

4-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Rusinski, to approve Minutes #2013-03 of January 22, 2013.

Ayes: All

Noes: None

Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the Emergency Meeting on January 24, 2013.

Ayes: All

Noes: None

Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the January 29, 2013 bid opening for the 2013 Sanitary Sewer Repair Project.

Ayes: All

Noes: None

Motion Carried

4-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW 2013-01, MODIFICATION TO CHAPTER 102A, STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" 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

Town Engineer Steven Tanner stated the proposed changes will allow the town to take dedication of stormwater management facilities if certain conditions are met for new subdivisions. It also allows a legal means for stormwater ponds in existing subdivisions to be dedicated to the town and establishes proper language as to what kind of stormwater management facilities the town will accept. This will bring the town into compliance with the new DEC permit issued last year.

Town Attorney Shawn Martin stated that prior to having this law introduced stormwater ponds used to be created and taken over by the town with no means to pay for maintenance. A policy change then required the creation of homeowner's associations allowing for private maintenance. If adopted this local law will simply codify the creation of a district and outline a way to tax and pay for maintenance of stormwater detention ponds.

4-B LEGAL ITEMS

1. (continued)

Amy Carpenter questioned if existing detention ponds will fall under this proposed law or if they will remain private and be maintained through a homeowner's association.

Mr. Martin responded they will have the option. The last subdivision created was required to have a homeowner's association but that has not yet been accomplished so if this local law is adopted that could change.

Mrs. Carpenter questioned what the tax will be based on.

Mr. Martin responded the tax will be based on maintenance and upkeep.

Councilman Hart understood that a predetermined amount of funds will be provided upfront from the developer.

Mr. Tanner responded that the developer will be charged an upfront fee of \$500 per parcel. Once that money starts being spent the town can assess accordingly in order to recoup those funds. He suggested fees be collected as money is drawn down.

Councilman Hart questioned the cost of maintaining a stormwater detention pond.

Mr. Tanner stated the cost depends on the type and size of the pond. Typically stormwater ponds require maintenance every five years. Once water in a pond is drawn down with a pump, a backhoe is used to dig out the pond. This work is labor intense, a two to three day process requiring highway personnel and use of town equipment.

Councilman Hart questioned if the creation of a district will be based on a vote or if the town will create the district prior to it being accepted.

Mr. Tanner responded that this will be part of the process of the planning department. For existing drainage districts, anyone that benefits has to pay and anyone that pays must benefit. Anyone who drains to a stormwater pond will have to be part of a unanimous vote giving that pond to the town. Since some of these ponds are located on private property a vote will also be required by those homeowners to give up a portion of their land. There are approximately ten such existing ponds in town.

Mrs. Carpenter questioned how new homeowners will know of this tax going forward.

Mr. Martin responded that developers should notify new homeowners. He further noted the town will have fulfilled its obligation by properly passing a local law and publishing it in the town code.

4-B LEGAL ITEMS

2. (continued)

Supervisor Meegan stated the idea is to have a law in place to protect the town and have some control over people that solicit so they are not intrusive to the residents, along with compensating the town for the work involved in issuing permits.

Councilman Rusinski clarified that the law already exists and the basis is not going to change. The issue being addressed is the inclusion of language for services provided by utilities.

Amy Carpenter questioned if vendors are required to carry permits when soliciting.

Mr. Martin responded that solicitors are required to carry permits and produce the permit upon request.

Supervisor Meegan questioned if food trucks will be affected by this law.

Attorney Mitchell Stenger represented the WNY Food Truck Association and spoke on behalf of Michael Albarella who operates a food truck. He stated that some other towns are considering legislation that applies specifically to food trucks and questioned if this modification will pertain to food trucks.

Mrs. Felser thought that food trucks fell under the exempt category in the ordinance and Code Enforcement Officer John Gullo recited the current exemptions that included milk deliveries, baked goods, ice cream, daily papers and persons selling recognized products with regularly established routes within the town.

Mr. Stenger requested further clarification regarding a transient retail business and questioned whether food trucks are included since most vendors set up at a location by invitation rather than traveling up and down a street.

