

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 Bauer, to approve Minutes #2020-14 of July 6, 2020.

Ayes: All

Noes: None

Motion Carried

**LEGAL NOTICES**

1. Motion by Supervisor Dickson, seconded by Councilman Piekarec, 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 555 ORCHARD PARK ROAD, BEING PART OF LOT NO. 296, CHANGING ITS CLASSIFICATION FROM M-1 TO M-1(S), FOR THE SERVICE OF ALCOHOL" in the Town of West Seneca received and filed.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Dave Sutton from Sutton Architecture stated his plans for a redevelopment project at 555 Orchard Park Road:

- The property is on approximately 4 acres of land with a 17,000 sq ft building that has been vacant for several years
- The plan calls for the front third of the building to be converted to a restaurant which will showcase a wood oven pizza décor and "U" shaped bar ; the middle into a brewery; and the back eventually into a banquet hall
- The addition of breweries in this type of area have served as a catalyst for a surge in development which will be good for the town
- The development will take place in phases – the building will be redeveloped first with a portion of the property with the long term goal of adding additional buildings for both commercial and residential uses
- Parking lot will be resurfaced and re-striped with curb landscaping
- The building will hold the existing footprint along with a beer garden and outdoor seating

LEGAL NOTICES (continued)

- Many of the partners are from West Seneca and want to give back to the community – introduce farmers markets, winter fests, Oktoberfest, and other community driven events

Councilman Cantafio thanked the partners for their interest in investing in the town:

- Pat Sgroi and his family have always been involved in events and charities
- Dave Sutton, a West Seneca West graduate, completed dozens of these types of projects around Western New York
- Randy Pawlak, West Seneca West graduate, owner and president of Bison Elevator
- Mark Honan, West Seneca West graduate, background in marketing and business

Councilman Cantafio thanked and complimented all parties that were involved to get the project from the idea stage to this point: Councilman Hanley, the West Seneca Chamber of Commerce, Councilman Bauer, Code Enforcement Officer Jeffrey Schieber, Town Assessor Erik Finbar, the Planning Board, the Zoning Board, and Town Clerk Amy Kobler.

Mr. Sutton thanked West Seneca for the positive experience they have had while working on this project.

Supervisor Dickson stated he believes this is a fantastic project for the Town of West Seneca.

Town Attorney Hawthorne advised that the Planning Board's motion and recommendation to the Town Board was to change the classification from M-1 to M-1(s), for the service of alcohol in the area designated as Phase 1 on the concept plan submitted by Sutton Architects on May 22, 2020 which include the building currently on the premises and any adjacent patio areas. They were not advancing it on the Phase 2 and Phase 3 at this point. Ms. Hawthorne recommends the motion limit the special use permit to Phase 1 as well.

Councilman Piekarec stated he is also in favor of the project and questioned the time frame for the phases.

Mr. Sutton stated Phase 1 is contingent upon approval of the special use permit to complete the purchase of the property. The building requires extensive work and anticipate opening within one year's time. Phase 1A, the banquet facility will be based on demand. Phase 2, a 10,000 sq ft building, and Phase 3, a mixed use multi-story building, are separate development parcels that will depend on development ability and financing, these phases do not currently have a time frame.

Councilman Bauer thanked Mr. Sutton for bringing the project to the town referring to them as hometown heroes.

Supervisor Dickson asked if the purchase of the property has been completed. Mr. Sutton stated the purchase is under contract with a few contingencies including Town Board approval and the closing will happen very quickly upon wrapping up the items. Construction will begin immediately after the closing.

Councilman Hanley thanked the group for taking an eyesore off the Town of West Seneca and believing in West Seneca.

**LEGAL NOTICES** (continued)

Motion by Supervisor Dickson, seconded by Councilman Hanley, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Dickson, seconded by Councilman Cantafo, to grant a special use permit for property located at 555 Orchard Park Road, being part of Lot No. 296, changing its classification from M-1 to M-1(s), for the service of alcohol in the area designated as Phase 1 on the concept plan submitted by Sutton Architects on May 22, 2020 which include the building currently on the premises and any adjacent patio areas.

Ayes: All

Noes: None

Motion Carried

**PUBLIC COMMENTS ON COMMUNICATIONS**

- A resident referred to Item #14 and questioned when the rugby group will be playing, commenting that her son was asked to leave Sunshine Park because there were too many people there – Town Attorney Tina Hawthorne stated there is already an agreement in place; the agenda item is an addendum covering COVID-19. Councilman Piekarec stated some sports are now being played including soccer, baseball, and softball. Ms. Hawthorne stated the addendum would not allow them to play if they are not approved by the state.

**NEW BUSINESS**

**15-A COMMUNICATIONS**

1. Principal Engineering Assistant re Acceptance of Princeton Park Subdivision street lighting

Motion by Supervisor Dickson, seconded by Councilman Bauer, to accept the dedication of street lighting in the Princeton Park Subdivision, noting it is conditional upon receipt of a maintenance bond approved by the Town Attorney.

Ayes: All

Noes: None

Motion Carried

2. Principal Engineering Assistant re Princeton Park Subdivision street lighting service agreement with NYSEG

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to sign the new lighting service application with NYSEG in order to get the new street lighting in Princeton Park Subdivision energized, noting these lights are wholly inside of the existing Princeton Park Lighting District 64.

Ayes: All

Noes: None

Motion Carried

3. Highway Sup't. re Appointment of Tyler Kluck as part-time Sanitation Laborer

Motion by Supervisor Dickson, seconded by Councilman Bauer, to terminate Tyler Kluck as a part-time Public Safety Dispatcher in the Police Department and appoint him as a part-time Sanitation Laborer at a rate of \$13.75 per hour effective July 21, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

4. Highway Sup't. re Status change of Andrew Comerford to Buildings and Grounds seasonal

Motion by Supervisor Dickson, seconded by Councilman Hanley, to change the status of part-time Buildings and Grounds Laborer Andrew Comerford to part-time seasonal Laborer effective July 13 – November 15, 2020 at a rate of \$11.80 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                                      Noes: None                                      Motion Carried

5. Chief Denz re retirement of Police Officer Joseph Statz

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to accept the retirement of Joseph Statz as Police Officer effective July 25, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                                      Noes: None                                      Motion Carried

6. Chief Denz re Resignation of James Loga as part-time Court Security Officer

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to accept the resignation of James Loga as part-time Court Security Officer effective July 13, 2020 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 Resignation of Dale Wight as part-time Court Security Officer

Motion by Supervisor Dickson, seconded by Councilman Hanley, to accept the resignation of Dale Wight as part-time Court Security Officer effective July 18, 2020 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 Resignation of Tyler Kluck as part-time Public Safety Dispatcher

Withdrawn

9. Town Clerk re Termination of Laurine Fischione as Sr. Cashier and Appointment of Amy MacDonald as Cashier

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to terminate Laurine Fischione as a Senior Cashier effective August 10, 2020 and appoint Amy MacDonald as Provisional Cashier, Group 3, Step 1, at an annual salary of \$36,611.96 effective August 10, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                                      Noes: None                                      Motion Carried

10. Director of Finance re Adoption of Fund Balance Policy

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the attached Fund Balance Policy updated as of July 20, 2020.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

11. Town Assessor re Appointment of Laurine Fischione as Assessment Clerk

Motion by Supervisor Dickson, seconded by Councilman Hanley, to appoint Laurine Fischione as full time provisional Assessment Clerk, Group 3, Step 5, at an annual salary of \$46,937.68 effective August 10, 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 CEBA Agreement

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with George Kline and CEBA for use of the ball diamonds noting this is contingent upon items 8b, 8c, and 14 being submitted before any use is permitted.

Ayes: All

Noes: None

Motion Carried

13. Recreation Supervisor re West Seneca Kiwanis Club – Chicken BBQ Agreement

Motion by Supervisor Dickson, seconded by Councilman Cantafio, to authorize the Supervisor to execute the necessary documents to enter into an agreement with the West Seneca Kiwanis Club for use of the pavilion for a Chicken BBQ.

Ayes: All

Noes: None

Motion Carried

14. Recreation Supervisor re South Buffalo Rugby – Agreement Addendum

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the addendum to the previous agreement with South Buffalo Rugby for the Town of West Seneca facility usage noting this is contingent upon items 14c and 14d being submitted before any use is permitted.

Ayes: All

Noes: None

Motion Carried

15. Recreation Supervisor re Orchard Park Storm – Diamond Use Agreement

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Donald Nunweiler and Orchard Park Storm for use of the ball diamonds.

Ayes: All

Noes: None

Motion Carried

16. Recreation Supervisor re WS  
Fire District #4 & Southtowns  
Soccer – Agreement Addendum

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Supervisor to execute addendums for the previous agreements for the Town of West Seneca facility usage for the following organizations: West Seneca Fire District #4 (East Seneca) and Loncar/Southtowns Soccer.

