan understood the realtors' concerns and stated that the town will revisit this issue. She thought the responsible thing to do at this point was to meet with the Realtors Association, listen to their concerns and have more discussion on this issue. Councilwoman Meegan asked for the realtors' patience and stated that Mr. Locche will be setting up a meeting and it will be held in West Seneca.

Geralyn Bonilla, Nina Terrace, stated that the people of West Seneca are unaware of this law that was adopted. Her parents' home is scheduled to close in three weeks and she questioned what they will do with all the current closings that are scheduled. Mrs. Bonilla stated that the homeowners need an outline of what they need to do. She respected the Town Board's decision that something like this needs to be done to begin to address the sewage issues the town is facing, but she asked that the public be given advance notice of an effective date so that people can plan accordingly.

Mr. Gullo stated that a handout was created after the local law was adopted and he has been talking with some realtors. He noted there are a lot of sewers that are already plastic in houses built prior to 1980 and as long as they can see that the sewer does not have to be replaced.

Maureen Barbary, Ganna Court, stated that she spoke with Mr. Gullo on this issue and he reviewed the \$100 inspection fee for inspecting the sump pump. She understands that a certificate of occupancy is necessary for every transfer of ownership, but questioned who will be responsible for obtaining permits if improvements were made under a prior owner and they never obtained a permit.

Mr. Gullo responded that they were mostly concerned with life safety items like the height of windows and railings, installation of carbon monoxide and smoke detectors, etc.

Ms. Barbary commented on the difficulty realtors have justifying taxes in West Seneca when they are trying to sell a home and now they will have to tell the homeowner they will have an added expense of having to replace the lateral even if their clay tile is not broken.

ISSUES OF THE PUBLIC

NEW SEWER ORDINANCE (continued)

Virginia Grandoni, Orchard Park Road, stated that this will affect 80 to 90 percent of the closings in West Seneca. She further commented that 70 to 80 percent of buyers are first time homebuyers and the sellers are seniors, both of which can't afford the expense. Mrs. Grandoni understood the need to inspect the laterals because the sewers in town are deplorable, but she could not see why they had to be replaced if they are not broken. She stated that they have been asking for new sewers for many years and now it seemed like fixing the problem was solely on the backs of the taxpayers and residents.

Supervisor Meegan stated that the laterals were just a small portion of the sewer problem. She agreed that they needed to revisit this issue.

Mrs. Grandoni further commented that the buyer also hires a home inspector and someone has to pay for the repairs they find are necessary. This just adds another layer of inspection before they can close on a home.

Mr. Gullo understood but stated that everyone is looking at different items and if a new certificate of occupancy is issued the buyer will know exactly what they are getting themselves into.

Anna Marie Falkner, Ebenezer Drive, was concerned about immediate sales that are scheduled to close, noting that mortgage commitments are usually 60 days. She had closings that were due to happen within 10 days and she was just notified of this new law through an attorney. If they have to take care of the lateral, the purchaser will have to extend the closing and it will cost them money. Mrs. Falkner questioned if this was entirely thought through before it was adopted.

Supervisor Meegan stated she will meet with Mr. Martin, Mr. Gullo and Mr. Henry and get back to Mrs. Falkner tomorrow with an answer for the pending closings.

Councilman Hart asked Mr. Gullo how he knows when there is a home sale in progress.

Mr. Gullo responded that when the certificate of occupancy inspection was added to the ordinance in 2007 it was designed to be done after the bank approvals and the town was supposed to be notified by the closing attorneys. Currently it is being done by word of mouth, but they have included it in literature and are working on an ad for the West Seneca Bee.

Mary Derk Weiss, Reserve Road, stated this is extremely serious and will cause a huge problem in town. She was happy to hear they will revisit the issue and commented that people were not appreciating a great deal of value from the sale of their home that they can incur this additional expense.

