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

TOWN BOARD PROCEEDINGS
Minutes #2012-16
October 15, 2012

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 led by Chief Gehen.

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 Ann Borkowski and Ruth Caruana.

Councilman Hart read a proclamation honoring Vi Hippert for 60 years of volunteer service to the town and designating October 15, 2012 as Vi Hippert Day in the Town of West Seneca.

16-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-15 of September 24, 2012.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the September 24, 2012 Executive Session.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the September 28, 2012 special Town Board meeting.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the August 28, 2012 bid opening for a compact wheel loader.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the August 28, 2012 bid opening for a tractor loader backhoe.

  Ayes: All Noes: None Motion Carried

16-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 SPECIAL PERMIT FOR PROPERTY LOCATED AT 164 SLADE AVENUE, BEING PART OF LOT NOS. 291 AND 292, CHANGING ITS CLASSIFICATION FROM C-1 TO C-1(S), FOR AN ELECTRONIC BILLBOARD" in the Town of West Seneca, be received and filed.
(Slade Potters LLC)

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

Carl Paladino of Slade Potters LLC stated his proposal to install a digital billboard on hotel property on Slade Avenue facing the NYS Thruway to advertise the hotels and other future developments in the area. Mr. Paladino had received approval from both the Planning and Zoning Board of Appeals and was awaiting approval from the NYS Thruway Authority.

Paula Minklei understood that billboards are only allowed in M-1 & M-2 zoning districts and questioned if billboards were allowed in a C-1(S) zoning. She thought the property would have to be rezoned to manufacturing prior to a building permit being issued.

Kenneth Klaymor questioned what the value of the homes on Slade Avenue will be after the flashing billboard is in place. He suggested Mr. Paladino purchase all the homes on Slade Avenue so he can do whatever he wants with the entire street.

Mr. Paladino stated that at previous meetings it was illustrated with the plans that the sign will face Route 219 and the NYS Thruway with no light emitting to the houses on Slade Avenue. A special use permit will allow the placement of the sign on commercially zoned property. Mr. Paladino commented that during construction of all three developments they were cognizant of neighbor concerns along Slade Avenue. As the need arises, homeowners are approached to sell their properties and some additional properties have been acquired for future use. As the project progresses, he hoped restaurants will locate in the area and that the former Seneca Mall site will be developed.

Councilman Hart questioned what will happen if approval is not received from the NYS Thruway Authority.

Mr. Paladino stated that Town Board approval is necessary in order to apply to the NYS Thruway Authority. Because the location of the billboard is so far away from the thruway, he was not sure whether the NYS Thruway Authority had the jurisdiction to deny his request.

16-B LEGAL ITEMS

1. (continued)

Code Enforcement Officer John Gullo advised that a building permit will not be issued until approval from the NYS Thruway Authority is received.

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

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a special permit for property located at 164 Slade Avenue being part of Lots Nos. 291 and 292, changing its classification from C-1 to C-1(S), for an electronic billboard.

Ayes: All Noes: None Motion Carried
APPENDICES

Motion by Supervisor Meegan, seconded by Councilman Rusinski, that the Town Board write a letter of support to the NYS Thruway Authority for the proposed billboard at 164 Slade Avenue, noting that it will enhance the town's opportunities going forward with the Seneca Mall site.

Ayes: All Noes: None Motion Carried

2. 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 INTERESTED IN THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS" 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

Supervisor Meegan stated that typically the town looks at streets that fall within the areas eligible for HUD funding and noted that HUD money is designed to benefit the low to moderate income, elderly and handicapped. Last year HUD money was used for the new elevator which is part of the police expansion project.

16-B LEGAL ITEMS

2. (continued)

Councilman Hart read the recommendation of Town Engineer Steven Tanner and Highway Supt. Matthew English for two eligible road projects. The Stephenson Street reconstruction at a cost of $307,000 includes replacement of asphalt, sidewalks and driveways. Water, sewer and storm sewer facilities will not be replaced. The second possible project is the milling and resurfacing of approximately 2100 ft. of North Avenue at a cost of $156,000.

