

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance to the Flag led by Highway Supt. Matthew English.

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 Peter Caleri, Sharon Doctor, Ronald Wilson, Johanna Huber, Frank Ciminelli and Alfred Runkel.

25-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2014-24 of December 15, 2014.

Ayes: All

Noes: None

Motion Carried

25-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 HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2014-15, MODIFICATION TO CHAPTER 65 – ELECTRICAL INSPECTIONS" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Attorney for the Town Charles Grieco stated adoption of the proposed amendment will allow the town to hire an electrical inspector directly rather than contracting out for these services.

Councilman Hart questioned the estimated fees this will bring to the town, the cost of an electrical inspector and if this will become a full-time position.

Code Enforcement Officer John Gullo responded the town currently receives nothing in permit fees since this work is contracted out. He anticipated \$49,000 in permit fees with an expense of \$20,000 for an electrical inspector. Mr. Gullo stated he is not looking for a full-time position at this time and is waiting for results of the civil service exam to be released for the interview process to begin.

25-C TABLED ITEMS

- | | | |
|---|---|----------------|
| 1. Town Engineer re Appointment of J. Clifford as winter intern in the Engineering Department | Motion by Supervisor Meegan, seconded by Councilman Hart, to remove this item from the table. | |
| Ayes: All | Noes: None | Motion Carried |

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Joseph P Clifford as part-time winter help in the Engineering Department at a rate of \$11 per hour effective December 22, 2014 through January 9, 2015 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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25-D COMMUNICATIONS

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| 1. Supervisor Meegan re Acquisition of Oxbow Park | Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution concerning the oxbow property as it relates to the Parks & Recreation Master Plan: |
|---|--|

Whereas, the Town of West Seneca seeks to expand its availability of active and passive recreational amenities with opportunities for interpretive nature to address a lack of adequate recreation amenities for all ages and abilities; and

Whereas, much of the Town's existing recreational facilities suffer from overuse; and

Whereas, the Town of West Seneca Municipal Open Space and Greenway Master Plan has not been updated since 1999; and

Whereas, it has been determined by the Oxbow Park Grant Committee that the best solution to parks and recreation needs is through the acquisition of a rehabilitated open space parcel, contiguous to land already owned by the Town of West Seneca, for permanent preservation to remain in the public domain in perpetuity;

NOW, THEREFORE, BE IT RESOLVED that the Town of West Seneca supports the expansion of its recreational portfolio through the acquisition of the Oxbow Park; and

BE IT FURTHER RESOLVED that in lieu of a Parks and Recreation Master Plan, this resolution serves to affirm that this project is consistent with the Town's long term plans for parks and recreation amenities.

On the question, Councilman Hart understood the purpose of this resolution is to allow the town to apply for grants.

25-D COMMUNICATIONS

1. (continued)

Supervisor Meegan confirmed that is the purpose of the resolution. She further stated that Bill Bauer of Edbauer Construction has provided renderings of the proposed project and they are available for viewing after the meeting. Supervisor Meegan commented with the vision of Mr. Bauer and members of the West Seneca Environmental Commission this is an exciting opportunity for the town, county and state.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re Grant application for acquisition of Oxbow Park
Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution for acquisition of the Oxbow Park with grant funding through the Niagara River Greenway Commission:

Whereas, the Town of West Seneca owns land adjacent to the oxbow property located at 2790 Clinton Street in the Town of West Seneca; and

Whereas, Serafini Construction, the legal owner of this parcel seeks to sell the property to Edbauer Construction, the current tenant of the property, for renovation of existing structures and conversion of the wetland property into a public park to be owned and maintained by the Town of West Seneca in perpetuity; and

Whereas, acquisition of this property will create active and passive recreational amenities as well as areas for nature interpretation and education while preserving natural wetlands; and

Whereas, Edbauer Construction by execution of the Memorandum of Understanding on December 12, 2014 shall render the following services related to development of the park before it is sold to the Town, including but not limited to design, property renovations including building, site work and canoe launch facilities and removal of onsite material and equipment not included in the project; and