ISSUES OF THE PUBLIC

NEW SEWER ORDINANCE (continued)

Karen Lucachik, Greenmeadow Drive, stated she was at the meeting when this local law was adopted and she did not recall anything about having to replace the lateral when a house is sold/bought. Mrs. Lucachik commented on the problem this will cause for home buyers and questioned if a moratorium could be placed on the requirement. She further questioned if this was designed as a way for the town to make money and commented that they were turning people away from West Seneca.

Supervisor Meegan responded that it was not a way for the town to make money and their concern was the sewers. They will be taking a serious look at this issue.

Charles Hayes, Woodward Drive, stated he has lived in town for 35 years and has never encountered a sewer problem. He is considering downsizing and is concerned about how the proposed sewer ordinance will affect him if he sells his home and is forced to replace his sewer lateral. He feels the replacement cost will be difficult for most people to absorb, especially senior citizens.

Michael Kearns, Buffalo City Councilman, shared information relative to avenues the City of Buffalo has utilized and made suggestions to the Town Board for possible consideration. He noted that homeowners have the option of purchasing private insurance to protect themselves from the expense of replacing their personal sewer lateral if needed. Mr. Kearns intent was to offer some creative ways to deal with this issue.

Councilman Hart stated that this insurance would protect the homeowner if their sewer lateral failed in the future. A major problem with these laterals is that even though they have not technically failed they are compromised, causing infiltration to take place which in turn has a negative impact on the town's overall sewer system and increases the amount of sewage pumped into the City of Buffalo. The town is negotiating with the City of Buffalo to increase the number of gallons they will accept which will help with overall flooding problems. Councilman Hart requested that Mr. Kearns use his influence as a City Councilman to help with negotiations regarding this matter.

Marylou Dietrich, Bellwood Avenue, stated that she had received a mailing similar to what Mr. Kearns was referring to; however, she thought it was from a different company. She believes she still has the information and will provide the board members with it at a later date.

ISSUES OF THE PUBLIC

PURCHASE OF IN-CAR VIDEO SYSTEMS

Karen Lucachik, Greenmeadow Drive, referred to the in-car video systems and questioned what was voted on and how many cameras will be purchased.

Supervisor Meegan responded that they voted to purchase four cameras at a total cost of \$15,000.

Councilman Hart stated they also agreed to explore and possibly implement a quality improvement process in the near future.

Mrs. Lucachik stated that Chief Gehen did not think it was necessary to install the cameras in the two supervisor vehicles and she thought they should listen to his recommendation since he is the department head.

Chief Gehen stated he agreed with the Town Board regarding the quality improvement benefit this will establish, but strongly objected to the discipline by committee that was discussed. He feels that establishing a discipline committee will have a negative impact on the supervising officers. He further stated there are very few disciplinary problems within the department, and when they do occur they are handled internally. Chief Gehen feels that it is his responsibility as Chief to make sure the officers are doing the job they are paid to do, and doing it correctly. He feels that establishing a committee on discipline is unnecessary and unwise.

Joan Lillis, Leocrest Court, commented that she agreed with Chief Gehen to not have a discipline committee. As a previous Supervisor she relied on the Chief of Police to make these types of decisions.

Supervisor Meegan clarified that the intent of this discussion was to see if a discipline committee was necessary. She further commented on grievances and how they are handled in house which saves money.

STATUS OF AMERICORPS DEBT

Karen Lucachik, Greenmeadow Drive, questioned the status of the outstanding AmeriCorps debt.

Patrick Clancy of the Finance Department stated he will check on this and get back to Mrs. Lucachik.

Mrs. Lucachik stated that Mr. Clancy should be prepared to answer this question every month.

ISSUES OF THE PUBLIC

WEST SENECA YOUTH BOARD

David Nagy, Tracy Lynn Lane, Vice Chairman of the West Seneca Youth Board, congratulated Supervisor Meegan and the board members for acquiring an outside CPA firm. He further presented a summary report of the Youth Board and its activities involving the number of students who participated in the program, the number of agencies and residents that were serviced and the total accumulated man hours. Mr. Nagy thanked the Town Board for keeping this program alive and looked forward to working with them in the future.

