

24-B HELD OVER PUBLIC HEARING

1. (continued)

Councilman Hart commented that the property is located at a tight corner and questioned how many vehicles will be on site at one time. He further questioned the color of the building.

Mr. Wagner responded a maximum of four cars can be stored inside the building and there will be four parking spaces on the left of the building near the creek plus two parking spaces behind the building. An area will be designated in front of the building for handicapped parking. Mr. Wagner stated he plans to pave the entire parking area in the spring and there will be no outside storage of parts or vehicles under repair. The building is white, red and black and he plans to put an American flag on one side.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution:

WHEREAS, the Town Board of the Town of West Seneca has received a request for a Special Permit authorizing the use of the property located at 3225 Seneca Street in the Town of West Seneca as an automotive repair shop ("Permitted Use"); and

WHEREAS, the Town Board has determined that the Project constitutes a Type II action exempt from review pursuant to the State Environmental Quality Review Act, due to the fact that the Project involves no significant physical alteration of the subject property; and

WHEREAS, the Planning Board recommended the granting of the special permit on November 13, 2014; and

WHEREAS, pursuant to Section 120-23(A) of the Town Code, the Town Board further finds that granting a special permit authorizing the Permitted Use of the subject property is an appropriate use of said property and will not adversely affect surrounding properties, particularly given that said property has been used as an automotive repair shop in the past;

THEREFORE, BE IT RESOLVED THAT the Town Board hereby grants a Special Permit for the Project pursuant to Sections 120-20(A)(8)(c) and 120-23 of the Town Code.

Ayes: All

Noes: None

Motion Carried

24-C LEGAL ITEMS

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt Local Law 2014-14, Modification to Chapter 33 – Records, Public in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried
APPENDICES

24-D COMMUNICATIONS

1. Supervisor Meegan re Appointment of Craig Kroll as Director of Recreation II regular part time
Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Craig Kroll as Director of Recreation II regular part time effective December 16, 2014 at a salary of \$20 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart spoke on behalf of Mr. Kroll who was unable to attend the meeting, noting he is happy to return and will be starting work tomorrow.

Supervisor Meegan thanked Lauren Masset for her work in the Recreation Department and commented on the outstanding job she did with Santa's Breakfast which included the YES Program and Theatre of Youth.

Ayes: All

Noes: None

Motion Carried

2. Attorney for the Town re Transportation & Escort Services Contract with Erie County
Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to execute the Transportation and Escort Services Contract with Erie County effective January 1 – December 31, 2015.

On the question, Councilman Hart questioned the cost to the town.

Attorney for the Town Charles Grieco responded there is no cost to the town. The contract is renewed annually and the vans are provided by both the county and town.

Ayes: All

Noes: None

Motion Carried

3. Town Engineer re Appointment of J. Clifford as winter intern in the Engineering Department
Motion by Supervisor Meegan, seconded by Councilman Hart, to table this item.
Ayes: All Noes: None Motion Carried

24-D COMMUNICATIONS

4. Town Engineer re Commerce Parkway Reconstruction Project, change order #1
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve change order #1 in the amount of \$138,779.84 for Union Concrete & Construction Corp., 105 Center Road, West Seneca, for additional work on the Commerce Parkway Reconstruction Project to address poor subsoil conditions encountered during construction.
- Ayes: All Noes: None Motion Carried
5. Town Engineer re Princeton Estates Subdivision – street lighting application
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor to sign the street lighting application with NYSEG for Electric Lighting District 63, Princeton Estates Subdivision.

On the question, Councilman Hart questioned if this will be billed separately to residents of Princeton Estates under Electric Lighting District 63.

Supervisor Meegan responded this will be billed on their tax bills under Electric Lighting District 63 to residents of that district.

