

**DRAFT**

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

**ROLL CALL:** Present - Gary Dickson Supervisor  
William Bauer Councilman  
Joseph Cantafio Councilman  
William P. Hanley, Jr. Councilman  
Jeff Piekarec Councilman

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 Councilman Hanley, to approve Minutes #2020-03 of February 3, 2020.

Ayes: All

Noes: None

Motion Carried

**ANNOUNCEMENTS**

**Highway Sup't. Brian Adams**

- March 21<sup>st</sup> Erie County and Sunnking is sponsoring an electronic recycling event at the NY DDSO at 1200 East & West Road
- East & West Road repair project beginning Monday, February 27<sup>th</sup> through June

**PUBLIC COMMENTS ON COMMUNICATIONS**

A resident questioned/commented on the following:

- ✓ Will the position of Real Property Appraiser be filled – Councilman Hanley confirmed the town is currently looking to fill the position. Supervisor Dickson stated the open position is for a Real Property Appraisal Technician with a lower salary of \$44,000; the total for both salaries will be an additional \$12,000. Elma has not reached a decision regarding sharing the service of Assessor; sharing could save the town approximately \$30,000 per year.
- ✓ Does Mr. Finbar have the appropriate certification to be Town Assessor - Councilman Hanley confirmed Mr. Finbar is qualified through New York State for the position of Town Assessor
- ✓ Why the term of the Town Assessor is only until 2025 – Town Attorney Tina Hawthorne stated the position is governed by NYS Real Property Tax Law and requires a term of 6 years; the current appointment is to fill the term that Ms. Wittmeyer retired from. Supervisor Dickson stated there are time constraints for appraisals to be completed in order for new assessments to be included on the tax roll.

**PUBLIC COMMENTS ON COMMUNICATIONS** (continued)

- ✓ There is a charge from Modern Recycling for the West Seneca School District on the warrant – Highway Sup't. Brian Adams explained the school district does not have their own contract; the school district piggybacks onto the town's contract and will reimburse the town. Supervisor Dickson stated Director of Finance Megan Wnek was not able to be in attendance at the meeting; Supervisor Dickson will follow up with her and report at the next Town Board meeting.
- ✓ Is Highway Laborer a new position - Highway Sup't. Brian Adams stated two Highway Department employees retired in January and the positions are then filled through sanitation following the union agreement procedures
- ✓ No attachment to the Police Department Rules and Regulations item was included online – Chief Denz stated the policy has been in effect since 1968. Each new Town Board reviews the policy and may make suggestions; traditionally the policy is not viewable by the public and is a stricter scale concerning the administration, conduct and disciplinary standards of the Police Department.

A resident questioned if the resignation of the police officer was the officer's choice – Chief Denz stated this was litigated by the District Attorney's office and cannot comment further.

**NEW BUSINESS**

**4-A COMMUNICATIONS**

15. Chief Denz re Appointment of Anthony Ferrucci to Detective

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to terminate Anthony Ferrucci as a Police Officer and appoint him to the rank of Detective effective February 21, 2020 at an annual salary of \$94,229.90 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

1. Councilman Hanley re Leave of Absence for Erik Finbar as Real Property Appraiser

Motion by Councilman Hanley, seconded by Councilman Bauer, to approve a leave of absence for Erik Finbar from his civil service position of Real Property Appraiser, in accordance with Section 14.1 of the White Collar Agreement, effective February 20, 2020 through February 19, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Dickson stated the White and Blue Collar Union contracts require the leave of absence be granted for a member taking another position within the town.

Ayes: All

Noes: None

Motion Carried

2. Councilman Hanley re Appointment of Erik Finbar as Town Assessor

Motion by Councilman Hanley, seconded by Supervisor Dickson, to appoint Erik Finbar as Town of West Seneca Assessor, full time, effective February 20, 2020 to fill the unexpired term through September 30, 2025, at an annual rate of \$91,138 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

3. Councilman Hanley re Extended benefit employee coverage for position of Assessor

Motion by Councilman Hanley, seconded by Supervisor Dickson, to include the title Town Assessor with the list of Town Department Heads, elected or appointed officials, and certain other full time employees not covered by contract provisions between the Town and Blue and White Collar, CSEA, or the West Seneca PBA be granted extended benefits including Blue Shield or equivalent costs, as well as other health and welfare fund related benefits in accordance with the CSEA White Collar Contract or equivalent and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Supervisor Dickson stated appointed positions are afforded the benefits that full time employees receive under the Union contracts.

Ayes: All

Noes: None

Motion Carried

4. Town Engineer re Attendance at WNY Stormwater Conference & Tradeshow
- Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize Ron Pfeil, Mark Hummell, and Eric Labrie to attend the Western New York Stormwater Conference & Tradeshow on March 31, 2020 at the Buffalo Niagara Convention Center at a cost not to exceed \$90.00 per person.

