

Supervisor Sheila M. Meegan called the meeting to order at 7:10 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by John Gullo.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
John M. Rusinski Councilman

Absent - None

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

The meeting was dedicated to the memory of David Santry, Gold Star Mothers and the West Seneca East Football team who is heading to Ralph Wilson Stadium for the Section VI Championship game against Sweet Home this Friday night.

17-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-16 of October 15, 2012.

Ayes: All

Noes: None

Motion Carried

17-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING FOR PROPERTY LOCATED AT 959 INDIAN CHURCH ROAD, BEING PART OF LOT NO. 63, CHANGING ITS CLASSIFICATION FROM M-1 TO C-2 TO COMPLY WITH PROPER ZONING FOR A RESIDENTIAL HOME" in the Town of West Seneca, be received and filed.
(Christopher Parker)

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Christopher Parker stated he has been trying to sell 959 Indian Church Road which consists of 2.75 acres and is currently zoned M-1. Mr. Parker has a potential buyer, Mr. Pasquale of A & M Construction, but banks will not write a mortgage because if the house were to be destroyed it could not be rebuilt in that zoning. After speaking with town representatives it was determined that a C-2 zoning would best accommodate the potential buyer who plans to rent the home and have a garage for storage.

17-C COMMUNICATIONS

1. (continued)

Town Attorney Shawn Martin stated that after discussions with Assessor Kandace Wittmeyer it was determined that she works on an equal basis between the Town of West Seneca and the Town of Elma. Mainly a set schedule is used; however, there are times when the schedule has to be altered due to meetings.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re
Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$5000 from Contingency Acct. #1.1990.0480 to Professional Services Acct. #1.7520.0451 to provide funding for Bero Architecture relative to historical status designation of the West Seneca Historical Society.

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re
Intermunicipal Agreement
with Town of Tonawanda for
animal shelter

Motion by Supervisor Meegan, seconded by Councilman Hart, to enter into an Intermunicipal Agreement with the Town of Tonawanda for their use of the Town of West Seneca animal shelter.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4. Town Engineer re SEQRA
Review and Determination
for Leydecker generator
addition

Motion by Supervisor Meegan, seconded by Councilman Hart, to review and accept the attached SEQRA resolution and determination of Type 2 action relative to improvements to the Leydecker generator addition.

On the question, Councilman Hart asked for an update on Leydecker Road.

Town Engineer Richard Henry explained that Leydecker Road is part of the Erie County Water Authority lease manage service area for which the town is responsible for capital costs associated with improvements such as pump stations, tanks and waterlines. This is part of an agreement made with Erie County Water Authority in 2001-2002 relative to the addition of generators to improve the quality and reliability of service.

Councilman Hart questioned if under the agreement the town is obligated to have this work done.

17-C COMMUNICATIONS

4. (continued)

Mr. Henry responded that the town is not required to have this work done if the cost is over the budgeted amount; however, if it is not done it will impact overall service.

Ayes: All

Noes: None

Motion Carried
APPENDICES

5. Town Engineer re Erie County Water Authority agreement for Leydecker generator addition

Motion by Supervisor Meegan, seconded by Councilman Hart, to execute the attached agreement with Erie County Water Authority (ECWA) for construction costs related to the addition of a generator at the Leydecker water pump station, noting the estimated cost for this work is \$196,000.

On the question, Councilman Rusinski questioned if there was a budget line in 2011 for this item.

Town Engineer Richard Henry responded that there was a budget request that was not approved. This is a capital expense that will be bonded.

Supervisor Meegan questioned when this will be bid and Mr. Henry responded that ECWA will bid the project after receipt of a Town Board resolution.

Ayes: All

Noes: None

Motion Carried

6. Chief Gehen re Resignation of Thomas Gasiewicz as Public Safety Dispatcher part-time

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Thomas Gasiewicz as part-time Public Safety Dispatcher effective October 16, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Chief Gehen re Appointment of David E. Rizk as Public Safety Dispatcher part-time

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint David E. Rizk as part-time Public Safety Dispatcher at a rate of \$10.95 per hour effective November 4, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

17-C COMMUNICATIONS

8. Chief Gehen re Status change for part-time Public Safety Dispatchers to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatchers James McCullough, Richard Miller, David Pangallo and Norm Brem to part-time seasonal effective November 1 – 30, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9. Director of Recreation, Youth & Senior Services re Termination of Tyler Schmidt as lifeguard

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Tyler Schmidt as Recreation Attendant Lifeguard effective October 23, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Director of Recreation, Youth & Senior Services re Appointment of Bailey Morgante as lifeguard

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Bailey Morgante as part-time lifeguard at a rate of \$8.00/HR effective October 29, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel

Ayes: All Noes: None Motion Carried

11. Director of Recreation, Youth & Senior Services re Rate increase for Carol Kennedy

Received and filed.

17-D 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 - \$191,814.16; Highway Fund - \$83,089.67; Special Districts - \$70,677.21 (voucher #'s 75319 - 75572); Trust & Agency Fund - \$29,964.12 (voucher #'s 75356 - 75411); Capital Fund - \$71,042.94 (voucher #'s 75319 – 75572)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

2013 PROPOSED BUDGET

Amy Carpenter referred to previous comments concerning hiring a Human Resource person and noted that a salary was not listed for this position in the 2013 budget.

Finance Officer Laura Landers responded that the Bookkeeper to the Supervisor will be retiring in June 2013 but the total salary was included in the 2013 budget. The remainder of this salary will be used to retain a Human Resource person.

FOLLOWING UP ON PREVIOUS ISSUES

Amy Carpenter referred to a suggestion she had made at a previous Town Board meeting that the minutes contain a parking lot of items listing things that need to be addressed or followed up on.

Supervisor Meegan responded to each of the issues from the previous Town Board meeting that required a follow up:

- Searching minutes on town website – Minutes are no longer in pdf format so items can be queried.
- Seneca Street and Exit 54 Intersection – A letter was sent to Senator Gallivan along with County Legislator Lorigo supporting safety improvements.
- Watermain Breaks on Union Road – A conversation was held with Erie County Water Authority emphasizing the importance of all involved parties coordinating efforts on huge million dollar projects.
- Joint Work Session for Town, Planning & Zoning Boards – Language regarding this will be included in the upcoming reorganizational meeting.
- Posting employee salaries on website – Has yet to be done.
- Geese problem at pool – Have received great ideas from other municipalities including a suggestion that the town apply for federal grant funding to help solve the problem since West Seneca is in a direct route of U.S. airlines.
- Status of Americorps payments – An \$8000 payment was received.
- Greenmeadow/Dover Reconstruction Project – Spoke with Town Engineer Richard Henry regarding tree planting procedures on reconstructed streets and he informed her it is the property owner's choice. Mr. Henry provided a list reflecting people who declined trees on this project and Supervisor Meegan will be making calls.

ISSUES OF THE PUBLIC

GREENMEADOW/DOVER RECONSTRUCTION PROJECT

Karen Lucachik stated she would like to see the Town Code changed so that reconstructed streets follow the same requirements for tree planting as a new subdivision. Many trees were removed and not replaced and she thought the law stated when a tree is removed a new tree has to be planted.

Code Enforcement Officer John Gullo agreed with Mrs. Lucachik on this issue and stated there will be some things brought up to the board at the next meeting.

ANIMAL SHELTER AGREEMENT

Bill Hanley questioned the agreement with the Town of Tonawanda for use of the West Seneca animal shelter.

Town Attorney Shawn Martin responded that Tonawanda will be using the West Seneca animal shelter and sharing services.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

HURRICANE SANDY INFO

Chief Gehen asked residents to use common sense with regard to the storm and Halloween trick or treating.

Code Enforcement Officer John Gullo reminded everyone that generators must be set up outdoors in a well ventilated area.

Supervisor Meegan commented on the potential seriousness of the storm and assured residents the town will do whatever it takes to keep the public safe. A task force has been established for anyone who needs assistance. Supervisor Meegan further thanked Mr. Gullo and all first responders for their service.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to recess to Executive Session at 7:35 P.M. to discuss two contract matters and one litigation matter with Town Attorney Shawn Martin.

Ayes: All

Noes: None

Motion Carried

The board returned from Executive Session at 7:50 P.M.

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

TOWN BOARD PROCEEDINGS
Minutes #2012-17
October 29, 2012
Page eight . . .

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

DEMOLITION OF 5203 SENECA STREET

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to hire Hannah Demolition to demolish the buildings at 5203 Seneca Street at their low quote of \$11,500 plus the asbestos survey abatement at a cost of \$1200 not to exceed \$20,500 and transfer funds from Contingency Fund to a Demolition Removal Fund.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

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 rezoning the following described property from M-1 to C-2.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie, and State of New York, being part of Lot No. 63, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING, at a point in the center line of Indian Church Road, which point is in the north line of said lot No. 63 and distant 60 feet east of the west line of said lot No. 63 thence running south parallel with the west line of said lot No. 63 and along the east line of lands conveyed by deed recorded in Erie County Clerk's Office in Liber 1346 of Deeds at page 284. 1. 121.42 feet to the northwesterly line of lands deeded to Terminal Railway of Buffalo by deed recorded in Erie County Clerk's Office in Liber 1152 of Deeds at page 87; thence northeasterly along the northwesterly line of said lands of the said Terminal Railway of Buffalo conveyed by deed recorded in Erie County Clerk's Office in Liber 1152 of Deeds at page 87 above. 305.18 feet to an angle in said northwest line; thence northwest along the northwesterly line of lands of said Terminal Railway of Buffalo aforesaid 569.70 feet to the east line of lot no. 63. 145.85 feet to the northeast corner of said lot no. 64, said corner being in the centerline of the old Mineral Springs Road; thence northwesterly along the center line of the Old Mineral Springs Road 470.60 feet more or less to the point of intersection of the centerline of Old Mineral Springs Road, and the center line of Indian Church Road to a point of beginning.

EXCEPTING AND RESERVING THEREFROM, that portion conveyed to Niagara Mohawk Power Corporation by deed recorded in the Erie County Clerk's Office in Liber 6157 of Deeds at page 149 and in Liber 9191 or Deeds at Page 135.

Whereas, this Town Board held a public hearing on the 29th day of October, 2012 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting the application for rezoning 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 the above described property is rezoned from M-1 to C-2.

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.