

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. followed by the changing of the colors from Marine Corps League Detachment 239 to Navy Seabee Veterans of America Island X5 and the Pledge of Allegiance led by Supervisor Meegan.

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 Mary Lawn, Phyllis Rush, Kathleen Neenan, Thomas Inman, Dolores Stefaniak, John McManus, Gary Woodward and Angela Biber.

2-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve minutes from the January 2, 2019 reorganization meeting.

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2019-01 of January 2, 2019.

Ayes: All Noes: None Motion Carried

2-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 AND SPECIAL PERMIT FOR PROPERTY LOCATED AT 1412 RIDGE ROAD, BEING PART OF LOT NO. 289 (INCLUDING SUBLOTS, 34, 35, 36 & 37), CHANGING ITS CLASSIFICATION FROM C-1 TO C-2(S), FOR AN AUTOMOTIVE REPAIR SHOP" 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

2-B LEGAL NOTICES

1. (continued)

J Randy Steiner stated his proposal to open an AAMCO Transmission shop in the vacant building at 1412 Ridge Road. The site has been an eyesore for years and the petitioner is seeking to turn the building into a quality auto repair shop. The property was last used as a Midas Muffler shop so the proposal is for the same type use. Plans for the building include resurfacing and repainting the front and removal of all plywood and replacement of glass. Outdoor lighting on the utility pole will be downward facing towards the building and away from the street and abutting neighbors. A 6' high fence on the eastern boundary will be installed as directed by the Planning Board. The broken pole sign will be removed and the front lot will be repaved. The overhead doors have already been replaced and there will be no new construction. The adjacent property to the east has been secured to meet zoning requirements for 18 parking spaces. A topographical study was submitted and the drainage issue in the rear of the property has been taken care of by tying in the downspout to the storm sewer. The receiver in the front lot has been replaced which took care of the standing water issue. Town Engineer David Johnson has approved the engineering.

Councilman Hanley thanked Mr. Steiner for taking on the project and cleaning up the property. He commented on lack of a sidewalk on the east side of the property and questioned if Mr. Steiner was willing to install 20' of sidewalk. Mr. Steiner stated he planned to either have a paving contractor put blacktop there or have a concrete contractor install a sidewalk on the east side.

No comments were received from the public.

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 Hart, to adopt the following resolution pursuant to the State Environmental Quality Review Act:

WHEREAS, the Town of West Seneca (the "Town") received an application for rezoning and special permit from J Randy Steiner for property located at 1412 Ridge Road, being part of Lot No. 289, changing its classification from C-1 to C-2(S) for an auto repair shop; and

WHEREAS, the Planning Board, in compliance with the State Environmental Quality Review Act and Environmental Conservation Law, has reviewed this action; and

WHEREAS, the town reviewed the short environmental assessment form prepared and signed by the applicant; now, therefore, be it

2-B LEGAL NOTICES

1. (continued)

RESOLVED, based upon an examination of the short environmental assessment form the town determines the proposed action is not anticipated to result in any significant negative effect on the environment and a Negative Declaration is hereby issued.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt local law #2019-01 approving a rezoning and special permit for property located at 1412 Ridge Road, being part of Lot No. 289 (including sublots, 34, 35, 36 & 37), changing its classification from C-1 to C-2(S), for an automotive repair shop, conditioned upon installation of a 6' high board on board fence on the west side setback 30' and extending the entire length to the rear corner and a sidewalk to be installed on the east side of the building.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2-C PUBLIC COMMENTS ON COMMUNICATIONS

- A resident commented/questioned the following:
 - ✓ Item 2-D (1) and asked if the Town Board planned to act on this - Councilman Hart stated he has had discussions on this with newly appointed Town Attorney Tina Hawthorne and they plan to schedule a public hearing in March.
 - ✓ Item 2-E (2) regarding payment to Chamber of Commerce – Councilman Hart stated the payment is made to the Chamber of Commerce for Gerald Hathaway's services.
 - ✓ Item 2-E (4 - 6) regarding the appointment of part-time laborers in the Buildings & Grounds Department and the full-time appointment of Thomas Schappert - Supervisor Meegan responded Mr. Schappert's appointment fills a position that is vacant due to a retirement. She believed Highway Sup't. Matthew English is replacing some part-time laborers and will check with him and get back to the resident.

2-D TABLED ITEMS

1. Councilman Hart re Revision to Chapter 120 – Zoning Article IIA Industrial Park Overlay District Remained on the table

2-D TABLED ITEMS

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| 2. Town Attorney re
Consideration of Bid award
for Collection & processing of
Recyclables | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to award the bid for collection and processing of
recyclables to Modern Recycling for their Option 1 bi-
weekly collection bid of \$42.21 per unit, annual cost of
\$696,465 based on 16,500 units served. |
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Ayes: All Noes: None Motion Carried

Town Attorney Tina Hawthorne advised that Mr. Hickman of Modern Recycling will be available for the February 11th 3 P.M. work session to help with public outreach on the transition to bi-weekly collection. Citizens can also view the session via YouTube and there will be flyers, newsletters and other informational meetings scheduled.

2-E COMMUNICATIONS

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| 1. Town Attorney re
Appointment of Tina
Hawthorne as Town
Prosecutor | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to appoint Tina Hawthorne as Town Prosecutor
without remuneration and authorize the Supervisor to
complete and sign the necessary forms for Erie County
Personnel. |
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Ayes: All Noes: None Motion Carried

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| 2. Town Attorney re West
Seneca Chamber of
Commerce agreement | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to authorize the Supervisor to execute the
necessary documents to enter into an agreement with
West Seneca Chamber of Commerce, Inc. in consideration
of \$15,000 annually for certain services to be rendered in
2019. |
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Ayes: All Noes: None Motion Carried

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| 3. Town Attorney re WNY
Officials Association
agreement | Motion by Supervisor Meegan, seconded by Councilman
Hanley, to authorize the Supervisor to execute the
necessary documents to enter into an agreement with
Western New York Officials Association in the maximum
amount of \$4000 annually for certain officials fees related
to Little Loop Football, Inc. |
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Ayes: All Noes: None Motion Carried

2-E COMMUNICATIONS

4. Highway Sup't. re
Appointment of Neil
McCormick as part-time
laborer in Buildings &
Grounds

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Neil McCormick as part-time laborer in the Buildings & Grounds Department effective January 28, 2019 at a rate of \$11.10 per hour 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
Appointment of Colin Horan
as part-time laborer in
Buildings & Grounds

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Colin Horan as part-time laborer in the Buildings & Grounds Department effective January 28, 2019 at a rate of \$11.10 per hour 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
Appointment of Thomas
Schappert as Highway
General Crew Chief

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Thomas Schappert as Highway Crew Chief and appoint him as Highway General Crew Chief, group 7, step 5 at a rate of \$33.56 per hour effective January 28, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

7. Chief Denz re Replacement
vehicle purchase

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the purchase of three new police vehicles to replace three current police vehicles as part of the fleet replacement rotation at NYS contract pricing per Section 103, Subdivision 16, of NYS General Municipal Law, noting funding is available to cover this purchase through 2019 budgetary appropriations and outside grant funding.

On the question, Supervisor Meegan noted this purchase is partially funded through a grant from Senator Gallivan.

Ayes: All Noes: None Motion Carried

2-E COMMUNICATIONS

8. Chief Denz re CodeRED annual agreement

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the annual payment of \$23,014 to Onsolve, LLC per the signed agreement between the town and Onsolve for use and maintenance of the CodeRED reverse 911 call system, noting funds are available through the Disaster Preparedness budgetary line 1.8760.0438.

Ayes: All Noes: None Motion Carried

9. Chief Denz re Mandated police radio equipment upgrade

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the purchase of fiber optic connectivity equipment for the police radio system in the amount of \$6925, noting the upgrade has been mandated by Verizon in order to interface our radio repeater network with the installation of new equipment and the purchase can be absorbed through line 01312000.50443 to cover the expenditure with budgetary adjustments made throughout the remainder of the fiscal year.

Ayes: All Noes: None Motion Carried

10. Chief Denz re Attendance at NYS Tactical Officers training conference

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize four officers to attend the NYS Tactical Officers training conference, April 16 – 19, 2019 in Verona, NY at a cost not to exceed \$3000.

Ayes: All Noes: None Motion Carried

11. Chief Denz re Attendance at International Law Enforcement Educators and Trainers Association training

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Captain Edward Baker and one officer to attend the International Law Enforcement Educators and Trainers Association training conference March 18 – 22, 2019 in St. Louis, Missouri at a cost not to exceed \$3000, noting there are sufficient funds in the police training line 1.3120.0459 to cover this expense.