Ayes: All

Noes: None

Motion Carried

### **15-B REPORTS**

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

### **15-C APPROVAL OF WARRANT**

Motion by Supervisor Dickson, seconded by Councilman Bauer, to approve the vouchers submitted for audit noting the invoice for Interpool Distributing Corporation in the amount of \$1,040.25 is a duplicate and will be removed from the total, chargeable to the respective funds as follows: General Fund - \$92,063.52; Highway Fund - \$128,689.37; Sewer Fund - \$3,980.37; Gas Conversion - \$122.48 (vouchers 7512 - 13253)

Ayes: All

Noes: None

Motion Carried

### **ISSUES OF THE PUBLIC**

- A resident questioned/commented on the following:
  - ✓ Was the city of Buffalo was given another three years for the park at Mineral Springs and Indian Church and stated that park is needed for West Seneca kids in that area – Supervisor Dickson stated there was an extension and does not recall the length. Town Attorney Hawthorne stated the contract expires at the December of 2025.
  - ✓ Seneca Street around the entrance to the Route 400 needs to be addressed
- A resident commented/questioned work on East & West Road:
  - ✓ The road is a mess, has been closed but no work is being done and questioned if there is a problem with payments – Councilman Hanley stated this is a county project. Highway Superintendent Adams stated this was going to be a messy project and has many stages. The concrete gutters are being started at the Leydecker Road end and Mr. Adams anticipates completion to be fairly soon.
  - ✓ National Fuel replaced gas lines in the area of Mill Road to Greenhill Terrace last winter and stopped, the sidewalks are now a tripping hazard, what can be done – Councilman Hanley will reach out to National Fuel regarding this and will follow up. Highway Superintendent Adams will also follow up.
- A resident referred to his property at 1168 Orchard Park Road and the surrounding properties and commented/questioned the following:
  - ✓ Building is over 100 years old and the basement has become a reserve pond
  - ✓ After last month's storm the basement was filled to the top step and the lot was filled with two and a half feet of water; all equipment in the garage was ruined
  - ✓ Neighboring properties experience flooding in the basements also

### ISSUES OF THE PUBLIC

- ✓ Investigated the drainage system in the area with town representatives and discovered serious issues – Councilman Hanley will have the Engineering Department address the tree roots
- ✓ Would like the town to look at possible long term solutions – Highway Superintendent Adams met with the property owner the day after the storm. The property is at a lower point and the water does collect there.
- ✓ The curb that used to exist between the parking lot and the neighborhood behind it was removed when the area was developed and contributes to the problem - Supervisor Dickson commented on the resistance of the DEC allowing the town to increase the flow of our sanitary lines to the treatment plants; the engineers have also commented that the DEC is essentially treating the basements in West Seneca as retention ponds. Councilman Hanley will accompany Mr. Adams to review the situation as well.
- ✓ Suggested the town build retention ponds and/or rebuild the drainage system – Councilman Hanley stated there is a policy in place that requires new developments to include retention ponds
- A resident referred to the ice rink and why the price for ice time doubled for the school district - Supervisor Dickson responded it did not double in price; the prices were raised to cover overtime costs, the school district was paying \$120 in the morning and \$210 in the afternoon, every other user pays \$210.
- James Manley of the West Seneca Joint Veteran’s Committee thanked the people and groups that are sponsoring flowerbeds for the Veteran’s Walkway: Cathy and Bob Fiscus, Kate and Bob Wilson, Town Clerk Amy Kobler, and the CSEA White Collar Unit. Thank you also to Highway Superintendent Brian Adams and the Buildings and Grounds Crew who will keep the flowers watered. We look forward to next year as more flowerbeds become available for adoption.
- Two emails were received by Town Clerk Amy Kobler:
  - ✓ A resident stated while they don’t support the recreational sprinklers citing health concerns due to the pandemic, they are offended by the assumption that all residents have “their own yards” and can use “their own sprinklers”, this leaves out residents that live in apartments
  - ✓ A resident referred to the authorization of the repair and re-opening of the Burchfield Nature and Art Center and felt there was little to no public input and is requesting the following question be placed on the November election ballot voluntarily by the town pursuant to Town Law 81(1)(b): “Shall the Town of West Seneca demolish the town structure located at 2001 Union Road known as the Burchfield Nature and Art Center?” Thereby letting the public decide the issue - Councilman Hanley asked Town Attorney Hawthorne to advise if this is plausible and if state law requires the town to maintain, protect, and preserve assets that are on the books.

### COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

#### Supervisor Dickson

- Due to Covid-19 the appointments to the Ethics Board and Environmental Commission were not made and questioned if the Town Board re-canvas or use applications that were previously received. Councilman Piekarec, Councilman Bauer and Councilman Cantafio would like to re-post the positions. Councilman Hanley stated there was one applicant for the Environmental Commission position who had recently re-applied, would like to appoint them to the Environmental Commission and go forward with accepting applications for the Ethics Board. Supervisor Dickson stated there were more applicants that were open to being appointed to either board. In light of the additional applications, Councilman Hanley would be in favor of re-canvassing for both positions.
- Supervisor Dickson stated a resident would like to donate a sign to Spot Coffee designating a parking

**Supervisor Dickson** (continued)

space for order pick up to encourage and support the business – Unanimous agreement was received from the Highway Superintendent Adams and the Town Board

**Councilman Cantafio**

- Thanked all in attendance for wearing a mask, keep it up, let's get the kids back to school
- Thanked Jim Manley for his work on the Veteran's Walkway

**Chief Denz**

- Experiencing a shortage of Court Security Officers and is facing recruitment challenges:
  - ✓ Temporarily supplementing with Police Officers
  - ✓ Private security positions start at \$33 per hour
  - ✓ Three options for consideration:
    - Suggests increasing the rate of pay to \$25 per hour for Court Officers and \$27 per hour for the Coordinator to entice retired officers to fill the positions
    - Make the position an off-duty officer position which would need approval from the PBA; currently the occurrences Police Officers need to appear in court has decreased significantly saving the town money
    - Make it a hybrid detail: Police Officers perform court security detail and retired officers cover meetings and other activities
- ✓ Security for the court and meetings must be provided and he would like the Town Board to discuss the issue

Councilman Cantafio questioned if the hybrid approach would be the best option and if events are covered for the next two weeks. Chief Denz stated the work would have to be separated due to union requirements; there is a potential schedule for the next few weeks. If the lack of Court Security Officers persists he would like to see the meetings brought back to the Court Room for security purposes.

Councilman Piekarec asked if the PBA gave guidance on pay rates. Chief Denz stated they have not, but he would anticipate it would start at the overtime rate. Councilman Piekarec questioned if only former law enforcement personnel are hired. Chief Denz stated eligibility is outlined in a law that states a town can hire retired police officers as special officers that gives them the same status as if they were working actively; when they are working they have police powers. When security is privatized those individuals do not have the same authority as the police.

Councilman Hanley questioned if a pay increase would be favorable. Chief Denz is hoping the rate will entice more retired officers.

Councilman Piekarec asked if a lower rate could be offered first. Chief Denz stated the \$25 was already announced.

**EXECUTIVE SESSION**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to recess to executive session to discuss pending PBA contract negotiations.

Ayes: All

Noes: None

Motion Carried



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

**TOWN BOARD PROCEEDINGS**  
**Minutes #2020-15**  
**July 20, 2020**  
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**ADJOURNMENT**

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 8:36 P.M.

Ayes: All

Noes: None

Motion Carried

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**AMY M. KOBLER, TOWN CLERK**

**Fund Balance Policy**  
**Town of West Seneca**

**Purpose**

The following denotes the Town of West Seneca's policy for classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. The Town of West Seneca, New York (the "Town") has enacted this policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes. The Town's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Town also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Town's maintenance of a healthy fund balance.

**Policy Statement**

The fund balance of the Town's General Fund and Highway Fund accumulates to provide stability and flexibility to respond to unexpected adversity and/or opportunities.

The Town will maintain adequate fund balance in its General Fund and Highway Fund to provide flexibility and to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures), to ensure stable tax rates, to provide for one-time opportunities and to retain favorable credit ratings. The Town will endeavor to maintain an unrestricted fund balance in each, its General Fund and Highway Fund, of two months of regular General Fund and Highway Fund operating expenditures, respectively.

If the Town's unrestricted fund balance in its General Fund or Highway Fund fall below 14% of respective annual operating expenditures, the Supervisor, as Budget Officer of the Town, shall recommend decreasing the use of fund balance appropriated in the following year's budget, such that in his/her estimation over the course of no more than three years, the fund balance will be again within the level set by this policy. Further, the Town Board shall, with assistance from the Finance Department, prepare and approve a plan for restoration of the balance to the target level so that the target level is restored.

If the Town's unrestricted fund balance in its General Fund or Highway Fund fall above 18% of respective annual operating expenditures, the Supervisor, as Budget Officer of the Town, shall recommend increasing the use of fund balance appropriated in the following year's budget or the Town Board may use unrestricted fund balance during or outside of the budget process for onetime expenditures to meet unusual opportunities or to reduce the Town's debt or to establish a reserve fund in order to, in their estimation, meet this policy.

The Town board will periodically review the appropriateness of fund balance thresholds as described in this policy and update as deemed necessary.

This policy may be amended from time to time by the Town Board.