

19-C COMMUNICATIONS

2. Supervisor Meegan re Designating October 2014 Domestic Violence Awareness Month
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached proclamation designating October 2014 as Domestic Violence Awareness Month in the Town of West Seneca.

Ayes: All Noes: None Motion Carried
APPENDICES

3. Supervisor Meegan re 14 Holy Helpers Parish 150th Anniversary
- Motion by Councilman Hart, seconded by Supervisor Meegan, to adopt the attached proclamation designating October 5 - 11, 2014 as a week of celebration of the 150th Anniversary of Fourteen Holy Helpers Parish.

On the question, Councilman Hart stated this is the 150th year for Fourteen Holy Helpers and St. John Lutheran's Church and he had the privilege of presenting the proclamation to the Bishop of Buffalo and the church community.

Ayes: All Noes: None Motion Carried
APPENDICES

4. Supervisor Meegan re Annual Crop Walk
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to grant the request of the West Seneca Community of Churches to hold their annual Crop Walk on Sunday, October 19, 2014 from 1 - 4 P.M. on designated streets in the Town of West Seneca.

Ayes: All Noes: None Motion Carried

5. Supervisor Meegan re Halloween Parade
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the request of Southgate Plaza to hold their annual Halloween Parade on Sunday, October 19, 2014 with assembly behind Town Hall at 11:30 A.M. and the parade starting at noon.

Ayes: All Noes: None Motion Carried

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6. Supervisor Meegan re Designation of Halloween
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to designate Friday, October 31, 2014 between 6:00 P.M. and 8:00 P.M. as the official night for trick-or-treat in the Town of West Seneca, noting that residents are asked to please leave their porch lights on to provide lighting and safety for the children and drivers are urged to use extra caution.

Ayes: All Noes: None Motion Carried

7. Attorney for the Town re Public Hearing on Local Law #13 – Development Plan Review Fees
- Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for October 20, 2014 at 7:00 P.M. to consider adoption of the attached Local Law 2014-13 to add a new Chapter 60 Development Plan Review Fees to the Town Code.

On the question, Attorney for the Town Charles Grieco stated the local law will require developers to put money in an escrow fund to cover costs associated with the review of large development projects and the hiring of outside experts such as financial advisors, lawyers, engineers, etc. It will be at the town's discretion as to when an escrow payment will be required.

Councilman Hanley questioned if this will in any way relieve the Planning or Zoning Board of their responsibilities and duties.

Mr. Grieco responded this will provide the Planning, Zoning and Town Board with the assurance and expertise they need and taxpayers will not be saddled with the cost.

Ayes: All Noes: None Motion Carried
APPENDICES

8. Chief Denz re Status change for part-time Public Safety Dispatcher Andrew Wagner to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher Andrew Wagner to part-time seasonal effective October 1 - 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

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9. Finance Department re Budgetary amendment request
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution approving a budgetary amendment to increase General Fund appropriations and authorize use of its unassigned fund balance and increase expenditures for Dispatch Equipment (Acct. #001.3120.0211) in the amount of \$27,484.50 to support the purchase of portable radios.

On the question, Councilman Hart asked Chief Denz for an update on the radios.

Chief Denz stated the last purchase of radios was five years ago and they are beginning to wear. Funding for this purchase is from abandoned property and no tax dollars are being used so there is no impact on the budget. The town will also receive a rebate of approximately \$4800 on this purchase.

Ayes: All

Noes: None

Motion Carried
APPENDICES

10. Finance Department re Budgetary amendment request
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Town Board to amend the adopted 2014 General Fund budget and the adopted 2014 Special Districts budget to appropriately account for the amount of debt service payments regarding the energy performance contract payment for a total of \$307,000 using unassigned fund balance requested per the attached.

On the question, Councilman Hart stated this was omitted from the 2014 budget in error.

Ayes: All

Noes: None

Motion Carried
APPENDICES

11. Highway Supt. re Status change for part-time Buildings & Grounds laborers
- Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of the following part-time seasonal Buildings & Grounds laborers to part-time effective September 14, 2014 - April 15, 2015:

\$12 per hour
Rick Mingle

Harold Schwartz

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11. (continued)

\$9 per hour

Matthew Amoia
Devin Chavanne
Daniel Lewis
Ryan Schrader

Thomas Bebak
Kyle Dominczak
Kevin O'Shaughnessy
Tyler Sullivan

Austin Boehm
Jacob Hiam
Kerry Painter
Michael Zuchowski

James Brady
Joseph Kropczynski
Michael Pauly

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

12. Highway Supt. re Status change for part-time seasonal Sanitation laborers

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of the following part-time seasonal Sanitation laborers to part-time effective September 21, 2014 - April 21, 2015 at a rate of \$8 per hour:

Steve Amoia, Jr.
Timothy Czuprynski
Andrew Maj
Timothy Stevenson

Colin Brown
Daniel Dyson
Jeffrey Roll
Robert Walsh

Tyler Burdzy
William Geary Jr.
Matthew Schultz

George Case
Nicholas Gugliuizza
Kenneth Strell, Jr.

