

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.

MINUTES TO BE APPROVED

- Motion by Supervisor Dickson, seconded by Councilman Bauer, to approve minutes from the August 27, 2020 bid opening for Centennial Park Pavilion Rehabilitation Project

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Dickson, seconded by Councilman Cantafio, to approve Minutes #2020-18 of August 31, 2020.

Ayes: All Noes: None Motion Carried

PUBLIC COMMENTS ON COMMUNICATIONS

- A resident questioned/ commented on the following:
 - ✓ Item No. 1 – Repairs to the Veterans Park Pavilion – Supervisor Dickson stated the cost will be paid for by a grant from NYS
 - ✓ Item No. 6 – Truck or Treat - Councilman Hanley stated that is not being voted upon, this is a Recreation Department event

NEW BUSINESS

19-A COMMUNICATIONS

1. Town Engineer re Bid award for Veterans Park Pavilion Rehabilitation
Motion by Supervisor Dickson, seconded by Councilman Bauer, to award the bid for the Veterans Park Pavilion Rehabilitation to Sicoli Construction at their low bid of \$105,400 and authorize the Supervisor to sign the necessary documents.

Ayes: All Noes: None Motion Carried

2. Town Engineer re Request for bids – Plant 6 Sewer Pump Station Mechanical Work

Motion by Supervisor Dickson, seconded by Councilman Bauer, to set a bid date of October 8, 2020 at 2 P.M. for receipt of bids for Plant 6 HVAC improvements.

Ayes: (4) Dickson
Bauer
Cantafio
Hanley

Noes: None

Motion Carried

Abstained: (1) Piekarec

3. Highway Sup't. re Budget transfer – Highway vehicle tire purchase

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve a budget transfer of \$15,000.00 from line no. 02514200.50483 (Salt & Chemicals) to line no. 02513000.50492 (Highway Tires) for the purchase of tires for Highway Department vehicles.

Ayes: All

Noes: None

Motion Carried

4. Chief Denz re Appointment of Samantha Lawicki as Part-time Public Safety Dispatcher

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to appoint Samantha Lawicki as part-time Public Safety Dispatcher effective September 15, 2020 at a rate of \$15 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

5. Director of Finance re Budget transfer – Engineering equipment

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve a budget transfer of \$2,500 from line no. 01167000.50200 (Central Printing and Mailing Equipment) to line no. 01144000.50200 (Engineering Equipment) for the lease payments for one multi-function plotter.

Ayes: All

Noes: None

Motion Carried

6. Recreation Supervisor re Truck or Treat Event

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the Truck or Treat Event to be held on Friday, October 23, 2020.

Ayes: All

Noes: None

Motion Carried

19-B COMMUNICATIONS FOR DISCUSSION

1. Supervisor Dickson re Use of Recreation Funds

Supervisor Dickson stated there is a fund dedicated for recreation use that has a balance of \$280,000. This fund accumulates from new construction projects that include recreation fees. The purpose of this discussion is to obtain feedback from the public.

Councilman Hanley stated there are limitations for the use of the funds and it does not need to be spent at this point. There have been many ideas suggested including baseball, sidewalks, bike paths, and bike parks.

Councilman Piekarec stated he took a poll through Facebook and listed the top three suggestions received: replace playground equipment, do nothing, and adding a splash pad.

Residents offered the following suggestions:

- ✓ Pickle ball courts that could grow into leagues that would bring income to the town
- ✓ Pump track and Terrain Park presented by the West Seneca Bikes Group
- ✓ Improvements and maintenance to the Burchfield Nature and Arts Center presented by Friends of the Burchfield
- ✓ Invest in the parks near the Buffalo city line for underprivileged children – Supervisor Dickson stated that area of town is eligible for CDBG money
- ✓ Funding recreation program registration costs for low income families – Councilman Hanley stated discounts are available based on income levels established by the county
- ✓ Upgrades to the park near Fisher Court – Councilman Hanley stated Fisher Court has been expanded three times but the park equipment has never been upgraded
- ✓ West Seneca Youth Baseball Association would like a pavilion at the Harlem Road Park
- ✓ Invest in the ice rink as it brings income to the town
- ✓ Use the money in the parks not the Community Center and Library building
- ✓ West Seneca Girls Softball Association would like artificial turf for at least two fields at Sunshine Park noting they have always paid a recreation fee to the town for every participant