Ayes: All                      Noes: None                      Motion Carried

5. Highway Sup't. re Appointment of Jonathan Slominski as Highway Laborer
- Motion by Supervisor Dickson, seconded by Councilman Piekarec, to terminate Jonathan Slominski as a Sanitation Motor Equipment Operator and appoint him as a Highway Laborer Group 1, Step 3 at a rate of \$24.91 per hour effective February 21, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

6. Town Clerk re Resignation of Karl Spencer from WS Environmental Commission & Ethics Board
- Motion by Supervisor Dickson, seconded by Councilman Hanley, to accept the resignation of Karl Spencer from the West Seneca Environmental Commission and the West Seneca Ethics Board.

On the question, Supervisor Dickson stated both positions will be filled and will follow the process of accepting resumes from interested applicants.

Councilman Piekarec requested the openings be posted on the town website and social media pages.

Ayes: All                      Noes: None                      Motion Carried

7. Chief Denz re Adoption of Police Department rules & regulations
- Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the 2020 Rules and Regulations for the Town of West Seneca Police Department per NYS DCJS Accreditation standards and pursuant to the provisions of Article 10, Section 154 of the Town Law of the State of New York.

Ayes: All                      Noes: None                      Motion Carried

8. Chief Denz re resignation of Derek Vasquez as Police Officer
- Motion by Supervisor Dickson, seconded by Councilman Bauer, to accept the resignation of Derek Vasquez as Police Officer effective February 6, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

9. Director of Finance re Resolution of JCAP Grant
- Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution authorizing a budget amendment for the 2020 JCAP grant:

WHEREAS, the Town received an award letter from the New York State Office of Justice Courts stating they were to be reimbursed for the purchase of computer hardware in the amount of \$3,137.13 (the "JCAP grant").

WHEREAS, the cash received from this grant will be recognized as revenue in the General Fund as General Governmental State Aid - JCAP 001.0001.3042.

NOW, THEREFORE, be it

RESOVLED, that the Town Board does hereby authorize the budget amendment to increase General Governmental State Aid - JCAP 001.0001.3042 by \$3,137.13 for the receipt of the JCAP grant revenue and to correspondingly increase Town Justice Equipment Purchases – State Aid - JCAP 001.1110.0202 by \$3,137.13 for the cost of the purchase computer hardware.

On the question, Councilman Hanley stated the grant is administered through the courts, specifically Maureen Brownsey, not the Town Grant Writer.

Ayes: All                      Noes: None                      Motion Carried

10. Director of Finance re Written Investment Policy
- Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the attached updated Written Investment Policy as of February 20, 2020.

Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*

11. Recreation Supervisor re  
Status change for Alexa  
Nigro to seasonal

Motion by Supervisor Dickson, seconded by Councilman Hanley, to change the status of Youth Service Coordinator Alexa Nigro from part-time to part-time seasonal effective May 17, 2020 through September 5, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

12. Recreation Supervisor re  
Sirens FC – soccer field use

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Sirens FC and the insured Western New York Amateur Soccer Association, US Adult Soccer Association, INC., its Members National Affiliates, Leagues & Teams, for use of the West Seneca Soccer Complex.

On the question, Recreation Supervisor Lauren Masset stated the agreements are for single use soccer field rentals at \$100 per each use - scrimmages, games, or practices.

Ayes: All                      Noes: None                      Motion Carried

13. Recreation Supervisor re  
Buffalo District Soccer  
League – soccer field use

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Buffalo District Soccer League and the insured Western New York Amateur Soccer Association, US Adult Soccer Association, INC., its Members National Affiliates, Leagues & Teams, for use of the West Seneca Soccer Complex.

Ayes: All                      Noes: None                      Motion Carried

14. Recreation Supervisor re WS  
Fire District #4 (East  
Seneca) – diamond use

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with West Seneca Fire District #4 (East Seneca) for use of Town of West Seneca ball diamonds during the 2019 season.

