

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

TOWN BOARD PROCEEDINGS
Minutes #2015-07
April 6, 2015

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 led by Asst. Chief Michael Boehringer.

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

Absent - None

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 Joseph Corey, Phillip Ryan Jr and Elaine Donley.

7-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2015-06 of March 23, 2015.

Ayes: All

Noes: None

Motion Carried

7-B TABLED ITEMS

1. Supervisor Meegan re Appointment of Director of Recreation II Remained on the table.

7-C COMMUNICATIONS

1. Supervisor Meegan re Community flower gardens at Walkway of Freedom Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the proposal to create community flower gardens at the Town of West Seneca Walkway of Freedom.

On the question, Supervisor Meegan stated the Walkway of Freedom is maintained by the West Seneca Joint Veterans Committee who named James Manley to serve as overseer of the Walkway. Mr. Manley will execute the expansion plans and Supervisor Meegan thanked him for his work.

Ayes: All

Noes: None

Motion Carried

7-C COMMUNICATIONS

2. Town Attorney/Youth Service Coordinator re 2015 Recreation Facility Usage & Admission Fees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the attached updated Recreation Facility Usage & Admission Fees for 2015/2016, noting creation of an active duty military & veterans discount.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3. Town Attorney re AmeriCorps Fund, Inc. Settlement Agreement

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute the necessary documents to enter into a settlement agreement with Western New York AmeriCorps Fund, Inc. ("WNY") to fully resolve certain obligations owed the Town of West Seneca and authorize the Town Attorney to execute a Stipulation of Discontinuance which discontinues the town's legal action against WNY AmeriCorps.

On the question, Town Attorney John Fenz stated in 2008 the town entered into a grant administration agreement with AmeriCorps to transition programs over to AmeriCorps management. The agreement was amended in 2009 so that AmeriCorps would pay the town \$964,000 with a lump sum payment of \$409,000 and \$8000 monthly payments. Legal action was taken by the town in 2011 when payments were not being received regularly. Since then payments have continued and \$556,293 is left due and owing. Mr. Fenz noted that with this settlement agreement the town will discontinue legal action and accept a lump sum payment of \$268,147 and property in the amount of \$20,000 in addition to service hours to comprise the balance. He added that overall, the town collected \$890,000 of \$1.1 million owed, approximately 76 cents on the dollar, which he believes is a great settlement.

Councilman Hart stated there has always been the possibility that AmeriCorps will no longer exist, especially this year with the changes in Congress.

Supervisor Meegan commented when she first became councilwoman it was discovered that the town was paying for AmeriCorps' operating expenses. It was supposed to be a federally funded program, but the Town of West Seneca was funding it in its entirety. This process was stopped and an agreement was put in place so AmeriCorps could continue to be viable while paying the town back.

Ayes: All

Noes: None

Motion Carried

7-C COMMUNICATIONS

4. Town Attorney re West Seneca Little Loop Football, Inc. Renewal Agreement

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into a renewal agreement with West Seneca Little Loop Football, Inc. ("Little Loop") to license certain town owned lands for Little Loop's youth football leagues.

Ayes: All Noes: None Motion Carried

5. Town Engineer re Deduct Change Order Approval for 2014 Senior Center Parking Lot project

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve change order #2 for a \$1512.29 deduction on the 2014 Senior Center Parking Lot project.

Ayes: All Noes: None Motion Carried

6. Highway Superintendent re Status Change for Buildings and Grounds Department employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of Rick Mingle and Harold Schwartz from part-time laborers in Buildings & Grounds to part-time seasonal at a rate of \$12/HR effective April 14 – September 14, 2015; and further, change the status of the following part-time laborers in Buildings & Grounds to part-time seasonal effective April 14 – September 14, 2015 at a rate of \$9/HR: Matthew Amoia, Thomas Bebak, Austin Boehm, James Brady, Devin Chavanne, Troy Eberle, Jacob Hiam, Joseph Kropczynski, Daniel Lewis, Kevin O'Shaughnessy, Kerry Painter, Michael Pauly, Ryan Schrader, Tyler Sullivan and Michael Zuchowski and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

7. Chief of Police re Officers attendance at New York State Traffic Safety training conference

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize four (4) officers (TBA) to attend the New York State Law Enforcement Traffic Safety training conference, April 30 - May 1, 2015 in Syracuse New York, noting the total cost of this training should not exceed \$800.00 with sufficient funds in the police training courses line item (1.3120.0459) to cover this expense.

Ayes: All Noes: None Motion Carried

7-C COMMUNICATIONS

14. Finance Department re Approval of funding for library work Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution to approve funding for library improvements.

