

22-C TABLED ITEMS

1. (continued)

Councilman Hart noted that payment should be made to Clark Patterson Lee rather than Richard Henry. He further requested an analysis be conducted breaking down the hours since the town does not know what the actual cost will be and questioned if Clarke Patterson Lee will bill the town for any hours over the allotted \$5,000 stipend.

Town Engineer Richard Henry responded he is currently working on an analysis and the town will not be billed beyond the \$5,000 stipend without prior Town Board approval.

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Richard Henry III as Stormwater Management Officer for the Town of West Seneca at an annual compensation of \$5000 payable to Clark Patterson Lee, noting the amount will be prorated for the remainder of the year.

Ayes: All

Noes: None

Motion Carried

22-D COMMUNICATIONS

1. Supervisor Meegan re Annual 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 Sunday, October 27, 2013, 2:00 – 4:00 P.M. on designated streets in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

2. Councilman Rusinski re Title change for Matthew Melski

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Matthew Melski as part-time Recreation Supervisor and appoint Matthew Melski as part-time Youth Service Program Coordinator at a rate of \$18/HR, effective October 17, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated he was aware the position was advertised and that several people applied, but he questioned why no interviews were conducted and why there was no process in place to select an individual for this position. People who applied for the job never had a chance and others who were interested were discouraged from applying.

22-D COMMUNICATIONS

2. (continued)

Supervisor Meegan strongly disagreed and stated that Matt Wach was asked to put a calendar together and was afforded the opportunity to take on this position. A total of four people that work for the town applied for the position and all resumes received were reviewed. Mr. Melski currently works for the town and within the school system and letters of recommendation were received on his behalf.

Councilman Rusinski commented that all applicants are not necessarily interviewed when applying for a position.

Ayes: (2) Councilman Rusinski, Supervisor Meegan

Noes: (1) Councilman Hart

Motion Carried

3. Town Attorney re Time Warner Cable Franchise agreement

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to execute the attached settlement agreement with Time Warner Cable for unpaid franchise fees in the amount of \$67,821 discovered during an audit.

On the question, Councilman Rusinski questioned how the settlement amount was reached.

Town Attorney Shawn Martin stated the calculations of all recipients of cable within the town were taken into consideration and he recommended acceptance of the settlement agreement.

Councilman Hart questioned if the actual amount due is greater than the settlement offer.

Mr. Martin responded that \$67,821 is the actual amount due, but does not include interest.

Ayes: All

Noes: None

Motion Carried
APPENDICES

4. Town Engineer re Erie County Community Development Block Grant Requests

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution and authorize the Supervisor to sign, submit and execute a contract for projects to be considered for funding and approval by the Erie County Community Development Block Grant Program during the 2014-15 grant cycle.

On the question, Councilman Hart questioned the scope of the town's first priority project at the Senior Citizens Center and if it included the bathrooms becoming fully compliant to ADA standards.

22-D COMMUNICATIONS

4. (continued)

Town Engineer Richard Henry responded that bathrooms will be included but they do not know the full scope of the project. The resolution has to be approved today to secure funding and they are continuing to work on the dollar amount.

Councilman Hart questioned the town's second priority project.

Mr. Henry responded after meeting with Highway Superintendent Matthew English he is recommending repaving North Avenue and Inter Drive, noting these streets fall within the CDBG eligible area.

Ayes: All

Noes: None

Motion Carried

5. Town Engineer re Economic and Fiscal Analysis Agreement

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the Supervisor to execute the attached agreement with Camoin Associates to conduct an economic and fiscal impact analysis for the Seneca Mall site.

On the question, Councilman Rusinski stated he agrees with the study but expressed concern about the verbage. He referred to a previously passed resolution which states the dollar amount is not to exceed \$30,000, yet an attachment in the agreement shows a fixed fee of \$25,000.

Town Engineer Richard Henry responded this was his mistake. The fixed fee language will be removed and the agreement will be amended to read "not to exceed."

Councilman Hart stated he has numerous concerns and commented if this project were to go forward it will be considered huge and impact all of Western New York, yet they do not have a lot of information about the developer. He did not feel they had enough information to go forward at this time and questioned spending \$25,000 when there are so many unanswered questions such as infrastructure and sewage.

