

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

ROLL CALL:

Present	Gary Dickson	Supervisor
	Robert J. Breidenstein	Councilmember
	Joseph Cantafio	Councilmember
	Susan K. Kims	Councilmember
	Jeff Piekarec	Councilmember
Absent	None	

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

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1. Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to abolish the position of Town Attorney for the Town of West Seneca and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilmember Cantafio stated he will be voting against this as a town of this size needs its own attorney.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec

Noes: (1) Councilmember Cantafio

Motion Carried

2. Motion by Supervisor Dickson, seconded by Councilmember Kims, that Greco Trapp LLP be retained as attorney for the Town of West Seneca with general municipal legal matters to be provide for a fee of \$65,000 per calendar year and other services to be performed at the hourly rates specified in the attached engagement agreement and authorize the Supervisor to complete and execute a retainer agreement with said firm.

On the question, Councilmember Cantafio stated his opposition and explained while he fully supports the Supervisor's discretion, the town should have its own attorney and is disappointed there was not a bid process or interview process; further, the last time the town used a firm it ended up costing the town much more.

Supervisor Dickson stated the town did not do an RFP for insurance or IT, a select group were invited to participate in a bid process; further, because this is a professional service an RFP is not required. Supervisor Dickson, Councilmembers Breidenstein and Kims interviewed three different firms that are active in municipal law and Mr. Trapp was the cheapest; if this is not as cost effective as they hope they will adjust.

Councilmember Cantafio stated the interviews were done without any of the sitting Town Board members other than the Supervisor and should have been a more open process. Councilmember Cantafio expressed concerns about who wrote the agreement and questioned who was looking out for the town as the law firm wrote the agreement.

Councilmember Breidenstein asked if an RFP was done in 2018 and 2020. Councilmember Kims stated she was not aware of a previous RFP.

Councilman Piekarec stated he spoke with Mr. Trapp over the phone, reviewed his resume, and believes he will do well.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec

Noes: (1) Councilmember Cantafio

Motion Carried
APPENDICES

3. Motion by Councilmember Cantafio, seconded by Councilmember Kims, that the elected Town Officials are salaried as follows:

Supervisor	Gary Dickson	\$67,600
Council Members (4)	Jeffrey Piekarec	\$21,000
	Joseph Cantafio	\$21,000
	Susan Kims	\$21,000
	Robert Breidenstein	\$21,000
Town Clerk	Amy Kobler	\$60,320
Highway Supt.	Brian Adams	\$83,200
Town Justices (2)	Shannon Filbert	\$44,040
	Jeffrey M. Harrington	\$44,040

Motion by Councilmember Kims, seconded by Councilman Piekarec, to amend the motion, changing the salaries of Supervisor Dickson to \$65,000; Town Clerk Kobler to \$58,000; and Highway Superintendent Adams to \$80,000; and stated increases to elected positions should be voted on prior to an election.

Councilmember Breidenstein stated support of full-time elected officials receiving an increase but disagrees with the way it was done. There should be a legal process, so the voters know what they are purchasing for the full term.

Supervisor Dickson stated he is abstaining.

Councilmember Kims stated she does not believe it is correct to change the salaries midterm.

Ayes: (3) Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec

Noes: (1) Councilmember Cantafio

Motion Carried

Abstained: (1) Supervisor Dickson

4. Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, that Stephen Stachowski and Jon F. Minear be appointed as Town Prosecutors at an annual salary of \$8,500, each effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

5. Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, that Stephen Stachowski be appointed Deputy Town Attorney at an annual salary of \$4,000 effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms from Erie County Personnel, noting the Deputy Town Attorney's services shall be limited to providing counsel to the Zoning Board of Appeals.

Ayes: All

Noes: None

Motion Carried

6. Motion by Supervisor Dickson, seconded by Councilmember Cantafio, that John F. Minear be appointed Deputy Town Attorney at an annual salary of \$4,000 effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms from Erie County Personnel, noting the Deputy Town Attorney's services shall be limited to providing counsel to the Board of Ethics.

