

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 Hanley, to approve Minutes #2021-02 of January 25, 2021.

Ayes: All

Noes: None

Motion Carried

**LEGAL NOTICES**

1. Proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN THE PROPOSED CABLE FRANCHISE AGREEMENT WITH SPECTRUM NORTHEAST, LLC" in the Town of West Seneca received and filed.

Motion by Supervisor Dickson, seconded by Councilman Hanley, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Town Attorney Hawthorne stated Spectrum Cable would like to renew their agreement with the town; federal and state law requires a public hearing be held. Ms. Hawthorne noted the revenue from the agreement in 2020 was \$384,504.97; in 2019 revenue was \$371,165.65; in 2018 revenue was \$349,007.56; and in 2017 revenue was \$350,960.97.

No comments were received from the public or Town Board members.

Motion by Supervisor Dickson, seconded by Councilman Hanley, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

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

An application has been duly made to the Board of the Town of West Seneca, County of Erie, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing

business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of West Seneca, New York on February 8, 2021 at 6:00 P.M. and notice of the hearing was published in the West Seneca Bee on February 4, 2021.

NOW, THEREFORE, the Board of the Town of West Seneca finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of West Seneca hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of West Seneca for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of West Seneca hereby confirms acceptance of this franchise renewal agreement and authorizes the Supervisor to sign the Agreement.

Ayes: All

Noes: None

Motion Carried

### **PUBLIC COMMENTS ON COMMUNICATIONS**

The following comments were received regarding the Families First Coronavirus Leave Policy:

- ✓ Encouraged the Town Board to unanimously support the leave policy noting its kind, compassionate, and in accordance with the Americans with Disabilities Act
- ✓ Opposed to full pay for employees on FMLA:
  - The town is in debt; this is an unfair and unwise use of tax dollars
  - Personally witnessed abuse of paid time off
  - Ethical employees arrange for day care and many options are available

### **OLD BUSINESS**

#### **TABLED ITEMS**

1. Town Attorney re Families First Coronavirus Leave Policy

Supervisor Dickson stated the Town Attorney was able to offer an alternative option. Town Attorney Hawthorne confirmed that through discussions with Supervisor Dickson, Councilman Cantafio, the affected employees, and the bargaining unit an alternative method was determined. As such, Ms.

Hawthorne requests the policy be received and filed. Further, a proposed memorandum of agreement has been drafted and submitted to the White Collar bargaining unit which offers the flexibility of taking one day per week unpaid without having to exhaust their vacation, sick, or personal leave time. Ms. Hawthorne is withdrawing the Families First Coronavirus Leave Policy. Town Attorney Hawthorne further addressed the public comment and stated the pay was at two-thirds, not full pay.

Councilman Cantafio stated the two employees never said they wanted to get paid for not working.

Item was received and filed.

## **NEW BUSINESS**

### **3-A ANNOUNCEMENTS**

- Supervisor Dickson re Communications from Erie County Executive
  - ✓ The town does not have an official representative on the Erie County Environmental Management Council, (ECEMC), West Seneca Environmental Commission Chairperson Evelyn Hicks will find a candidate
- Supervisor Dickson re Communications from Erie County Comptroller received and filed.
- Supervisor Dickson re Union Road Improvement
  - ✓ NYSDOT is going to work on Union Road in April 2022 and queried the town about improvements
  - ✓ improve the street scape of Union Road in front of the West Seneca Town Hall and Community Center
  - ✓ on street parking is not allowed, but a raised median would be allowable
  - ✓ Comprehensive Plan was approved in 2016 and a Union Corridor study was ordered in 2017 – would like to follow up with action on the investment

Councilman Piekarec stated he would rather spend town money on sidewalks, bike paths, or repaving more streets. If the board decides to go forward with the median, Councilman Piekarec suggested borrowing money to spread the cost over several years.

Councilman Hanley commented on the results of the traffic study stating Union Road was identified to be a cut through for most vehicles with the vehicles rate of speed being about five mph over the limit. Slowing traffic, creating a walking area, and establishing a town identity at the Town Hall campus were among the goals of the Comprehensive Plan.

Councilman Bauer expressed concerns that a median would impede access to businesses on the opposite side of the street. The project would need to be well planned and total commitment made as it would take a few years to complete.