Supervisor Dickson stated he would like to finish the second floor in the Community Center and Library, move town offices to the upper level and open up the lower level for community use. The Recreation Department would be able to hold programs year round in the additional space.

Supervisor Dickson and Councilman Bauer stated they are looking at converting the mushroom and wading pool into a splash pad. As splash pads do not require life guard supervision, Councilman Bauer stated the annual savings from life guard salaries at the wading pool would be \$45,000 - \$50,000 per year; the project would pay for itself over four to five years. A resident stated the splash pad at Cazenovia Park is always busy; a splash pad would be a great idea.

Councilman Piekarec stated there have been many suggestions received and he is not in favor of using the funds on the Community Center and Library building.

19-B COMMUNICATIONS FOR DISCUSSION (continued)

Supervisor Dickson stated he would like to see a recreation plan put in place so future budgets can be adjusted accordingly.

Councilman Piekarec stated the fund doesn't grow too much from year to year as it is dependent on new construction in the town. The fund has been used for a \$2,500 payment for an extra soccer field.

Councilman Piekarec stated the CDBG money can be used for purposes other than the milling of roads.

Supervisor Dickson stated the suggestions will be taken into consideration and the conversation will be continued while noting the groups that demonstrate the need and proposed cost of their projects make a stronger argument for receiving funds.

2. Town Attorney re Creation of Internal Audit Committee Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution for the creation of an Internal Audit Committee in the Town of West Seneca:

WHEREAS, the Town of West Seneca (hereinafter referred to as "Town") recognizes that it desires to increase its internal controls over financial transactions involving the Town by the creation of an Internal Audit Committee; and

WHEREAS, it is the responsibility of such a Committee to provide independent review and oversight of the Town's financial reporting processes and internal controls; and

WHEREAS, the Town Board has determined that creation of the Internal Audit Committee is for the benefit of the taxpayers; and

WHEREAS, the creation of this Internal Audit Committee in no way limits the powers or responsibilities of the Town Board as it relates to any internal auditing; and

NOW THEREFORE, be it resolved that the Town of West Seneca hereby creates an Internal Audit Committee as follows:

1. The Committee shall consist of three (3) total members. Of those three (3) members: 1) Two (2) Town Board Councilpersons shall be appointed to the Committee by the Town Board, and 2) One (1) resident of the Town shall be appointed by the Supervisor.

2. The two (2) Town Board Councilpersons shall each be appointed for a period of two (2) years in staggered terms. The initial appoints shall expire on December 31, 2021 and December 31, 2022, and bi-annually thereafter. In the event a Councilperson leaves office or resigns from the Committee prior to the expiration of their term, another Councilperson shall be appointed to fill the vacancy for the length of the unexpired term. The Town Board Councilpersons shall not be permitted to serve consecutive terms. The resident of the Town appointed to the Committee shall serve at the pleasure of the Supervisor for an indeterminate period of time.

3. The Town Board shall appoint one of the two (2) Town Board Councilpersons as the Chair of the Committee and shall further appoint a secretary to the Committee.

19-B COMMUNICATIONS FOR DISCUSSION

4. The Committee shall meet on a monthly basis. Fourteen (14) days prior to the each meeting, the Committee shall notify the Town of West Seneca Director of Finance what two vendors or what single budget line they plan to review at the meeting. Seven (7) days prior to each meeting, the Town of West Seneca Director of Finance shall provide the Committee all requisitions, purchase orders, and invoices, including authorizations, for either a minimum of two Town of West Seneca vendors or for a single budget line for the previous six (6) to twelve (12) months. Said information may be provided to the Committee electronically.

5. Once annually the Committee shall dedicate a meeting for the sole purpose of reviewing all credit card activities by the Town for the prior twelve (12) months or since the date of the last review by the Committee, whichever is shorter.

6. The Committee shall review the vendor materials provided by the Town's Director of Finance and determine if transactions are in compliance with the Town of West Seneca Procurement Policy and/or paid in accordance with any applicable contract(s). The results of the monthly review shall be reported to the Town Board and Town of West Seneca Finance Director. The Committee shall present annually to the Town Board a written report of how it has discharged its duties and met its responsibilities. Said reports shall be made available to the public.

7. The Committee shall meet with the Town of West Seneca's external auditor before and after the annual audit to discuss any Committee findings relevant to the annual audit.

8. The Committee shall be subject to the New York State Open Meeting Law. Minutes shall be taken at each and every meeting, and such minutes shall identify the vendor(s) and a summary of the document review for each vendor as more fully described above.

9. No member of the Committee shall be compensated by the Town for their work on the Committee.

Supervisor Dickson would like the Town Board to consider creating an Audit Committee of the Town Board to review the practices being followed by the board; it would consist of two council members and one resident preferably a CPA. Supervisor Dickson envisions monthly meetings whereby a few vouchers are audited.

Councilman Piekarec suggested having a larger committee consisting of three residents and two board members.

19-C REPORTS

- Amy M. Kobler, Town Clerk's report for August 2020 received and filed.
- Jeffrey Schieber, Code Enforcement Officer, building & plumbing reports for August 2020 received and filed.

19-D 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 - \$247,025.19; Highway Fund - \$90,828.32; Sanitary Sewer Fund - \$11,097.71; Sewer Fund - \$2,339,876.46; Electric Lighting Fund - \$490.94 (vouchers 13673 - 14182)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

- A resident expressed frustration with NYS COVID-19 policies
- A resident, who is a CPA, commented on the proposed Audit Committee:
 - ✓ Legal counsel should consider the following – commissioners coverage, scope of work, chain of command, client privilege, and potential conflicts of interest
- A resident from Leydecker Road requested assistance from the Town Board regarding a dispute with a neighbor operating a business on adjacent property
- Members of the Citizen's Budget Advisory Group commented on the following:
 - ✓ Members are committed to what is best for West Seneca
 - ✓ Offended by Councilman Bauer's comment that they be more transparent
 - ✓ Met with many town department heads throughout the process
 - ✓ Addressed Councilman Cantafio's comments from a newspaper article and stated council members were able to attend meetings – Councilman Cantafio reminded the member that he expressed his gratitude to the group at the previous Town Board meeting; he was not critical of the committee merely he was not sure of its intent

Councilman Bauer offered an apology for any member that was offended and referred to the previous year's Budget Committee that held public meetings in accordance with the Open Meetings law. Supervisor Dickson clarified this is not a government entity but a group of volunteers that offered a wide range of expertise.

- The following questions were received through Facebook:
 - ✓ Who is responsible for sidewalk repairs due to tree roots from a tree the town had planted and can the property owner cut the tree down – Highway Superintendent Adams stated the property owner is responsible for sidewalk repairs and taking a tree down would require his approval.
 - ✓ Are extra recycling totes available – Supervisor Dickson recommended residents be certain that the items are, in fact, recyclable before purchasing an additional tote as this may alleviate the amount of items placed in the tote. Highway Superintendent Adams stated recycling is a business and when it is not profitable items are not accepted and are transported to the landfill at the town's cost.
 - ✓ Was the second floor of the Community Center and Library supposed to be completed by town employees and what is the status – Councilman Hanley stated it was the intention that town employees would complete the work; this has not been completed at this point.
 - ✓ Can the Town Board move forward with reducing the speed limit on Covington Drive from 35 mph to 25 mph – Supervisor Dickson has reached out to the state and anticipates the Town Board will pass a resolution in support of this. Highway Superintendent Adams explained speed limit changes must go through the county and then the NYS Department of Transportation for

ISSUES OF THE PUBLIC(continued)

- ✓ final approval. Councilman Piekarec stated the population of the town is under the threshold that would allow the town to make the change on its own.
- ✓ What is the legal limit of dogs and why is it not enforced – Highway Superintendent Adams stated there is a two dog limit; he asked the resident to follow up with him regarding the situation in question.
- ✓ What is the status of replacing the town sign – Councilman Hanley said the insurance companies are still reviewing the situation. Town Attorney Hawthorne stated the status of the claim is being held up but the amount of the insurance payout will not fully cover the cost of replacing the sign. Supervisor Dickson stated he will try to include the cost of the sign into the 2021 budget. Councilman Piekarec suggested a non-digital sign might be less expensive.
- ✓ Councilman were aware of the Citizen's Budget Advisory Group, in January and felt their comments were political

BOARD MEMBERS AND DEPARTMENTAL REPORTS AND ANNOUNCEMENTS

- Burchfield Nature & Art Center - Summer 2020 Newsletter received and filed.
- Steve Tanner, Town Engineer, Department updates received and filed.
- Erik Finbar, Town Assessor, Department updates received and filed.
- Jeffrey Schieber, Code Enforcement Officer, Department updates received and filed.
- Mary Josefiak, Sr. Recreation Therapist of Sr. Services, August & September Report received and filed.
- Lauren Masset, Recreation Supervisor, Department updates received and filed.

Town Attorney Hawthorne

- Requested an executive session to discuss pending litigation relating to a prior PBA grievance which has now been arbitrated

Councilman Piekarec

- Thanked the West Seneca PBA and those that attended the car show

Councilman Hanley

- The Recreation Department is still accepting applications for employment in anticipation of permission to move forward with recreation programs

Highway Superintendent Adams

- The ice rink is currently open for some hockey programs; all other programs are suspended until further notice due to Covid-19
- East & West Road project must be completed by October 31st
- Paving throughout the town is continuing

Supervisor Dickson

- Per an Executive Order issued by Governor Cuomo in May 2020 all municipalities with a Police Department were required to form a Police Reform and Reinvention Collaborative between the town, the police department, and the community. County Executive Poloncarz issued a press release about the county's task force. West Seneca will also have a task force in the near future and asked the council members to offer candidates for participation; results of these efforts are due by April 1, 2021, or the municipalities risk losing state aid.

BOARD MEMBERS AND DEPARTMENTAL REPORTS AND ANNOUNCEMENTS

Chief Denz

- Will be attending a seminar reviewing the parameters of the Executive Order; the committee requires specific members of communities and he will have more information after the seminar
- Would like permission for Endeavor Health and Services to make a presentation at the next Town Board meeting regarding mental health response
- Has been involved in mental health training since becoming Chief of Police and the department works closely with crisis services; Brian Cosgrove is in charge of the department's crisis intervention team

Councilman Cantafio

- Thanked all the groups that prepared presentations and proposals for the use of recreation funds
- The annual Torch Run by the Police Department was a great success

Councilman Bauer

- Thanked the groups that presented ideas for the recreation funds for their many ideas

Town Clerk Kobler

- Per a notice from Erie County, due to the error made on the 2020 Town & County tax bills property owners will be receiving a revised statement and any error amount over \$5 will also include a refund check; anything under \$5 will show as credit on the 2021 Town & County tax bill
- School tax bills were picked up today and will be mailed later this week

EXECUTIVE SESSION

Motion by Supervisor Dickson, seconded by Councilman Hanley, to enter into executive session to discuss pending litigation relating to a prior PBA grievance.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adjourn the meeting at 8:35 P.M.

Ayes: All

Noes: None

Motion Carried



AMY M. KOBLER, TOWN CLERK