Amy Carpenter questioned if steps could be made at the Burchfield building to shorten the distance from the parking lot to the entrance for people who have difficulty walking.

Supervisor Meegan responded that this will be addressed next spring.

Robert Mahlmeister requested safety improvements be made at the intersection of Seneca Street and Exit 54 off Route 400, noting that people are walking in the street because there are no sidewalks.

Supervisor Meegan responded that this is a public hearing to discuss use of Community Development Block Grant (CDBG) monies for eligible projects. CDBG funding does not apply for sidewalks at that location, but she encouraged Mr. Mahlmeister to voice his concern later in the meeting when issues of the public are discussed.

Paula Minklei questioned why the sidewalk project would not qualify for funding.

Supervisor Meegan stated the area in questioned is owned by New York State.

Linda Toy commented that Burch Avenue needs to be resurfaced, the drainage pipes do not drain properly, and the receiver at Grace and Burch Avenue does not function due to improper grading and pitch.

Supervisor Meegan responded that the Highway Department typically handles receiver/ drainage issues and she asked Mr. English to look into the matter.

Marylou Dietrich questioned how streets are rated and if there is a list or plan.

Mr. English responded that in the spring Highway Department foremen rate streets based on complaints received. The streets are rated on a scale of 1 – 4, 1 being good and 4 being bad. A list is established and the worst ranked streets are done first.

Mrs. Dietrich questioned if the list of streets could be published and whether Bellwood Avenue was on the list.

16-B LEGAL ITEMS

2. (continued)

Mr. English suggested Mrs. Dietrich contact him tomorrow and he will provide her with the information.

Mrs. Dietrich questioned who maintains the sidewalks along Seneca Street, noting that this is an area where overgrown grass and mud are a problem.

Supervisor Meegan responded that based on the location, some sections of the sidewalks along Seneca Street are maintained by New York State and other sections are maintained by Erie County. New York State is responsible for sidewalk maintenance in this area and should be contacted with any problems. Supervisor Meegan further noted that a map outlining the areas that qualify for HUD funding is on the town's website.

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

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution concerning the use of federal Community Development Block Grant funds.

Ayes: All Noes: None Motion Carried
APPENDICES

16-C COMMUNICATIONS

1. Supervisor Meegan re Designation of Halloween

Motion by Supervisor Meegan, seconded by Councilman Hart, to designate Wednesday, October 31, 2012 between 6:00 P.M and 8:00 P.M. as the official night for trick-or-treat in the Town of West Seneca, noting that residents are asked to please leave their porch lights on to provide lighting and safety for the children and drivers are urged to use extra caution.

Ayes: All Noes: None Motion Carried

2. Supervisor Meegan re Halloween Parade

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the request of Southgate Plaza to hold their annual Halloween Parade Sunday, October 21, 2012 with assembly behind Town Hall at 11:30 A.M. and the parade starting at noon.

Ayes: All Noes: None Motion Carried

16-C COMMUNICATIONS

3. Supervisor Meegan re 2012 Crop Walk

Motion by Supervisor Meegan, seconded by Councilman Hart, to grant the request of the West Seneca Community of Churches to hold their annual Crop Walk on October 28, 2012, 2:00 – 4:00 P.M. on designated streets in the Town of West Seneca.

Ayes: All Noes: None Motion Carried

4. Town Engineer re Bid date for Town Hall Handicap Accessibility Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of November 28, 2012 at 2:00 P.M. for receipt of bids on the Town Hall Handicap Accessibility Project.

Ayes: All Noes: None Motion Carried

5. Town Engineer re Change Orders for Pool Rehabilitation Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #1 in the amount of $2,083 to William L. Watson Co., Inc. for gutter repairs performed around the perimeter of the pool, noting that funding is available under budget line 5.7140.0200.0513.

On the question, Councilman Rusinski asked for an explanation of this change order.

