

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

<b>ROLL CALL:</b>	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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**MINUTES TO BE APPROVED**

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to approve Minutes #2021-25 of December 13, 2021.

Ayes: (3) Supervisor Dickson	Noes: None	Motion Carried
Councilmember Cantafio		
Councilmember Piekarec		

Abstained: (2) Councilmember Breidenstein  
    Councilmember Kims

**NEW BUSINESS**

**1-C COMMUNICATIONS TO BE VOTED ON**

8. Chief Baker re Appointment of Daniel Foster to rank of Detective

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to terminate Daniel Foster as Police Officer and appoint him to the rank of Detective effective January 4, 2022, at an annual salary of \$96,585.65 and further authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All	Noes: None	Motion Carried
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9. Chief Baker re Appointment of Joseph Reidy, Jr. to rank of Detective

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to terminate Joseph Reidy, Jr. as Police Officer and appoint him to the rank of Detective effective January 4, 2022, at an annual salary of \$96,585.65 and further authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All	Noes: None	Motion Carried
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**PUBLIC COMMENTS ON NEW BUSINESS**

A resident referred to the contract with the new Town Attorney at \$65,000 and stated the smaller city of East Lansing, Michigan, spent \$300,000 to \$500,000 per year, and asked where additional funds beyond \$65,000 would come from. Councilman Piekarec stated the town may use difference between the prior salary and the savings of healthcare coverage. The resident asked if it was realistic to expect the cost not to exceed \$110,000 and what would happen if there was a conflict of interest. Councilman Piekarec stated labor law and assessment challenges are currently contracted out and the town has options if a conflict arises. Supervisor Dickson stated the town can adjust should a need arise. An item on the agenda will address the current residency restrictions to allow for a larger pool of attorneys that would be eligible for the town to select from. The resident referred to the Citizens Advisory Committee that reviewed this subject and asked if a study was ever done. Councilmember Kims stated that committee has not met in over a year. Supervisor Dickson stated he is confident this will save the town money and the town is getting a very capable attorney. Mr. Trapp explained his billing practices and reassured everyone that he will be attending all meetings.

**NEW BUSINESS**

**1-A ANNOUNCEMENT**

1. Councilman Breidenstein re Appointment of Georgiann Busse to the Senior Services Advisory Board

**1-B DISCUSSION**

1. Supervisor Dickson re Local Law No. 2022-01 – Expanding residency requirements for the positions of Town Attorney, Deputy Town Attorney, and Town Prosecutor

Supervisor Dickson explained this would allow an Erie County resident to be eligible to be the Town Attorney for West Seneca.

2. Councilmember Piekarec re Term limits – Councilmember Piekarec would like to re-introduce his proposal to the new Town Board members.

Councilmember Kims stated she would like to see the term limits set to two terms, excluding the Town Board members currently in the middle of their terms, and applicable to all elected positions.

Councilmember Breidenstein stated during his campaign he received feedback from residents who would like term limits to be brought up again and he will support limits for Town Board members only.

Councilman Cantafio stated he does not oppose term limits but is still unsure if this should include all councilmembers and the Supervisor, or just the council members; another concern was the wording that could allow previous council members that served multiple terms to run again.

Supervisor Dickson stated he would not be opposed to Councilmember Kims version but there would have to be favorable public opinion to include the Town Clerk and Highway Superintendent positions. Councilmember Breidenstein stated he would support public opinion also, but his opinion was to not include the Town Clerk and Highway Superintendent positions in the term limits law.

3. Councilman Piekarec re Council appointment to the Internal Audit Committee – Councilmember Piekarec asked the current Town Board members for a volunteer. Councilmember Breidenstein stated he will fill the open position.

Motion by Councilmember Piekarec, seconded by Supervisor Dickson, to appoint Councilmember Breidenstein to the Internal Audit Committee for a two (2) year term beginning January 1, 2022, and ending December 31, 2023.

Ayes: All

Noes: None

Motion Carried

4. Councilman Piekarec re Selection of Chairperson and Secretary to the Internal Audit Committee

Motion by Councilmember Piekarec, seconded by Councilmember Kims, to appoint Councilmember Piekarec as Chairperson and Councilmember Breidenstein as Secretary to the Internal Audit Committee effective January 1 through December 31, 2022.

