

Supervisor Sheila M. Meegan 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 Hart.

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 Cameron Velasquez.

20-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2019-19 of September 23, 2019.

Ayes: All

Noes: None

Motion Carried

20-B LEGAL NOTICES

1. Motion by Supervisor Meegan, seconded by Councilman Hanley, 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 200 WESTMINSTER ROAD, BEING PART OF LOT NO. 206, CHANGING ITS CLASSIFICATION FROM M-2 TO M-2(S), FOR AN ONLINE AUTO SALES BUSINESS" 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

Ian Schumacher of Integrated Auto Associates, LLC requested a special permit for online used auto sales at 200 Westminster Road, noting the property previously had a special permit for automotive use. Pictures of vehicles will be posted to the Internet and potential customers will visit the site to test drive the vehicle and complete paperwork. There will be three vehicles outside and six vehicles inside. Repairs to vehicles will be completed at an auto garage on South Park Avenue in Blasdell; only detailing will be done on site. The Code Enforcement office had informed Mr. Schumacher that a fence or bushes is required on both sides of the property for screening, but one of the neighbors is against the fence and he asked if that could be changed.

20-B LEGAL NOTICES

2. (continued)

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a home occupation permit for property located at 1005 Center Road for a home bakery.

Ayes: All

Noes: None

Motion Carried

20-C PUBLIC COMMENTS ON COMMUNICATIONS

- A resident referred to the WNY Law Center agreement and questioned the following:
 - ✓ Who receives the 500 brochures that will be distributed and who puts the brochure together – Supervisor Meegan responded grant funding pays for the program and the law center puts the brochure together. People in need are identified by their own reach or by recommendation of the banking industry.
 - ✓ What does the task force do for residents – Councilman Hanley stated the task force works directly with the banks and Code Enforcement Office, transferring addresses back and forth while working as a conduit between the banks, the town and the county to keep residents in their homes. The WNY Law Center will be at the November 4th work session with a presentation. Town Attorney Tina Hawthorne stated WNY Law Center is also helpful in keeping mortgage companies accountable for properties should a home become vacant.
 - ✓ What does the town do with the information – Councilman Hanley stated the data base is shared with County Clerk Michael Kearns. Approximately six years ago there were 99 zombie homes in West Seneca and today the town is down to 23.

20-D COMMUNICATIONS

1. Supervisor Meegan re
Marriage License local fee
waiver for active duty
military members

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Town Clerk Jacqueline Felser to waive the local fee for marriage licenses and certificates in the Town of West Seneca when either applicant is on active duty as a member of the United States Armed Forces.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re
Designation of Halloween

Motion by Supervisor Meegan, seconded by Councilman Hanley, to designate Thursday, October 31, 2019 between 6:00 P.M. – 8:00 P.M. as the official night for trick or treat, noting that residents are asked to please leave their porch lights on to provide lighting and safety for the children and drivers are urged to use extra caution.

Ayes: All

Noes: None

Motion Carried

20-D COMMUNICATIONS

3. Town Attorney re WNY Law Center agreement
- Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution authorizing the Supervisor to enter into an agreement with Western New York Law Center for certain professional services to remediate vacant properties and engage community members in foreclosure prevention initiatives:

WHEREAS, recent national financial trends have increased instances of foreclosure and vacant properties; and

WHEREAS, the town has an interest in remediating vacant properties and supporting foreclosure prevention initiatives within its borders; and

WHEREAS, grant funds were made available to local governments for such services as part of a settlement between a financial institution and the State of New York; and

WHEREAS, the town has obtained grant funds and desires work with Western New York Law Center to provide services to remediate vacant properties and engage community members in foreclosure prevention initiatives; now, therefore, be it

RESOLVED, the Town Board of the Town of West Seneca authorizes the Supervisor to execute the professional services agreement between the Town of West Seneca and Western New York Law Center for certain professional services to remediate vacant properties and engage community members in foreclosure prevention initiatives.

Ayes: All

Noes: None

Motion Carried

4. Town Attorney re Abandonment of paper street – portion of Ashley Drive
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution authorizing the Town Board and Superintendent of Highways to sign a Statement of Abandonment declaring the towns abandonment of a portion of the paper street known as Ashley Drive as set forth in Schedule A of the Statement of Abandonment:

WHEREAS, the Superintendent of Highways of the Town of West Seneca certifies that certain portions of the streets and highways described in Schedule A have not been opened or worked for a period in excess of the last six (6) years and the same have never been accepted as public streets and highways of the Town of West Seneca and the same have been abandoned by the public and have never been used as public streets or highways; now, therefore, be it

20-D COMMUNICATIONS

4. (continued)

RESOLVED, pursuant to New York State Highway Law, the portions of said streets and highways described in Schedule A are declared and decreed to be discontinued.

Ayes: All

Noes: None

Motion Carried
APPENDICES

5. Town Attorney re Local Law
No. 2019-05 – Ethics Code

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for November 4, 2019 at 7:00 P.M. to repeal Chapter 13 of the West Seneca Town Code and replace it with Local Law No. 2019-05 – Ethics Code, noting the Ethics Board will plan to present on the revisions to the new code at the public hearing.

Ayes: All

Noes: None

Motion Carried

6. Town Attorney re Net
Operating Expenses Increase

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution authorizing the Town Board to adopt a 2020 budget with an annual budget increase for net operating expenses in excess of two percent:

WHEREAS, Town of West Seneca Code §5-3 limits the budgeted increase in net operating expenditures to 2% of the net operating expenditures in the adopted budget for the preceding year; and

WHEREAS, Town of West Seneca Code §5-3 permits the Town Board to adopt a resolution setting forth the annual budget increase for net operating expenditures may exceed the 2% prior to adopting each annual budget; and

WHEREAS, the Town of West Seneca having experienced a large increase in operating expenditures for recycling services; now, therefore, be it

RESOLVED, the Town Board of the Town of West Seneca authorizes the adoption of an annual 2020 budget that exceeds 2% of the net operating expenditures that were adopted in the preceding budget.

Ayes: All

Noes: None

Motion Carried

20-D COMMUNICATIONS

7. Highway Sup't. re
Termination of Chad Lomas
as part-time laborer in
Buildings & Grounds

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Chad Lomas as part-time laborer in Buildings & Grounds effective September 7, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

8. Chief Denz re Appointment of
John Pingitore as Public
Safety Dispatcher

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate John Pingitore as part-time Public Safety Dispatcher and appoint John Pingitore as Public Safety Dispatcher effective October 8, 2019 at the annual salary of \$43,650.72 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
Appointments for fall/winter
programs

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Joseph Cjenza as part-time Recreation Attendant at a rate of \$13.25 per hour; Brian Gorman and Joe Gorman as part-time Recreation Attendant at a rate of \$12.50 per hour; and Jacob Fuqua, Brennan Garvey, Luke Lester and Thomas Pazderski as part-time Recreation Attendants at a rate of \$12 per hour effective October 15, 2019 – May 31, 2020, noting these positions will be paid from Salary of Laborers – Part-Time Acct. 001.7140.0149.

Ayes: All Noes: None Motion Carried

10. Town Justices re JCAP
application

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Town of West Seneca Court to complete and submit the necessary application for the JCAP grant in the 2019-2020 cycle up to \$30,000.

Ayes: All Noes: None Motion Carried

20-E REPORTS

- Jacqueline A Felser, Town Clerk's report for September 2019 received and filed.

20-F 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 - \$221,748.81; Highway Fund - \$57,531.46; Sewer Fund - \$1,973.85; Water District - \$166,600.00; Electric Lighting – \$367.45; Capital Fund - \$90,680.52 (vouchers 5689 - 7852)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

- A resident commented/questioned the following on the development of 945 Center Road:
 - ✓ What fines and/or penalties exist under the current Tree Ordinance – Town Attorney Tina Hawthorne advised the fine is \$250 per summons as opposed to per tree and it is possible to issue multiple summons.
 - ✓ Why has the town not issued summons - Councilman Hanley stated the issue of clear cutting is currently a federal issue because the property is located in federal wetlands. There is a process to be completed before it comes back to the Town Board.
 - ✓ A stop work order was not issued until three weeks after work was done - Councilman Hanley stated the Code Enforcement Office immediately started the process. The Army Corp of Engineers will decide what must be done by the developer.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SENIOR RECREATION THERAPIST OF SENIOR SERVICES