Ayes: All

Noes: None

Motion Carried

7. Motion by Supervisor Dickson, seconded by Councilmember Kims, that Clark, Patterson and Lee be hired as the provider of Engineering Services to the town at a cost not to exceed \$125,000 per year to be paid in a purchase order format with an allowance of up to \$75,000 in payments to be made during the year 2022 with said purchase order format being written on an hourly unit price basis for each service provided and a written quotation requested for hourly services by the pay scale and incorporated into the purchase order; and the Supervisor is hereby authorized to complete and execute a professional services agreement with said firm for engineering services not to extend beyond the year 2022.

Ayes: All

Noes: None

Motion Carried

8. Motion by Councilmember Cantafio, seconded by Councilmember Kims, that Harris Beach PLLC be retained as bond counsel to the Town of West Seneca for all financing matters. Services will be performed at the fees and charges as described in the Harris Beach bond counsel engagement agreement dated January 1, 2022, and the Supervisor is hereby authorized to complete and execute a retainer agreement with said firm for all financing matters for the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

9. Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, to authorize the Supervisor to sign the grant consulting agreement with Rotella Grant Management in the amount of \$21,600 a year in equal monthly installments effective January 1, 2022, through December 31, 2022.

On the question, Supervisor Dickson stated he consulted with many other towns and Rotella was highly recommended; they are also less expensive than the previous grant writer. Rotella Grant Management will also be providing the town with more services including assisting with a capital improvement plan and assisting departments in purchasing items in the plan.

Councilmember Piekarec stated he was not overly happy with the outgoing grant writer and is looking forward to working with the new company.

Councilmember Cantafio stated the town is best off by following a bidding process even if it is not required.

Supervisor Dickson stated there was a time constraint for this position as well as the Town Attorney position due to the turnover of two Town Board members.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec
Noes: (1) Councilmember Cantafio
Motion Carried

10. Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, that Amy Kobler be appointed Registrar of Vital Statistics, at an annual salary of \$4,062 effective January 1, 2022, all fees collected to go to the Town General Fund, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All
Noes: None
Motion Carried

11. Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, on the recommendation of the Town Clerk, that Margaret Martin be appointed Deputy Registrar of Vital Statistics at an annual salary of \$1,661 effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All
Noes: None
Motion Carried

12. Motion by Councilmember Cantafio, seconded by Councilmember Kims, on the recommendation of the Town Clerk, that Kelsey Girard be appointed as Sub-Registrar of Vital Statistics without compensation.

Ayes: All
Noes: None
Motion Carried

13. Motion by Councilmember Cantafio, seconded by Councilmember Kims, on the recommendation of the Town Justices, that Maureen Brownsey, be appointed Liaison for the Courts effective January 1, 2022, with an annual stipend of \$1,500.

Ayes: All
Noes: None
Motion Carried

14. Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, that Dennis M. Osinski and Steven DiSalvo be appointed to the Board of Plumbing Examiners effective January 1, 2022, at an annual stipend of \$500 each.

Ayes: All
Noes: None
Motion Carried

15. Motion by Councilmember Cantafio, seconded by Councilmember Kims, that Ed Simoncelli and Dennis Kremblas be appointed to the Board of Electrical Examiners effective January 1, 2022.

Ayes: All
Noes: None
Motion Carried

16. Motion by Councilmember Cantafio, seconded by Supervisor Dickson, that the following be appointed to the Environmental Commission for 2-year terms effective January 1, 2022 – December 31, 2023: Evelyn Hicks, Cynn timer Gaasch, Tracey Skalski, and Jacqueline Balikowski.

Ayes: All

Noes: None

Motion Carried

17. Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, that Patrick Healey be appointed to the Environmental Commission to fill a term ending on December 31, 2022.

Ayes: All

Noes: None

Motion Carried

18. Motion by Councilmember Cantafio, seconded by Councilmember Piekarec, that William Josefiak be appointed to the Library Board effective January 1, 2022, for a five-year term ending December 31, 2026.

Ayes: All

Noes: None

Motion Carried

19. Motion by Councilmember Piekarec, seconded by Councilmember Breidenstein, that Amanda Cleesattel be appointed to the Library Board effective January 1, 2022, to fill a vacant position with a term ending December 31, 2025.

Ayes: All

Noes: None

Motion Carried

20. Motion by Councilmember Piekarec, seconded by Supervisor Dickson, that the annual salaries of the Zoning Board of Appeals and Planning Board be set at \$5,946 for the Chairman of each Board, and \$4,032 each for the other members of each Board effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that members of each board will be paid one-twelfth of the annual salary, with any absences to be paid at the discretion of the Chairman; however, three (3) missed meetings could be reason for removal from the board.

Motion by Councilmember Breidenstein, seconded by Supervisor Dickson to amend the motion to state that the annual salaries of the Zoning Board of Appeals and Planning Board be set at \$5,946 for the Chairman of each Board, and \$4,032 each for the other members of each Board effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that members of each board will be paid one-twelfth of the annual salary for meetings attended, with any absences to be excused at the discretion of the Chairman, and any absence of a Zoning or Planning Board member or Chairman, whether excused or not excused, shall not be eligible for any remuneration of salary without the prior approval of the full Town Board and that three (3) missed meetings could be reason for removal from the board.

On the question, Councilmember Cantafio questioned how this process would be handled. Councilmember Breidenstein stated the Chairman can excuse a member's absence and noted there was approximately \$3,000 paid for missed meetings; the Chairman can provide information to the Town Board but should not have the discretion to gift public funds for work not done.

Supervisor Dickson questioned Town Clerk Kobler and Director of Finance Straus if members are paid for missed meetings. Ms. Straus explained the members salaries are divided by the twenty six payrolls and they are paid for the entire year. Supervisor Dickson asked Ms. Straus how missed meetings and no pay could be accommodated. Ms. Straus stated she will investigate this.

Highway Superintendent stated his salary along with Town Clerk Kobler and other elected officials were cut prior to them taking office; in fact, his salary was cut \$13,000. Mr. Adams stated there is a large amount of unseen work that goes into the job and does not understand the issue over a few hundred dollars.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec
Noes: (1) Councilmember Cantafio
Motion Carried

23. Motion by Councilmember Piekarec, seconded by Councilmember Breidenstein, that Michael Hughes be appointed to the Zoning Board of Appeals effective January 1, 2022, for a five-year term ending December 31, 2026.

Ayes: All
Noes: None
Motion Carried

24. Motion by Councilmember Piekarec, seconded by Councilmember Kims, that Amy Kobler be appointed as Secretary to the Zoning Board of Appeals, at an annual salary of \$4,800, effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Motion by Councilmember Kims, seconded by Supervisor Dickson, to amend the motion and lower the annual salary of Amy Kobler as Secretary to the Zoning Board to \$4,300.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec
Noes: (1) Councilmember Cantafio
Motion Carried

25. Motion by Councilmember Piekarec, seconded by Supervisor Dickson, that Kayla Leonard and Anna Garvey be appointed to the Ethics Board effective January 1, 2022, for five-year terms ending December 31, 2026.

On the question, Councilmember Cantafio stated while he does know either candidate, he will abstain from the vote noting, when he was forwarded the email of interest from the prospective members, one of the potential members included a local chairman of a political party on the email. Councilmember Cantafio further stated he does not believe political parties should be involved.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec
Noes: None
Motion Carried

Abstained: (1) Councilmember Cantafio

26. Motion by Councilmember Piekarec, seconded by Councilmember Breidenstein, that Margaret Martin be appointed as Secretary to the Ethics Board, at an annual salary of \$1,000 effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All
Noes: None
Motion Carried

33. Motion by Councilmember Kims, seconded by Councilmember Piekarec, that Jon F. Minear be appointed American with Disabilities Officer and Harassment Compliance Officer for the Town of West Seneca, with an annual stipend of \$1,000.