Ayes: All Noes: None Motion Carried

2-E COMMUNICATIONS

12. Town Clerk re Appointment of Anna Cedri as part-time clerk typist
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Anna Cedri as part-time clerk typist at a rate of \$15 per hour effective January 29, 2019 with part-time seasonal status effective January 29 – February 28, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Director of Finance re Senior Center funding
- Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution for the purpose of purchasing a lap top:

WHEREAS, the town was awarded funding from the County of Erie for the purpose of purchasing a lap top and screen for the senior center in the amount of \$2,500; and

WHEREAS, the cash received from this funding will be recognized in the General Fund as Other General Revenue in account 01.0001.2770; now, therefore, be it

RESOLVED, the Town Board does hereby authorize a budget amendment to the 2018 budget to increase Other General Revenue 01.0001.2770 by \$2,500 for receipt of the Erie County funding and to correspondingly increase Senior Center - Equipment 001.7620.0200 by \$2,500 for the cost of the purchase of a lap top and screen.

Ayes: All Noes: None Motion Carried

14. Recreation Supervisor re Royals Soccer – soccer field use
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Royals Soccer and the insured WNY Amateur Soccer Association, Inc., its Members National Affiliates, Leagues & Teams for use of the West Seneca Soccer Complex.

On the question, Councilman Hart questioned how the town communicates with local soccer organizations. Recreation Supervisor Lauren Masset explained the West Seneca Central School District and West Seneca Soccer Club receive first choice on the soccer fields. The next choice for use is given to WNY Flash due to their current agreement with the town and then to any third party that will file based on first come, first served filing. The scheduling is done by the West Seneca Soccer Club in conjunction with the Recreation Department.

Ayes: All Noes: None Motion Carried

2-E COMMUNICATIONS

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| 15. Recreation Supervisor re Sweet Buffalo Rocks – Easter egg hunt | Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Sweet Buffalo Rocks, Inc. for use of Harlem Road Park on April 20, 2019. |
| | Ayes: All Noes: None Motion Carried |
| 16. Recreation Supervisor re Global Premier Soccer - soccer field use | Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Global Premier Soccer and the insured NYS West Youth Soccer Association for use of the West Seneca Soccer Complex. |
| | Ayes: All Noes: None Motion Carried |
| 17. Senior Recreation Therapist of Sr. Services re Pay rate change for Jennifer Stanek | Motion by Supervisor Meegan, seconded by Councilman Hart, to change the rate of pay for Jennifer Stanek, Fitness Instructor at the West Seneca Senior Center Fitness Center to \$17 per hour effective January 2, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |
| 18. Supervisor Meegan re Opposition to elimination of AIM funding | Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution opposing the elimination of AIM funding. |
| | Ayes: All Noes: None Motion Carried
APPENDICES |

2-F REPORTS

- Jacqueline A Felser, Town Clerk’s report for December 2018 and year end & Receiver of Taxes 2018 year end report received and filed.
- Jeffrey Schieber, Code Enforcement Officer’s, building & plumbing reports for December 2018 received and filed.

2-G 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 - \$435,452.17; Highway Fund - \$145,177.41; Sewer Fund - \$7721.89; Gas Conversion - \$111.56; Electric Lighting - \$1918.27; Capital Fund - \$69,424.98 (vouchers 337 - 2367)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

- A Mill Road resident commented on the following:
 - ✓ Suggested a petition be circulated to present to Governor Cuomo regarding the decrease in local funding - Supervisor Meegan stated she will be meeting with state legislators on Wednesday to get something together on this issue.
 - ✓ Thanked the Town Board for the blinking yellow signal on Ridge Road; suggested the signal on Orchard Avenue and Union Road be changed to blinking; stated the yellow flashing light at Southgate Plaza is a distraction - Chief Denz noted the light at Orchard Avenue and Union Road is a trip signal.
- An Indian Church Road resident commented/questioned the following:
 - ✓ Cost of electrical inspector position being changed from part-time to full-time; noted the person holding the position does not hold a masters electrical license in town
 - ✓ Referred to town/county tax bill that states increase in General Fund is 8.8 percent - Councilman Hanley replied the overall tax increase was approximately three percent.
- A Leydecker Road resident that previously addressed the town regarding a neighboring tree problem stated the dead trees are still on the property and expressed concerns that they will fall on her house with the upcoming weather conditions. Code Enforcement Officer Jeffrey Baksa responded he will make phone calls in the morning and asked the resident to contact him tomorrow.
- An employee of Republic Services commented on the change in the recycling market which caused bid documents to have to be rewritten. He stated that typically there is a pre-bid procedure to allow potential bidders to review the documents, but the town did not do this. He believes there were significant irregularities in the bid and the services should be rebid. Town Attorney Tina Hawthorne stated she met with Republic Services on January 2, 2019 and they never stated anything about bid irregularities. At that time, they wanted to amend their bid after the bidding process was closed because their proposal indicated one thing and they sought to reduce by half the number in Part B for fixed fees and processing of recyclables. Mrs. Hawthorne stated the timing in which this was brought to the town's attention did not allow for the contract to be rebid. The contract expires January 31st and they cannot get an extension on the current services because the Town Board is not willing to violate General Municipal Law. Mrs. Hawthorne further suggested Republic Services have their attorney review General Municipal Law Section 103.
- A Covington Drive resident commented on the meeting room chairs having rollers and the potential for injury. Supervisor Meegan stated she is looking into getting stoppers for the chairs.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SUPERVISOR MEEGAN