- Annual Health Insurances and Services Fair will be held October 18th, 9 am – noon; flu shots will be available

RECREATION SUPERVISOR LAUREN MASSET

- Teen basketball, adult basketball and adult walking laps programs have started
- Enchanted Path and Christmas with Santa events are upcoming
- Open interviews will be held Wednesday, October 9th, 3 P.M. – 4 P.M., for positions in the fall/winter recreation programs; staffing is needed for the open public skate program and youth gym program; two supervisor positions are available at the ice rink as well as six to eight rink guards

CODE ENFORCEMENT OFFICER JEFFREY BAKSA

- Commented on a situation with an extensive Christmas display and suggested a no cost variance to set times, height, amount of light, etc. Councilman Hanley stated the Town Board is being asked to look at the situation.

WEST SENECA COMMUNITY CENTER
1300 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
Minutes #2019-20
October 7, 2019
Page eight . . .

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

COUNCILMAN HART

- Read a proclamation in recognition of Breast Cancer Awareness Month in October.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 7:40 P.M.

Ayes: All

Noes: None

Motion Carried



JACQUELINE A FELSER, TOWN CLERK

2019 OCT -8 AM 11:41

STATE OF NEW YORK
COUNTY OF ERIE : TOWN OF WEST SENECA

STATEMENT OF ABANDONMENT

For the abandonment of a certain right of way in the Town of West Seneca

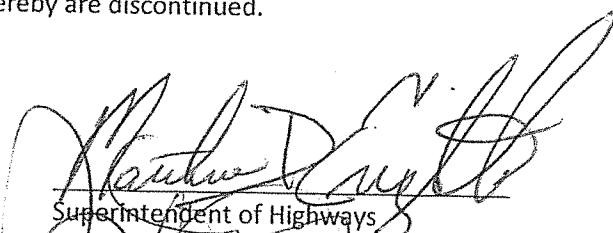
The undersigned, the Town Superintendent of Highways of the Town of West Seneca, County of Erie and State of New York, DOES HEREBY CERTIFY that certain portions of the streets and highways, hereinafter described, have not been opened or worked for a period in excess of the last six (6) years, and that the same have never been accepted as public streets and highways of the Town of West Seneca, and that the same have been abandoned by the public and have never been used as public streets or highways, to wit:

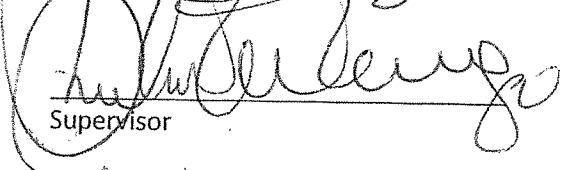
SEE ATTACHED SCHEDULE "A"

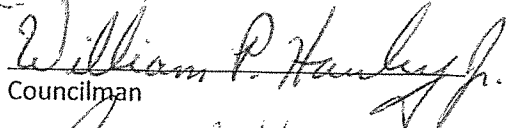
WE, the undersigned members of the Town Board of the Town of West Seneca, constituting the whole or a majority thereof, DO HEREBY CONSENT to the making and filing of this Certificate and do hereby sign the same.

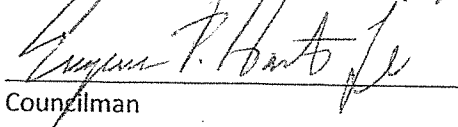
Pursuant to 205 of the Highway Law of the State of New York, said portions of said streets and highways described above are hereby declared and decree by me, the undersigned Superintendent of Highways of the Town of West Seneca, to be and hereby are discontinued.