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated he was abstaining from this vote because Robert Walsh is his cousin.

Ayes: (2) Supervisor Meegan, Councilman Hanley

Noes: None

Abstentions: (1) Councilman Hart

Motion Carried

13. Highway Supt. re Disposal of equipment

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Highway Supt. Matthew English to dispose of the following pieces of equipment that are no longer in service:

- Vehicle #533, Plate #L57335, 2001 Ford Suburban, VIN #1FMRU16W11LB14971
- Vehicle #1063, Plate #K77672, 1993 Lowboy Trailer, VIN #1W9A11D22PS061449

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13. (continued)

On the question, Councilman Hart questioned the condition the equipment.

Highway Supt. Matthew English responded the equipment is in terrible shape and would cost too much to repair, so it is going to auction.

Ayes: All

Noes: None

Motion Carried

14. Code Enforcement Officer re
Rezoning request for 245
Northwood Avenue

Motion by Supervisor Meegan, seconded by Councilman Hanley, to refer to the Planning Board a rezoning request from R-65 to R-65A for 245 Northwood Avenue to allow a home occupation.

On the question, Councilman Hart questioned having a business on Northwood Avenue which is a residential street.

Code Enforcement Officer John Gullo responded his office only advises potential applicants on proposed zoning changes when they apply. According to Town Code, individuals have the right to go forward and proceed with the application process.

Ayes: All

Noes: None

Motion Carried

19-D REPORTS

- Jacqueline A Felser, Town Clerk's report for September 2014 received and filed.
- John A. Gullo, Code Enforcement Officer's report for September 2014 received and filed.

19-E 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 - \$356,415.09; Highway Fund - \$111,941.60; Special Districts - \$135,272.19; Capital Fund - \$336,548.35 (voucher #'s 85917 - 86084); Trust & Agency Fund - \$30,469.00 (voucher #'s 86154 - 86183)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION

Greg Zimmerman stated his concerns regarding Veronica Estates, a subdivision being developed on Seneca Creek Road. In 2010, the proposal from the developer, Homes by Walter, was to build on the plateau off Seneca Creek Road and no homes or structures would enter the flood basin. In 2013 there was a change in plans that now include a detention pond bordering lots on Pleasantview Lane. Mr. Zimmerman feels the developer dealt in bad faith and provided area residents with assurances that trees would only be cut on lots being cleared on Seneca Creek Road. He commented on the beautiful view to the creek and stated a detention basin will be a breeding ground for mosquitoes and could potentially lower property values. As a lifelong resident he commented on West Seneca's shrinking green space and lack of room to build. Mr. Zimmerman asked that the focus be more on addressing problems of current homeowners and less on the needs of a developer and stated a detention pond was not part of the plan for Pleasantview Lane.

Town Engineer David Johnson stated he met with Mr. Zimmerman, looked at the site and reviewed Planning Board meeting minutes going back to 2010 when Veronica Estates was proposed as a 22 lot subdivision. In January 2013 the proposal was reduced to 21 lots and a public hearing was held in July. At the public hearing, a resident of Pleasantview Lane questioned the pond which was included on plans at that time. Mr. Johnson spoke to representatives at Apex Engineering and was told the pond was designed to pick up water from the wetlands that bisect the property between the upper and lower portion of the subdivision. Proposed homes are located on the upper portion of the subdivision and the property then drops off an embankment into regulated wetlands. The pond was put on the furthest west portion of the property to pick up the overland flow from the wetlands and infiltration testing was conducted throughout the entire area to demonstrate what kind of pond can be put in. The town did not allow infiltration basins so they had to go with a detention basin that retains water. Mr. Johnson stated it appeared the pond could be moved to the east approximately 80 feet; however, property lines would have to be moved and the pond re-engineered to make up the difference in elevation. Any potential changes will have to be made by Apex Engineering who filed the Notice of Termination under the New York State Pollutant Discharge Elimination System (SPDES) permit. Mr. Johnson stated Apex Engineering is not willing to make any modifications unless they are hired to do so. He further stated the developer followed all the required procedures including public notification and does not want to incur any more cost. However, he has agreed to hold off on construction in that area until he hears neighbors' concerns.