- Town Attorney re Town of West Seneca sign
  - ✓ Accident at Union Road and Main Street in October 2019 that damaged the town sign
  - ✓ A claim was put through the driver's insurance and the town was awarded \$17,009.25 - damage was estimated to be \$58,580
  - ✓ Councilman Hanley stated one of the sign companies that gave a proposal has reached out, offering to work with the town to provide almost the same sign quoted if the town helps out
  - ✓ Councilman Piekarec stated he has received feed back from residents that support replacing the sign as well as those who do not think a sign is needed and would like to see the expense held

- at the amount of the claim award
- ✓ Supervisor Dickson has received more support to replace the sign, would like to minimize the cost, and the sign is useful for providing information
  - ✓ Highway Sup't. Adams stated town labor can be used to replace the base and electrical work
  - ✓ Town Attorney Hawthorne stated a bid is not necessary if the cost is under \$20,000

**3-B COMMUNICATIONS TO BE VOTED ON**

1. Chief Denz re Purchase of police vehicles

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to authorize Chief Denz to draw up specifications and set a purchase bid on the NYS Office of General Services Vehicle Market Place for the purchase of four new 2021 Dodge Charger marked police vehicles with funding available through the 2021 police vehicle purchase line 1.3120.0208.

Ayes: All

Noes: None

Motion Carried

2. Finance Director re Budget transfer – Police Department

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to authorize a budget transfer in the amount of \$1,000 from Police Equipment Repair line 01.3120.0443 to Police Telephone line 01.3120.0420 to cover a budget line shortage for yearend Verizon billing.

Ayes: All

Noes: None

Motion Carried

3. Recreation Supervisor re Appointment of Molly Sergi as part-time Clerk Typist

Motion by Supervisor Dickson, seconded by Councilman Hanley, to appoint Molly Sergi as a part-time Clerk Typist at the rate of \$12.50 per hour effective February 9, 2021 noting the hire is contingent upon a background check, drug test, and proof of a physical noting the position will be paid from Salary of Clerical – Part time 0171400050138 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

4. Recreation Supervisor re Buffalo District Soccer League – Soccer field use 2021

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to enter into an agreement with the Buffalo District Soccer League and the insured Western New York Amateur Soccer Association, US Adult Soccer Association, INC., its Members National Affiliates, Leagues & Teams, for use of the West Seneca Soccer Complex.

On the question, Ms. Masset explained this usage agreement allows the organization to use available soccer fields at \$100 per use.

Ayes: All

Noes: None

Motion Carried

5. Highway Sup't. re Retirement of Scott Cooke as Highway Motor Equipment Operator

Motion by Supervisor Dickson, seconded by Councilman Hanley, to accept the retirement of Scott Cooke as Highway Motor Equipment Operator effective February 13, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**3-C 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 - \$447,340.59; Highway Fund - \$134,088.65; Capital Fund - \$116,245.57; Sewer District - \$50,610.92; (vouchers 15657 - 16621).

Ayes: All

Noes: None

Motion Carried

**3-D REPORTS FOR FILING**

- Amy M. Kobler, Town Clerk's report for January 2021 & Receiver of Taxes report for January 2021 received and filed.
- Jeffrey Schieber, Code Enforcement Officer, building & plumbing reports for January 2021 received and filed.

**3-E DEPARTMENT REPORTS**

**Finance Department**

- Two sanitation trucks were purchased – rollover interest rate of 0.64% on the bonding

**Assessor Office**

- March 1<sup>st</sup> deadline for exemptions – new applicants must apply

**Code Enforcement**

- Working with restaurants and bars regarding COVID-19 requirements
- Awaiting bids for the demolition of 62 Columbia Parkway – previously the bank elected to demolish, potential purchase, did not proceed
- Upcoming Planning Board with three projects for development
- Shoveling sidewalks in the winter becomes tedious with vacant and elderly – looking for a better policy and addressing Union Road

**Recreation Department**

- COVID-19 plans for the ice rink and summer programs
- New website has been established and a monthly news letter

**ISSUES OF THE PUBLIC**

- A resident thanked the Highway Department for their plowing efforts Larsen and Brookwood Drive

**COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**Highway Superintendent Adams**

- Finalizing auctions list and performing road evaluations

**Town Attorney Hawthorne**

- Requested to recess to executive session to discuss a PBA grievance and discuss litigation regarding Warren versus the Town of West Seneca

**Councilman Piekarec**

- Commended the West Seneca Chamber of Commerce for the food drive they sponsored

**Supervisor Dickson**

- In receipt of twenty applications for the Director of Senior Services position
- Police Reform task force meetings to be in person in March and will allow public attendance
- West Seneca Art Society will be holding an art show in the hallway of the Community Center & Library

**Councilman Bauer**

- Internal Audit Committee is reviewing Chudy Paper and Modern Disposal and conducted an onsite visit with the Highway Department

**Chief Denz**

- A survey is being conducted via the Police Department website and social media pages
- Four new officers started on January 1, 2021
- Lock your vehicles; stolen vehicles are up 400% nationally
- Significant research has been done by Captains Unger and Cosgrove resulting in a savings of \$5,000 per new police car
- Winter parking ban is in effect until March 15th

**EXECUTIVE SESSION**

Motion by Supervisor Dickson, seconded by Councilman Bauer, to enter into executive session to discuss the PBA overtime grievance and Warren versus the Town of West Seneca litigation.

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*

---

**AMY M. KOBLER, TOWN CLERK**