

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
William P. Hanley, Jr. Councilman

Absent - None

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

The meeting was dedicated to the memory of Donald Colpoys and Mary Brown.

7-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2018-06 of March 26, 2018.

Ayes: All Noes: None Motion Carried

7-B LEGAL NOTICES

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING FOR PROPERTY LOCATED AT 1420 UNION ROAD, BEING PART OF LOT NO. 112, CHANGING ITS CLASSIFICATION FROM R-65 TO C-1, FOR A PARKING LOT" in the Town of West Seneca, be received and filed.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to open the public hearing.

Ayes: All Noes: None Motion Carried

Frank Wailand of FJ Wailand Associates represented Marty & Michelle Monaco and stated their plan for a beauty parlor at 1420 Union Road with 17 parking spaces at the rear of the property. The only entrance will be from Union Road and the project has received NYSDOT approval. There will be 6' high stockade fences on the north and south property line for screening with a 3' berm and landscaping on the west along Greymont Avenue. An emergency entrance to the parking lot from Greymont Avenue will be provided with a locked gate for access by emergency vehicles only. One light will be installed to illuminate the parking lot and no light will filter off the property. The hours of operation will be during the daytime with a half day on Saturday and by appointment only. An area will be set aside on the property for snow removal/storage.

7-B LEGAL NOTICES

1. (continued)

Councilman Hart suggested the proposed fence match the existing fence at the Sunoco gas station next door. Senior Code Enforcement Officer John Gullo noted the project complies with the town's Comprehensive Plan and Design Standards.

A Greymont Avenue property owner opposed the rezoning and commented this is spot zoning and a detriment to surrounding property owners, noting he had an appraisal done and the appraiser believes his property will lose \$12,000 in value if the rezoning is approved. He expressed concerns of a less desirable business locating there if the beauty salon closes in the future, commented on the water situation on site and stated the emergency entrance/exit on Greymont Avenue is not enforceable if people are able to open it.

A Greymont Avenue resident stated he has done a lot of work on his property and house and was concerned about the proposed business and what it could become in the future. He commented Greymont Avenue is a residential street and should remain residential and suggested tearing down the house next door to the salon for use as a parking lot.

Supervisor Meegan commented on the Monaco's investment in the community and stated they have followed the Comprehensive Plan and the project complies. The corner lot on Center Road and Greymont Avenue is commercial and the berm with landscaping will add beautification to the location.

Town Attorney John Fenz noted if the rezoning is approved, the project will go for site plan review and the drainage will be addressed at that time. Engineered drawings will have to be submitted and approved.

A Greymont Avenue resident stated the emergency access gate will be located directly across from her property and she was concerned about having to look at the gate and parking lot rather than a berm and landscaping. The resident had safety concerns for the children on the street and was concerned about light from the parking lot being a problem. Although she is in favor of the Comprehensive Plan and a walkable community, she was not in favor of a parking lot in a residential neighborhood. Mr. Gullo responded the emergency access gate is required for fire truck access and only the fire department will have a key to the gate. The lighting will be required to comply with the Town Code.

Councilman Hart questioned if Mr. & Mrs. Monaco intended to use the apartment building on the property and make improvements. Mrs. Monaco responded they did intend to use the apartment building and will continue to make improvements when all approvals are received from the town. Councilman Hart further questioned if all the parking is required and suggested a wider buffer on Greymont Avenue. Mr. Gullo stated three parking spaces per chair are required along with two spaces for the tenant.

7-B LEGAL NOTICES

1. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

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

WHEREAS, the Town Board of the Town of West Seneca, has taken a hard look at the potential environmental impacts; and

WHEREAS, upon such review, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the subject property, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is therefore appropriate; and

WHEREAS, the Planning Board reviewed the project on March 8, 2018 and adopted a resolution recommending granting the rezoning and approval of the project as proposed; and

WHEREAS, pursuant to the Town Code, the Town Board further finds that granting a rezoning of the subject property to allow for the project is appropriate for the location and will not adversely affect surrounding properties; now, therefore, be it

RESOLVED, pursuant to 6 NYCRR 617.7(a), the Town Board does hereby adopt a Negative Declaration with respect to the project; and be it further

