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

TOWN BOARD PROCEEDINGS
Minutes #2014-03
February 10, 2014

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 Chief Denz and the singing of God Bless America by the West Seneca Youth Theater.

ROLL CALL: Present - Sheila M. Meegan — Supervisor
Eugene P. Hart — Councilman
William P. Hanley, Jr. — Councilman

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

Members of the West Seneca Youth Theater presented a check in the amount of $8465 representing donations received at their recent fundraiser to benefit the Lexington Green area flood victims.

The meeting was dedicated to the memory of James Cronin, Donald Kane and Joseph Tripi.

3-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2014-02 of January 27, 2014.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the December 4, 2013 bid opening for replacement of the fuel pump and system at the Highway Department.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve minutes from the January 24, 2014 bid opening for the 2014 Sanitary Sewer Repair Project.

  Ayes: All Noes: None Motion Carried

3-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 HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2014-01, MODIFICATION TO CHAPTER 101, SOLID WASTE" in the Town of West Seneca, be received and filed.

   Ayes: All Noes: None Motion Carried

3-B LEGAL ITEMS

1. (continued)

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

Ayes: All Noes: None Motion Carried

Attorney Shawn Martin advised that the Solid Waste local law was changed based on feedback received. The local law was renumbered #2014-01 and incorporates all the changes.

Susan Kims questioned who pays for the totes if they are damaged and if there are any plans for a program to assist seniors and the disabled with handling their totes.

Highway Supt. Matthew English responded the totes have a 10 year warranty and as soon as they get through the distribution process and exchange program they will be discussing some type of program to assist senior citizens and disabled residents.

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 Local Law #2014-01 modification to Chapter 101, Solid Waste.

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 2014-02, MODIFICATION TO 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

Attorney Shawn Martin stated the Property Maintenance local law was renumbered #2014-02.

No comments were received from the public.

3-B LEGAL ITEMS

2. (continued)

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 Local Law #2014-02 modification to Chapter 92, Property Maintenance.

Ayes: All Noes: None Motion Carried
APPENDICES

3. Proofs of publication and posting of legal notice: "OF THE ADOPTED CHANGE IN THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1976 RIDGE ROAD, BEING PART OF LOT NO. 296, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR AUTOMOTIVE SALES & SERVICE" in the Town of West Seneca received and filed. (Thomas Shea)

Ayes: All Noes: None Motion Carried

3-C TABLED ITEMS

1. Supervisor Meegan re Appointment of Board of Plumbing Examiners — Remained on the table.

2. Supervisor Meegan re Designation of Step 3 Grievance Officer — Remained on the table.

3-D COMMUNICATIONS

1. Supervisor Meegan re Modern Recycling contract — Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to sign the attached contract with Modern Recycling Inc., noting the bid for a one year contract for weekly collection of recyclable materials with four (4) one year renewal options was previously accepted by the Town Board at a special Town Board meeting held on January 17, 2014.

Ayes: All Noes: None Motion Carried
APPENDICES

3-D COMMUNICATIONS

2. Supervisor Meegan re Retirement of Alan Kerner & Anne Rappold

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Alan Kerner and terminate him as Working Crew Chief/Deputy Highway Superintendent and accept the retirement of Anne Rappold and terminate her as Highway Maintenance Clerk effective February 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Highway Supt. Matthew English offered best wishes to Mr. Kerner and Mrs. Rappold on their retirement.

Anne Rappold thanked all her co-workers for their kindness over the last 20 years. Al Kerner also commented on his 38½ years of service to the town and thanked the community for their support.

Ayes: All Noes: None Motion Carried

3. Supervisor Meegan re Building Safety Month proclamation

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached proclamation declaring May 2014 Building Safety Month.

On the question, Code Enforcement Officer John Gullo stated this is in cooperation with the International Code Council that governs the codes throughout the country. The Town of West Seneca will now be listed on their website and this will afford them other promotions to advertise with.

Ayes: All Noes: None Motion Carried
APPENDICES

4. Town Engineer re Smoke testing investigation & report proposal

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the smoke testing investigation and report proposal submitted by Sewer Specialty Services Company, Inc., 2462 New Road, Leicester, New York 14481 in the amount of $32,000 noting work will be completed in order to determine the condition of sewer mains and laterals and funding is budgeted under the $30M capital sewer project.

On the question, Councilman Hart questioned what area will be done under Phase IV and if the proposal from Sewer Specialty Services Company was a quote or bid.

3-D COMMUNICATIONS

4. (continued)

Town Engineer Jason Foote responded that Phase IV will include relining and manhole rehabilitation of the area west of Town Hall and north of Main Street up to Seneca Street. Sewer Specialty Services Company's quote is under the procurement amount.

Town Attorney Charles Grieco advised the new procurement amount is $35,000.

Ayes: All Noes: None Motion Carried

5. Town Engineer re Bid award for 2014 Sanitary Sewer Repair Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the 2014 Sanitary Sewer Repair Project to CMH Company Inc., 12704 North Road, Alden, NY 14004 at their low total bid amount of $271,895.

On the question, Councilman Hart commented on the considerably low bid compared to others.

Town Engineer Jason Foote stated he discussed this with the contractor and they are comfortable with it. The dollar amount is not guaranteed; it is based on the number of repairs in a given year and he is expecting it will be less than this amount at the end of the year.