Ayes: All

Noes: None

Motion Carried

**1-C COMMUNICATIONS TO BE VOTED ON**

1. Supervisor Dickson re Hiring of public adjuster for the Highway Department Fire

Motion by Supervisor Dickson, seconded by Councilmember Kims, to authorize the Supervisor to sign a compensation agreement with Buffalo Public Adjusters.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Dickson re Appointment of Mary McGuire to the Internal Audit Committee

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to appoint Mary McGuire to the Internal Audit Committee.

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re Municipal agreement with the Town of Cheektowaga

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to authorize the Supervisor to enter into a shared services agreement with the Town of Cheektowaga for use of a snowplow.

Ayes: All

Noes: None

Motion Carried

4. Town Attorney re Hourly rate of part-time Legal Clerk Diane Webber

Motion by Supervisor Dickson, seconded by Councilmember Kims, to change the hourly rate of pay of part-time permanent Law Clerk Diane Webber to \$21 per hour 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. Highway Sup't re Hourly rate of pay for part-time Sanitation employees

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to change the hourly rate of pay for all part-time Sanitation employees to \$14.45 per hour 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

6. Highway Sup't re Retirement of Highway Laborer Anthony Varisco

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to accept the retirement of Highway Laborer Anthony Varisco effective January 4, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

7. Highway Sup't. re Retirement of Highway Laborer William Wojtowicz

Motion by Supervisor Dickson, seconded by Councilman Breidenstein, to accept the retirement of Highway Laborer William Wojtowicz effective January 4, 2022, and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

10. Chief Baker re Court Security Officer hourly rate

Motion by Supervisor Dickson, seconded by Councilmember Kims, to change the hourly rate of part-time permanent Court Security Officers to \$22 per hour and the part time permanent Court Security Officer (Scheduling) to \$23 per hour effective January 1, 2022, and further authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

11. Town Clerk re Hourly rate of part-time Cashier Donna Ferron

Motion by Supervisor Dickson, seconded by Councilmember Cantafio, to change the hourly rate of pay of part-time permanent Cashier Donna Ferron to \$17 per hour 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





Highway Garage.

Councilman Piekarec suggested changing the wording of motion to reflect the partial demolition of the Highway Garage.

Mr. Tanner explained the select demolition is an emergency and the Town Board needs to suspend some of the rules and requirements of a formal bidding process including compressing the timeline in which bids are received and advertising in the newspaper. The goal is to open bids on January 18, 2022 and bid documents will be available in an electronic form with the additional requirement that all potential bidders attend a pre-bid walk through at the demolition location. Mr. Tanner also stated the Town Board announced to the public during the special meeting this is an emergency.

Supervisor Dickson withdrew his motion.

Supervisor Dickson questioned Mr. Tanner on the status of the re-bidding of the Town Hall Sign replacement project. Mr. Tanner stated the Town Board did reject all bids from the second bid and he is working on changes to the specifications for the third bid and a new bid date will be set.

### **1-D APPROVAL OF WARRANT**

Motion by Supervisor Dickson, seconded by Councilmember Kims, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$503,670.47 and \$5,195.13; Highway Fund - \$355,205.89; Sewer District - \$12,414.71 and \$1,003.81; Gas Conversion Lighting Districts - \$132.86 and \$17.91; Electric Lighting Districts - \$11,882.75 and \$63.44; Capital Fund - \$7,050.00 (vouchers 22005 and 22301 and 213353 - 22413)

Ayes: All

Noes: None

Motion Carried

### **1-E REPORTS FOR FILING**

- Amy M. Kobler, 2021 Year End Receiver of Tax Report –Town and County and School Tax received and filed.

### **ISSUES OF THE PUBLIC**

A resident had the following comments/questions:

- Thanked everyone who supported the West Seneca Cares project
- Referred to the salaries of the Supervisor, Town Clerk, and Highway Superintendent and stated all the salaries were cut by the former Supervisor after the election in 2019 and no prior notice was given to those elected; further, any time salaries are to be cut notice should be given to those people running for office. Supervisor Dickson stated they were aware of the salary cuts in October of 2019.
- Questioned the status of the Deer Task Force – Councilmember Cantafio stated the December meeting was cancelled due to Covid, the task force is continuing to gather information and the members are working very hard. There is not an easy answer to the issue and there will be a presentation to the Town Board with their recommendations.
- Who will be in charge of the Burchfield – Highway Superintendent Adams stated he will be overseeing the Burchfield. Supervisor Dickson stated the grant is in final review by the state and they expect the grant dispersal agreement soon. The resident asked if requests for donations for the Burchfield can be

added to the tax bills. Town Clerk Kobler stated that would be against the law.