Town Engineer Steven Tanner explained that change order #1 is reflective of work that has been discussed with the Town Board and is already complete. Pictures were provided showing how the welds had pulled away once the gutter was uncovered and the existing marcite removed. The cost of the repair was based on time and material.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #2 in the amount of $3,560 to William L. Watson Co., Inc. for caulking around the outside perimeter of the pool, noting that funding is available under budget line 5.7140.0200.0513

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize change order #3 in the amount of $21,520 to William L. Watson Co., Inc. for a pool cover to cover the pool during winter months, noting that funding is available under budget line 5.7140.0200.0513.

16-C COMMUNICATIONS

5. (continued)

On the question, Supervisor Meegan stated that pricing for a pool cover was requested to address the nuisance problem with geese swimming and dropping feces in the pool. The pool needs to be cleaned prior to the cover being put on. The geese problem has affected the pool over the years since it was not covered.

Councilman Hart questioned the status of the geese problem and if anyone had explored the possibility of hiring a contractor with dogs.

Highway Supt. Matthew English stated that over the past couple of years the geese problem has been bad. They may try an amber light which is thought to keep geese away.

Ayes: All Noes: None Motion Carried

6. Highway Supt. re Bid award for purchase of compact wheel loader

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the bid of $61,297 from Baschmann Services, Inc., 1101 Maple Road, Elma, NY 14059 for one (1) compact wheel loader, noting that funds are available in line item #002.5130.0202.

Ayes: All Noes: None Motion Carried

7. Highway Supt. re Bid award for purchase of tractor loader backhoe

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the bid of $75,900 from Liftech Equipment Co., 4381 Walden Ave., Lancaster, NY 14086 for one (1) tractor loader backhoe, noting that funds are available in line item #002.5130.0202.

Ayes: All Noes: None Motion Carried

8. Highway Supt. re Purchase of five salt spreaders

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase of five (5) new salt spreaders from Transport Services, at their low quote of $7,790., noting that funds are available in line item #2.5130.0202.

Ayes: All Noes: None Motion Carried

16-C COMMUNICATIONS

9. Highway Supt. re Purchase of two truck bodies

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase of two (2) new truck bodies from Alden Truck LTD at their low quote of $12,100., noting that funds are available in line item #2.5130.0202.

Ayes: All Noes: None Motion Carried

10. Highway Supt. re Purchase of two reversible plows

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase of two (2) new reversible plows from Henderson Equipment at their low quote of $14,934., noting that funds are available in line item #2.5130.0202.

Ayes: All Noes: None Motion Carried

11. Chief Gehen re Status change for part-time Public Safety Dispatcher Josh Scanlon to seasonal

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Public Safety Dispatcher Josh Scanlon to part-time seasonal effective October 1 – 31, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Chief Gehen re budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of $10,202 from Various Police Equipment Acct. #1.3120.0210 to Purchase of Police Vehicles Acct. #1.3120.0208.

Ayes: All Noes: None Motion Carried

13. Code Enforcement Officer re Unsafe conditions at 17 Round Trail Road

Town Attorney Shawn Martin asked that the Town Board recess to Executive Session so he can update them with matters that have arisen in ongoing litigation regarding 17 Round Trail Road.

16-C COMMUNICATIONS

13. (continued)

Motion by Meegan, seconded by Councilman Hart, to recess to Executive Session at 7:35 P.M. to discuss a litigation matter with Town Attorney Shawn Martin.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 7:45 P.M.

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to proceed with the removal of unsafe conditions at 17 Round Trail Road and seek bids for its demolition, noting that the cost of this action will be assessed against the land on which the building is located.

Ayes: All Noes: None Motion Carried

14. Code Enforcement Officer re Unsafe conditions at 5303 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Code Enforcement Officer John Gullo to proceed with the removal of unsafe conditions at 5303 Seneca Street and seek bids for its demolition, noting that the cost of this action will be assessed against the land on which the building is located.

On the question, Councilman Hart questioned if this property will be usable for anything after the demolition.

Code Enforcement Officer John Gullo responded that he will be better able to make this determination when he sees a survey indicating the lot lines and depth of the property.