Whereas, the Town of West Seneca will provide the project design oversight and park maintenance following the acquisition of the parcel in perpetuity;

NOW, THEREFORE, BE IT RESOLVED that the Town of West Seneca supports the expansion of its recreational portfolio through the acquisition of the Oxbow Park using grant funding; and

BE IT FURTHER RESOLVED that Connie D. Miner & Co. Grants Consultants be authorized and directed to complete the necessary application, forms, and attachments to be submitted through the Niagara River Greenway Commission Funding Application for the purpose of securing this grant; and

25-D COMMUNICATIONS

2. (continued)

BE IT FURTHER RESOLVED that Town of West Seneca Supervisor Sheila M. Meegan is hereby authorized and directed to sign an application for funds from the Niagara River Greenway Commission for acquisition of the Oxbow Park.

On the question, Supervisor Meegan thanked Mr. Bauer for his willingness to make this happen for the town.

Ayes: All

Noes: None

Motion Carried

3. Supervisor Meegan re Resolution for emergency spending within the Highway fund

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution for a one time transfer within the Highway Fund for emergency spending:

WHEREAS, during the year ending December 31, 2014 the Town of West Seneca was significantly affected by several storms causing substantial emergency expenditures within the General Fund and Highway Fund; and

WHEREAS, the Highway Fund does not have available fund balance to support the emergency expenditures; and

WHEREAS, the Highway Fund and the Town's General Fund share the same taxable base; and

WHEREAS, the Town's General Fund has available fund balance; now, therefore, be it

RESOLVED, that the Town Board hereby amends the General Fund budget to provide a one-time transfer from its available fund balance to support emergency spending within the Highway Fund.

On the question, Supervisor Meegan stated the amount will be determined as of December 31, 2014 and money transferred to the Highway Fund cannot come back to the General Fund.

Councilman Hart commented the four major storm events this year impacted the Highway Fund and the amount of the transfer will be made public when the books are closed and adjusted.

Ayes: All

Noes: None

Motion Carried

25-D COMMUNICATIONS

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| 4. Supervisor Meegan re
Creation of electrical
inspector position | Motion by Supervisor Meegan, seconded by Councilman
Hart, to create the position of electrical inspector and
authorize the Supervisor to complete and sign the
necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |
| 5. Supervisor Meegan re
Creation of housing inspector
position | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to create the position of housing inspector and
authorize the Supervisor to complete and sign the
necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |
| 6. Highway Supt. re
Termination of Tyler Burdzy
as part-time seasonal laborer | Motion by Supervisor Meegan, seconded by Councilman
Hart, to terminate Tyler Burdzy as part-time seasonal
sanitation laborer effective November 26, 2014 and
authorize the Supervisor to complete and sign the
necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |
| 7. Town Clerk re Status change
for part-time Clerks M.
Pomana & A. Kobler to
seasonal | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to change the status of part-time clerks Margaret
Pomana and Amy Kobler to part-time seasonal effective
January 5 – February 27, 2015 and authorize the
Supervisor to complete and sign the necessary forms for
Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |
| 8. Code Enforcement Officer re
Status change for Douglas
Busse to part-time seasonal | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to extend part-time seasonal status on an
emergency basis for laborer Douglas Busse effective
January 1 – 31, 2015 and authorize the Supervisor to
complete and sign the necessary forms for Erie County
Personnel. |

On the question, Councilman Hart questioned the number of buildings damaged as a result of the storm. Code Enforcement Officer John Gullo responded that 250 buildings were damaged and 40 of them sustained severe damages.

Ayes: All Noes: None Motion Carried

25-D COMMUNICATIONS

9. Sr. Recreation Therapist of Senior Services re Status change for LeeAnn Piniewski to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time food service worker LeeAnn Piniewski to part-time seasonal effective December 1, 2014 – March 31, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Attorney for the Town re City of Rochester settlement
- Motion by Supervisor Meegan, seconded by Councilman Hanley, that upon receipt of a full release, the Town is authorized to pay the City of Rochester, New York the sum of fifty thousand dollars (\$50,000) in full resolution of the City's claim asserted against the Town pursuant to General Municipal Law Section 72-c.

On the question, Councilman Hart noted this relates to the hiring of a police officer that was formerly an officer with the City of Rochester.

Attorney for the Town Charles Grieco stated there is a provision in General Municipal Law that the City of Rochester maintains applies to hiring of a police officer from another municipality. The issue was resolved for considerably less than the \$90,000 they were seeking.

Ayes: All Noes: None Motion Carried

11. Attorney for the Town re Duplicating Consultants, Inc. settlement
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to direct and authorize the Supervisor to execute on behalf of the Town the settlement agreement resolving the matter of Duplicating Consultants, Inc. and Leas-Co Leasing, Inc. v. Town of West Seneca (the "Action"); and further, that upon receipt of the release incorporated into said settlement agreement and upon removal of the copy machines from Town property by Duplicating Consultants, the Town is authorized to pay Duplicating Consultants the sum of twenty thousand (\$20,000) in full resolution of the Action.

On the question, Attorney for the Town Charles Grieco stated the town was accused of breach of several contracts in 2010 and 2011. The lawsuit was dismissed and they filed again at a much higher amount. The cost of litigation would have been well above \$20,000.

Ayes: All Noes: None Motion Carried

25-D COMMUNICATIONS

12. Attorney for the Town re Intermunicipal cooperation agreement for loaning of school buses

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute on behalf of the Town of West Seneca the attached Intermunicipal Cooperation Agreement with the West Seneca School District regarding the loaning of school buses for the 2014-2015 school year and take other further and necessary steps to effectuate said contract.

On the question, Attorney for the Town Charles Grieco stated this will allow the town to use the school district buses with district drivers for winter and summer camp as a shared service with no cost to the town.

Ayes: All

Noes: None

Motion Carried

13. Supervisor Meegan re Termination of Michael Paluch as Buildings & Grounds Department laborer

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Michael Paluch as Buildings & Grounds Department laborer effective December 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart noted that Mr. Paluch was injured on the job and can no longer continue in his position. Supervisor Meegan stated Mr. Paluch worked many years for the town and she wished him well.

Ayes: All

Noes: None

Motion Carried

25-E 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 - \$172,741.33; Highway Fund - \$34,904.72; Special Districts - \$29,808.77; Capital Fund - \$1,270,903.08 (voucher #'s 86870 - 87160); Trust & Agency Fund - \$30,605.12 (voucher #'s 87207 - 87229)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

- Supervisor Meegan announced a change in procedure for Issues of the Public. Public comments will be accepted during this portion of the meeting; however, questions should be written on cards provided and a written response will be given in five business days.
- Dale Clarke disagreed with the new procedure for Issues of the Public and felt it was an attempt to keep the public from speaking. He also asked the board members to respond to the Ethics Committee recommendation on Zoning Board Chairman Timothy Elling.
- Frank Russo commented on the following issues and expressed his opposition to:
 - ✓ Creating a full-time Recreation Director position
 - ✓ Expanding recreation programs and competing with continuing education programs
 - ✓ Purchasing St. Bonaventure building (referred to soccer complex that was eventually taken over by the town)
 - ✓ Seneca Place project and getting involved with the people that are part of that proposed development

Supervisor Meegan commented on the responsibility of the board members to the children at the end of town near St. Bonaventure and the safety of their neighborhood. Councilman Hart also noted if the board members decide to proceed with the project it will not just be for children.

- Linda Toy did not believe it was a waste of money to purchase the St. Bonaventure property and commented on the need to get the kids off the street and give them some place in the neighborhood to go.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ETHICS COMMITTEE RECOMMENDATION

Councilman Hanley stated the board members received the following response from the Ethics Committee on the Tim Elling situation: "By a majority of the Ethics Committee, there was no finding that any violation occurred by Mr. T.E. regarding the Ethics Code. To have a violation, there must be both solicitation and quid pro quo which was not found in this case. At the conclusion of our investigation, Mr. H. was not doing any business in town and if he was to in the future, Mr. T.E. agreed to recuse himself from any matters brought before him on the board. Additionally, it was learned that Mr. T.E. did not sign the Ethics Code until May and the issue occurred in January." Councilman Hanley received this recommendation from Ethics Committee Chairman George Clifford and rather than names only initials were listed.

