

11-B LEGAL NOTICES

2. (continued)

No comments were received from the public.

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 Rusinski, to approve a special permit for property located at 1956 Ridge Road, being part of Lot No. 296, changing its classification from M-1 to M-1(S), for service of alcoholic beverages.

Ayes: All

Noes: None

Motion Carried
APPENDICES

11-C COMMUNICATIONS

1. Town Attorney re Purchase requiring Town Board approval

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize payment to General Code in the amount of \$1,195 for annual maintenance of our Town Code online (E-Code) from May 1, 2013 - April 30, 2014 noting that funding is available in budget line #1.1420.0449.

Ayes: All

Noes: None

Motion Carried

2. Town Engineer re Purchase requiring Town Board approval

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the purchase of ArcGIS software in the amount of \$13,628 which includes four licenses and a two year maintenance agreement, noting that funding has been appropriated for this purchase in budget line #03.8100.1459.

Ayes: All

Noes: None

Motion Carried

3. Town Engineer re Attendance of employees at ArcGIS training seminar

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize Matt English, Erik Finbar, John Gullo, Ron Pfeil and one (1) additional highway designee to attend an ArcGIS training seminar, July 9th and 10th, 2013 at a total cost not to exceed \$5,050 and noting that funds are appropriated for this training in budget line #03.8100.1459.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

4. Town Engineer re Bid awards for Police Addition Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bids for the Police Expansion Project as follows: Mechanical Contract to Tri-R Mechanical Services Inc. at their low bid amount of \$149,891; Plumbing Contract to MLP Plumbing & Mechanical Inc. at their low bid amount of \$61,800; Electrical Contract to South Buffalo Electric, Inc. at their low bid amount of \$171,738 with alternate (E1) bid amount of \$4,982.

On the question, Councilman Hart noted these were all the low bidders.

Ayes: All Noes: None Motion Carried

18. Town Engineer re Bid award for Police Addition Project – General Contractor

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the General Contractor bid for the Police Expansion Project to Sicoli Construction Services, Inc. at their low bid amount of \$814,700 noting that funding for this project will be paid by various town grants and money that was bonded and approved earlier this year.

On the question, Councilman Hart noted this is the low bidder.

Ayes: All Noes: None Motion Carried

5. Town Engineer re Bid award for Cardinal, Larkwood, Woodmar and Greenbranch Road Reconstruction Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the Greenbranch, Larkwood, Woodmar and Cardinal Lane Reconstruction Project to DiPizio Construction Co., Inc. at their low bid amount of \$1,611,241 noting that funding for this project was bonded and approved earlier this year.

On the question, Councilman Hart noted this is the low bidder and their bid was under the engineer's estimate.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

6. Town Engineer re Review of Town's 2012 Annual Storm Water Report
- Motion by Supervisor Meegan, seconded by Councilman Hart, that the 2012 annual stormwater report prepared by the WNY Stormwater Coalition will be available for public review in the Town Clerk's office May 20 – 24, 2013 from 9:00 A.M. to 5:00 P.M.
- Ayes: All Noes: None Motion Carried
7. Town Engineer re Budgetary transfer request
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a budgetary transfer request of \$7,000 from GIS #03.8100.1459 to Salary - Engineering #03.8100.0144 to provide for an intern to work on GIS related projects.
- Ayes: All Noes: None Motion Carried
9. Chief Denz re Resignation of Edward H. Jarka as part-time Public Safety Dispatcher
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to accept the resignation of Edward H. Jarka as part-time Public Safety Dispatcher effective May 9, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
10. Chief Denz re Status change for part-time Public Safety Dispatcher Richard Miller to seasonal
- Motion by Councilman Rusinski, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatcher Richard Miller to part-time seasonal effective May 1 - 31, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.
- Ayes: All Noes: None Motion Carried
11. Highway Supt. re Re-bid date for brush chipper
- Motion by Supervisor Meegan, seconded by Councilman Hart, to reject all bids from the April 16, 2013 bid opening and set a new bid date of May 29, 2013 at 10:00 A.M. for receipt of bids on the purchase of one (1) brush chipper for the Highway Department.

On the question, Highway Supt. Matthew English stated bids received were scattered and vague. Going forward the specifications will be changed so that all potential vendors will be bidding on the same equipment.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

12. Highway Supt. re
Appointment of part-time
seasonal laborers in
Buildings and Grounds
Department

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint the following part-time seasonal laborers in the Buildings & Grounds Department effective May 20 – August 23, 2013 at a rate of \$7.25 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Thomas Bebak
Kelsey Dellaneve
Tony Domros
Pat Keane

Devin Chavanne
Tyler Sullivan
Matt Wolf

Dylan Biddeman
Austin Boehm
Andrew Breen

Ayes: All

Noes: None

Motion Carried

13. Finance Director re
Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a budgetary transfer request of \$2,000 from Contingent Acct. #001.1990.0480 to Mandated Training #001.1010.0414 to establish a training line for town board members.

Ayes: All

Noes: None

Motion Carried

14. Senior Recreation Therapist
of Sr. Services re
Appointment of P. Pomana &
F. Maracle as van drivers

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Peter Pomana and Francis Maracle as part-time van drivers for the Senior Center's Going Places Van Service effective May 13, 2013 at a rate of \$7.25/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the application process and if this position is advertised on the website. He further inquired if driving records are checked and if drug testing takes place.

Senior Recreation Therapist of Sr. Services Mary Josefiak responded she receives letters from a multitude of interested people and fills the positions as they become available. She was not sure if this position is advertised on the town's website and to date applicants have not been drug tested.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

15. Director of Recreation re Appointment of part-time clerk typists in the Recreation Department
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Moe Mosher and Grace Reedy as part-time clerk typists in the Recreation Department effective May 13, 2013 at a rate of \$10/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

16. Director of Recreation re Status change for part-time supervisors M. Talluto & M. Melski to seasonal
- Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Recreation Supervisor Michael Talluto to seasonal at a rate \$11/HR and part-time Recreation Supervisor Matt Melski to seasonal at a rate of \$18/HR effective June 1 - September 1, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated Mr. Melski's salary is based on the tremendous amount of responsibility he will assume.

Ayes: All Noes: None Motion Carried

19. Finance Director re Workers Compensation
- Motion by Councilman Hart, seconded by Councilman Rusinski, to authorize the Supervisor to sign an agreement with the State of New York Workers' Compensation Board whereas the Town of West Seneca will make three equal payments of \$78,836.33 on or before September 30, 2013, September 30, 2014 and September 30, 2015 for outstanding assessments due, and noting the payment plan is being granted with the understanding that the town will continue to pay current assessment bills as they become due.

On the question, Councilman Hart asked Finance Director Laura Landers for clarification.

Ms. Landers responded this an interest free agreement allowing the town to make three equal payments over a three year period to the Workers' Compensation Board for past due assessments.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

20. Finance Director re
Establishment of Reserve
Accts.

Motion by Councilman Hart, seconded by Councilman Rusinski, to establish four reserve accounts in accordance with General Municipal Law, Section 6 as follows: accrued employee benefits; retirement contribution; insurance and workers compensation.

On the question, Finance Director Laura Landers discussed how the establishment of four reserve accounts is proactive planning and stated she would like to set these reserve accounts in place at this meeting and present a resolution with a funding plan in June.

Ayes: All

Noes: None

Motion Carried

11-D REPORTS

- Jacqueline A. Felser, Town Clerk's report for April 2013 received and filed.
- John A Gullo, Code Enforcement Officer's report for March and April and Plumbing report for April 2013 received and filed.

11-E WARRANT

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - \$460,408.11; Highway Fund - \$62,743.29; Special Districts - \$78,971.80; Prepaid - \$75.00 (voucher #'s 78062 - 78579); Trust & Agency Fund - \$37,976.24 (voucher #'s 78469 - 78489); Capital Fund - \$65,811.55 (voucher #'s 78394 - 78436)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

VACANT HOUSES

Judy Cline voiced concerns about vacant properties in disrepair on her street. After contacting the Code Enforcement Office she was informed the town is limited to only enforcing building codes if property taxes are being paid. Problems begin to compile when properties become incomplete foreclosures because banks take over tax payments. Ms. Cline suggested the town put pressure on banks regarding incomplete foreclosures and stated that buildings need to be demolished when necessary.

ISSUES OF THE PUBLIC

VACANT HOUSES (continued)

Supervisor Meegan responded she is very familiar with this issue, has been in contact with local representatives and is working aggressively with the Code Enforcement Office in an attempt to resolve this problem. When property managers are negligent the town will back charge the cost of maintaining these properties.

POLICE EXPANSION PROJECT

Amy Carpenter questioned the total cost for the police expansion project.

Supervisor Meegan responded that the cost is about \$1.3 million with \$600,000 being funded through grants.

UNION CONTRACTS & SALARIES

Amy Carpenter questioned if union contracts along with employee salaries are going to be available online.

Supervisor Meegan responded that employee salaries will be available online within a week. Union contract questions can be directed to her office since the format is not compatible for placement on the town's website.

SHOOTING RANGE

Joe Guadagno questioned when would be the appropriate time to express his opposition to the shooting range now that the local law has been modified.

Supervisor Meegan referred to the town's website for agenda dates and responded that Mr. Guadagno can speak at upcoming Planning and Town Board meetings.

Town Attorney Shawn Martin stated because of the proposed location of the shooting range this will go to the Industrial Park Review Committee instead of the Planning and Town Board.

Code Enforcement Officer John Gullo stated the overlay criteria and NYS building codes have to be met to be in compliance. He suggested Mr. Guadagno send a letter to his office stating his concerns and he will forward a copy to the Industrial Park Review Committee.

Mr. Martin stated any further modification to Article 74 will have to be readdressed through the adoption of another local law, separate from the one approved tonight.

ISSUES OF THE PUBLIC

SAFE ACT

Joe Guadagno referred to a previous meeting where board members publically opposed the Safe Act due to the manner in which it was hurried through the Senate and Assembly and excluded law enforcement. He questioned if the board would publically support the Safe Act now that these issues have been addressed.

Councilman Hart responded that he supports portions of the Safe Act such as background checks on all gun transfers and sales. He thought the process itself should have been more organized and discussed publically.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

CHIEF DENZ EXPRESSES THANKS

Chief Denz thanked board members along with friends and family for their support.

BURCHFIELD RESTROOM & STORAGE FACILITY PROJECT

Town Attorney Shawn Martin recommended that all bids be rejected on the Burchfield Restroom & Storage Facility Project.

Motion by Councilman Hart, seconded by Councilman Rusinski, to reject all bids from the May 7, 2013 bid opening for the Burchfield Restroom and Storage Facility Project.

Ayes: All

Noes: None

Motion Carried

NATIONAL GOLDEN AGE GAMES WEEK

Councilman Rusinski read a proclamation designating May 30th – June 4th, 2013 as National Golden Age Games Week in the Town of West Seneca.

BALD FOR BUCKS

Councilman Rusinski congratulated West Seneca students on the terrific job of raising over \$100,000 for the Bald for Bucks Program.

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

**TOWN BOARD PROCEEDINGS
Minutes #2013-011
May 13, 2013
Page twelve . . .**

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 7:50 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

TOWN OF WEST SENECA

LOCAL LAW 2013-04

LOCAL LAW MODIFYING SECTION 74 - - FIREARMS

§74-1 Legislative Findings: The Town Board of the Town of West Seneca, County of Erie, and State of New York, finds that the discharge of firearms within said Town, is hazardous to the residents of the Town and the general public.

§74-2 Discharge of Firearms Prohibited: Except as hereinafter excepted or permitted, no person, firm, association or corporation shall discharge any firearm or permit any firearm to be discharged within the Town of West Seneca. The foregoing prohibition shall not apply to

- (a) duly constituted law enforcement officers engaged in the lawful performance of their duties; or
- (b) the discharge of any firearm as part of any approved indoor shooting facility properly supervised in an area or building occupied and maintained for that purpose at the following location(s):
 - (i) 1000 North America Drive, West Seneca, N.Y. 14224.
- (c) Any person and/or entity who has obtained or obtain a permit as described in Section 74-3 of the West Seneca Town Code

§74-3 Permit required for discharge: Upon application by the owner or occupier of land within the Town of West Seneca, the Town Board may issue a permit for the discharge of firearms thereon. The application shall be referred to the Police Chief for review and recommendation by the Police Department. If, following such review, the Town Board determines that the discharge of firearms on the land area covered by the application is appropriate, it shall issue a permit to the owner authorizing the discharge of firearms on his land or such part thereof as the Town Board shall determine. The Town Board may further establish conditions or restrictions with respect to the permit in order to prevent hazard to persons or property. Any permits issued pursuant to this Section shall be maintained in the Town Clerk's Office. Permits issued under this Section shall be valid for one year and each shall expire on December 31st of the year.

§74-4 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 two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days for each such offense, or by both such fine and imprisonment.

§74-5 Severability: If any section, clause or provision of this article or the application thereof to any person is adjudged to be invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses and provisions of this article are declared to be severable.

§74-6 When effective: This article shall take effect immediately upon filing with the New York State Department of State.