On the question, Supervisor Meegan stated this funding was for updates to the doors, countertops, rugs and security system.

Ayes: All Noes: None Motion Carried
APPENDICES

15. Councilman Hart re National Library Week Proclamation Motion by Councilman Hart, seconded by Supervisor Meegan, to adopt the attached resolution proclaiming April 12 – 18, 2015 as National Library Week in the Town of West Seneca.

Ayes: All Noes: None Motion Carried
APPENDICES

16. Supervisor Meegan re West Seneca Chamber of Commerce 75th anniversary Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution in recognition of the West Seneca Chamber of Commerce 75th anniversary.

Ayes: All Noes: None Motion Carried
APPENDICES

7-D REPORTS

- Jacqueline A. Felser, Town Clerk's monthly report for March 2015 received and filed.
- John A. Gullo, Code Enforcement Officer's report for March 2015 and plumbing report for March 2015 received and filed.

7-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 - \$44,410.63; Highway Fund - \$57,497.50; Special Districts - \$21,723.37; Capital Fund - \$279,426.43 (voucher #'s 88244 - 88517); Trust & Agency Fund - \$47,366.13 (voucher #'s 88556 - 88585)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

SAFETY NET COALITION & WEST SENECA STAKEHOLDERS COALITION

Jeff Pirrone, Supervisor of the Mobile Safety Net Team, stated his group helped convene the West Seneca Stakeholders Coalition in June 2014, which is comprised of residents and stakeholders from various backgrounds who gather monthly to address strategies to strengthen the community. A report was released last year that outlined critical issues affecting residents, government agencies and the non-profit human services sector. It also included seven recommendations to strengthen the community and one of the recommendations was to form the West Seneca Stakeholders Coalition. Mr. Pirrone explained the Safety Net Coalition serves to help reach goals identified by the local coalition by working collaboratively with local government, schools and organizations. He invited the public to visit their website at www.msntwny.org and noted that meetings are the third Tuesday of each month at 1 P.M., most recently being held at the Southgate Plaza Community Room.

Beverly Leising questioned what specifically is being looked at. Mr. Pirrone responded the report indicated there are a lot of great services in West Seneca, but there is also a lot of need in certain parts of the community and a need to bring awareness to the programs available (i.e. senior programs, after school programs, workforce development).

Mrs. Leising referred to services provided for youths after school and possibly overlapping services. Mr. Pirrone responded they do not want to duplicate services, but would like to strengthen what is already there and Youth Service Coordinator Lauren Masset has been very active in working with the schools.

Mrs. Leising questioned if the Safety Net Coalition has any official authority to correct a problem such as below-grade housing. Brandi Collins, Chairperson of the Safety Net team, responded they can make suggestions and handle administrative details.

Karl Spencer questioned what is thought to be the greatest need and suggested putting together an information packet that can be accessed on the website.

Ms. Collins responded that youth services and transportation have been identified as the greatest need, especially on the west side of town. She further stated there is a report available on their website.

Mr. Pirrone stated the Safety Net Coalition could assist with creating a community-specific brochure listing available services.

ISSUES OF THE PUBLIC

KIWANIS BUILDING

Mary Lou Dietrich expressed her desire to repair/maintain the Kiwanis building to use as a place for kids to go. She asked to see a report showing how much money has been invested for repairs and suggested getting a proposal on what it would cost to make it usable.

Supervisor Meegan stated the design of the Kiwanis building is the problem. There are continual flooding issues and too much money has been put into the building.

Councilman Hart stated the last report he received indicated over \$300,000 to repair the building. He further stated the Kiwanis building will come down either this year or next and they will come up with a plan to replace it, noting that Potter Road School may be a possibility.

COMPOST PICKUP

Beverly Leising questioned when leaves, yard waste, etc. can be put out. Highway Superintendent Matthew English responded that compost/grass trucks will go out May 4th. Only cans or returnable containers should be used; bags will not be taken.

STREET CLEANING

Beverly Leising suggested an earlier start to street cleaning this year. Highway Superintendent Matthew English responded he is hopeful to start street cleaning next week. They are waiting for a good soaking rain to get rid of any remaining road salt that could ruin the machines.

BEECHWOOD REPAVING PROJECT

Beverly Leising questioned if there is a date for the Beechwood Road repaving project and Supervisor Meegan responded it will begin the first week of May.