Ayes: All

Noes: None

Motion Carried

34. Motion by Councilmember Kims, seconded by Councilmember Piekarec, that Eric Conley be appointed Emergency Manager at a salary of \$25.00 per hour, per incident, effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

35. Motion by Councilmember Kims, seconded by Councilmember Piekarec, that Peter Spilsbury and Daniel McCartan be appointed Deputy Emergency Managers at a salary of \$20 per hour, per incident, effective January 1, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilmember Breidenstein questioned if the people were in addition to Mr. Conley. Councilmember Piekarec stated the Deputies assist in the command center during an emergency. Chief Baker confirmed there is a lot of coordination to be done.

Ayes: All

Noes: None

Motion Carried

36. Motion by Councilmember Kims, seconded by Supervisor Dickson, that the town funds be deposited in the West Seneca Offices of the following banks, effective January 1, 2022:

M&T Trust Co. - Operating, Trust & Agency, Payroll, Workers Compensation, P & A, General Investment, Reserves Account.

Evans National Bank – Operating, Trust & Agency

J.P. Morgan Chase - Operating, Capital

Ayes: All

Noes: None

Motion Carried

37. Motion by Supervisor Dickson, seconded by Councilmember Cantafio, that the Town Board does hereby authorize all funds of the Construction and Improvement Account to be maintained by a consolidated bank account, but that the town continues to always maintain a separate Improvement Account, as recommended by the State Auditors.

Ayes: All

Noes: None

Motion Carried

38. Motion by Supervisor Dickson, seconded by Councilmember Cantafio, that the Town Board approves the blanket purchase order for utilities for the 2022 fiscal year:

Telephone:	\$85,100	Avaya, Level 3/CenturyLink, Spectrum, Verizon Wireless, Verizon Fios
Electricity:	\$421,700	NYSEG, National Grid
Gas:	\$84,800	National Fuel, National Fuel Resources
Water:	\$63,710	Erie County Water Authority

Ayes: All Noes: None Motion Carried

39. Motion by Supervisor Dickson, seconded by Councilmember Kims, that the Town Board of the Town of West Seneca, pursuant to §25 of the Town Law and §11(2) of the Public Officers Law, hereby approves the execution of a public employee’s blanket bond , covering the Supervisor, Deputy Supervisor, Town Board, Town Clerk, Receiver of Taxes and Assessments, Collector, Superintendent of Highways, Director of Finance and two (2) Town Justices for the sum of \$100,000 and be it further resolved that the undertaking shall be effective within thirty (30) days after commencement of the term on January 1, 2022.

Ayes: All Noes: None Motion Carried

40. Motion by Supervisor Dickson, seconded by Councilmember Piekarec, that the West Seneca Bee be designated as the Official Newspaper, and that the Buffalo News and The West Seneca Sun be used at the discretion of the Board.

Ayes: All Noes: None Motion Carried

41. Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, that the following titles of Town Department Heads, elected or appointed officials, and certain other full-time employees not covered by contractual provisions between the town and either the Blue or White Collar CSEA Units or the West Seneca PBA be granted extended benefits, including health and welfare fund related benefits, in accordance with the CSEA White Collar Contract or the equivalent thereof, with the exception of the Chief of Police and Assistant Chief of Police, who are granted said benefits in accordance with the West Seneca PBA Contract or the equivalent thereof. Those individuals to whom this is applicable shall include the Supervisor, Town Clerk, Highway Superintendent, two (2) Town Justices, Secretary to Supervisor, two (2) Clerks to Town Justices, Secretary to Highway Superintendent, Assessor, Director of Finance, Chief of Police, and Assistant Chief of Police. In addition to the health insurance benefits set forth in the CSEA White Collar Contract or West Seneca PBA, said elected or appointed officials shall also be entitled to the Blue Cross Blue Shield Gold Plan. The extended benefits granted to elected or appointed officials shall not include contractual wage or salary increases or other monetary allowances.

