

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.

The meeting is dedicated to Kandace Wittmeyer.

MINUTES TO BE APPROVED

- Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve Minutes #2020-05 of February 20, 2020.

Ayes: All

Noes: None

Motion Carried

ANNOUNCEMENTS

Police Department Award Ceremony

Police Chief Daniel M. Denz recognized the following individuals for instances that went above and beyond the normal course of duty, reflected self-sacrifice, or resulted in making a difference in the community. Each recipient was nominated by their Supervisor and selected by a committee of their peers, with final approval by Chief Denz:

Detective Lt. Kevin Baranowski, Officer Michael Kocieniewski, Detective Anthony Ferrucci, Detective Daniel Crowe, Detective James Pappaceno, Officer Jessie Reed, Officer Matthew Leitzel, Officer Jim Gehen, PSD William Coughlin, PSD Jeffrey Locher, Officer Scott Daley, Lt. David Wright, Officer Jill Gallagher, Lt. William Pelow, Officer Adam Schnitzer, Detective Robert Deppeler, Detective Gerald Fibich, Detective Jeffrey Lukis and Detective Donald Driscoll
Mr. Charles Kohut of Buffalo was recognized as well.

PRESENTATION OF DEPARTMENT HEADS

Town Engineer Steve Tanner

- 76 basement inspections & 18 re-inspections
- 4 sanitary sewer issues investigated
- Elevation search and survey for a resident for flood plain insurance
- Letters for upcoming basements inspections
- Monthly SPEDES permit for the DEC
- Research for Town Attorney for potential sale of paper streets
- Work completed on discharges of sanitary sewer system
- Phase 6 of the Sanitary Sewer Project: report sent to DEC in December 2019, waiting for status of approval from DEC
- Phase 5 sewer lining complete and manhole rehab still to occur

Town Assessor Erik Finbar

- March 1 taxable status day has passed; extended to March 2nd this year
 - ✓ All exemptions have been collected
 - ✓ Letters of removal going out for those that did not qualify or make the deadline
- Continuing to collect permits for the 2020 tentative tax roll (May 1)
- Processed 216 sales that have closed between August 1, 2019 and January 30, 2020 with an average sale price of \$181,800 (up 2.7% in just 6 months); average time of listing is 29 days
- Received 6 resumes for the Real Property Appraiser Tech Position

Senior Center Mary Josefiak

- 2,630 people used the center: 109 ceramics, 540 fitness center, 524 Tai Chi, 1300 lunches, 573 special activities, 477 senior van, 31 AARP
- Special events included: birthday cake lunch, It's a Sweet Night Valentine's event, a free lunch on Valentine's day sponsored by Clear Captions with Wegmans offering free blood pressure checks, Presidents Day and Mardi Gras meals
- Erie County Legislator Joseph Lorigo passed out Valentines made by elementary school children
- Health insurance and Medicare assistance sessions
- Cost savings: linens are being delivered only twice a month, instead of weekly, for a savings of 60 – 70%

Director of Finance Megan Wnek

- Budget monitoring report for February 2020 to be completed by end of week and posted to town website
- \$303,000 of overtime paid for periods 1 through 5; periods 1 and 2 include time worked in 2019 but paid in 2020; this is down \$156,000 from the same time period in 2019 due to less highway department overtime because of the mild winter
- All PILOTs (payment in lieu of taxes) have been collected totaling \$181,273.56
- \$350,000 BAN closed on February 13, 2020 for the purchase of two sanitation trucks at 1.53% interest; it will be paid off in 2025 with annual pay downs of \$70,000 - \$75,000

Recreation Supervisor Lauren Masset

- A total of 1,245 patrons (594 Resident ID Cardholders, 594 Non-Residents, 57 unassigned) have been serviced; total of 74 recreation program sessions. The department's total revenue was \$37,659.
- Cost savings: working with Highway Superintendent Brian Adams to review the costs of large events held at town facilities
- The department is now hiring for several part-time seasonal summer 2020 positions which include both aquatics and summer camp; will be holding open interviews on March 11, 2020 from 2:15 - 3:00 PM.
- Registration is now open for residents and non-residents for all summer programs. Spots are limited and first-come, first serve.
- Recreational Skating runs on an alternate schedule each March due to several different activities and events going on; patrons are asked to check the website and/or ice rink brochure before heading to Adult Skate or Open Public Skate.

