

5-C COMMUNICATIONS

3. Supervisor Meegan re Title Change for Rebekah Denz as part-time Clerk

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Rebekah Denz as part-time recreation attendant and appoint Rebekah Denz as part-time clerk at a rate of \$10/HR effective March 11, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

4. Highway Supt. re Appointment of Gregory Zimmerman as Deputy Highway Superintendent

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Gregory Zimmerman as Deputy Highway Superintendent effective February 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

5. Chief Denz re Retirement of Robert S. Andolina, Jr.

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Robert S. Andolina, Jr. and terminate him as Detective effective March 15, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting Detective Andolina has served the Town of West Seneca for the last 32 years.

On the question, board members wished Detective Andolina well in his retirement and Chief Denz commended him for outstanding service to the town.

Ayes: All Noes: None Motion Carried

6. Chief Denz re Appointment of Melissa Denecke as Senior Police Clerk provisional

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time clerk Melissa Denecke to part-time seasonal at a rate of \$14 per hour effective March 11, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the length of the part-time seasonal status. Supervisor Meegan responded the seasonal status will be effective until the paperwork for the Senior Police Clerk position is returned from Erie County Personnel.

Ayes: All Noes: None Motion Carried

5-C COMMUNICATIONS

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

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Public Safety Dispatcher Joshua Scanlon to part-time seasonal effective March 1 - 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8. Sr. Recreation Therapist of Senior Services re Status change for Carol Kennedy to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Carol Kennedy to part-time seasonal effective March 11 - May 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 Status change for Virginia Antos to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time clerk typist Virginia Antos to part-time seasonal effective March 12 - 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Town Clerk re Appointment of Laurine Fischione as Senior Cashier

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Laurine Fischione as part-time clerk and appoint Laurine Fischione as Senior Cashier, Group 4, Step 1, at an annual salary of \$32,078.34 effective March 11, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Supervisor Meegan re Amendment of special use permit for Motorcycle Safety School

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution amending the February 10, 2014 motion that granted a restricted use permit to operate a motorcycle safety school at 1600 North America Drive.

Ayes: All Noes: None Motion Carried
APPENDICES

5-C COMMUNICATIONS

12. Supervisor Meegan re Rescinding of Deputy Comptroller position & appointment

Motion by Supervisor Meegan, seconded by Councilman Hanley, as per the communication received from Erie County Personnel, the town must nullify the creation of the position of Deputy Comptroller and rescind the appointment of Linda Kauderer to said position until such time that proper requests and documentation are submitted, reviewed and approved/disapproved by Erie County Personnel; and further, rescind the leave of absence for Linda Kauderer and return her to her former position of Account Clerk/Mini Computer Operator and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated that Ms. Kauderer will remain in the Comptroller's Office until the legal issues presented by Erie County Personnel are resolved.

Ayes: (2) Supervisor Meegan, Councilman Hanley

Noes: (1) Councilman Hart

Motion Carried

5-D REPORTS

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

ISSUES OF THE PUBLIC

DEER POPULATION

Beverly Leising referred to comments at the last meeting and asked for clarification on what action had been taken on reducing the deer population in town and if the efforts have been successful.

Supervisor Meegan responded that the City of Lackawanna is doing some deer control in the Fisher Road area, but there were no reports on the number taken.

Town Clerk Jacqueline Felser also noted there are a few nuisance permits issued to residents for specific areas of town.

ISSUES OF THE PUBLIC

SHOVELING FIRE HYDRANTS

Beverly Leising commented on fire hydrants in town that are not accessible due to the snow and suggested the town put an ad in the paper asking people to shovel the fire hydrants near their homes.

Supervisor Meegan asked West Seneca Bee reporter Eric Degrechie to include something in the paper concerning shoveling fire hydrants.

2014 CAPITAL IMPROVEMENTS

Beverly Leising questioned what capital improvements on roads were planned for 2014 and specifically asked if Mill Road would be repaved.

Town Engineer Richard Henry responded the 2014 road reconstruction plans are for North America Drive & Ransier Drive (south), Hilltop Court, Beechwood Drive and Stephenson Street.

Highway Supt. Matthew English stated his department will be filling the potholes on Mill Road this year and will mill and pave it in a future year. With the construction on Beechwood Drive this year, there will be heavy construction vehicles traveling Mill Road. Mr. English wanted to wait for that project to be completed before repaving Mill Road and stated possibly next year or the following they will mill and pave Mill Road.

AMERICORPS PAYMENT

Karen Lucachik questioned if the AmeriCorps payment had been received for March and Comptroller Jean Nihill advised that it had.

PROPERTY MAINTENANCE ISSUES

Karen Lucachik commented on property maintenance issues at Flattery's on Orchard Park Road, property next to Country Peddlers on Orchard Park Road and a house on Union Road near Michael Road, all properties that have had previous issues.