WEST SENECA DEVELOPMENT CENTER

Beverly Leising, Harwood Road, referred to the sale of the West Seneca Development Center and questioned if the Town Board was interested in purchasing the property. Comments were made by both Supervisor Meegan and Councilman Hart that the town is not interested in purchasing the property. There are numerous issues regarding sewer problems, building and infrastructure issues and the information being provided at the public meetings is to keep the public informed.

SPCA UPDATE

Beverly Leising, Harwood Road, questioned the status of a legal issue that was holding up the SPCA project on Harlem Road.

Town Attorney Shawn Martin advised that the SPCA requested the project be held until June.

GPS / CAMERA GRANT MONEY

Beverly Leising, Harwood Road, questioned the status of the grant money previously approved for the gps systems that was redirected for security cameras. Mrs. Leising was concerned about the town having to pay money out of pocket while waiting for the re-appropriation of these funds.

Supervisor Meegan stated they were still waiting for the funds to be reappropriated.

DEER POPULATION

Beverly Leising, Harwood Road inquired about the deer population in town and the number of accidents they are causing.

Chief Gehen stated there has not been a significant increase in deer reported accidents. Discharge permits are issued to certain areas to reduce the deer population for safety reasons in locations such as the farms on Clinton Street, Perry's Nursery and the Buffalo Airpark.

ISSUES OF THE PUBLIC

INCREASE IN SIZE OF TOWN BOARD

Beverly Leising, Harwood Road, questioned if there are benefits in place now that future board members will receive if the Town Board were to increase in size. She suggested that this be changed so it does not cost as much for two additional board members.

Supervisor Meegan responded that this would have to be addressed at the reorganization meeting each year and most board members do not receive lifetime benefits.

TAX RECEIPTS

Beverly Leising, Harwood Road, commented that she paid her October taxes at M & T Bank and received a receipt at time of payment. Later she also received a receipt from the Town Clerk saying she did in fact pay her taxes. Ms. Leising stated that the initial receipt she received was sufficient.

Town Clerk Jacqueline Felser stated that last year was the first year utilizing the lock box system and there was some confusion about the issuance of receipts. Mrs. Felser further stated that if you pay your taxes at the bank and receive a receipt, you should not receive a subsequent receipt in the mail.

PUBLIC HEARING DATE FOR SEWER ISSUES

Beverly Leising, Harwood Road, questioned the date for the public hearing on sewer issues.

Town Attorney Shawn Martin stated that the hearing is scheduled for February 29th and stated it will be advertised in accordance with legal requirements. It will be published in the WS Bee and posted on the town's website and the bulletin board.

Mrs. Leising requested that it also be advertised in the Buffalo News.

Amy Carpenter, Woodward Crescent suggested that the meeting take place at a location large enough to accommodate the residents. She did not believe the senior center was large enough and thought the entire town should be at this public hearing. Mrs. Carpenter would also like to see additional advertising for this meeting and not just the advertising that is required by law.

Robert Rigby, Cathedral Court, noted that February 29th is the date for the annual West Seneca Chamber of Commerce dinner that is typically well attended by town residents, so there is a scheduling conflict with holding the public hearing on that date.

ISSUES OF THE PUBLIC

PUBLIC HEARING DATE FOR SEWER ISSUES (continued)

Mr. Martin and Supervisor Meegan stated that rescheduling the public hearing to an earlier date would not be feasible.

Mrs. Leising commented she does feel this is a legitimate conflict; however, the meeting should be rescheduled for early March.

PEER COUNSELING

Amy Carpenter, Woodward Crescent, referred to a Town Board meeting in October where it was mentioned that a work session was to be scheduled with the School Board and the Town Board to discuss the Peer Counseling program.

Supervisor Meegan stated that meeting has yet to be scheduled, but she was hopeful it will take place before Easter.

SCHEDULED WORK SESSION

Amy Carpenter, Woodward Crescent, questioned if there was an agenda for the upcoming Work Session scheduled for January 30th @ 2:00 P.M.

