

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

**ROLL CALL:** Present - Gary Dickson Supervisor  
William Bauer Councilman  
Joseph Cantafio Councilman  
William P. Hanley, Jr. Councilman  
Jeff Piekarec Councilman

Absent - None

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

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### **MINUTES TO BE APPROVED**

- Motion by Supervisor Dickson, seconded by Councilman Cantafio, to approve Minutes #2020-02 of January 23, 2020.

Ayes: All

Noes: None

Motion Carried

### **PRESENTATIONS**

#### **Historical Preservation program for West Seneca by Derek King, Architectural Historian and Director of Operations for Preservation Studios from Buffalo, New York**

- Preservation – maintaining & sustaining the historical character of a building or site
- Restoration - bring a building or site back to a specific period of time
- Reconstruction – bring back lost features with modern materials and processes
- Rehabilitation – funding from historic tax credit programs to bring new life to buildings or sites while maintaining historical characteristics, but bringing new uses
- Preservation as a Revitalization Tool – many examples throughout Buffalo (i.e. Electric Tower and Lafayette Hotel); historic districts allow homeowners to utilize tax credits
- Certified Local Government Program – best practice in New York State in order to create a Preservation Ordinance and historic districts; creates a support network from state and local government for funding
- NYS Historic Preservation Model Law – set forth the duties and powers of a commission while allowing the community to have a voice
- Certificate of Appropriateness - issued by the commission for development within the community; demolition and additions – subject to community input
- Maintenance & Repair – Preservation Ordinance will give community the tools to enforce maintenance of property
- Partners – Preservation League of NYS offers grants to survey and identify significant sites

Supervisor Dickson stated the council is considering a law regarding historical preservation to help development in the town. Town Historian James Pace brought this to the Supervisor's attention and there are very nice neighborhoods that may qualify.

**PRESENTATIONS** (continued)

**Concept designs for replacement of town sign by Rick Johnson of X-Press Signs and Mike Yost of Yost Signs**

Councilman Hanley stated nothing has been submitted to the insurance companies for the claim, the cost of a new sign including the foundation has not been determined. After a sign is chosen, contractors will be asked to submit bids.

**X-Press Signs**

- Proposed LED technology – offers a longer lifespan than incandescent and fluorescent
- Three examples were displayed
- Five year warranty for parts and service; response time for service is within 24 hours
- They are “future proof” – the signs can be updated without changing the existing structure
- The base would be reinforced by steel posts, able to withstand contact from lawn equipment
- Cloud based content software – access from anywhere with internet connection
- Unlimited colors available, time and temperature display, auto dim feature, camera can be placed inside to count passing cars
- Sign to be about 5’ taller than previous one

**Yost Neon Signs**

- LED sign – long life
- Base would be synthetic stucco base, nothing to rot, reinforced steel poles
- Incorporate landscaping around the base
- Five year warranty
- Made in the USA
- Unlimited colors available, auto dim feature, programmable message rotation
- Cloud based software – access from anywhere with internet connection
- Installation would be 4 – 5 weeks from bid award

**PRESENTATION OF DEPARTMENT HEADS**

**Town Engineer Steven Tanner**

- 70 basement inspections, 18 basement re-inspections; enter results of basement inspections into database
- Review basement inspection data from 2019 and generate report for NYSDEC
- Research 2 paper streets for Town Attorney
- Determine if properties are in the floodplain per resident’s request-in office; this is a service offered by the Engineering office
- Preconstruction meeting for Rosina building
- Contact ECDPW foreman for repair of sanitary manhole on South Fisher Rd
- Investigate grease issue at Maryon Pump station; encouraged the Town Board to review the Town Code and consider charging businesses responsible for repairs

**Town Clerk Amy M. Kobler**

- Erie County Department of Real Property Tax Services and municipalities arrive at tax bill solution
  - ✓ Property owners are advised to pay the bills that were mailed; refunds will be issued by Erie County Real Property
  - ✓ Thanked the Town Board members and Legislator Joe Lorigo for their support of her office
- Councilman Cantafio commended Town Clerk Amy Kobler for her immediate response that saved the town time and money as Erie County was looking to place the burdens on the municipalities
- The Town Clerks Office has temporarily suspended evening hours in an effort to control personnel costs