Town Attorney Tina Hawthorne

- Attended the annual Association of Towns annual meeting; took 12 classes covering the following subjects:
 - ✓ Uptake on taking law
 - ✓ Peddlers and anti-solicitation laws
 - ✓ NYS laws on harassment and discrimination in the workplace
 - ✓ Article 7 – tax assessment challenges
 - ✓ Zoning and enforcement for local courts
 - ✓ Access to legal services
 - ✓ Drafting solar laws
 - ✓ 2 courses on local government ethics
 - ✓ New discovery rules
 - ✓ Local government
 - ✓ Environmental
- Burchfield Center litigation status - next round of decisions by the 4th Department, the Appellate division, will be on March 13th; but it may not include this case and could be another 3 months before a decision is made

Town Clerk Amy M. Kobler

Town Clerk Report

- Total State, County & Local Revenue - \$84, 837.95
- FOIL Requests – 15 total to date
 - ✓ Police Payroll
 - ✓ Attendance records of the Senior Center
 - ✓ Drug testing cost
 - ✓ Town Attorney contract
 - ✓ Building permit count
 - ✓ 10 property records
 - ✓ FOIL request can now be found on the home page
- Records Management
 - ✓ Shred it on site on Friday to destroy 175 boxes of records that have reached their retention time frame
 - ✓ New York State Archives Division – signed up for two upcoming webinars (Digital Imaging & Email Essentials)
 - ✓ Regional director Sarah Durling will be making an onsite visit to offer critiques and suggestions
- Purchase of BAS Dog Licensing Software – Allows resident to renew a dog license online
 - ✓ \$1200 start up and \$600 maintenance
 - ✓ \$36,300 in dog licensing fees for 2019
 - ✓ 284 delinquent dogs for 2019 (average is \$11 per dog - total \$3124)
- Initiating "Clerk on the Go" program to assist the senior residents
 - ✓ Thursday March 5th the Town Clerks Office will be on hand at the West Seneca Senior Center to serve lunch, provide forms, answer questions and service the needs of the senior residents
 - ✓ Will be a regular program held the first Thursday of the month

Receiver of Tax report

- As of 2/27/2020 - \$57,273,948.18 has been collected
- Paid to the Supervisor
 - ✓ \$3,956,327.00 – Fire Districts
 - ✓ \$1070.57 – Delinquent Water
 - ✓ \$34.53 – January bank balance
 - ✓ \$37,059, 469.08 - Balance of town warrant
- March 3rd start payment on the county portion of the warrant

Code Enforcement Officer Jeff Baksa

- The former Kmart building located at the former Seneca Mall site has been demolished; the concrete pad is remaining, which will limit the mess made from having a stone pad in its place.
- Yearly plumber's exam is scheduled for March 4th at 5:00pm in office; the Town of West Seneca requires all plumbing work in the town, both interior and exterior work, to be performed by a Town of West Seneca Licensed Plumber. The only way to become licensed is to take the test; each test is reviewed by our Plumbing Board.
- The tree issue on Leydecker Rd is seemingly coming to an end. The office has had conversations with current and future owner, as well as adjacent neighbor.
- Code Enforcement Officer Doug Busse attended a meeting with Erie County Zombie Home task force on February 11th and a meeting with WNY Law Center on February 21st. These meetings are designed to bring every involved agency to the table to discuss preventing foreclosures in the first place, and also addressing the problem of vacant, "zombie", homes.
- Sidewalks
 - ✓ In the beginning stages of getting the sidewalk repair program started for 2020; will be working with Supervisor, Town Engineer and Brian Adams in Highway to sort out scope of work, bids and timing.
- Planning Board
 - ✓ Meeting this March 12th, 2020
 - ✓ 945 Center Road will be returning - seeking a re-zone & special permit; will be notifying neighbors
 - ✓ The Town Board will be receiving an application for a property on Southwestern Boulevard at the March 19th meeting; applicant is seeking a special permit for the construction of (3) – 8 unit apartment buildings.