Code Enforcement Officer John Gullo stated his office will revisit these properties and address any concerns.

ISSUES OF THE PUBLIC

SENIOR CENTER EXPENSES

Amy Carpenter referred to a \$500 expenditure for cleaning supplies in December 2013 and another \$600 in January 2014 and thought this was a bit excessive.

Senior Recreation Therapist of Senior Services Mary Josefiak responded that the \$500 was a budget transfer to coverage a shortage in that line item for 2013. She further stated the senior center is used daily and over 500 lunches are served each week. They go through a lot of cleaning supplies for the kitchen, floors and laundering of aprons, towels, etc.

REQUEST FOR MORE DETAILED BUDGET

Amy Carpenter noted that Laura Landers is still listed as Finance Director on the town's website and suggested it be corrected. She further asked that there be more clarity on the next budget with regard to number of employees and also asked that it include incoming funds for fees for sports, etc.

SUGGESTION FOR FORM CODES

Amy Carpenter suggested form codes for the Town Code.

Supervisor Meegan responded that a committee is being formed to update the Comprehensive Plan and the Town Code will also be updated at that time. She will present the form codes suggestion to Town Attorney Charles Grieco.

TRAINING FOR PLANNING, ZONING & TOWN BOARD MEMBERS

Amy Carpenter questioned if the Planning Board, Zoning Board and Town Board have gone for their required training this year.

Councilman Hart stated he had discussed this with Town Attorney Charles Grieco and there has been a proposal for joint training for all three boards.

Councilman Hanley understood that Zoning Board Chairman Timothy Elling had signed up for a training class and was asking the other members to also go.

ISSUES OF THE PUBLIC

GARBAGE TOTES

Matt Nycek questioned the status of his request for a smaller (30 gallon) garbage tote, noting he is unable to handle the 95 gallon tote and doesn't need one that large.

Supervisor Meegan responded they are still working on distribution and exchange of 95 and 65 gallon totes. They have not purchased or discussed 30 gallon totes, but will consider Mr. Nycek's request.

Johanna Guenther repeated her previous request for assistance for residents that are unable to maneuver the garbage totes and suggested the town implement a program like the one in Rochester.

Highway Supt. Matthew English stated they are looking into it but first need to get through the distribution process and exchange program.

SEX OFFENDERS ON LEYDECKER ROAD

Nancy Donohue requested a meeting with the Town Board & Chief Denz to discuss ways to work with NYS for removal of the sex offenders on Leydecker Road.

Supervisor Meegan responded that the town has been working with NYS and suggested Ms. Donohue contact her secretary, Emily Josefiak, to set up a meeting.

Chief Denz stated he met with staff at the Leydecker Road houses and was inside both of them. The houses are locked and secured inside, all windows and doors are alarmed and a code is needed to enter and exit. There is one-on-one supervision plus a supervisor during the day and two staff people and a supervisor at night. The house at 510 Leydecker Road has an 8' fence around the back yard. The people in that house are only allowed within the fence and must be escorted by a staff person. The house next door is not fenced and when they go outside they have to be escorted by a staff person. Most of the offenders have a mental handicap of some sort and none have cars or are allowed to drive. The staff has a procedure to follow when taking them out in the community. Paperwork must be prepared and submitted to NYS for approval and they must visit the location they are going to the day before to inform them they will be coming. Chief Denz understood the concern for these facilities, but noted there are 30 other sex offenders that live in the community and are allowed to reside in their own homes with no restrictions.

Ms. Donohue questioned if anything will be done to make Sunshine Park more secure for families that use the park and if the brush could be better cleared from the walking paths.

ISSUES OF THE PUBLIC

SEX OFFENDERS ON LEYDECKER ROAD (continued)

Chief Denz stated they have had extra patrols in the Leydecker Road area and they will continue to have extra patrols at the park in the summer.

John Kubiak commented that the residents in the neighborhood of these homes feel like they are prisoners within their own neighborhood and suggested their assessments be reduced if there is no long term, permanent solution.

Supervisor Meegan stated she shared the residents' concerns and contacted Governor Cuomo's office as soon as she found out. He is aware of the concerns along with Assemblyman Kearns and Senator Gallivan. Supervisor Meegan suggested the residents continue to call their state representatives on this issue.

Denise Broadwater suggested telling state representatives the houses are not built for these people and instead should be repurposed for housing disabled veterans in the community.

Supervisor Meegan responded that the homes were designed to help mentally challenged individuals to have the independence of living in a home, but some of those people are on a waiting list when they could be occupying these homes instead of the sex offenders.

Starryl Jason stated her children go to Orchard Park schools and she was not notified of the sex offenders living on Leydecker Road even though she lives very close. She further stated she has never received notification of any sex offenders living in town.

Councilman Hart stated the notices are mailed out by the school district and he will contact Assemblyman Mickey Kearns about having this changed so the entire town is notified.

