

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

TOWN BOARD PROCEEDINGS
Minutes #2015-01
January 12, 2015

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the changing of the colors from VFW Post 8113 to Navy Seabees Island X-5 and the Pledge of Allegiance to the Flag led by Supervisor Meegan.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
William P. Hanley Jr. Councilman

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 Janice Forth, Peter Borgese, Christopher Hartnett and Stanley Buczkowski.

1-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2014-25 of December 29, 2014.

Ayes: All

Noes: None

Motion Carried

1-B COMMUNICATIONS

6. Chief Denz re Appointment of Christopher Bednasz as Police Officer

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Christopher D Bednasz as Police Officer effective January 19, 2015 at the training rate of \$22.95 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Chief Denz re Appointment of Ryan Miller as Police Officer

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Ryan Miller as part-time Public Safety Dispatcher and appoint Ryan Miller as Police Officer effective January 19, 2015 at the training rate of \$22.95 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

Town Clerk Jacqueline Felser administered the oath of office to Officers Bednasz and Miller.

1-B COMMUNICATIONS

5. Chief Denz re Retirement of Detective Gary Pauly
- Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Gary Pauly and terminate him as Detective effective January 11, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Detective Pauly is retiring after 35 years of service to the town.
- Ayes: All Noes: None Motion Carried
8. Chief Denz re Leave of absence for Clerk Typist Martha Franklin
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a leave of absence for Martha Franklin from her position as Clerk Typist in the Police Department effective January 20, 2015 through January 20, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
9. Chief Denz re Termination of Kristen Kaminski as matron
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Kristen M Kaminski as matron effective January 1, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
10. Town Clerk re Appointment of Martha Franklin as Senior Clerk Typist
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Martha Franklin as Senior Clerk Typist, Group 3, Step 2, at an annual salary of \$42,736.99 effective January 20, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart noted that Mrs. Franklin is being appointed off a civil service list for this position. He questioned if there is a probationary period.

Town Clerk Jacqueline Felser stated there is no probationary period; however, Mrs. Franklin will have a one year leave of absence from her clerk typist position in the Police Department.

Ayes: All Noes: None Motion Carried

1-B COMMUNICATIONS

11. Code Enforcement Officer re Rezoning request for 1053 Seneca Creek Road
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to refer the rezoning application for 1053 Seneca Creek Road to the Planning Board for review.

Ayes: All Noes: None Motion Carried

12. Senior Recreation Therapist of Senior Services re Pay rate change for senior center staff
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the pay rate for the staff of the West Seneca Senior Citizens Center to \$10 per hour effective January 4, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned how many employees will be affected by this rate change. Senior Recreation Therapist of Senior Services Mary Josefiak advised there are 17 employees eligible for the rate change and new employees will be hired at \$9.50 per hour.

Ayes: All Noes: None Motion Carried

13. Town Historian re appointment of Elaine Corey as part-time clerk
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Elaine Corey as part-time clerk at a rate of \$16 per hour effective January 13, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

14. Assessor re Rate increase for part-time clerk Marcia Turner
- Motion by Supervisor Meegan, seconded by Councilman Hart, to grant a rate increase to \$11.49 per hour for part-time clerk Marcia Turner effective January 13, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

15. Town Justices re Rate increase for Court Security Officers
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to grant a rate increase to \$18 per hour for Court Security Officer Joseph Turkovich and \$17 per hour for Court Security Officers Robert Maza, Dale Wight, Robert Murphy and Mary Caulfield effective January 12, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

1-B COMMUNICATIONS

16. Code Enforcement Officer re Electronic message board at 789 Center Road

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a temporary electronic message board for Schwabl's located at 789 Center Road not to exceed one week at a time.

Ayes: All Noes: None Motion Carried

17. Supervisor Meegan re EBC, Inc. Client Engagement Letter

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the attached Client Engagement Letter with EBC, Inc. for human resource needs for the Town of West Seneca for a one year period.

Ayes: All Noes: None Motion Carried

18. Supervisor Meegan re 2015 West Seneca Farmer's Market

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request of Kirchmyer Media to operate the West Seneca Farmer's Market on town property on Thursday's beginning May 14th thru September 3rd.

Ayes: All Noes: None Motion Carried

19. Supervisor Meegan re Resignation of William Bond as Town Prosecutor

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of William Bond and terminate him as Town Prosecutor effective January 12, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

20. Supervisor Meegan re Appointment of John Fenz as Town Prosecutor

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint John Fenz as Town Prosecutor effective January 12, 2015 to serve without remuneration and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan stated Mr. Fenz will be filling in as Town Prosecutor on a temporary basis until another individual is selected.

Ayes: All Noes: None Motion Carried

1-C REPORTS

- Jacqueline A Felser, Town Clerk's report for December 2014 received and filed.
- John A Gullo, Code Enforcement Officer's report for December 2014 and Plumbing Inspector's report for year end 2014 received and filed.

1-D 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 - \$79,740.97; Highway Fund - \$47,162.43; Special Districts - \$8185.27; Capital Fund - \$297,805.81 (voucher #'s 86983 - 87320)

Ayes: All

Noes: None

Motion Carried

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

FEMA REIMBURSEMENT UPDATE

Code Enforcement Officer John Gullo stated he attended the applicant's briefing with FEMA. A kickoff meeting is next and paperwork and receipts will be submitted. This is the first step in the application for up to 75 percent reimbursement of the total claim. Mr. Gullo stated they put in for \$1.8 million, but the amount will be a little less because FEMA takes the top 48 hours of the storm for snow clearing. He further stated this is a long, complicated process.

RECREATION UPDATES

Recreation Supervisor Lauren Masset thanked everyone that attended the Youth Theater production of Tangled with a Twist. She further noted that Summer Camp registration will begin February 2nd.

ISSUES OF THE PUBLIC

Supervisor Meegan excused herself from the meeting at the start of Issues of the Public.

LEXINGTON GREEN UPDATE

David Monopolus commented it has been one year since the devastating flood in Lexington Green, noting that NYS public officials promised an amphibious duck and nothing has been received yet. Code Enforcement Officer John Gullo responded that he reached out to the New York Canals Department and the state will be sending out a 36' reach excavator at the end of January or beginning of February. If it works they will have it in both creeks to break up the ice. He thought it will probably start at the foot of South Park Avenue at the drawbridge and work its way upstream.

ISSUES OF THE PUBLIC

PUBLIC COMMENTS AT TOWN BOARD MEETINGS

David Monopolus disagreed with the requirement for the public to write questions down and felt they should be able to ask questions at the meeting and have them answered honestly.

Dale Clarke questioned if the public will be allowed to speak at board meetings.

Councilman Hart stated the board members agreed to let the public speak as long as they are civil. He suggested Mr. Clarke talk to Supervisor Meegan regarding her proposal that questions be submitted in writing rather than asked at the meeting.

REPAIR OF STREET LIGHTS

David Monopolus reported over 155 street lights out on the west side of town and suggested the town not pay the electric bill until they are fixed.

Highway Sup't. Matthew English responded that repair of street lights is NYSEG's responsibility.

Karen Lucachik stated she called NYSEG on the street light issue and there has been no response. She felt the town should have more clout with NYSEG.

Councilman Hart stated he called NYSEG and was told they wait until they have a large number of lights to repair and then they send a crew. He will discuss with the Finance Department the possibility of not paying NYSEG's bill.

Councilman Hanley suggested they may be able to put the money in some type of escrow account where the bill is paid, but the money is held until the street lights are fixed.

ST. BONAVENTURE CHURCH PROPOSAL

David Monopolus commented there is no money to buy a community center and suggested the board members work with the schools instead. Councilman Hart responded the former Recreation Director had attempted to work with the schools but was unsuccessful. St. Bonaventure Church has to be the right situation before the town will go forward and engineers will be looking at the property and reporting back. The price is \$400,000 and they will be meeting with Grantwriter Connie Miner to apply for grant money for an energy project. The rectory can also be sold for up to \$100,000. Councilman Hart commented on the need for something on the west side of town and felt this was an opportunity to be looked at. The cost is \$5000 to look which is refundable if they decide not to go forward. Councilman Hart further stated there are costs involved in using the schools and they have to pay janitors according to their union contract.

