

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

**TOWN BOARD PROCEEDINGS**  
**Minutes #2014-17**  
**September 8, 2014**

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance to the Flag led by Chief Denz.

**ROLL CALL:** Present - Sheila M. Meegan Supervisor  
Eugene P. Hart Councilman  
William P. Hanley Jr. Councilman

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

The meeting was dedicated to the memory of Ronald Piwowarczyk and Felicia Hughes.

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**17-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2014-16 of August 25, 2014.

Ayes: All

Noes: None

Motion Carried

**17-C LEGAL ITEMS**

1. Motion by Supervisor Meegan, seconded by Councilman Hanley, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2014-08, MODIFICATION TO TOWN CODE CHAPTER 54, BRUSH, GRASS AND WEEDS" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Code Enforcement Officer John Gullo stated this local law will change the notification process so letters will be forwarded by first class mail vs. being sent certified mail.

Councilman Hart requested that language for the proposed local laws be included in future agenda packages.

Town Clerk Jacqueline Felser responded the Attorney for the Town provides the language for local laws.

No comments were received from the public.





**17-B HELD OVER PUBLIC HEARINGS**

1. (continued)

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

Ayes: All

Noes: None

Motion Carried

Michael Metzger of Metzger Civil Engineering represented George Kallas and referred to comments made at the August 11<sup>th</sup> public hearing, stating some minor but meaningful changes have been made to the plan. Changes on the revised plan include a reduction in lots, reworking of property lines so easements straddle lot lines and no homes will be built within the 100 year flood plain. A proposed conservation easement will be placed on the back of the property in Buffalo Creek along the watershed, matching the flood plain line. The conservation easement will effectively prevent any removal of vegetation in that area and preserve the natural corridor. As previously discussed, not many significant trees exist but new trees are shown on the revised plan. Mr. Metzger commented the changes on the revised plan will be beneficial and his client is willing to accept a condition requiring that they meet with the neighbor to the east to come up with a buffering plan to address her concerns.

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 SEQRA resolution determination and Local Law 2014-11 changing the zoning classification of 3859, 3863 and 3869 Clinton Street from R-65 and R-100A to R-50(S):

**WHEREAS**, the Town Board of the Town of West Seneca, as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant in connection with the proposed rezoning of the property located at 3859, 3863 and 3869 Clinton Street in the Town of West Seneca ("Subject Property") from R-65 and R-100A to R-50(S) for the purpose of allowing the applicant to develop a 21-lot patio home development (the "Project"), has reviewed the draft completed Parts 2 and 3 of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts, and has otherwise taken a hard look at the potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

**17-B HELD OVER PUBLIC HEARINGS**

1. (continued)

**WHEREAS**, upon such review, the Town Board has not identified any potentially significant adverse environmental impacts associated with the Project, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is therefore appropriate; and

**WHEREAS**, the Planning Board reviewed such application on several occasions and adopted a resolution recommending approval of the requested rezoning to allow for the Project, subject to certain conditions related to subsequent approvals for the Project, on July 10, 2014; and

**WHEREAS**, the Town Board finds that the rezoning of the Subject Property to allow for the development of the Project, subject to further review by the Planning Board and Zoning Board of Appeals, as necessary, is appropriate for the location and will not adversely affect surrounding properties;

**THEREFORE, BE IT RESOLVED THAT** the Town Board does hereby adopt a Negative Declaration with respect to the Project pursuant to 6 NYCRR 617.7(a) for the reasons set forth in Part 3 of the EAF, expressly incorporated by reference herein;

**BE IT FURTHER RESOLVED THAT** the Town Board hereby adopts Local Law No. 11 of 2014 changing the zoning classification of the Subject Property from R-65 and R-100A to R-50(S) is hereby adopted; and

**BE IT FURTHER RESOLVED THAT** the Town Board hereby grants a Special Permit pursuant to Section 120-16(A)(2) of the Town Code to allow the development of multiple-family dwellings on the subject Property, subject to the following conditions:

(1) The applicant receive all other necessary approvals from the Planning Board and Zoning Board of Appeals;

(2) The applicant shall provide fully engineered plans and designs conforming to the Town and State standards prior to the issuance of final approval and a building permit.

(3) The applicant shall install five additional evergreen trees and one to three deciduous trees at the rear property of sublots 15 -19 to provide screening (a living fence), for the neighbors and a conservation easement.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**17-D TABLED ITEMS**

- |   |   |
|---|---|
| 1. Highway Supt. re Title change for Jonathan Slominski to full-time Sanitation Laborer | Motion by Supervisor Meegan, seconded by Councilman Hanley, to remove this item from the table. |
|   | Ayes: All                      Noes: None                      Motion Carried                   |

Motion by Supervisor Meegan to terminate Jonathan Slominski as part-time Sanitation Laborer and appoint Jonathan Slominski as full-time Sanitation Laborer at a rate of \$18.06/HR effective September 9, 2014 contingent upon passing drug and alcohol testing and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Motion failed due to lack of a second.