Ayes: All Noes: None Motion Carried

6. Chief Denz re Budgetary transfer request
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a budgetary transfer request of \$4,457.89 from Acct. #001.3120.0471 (Police Community Service) to Acct. #001.3120.0153 (Detective) \$1,202.37, Acct. #001.3120.0154 (Police Officer) \$813.81, Acct. #001.3120.0161 (Police Lieutenant) \$1,780.22, and Acct. #001.3120.0163 (Police Detective Lieutenant) \$661.49.
- Ayes: All Noes: None Motion Carried
7. Chief Denz re Purchase of five patrol fixed mount computers
- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the purchase of five (5) Patrol PC Core I Value Intel Generation 3 fixed mount computers from Patrol PC, 344 John L. Dietsch Blvd., Attleboro, MA 02763 at a total cost of \$26,885 with available funding in the Asset Seizure Fund, Line T-004.0004.072, noting the price is below state bid and the purchase is replacing five outdated police car mobile data terminals.

24-D COMMUNICATIONS

7. (continued)

On the question, Councilman Hart questioned if money needs to be transferred into the operating fund for this purchase.

Chief Denz understood that a check can be written directly from the trust fund. He further stated this is federal asset seizure money and has no impact on the budget or taxpayers.

Ayes: All

Noes: None

Motion Carried

8. Town Clerk re Purchase of FOIL tracker software

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the purchase of FOIL tracker software from Business Automation Services Inc., 636 Plank Rd., Clifton Park, NY 12065 at a cost of \$3,980 which includes installation, training and annual software maintenance fee.

On the question, Councilman Hart questioned what service the software provides. He further questioned if the Town Clerk's office receives originals of all town contracts, noting that he thought it was a good idea they be kept in the clerk's office instead of the attorney's office.

Town Clerk Jacqueline Felser responded the software will track FOIL requests, generate letters and archive. She further stated not all town contracts are kept in her office.

Attorney for the Town Charles Grieco stated Town Law designates the Town Clerk as the keeper of all town records and he agreed with the suggestion that the Town Clerk receive and keep all original town contracts in her office going forward.

Ayes: All

Noes: None

Motion Carried

9. Town Justices re Attendance at 2015 NYS Association of Towns annual meeting

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Town Justice Dale J McCabe and Court Clerks Darlene Sommer & Michelle Leone to attend the 2015 NYS Association of Towns conference in New York City, February 15 – 17, 2015 at a cost not to exceed \$1,200 per person.

On the question, Councilman Hart stated the training seminars are an excellent program for the court clerks and are required for the Town Justices.

Ayes: All

Noes: None

Motion Carried

24-D COMMUNICATIONS

10. Supervisor Meegan re
Budget Note Resolution

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached budget resolution authorizing the issuance of a budget note in an amount not to exceed \$2,500,000 to pay for certain expenses and operation and maintenance costs.

On the question, Supervisor Meegan explained local finance law has a special section that covers emergency expenditures for storm recovery. She stated the town has not committed to this expenditure; however, the opportunity will be in place in case the town encounters unforeseen financial concerns going forward. Supervisor Meegan commented on the recent snowstorm, noting the overall cost totaled over \$3 million as a town collectively.

Councilman Hart commented on the importance of adopting the resolution and the significant amount of storm related expenditures, noting anything paid prior to adopting this resolution would not be covered. Once adopted and bills are paid, the Town Board is hopeful to receive reimbursement from FEMA and other sources. In the event the town is not reimbursed and a budget shortfall exists, the expenses will be covered.

Supervisor Meegan noted that Governor Cuomo complimented the town for the hard work, coordination and recovery with the storm and called the Town of West Seneca a template for all towns and villages.

Ayes: All

Noes: None

Motion Carried
APPENDICES

24-E REPORTS

- Jacqueline A. Felser, Town Clerk's report for November 2014 received and filed.
- John A Gullo, Code Enforcement Officer's report and plumbing report for November 2014 received and filed.

24-F 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 - \$226,255.88; Highway Fund - \$81,157.51; Special Districts - \$23,327.13; Capital Fund - \$946,734.81 (voucher #'s 86290 - 87059); Trust & Agency Fund - \$32,230.12 (voucher #'s 87024 - 87043)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

BUDGET NOTE RESOLUTION FOR NOVEMBER STORM EXPENSES

Don Weiss questioned the interest rate on the budget note and Supervisor Meegan responded the last interest rate was 0.1 percent. Mr. Weiss thanked the Town Board and town employees for their hard work during and after the November storm and especially thanked Assistant Code Enforcement Officer Jeffrey Baksa for his assistance and Highway Supt. Matthew English for removing a tree. He further commented on opportunistic individuals who took advantage of the situation, adding the majority of people worked together.

Dave Monopolopolus questioned if the Town Board had any information or if anything was done with individuals who price gouged during the storm.

Councilman Hart responded he was aware of some instances of price gouging and suggested residents report any instances to the New York State Attorney General.

Supervisor Meegan stated she had already provided the New York State Attorney General's office with this information.

CODE OF ETHICS

Dale Clarke referred to ethics violations that were before the Ethics Committee and questioned the status of their recommendations, noting he was concerned that issues were being ignored.

Supervisor Meegan responded that after the Town Board receives a recommendation from the Ethics Committee they will review it and respond.

DIRECTOR OF RECREATION POSITION

Dave Monopolopolus questioned if the Director of Recreation position was posted and how many hours a week the job entails.

Supervisor Meegan responded the job was posted and interviews conducted from a list provided by Erie County. Currently the position is part-time with a maximum 30 hours per week, but it could become a full-time position in the future.

Amy Carpenter disagreed with the position becoming full-time with benefits. She commented on the change in hourly rate to \$20 when it was advertised at \$18 and did not believe that was fiscally responsible. Mrs. Carpenter referred to the decline of student enrollment and the aging population with 78 percent of the population without children and did not believe money should be spent on services that less than 25 percent of the residents will use.

ISSUES OF THE PUBLIC

DIRECTOR OF RECREATION POSITION (continued)

Councilman Hart responded that recreation is not just for children.

Karen Lucachik was disturbed by the rehiring of Mr. Kroll and commented since he did not want a part-time position he must have been told that the position will become full-time. She questioned if other individuals that were interviewed were provided the same information.

Councilman Hart responded they had told Mr. Kroll the job may become full-time and the other individuals were also told that. Two of the applicants did not want full-time and the third individual turned the job down because he had other employment. Mr. Kroll was the best choice.

Frank Russo reiterated his displeasure in the Town Board's decision to fill the Director of Recreation position, stating there is no need to make this a full-time job in the future. He commented on the recreation programs competing with programs offered through continuing education, hiring friends, downsizing and consolidation of government. Mr. Russo thought filling this position is a blatant disregard to taxpayers and fiscally irresponsible.

Councilman Hart disagreed with Mr. Russo's comments and stated he believes the position should be full-time.

Doug Kroll, father of Craig Kroll, commented on his son's college education and knowledge of his work. He believes a town the size of West Seneca should be able to afford a full-time recreation director as in other towns, noting \$30,000 is not a lot when compared to other positions.

Beverly Leising questioned what Mr. Kroll will be doing with the additional hours if the job is made full-time.

Supervisor Meegan responded the job description will clearly identify the duties of the full-time position.

Susan Kims commented on Mr. Kroll being invited back to fill a part-time position that he chose to leave two months ago. She complimented Lauren Masset for doing a good job and questioned why she was not considered for the position.

Councilman Hart responded Ms. Masset was not eligible to take the test. Mr. Kroll was hired from the list and was the best candidate of those interviewed.

ISSUES OF THE PUBLIC

STATUS OF HUMAN RESOURCE CONSULTANT

Amy Carpenter questioned the status of hiring a human resource firm and Supervisor Meegan responded a human resource firm was hired a few months ago and there have been discussions on their duties. A consultant from the firm met with each department head and a report should be forthcoming next month.