ISSUES OF THE PUBLIC

SUPPORT FOR COUNCIL MEMBER HART

Karl Spencer stated he witnessed and heard disturbing reports that council members and their reputations have been attacked. Mr. Spencer stated he works with Councilman Hart on the West Seneca Environmental Commission and believes him to be an upstanding public servant and tireless advocate for the citizens. He further commented that good public servants don't get enough credit for the work they do.

ETHICS COMMITTEE RECOMMENDATION

Dale Clarke questioned the status of the Ethics Committee recommendation concerning Zoning Board Chairman Timothy Elling's acceptance of Super Bowl tickets last January from a developer who currently has an \$8 million project at West Seneca Fire District 2.

Councilman Hart responded the town has nothing to do with fire districts.

Code Enforcement Officer John Gullo stated the fire district may have to go before the Zoning Board of Appeals for variances and the Planning Board for site plan approval.

Mr. Clarke referred to Ethics Committee Chairman George Clifford's comment that "to have a violation of the Ethics Code there must be solicitation and quid pro which was not found in this case." Mr. Clarke stated this has nothing to do with accepting gifts over \$75 and felt Mr. Elling had accepted a bribe and should pay the consequences.

Town Attorney John Fenz cautioned Mr. Clarke on calling this a bribe and stated it was improper and fairly irresponsible to state this at a public meeting.

Councilman Hart stated the Ethics Committee held hearings, followed a process and came to a conclusion.

Mr. Clarke did not believe the Ethics Committee had followed the process, noting they went into Executive Session when they should have addressed the issue in public. He questioned if the Town Board members thought Zoning Board Chairman Timothy Elling violated the Ethics Code when he accepted Super Bowl tickets.

Councilman Hart stated he believes the Ethics Committee did their due diligence. Also, Mr. Elling did not have the Ethics Code and had never signed it. Councilman Hart did not believe it was prudent for Mr. Elling to accept Super Bowl tickets, but noted the District Attorney and NYS Comptroller's office are not acting on it.

Councilman Hanley stated he had forwarded a response to Mr. Clarke's question to the Supervisor's office and Mr. Clarke stated he did not receive the response.

ISSUES OF THE PUBLIC

RESIGNATION OF WILLIAM BOND AS TOWN PROSECUTOR

Dale Clarke referred to the appointment of William Bond as Town Prosecutor at the reorganization meeting and questioned if he is a relative of Councilman Hart's.

Councilman Hart responded that Mr. Bond is not his relative.

Mr. Clarke questioned why Mr. Bond resigned from the Town Prosecutor position.

Councilman Hart stated about 20 years ago Mr. Bond was censured for giving a client a loan and according to a ruling by the Appellate Division it is a violation of ethics, so he chose to resign.

Attorney John Fenz stated he reviewed the decision of the 4th Appellate Department and they made it clear it was not Mr. Bond taking advantage of a client. He was helping a client and simply did not have a letter signed that he should have.

Mr. Clarke understood there were several ethics violations.

Mr. Fenz stated the 4th Appellate Department has all their decisions on record and they are all public. He further stated that District Attorney Frank Sedita did not highlight in his letter to Supervisor Meegan what Mr. Clarke is referring to and Mr. Bond also did not reference it in his resignation, so that may not be the reason Mr. Bond was not designated by District Attorney Sedita.

TOWN ATTORNEY POSITION

Karen Lucachik questioned if Town Attorney John Fenz is experienced with municipal law.

Mr. Fenz responded he was hired as law clerk to former Town Attorney Timothy Greenan in June 2004 and frequently worked with the Town Board to shape legislation, schedule public hearings, etc. Mr. Fenz stated he has been an attorney since March 3, 2011 and has handled clients with larger annual budgets than the town and also handled Article 78 proceedings dealing with zoning matters for clients against the City of Buffalo.