Motion by Councilman Hanley, seconded by Councilman Hart, to terminate Daniel Dyson as part-time Sanitation Laborer and appoint Daniel Dyson as full-time Sanitation Laborer at a rate of \$18.06/HR effective September 9, 2014 contingent upon passing drug and alcohol testing and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Meegan referred to an article published in the West Seneca Bee stating Councilman Hanley did not know and had not met Daniel Dyson. She questioned the interview process and if Councilman Hanley had a report on Mr. Dyson's work record.

Councilman Hanley responded he did not know Mr. Dyson; however, he reached out to him after the last Town Board meeting and met him for coffee. He had received a verbal work record report on Mr. Dyson from Highway Supt. Matthew English in executive session.

Mr. English stated he had spoken in executive session about Mr. Dyson not deserving the job because he is low on the seniority list and has taken seven days off in a 12 week period with no pay.

Councilman Hanley responded Mr. Dyson presented a doctor's note and requested light duty after being injured at work and Mr. English denied it.

Mr. English stated he has nothing personal against Mr. Dyson; however, there is no light duty work for sanitation alternates. When alternates are appointed they start at the bottom of the seniority list, work themselves up and always know where they stand. Mr. Slominski had the same start date as the last person appointed as full-time Sanitation Laborer. Both individuals possessed a commercial driver's license (CDL) and were good employees and a coin flip determined who would receive the first full-time position.

**17-D TABLED ITEMS**

1. (continued)

Supervisor Meegan referred to working with former Highway Sup't. Patrick Finnegan and former board members in 2008 when she was Councilwoman. She explained a practice was established at the time to appoint individuals to full-time positions based on seniority and possession of a CDL. Individuals who are hired as part-time laborer's in sanitation are encouraged to put in their time and obtain a CDL with the hope of one day being appointed full-time. Mr. Slominski has put in his time. He has worked four years for \$7.25/HR through terrible weather and is deserving of this job. Appointing an individual who Councilman Hanley just met, has not been interviewed and has only worked 25 days is wrong. Supervisor Meegan continued to say it is a shame they are having this conversation and she cautioned on the message being sent to other part-time sanitation laborers who continue to show up with the hope of being appointed full-time. She further commented on politics with friends and family and how ridiculous and shocking this has become. Supervisor Meegan stated she will be voting no to the appointment of Mr. Dyson.

Councilman Hanley responded he is standing by his motion.

Councilman Hart stated he has been conflicted about this appointment from the beginning. He met Mr. Dyson and he is a very nice young man and has a CDL. He feels Mr. Dyson is qualified for the job, but he does not have time of service. Councilman Hart continued to state it has been very difficult getting to this point and he feels he needs to back off. He believes there should be a process and there is somewhat of a process in place, but it has not always been followed. Councilman Hart stated supporting the appointment of Mr. Slominski is the right thing to do.

Mr. English stated he received a seniority list in 2010 when he became Highway Supt. and the process has been followed since that time.

Ayes: (1) Councilman Hanley

Noes: (2) Supervisor Meegan, Councilman Hart

Motion Denied

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Jonathan Slominski as part-time Sanitation Laborer and appoint Jonathan Slominski as full-time Sanitation Laborer at a rate of \$18.06/HR effective September 9, 2014 contingent upon passing drug and alcohol testing and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: (1) Councilman Hanley

Motion Carried

**17-E COMMUNICATIONS**

1. Town Engineer re Bid date for Restroom Accessibility Renovations Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of October 14, 2014 at 10:00 A.M. for receipt of bids on the Restroom Accessibility Renovations Project consisting of selective demolition and asbestos abatement and renovations at Town Hall and the Senior Citizens Center.

Ayes: All                      Noes: None                      Motion Carried
2. Highway Supt. re Title change for Kevin McCartan to Highway Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate Kevin McCartan as Highway Motor Equipment Operator and appoint Kevin McCartan as Highway Heavy Motor Equipment Operator, Group 5, Step 5 at a rate of \$28.10/HR effective September 8, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried
3. Chief Denz re Resignation of Christopher LaFever as Warrant Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of Christopher LaFever and terminate him as Warrant Clerk effective August 21, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried
4. Chief Denz re Resignation of Claudia Gasiewicz as Crossing Guard

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of Claudia Gasiewicz and terminate her as Crossing Guard effective June 26, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried
5. Chief Denz re Appointment of Ethan B. Murphy as Warrant Clerk

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Ethan B. Murphy as Warrant Clerk effective September 9, 2014 at a rate of \$12/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

**17-E COMMUNICATIONS**

5. (continued)

On the question, Councilman Hart commented on Mr. Murphy's impressive resume and questioned if he is on the police list.

Chief Denz responded Mr. Murphy is not on the police list. He was recommended for this position by court staff.