FIRE INSPECTOR

Amy Carpenter questioned who serves as fire inspector for the town and Supervisor Meegan responded that Code Enforcement Officer John Gullo is fire inspector.

MASTER PLAN

Amy Carpenter questioned the date of the next Master Plan meeting and Councilman Hart responded the next meeting is scheduled for Wednesday, December 17th, at Burchfield.

ICE RINK SKATE RENTAL UPDATE

Supervisor Meegan referred to a question at the last Town Board meeting concerning skate rental availability during lessons and stated that according to the vendor's contract he is only required to be open during open skate.

2015 BUDGET MEETING

Karen Lucachik objected that the 2015 budget was adopted at a 3 PM meeting and stated the town's website never said there was a work session that day.

FINANCE DEPARTMENT TRAINING

Karen Lucachik questioned if employees in the Finance Department will have additional training and Supervisor Meegan responded that training will be provided in March and April. Drescher & Malecki are also continuing to work in the Finance Department and provide support services.

STREETLIGHT OUTAGES

Karen Lucachik stated that streetlights were reported out on her street prior to the storm and they have not yet been repaired.

Highway Supt. Matthew English suggested Mrs. Lucachik contact NYSEG directly, noting the Highway Department is not responsible for reporting streetlight outages, but if a resident calls his office will call NYSEG as a courtesy.

ISSUES OF THE PUBLIC

FORMER TOWN ATTORNEY SERVICES

Karen Lucachik questioned if the services of former Town Attorney Shawn Martin have concluded and Supervisor Meegan responded that Mr. Martin continues to provide assistance on various ongoing issues.

Attorney for the Town Charles Grieco stated there is still litigation that predates his firm working for the town and it is easier, cheaper and more productive to consult with Mr. Martin. Mr. Grieco further noted the town retains a number of attorneys to represent various legal issues.

PORTER SERVICE FOR TOTES

Johanna Guenther questioned the status of the porter service for totes and Councilman Hart responded it has been decided the town is not prepared to provide this service.

ELECTRONIC SIGN

Susan Kims commented on a new electronic sign on Orchard Park Road that flashes during the day and is extremely bright at night. When the sign was approved by the Zoning Board, she understood it was not supposed to be flashing.

Code Enforcement Officer Jeffrey Baksa responded that Code Enforcement Officer Jeffrey Schieber has addressed this issue. The electronic sign was approved by the Zoning Board, but town regulations stipulate how the sign is to be maintained. He understood that Mr. Schieber had informed the owner the sign had to be shut off at 10:00 PM.

Mrs. Kims stated she attended the Zoning Board meeting and the owner said the sign would not flash during the day. The sign is also a distraction at night.

Mr. Baksa responded they can only ask the owner to comply with the ordinance and act upon the law as it is written; however, there may be an appeals process to address this issue.

ETHICS COMMITTEE

Ethics Committee Chairman George Clifford stated the committee's proposals and recommendations were sent to the board members in early November via the minutes. He thanked the Ethics Committee members for their work and volunteering, noting they are doing the best they can to follow the Ethics Code.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SENIOR CENTER UPDATES

Supervisor Meegan offered the senior center report on behalf of Sr. Recreation Therapist of Senior Services Mary Josefiak. She commented on a celebration earlier this month recognizing senior center volunteers and being the first senior center to be included in the Buffalo Sabres community give back program. Mrs. Josefiak sent her wishes for a Merry Christmas and all the best in 2015.

TWITTER/TOWN WEBPAGE/CODERED

Supervisor Meegan announced that Twitter is live in West Seneca at west-seneca. She further stated that even though the town website was not updated during the recent storm, the Police Department webpage, Facebook page and Twitter were updated and keeping the public informed. Supervisor Meegan reminded everyone of the benefit of signing up for CodeRed and encouraged residents to do so.

NOVEMBER STORM UPDATE

Supervisor Meegan thanked Asst. Code Enforcement Officer Jeffrey Baksa and his family for their assistance during the storm. She further stated the town is offering the ice rink as a site for the Small Business Association and FEMA relief to meet.