Supervisor Meegan stated the town's proposed Capital Projects is one of the issues to be discussed but all department heads will have the opportunity to discuss any issues at this time. Once prepared, an agenda for this informal meeting will be posted on the website.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:50 P.M. to discuss three litigation matters and one real estate matter with Town Attorney Shawn Martin.

Ayes: All

Noes: None

Motion Carried

The board returned from Executive Session at 9:10 P.M.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SEWER LATERAL REPLACEMENT REQUIREMENT SUSPENDED

Motion by Supervisor Meegan, seconded by Councilman Hart, to suspend the sewer lateral replacement portion of Chapter 97 of the Sewer Ordinance, recognizing the issues before us, and move to revisit Chapter 97 at a future date.

On the question, Supervisor Meegan asked the realtors to submit suggestions to their Board of Realtors. She should be hearing from the Board of Realtors tomorrow morning concerning a meeting to be scheduled with the Town Board in the Town of West Seneca.

Councilman Hart stated he would like to know when the meeting takes place and will make every attempt to attend.

Ayes: All

Noes: None

Motion Carried

PART-TIME CLERICAL POSITION

Chief Gehen stated there is a part-time clerical position available in his department and anyone interested should submit an application. The position is currently posted on the bulletin board outside the Town Clerk's office.

POLICE DEPARTMENT GRANT

Councilman Hart stated that after many inquiries he found out that the initial grant of \$350,000 for the police expansion was acquired through Senator William Stachowski's office and was being overseen by the Dormitory Authority of the State of New York (DASNY). Instead of informing town officials that this grant had been cancelled in June of 2011, DASNY continued to request additional information leading everyone, including the town's grantwriter, Chief Gehen and the former Supervisor, to believe the money was forthcoming. This continued thru October 2011 at which point the grant was complete and ready to be processed. The town's grantwriter recently contacted the attorney for DASNY and was informed that the grant was not in place and had been cancelled in June. No explanation was given as to why the grant was cancelled; however, it is still available and the town can reapply through Senator Kennedy's office prior to April 1, 2012. Councilman Hart was told that it is up to the State Senator to inform local government, not DASNY, when a grant is cancelled. He would like to have some accountability as to who cancelled the grant, why it was cancelled, and once cancelled why the town was not notified. Councilman Hart further asked Supervisor Meegan to reconsider relocating her office to Town Hall, stating that it could have an adverse effect on reapplying for the grant. He thought this was a public safety issue and was concerned that her office will be within the security footprint of the Police Department, possibly causing the plans to have to be redrawn. Councilman Hart also thought it was important for Supervisor Meegan to be at the Burchfield Center near the Finance Department.

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

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POLICE DEPARTMENT GRANT (continued)

Supervisor Meegan stated that Grantwriter Connie Miner will be at the work session to discuss the grant, noting that they may be able to re-appropriate the \$250,000 ice rink grant money that has been sitting there. She thanked Councilman Hart for his input but did not feel that relocation of her office at this time would have an adverse effect on reapplying for the grant. Supervisor Meegan and Chief Gehen both expressed their concerns as to why the initial grant fell through.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:35 P.M.

Ayes: All

Noes: None

Motion Carried



JACQUELINE A FELSER, TOWN CLERK

WHEREAS, on October 25, 2011 the Applicant, Delta Sonic Carwash Systems, Inc. filed an Application for Site Plan Review, an Application for Rezoning-Special Permit, and an Environmental Assessment Form in connection with its request for Site Plan approval and a special permit for the sale of gasoline at its property located at 350 Langer Road, West Seneca, New York; and

WHEREAS, this matter was referred to the Town of West Seneca Planning Board for recommendation on the issuance of a Special Permit; and

WHEREAS, this matter was considered by the Town of West Seneca Planning Board at its December 8, 2011 meeting wherein the Town of West Seneca Planning Board recommended approval of the special permit for property located at 348-350 Langer Road, West Seneca, N.Y. 14224 changing its classification from C-2 to C-2(s) for replacement of the existing fuel canopy, fuel pumps and underground fuel tanks, demolition of the existing convenience store and construction of a new 6488 square foot convenience store, construction of a new 4300 square foot detail shop and a new 1750 square foot oil change center; and

