



**20-B LEGAL ITEMS**

1. (continued)

Attorney for the Town Charles Grieco stated adoption of this local law will allow the town to require developers to deposit funds with the town sufficient to cover extraordinary expenses for hiring outside professionals (legal, financial, engineering, etc.). The town can then draw on that money to reimburse any outside experts. A number of municipalities around the state have adopted legislation similar to this and the proposed law is modeled largely on the Town of Amherst's law. Mr. Grieco stated the basis for this law is the belief that often larger development projects are complicated and expensive to evaluate and the costs to hire outside professionals should be borne by the developer rather than the taxpayer.

Councilman Hart stated a developer might want the town to do a study and then roll the cost into the debt. He questioned if the proposed law will prohibit the town from doing that.

Mr. Grieco responded the law would not prohibit that, but it may not be an appropriate expense of a bond.

Councilman Hart questioned how the money will get drawn down.

Mr. Grieco responded the money will be deposited in a separate account. Vendors hired by the town will submit an invoice, the town will transmit the invoice to the developer and the developer will then approve or reject the invoice. If rejected, the town would suspend any further work on the project.

Supervisor Meegan commented this is an opportunity for the town to protect its interests and not pay for bills they should not incur.

Councilman Hart stated the town is currently dealing with a huge project at Seneca Place that has already incurred a lot of additional costs to evaluate.

Amy Carpenter questioned if the proposed local law is dependent on any size development.

Mr. Grieco responded there is no threshold and it is hard to know ahead of time based on a dollar amount or acreage if a project will require significant outside expertise. The town must decide if town staff can handle the project or if outside help is needed. This should not be a problem if the developer is serious.

Councilman Hart questioned how the new law will be triggered.

Mr. Grieco responded the town will have to evaluate a proposed project and decide.

**20-B LEGAL ITEMS**

1. (continued)

Motion by Councilman Hart, seconded by Supervisor Meegan, to table adoption of the proposed local law for further evaluation and to review other issues recently submitted.

On the question, Mr. Grieco stated the developer of Seneca Place submitted a comment and a proposed change to the law and the board members would like to consider it. There was also some discussion about a separate agreement and the board members need to figure out if it will affect the proposed local law.

Ayes: All

Noes: None

Motion Carried

**20-C COMMUNICATIONS**

Councilman Hart read the attached proclamation designating October 19 – 25, 2014 as Friends of the Library Week and recognized the library volunteers for their actions and activities that have saved the town money.

Pat Wass thanked the Town Board on behalf of all the library volunteers and stated it is their pleasure to serve the community.

1. Supervisor Meegan re Retirement of Paul Gray Received and filed.
2. Supervisor Meegan re Title change for Erik Finbar as Real Property Appraiser Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Erik Finbar as Real Property Appraiser Technician and appoint Erik Finbar as Real Property Appraiser effective October 21, 2014 with no change in his current salary and authorize the Supervisor to complete and sign the forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

3. Attorney for the Town re Human Resources Needs Assessment Contract Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute on behalf of the Town of West Seneca the Project Services Agreement dated October 20, 2014 with EBCHR, Inc. for the performance of a human resources needs assessment at a cost not to exceed \$5000 and to take other further and necessary steps to effectuate said contract.

Ayes: All

Noes: None

Motion Carried

**20-C COMMUNICATIONS**

4. Town Engineer re Erie County Water Authority requirement of additional hydrant on Hilltop Court
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the addition of one (1) hydrant along Hilltop Court as part of the town's 2014 road reconstruction project; and further, acknowledge and resolve to pay the additional hydrant fee that will be charged by Erie County Water Authority in the amount of \$160.80 per hydrant, per year.

On the question, Councilman Hanley questioned the cost of installation of the hydrant.

Town Engineer Steven Tanner stated they are finalizing the cost and will be presenting it along with another change at a future meeting. The pipe in the ground turned out to be asbestos cement, which is brittle so they cannot excavate underneath it. There was a need for an additional hydrant and this allowed for one of the areas that needed additional support to be supported through the use of a hydrant. They also had to design a concrete collar for one of the other areas and they thought they could put a hydrant there also, but spacing requirements did not need it. The cost for a new hydrant is around \$4500 with an additional cost of around \$5000 for a thrust block, so the total additional cost will be close to \$10,000.

Councilman Hanley questioned if the \$4500 cost of the hydrant was the same as the original bid.

Mr. Tanner responded that it was and stated the cost estimate for materials and labor was within \$67 of the price received from another supplier.

Councilman Hart questioned if this will be paid from the bond for this project.