On the question, Councilmember Kims asked if there was a duplication of wording with regards to the Chief and Assistant Chief of Police. Supervisor Dickson stated they are covered under the PBA contract.

Ayes: All Noes: None Motion Carried

42. Motion by Supervisor Dickson, seconded by Councilmember Kims, that pursuant to §119(1) of the Town Law, the Town Clerk be authorized to draw warrants to pay any claims for fixed salaries, for principal and interest on bonded or refunded debt or other loans on the legal or stated compensation of Officers or

Employees of the town or accounts becoming due upon lawful contracts for periods not exceeding one (1) year from January 1, 2022.

Ayes: All Noes: None Motion Carried

43. Motion by Supervisor Dickson, seconded by Councilman Cantafio, that the town continue its Procurement Policy in the manner set forth in the Procurement and Purchasing Policy adopted by the Town on July 27, 2015.

Ayes: All Noes: None Motion Carried

44. Motion by Councilmember Breidenstein, seconded by Councilmember Kims, that all vouchers for claims upon the town shall be acceptable for audit, in the manner set forth in the Procurement and Purchasing Policy adopted by the Town on July 27, 2015.

Ayes: All Noes: None Motion Carried

45. Motion by Councilmember Breidenstein, seconded by Piekarec, that the mileage rate allowed to public officials and town employees be the same as the Federal Internal Revenue regulations and in the manner set forth in the policy adopted by resolution of the Town Board.

Ayes: All Noes: None Motion Carried

46. Motion by Councilmember Breidenstein, seconded by Councilmember Kims, that Petty Cash Funds/Change Funds be created as follows:

Accounting and Financial Consult. Services:	\$250
Town Clerk:	\$350
Receiver of Taxes:	\$500
Highway Superintendent:	\$250
Police Confidential Investigation:	\$2,500
Police Department:	\$500
Recreation:	\$250
Justice Court:	\$250
Senior Citizens:	\$200

Ayes: All Noes: None Motion Carried

47. Motion by Councilmember Breidenstein, seconded by Councilmember Cantafio, that the Town Hall offices be open 9:00 A.M. to 5:00 P.M. five days per week unless otherwise restricted by the Town Board.

Ayes: All Noes: None Motion Carried

48. Motion by Councilmember Breidenstein, seconded by Supervisor Dickson, that the West Seneca Senior Center be open to the public 8:30 A.M. to 4:30 P.M. Monday through Friday unless otherwise restricted by the Town Board.

Ayes: All Noes: None Motion Carried

Monday, August 1, 2022	6:00 PM	Town Board Meeting
Monday, August 15, 2022	6:00 PM	Town Board Meeting
Monday, August 29, 2022	6:00 PM	Town Board Meeting
Monday, September 12, 2022	6:00 PM	Town Board Meeting
Monday, September 26, 2022	6:00 PM	Town Board Meeting
Wednesday, October 5, 2022	6:00 PM	Town Board Work Session on 2023 Budget
Thursday, October 6, 2022	6:00 PM	Town Board Work Session on 2023 Budget (if necessary)
Thursday, October 13, 2022	6:00 PM	Town Board Meeting
Wednesday, October 19, 2022	6:00 PM	Public Hearing on 2023 Budget
Monday, October 24, 2022	6:00 PM	Town Board Meeting
Monday, November 7, 2022	6:00 PM	Town Board Meeting
Monday, November 21, 2022	6:00 PM	Town Board Meeting
Monday, December 5, 2022	6:00 PM	Town Board Meeting
Monday, December 19, 2022	6:00 PM	Town Board Meeting

Special meetings shall be held at the call of the Supervisor or of the Town Clerk of the Town of West Seneca upon written request of at least two members of the Town Board. Notice, in writing, stating the time, place and purpose of the special meeting shall be served personally upon each member of the Board at least 48 hours before the date fixed for holding the meeting. Only business specified in the notice thereof may be transacted at a special meeting. In accordance with the Open Meeting Law, the public and news media shall be given reasonable notice of any special meeting and all further executive sessions shall be public except for specific purposes allowed by law.