Mr. Henry responded he has spoken with Camoin and they are aware they have to have more information from the developer in order to go forward. Upon approval, Camoin will present the developer with a list of questions. Mr. Henry stated the purpose of the study is to assess the fiscal impacts to get the answers so they can go forward.

Councilman Hart suggested the developer provide the town with \$25,000 and the town will spend it on their behalf and do the study.

22-D COMMUNICATIONS

5. (continued)

Town Attorney Shawn Martin responded the developer should not pay for a study that the town is requesting.

Supervisor Meegan stated they will be finding out what the potential is for the town's investment and whether or not the investment will have a return for taxpayers. She commented that the town has an opportunity to do something and they cannot continue to let the site sit there as it has for so many years. The developer is asking for assistance to pursue a Seneca Place project of 3 million square feet of mixed use buildings, community center, retail, residential, office, hotels, parking, etc. Supervisor Meegan stated this project will not go forward at risk to the Town of West Seneca taxpayers.

Councilman Rusinski stated that West Seneca is screaming for economic development and the town has made the mistake of being too idle in the past. The analysis will provide insight as to whether this type of development has economic potential for West Seneca. He did not feel any board member would put taxpayers at risk.

Councilman Hart stated there doesn't seem to be any involvement by the IDA's or the development corporation of New York State and he feels there should be more substance with regard to the developer's marketing and business plan. Councilman Hart questioned how soon information will be provided to the board members and if the recommendations and numbers will be made public at that time.

Mr. Henry responded they have a total of 60 days; 30 days to gather the information and another 30 days to compile the information and report back to the town.

Mr. Martin stated if the report has an exception with regard to acquiring property or contract negotiations involving costs, information will not be made public. He will have to see the report before he can make a determination as to whether or not the information provided will be made public at that time.

Councilman Hart stated he is ready to discuss the entire project with the public so they are fully aware of what the proposal is. He would like to see the Seneca Mall property developed and is willing to look for his own developer and take the property by eminent domain to acquire a reasonable project.

Ayes: All

Noes: None

Motion Carried
APPENDICES

22-D COMMUNICATIONS

6. Town Engineer re Purchase requiring Town Board approval
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize payment of \$5,300 to SJB Services, Inc. to complete a subsurface investigation and geotechnical report to determine soil conditions for installation of a new 36" overflow sewer between the siphon under Cazenovia Creek and Plant 5.

Ayes: All Noes: None Motion Carried

7. Highway Supt. re Bid date to replace fuel pump & fuel system
- Motion by Supervisor Meegan, seconded by Councilman Hart, to set a date of November 6, 2013 at 10:00 AM for receipt of bids to replace the fuel pump and fuel system at the Highway Department.

On the question, Councilman Hart questioned if the engineers will be involved in this and Town Engineer Richard Henry responded that his department is not involved with this project.

Ayes: All Noes: None Motion Carried

8. Highway Supt. re Bid date to replace roof at Buildings & Grounds
- Motion by Supervisor Meegan, seconded by Councilman Hart, to set a date of November 6, 2013 at 10:10 AM for receipt of bids to replace the roof at the Buildings & Grounds Department located at 45 South Avenue.

Ayes: All Noes: None Motion Carried

9. Town Clerk re Budgetary amendment request
- Motion by Supervisor Meegan, seconded by Councilman Hart, to increase revenue account #01.0001.3060 (Records Management Grant) \$47,906 and increase expense accounts #01.1410.0442.3333 (Records Management) \$41,100; #01.1410.0139.3333 (PT Clerical) \$1,806; & #01.1410.0200.3333 (Equipment) \$5,000; noting that the source of funding for this request is grant money awarded from The State Education Dept.

On the question, Councilman Hart questioned what the \$41,100 will be used for.

Town Clerk Jacqueline Felser responded the money will be used for digital conversion of building/property records with the work performed by Biel's Information Technology.

Ayes: All Noes: None Motion Carried

22-D COMMUNICATIONS

10. Town Clerk re Purchase requiring Town Board approval
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize payment of \$41,100 to Biel's Information Technology Services for digital conversion of building/property history data file records in the Code Enforcement Office as specified in the 2013-2014 Local Records Management Improvement Fund Grant awarded to the Town of West Seneca, Line Item #01.1410.0442.333.