Highway Sup't Brian Adams

- Met with the Traffic Safety Committee
- Met with the Engineering department and contractor regarding the East & West Road project
- Safety improvements for the department; working with Erie County on a work zone safety program.
- "Report a Problem" link has been added to the Highway Departments homepage on the town website
- E-Recycling Event on March 21st from 9 AM to noon at 1200 East & West Road
- Recommends lifting the parking ban early – Chief Denz approves this as well as the Town Board

Chief Denz

- Summary of 2019:
 - ✓ 22,749 calls for service; increase of 4.7% from 2018
 - ✓ 5,396 traffic citations
 - ✓ 110 DUIs
 - ✓ 1,629 vehicle crashes: 205 injuries and 3 fatalities
 - ✓ 381 male and 64 female inmates

PUBLIC COMMENTS ON COMMUNICATIONS

A resident questioned the funds available to keep the pool open for 8 weeks as opposed to 4 weeks that was budgeted – Recreation Supervisor Lauren Masset anticipates the pool being open for 51 days if enough lifeguards are available; funds are available from unused staffing salaries for the winter youth gym programs.

NEW BUSINESS

5-A COMMUNICATIONS

- | | |
|--|---|
| 1. Supervisor Dickson re MOA with White Collar Unit for Assessment Clerk | Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the attached Memorandum of Agreement with the White Collar Unit moving the position of Real Property Appraiser Technician from Group 3 to Group 7 in the town's Collective Bargaining Agreement with the White Collar Unit. |
| | Ayes: All Noes: None Motion Carried
APPENDICES |
| 2. Town Clerk Amy Kobler re Budget transfer request for purchase of BAS software | Motion by Supervisor Dickson, seconded by Councilman Cantafio, to approve a budgetary transfer of \$1,200.00 from Clerk PT Acct. #01141000.50138 to Programmed Maintenance Acct. #01141000.5044 for purchase of Dog Licensing Software from Business Automation Services Inc., 636 Plank Road, Clifton, NY 12065. |
| | Ayes: All Noes: None Motion Carried |
| 3. Town Clerk Amy Kobler re Extension of tax collection | Motion by Supervisor Dickson, seconded by Councilman Hanley, pursuant to §6-14.0 of the Erie County Tax Act, Laws of 1942, to approve an extension of the time for collection of 2020 town/county taxes to June 30, 2020 which will allow the town to keep the penalties rather than the county receiving them. |
| | Ayes: All Noes: None Motion Carried |
| 4. Town Clerk Amy Kobler re Termination of part-time clerk typist Dawn Hoffmann | Motion by Supervisor Dickson, seconded by Councilman Piekarec, to terminate part-time clerk typist Dawn Hoffmann effective February 20, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |

5-A COMMUNICATIONS (continued)

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|---|--|
| 9. Recreation Supervisor re Appointment re Sheila Ruchalski as part-time clerk typist | Motion by Supervisor Dickson, seconded by Councilman Hanley, to appoint Sheila Ruchalski as a part-time clerk typist at the rate of \$12.00 per hour effective March 3, 2020 contingent upon a background check, drug test and proof of a physical as outlined by Town Code Chapter 25; noting the salary will be paid from Salary of Clerical – Part Time Acct. #0171400050138 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |
| 10. Recreation Supervisor re Veterans Park Aquatics Complex 2020 | Motion by Supervisor Dickson, seconded by Councilman Hanley, to accept the Veterans Park Aquatics Complex 2020 policies. |
| | Ayes: All Noes: None Motion Carried |
| 11. Town Assessor re Appointment of Real Property Appraiser Technician | Motion by Supervisor Dickson, seconded by Councilman Hanley, to appoint Peter Wittmeyer as full time Real Property Appraiser Technician, Group 7, Step 1, effective March 9, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel. |
| | Ayes: All Noes: None Motion Carried |

5-B REPORTS

- Supervisor Dickson report of the Association of Towns Annual Meeting & Training received and filed.

