

6-C COMMUNICATIONS

4. Town Attorney re Amendment to Town Code § 47-4 Alcoholic Beverages - Exceptions Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for April 21, 2014 at 7:00 P.M. to consider Local Law 2014-03 modification to Chapter 47, Alcoholic Beverages.

On the question, Councilman Hart stated this will amend the Town Code to allow consumption of alcoholic beverages at the farmers market and certain other community events (i.e. Community Days).

Councilman Hanley stated the proposed modification is intended for beer and wine tasting, but will not allow individuals to bring their own alcohol to events.

Ayes: All Noes: None Motion Carried

5. Town Attorney re Amendment to Town Code § 87-2 Peddlers, Solicitors & Canvassers - Definitions Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for April 21, 2014 at 7:00 P.M. to consider Local Law 2014-04 modification to Chapter 87, Peddlers, Solicitors and Canvassers.

Ayes: All Noes: None Motion Carried

6. Town Engineer re Bid date for North American Drive Road Reconstruction Project Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of April 16, 2014 at 2:00 P.M. for receipt of bids for reconstruction of North American Drive between Union Road and Ransier Drive and Ransier Drive from North American Drive to the south dead end.

Ayes: All Noes: None Motion Carried

7. Town Engineer re Bid award for Burchfield prefabricated building Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the prefabricated comfort station/storage building at the Burchfield Nature and Arts Center to NewCal Construction Inc., 10994 Tinkham Road, Darien, NY 14040 at their low total bid amount of \$149,500.

On the question, Councilman Hart questioned the meaning of base bid.

Town Engineer Richard Henry responded that a base bid means accepting a bid as it is received, noting some contracts have multiple bid items.

Ayes: All Noes: None Motion Carried

6-C COMMUNICATIONS

8. Highway Supt. re Title change for Thomas Sullivan

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Thomas Sullivan as Highway Motor Equipment Operator and appoint Thomas Sullivan as Working Crew Chief, Group 6, Step 5, at a rate of \$29.46/HR effective March 17, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9. Sr. Recreation Therapist of Senior Services re Termination of June Edie as Food Service Worker

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of June Edie and terminate her as part-time food service worker effective March 24, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

10. Sr. Recreation Therapist of Senior Services re Retirement of Virginia Antos as part-time Clerk Typist

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Virginia Antos and terminate her as part-time clerk typist effective March 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11. Sr. Recreation Therapist of Senior Services re Status change for Mary Ann Gullo to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time ceramic instructor Mary Ann Gullo to part-time seasonal effective April 1 – June 30, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Town Attorney re Correcting deed resolution for 300 Harlem Road

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing execution of the correcting deed for the transfer of certain real property commonly known as 300 Harlem Road, West Seneca, New York.

Ayes: All Noes: None Motion Carried
APPENDICES

6-D REPORTS

- Comptroller Jean Nihill, Revenue/expense comparison control report posted as of March 24, 2014; Operating Fund voucher summary report, Trust voucher summary report & Capital voucher summary report posted as of March 24, 2014 received and filed.

ISSUES OF THE PUBLIC

NEW TABLES AT THE SENIOR CITIZENS CENTER

Amy Carpenter referred to the March 10th work session minutes regarding replacement of tables at the senior citizens center and questioned the kind of tables that will be purchased.

Senior Recreation Therapist of Senior Services Mary Josefiak responded that the current particle board card tables can't be fixed and need to be replaced. They are working on securing funding to purchase banquet type tables which are lighter and much easier to handle, noting the Erie County warehouse did not have any tables in their inventory that would work.

HUMAN RESOURCE CONSULTANT

Amy Carpenter referred to the recommendation from Public Sector HR Consultants to form an employee handbook committee and questioned the start date and if an additional internal human resource person will be hired.

Councilman Hart responded that after assessing the situation, Public Sector HR Consultants withdrew their proposal for services. The town will be pursuing another HR Consultant and depending on that proposal possibly hire an additional person.

Mrs. Carpenter questioned if there are other HR Consultants with expertise in public sector work.

Councilman Hart responded that Public Sector HR Consultants were well versed with public sector work and they will be seeking another consultant that is also familiar in this area.

SENECA MALL SITE FEASIBILITY STUDY

Amy Carpenter questioned the status of the Seneca Mall site draft feasibility study.

Supervisor Meegan responded that the board members will be recessing into Executive Session later this evening to begin discussions on the draft of the study. Public information will be available in approximately six weeks.

ISSUES OF THE PUBLIC

SUMMER DAY CAMP PROGRAM

Amy Carpenter questioned who is responsible for drug testing and job descriptions for the summer day camp program.

Supervisor Meegan responded the town currently has drug testing. Job descriptions and titles have been established and interviews are taking place on a weekly basis.

Recreation Supervisor Lauren Masset stated all jobs are posted on the town's website.

ZONING & PLANNING BOARD

Amy Carpenter questioned if Zoning & Planning Board information will be available online.

Councilman Hanley responded that Zoning & Planning Board agendas will be available online going forward and all the meeting minutes, except January, are currently on the town's website.

Mrs. Carpenter questioned if the overhead projector will be used at meetings and commented on how beneficial it is for the audience.

Councilman Hart responded that the overhead projector is optional and its use depends on the individual making the presentation.

Town Attorney Matt Palmieri responded that petitioners cannot be required to use the overhead projector for their presentation.

Code Enforcement Officer John Gullo stated that he discontinued using the overhead projector because it became too time consuming; however, applicants are aware that the technology is available for their use.

REORGANIZATION OF FINANCE DEPARTMENT

Dale Clarke referred to the organization meeting where changes were made in the Finance Department and questioned if re-establishing the position of Town Comptroller and releasing Freed Maxick as the town's accounting/financial consulting firm was saving the town money.

Councilman Hart responded he feels there will be a cost savings, but that determination will not be realized until the end of the year.

ISSUES OF THE PUBLIC

REORGANIZATION OF FINANCE DEPARTMENT (continued)

Mr. Clarke further commented on the appointment of Linda Kauderer as Deputy Town Comptroller at an annual salary of \$64,000. He questioned the qualifications for this position and if the position was posted on the town's website.

Councilman Hanley responded that the position was not posted online and the appointment was made based on past experience.

Mr. Clarke stated that according to Civil Service Law, Ms. Kauderer is not qualified for this position. He further commented that the position was previously abolished to save money and political appointments such as this are costing the taxpayers money.

ETHICS COMMITTEE

Dale Clarke questioned if a recent hire in the Buildings & Grounds Department is related to Councilman Hart.

Councilman Hart responded that Daniel Walsh is his cousin.

Mr. Clarke did not believe the Ethics Code allowed board members to hire relatives and stated that he would like to see appointments made to serve on the Ethics Committee. He further commented on information posted on Facebook regarding super bowl tickets, airfare and hotel accommodations given to Zoning Board of Appeals Chairman Timothy Elling. Mr. Clarke submitted this information to the board members and suggested an investigation take place.

Supervisor Meegan stated they will discuss this with the Town Attorney and will be appointing members to serve on the Ethics Committee.

WORK SESSIONS

Johanna Guenther requested that work sessions be held prior to Town Board meetings as other towns do.

STATUS OF BATHROOMS AT SENIOR CITIZENS CENTER

Johanna Guenther questioned the status of new bathrooms at the Senior Citizens Center.

Supervisor Meegan responded that \$200,000 was received from HUD for ADA compliant bathrooms at both the Senior Citizens Center and Town Hall.

ISSUES OF THE PUBLIC

RECOGNITION OF SENIOR CITIZENS BOARD OF DIRECTORS MEMBER

Johanna Guenther commended Senior Citizens Board of Directors member Eric Vogel for all his hard work, dedication and financial support and suggested the Town Board recognize him as Citizen of the Year.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

STATUS OF AUDIT

Supervisor Meegan questioned the status of the audit.

Town Comptroller Jean Nihill responded the audit is in progress and being worked on by the outside accounting firm.

STATUS OF COMPREHENSIVE PLAN

Supervisor Meegan questioned the status of committee selection for updating the Comprehensive Plan.

Councilman Hart responded that individuals are currently being selected and he is also waiting for nominees from the other board members. Planning Board Chairman Robert Niederpruem has agreed to chair the committee.

Supervisor Meegan understood that other members included John Gullo, Joe Frontera, William Melski, and David Monopolus. She questioned if Paula Minklei and Amy Carpenter would be interested in serving on the committee.

Mrs. Minklei indicated she would be interested and Mrs. Carpenter requested a job description prior to committing.

Supervisor Meegan stated once the minimum of seven committee members is reached the town will be able to move forward.

Councilman Hart stated as many as 11 people can be appointed to this committee. He has asked the Chamber of Commerce to make a recommendation and would also like a representative from the city line area.

Supervisor Meegan suggested Linda Toy to represent the city line area.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

ST. PATRICK'S DAY LUNCH

Sr. Recreation Therapist of Senior Services Mary Josefiak thanked Supervisor Meegan and Councilman Hart for their support and assistance in serving over 140 people at the St. Patrick's Day lunch at the Senior Citizens Center.

LEXINGTON GREEN FLOOD VICTIMS

Councilman Hanley announced that Orville's is offering substantial discounts to victims of the Lexington Green flood. A letter reflecting the discount is available at St. John's Lutheran Church on Clinton Street. Individuals will need to provide the letter and proof of residency in order to receive the discounts.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hanley, to recess to Executive Session at 7:40 P.M. to discuss Switzer Park, the deed transfer for American Legion Post 735, appointment of a fair housing officer, the Seneca Mall site feasibility study & the 799 plan.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 9:10 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:10 P.M.

Ayes: All

Noes: None

Motion Carried



JACQUELINE A FELSER, TOWN CLERK

TO: Town Board
FROM: Charles D. Grieco, Esq.
DATE: March 20, 2014
RE: Farmers Market Agreement Resolution

Honorable Members of the Town Board, below is our proposed resolution authorizing the execution of the agreement with Kirchmyer Media, LLC to manage and promote the proposed Farmers Market on the Town Hall property:

WHEREAS the Town Board of the Town of West Seneca is desirous of allowing the operation on a weekly basis of a Farmers Market on the Town Hall property; and

WHEREAS Kirchmyer Media, LLC has submitted a proposal to the Town Board to manage and promote such market pursuant to a formal agreement between the parties, the terms of which the Town Board finds beneficial to the Town;

NOW, THEREFORE, BE IT RESOLVED the Town Board hereby authorizes the operation of a Farmers Market during 2014 pursuant to the terms of the Memorandum of Agreement between the Town and Kirchmyer Media, LLC, dated March 24, 2014 ("Agreement"), and

BE IT FURTHER RESOLVED that the Supervisor is authorized and directed to sign the Agreement governing the parties' respective rights and obligations concerning the operation of the market.

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MAR 24 2014

**MEMORANDUM OF AGREEMENT
BETWEEN
THE TOWN OF WEST SENECA, NEW YORK
AND
KIRCHMYER MEDIA**

This Memorandum of Agreement ("MOU") entered into this ___ day of March 2014 between the TOWN OF WEST SENECA, NEW YORK, a municipal corporation having its principal place of business at 1250 Union Road, West Seneca, New York ("TOWN"), and KIRCHMYER MEDIA, LLC, a limited liability company having its principal place of business at 115 Cranwood Drive, West Seneca, New York ("KIRCHMYER").

Recitals:

A. The Town is desirous of sponsoring a weekly seasonal "farmers market" on Town property but wishes to contract with an experienced third-party to manage and market such market on behalf of the Town.

B. Kirchmyer Media, through its principal, Joseph Kirchmyer, is experienced in managing and marketing farmers markets in Western New York and is desirous of serving in such role with respect to the proposed Town farmers market.

NOW, THEREFORE, the parties set forth their agreement as follows:

1. Town General Responsibilities.

- a. The Town agrees to make available an area, approximately 110 feet by 75 feet in size, as depicted on the attached sketch plan, on property owned by the Town at 1250 Union Road, West Seneca, New York, or such other area on the Town's property as the Town may deem appropriate in the case of adverse weather conditions, for the operation of the farmers market every Thursday, commencing May 15, 2014, through September 4, 2014, although excluding June 26, 2014.
- b. The Town shall provide two (2) __ gallon garbage totes and one (1) __ gallon recycling tote for use at the market, and the Town shall be responsible for removing and emptying such totes each week.
- c. The Town agrees to promote the market on its website and on its electronic sign located at the corner of Main Street and Union Road.
- d. At its discretion, the Town may provide picnic tables and/or one or more bike racks on or near the market area.

2. Kirchmyer General Responsibilities.

- a. Kirchmyer shall be responsible for soliciting and registering all vendors and potential sponsors for the market, although the Town reserves the right to veto any vendor or sponsor it deems inappropriate. Without limitation, acceptable vendors for the market would include local farmers, bakeries, craft food producers, butchers, florists, cheese makers, craft ice cream makers, wineries, and craft brewers, and acceptable sponsors include businesses or community groups located in the Town.
- b. Kirchmyer and/or the vendors/sponsors shall be responsible for providing all tables, tents, canopies or other furniture or temporary fixtures necessary for operation of the market, which furniture and fixtures will be removed promptly at the conclusion of the market each week.
- c. Kirchmyer shall be responsible for ensuring that the market area is adequately cleaned up at the conclusion of the market each week, with all garbage and refuse either removed from the premises or properly disposed of with Town-provided garbage and recycling totes.
- d. Kirchmyer shall establish and regularly update a facebook page dedicated to the market, write and distribute weekly press releases and blog entries, schedule and procure weekly market entertainment (non-amplified) and community group participation, and otherwise use his best efforts to advertise and promote the market.

3. Hours of Operation. The hours of operation for the farmers market shall be limited to 4:00 pm to 7:30 pm. Kirchmyer, and any of its officially registered vendors and/or sponsors, shall be granted access to the site of the market beginning at 3:00 pm for set up and until 8:00 pm for cleanup.

4. Rules and Regulations.

- a. The rules and regulations governing the operation of the market are those set forth on the vendor application form annexed hereto as **Appendix B**.
- b. Sponsors who wish to have a physical presence at the market (i.e., setting up one or more tables, tents, etc.) shall be governed by the same rules and regulations as the vendors, as applicable.
- c. Kirchmyer shall be responsible for ensuring that all vendors and sponsors comply with said rules and regulations, as applicable, although the Town reserves the right to demand the removal, and prohibit the return, of any vendor or sponsor who unreasonably fails to abide by such rules and regulations.

5. Collection of Fees, Payment of Costs and Distribution of Income.

- a. The fees charged to vendors will be as set forth on the vendor application form annexed hereto as **Appendix B** and the sponsorship form annexed hereto as **Appendix C**.

- b. Kirchmyer shall be responsible for collecting all fees from approved vendors and sponsors.
- c. Kirchmyer shall be entitled to retain the first \$4,000 collected in vendor and sponsorship fees and fifty (50) percent of any and all such fees collected beyond \$4,000.
- d. The Town shall be entitled to, and Kirchmyer agrees to remit to the Town, on or before May 8, 2014, fifty (50) percent of all fees collected in vendor and sponsorship fees beyond \$4,000.
- e. The Town shall be entitled to, and Kirchmyer agrees to remit to the Town, on or before May 8, 2014, the sum of \$800 as reimbursement for the Town's estimated cost in providing and removing totes and general maintenance concerning the market area.

6. Insurance and Waiver of Liability.

- a. Kirchmyer shall ensure that all vendors, as well as sponsors who wish to maintain a physical presence at the market, provide proof of general liability insurance providing a minimum coverage of \$1 million per occurrence and that the Town and Kirchmyer shall be named as additional insureds, on a primary, non-contributory basis, on such insurance policies.
- b. Krichmyer shall ensure that all vendors, as well as sponsors who wish to maintain a physical presence at the market, execute an agreement, in a form acceptable to the Town, releasing, indemnifying and holding harmless the Town and its officials and employees from any claim of liability by any vendor or other third-party of damages to person or property related to the operation of the market.

7. Expenses. Each party to this agreement shall be responsible for their own costs and expenses incurred in connection with performance of this agreement.

IN WITNESS WHEREOF, this instrument has been duly executed by the authorized representatives of the parties.

TOWN OF WEST SENECA

By _____
 Name: _____
 Title: _____

KIRCHMYER MEDIA

By _____
Name: _____
Title: _____

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WHEREAS: The Town of West Seneca was appropriated grant monies from the New York State Timothy Kennedy through the Dormitory Authority of the State of New York,

WHEREAS: the \$350,000 EDAP Grant was appropriated for the expansion of the Police Department, including the Dispatch Center;

NOW, THEREFORE BE IT

RESOLVED, that Connie D. Miner & Co, the Town's Grant Consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Dormitory Authority of the State of New York for the purpose of securing this grant and seeking reimbursement for the Town of West Seneca, and BE IT FURTHER

RESOLVED, that the Town of West Seneca Supervisor and Police Chief be and hereby are authorized and directed to sign and execute all documents pertaining to the application and acquisition of said funding.

Jaeckle FLEISCHMANN
& MUGEL, LLP

TO: Town Board
FROM: Matt R. Palmieri, Esq.
DATE: March 24, 2014
RE: Correcting Deed Resolution

Honorable Members of the Town Board, below is our proposed resolution authorizing the execution of the correcting deed for the transfer of certain real property commonly known as 300 Harlem Road, West Seneca, New York 14224 :

WHEREAS the Town Board of the Town of West Seneca previously conveyed a parcel of property commonly known as 300 Harlem Road, West Seneca, New York 14224 to Maurice D. Cooper, Jr. and Barbara A. Cooper (the "Grantees"), as agents for a corporation to be formed ;
and

WHEREAS the Grantees never formed a corporation to take title to the property;

WHEREAS the Grantees desire to resolve any future title issues by recording a correcting deed (the "Correcting Deed"), correcting the name of the Grantees to Maurice D. Cooper, Jr. and Barbara A. Cooper individually;

NOW, THEREFORE, BE IT RESOLVED the Town Board hereby authorizes the execution the correcting deed and the other necessary real property transfer documents.

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