Stephanie Roll stated detention ponds are unsafe for children and standing water poses potential health hazards. She expressed her concern with mosquitoes, West Nile Virus, property values being lowered, detention pond odor and how the beauty and nature of Pleasantview Lane is being compromised. Mrs. Roll questioned if it is legal to build permanent structures on a wetland.

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION (continued)

Mr. Johnson responded a detention basin is not a structure; it is a pond.

Thomas Roll questioned what keeps water in a detention pond from becoming stagnant and if a fence will be placed around the perimeter. He further commented on the number of trees cut, how the view has changed and that neighbors should have been notified.

Mr. Johnson responded the depth of the basin is over 4 feet and stagnant water with mosquitoes typically occurs in three feet or less of water. A fence was not proposed for the pond.

Supervisor Meegan responded the project has been in the planning stages for approximately ten years and the only change has been a decrease in lots. The detention basin is on the developer's property and is a requirement for the development.

Kathy Maas questioned if there is another way to channel the runoff water into a storm sewer.

Mr. Johnson responded there is no other way and when there is an increase in water runoff it is a federal mandate brought down to a state mandate for new developments to have detention ponds.

Bob Anthony stated when he purchased his home he was not allowed to put a fence or any structure on an area of his property deemed protected wetlands. He also expressed concern about mosquitoes and displacement of wildlife and questioned how water will be filtered.

Mr. Johnson responded the design does not disturb the wetlands. He explained the purpose of an overflow channel and its function of getting water to the creek along with water filtering and swirl chambers. Mr. Johnson stated the process is common and typical throughout New York State and the country.

Karen Lucachik referred to an underground detention pond installed for a development on Schultz Road and questioned if this could be an option.

Mr. Johnson responded he would have to take a look at the possibility of an underground detention pond; however, someone will have to pay the engineer to do the modification.

Lawrence Tyler commented that the residents of Pleasantview Lane were unaware of the detention pond and he questioned if anyone from the town questioned the location when they looked at the plans.

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION (continued)

Supervisor Meegan responded the Planning Board followed all the rules and regulations with the project. She was hopeful the developer will continue to work with the town towards a compromise to help the residents.

Carol Hathaway expressed concern for the safety of children and was concerned that people were not made aware of the project.

Jim Maas thought the detention basin was too close to properties on Pleasantview Lane and an adjustment needed to be made. He further commented on the location of the telephone poles and wetlands and understood it was the developer's intention to put an 8 foot barbed wire fence around the property.

Code Enforcement Officer John Gullo did not believe that was the developer's intent and stated he will not issue a permit for a barbed wire fence.

Debbie McGready questioned if a detention pond requires a setback from adjoining property lines and if the developer is required to provide safety.

Mr. Gullo responded that detention ponds/basins are under the jurisdiction of state regulations.

Supervisor Meegan stated the detention basin is on private property. She understood the residents' frustration but was optimistic since the developer was willing to meet with the town. Supervisor Meegan further stated that even though the developer has the right to develop his property, the town needs to do a better job at publicizing projects so the neighbors can express any concerns they might have.

Councilman Hart questioned if there is any alternative solution under state or federal law.

Mr. Johnson responded there are lots of ways of working this out, but moving the detention pond to the east will address most concerns.

Mrs. Maas questioned the meaning of property being dedicated to the town. She further questioned if runoff water can include pesticides that will eventually end up in the creek.

Supervisor Meegan responded when property is dedicated to the town, the town becomes responsible for maintenance of the property.

Mr. Johnson stated New York State requires runoff water to be removed from impervious surfaces. Sediment is captured in a swirl chamber and discharged into wetlands where additional nutrients are filtered and slowly released from a stormwater pond.

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION (continued)

Mr. Tyler questioned if Pleasantview Lane residents will be notified of future updates/meetings on this project.

Supervisor Meegan responded that residents will be notified of any updates on the project.

Arlene Vogt commented on a similar situation four years ago with a different development. She questioned why building construction continues when there are sewer issues and if any other assistance is available.

Supervisor Meegan responded the town's sewer project is 70 percent complete. She further stated that detention ponds are federally and state mandated.

Dave Kurdziel challenged the town to hire an outside consultant to move the pond.

Mr. Roll commented on detention ponds lowering property values.

Supervisor Meegan responded she does not believe this to be true anymore.

Carmen Marrano questioned why the town doesn't adopt a law requiring developers to replace trees and shrubbery that is removed during project development.

