



**2-C COMMUNICATIONS**

1. Supervisor Meegan re Retirement of Terry Williams  
Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Terry Williams and terminate him as Motor Equipment Operator in the Highway Department effective January 30, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan thanked Mr. Williams for his years of service, dedication and commitment to the community.

Highway Supt. Matthew English wished Mr. Williams the best in his retirement, noting his almost 40 years of service to the town.

Ayes: All

Noes: None

Motion Carried

2. Highway Supt. re Appointment of Jeremy Musial as Sanitation Motor Equipment Operator  
Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Jeremy Musial as Sanitation Motor Equipment Operator and appoint Jeremy Musial as Highway Laborer, Group 1, Step 1, at a rate of \$25.36/HR effective January 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart asked Highway Supt. Matthew English to explain how individuals move through the ranks in the Sanitation Department to the Highway Department.

Mr. English responded that Mr. Musial is ranked #1 in seniority in the Sanitation Department, allowing him to move to the Highway Department as a laborer due to a recent retirement. Mr. English noted the move of an individual from sanitation to highway is contractual.

Ayes: All

Noes: None

Motion Carried

3. Highway Supt. re Appointment of Joseph Demma as full time Sanitation Laborer  
Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Joseph Demma as part-time Sanitation Laborer and appoint Joseph Demma as full-time Sanitation Laborer at a rate of \$18.06/HR effective January 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hanley questioned if Mr. Demma was first in line for this full-time appointment.

**2-C COMMUNICATIONS**

3. (continued)

Highway Supt. Matthew English responded that appointments of full-time laborers are step based and Mr. Demma is first in line.

Councilman Hart questioned if these types of appointments are contractual.

Mr. English responded that full-time appointments are based on an individual's work performance as an alternate. When there is an opening, he and the general foreman in charge of sanitation jointly make a recommendation for a full-time appointment. Mr. Demma has been an alternate for 4.5 years at 7.25/HR and has earned the full-time job.

Ayes: All

Noes: None

Motion Carried

4. Code Enforcement Officer re  
Rezoning request for 14  
Center Road

Motion by Supervisor Meegan, seconded by Councilman  
Hart, to refer the rezoning request for 14 Center Road to  
the Planning Board for recommendation.

On the question, Councilman Hart asked Code Enforcement Officer John Gullo to explain this process.

Mr. Gullo responded that rezoning requests are presented to the Town Board for referral to the Planning Board for review. The Planning Board will then make a recommendation to the Town Board for approval or denial of the project.

Ayes: All

Noes: None

Motion Carried

5. Code Enforcement Officer re  
Rezoning request for 117  
French Road

Motion by Supervisor Meegan to refer the rezoning  
request for 117 French Road to the Planning Board for  
recommendation.

Motion failed due to lack of a second.

6. Code Enforcement Officer re  
Variance for property located  
at 2412 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman  
Hart, pursuant to Section 120-34B of the Town Code, to  
approve a height variance of 54' for DePaul Properties,  
Inc. proposed redevelopment of 2412 Seneca Street.

On the question, Councilman Hanley questioned different addresses on the application and the cover letter.

**2-C COMMUNICATIONS**

6. (continued)

Code Enforcement Officer John Gullo responded that 2412 Seneca Street is a mailing address; however, 2400 Seneca Street is considered the complete parcel. If approved, this project will go to the Planning Board for recommendation for a special permit and then back to the Town Board for final approval.

Ayes: All

Noes: None

Motion Carried

7. Sr. Recreation Therapist of Senior Services re Status change for Virginia Antos and Marirose Bless to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time clerk typist Virginia Antos and part-time food service worker Marirose Bless to part-time seasonal effective February 3 - 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hanley questioned if the seasonal status allowed 40 hour work weeks for three weeks.

Supervisor Meegan responded the seasonal status allows 30 hour work weeks for up to 26 weeks.

Ayes: All

Noes: None

Motion Carried

8. Sr. Recreation Therapist of Senior Services re Status change for Barbara Brooks to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time ceramic instructor Barbara Brooks to part-time seasonal effective February 3 – April 30, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

9. Sr. Recreation Therapist of Senior Services re Termination of Donald Bebak as van driver

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate part-time Van Driver Donald Bebak effective January 16, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

## **2-D REPORTS**

- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of January 27, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of January 27, 2014 received and filed.

## **ISSUES OF THE PUBLIC**

### **ZONING BOARD MEETING**

Dale Clarke referred to the Zoning Board meeting held on January 22<sup>nd</sup> and asked the Town Attorney to check the legality of it since it was not published. He further suggested that Councilman Hart & Councilman Hanley broke the open meetings law by attending the meeting and discussing town business.

Councilman Hart responded that he and Councilman Hanley did attend the Zoning Board meeting, but they did not discuss town business. Also, there was no discussion on items that required publication and they were tabled until the next meeting.

David Monopolus questioned why no information was available on the website regarding the Zoning Board agenda.

Councilman Hanley responded the transition has not been as smooth as they would like it to be.

### **HARLEM ROAD FLOODING**

Dale Clarke referred to the flooding of Harlem Road and numerous surrounding streets on December 28, 2013 and stated that Harlem Road Park flooded a few years ago when he was Councilman. At that time, he walked the area of National Fuel Gas where the flooding had originated and was told by Mr. Hanley, an employee of National Fuel Gas, the area would be cleaned up. After the recent flooding of Harlem Road and the surrounding areas, Mr. Clarke returned to National Fuel Gas and the property had not been cleaned up. He had pictures of a completely plugged drain tile and questioned what will be done to ensure that this flooding does not happen again.

Councilman Hart responded that flooding of this area is due in part to a broken waterline and partial collapse of a lining inside a pipe. They are currently discussing payment and settlement options with engineers.

**ISSUES OF THE PUBLIC**

**HARLEM ROAD FLOODING** (continued)

Councilman Hanley stated he did not speak with Mr. Clarke at National Fuel Gas. Mr. Clarke spoke with another employee and told him if they did not get a piece of pipe out of the creek he would have them in court. Councilman Hanley stated he was then informed of this upon returning to work at the end of the day. He further stated he recently walked the creek along Harlem Road and this is not the property in question that was flooded; however, the park located on Indian Church Road is the area with the most blockage. The creek was plugged from Harlem Road by the NYS Thruway bridge and Indian Church Road at all entrance points.

Councilman Hart requested Town Engineer Richard Henry comment on the flooding and possible cause, particularly on Emporium Avenue.

Mr. Henry responded he did not want to speculate on the cause of the flooding; however, he did walk the area with Councilman Hanley and Highway Supt. Matthew English. He stated the National Fuel Gas property has areas where pipe is restricted and an area crossing the NYS Thruway has a downed chain link fence causing major backups. Mr. Henry stated there are at least three different jurisdictions (state, town and private property owners) responsible for cleaning and maintaining these areas and a plan is being developed to address this issue.

Councilman Hanley stated the railroad is another involved jurisdiction.

**GARBAGE TOTES**

An Ebenezer Drive resident voiced her concern regarding the size of the garbage and recycling totes and questioned their overall use and placement at the curb and on her property. She was not happy that use of the totes is required and did not believe the rat problem in her neighborhood will be resolved because of their use.

Supervisor Meegan responded that discussions for the purchase of both garbage and recycling totes have been ongoing for over three years. The garbage trucks have been retrofitted so the totes are lifted and dumped by the truck.

Highway Supt. Matthew English stated that starting March 20<sup>th</sup> residents can call the Highway Department to exchange their 95 gallon garbage tote for a 65 gallon tote.

**STATUS OF AMERICORPS PAYMENTS**

Amy Carpenter questioned the status of this month's AmeriCorps payment.

Comptroller Jean Nihill responded she was not aware of the payment, but she will get the information and report back.

**ISSUES OF THE PUBLIC**

**STATUS OF AMERICORPS PAYMENTS** (continued)

Supervisor Meegan suggested Attorney Charles Grieco meet with former Town Attorney Shawn Martin regarding the AmeriCorps contract.

**FEASIBILITY STUDY STATUS**

Amy Carpenter questioned the status of the Seneca Mall site feasibility study.

Supervisor Meegan responded the study is ongoing and extensive conversations have taken place with police and fire district. It will take a couple more weeks to gather data and information will be forthcoming at that time.

**EMPLOYMENT OF PREVIOUS TOWN ATTORNEY**

Amy Carpenter questioned if former Town Attorney Shawn Martin is still being retained as legal counsel on pending matters, and if so, for how long.

Supervisor Meegan responded there are pending matters that are unfinished and his employment is currently open ended.

**PROPOSED DEVELOPMENT OF 2400 SENECA STREET**

Linda Toy voiced her concern regarding proposed plans for 2400 Seneca Street, stating it doesn't appeal to her and a three story building is totally out of character for the neighborhood.

Councilman Hart responded that representatives from DePaul Properties are present at this meeting and are interested in establishing neighborhood information groups. He suggested Mrs. Toy speak with the representatives and possibly assist in creating these groups.

**RECOGNITION OF BOARD, HIGHWAY & POLICE DEPARTMENT**

Dave Monopolus thanked the Town Board, Highway Supt. Matthew English and the Police Department for their assistance in the Lexington Green neighborhood during the flood.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**LOCAL LAW 2014-01 & 2014-02**

Supervisor Meegan introduced Local Law #2014-01 modification to Chapter 101, Solid Waste and Local Law #2014-02 modification to Chapter 92, Property Maintenance.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**LOCAL LAW 2014-01 & 2014-02** (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing on February 10, 2014 at 7:00 P.M. to consider Local Law #2014-01 modification to Chapter 101, Solid Waste.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing on February 10, 2014 at 7:00 P.M. to consider Local Law 2014-02 modification to Chapter 92, Property Maintenance.

Ayes: All

Noes: None

Motion Carried

**DAY OF CARING**

Code Enforcement Officer John Gullo reported over 220 people volunteered to assist residents in the Lexington Green neighborhood for the Day of Caring event held on Saturday, January 25, 2014. Mr. Gullo stated he is working with residents to conduct secondary assessments and more detailed inspections in order to be more specific as to what needs to be done. He also received an email from the Small Business Administration and will be meeting with them in the near future.

Councilman Hart thanked Mr. Gullo, the Supervisor's office, Highway Department and everyone that volunteered their services at the Day of Caring event and announced that the Community of Churches is holding a meeting tomorrow night to further discuss assisting residents in the Lexington Green neighborhood. A neighborhood relief fund is being finalized and donations can be made at M & T Southgate branch or given directly to him. An application process is being established for families to apply for replacement of lost personal items. Once this program is in place it may become permanent for possible future use and faster reaction time.

Supervisor Meegan stated that Governor Cuomo's office provided a mobile unit to assist residents with insurance claims. The Engineering Department has submitted a letter to the state and a log of expenses incurred such as overtime and use of equipment is being kept. She will be meeting with the Army Corps of Engineers along with the town's engineering department to put together a flow of progress. Congressman Higgins is attempting to have a study done on the creek to better understand what actually occurred. Supervisor Meegan further commented on the outpouring of support and help from the community.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**SUMMER DAY CAMP PROGRAM**

Recreation Director Craig Kroll stated he will be doing a final power point presentation on the safety plan for the summer day camp program at the February 10<sup>th</sup> work session.

**EXECUTIVE SESSION**

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 7:35 P.M. to discuss four personnel issues with Chief Denz, Town Engineer Richard Henry, Comptroller Jean Nihill and the attorney.

Ayes: All

Noes: None

Motion Carried

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

**ADJOURNMENT**

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

Ayes: All

Noes: None

Motion Carried

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**JACQUELINE A FELSER, TOWN CLERK**