Mr. Martin stated since no peddling and soliciting is taking place a permit will not be required. Working an event at Southgate Plaza or an invitation to a private residence is considered catering not soliciting.

Councilman Rusinski questioned if language for food trucks should be included in the local law.

Mr. Martin stated food trucks are a separate business and should be addressed accordingly. Since they are already regulated by Erie County he would prefer to see it addressed by the county.

Councilman Hart questioned the parking of food trucks from a legal standpoint.

4-B LEGAL ITEMS

2. (continued)

Chief Gehen responded if vehicles are parked legally and there are no other current laws or ordinances in place prohibiting the activity from occurring, his department would have nothing to enforce.

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to adopt Local Law #2013-02, modification to Chapter 87 Peddlers, Solicitors and Canvassers as proposed.

Ayes: All

Noes: None

Motion Carried

APPENDICES

4-C COMMUNICATIONS

1. Supervisor Meegan re Resolution supporting contact information for vacant structures

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution in support of NYS Assembly Bill A.88 & A.834 making it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures and require good faith in obtaining a foreclosure.

On the question, Councilman Rusinski stated adoption of this resolution is a step in the right direction and will hold people accountable for the property they have abandoned.

Code Enforcement Officer John Gullo stated there are approximately 45 vacant structures in town that fall under this category. Passage of this resolution will assist the town in acquiring contact information of parties responsible for vacant structures.

Councilman Hart commented that assistance from the state legislature is definitely necessary.

Supervisor Meegan commented that when foreclosure proceedings begin a letter of intent to foreclose is issued and residents vacate their property believing the property has already been foreclosed on. If a bank stops foreclosure proceedings, residents are often unaware of their responsibility for accumulating utility, tax and property maintenance bills. This resolution provides an opportunity for the town to partner with other municipalities in identifying and making public the banks that are responsible for this behavior.

Ayes: All

Noes: None

Motion Carried

APPENDICES

4-C COMMUNICATIONS

2. Supervisor Meegan re Retirement of Janice Case Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Janice Case and terminate her as Senior Clerk Typist effective January 31, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that Mrs. Case has served the town for over 28 years.

Ayes: All Noes: None Motion Carried

3. Supervisor Meegan re Appointment of Director of Recreation II Part Time Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Craig Kroll as Director of Recreation II part-time at a rate of \$20 per hour effective February 5, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Rusinski stated that nine applicants were interviewed out of 20 that applied for the position and this appointment is contingent upon favorable pre-hire screening.

Councilman Hart stated the board worked very hard on this appointment and an arduous screening process took place with no politics involved. He commented on Mr. Kroll's impressive resume and experience and thought he was the best candidate.

Supervisor Meegan commented on Mr. Kroll's work with the Boys and Girls Club and his extensive experience.

Mr. Kroll thanked the Town Board for providing him the opportunity to be part of the recreation program and stated he hopes to build a program the community will be proud of.

Ayes: All Noes: None Motion Carried

4. Councilman Hart re Bid award for sidewalk repair & replacement project at the library Motion by Supervisor Meegan seconded by Councilman Hart, to award the sidewalk repair and replacement project at the West Seneca Library to S & T Enterprises Inc., 97 Sunset Blvd., Angola, NY at their quote of \$16,500 noting that funding is available from budgetary appropriations and a New York State grant.

Ayes: All Noes: None Motion Carried

4-C COMMUNICATIONS

5. Town Engineer re Bid award for 2013 Sanitary Sewer Repair Contract

Motion by Supervisor Meegan, seconded by Councilman Hart, to award the bid for the 2013 Sanitary Sewer Repair Project to Hydrolawn of Buffalo, Inc., PO Box 771, Derby, NY 14047 at their low total bid amount of \$169,122.20.

On the question, Councilman Rusinski questioned if the determination of low bid is cumulative of all bids received by a contractor.

Town Engineer Steven Tanner responded that the determination was cumulative of all bids. Bids for shallow repairs were separated to identify different types of work requiring different types of equipment and restoration work was also bid separately. Unlike previous years, contractors were required to submit a bid for all three sections of this contract.

Ayes: All

Noes: None

Motion Carried

6. Highway Supt. re Budgetary transfer requests for 2012

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the attached list of budgetary transfer requests for the Highway Department.

Ayes: All

Noes: None

Motion Carried
APPENDICES

7. Chief Gehen re Bid date for police vehicles

Motion by Supervisor Meegan, seconded by Councilman Hart, to set a bid date of Tuesday, February 26, 2013 at 10:00 A.M. for the purchase of five (5) new marked police vehicles, noting that funding is available through the 2013 police vehicle line item #1.3120.0208.

On the question, Councilman Rusinski questioned the police vehicle replacement policy.

Chief Gehen stated every two years half the fleet of patrol units is replaced and each vehicle traded in has approximately 80,000 – 100,000 total mileage.

Ayes: All

Noes: None

Motion Carried

8. Chief Gehen re Attendance of Detectives Andolina & Bebak at prescription drug training seminar

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Detectives Robert Andolina and Robert Bebak to attend the Prescription Drugs: Diversion, Prescribing, RxPatrol & Case Studies training seminar February 13, 2013 in North Syracuse at a total cost not to exceed \$240 noting that sufficient funds are available in the police training course line item #1.3120.0459.

4-C COMMUNICATIONS

8. (continued)

On the question, Councilman Rusinski complimented the detectives on their commitment to continuing education by attending seminars.

Councilman Hart questioned if there is a bidding process that determines who attends seminars and how big the prescription drug problem is.

Chief Gehen responded that training is targeted to a specific officer's or detective's specialty. He further stated that prescription drugs are a huge problem in all towns throughout Western New York. These detectives deal specifically with narcotics and prescription drugs along with detectives from other agencies so the training is very beneficial.

Ayes: All

Noes: None

Motion Carried

9. Chief Gehen re Purchase requiring Town Board approval

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize payment of \$5,050 to George's Collision for vehicle repairs to a 2011 Ford Crown Victoria.

On the question, Councilman Hart questioned how the vehicle was damaged.

Chief Gehen responded that the vehicle damage was the result of an accident that was not the fault of an officer and Town Attorney Shawn Martin is handling insurance paperwork to recoup the cost.

Ayes: All

Noes: None

Motion Carried

10. Code Enforcement Officer re Electronic message board at 3800 Seneca Street

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve an electronic message board for Auricchio Insurance located at 3800 Seneca Street.

Ayes: All

Noes: None

Motion Carried

11. Director of Senior Services re Termination of D. Doctor & J. Manley as van drivers

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Donald Doctor & James Manley as part-time van drivers effective February 1, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that Mr. Doctor & Mr. Manley have found other employment.

Ayes: All

Noes: None

Motion Carried

4-C COMMUNICATIONS

12. Director of Senior Services re Status change for part-time van driver John McCartan to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time van driver John McCartan to part-time seasonal effective February 1 - June 28, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Director of Senior Services re Status change for part-time clerk Marirose Bless to seasonal

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to change the status of part-time Food Service Worker Marirose Bless to part-time seasonal effective February 1 – March 29, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart referred to upcoming changes to health care and questioned how this will impact seasonal workers.

Supervisor Meegan responded that discussions on this issue will take place at future work sessions and numbers from this year will be a determining factor for 2014.

Ayes: All Noes: None Motion Carried

14. Town Justices re Attendance at NYS Association of Towns annual meeting

Motion by Supervisor Meegan, seconded by Councilman Rusinski, to authorize Town Justice Jeffrey Harrington and Court Clerks Linda Stefaniak & Michelle Leone to attend the NYS Association of Towns annual meeting in New York City, February 17 – 20, 2013 at a cost not to exceed \$1,500 per person with funding from Acct. #1.1110.0414.

Ayes: All Noes: None Motion Carried

15. Supervisor Meegan re Budgetary transfer request

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve a budgetary transfer request of \$1340 from Contingency Acct. #1.1990.0480 to Planning Consultant Acct. #1.1910.0484 for the Recreation Department needs assessment.