Ayes: All

Noes: None

Motion Carried

6. Chief Denz re Appointment of Peggy Thomson as part-time Crossing Guard

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Peggy R Thomson as part-time Crossing Guard effective September 9, 2014 at a rate of \$9/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Chief Denz re Appointment of John Pingitore as part-time Public Safety Dispatcher

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint John R Pingitore as part-time Public Safety Dispatcher effective September 9, 2014 at a rate of \$10.95/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned where this person came from.

Chief Denz responded Mr. Pingitore interviewed extraordinarily well from a list of over 30 applicants. He comes highly recommended by other members within the Police Department, is a graduate with a criminal justice background and is flexible/available to fill various shifts.

Ayes: All

Noes: None

Motion Carried

8. Chief Denz re Status change for part-time Public Safety Dispatcher James McCullough to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher James McCullough to part-time seasonal effective September 1 – September 30, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**17-E COMMUNICATIONS**

9. Chief Denz re Purchase of fifty portable radios

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the purchase of fifty (50) TK-2180K portable radios from FM Communications, Inc., 1941 Colvin Blvd., Tonawanda, NY 14150 at a cost of \$549.69/EA which is below the NYS bid price, for a total cost of \$27,484.50, noting funding is available under budget line 001.001.2160.

Ayes: All                      Noes: None                      Motion Carried

10. Chief Denz re Purchase of eight TASER units

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the purchase of eight (8) Class III, X26P TASER units on the TAP Plan from TASER International, 17800 N 85<sup>th</sup> St., Scottsdale, Arizona 85255 at a total cost of \$10,093.38, noting funding is available under budget line 001.3120.0440.

Ayes: All                      Noes: None                      Motion Carried

11. Code Enforcement Officer re Revised fee schedule

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached revised fee schedule for the Code Enforcement Office, noting the only revision is an additional charge to cover correspondence, postage and publication costs associated with the rescheduling of Planning, Zoning and Town Board meetings.

Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*

12. Sr. Recreation Therapist of Senior Services re Status change for Marirose Bless to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Marirose Bless to part-time seasonal effective September 22 – November 21, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

**17-E COMMUNICATIONS**

13. Sr. Recreation Therapist of Senior Services re Status change for Carol Kennedy to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Carol Kennedy to part-time seasonal effective October 1 – November 28, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

14. Sr. Recreation Therapist of Senior Services re Status change for Georgiann Busse to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time Clerk Typist Georgiann Busse to part-time seasonal effective September 9 – December 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

15. Town Justices re JCAP Application

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Court Clerks to complete the necessary application for submission of the Justice Court Assistance Program (JCAP) grant in the amount of \$15,000 to the NYS Unified Court System, noting no matching funds are required.

On the question, Supervisor Meegan stated funds will be used to purchase a desk, supportive software, hardware and a server.

Councilman Hart questioned if the total cost of items to be purchased equals the grant application total of \$15,000.

Supervisor Meegan explained additional items may be included, but it was necessary to approve this grant application tonight since the deadline for submission is before the next Town Board meeting.

Ayes: All                                      Noes: None                                      Motion Carried

**17-E COMMUNICATIONS**

16. Town Clerk re Agricultural District Annual Enrollment Period

Motion by Supervisor Meegan, seconded by Councilman Hanley, to designate September 1 – September 30, 2014 as the annual thirty-day period during which a landowner may request the inclusion of predominantly viable agricultural land into a certified agricultural district per the County of Erie Department of Environment & Planning.

On the question, Councilman Hart questioned if there is any viable agricultural land in town and Code Enforcement Officer John Gullo responded there are a few parcels in town.

Ayes: All

Noes: None

Motion Carried

17. Town Engineer re Police Department Addition, change order #1

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #1 for the Police Department Addition in the amount of \$32,241.70 to MLP Plumbing & Mechanical for additional work performed, noting that funding is available under budget line 005.1620.0200.0523.

On the question, Councilman Hart questioned the work that was done and if there is remaining bond money to exercise this change.

Town Engineer Steven Tanner responded a restroom facility was added to the evidence building and the second floor of Town Hall.

Supervisor Meegan stated the work completed included installation of a mop basin under the wall hydrant, a trench for sanitary and domestic water to supply the restroom and hand wash in the evidence shed along with a fixture and plumbing work for a single unit restroom on the second floor of Town Hall.

Ayes: All

Noes: None

Motion Carried

**17-F REPORTS**

- Jacqueline A Felser, Town Clerk's report for August 2014 received and filed.

**17-G 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 - \$356,415.09; Highway Fund - \$111,941.60; Special Districts - \$135,272.19; Capital Fund - \$336,548.35 (voucher #'s 85382 - 85748); Trust & Agency Fund - \$30,469.00 (voucher #'s 85727 - 85786)

Ayes: All

Noes: None

Motion Carried

**ISSUES OF THE PUBLIC**

**DEC PERMITS FOR CLEANING CREEKS**

Audrey Petri questioned the status of dredging Buffalo Creek and what the \$500,000 received from Governor Cuomo will be used for.

Highway Supt. Matthew English responded the permit from the DEC did not include dredging the creek. The permit only allowed shoals to be moved to the other side.