Ayes: All

Noes: None

Motion Carried

54. Motion by Councilmember Cantafio, seconded by Supervisor Dickson, that the Town Board subject to the provisions of Section 284 of the Highway Law, enter into an agreement with the Superintendent of Highways that moneys levied and collected in the town for the repair and improvement of highways and received from the State for State Aid for the repair and improvement of highways shall be expended pursuant the terms set forth therein.

Ayes: All

Noes: None

Motion Carried

55. Motion by Councilmember Cantafio, seconded by Councilman Breidenstein, that no town vehicles be used for personal use, and all town vehicles including the equipment in the Highway Department, be identified by decals with the exception of the Police Department vehicles used for detective work and the Police Chief's car and direct the Supervisor to ensure that decals are placed on all cars except those mentioned. Town vehicles for take home use shall be provided to the Chief of Police, Highway Superintendent, and Supervisor. Town vehicles shall not leave the Town limits except for use on official town business.

On the question, Supervisor Dickson stated he does not have a town vehicle.

Ayes: All

Noes: None

Motion Carried

56. Motion by Councilmember, seconded by Councilmember Kims, that no town equipment may be used for personal use.

Ayes: All

Noes: None

Motion Carried

57. Motion by Councilmember Cantafio, seconded by Councilmember Breidenstein, that the Town Board sets the following rules relating to use of Highway personnel and equipment for emergencies:

- a. West Seneca Highway Department is authorized to provide for emergency assistance to the local school systems, fire districts and other municipalities, if personnel or equipment are requested; and
- b. An emergency must exist and have been declared in the Erie County municipality requesting assistance; and
- c. Highway Superintendent will promptly notify the Supervisor of such action. A written summary will be immediately given to the Town Clerk and Town Attorney outlining the details of the emergency service, including the Emergency Operations Center; and
- d. Town equipment will be operated by West Seneca employees in the majority of work situations. However, slow-moving vehicles (roller), stationary equipment (air compressor or pumps) and light tools may be loaned to another Highway Department to be used and operated by their employees and fees may be assigned to the Municipality that receives long term aid; and
- e. West Seneca Highway Superintendent is authorized to request aid from other towns in Erie County. Non-West Seneca personnel and equipment will work under the supervision of the West Seneca Highway Superintendent.

Ayes: All

Noes: None

Motion Carried

58. Motion by Councilmember Cantafio, seconded by Councilmember Kims, that Mark Koller be appointed as the town's Fair Housing Officer & Affirmative Action Officer effective January 1, 2022, at an annual stipend of \$1,200 and further direct Mr. Koller to submit a yearly report documenting matters handled.

Ayes: All

Noes: None

Motion Carried

59. The Town Clerk announces that Margaret Martin is appointed Deputy Clerk effective January 1, 2022, at an annual stipend of \$2,500.

60. The Highway Superintendent announces that Kevin Smith is appointed Deputy Highway Superintendent effective January 1, 2022, at an annual salary of \$6,000 as set in the 2022 budget and that he act in the capacity of the Highway Superintendent in the event of his absence for any reason, e.g. vacation, illness, etc.

61. The Supervisor announces the following liaison and committee appointments for the year 2022, noting that he will also be a member of each committee:

Deputy Supervisor	Amelia Greenan
Town Historian	James Pace
Engineering & Spec.	Gary Dickson
Police & Public Safety	Gary Dickson
Senior Citizens	Jeffrey Piekarec

Recreation	Robert Breidenstein
Library Advisory	Susan Kims
Highway	Robert Breidenstein
Insurance	Gary Dickson
Town Attorney	Gary Dickson
Justice Courts	Joseph Cantafio
Town Clerk's Office	Joseph Cantafio
Assessor's Office	Jeffrey Piekarec
Code Enforcement	Susan Kims
Environmental	Jeffrey Piekarec
Solid Waste	Susan Kims
Employee Assistance	Robert Breidenstein, Amelia Greenan, EBC
Human Resources	Gary Dickson
Health & Safety	Joseph Cantafio
Buildings & Grounds	Joseph Cantafio
Safety & Accident Review	Joseph Cantafio
Planning Board	Susan Kims
Zoning Board of Appeals	Jeffrey Piekarec
Finance	Gary Dickson
Fire Districts	Jeffrey Piekarec

