

17. Motion by Supervisor Meegan, seconded by Councilman Hart, that Michael Harmon be appointed to the Zoning Board of Appeals effective January 1, 2013 for a five (5) year term ending December 31, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

18. Motion by Supervisor Meegan, seconded by Councilman Hart, that Donald Mendola be appointed to the Planning Board effective January 1, 2013 for a seven (7) year term ending December 31, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart expressed some concern with appointments for seven year terms.

Town Attorney Shawn Martin responded that the term length is dictated by state law based on the number of board members. West Seneca has seven Planning Board members and one member is appointed each year for a seven year term.

Councilman Hart questioned the possibility of reducing the number of members to five and Mr. Martin stated he will research this question.

Ayes: All

Noes: None

Motion Carried

19. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that Jacqueline A. Felser be appointed as Secretary to the Planning Board and Zoning Board of Appeals at an annual salary of \$6,800 effective January 1, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

20. Motion by Supervisor Meegan, seconded by Councilman Hart, that Randy Maracle, Michael Shea, and Robin Heiss of West Seneca, New York be appointed Civil Officers of the Town of West Seneca effective January 1, 2013 for the purpose of service of process, etc. without remuneration from the town.

On the question, Councilman Hart questioned if these individuals are paid per event. Judge McCabe advised that these individuals are not paid by the town, but they do charge a fee to whomever they are performing the service for.

Ayes: All

Noes: None

Motion Carried

36. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that the Town Board of the Town of West Seneca, pursuant to §25 of Town Law and §11 (2) of the Public Officers Law, hereby approves the execution of a Public Employee's Blanket Bond issued by Fidelity Deposit Company, covering all officers and employees including the Supervisor, Town Clerk, Superintendent of Highways, and two (2) Town Justices for the sum of \$200,000 per occurrence, and be it further resolved that the undertaking shall be effective January 1, 2013, noting that a \$2,500 deductible will apply to the bond.

Ayes: All

Noes: None

Motion Carried

37. Motion by Supervisor Meegan, seconded by Councilman Hart, that the West Seneca Bee be designated as the official newspaper and the Buffalo News or local Pennysaver be used at the discretion of the board.

Ayes: All

Noes: None

Motion Carried

38. Motion by Supervisor Meegan, seconded by Councilman Hart, that the following titles of town department heads, elected or appointed officials, and certain other full-time employees not covered by contract provisions between the town and the Blue and White Collar CSEA or the West Seneca PBA be granted extended benefits including Blue Shield or equivalent plan costs, as well as all other health and welfare fund related benefits in accordance with the CSEA White Collar contract or equivalent, with the exception of the Chief of Police and Assistant Chief of Police who are granted benefits pursuant to the contract with the West Seneca PBA. These will include the following: Supervisor, (2) Council Members; Town Clerk, Highway Superintendent; (2) Town Justices; Town Attorney; Secretary to Supervisor; (2) Clerks to Town Justices; Secretary to Highway Superintendent; Code Enforcement Officer; and Senior Recreation Therapist.

On the question, Councilman Hart stated he did not believe the Supervisor and council members should be included in this resolution and in the future he plans to propose that fringe benefits and salaries will be subject to review periodically by a committee of citizens. Councilman Hart thought it was a conflict of interest to receive benefits that he as a board member negotiated and noted he has declined in writing any benefits he was entitled to.

The motion was amended as follows:

Motion by Supervisor Meegan, seconded by Councilman Hart, that the following titles of town department heads, elected or appointed officials, and certain other full-time employees not covered by contract provisions between the town and the Blue and White Collar CSEA or the West Seneca PBA be granted extended benefits including Blue Shield or equivalent plan costs, as well as all other health and welfare fund related benefits in accordance with the CSEA White Collar contract or equivalent, with the exception of the Chief of Police and Assistant Chief of Police who are granted benefits pursuant to the contract with the West Seneca PBA. These will include the following: Town Clerk, Highway Superintendent; (2) Town Justices; Town Attorney; Secretary to Supervisor; (2) Clerks to Town Justices; Secretary to Highway Superintendent; Code Enforcement Officer; and Senior Recreation Therapist.