Ayes: All Noes: None Motion Carried

4-C COMMUNICATIONS

16. Director of Senior Services re Termination of Sarah Flattery
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to terminate Sarah Flattery as part-time recreation clerk effective February 8, 2013 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

17. Director of Senior Services re Bid award for Jackson Tempstar dishwasher
Motion by Supervisor Meegan, seconded by Councilman Rusinski, to award the bid for a Jackson Tempstar dishwasher to Buffalo Hotel Supply Co., 375 Commerce Drive, Amherst, at their bid amount of \$7,498.

Ayes: All Noes: None Motion Carried

4-D WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the vouchers submitted for audit, chargeable to the respective funds as follows:

General Fund - \$238,749.15; Highway Fund - \$81,598.85; Special Districts - \$5,188.90 (voucher #'s 76694 - 77082); Trust & Agency Fund - \$31,995.19 (voucher #'s 76967 - 76985); Capital Fund - \$85,276.63 (voucher #'s 76831 - 77087)

Ayes: All Noes: None Motion Carried

4-E REPORTS

- John Gullo, Code Enforcement Officer's report for December 2012 and year end report for 2012 received and filed.
- John Gullo, Code Enforcement Officer's year end plumbing report for 2012 received and filed.

ISSUES OF THE PUBLIC

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of the AmeriCorps payments.

Finance Director Laura Landers responded that a payment of \$8,000 was received on January 16th and February's payment has not yet been received.

ISSUES OF THE PUBLIC

VEHICLES PARKED IN YARD

Karen Lucachik referred to properties on Orchard Park Road she had previously complained about concerning vehicles, boats and equipment parked in yards. She questioned what happens after violation notices are sent from the town.

Code Enforcement Officer John Gullo responded that an initial letter is sent followed by a final notice and then a court appearance ticket is issued. Approximately 2000 violation letters concerning property maintenance have been sent from April 2012 to the end of the year. Problems are sometimes ongoing when property owners appear in court and temporarily comply to avoid the violation.

HEALTH INSURANCE

Karen Lucachik commented on a news article referencing health benefit perks received by county employees and questioned if any town employees receive these benefits.

Supervisor Meegan responded that approximately 15 – 20 employees have this benefit and it is no longer offered in current plans.

BANK FORECLOSURES

Beverly Leising questioned why the town did not go after banks last year as previously discussed and inquired if the town has recouped any money.

Supervisor Meegan responded the concern last year was incorporating language requiring property managers to register. Unfortunately, property managers are constantly changing as banks continue to sell off properties and in the interim the town ends up incurring the cost of maintaining the property.

Code Enforcement Officer John Gullo stated that some banks pay the property tax bills and the maintenance costs are included.

Town Attorney Shawn Martin stated that if a bank sells a property, past taxes including any maintenance charges take precedence over the mortgage.

ISSUES OF THE PUBLIC

STATUS OF CAT ORDINANCE

Beverly Leising questioned the status of the proposed cat ordinance and if a future agenda date has been set for discussion on this issue.

Supervisor Meegan responded that a date has not been set.

Councilman Hart stated the ordinance is currently on hold but they are working on other methods to force compliance on these properties.

DETECTIVE TRAINING

Beverly Leising questioned if detectives that attend training seminars pass information on to other officers and if there is any information that would be beneficial to the public.

Chief Gehen stated that information beneficial to the entire patrol force is shared during in service training. General topic instructors who train at least 21 hours a year keep the department up-to-date on relevant topics. Neighborhood watch programs, bike patrol, nixle, and newspaper publications are also essential ways to share information with the public. Chief Gehen further stated that officers are available for personal presentations on topics.

STATUS OF GARBAGE TOTES

Beverly Leising questioned the status of the garbage totes.

Supervisor Meegan responded that this issue is still being discussed.

Johanna Guenther stated in Rochester the elderly and disabled have their garbage picked up from their house and returned to the same location and she questioned if this is a New York State law.

Town Attorney Shawn Martin was not aware of a state law requiring garbage to be picked up from a house due to age or disability.

Larry Palaszynski questioned if the elderly will be able to handle oversized garbage totes.

Councilman Hart stated that currently the ordinance only requires that garbage be stored in a container and just the garbage bag can be put out at the road. All options will be reviewed and considered prior to going forward.