Ayes: All Noes: None Motion Carried

6. Town Engineer re SEQRA determination for 2014 Sewer Repair Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached SEQRA determination resolution for the 2014 Sanitary Sewer Repair Project, noting the work shall be considered a Type II Action in accordance with SEQRA regulations.

Ayes: All Noes: None Motion Carried
APPENDICES

7. Town Engineer re Bid date for Burchfield Center restroom & storage building

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of March 18, 2014 at 10:00 AM for the following contracts relative to construction of a restroom and storage building at the Burchfield Center:

- procurement contract for purchase of a pre-fabricated storage building
- concrete and site related work

Ayes: All Noes: None Motion Carried

3-D COMMUNICATIONS

8. Highway Supt. re Bid award for fuel pump replacement

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for replacement of the fuel pump and fuel system at the Highway Department to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14057 at their low bid amount of $46,000.

Ayes: All Noes: None Motion Carried

9. Chief Denz re Termination of Patricia Maw as Matron & part-time Crossing Guard

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Patricia Maw as Police Matron and part-time Crossing Guard effective February 2, 2014 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 Appointment of Kristen Kaminski and Lisa Cudihy as part-time Police Matrons

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Kristen Kaminski and Lisa Cudihy as Police Matrons at a part-time per diem rate of $10 per hour effective February 11, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

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

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher Joshua Scanlon to part-time seasonal effective February 1 – 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Chief Denz re Purchase of six police vehicles

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the purchase of six new police vehicles to replace six police vehicles as part of the annual fleet replacement rotation, noting funding is available through the 2014 police vehicle line 1.3120.0208 and is based on NYS contract pricing.

Ayes: All Noes: None Motion Carried

3-D COMMUNICATIONS

13. Town Clerk re Appointment of Margaret Martin as Records Inventory Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Margaret Martin as Records Inventory Clerk effective February 11, 2014 at an annual salary of $37,323.88, Group 4, Step 5, noting Ms. Martin was appointed provisionally in March 2011 and recently finished with a top score on the Civil Service test and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

14. Town Clerk re Extension of tax collection

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve an extension of the time for collection of 2014 town/county taxes to June 30, 2014, noting this will allow the town to keep the penalties rather than the county receiving them.

Ayes: All Noes: None Motion Carried

15. Code Enforcement Officer re Restricted use permit for 1600 North America Drive

Town Attorney Charles Grieco questioned if a public hearing had been held on this item, noting that if the parcel is located adjacent to a residential zoning district a public hearing is required.

Code Enforcement Officer John Gullo responded there is a piece of town property located between the property in question and the residential zoning district.

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution issuing a Negative Declaration with regard to the motorcycle safety school project at 1600 North America Drive.

Ayes: All Noes: None Motion Carried
APPENDICES

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution issuing a restricted use permit for 1600 North America Drive for operation of a motorcycle safety school, subject to conditions as set forth in the resolution.

Ayes: All Noes: None Motion Carried
APPENDICES

3-D COMMUNICATIONS

16. Recreation Director re Title change for Lauren Masset to Recreation Supervisor

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Lauren Masset as part-time Clerk Typist and appoint Lauren Masset as part-time Recreation Supervisor at a rate of $13.50/HR effective February 10, 2014, noting funding is available in line item #1.7140.0149 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 re Summer Day Camp

Motion by Supervisor Meegan, seconded by Councilman Hart, to host a Summer Day Camp located at Veteran's Park, Monday – Friday from June 30, 2014 until August 8, 2014 between the hours of 9 AM – 4 PM and authorize the Supervisor to sign any necessary paperwork.

Ayes: All Noes: None Motion Carried

18. Town Engineer re Camelot Square Phase 3 Public Improvement Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Town Attorney and Town Comptroller to sign and date the Public Improvement Permit (PIP) application for Phase 3 of the Camelot Square Subdivision, noting the plans have previously been reviewed and approved.

On the question, Councilman Hart noted this is a private construction matter and will be paid for by the contractor. Upon completion of the project, the roads will be dedicated to the town.

Ayes: All Noes: None Motion Carried

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 7:30 P.M. to discuss a personnel matter with Chief Denz, Comptroller Jean Nihill and Town Attorney Charles Grieco.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 8:00 P.M.

3-D COMMUNICATIONS

19. Councilman Hart re Public Sector HR Consultants LLC amended contract

Motion by Councilman Hart, seconded by Councilman Hanley, to approve the amended contract with Public Sector HR Consultants LLC noting that certain language was removed from the original contract after review by the town's labor attorney and because of delays in the review process the term of the contract has been amended to cover the period March 1, 2014 through March 1, 2015; financial and general terms will remain as follows:

- Public Sector HR Consultants LLC shall be retained to provide human resource services for one year at the rate of $1250 per month/$15,000 annually;
- Public Sector HR Consultants LLC is authorized to develop and implement an employee handbook for use by the employees and management of the town for an additional fee of $6500;
- Other services upon specific request and authorization will be provided the Town of West Seneca at a rate of $150 per hour or for a project fee mutually agreed upon

and further, in accordance with Town Law Section 64(6) the Supervisor shall sign the agreement, file the same with the Town Clerk and provide additional signed copies to Public Sector HR Consultants LLC.