Supervisor Meegan responded the town incurred \$723,000 in costs from the blizzard and two floods, so the money received from Governor Cuomo will be used to replenish the budget.

Mrs. Petri questioned if the town is doing anything else with the creek or the berms.

Mr. English responded the Highway Department will be fixing the blacktop.

Councilman Hart responded once the Army Corps of Engineers performs their study and issues a report, additional work will probably be done to make the berm permanent.

**HIRING OF FULL-TIME SANITATION LABORER**

Dale Clarke thanked the Town Board for doing the right thing with the appointment of Jonathan Slominski. He commented on politics, previous appointments and promised jobs and was hopeful that the board members will continue to do the right thing going forward.

Councilman Hanley responded he never promised or offered a job to anyone in town.

**POTHOLES**

Thomas Kelly reported a pothole on the corner of Ansley Court and Center Road and commented on the cost to replace a tire and rim when a vehicle hits a pothole.

**ISSUES OF THE PUBLIC**

**POTHOLES** (continued)

Highway Supt. Matthew English responded he will look at the situation tomorrow. If the pothole is on Ansley Court, a town road, his department can fix it; however, if it is located on Center Road he will have to contact Erie County since it is their responsibility to repair.

Supervisor Meegan advised Mr. English of a pothole located on the corner of Cathedral Drive and Center Road and Councilman Hart reported another pothole/sink hole further down Ansley Court that has been problematic.

Linda Toy reported potholes on Grace Street from the plaza to Burch Avenue.

Councilman Hart commented on the condition of Grace Street and questioned if it can be part of the Ebenezer Square Project.

Mr. English responded Grace Street will probably be used for equipment during the Ebenezer Square Project, but he will look at the street and the possibility of addressing this issue after the project is complete.

**EXECUTIVE SESSIONS**

William Mayback referred to the last Town Board meeting when the board members recessed to executive session for 35 minutes only five minutes into the meeting. He reminded the board members that meetings are an open forum where all issues are to be addressed publically and commented that no consideration was given the people who attended the meeting. Mr. Mayback suggested executive session issues be discussed prior to board meetings.

Supervisor Meegan responded that executive sessions can only occur during a board meeting and they are necessary since it is against the law to discuss personnel issues in public.

**STREET SWEEPING COSTS**

William Mayback questioned the cost associated with street cleaning services from last year to date.

Highway Supt. Matthew English responded he will look up the information and mail it to Mr. Mayback.

**ISSUES OF THE PUBLIC**

**SENECA PLACE/SENECA MALL SITE FEASIBILITY STUDY**

David Kims commented on individuals going door-to-door on behalf of and seeking support for the Seneca Place project, noting they are asking residents to write notes to Councilmen Hart and Hanley asking for their support. They are also telling the residents that Supervisor Meegan is already 100 percent behind the project.

Supervisor Meegan stated this was news to her.

Mr. Kims questioned why the feasibility study has not yet been released.

Supervisor Meegan responded that a FOIL request for release of the study has been filed by Mrs. Kims and an answer to that request will be provided by the end of the week.

Amy Carpenter stated she is also concerned that the feasibility study has not been made public and questioned the reason why.

Councilman Hart responded this issue will be resolved by the end of the week.

**EMPLOYEE DRUG TESTING**

David Kims questioned if all new employees are drug tested.

Supervisor Meegan responded all new employees are drug tested and random drug testing occurs during employment in accordance with the union contract.

**QUASAR BUFFALO BIO-ENERGY PROJECT**

David Kims questioned if a date has been set for the Quasar meeting and when the moratorium expires.

Supervisor Meegan responded there a number of issues that have to be addressed prior to setting a meeting date and an email address will be on town's website for submission of questions and comments. The moratorium expires November 18<sup>th</sup>.

Amy Carpenter stated Quasar Energy Group uses bio sludge which contains human waste to make fertilizer. A Soil Science Professor from Cornell University will be making a presentation in Niagara Falls at the Frontier Volunteer Fire Hall on Sunday, September 14<sup>th</sup> at 1:00 P. M. A discussion will be held on how sewer sludge affects crops, land and health.

**ISSUES OF THE PUBLIC**

**STATUS OF AMERICORPS PAYMENTS**

Karen Lucachik questioned the status of AmeriCorps payments and Supervisor Meegan responded AmeriCorps made a payment this month.

**SENECA MALL SITE**

Karen Lucachik referred to the Seneca Mall site and questioned if tall grass violations apply to vacant lots.

Code Enforcement Officer John Gullo responded the property has already been cited. Once the ten day window passes the grass will be mowed and the bill forwarded to the property owner.

**STATUS OF STEPS AT BURCHFIELD**

Karen Lucachik questioned the status of the steps at the Burchfield Center.

Supervisor Meegan acknowledged the steps have not been done and thought they may be in next spring.

**TOWN HALL RENOVATION PROJECT**

Karen Lucachik suggested that both lights at the main entrance of Town Hall are working prior to the completion and closing out of the renovation project.

Councilman Hart responded this issue is being addressed.

**LOCAL LAW 2014-10**

Karen Lucachik questioned if construction material of a business driveway will have to comply with newly adopted Local Law 2014-10.

Code Enforcement Officer John Gullo responded existing buildings and parking lots were constructed under different ordinances and are considered grandfathered. If any changes in property or ownership take place, compliance with the new local law could be enforced.

Mrs. Lucachik commented on a building next to Country Peddlers that should be addressed.

**ISSUES OF THE PUBLIC**

**PORTER SERVICE FOR GARBAGE TOTES**

Johanna Guenther reiterated her request for assistance with totes for senior citizens and the disabled.

Supervisor Meegan responded information regarding the porter system was given to Attorney for the Town Charles Grieco two months ago for review. Any change in the way town business is conducted needs his approval in order to go forward.

Councilman Hart questioned if Mr. Grieco had received the information.

Highway Supt. Matthew English responded Mr. Grieco was provided with copies of the information, noting it was acknowledged at a previous Town Board meeting that Mr. Grieco was reviewing the information and going over the application process.

Councilman Hart stated unfortunately there are many issues being handled by Mr. Grieco that take precedence over others. He further stated he will personally get an answer one way or the other as to what can be done.

**COMPREHENSIVE/MASTER PLAN**

Amy Carpenter questioned if there will be any more public input meetings on the Master Plan.

Councilman Hart responded he will be meeting with the project consultant along with Brian Kulpa of Clark Patterson Lee and meetings will be scheduled in the near future.

**HARWOOD ROAD STREETLIGHTING**

Beverly Leising questioned the status of the streetlight repair in front of 8 Harwood Road.

Highway Supt. Matthew English responded he was unable to make contact with property owners; however, the electricians are looking at a different approach for repair.

Mrs. Leising reported another streetlight out in front of 3 Harwood Road and commented on how dark it is when going from Harwood Road to Bradwood Road.

**BEECHWOOD ROAD / HILLTOP COURT RECONSTRUCTION PROJECT**

Beverly Leising questioned when paving will begin on Beechwood Road and if any work will take place before winter.

Supervisor Meegan thought that work on the project was scheduled to begin next week.

**ISSUES OF THE PUBLIC**

**BEECHWOOD ROAD / HILLTOP COURT RECONSTRUCTION PROJECT** (continued)

Town Engineer Steven Tanner stated he is unsure since he has only been back working for the town for five days, but he believes the contractor will at least have a binder course down this year. Mr. Tanner will contact Mrs. Leising with any additional information.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**ELECTRICAL INSPECTOR EXAM**

Code Enforcement Officer John Gullo announced Erie County has scheduled an Electrical Inspector exam in October and he encouraged anyone interested in applying for the position to take the exam.

**2014 SCHOOL TAX BILLS**

Town Clerk Jacqueline Felser announced school tax bills will be mailed out at the end of the week or beginning of next week.

**REMEMBERING ROCHESTER OFFICER & ANNIVERSARY OF SEPTEMBER 11<sup>TH</sup>**

Chief Denz requested thoughts and prayers for the Rochester police officer that was shot and killed in the line of duty. He further recognized the upcoming September 11<sup>th</sup> anniversary with a respectful remembrance.

**FLU SHOTS/PRESCRIPTION DRUG DROP OFF AT SENIOR CITIZENS CENTER**

Senior Recreation Therapist of Senior Services Mary Josefiak announced upcoming events at the senior center: Flu shots will be available on September 23<sup>rd</sup> from 9:00 – noon; National Drug Drop Off Day is scheduled for Saturday, September 27<sup>th</sup> from 10:00 A.M. – 2:00 P.M.

**2014 BUDGET**

Councilman Hart stated he has been monitoring the budget and it does not appear to be doing very well. He commented on costs associated with the blizzard and Lexington Green floods and how they have affected the budget. Councilman Hart stated the general fund and highway fund are under stress and he is proposing the board members meet with accountants and department heads in an attempt to come up with a plan to restrict spending until the end of the year. He further commented how fortunate the town is to receive \$500,000 from Governor Cuomo to replenish part of the budget; however, it does not completely cover budget shortfalls.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**2014 BUDGET** (continued)

Supervisor Meegan stated she has met with all department heads regarding the budget, and in the past she had met with each department approximately every six weeks to discuss costs and offer helpful suggestions. Supervisor Meegan agreed the budget has taken a terrible hit and stated certain things are being put on hold. She further questioned if the audit has been submitted.

Councilman Hart responded the audit is being delayed by two attorney's representation letters. He will be discussing this issue with Attorney for the Town Charles Grieco tomorrow.

**CHILDHOOD CANCER AWARENESS MONTH**

Supervisor Meegan announced that September is childhood cancer awareness month.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:20 P.M.

Ayes: All

Noes: None

Motion Carried

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**JACQUELINE A FELSER, TOWN CLERK**

**Local Law No. 2014-08**  
**Town of West Seneca, New York**  
**County of Erie**

**Section 1. Title**

A local law to amend Chapter 54 (Brush, Grass and Weeds) of the Town Code relating to notification of violations of said chapter.

**Section 2. Enacting Clause**

Be it enacted by the Town Board of the Town of West Seneca, as follows:

**Section 3.**

Chapter 54 (Brush, Grass and Weeds) of the Town Code of the Town of West Seneca is amended as follows:

Section 54-5 Notice of violation

In the event that the Building Inspector determines that the provisions of this chapter are being violated, he shall mail a written notice of violation by first class mail to the owner of the lot as shown on the latest completed assessment roll of the Town of West Seneca advising the owner of such violation.

**Section 4. Effective date**

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

**Local Law No. 2014-09  
Town of West Seneca, New York  
County of Erie**

**Section 1. Title**

A local law to amend Chapter 75 (Fire Prevention) of the Town Code relating to standards for sign construction.

**Section 2. Enacting Clause**

Be it enacted by the Town Board of the Town of West Seneca, as follows:

**Section 3.**

Chapter 75 (Fire Prevention), Section 75-6.5 (Firesafety Precautions), of the Town Code of the Town of West Seneca is amended by adding a new subparagraph (E) as follows:

E. Signs shall be provided on existing buildings utilizing truss type construction. Such signs shall be affixed to all fire exit doors within such building.

**Section 4. Effective date**

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

**Local Law No. 2014-10**  
**Town of West Seneca, New York**  
**County of Erie**

**Section 1. Title**

A local law to amend Chapter 120 (Zoning) of the Town Code relating to limitations on certain accessory uses in residential districts, the regulation of portable electronic signs, and specifying construction materials for parking areas and driveways.

**Section 2. Enacting Clause**

Be it enacted by the Town Board of the Town of West Seneca, as follows:

**Section 3.**

Chapter 120 (Zoning) of the Town Code of the Town of West Seneca is amended as follows:

Section 120-39, Limitations on accessory uses in R Districts, is amended to read:

A. Location of accessory buildings, structures and other improvements. No accessory building, structure or other improvement shall be erected or altered so as to:

- (1) Be in any required front yard or required side yard, except that an attached garage may extend three feet into a required side yard, provided that such garage is not nearer than five feet to any lot line.
- (2) Be nearer than 10 feet to any dwelling unless attached thereto or nearer than five feet to any other building.
- (3) Be within three feet of any side or rear lot line.

B. Fences in R Districts. Fence heights shall not exceed four feet in height in any front or side yard or six feet in height in any rear yard. Fences shall not be allowed to project any more than 10 feet into a front yard. If a building does not have required front yard setback as per §120-30, no projection shall be allowed.

C. Projections into required yards. The following structures shall be permitted within required yards:

- (1) Accessory uses as permitted by the district regulations shall be permitted in required rear yards.
- (2) Roof projections of not more than two feet.
- (3) Windowsills or other ordinary projections to an extent of not more than four inches.
- (4) Unenclosed porches or unenclosed steps not extending above the first floor level may project into a required yard not more than one-fourth (1/4) the required width or depth of such yard, but not nearer any lot line than five feet.

D. Coverage of rear yards. In any R District, accessory buildings and roofed projections shall not occupy more than thirty percent (30% of a required rear yard of an interior lot nor more than 40% of a required rear yard of a corner lot.

E. Driveways. Driveways shall be a minimum of 3 feet from the side lot line.

F. Pools. Pools, in-ground or above-ground, shall be a minimum of 10 feet from any principal structure and 5 feet from any accessory structure. Decks, patios, or other similar structures are not permitted to connect the principal structure to the pool.

Section 120-40.12, Portable signs, is amended by adding a new subparagraph (E) as follows:

A. Portable signs shall be permitted to be up to 60 square feet per single face.

B. No portable sign shall be displayed without first obtaining a permit from the Zoning Officer, who may deny the permit if the location of the sign creates a hazard to the public.

C. A portable sign permit shall terminate 60 days after its issuance.

D. The fee for a portable sign permit shall be determined by resolution of the Town Board.

E. Portable Electronic signs are subject to the same requirements and restrictions as Specialty Signs pursuant to Section 120-40.4.

Section 120-44, Site requirements for off-street parking spaces, is amended by adding a new subparagraph (F) as follows:

F. All parking areas, driveways, drive lanes, access roads, private roads or similar private areas intended for vehicular travel and parking shall be constructed of concrete, asphalt, or similar material to create a hard surface area. Stone or gravel is not permitted as a finished construction material for such areas.

#### **Section 4. Effective date**

This local law shall take effect ten days after notice hereof is published in the official Town newspaper pursuant to New York Town Law Section 264(1).

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 received a request for a rezoning & special permit for the following described property located at 3859, 3863 & 3869 Clinton Street from its classification of R-65 & R-100A to R-50(S) for a private multi lot patio home development:

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 Nos. 305 & 313, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

Beginning at a point in the centerline of Clinton Street, which point is also the intersection of Clinton Street and Northwood Avenue; thence westerly a distance of 150.0 feet to a point; thence south a distance of 781.0 feet to a point in Buffalo Creek; thence easterly along a line in Buffalo Creek a distance of 307.0 feet to a point; thence north a distance of 758.0 feet to a point in the centerline of Clinton Street; thence west along the centerline of Clinton Street a distance of 150.0 feet to the point or place of beginning; containing 5.20 acres.

Whereas, this Town Board held a public hearing on the 11<sup>th</sup> day of August 2014 and the 8th day of September 2014 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said town, to consider granting a rezoning & 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 rezoning & special permit be granted and the same is hereby rezoned from R-65 & R-100A to R-50(S);

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.



**Town of West Seneca Code Enforcement Office – Fee Schedule**

Fee Schedule for Building and Zoning Compliance Permits Extract from Executive Law, Article 18 and Section 383:  
".....each municipality.....is expressly authorized and empowered to make, amend and repeal rules for the administration and enforcement and for the collection of reasonable fees in connection therewith...."

**BUILDING PERMITS:**

**One and Two Family Homes** \$ .25/sq ft

Note: Floor area shall not include cellar, non-habitable basement, non-habitable attic or carport, but shall include an accessory garage. Floor area shall be based upon outside dimensions of the building.

**Multiple Dwellings** \$ .25/sq ft

**Building of Non-Residential Occupancy (New Building)** \$ .30/sq ft

\$250.00 min.

**Repairs, Alterations & Decks - Residential**

Up to \$500 \$ 20.00

Over \$500 up to \$1,000 \$ 30.00

For each \$1,000 over the first \$1,000 \$ 5.00

**Re-Roofing and Siding** \$ 40.00

**Additions – Residential** \$ .35/sq ft

**Commercial Fee (Repairs, Alterations, Additions)** \$275.00 min.

Up to \$1,000 \$ 20.00

For each \$1,000 over the first \$1,000 \$ 10.00

**Demolition Work**

Up to \$1,000 \$ 50.00

Over \$1,000 up to \$5,000 \$ 70.00

For each \$1,000 over \$5,000 \$ 8.00

**Certificate of Occupancy - Commercial** \$100.00

**Private Garages**

Unattached \$ .15/sq ft

Attached \$ .20/sq ft

**Accessory Structures**

Storage Sheds, Fences, Pools, etc.

For first \$1,000 estimated cost \$ 18.00

For each additional \$1,000 \$ 8.00



**Town of West Seneca Code Enforcement Office – Fee Schedule**

|  |                          |
|--|--------------------------|
| <b><u>Emergency Generator Installation</u></b>                                       | <b>\$ 15.00</b>          |
| <b><u>Fireplaces &amp; Wood Stoves</u></b>   |                          |
| Gas or Solid Fuel  | <b>\$ 40.00</b>          |
| <b><u>Parking Areas</u></b>  |                          |
| Driveway for One or Two Family Homes   | <b>\$ 15.00</b>          |
| Commercial or Multiple Dwellings:  |                          |
| First 1,000 sq ft  | <b>\$ 50.00</b>          |
| 1,000 to 10,000 sq ft  | <b>\$ 80.00</b>          |
| Each 1,000 sq ft thereafter  | <b>\$ 2.00</b>           |
| <b><u>Fireworks</u></b>  | <b>\$125.00</b>          |
| <b><u>Sign Permits</u></b>   |                          |
| Min. Fee up to 3 sq ft   | <b>\$ 20.00</b>          |
| Thereafter per sq ft   | <b>\$ 1.75/sq ft</b>     |
| Temporary Signs  | <b>\$ 70.00/60 days</b>  |
| <b><u>Snow Removal Contractor License</u></b>  | <b>\$ 25.00/vehicle</b>  |
| <b><u>Tree Removal</u></b>   | <b>No Fee</b>            |
| <b><u>Recreation Fee</u></b>   |                          |
| Single Family Dwelling or Building Lot   | <b>\$225.00</b>          |
| Two Family Dwelling  | <b>\$325.00</b>          |
| Multiple Dwellings – per unit  | <b>\$100.00</b>          |
| <b><u>Liquid Containers (Tank Installation)</u></b>                                  |                          |
| Tank Capacity of 550 gallons up to 3,000 gallons                                     | <b>\$100.00</b>          |
| Sum of \$10.00 for each 1,000 gallons or fraction thereof in excess of 3,000 gallons |                          |
| <b><u>Tank Removal</u></b>   | <b>\$100.00/tank</b>     |
| <b><u>Moving a Structure</u></b>   | <b>\$100.00</b>          |
| Plus \$2.00 per \$1,000 of new construction cost                                     |                          |
| <b><u>Re-Inspections</u></b>   | <b>\$ 35.00</b>          |
| <b><u>Permit Extension</u></b>   |                          |
| After 6 month Extension  | <b>\$ 15.00</b>          |
| After 1 year Extension   | <b>Permit Fee Issued</b> |