ISSUES OF THE PUBLIC

STATUS OF GARBAGE TOTES (continued)

Councilman Rusinski stated they are monitoring problems in Cheektowaga as they develop. The size of the totes may be reduced based on issues the elderly are having such as difficulty opening the lids and wheeling totes to the curb.

WORK SESSIONS

Amy Carpenter questioned if all work sessions will be held during the day and Supervisor Meegan responded that all the work sessions have been scheduled for during the day.

UNION CONTRACTS

Amy Carpenter referred to a previous discussion and questioned if blue and white collar contracts are going to be put online.

Supervisor Meegan responded there is a problem converting and formatting the file and she requested that Town Attorney Shawn Martin review this issue.

HIGHWAY DEPARTMENT BUDGET

Amy Carpenter questioned the year end highway budget and if there was a savings on salt and overtime expenses last year.

Councilman Hart responded that last year's highway budget was tight and underfunded in areas. Based on information he had received the overall highway budget was overexpended by \$36,000.

DETENTION PONDS

Amy Carpenter questioned if the town is liable for putting up signage on detention ponds.

Town Attorney Shawn Martin responded that New York has a recreational use statute where the town is not responsible unless they knowingly create an unsafe condition. Insurance covers town property; however, additional exposure and risk creates additional expense, something that may have to be addressed in the future.

POLICE DEPARTMENT

Johanna Guenther complimented Chief Gehen and his staff on their professionalism recently displayed in her neighborhood.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

NOTIFICATION OF FORECLOSED PROPERTIES BEING AUCTIONED

Town Clerk Jacqueline Felser referred to a question at the last meeting regarding notification of foreclosed properties going up for auction. She stated on March 5th the county will be having an auction at the Buffalo & Erie County Public Library at 9:30 AM. A list of properties up for auction is available on the Erie County website, www.erie.gov, along with information on how to purchase tax foreclosed properties.

CPR & DEFIBRILLATOR TRAINING

Chief Gehen stated CPR and defibrillator training is beginning this week and he thanked Councilman Rusinski for his help in acquiring mannequins for the training, noting that a substantial amount of money was saved by borrowing vs. purchasing the mannequins.

WORK SESSION PRESENTATIONS

Town Engineer Steven Tanner stated at the last two work sessions he provided presentations on the Danforth energy project and DEC Order of Consent regarding sewer districts and noted that both presentations are available on the town's website www.westseneca.net.

ICE RINK UPDATE

Town Engineer Steven Tanner stated there was a problem at the ice rink last weekend involving a heat recovery system that was not completely installed. When it was cold the compressors were kicking off because there was not enough heat in the room. Installation of a small boiler to heat the room will alleviate the problem. The system will be completed in the spring and the warranty extended.

Councilman Hart questioned if there was a leak at the ice rink on the weekend.

Highway Supt. Matthew English responded the building was evacuated after an ammonia leak was reported on Saturday at 11:15 PM. A Danforth representative fixed a loose valve and the rink was back up and running at 6 AM on Sunday.

EQUIPMENT AT SENIOR CENTER

Director of Senior Services Mary Josefiak stated all kitchen and exercise equipment acquired through the grant have been received. The vans have been registered and are in the process of getting signage.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

EQUIPMENT AT SENIOR CENTER (continued)

Town Engineer Steven Tanner stated the Engineering Department completed the design for additional parking spaces at the Senior Center and noted that a large portion of this work will be performed by the Highway Department over the summer.

EXECUTIVE SESSION

Motion by Supervisor Meegan, seconded by Councilman Hart, to recess to Executive Session at 8:30 P.M. to discuss a litigation matter and a contract matter.

Ayes: All

Noes: None

Motion Carried

The board members returned from Executive Session at 8:45 P.M.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:45 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

§ 102A-13. Maintenance, inspection and repair of stormwater facilities.