RESOLVED, the Town Board hereby adopts Local Law No. 3 for the year 2018 granting a rezoning for the project from R-65 to C-1.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2. Proofs of publication and posting of legal notice: "OF THE ADOPTED BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SNECA, ERIE COUNTY, NEW YORK, AUTHORIZING ADDITIONAL FINANCING FOR PARTIAL RECONSTRUCTION OF AND CONSTRUCTION OF AN ADDITION TO THE PUBLIC LIBRARY BUILDING; ESTIMATING THAT THE TOTAL COST THEREOF IS \$13,387,921; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$1,900,000 SERIAL BONDS OF THE TOWN TO FINANCE A PORTION OF SAID APPROPRIATION, IN ADDITION TO THE \$8,432,045 PREVIOUSLY AUTHORIZED AND APPLICATION OF \$1,430,759 OF ENERGY PERFORMANCE CONTRACT FUNDING AND \$1,621,917 GRANT FUNDS RECEIVED OR EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE OR REDEMPTION OF THE TOWN'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS" in the Town of West Seneca, received and filed.

Ayes: All

Noes: None

Motion Carried

7-C TABLED ITEM

1. Senior Code Enforcement Officer re Rezoning – 1298 Orchard Park Road

Motion by Supervisor Meegan, seconded by Councilman Hart, to receive and file this item.

Ayes: All Noes: None Motion Carried

7-D COMMUNICATIONS

1. Town Attorney re Chamber of Commerce lease agreement for Community Center

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute a lease agreement with the Chamber of Commerce, Inc. for 481 square feet of office space in the Community Center and Library located at 1300 Union Road, noting the town shall deliver 481 square feet of “vanilla shell”, the base term shall be for three years with the annual rent of \$7200 payable in twelve monthly installments and the lease agreement shall be subject to final approval by the Town Attorney as to form.

Ayes: All Noes: None Motion Carried

2. Town Attorney re Spot Coffee lease agreement for Community Center

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute a lease agreement with Spot Coffee West Seneca, LLC for 647 square feet of café support space in the Community Center and Library located at 1300 Union Road, noting the town shall deliver 647 square feet of “vanilla shell” to be improved solely at the cost of the tenant without rental abatements; the base term shall be for ten years and rental terms to be as follows: a) years 1 – 3: \$8500 annually; b) years 4 – 6: \$9350 annually; and c) years 7 – 10: \$10285 annually; and the lease agreement shall be subject to final approval by the Town Attorney as to form.

Ayes: All Noes: None Motion Carried

3. Town Attorney re Stipulation of settlement – Kmart assessment challenge

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve and authorize the Town Attorney to execute the Stipulation of Settlement to resolve the real property tax assessment challenge for K-Mart #9392, SBL No. 143.05-1-27.112.

Ayes: All Noes: None Motion Carried

7-D COMMUNICATIONS

4. Chief Denz re Status change for part-time safety dispatcher Norman Brem to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time safety dispatcher Norman Brem to part-time seasonal April 1 – 30, 2018 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

5. Chief Denz re Attendance at NYS Crisis Negotiators training conference

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize three officers assigned to the Crisis Negotiation Team to attend the NYS Crisis Negotiators training conference, May 23 – 25, 2018 in Rochester, NY at a cost not to exceed \$1500, noting there are sufficient funds budgeted in the police training course line item (1.3120.0459) to cover this expense.

Ayes: All Noes: None Motion Carried

6. Director of Finance re Attendance at Annual Town Finance School

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Director of Finance Megan Wnek to attend the 18th annual Town Finance School in Ellicottville, NY on May 10, 2018 at a cost not to exceed \$350.

Ayes: All Noes: None Motion Carried

7. Sr. Recreation Therapist of Sr. Services re Status change for Mary Ann Gullo to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of Mary Ann Gullo to part-time seasonal effective April 9 – June 8, 2018 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8. Recreation Supervisor re SUNY Buffalo State College Men's Rugby

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with SUNY Buffalo State College Men's Rugby for use of the fields at Fireman's Park on April 21, 2018.

