

Supervisor Gary Dickson called the meeting to order at 6:00 P.M.

ROLL CALL:	Present	Gary Dickson	Supervisor
		Robert J. Breidenstein	Councilmember
		Joseph Cantafio	Councilmember
		Susan K. Kims	Councilmember
		Jeff Piekarec	Councilmember
	Absent	None	

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

MINUTES TO BE APPROVED

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to approve Minutes #2022-06 of March 14, 2022.

Ayes: All

Noes: None

Motion Carried

PUBLIC COMMENTS ON NEW BUSINESS

- A resident referred to the American Rescue Plan and a prior Town Board discussion about a fitness pad at the soccer park and asked the following questions:
 - ✓ What is the status of efforts to obtain grants and sponsorships for this project – Supervisor Dickson stated the town has contacted companies that would make the concrete pad, nothing is finalized.
 - ✓ Referred to the resolution and asked for clarification of sponsorship – Supervisor Dickson stated the town is seeking sponsorship and the companies’ logos would be included in the graphics that will be developed and deferred to Councilmember Breidenstein. Councilmember Breidenstein stated he has contacted two construction firms who have indicated they would be willing to put in the pad at a substantially reduced cost or for free.
 - ✓ It appears \$115,000 has been allocated to this project – Supervisor Dickson stated this amount would be reduced by any sponsorship the town obtains.
- A representative from Spectrum Health and Human Services referred to item no. 17 and respectfully requested the Town Board approve the agreement for the use of the Lions Band Shell for their Overdose Awareness Event on August 13, 2022.
- A resident referred to discussions about development in the town and referred to a railway turntable that Ebenezer Railcar Services has access to and requested the town maintain railway access in the event it would be utilized as a tourism destination – Supervisor Dickson stated he found this interesting as well and would hope the company would consider this.

NEW BUSINESS

7-A ANNOUNCEMENTS & PRESENTATIONS

1. Supervisor Dickson re Update on American Rescue Plan funds

Supervisor Dickson stated the town will receive a total of \$8,508,246 from the American Rescue Plan Act and there are four categories for allowable uses. Supervisor Dickson listed the current allocations totaling \$1.23 million:

- \$600,000 to fund various salary lines in the 2022 budget to compensate for the one-time payment of the bond that was taken out to cover the shortfall in the 2019 budget
- \$140,000 in additional money for blacktop paving in the 2022 budget
- \$25,000 for air quality equipment in the courtroom
- \$200,000 to cover the amount over the grant for the bike track
- \$150,000 for portable pumps for the sewer department
- \$115,000 for the fitness court in the soccer park

Supervisor Dickson referred to Category 1 of the plan which allows the money to be spent on vacant or abandoned property that can be rehabilitated and then sold adding it back to the tax roll and mentioned the Bellwood School and corner of Mineral Springs Road and Harlem Road. Supervisor Dickson encouraged the Town Board members to bring ideas to the next Town Board meeting for discussion.

Councilmember Piekarec stated he would like to allocate funds for sewers and water projects as well as adding another \$140,000 to paving as they did this year. Councilman Piekarec stated he does not support giving Hazard Pay to town workers as they all received their full salaries and overtime where applicable. Councilman Piekarec stated he would support acquiring properties, but due to the risks involved he would like it to be done using a thoughtful process. Councilman Piekarec stated he would like to invest more in the town parks and noted outdoor recreation became more popular because of the pandemic; for example, install paved walking paths at Fireman's Park and Children's Memorial Park.

Councilmember Kims stated she thought of sewers and roads, and a walking path would be good.

Councilmember Cantafio stated finally taking care of the Bellwood property would be worth exploring with caution. Supervisor Dickson agreed the town would do their due diligence.

2. Chief Baker re 2021 Annual Police Department Report

Chief Baker stated the report is a comparison from 2021 to 2020 and highlighted the following:

- ✓ Traffic tickets were up
- ✓ Total calls were down about 9% and all calls are spread out very evenly throughout the shifts and days of the week
- ✓ Training hours were up over 1,400 hours

Chief Baker stated the report is online on the West Seneca Police Department website. Chief Baker commented that many calls include assisting people in a variety of ways outside of crime, traffic, and first aid.

3. Buffalo Niagara Waterkeeper re Buffalo Creek Floodplain Reconnection

Katherine Winkler, Senior Program Manager from the Buffalo Niagara Waterkeeper, made the following comments:

- ✓ The goal of this project is to reconnect the Buffalo Creek to its floodplain to alleviate flooding in the Lexington Green neighborhood
- ✓ A study from 2018, Resilient NY Initiative, identified this area as offering a prime opportunity for reconnecting the floodplain
- ✓ \$75,000 has been received from the National Fish and Wildlife Foundation's National Coastal Resilience Fund and a consultant will be hired to assist with the next tasks

Supervisor Dickson stated this is a long term solution that is creating a larger floodplain to absorb the floodwaters; additionally, the temporary flood berm that was installed in 2014 will be adjusted. The Army Corp of Engineers has offered to set up a multi-agency meeting with various federal, state, and local entities to generate ideas. The Buffalo Niagara Waterkeeper is extremely helpful in assisting the town through the process along with local political representatives.

7-B COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re Sewer Rehabilitation Project – Next Phase

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Supervisor to sign the proposal from Clark Patterson Lee for engineering services associated with Phase 8 sewer rehabilitation in the amount of \$88,500.

Ayes: All

Noes: None

Motion Carried

2. Councilmember Breidenstein re Meeting excusal guidance – Zoning Board of Appeals & Planning Board

Motion by Councilmember Breidenstein, seconded by Councilmember Piekarec, to adopt the following resolution regarding excusal guidance for the chairs of the Zoning Board of Appeals and Planning Boards:

On the question, Supervisor Dickson questioned if this is standard practice in other towns. Councilmember Breidenstein stated it is currently in place in a few towns in some level or form. Town Attorney Trapp stated some towns do not pay these board members and some pay on a per meeting basis.

Supervisor Dickson questioned if the procedure would require written correspondence from the Chair to the Town Board if they were seeking an excusal. Councilmember Breidenstein confirmed they would if the absence did not fall under section A of the resolution.

Councilman Cantafio encouraged the board members be cognizant of implications on the Finance Department preparing payroll and allow Director of Finance Straus to provide input.

Councilmember Breidenstein stated this policy would be followed going forward, not retroactively.

WHEREAS, the Town of West Seneca, annually appoints and/or re-appoints community members to serve on the Zoning Board of Appeals (ZBA) or the Planning Board (Planning); and

WHEREAS, community members who serve on the ZBA or Planning Boards are allocated an annual stipend for their work on said committees to represent the interests of the town; and

WHEREAS, said committees interact with the community in accordance with Open Meeting Laws to present their findings, rulings and implementation of Town Ordinances, County Code and State Statutes, and;

WHEREAS, the respective ZBA and Planning Board Chairperson sets committee meeting dates, meeting agendas, and insures an accurate recording of minutes;

WHEREAS, committee members are reasonably expected to attend meetings and participate in the process;

WHEREAS, the Chairman has a historic responsibility to authorize excusals of members of respective committee; and

WHEREAS, there is no current guidance on what constitutes a reasonable, prudent and valid excusal of a committee member(s) from attending a scheduled committee meeting to interact with the community in accordance with Open Meeting Laws; and

WHEREAS, on January 3, 2022, the Town Board approved a resolution requiring the Chairman of the ZBA and Planning Board to provide further written justification to the Town Board to quantify the absence of an appointed committee member from a meeting without having said absent committee member have stipend reduced; and

WHEREAS, the Committee Chairman has the authority to request payment (1/12) of stipend for an absent committee member in writing to the Town Board; and

WHEREAS, the following guidance is provided to chairman-

- A.** Automatic excusal without a loss of a portion of stipend:
 - COVID Quarantine from County DOH
 - Hospitalization
 - Medical Excusal from physician
 - Death in immediate family
 - Committee meeting date/time changed without 72 hours' notice to member

- B.** Excusals requiring Town Board approval:
 - Unexcused absence
 - Travel
 - Work Conflicts
 - Vacations
 - Personal Conflicts
 - Other reasons not listed above under item A

Ayes: All

Noes: None

Motion Carried

3. Highway Sup't. re Title change for Jason Hobot to Highway Heavy Motor Equipment Operator

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to terminate Jason Hobot as a Highway Laborer Caretaker and appoint him as a Highway Heavy Motor Equipment Operator Group 5, Step 5, at a rate of \$32.03 per hour as per the Blue Collar Contract effective March 21, 2022.

Ayes: All Noes: None Motion Carried

4. Highway Sup't. re Termination of Anthony Holakowski as part-time Buildings & Grounds Laborer

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to terminate Anthony Holakowski as part-time Buildings & Grounds Laborer effective March 7, 2022.

Ayes: All Noes: None Motion Carried

5. Highway Sup't. re Resignation of Joseph Sitarek as part-time Sanitation Laborer

Motion by Supervisor Dickson, seconded by Councilmember Kims, to accept the resignation of Joseph Sitarek as part-time Sanitation Laborer effective March 7, 2022.