A resident and representative of the Joint Veterans Committee had the following comments/questions:

- Referred to the materials regarding the veterans' war monuments that was handed to the previous Town Attorney and questioned the whereabouts of the information – Supervisor Dickson stated he will discuss this with Mr. Trapp and anticipates a resolution.
- Bricks for Veterans are on sale until February 15, 2022.

A resident had the following questions:

- Referred to item No. 20 from the Reorganization Meeting and asked if Planning Board and Zoning Board positions are salaried positions and missed meetings result in no pay, are they now hourly positions as a salary covers the time one spends on all related tasks involved with the position. Does this open the town to discrimination or labor law issues – Mr. Trapp stated discrimination under Department of Labor rules is more involved than how many absences occurred and depends on specific facts. The Town Board does have the discretion to withhold pay based on the circumstances of an absence and the Chair's recommendation. Councilmember Breidenstein stated the premise is if individuals are appointed to a paid position, just like unionized employees, they should report to work; this also provides oversight by the Town Board and holds the Chair and the committee members responsible for doing the work of the town. Supervisor Dickson stated this adds transparency to the process.
- Was the contract for the new grant writer reviewed by either the previous or new town attorney – Supervisor Dickson stated the contract was not reviewed by an attorney.
- Will the agreement with the new attorney be posted online, is it normal that it was not posted, and was it reviewed by an attorney -Supervisor Dickson stated yes, the agreement will be posted online, and it was reviewed by the Supervisor Dickson, Councilmembers Kims and Breidenstein, and Mr. Trapp; the entire Town Board had the contract prior to the meeting.
- Were any West Seneca firms or solo practitioners considered for Town Attorney – Supervisor Dickson stated three prominent firms very active in municipal law were interviewed, there were no firms of their stature in West Seneca. Supervisor Dickson looked at solo practitioners two years ago and there are no new candidates.

A resident questioned why Adjusters International/BLC was not asked and/or allowed to submit a proposal after meeting with the Chief of Staff and asked for reconsideration by the Town Board – Chief of Staff, Amelia Greenan stated she did not have a formal meeting with the representative but did receive their information and passed it on to the Supervisor. Supervisor Dickson stated the two companies that were considered came to the Highway Garage, and both offered very qualified experience to select between.

## **COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

### **Recreation Supervisor**

- Now hiring for Summer 2022, please refer to the website.

### **Director of Finance Straus**

- Working on closing the 2021 fiscal year and an accounting code has been created to track expenditures related to the fire.

### **Highway Superintendent Adams**

- Currently going through the inventory and working with the insurance companies, engineers, and



adjusters.

- Determined that they are down ten (10) plow trucks but have secured seven (7) trucks from surrounding municipalities.
- Snow is forecasted for Wednesday into Thursday and a dry run was held today to prepare but asks for patience from residents.

**Councilmember Piekarec**

- Recognized the Civic and Patriotic Commission and all involved for the Christmas Tree Lighting ceremony and the West Seneca Kiwanis Club for collecting items for the victims in Kentucky.

**Supervisor Dickson**

- For the public's information, the other two law firms were Hodgson Russ and Webster Szanyi. Hodgson Russ did not provide a quote and the quote received from Webster Szanyi was very high; the only realistic quote was from Greco Trapp LLC.
- After doing their due diligence, Supervisor Dickson and Councilman Bauer found that Clark Patterson Lee is the best value for the town.
- Erie County has at-home test kits and the first wave went to schools, anticipates the towns will receive tests

**Councilmember Breidenstein**

- Noted the Town Board saved \$51,300 through the decisions during the reorganization meeting.
- Will be proposing a standardized process for full time elected officials to receive pay increases.

**Town Clerk Kobler**

- Tax bills are being mailed out
- Town Clerk and Assessor's offices will be at the Senior Center on February 8, 2022, collecting taxes and exemption forms.

**Town Engineer Tanner**

- The select demolition of the Highway Garage will be followed by an inspection of the walls and any repairs can be bid publicly; followed by decisions about replacing or finding a new location for the garage.

**Director of Senior Services Stanek**

- A booster shot clinic will be held on January 6, 2022, an appointment is needed.
- A dance will be held on January 14, 2022.

**ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to adjourn the meeting at 8:42 P.M.

  
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**AMY M. KOBLER, TOWN CLERK**