On the question, Supervisor Meegan questioned if the Healthworks paperwork should be scanned and emailed to Public Sector HR Consultants LLC.

Councilman Hart understood that all the information had been emailed to Supervisor Meegan.

Supervisor Meegan was unaware of receiving anything and will have her secretary check into it.

Ayes: All Noes: None Motion Carried

20. Councilman Hart re Library Board appointments

Motion by Councilman Hart, seconded by Supervisor Meegan, to approve the following appointments to the West Seneca Library Board:

- Paul Notaro for a five year term effective January 1, 2014 through December 31, 2018;
- Jennifer Dobe for a five year term effective January 1, 2013 through December 31, 2017;

3-D COMMUNICATIONS

20. (continued)

- Terms of the remaining current members as per motion of the Town Board dated May 7, 2012 are set to expire as follows:
  Michael Tenhagen – December 31, 2014
  Kelly A Clifford – December 31, 2015
  Bill Josefiak – December 31, 2016

and further, at the request of the Library Director, the Supervisor shall notify the director in writing of the above appointments and clarification of the terms of office for board members.

Ayes: All Noes: None Motion Carried

21. Councilman Hart re Appointment of Linda Kauderer as Deputy Town Comptroller

Motion by Councilman Hart, seconded by Councilman Hanley, on the request of Comptroller Jean Nihill and pursuant to Section 65 of the Civil Service Law, to provisionally appoint Linda Kauderer as Deputy Town Comptroller at a rate of $64,141.85 effective February 11, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated this was necessary due to some problems in the Finance Office. Mrs. Kauderer will be temporarily helping to correct the issues and he was not certain how long this will continue.

Ayes: (2) Councilman Hart, Councilman Hanley

Noes: (1) Supervisor Meegan Motion Carried

22. Councilman Hart re Leave of absence for Linda Kauderer as Account Clerk-Mini Computer Operator

Motion by Councilman Hart, seconded by Councilman Hanley, that Linda Kauderer be granted a leave of absence as Account Clerk-Mini Computer Operator effective February 11, 2014 through and including January 2, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan stated a review will take place on June 1st for the temporary transfer and there will still be requests for proposals for outsourcing payroll.

Ayes: All Noes: None Motion Carried

3-E REPORTS

- John A. Gullo, Code Enforcement Officer's report and plumbing report for January 2014 received and filed.
- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of February 10, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of February 10, 2014 received and filed.

ISSUES OF THE PUBLIC

SUMMER DAY CAMP

David Kims expressed his disappointment that the board members voted to approve the Summer Day Camp without having full knowledge of the anticipated cost. He questioned if information regarding cost estimates will be forthcoming, noting the original proposal called for none of the parks to be staffed and the presentation at this afternoon's work session indicated that three parks will be staffed.

Recreation Director Craig Kroll responded the initial weekly costs were estimated at $130 per camper, but the established weekly fees are going to be $110 for residents and $125 for non-residents. He noted the town previously spent approximately $80,000 staffing playgrounds and had no incoming revenue. The summer camp requires less staff and will generate some revenue.

Councilman Hart requested that Mr. Kroll work out the program costs and provide that information to the board members and public.

Susan Kims questioned the summer camp post hours of 4:00 – 5:00 P.M., noting many parents work until 5:00 P.M. She felt they would have more participation in the program if they extended the hours until 5:30 P.M.

Mr. Kroll responded that part-time seasonal status only allows an employee to work a maximum of 7 hours daily. The recreation staff will work staggered shifts of 8:00 – 4:00 and 9:00 -5:00 to cover pre and post camp hours.

Mary Lou Dietrich commented that St. Bonaventure Church ran a summer camp program and incorporated an extra fee for early drop off and late pick up. She understood why the current hours were in place but thought they could present a problem for residents who work until 5:00 P.M. She hoped that all options will be looked at going forward.

ISSUES OF THE PUBLIC

FLOODING IN WINCHESTER AREA

Sandy Tedesco addressed the board members regarding flooding that took place in December 2013 in his basement on Gordon Avenue and caused $8000 damage. He questioned if anything is being done to ensure that it doesn't happen again.

Town Engineer Jason Foote responded that the flooding was probably related to the sanitary sewer backup on Mineral Springs Road, noting this has been ongoing since late December and has since been repaired.

Mr. Tedesco stated the backup was storm sewer related and also affected his neighbors on Gordon, Aurora and Emporium Avenue. He was fortunate that his basement only had 8" of water while others had 4'.

Supervisor Meegan stated the sewer issue on Mineral Springs Road was within days of receiving notification of Mr. Tedesco's flooding problem. She will further investigate this issue and contact Mr. Tedesco.

Dale Clarke referred to the last Town Board meeting where Harlem Road flooding and the road being blocked off was discussed and stated the problem on Gordon Avenue is related to that incident. After speaking with numerous residents in the area who experienced flooding, he learned all problems were storm related and no one had any sanitary sewer issues. Mr. Clarke presented photos of a clogged drain and exposed tile which he feels is causing the flooding. He suggested the Town Board send a letter to National Fuel Gas requesting they clean up the site (grate, tile & drain), noting they had previously maintained this area. He further referred to a drain that needs to be fixed on Emporium Avenue that runs under the NYS Thruway and railroad tracks, drains into the creek and goes nowhere because of blockage.