5-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 - \$303,984.81; Highway Fund - \$72,361.86; Sewer Fund - \$172,697.74; Electric Lighting - \$183.72 (vouchers 10269 - 10934)

Ayes: All Noes: None Motion Carried

OLD BUSINESS

- Resident question re Charge back from Modern Recycling – Highway Superintendent Brian Adams stated he recently uncovered the fact that the school district did not reimburse the town up until this point; going forward, the town will bill the school district quarterly.
- Regarding the question about the financing of the original purchase of garbage totes - Supervisor Dickson stated the purchase of garbage totes in 2013 was funded by a Bond Anticipation Note (BAN) issued in 2014 for \$2.5 million. This BAN funded the purchase of four garbage trucks, the new totes, and the retrofitting of existing garbage trucks so they could use the totes. In 2015 they were rolled into a general obligation bond that will be paid off in 2023.

ISSUES OF THE PUBLIC

A resident commented on an article in the Association of Towns legislative newsletter that highlighted Governor Cuomo inserting a 30 day amendment to his budget concerning solar panels and windmills that would take away the town's powers – Supervisor Dickson stated the Erie County Association of Governments passed a resolution in opposition and is sending it to the state.

A resident questioned if the 2019 deficit of \$500,000 has been resolved and if things are in place so a deficit does not happen again.

Supervisor Dickson stated the books are not yet closed, but is using the figure of \$500,000 right now; going forward his budget will include all costs and anticipated revenue.

Councilman Hanley stated there is a \$200,000 deficit; \$240,000 was the overpayment to Modern which is being returned.

Supervisor Dickson stated the police salary line is over \$800,000 in the red, which was almost entirely predictable. Workmen's compensation, which was not as predictable, is \$500,000 to \$600,000 in the red.

Councilman Hanley stated the previous Town Board was told of four possible retirements in the Police Department when the budget was done and now there are twelve. Within the last month the Town Board was told of the \$500,000 in buyouts. Additionally, revenue can fluctuate, and its unknown how much the town may have to pay out in lawsuits; part of budgeting is guesswork.

Supervisor Dickson understands that fluctuations happen but the police line has consistently been under budgeted and going forward this won't occur.

Councilman Piekarec stated the process of using fund balance up front needs to be discontinued as it is not sustainable.

Councilman Hanley stated he disagrees, he believes both fund balances are not what they should be, but are pretty healthy.

Councilman Piekarec stated he believes they are at half the amount the state recommends.

Supervisor Dickson stated Moody's doesn't agree.

Councilman Hanley stated Moody's rating has nothing to do with what the town pays back. When the town borrows money from the bond market they look at the town's ability to pay it back. The town was just given the interest rate of 1.53% which is pretty good for a town with a bad Moody's rating.

A resident questioned why a government self insures for workers compensation as opposed to using an insurance company. Councilman Hanley believes most towns are self insured for the first \$500,000; it would be cost prohibitive for coverage for "first dollar" insurance. Supervisor Dickson stated they are going to look into the costs for "first dollar" coverage.

A resident questioned why the school district does not have their own contract with Modern, if past years expenses will be recovered and is a contract with the district in place going forward. Highway Superintendent Brian Adams could not speak to any past agreements that existed between the town and the district. Mr. Adams stated it is beneficial to allow the school district to piggyback with the town and get the town's rates. If the school district received a higher rate the school taxes will go up. Councilman Hanley thought the school district was paying the town back. The school district did not charge the town rent or utilities and the pools were also available when some town offices were temporarily in the Mill Road building. Supervisor Dickson stated going forward all of the costs will be reviewed – including the reciprocal agreements for busses, town property usage, and recycling.

A resident requested that the town dissolve the Industrial Review Board and read a letter from a previous Town Board member dated September 10, 2018 that had also made this request which proposed the Planning Board review all new development. Supervisor Dickson replied the board will review this request.