A. Maintenance and inspection during construction.

- (1)** The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- (2)** For land development activities as defined in § 102A-6 of this chapter and meeting Condition A, B and C in § 102A-7B(2), the applicant shall have a qualified inspector conduct construction site inspections. Refer to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, most current or its successor, for inspection requirements.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of West Seneca to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of West Seneca.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

- (1)** A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator.
- (2)** Written procedures for operation and maintenance and training new maintenance personnel.
- (3)** Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 102A-8C.

D. Maintenance agreements. For commercial, institutional or industrial developments, the Town of West Seneca shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of

the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedules A and B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement."

E. The Town of West Seneca, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility for residential or townhome developments, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. The owner(s) shall provide an Engineer's Report in order to establish a Drainage Benefit Area (DBA) which, at a minimum, provides the following:

- (1) Plans and Specifications: Provide an overall description of the Drainage Benefit Area and the improvements. Include an operations and maintenance plan that ensures continuous and effective operation of each post-construction stormwater management practice. Refer to Schedule C of this chapter for practices acceptable for dedication to the Town for maintenance responsibility.
- (2) Estimate of Cost: The net amount to be assessed on the lots or parcels within each district for the total cost of maintenance and servicing for each fiscal year with adjustments either positive or negative for reserves, surpluses, deficits, and/or contributions. For future facilities, the developer shall be required to pay an initial fee of \$500/lot or parcel in an escrow account that is created for said Drainage Benefit Area, accruing interest shall remain within the escrow account.
- (3) Assessment Diagram: The Diagram of the DBA boundaries showing the exterior boundaries of the DBA and the lines and dimensions of each lot or parcel of land within the DBA. A legal description of said boundary shall accompany the diagram.
- (4) Assessment Roll: An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the DBA.
- (5) Method of Assessment: The method of apportionment of assessments, indicating the proposed assessment of the net amount of the costs and expenses of the improvements to be assessed upon the lots and parcels of land within the DBA, in proportion to the estimated benefits to be received by such lots and parcels.

F. Existing facility dedication. The Town may accept dedication of existing stormwater management facilities provided that the following conditions are met:

- (1) All owners, of the lands which constitute the entire stormwater management facility, shall accept the dedication of properties to the Town.
- (2) Maintenance easements are in place as necessary for Town access as specified in this chapter.

(3) The facility is in good working order and regular maintenance has been performed. If the facility is in need of repair or maintenance, costs of such repair, to bring the facility into compliance, as determined by the Town Engineer, shall be incurred by the facility owners and property owners that are part of the future Drainage Benefit Area.

(4) An Engineer's Report has been developed, in accordance with this chapter, to establish a Drainage Benefit Area.

G. Inspection after construction. The Town of West Seneca shall be allowed to enter the owner's or operator's premises, upon the presentation of credentials, where a regulated facility or activity is located to ensure optimum performance of the measures as designed or if there is a reasonable likelihood of adversely affecting human health or the environment.

Town of West Seneca - Schedule A

Stormwater Management Practices Acceptable for Water Quality and Utilized on this Project (From: New York State Stormwater Management Design Manual, Table 3.3)		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no base flow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

- Note: Reference long-term operation and maintenance schedule here.

Schedule B

STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Town of West Seneca, Erie County, New York

Whereas, the Town of West Seneca ("Town") and the _____ ("Facility Owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Town for the below named project, and

Whereas, the Town and the Facility Owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town and the Facility Owner agree as follows:

1. This agreement binds the Town and the Facility Owner, its successors and assigns, to the maintenance provisions depicted in the approved Stormwater Pollution Prevention Plan (SWPPP) which are attached as Schedule A of this agreement.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period and after every 3.6 inches of rain in 24 hours (a ten-year storm event), to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Town within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Town.
6. The Facility Owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Town or in accordance with the recommendations of the inspecting engineer.
7. This agreement shall be recorded at the sole cost and expense of the Facility Owner in the Office of the County Clerk, County of Erie, together with the deed for the common property.
8. If ever the Town determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Town or by the inspecting engineer, the Town is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
9. This Stormwater Control Maintenance Agreement is executed and delivered and is effective as of the ____ day of _____, 20__.

TOWN OF WEST SENECA

By: _____

Sign: _____
Supervisor

Signature of Owner's Agent

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the ____ day of _____, in the year 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ 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.