**Town of West Seneca Code Enforcement Office – Fee Schedule**

**Tower Special Permit Fee – Application Fee** **\$2000.00**

Plus additional costs for outside consultants incurred by the Town for review of propagation Studies, search ring and analysis, co-location possibilities of any other review deemed by Town Officials

**New Tower**

(measure from grade to uppermost part of tower) **\$ 20.00/linear ft of height**

**Co-User of Existing Telecommunications Tower (Change out)** **\$ 500.00/user/antenna**

**Located on Existing Structure, Other Than Existing Tower (Water Tower)** **\$ 1000.00/user**

**Site Plan Review Fee** **\$ 3000.00**

**ZONING SPECIAL PERMITS & SPECIAL DEVELOPMENT PLANS**

This fee is presently \$75.00 per application, and the cost for processing, public hearing and required legals has *substantially* increased. Requests to reschedule meetings with the Planning Board, Zoning Board & Town Board will result in additional charges to cover cost of publication, correspondence and postage. Recommended is the following schedule:

|                                     |                 |
|-------------------------------------|-----------------|
| .5 acres or less                    | <b>\$175.00</b> |
| .6 acres to 2 acres                 | <b>\$300.00</b> |
| 2.1 acres to 5 acres                | <b>\$300.00</b> |
| [Plus \$50.00 for each acre over 2] |                 |
| 5.1 to 10 acres                     | <b>\$475.00</b> |
| [Plus \$15.00 per acre over 5]      |                 |
| 10.0 acres or more                  | <b>\$525.00</b> |
| [Plus \$10.00 per acre over 10]     |                 |

**HOME OCCUPATION APPLICATION** **\$125.00**

**BOARD OF APPEALS APPLICATION** **\$150.00**



**PLUMBING FEES**

Filing Fee:

|                              |                     |
|------------------------------|---------------------|
| One and Two Family Dwellings | \$ 35.00            |
| All Others                   | \$ 55.00            |
| From 1 to 5 Fixtures         | \$ 4.00 ea. fixture |
| From 6 to 10 Fixtures        | \$ 2.50 ea. fixture |
| Over 10 Fixtures             | \$ 2.00 ea. fixture |
| Hot Water Tanks              | \$ 5.00 ea. fixture |
| Dishwashers                  | \$ 5.00 ea. fixture |
| Garbage Disposals            | \$ 5.00 ea. fixture |
| Open Waste Fixtures          | \$ 5.00 ea. fixture |

**SEWER CONNECTION & INSPECTION FEES**

**ERIE COUNTY SEWER 1 & 3**

**WEST SENECA SEWER DISTRICTS**

|                       |   |   |
|-----------------------|---|---|
| <b>SINGLE FAMILY</b>  | \$100.00  | \$400.00  |
| <b>DOUBLES/DUPLEX</b> | \$100.00 FIRST UNIT<br>\$ 50.00 SECOND UNIT     | \$400.00 FIRST UNIT<br>\$300.00 SECOND UNIT     |
| <b>MULTIPLE</b>       | \$100.00 FIRST UNIT<br>\$ 50.00 EACH ADDITIONAL | \$400.00 FIRST UNIT<br>\$300.00 EACH ADDITIONAL |
| <b>MOTELS/HOTELS</b>  | \$100.00 FIRST UNIT<br>\$ 50.00 EACH ADDITIONAL | \$400.00 FIRST UNIT<br>\$200.00 EACH ADDITIONAL |
| <b>COMMERCIAL</b>     |   |   |
| Industrial & Others   | \$400.00 MINIMUM                                |   |
| First 5 Fixtures      | \$ 80.00 EACH ADDITIONAL FIXTURE                |   |

|  |                 |
|--|-----------------|
| <b>Sewer Lateral Replacement/Repair</b>            | <b>\$ 75.00</b> |
| <b>Plumbing Exam Application Fee</b>               | <b>\$130.00</b> |
| <b>Special Exam Fee</b>                            | <b>\$225.00</b> |
| <b>Sewer Contractor Exam Fee</b>                   | <b>\$100.00</b> |
| <b>Master Plumber License Renewal Fee (yearly)</b> | <b>\$125.00</b> |



**Sewer Contractor License Renewal Fee (yearly) \$ 75.00**

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS & DEPARTMENT HEADS**

**INCREASE IN VARIOUS FEES**

The following are documents regarding past fee increases:

February 5, 1992

Honorable Town Board

Town of West Seneca

Dear Town Board Members: Effective May 1, 1992

Please include the following changes to fee schedule for our plumbers.

|                                     |   |
|-------------------------------------|---|
| Plumbing exam application fee from: | \$100.00  |
| Special exam fee from:              | \$ 75.00 to \$200.00<br>(Minimum fee of \$100.00) |
| Master plumber's yearly fee from:   | \$100.00  |

If you have any questions regarding this matter please contact my office.

Respectfully Submitted,

John A. Gullo  
Plumbing Board Member