PART-TIME CLERK TYPIST POSITIONS

Karen Lucachik questioned if the person hired for recreation applied through the normal channels. Supervisor Meegan responded she was hired from a job posting for clerk typist on the town website and was one of two candidates interviewed by Youth Service Coordinator Lauren Masset along with the Human Resource Department.

Mrs. Lucachik referred to the historical society secretary position which was terminated at the last Town Board meeting and questioned if the person hired for this position is still employed by the town. Supervisor Meegan responded she is still employed, but is not working at this time.

ISSUES OF THE PUBLIC

AMERICORPS SETTLEMENT

Karen Lucachik commented on the AmeriCorps settlement and suggested that credit go to the concerned citizens who worked endless hours gathering information that was submitted to the Town Board. Mrs. Lucachik further expressed concern that no interest was charged on the \$1.1 million that was owed to the town.

Supervisor Meegan responded they needed to keep AmeriCorps in business so they could pay the town back and charging interest would not have allowed for this.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

GOVERNOR CUOMO'S BUDGET

Supervisor Meegan commented on Governor Cuomo's proposed budget and noted positive changes for West Seneca, including increased funding for education, state roads and bridge reconstruction (specifically Route 219 Bridge) and a \$50 million increase in CHIP funding. The Water Infrastructure Improvement Act allocates \$20 million over three years, which will aid the town with turnover of the water districts to Erie County. Supervisor Meegan added that DASNY Capital Projects has a new chain of command which should result in applications being expedited, thus allowing a quicker receipt of grant funds.

Councilman Hart stated that library construction grants increased along with an increase in library funding to \$91 million and he was hopeful West Seneca will get a share of this.

RECREATION PROGRAMS UPDATE

Youth Service Coordinator Lauren Masset stated that summer camp is filling up rapidly with all weeks 50-60 percent full. Swim lesson registration is now open and the 2015 summer brochure is complete.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:10 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is made this ___ day of April 2015, by and among Western New York AmeriCorps Fund, Inc. ("WNY"), a New York Not-For-Profit Corporation with its principal place of business located at 173 Elm Street, Buffalo, New York, and the Town of West Seneca ("Town"), a municipal corporation organized under the laws of the State of New York with its principal place of business located at 1250 Union Road, West Seneca, New York.

RECITALS:

WHEREAS, on or about June 23, 2008, the Town and WNY entered into a Grant Administration Agreement (the "Administration Agreement"); and

WHEREAS, on or about September 21, 2009, the parties entered into an Amendment to the Grant Administration Agreement (the "Amendment"); and

WHEREAS, pursuant to the Amendment, upon the approval and transfer of certain grants from the Town, WNY was required to pay the Town a total of \$964,338: (a) \$409,338 on or before June 1, 2010; (b) \$480,000 in sixty (60) equal monthly installments beginning on February 1, 2010; and (c) \$75,000 for a "facility usage fee" on or before March 1, 2010; and

WHEREAS, the Town commenced a legal action in Erie County, New York by filing a Summons and Complaint with the Clerk of Erie County on January 18, 2011, Index No. 2011-600244, (the "Legal Action");

WHEREAS, an accounting performed in 2012 determined that WNY was further obligated to the Town in the amount of \$214,513; and

WHEREAS, as of the date of this Agreement WNY has paid to the Town \$622,558 and \$556,293 remains due and owing; and

WHEREAS, WNY and the Town have agreed to settle WNY's liability under the Amendment, and the Legal Action, in accordance with and subject to the terms and conditions as set forth herein.

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. **SETTLEMENT.** As of the Effective Date of this Agreement: (a) WNY shall provide and the Town shall accept certain property, furniture and equipment in an estimated amount of \$20,000.00; and (b) WNY shall provide the Town a lump sum cash payment of \$268,147. To comprise the balance due to the Town, WNY shall continue providing service delivery in the Town provided that it is done in a manner in compliance with federal and state law and the terms of the Grants.

4. SEPARABILITY. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall remain, at the option of the Town, in full force and effect and shall in no way be affected, impaired or invalidated. This Agreement is, and shall be deemed to be, the product of joint drafting by the parties hereto and shall not be construed against any of them as the drafter hereof.

5. APPLICABLE LAW. This Agreement is entered into, under and shall be governed by and construed in accordance with the internal laws of the State of New York without regard to such jurisdiction's principles of conflicts of law. WNY agrees that all claims, disputes, and other matters arising out of or relating to this Agreement, or the breach thereof, will be decided by proceedings instituted and litigated in a court of competent jurisdiction sitting in the State of New York.