62. Motion by Supervisor Dickson, seconded by Councilmember Piekarec , to adjourn the meeting at 7:06 P.M.

Ayes: All

Noes: None

Motion Carried



AMY M. KOBLER, TOWN CLERK

ENGAGEMENT AGREEMENT

THIS AGREEMENT, made this ____ day of January, 2022, by and between the Town of West Seneca (hereinafter referred to as the "Town") and Chris G. Trapp, Esq., a partner with Greco Trapp, PLLC (hereinafter referred to as "Counsel") that

1. Counsel shall be retained as Attorney for the Town for the period of January 1, 2022 to December 31, 2022 and any time thereafter as reappointed by specific action of the Town Board.

2. For the period of January 1, 2022 to December 31, 2022, for general municipal legal matters as set forth in the attached Exhibit A, the Town shall pay on a bi-weekly or monthly basis pursuant to the Town's regular payment schedule the annual amount of Sixty-five Thousand Dollars (\$65,000). Counsel shall not be entitled to any form of medical insurance, vacation, sick leave, personal leave, bereavement leave, or other benefits provided to other Town employees. Counsel shall not be considered an employee of the Town while acting as Attorney for the Town.

For all matters outside the annual retainer, including labor and litigation outside of Town Court, the following hourly rate schedule shall exist:

Chris G. Trapp	\$210/hour
Josephine A. Greco	\$250/hour
Partner	\$150 to \$210/hour
Associate	\$150 to \$185/hour
Paralegal	\$105/hour
Law Clerk	\$100/hour

It is the intention of the parties that the fee set forth above shall include limited matters of research and advice prior to the institution of a matter which might otherwise be considered under Exhibit B. For all matters contained under Exhibit B, the parties shall agree in advance as to the extent and nature of the service to be provided outside the retainer.

3. The Town shall be responsible for all costs and disbursements (e.g., filing fees, service fees, experts, delivery charges, copies, long distance charges, etc.) necessarily incurred on behalf of the Town by Counsel.

4. Such charges shall include the time of travel to and from counsel's downtown Buffalo office outside of the County of Erie for purposes of conducting Town business. All billings by Counsel for legal services rendered to the Town shall be submitted to the recipient designated by the Town along with a description of the work performed, the date such work was performed, the attorney performing such services, and the amount of time expended in the nearest tenth of an hour for each such service provided. Such records shall be submitted to the Town on a monthly basis.

5. In addition to the duties outlined herein, Counsel shall provide any and all other

legal duties entrusted to him by the Town Council, the Town Supervisor, or other designated Town employees.

6. Counsel shall have regular meetings with the Town Supervisor on at least a weekly basis, by way of telephone, electronic meetings (e.g., Zoom, Teams, etc.), or in person at the option of the Supervisor.

7. Counsel shall not provide any services to the Town without the prior direction of the Town.

8. The parties agree that from time to time certain legal matters may arise requiring a certain specialization which, under the New York Rules of Professional Conduct, Counsel would be compelled to refer the matter to another attorney possessing the necessary specialization. In such event, Counsel agrees to submit to the Town a recommendation for such reference. The intent of the parties herein is that all legal matters referred to outside counsel shall be the responsibility of outside counsel for the proper resolution of such matters.

9. The Town agrees to provide a sum in its budget sufficient to pay for any Counsel charges, litigation expenses, or other expenses of Counsel. In the event that said budget expenses are insufficient, the Town agrees to provide the necessary funds within a reasonable period of time following the invoicing for same by Counsel. The parties agree that a reasonable period of time will include sufficient time to allow the Town to submit such expenses as part of next year's fiscal budget.