Mr. Baksa stated that anyone with storm damage should contact the Code Enforcement Office and use the permit process to make repairs, noting the permit fee is waived for any storm damage.

Councilman Hart questioned how many homes were damaged.

Mr. Baksa stated to date the Code Enforcement Office has responded to approximately 316 addresses, some of which sustained damage and others that required inspection. There were 47 addresses that had at least a partial collapse and the total dollar amount for repairs is in the area of \$3 million.

Councilman Hanley questioned if a deadline has been established for receipt of damage claims.

Mr. Baksa responded initially the deadline was 30 days; however, a damage claim will be recognized if it is found to be storm related.

HOLIDAY REMINDER

Chief Denz extended his wishes for a happy holiday season and reminded everyone to celebrate responsibly, be safe and lock doors when shopping.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RELAY FOR LIFE

Supervisor Meegan announced that Relay for Life will be a coordinated effort throughout the county and will kickoff on January 27th, 5:30 to 7:30 pm at the senior center, noting the actual event will be held in May at Green Lake.

LOCAL LAW 2014-15

Motion by Councilman Hart, seconded by Supervisor Meegan, to schedule a public hearing for December 29, 2014 at 7:00 P.M. to consider Local Law #15 concerning electrical inspections.

Ayes: All

Noes: None

Motion Carried

RECREATION UPDATES

Lauren Masset welcomed Craig Kroll as Recreation Director and thanked Sr. Recreation Therapist of Sr. Services Mary Josefiak for her help with the Enchanted Path and Breakfast with Santa. Ms. Masset reminded the public that winter camp registration is taking place Monday – Friday 9:00 A.M. to 5:00 P.M. and anyone wishing to donate canned goods to benefit the West Seneca food pantry can do so at the Town Hall, ice rink, library and Kiwanis Center.

Councilman Hart referred to Town Board criticism concerning the Recreation Director position, noting he has and will continue to work very hard as councilman. He stated the Town Board is progressive and he believes they are moving in the right direction.

Supervisor Meegan agreed with Councilman Hart's comments, stating it is difficult to be criticized for something they truly believe there is a need for. She complimented Ms. Masset on her hard work and stated she will continue to be a part of a Recreation Department that is growing. Supervisor Meegan stated the Town Board will continue to move forward and grow because it is the right thing to do.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to executive session at 8:30 P.M. to discuss legal and personnel matters.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:45 P.M.

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

TOWN BOARD PROCEEDINGS
Minutes #2014-24
December 15, 2014
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PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:45 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of West Seneca

Local Law No. 14 of the year 20 14

A local law to add a new Article to Chapter 33 (Records, Public) to the Town Code.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of West Seneca as follows:

Article III

Section 33-9 Purpose and scope:

- a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- b) These regulations provide information concerning the procedures by which records may be obtained.
- c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- d) Any conflicts among laws governing public access records shall be construed in favor of the widest possible availability of public records.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 33-10 Designation of records access officers:

(a) The Town Board is responsible for insuring compliance with the regulations herein and designates the following persons as records access officers:

- (1) Town Clerk -- All Town records unless otherwise indicated;
- (2) Assistant Police Chief -- All records maintained by and/or for the Police Department;
- (3) Superintendent of Highways -- All records maintained by and/or for the Highway and Sanitation Departments.

(b) The records access officers are responsible for insuring appropriate Town response to public requests for access to records and shall employ the assistance of other Town personnel as appropriate to effectuate the purpose of this Article. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officers shall insure that Town personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefore.
- (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:

- (i) The Town is not the custodian for such records, or
- (ii) The records of which the Town is a custodian cannot be found after diligent search.

