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

TOWN BOARD PROCEEDINGS
Minutes #2013-27
December 16, 2013

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
		John M. Rusinski	Councilman
		Eugene P. Hart	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 Jose Martinez, Coletta Lowell, Colin Wegner Frances Switzer, Joseph Pace and Richard Homer.

27-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve Minutes #2013-26 of December 2, 2013.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the December 2, 2013 Executive Session.

  Ayes: All Noes: None Motion Carried

The regular order of business was suspended for a presentation on the Yes Program.

YES Director Matthew Melski stated the YES Program is a volunteer program designed for youth in West Seneca between the ages of 12 and 18 and provides a variety of services including hosting community events and assisting local organizations with activities. When first appointed, Mr. Melski was to analyze the value of the program and create a strategic plan for its longevity if it were to continue. The program is in the process of being reorganized and updated and several meetings have been held to acquire feedback on how to make the YES Program a success in the future. Mr. Melski stated that YES receives strong community support and is valued by the agencies it assists. Letters were sent to volunteers encouraging them to remain active and expressing that potential lack of participation could result in the program's demise. Current membership is on the rise and more than 20 volunteers are active on a regular basis. In addition to monthly activities the YES Program will continue to focus on hosting large scale seasonal events (i.e. Breakfast with Santa), establish an advisory board consisting of high school students and create a membership guide/handbook.

Supervisor Meegan thanked Mr. Melski for his presentation and commended him and YES volunteers for their participation in the Breakfast with Santa event held over the weekend.

Councilman Rusinski commented that Mr. Melski is doing a terrific job with the transition plan he has in place.

Councilman Hart stated his initial concern with Mr. Melski's appointment was that all applicants were not interviewed; however, he complimented Mr. Melski on the terrific job he has done thus far.

27-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Rusinski, 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 2447 CLINTON STREET, BEING PART OF LOT NO. 1, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR PERMISSION FOR AUTOMOTIVE REPAIR" in the Town of West Seneca, be received and filed.

   Ayes: All Noes: None Motion Carried

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

   Ayes: All Noes: None Motion Carried

   Attorney Ralph Lorigo represented property owner Joseph Gatta. Mr. Lorigo stated Mr. Gatta has cleaned up the property and made substantial improvements since he purchased it last December. The buildings consist of a two-family residence with an office front, a storage barn and a large metal building. At the time of purchase, the barn and metal building were used by Schaub Equipment rental for storage; however, Schaub has since vacated the building. Mr. Gatta, a mechanic and resident of West Seneca, would like to perform automotive restoration on muscle cars in the large metal building. He has no employees and will work a few evenings a week between 6:00 – 9:00 and Saturdays, generating minimal traffic in and out of his property. He also does occasional mechanical work for customers and friends. There will be no structural change to the building and no outside storage of vehicles or painting. The Zoning Board of Appeals granted a variance to reduce the width of the driveway and number of parking spaces. The Planning Board unanimously made a recommendation for approval conditioned upon moving the handicapped parking space south to the fence and no outside storage of vehicles. Mr. Lorigo referred to the surrounding commercial properties and stated letters of approval from the surrounding neighbors were submitted to the Planning Board.

   Councilman Hart questioned why there will be no painting involved in the restoration of vehicles.

   Mr. Lorigo responded not all vehicle restoration requires painting and there is a collision shop next door where painting can be performed if needed.

27-B LEGAL ITEMS

1. (continued)

Beverly Leising questioned if there will be any tax changes to the property and what a new owner will be allowed to do if the property is sold.

Supervisor Meegan responded there will be no tax changes to the property and a new owner will have to comply with the special permit as approved.

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 2447 Clinton Street, being part of Lot No. 1, changing its classification from C-2 to C-2(S), for automotive repair, conditioned upon moving the handicapped parking south to the fence and no outside storage of vehicles.

Ayes: All Noes: None Motion Carried

APPENDICES

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 FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2013-06, MODIFICATION TO TOWN CODE CHAPTER 92 PROPERTY MAINTENANCE" 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

Amy Carpenter questioned if there will be any guidance on how to maintain bird feeders so that bird seed remains contained within the feeder and not on the ground.

Town Attorney Shawn Martin responded the Town Code does not specify approved bird feeders; however, if there is a documented problem with rodent infestation the individual will be in violation.

Mrs. Carpenter further questioned if the adopted local laws will be included in packages provided to citizens at the time of tote distribution and if there will be information provided regarding recyclable items.