Ayes: All Noes: None Motion Carried

7-D COMMUNICATIONS

9. Recreation Supervisor re Non-exclusive facilities use permit & agreement - Fire District #1
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Fire District #1 (Winchester) for use of the Town of West Seneca baseball/softball diamonds in 2018.
- Ayes: All Noes: None Motion Carried
10. Recreation Supervisor re Non-exclusive facilities use permit & agreement – Fire District #4
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Fire District #4 (East Seneca) for use of the Town of West Seneca baseball/softball diamonds in 2018.
- Ayes: All Noes: None Motion Carried
11. Recreation Supervisor re Non-exclusive facilities use permit & agreement – Canekt Softball
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with the Diocese of Buffalo for Quest/Canekt Softball for the use of Town of West Seneca baseball/softball diamonds in 2018.
- Ayes: All Noes: None Motion Carried
12. Recreation Supervisor re Lions Club Summer 2018 Concert Series
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to enter into an agreement with the West Seneca Lions Club to host their annual Summer Concert Series.
- Ayes: All Noes: None Motion Carried
13. Recreation Supervisor re Summer Day Camp safety plan, camper orientation manual and field trip itinerary
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the Veterans Day Camp safety plan, camper orientation manual and field trip itinerary for 2018, noting the plans address the current requirements of Subpart 7-2 of the New York State Sanitary Code (7-2.4(c)(1), 7-2.5(n), 7-2.25 for the Erie County Department of Children’s Camp Permit.
- Ayes: All Noes: None Motion Carried

7-E REPORTS

- Jacqueline A Felser, Town Clerk's report for March 2018 received and filed.

7-F APPROVAL OF WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$156,088.61; Highway Fund - \$65,172.79; Special Districts - \$45,563.92; Capital Fund - \$529,799.89 (vouchers 104112 - 104695) Trust - \$261,190.74 (vouchers 104618 - 104652)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

- A West Bihrwood Drive resident referred to the Stipulation of Settlement with Kmart and questioned the town and school district contribution. Town Attorney John Fenz responded the town's contribution will be \$14 for every \$1000 and the school district must also approve the reduction.
- A West Bihrwood Drive resident commented on the bond resolution for the community center/library project, the initial borrowing and the procedure and did not believe the decisions made represented the resident's wishes.
- A Covington Drive resident referred to the lease agreements approved for the Chamber of Commerce and Spot Coffee and questioned the cost minus the utilities. Town Attorney John Fenz responded the leases were issued at fair market value. A third party real property appraiser provided the town with a number and the town negotiated from there with utilities/services included. Councilman Hart noted Spot Coffee's electric will be metered with Spot Coffee being responsible for that bill.
- A Covington Drive resident questioned the status of the Burchfield building. Town Attorney John Fenz responded he is optimistic.
- A Covington Drive resident commented on some Town Board meetings scheduled to be held at 3 P.M. Councilman Hanley responded some meetings are just to approve warrants.
- A Covington Drive resident that served on the Ethics Board questioned Town Board members' appointment of members to serve and disagreed with a statement made at the work session that Ethics Board meetings are not public. A Woodward Crescent resident that served on the Ethics Board commented on the problems they faced with some members and suggestions they made to the Town Board.
- A Burch Avenue resident questioned if the public relations firm has billed the town and Supervisor Meegan responded they have not.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to executive session at 8:25 P.M. to discuss two collective bargaining issues for blue collar and one for white collar.

Ayes: All

Noes: None

Motion Carried

The board members returned from executive session at 8:45 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:45 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca received a request for a rezoning for the following described property located at 1420 Union Road from its classification of R-65 to C-1 for a parking lot:

All that tract or parcel of land situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 112 of the Ebenezer Lands according to map filed in Erie County Clerk's office under Cover No. 467, known as Subdivision Lot Nos. 17, 18 and 19 in Block "D" situate on the east side of Greymont Avenue.

Whereas, this Town Board held a public hearing on the 9th day of April, 2018 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said town, to consider granting a rezoning for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same;

Now, therefore, be it resolved, that a rezoning is granted and the same is hereby rezoned from R-65 to C-1; and

Be it further resolved that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.

Jacqueline A Felser
West Seneca Town Clerk