Section 33-11 Location

Records shall be available for public inspection and copying at:

Town Hall
1250 Union Road
West Seneca, New York 14224

Section 33-12 Hours for public inspection

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

Section 33-13 Requests for public access to records

- (a) A written request may be required, but oral requests may be accepted at the discretion of the records access officers when records are readily available.
- (b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) A response shall be given within five business days of receipt of a request by:
 - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) granting or denying access to records in whole or in part;
 - (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
 - (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such

acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

(5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 33-14 Subject matter list

(a) The records access officers shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

(c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 33-15 Denial of access to records

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual designated to determine appeals, who shall be identified by name, title, business address and business phone number.

(b) If requested records are not provided in accordance with Section 33-13 of this Article, such failure shall also be deemed a denial of access.

(c) The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Town Attorney
Town Hall
1250 Union Road
West Seneca, New York 14224

(d) Any person denied access to records may appeal within thirty days of a denial.

(e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) the date and location of requests for records;

(2) a description, to the extent possible, of the records that were denied; and

(3) the name and return address of the person denied access.

(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(g) The person designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt. Such copies shall be addressed to:

Committee on Open Government

Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

(h) The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 33-16 Fees

(a) There shall be no fee charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification pursuant to this part.

(b) Copies may be provided without charging a fee.

(c) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;

(2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

(3) the Town has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(d) The fee the Town may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) the actual cost to the Town of engaging an outside professional service to prepare a copy of a record, but only when the Town's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(e) When the Town has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the Town shall be required to retrieve or extract such record or data electronically. In such case, the Town may charge a fee in accordance with paragraph (d)(1) and (2) above.

(f) The Town shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(g) The Town may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(h) The Town may waive a fee in whole or in part when making copies of records available.

Section 33-17 Public notice

A notice containing the title or name and address of the records access officers and appeals person and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 33-18 Severability

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Section 4. Effective date

This local law shall take effect upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 14 of 2014 of the ~~(County)(City)(Town)(Village)~~ of West Seneca was duly passed by the Town Board on December 15 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

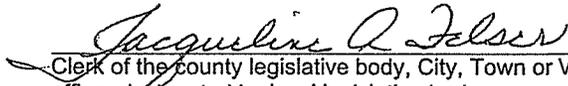
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting hereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/17/2014

(Seal)

BUDGET NOTE RESOLUTION

“A RESOLUTION OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK AUTHORIZING THE ISSUANCE OF A BUDGET NOTE IN AN AMOUNT NOT TO EXCEED \$2,500,000.00 TO PAY FOR CERTAIN EXPENSES AND OPERATION AND MAINTENANCE COSTS”

BE IT RESOLVED, by the affirmative vote of a majority of the total voting strength of the Town Council of the Town of West Seneca, Erie County, New York (the “Town”), as follows:

Section 1. In connection with the November 2014 unforeseeable storm emergency, the Town has incurred expenses consisting of snow and ice removal costs, property damage to buildings highways and other resources and operation and maintenance costs which were reasonably not anticipated at the time of the adoption of the Town budget and significantly exceeded the ability of the Town to pay for such expenses form from general Town funds or other contingency funds..

Section 2. There are no other funds available to pay such costs and expenses and therefore it is necessary to issue a Budget Note (the “Note”) to adequately provide for the same.

Section 3. The specific object or purpose of the Note is an object or purpose described in and authorized by Sections 29(a) and (i) of the Local Finance Law.

Section 4. The Note is hereby authorized to be issued in an amount not to exceed \$2,500,000.00 with a maturity date not later than two (2) years from the date of issuance and not later than the last day of fiscal year 2016 whichever occurs sooner. The Note amount shall not exceed five percent (5%) of the Town’s annual budget.

Section 5. Subject to the provisions of the Local Finance Law, the power to issue the Note is hereby delegated to the Town Supervisor, as the Chief Fiscal Officer of the Town. Such Note shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by Town Supervisor, consistent with the provisions of this Resolution and the Local Finance Law.

Section 6. All other matters, except as provided herein, relating to the Note including the date, denomination, maturity and interest Note, within the limitations prescribed herein and the manner of execution of the same, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

The resolution was thereupon declared duly adopted.

Dated: December 15, 2014