Mr. Tanner responded it will be paid from the bond and there is \$600,000 that is bonded but not accounted for yet so funds are available.

Ayes: All

Noes: None

Motion Carried

5. Code Enforcement Officer re Memorandum of Understanding with Elma Emergency Management
- Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached Memorandum of Understanding between the Town of West Seneca Office of Disaster Preparedness and the Town of Elma Office of Emergency Management.

On the question, Councilman Hart questioned if there is any cost involved and what type of situations this will address.

**20-C COMMUNICATIONS**

5. (continued)

Code Enforcement Officer John Gullo stated there is no cost involved. It is a mutual aid agreement for emergency management only and has nothing to do with fire service. Community Emergency Response Teams will be able to assist each other when needed for situations like sheltering additional people or assisting with floods and disaster recovery.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

6. Sr. Recreation Therapist of Sr. Services re Status change for MaryAnn Gullo to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time ceramic instructor MaryAnn Gullo to part-time seasonal effective October 21 - December 22, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Sr. Recreation Therapist of Sr. Services re Status change for Barbara Brooks to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time ceramic instructor Barbara Brooks to part-time seasonal effective November 3 - December 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

8. Town Engineer re CDBG funding

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing the Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the cited project upon approval of the ECCDBG.

On the question, Councilman Hart questioned if Westcliff Drive is located in the CDBG eligible area.

Town Engineer Steven Tanner stated whenever the Census is re-done, they redo the CDBG eligible areas and new areas were included in the map received earlier this year. Westcliff Drive is in bad shape and may not be included in the future, so they wanted to take advantage of it being in the grant eligible area at this time. Mr. Tanner will provide an updated map.

**20-C COMMUNICATIONS**

8. (continued)

Councilman Hanley questioned if these are total reconstruction or just mill and pave.

Mr. Tanner responded these streets are just mill and pave projects. Town crews will do the work which will meet the 25 percent match and possibly be slightly more at \$30,000 or \$32,000 in highway labor.

Supervisor Meegan questioned the life expectancy of these projects.

Mr. Tanner estimated the life expectancy to be about ten years. The streets are bad and have some alligator cracking, which is caused by a sub base that is starting to go. This will give them ten more years before total reconstruction is required. Mr. Tanner further noted that a portion of Chamberlin Drive was previously done and currently only the portion between Seneca Street and Manhasset Street is in the grant eligible area.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

9. Attorney for the Town re Settlement of claim for Sarah Chriswell

Motion by Supervisor Meegan, seconded by Councilman Hanley, to pay Sarah Chriswell \$802.39 for reimbursement of damages to vehicle.

Ayes: All

Noes: None

Motion Carried

**20-E REPORTS**

- John A. Gullo, Code Enforcement Officer's plumbing report for September 2014 received and filed.

**20-F APPROVAL OF 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 - \$337,695.46; Highway Fund - \$118,555.50; Special Districts - \$59,064.99; Capital Fund - \$1,160,537.70 (voucher #'s 85802 - 86374); Trust & Agency Fund - \$29,927.94 (voucher #'s 86343 - 86356)

Ayes: All

Noes: None

Motion Carried

**ISSUES OF THE PUBLIC**

**BURCH AVENUE REPAVING**

Linda Toy questioned why Burch Avenue isn't on the map of CDBG eligible areas, noting the street has not been paved for nearly 30 years. She further questioned who will take care of the power lines going across Burch Avenue, noting delivery trucks can't get down the street.

Highway Supt. Matthew English stated he had looked at Burch Avenue and it is still on the list, but Westcliff Drive may not be next time. There are also other streets that are worse. He will take a look at the situation with the power lines tomorrow.

**PARKING ON ROYAL COACH ROAD**

Joan & Ronald Czechowski reported a situation near 57 Royal Coach Road with commercial vehicles advertising TN All Season Landscaping parked on the side of the road daily. Trucks are filled with grass clippings and branches and the vehicles impede visibility and cause congestion in that area of the road. Mrs. Czechowski commented this is a safety issue and an accident waiting to happen. She further stated the office for TN All Season Landscaping is 70 Ransier Drive so the trucks should park there rather than in a residential subdivision and requested the situation be investigated.

Councilman Hart questioned if that area of Royal Coach Road can be posted for no parking.

Chief Denz stated he will take a look at the situation and review it with the Traffic Safety Committee.

Code Enforcement Officer John Gullo stated he had numerous complaints on this and had investigated the situation. The business is not being run from the home and the person may just be home for lunch when the vehicles are parked there.

Councilman Hart questioned when the Traffic Safety Committee will meet and Highway Supt. Matthew English responded it will be sometime in November.