Ayes: All Noes: None Motion Carried

11. Code Enforcement Officer re Rezoning request for Clinton St. from R-65 and R-100A to R-50
- Motion by Supervisor Meegan, seconded by Councilman Hart, to refer the rezoning request for Clinton Street to the Planning Board for recommendation.

Ayes: All Noes: None Motion Carried

12. Supervisor Meegan re Solicitor's permit for Clinton Brown
- Town Attorney Shawn Martin stated Clinton Brown has had his solicitor's permit previously revoked on two occasions and is seeking reinstatement. A number of complaints were lodged against Mr. Brown by West Seneca residents, one of which occurred after his permit was revoked. Mr. Martin stated the determination of the Town Clerk refusing to award Mr. Clinton a new permit is justified, appropriate and proper in order to provide protection to the residents of West Seneca under the town's ordinance governing solicitors and peddlers.

Mr. Brown stated his permit was revoked because he was the manager responsible for problematic individuals who no longer work for the company. He currently oversees six employees who are issued individual permits and anytime an issue arises he personally speaks with residents/police officers to rectify the situation. Mr. Brown feels his permit was revoked because of problems created by individuals that are no longer employed by the company.

Mr. Martin submitted records outlining complaints maintained by the Police Department and Town Clerk to the Town Board for consideration.

Mr. Brown stated his company is not selling anything. Employees go door-to-door offering residents price protection on their gas and electric rates and it is a voluntary agreement between the resident and agent.

Town Clerk Jacqueline Felser added her office along with the Police Department has received several complaints and some individuals who do not have permits are soliciting in groups of two or three which is intimidating to the residents.

22-D COMMUNICATIONS

12. (continued)

Mr. Brown stated employees are trained on the job and will at times be in small groups when soliciting. Individual permits are \$200/EA and it is not cost efficient to seek a permit for all applicants since it is unknown whether or not they will stay with the company.

Mr. Martin responded it may not be cost efficient to permit all individuals who apply; however, it is in compliance with the rules of West Seneca. He advised Mr. Brown that a determination for re-issuance of his solicitor's permit will be provided to him in writing within thirty days.

Ayes: All

Noes: None

Motion Carried

22-E REPORTS

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

22-F 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 - \$165,714.58; Highway Fund - \$102,311.84; Special Districts - \$42,033.11; Capital Fund - \$826,108.60 (voucher #'s 80477-80818); Trust & Agency Fund - \$34,180.31 (voucher #'s 18347-18363)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

CAMELOT SQUARE PHASE 3

Lynn Jentsch questioned if a tree survey was done for Camelot Square Phase 3.

Code Enforcement Officer John Gullo responded that a tree survey was completed and he did not have an exact number of trees taken down but estimated approximately 110 trees will be replaced on the new lots (2 trees per lot). The developer will attempt to save as many trees as possible on the west side of the property; however, problems do arise when attempting to complete final grading on these types of projects.

ISSUES OF THE PUBLIC

CAMELOT SQUARE PHASE 3 (continued)

Councilman Rusinski suggested the homeowners talk to the developer and ask for consideration.

Mrs. Jentsch stated the deer have become a problem in her neighborhood since the property was cleared and suggested laws be put in place for areas of development.

Supervisor Meegan responded there are laws in place. The developer has an approved plan and is able to develop his property. The displacement of wildlife is a concern, but no rules were broken and the property is zoned properly to develop.

Ms. Jentsch suggested changing the codes.

Councilman Hart stated he feels the Master Plan and Town Code need to be reviewed and revised if necessary and questioned the last time codes were reviewed. He suggested the possibility of having contractors notify adjoining property owners prior to development.

Code Enforcement Officer John Gullo responded a number of codes were changed approximately ten years and commented that the process takes time.

Paula Minklei stated the public should be informed and involved when the Town Code is being reviewed and suggested possible weekly work sessions.