Councilman Hanley responded he had walked the property and many drains were plugged; however, the area Mr. Clarke is referring to is not National Fuel Gas property but is owned by the railroad. In the past, National Fuel Gas maintained this area as a courtesy for the railroad, but stopped cleaning it when they were told by former Councilman Clarke to remove a pipe from the creek or he would have them in court. Once the pipe was removed they no longer had access to the culvert which is outside of the fence owned by National Fuel Gas.

Frank Dlabola stated his home on Emporium Avenue along with the entire Winchester area were flooded in December. He questioned who will be responsible for cleaning out all the drains in various locations and questioned if drain cleaning could be scheduled annually.

Mr. Foote responded that they wanted to get the road back in service, but there is additional work on the sewer that needs to be done.

ISSUES OF THE PUBLIC

FLOODING IN WINCHESTER AREA (continued)

Highway Supt. Matthew English stated the lines will be cleaned with the sewer jet as soon as they are able to access the area.

Councilman Hanley stated the railroad has very strict rules involving advance notification when performing work on their property and there are numerous legalities.

Mr. Dlabola questioned the total cost of the work.

Mr. Foote did not have an exact figure since repairs are still being done. He explained there are two separate sewer issues, one sanitary and the other storm and he will investigate both problems.

DAY OF CARING

Mary Lou Dietrich commented on the tremendous amount of support on the Day of Caring benefiting the Lexington Green residents. She complimented Code Enforcement Officer John Gullo, all the volunteers that showed up to help and Highway Supt. Matthew English for all his efforts with cleanup. Mrs. Dietrich acknowledged Winchester Community Church for everything they have done and continue to do. She further suggested information regarding the Neighborhood Relief Fund be put on the electronic sign.

BATHROOMS AT HARLEM ROAD PARK

Mary Lou Dietrich voiced her concern regarding the bathroom doors at Harlem Road Park facing the road, stating it presents a dangerous situation for children with vehicles passing by. She suggested the doors open toward the park where activity can better be monitored by coaches and town employees.

Supervisor Meegan thanked Mrs. Dietrich for her comments and stated she will look into it.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of AmeriCorps payments.

Jean Nihill responded payments were received for January and February.

ISSUES OF THE PUBLIC

PLANNING & ZONING BOARD NOTICES

Karen Lucachik stated she had inquired in the Town Clerk's office about posting Planning & Zoning Board notices on the town's website and was told this is now being handled by the Code Enforcement Office. She felt the response she received was an indication of a problem between offices and wanted to ensure this is a non-issue.

GARBAGE & RECYCLING TOTES

Karen Lucachik was not happy with the color and size of the totes and commented that delivery in the middle of winter was not the best idea. She was also concerned that totes were left in front of vacant homes and suggested they be picked up or moved to the back of the house.

Johanna Guenther asked the Town Board to consider providing seniors and disabled residents with assistance in handling the totes.

INDUSTRIAL PARK

Karen Lucachik referred to the work session held earlier this date and the discussion about reconstruction of North America Drive in the Industrial Park. She commented on how the town owns the road but not the park and questioned who owns it. She further commented on the ECIDA tax abatements they received and that the park is still not filled.

Supervisor Meegan responded the Nanula's are part owners of the industrial park. Lack of an egress to Route 400 is a reason why the park is not filled and the Town Board is actively pursuing that.

FEASIBILITY STUDY STATUS

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

Supervisor Meegan responded they will be receiving a draft of the study on February 28th and after it has been reviewed by the board members it will be made public, probably sometime in March.

LIBRARY COMMITTEE

Amy Carpenter questioned if the Library Committee has set dates for their meetings and if their minutes are posted. She commented that some local libraries meet with the county to discuss their needs and thought the town should do a better job in this area.

ISSUES OF THE PUBLIC

LIBRARY COMMITTEE (continued)

Councilman Hart responded that the West Seneca Library Committee meets monthly, but the dates change frequently. He referred to Erie County Library's website for information regarding meeting dates, locations and topics.

Supervisor Meegan suggested reaching out to Mr. Notaro to obtain the schedule so the information can be put online.

SEX OFFENDERS ON LEYDECKER ROAD

Amy Carpenter stated she is happy that action is being taken regarding placement of sexual predators on Leydecker Road; however, she wishes it had been done sooner. Since these homes were first built by the state it has been a concern that the rights of citizens would not be considered.

WEST SENECA FIRE DEPARTMENTS

Beverly Leising questioned if there are any plans to have paid fire departments in West Seneca and referred to previous discussions on this subject.

Supervisor Meegan responded there are no such plans and previous discussions involving fire departments had to do with the ambulance contract.

SEWER REHABILITATION PROJECT

Susan Kims questioned if homeowners are notified of defective sewer laterals discovered during the smoke testing process.

Supervisor Meegan responded that homeowners are always notified of any sewer lateral issues.

PART-TIME SEASONAL STATUS

Susan Kims questioned the definition of part-time seasonal and if the town will be obligated to offer health insurance to part-time seasonal employees under the Affordable Care Act.