**Code Enforcement Officer Jeffrey Baksa**

- The town experienced a severe wind storm last month. There was an incident in which a large tree blew over onto the homeowner's house and car. The tree ripped down electrical lines and uprooted natural gas lines posing an eminent hazard.
- There was a house fire in town and the Fire Departments did a great job in extinguishing the fire. No one was hurt but the building suffered some major damage.
- Have been out with West Seneca Police and Fire Departments for various issues at properties. Some of the issues have been the conditions of the buildings which are potentially hazardous; working on some of these issues with Erie County to remedy.
- All inspectors just completed the required NYS training to maintain certification as NYS Inspectors. This training took place in Cheektowaga for three days. In addition Code Enforcement Officers have completed the required NYS Division of Codes forms for the yearly statistics.
- Have been training the part time Fire Inspector for the last few weeks. The Fire Inspector has started reaching out to the Fire Department Chiefs, identifying and inspecting knox boxes and learning inspection filing formats and procedures. He will be starting to perform inspections in the near future. A representative from the office will be attending the next town Fire Chiefs meeting on Feb 18<sup>th</sup> to provide them further updates.
- The office will be issuing permits for the Rosina project located at 3100 Clinton Street; this was recently approved by the Planning Board. They are currently cleaning the Brownfield site. A pre-construction meeting was held with our Town Engineer and Rosina. As part of this project, Rosina will be driving steel beams (piles) into the ground approximately 45' down. The potential exists for some noise issues and Rosina was advised to contact adjacent property owners to make them aware and to adhere to Local Ordinances regarding time frames.
- The Planning Board will meet Feb 13<sup>th</sup> to hear two projects. The first was a re-submission for an ATM at 1251 Union Rd. The second is for a new apartment project located at 1220 Southwestern Boulevard.
- There is an upcoming Zoning Board of Appeals meeting on February 26, 2020; applications are required to be filed by February 11<sup>th</sup>.
- Support an addition to the Town Code regarding grease issues in the sewer lines
- Larger projects in town progressing - Buffalo Truck Center and Ebenezer Rail Car as well as many new homes

**Assessor's Office Erik Finbar**

- Continuing to collect the low-income senior citizen, disability and veteran's exemptions until the March 1<sup>st</sup> deadline.
- Approximately 250 seniors, 20 disability and 200 veterans outstanding
- Any senior citizens that have received the letter from Albany that states "do not take to your local Assessor" need to be filled out and mailed back to Albany as soon as possible. These forms are not a fraud and will result in removal from the STAR program if not returned. Any questions on what is needed should be directed to the Albany number on the form as Assessor's office has no information on this. This is the result of the State taking over the STAR program in 2015/2016.

**Senior Recreational Therapist of Senior Services Mary Josefiak**

- Overall attendance for January is just over 6,000 people
- Health Insurance and Medicaid assistance programs were held along with monthly blood pressure checks and a Super Bowl party.

**Recreation Supervisor Lauren Masset**

- Reported an increase in the number of people serviced by the department in 2019
- Came in under budget for 2019 by \$84,519.49
- Researching software and equipment upgrades to reduce paper and easier program registration
- Started a trial newsletter which is available on the departments website and social media accounts; any feedback is welcomed
- Program registration information is available online

**Highway Sup't Brian Adams**

- Awaiting a \$100,000 grant award letter for Kirkwood Drive, Duerstein Street and Edson Street
- Met with the Safety Committee and Traffic Safety Committee regarding safety concerns and held a training for a safer work environment

**Chief of Police Daniel Denz**

- 1910 service calls in January
- 445 traffic tickets, 540 parking tickets and 12 DWI arrests
- 112 traffic accidents resulting in 20 injuries and 80 property damages; 11 car/deer accidents
- Housed 21 male prisoners and 9 female prisoners
- Annual report prepared comparing 2019 to 2018 statistics, including an addendum for UCR (Uniform Crime Report) reporting; copies distributed to the board members
- Finalizing a website upgrade and will be up and running soon
- Walk in agenda item – training opportunity for School Resource Officers by Law Enforcement Against Drugs (LEAD), a spinoff of DARE America - cutting edge program

**Town Attorney Tina Hawthorne**

- Renewal of excess workers compensation insurance - noting the town is self-insured
  - ✓ Eight insurance carriers submitted quotes - Safety National, the town's current carrier, was the most competitive and offered additional cost savings with a two year renewal; a one year renewal was signed to allow for the opportunity to explore options next year
  - ✓ Research of a buffer policy to buy down self retention from the amount of \$600,000 to something lower the quotes proved to be cost prohibitive
- Requested an Executive Session to discuss settlement negotiations for pending litigation – Noleen Noller vs. the Town of West Seneca pending in New York Supreme Court; the incident is from August 2018 and happened in Harlem Road Park.

**Director of Finance Megan Wnek**

- Closing of 2019 to continue until end of March with the following preliminary report:
  - ✓ General Fund - Police and Recycling are over budget
    - Police Department – overall budget for 2019 was \$7.95 million with expenditures expected to come in at \$8.3 million; the 2019 figure is has an increase in expenditures of \$195,000 from 2018; the increase is due to salaries along with vacation and sick time buy backs.
    - Recycling – January 2019 a new contract was awarded and even with the bi-weekly conversion the 2019 budget amount is projected to come in at \$290,000 over budget; additionally a billing error was brought to the towns attention - Modern sent bills at the old rate and invoices were entered at an incorrect rate; the error was discovered by Modern and the town will be reimbursed for the amount overbilled.
  - ✓ Early estimate, taking revenue and expenditure lines into account, \$500,000 of the General Fund will be used, of which \$250,000 was appropriated
- Supervisor Dickson will be working with Ms. Wnek to improve internal controls as the overbilling should have never happened
- Supervisor Dickson commented that the prior Town Board ignored predictable expenses in the Police Department that amounted to \$200,000 - 300,000 per year which will be paid for out of savings. Moody's downgraded the town's debt due to the use of savings to balance the budget. Supervisor Dickson further stated the previous Town Board never submitted a balanced budget without using savings.

**PUBLIC COMMENTS ON COMMUNICATIONS**

A resident commented on the following:

- ✓ Disappointment with Assemblyman Burke voting in favor of the Bail Reform Act
- ✓ With a budget deficit, there should not be a pay increase on the agenda

Steff McGraw, Legislative Director for Assemblyman Burke stated the Assemblyman voted for the Cash Bail Bill in the context of it being part of the Budget Bill that needed to pass. Assemblyman Burke has been working on the Justice for Rachel Bill before the budget was voted on and further stated Assemblyman Burke does not believe cash bail works in either direction as poor people are punished while the rich people are set free. Assemblyman Burke believes a place to start is based on the danger someone poses to society and not their ability to pay.

A resident questioned the amount of revenue the soccer field use will generate and requested consideration by given to neighbors when scheduled. Councilman Hanley stated the fee is \$100 per game per use.

**NEW BUSINESS**

**3-A COMMUNICATIONS**

1. Supervisor Dickson re Attendance at Association of Towns Annual Meeting & Training  
Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize Supervisor Gary Dickson to attend the Association of Towns Annual Meeting & Training February 16 - 19, 2020 located in New York City at a cost not to exceed \$2,000 in accordance with §77-b of the General Municipal Law, subdivision 3.  
Ayes: All                      Noes: None                      Motion Carried
  
2. Supervisor Dickson re Town Board Agenda rules & procedures  
Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the attached Town Board Agenda rules & procedures.  
Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*
  
3. Councilman Cantafio re Justice for Rachel act and Senate Bill S7530  
Motion by Councilman Cantafio, seconded by Supervisor Dickson, to adopt the following resolution in support of Assemblyman Burke's dangerous hearings legislation known as the "Justice for Rachel" Act and Senate Bill S7530, an act to restore judicial discretion relating to bail reform sponsored by Senator Gallivan:

WHEREAS, bail reform measures were included in the 2019 New York State omnibus budget package; and

WHEREAS, these reforms are causing significant concern in our community and among law enforcement officials; and

WHEREAS, New York State Assemblyman Patrick Burke has introduced legislation that would establish a system of dangerousness hearings that would create a process to keep potentially dangerous individuals in pre-trial custody and Senator Patrick Gallivan is sponsoring legislation to provide courts with the authority and tools necessary to render securing orders, when an individual charged with a crime(s) continues to pose a danger to the community; and

