

Deputy Supervisor Matthew English called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Councilman Hanley.

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

Deputy Supervisor English 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 Daniel Dyson & Frances Corcoran.

12-A MINUTES TO BE APPROVED

- Motion by Councilman Hart, seconded by Councilman Hanley, to approve minutes from the June 12, 2017 work session.

Ayes: All Noes: None Motion Carried

- Motion by Councilman Hart, seconded by Councilman Hanley, to approve Minutes #2017-11 of June 12, 2017.

Ayes: All Noes: None Motion Carried

- Motion by Councilman Hart, seconded by Councilman Hanley, to approve minutes from the June 21, 2017 bid opening for the Repair & Replacement of Sidewalks – Northeast Zone.

Ayes: All Noes: None Motion Carried

12-B LEGAL ITEMS

1. Motion by Councilman Hanley, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 4350 SENECA STREET, BEING PART OF LOT NO. 59 & 104, CHANGING ITS CLASSIFICATION FROM C-2 TO C-2(S), FOR SERVICE OF ALCHOLIC BEVERAGES" in the Town of West Seneca, be received and filed.

Ayes: All Noes: None Motion Carried

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

Ayes: All Noes: None Motion Carried

12-B LEGAL ITEMS

1. (continued)

David Johnson of Rusty Nickel Brewing Company stated the business has been open for 2 ½ years and he was recently informed they needed a special permit for service of alcohol. The Rusty Nickel Brewing Company is a NYS Farm Brewery which mandates them to use locally grown and produced products, allows for the operation of a tasting room and allows them to sell other NYS farm produced products. The alcoholic beverages served are beer, cider, wine and spirits and they must be produced in NYS.

Jim Sperduti along with two neighbors adjacent to the brewery had no problem with service of alcohol but had other concerns about facility.

Councilman Hart stated the public hearing is only to address the special permit for service of alcohol. Other issues regarding the facility can be brought up under "Issues of the Public" at the end of the meeting.

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

Ayes: All

Noes: None

Motion Carried

Motion by Councilman Hanley, seconded by Councilman Hart, to approve a special permit for property located at 4350 Seneca Street, being part of Lot No. 59 & 104, changing its classification from C-2 to C-2(S), for service of alcoholic beverages.

On the question, Councilman Hart stated this corrects an omission from when the business was originally opened.

Ayes: All

Noes: None

Motion Carried

12-C TABLED ITEMS

1. Town Attorney re Restricted use permit for Jim Collins Heating & Cooling, Inc. Remained on the table.
2. Recreation Supervisor re Agreement with South Buffalo Rugby Remained on the table.

12-D COMMUNICATIONS

1. Town Attorney re Bond resolution for purchase of accounting system software & hardware

Motion by Councilman Hart, seconded by Councilman Hanley, to adopt the attached bond resolution authorizing acquisition of integrated financial management and accounting system software and hardware and authorizing issuance of \$300,000 in serial bonds of the town to finance said appropriation.

Ayes: All Noes: None Motion Carried
APPENDICES

2. Town Attorney re Bid award for Repair & Replacement of sidewalks – Northeast Zone

Motion by Councilman Hart, seconded by Councilman Hanley, to award the bid for repair and replacement of sidewalks in the northeast zone to Masters Edge, Inc. at their low bid price of \$29,128.

Ayes: All Noes: None Motion Carried

3. Town Engineer re Deduct change order for Theresa Court Reconstruction Project

Motion by Councilman Hart, seconded by Councilman Hanley, to authorize the Supervisor to sign the necessary forms for a deduct change order in the amount of \$25,585 for the Theresa Court Reconstruction Project, noting this is due to not using as much material as was indicated in the estimate.

Ayes: All Noes: None Motion Carried

4. Town Engineer re NYSDEC MS4 annual report

Motion by Councilman Hart, seconded by Councilman Hanley, to authorize the Supervisor to sign and file the NYSDEC MS4 annual report.

Ayes: All Noes: None Motion Carried

5. Chief Denz re Purchase of TASER systems

Motion by Councilman Hart, seconded by Councilman Hanley, to authorize Chief Denz to enter into a five year agreement with AXON, formerly TASER International, to lock in the purchase cost of training and operational equipment at the 2017 pricing of \$5754.24 per year, noting AXON is a sole source provider.

Ayes: All Noes: None Motion Carried

12-D COMMUNICATIONS

6. Chief Denz re Attendance at NYS Police Juvenile Officers training conference

Motion by Councilman Hanley, seconded by Councilman Hart, to authorize four officers to attend the New York State Police Juvenile Officers Association training conference, August 28 – September 1, 2017 in Geneva, NY at a cost not to exceed \$2400.

Ayes: All Noes: None Motion Carried

7. Senior Code Enforcement Officer re Rezoning request – 364 Lein Road

Motion by Councilman Hanley, seconded by Councilman Hart, to refer the rezoning request for 364 Lein Road to the Planning Board for review.

Ayes: All Noes: None Motion Carried

8. Recreation Supervisor re Resignation of part-time bus drivers

Motion by Councilman Hanley, seconded by Councilman Hart, to accept the resignation of Thomas Keenan and Michael Aures and terminate them as part-time seasonal bus drivers effective July 3, 2017 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9. Recreation Supervisor re Appointment of Becky Safe as part-time seasonal bus driver

Motion by Councilman Hanley, seconded by Councilman Hart, to appoint Becky Safe as part-time seasonal bus driver effective June 26 – September 1, 2017 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

10. Recreation Supervisor re Pay rate increase for Lauren Glawatz & Eric Korczynski

Motion by Councilman Hanley, seconded by Councilman Hart, to increase the rate of pay for part-time recreation attendant Lauren Glawatz to \$13 per hour and increase the rate of pay for part-time recreation attendant Eric Korczynski to \$12.25 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12-D COMMUNICATIONS

11. Chief Denz re Appointment of Kathleen Brenner as part-time clerk

Motion by Councilman Hanley, seconded by Councilman Hart, to appoint Kathleen Brenner as part-time clerk effective June 27, 2017 at a rate of \$20 per hour and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Chief Denz stated this is a short term position to fill in for an employee on maternity leave and it will eliminate the need for overtime in that department.

Ayes: All Noes: None Motion Carried

12-E APPROVAL OF WARRANT

Motion by Councilman Hart, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$272,464.43; Highway Fund - \$105,439.33; Special Districts - \$2,862,757.89; Capital Fund - \$1,749,472.87 (vouchers 100156 - 100457)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

PROPERTY MAINTENANCE ON FISHER ROAD

Jacqueline Pray and Linda Hiller commented on the empty lot at 282 Fisher Road with concerns over dumping, lack of maintenance and high grass and weeds. They contacted the realtor and the garbage is being cleaned up, but the weeds still exist and are attracting rodents, etc. A letter expressing their concerns was sent to Supervisor Meegan and she referred it to the Code Enforcement Office. The lawn was mowed recently, but there is still an untouched mound with weeds. Ms. Pray and Ms. Hiller presented a petition signed by neighbors that are concerned about this situation.

Code Enforcement Officer John Gullo stated he spoke to the owner of the property and told him there is dumping taking place on the lot, the weeds need to be cut and the property should be maintained. Mr. Gullo stated there is nothing in the ordinance that allows him to do much at this point, but he suggested contacting Erie County Rodent Control to address the rodent problem.

Town Attorney John Fenz stated he was forwarded the email and unfortunately there is very little the town can do under current zoning and code enforcement regulations.

ISSUES OF THE PUBLIC

NOISE AND SCREENING CONCERNS AT RUSTY NICKEL

Jim Sperduti questioned if a fence is required for screening the Rusty Nickel property from residential properties. He further commented on noise from the patio and expressed concerns with traffic leaving the parking lot at closing.

Code Enforcement Officer John Gullo stated he will check on the screening and noted that hedges as opposed to a fence can also be used for screening.

Susan Fisher requested an additional "No Parking" sign in front of her house on Seneca Street near the Rusty Nickel.

Kelly Cosgrove expressed concerns about increased traffic, parking and noise from the Rusty Nickel and questioned the use of the outdoor stage for live music.

Mr. Gullo stated a variance is needed for live music on the stage and he will check into this.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RECREATION UPDATES

Recreation Supervisor Lauren Masset stated summer programs began today and Veteran's Park pool will open on June 28th with free admission to residents with a valid Town ID card.