Supervisor Meegan responded that part-time seasonal allows an employee to work full-time (35 hours per week) for five months, noting she misspoke and gave incorrect information at the last meeting. This health insurance issue was previously discussed with labor counsel and they did not believe it was a concern or that it would impact the town.

ISSUES OF THE PUBLIC

PART-TIME RECREATION SUPERVISOR

Susan Kims questioned if Lauren Masset's new position as recreation supervisor is full-time.

Councilman Hart responded the position is part-time.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SEXUAL OFFENDERS ON LEYDECKER ROAD

Supervisor Meegan read a letter sent to Senator Gallivan's office outlining her objection to seven sexual offenders/predators being housed on Leydecker Road. Concerns such as lack of notification to public officials, proximity to places where children congregate and the facility not being secure were some of the issues mentioned. Supervisor Meegan stated the predators were relocated from Monroe County and commented on the need for increased public awareness. She is working with Senator Gallivan to change the current law in order to better protect the public.

FLOODING IN LEXINGTON GREEN NEIGHBORHOOD

Code Enforcement Officer John Gullo announced that the Small Business Administration will be coming to town sometime next week to give assistance to people in the Lexington Green area. He further commented on the Code Red system for mass notification of residents that other municipalities have and could be used for both emergency and non-emergency notifications.

Supervisor Meegan suggested contacting Grantwriter Connie Miner to see if there is grant money available for instituting the Code Red system.

VALENTINES DAY DANCE

Recreation Director Craig Kroll stated their will be a Valentine's Day Dance at the Kiwanis Center on Friday, February 14th for 6th – 8th graders with proceeds to benefit the Neighborhood Relief Fund.

BANKS TO CREATE STATEWIDE REGISTRY

Supervisor Meegan announced that Attorney General Schneiderman's office is asking for banks to create a statewide registry to allow municipalities to track abandoned homes and enforce local laws. She commented on the need for the Town Board to move forward and update the Town Code and asked for Code Enforcement Officer John Gullo's assistance.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

WEST SENECA RESPONSE COMMITTEE

Councilman Hart stated that the West Seneca Response Committee is being formed and will be led by Rev John Klatt of St. John's Lutheran Church who has extensive experience in neighborhood rebuilding. The cleanup is done and the rebuild process will be starting. Volunteer construction crews are coming in from various parts of New York State and around the country and will be providing labor free of charge to the residents (i.e. putting up drywall, insulation, carpeting, wood floors, etc). People with damage to the structure of their homes will need more professional assistance. The West Seneca Teacher's Association is hosting the Neighborhood Relief Fund and donations have reached $29,000. A meeting will be held tomorrow at 4 P.M. and will be the beginning of setting up a process for identifying families most in need. Gifts cards will be used or materials will be bought and given to residents. The plan is to make the West Seneca Response Committee a permanent committee and have funds permanently available to assist, noting that it was mainly for Lexington Green, but he will discuss with the committee the possibility of including other areas that had property damage due to flooding. Councilman Hart stated he wasn't aware of the problem on Gordon Avenue until recently and commented that if it's a storm sewer issue it may be covered under homeowner's insurance.

Supervisor Meegan stated that Senator Gallivan sent a letter to Governor Cuomo urging him to assist families by directing an expenditure of funds. Governor Cuomo is reviewing the request but has yet to return an answer.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:55 P.M.

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER, TOWN CLERK

TOWN OF WEST SENECA
LOCAL LAW 2014-01
MODIFICATION TO TOWN CODE CHAPTER 101
SOLID WASTE

101-3 Definitions.

Delete the following definition:

GARBAGE RECEPTACLE

Add the following:

RECYCLABLE TOTE: A Town authorized container of recyclable materials with the capacity of either 65 or 95 gallons for the storage and collection of recyclable materials. All RECYCLABLE TOTES shall be the property of the Town of West Seneca, and one shall be assigned to each residential producer and other authorized unit. Any RECYCLABLE TOTE assigned to a residential producer or other authorized unit shall remain at that residence or other authorized unit and shall not be moved from the same. Additional RECYCLABLE TOTES shall be available to owners or occupants of either residential units or other authorized unit in the manner described in the definition of GARBAGE TOTE.

GARBAGE TOTE: A Town authorized container of either 95 gallons or 65 gallons for the storage and collection of garbage. One tote shall be assigned to each residential producer or other authorized unit and shall be the property of the Town of West Seneca. A person who is the owner or occupant of a residential producer shall have the option to purchase, at his or her own expense, one additional GARBAGE TOTE. There shall be no more than two (2) GARBAGE TOTES at any residential producer or other authorized unit. A person who is the owner or occupant of a business which is an authorized unit shall have the option to purchase, at his or her own expense, up to five additional GARBAGE TOTES. Each GARBAGE TOTE provided by the Town of West Seneca shall remain the property of the Town of West Seneca and shall not be removed from the residence or other authorized unit to which it was assigned. GARBABE TOTES purchased by an owner or occupant of a residential unit or other authorized unit shall remain the property of that individual. The cost of either a RECYCLABLE TOTE or GARBAGE TOTE under this section shall be determined by resolution of the Town Board of the Town of West Seneca.

OTHER AUTHORIZED UNIT: Any property in the Town of West Seneca to which collection of garbage or recyclable materials is offered by the Town of West Seneca.

101-4 Program Requirements: Separation and Preparation:

A. Unchanged

B. Totes conforming to the specifications of this Chapter shall be used when storing or placing garbage and recyclable materials at the curb for collection by the

Town. When filled, a Tote shall not exceed 150 pounds in weight. Garbage or recyclable material shall not be placed on the curb or on any public street unless the same is in a Tote as required by this section, unless otherwise authorized by this Section.

C. An authorized collector shall have no obligation to collect and shall not collect or remove any brush, construction debris, garbage, large household furnishing, major appliance, recyclable material or solid waste not prepared for collection in accordance with this chapter.

D. An authorized collector shall have no obligation to collect and shall not collect or remove any brush, construction debris, garbage, large household furnishing, major appliance, recyclable material or solid waste which was not produced or generated within the premises upon which it is so placed, and the placing for such collection of any brush, construction debris, garbage, large household furnishing, major appliance, recyclable material or solid waste originating at a location other than the one upon which it is placed for collection is hereby prohibited

E. All municipal solid waste shall be collected by an authorized collector under contract with the municipality or by a licensed private collector under private subscription.

F. Brush, Grass Clippings, and Tree Parts may be placed at the curb for collection in a paper bag or containers of not more than 20 gallons capacity which do not meet the definition of Totes. Brush, Grass Clippings and Tree Parts may not be placed in plastic bags. Bags and containers, when filled shall weigh not more than 50 pounds. Brush, Grass Clippings and Tree Parts shall not be placed in Totes.

G. Any and all brush and tree parts produced by the individual activity or efforts of the owner or occupant of the premises shall be tied in bundles not to exceed thirty-six (36) inches in length and twelve (12) inches in diameter and weighing no more than fifty (50) pounds.

H. All major appliances or large household furnishings not capable of being placed in receptacles or bundles as provided herein may be placed at the curbline or pavement line only on the scheduled pickup collection day for that area. It shall be the sole responsibility of the owner to dismantle the appliance or furnishing so that it will not be a hazard to the public. Specifically, all refrigerator and freezer doors must be removed.

I. Any construction debris which results from work performed by an owner or occupant individually may be placed in a Tote for collection by the Town of West Seneca. Construction or other debris which results from work by a contractor shall be removed and discarded appropriately by the contractor.

J. Protruding nails and other sharp objects, including glass that may inflict bodily harm to personnel or residents of the Town of West Seneca, shall be removed from all solid waste prior to being deposited in containers or bundled for collection.

K. Recyclable material shall be placed in Recycling Totes supplied by the Town for recycling materials as herein provided.

L. Tires, batteries, motor oil and paint shall be separated from other recyclables and non-recyclables and brought to an area and at a time designated by resolution of the Town Board to be disposed of at a nominal charge.

101-5 Separation and Preparation.
Delete and replace with the following:

101-5 Receptacles and Storage:

A. The Town shall provide and assign to each residential unit and other authorized unit one garbage tote and one recycling tote. Additional garbage and recycling totes may be obtained as outlined in this Chapter. Garbage Totes shall be used for the collection, storage and disposal of all garbage and non-recyclable refuse and rubbish that may accumulate or be produced by them. Recycling Totes shall be used for the collection, storage and disposal of recyclable materials.

B. Garbage and non-recyclable refuse and rubbish shall be stored in the garbage tote with the lid completely closed. No garbage tote shall exceed 150 pounds in weight when filled.

C. Recycling materials shall be stored in the recycling tote with the lid completely closed. No recycling tote shall exceed 150 pounds in weight when filled.

D. All garbage and recycling totes shall be maintained in good condition. All garbage and recycling totes shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage or recyclable materials are removed by the collector. Except when placed at the curb-line for collection, all totes shall be stored on the property producing the solid waste.

101-6 Receptacles and Storage:
Delete and Replace with the following

101-6 Placement of Totes and Receptacles for Collection:

A. All garbage totes, recycling totes and other receptacles shall be transferred to the curbline or pavement line in front of the premises

B. No garbage tote, recycling tote or other receptacle shall be set out for collection before 6:00 p.m. on the day preceding collection and shall be at the curb for collection by 7:00 a.m. on the day of collection.

C. Garbage totes, recycling totes and other receptacles shall be removed from the curbline within 12 hours after being emptied to a place invisible from the street.

101-7 Placement of receptacles for collection

Delete and replace with the following:

101-7 Collection and Disposal:

A. The Town of West Seneca shall provide for the collection and disposal of all recyclable material, as well as for the collection and disposal of up to a maximum of two garbage totes per week, from each residential unit or other authorized unit.

B. The Town of West Seneca will collect cut grass, brush and tree parts produced by owners of occupants, provided that such cut grass, brush and tree parts were generated at the site upon which they are placed for collection and they are placed for disposal.

C. Town employees or equipment shall not enter private property or other structures in making collections under the Chapter.

D. The Town shall have no obligation to pick up and remove any solid waste which was not produced within the Town of West Seneca.

E. Ownership of waste material which has been placed at the curb for collection in accordance with this Chapter shall vest in the Town of West Seneca. It shall be unlawful and a violation of this article for any person without authority from the Town to collect, pick up, remove or cause to be collected, picked up or removed any rubbish. Each such collection, pick up or removal of waste material from one or more premises shall constitute a separate and distinct offense in violation of this article.