WHEREAS, Assemblyman Burke's legislation adds a new section 510.55 of the criminal procedure law; and

WHEREAS, section 510.55 of the criminal procedure law establishes the conditions under which the people may seek pretrial detention due to the dangerousness of the principal; and

WHEREAS, upon the appearance of the principal charged with an offense listed in subdivision 1 of Assemblyman Burke's legislation, and upon the motion of the people, the judge shall hold a

**3-A COMMUNICATIONS** (continued)

dangerousness hearing. After the hearing and pending trial, the judge shall issue an order that either the individual be released on his or her own recognizance, released on certain conditions, or detained; and

WHEREAS, if after the dangerousness hearing, the judge finds by clear and convincing evidence that no conditions of release will reasonably assure the safety of any other person or the community, the judge shall order the pretrial detention of the principal; and

WHEREAS, Assemblyman Burke's legislation is named in memory of Rachael Wierzbicki, who was killed in a domestic dispute and her alleged murderer was promptly released on bail, not considering the danger he posed to the community.

WHEREAS, Senator Gallivan's legislation requires that a risk and needs assessment be utilized to assist the court in making such determinations.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of West Seneca goes on record in support of the "Justice for Rachael" Act in the New York State Assembly and Senate Bill S7530, in the New York State Senate; and be it further

RESOLVED, that a certified copy of this resolution is sent to New York State Governor Andrew Cuomo, the Speaker of the New York State Assembly Carl Heastie, Senate Majority Leader Andrea Stewart-Cousins and any other party deemed necessary and proper.

Ayes: All

Noes: None

Motion Carried

4. Highway Sup't. re Attendance at CSEA Peer Trainer Refresher Training

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize Brian Cummins to attend the annual CSEA Peer Trainer refresher training from March 17 - 19, 2020 using the Union Safety & Health leave time with travel expenses paid by CSEA.

Ayes: All

Noes: None

Motion Carried

**3-A COMMUNICATIONS** (continued)

5. Town Assessor re Pay rate increase for Ellen Zawodzinski
- Motion by Supervisor Dickson, seconded by Councilman Hanley, to change the rate of pay for Ellen Zawodzinski to \$18 per hour effective January 1, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hanley stated this increase was budgeted for in 2019. When Erik Finbar is out of the office for inspections it leaves only one person in the office. Mrs. Zawodzinski is also a part-time employee.

Ayes: All

Noes: None

Motion Carried

6. Recreation Supervisor re Royals Soccer – soccer field use
- Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with the Royals Soccer and the insured Western New York Amateur Soccer Association, US Adult Soccer Association, IMC., its Members National Affiliates, Leagues & Teams, for use of the West Seneca Soccer Complex.

On the question, Councilman Hanley stated West Seneca Residents have first priority for the soccer fields, followed by the West Seneca Schools, then outside groups.

Ayes: All

Noes: None

Motion Carried

7. Recreation Supervisor re Southtowns Soccer – soccer field use
- Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Southtowns Soccer and the insured Western New York Amateur Soccer Association, US Adult Soccer Association, IMC., its Members National Affiliates, Leagues & Teams, for use of the West Seneca Soccer Complex.

Ayes: All

Noes: None

Motion Carried



**3-A COMMUNICATIONS** (continued)

8. Chief Denz re Attendance at 21<sup>st</sup> Century Drug and Violence Conference and Summit
- Motion by Supervisor Dickson, seconded by Councilman Piekarec, to authorize Lieutenant William Leitzel and three (3) School Resource Officers (TBA), to attend the 21<sup>st</sup> Century Drug & Violence Conference and Summit to be held in Atlantic City, NJ, February 23 – 25, 2020, noting the total cost not to exceed \$1600.00 with funds from police training course line 01312000.50459.

On the question, Councilman Cantafio commended Chief Denz for always being out in front for the latest programs and for the School Resource Officers.

Ayes: All

Noes: None

Motion Carried

**3-B APPROVAL OF WARRANT**

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$92,840.45; Highway Fund - \$70,033.94; Capital Fund - \$90,711.54 (vouchers - ) Gas Conversion - \$81.96; Electric Lighting - \$541.75; Sewer - \$970.88 (vouchers 9784 - 10296 )

Ayes: All

Noes: None

Motion Carried

**OLD BUSINESS**

**3-C TABLED ITEM**

1. Supervisor Dickson re Rules of Order for meetings of the Town Board
- Motion by Councilman Piekarec, seconded by Supervisor Dickson, to amend No. 12 of the Rules of Order for meetings of the Town Board to state: "To maintain proper decorum at Town Board meetings no member of the public shall engage in any behavior that can be construed as obscene, threatening, violent, or that significantly obstructs the ability of the meeting to proceed. Engaging in this type of behavior may result in the board's decision to remove you from the meeting."

On the question, Supervisor Dickson stated the purpose of rule No. 12 is in a situation where a person or group is so disruptive the Town Board cannot continue the meeting. West Seneca traditionally listens to what the residents say and this practice will continue.

A resident stated he is opposed to the order of public comments believing there shouldn't be specific time slots and times. Supervisor Dickson replies item No. 3 only applies to public hearings.

Councilman Piekarec stated it was assumed there was a procedure in place; this also protects the public's time for comments.

Councilman Hanley stated he is opposed to any language stating people can be removed. Just because there is a disagreement residents should not be removed.

**3-C TABLED ITEM** (continued)

Supervisor Dickson clarified the intent is not about disagreements but behavior that is so disruptive that the Town Board meeting could not continue.

Councilman Hanley stated once a resident is removed, the public would pull out cell phone, only that portion of the disruptive behavior would be shown and expressed his concerns with First Amendment rights.

Supervisor Dickson stated the residents have a right to a meeting that continues.

Councilman Cantafio stated he appreciates Councilman Piekarec amending some of the language and asked Chief Denz and Town Attorney Tina Hawthorne their opinions on the removal and legal concerns with changing the word "will" to "may".

Chief Denz stated anytime the police remove an individual from a public venue is a very sensitive issue. Chief Denz agrees with Councilman Piekarec that if an individual is unruly and won't leave, it may be justified; removal would have to be handled on a case by case basis.

Town Attorney Tina Hawthorne stated people have a right to be in a public place; this is not saying they will be ejected from a meeting rather that they may. It will be based on a case by case basis depending on behavior and the decision at the moment

Councilman Hanley suggested suspending the meeting if there was a disruption. Supervisor Dickson replied if the Town Board shuts down the meeting the disruptive resident wins.

A resident commented on public safety and the safety of the Town Board. If there is a threat to elected officials and the public in the room, the Chief of Police should be able to put a stop to the behavior.

A resident questioned if this would be a law or a portion of the Town Code. Supervisor Dickson responded this just a resolution and not Town Code. Chief Denz stated there are several state laws that protect public safety; this not about codification but decorum.

Councilman Cantafio questioned if something were to happen are provisions in place. Chief Denz replied there are currently officers in the room.

Ms. Hawthorne stated the most prudent solution is to pass the paragraph without the last sentence. Other mechanisms are in place with police at the meetings and actual provisions in the penal code.

Councilman Cantafio suggested using the word "encourage" in the place of "maintain" as well as striking removal by the board's discretion making clear we have a standard of decorum and mutual respect with healthy debate.

A resident commented the wording in General Municipal Law on public hearings states the Supervisor maintains the decorum of the meetings. Councilman Hanley replied while he supports the rules, he is against removing people from the meeting.

**3-C TABLED ITEM** (continued)

Motion by Councilman Piekarec, seconded by Councilman Hanley, to remove the original amendment, and revise item No. 12 to state: "To encourage proper decorum at Town Board meetings no member of the public shall engage in any behavior that can be construed as obscene, threatening, violent, or that significantly obstructs the ability of the meeting to proceed."

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to remove item No. 2, order of the agenda, from the Rules of Order for meetings of the Town Board.

Ayes: All

Noes: None

Motion Carried

Motion by Councilman Hanley to table the resolution to allow time to rewrite and review the amendments.

Motion failed due to no second received.

Motion by Councilman Piekarec, seconded by Supervisor Dickson, to pass the Rules of Order as amended.

Ayes: Supervisor Dickson  
Councilman Piekarec  
Councilman Bauer  
Councilman Cantafio

Noes: Councilman Hanley

Motion Carried  
\*APPENDICES\*

**ISSUES OF THE PUBLIC**

- A resident suggested the traffic lights be coordinated on Union Road to improve the flow of traffic – Highway Superintendent Brian Adams will contact the NYSDOT and report back; may require traffic studies
- A resident questioned/commented on the following:
  - ✓ Expressed concerns with the new 6:00 P.M. start time of the Town Board meetings as inconvenient to many residents – Supervisor Dickson stated the meetings are recorded and as the 3:00 P.M. work sessions have been eliminated the meetings may run longer
  - ✓ Reported confusion over the signage on Potters Road and Slade Avenue indicating two different speed limits in the proximity of the same school – Chief Denz stated he will address it with the Traffic Safety Committee explaining Potters Road is a state road and Slade Avenue is a county road
  - ✓ Requested maintenance surrounding the Welcome to West Seneca signs – Mr. Adams responded tree trimming will be done across the town
  - ✓ Listing of streets to be repaved – Mr. Adams stated grant money is being applied for; the evaluation process of rating streets on a 1–10 scale is underway with the goal of having a ten year plan for repaving
  - ✓ Commended Supervisor Dickson for reporting the state of the budget and questioned the impact it may have on interest rates – Supervisor Dickson stated he does not believe it will impact the rates and plans to be proactive with the upcoming budget

**ISSUES OF THE PUBLIC** (continued)

- A resident questioned/commented on the following:
  - ✓ The new format of the meetings is very refreshing; the reports given by the department heads have been very good
  - ✓ Code violations
    - The code violation process can take too long to correct issues (i.e. fire pits) – Supervisor Dickson had a conversation with the Code Enforcement office regarding fire pits and is on his list to resolve
    - Do police officers record code property violations while on duty as a back up to the Code Enforcement office and is their authority limited to certain types of violations – Chief Denz stated that officers record violations on a regular basis and work closely with the Code Enforcement office noting most property code violations are considered civil violations. The police department enforces penal laws while the enforcement of civil violations falls under the authority of the Code Enforcement office
    - Should unenforced codes be removed from the Town Code and suggested a handheld device for Code Enforcement Officers to use in the field to list violations – Supervisor Dickson will work with the Code Enforcement Office to support their efforts to enforce Town Codes

**Councilman Bauer**

- First meeting of 2020 regarding the Burchfield Nature & Art Center repairs
  - ✓ Attended by department representatives from Engineering, Highway, Code Enforcement, Burchfield volunteers, Building & Grounds and the Town Board
  - ✓ Research focused on repairs to the main hall
  - ✓ List of scopes of work compiled and the next step is preparing costs and budgets

**Councilman Piekarec**

- Thanked County Clerk Michael Kearns for opening the County Clerk outreach center at the Southgate Plaza
- Increase in car break ins, remember to lock your cars and keep valuables out of sight and report break ins to the police

**Councilman Cantafio**

- Thanked the family of Rachel Wierzbicki for attending the meeting
- Thanked the Supervisor, Council members and Chief Denz for supporting Rachel's Act and Senator Gallivan's bill

**Supervisor Dickson**

- State Comptroller's audit of the town for 2019 has been submitted; the town has 30 days to send comments before the report is published
- A special meeting will be held in March to discuss deer control with biologists from the Department of Environmental Conservation

**EXECUTIVE SESSION**

Motion by Supervisor Dickson, seconded by Councilman Bauer, to enter into an Executive Session to discuss settlement negotiations in the matter of Noreen Noller versus the Town of West Seneca pending in New York State Supreme Court for Erie County.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 8:52 P.M.

Ayes: All

Noes: None

Motion Carried

  
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AMY M. KOBLER, TOWN CLERK

## Agenda Procedure, West Seneca Town Board

1. Every item to be acted upon by the Town Board at a regular meeting thereof shall be submitted to the Town Clerk by individual Town Board members, individual department heads, or all other publicly-elected Town officials no later than 10:00 a.m. on the Thursday prior to the commencement of each such regular meeting of the Town Board that the item being submitted is to be acted upon. If said Thursday is a legal holiday, all matters shall be presented to the Town Clerk before 10:00 a.m. on the Wednesday prior to such meeting of the Town Board. For regular Town Board meetings that are held on Thursdays, items to be acted upon shall be submitted to the Town Clerk no later than 10:00 a.m. on the Friday prior. All matters presented to the Clerk in accordance with this rule shall be included on the agenda for the ensuing meeting. The agenda for the ensuing meeting shall be prepared and deposited in the Board members' mailboxes in the Town Hall not later than 5:00 p.m. on the Friday prior to such meeting.
2. The Town Clerk shall prepare and post the agenda as well as any proposed resolutions on the website for the Town of West Seneca no later than seventy-two hours prior to the regular Town Board meeting.
3. The Town Board shall not consider or act upon any matters which are not timely or scheduled on the agenda delivered to the Town Board members as aforesaid, except by a majority vote of the members of the Board. This rule need not apply to special meetings.
4. Insofar as they represent the collective will of all West Seneca residents, members of the Town Board should strive to obtain unanimous support for resolutions supporting or opposing legislation pending in another legislative body or advocating or opposing action by county, state, or federal officials.
5. No submission for the agenda to hire a new employee or promote an employee, including from part-time to full-time (excluding changes from part-time to seasonal employment and vice versa), will be placed on the agenda without prior discussion with the Town Supervisor to ensure that it is consistent with the approved budget. In all cases, such submissions for the agenda must state in writing the budgetary impact, the reason for the action, and the selection process.

6. Any local law, resolution, or item other than land use applications still pending on the agenda of the Town Board that was first introduced, submitted, and filed in any calendar year is automatically removed there from as of and effective on December 31 of that same calendar year. Such item must be re-introduced to the Town Board in the next calendar year for consideration.

Rules of Order of the Town Board of the Town of West Seneca.

- 1) The Supervisor\* shall preside at all meetings of the Board and shall preserve order and decorum in debate.
- 2) Public Hearings: It shall be the duty of the Supervisor to preside at all general or special business hearings and to instruct all persons addressing the Board to state their names and addresses and to request those in favor of the proposal before the Board to speak first and those in opposition to speak last. At such hearings the Board may by special rules prescribe the time to be allotted to each speaker and the number of times each speaker may speak.
- 3) At the close of the public hearing as provided for in paragraph "2" above, the Supervisor may grant any member of the general public in attendance at such meeting a reasonable opportunity to be heard on any question or subject in which the Town or its government is concerned.
- 4) Every resolution or motion must be seconded before being put to a vote by the Supervisor, and all resolutions or motions shall be recorded in their entirety in the official minutes of the Town Board.
- 5) The Supervisor may offer or second a resolution or a motion and need not relinquish the chair for such purpose.
- 6) No motion or resolution may be brought to a vote except by the majority consent of those present, unless printed or typewritten copies thereof are presented to each member of the Board 48 hours prior to the opening of the meeting at which such motion or resolution is offered.
- 7) When a question is under debate, no motion shall be entertained unless (a) for an adjournment or recess, (b) for the previous question to lay on the table, (c) to postpone, to refer to a committee, or (d) to amend. These latter motions are neither amendable nor debatable.
- 8) No motion shall be made to offer any amendment to an amendment already before the Board on any proposition.
- 9) A majority vote of all the members of the Board shall be required to suspend these rules of order. A majority of the Board shall constitute a quorum.
- 10) If the above stated rules are, or become at any time, in conflict with the statutory law, the statutory law shall take precedence.
- 11) To encourage proper decorum at Town Board meetings, no member of the public shall engage in any behavior that can be construed as obscene, threatening, violent, or that significantly obstructs the ability of the meeting to proceed.
- 12) Any persons speaking to the Board shall address their remarks to the Board, not to other members of the audience in the form of a debate.
- 13) Town Board members shall not attempt to answer questions during the time that a speaker is presenting during public comment periods. Town Board members will note any questions asked and may respond to the speaker at the conclusion of the speaker's public comments. Questions from the public shall be answered by members of the Town Board or, if authorized by the Supervisor, by a department head.

\*All references to the Supervisor include the Deputy Supervisor if he or she is presiding over the meeting.