10. Timeliness of responses on questions directed to Counsel is critical. All matters will be designated with a time expectation for a response by the Town. Unless so advised by Counsel, the general expectation shall be that a response shall be within two (2) business days. A response may be that additional time is necessary for a complete response. In the event that electronic mail is used, a copy of such request shall be sent to both Counsel and the designated legal assistant.

11. To the extent requested by the Town, Counsel shall maintain office hours in the Town Hall with which the Town shall supply appropriate equipment and furnishings, telephone, computer with access to relevant Town material, and an office.

12. The parties agree that the term of this Contract may be extended for additional annual periods by resolution of the Town Board at any subsequent reorganization meeting appointing Counsel. If no appointment is made at an annual meeting, this Agreement shall remain in full force and effect until further action by the Town Board appointing a successor.

13. Unless there is a specific approval by either the Town Board or the Town Supervisor, all matters are to be conducted directly with the Town Supervisor. The results of any work/discussion with any other Town personnel shall be forwarded to the Supervisor at the same time such information is provided to the other Town personnel.

Town of West Seneca

Greco Trapp, PLLC

Hon. Gary Dickson, Supervisor

Chris G. Trapp, Esq.

EXHIBIT A

Legal Services, including, but not limited to:

- a) Negotiation and review of contracts relating to the construction and/or reconstruction of new buildings and/or other Town projects;
- b) Review of matters referred to him to determine legality of procedure, including but not limited to FOIL;
- c) Review of the Board's Policy Manual and other policies followed and proposed to be followed by the Board;
- d) Defense of all small claims matters in Court and prosecution of claims in local Town Court;
- e) Attendance by Counsel at any Regular and/or Executive Session of the Town Board or other meetings as may be requested from time to time (it is understood and agreed that it shall not be the practice to have individuals other than Chris G. Trapp attend such meetings);
- f) Review of insurance policies and binders for coverage determinations;
- g) Review and following of any claims filed against the Town after initial notification by Town personnel to the insurance company;
- h) Research and render opinions with regard to legal matters relative to the Town including, but not limited to, the provision of police and fire services, matters involving the Highway Department, cable television services, water/sewer operations, land use, Planning Board, Zoning Board of Appeals, code enforcement, bankruptcy, easements, and zoning;
- i) Handling any aspects of real estate transactions including the sale and purchase of real property (except disbursements);
- j) Rendering opinions with regard to permissive and mandatory referendum;

- k) Preparation and filing of local laws;
- l) Advising the Town with regard to Section 913 examinations under the Education Law;
- m) Review of medical records;
- n) Rendering of assistance with Board of Ethics;
- o) Assistance with Shared Services agreements; and
- p) Negotiation of non-employment contracts;
- q) Review of all contracts issued to consultants, including but not limited to, architects, construction managers, and engineers;
- r) Review and reporting on relevant case law and statutory law applicable to the Town;
- s) Review of any and all Constitutional issues presented to the Town;
- t) Review of unemployment and worker compensation claims not including attendance at any hearings;
- u) Preparation of annual audit response;
- v) Act as liaison to other local municipal legal counsel;
- w) Such other duties as may be assigned.

EXHIBIT B

Matters for Which Additional Compensation shall be paid by the Town:

- a) Legal counsel representing the Town before all judicial and administrative forums, including, but not limited to, Public Employment Relations Board, Equal Opportunity Commission, New York State Division of Human Rights, State of New York Unemployment Division, Workers' Compensation Board and any state and/or Federal Court;
- b) Handling of all grievance arbitrations, as requested;
- c) Handling disciplinary hearings under Civil Service Law;

- d) Preparation of all documents relative to issuance of any BAN and/or TAN, including any resolutions relating thereto;
- e) Handling all aspects of harassment investigations and prosecution;
- f) Negotiation of labor contracts;
- g) Defense of tax certiorari proceedings provided, however, that an initial review shall be provided under the retainer so that the Town can make a decision with respect to undertaking the defense or negotiating a settlement prior to Court.