**VERONICA ESTATES DETENTION BASIN**

Greg Zimmerman asked for an update on the detention basin for Veronica Estates.

Supervisor Meegan responded there is a meeting scheduled for Wednesday morning with the developer, Walter Kolkiewicz, and the engineers.

**ISSUES OF THE PUBLIC**

**VERONICA ESTATES DETENTION BASIN** (continued)

Tom Roll stated he is unsure of the outcome of this situation, but he hopes it changes the way future developments happen and that the town will look more closely at this in the future. Mr. Roll questioned if the Highway Department will have to maintain the basin and did not see how they will access it.

Highway Supt. Matthew English stated his department will have to mow the lawn.

Town Engineer Steven Tanner stated there is a private easement and they want to make it a permanent easement with a gravel driveway. The detention basin will need to be cleaned out every 5 – 10 years, but they want some growth so the cattails will remain because they keep geese away.

Councilman Hart questioned if the detention basin will hold water for any length of time.

Mr. Tanner responded it will always have water in it.

**ETHICS COMMITTEE**

Dale Clarke commented on the last Ethics Committee meeting and suggested the board members look at the results of the violation. He expressed concern over a politically appointed board and the possibility of more corruption. Mr. Clarke further commented on rules being violated with regard to the meeting being open to the public.

Attorney for the Town Charles Grieco responded the board went into executive session at the last meeting to deliberate; however, the hearing itself was held in an open forum. The code as it was written requires confidentiality, but he did advise the Ethics Committee to hold the hearing in public after a Judge's decision in a similar case.

Councilman Hart stated Mr. Clarke was a board member when the Ethics Code was adopted and he questioned if a committee was ever appointed while he was councilman.

Mr. Clarke stated the rules were put in place while he was councilman; however, individuals were never appointed to the Ethics Board. He is concerned of a conflict of interest between the Zoning Board Chairman and an individual who provided the Chairman with gifts, noting the individual is doing work for a fire district in town and may be appearing before the Zoning Board for a variance.

Code Enforcement Officer John Gullo stated he had heard of a project but has yet to see a plan and any plan submitted will require site plan review and probably variances.

**ISSUES OF THE PUBLIC**

**ASBESTOS WATERLINES**

Dale Clarke questioned if an asbestos waterline is safe.

Town Engineer Steven Tanner responded asbestos cement waterlines were widely used in the 1970's and are currently used across the country. Testing is required for residual asbestos and there is testing in place in our water system. The Department of Health also requires monitoring and checks for safety.

Councilman Hart stated the annual water quality report from Erie County specifically addresses the asbestos issue.

**INSURANCE COVERAGE FOR VEHICLE DAMAGES**

Amy Carpenter referred to an earlier motion awarding reimbursement for damages to a vehicle and questioned if that is not covered under insurance. Attorney for the Town Charles Grieco responded the town has a high deductible.

**CAPITAL PROJECTS CRITERIA**

Amy Carpenter referred to the nine criteria for capital projects and questioned if it will be public and part of the Master Plan. Supervisor Meegan responded it will be public and part of the Master Plan.

**DEVELOPMENT PLAN REVIEW FEES**

Amy Carpenter referred to the proposed development plan review fees and questioned if individuals are given overtime or if work performed is part of their salary.

Councilman Hart responded when individuals/firms (Charles Grieco, Clark Patterson Lee, Drescher & Malecki) perform work outside their typical duties they are paid extra and asked to keep track of their billable hours.

**PORTER SERVICE FOR TOTES**

Johanna Guenther questioned the status of the porter service for totes.

Attorney for the Town Charles Grieco responded he is still discussing this issue with the town's risk management insurance company and the City of Rochester.

Mrs. Guenther commented that this is a simple request and the seniors need the help. She further stated with the automatic trucks the employees have extra time to provide this service.

**ISSUES OF THE PUBLIC**

**SIGNS ON WESTGATE BLVD.**

Beverly Leising commented on blind child and deaf child signs on Westgate Blvd. and questioned if they are posted for life.

Highway Supt. Matthew English stated they ask people to let them know when they leave the area so signs can be removed.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**CITIZENS PREPAREDNESS TRAINING PROGRAM**

Code Enforcement Officer John Gullo announced a Citizens Preparedness Training Program will be held Thursday, November 20<sup>th</sup>, 6:30 – 8:30 P.M. at the West Seneca Senior Citizens Center. Pre-registration is required and space is limited. Register at <http://www.nyprepare.gov/aware-prepare/nysprepare/registration>.

**EBOLA SEMINAR FOR FIRST RESPONDERS**

Code Enforcement Officer John Gullo announced there will be a meeting this Wednesday night at Vigilant Fire Hall for first responders concerning Ebola and he will disseminate information.

**EXECUTIVE SESSIONS**

Chief Denz requested an executive session for a labor issue.

Attorney for the Town Charles Grieco requested an executive session to discuss legal issues with Assessor Kandace Wittmeyer and Highway Supt. Matthew English.

**SEWER REPAIR ON FAIRFAX AND ORCHARD PARK ROAD**

Town Engineer Steven Tanner announced they are starting work on the 48" sewer that runs from the Ashmund treatment facility at Plant 5 up Fairfax, down Orchard Park Road and back behind the Ironworker's hall. Trees are in the process of being removed, mobilization is taking place and letters have been sent to Fairfax Drive residents. Plans are being finalized to determine the most effective and efficient way to perform bypass pumping. The police and fire departments have been and will continue to be notified of lane closures/restrictions on Fairfax Drive and Orchard Park Road.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**PARKING LOT COMPLETION AT SENIOR CITIZENS CENTER**

Sr. Recreation Therapist of Sr. Services Mary Josefiak thanked the Highway & Engineering Departments for completion of the senior center parking lot, noting the addition of regular and handicap parking spaces.

**FALL/WINTER PROGRAMS – WINTER CAMP**

Recreation Supervisor Lauren Masset announced the release of the fall/winter programs, noting additional information is available on the town website. She stated registration for winter camp is underway and taking place Monday – Friday, 9:00 A.M. – 5:00 P.M. at the Recreation Office and space is limited.

**ENCHANTED PATH**

Recreation Supervisor Lauren Masset announced the Enchanted Path will be held on Thursday October 30, 6:00 P.M. – 7:30 P.M. at the Kiwanis Center and will include, trick or treat, crafts, games, face painting, and a special performance by Youth Theatre. Admission is \$1 per child with proceeds benefiting the YES program.

**SELF-DEFENSE CLASSES**

Recreation Supervisor Lauren Masset announced free basic self-defense classes are being held on Wednesday November 19, 6:30 P.M. – 7:30 P.M. at the Kiwanis Center and Saturday December 6, 3:00 P.M. – 4:00 P.M. at Red Dragon School of Martial Arts for residents who have a valid town ID card. Pre-registration is required.

**SUGGESTION TO SELL WOOD FROM CUT TREES**

Councilman Hanley questioned if Highway Supt. Matthew English had ever considered selling the wood from cut trees.

Mr. English responded this has not been considered and the cut trees are turned into mulch for residents.

**RECREATION DIRECTOR**

Councilman Hart thanked Lauren Masset for temporarily taking over as Recreation Director, stating they are canvassing the list, conducting interviews and making a recommendation for appointment in the near future.

**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 8:35 P.M. to discuss a labor issue and two legal matters.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:15 P.M.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:15 P.M.

Ayes: All

Noes: None

Motion Carried

  
\_\_\_\_\_  
JACQUELINE A FELSER, TOWN CLERK

**DESIGNATING OCTOBER 19 - 25, 2014 AS  
FRIENDS OF THE WEST SENECA PUBLIC LIBRARY WEEK**

WHEREAS, The Friends of the West Seneca Public Library tirelessly raise funds in support our great Library thus providing resources and much needed equipment that make it possible for great programming, such as the summer reading program and other adult and children's events that make our West Seneca Public Library special; and

WHEREAS, the work and support of our Friends makes our library a cornerstone of the West Seneca Community by providing opportunities for all to engage in the joy of reading, lifelong learning and the ability of all citizens to connect with the great and timeless thoughts and ideas of men and women that span the ages; and

WHEREAS, the Friends understand the critical importance of well funded libraries and advocate ensuring that the West Seneca Public Library is provided the resources necessary to present a wide variety of services to our citizens of all ages and abilities. The many services provided include access to print and electronic materials, assistance in research, readers' advisory groups and children's services, all of which are the heart of our library. The Friends' invaluable gift of time and commitment to the West Seneca Public Library is a prime example of how volunteerism, civic pride and support make the great Town of West Seneca the wonderful community that it is and will be in the years ahead; now, therefore, be it

RESOLVED, that Supervisor Sheila M. Meegan along with fellow Town Councilmen Eugene Hart and William Hanley Jr. of the great Town of West Seneca, in the County of Erie, in the State of New York, the Empire State, do recognize October 19 - 25, 2014 as **Friends of the West Seneca Public Library Week** in the Town of West Seneca; and be it further

RESOLVED, we recognize the valuable contribution of the Friends of Libraries' everywhere, especially the Friends of the West Seneca Public Library, and thank them for all they do to make our library and community a great place to live, work and raise children.

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is entered into this 20<sup>th</sup> day of October, 2014 by and between the TOWN OF WEST SENECA OFFICE OF DISASTER PREPAREDNESS, with offices at 1250 Union Road, West Seneca, New York 14224 and the TOWN OF ELMA OFFICE OF EMERGENCY MANAGEMENT, with offices at 1600 Bowen Road, Elma, New York 14059.

### RECITALS

WHEREAS, the West Seneca Office of Disaster Preparedness and the Elma Office of Emergency Management (the "Parties") propose this Emergency Management Memorandum of Understanding (MOU) to establish a formal working mutual-aid relationship between each of these respective offices and their respective Community Emergency Response Teams ("CERTs") in support of emergency management planning, response and recovery programs; and

WHEREAS, the West Seneca and the Elma CERTs share a mission to reduce the loss of life and property and protect its citizens from all types of hazards through a comprehensive, risk-based, all-hazards emergency management program of mitigation, preparedness, response and recovery; and

WHEREAS, in light of their respective common goals to reduce the loss of life and property from natural or man-made emergencies or disasters the West Seneca and the Elma CERTs recognize the need to maintain a strong coordination at a level that ensures efficient use of all available resources, consistent with the principles of each entity; and

WHEREAS, the West Seneca Office of Emergency Management and the Elma Office of Emergency Management wish to encourage, coordinate, promote, and support an ongoing relationship between both entities and their respective CERTs, and to hold periodic partnership meetings to focus on, *inter alia*, identifying and assessing an all hazards approach and associated risks, particularly as they relate to the training, response and recovery; and

WHEREAS, the West Seneca Office of Disaster Preparedness and the Elma Office of Emergency Management, as well as the residents of both towns, would benefit from the development and adoption of this MOU; and

NOW, THEREFORE, the Parties do hereby agree as follows:

1. The Parties shall cooperate in all areas of mutual interest as it relates to Emergency Management, including, but not limited to, sharing data, information, planning, response, recovery, and other operational support programs.
2. The Parties will work together to enhance and maximize the emergency management program capabilities of both participants for the purpose of protecting the public health and safety, the CERTs, and to preserve and safeguard property.

3. The Parties will work together to provide a rapid, coordinated and effective response with ~~full utilization of all resources of both participant jurisdictions, including any resources~~ on hand or available that are essential to the safety, care and welfare of those impacted in the event of an emergency or disaster declared by the jurisdiction.
4. Each jurisdiction shall have the Emergency Manager as the respective representative to serve as a point of contact for matters relevant to this MOU.
5. This MOU shall become effective on the date of execution and shall remain in effect unless terminated by written notification by either jurisdiction to the other.
6. This MOU may be amended by written mutual agreement approved by the Town Boards of each town.

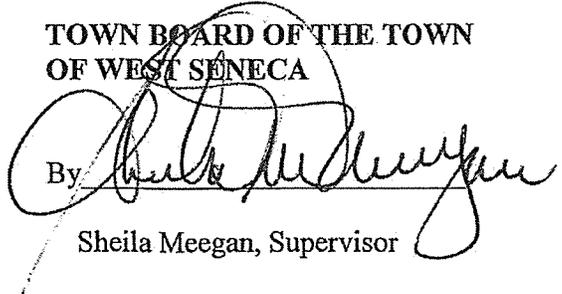
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the date first above, as follows:

TOWN BOARD OF THE TOWN  
OF ELMA

By 

Dennis Powers, Supervisor

TOWN BOARD OF THE TOWN  
OF WEST SENECA

By 

Sheila Meegan, Supervisor

1105391

## ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION

**WHEREAS**, following the Public Hearing of September 22, 2014 which was held at the West Seneca Town Hall for suggestions by the public for Community Development Block Grant projects to be submitted for funding,

**NOW, THEREFORE BE IT RESOLVED**, that the West Seneca Town Board submits the following project to be considered for funding by the Erie County Community Development Block Grant Program during the 2015-2016 grant cycle:

1<sup>st</sup> Priority - Road milling and repaving project for Westcliff Drive, Woodlane Drive and Chamberlin Drive (between Seneca and Manhasset), which are CDBG-eligible areas;

**AND BE IT FURTHER RESOLVED**, that the West Seneca Town Board authorizes Town Supervisor Sheila M. Meegan, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited project upon approval of the ECCDBG;

**AND BE IT FURTHER RESOLVED**, that the West Seneca Town Board provides a 25% match for the 1<sup>st</sup> Priority Project using force account labor from the 002.5110.0144 line item.