A resident commented that eighteen trees planted by the highway department years ago are now causing sidewalks to heave up with repairs now at the property owner's expense. Previously the highway department had a crew that would repair the sidewalks. Supervisor Dickson was made aware of this issue as he was campaigning; due to the newer code, it is now the responsibility of the property owner. Town Attorney Tina Hawthorne stated she can work with Highway Superintendent Brian Adams about this situation. Councilman Piekarec questioned if future road reconstructions would include planting trees between the sidewalk and street. Councilman Hanley stated homeowners were given the option of having a tree planted during the previous road reconstruction projects. Going forward "sidewalk districts" may need to be created in order to have their maintenance covered by taxes.

A resident commented on the following:

- ✓ Lack of bicycle lanes in West Seneca – Councilman Hanley stated this project is in the beginning stages across the state
- ✓ Feels Seneca Street is too narrow for four lanes of traffic, is unsafe, and isn't well maintained – Supervisor Dickson replied Seneca Street is a state road

A resident commented that the Supervisor has been responsive when issues are brought up; notifying the town of concerns is a positive step in addressing the needs in her area.

PRESENTATION OF COMMUNICATION BY BOARD MEMBERS

Councilman Piekarec

- ✓ The Environmental Commission will show a film about the wetlands at the library on March 11, 2020

Councilman Cantafio

- ✓ Recently met with White Collar Union President Ron Pfeil to discuss healthcare costs

Supervisor Dickson

- ✓ Pursuing quotes from 3 brokers for insurance for the town
- ✓ Erie County is doing a regional bike path plan and would like input from the town – residents are encouraged to email their suggestions to the Supervisor
- ✓ Information session to be held on March 23, 2020 about the deer issue, 2 wildlife biologists from the DEC will present

Councilman Bauer

- ✓ The budget for Burchfield repairs is completed and has been forwarded to the Buildings & Grounds and Code Enforcement offices; the final number for estimated costs to be presented at the March 19, 2020 meeting.
- ✓ Met with Highway Superintendent Brian Adams about equipment updates including the Sewer Department

Councilman Hanley

- ✓ Remembered our previous Assessor Kandace S. Wittmeyer as a dedicated, kind hearted, hard working person and she will be greatly missed
- ✓ Working with Steve Amoia and Jaimie Kaminski to review the phone lines, looking to remove unused lines
- ✓ Natural gas and electric contracts are expiring; will be bidding these out for a 3 year term

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 8:07 P.M.

Ayes: All

Noes: None

Motion Carried

AMY M. KOBLER, TOWN CLERK

MEMORANDUM OF AGREEMENT

By and between

The Town of West Seneca (hereinafter referred to as "The Town")

And

The Civil Service Employees Association, Inc., Local 1000, AFSCME,

AFL-CIO (hereinafter referred to as "The CSEA")

WHEREAS, Appendix B (Town of West Seneca White Collar Wage Schedule) of the collective bargaining agreement by and between the parties places the title of Real Property Appraiser Technician at Wage Group 3, and

WHEREAS, the parties feel the salary provided under Wage Group 3 to be insufficient for the duties associated with the title Real Property Appraiser Technician, and

WHEREAS, the parties wish to upgrade the position of Real Property Appraiser Technician to a Wage Group that is commensurate with the duties and responsibilities associated with the title.

NOW THEREFORE BE AGREED, the following:

1. The title of Real Property Appraiser Technician shall immediately be upgraded from Wage Group 3 to a Wage Group 7
2. The above agreements shall be reflected in the successor collective bargaining agreement by and between the parties.

IN WITNESS WHEREOF,

FOR THE TOWN

Gary Dickson 2/26/2020
 Gary Dickson Date
 Town Supervisor

FOR THE CSEA

Deb Mueller 2/26/20
 Deb Mueller Date
 Labor Relations Specialist

Ronald Pfeil 2/26/20
 Ronald Pfeil Date
 Unit President