27-B LEGAL ITEMS

2. (continued)

Supervisor Meegan responded that including the entire local law would be cost prohibitive, but the town is working on a flyer that will be included with each tote. The flyer will provide all necessary information regarding tote usage, placement, garbage cans etc. Additional totes can be purchased and smaller totes requested 60 days after rollout. Recycling information will be available on the website.

Linda Toy questioned tote placement for residents in the city line area and Supervisor Meegan stated totes should be placed at the end of the driveway.

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

Ayes: All Noes: None Motion Carried

3. 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 2013-07, MODIFICATION TO TOWN CODE CHAPTER 101 SOLID WASTE" 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

Town Attorney Shawn Martin stated he met with Highway Supt. Matthew English and revisions were made to the proposed law as follows: Section 101-4 Program Requirements, Separation and Preparation – "Brush and grass clippings must be placed in aluminum/plastic cans, recyclable paper bags or bushels, not plastic bags;" Section 101-7 Placement of receptacles for collection – "The Town of West Seneca will collect cut grass, brush and tree parts produced by owner or occupants, not commercial contractors and residents. Private contractors will be responsible for removing any debris they produce on residential property."

Supervisor Meegan questioned how early placement of garbage at the curb will be handled.

Highway Supt. Matthew English responded the majority of complaints of early garbage placement are resolved once the sanitation foreman leaves a notice at the residence. If the issue is not resolved a violation letter is then sent. Mr. English further stated the proposed changes in the code will not affect the average resident, but it will address contractors being responsible for disposal of their own waste materials.

27-B LEGAL ITEMS

3. (continued)

Mr. Martin noted that only provisions that apply specifically to the totes are being changed; the rest of the chapter will stay in effect.

Councilman Hart commented this will be a big step toward reducing the rat problem, but it will not eliminate it. The public must also be educated on how they can assist with rat control.

Councilman Rusinski questioned how carpet removal will be handled.

Mr. English responded that carpeting must fit inside the tote and there is also a spare truck at the Highway Department where residents can bring carpeting for disposal.

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

Ayes: All Noes: None Motion Carried

Supervisor Meegan stated the above mentioned revisions will be made to the proposed local law and a public hearing will be scheduled for December 30th. Roadway (located in the Industrial Park) is allowing the town to use their site for rollout of the totes and an agreement was made with RW Publications for bags that will contain tote literature. High school students along with YES volunteers will meet at Burchfield and prepare bags for distribution.

4. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION AUTHORIZING THE PURCHASE AND FINANCING OF 4 GARBAGE TRUCKS (THE "TRUCKS") AT A TOTAL ESTIMATED COST OF $900,000; NEW GARBAGE AND RECYCLING TOTES (THE "TOTES") AT A TOTAL ESTIMATED COST OF $1,500,000 AND THE RETROFITTING OF EXISTING GARBAGE TRUCKS TO ACCOMMODATE NEW GARBAGE AND RECYCLING TOTES (THE "RETROFITTING") AT A TOTAL ESTIMATED COST OF $60,000 (THE "TRUCKS", THE "TOTES" AND THE RETROFITTING ARE COLLECTIVELY REFERRED TO AS THE "EQUIPMENT"), AND FURTHER AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR BOND ANTICIPATION NOTES IN THE AMOUNT OF $2,500,000 TO COVER THE COSTS OF THE EQUIPMENT PLUS THE COSTS OF ISSUANCE AS PERMITTED BY LAW" in the Town of West Seneca, received and filed.

Ayes: All Noes: None Motion Carried

27-C COMMUNICATIONS

1. Town Engineer re Water System Conversion to ECWA

Town Engineers Jason Foote and Richard Henry gave a power point presentation (see attached) and brief overview on the proposed conversion of the town's water system from lease managed to direct service. Executive Engineer Wes Dust and Executive Director Robert Gaylord were also in attendance.

Mr. Henry stated the proposed conversion will ultimately be decided by the public. A map and legal description will be published and another public hearing will be scheduled once a memorandum of understanding is executed between the town and Erie County Water Authority. The public hearing will provide residents the opportunity for comments and input. Once started, the process will take approximately two years to complete.

Beverly Leising questioned the difference between the conversion of water districts and the conversion of sewer districts.

Mr. Henry responded there is no difference and public information meetings will be scheduled to educate residents on this issue.

Supervisor Meegan commented on the importance of the public being informed on this issue and stated it will continue to be discussed at subsequent public hearings.

Councilman Hart stated the conversion to direct service will be most beneficial to smaller individual districts that have a heavier burden; however, there will be overall significant savings once the debt is paid off.

Mr. Henry noted that all eight districts affected will have to agree in order for the conversion to take place.