Notary Public

Town of West Seneca - Schedule C

Stormwater Management Practices Acceptable for dedication to the Town for residential developments.		
<i>(From: New York State Stormwater Management Design Manual, Table 3.3)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no base flow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

- Note: No proprietary hydrodynamic/filtering water quality devices or underground pipe/arch storage systems shall be acceptable for dedication to the Town.

LOCAL LAW 2013-02
TOWN OF WEST SENECA
MODIFICATION TO Chapter 87, PEDDLERS, SOLICITORS AND CANVASSERS

§87.2

PEDDLING: The selling or offering for sale of any goods, *services*, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets, roads or highways or from house to house within the Town of West Seneca, provided that the word "peddling" shall not apply to the selling or offering for sale of bread or bakery products, milk or milk products, ice cream or ice cream products and daily, weekly or other papers within the Town of West Seneca or to the selling or offering for sale of real estate by real estate agents licensed in the State of New York or insurance by insurance agents or brokers licensed under the insurance laws of the State of New York.

(Amended 2-4 -13)

SOLICITING: The seeking or taking of contracts or orders for any goods, *services*, wares or merchandise for future delivery or for subscriptions or contributions upon any of the streets, roads or highways or from house to house within the Town of West Seneca, provided that the word "soliciting" shall not apply to the seeking of or taking of orders by any manufacturer or producer for the sale of bread or bakery products, milk or milk products, ice cream or ice cream products and daily, weekly or other papers within the Town of West Seneca or to the seeking or taking of orders by real estate agents licensed in the State of New York or by insurance agents or brokers licensed under the insurance laws of the State of New York for insurance purposes.

(Amended 2-4 -13)

§87.3

No person shall engage in soliciting, peddling or *a transient retail business* within the Town of West Seneca without procuring a license from the Town Clerk.

(Amended 2-4 -13)

§87.5

(8) The length of time for which the license is required and registration is to be effective, which will not exceed one year.

(Amended 2-4 -13)

§87.6

The fee for any peddler or solicitor license shall be at the rate of two hundred dollars (\$200.00). The license shall be valid for a period of one year.

The fee for any transient retail business license shall be at the rate of two hundred dollars (\$200.00). The license shall be valid for a period of one year.

(Amended 2-4 -13)

§87.7

Every applicant for a transient retail business license shall post a security deposit or bond in the amount of five hundred dollars (\$500.00) to ensure compliance with regulations governing Chapters 87 and 92 of the Code of the Town of West Seneca.

- A. If the applicant fails to comply with Chapter 87 of the Code of the Town of West Seneca after due notice of its violation, then his license shall be revoked as provided in § 87-12 of this chapter, and, in addition, said security deposit or bond will be forfeited to the Town of West Seneca. Notice of a violation may be made orally to the applicant or his employee

by the Town Clerk, Building Inspector, assistants, employees or by any member of the Police Department.

- B. Any moneys forfeited will be used to pay reasonable expenses incurred in cleaning up any debris or garbage left by the transient merchant. If the owner of said premises shall do the work, the town shall reimburse him for all reasonable and necessary expenses from the moneys forfeited, but in no event in an amount greater than the amount of the security deposit or bond actually forfeited.

(Added 2-4 -13)

§87.10

- B. No peddler, solicitor or transient retail business shall have any exclusive right to any location in the public streets nor shall any be permitted a stationary location nor shall any be permitted to operate in any congested area where his/her operations might impede or inconvenience the public or local businesses.

- C. No peddler or solicitor shall frequent any street in such a nature so as to cause a private or public nuisance

D. Every solicitor, peddler, or transient retail business while engaged in soliciting, peddling and its transient retail business within the town, must carry the license upon his/her person and must exhibit the same upon request to all persons solicited or to any police officer within the Town of West Seneca.