WHEREAS, a legal notice for a public hearing on the issuance of the special permit was properly published; and

WHEREAS, as the lead agency for purposes of SEQR review and having reviewed the Full Environmental Assessment Form and considered all items properly before it pursuant to 6 NYCRR 617, et seq., it is

RESOLVED that the Town Board of the Town of West Seneca hereby issues a negative declaration for purposes of SEQR Review for the issuance of a special permit for property located at 348-350 Langer Road, West Seneca, N.Y. 14224 changing its classification from C-2 to C-2(s) for replacement of the existing fuel canopy, fuel pumps and underground fuel tanks, demolition of the existing convenience store and construction of a new 6488 square foot convenience store, construction of a new 4300 square foot detail shop and a new 1750 square foot oil change center as the issuance of the special permit will not have will not have a significant adverse environmental impact.

Legal Notice
348-350 Langer Road

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca has received a request for a special use permit for the following described property from its classification of C-2 to C-2(S).

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of West Seneca, County of Erie and State of New York; described as part of Lots 293 and 294, Township 10, Range 7 of the Buffalo Creek Reservation Survey. Bounded and described as follows:

Beginning at a point in the intersection of the south line of Ridge Road as now laid out by Appropriation by N.Y. State filed under Map 17, parcel 22 and in Liber 4614 of Deeds at Page 550 as filed in the Erie County Clerk's Office with the westerly line of Langer Road as relocated by Map 14, Parcel 18;

Thence southerly along the westerly side of Langer Road a distance of 129.78 feet to an angle point;

Thence continuing southerly along the westerly line of said Langer Road at an interior angle of $154^{\circ}30'0''$ a distance of 124.28' feet to a point;

Thence westerly along a line at an interior angle of $129^{\circ}05'40''$ a distance of 47.65 feet to a point in the centerline of Langer Road (as originally laid out 49.5 feet wide);

Thence southerly along the centerline of said Langer Road or originally laid out an interior angle of $94^{\circ}17'50''$, a distance of 140.09 feet to a point;

Thence westerly along a line at a bearing of north $82^{\circ}07'37''$ west, a distance of 238.21 feet to a point;

Thence northerly along a line at a bearing of north $58^{\circ}10'45''$ west, a distance of 103.51 feet to a point in the east line of the Niagara Lockport & Ontario Power Company as per Liber 1519 of Deeds at Page 271 and Liber 1726 of Deeds at Page 40;

Thence northerly along the east line of said Niagara Lockport & Ontario Power Company at a bearing of north $31^{\circ}57'02''$ east, a distance of 299.12 feet to a point in the south line of said Ridge Road as now laid out;

Thence easterly along the south line of said Ridge Road as now laid out at an interior angle of $125^{\circ}27'17''$, a distance of 188.15 feet to a point in the westerly line of said Langer Road as originally laid out;

Thence northerly along the westerly line of said Langer Road as originally laid out at an exterior angle of $101^{\circ}07'17''$ a distance of 10 feet to a point;

Thence easterly along a line at an interior angle of $93^{\circ}10'24''$, a distance of 24.79 feet to the centerline of said Langer Road as originally laid out;

Thence southerly along the centerline of said Langer Road as originally laid out at an interior angle of $86^{\circ}49'36''$, a distance of 9.93 feet to a point in the south line of said Ridge Road as now laid out;

Thence easterly along the south line of said Ridge Road as now laid out at an exterior angle of 81°47'50", a distance of 140.86 feet to the point and place of beginning. This parcel containing 114,284 Sq. Ft. or 2.624 acres more or less.

Whereas, this Town Board held a public hearing on the 23rd day of January, 2012 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting a special permit for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a special permit be granted and the same is hereby rezoned from C-2 to C-2(S).

Be it further resolved that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.

Jacqueline A. Felser, Town Clerk
Dated: January 26, 2012