Ayes: All Noes: None Motion Carried

15. Director of Recreation, Youth & Senior Services re Termination of J. Stockman

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate JennaBeth Stockman as Recreation Attendant for the Youth Theatre effective October 1, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16-C COMMUNICATIONS

16. Director of Recreation, Youth & Senior Services re Appointment of part-time employees

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Erika Przybyla as Recreation Attendant at a rate of $8.00/HR; Casey Dynarski and Joshua Hicks as Recreation Attendants at a rate of $7.50/HR; and Devan Corcoran as Recreation Attendant at a rate of $7.25/HR, effective October 1, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

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

Received and filed.

18. Environmental Commission re Budget Amendment Request

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the Town Board to amend the adopted 2012 General Fund budget with a $21,710 increase to revenue account #1.0001.4089.4444 and a $21,710 increase to expense account #1.8090.0227.444 to appropriately account for grant revenue from National Fish & Wildlife.

Ayes: All Noes: None Motion Carried

16-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 - $322,668.95; Highway Fund - $353,242.98; Special Districts - $232,982.11 (voucher #'s 75025 - 75318); Trust & Agency Fund - $30,433.76 (voucher #'s 75184 - 75311); Capital Fund - $424,323.00 (voucher #'s 75316 – 75317)

Ayes: All Noes: None Motion Carried

16-E REPORTS

- Jacqueline A Felser, Town Clerk's report for September 2012 received and filed.
- John Gullo, Code Enforcement Officer's report & plumbing report for September 2012 received and filed.

ISSUES OF THE PUBLIC

YELLOW DOT PROGRAM

Beverly Leising referred to Legislator Joesph Lorigo's upcoming special meeting concerning the Yellow Dot Program, a program designed to help first responders provide life saving medical attention during an emergency, and suggested that information on this program be included in the town's welcome packet.

Legislator Lorigo responded that the meeting is scheduled for Friday at the West Seneca Senior Center and information regarding the Yellow Dot Program can be included in the welcome packets.

DEMOLITION OF HOMES

Beverly Leising questioned if the town will be reimbursed the expense associated with demolition of the two homes mentioned earlier in the meeting.

Code Enforcement Officer John Gullo stated that the cost of the demolitions will be assessed on the tax bills and the town will be reimbursed when the properties are sold.

STATUS OF SEWER IMPROVEMENTS

Beverly Leising questioned the status of the sewer improvements.

Town Engineer Steven Tanner responded that under the energy funds contract with John Danforth 5.5 to 6 million dollars in sewer work is being done this year. The first two areas being done are from previous reports completed by GHD (Stearns & Wheler). These areas (highlighted on a map in pink) are being cleaned/lined in their entirety. Other areas (highlighted on the same map in blue, green and yellow) have been or are being smoke tested this year. Once the smoke testing is complete GHD will furnish a report outlining what pipes need to be repaired. GHD under their contract will go back into areas and compare the flows before and after the sewers have been lined. Under the energy project the town is also working on eight pump stations. Some pump stations are being rehabilitated while three (Warren Ave., Plant 5 & Leydecker) are receiving full pump replacements. A lining project is being done separately by Danforth on Orchard Park Road from Elmsford Drive to the creek, including a small area around Ridge Road. This project will be starting soon and completed by mid December. Every manhole will be rehabilitated and include waterproof lids helping to prevent surface water from entering the system. The sewers on Elmsford Drive were also lined. Concrete rehabilitation is being done at the overflow retention facility and will be complete in the next two weeks. A study is also being conducted regarding capacity issues at some of the major intersections where sanitary sewer interceptors come together and backups initiate.

ISSUES OF THE PUBLIC

STATUS OF CAT ORDINANCE

Beverly Leising questioned the status of the cat ordinance.

Supervisor Meegan stated that great conversations and discussions took place at the last board meeting and another public hearing will be held because the language on the proposed ordinance is going to change.

Mrs. Leising questioned when the next public hearing will take place and if it will be sometime this year.

Supervisor Meegan responded that when they are ready to proceed a public hearing will be scheduled and it will probably be this year.

GEESE PROBLEM AT POOL

Cindy Solly commented that Kennedy Jr./Sr. High School has always had a problem with birds and the school now plays a recording that has proven effective in keeping the birds away. She suggested contacting the school for information on what they are doing to deter the birds as a possible solution to the geese problem at the town pool.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments and the sale of the house on School Street.

