

1-B COMMUNICATIONS

1. Town Attorney re Payment for appraisal services on tax assessment challenge
- Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize payment to Emminger, Newton, Pigeon & Magyar, Inc. in the amount of \$3,525 for appraisal and expert services in connection with the tax assessment challenge for property located at 550 Orchard Park Road.

Ayes: All Noes: None Motion Carried

2. Chief Gehen re Resignation of David Rizk as part-time Public Safety Dispatcher
- Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of David Rizk and terminate him as part-time Public Safety Dispatcher effective December 27, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the need for an additional part-time Public Safety Dispatcher.

Chief Gehen responded that he will be discussing with the Town Board the staffing situation and needs going forward in Public Safety Dispatch.

Ayes: All Noes: None Motion Carried

3. Town Clerk re Purchase of clerk licensing software
- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize the purchase of clerk licensing software from Business Automation Services Inc. at a cost of \$13,260 payable in two installments of \$6,630 each due January 31, 2013 and January 31, 2014, noting that funds were appropriated under line item #01.1410.0200 in the 2013 budget for the first installment.

On the question, Town Clerk Jacqueline Felser stated that Business Automation Services software is used by the majority of towns in Erie County and this software is an upgrade to the current clerk licensing software used in the Town Clerk's office.

Ayes: All Noes: None Motion Carried

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| 4. Director of Recreation, Youth & Senior Services re Budgetary transfer request | Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$400 from Recreation Equipment & Supplies Acct. #1.7620.0200 to Printing & Advertising Acct. #1.7620.0448. |
| | Ayes: All Noes: None Motion Carried |
| 5. Code Enforcement Officer re Rezoning request at 325 Orchard Park Road | Motion by Supervisor Meegan, seconded by Councilman Hart, to refer to the Planning Board the rezoning request from M-1 to C-2 for 325 Orchard Park Road for multi-family residential and commercial development. |
| | Ayes: All Noes: None Motion Carried |
| 6. Supervisor Meegan re Creation of part-time Recreation Director position | Motion by Supervisor Meegan, seconded by Councilman Hart, to create the position of part-time Recreation Director and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |

On the question, Councilman Hart stated this position is being created in conjunction with the consultant's recommendation to reorganize the Senior Citizens and Recreation Departments. The Recreation Department will be all part-time employees and Mary Josefiak will be able to devote all her time to the senior citizens center. Councilman Hart questioned when the town will be advertising for resumes for this position.

Supervisor Meegan responded that they will be advertising this position immediately and it will be posted on the town's website and in the newspaper. She further thanked Mrs. Josefiak for her contributions and service in the Recreation Department and Senior Citizens Center over the last few years.

Ayes: All Noes: None Motion Carried

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| 7. Chief Gehen re Status change for part-time Public Safety Dispatchers to seasonal | Motion by Councilman Hart, seconded by Supervisor Meegan, to change the status of part-time Public Safety Dispatchers James McCullough, Richard Miller and Norm Brem to part-time seasonal effective January 1 – 31, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
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1-B COMMUNICATIONS

7. (continued)

On the question, Councilman Rusinski commented that the town must be cognizant of the new Health Care Reform Act that becomes effective January 1, 2014. After 30 hours of work the town will have to offer health care benefits to part-time employees. This will be a substantial cost to the town and they need to look forward to determine how they will manage it.

Councilman Hart questioned if this was based on a part-time employee's average hours for the year or if they work seasonal for part of the year.

Councilman Rusinski understood that a part-time employee working seasonal hours for five months of the year would be considered qualifying for health care benefits.

Ayes: All

Noes: None

Motion Carried

8. Councilman Hart re Support
for Phoenix's Law

Motion by Councilman Hart, seconded by Supervisor Meegan, to adopt the following resolution supporting the enactment of Phoenix's Law:

WHEREAS, there are many pet and animal lovers throughout the Town of West Seneca, Erie County and Western New York; and

WHEREAS, there have been numerous cases of animal abuse throughout Erie County and Western New York; and

WHEREAS, it is noted that Erie County Legislator Terrance McCracken has sponsored legislation in the Erie County Legislature encouraging the New York State Legislature to enact "Phoenix's Law" aimed at stiffening penalties for those who torture and abuse animals; now, therefore, be it

RESOLVED, that the Town of West Seneca supports Legislator Terrance McCracken and the Erie County Legislature in urging the New York State Legislature to enact "Phoenix's Law"; and be it further

RESOLVED, that upon adoption of this resolution the Town Clerk of the Town of West Seneca is directed to send copies of the resolution to the clerk of the Erie County Legislature, New York State Senator Patrick Gallivan and New York State Assemblyman Michael Kearns.

Ayes: All

Noes: None

Motion Carried

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9. Town Attorney re Placement of signs on town property on land adjacent to Buffalo Creek
- Motion by Councilman Hart, seconded by Supervisor Meegan, to authorize the Erie County Soil & Water Conservation District to place signs on town property adjacent to Buffalo Creek if approved by the New York State Department of Environmental Conservation and the Canal Corporation.

Ayes: All Noes: None Motion Carried

10. Town Attorney re Public hearing on Local Law No. 2013-01 Stormwater Maintenance & Control Facilities
- Motion by Councilman Hart, seconded by Supervisor Meegan, to schedule a public hearing for January 14, 2013 at 7:00 P.M. to consider Local Law No. 2013-01, Stormwater Maintenance & Control Facilities.

On the question, Town Engineer Steven Tanner stated the local law is being proposed to comply with DEC requirements and give the town a means of collecting funds to pay for required maintenance of stormwater management facilities. It outlines exact measures the town is willing to accept if they are going to take acceptance of stormwater management. If there is a stormwater pond for a residential or townhouse subdivision, the town is asking that during the engineering and planning process the drainage improvement area be set up which will allow the town to assess taxes on an as needed basis as they go through and clean those areas. The town will also tell the developer what kind of stormwater drainage facilities they will accept. They do not want to accept underground storage facilities or anything with high maintenance costs. A fee will be paid upfront by the developer and when those funds are gone the town at their discretion may then impose a fee on the homeowners going forward.

Councilman Hart commented on the affect this will have on the Highway Department and questioned how often a detention pond requires maintenance. He further questioned what will happen with the existing ponds.

Mr. Tanner stated that detention ponds require maintenance every five years. With regard to the existing ponds, everyone that benefits must agree to turn over the pond to the town and access easements may be needed in some cases.

Ayes: All Noes: None Motion Carried

1-C 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 - \$259,199.87; Highway Fund - \$71,327.26; Special Districts - \$7,246.70 (voucher #'s 76079 - 76549); Trust & Agency Fund - \$58,338.50 (voucher #'s 75006 - 76547); Capital Fund - \$76,632.96 (voucher #'s 76527 - 76543)

Ayes: All

Noes: None

Motion Carried

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 3:35 P.M. to discuss a litigation matter.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 4:05 P.M.

ISSUES OF THE PUBLIC

REZONING OF FORMER SENECA MALL SITE

Arlene Vogt questioned if a request was made to have the former Seneca Mall site rezoned.

Supervisor Meegan responded that she has been working with the owner of the former Seneca Mall site for the last two years and rezoning of the property has been requested. Positive things are starting to happen and the Ridge Road corridor is seriously being worked on.

PART-TIME RECREATION DIRECTOR POSITION

Frank Russo questioned the salary for the part-time recreation director position, if it included benefits, and if the individual will have complete control of the Recreation Department.

Supervisor Meegan stated this position was approved by Erie County for 25 hours a week, \$18 per hour and no benefits. The number of hours was recommended by the needs assessment. The part-time Recreation Director will report to the board members and Councilman Rusinski is the Town Board liaison to that department.

Mr. Russo questioned if the needs assessment report will be available for public viewing.

Supervisor Meegan responded that the needs assessment will be available for the public after certain personnel issues are removed from it.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

AMENDMENT TO PUBLIC HEARING DATE FOR LOCAL LAW 2013-01

The previous motion regarding a public hearing on Local Law 2013-01 was amended as follows:

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for February 4, 2013 at 7:00 P.M. to consider Local Law 2013-01, Stormwater Maintenance & Control Facilities.

Ayes: All

Noes: None

Motion Carried

LOCAL LAW 2013-02 AMENDMENTS TO PEDDLER'S ORDINANCE

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for February 4, 2013 at 7:00 P.M. to consider Local Law 2013-02 amendments to the Peddler's Ordinance.

Ayes: All

Noes: None

Motion Carried

BID DATE FOR CONCESSION SERVICES AT SOCCER COMPLEX & SUNSHINE PARK

Town Attorney Shawn Martin stated that he drafted requests for proposals for concession services at the soccer complex and Sunshine Park and requested that a bid date be set.

Motion by Councilman Hart, seconded by Councilman Rusinski, to set a bid date of February 15, 2013 at 10:00 A.M. for receipt of bids for concession services at the soccer complex and Sunshine Park.

Ayes: All

Noes: None

Motion Carried

CHANGE ORDER ON DOVER/GREENMEADOW RECONSTRUCTION PROJECT

Town Engineer Steven Tanner noted that the Dover/Greenmeadow Drive Reconstruction Project was well under budget and there will be a deduct change order submitted at the next meeting.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ELECTRICAL BID FOR TOWN HALL HANDICAPPED ACCESSIBILITY PROJECT

Councilman Rusinski referred to the bids for the Town Hall Handicapped Accessibility Project and noted there was a disparity on the electrical portion of the bid between the minutes from the bid opening and the memo from Town Engineer Steven Tanner.

Mr. Tanner stated he would check on this but he was certain the bid amount from Frey Electric was \$63,950 and the amount in the minutes must be a typo.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 4:15 P.M. to discuss a personnel issue.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 4:20 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 4:20 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK