

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

ROLL CALL: Present - Gary Dickson Supervisor
William Bauer Councilman - arrived at 6:09 P.M.
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 Hanley, to approve Minutes #2020-20 of September 28, 2020.

Ayes: All

Noes: None

Motion Carried

PUBLIC COMMENTS ON COMMUNICATIONS

No comments were received.

NEW BUSINESS

21-A COMMUNICATIONS

1. Supervisor Dickson re CDBG Grant Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution:

WHEREAS, following the Public Hearing of September 28, 2020, which was held at the West Seneca Town Hall for suggestions by the public for Community Development Block Grant projects to be submitted for funding,

NOW, THEREFORE BE IT RESOLVED, that the West Seneca Town Board submits the following project to be considered for funding by the Erie County Community Development Block Grant Program during the 2021-2022 grant cycle, requesting CDBG funds:

1st Priority - West Seneca Senior Center Vans & Center Equipment, requesting an amount not to exceed \$150,000; and,

2nd Priority - Recreation Enhancements to Harlem Road Park and Dirksen Park requesting \$200,000.

NOW THEREFORE BE IT RESOLVED BY, that the West Seneca Town Board authorizes Town Supervisor Gary Dickson, to sign, submit, and if funded, execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited project upon approval of the ECCDBG.

From: 02.9950.975.1 Transfer to capital \$140,000 To: 02.5110.200 Equipment \$140,000

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to amend the budget transfer as follows:

From: 02.9950.975.1 Transfer to capital \$155,000 To: 02.5110.200 Equipment \$155,000

Ayes: All

Noes: None

Motion Carried

Supervisor Dickson noted that Councilman Bauer joined the meeting.

6. Supervisor Dickson re World Polio Day Motion by Supervisor Dickson, seconded by Supervisor Dickson read the following proclamation:

WHEREAS, polio is a debilitating illness that still impacts people all over the globe;

WHEREAS, Rotary International has contributed over \$2.1 billion to help three billion children in 122 countries to eradicate polio through their Ending Polio campaign;

WHEREAS, the Town of West Seneca is home to an active local chapter of Rotary International with the Rotary Club of West Seneca;

WHEREAS, the Rotary Club of West Seneca contributes to the Ending Polio project;

WHEREAS, World Polio Day is being celebrated globally on Saturday, October 24, 2020;

NOW, THEREFORE, be it resolved that Supervisor Gary Dickson and Councilmen William Hanley, William Bauer, Joseph Cantafio, and Jeffrey Piekarec of the Town of West Seneca hereby proclaim October 24, 2020 to be World Polio Day in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

21-B APPROVAL OF WARRANT

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$187,626.08 and \$1,711.56; Highway Fund - \$77,879.91; Sanitary Sewer - \$2,037.75; Sewer Fund - \$13,323.91 and \$241.00; Gas Conversion - \$79.10; Electric Lighting \$3,317.26 (vouchers 13692 – 14670 and 14130 - 14680)

Ayes: All

Noes: None

Motion Carried

21 – C DISCUSSION

- Town Clerk re Social media use
 - ✓ Looked into the records retention requirements for social media use and have reached out to the regional representative for assistance

- ✓ Forwarded opinions from the NYS Archives office and the Association of Towns to the Town Board and Town Attorney including items for consideration such as what is legal and what makes a forum
- ✓ Social media falls under the retention schedule based on the item

Councilman Cantafio stated he would like to set up a committee that includes Town Attorney Hawthorne, Town Clerk Kobler, and Brendon Najm to create a structured social media policy.

Councilman Piekarec suggested a disclaimer be included.

Town Clerk Kobler stated comments received after the conclusion of a meeting will not be included in the minutes. Another concern is if members of the Town Board join in conversations on a social media platform, they could be in violation of the Open Meetings Law.

Councilman Piekarec suggested a scenario for Ms. Kobler to capture comments for the minutes. Ms. Kobler clarified that the statement "for the record" only pertains to items that have been voted on by the Town Board. Town Attorney Hawthorne stated a policy that identifies what falls within the category "Public Comments" is needed.

Town Clerk Kobler would like everyone to understand what is required, legal, and retained.

Supervisor Dickson stated social media is an easy way to communicate with residents; he would like to be certain the town is capturing what is required. Certain parameters were established for the public hearing for example in-person, email, or regular letters; however, parameters for regular meetings, such as this one, have not been set.

Supervisor Dickson designated the committee to be comprised of Town Attorney Hawthorne, Town Clerk Kobler, Brendon Najm; and interested Town Board members.

OLD BUSINESS
21 – C TABLED ITEMS

1. Supervisor Dickson re Use of Recreation Funds

Supervisor Dickson asked Councilman Bauer for the tentative cost of the proposed splash pad. Councilman Bauer stated it was \$180,000 with some additional concrete work.

Motion by Supervisor Dickson, seconded by Councilman Bauer, to authorize the Town Engineer to prepare an estimate for the conversion of the wading pool to a splash pad.

Ayes: All

Noes: None

Motion Carried

2. Town Attorney re Creation of Internal Audit Committee

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution:

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.
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.

Town Attorney Hawthorne suggested the following changes:

- All members would abide by the Town of West Seneca Ethics Code, Whistle Blower Policy, and Social Media Policy – thereby addressing the conflicts of interest and confidentiality
- Addressed suggestions received via email:
 - ✓ Include verbiage "this committee would not relieve the Town Board of any obligation to be primarily responsible for the management control and oversight of the town financial matters"
 - ✓ Board should consist of five people: two Town Board members and three residents to avoid the imbalance of power and allow for smoother transitions when members leave and are added
 - ✓ Three-year rotating basis to allow for familiarity with the municipal setting and observe patterns
 - ✓ Increase the frequency of credit card charge review

Supervisor Dickson has no objection to five members and a two-year term will better match terms for council members. Councilman Piekarec stated a five-member board would allow for broader backgrounds. Councilman Hanley stated the Association of Towns recommends that all boards are the same size as the Town Board.

Town Attorney Hawthorne will modify the proposal as follows: a five-member board, credit card review every sixty days, and two-year terms; it will be ready for the next meeting.

Councilman Hanley suggested including a budget line to cover any costs. Supervisor Dickson stated the Finance Department would bear any costs.

Councilman Cantafio questioned if Finance Director Megan Wnek or the outside auditors have provided input. Town Attorney Hawthorne did collaborate with Ms. Wnek on the resolution. Supervisor Dickson stated the external auditor was not consulted.

Councilman Cantafio questioned if there were any disagreements on recommendations, i.e. a three to two vote, how would that play out. Town Attorney Hawthorne stated any formal action would be taken to by the Town Board; any red flags would be brought to Ms. Wnek's attention first. Further, the purpose of this board is to perform internal audits and report discrepancies.

Supervisor Dickson directed Town Attorney Hawthorne to finalize the resolution to then be voted on at the next meeting.

21-D REPORTS

- Amy M. Kobler, Town Clerk's report for September 2020 received and filed.
- Engineering Department updates received and filed.
- Recreation Department updates received and filed.

ISSUES OF THE PUBLIC

- A resident commented/questioned the following:
 - ✓ Should a different, softer surface be used for the splash pad to avoid injuries on concrete
 - ✓ Allow the public in attendance to speak before social media posts are read
 - ✓ Expressed a political opinion about a candidate
 - ✓ What is the status of making West Seneca a sanctuary town – Councilman Piekarec stated this is not legal for the town to do
- A resident stated their petition has over 1,600 signatures for a bike pump track
- A resident stated the Town Clerk sent threatening correspondence regarding his DD214 submission – Town Clerk Kobler stated the letter was from the Assessor's office. The Town Assessor relayed a message: the purpose of the letter is to verify the veteran still resides at that property and is done every ten years. The final notice was sent from the Assessor's office after not receiving verification.
- A resident was following up on the plans for Dwyer street being repaved and sidewalks added – Highway Superintendent Adams responded sidewalks are not likely due to the cost and is high on the list for paving next year

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Town Attorney Hawthorne

- The Burchfield appeal was decided by the Fourth Department Appellate Division on October 2, 2020, agreed with the Lower Court in their dismissal of the complaint due to the three year statute of limitations has passed
- Requested an executive session to discuss the following:
 - ✓ How the town should proceed with the Burchfield Nature and Art Center
 - ✓ White Collar grievance
 - ✓ Blue Collar grievance regarding staffing
 - ✓ PBA grievance regarding vacancies in the Detective Bureau
 - ✓ Status of PBA CBA negotiations and a Blue Collar arbitration regarding overtime related to COVID

Councilman Piekarec

- The NYSDEC has brought attention to misuse of land along creeks including debris and damage; if it continues the DEC may decide to stop expanding access

Councilman Hanley

- Recognized the Town Clerk's Office for their hard work amidst the challenges they faced this year

Supervisor Dickson

- Reminder to the residents - Trunk or Treat event Friday, October 23rd at the Soccer Park beginning at 5 P.M.
- Recognized the Town Clerk's office for their hard work throughout the School Tax season

Councilman Cantafio

- Recognized the Town Clerk's Office for all the hard work during School Tax season and during the pandemic
- October is Breast Cancer Awareness Month, thanked all for their support and donations

Councilman Bauer

- Woodward Avenue sanitary sewer repairs – anticipate going forward with this

Town Clerk Kobler

- Today is the last day to pay taxes, please use the drop boxes if needed
- Recognized her office staff and the challenges they faced this year

Highway Superintendent Brian Adams

- Addressed issues with the compressor at the Ice Rink and reduced the noise
- East & West Road is being milled and the project will be completed soon
- Leaf collection has started in Zone 4; leaves need to be on property not the street; will keep the website updated

Chief Denz

- No shave November challenge will be held through November and December
- Breast Cancer Awareness month challenge this month

EXECUTIVE SESSION

Motion by Supervisor Dickson, seconded by Councilman Hanley, to enter into executive session to discuss the following: Burchfield Nature and Arts Center litigation, White Collar grievance regarding withholding for health insurance, Blue Collar grievance regarding staffing, PBA Detective Bureau staffing and resolution, PBA collective bargaining negotiations update, and recent Blue Collar arbitration hearing regarding overtime for COVID.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to adjourn the meeting at 8:30 P.M.

Ayes: All

Noes: None

Motion Carried



AMY M. KOBLER, TOWN CLERK