Patrick Clancy of the Finance Office responded that a payment of $8,000 was received on October 1st.

Town Attorney Shawn Martin stated they had not received any news on the sale of the School Street property however a meeting is scheduled for October 29th.

GREENMEADOW/DOVER RECONSTRUCTION PROJECT

Karen Lucachik commented on tree planting procedures on reconstructed streets vs. tree planting procedures in a new subdivision. According to Town Code new housing requires that two trees be planted per subdivision lot between the sidewalk and the street and a corner lot is required to have two more additional trees. When streets are reconstructed residents have the option of whether or not they would like a tree planted between the sidewalk and the street. Mrs. Lucachik suggested that reconstructed streets follow the Town Code requirements for tree planting in a new subdivision.

ISSUES OF THE PUBLIC

HEALTH INSURANCE STIPEND

Karen Lucachik stated she would like the board to make a motion that board members cannot accept a stipend in lieu of insurance and noted that council members are not full-time employees.

JOINT WORK SESSION FOR BOARDS

Amy Carpenter referred to the last Town Board meeting and her suggestion for a joint work session with the Town, Planning & Zoning Boards and commented that it will enable all members to be on the same page and better utilize their expertise and knowledge.

ZONING CODES

Paula Minklei stated the town needs a clear coordinated set of zoning codes that reflect the code enforcement mission statement "to uphold and enforce codes and community standards thereby maintaining the town's high standards of curb appeal." Mrs. Minklei commented that the aesthetic unrestricted signage in town contributes to the total lack of curb appeal and adds confusion to travelers seeking to determine speed limits, route numbers and other useful information as they travel through the array of distracting and jumbled signage. Some signage that assists travelers and is beneficial to other businesses in town should be considered along with whether or not a sign fits aesthetically. Mrs. Minklei suggested a sooner rather than later review, update and utilization of the comprehensive plan could bring the high standards and curb appeal of smart communities. She asked that the Town Board seriously consider updating the Master Plan.

POSTING EMPLOYEE SALARIES ON WEBSITE

Paula Minklei questioned if it was a New York State requirement to make town employee's salaries public and when the 2011 salaries of town employees will be posted on the town's website. The posting of salaries would assist in determining if overtime is included in the 2013 proposed budget.

Councilman Hart stated that only elected officials are required to make their salaries public.

Supervisor Meegan stated the town has done this in the past and the website will be updated.

ISSUES OF THE PUBLIC

SENECA STREET AND EXIT 54 INTERSECTION

Robert Mahlmeister requested that the Town Board ask the NYSDOT to improve safety for pedestrians and the disabled at the intersection of Seneca Street and NYS Thruway Exit 54. He further requested that concrete be placed on the dirt path on the south side of Seneca Street from G & R Tackle to the Seneca Hose Fire Station.

Supervisor Meegan responded that she will write a letter to Senator Kennedy and also reach out to Senator Patrick Gallivan, the town's new representative effective January 1, 2013.

CHANGE ORDER ON POOL REHABILIATION PROJECT

Bill Hanley commented on the pool rehabilitation project change orders and questioned the added cost of $3,560 for extra caulking.

Town Engineer Steven Tanner stated that the change order was not reflective of caulking that was done around the inside of the pool. Some of the joints around the outside of the pool were leaning towards failure mode and worsened during the summer as the pool was used. Initially it was thought this work was something town forces could do so it was not included in the project. Considering the close proximity of the problem to the pool and issues with the interfaces between the stainless steel and concrete, it was then recommended that this work be done by the pool company.

STEPHENSON STREET RECONSTRUCTION

Bill Hanley referred to the use of federal Community Block Grant Funds for Stephenson Street reconstruction and questioned why valves would not be replaced. He understood that going forward the town was going to replace valves on all street reconstruction projects.

Town Engineer Steven Tanner responded that if the replacement of a watermain is included in a project the valves to individual homes will also be replaced. Stephenson Street is approximately a 700 ft. road and replacement of the watermain is not necessary.