Supervisor Meegan stated the Town Board has not yet made a determination on this matter.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

TOWN ATTORNEY POSITION

Councilman Hart thanked Charles Grieco for his service to the town, noting this is his last meeting as Attorney for the Town as the board members have decided to hire a town resident as Town Attorney. Mr. Grieco will continue as outside counsel on issues such as the Seneca Place project, Comprehensive Plan and potentially rewriting some of the town's zoning ordinances next year (depending on available budget funds).

REVIEW OF 2014

Supervisor Meegan commented that 2014 was an extraordinary year. There were blizzards and floods, but the town came through it with better appreciation for oneself and others. There are a lot of good people (i.e. the disaster relief group, Eric Bauer of EB Galaxy, Bill Bauer of Edbauer Construction, Bob Hill of Union Concrete) that helped out throughout these weather events. She commented on the Community Emergency Response Team (C.E.R.T.), CodeRed, volunteer fire service personnel, National Guard and Governor Cuomo who helped the town deal with the storms, noting there are many capable and willing individuals that take part in finding solutions and helping others. Supervisor Meegan further commented on the many accomplishments throughout the year and future projects in 2015.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to executive session at 8:00 P.M. to discuss four personnel matters with Chief Denz and Highway Supt. Matthew English.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:15 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:15 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of West Seneca

Local Law No. 15 of the year 2014

A local law to amend Chapter 65, Electrical Inspections
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of West Seneca as follows:

Chapter 65 ELECTRICAL INSPECTIONS

65-1 Electrical Inspector and assistants; Fees

A. The supervising Code Enforcement Officer and any deputy thereof shall be authorized to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same.

B. The supervising Code Enforcement Officer shall annually propose a fee schedule for any inspections required pursuant to this Chapter, which schedule shall be subject to approval by the Town Board.

65-2 Duties of Inspector

A. It shall be the duty of the Inspector to report in writing to the Code Enforcement Officer, whose duty is shall be to enforce all provisions of this chapter, all violations or deviations from or omissions of the electrical provisions of the Building Code applicable to the Town of West Seneca [1] and of all local laws, ordinances and the Building Code as referred to in this chapter insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of West Seneca upon the written request of an authorized official of the Town of West Seneca or as herein provided. The Inspector is

(If additional space is needed, attach pages the same size as this sheet, and number each.)

authorized to make inspections and reinspections of electrical wiring, installations, devices, appliances and equipment in or on properties within the Town of West Seneca where he deems it necessary for the protection of life and property. In the event of an emergency, it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of West Seneca.

B. It shall be the duty of the Inspector to furnish written reports to the proper officials of the Town of West Seneca and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the certificate of compliance be sent to the Town of West Seneca to the attention of the supervising Code Enforcement Officer.

§ 65-3. Violations enumerated.

A. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Town of West Seneca until an application has been filed with the Town Code Enforcement Office.

B. It shall be a violation of this chapter for any person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the Town Code Enforcement Office.

§ 65-4. Penalties for offenses.

Any person or persons, association or corporation committing an offense against this chapter or any section or provision thereof is guilty of a violation punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

Section 4. Effective date

This local law shall take effect upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 15 of 2014 of the ~~(County)(City)(Town)(Village)~~ of West Seneca was duly passed by the Town Board on December 29 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

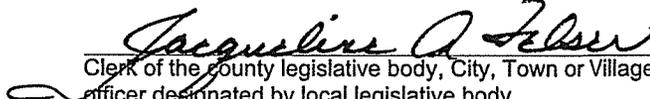
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/30/2014

(Seal)