Councilman Hart responded they are currently working on major revisions to the tree ordinance.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of AmeriCorps payments and Supervisor Meegan responded AmeriCorps made a payment this month.

QUASAR MEETING

Karen Lucachik referred to the upcoming Quasar meeting stating she objects that questions need to be submitted in advance of the meeting.

ISSUES OF THE PUBLIC

SENECA PLACE

Amy Carpenter requested the names of individuals acting on behalf of the town for Seneca Place.

Attorney for the Town Charles Grieco responded the individuals included himself, bond counsel representative Todd Miles of Harris Beach, Finance Director Luke Malecki, a representative from the Town Engineering Department, financial advisor Rick Gancy and possibly a Town Board member.

Beverly Leising stated an individual came to her home representing Seneca Place and she was concerned with the inaccurate information being provided. Mrs. Leising questioned what could be done to prevent this from continuing.

Supervisor Meegan responded they have called Steve Casey who is the Chief Executive Officer and informed him of the problem, but the town has no control over what is being said.

Councilman Hart noted there is no proposal in place, just concepts.

Michael Burzynski questioned a rumor that a motel is being built and the Town Board is giving 30 years with no taxes.

Councilman Hart responded the Erie County Industrial Development Agency grants tax breaks and the town has no control over it.

NEW DEVELOPMENTS

Amy Carpenter commented on laws now in place with new developments, stating it is a problem and time needs to be spent looking at what is being done.

Councilman Hart responded part of the problem is the town has a very old set of codes. Part of the Master Plan revision will be coming up with workable plans for different sections of the town based on needs. Next year the zoning and general codes will be rewritten and rebuilt, bringing them up to speed in the current environment. The next master plan meeting date will be set later this week.

Beverly Leising commented that developers are able to do whatever they want and expressed her concern with the trees. She was hopeful the new Master Plan will address tree replacement.

Councilman Hart responded they are trying to address this issue with the new tree ordinance.

ISSUES OF THE PUBLIC

SEWER REHABILITATION PROJECT

Susan Kims commented on the great job United Survey Inc. is doing on the sewer rehabilitation project in town.

UNION ROAD PROPERTY MAINTENANCE

Susan Kims commented on the appearance of property located at 2339 Union Road with bags of garbage, weeds and broken windows.

Code Enforcement Officer John Gullo responded that ownership of the property is changing, but a closing date has not been set. He spoke to the seller last week about the bags of garbage and will take another look at the building.

SEWER PROJECT UPDATE

Beverly Leising requested an update on the sewer project.

Town Engineer Steven Tanner responded based on previous presentations, work has been identified and broken into ten areas. The third area is currently being worked on and the project will be reevaluated when the first four areas are complete. A draft report for the Phase I area shows there has been a 28-35 percent reduction in peak volume based on the completed work. Some punch list items still need to be completed. Phase II is also complete other than punch list items. The sewers have been relined in Phase III, but laterals have yet to be grouted. Bids were received and awarded for the 48" Sewer Installation Project from Fairfax to Plant 5. Work should begin in the next couple of weeks. The 36" sewer line project from Fairfax Drive up to where lines cross behind the high school is in the permitting process. Permits need to be in place prior to the tentative bid date scheduled for March or April 2015. Work is continuing on replacing the 18" sewers that run along Smokes Creek and there is a tentative bid date for January or February 2015. Mr. Tanner stated the \$30 million project will not eliminate all sewer issues; however, it will give a better overview of what else needs to be done.

RECREATION DIRECTOR POSITION

Beverly Leising questioned if test results have been received for the Recreation Director position.

Supervisor Meegan responded tests results have been received, the list has been canvassed and interviews will begin next week for the top three candidates.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

BEECHWOOD ROAD / HILLTOP COURT RECONSTRUCTION PROJECT

Town Engineer Steven Tanner stated that Hilltop Court and Beechwood Drive will not be paved this year and temporary blacktop will be used until spring 2015. Storm work and underground utility work will be completed and driveways patched with a project completion date of spring 2015.

STEPHENSON ST. RECONSTRUCTION PROJECT

Town Engineer Steven Tanner anticipated the Stephenson Street project to be completed by the second week of November with restoration work done in spring 2015.

COMMERCE PARKWAY RECONSTRUCTION PROJECT

Town Engineer Steven Tanner stated a change order of approximately \$100,000 has been submitted for the Commerce Parkway project. The contractor had to dig two extra feet below grade to put in 6" diameter stone to give the road more bearing. Paving should be complete by the weekend.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:50 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK