

21-B HELD OVER PUBLIC HEARING

1. Re: "A PUBLIC HEARING TO CONSIDER THE 2017 TENTATIVE BENEFIT BASIS BUDGET & 2017 TENTATIVE AD VALOREM BUDGET" in the Town of West Seneca.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to remove the 2017 Benefit Basis Budget from the table.

Ayes: All

Noes: None

Motion Carried

Darryl Dusch questioned the continued presence of pumps at West Senior High School and commented that raw sewage is being pumped into the creek.

Supervisor Meegan responded the town is in the midst of a \$70 million sewer project mandated under a consent order from the early 2000's. In 2012, the current Town Board took action and has spent \$30 million thus far on enhancements, including slip lining and siphon replacements that have reduced the amount of raw sewage pumping into the creek by 52 million gallons per year.

Councilman Hart explained the six pumping stations in town must be turned on during major rain events to avoid flooding in basements. Due to the overflows, the town is under a consent order, but the town is only allowed 12 million gallons per day to flow into the Buffalo Sewer Authority system and the overflow goes into Cazenovia Creek. Unfortunately, it is unavoidable if they are to prevent back up in residents' basements.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the 2017 Benefit Basis Budget with the attached amendments.

Ayes: All

Noes: None

Motion Carried
APPENDICES

Motion by Supervisor Meegan, seconded by Councilman Hanley, to remove the 2017 Ad Valorem budget from the table.

Ayes: All

Noes: None

Motion Carried

Paula Minklei questioned if the town pays someone to help bring new business to town.

Councilman Hart responded the town has a \$15,000 per year contract with Gerald Hathaway and the West Seneca Chamber of Commerce. The contract is available for public viewing.

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Susan Kims questioned the \$30,000 charge for an insurance administrator.

Town Attorney John Fenz responded that appropriation is for First Niagara who reviews the town's insurance claims.

Karen Lucachik questioned the amount government employees contribute toward their pension.

Councilman Hart responded under NYS Law employees pay three percent toward their pension.

Karen Lucachik commented on Supervisor Meegan's proposed salary increase and stated it will set a precedent going forward. She thought a three percent increase would be fair and noted West Seneca is one third the size of Amherst and their responsibilities are much greater.

Supervisor Meegan referred to positions eliminated including two Town Board positions and other full-time and part-time positions in the Supervisor's office and Finance Department that resulted in a savings of over \$300,000 per year. Those tasks have been taken on by the Supervisor, her assistant and members of the Finance Department. Supervisor Meegan stated her salary should be on par with the duties and responsibilities of the position and there has been no salary increase since 2005. She stated her performance has demonstrated she is a full-time supervisor, this is her only job and she dedicates 55 to 60 hours per week to it. Supervisor Meegan noted she is asking for less than what her predecessor earned in 2011, which was \$86,000. She further referred to the \$25,000 increase given to the Town Attorney position last year along with \$5,000 this year that was not questioned and suggested the objections to her increase are because she is a woman.

Dale Clarke commented on the increase in taxes over the last four years even with positions eliminated and stated other jobs like the Town Prosecutor position were given to political allies. He further questioned the increase in the Town Attorney's salary.

Councilman Hart stated the Town Prosecutor position is required by Town Law and Town Attorney John Fenz was given an increase because he was able to save \$250,000 on outside counsel costs which justified an increase in his salary.

Mr. Clarke questioned why the budget director position is being reinstated when it provided a cost savings to the taxpayers.

Supervisor Meegan stated she voted against the proposal to eliminate the budget director position when it was previously brought before the Town Board and even with that stipend her salary will still be less than the previous supervisor.

21-B HELD OVER PUBLIC HEARING

A Tampa Drive resident requested clarification on Supervisor Meegan's 55 – 60 hour work week and the total compensation she receives.

Supervisor Meegan stated she is at work every day, Monday – Friday and regularly works weekends and evenings. Her current salary is \$63,900 and she receives \$500 as budget director, but she does not receive health insurance. As a full-time employee, she is part of the NYS Retirement System and will receive a NYS pension when she retires.

Caitlyn Dickey questioned the raise for Supervisor Meegan when youth programs were cut resulting in fewer options for youth to volunteer.

Supervisor Meegan responded Youth Coordinator Lauren Masset has made great strides with the Youth Department since taking it over and surveys showed there is less interest in some of the youth programs.

Blaine Steczkowski questioned Supervisor Meegan's pension and if she is vested.

Supervisor Meegan responded she will be vested if she serves another two years and when she leaves employment the town will no longer pay into her retirement.

Michelle Poitras questioned if Supervisor Meegan's duties and responsibilities have increased since last year to justify the raise. She further commented on the impact the last three years' salary makes on a NYS pension and asked the council members to vote against the increase.

Supervisor Meegan responded she has consolidated, cut expenses and assumed more responsibility. She also referred to the Supervisor in the Town of Lancaster who is a woman, whose salary is \$66,997 and receives health insurance.

Julie Gorecki referred to the Ad Valorem budget and asked for clarification on the number of regular laborers in the Sanitation Department. She further questioned if the town keeps the late fees on property taxes.

Supervisor Meegan confirmed there are 15 laborers in the Sanitation Department.

Town Clerk Jacqueline Felser advised the town keeps the penalties on property taxes and the county receives the interest.

Mrs. Gorecki questioned the \$1265 cut in the Senior Center Program Director salary and stated she is disappointed in the limited programs offered at the senior center. She further requested clarification on the role of caretaker for snow and miscellaneous and questioned the \$62,000 cut in the budget.

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Supervisor Meegan responded the Senior Center Program Director's salary is not being cut; it is a correction from the previous year. The caretaker takes care of the Highway Department offices. The position was not eliminated but was moved to a different line item.

Senior Recreation Therapist of Senior Services Mary Josefiak stated over 28,000 people attend the senior center annually and they offer numerous programs including trips.

Maura Lillis Blonski, daughter of former Supervisor Joan Lillis, commented on the difficulty of the supervisor position, noting that a supervisor works twenty-four hours a day and even after retirement her mother continued to receive phone calls. Mrs. Blonski further commented on Supervisor Meegan's dedication and commitment to the town and felt she is deserving of a raise.

Dolores Stefanacci questioned if Supervisor Meegan receives a stipend for not taking the health insurance. She further referred to issues that previously occurred with AmeriCorps and the compensation others received while she received nothing.

Supervisor Meegan responded she does not receive a stipend in lieu of health insurance and that benefit has not been offered to board members since 2013. Also, with regard to the AmeriCorps issue, that matter was investigated and Mrs. Stefanacci was not able to produce the necessary paperwork to afford her any compensation.

Richard Zmuda questioned how Supervisor Meegan plans to pay for the raise and commented on the lighting contract that was just undertaken by the town.

Supervisor Meegan stated her proposed increase has a .001 percent effect on the budget.

Councilman Hanley stated the town was anticipating a three year payback on the street lighting investment, but it will actually take 4.5 years for the project to pay for itself and then the budget will be reduced by \$200,000 per year. The agreement with NYSEG allows properly licensed town electricians or qualified contractors to do maintenance as needed.

Mr. Zmuda commented on the revenues from code enforcement and electrical permits.

Councilman Hanley responded the fees brought in are paying for the electrical inspector's salary and the town is also sharing the position with Orchard Park.

Councilman Hart stated Commonwealth used to charge the property owners for electrical inspections and now those fees are coming to the town.

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Francis Marrano commented that anyone who questions the salary of Town Attorney John Fenz does not understand his job. Mr. Marrano also thanked the board members for the excellent job they are doing.

Paula Taton objected to the proposed increase for Supervisor Meegan and stated she is a state employee and has not had an increase in four years. Ms. Taton was not opposed to an increase, but thought 27 percent was excessive.

Beverly Leising referred to Page A-14 and the Senior Citizens Director salary reduction of \$1265. She further requested a copy of the adjustments made to the proposed budget.

Councilman Hart responded there was a posting error in last year's budget and the salary reduction corrects that error. The adjustments were posted to the town's website and the most current increase is 2.92 percent, which is under the tax cap.

Nora Mikes requested clarification on the action being taken at this meeting.

Supervisor Meegan responded the public hearing will be closed tonight and they will vote to amend, not adopt, the budget. The Town Board will consider all the information presented, make additional changes and hold a special meeting on November 14th at 7 P.M. to adopt the budget.

Ms. Mikes questioned if the public will be allowed to speak at the November 14th meeting prior to the budget vote.

Supervisor Meegan responded that although the public hearing will be closed they could possibly consider this request.

Matt Nycek expressed his opposition to the proposed salary increase for Supervisor Meegan.

David O'Brien questioned Supervisor Meegan's background, noting the average salary for a person without a college degree is \$30,000.

Supervisor Meegan responded she worked in the insurance industry for 25 years and also has two years at Canisius College but did not earn a degree.

Councilman Hart commented that experience is the real education in life beyond a college degree.

Dusan Palka commented there are no property taxes in Pennsylvania or California.

21-C LEGAL NOTICES

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution creating a lighting district in Clearview Estates Subdivision.

Ayes: All

Noes: None

Motion Carried
APPENDICES

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution creating a lighting district in Camelot Part III Subdivision.

Ayes: All

Noes: None

Motion Carried
APPENDICES

21-D COMMUNICATIONS

1. Supervisor Meegan re Resignation of Clerk Typist Joseph D. McCarthy

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of Joseph D. McCarthy and terminate him as Clerk Typist effective November 4, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

2. Chief Denz re Appointment of Bruce Moritz as Court Security Officer

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Bruce Moritz as part-time Court Security Officer effective November 8, 2016 at a rate of \$17 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

3. Senior Code Enforcement Officer re LED sign proposal for 2724 Transit Road

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve an LED sign for 2724 Transit Road.

Ayes: All

Noes: None

Motion Carried

21-D COMMUNICATIONS

4. Town Attorney re
Assessment challenge
settlement – New Enterprise
Crushed Stone & Lime Co.,
Inc.

Motion by Councilman Hanley, seconded by Councilman Hart, to approve and authorize Town Attorney John Fenz to execute the attached Stipulation to resolve the real property tax assessment challenge of New Enterprise Crushed Stone & Lime Co. against the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried
APPENDICES

21-E 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 - \$113,744.76; Highway Fund - \$54,454.24; Special Districts - \$141,667.29; Capital Fund - \$617,022.83 (vouchers 96667 - 96798) Trust Fund - \$240,122.66 (vouchers 96820 - 96836)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

MEMORANDUM OF UNDERSTANDING WITH TOWN BAND

Susan Kims questioned the memorandum of understanding with the Town Band that was approved at a previous meeting.

Councilman Hart responded the Town Band was made a recreation program so they can use the town's insurance. No funds are offered the band and in return for the insurance coverage the Town Band will perform four concerts gratis for the town.

Town Attorney John Fenz explained that per the American Society of Composers and Performers (ASCAP), a license is required when music is provided at an event. The town has an ASCAP agreement and it will apply to the Town Band also.

REPAIR OF SINKHOLES AT PLANT 6

Susan Kims questioned the \$95,000 cost to repair sinkholes at Plant 6.

Councilman Hanley explained the pipe going to the station from the driveway has collapsed and needs to be repaired.

ISSUES OF THE PUBLIC

READY ERIE PREPAREDNESS PROGRAM

Susan Kims requested clarification on the Ready Erie Preparedness program and questioned the nearest emergency shelters.

Senior Code Enforcement Officer John Gullo explained the program and the application that is available to download to a smartphone. Code Red will be used to inform residents of the West Seneca locations when they are open.

INDUSTRIAL & COMMERCIAL INCENTIVE BOARD/DESIGN STANDARDS COMMITTEE

Susan Kims questioned who serves on the Industrial & Commercial Incentive Board and the Design Standards Committee and if all members reside or work in town.

Senior Code Enforcement Officer John Gullo listed the following members: Design Standards Committee - Bill Bauer, Joe Frontera, Amy Kobler, Town Attorney John Fenz, Councilman Hart, Jerry Hathaway and himself; Industrial and Commercial Incentive Board - Amy Carpenter, Amy Thompson, Jerry Hathaway, Karl Spencer, Kandace Wittmeyer, Mike Zekas, Councilman Hart and himself, noting Mike Zekas is not a resident but has a business in town.

Mrs. Kims commented that although Amy Thompson works in West Seneca, she does not live in town or pay taxes on a business in town. Mrs. Kims suggested the town use people that live in town for the committees.

Councilman Hart stated it was difficult finding people to serve on the committees and they are advisory committees. The Town Board will hold a public hearing and make the final decisions.

PARKING TRAILERS ON RESIDENTIAL PROPERTY

David Schultz referred to a notice he received from the Code Enforcement Office advising him that he is not allowed to keep his 33' trailer on his property from September 15th to May 15th and asked that the code be changed to coordinate with campground dates of May 1st to October 15th.

Senior Code Enforcement Officer John Gullo explained that the ordinance was changed from not allowing trailers on residential properties at all, to allowing them during the high use summer season. The ordinance was amended to provide quality of life for neighbors as some trailers block sidewalks and neighbor's views. Mr. Gullo stated the town can look at adjusting the dates, but it will still be necessary to store a camper elsewhere for the winter and a housing inspector is assigned to property maintenance issues like this.

ISSUES OF THE PUBLIC

STATUS OF DEER POPULATION CONTROL

Dick Macey questioned the status of the deer population situation.

Chief Denz responded that other issues and events have taken a precedent over the past few months, but he recently had an intern do a study on the number of deer related incidents in the last five years. They are still working on this issue.

REMOVAL OF DEAD TREE

Beverly Leising referred to a dead tree on the corner of Reserve Road and Mill Road. The property is for sale and she questioned who is responsible for picking up the dead branches in the road and who would be responsible for removing the tree.

Town Attorney John Fenz responded the tree branches are the responsibility of the property owner.

Supervisor Meegan stated the town can check it and notify the county if appropriate and Senior Code Enforcement Officer John Gullo stated the town will send a letter to the current owner advising them of the situation.

FARMER'S MARKET

Beverly Leising referred to efforts to get additional vendors for the Farmer's Market and suggested a different location as the hill on Main Street is rutted and not good for people to walk on.

Supervisor Meegan stated they may move the Farmer's Market to the area around the band shell, but they still have to be conscious of parents picking up children from day camp.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

VETERAN'S DAY CEREMONIES

Senior Recreation Therapist of Senior Services Mary Josefiak announced the Veterans Day lunch to be held at the senior center on Thursday, November 10th at noon.

Supervisor Meegan announced the dedication ceremony renaming a portion of Union Road to Veteran's Memorial Highway on Thursday, November 10th at 10 am. Additionally, she invited residents to attend the Veteran's Day ceremony on November 11th at 11 A.M.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RECREATION UPDATES

Youth Service Coordinator Lauren Masset thanked everyone who attended the Enchanted Path event and announced the following events: Breakfast with Santa on December 11th, tickets go on sale Monday, November 14th; family swim has started; special Veteran's skate on Friday, November 11th and all attending are asked to wear red, white and blue.

NO SHAVE NOVEMBER

Chief Denz stated his department is participating in the "No Shave November" fundraising event, with funds to be donated to the West Seneca food pantry and "Shop with a Cop".

FUNDS TO HELP COMBAT "ZOMBIE HOMES"

Councilman Hanley commented on funds available through Attorney General Schneiderman's office to combat "zombie homes." Supervisor Meegan stated the town recently received \$250,000 from the Attorney General's office that was given to the WNY Law Center who works with anyone trying to stay in their home and others trying to purchase a vacant home. She further noted that changes to the Foreclosure Relief Act take effect December 21st and banks will be held responsible for property maintenance with fines of \$500 per day. Brochures are available in the Town Clerk's office.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adjourn the meeting at 9:20 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

Summary of Budget Changes - Sewer Fund

Increase in Appropriations	197,079
Increase in Estimated Revenues	172,079
Increase in Appropriated Fund Balance	25,000

<u>Department</u> / Account	Account Code	2017 Tentative Budget	Change	2017 Final Budget
<u>Sewer Service Department</u>				
APPROPRIATIONS:				
Allocation of Highway Fund				
Costs to Benefiting District	03.8100.0512	1,286,537	91,895	1,378,432
REVENUES:				
Interdistrict Charge		4,005,791	91,895	4,097,686
<u>District No. 1 - Seneca Street</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8101.0597	98,218	1,919	100,137
REVENUES:				
Real property tax	03.2101.1001	163,027	1,919	164,946
<u>District No. 2 - Delray, Thorndale and Tindle</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8102.0597	63,490	750	64,240
REVENUES:				
Real property tax	03.2102.1001	63,324	750	64,074
<u>District No. 3 - Edson Street</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8103.0597	25,993	112	26,105
REVENUES:				
Real property tax	03.2103.1001	24,568	112	24,680
<u>District No. 4 - Oschawa, Duerstein and Indian Church Road</u>				
APPROPRIATIONS:				
Rent Payable to Sewer District No. 6	03.8104.1487	19,759	(154)	19,605
Sewer Department Allocation	03.8104.0597	17,913	321	18,234
REVENUES:				
Real property tax	03.2104.1001	53,319	167	53,486
<u>District No. 5</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8105.0597	132,659	2,663	135,322
Sewer Department Allocation (Plant)	03.8105.0597	201,398	4,599	205,997
REVENUES:				
Payment from Sewer District No. 13	03.2105.0013	71,440	1,149	72,589
Revenue from Charge to Covington and Slade Ext	03.2105.0055	456,760	3,871	460,631
Real property tax	03.2105.1001	300,722	2,242	302,964

<u>Department / Account</u>	<u>Account Code</u>	<u>2017 Tentative Budget</u>	<u>Change</u>	<u>2017 Final Budget</u>
<u>Sewer District No. 5 - Covington and Slade Extension</u>				
APPROPRIATIONS:				
Rent Payable to Sewer District No. 5	03.8155.1486	456,760	3,871	460,631
REVENUES:				
Real property tax	03.2155.1001	495,867	3,871	499,738
<u>District No. 6</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8106.0597	358,407	7,213	365,620
REVENUES:				
Sewer District No. 4	03.2106.0004	19,759	(154)	19,605
Sewer District No. 7	03.2106.0007	91,089	(713)	90,376
Sewer District No. 8	03.2106.0008	203,724	(1,590)	202,134
Sewer District No. 11	03.2106.0011	10,389	(81)	10,308
Erie County Sewer District No. 1	03.2106.0012	80,981	(633)	80,348
Real property tax	03.2106.1001	619,584	(4,616)	614,968
APPROPRIATED FUND BALANCE:				
Appropriated Fund Balance	03.2106.0599	80,000	15,000	95,000
<u>District No. 7 - Barnsdale and Knox</u>				
APPROPRIATIONS:				
Rent Payable to Sewer District No. 6	03.8107.1487	91,089	(713)	90,376
Sewer Department Allocation	03.8107.0597	50,938	988	51,926
REVENUES:				
Real property tax	03.2107.1001	141,079	275	141,354
<u>District No. 8 - Seneca Street and Kelsey to Railroad</u>				
APPROPRIATIONS:				
Rent Payable to Sewer District No. 6	03.8108.0597	203,724	(1,590)	202,134
Sewer Department Allocation	03.8108.0597	207,992	4,469	212,461
REVENUES:				
Real property tax	03.2106.1001	424,560	(7,121)	417,439
APPROPRIATED FUND BALANCE:				
Appropriated Fund Balance	03.2108.0599	10,000	10,000	20,000
<u>District No. 9 - Burch Avenue</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8109.0597	10,853	203	11,056
REVENUES:				
Real property tax	03.2107.1001	36,889	203	37,092
<u>District No. 10 - Wildwood Avenue</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8110.0597	21,011	207	21,218
REVENUES:				
Real property tax	03.2110.1001	18,068	207	18,275

<u>Department / Account</u>	<u>Account Code</u>	<u>2017 Tentative Budget</u>	<u>Change</u>	<u>2017 Final Budget</u>
<u>District No. 11 - Doris Avenue</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8111.0597	6,098	121	6,219
Rent Payable to Sewer District No. 6	03.8111.1487	10,389	(81)	10,308
REVENUES:				
Real property tax	03.2111.1001	16,105	40	16,145
<u>District No. 12 - Fisher Courts</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8112.0597	38,854	768	39,622
REVENUES:				
Real property tax	03.2112.1001	81,276	768	82,044
<u>Part I - Lackawanna</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8123.0597	118,626	2,383	121,009
REVENUES:				
Real property tax	03.2123.1001	184,008	2,383	186,391
<u>District No. 13</u>				
APPROPRIATIONS:				
Payment to Sewer District No. 5 for Operation of Disposal Plant	03.8113.0520	52,850	1,149	53,999
Sewer Department Allocation	03.8113.0597	2,678,202	64,612	2,742,814
REVENUES:				
West Seneca SD#14	03.2113.0014	98,892	1,096	99,988
West Seneca EWAL District	03.2113.0200	876,373	9,711	886,084
Elma Sewer District No. 2	03.2113.0002	15,608	173	15,781
Orchard Park SD No. 16	03.2113.0016	33,358	369	33,727
Orchard Park SD No. 17	03.2113.0017	5,073	56	5,129
Orchard Park SD No. 18	03.2113.0015	9,288	103	9,391
Real property tax	03.2113.1001	4,891,104	54,253	4,945,357
<u>District No. 14 - Westgate Subdivision</u>				
APPROPRIATIONS:				
Rent Payable to Sewer District No. 13	03.8114.1488	98,892	1,096	99,988
REVENUES:				
Orchard Park Sewer District No. 14	03.2114.0014	5,273	59	5,332
Real property tax	03.2114.1001	98,985	1,037	100,022
<u>District No. 15 - Nash Street</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8115.0597	9,199	170	9,369
REVENUES:				
Real property tax	03.2115.1001	11,065	170	11,235

<u>Department / Account</u>	<u>Account Code</u>	<u>2017 Tentative Budget</u>	<u>Change</u>	<u>2017 Final Budget</u>
<u>District No. 18 - Fisher Road</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8118.0597	5,025	84	5,109
REVENUES:				
Real property tax	03.2118.1001	11,356	84	11,440
<u>District No. 19 - Boardman and Weisner Area</u>				
APPROPRIATIONS:				
Sewer Department Allocation	03.8119.0597	15,915	313	16,228
REVENUES:				
Real property tax	03.2119.1001	41,915	313	42,228
<u>District No. 20 - East, West, Angle and Leydecker District</u>				
APPROPRIATIONS:				
Rent Payable to Sewer District No. 13	03.8120.1486	876,373	9,711	886,084
REVENUES:				
New York State School	03.2120.0001	59,186	655	59,841
Real property tax	03.2119.1001	947,385	9,056	956,441

Budget Amendments 11.14.2016

Summary of Budget Changes - General Fund

Increase in Appropriations	(14,533)
Increase in Estimated Revenues	(14,533)

<u>Department</u> / Account	Account Code	2017 Updated 11.7.2016 Preliminary Budget	Change	2017 Updated 11.14.2016 Preliminary Budget
APPROPRIATIONS:				
<u>Town Board</u>				
Salaries of Councilmembers (2)	1.1010.0100	43,000	(1,000)	42,000
<u>Supervisor</u>				
Salary of Supervisor (1)	1.1220.0100	80,000	(7,500)	72,500
<u>Town Attorney</u>				
Salary of Town Attorney (1)	1.1420.0100	80,000	(5,000)	75,000
<u>Employee Benefits</u>				
Social Security	1.9030.0802	919,266	<u>(1,033)</u>	918,233
Net increase in appropriations			<u>(14,533)</u>	
ESTIMATED REVENUES:				
Real property taxes	1.1001	12,922,863	<u>(14,533)</u>	12,908,330
Net reduction in estimated revenues			<u>(14,533)</u>	

At a regular meeting of the Town Board of the Town of West Seneca, New York on the 7th day of November, 2016, at 7:00 P.M.

PRESENT: Sheila M. Meegan, Supervisor
Eugene P. Hart
William Hanley

ABSENT: None

In the matter of the petition for the establishment of a lighting district to be known as Veronica Estates Lighting District in the Town of West Seneca, Erie County, New York.

RESOLUTION AND ORDER
AFTER PUBLIC HEARING

WHEREAS, the Town Board on its own initiative pursuant to Article 12-A of the Town Law adopted an order describing the creation of a lighting district to be known as Veronica Estates Lighting District in the Town of West Seneca, County of Erie, New York, at its regularly scheduled meeting of October 24, 2016; and

WHEREAS, an order was duly adopted by the Town Board at its regularly scheduled meeting of October 24, 2016 reciting the improvements proposed, the boundaries of the proposed district, and the estimated expense thereto and specifying the 7th day of November, 2016 at 7:00 o'clock pm, as the time, and the Town Hall, 1250 Union Road, in said Town, as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 7th day of November, 2016, commencing at 7:00 P.M., in the Town Hall, 1250 Union Road, in said Town.

NOW, upon the evidence given upon such hearing, and upon motion by Supervisor Sheila M. Meegan seconded by Councilman Eugene P. Hart, it is

RESOLVED, AND DETERMINED, that

- (a) all the property and property owners within the proposed district are benefited thereby;
- (b) all the property and property owners benefited are included within the limits of the proposed district; and
- (c) it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the establishment of a lighting district as proposed in said petition be approved; that the improvement therein mentioned be constructed upon the required funds being made available as provided for, and that such district shall be designed and known as the Veronica Estates Lighting District of the Town of West Seneca, and shall be bounded and described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie, State of New York being part of Lots 257 & 268, Township 10, Range 7 of the Buffalo Creek Reservation being more particularly described as shown on a Map filed in the Erie County Clerk's Office under Cover No. 3582.

RESOLVED AND DETERMINED, that the Supervisor be authorized and is empowered to execute a contract with the New York State Electric & Gas Corporation or other contractor pursuant to §198-6 of the Town Law and that the expense thereof be assessed, levied and collected pursuant to the applicable provisions of the Town Law; and, it is further

RESOLVED that no sum is proposed to be expended for construction in the proposed district; and it is further

RESOLVED that this, being a lighting district in which it will not be necessary to issue bonds or other obligations for the construction of the improvement or for lighting service, it is unnecessary to obtain approval by the Comptroller for the establishment of said district.

The question of the adoption of the foregoing resolution and order was duly put to vote on roll call which resulted as follows:

Supervisor Meegan	Yes
Councilman Hart	Yes
Councilman Hanley	Yes

The resolution was thereupon declared duly adopted.

At a regular meeting of the Town Board of the Town of West Seneca, New York on the 7th day of November, 2016, at 7:00 P.M.

PRESENT: Sheila M. Meegan, Supervisor
Eugene P. Hart
William Hanley
ABSENT: None

In the matter of the petition for the establishment of a lighting district to be known as Clearview Estates Lighting District in the Town of West Seneca, Erie County, New York.

RESOLUTION AND ORDER
AFTER PUBLIC HEARING

WHEREAS, the Town Board on its own initiative pursuant to Article 12-A of the Town Law adopted an order describing the creation of a lighting district to be known as Clearview Estates Lighting District in the Town of West Seneca, County of Erie, New York, at its regularly scheduled meeting of October 24, 2016; and

WHEREAS, an order was duly adopted by the Town Board at its regularly scheduled meeting of October 24, 2016 reciting the improvements proposed, the boundaries of the proposed district, and the estimated expense thereto and specifying the 7th day of November, 2016 at 7:00 o'clock pm, as the time, and the Town Hall, 1250 Union Road, in said Town, as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 7th day of November, 2016, commencing at 7:00 P.M., in the Town Hall, 1250 Union Road, in said Town.

NOW, upon the evidence given upon such hearing, and upon motion by Supervisor Sheila M. Meegan seconded by Councilman Eugene P. Hart, it is

RESOLVED, AND DETERMINED, that

- (a) all the property and property owners within the proposed district are benefited thereby;
- (b) all the property and property owners benefited are included within the limits of the proposed district; and
- (c) it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the establishment of a lighting district as proposed in said petition be approved; that the improvement therein mentioned be constructed upon the required funds being made available as provided for, and that such district shall be designed and known as the Clearview Estates Lighting District of the Town of West Seneca, and shall be bounded and described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie, State of New York being part of Lot No. 423, Township 10, Range 7 of the Buffalo Creek Reservation, as shown on a Map filed in the Erie County Clerk's Office under Cover No. 3575.

RESOLVED AND DETERMINED, that the Supervisor be authorized and is empowered to execute a contract with the New York State Electric & Gas Corporation or other contractor pursuant to §198-6 of the Town Law and that the expense thereof be assessed, levied and collected pursuant to the applicable provisions of the Town Law; and, it is further

RESOLVED that no sum is proposed to be expended for construction in the proposed district; and it is further

RESOLVED that this, being a lighting district in which it will not be necessary to issue bonds or other obligations for the construction of the improvement or for lighting service, it is unnecessary to obtain approval by the Comptroller for the establishment of said district.

The question of the adoption of the foregoing resolution and order was duly put to vote on roll call which resulted as follows:

Supervisor Meegan	Yes
Councilman Hart	Yes
Councilman Hanley	Yes

The resolution was thereupon declared duly adopted.

At a regular meeting of the Town Board of the Town of West Seneca, New York on the 7th day of November, 2016, at 7:00 P.M.

PRESENT: Sheila M. Meegan, Supervisor
Eugene P. Hart
William Hanley
ABSENT: None

In the matter of the petition for the establishment of a lighting district to be known as Camelot III Lighting District in the Town of West Seneca, Erie County, New York.

RESOLUTION AND ORDER
AFTER PUBLIC HEARING

WHEREAS, the Town Board on its own initiative pursuant to Article 12-A of the Town Law adopted an order describing the creation of a lighting district to be known as Camelot III Lighting District in the Town of West Seneca, County of Erie, New York, at its regularly scheduled meeting of October 24, 2016; and

WHEREAS, an order was duly adopted by the Town Board at its regularly scheduled meeting of October 24, 2016 reciting the improvements proposed, the boundaries of the proposed district, and the estimated expense thereto and specifying the 7th day of November, 2016 at 7:00 o'clock pm, as the time, and the Town Hall, 1250 Union Road, in said Town, as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 7th day of November, 2016, commencing at 7:00 P.M., in the Town Hall, 1250 Union Road, in said Town.

NOW, upon the evidence given upon such hearing, and upon motion by Supervisor Sheila M. Meegan seconded by Councilman Eugene P. Hart, it is

RESOLVED, AND DETERMINED, that

- (a) all the property and property owners within the proposed district are benefited thereby;
- (b) all the property and property owners benefited are included within the limits of the proposed district; and
- (c) it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the establishment of a lighting district as proposed in said petition be approved; that the improvement therein mentioned be constructed upon the required funds being made available as provided for, and that such district shall be designed and known as the Camelot III Lighting District of the Town of West Seneca, and shall be bounded and described as affixed hereto:

RESOLVED AND DETERMINED, that the Supervisor be authorized and is empowered to execute a contract with the New York State Electric & Gas Corporation or other contractor pursuant to §198-6 of the Town Law and that the expense thereof be assessed, levied and collected pursuant to the applicable provisions of the Town Law; and, it is further

RESOLVED that no sum is proposed to be expended for construction in the proposed district; and it is further

RESOLVED that this, being a lighting district in which it will not be necessary to issue bonds or other obligations for the construction of the improvement or for lighting service, it is unnecessary to obtain approval by the Comptroller for the establishment of said district.

The question of the adoption of the foregoing resolution and order was duly put to vote on roll call which resulted as follows:

Supervisor Meegan	Yes
Councilman Hart	Yes
Councilman Hanley	Yes

The resolution was thereupon declared duly adopted.

PROPOSED LEGAL DESCRIPTION

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 Lots No. 380, 381, 386 and 387, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the southwest corner of Subdivision Lot No. 7 as shown on a map of Camelot Square Subdivision, Part II, filed in Erie County Clerk's Office under Cover No. 2744; thence westerly on the extension west of the south line of said Subdivision Lot No. 7 to a point on the west line of Lot No. 387, being also the east line of Lot No. 386; thence southerly along the east line of Lot No. 386 to the southeast corner of lands conveyed in a deed filed in Erie County Clerk's Office in Liber 6796, at page 95; thence westerly along the south line of lands conveyed in said Liber 6796 at page 95 and Liber 6796 at page 93, 300 feet, more or less, to the southwest corner of lands conveyed in Liber 6796 at page 93; thence northerly along the west line of lands conveyed in said Liber 6796 at page 93, being also the east line of lands shown on a map of Tobey Hill Subdivision filed in Erie County Clerk's Office under Cover No. 2165, to a point in the north line of Lot No. 386, being also the northeast corner of said Cover No. 2165; thence easterly along the north line of Lot No. 386, being also the south line of Lot No. 380, 20.05 feet, more or less, to the southeast corner of lands shown on a map of Woodcrest Subdivision filed in Erie County Clerk's Office under Cover No. 2188; thence northerly along the east line of said Cover No. 2188, 1200 feet, more or less, to the northwest corner of said Cover No. 2188; thence easterly along an extension easterly of the north line of said Cover No. 2188 to a point in the west line of lands conveyed in a deed filed in Erie County Clerk's Office in Liber 5082 at page 82, said line being an extension northerly of the west line of Camelot Square Subdivision, Part II, as shown on Cover 2744; thence southerly along the west line of lands conveyed in Liber 5082 of Deeds at page 82, and the west line of said Cover No. 2744, to the southwest corner of said Cover No. 2744, at the point or place of beginning.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

CLINTON STREET REALTY HOLDINGS LLC, SUCCESSOR TO
NEW ENTERPRISE CRUSHED STONE & LIME CO., INC.
D/B/A BUFFALO CRUSHED STONE INC.,

Petitioner,

vs.

**STIPULATION &
AGREEMENT**

KANDACE S. WITTMAYER,
ASSESSOR OF THE TOWN OF WEST SENECA

Index No.: 808284/2016

AND

THE BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF WEST SENECA, COUNTY OF
ERIE AND STATE OF NEW YORK,

Respondents,

WEST SENECA CENTRAL SCHOOL DISTRICT,

Intervenor.

FOR REVIEW OF THE 2016-2017 TAX ASSESSMENT
OF CERTAIN REAL PROPERTY IN THE SAID
TOWN OF WEST SENECA, NEW YORK

The above entitled proceedings involving tax assessment review for the following
premises in the Town of West Seneca, New York:

S.B.L. No. 124.00-2-5	2544 Clinton Street
S.B.L. No. 124.00-2-7	2574 Clinton Street
S.B.L. No. 124.00-2-8	2602 Clinton Street

for the assessment year 2016-2017 having progressed for trial, and negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney for the Town of West Seneca and the School Attorney for the West Seneca Central School District and the Attorney for the Petitioner, and it further appearing that the assessment of premises in the Town of West Seneca provides the basis for imposition of taxes assessed by the County of Erie, Town of West Seneca, and the West Seneca Central School District, it is hereby

FIRST: **STIPULATED AND AGREED**, that assessed value for the parcel known as 2544 Clinton Street bearing SBL No. 124.00-2-5, shall be reduced from \$403,040 to \$343,040, and the assessed value for the parcel known as 2574 Clinton Street bearing SBL No. 124.00-2-7 shall remain at \$26,400, and the assessed value for the parcel known as 2602 Clinton Street bearing SBL No. 124.00-2-8 shall remain at \$10,560 for the tax year, and it is further

SECOND: **STIPULATED AND AGREED**, that said Petitioner in any instrument or agreement transferring all of the subject property therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof; and be it further

THIRD: **STIPULATED AND AGREED**, that the provisions of Section 727 of the Real Property Tax Law shall apply to this Order through the year 2018-2019, except for 727(2)(a) and (2)(b), and it is further

FOURTH: **STIPULATED AND AGREED** that the appropriate official of the West Seneca Central School District shall compute a revised tax figure for parcel 124.00-2-5 based upon the above reduction in assessment and issue a corrected bill to the Petitioner, to be paid without interest or penalty within eight (8) days of receipt or in the event that the tax has been paid to promptly issue a refund to Petitioner with appropriate interest, and it is further

FIFTH: **STIPULATED AND AGREED**, that this Court shall retain jurisdiction over this proceeding pending the expiration of this annexed Stipulation, and that all applications to enforce any or all of the terms of the Stipulation shall be brought before this Court, and be it further

SIXTH: **STIPULATED AND AGREED**, that these proceedings are discontinued
with prejudice, without costs or disbursements against either party.

DATED: _____ 2016
Buffalo, New York

Michael J. Hughes, Esq.
Attorney for Petitioner

Date: _____, 2016

Meghann N. Roehl, Esq.
Attorney for Intervenor

Date: _____, 2016

Richard H. Cole, Esq.
Attorney for Respondents

Date: _____, 2008

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW

BY

CLINTON STREET REALTY HOLDINGS LLC, SUCCESSOR TO
NEW ENTERPRISE CRUSHED STONE & LIME CO., INC.
D/B/A BUFFALO CRUSHED STONE INC.,

Petitioner,

vs.

KANDACE S. WITTMAYER,
ASSESSOR OF THE TOWN OF WEST SENECA

ORDER

Index No.: 808284/2016

AND

THE BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF WEST SENECA, COUNTY OF
ERIE AND STATE OF NEW YORK,

Respondents,

WEST SENECA CENTRAL SCHOOL DISTRICT,

Intervenor.

FOR REVIEW OF THE 2016-2017 TAX ASSESSMENT
OF CERTAIN REAL PROPERTY IN THE SAID
TOWN OF WEST SENECA, NEW YORK

The above entitled proceedings involving tax assessment review for the following
premises in the Town of West Seneca, New York:

S.B.L. No. 124.00-2-5	2544 Clinton Street
S.B.L. No. 124.00-2-7	2574 Clinton Street
S.B.L. No. 124.00-2-8	2602 Clinton Street

for the assessment year 2016-2017 having progressed for trial, and negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney for the Town of West Seneca and the School Attorney for the West Seneca Central School District and the Attorney for the Petitioner, and it further appearing that the assessment of premises in the Town of West Seneca provides the basis for imposition of taxes assessed by the County of Erie, Town of West Seneca, and the West Seneca Central School District, it is hereby

ORDERED, that assessed value for the parcel known as 2544 Clinton Street bearing SBL No. 124.00-2-5, shall be reduced from \$403,040 to \$343,040, and the assessed value for the parcel known as 2574 Clinton Street bearing SBL No. 124.00-2-7 shall remain at \$26,400, and the assessed value for the parcel known as 2602 Clinton Street bearing SBL No. 124.00-2-8 shall remain at \$10,560 for the tax year, and it is further

ORDERED, that said Petitioner in any instrument or agreement transferring all of the subject property therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof; and be it further

ORDERED, that the provisions of Section 727 of the Real Property Tax Law shall apply to this Order through the year 2018-2019, except for 727(2)(a) and (2)(b), and it is further

ORDERED, that the appropriate official of the West Seneca Central School District shall compute a revised tax figure for parcel 124.00-2-5 based upon the above reduction in assessment and issue a corrected bill to the Petitioner, to be paid without interest or penalty within eight (8) days of receipt or in the event that the tax has been paid to promptly issue a refund to Petitioner with appropriate interest, and it is further

ORDERED, that this Court shall retain jurisdiction over this proceeding pending the expiration of this annexed Stipulation, and that all applications to enforce any or all of the terms of the Stipulation shall be brought before this Court, and be it further

ORDERED, that these proceedings are discontinued with prejudice, without costs or disbursements against either party.

Dated: _____

Hon. Sheila A. DiTullio