

TOWN OF WEST SENECA



Robert J. Breidenstein  
Town Councilman

**TOWN SUPERVISOR**  
Gary A. Dickson  
**TOWN COUNCILMAN**  
Jeffrey A. Piekarec  
Joseph J. Cantafio  
Susan K. Kims  
Robert J. Breidenstein

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To: Supervisor Gary Dickson  
Council Member Jeff Piekarec  
Council Member Joe Cantafio  
Council Member Susan Kims  
Town Clerk Amy Kobler  
Highway Superintendent Brian Adams

From: Council Member Robert Breidenstein

Re: Meeting Excusal Guidance: ZBA & Planning Board

Date: February 27, 2022

On January 20, 2022, the Town Council began a public discussion on approved absences for the Zoning Board and Planning Board to comply with the January 3, 2022 resolution. The work performed by these conscientious individuals is of immeasurable benefit to the town, our business community and taxpayers.

To be fair there are instances where the Chairman's excusal from a scheduled meeting is entirely warranted, appropriate and justified. I have received input from members of the Town Council, respective Boards and community members. I have also consulted with our Town Attorney, Mr. Trapp and submit the attached proposal for your consideration to provide guidance to the chairs.

Thank you for your consideration and support.

Sincerely,

*Robert J. Breidenstein*  
Town Councilman

Cc: A. Greenan

**WHEREAS**, the Town of West Seneca, annually appoints and/or re-appoints community members to serve on the Zoning Board of Appeals (ZBA) or the Planning Board (Planning); and

**WHEREAS**, community members who serve on the ZBA or Planning Boards are allocated an annual stipend for their work on said committees to represent the interests of the town; and

**WHEREAS**, said committees interact with the community in accordance with Open Meeting Laws to present their findings, rulings and implementation of Town Ordinances, County Code and State Statutes, and;

**WHEREAS**, the respective ZBA and Planning Board Chairperson sets committee meeting dates, meeting agendas, and insures an accurate recording of minutes;

**WHEREAS**, committee members are reasonably expected to attend meetings and participate in the process;

**WHEREAS**, the Chairman has a historic responsibility to authorize excusals of members of respective committee; and

**WHEREAS**, there is no current guidance on what constitutes a reasonable, prudent and valid excusal of a committee member(s) from attending a scheduled committee meeting to interact with the community in accordance with Open Meeting Laws; and

**WHEREAS**, on January 3, 2022, the Town Board approved a resolution requiring the Chairman of the ZBA and Planning Board to provide further written justification to the Town Board to quantify the absence of an appointed committee member from a meeting without having said absent committee member have stipend reduced; and

**WHEREAS**, the Committee Chairman has the authority to request payment (1/12) of stipend for an absent committee member in writing to the Town Board; and

**WHEREAS**, the following guidance is provided to chairman-

**A. Automatic excusal without a loss of a portion of stipend:**

- COVID Quarantine from County DOH
- Hospitalization
- Medical Excusal from physician
- Death in immediate family
- Committee meeting date/time changed without 72 hours notice to member

**B. Excusals requiring Town Board approval:**

- Unexcused absence
- Travel
- Work Conflicts
- Vacations
- Personal Conflicts
- Other reasons not listed above under item A