§87.11

Entering a private residence or place of business in the Town of West Seneca by a solicitor or peddler, as defined herein, for the purpose of selling or offering for sale or for soliciting orders for goods, services, wares, merchandise, contracts or personal services or remaining in a private residence or the premises thereof or any place of business or on the premises thereof after the owner or occupant thereof shall have requested any solicitor or peddler to leave or going in and upon the premises of a private residence or place of business by a solicitor or peddler, as defined herein, for any such purposes when the owner or occupant has displayed a "no soliciting" sign on such premises is prohibited and is further declared to be an offense

**RESOLVED TO SUPPORT NEW YORK STATE REGARDING THE PROPOSED LAWS
CONCERNING CONTACT INFORMATION FOR VACANT STRUCTURES**

Whereas, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

Whereas, vacant structures that are not maintained degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

Whereas, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

Whereas, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

Whereas, the Town of West Seneca Town Board supports the passage of said Bills.

Now Therefore, Be it Resolved that the Town of West Seneca hereby supports the passage of said Bills and respectively requests that the State Representatives who represents constituents in the Town of West Seneca support the passage of said Bills.

Further, direct the Town Clerk to forward copies of this resolution to New York State Assemblyman Michael P. Kearns, Co-Sponsor of these Bills; New York State Assemblyman Dennis H. Gabryszak.

From:

Account Number	Description	Amount
002.5110.0416	Highway gasoline	\$ 6,194.39
002.5110.0445	Curbing concrete	422.79
002.5110.0499	Blacktop paving	10,013.11
002.5142.0416	Salt, anti-freeze etc.	65,407.66
002.5110.0446	Rd. oil, surface treatment	5,194.17
001.7142.0422	Rink - gas	\$ 6,413.41
001.7142.0446	Rink - service contracts	12,250.25
001.8160.0491	Sanitation - rental heavy mach.	2,000.00
001.8161.0200	Recycling - purchases	2,350.00
001.8161.0408	Recycling - sanitary landfill	43,879.20
001.1620.0445	B & G - T.H. maintenance	262.05
001.1620.0420	B & G telephone	12,303.43
001.1620.0421	B & G primary power	11,931.18
001.1620.0422	B & G gas	18,984.05
001.3410.0400	Fire Alarm - elec. supplies	3,335.63
001.3410.0443	Fire Alarm - trk. 13 maintenance	1,409.26
001.3410.0445	Sirens	1,000.00

To:

Account Number	Description	Amount
002.5110.0400	Dept. supplies	\$ 2,360.17
002.5130.0445	Equip. repairs - sent out	33,277.93
002.5130.0491	Rental - heavy machine	599.25
002.5130.0493	Machinery - parts	49,433.49
002.5140.0489	Tool house supplies	1,561.28
001.1620.0417	Cleaning supplies	\$3,441.41
001.3310.0443	Traffic control - equip.	257.40
001.3510.0200	Dog control - equip. purchase	484.93
001.3511.0420	Dog control - telephone	2,280.97
001.5010.0445	Sign maint.	4,516.76
001.5132.0423	Hwy. garage - water	2,533.70
001.8160.0481	Sanitation - gloves	660.51
001.8161.0448	Recycling - painting	1,411.63
001.8540.0421	Drainage - primary power	129.84
001.8540.0498	Drainage - pipe	32.52
001.7621.0423	Senior Ctr. water	107.08
001.7621.0445	Senior Ctr. bldg. maint.	5,297.88
001.8160.0400	Sanitation dept supplies	615.51
001.8160.0415	Sanitation rodent control	122.09
001.8160.0416	Sanitation gasoline	31,647.96
001.8160.0443	Garbage truck maint.	16,141.18
001.7110.0463	B & G shelter maint.	4,534.20
001.7142.0445	Rink bldg. maint.	13,024.52
001.7181.0445	Pool bldg., maint.	544.84
001.7420.0420	Burchfield telephone	26.87
001.7420.0421	Burchfield primary elec.	1,488.78
001.7520.0420	Historical telphone	564.16
001.5132.0452	Hwy. garage bldg repairs	5,523.35
001.7110.0415	B & G rodent control	1,080.00
001.7110.0416	B & G gasoline	13,823.12
001.7110.0419	B & G misc office supplies	172.00
001.7110.0420	B & G telephone	3,393.24
001.7110.0423	B & G water	2,262.01