REDUCTION IN ASSESSMENTS FOR FLOOD VICTIMS

Frank Russo questioned if the assessments for Lexington Green properties were being adjusted due to the flood or because the houses are located in a flood plain. Mr. Russo further commented that his neighborhood was flooded in 2001 and received no help from the town and he questioned if they could apply for a reduction in assessment since they are also located in a flood plain.

Supervisor Meegan responded the assessments are being adjusted due to the damage the houses sustained in the flood, not because they are located in a flood plain.

Councilman Hart stated that some of the houses have structural damage and the owners cannot live in them. The reassessment is only for one year and when the houses are inhabitable again they will be brought back up.

ISSUES OF THE PUBLIC

PARKING SITUATION ON CENTER ROAD

Mike Truscott commented on a parking situation on Center Road near Louis Avenue. Trucks delivering to the stores on Center Road park on the side of the road and cause a sight problem for vehicles pulling out of Louis Avenue.

Chief Denz stated he will make traffic patrol aware of the situation to have them check on a daily basis and also refer it to the Traffic Committee for review.

DEPAUL FACILITY AT SENECA CITY LINE

Mary Lou Dietrich referred to the proposed DePaul facility at the Seneca city line and questioned if the neighbors have been notified, noting she understood the facility was for people with severe mental disabilities.

Councilman Hanley stated that DePaul will be sending a letter to all the surrounding residents.

Supervisor Meegan stated that DePaul has had two neighborhood meetings so far.

Mrs. Dietrich thought that the facility will hurt the property values of the surrounding properties and questioned if the residents will be notified by the town.

Town Clerk Jacqueline Felser responded that the town is required to publish rezoning and special permit requests in the newspaper, but as a courtesy the town has also always sent letters to surrounding neighbors within a 250' radius and have extended notification even further for controversial issues or large projects that could impact the neighborhood.

Linda Toy stated she would have preferred a retail establishment for the site, but she visited DePaul's other facility at Elk & Seneca Streets and was very impressed with it. Mrs. Toy also went to a recent neighborhood watch meeting and DePaul answered many questions concerning the people that will live there, how they are selected and security. She further noted that Assemblyman Kearns attended the meeting and stated that the town is on notice that the existing building is dangerous and they will have to take it down at a cost of \$2 or \$3 million if DePaul does not build their facility.

Supervisor Meegan stated the town got a price last year for demolition of the building and the cost would be \$300,000 split between the current owner and new owner.

Mrs. Toy commented that she is happy with DePaul's proposed facility and she had notified homeowners on her section of Burch Avenue about the informational meetings DePaul was holding.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

UPCOMING CIVIL SERVICE EXAMS

Supervisor Meegan announced there will be an open competitive exam on May 3, 2014 for Director of Recreation and on June 7, 2014 for the promotional exam for Real Property Appraiser.

UNION CONCRETE & EDBAUER CONSTRUCTION ASSIST IN LEXINGTON GREEN

Highway Supt. Matthew English, Town Engineer Richard Henry and Town Board members thanked Union Concrete and EdBauer Construction for volunteering their workforce and setting up a sandbag barrier in Lexington Green.

SUMMER DAY CAMP REGISTRATION

Recreation Director Craig Kroll stated that Summer Day Camp registration will be held every other Saturday in April and continue until the camp starts. Interested persons can also sign up weekdays in person at the Recreation Office in the Kiwanis building.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:25 P.M. to discuss a personnel matter with Town Engineer Richard Henry.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:40 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:40 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

WHEREAS, on February 10, 2014 the Town Board approved a Restricted Use Permit to the Motorcycle Safety School, Inc. ("MSS") to operate a commercial motorcycle training business within the Town Industrial Park located at 1600 North American Drive within the Town subject to two conditions; *i.e.*, that the business may not operate on Sundays and that the permit shall expire one (1) year following its issuance; and

WHEREAS, applicant has submitted additional documentation demonstrating both that the conditions as imposed will effectively prevent the business from operating and that the conditions, as imposed, are not necessary to ensure that the business is compatible with the intent and purpose of the Industrial Park and its regulations; and

WHEREAS, the Town Board finds that the one (1) year durational limit is unnecessary in light of the existing enforcement powers of the Town to address unreasonable noise and other impacts that might arise in connection with the operation of the business; and

WHEREAS, the Town Board further finds that the condition limiting the hours of operation can be addressed and balanced with the applicants' business needs by modifying said condition as set forth below;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of West Seneca, hereby modifies its February 10, 2014 approval of a restricted use permit to MSS to operate such a business as proposed in its application, as follows:

- (1) rescinding the condition limiting the duration of the permit to one (1) year; and
- (2) modifying the condition relating to the hours of operation by prohibiting the operation of the business on Mondays; and
- (3) prohibiting the operation of the motorcycles prior to 8:00 a.m. or after 7:00 p.m.