Councilman Hart stated he wanted to continue with Mr. Grieco, but Supervisor Meegan and Councilman Hanley wanted to go in a different direction. He further noted that to date he has been very impressed with Mr. Fenz.

Karen Lucachik questioned if Shawn Martin is still working for the town.

ISSUES OF THE PUBLIC

TOWN ATTORNEY POSITION (continued)

Councilman Hart responded the board members had received a resignation from Mr. Martin, so he will no longer be working as a consultant for the town. Mr. Grieco has agreed to assist Mr. Fenz at no charge to the town.

Mrs. Lucachik questioned why it was beneficial to have an attorney from within the town.

Councilman Hanley responded that he believes an attorney that resides in West Seneca cares more about the town.

Councilman Hart noted Mr. Fenz is working at \$50,000 annually as opposed to Jaeckle Fleischmann's \$70,000.

UPDATE OF TOWN WEBSITE

Karen Lucachik referred to the town website, stating she hopes the information is current; however, the senior center page has not been updated since October 2014.

Senior Recreation Therapist of Senior Services Mary Josefiak stated she had an issue with the website reverting to old info after it was updated. She further noted information on the senior center events and activities is in the newsletter and also the Bee.

Mrs. Lucachik suggested the problem might be with I-Evolve. She further stated a number of agenda items were added after the agenda was posted on the website and previous Town Boards had resolved to not add anything to the agenda after it was posted.

Councilman Hart noted the board members just received the human resources contract this afternoon and they wanted them to get started as soon as possible. They will be starting tomorrow morning based on approval of the contract at this meeting.

LIBRARY BOARD MINUTES

Amy Carpenter requested meeting minutes from the Library Board be posted on the website so the public can keep informed on the proposed expansion. Councilman Hart responded he will talk to the Library Board, noting he provides them with a report on the expansion, but they are not really involved other than giving their input on what they would like to see.

ISSUES OF THE PUBLIC

MASTER PLAN UPDATE MEETING

Amy Carpenter questioned the date of the next public Master Plan meeting. Councilman Hart responded there is a committee meeting scheduled for January 27th, but no other public meetings have been scheduled.

RECREATION COMMISSION

Amy Carpenter requested meeting minutes from the Recreation Commission be posted on the website.

Councilman Hart responded the Recreation Commission has not been active, basically because they have had nothing to discuss.

Mrs. Carpenter questioned the Town Board's position on the need for recreation when no one comes to the meetings with requests and the Recreation Commission is not active.

Councilman Hart stated they are making a concerted effort to make the Recreation Department more efficient and cost effective. He has discussed reactivating the Recreation Commission but it is difficult to get good people to serve on a committee.

Recreation Supervisor Lauren Masset stated she has been meeting with the Youth Board and there have been discussions pertaining to the YES program and recreation programs. They have been assisting with coming up with ideas.

Councilman Hart commented on the need to rebuild the town's website so it is easier to use and more informative with regard to meetings and events.

Mrs. Carpenter suggested reaching out to the schools and asking parents and students to participate. She further commented on the need for a communications person for the website and suggested a college intern.

ADJOURNMENT

Motion by Councilman Hart, seconded by Councilman Hanley, to adjourn the meeting at 8:05 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK



EBC, INC. CLIENT ENGAGEMENT LETTER 2015

January 7, 2015

Town of West Seneca
Supervisor Sheila M. Meegan, Council Members Eugene P. Hart, and William P. Hanley, Jr.
1250 Union Road
West Seneca, NY 14224

Dear Town Board Members:

We thank you for the opportunity to work with the Town on the Human Resources Needs Assessment. EBC, Inc. has human resources expertise to guide your team in developing processes and procedures and also to manage the ongoing administration. We are ready to begin as soon as the engagement is approved. Details are included in this letter.