TREE REPLACEMENT ON RECONSTRUCTED STREETS

Karen Lucachik referred to a previous board meeting where she suggested board members consider a law requiring mandatory tree replacement on reconstructed streets similar to the code used for trees in new build areas. She questioned whether the board members had reconsidered her suggestion.

Supervisor Meegan responded that residents have the option as to whether or not they would like a new tree in reconstructed areas, but a different approach was initiated in 2012. Residents are now invited to meetings and given a calendar of events outlining the project in their neighborhood.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments.

Finance Director Patrick Clancy responded that a payment was received for October.

ISSUES OF THE PUBLIC

YES PROGRAM

Karen Lucachik questioned why the town is involved with the YES program.

Supervisor Meegan responded they are attempting to bring the program up to today's standards to see if it is viable, noting that requests for assistance have been received from the school districts.

Mrs. Lucachik did not believe the YES program is needed and stated that volunteerism is conducted directly through the West Seneca School system. She questioned the hiring of Mr. Melski as Youth Service Program Coordinator earlier in the meeting.

Supervisor Meegan responded that Mr. Melski currently works within the schools in the before and after programs and will help coordinate and inevitably conclude whether this is a viable program.

Ms. Lucachik did not believe the town should be involved and questioned why Councilman Rusinski knew about the hiring and Councilman Hart did not.

Supervisor Meegan responded that Councilman Rusinski is the liaison for the Recreation Department; however, both councilmen were aware of Mr. Melski's hiring.

Councilman Rusinski stated he had consulted with Recreation Director Craig Kroll and asked him specifically if he felt this program needed to continue.

Mr. Kroll stated he feels this program provides a great service to the town and noted that it is partially funded by the state.

Mrs. Lucachik stated the schools are already taking care of this program and the town should not be hiring someone for this position, noting other towns run their program solely through the school system. Mrs. Lucachik further commented on the hiring of Mary Josefiak for the position of Senior Recreation Therapist of Senior Services.

Supervisor Meegan responded that she and Mrs. Josefiak had both volunteered at different events involving the leukemia society and Queen of Heaven carnival, but she did not know her personally before she was hired by the town.

Senior Recreation Therapist of Senior Services Mary Josefiak stated she was made aware of a job opening from an article she had read in the West Seneca Bee and was one of twelve applicants who applied. Mrs. Josefiak stated she had 25 years experience working at the Developmental Center prior to being hired by the town and the title is competitive and was changed to conform to the title she previously held when working for the state.

ISSUES OF THE PUBLIC

YES PROGRAM (continued)

Frank Russo questioned why the town is involved with the YES program and commented on the pay rate of \$18/HR.

Supervisor Meegan responded it was necessary to fill the position in order to receive grant money and \$18/HR was the rate of pay when the program was previously overseen by Jolynn Keane.

Councilman Rusinski clarified that this is not a newly created position.

Mr. Russo questioned if this position was monitored and work hours checked when Ms. Keane was appointed last year. He commented on the simplicity of the work, stating once it is established no further work is involved. Mr. Russo further referred to other part-time employees in the Recreation Department and questioned why they are not capable of performing the work.

Supervisor Meegan stated the position is monitored.

Councilman Rusinski stated the Recreation Director position has gone from a full-time position to a part-time position and part-time employees have limited hours.

Mr. Russo questioned how many hours per week Mr. Melski will work and commented on the lack of interviews for the position.

Supervisor Meegan responded that Mr. Melski will work approximately 5 – 10 hours weekly and he was interviewed by the entire board when previously hired as part-time Recreation Supervisor.

Councilman Rusinski stated there are times applicants are over qualified and other times when individuals have already performed a job and performed it well.

Mr. Russo questioned how many hours per week Ms. Keane worked.

Mr. Kroll responded that Ms. Keane worked 19 hours per week.

Councilman Hart stated that Ms. Keane also performed other office work within the Recreation Department and attended scheduled evening events.

ISSUES OF THE PUBLIC

SENECA MALL SITE

Amy Carpenter questioned if the Seneca Mall site is a public/private venture.

Councilman Hart responded according to the developer, having the site be a public/private venture may be the only way to move forward.

Beverly Leising questioned what line item in the proposed 2014 budget the \$30,000 allotment for the Economic and Fiscal Analysis Agreement will be taken.