Ayes: All

Noes: None

Motion Carried

51. Motion by Supervisor Meegan, seconded by Councilman Hart, that to the extent possible regular meetings of the Town Board where not otherwise specified be held at 7:00 PM in the West Seneca Town Hall Court Room as follows:

January 14, 2013*
January 22, 2013 – 2:00 PM to approve warrant
February 4, 2013*
February 27, 2013 – 2:00 PM to approve warrant
March 4, 2013*
March 18, 2013
April 1, 2013*
April 15, 2013
April 29, 2013*
May 13, 2013
June 10, 2013*
June 24, 2013
July 8, 2013*
July 22, 2013
August 5, 2013*
August 19, 2013

*A work session will take place at 3:00 PM of the day of every other scheduled Town Board Meeting starting on January 14, 2013.

Remaining 2013 meetings will be scheduled and announced to the public at a later date. Any emergency meeting shall be held at the call of the Supervisor. Special meetings shall be held at the call of the Town Clerk of the Town of West Seneca upon written request of at least two (2) members of the Town Board. Notice, in writing, stating the time, place and purpose of the special meeting shall be served personally upon each member of the Town Board at least forty eight (48) hours before the date fixed for holding the meeting. Only business specified in the notice thereof may be transacted at a special meeting. In accordance with the Open Meetings Law, the public and news media shall be given reasonable notice of any special meeting and all further executive sessions shall be public except for specific purposes allowed by law.

On the question, Councilman Hart requested the March 4th meeting be moved to the following Monday.

Supervisor Meegan responded she will look into moving that meeting.

Councilman Hart questioned if advertising is required for special meetings and work sessions.

Town Attorney Shawn Martin responded that legal notices are not required, but posting on the bulletin board and website is necessary.

51. (continued)

Councilman Hart questioned the possibility of changing state law concerning publication requirements to read "a publication with general circulation in the town." This will allow the Pennysaver to be used which is delivered to every house in town.

Mr. Martin stated he had made an initial request and was told to check back after the New Year with the new State Senator Patrick Gallivan.

Ayes: All

Noes: None

Motion Carried

52. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that no town vehicles be used for personal use, and all town vehicles including the equipment in the Highway Department, be identified by decals with the exception of the Police Department vehicles used for detective work and the Police Chief's car and direct the Supervisor to ensure that decals are placed on all cars except those mentioned. Town vehicles for take home use shall be provided to the Chief of Police and Highway Superintendent. Town vehicles shall not leave the town limits except for use on official town business.

Ayes: All

Noes: None

Motion Carried

53. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that in the interest of energy conservation the operation of a log be continued for each town owned truck and vehicle as relating to mileage, destination, and task accomplished. Said log to be reviewed by the department head and forwarded monthly to the committee chairman responsible for that office. Further, that no town owned vehicle, except Police Department vehicles, be left running at any location for any reason; and further, all town vehicles of various department heads, except Police and Highway, should be left at the Town Hall for general use while individuals are on vacation or any extended time off.

On the question, Councilman Hart questioned if the gas pumps record the vehicle and if it is sufficient.

Highway Supt. Matthew English responded that the pumps do record the vehicle and he thought the electronic log was sufficient.

Ayes: All

Noes: None

Motion Carried

54. Motion by Supervisor Meegan, seconded by Councilman Hart, that the Town Board sets the following rules relative to the use of Highway personnel and equipment for emergencies:

1. The West Seneca Highway Department is authorized to provide for emergency assistance to the local school systems, fire districts and other municipalities if personnel or equipment are requested;
2. An emergency must exist and have been declared in the Erie County municipality requesting assistance;

54. (continued)

3. The Highway Superintendent will promptly notify the Supervisor of such action. A written summary will be immediately given to the Town Clerk and Town Attorney outlining the details of the emergency service;
4. Town equipment will be operated by West Seneca employees in the majority of work situations. However, slow moving vehicles (roller), stationary equipment (air compressor or pumps), and light tools may be loaned to another Highway Department to be used and operated by their employees and fees will be assigned to the municipality that receives long term aid; and
5. The West Seneca Highway Superintendent is authorized to request aid from other towns in Erie County. Non West Seneca personnel and equipment will work under the supervision of the West Seneca Highway Superintendent.

On the question, Councilman Hart referred to the grant process for reimbursement of costs during an emergency and questioned how the town keeps track of costs.

Chief Gehen responded that the Disaster Coordinator keeps track of personnel, staffing, gasoline, equipment used, etc. and submits this information to the federal government.

Ayes: All

Noes: None

Motion Carried

55. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that Town Attorney Shawn P. Martin be designated as Step 3 Grievance Officer effective January 1, 2013 without remuneration.

On the question, Councilman Hart expressed concern about Mr. Martin's workload and his ability to remain completely neutral when hearing a grievance.

Mr. Martin responded that as Grievance Officer he makes recommendations to the Town Board and they have the ultimate decision on resolving a grievance.

Ayes: (2) Supervisor Meegan, Councilman Rusinski

Noes: (1) Councilman Hart

Motion Carried

56. Motion by the Supervisor Meegan, seconded by Councilman Rusinski, that Town Attorney Shawn P. Martin be appointed Fair Housing Officer & Affirmative Action Officer for the town effective January 1, 2013 at an annual stipend of \$1200 and further direct Mr. Martin to submit a yearly report documenting matters handled.

On the question, Councilman Hart questioned what this title involved.

56. (continued)

Town Attorney Shawn Martin advised that the Town of West Seneca is one of two municipalities in Erie County that has a local law governing this. The town receives a number of complaints from tenants that believe they are being discriminated against. These complaints are investigated and an attempt is made to resolve them if possible. If they are not resolved, a complaint can be filed against the landlord for violation of the code. Mr. Martin stated that he receives two to three calls/complaints per month and about one-third result in a formal investigation involving a meeting with the landlord and tenant.

Supervisor Meegan stated that years ago a part-time individual handled these issues but the job was eliminated by Erie County. She will be requesting reimbursement from Erie County for Mr. Martin's salary and noted that the stipend may be low for the number of hours worked, but they will review his activity log after six months and make an adjustment if deemed necessary.

Ayes: All

Noes: None

Motion Carried

57. Supervisor Meegan announced the following personal appointments and committees for the year 2013 noting that she will also be a member of each committee.

Deputy Supervisor

Matthew D. English

COMMITTEES and/or LIAISONS

Utility Advisory

Chair

John M. Rusinski

Members

Shawn P. Martin

Robert Niederpruem, Jr.

Engineering & Special Districts

Chair

Sheila M. Meegan

Police & Public Safety

Chair

John M. Rusinski

Senior Citizen

Chair

Sheila M. Meegan

Recreation & Youth

Chair

John M. Rusinski

Library Advisory

Chair

Eugene P. Hart

Highway

Chair

Eugene P. Hart

Insurance

Chair

Sheila M. Meegan

57. (continued)

Capital Projects	Chair	Sheila M. Meegan
	Members	Eugene P. Hart John M. Rusinski Matthew D. English Richard B. Henry III Shawn P. Martin
Town Attorney	Liaison	John M. Rusinski
Justice Courts		Sheila M. Meegan
Town Clerk's Office		Sheila M. Meegan
Assessor's Office		Eugene P. Hart
Building & Plumbing Dept.		Eugene P. Hart
Revenue Development	Chair	Sheila M. Meegan
Safety & Accident Review	Chair	John M. Rusinski
Environmental Conservation Committee	Chair	Sheila M. Meegan
Band Shell Committee	Chair	Eugene P. Hart
Solid Waste Committee	Chair	Eugene P. Hart
Employee Assistance Program	Chair	John M. Rusinski

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, that the Town Board Proceedings be adjourned at 3:00 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A. FELSER, TOWN CLERK