The purpose of this engagement letter is to confirm, based on our conversation of January 5, 2015, that EBC, Inc. will provide Human Resources consulting for the Town of West Seneca. The agreement will commence upon approval from the Town Board and will be effect for one year. The HR Needs Assessment has provided the baseline and roadmap for the work that needs to be done to a.) Correct any compliance concerns and b.) Create policies, processes and systems to improve efficiency and effectiveness in the HR arena.

Scope of Services

EBC, Inc. will act as a strategic partner to develop systems, provide guidance and support to managers, and partner with the Board on a regular basis. In addition, we would partner with the external providers, such as benefits providers/ brokers, legal, finance, payroll, safety, and union. EBC, Inc. is not rendering legal, tax, accounting or investment advice in connection with the Services, nor shall EBC, Inc. be deemed a fiduciary of Client or the employer or joint employer of Client's employees. Client shall agree to comply with any and all applicable federal, state, and local laws or ordinances.

EBC will work to develop policies, procedures, and processes in the following areas:

- Recruitment and Selection
- Hiring and Orientation
- Personnel Files
- Filing and Posting Requirements
- Wage and Hour
- Employee Benefits
- Employee Relations and Communication
- Training and Development
- Performance Management
- Employee Separation



EBC, INC. CLIENT ENGAGEMENT LETTER 2015

Fees and Estimated Hours

Our fees for services are:

- Executive level \$160 per hour
- Senior level \$100 per hour
- Clerical/Support \$60 per hour

Our estimated hours per month for 2015 are:
 104 hours (using an average of 24 hours per week)

Estimated Billing, based on majority of hours at the senior level:

Hours of Each Level of Service Per Week	Number of Weeks	Total Number of Hours Per Year	Rate for each level	Total Estimated Billing Per Year
2 hours executive	52	104	\$160	\$16,640
18 hours senior	52	936	\$100	\$93,600
4 hours clerical	52	208	\$60	\$12,480
TOTAL Annual				\$122,720
TOTAL Monthly				\$10,220

We anticipate being on-site much more frequently in the beginning to get projects off the ground and address compliance issues. We expect the hours to level off after the first six months and can review where we are at that point. The scope of work will include work to be done both on-site and off-site, with a regular and consistent presence at the Town's offices.

Invoicing

We will submit monthly invoices with a breakdown of hours and charges. You will also be billed for expenses incurred on your behalf.

Expectations

Our expectations are that the Town will provide:

- Information needed for ongoing audits and process improvements
- Filing space and a workstation or appropriate space for consultant to work
- Payment of monthly invoices within 20 days
- Access to appropriate systems, data, and personnel

Contacts

Your primary contact will be Laura Devine. If you have any questions about this letter or the consulting projects, please contact her directly. On behalf of EBC, Inc, we are happy to provide you with human resources services.



EBC, INC. CLIENT ENGAGEMENT LETTER 2015

Limit of Liability.

EBC, Inc. shall not be held liable for i) the negligence of any other person or entity, including, but not limited to, Client and its employees or agents, or any person or entity that provides services in connection with or as a result of EBC, Inc.'s performance of its obligations under the Agreement: ii) any loss, claim, or expense arising from any information provided or modified by Client, including, but not limited to, any Client forms, handbooks, manuals, and job descriptions

Termination

The initial term of the Agreement is one (1) year from the Service Effective Date. After the initial one-year term, except as otherwise provided, either party may terminate the Agreement upon thirty (30) days prior written notice.

Miscellaneous.

The Agreement contains the entire understanding of the parties. Neither party shall be responsible for any delay or failure to perform obligations specified in the Agreement due to causes beyond the party's reasonable control. Client acknowledges that there have been no representations or warranties made by EBC, Inc. or Client which are not set forth in the Agreement.

Sincerely,

Christopher Fiorello
Managing Partner, EBC, Inc.

Acknowledgements and Approvals:

<u>Client</u>	<u>EBC, Inc.</u>
By: _____	By: _____
Name: _____	Name: <u>Christopher Fiorello</u>
Title: _____	Title: <u>Managing Partner, EBC, Inc.</u>
Date: _____	Date: _____