Supervisor Meegan responded the allotment is in the 2013 sewer budget line #03.8100.0445.

TREE POLICY

Amy Carpenter stated she is very concerned about trees being cut in town and the displacement of animals and commented it is time for the Town Board to seriously consider changes to the Town Code.

Councilman Hart questioned the language of the current code regarding trees.

Code Enforcement Officer John Gullo responded that two trees per lot are required in a new subdivision and most communities clearcut trees and then require the developer to replant because issues of grading and drainage are common in new subdivisions when areas are not clearcut. Mr. Gullo further stated a tree removal permit is required by residents who own an acre or more of land and want to remove a tree and the removed tree is required to be replaced.

Beverly Leising questioned who is responsible for keeping trees trimmed in a development, stating the trees in her neighborhood need trimming.

Code Enforcement Officer John Gullo responded the Highway Department is responsible for trimming trees in the right-of-way and Supervisor Meegan stated she will tell Highway Supt. Matthew English to check it out.

Mrs. Leising questioned if an individual can trim the trees.

Supervisor Meegan responded individuals trim trees all the time; however, she recommended residents contact the Highway Department.

Mrs. Leising suggested the Highway Department return to reconstructed streets every five years to check whether the trees need trimming.

ISSUES OF THE PUBLIC

WELCOME PACKAGES FOR NEW HOMEOWNERS

Beverly Leising questioned if the welcome letter included in the packet for new residents contains information regarding do's and don'ts in town and suggested it include information on the negatives involved with birdfeeders and feeding deer.

Councilman Rusinski responded the welcome packet contains brochures from different departments outlining the services each department provides and the brochures are modified to address issues and questions that are frequently asked. He further stated that additional information and education will be provided when the totes are distributed.

PUBLIC AWARENESS DAY OF QUIET

James Hanlonson suggested designating a public awareness day of quiet on lawn equipment in the spring and summer of 2014 and proposed that residential neighborhoods have a day of quiet one day each week. Mr. Hanlonson stated this is a quality of life issue and used to be common practice.

RAT PROBLEM

Nunzio Esposito questioned the status of the rat problem.

Supervisor Meegan responded the town is getting garbage totes to help alleviate the existing rat problem. Paperwork was recently finalized with the contractor and totes will begin to be rolled out on January 6th, a process that will take approximately 28 days to complete. Public education will also be provided on rat control, feeding the deer and the use of bird feeders.

GREENMEADOW DRIVE RECONSTRUCTION

Nunzio Esposito complimented the town on the reconstruction work that took place on Greenmeadow Drive last year.

HIRING IN TOWN

Johanna Guenther voiced her concern that the town continues to hire people even though population in West Seneca has decreased in the last 13 years. She read and referred to an article written about West Seneca from a couple years ago that commented on how the West Seneca Town Board needs to work for the people and stated that not much has changed since then.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

2013 TAX SEASON

Town Clerk Jacqueline Felser thanked her office staff for their work during the school tax season.

GARBAGE /RECYCLING TOTES

Supervisor Meegan announced garbage and recycling totes will begin to be distributed on January 6th. The garbage tote (95 gallon) and lid will be blue in color and the recycling tote (65 gallon) will be blue in color with a green lid.

BICYCLE PATH ON UNION ROAD

Supervisor Meegan stated that New York State will be stenciling a bicycle path along Union Road within the next six weeks.

MORTGAGE SEMINAR

Supervisor Meegan announced the Town of Cheektowaga is sponsoring a NYS Mortgage Assistance program on October 24th 9:00 A.M. – 5:00 P.M. at Cheektowaga Town Hall.

HEALTH CARE FAIR

Senior Recreation Therapist of Senior Services Mary Josefiak announced a Health Care Fair will take place tomorrow at the Senior Citizens Center.

DAY CAMP PRESENTATION

Recreation Director Craig Kroll stated he will be doing a power point presentation on Day Camp at the next work session.

EXECUTIVE SESSION

Motion by Councilman Hart, seconded by Supervisor Meegan, to recess to Executive Session at 3:50 P.M. to discuss one litigation matter and one contract matter.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 4:25 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 4:25 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK