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

TOWN BOARD PROCEEDINGS
Minutes #2012-14
September 10, 2012

Supervisor Sheila M. Meegan called the meeting to order at 7:30 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Arthur & Diane Haas, Presidents of Union Fire Company & Union Fire Company Auxiliary.

ROLL CALL:	Present	-	Sheila M. Meegan	Supervisor
			Eugene P. Hart	Councilman
			John M. Rusinski	Councilman
	Absent	-	None	

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

Supervisor Meegan read the attached proclamation honoring Union Fire Company for 125 years of service to the Town of West Seneca.

Supervisor Meegan announced the grand opening of the food pantry in West Seneca and thanked St. David's Church and Mary Lou Dietrich for their service to the community.

The meeting was dedicated to the memory of Elizabeth Ann Gallivan and Kathleen Stephan.

14-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2012-13 of August 27, 2012.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the August 27, 2012 bid opening for the Ice Rink Floor Replacement Project.

  Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve minutes from the September 5, 2012 work session.

  Ayes: All Noes: None Motion Carried

14-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Rusinski, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 2570 SENECA STREET, BEING PART OF LOT NO.33, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR USED CAR SALES" in the Town of West Seneca, be received and filed.

   Ayes: All Noes: None Motion Carried

14-B LEGAL ITEMS

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to open the public hearing.

Ayes: All Noes: None Motion Carried

Donald Krempholtz stated he has operated an automotive repair shop and service station at 2570 Seneca Street for 29 years and would now like to sell used cars for extra money.

Linda Toy commented on the number of vehicles already parked on the property and could not see where Mr. Krempholtz could fit any additional cars. She further questioned where the snow will be plowed in the winter.

Code Enforcement Officer John Gullo stated that the plan is to sell eight cars located on the east side of the building in the parking lot. There will be nothing parked on the sidewalks or in front of the pumps. Cars in for repairs will be parked on the opposite side of the building. Snow removal will be to the back of the property and parking could be limited during the winter months.

Supervisor Meegan questioned snow removal plans and if Mr. Krempholtz will be selling eight cars during the winter.

Mr. Krempholtz stated that he plows snow to the rear of the building and has had it hauled away in the past when necessary. He did not see a parking problem but noted he may not have eight cars for sale in the winter. No vehicles will be obstructing sidewalks and he will adhere to whatever plan is approved.

Chief Gehen commented that he was not aware of any parking issues in that area of Seneca Street.

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

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve a special permit for property located at 2570 Seneca Street, being part of Lot No. 33, changing its classification from C-2 to C-2(S), for used car sales.

Ayes: All Noes: None Motion Carried

APPENDICES

14-B LEGAL ITEMS

2. Proofs of publication and posting of legal notice: "OF THE ADOPTED RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE PURCHASE OF TWO (2) REAR LOADING REFUSE TRUCKS AND PACKERS (2013 FREIGHTLINER 114SD WITH WAYNE FURY REAR LOADER PACKER) FOR A TOTAL COST OF $333,368.00" in the Town of West Seneca, received and filed.

14-C COMMUNICATIONS

1. Supervisor Meegan re Resolution requesting the NYSDOT to re-evaluate the placement of a traffic signal at 355 Harlem Rd — Received and filed.

Supervisor Meegan stated she had discussions with the NYS Department of Transportation (NYSDOT) earlier today and they are willing to work this situation out. The town's concern involved the expansion of Multisorb and BOCES along with the SPCA locating across the street. In order to provide an opportunity for these businesses to grow, the town was requesting that a trigger light be installed to ease the burden of traffic flow in and out of the facilities. Supervisor Meegan stated she had spoken with Senator Kennedy, Assemblyman Kearns and Legislator Lorigo, all of who support this issue. Public dollars cannot be spent on a traffic study, so they will have to go back to the property owners to see if they will agree to fund it.

Councilman Rusinski stated this area is in his fire district and a lot of traffic currently goes in and out of these businesses. There was a trigger light there years ago and he feels it would be a good idea to have one re-installed.

Town Attorney Shawn Martin stated there was a SEQR study done previously that included a traffic study and that information could be made useful at any point in the future once the SPCA is up and running.

Councilman Hart questioned if a traffic control device would be more beneficial than a trigger light and if the businesses or NYSDOT would consider paying for a traffic study.

Chief Gehen commented that considering the expansion of Multisorb and BOCES along with the addition of the SPCA a traffic control device would be a good idea. This stretch of road typically has a higher rate of speed and volume of traffic.

Supervisor Meegan stated that she had a good conversation with the NYSDOT however they cannot spend public money to do a traffic study. Once the SPCA is in place and guidelines have been met, the traffic flow will be evaluated.

14-C COMMUNICATIONS

2. Supervisor Meegan re Fourth Annual Tour de Farms

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the request from Massachusetts Avenue Project to allow their Fourth Annual Tour de Farms bicycle ride through West Seneca on September 15, 2012.

On the question, Councilman Rusinski questioned if Chief Gehen saw any potential problems with this event.

Chief Gehen stated this is the fourth time this event has been held and there have been no problems in the past. Police officers are at intersections and the riders stop at traffic lights and obey all traffic regulations.

Councilman Hart questioned if the officers receive overtime for working this event.

Chief Gehen responded that adequate staff will be available to cover this event, but it does not involve overtime.

Ayes: All Noes: None Motion Carried

3. Town Attorney re Resolution to provide 384-e benefits to Town Police Officers

Motion by Supervisor Meegan, seconded by Councilman Rusinski, that the West Seneca Town Board does hereby elect to provide the additional benefits of Section 384-e of the Retirement and Social Security Law for any member of its Police Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended.

On the question, Councilman Hart questioned if this was part of the collective bargaining unit and the overall cost to the town.

Town Attorney Shawn Martin stated this is contractual with the PBA and only involves four officers. The additional cost is $2000 with a past service cost of $8380. The town is contractually obligated to provide these benefits and has paid for this in the past and there is money in the budget.

Ayes: All Noes: None Motion Carried

APPENDICES

14-C COMMUNICATIONS

4. Code Enforcement Officer re Rezoning request for property located at 959 Indian Church Rd.

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to refer the rezoning request for 959 Indian Church Road to the Planning Board.

Ayes: All Noes: None Motion Carried

5. Director of Recreation, Youth & Sr. Services re Status change for Lee Ann Piniewski to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Food Service Worker Lee Ann Piniewski to part-time seasonal effective September 4 – 28, 2012 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

6. Highway Supt. re Budgetary transfer requests

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the following budgetary transfer requests for the Highway Department:

Amount	From	To
$1000	Guardrail & Railing Repairs 002.51110.0445	Repair of Machinery 002.5130.0445
$2000	Charles Burchfield Center 001.7420.0445	Highway Building 001.5132.0452
$2800	Charles Burchfield Center 001.7420.0445	
$2000		Park Building Maintenance 001.7110.0463
$ 800		Pool Repair & Maintenance 001.7181.0445

Ayes: All Noes: None Motion Carried

7. Councilman Hart re Appointment of Karl Spencer to West Seneca Environmental Commission

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to appoint Karl Spencer to the balance of a one year term on the West Seneca Environmental Commission effective immediately and ending on August 7, 2013.

Ayes: All Noes: None Motion Carried

14-C COMMUNICATIONS

8. Councilman Hart re Appointment of Kyle Hanley as non-voting member of West Seneca Environmental Commission

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Kyle Hanley as a non-voting member of the West Seneca Environmental Commission effective immediately and ending on August 7, 2013.

Ayes: All Noes: None Motion Carried

14-D WARRANT

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - $148,727.41; Highway Fund - $61,407.87; Special Districts - $29,889.08 (voucher #'s 74696 - 74868); Trust & Agency Fund - $30,291.60 (voucher #'s 74474 - 74869); Capital Fund - $297,053.24 (voucher #'s 74692 – 74870)

Ayes: All Noes: None Motion Carried

14-E REPORTS

- Jacqueline A Felser, Town Clerk's report for August 2012 received and filed.
- John Gullo, Code Enforcement Officer's report & plumbing report for August 2012 received and filed.

ISSUES OF THE PUBLIC

BUILDING REGULATIONS

Dave Kims questioned if the town had the ability to regulate the colors a business can paint the outside of their building.

Code Enforcement Officer John Gullo stated there have been discussions about ways to set up the cosmetics of a district or corridor but more conversation is needed before moving forward.

TOWN BOARD MEETING DATES

Dave Kims questioned if the Town Board ever had discussions with the school district to hold meetings on alternate Monday's so the public can attend both meetings.

Councilman Hart stated that town meetings are set in January prior to the school district meetings which are set in July. He suggested contacting the school district since their meetings are scheduled after the town meetings.

ISSUES OF THE PUBLIC

TOWN BOARD MEETING DATES (continued)

Amy Carpenter noted that school board meetings are scheduled in conjunction with other school districts that abut West Seneca and the town has more flexibility regarding the scheduling of meetings.

Supervisor Meegan thanked Mrs. Carpenter for this information, noting they will keep this in mind when scheduling is set at the reorganization meeting.

GARBAGE TOTES

Marilyn Wasson commented on the town's proposal to purchase 95 gallon and 65 gallon garbage totes and questioned when this will be voted on.

Councilman Hart responded that the proposal is still in the planning and discussion stage and a vote will take place at a later date.

Supervisor Meegan stated there was a discussion on this proposal at a work session and more work sessions will be scheduled in the future. Residents were encouraged to share their thoughts and ideas regarding this issue.

Ms. Wasson had the following questions about the totes – how will residents clean them; what happened to the garbage law and why is it not enforced; how many new trucks and totes will be purchased; what will the totes cost the taxpayers; how will brush be picked up. Ms. Wasson further commented that if the garbage law had been enforced in the past the town would not have to buy totes to control the rats.

Highway Supt. Matthew English stated that the garbage law was never enforced as long as he has worked for the town. Residents will be responsible for cleaning the totes and brush will continue to be picked up in the same manner as it currently is. After speaking with the Assessor and based on actual parcels in town, 15,000 is an approximate number of totes.

Councilman Hart stated that no new trucks will be purchased and the cost of the totes is yet to be determined.

Supervisor Meegan commented that discussions are in the early stages and still continuing. All surrounding municipalities are buying totes and the concern is that West Seneca will be the source for rats if they do not also buy them. Supervisor Meegan stated she has received many positive and very few negative comments regarding the totes.

ISSUES OF THE PUBLIC

GARBAGE TOTES (continued)

Jerry Rouleau stated he used to live in Buffalo and the totes helped with the rat problem because garbage was covered. Mr. Rouleau now resides in West Seneca and stated he has killed numerous rats since he moved. He is in favor of the totes and noted they are easy to take care of, have wheels so they are easy to move, and they keep garbage contained.

Bill Hanley calculated the cost of purchasing totes to be $28 each based on 35,000 totes and questioned if residents will be provided the opportunity to speak to this issue prior to a vote.

Supervisor Meegan stated there will be additional work sessions and discussions on this issue.

STATUS OF AMERICORPS PAYMENTS

Amy Carpenter questioned the status of the AmeriCorps payments and the sale of the School Street property.

Finance Director Patrick Clancy stated that a payment was received from AmeriCorps and Town Attorney Shawn Martin advised there was no news on the sale of the School Street property.

STATUS OF SPCA

Amy Carpenter questioned the status of the SPCA and if the town is still waiting for approval from the DEC.

Code Enforcement Officer John Gullo responded that drawings are still in the process of being completed. All necessary approvals have been received including site plan approval from the Planning Board.

2013 BUDGET

Amy Carpenter questioned if the 2013 budget hearing had been scheduled and when the proposed budget will be available for public viewing.

Supervisor Meegan stated that the budget meeting had not yet been scheduled and they were hoping to have the budget together by September 15th.

ISSUES OF THE PUBLIC

BOARD MEMBER BENEFITS

Amy Carpenter questioned if any of the board members received health insurance or the in lieu of payment, cell phones, Internet service or mileage paid by the town.

Supervisor Meegan responded that she receives an in lieu of payment on the health insurance. The town does not pay for her cell phone or Internet and she uses a town vehicle for town business.

Councilman Hart & Councilman Rusinski stated they do not receive health insurance or the in lieu of payment and the town does not pay for their cell phones, Internet service or mileage.

Beverly Leising questioned if Supervisor Meegan has to claim the use of a town vehicle and if taxes are withheld from the in lieu of payment.

Councilman Hart stated that only private use of a town vehicle has to be claimed.

Supervisor Meegan stated she does not use the town vehicle for private use and taxes are withheld from the in lieu of payment.

ELMSFORD DRIVE RECONSTRUCTION

Stan Kopec complimented the town on the reconstruction of Elmsford Drive that took place last year. However, this year the contractor that did the restoration work used topsoil that is loaded with rocks, crabgrass and weeds.

Supervisor Meegan stated she spoke with Town Engineer Richard Henry on this issue and they are holding the contractor accountable for this work. The contractor will be reseeding and fertilizing, but they were waiting for the heat of summer to be over. The work should be done within the next ten days.

DIRECTOR OF RECREATION, YOUTH & SR. SERVICES

Beverly Leising clarified comments she made at last month's meeting that may have implied Director of Recreation, Youth and Senior Services Mary Josefiak was not doing a good job. Mrs. Leising stated Mrs. Josefiak is doing an excellent job and she is proud of her and all her efforts.

ISSUES OF THE PUBLIC

HYDRANTS ON PINEWOOD DRIVE

George Clifford stated there are 60 houses on Pinewood Drive and only two fire hydrants. He questioned if this met the fire code.

Code Enforcement Officer John Gullo stated that Pinewood Drive is in compliance noting that the fire code calls for a distance of 500 feet in each direction. If the distance between hydrants is close, new developers are asked to put in an additional hydrant.

PROPOSED TRAFFIC SIGNAL ON HARLEM ROAD

Bill Hanley commented on the proposal to install a traffic light on Harlem Road and suggested putting a warning light on the other side of the bridge.

Supervisor Meegan stated this was a good idea and was part of the discussion she had with the NYSDOT.

FISHER COURT STREET SIGN

Johanna Guenther thanked Highway Supt. Matthew English for straightening the street sign in Fisher Court.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to recess to Executive Session at 8:15 P.M. to discuss a contract matter and a litigation matter and issues with Highway Supt. Matthew English, Chief Gehen and Director of Recreation, Youth and Senior Services Mary Josefiak.

Ayes: All Noes: None Motion Carried

The board members returned from Executive Session at 9:25 P.M.

REMOVAL OF DIRECTOR'S POSITION FROM WHITE COLLAR UNION

Motion by Councilman Rusinski, seconded by Councilman Hart, to go forward on the memorandum of agreement (MOA) to remove Mary Josefiak from the Union and utilize the MOA that was created by Labor Counsel.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

REMOVAL OF DIRECTOR'S POSITION FROM WHITE COLLAR UNION (continued)

On the question, Supervisor Meegan questioned if this was discussed with Labor Counsel Sean Beiter.

Councilman Hart responded that Mr. Beiter does not return their phone calls.

Ayes: All Noes: None Motion Carried

Supervisor Meegan stated she will reach out to Mr. Beiter, noting there will be a meeting with the Union and Labor Relations Specialist Rob Mueller.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:30 P.M.

Ayes: All Noes: None Motion Carried

JACQUELINE A FELSER, TOWN CLERK

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca has received a request for a special use permit for the following described property from its classification of C-2 to C-2(S) for used car sales.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 33, Township 10, Range 7 of the Buffalo Creek Reservation and according to map filed in Erie County Clerk's Office under Cover No. 1322, is known as sub-division lots number sixty (60) to sixty-three (63) inclusive and the easterly eight (8) feet subdivision Lot Number Sixty-Four (64).

Whereas, this Town Board held a public hearing on the 10th day of September, 2012 at 7:30 P.M., EDT in the Town Hall, 1250 Union Road, in said Town, to consider granting a special permit for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a special permit be granted and the same is hereby rezoned from C-2 to C-2(S), in accordance with the recommendations of the Town of West Seneca Planning Board.

Be it further resolved that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.

Office of the New York State Comptroller
Thomas P. DiNapoli
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Resolution providing Section 384-e benefits for police officers covered by Section 384-d
Unlimited Open Period

Location Code: 30046

At a meeting of the * TOWN BOARD of the TOWN OF WEST SENECA held at WEST SENECA, New York, on SEPTEMBER 10, 2012 SUPERVISOR SHEILA M MEEGAN (person) offered the following resolution:

"BE IT RESOLVED: that the * TOWN BOARD of the Town of West Seneca does hereby elect to provide the additional benefits of Section 384-e of the Retirement and Social Security Law for any member of its Police Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended.

"BE IT FURTHER RESOLVED: that the effective date of such shall be the 11th, day of September, 20 12." **

**** The effective date of the benefit cannot be prior to the date this resolution is "filed" with the Comptroller. Documents mailed by the United States Postal Service registered or certified mail return receipt requested or express mail and ultimately received by the Retirement System will be considered received as of the postmark date.**

STATE OF NEW YORK,)
COUNTY OF Erie) SS:

I Jacqueline A Felser, clerk of the TOWN BOARD of the Town of West Seneca of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such Town Board, at a legally convened meeting held on the 10th day of Sept., 2012 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full TOWN BOARD consists of 3 members, and that all of such members were present at such meeting and that all of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the

Town of West Seneca
(name of employer)

on this 11th day of Sept., 2012

Jacqueline A Felser
(signature of clerk)

(Seal)

* Legislative body -The resolution must be adopted by the legislative body and be approved by any other body or officer required by law to approve resolutions of such legislative body.

UNION FIRE COMPANY
125TH ANNIVERSARY
SEPTEMBER 10, 2012

The Union Fire Company, District #2, of the Town of West Seneca has served the community with honor, bravery, and distinction for the past 125 years. On this 125th year, the Union Fire Company has its first husband and wife presidents, Art and Diane Haas; and

Since 1887, the Town of West Seneca and its citizens have greatly benefited from the service of Union Fire Company, who have been ever-faithful in protecting our citizens, their families, and homes; and

Our town leaders would like to thank Union Fire Company for their many years of selfless service to our community knowing that they will continue to serve the Town of West Seneca and its citizens in their role as community guardians; and

Sheila M. Meegan, Supervisor, along with fellow Town Councilmen John Rusinski and Eugene Hart of the great Town of West Seneca, in the County of Erie, in the State of New York, the Empire State, on this 10th day of September in the year two thousand and twelve, do hereby join with my fellow citizens in recognizing Union Fire Company on their 125th anniversary;

And I encourage all of our residents to appreciate and thank Union Fire Company for the great service provided to our community