101-9 Prohibited deposits or accumulations:

This Section shall be renumbered 101-8 and remain unchanged.

101-10 Supervision, rules and regulations.

This section shall be renumbered 101-9 and remain unchanged.

101-11 Authorized collectors, license required.

This section shall be renumbered 101-10 and remain unchanged.

101-12 Approval, denial, suspension or revocation of license.

This section shall be renumbered 101-11 and remain unchanged.

101-13 Unlawful activities

This section shall be renumbered 101-12 and remain unchanged.

101-13.1 Rodent Control Measures

This section shall be renumbered 101-13.

TOWN OF WEST SENECA
LOCAL LAW 2014-02
MODIFICATION TO TOWN CODE CHAPTER 92
PROPERTY MAINTENANCE

§92-7 Infestation; screening.

A. Unchanged
B. Unchanged

C. In order to prevent infestation of rodents or vermin, lots, yards and grounds shall be kept free of garbage, litter, refuse, rubbish, pet food, food scraps or other food items, provided however that this section shall not prohibit the storage of garbage, litter, refuse, pet food, food scraps or other food items in authorized receptacles provided for collection.

D. Bird Feeders shall be maintained so as to prevent the infestation of rodents or vermin.

§92-9 Responsibilities of occupants.

A-J Unchanged

K. Occupants shall be responsible for compliance Section 92-7 A-D of this Chapter.

§92-10 Responsibilities of owners.

A-C Unchanged

D. Owners shall be responsible for compliance with Section 92-7 A-D of this Chapter.

CONTRACT FOR THE COLLECTION OF RECYCLABLE MATERIALS
FOR THE TOWN OF WEST SENECA

This Contract is made this 29th day of January, 2014 by and between The Town of West Seneca, organized under the laws of the State of New York, and for the purposes of this agreement located at 1250 Union Road, West Seneca, NY 14224., (hereinafter "Municipality") and Modern Recycling, Inc. with its principal place of business at 4746 Model City Road, P.O. Box 209, Model City, New York 14107 (hereinafter "Modern").

WHEREAS, Modern is a corporation engaged in the business of collection, hauling and processing of recyclables; and

WHEREAS, in response to the bid solicitation for Collection of Recyclable Materials and Addendum #1, dated January 8, 2014 by West Seneca, Modern submitted a bid (the "Bid"), which is attached as Exhibit B; and

WHEREAS, West Seneca by resolution adopted on January 27, 2014 made the determination to accept the bid from Modern Recycling, Inc. for a one year contract for weekly collection of recyclable materials with four (4) one year renewal options

WHEREAS, the parties desire to enter into a Contract in accordance with the Specifications of the Bid.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and of the consideration paid by the Municipality to Modern as hereinafter set forth, the Municipality and Modern hereby agree as follows:

1. Modern is awarded the Modern for the automated curbside collection of recyclable material and delivery to an approved recycling facility once per week, on behalf of West Seneca for all stops designated by Municipality and shall include all residential dwellings consisting of one (1) to four (4) family units, as well as any other residential dwelling unit approved by the Municipality.
2. Modern shall provide automated curbside collection of certain recyclable material in 65 or 95 gallon totes, provided by the town on a once per week basis, on the same day as the Municipality's scheduled garbage collection.
3. Term: The term of the agreement shall be a one (1) year Modern commencing on February 1 ,2014. There shall be four (4) – one (1) year renewal options.
4. Modern will perform in accordance with the Bid and Specifications as if such provisions were fully set forth herein with the initial cost of collection of $696,135.00 or $42.19 per unit for the first year based on the unit count of 16,500 units.
5. The number of curbside stops will be reviewed annually and adjusted either up or down with increase or decrease of ten (10) unit increments. The Town's verified assessment records shall be deemed conclusive to establish the number of units served. This annual adjustments shall not be retroactive.
6. Option years, 2-5 (2/01/15-1/31/19), subject to pricing above, annual unit count and Consumer Price Index (CPI) adjustment in accordance with the Specifications and

the Bid.

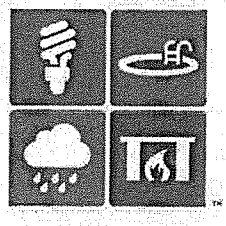
7. Modern will pay the Town of West Seneca for any recycling tonnage collected in excess of the Volume Baseline (4000 tons) and will be rewarded an amount equal to the difference of the Volume Baseline and the Benchmarks multiplied by the Premium Rate as outlined in *Rebate Program Weekly Collection* of bid.
8. Materials to be Collected: Modern shall accept all recycling (as hereinafter defined) created within the jurisdiction of the Municipality, or that for which the Municipality accepted responsibility. The "recycling" may include, but not be limited to newsprint, cardboard, container glass, metal cans, plastics and other acceptable and approved materials for recycling, which may be co-mingled in the recycling totes provided by the Municipality. The recycling material will not include any radioactive, volatile, flammable, explosive, toxic or hazardous material. The term "hazardous material" shall include, but is not limited to; any amount of waste listed or characterized a s hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended or applicable state law.
9. The parties agree that they will cooperate to implement the terms of this contract with any disputes arising hereunder to be settled in accordance with the procedures set forth in bid specifications
10. All other provisions of Bid and Specifications of bid are incorporated hereto by reference.