Mr. Gaylord stated the recommended work should be done regardless of whether or not the conversion to direct service takes place and accelerating some of this work will get rid of long term liabilities.

Dave Kims questioned if there will be a cost increase to residents who are already in a direct service district.

Mr. Henry responded that residents in those districts will not be affected.

Mrs. Leising questioned why damaged hydrants are not covered by insurance.

Town Attorney Shawn Martin responded there are instances when the town will submit the bill to an individual's insurance company for payment if the damage is caused by that individual.

27-C COMMUNICATIONS

2. Supervisor Meegan re Equipment purchase

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase and installation of ADA compliant built-in steps from the Vinyl Outlet for the Burchfield Nature and Art Center at a price of $7,908 noting funding is available under budget line item 005.7420.0200.0521.

On the question, Councilman Hart questioned the source of funding and Supervisor Meegan responded that funds are in place under the Burchfield bonding.

Ayes: All Noes: None Motion Carried

3. Supervisor Meegan re Appointment of Melissa Denecke as part time clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Melissa Denecke as part-time clerk at a rate of $10/HR effective December 17, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

4. Town Engineer re Princeton Estates Subdivision – Phase 3 & 4, final acceptance

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the Princeton Estates Subdivision, Phase 3 & 4 (24 sublots) completed by Cimato Brothers Construction Inc., 9220 Transit Rd, E. Amherst, NY 14051.

Ayes: All Noes: None Motion Carried

5. Town Engineer re Engineering services proposal for Cazenovia Creek siphon installation

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize GHD Consulting Engineers, LLC to complete the design services for the installation of a new siphon and modifications to the junction chamber located near Plant 5 for a total fee of $348,000 noting the amount includes a $10,000 allowance for assisting Clark Patterson Lee during the bidding and construction phases and funding is available under budget line item 005.8100.0200.0524 (Capital Sewer Project).

On the question, Councilman Hart questioned the use of GHD Consulting Engineers and Town Engineer Richard Henry responded that GHD Consulting Engineers previously assisted the town with the consent order process required by the DEC.

Councilman Hart requested a description of the siphon and how it will work.

27-C COMMUNICATIONS

5. (continued)

Town Engineer Jason Foote responded that a bottleneck currently exists at West High School where all water converges and continues to flow under the creek toward Plant 5. The bottleneck is the main reason why overflows occur at that location and improvements to the siphon and the downstream 36" sewer will allow for more storage and capacity. The siphon is a difference in head pressure; the pressure upstream is higher than pressure downstream allowing it to flush much like a toilet. A low flow chamber will be active during most days and a larger chamber will spill over during high days, allowing the system to flush out.

Ayes: All Noes: None Motion Carried

6. Highway Supt. re Bid date for purchase of 2013 excavator

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of January 8, 2014 at 10:00 AM for receipt of bids on the purchase of a 2013 excavator with swing broom, blade and rubber pads for the Highway Department, noting funding is available in the Highway Reserve Fund.

Ayes: All Noes: None Motion Carried

7. Highway Supt. re Termination of James Maslanka

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate James Maslanka as part-time seasonal laborer in the Sanitation Department effective December 2, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8. Chief Denz re Purchase requiring Town Board approval

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the purchase of a Microsoft Exchange email system and corresponding licensing fees for the Police Department in the amount of $8,795 noting this purchase is based on NYS contract pricing and will be handled through SynchroNet, 3654 Clinton Street with funding available under budget line 1.3120.0210.

On the question, Councilman Hart questioned what an exchange email system is and Chief Denz responded the title is a proprietary name of the operating system. The department will be updating to Windows 7 and replacing the current operating system which is outdated.

Ayes: All Noes: None Motion Carried

27-C COMMUNICATIONS

9. Code Enforcement Officer re Rezoning request for 3531 Seneca Street from C-1 to C-2

Motion by Supervisor Meegan, seconded by Councilman Hart, to refer the rezoning request for 3531 Seneca Street to the Planning Board for recommendation.

On the question, Councilman Rusinski questioned if this request is for the entire parcel.

Code Enforcement Officer John Gullo responded the request is for the entire parcel and the owner can apply for special permits at a later date.

Ayes: All Noes: None Motion Carried

27-D REPORTS

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

27-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 - $70,802.89; Highway Fund - $60,670.07; Special Districts - $27,331.72; Capital Fund - $665,453.56 (voucher #'s 80974-81736); Trust & Agency Fund - $28,515.37 (voucher #'s 81740-81757)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

RECREATION COMMISSION

Amy Carpenter questioned the status of the Recreation Commission and if members met this year. She further suggested utilizing the Recreation Commission for input regarding the proposed summer camp and YES program and requested their meeting minutes be posted on the town's website.