WATERMAIN BREAKS ON UNION ROAD

Arlene Vogt referred to the work on Union Road and commented on the number of broken watermains that have occurred since the road was repaved.

Supervisor Meegan stated the infrastructure is old and unfortunately Erie County Water and New York State are not coordinating their projects.

ISSUES OF THE PUBLIC

WATERMAIN BREAKS ON UNION ROAD (continued)

Councilman Hart stated the town has no control over the state or county and it will be five years before any major repairs can be done on the lines underneath Union Road.

Mrs. Vogt questioned if the town had knowledge of the work that was going to be performed on Union Road.

Town Engineer Steven Tanner responded that they knew about the plans for Union Road and tried to make all parties aware of what was occurring. The town can only make recommendations since they have no control over what is done by the Erie County Water Authority and New York State.

Councilman Hart stated that New York State was aware of the town's desire to have the infrastructure repaired prior to Union Road being rebuilt.

UPSIZING OF TOWN BOARD

David Kims referred to the special meeting regarding upsizing the Town Board and questioned if it was legal to go forward since all board members were not in attendance.

Supervisor Meegan stated she could not attend the meeting because of a back problem.

Town Attorney Shawn Martin stated that board members are required to have notice of the meeting and the opportunity to attend. Supervisor Meegan was aware of the meeting as well as the issue, the meeting was published properly and the media was notified.

Mr. Kims questioned if the board members planned to have any discussions with Kevin Gaughn.

Supervisor Meegan responded that this issue is the prerogative of the people and has nothing to do with the board members.

David Monolopolus presented petitions in favor of upsizing the Town Board and commented that over the last two years the town has missed opportunities because of downsizing. He questioned where Mr. Gaughn's volunteers were that were going to help the town and thanked the board for saving money by avoiding a special election.

Frank Boncore disagreed with Mr. Monolopolus and stated that the people voted to reduce the board in 2009. When the current board members ran for office there was no mention of upsizing and now they are complaining they do not have enough help.

ISSUES OF THE PUBLIC

UPSIZING OF TOWN BOARD (continued)

Councilman Hart stated the petitions being circulated and the opportunity of having this issue on the November ballot instead of at a special election is why he decided to support the upsizing proposition. He further stated he originally voted against downsizing but believes the current Town Board is very effective, has accomplished a lot, and will learn to work better together. The three person board has been in place for three years and the voters will now have the chance to use their judgment and once again vote on this issue.

Mr. Kims asked for an explanation on what opportunities are being missed.

Town Attorney Shawn Martin stated that things occur on a daily basis that require attention and some issues cannot wait two weeks to be addressed. The inability of board members being able to talk to each other creates problems.

Councilman Hart stated he would like to have more work sessions. He further commented on the number of hours he puts in as councilman and the various meetings he attends to keep apprised of what is going on in town government.

Paula Minklei suggested that a work session be held once a week so the public can hear the board member's discussions. She further commented on past Town Boards with five members and stated the public did not get the benefit of all their deliberation.

Evelyn Hicks commented on the minimal salary earned by the board members and the number of hours they work, noting that it excludes some people from running for public office because of the time involved, especially when there are only three board members. Mrs. Hicks appreciated the board members' attendance at Planning & Zoning Board meetings, etc. and stated she supported upsizing the Town Board because there would be a fairer distribution of the workload.

Frank Russo suggested that the Town Board make a motion to stop paying health insurance, pensions, etc. for board members. This would reduce the salaries of the council members and then people may not have a problem increasing the size of the Town Board.

Councilman Rusinski stated he believes the number of Town Board representatives in a given municipality should be governed by the taxpayers and that residents want their elected officials to have the courage to step up to a contentious issue in an effort to save taxpayer dollars. Similar to other local municipalities, West Seneca taxpayers want to be heard on this issue and knowing that the submission of petitions was eminent, the decision was made to put the question on the November ballot rather than risk incurring the cost of a special election. Councilman Rusinski commented that asking the public for their input is good government and there is no better opportunity to bring a resolution to this issue than a presidential election with a high voter turnout.

ISSUES OF THE PUBLIC

SEARCHING MINUTES ON TOWN WEBSITE

James Greenway commented that he frequently reviews what is going on in town by searching the minutes on the town's website; however, since January of this year he has been unable to perform a search of the minutes that have been posted online.

Town Clerk Jacqueline Felser stated that since the beginning of this year the minutes have been put online as a pdf file which is why a search will not work. She will have the minutes posted as a word document so they will be searchable.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Town Attorney Shawn Martin stated he has three litigation matters to discuss with the board members in Executive Session.

Councilman Rusinski suggested a motion be made that the board go to Executive Session last after all other business is discussed.

Councilman Hart and Supervisor Meegan agreed but stated that a motion is not necessary to accomplish that.

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:30 P.M.

Ayes: All Noes: None Motion Carried

The board returned from Executive Session at 8:50 P.M.

ADJOURNMENT

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

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER, TOWN CLERK

Legal Notice
164 Slade Avenue
West Seneca, N.Y. 14224

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 a special use permit for the following described property from its classification of C-1 to C-1(S).

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 Nos. 291 and 292, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the easterly line of Lot No. 291 (being the westerly line of Lot No. 292), distant 817.24 feet southerly from the northeast corner of said Lot No. 291, said northeast corner being and intending to be located in the center line of Potter Road f/k/a Potters Corners Road as originally laid out as a 66 foot wide public right of way and also being and intending to be the northeast corner of lands conveyed to the Central School District No. 1 of the Town of West Seneca and Orchard Park, Erie County, New York, dated October 16, 1956 and recorded October 19, 1956 in the Erie County Clerk's Office in Liber 6075 of Deeds at page 448;

THENCE 01°42'40" W, along the easterly line of Lot No. 291 a distance of 361.10 feet to the True Point or Place of Beginning;

THENCE 01°42'40" W, and continuing along the easterly line of Lot No. 291, a distance of 312 feet to a point;

THENCE 88°17"20" W, a distance of 213.82 feet to a point in the easterly line of Parcel No. 693 of Map No. 615 of lands acquired for Southern Expressway, Section 1-Duerr Road to Potters Road;

THENCE 19°59'43" W, along the easterly line of said Parcel No. 693, a distance of 426.44 feet to a point;

THENCE 70°00'13" E, a distance of 58.48 feet to a point;

THENCE 19°48'37" E, a distance of 112.71 feet to a point;

THENCE 88°05'11" E, a distance of 275.86 feet to the True Point or Place of Beginning.

Whereas, this Town Board held a public hearing on the 15th day of October at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting a special permit for 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 a special permit be granted and the same is hereby rezoned from C-1 to C-1(S) for an electronic billboard

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.

Jacqueline A. Felser, Town Clerk
Dated: October 17, 2012

RESOLUTION

ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS

At a Regular Meeting of the West Seneca Town Board Erie County, New York, held at the West Seneca Town Hall, 1250 Union Road, West Seneca, New York on the 15th day of October 2012 at 7:00 PM Eastern Prevailing Time, there were:

Present: Supervisor Sheila Meegan, Councilmen John Rusinski and Eugene Hart

Supervisor Meegan read the following Resolution and moved its adoption:

WHEREAS, following the Public Hearing of October 15, 2012 which was held at the West Seneca Town Hall for suggestions by the public for projects to be submitted for consideration of funding,

NOW, THEREFORE BE IT RESOLVED, that the West Seneca Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2013-14 grant cycle:

1st Priority - North Avenue Milling and Repaving Project, with a total project cost of $155,500, requesting $100,000 in CDBG funds, and $55,500 to be matched by the Town's Highway Department Force.

2nd Priority - Stephenson Road Reconstruction Project, with a total project cost of $307,000, requesting $100,000 in CDBG funds and $207,000 to be bonded by the Town.

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

Seconded by **Councilman Hart** and put to a vote this resulted as follows:

AYES: 3 **NOES: 0**

Jacqueline A Felser

Jacqueline Felser, TOWN CLERK