IN WITNESS WHEREOF, the parties have affixed their respective seals and signatures as of the date first above written.

MODERN RECYCLING, INC.	TOWN OF WEST SENECA
By _____	By _____
Joseph M. Hickman, Sales Manager	Sheila M. Meegan, Town Supervisor
_____	_____
(Date)	(Date)
(SEAL)	(SEAL)

To be sealed, witnessed and acknowledged as required by the State of New York

BUILDING SAFETY:
Maximizing Resilience, Minimizing Risks



BUILDING SAFETY MONTH
MAY 2014

— INTERNATIONAL CODE COUNCIL —

Proclamation

Building Safety Month — May, 2014

Whereas, our Town's continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

Whereas, "Building Safety: Maximizing Resilience, Minimizing Risks" *the theme for Building Safety Month 2014, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, backyard safety; energy efficiency and new technologies in the construction industry. Building Safety Month 2014 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,*

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, _____, Supervisor of the Town of West Seneca, do hereby proclaim the month of May 2014 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

_____

Signature

SUGGESTED RESOLUTION

TOWN OF WEST SENECA
SEQRA DETERMINATION FOR
2014 SANITARY SEWER IMPROVEMENTS

WHEREAS, the Town of West Seneca Town Board (the "Board") has considered the impact to the environment of following Scope of Work to be completed on the Town Sewer System in the Town of West Seneca;

1. **Cazenovia Creek Sewer Trunk Line and Siphon Installation**
   - Work includes, but not limited to replacement and installation of approximately 7,600 linear feet of 36" and 48" of existing sewer main including the siphon under Cazenovia Creek;

2. **Sewer Trunk Line and Siphon Cleaning**
   - Work involves the flushing, cleaning, and maintenance of the existing 36" sewer trunk main between the West Seneca West High School and the connection to the Buffalo Sewer Authority;

3. **East & West Road (Leydecker Phase) Sewer Rehabilitation**
   - Project includes the replacement of approximately 3,100 linear feet of 15" sewer, relining of approximately 4,600 linear feet of 8" to 12" sewer main, and the rehabilitation of manholes;

4. **East & West Road (Houghton Phase) Sewer Rehabilitation**
   - Project includes the replacement of approximately 4,500 linear feet of sewer main, relining of approximately 3,100 linear feet of sewer main, and the rehabilitation of manholes;

5. **Phase 4 Sewer Rehabilitation**
   - Project includes the relining of approximately 76,000 linear feet of sewer main and the rehabilitation of manholes;

WHEREAS, the Board has reviewed the Scope of Work set forth above as one Proposed Action, and has further consulted with its Engineer and legal counsel with respect to the potential for environmental impacts resulting from the Proposed Action,

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR. Part 617 of the Environmental Conservation Law, Article 8 ("SEQRA") and concluded that the work involves:

- Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings and sewer infrastructure (6 NYCRR §617.5(c)(2));

- Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions (6 NYCRR §617.5(c)(11));

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The Proposed Action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of the Town Sewer System, and, therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. Part 617.

2. The Board hereby determines the Proposed Action is a Type II action in accordance with SEQRA regulations.

3. No further review of the Proposed Action is required under SEQRA.

4. This resolution shall be effective immediately.

WHEREAS, the Town Board of the Town of West Seneca, as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed the application materials and completed Part I of a Full Environmental Assessment Form ("EAF") identifying the potential environmental impacts associated with the proposed development of a motorcycle safety school within the Industrial Park located at 1600 North America Drive, considered the recommendation of the Industrial Park Review Committee, completed Parts II and III of the Full EAF analyzing the existence and magnitude of such potential environmental impacts, and has otherwise taken a hard look at such potential impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, for the reasons set forth in Part 3 of the completed EAF expressly incorporated by reference herein, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed amendment, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is therefore appropriate;

THEREFORE, BE IT RESOLVED THAT the Town Board does hereby adopt the Negative Declaration set forth in Part 3 of the completed EAF and directs the Town Clerk to file, distribute and publish such Negative Declaration pursuant to the requirements of 6 NYCRR 617.12, if required.

WHEREAS, the Motorcycle Safety School ("MSS") has applied for a restricted use permit to operate a commercial motorcycle training business within the West Seneca Industrial Park located at 1600 North American Drive within the Town; and

WHEREAS, the Industrial Park Review Committee has reviewed application and recommended that the application for said restricted use permit be granted; and

WHEREAS, the Town Board finds that such use is appropriate for the Industrial Park, but has some concerns that the operation of the business could potentially cause some disturbance to nearby residential properties, particularly if the business were to be conducted seven days a week;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of West Seneca, pursuant to Section 120-28.5E of the Town Code, hereby grants a restricted use permit to MSS to operate such a business as proposed in its application, subject to the following conditions:

(1) The business may not operate on Sundays; and

(2) The restricted use permit shall expire one (1) year following the issuance of a certificate of occupancy, at which time the applicant may re-apply and demonstrate that its operations have not unreasonably interfered with the use and enjoyment of nearby properties.