Dated at West Seneca, NY
This 7th day of October, 2019


Superintendent of Highways

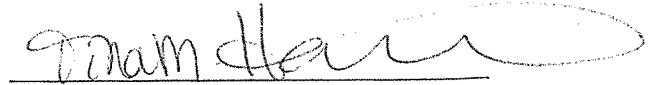

Supervisor


Councilman


Councilman

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

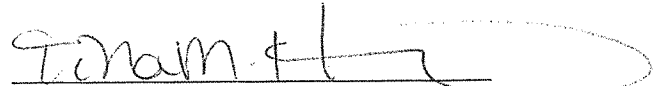
On the 7th day of October, 2019 before me, the undersigned, personally appeared Sheila Meegan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



TINA M. HAWTHORNE
Notary Public, State of New York
Reg. No. 01HA6086906
Qualified in Erie County
My Commission Expires Feb. 3, 2023

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

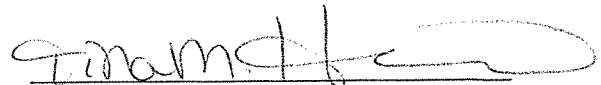
On the 7th day of October, 2019 before me, the undersigned, personally appeared Matthew English, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



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STATE OF NEW YORK) ss:
COUNTY OF ERIE)

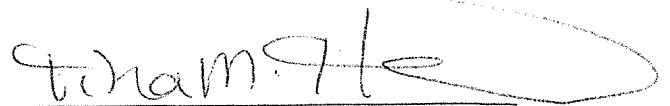
On the 7th day of October, 2019 before me, the undersigned, personally appeared Eugene Hart, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



TINA M. HAWTHORNE
Notary Public, State of New York
Reg. No. 01HA6086906
Qualified in Erie County
My Commission Expires Feb. 3, 2023

STATE OF NEW YORK) ss:
COUNTY OF ERIE)

On the 7th day of October, 2019 before me, the undersigned, personally appeared William Hanley, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



TINA M. HAWTHORNE
Notary Public, State of New York
Reg. No. 01HA6086906
Qualified in Erie County
My Commission Expires Feb. 3, 2023

Schedule "A"
Street Abandonment
Portion of Ashley Drive
West Seneca, NY

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of West Seneca, County of Erie, State of New York, being part of Lot 387, Township 10, Range 7 of the Buffalo Creek Reservation, more particularly described as follows:

BEGINNING at a point in the northeast corner of Sublot 29 Map Cover 2525;

THENCE southerly along the easterly line of said Subdivision Lot 29 a distance of 134.00 feet to the south line of Lot 387, Township 10, Range 7;

THENCE easterly and along the south line of Lot 387, Township 10, Range 7, a distance of 60 feet to the southwest corner of Sublot 28 Map Cover 2525;

THENCE northerly and along the west line of Sublot 28 Map Cover 2525 a distance of 130 feet to the northwest corner of Sublot 28 Map Cover 2525;

THENCE westerly and parallel to south line of Lot 387, Township 10, Range 7 a distance of 60 feet to the point or place of beginning.

Described parcel contains 0.25 acres more or less and is subject to all easements, right of ways and restrictions of legal record.

0.08 - 1 inch	0.58 - 7 inches
0.17 - 2 "	0.67 - 8 "
0.25 - 3 "	0.75 - 9 "
0.33 - 4 "	0.83 - 10 "
0.42 - 5 "	0.92 - 11 "
0.50 - 6 "	1.00 - 12 "

OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

ASHLEY DRIVE

(60.00 WIDE)

(LANCELOT LANE)

FND. I.P.
ON LINE
0.07'S.

CATV BOX
0.97'S, 0.05'E.

SET I.P.

80.00'

NYLEX BOX 2
1.28'S, 1.45'W

TRANSFORMER
ON LINE
4.32'S.

15' WIDE UTILITY
EASEMENT
L 9944, P. 521

30°

NO. 68



40.33'

44.32'

6.59'

20.64'

9.0'

13.65'

20.46'

GAR.

18.66'

FRAME
HOUSE

32.31'

134.00'

134.00'

52.96'

20.43'

(UNIMPROVED)

(60.00 WIDE)

R.O.W.

539.92 TO
S.W. CORNER
COVER 2525

15' WIDE STORM EASEMENT

30°

FND. I.P.

80.00'

SET I.P.

S. LINE LOT 387, T.10, R.7

TOWN OF WEST SENECA
LOCAL LAW NO. 4 OF THE YEAR 2019

A Local Law of the Town of West Seneca to override the tax levy limit established in General Municipal Law Section 3-c, as follows:

Be it enacted by the Town Board of the Town of West Seneca,

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of West Seneca to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of no less than sixty (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of West Seneca, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

If a court determines that any, clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.