Ayes: All Noes: None Motion Carried

6. Chief Baker re Bid for purchase Dodge Charger

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize Chief Baker to set a purchase bid on the NYS Office of General Services Vehicle Market Place for the purchase of one (1) new 2021 or 2022 Dodge Charger noting funding is available through police vehicle budget line 01312000.50208.

Ayes: All Noes: None Motion Carried

7. Chief Baker re Bid for purchase Dodge Durango

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to authorize Chief Baker to set a purchase bid on the NYS Office of General Services Vehicle Market Place for the purchase of one (1) new 2021 or 2022 Dodge Durango noting funding is available through police vehicle budget line 01312000.50208.

Ayes: All Noes: None Motion Carried

8. Chief Baker re Attendance at the NY Association of Hostage Negotiators training conference

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to authorize five (5) officers to attend the annual New York Association of Hostage Negotiators training conference May 25 – 27, 2022, in Buffalo, New York, at a cost not to exceed \$1,517.50 with funds available from Police Training budget line 01312000.50459.

Ayes: All Noes: None Motion Carried

02.0002.3502	Highway Fund State Aid – EWR	\$ 70,260.43
02.0002.3503	Highway Fund State Aid – PAVENY	\$ 66,702.93
02.5112.201	General Repairs Blacktop Paving – CHIPS	\$383,432.29
02.5110.491	General Repairs Blacktop Paving – EWR	\$ 70,260.43
02.5110.490	General Repairs Blacktop Paving – PAVENY	\$ 66,702.93

Supervisor Dickson questioned if a grant is available to fix potholes. Director of Finance Straus is not aware of any.

Ayes: All Noes: None Motion Carried

13. Director of Finance re Budget amendment – Police Traffic Services Grant funding

Motion by Supervisor Dickson, seconded by Councilmember Kims, to adopt the following resolution to account for funding received through February 1, 2022:

WHEREAS, the Town receives funds from the State of New York related to the Police Traffic Services (PTS) grant program throughout the year;

WHEREAS, the Town had not originally budgeted for these funds in the 2021 Adopted Budget,

WHEREAS, the receipt is for reimbursement for overtime related expenses encountered by the Police Department for work with the program;

NOW, THEREFORE, be it

RESOVLED, that the Town Board does hereby authorize the attached 2021 budget amendment to account for the funding received through 2/1/2022:

Increase:

01.0001.3490	State Aid – Police – Other	\$17,417.14
01.3120.199	Police Department – Overtime	\$17,417.14

Ayes: All Noes: None Motion Carried

14. Director of Finance re Budget transfer – Assessor’s overtime

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the following 2022 budget transfer for expenses related to clerical overtime for the Assessor’s Office:

Increase:

\$143.00	01.1355.50199 Assessor – Overtime
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Decrease:

\$143.00	01.1355.50137 Assessor – Salaries of Account Clerks
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Ayes: All Noes: None Motion Carried

15. Director of Finance re Budget transfer - Highway Department overtime

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to authorize the following 2022 budget transfer for expenses related to clerical overtime for the Highway Superintendent's Office:

Increase:

\$477.00 01.5010.50199 Superintendent of Highways – Overtime

Decrease:

\$477.00 01.5132.50439 Highway Garage – Radio Installation

Ayes: All

Noes: None

Motion Carried

16. Recreation Department re Appointment of Alexandra Marshall as part-time Recreation Attendant

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to appoint Alexandra Marshall as a part-time permanent Recreation Attendant at a rate of \$16.50 per hour effective March 9, 2022, contingent upon a background check and drug screening and will be paid from Salary of Other Employees – Part-Time line 0171400149.

Ayes: All

Noes: None

Motion Carried

17. Recreation Department re Recreation Facility Use Agreements

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to authorize the Supervisor to execute the necessary documents to enter into agreements with the following organizations:

- West Seneca Kiwanis Club for use of the Kiwanis Pavilion and Lions Band Shell for their annual Easter Egg Hunt on April 16, 2022 from 9:00am-12:00pm
- EXACT Sports for use of the Soccer Complex for a "High School Soccer Showcase" on May 15, 2022 from 7:30am-4:30pm
- Shakespeare in Delaware Park for use of the Lions Bandshell for a public performance on July 27, 2022 from 5:30-8:30pm
- Spectrum Health and Human Services for use of the Lions Band Shell for their Overdose Awareness Event on August 31, 2022 from 3:00-8:00pm
- West Seneca Fire District #1 for use of the West Seneca Baseball/Softball Diamonds within the Town Park System from April 1 - October 1, 2022.
- West Seneca Fire District #4 for use of the West Seneca Baseball/Softball Diamonds within the Town Park System from April 1 - October 1, 2022.

Councilmember Piekarec stated he is on the Board of Directors of the West Seneca Kiwanis Club and stated he does not receive any compensation or benefits as it is a volunteer organization and on the advice of Mr. Trapp he will still vote in favor of this.

Ayes: All

Noes: None

Motion Carried

18. Town Attorney re Farmers Market Agreement

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to authorize the Supervisor to execute the Joint Venture Agreement with the West Seneca Chamber of Commerce, to approve the Vendor License Agreement Form, and to authorize the Supervisor to execute the vendor agreements as they come in.

Ayes: All

Noes: None

Motion Carried

7-C APPROVAL OF WARRANT

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$570,014.20; Highway Fund - \$141,944.33; Sewer District - \$16,921.00; Gas Conversion Lighting Districts - \$262.65; Electric Lighting Districts - \$16,095.70; (vouchers 23389-24052 and 23864 -23932)

Ayes: All

Noes: None

Motion Carried

7-D REPORTS FOR FILING

Chamber of Commerce – 2022 Quarter 1 Community Development Report received and filed.

ISSUES OF THE PUBLIC

- Environmental Commission Chairperson Evelyn Hicks stated the Army Corps of Engineers report referred to earlier in the meeting and commented on the dates it was prepared and requested it be posted to the Environmental Commissions page on the town's website – Supervisor Dickson stated the Army Corp of Engineers Report, and the Resiliency Report are already posted to the town's website but they can also be added to the Environmental Commission's webpage.
- Residents from Tim Tam Terrace referred to a house on the street and made the following comments:
 - ✓ It is extremely run down, and illegal activities are being conducted; they are working with the Police Department but would like this to stop and the property to be addressed – Chief Baker stated the department is aware of the issue and they are building an investigation and charges.
 - ✓ Neighborhood has changed from safe and walkable and there are concerns that a bad climatic event is going to occur; children are exposed to inappropriate activities – Chief Baker stated he will have a discussion with the residents after the meeting. Supervisor Dickson questioned if this is rental property. The residents stated it is not; when the elderly owner was moved to a nursing home the son took over and things changed.

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Deputy Supervisor Greenan

- The Farmers market will begin May 26, 2022
- New art program for children in grades kindergarten – fifth grade, Art by Aoife
- Recreation Department is hiring for summer positions and many upcoming community events
- Student Art show in the Martha Burchfield Richter Atrium has been well received

Councilman Piekarec

- Recognized an article in The Buffalo News about Stephanie Speaker, a member of the West Seneca Action Club, and her work lobbying the NYS Legislature to expand paratransit service across NYS

Supervisor Dickson

- Thanked the West Seneca Bee for their recent article about Town Clerk Amy Kobler and noted they previously ran an article about Deputy Supervisor Amelia Greenan and looks forward to them continuing to feature interesting people in town
- Has received numerous requests that the Town Board direct the Deer Task Force to hold their next meeting in person as opposed to a Zoom call and requested input from the Town Board members

Councilmember Cantafio, liaison to the Deer Task Force, stated the task force is performing an extraordinary amount of work and understands their thoughts on conducting the meetings on Zoom due of the amount of computer work that is readily available and the attendance; but for the importance of optics and the community that has reached out and want the meetings to be in person it would be prudent to do that. Councilman Cantafio stated it in no way has anything to do with them hiding anything or any nefarious reasons. The group is doing an incredible amount of work, meeting in person is in response to the public that wants to be in attendance.

Councilmember Kims stated it is a public meeting and helps the public to understand what our committees do that are assigned tasks from the Town Board; it would be a public meeting for the task force to complete their work and not take questions from the public.

Councilmember Piekarec stated the Town Board should take a vote, as members of the public suggested they end the virtual meetings and requests made to the Chair by himself and Councilmember Kims have been ignored.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Supervisor to contact the Deer Task Force Facilitator and direct her to conduct further meetings in person recognizing that even when they were on Zoom the meetings were fully open to the public.

Councilman Piekarec questioned if the motion should state "all further meetings and work sessions." Town Attorney Trapp stated because they are a task force, meetings and work sessions are the same thing.

Ayes: All

Noes: None

Motion Carried

Supervisor Dickson stated he agrees with Councilmember Cantafio's statement that the task force members have done fantastic work, they are volunteers, have put in long hours, and fielded many public comments.

Councilmember Breidenstein

- Owner of 171 Knox Avenue is hosting an Open House for the community on May 7, 2022, 12 – 3 P.M.
- Would like to discuss stipends for the other boards and commissions not currently compensated

Chief Baker

- Annual Torch Run for the Special Olympics is scheduled for May 15, 2022, at 11 A.M.