6. COUNTERPARTS. This Agreement may be executed in multiple identical counterparts, each of which when duly executed shall be deemed an original, and all of which shall be construed together as one agreement. This Agreement will not be binding on or constitute evidence of a contract between the parties hereto until such time as a counterpart has been executed by such party and a copy thereof is delivered to each other party to this Agreement.

7. EFFECTIVE DATE. This Agreement shall be effective as of the date both parties have executed the Agreement as set forth herein.

8. ENTIRE AGREEMENT. This Agreement and all documents, instruments, and agreements executed in connection herewith incorporate all of the discussions and negotiations between the WNY and the Town, either expressed or implied, concerning the matters included herein and in such other documents, instruments and agreements, any statute, custom, or usage to the contrary notwithstanding. No such discussions or negotiations shall limit, modify, or otherwise affect the provisions hereof. None of the terms or provisions of this Agreement, may be changed, waived, modified, discharged, or terminated except by an instrument in writing executed by the party against whom or which enforcement of the change, waiver, modification, discharge or termination is asserted. None of the terms or provisions of this Agreement shall be deemed to have been abrogated or waived by reason of any failure or failures to enforce the same.

9. SUCCESSORS AND ASSIGNS. All rights of the Town hereunder shall inure to the benefit of the Town's successors and assigns, and all obligations of WNY hereunder shall bind the successors, assigns, heirs, administrators, executors and legal representatives and estate of WNY.

10. NO THIRD PARTY BENEFICIARIES. Nothing in this Agreement, expressed or implied, is intended to confer upon any party other than the parties hereto any rights, remedies, obligations or liabilities under or by reason of this Agreement or the Settlement effectuated hereby.

Resolution to Approve the Amount for Transfer from General Fund to Highway Fund

WHEREAS, pursuant to the authority granted to it by Town Law §113, the Town Board, by resolution, may transfer surplus moneys, contingent appropriations and unexpended balances from the General Fund to the Highway Fund; and

WHEREAS, pursuant to that authority, on December 28, 2014, the Town Board approved the General Fund budget to provide a one-time transfer from its available fund balance to support emergency spending within the Highway Fund at a result of various emergency weather events; and

WHEREAS, the Town's General Fund has available fund balance to accommodate the one-time transfer,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a one-time transfer from the General Fund's available fund balance to support the emergency spending within the Highway Fund in the amount of \$475,000.

Resolution to Approve Funding for Library Work

WHEREAS, on August 28, 2012, the Town Board authorized Town Grant Consultant Connie Miner to submit the Public Library Construction Grant and request that the West Seneca Public Library Board and West Seneca Town Board provide the necessary signatures and documents needed to successfully submit the application, noting the Town of West Seneca will provide matching funds in an amount not to exceed \$25,250 to complete this project.

WHEREAS, the Town's General Fund has available fund balance to accommodate the monies to match the funds,

WHEREAS, the Town will create a new budget line to track expenditures done at the West Seneca Public Library, 'Library Improvements' 01.7410.0200.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the transfer from the General Fund's available fund balance in the amount of \$17,800 to 'Library Improvements' 01.7410.0200.

WEST SENECA CHAMBER OF COMMERCE
75TH ANNIVERSARY
APRIL 15, 2015

The West Seneca Chamber of Commerce has been supporting and facilitating business, legislation and community development within Western New York for 75 years dating back to their incorporation April 15, 1940. The first president of the Chamber of Commerce in 1940 was Clarence Hopper Sr., who, along with many others through the years, contributed a great deal to ensuring the success of the organization, and;

The West Seneca community is forever grateful for the exemplary service the Chamber of Commerce has provided. They help businesses of all sizes become successful which helps continue the success of our community. The opportunities created and partnership involvement in public, governmental and private enterprise that the Chamber of Commerce is able to facilitate contributes to the great success of the organization and the entities they assist, and;

Throughout the years, the Chamber of Commerce has participated and hosted many events in the community. The Annual Community Awards, Ribbon Cuttings at new businesses, and Networking Activities are a few of the many events they coordinate each year. The Chamber of Commerce diligently works to continue it's positive impact as an organization and the Town of West Seneca is grateful for their commitment to our community, and;

Sheila M. Meegan, Supervisor, along with fellow Town Councilmen Eugene P. Hart and William P. Hanley Jr. of the great Town of West Seneca, in the County of Erie, in the State of New York, the Empire State, on this 15th day of April in the year two thousand and fifteen, do hereby join with my fellow citizens in recognizing the West Seneca Chamber of Commerce on their 75th anniversary;

And I encourage all of our residents to appreciate and support the West Seneca Chamber of Commerce for their dedication and great service provided to our community