Supervisor Meegan responded the Recreation Commission has not reconvened since a member passed away and Councilman Hart stated Recreation Director Craig Kroll will be recommending two new individuals for appointment.

ISSUES OF THE PUBLIC

YES PROGRAM

Beverly Leising questioned the cost of instituting the YES Program. She further questioned supervision and transportation of the volunteers, if the volunteers receive credit for service and if background checks are run.

Supervisor Meegan responded the YES program is already in place. The volunteers are not always supervised, they acquire their own transportation and often receive credit for service on their college applications. Background checks are not run on the volunteers.

Councilman Rusinski noted that if an individual is classified as a youthful offender when conducting a background check, records are sealed making it cost prohibitive to acquire any information.

RECYCLING

Linda Toy questioned who will do recycling for the town.

Supervisor Meegan responded the contract for recycling will be put out to bid.

Town Attorney Shawn Martin stated the current contractor has approximately eight months left on their contract; however, their trucks are not retrofitted. Conversations are ongoing and this issue will be addressed in the near future.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SIDEWALKS

Code Enforcement Officer John Gullo reminded all residents and business owners to shovel their sidewalks.

TRANSFER OF PAPER STREET TERRACE BLVD.

Town Attorney Shawn Martin requested approval of a resolution authorizing the transfer of property on the paper street Terrace Blvd.

Motion by Councilman Hart, seconded by Councilman Rusinski, to authorize the transfer of property on the paper street Terrace Blvd., subject to easements over the water line and ditch on the western end of the property.

Ayes: All Noes: None Motion Carried

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

YOUTH BASKETBALL CLINIC & HOCKEY REGISTRATION

Recreation employee Lauren Masset reported that the youth basketball clinic has begun and registration is still open for men's over 30 hockey on Tuesday & Thursday nights.

SUMMER CAMP

Recreation employee Lauren Masset commented on the proposed summer camp program and stated she is waiting to receive a packet from the NYS Health Department containing information on a safety plan. Ms. Masset stated she wrote a draft employee and parent's handbook and is currently working on activities for the camp. She anticipates presenting a final plan for approval to the Town Board in February or March.

CANNED SOUP DRIVE

Recreation employee Lauren Masset reported today is the last day for the canned soup drive. She estimated receipt of over 200 non perishable food items that will be donated to the West Seneca food pantry and thanked Town Board members and department heads for their support.

BOARD ACCOMPLISHMENTS

Councilman Hart reflected on the Town Board's accomplishments over the past two years and thanked fellow board members for their hard work and the public for their patience.

PASSPORT & DMV SERVICES

Supervisor Meegan spoke with Erie County Clerk Chris Jacobs and announced two services that will be held in West Seneca on a regular basis. Passports on the Move will be held January 15th from 10:00 AM to 2:00 PM at the Ice Rink for anyone interested in acquiring a passport. A portable van offering DMV services will be available once a week on Fridays from 9:00 AM to 3:00 PM at the ice rink.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)

Supervisor Meegan announced Senator Patrick Gallivan is actively working on the IDA's with the Community Choice Act which will afford West Seneca an opportunity to have conversations with other neighboring municipalities.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

HOLIDAY WISHES

Town Board members and department heads wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:25 P.M.

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER, TOWN CLERK

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-2 to C-2(S) for automotive restoration:

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 1, Township 10, Range 7 of the Buffalo Creek Reservation described as follows:

Beginning in the center line of Clinton Street as a 66 foot right-of-way 867.24 feet east of its intersection with the west line of Lot 1; thence southerly at right angles 33 feet to the south line of Clinton Street and the principal point of beginning; thence continuing in a straight line southerly 235.15 feet; thence easterly parallel with the north line of Lot 1, the original center line of Clinton Street, 75 feet; thence northerly parallel to the west line of the herein described premises 228.07 feet to the south line of Clinton Street as widened by deed to the County of Erie recorded in liber 2335 of Deeds at page 30; thence westerly along the south line 41.03 feet to an angle point in the south line of Clinton Street; thence continuing along the south line 34.97 feet to the principal point of beginning; together with a right-of-way and easement for ingress and egress over a driveway situate on the premises next easterly..

Whereas, this Town Board held a public hearing on the 16th day of December 2013 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-2 to C-2(S), subject to the following restrictions:

1) The area for handicapped parking be moved South to the fence; and
2) No outdoor storage of vehicles

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.