ANTIQUES & COLLECTIBLES APPRAISAL DAY

Councilman Hanley announced the West Seneca Historical Society will host Antique & Collectible Appraisal Day on Sunday, August 6th, noon to 4 P.M. at 919 Mill Road. They are requesting a \$2 donation per item with a maximum of three items per person.

5K RACE EVENTS

Councilman Hanley stated future race events will require the organization to notify neighborhoods one week prior to the event that the street will be closed.

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
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PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SUPPORT FOR WNY CHILDREN'S PSYCHIATRIC CENTER

Motion by Councilman Hart, seconded by Councilman Hanley, to adopt the attached resolution supporting Senate Bill S4630 and Assembly Bill A6505 concerning WNY Children's Psychiatric Center.

Ayes: All

Noes: None

Motion Carried
APPENDICES

ADJOURNMENT

Motion by Councilman Hanley, seconded by Councilman Hart, to adjourn the meeting at 7:55 P.M.

Ayes: All

Noes: None

Motion Carried



JACQUELINE A FELSER, TOWN CLERK

At a regular meeting of the Town Board of the Town of West Seneca, in the County of Erie, New York, held at Town Hall, 1250 Union Road, West Seneca New York 14224 on June 26, 2017

PRESENT: William P Hanley Jr., Councilman
Eugene P. Hart, Councilman

ABSENT: Sheila M. Meegan, Supervisor

The following resolution was offered by Councilman Hart, who moved its adoption, seconded by Councilman Hanley, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF INTEGRATED FINANCIAL MANAGEMENT AND ACCOUNTING SYSTEM SOFTWARE AND HARDWARE; ESTIMATING THAT THE TOTAL COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$300,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

WHEREAS, the Town Board of the Town of West Seneca (the "Town") proposes to authorize the issuance of \$300,000 in serial bonds of the Town to finance acquisition of integrated financial management and accounting system software and hardware (the "Project"); and

WHEREAS, such purpose constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Town Board of the Town now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$300,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of acquisition of integrated financial management and accounting system software and hardware. It is hereby determined that the maximum estimated cost of the aforementioned objects or purposes is \$300,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$300,000 in serial bonds of the Town and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a

portion of said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes.

SECTION 2. It is hereby determined that the period of probable usefulness for the aforementioned objects or purposes described in Section 1 is five (5) years, pursuant to subdivision 89 of Section 11.00a. of the Law.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d.9. of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects

or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

The following vote was taken and recorded in the public or open session of said meeting:

AYES: (2) Councilman Hart, Councilman Hanley

NAYS: None

This resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF ERIE) S.S.:

I, the undersigned Clerk of the Town of West Seneca, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of West Seneca, Erie County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town of West Seneca, Erie County, State of New York, was held on June 26, 2017, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a board resolution duly adopted at a meeting of the Town Board held on June 26, 2017 and entitled:

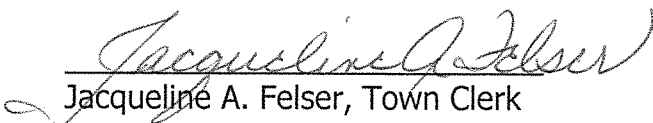
BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING ACQUISITION OF INTEGRATED FINANCIAL MANAGEMENT AND ACCOUNTING SYSTEM SOFTWARE AND HARDWARE; ESTIMATING THAT THE TOTAL COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$300,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3 of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of West Seneca this 27th day of June, 2017.

[SEAL]


Jacqueline A. Felser, Town Clerk

CERTIFIED RESOLUTION OF SUPPORT - A6505 / S4630 - Relates to prohibiting the co-location of certain children's facilities with adult facilities in Erie County.

WHEREAS, the Western New York Children's Psychiatric Center in West Seneca opened in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties including: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS, despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the re-admission rates are low; and

WHEREAS, Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS, the medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings has been documented in many medical journals and academic papers. The Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS, the New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibits co-location of certain children's facilities with adult facilities in Erie County; and

WHEREAS, Governor Cuomo needs to sign this bill and save WNY Children's Psychiatric Center in West Seneca.

NOW, THEREFORE, BE IT RESOLVED, the Town of West Seneca legislative body supports the passage of the above bills in the New York State Legislature and also strongly encourages Governor Cuomo to immediately sign this necessary legislation into law.