Ayes: All                      Noes: None                      Motion Carried

**4-B REPORTS**

- Amy M. Kobler, Town Clerk's report for January 2020 & Receiver of Taxes January 2020 report received and filed
- Jeffrey Schieber, Code Enforcement Officer, building & plumbing reports for January 2020 received and filed

**4-C APPROVAL OF WARRANT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$369,110.89; Highway Fund - \$183,503.73; Capital Fund - \$55,000.00; Sewer Fund - \$8,228.61; Gas Conversion - \$83.80; Electric Lighting - \$396.03 (vouchers 9843 - 10774)

Ayes: All

Noes: None

Motion Carried

**ISSUES OF THE PUBLIC**

A resident questioned/commented on the following:

- ✓ Clarification regarding the Dog Warden and the availability for assistance – Highway Sup't Brian Adams replied he is the dog Warden with two employees working in Dog Control on a daily basis; all questions and concerns can be directed to his office. Mr. Adams will update the website to clarify.
- ✓ The former Vault nightclub has debris on the property – Supervisor Dickson will send Code Enforcement to the premises
- ✓ Cash for Cans garbage totes are being left near the street on the adjoining property
- ✓ The traffic island at the 400 entrance is a mess with litter
- ✓ Bellwood School is a historical building and requires the owners to better maintain the property

A resident commented/questioned:

- ✓ There is an issue with the Code Enforcement Office identifying the person registering the complaint. Supervisor Dickson will follow up with the Code Enforcement Office and be certain names are not revealed.
- ✓ Status of the neighborhoods that needed totes and how were they paid for – Highway Sup't. Brian Adams confirmed they were delivered this past week and they were paid from the contingency fund. Supervisor Dickson believes the original bond for the purchase of the totes was spread out over the entire town including these properties and will further confer with the Director of Finance.



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

**TOWN BOARD PROCEEDINGS**  
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**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**Recreation Supervisor**

- Hiring for several part-time seasonal summer aquatics and camp positions with a second round of open interviews tomorrow, Friday, February 21, 2020, from 10:00 AM – 11:15 AM.
- Early Bird Registration special for Summer Day Camp ends Tuesday, February 25, 2020; Non-Residents can begin registration on Monday, March 2, 2020.
- In March the Open Public Skating runs on an alternate schedule due to various events going on; patrons are asked to check the website, social media pages or the ice rink brochure before heading to the rink for open skate.
- Additional information regarding the departments, programs, etc... can be found on the Recreation Department website

**Councilman Cantafio**

- Read an email received from Sarah Joslin, a Victim Advocate from Child and Family Services, commending the West Seneca Police Department's responsiveness, communication and attitudes towards domestic violence

**Supervisor Dickson**

- Attended the Association of Towns annual conference and will provide a memo at the next meeting
- Met with Empire Development, the land owner of the developmental center and visited three local businesses (VSP Graphics Group, A R C Training, and Maranno Homes) today

**Councilman Bauer**

- Has met with various groups involved in the Burchfield repair project; in the process of getting a budget and a plan on repairs prepared to present at an upcoming Town Board meeting

**Councilman Hanley**

- Shared highlights from the Burchfield Nature & Art Center Newsletter including Earth Day to be held on Saturday, April 25th and four summer concerts will be held on July 7th, 14th, 21st and 28<sup>th</sup>; since last October volunteers have donated 909 hours of their time

**Town Clerk Amy Kobler**

- A link on the home page of the town's website is now available for easy access to FOIL requests



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**TOWN BOARD PROCEEDINGS  
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**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**  
(continued)

**Chief Denz**

- Thanked the Town Board for their support of the Police Department; the department is facing a year with many retirements
- Annual Police Awards presentation will be at the next Town Board meeting

**ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 7:01 P.M.

Ayes: All

Noes: None

Motion Carried

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**AMY M. KOBLER, TOWN CLERK**



# TOWN OF WEST SENECA, NEW YORK

## INVESTMENT POLICY

Updated February 2020

### I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on behalf of the Town of West Seneca.

### II. OBJECTIVES

The primary objectives of the investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

### III. DELEGATION OF AUTHORITY

The Town Board's responsibility for administration of the investment program is delegated to the Town Supervisor and Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

### IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of West Seneca to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of West Seneca to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Town of West Seneca for all moneys collected by any officer or employee of the Town to deposit those funds in the designated Town bank account; of less than \$1,000.00 within five business days of receipt, or \$1,000.00 or more within two business days of receipt, or within the time period specified in law, whichever is shorter.

The Supervisor and Director of Finance are responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of monies will be (re)authorized annually at the Town Board's annual (re)organizational meeting.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Town of West Seneca, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated below:
  - a) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
  - b) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

**IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of West Seneca or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, Section 11, the Town of West Seneca authorizes the Supervisor and the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;

All investment obligations shall be payable or redeemable at the option of the Town of West Seneca within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of West Seneca within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Town of West Seneca shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of West Seneca. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Supervisor and Director of Finance are responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

**XII. PURCHASE OF INVESTMENTS**

The Supervisor is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of West Seneca by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement

shall include all provisions necessary to provide the local government a perfected interest in the securities.

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### **XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed without the knowledge/agreement of the Town of West Seneca.
- The custodian shall be a party other than the trading partner.

Ref:

General Municipal Law §6(c-h) (j-n); 10; 11; 39  
Local Finance Law §165