- New York State is in the process of putting out a request for proposals for improvements at the Children's Psychiatric Center which will keep the facility open
- Commented on an email received from the Coalition on Open Government requesting the town support their view of the best practices of open government; Supervisor Meegan stated the town supports all the issues except for financial disclosure which they are not required to file because of the population size and the Ethics Board is currently addressing this.
- Suggested a public hearing to hear what the public would like to see done with the Burchfield Center and what repairs should be made; will look into making the forensic audit available to the public; board members agreed to schedule a public hearing in March to discuss repairs to the Burchfield Center.

RECREATION SUPERVISOR LAUREN MASSET

- Summer program registration begins Friday, Feb 1st for all valid resident ID card holders; a summer program registration event will be held Saturday, February 16th, 10:15 A.M. – 12:15 P.M.; residents will be able to obtain ID cards and valid resident ID card holders will be able to register for summer programs; West Seneca Girls Softball and West Seneca Soccer Club have agreed to join the event

CHIEF DENZ

- Thanked Senator Gallivan and Grantwriter Connie Miner for their assistance with grant money received
- Officer Anthony Serafini was selected to do a presentation on the School Resource Program at a nationwide training event.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to executive session at 8:15 P.M., pursuant to Public Officers Law, Section 105(d), to discuss pending litigation, specifically WCB Case Number G203 0867 and the Burchfield Center litigation.

Ayes: All

Noes: None

Motion Carried

The board members returned from executive session at 9:15 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:15 P.M.

Ayes: All

Noes: None

Motion Carried

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 and special permit for the following described property located at 1412 Ridge Road from its classification of C-1 to C-2(S) for an automotive repair shop:

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 289, Township 10, Range 7 of the Buffalo Creek Reservation and according to a map filed in the Erie County Clerk's office under Cover No. 1193, known and distinguished as Lot 34, 35, 36 & 37.

Whereas, this Town Board held a public hearing on the 28th day of January 2019 at 7:00 P.M., EDT in the Community Room, 1300 Union Road, in said town, to consider granting a rezoning and special permit 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 and special permit is granted and the same is hereby rezoned from C-1 to C-2(S), conditioned upon installation of a 6' high board on board fence on the west side setback 30' and extending the entire length to the rear corner and sidewalks to be installed on the east side of the building; 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

WHEREAS, Governor Cuomo's proposed 2020 NYS budget includes unprecedented cuts to unrestricted state revenue sharing program known as Aid and Incentives to Municipalities (AIM) in the amount of \$49 million, effectively eliminating the program; and

WHEREAS, funding has not been increased in the last several years as unfunded mandates and cost of town and village services have risen; and

WHEREAS, if these cuts go through, a shocking 91 percent of towns and villages will permanently lose their AIM funding; and

WHEREAS, incentives for shared services, consolidation and infrastructure remediation directed by consent orders in no way replace the needed financial assistance to fund and manage the increasing costs of day to day services and capital projects needed in sustainable town and village planning and management; and

WHEREAS, the proposal to eliminate AIM funding unfairly punishes state residents, making financial planning aligned with the NYS Tax Cap virtually impossible; and

WHEREAS, the Governor is proposing to make the Tax Cap permanent, discontinue the \$65 million in Extreme Winter Recovery Program and proposes no increase for CHIPS funding, for which there has been widespread vocal support; and

WHEREAS, the proposal to eliminate AIM funding is not proactive, but a method to cut a small percent from the state budget, yet a significant amount of revenue to town and village budgets; now, therefore, be it

RESOLVED, the Town of West Seneca along with the Association of Erie County Governments strongly opposes the elimination of AIM funding; and be it further

RESOLVED, the AIM funding benefits all of our residents not only in Erie County but throughout New York State and eliminating it could result in services, program cuts and layoffs; every dollar that the state shared is a dollar that doesn't have to be levied on the backs of the taxpayers; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Majority Leader of the Assembly Crystal Peoples-Stokes, Erie County Executive Mark Poloncarz and Erie County Legislator Joseph Lorigo.