

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

TOWN BOARD PROCEEDINGS
Minutes #2014-19
October 6, 2014

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance to the Flag led by Code Enforcement Officer John Gullo.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
William P. Hanley Jr. Councilman

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

The meeting was dedicated to the memory of Carl Anderson Jr., Alyssa Loschiavo and Frances Roloff.

19-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2014-18 of September 22, 2014.

Ayes: All

Noes: None

Motion Carried

19-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hanley, 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 2014-12 TO OVERRIDE THE TAX LEVY LIMIT" 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

Beverly Leising referred to the budget letter from Supervisor Meegan that stated working families need a tax break and commented that seniors are also in need of a tax break and should not be forgotten. After reviewing the budget, Mrs. Leising thought there were a lot of increases that could be adjusted. She commented that although employees deserve raises consideration must be given to people on fixed incomes. Mrs. Leising stated she has to pay toward her hospitalization insurance and asked that some consideration be given toward cutting the cost of employees' hospitalization. She suggested finding a way to still be fair to the employees while asking them to give back a little.

19-B LEGAL ITEMS

1. (continued)

Dale Clarke commented on Councilman Hart and Councilman Hanley's plan to reign in wasteful spending and stated raising the tax cap is not a way to cut costs. Mr. Clarke referenced recent appointments and raises as areas of wasteful spending.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached Local Law #2014-12 to override the tax levy limit as established in General Municipal Law Section 3-c.

On the question, Finance Director Luke Malecki commented that mandates from the DEC with regard to the sewers, an aging infrastructure and operational/health insurance costs make it difficult to stay under the current tax cap of 1.56 percent.

Attorney for the Town Charles Grieco stated unfortunately the state legislature did not follow up on the tax cap with any sort of mandate relief and this is making it difficult for many towns.

Supervisor Meegan stated all the borrowing for the sewer project is not excluded from the tax cap.

Councilman Hart commented next year all three union contracts will be negotiated and they will be asking for sacrifices.

Ayes: All

Noes: None

Motion Carried
APPENDICES

19-C COMMUNICATIONS

1. Supervisor Meegan re Designating October 2014 Breast Cancer Awareness Month

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached proclamation designating October 2014 as Breast Cancer Awareness Month in the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried
APPENDICES

19-C COMMUNICATIONS

2. Supervisor Meegan re Designating October 2014 Domestic Violence Awareness Month
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached proclamation designating October 2014 as Domestic Violence Awareness Month in the Town of West Seneca.

Ayes: All Noes: None Motion Carried
APPENDICES

3. Supervisor Meegan re 14 Holy Helpers Parish 150th Anniversary
- Motion by Councilman Hart, seconded by Supervisor Meegan, to adopt the attached proclamation designating October 5 - 11, 2014 as a week of celebration of the 150th Anniversary of Fourteen Holy Helpers Parish.

On the question, Councilman Hart stated this is the 150th year for Fourteen Holy Helpers and St. John Lutheran's Church and he had the privilege of presenting the proclamation to the Bishop of Buffalo and the church community.

Ayes: All Noes: None Motion Carried
APPENDICES

4. Supervisor Meegan re Annual Crop Walk
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to grant the request of the West Seneca Community of Churches to hold their annual Crop Walk on Sunday, October 19, 2014 from 1 - 4 P.M. on designated streets in the Town of West Seneca.

Ayes: All Noes: None Motion Carried

5. Supervisor Meegan re Halloween Parade
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the request of Southgate Plaza to hold their annual Halloween Parade on Sunday, October 19, 2014 with assembly behind Town Hall at 11:30 A.M. and the parade starting at noon.

Ayes: All Noes: None Motion Carried

19-C COMMUNICATIONS

6. Supervisor Meegan re
Designation of Halloween

Motion by Supervisor Meegan, seconded by Councilman Hanley, to designate Friday, October 31, 2014 between 6:00 P.M. and 8:00 P.M. as the official night for trick-or-treat in the Town of West Seneca, noting that residents are asked to please leave their porch lights on to provide lighting and safety for the children and drivers are urged to use extra caution.

Ayes: All Noes: None Motion Carried

7. Attorney for the Town re
Public Hearing on Local Law
#13 – Development Plan
Review Fees

Motion by Supervisor Meegan, seconded by Councilman Hart, to schedule a public hearing for October 20, 2014 at 7:00 P.M. to consider adoption of the attached Local Law 2014-13 to add a new Chapter 60 Development Plan Review Fees to the Town Code.

On the question, Attorney for the Town Charles Grieco stated the local law will require developers to put money in an escrow fund to cover costs associated with the review of large development projects and the hiring of outside experts such as financial advisors, lawyers, engineers, etc. It will be at the town's discretion as to when an escrow payment will be required.

Councilman Hanley questioned if this will in any way relieve the Planning or Zoning Board of their responsibilities and duties.

Mr. Grieco responded this will provide the Planning, Zoning and Town Board with the assurance and expertise they need and taxpayers will not be saddled with the cost.

Ayes: All Noes: None Motion Carried
APPENDICES

8. Chief Denz re Status change
for part-time Public Safety
Dispatcher Andrew Wagner
to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher Andrew Wagner to part-time seasonal effective October 1 - 31, 2014 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

19-C COMMUNICATIONS

9. Finance Department re Budgetary amendment request
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution approving a budgetary amendment to increase General Fund appropriations and authorize use of its unassigned fund balance and increase expenditures for Dispatch Equipment (Acct. #001.3120.0211) in the amount of \$27,484.50 to support the purchase of portable radios.

On the question, Councilman Hart asked Chief Denz for an update on the radios.

Chief Denz stated the last purchase of radios was five years ago and they are beginning to wear. Funding for this purchase is from abandoned property and no tax dollars are being used so there is no impact on the budget. The town will also receive a rebate of approximately \$4800 on this purchase.

Ayes: All

Noes: None

Motion Carried
APPENDICES

10. Finance Department re Budgetary amendment request
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Town Board to amend the adopted 2014 General Fund budget and the adopted 2014 Special Districts budget to appropriately account for the amount of debt service payments regarding the energy performance contract payment for a total of \$307,000 using unassigned fund balance requested per the attached.

On the question, Councilman Hart stated this was omitted from the 2014 budget in error.

Ayes: All

Noes: None

Motion Carried
APPENDICES

11. Highway Supt. re Status change for part-time Buildings & Grounds laborers
- Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of the following part-time seasonal Buildings & Grounds laborers to part-time effective September 14, 2014 - April 15, 2015:

\$12 per hour
Rick Mingle

Harold Schwartz

19-C COMMUNICATIONS

11. (continued)

\$9 per hour

Matthew Amoia
Devin Chavanne
Daniel Lewis
Ryan Schrader

Thomas Bebak
Kyle Dominczak
Kevin O'Shaughnessy
Tyler Sullivan

Austin Boehm
Jacob Hiam
Kerry Painter
Michael Zuchowski

James Brady
Joseph Kropczynski
Michael Pauly

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

12. Highway Supt. re Status change for part-time seasonal Sanitation laborers

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of the following part-time seasonal Sanitation laborers to part-time effective September 21, 2014 - April 21, 2015 at a rate of \$8 per hour:

Steve Amoia, Jr.
Timothy Czuprynski
Andrew Maj
Timothy Stevenson

Colin Brown
Daniel Dyson
Jeffrey Roll
Robert Walsh

Tyler Burdzy
William Geary Jr.
Matthew Schultz

George Case
Nicholas Gugliuizza
Kenneth Strell, Jr.

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart stated he was abstaining from this vote because Robert Walsh is his cousin.

Ayes: (2) Supervisor Meegan, Councilman Hanley

Noes: None

Abstentions: (1) Councilman Hart

Motion Carried

13. Highway Supt. re Disposal of equipment

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Highway Supt. Matthew English to dispose of the following pieces of equipment that are no longer in service:

- Vehicle #533, Plate #L57335, 2001 Ford Suburban, VIN #1FMRU16W11LB14971
- Vehicle #1063, Plate #K77672, 1993 Lowboy Trailer, VIN #1W9A11D22PS061449

19-C COMMUNICATIONS

13. (continued)

On the question, Councilman Hart questioned the condition the equipment.

Highway Supt. Matthew English responded the equipment is in terrible shape and would cost too much to repair, so it is going to auction.

Ayes: All

Noes: None

Motion Carried

14. Code Enforcement Officer re
Rezoning request for 245
Northwood Avenue

Motion by Supervisor Meegan, seconded by Councilman Hanley, to refer to the Planning Board a rezoning request from R-65 to R-65A for 245 Northwood Avenue to allow a home occupation.

On the question, Councilman Hart questioned having a business on Northwood Avenue which is a residential street.

Code Enforcement Officer John Gullo responded his office only advises potential applicants on proposed zoning changes when they apply. According to Town Code, individuals have the right to go forward and proceed with the application process.

Ayes: All

Noes: None

Motion Carried

19-D REPORTS

- Jacqueline A Felser, Town Clerk's report for September 2014 received and filed.
- John A. Gullo, Code Enforcement Officer's report for September 2014 received and filed.

19-E APPROVAL OF WARRANT

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

General Fund - \$356,415.09; Highway Fund - \$111,941.60; Special Districts - \$135,272.19; Capital Fund - \$336,548.35 (voucher #'s 85917 - 86084); Trust & Agency Fund - \$30,469.00 (voucher #'s 86154 - 86183)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION

Greg Zimmerman stated his concerns regarding Veronica Estates, a subdivision being developed on Seneca Creek Road. In 2010, the proposal from the developer, Homes by Walter, was to build on the plateau off Seneca Creek Road and no homes or structures would enter the flood basin. In 2013 there was a change in plans that now include a detention pond bordering lots on Pleasantview Lane. Mr. Zimmerman feels the developer dealt in bad faith and provided area residents with assurances that trees would only be cut on lots being cleared on Seneca Creek Road. He commented on the beautiful view to the creek and stated a detention basin will be a breeding ground for mosquitoes and could potentially lower property values. As a lifelong resident he commented on West Seneca's shrinking green space and lack of room to build. Mr. Zimmerman asked that the focus be more on addressing problems of current homeowners and less on the needs of a developer and stated a detention pond was not part of the plan for Pleasantview Lane.

Town Engineer David Johnson stated he met with Mr. Zimmerman, looked at the site and reviewed Planning Board meeting minutes going back to 2010 when Veronica Estates was proposed as a 22 lot subdivision. In January 2013 the proposal was reduced to 21 lots and a public hearing was held in July. At the public hearing, a resident of Pleasantview Lane questioned the pond which was included on plans at that time. Mr. Johnson spoke to representatives at Apex Engineering and was told the pond was designed to pick up water from the wetlands that bisect the property between the upper and lower portion of the subdivision. Proposed homes are located on the upper portion of the subdivision and the property then drops off an embankment into regulated wetlands. The pond was put on the furthest west portion of the property to pick up the overland flow from the wetlands and infiltration testing was conducted throughout the entire area to demonstrate what kind of pond can be put in. The town did not allow infiltration basins so they had to go with a detention basin that retains water. Mr. Johnson stated it appeared the pond could be moved to the east approximately 80 feet; however, property lines would have to be moved and the pond re-engineered to make up the difference in elevation. Any potential changes will have to be made by Apex Engineering who filed the Notice of Termination under the New York State Pollutant Discharge Elimination System (SPDES) permit. Mr. Johnson stated Apex Engineering is not willing to make any modifications unless they are hired to do so. He further stated the developer followed all the required procedures including public notification and does not want to incur any more cost. However, he has agreed to hold off on construction in that area until he hears neighbors' concerns.

Stephanie Roll stated detention ponds are unsafe for children and standing water poses potential health hazards. She expressed her concern with mosquitoes, West Nile Virus, property values being lowered, detention pond odor and how the beauty and nature of Pleasantview Lane is being compromised. Mrs. Roll questioned if it is legal to build permanent structures on a wetland.

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION (continued)

Mr. Johnson responded a detention basin is not a structure; it is a pond.

Thomas Roll questioned what keeps water in a detention pond from becoming stagnant and if a fence will be placed around the perimeter. He further commented on the number of trees cut, how the view has changed and that neighbors should have been notified.

Mr. Johnson responded the depth of the basin is over 4 feet and stagnant water with mosquitoes typically occurs in three feet or less of water. A fence was not proposed for the pond.

Supervisor Meegan responded the project has been in the planning stages for approximately ten years and the only change has been a decrease in lots. The detention basin is on the developer's property and is a requirement for the development.

Kathy Maas questioned if there is another way to channel the runoff water into a storm sewer.

Mr. Johnson responded there is no other way and when there is an increase in water runoff it is a federal mandate brought down to a state mandate for new developments to have detention ponds.

Bob Anthony stated when he purchased his home he was not allowed to put a fence or any structure on an area of his property deemed protected wetlands. He also expressed concern about mosquitoes and displacement of wildlife and questioned how water will be filtered.

Mr. Johnson responded the design does not disturb the wetlands. He explained the purpose of an overflow channel and its function of getting water to the creek along with water filtering and swirl chambers. Mr. Johnson stated the process is common and typical throughout New York State and the country.

Karen Lucachik referred to an underground detention pond installed for a development on Schultz Road and questioned if this could be an option.

Mr. Johnson responded he would have to take a look at the possibility of an underground detention pond; however, someone will have to pay the engineer to do the modification.

Lawrence Tyler commented that the residents of Pleasantview Lane were unaware of the detention pond and he questioned if anyone from the town questioned the location when they looked at the plans.

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION (continued)

Supervisor Meegan responded the Planning Board followed all the rules and regulations with the project. She was hopeful the developer will continue to work with the town towards a compromise to help the residents.

Carol Hathaway expressed concern for the safety of children and was concerned that people were not made aware of the project.

Jim Maas thought the detention basin was too close to properties on Pleasantview Lane and an adjustment needed to be made. He further commented on the location of the telephone poles and wetlands and understood it was the developer's intention to put an 8 foot barbed wire fence around the property.

Code Enforcement Officer John Gullo did not believe that was the developer's intent and stated he will not issue a permit for a barbed wire fence.

Debbie McGready questioned if a detention pond requires a setback from adjoining property lines and if the developer is required to provide safety.

Mr. Gullo responded that detention ponds/basins are under the jurisdiction of state regulations.

Supervisor Meegan stated the detention basin is on private property. She understood the residents' frustration but was optimistic since the developer was willing to meet with the town. Supervisor Meegan further stated that even though the developer has the right to develop his property, the town needs to do a better job at publicizing projects so the neighbors can express any concerns they might have.

Councilman Hart questioned if there is any alternative solution under state or federal law.

Mr. Johnson responded there are lots of ways of working this out, but moving the detention pond to the east will address most concerns.

Mrs. Maas questioned the meaning of property being dedicated to the town. She further questioned if runoff water can include pesticides that will eventually end up in the creek.

Supervisor Meegan responded when property is dedicated to the town, the town becomes responsible for maintenance of the property.

Mr. Johnson stated New York State requires runoff water to be removed from impervious surfaces. Sediment is captured in a swirl chamber and discharged into wetlands where additional nutrients are filtered and slowly released from a stormwater pond.

ISSUES OF THE PUBLIC

VERONICA ESTATES SUBDIVISION (continued)

Mr. Tyler questioned if Pleasantview Lane residents will be notified of future updates/meetings on this project.

Supervisor Meegan responded that residents will be notified of any updates on the project.

Arlene Vogt commented on a similar situation four years ago with a different development. She questioned why building construction continues when there are sewer issues and if any other assistance is available.

Supervisor Meegan responded the town's sewer project is 70 percent complete. She further stated that detention ponds are federally and state mandated.

Dave Kurdziel challenged the town to hire an outside consultant to move the pond.

Mr. Roll commented on detention ponds lowering property values.

Supervisor Meegan responded she does not believe this to be true anymore.

Carmen Marrano questioned why the town doesn't adopt a law requiring developers to replace trees and shrubbery that is removed during project development.

Councilman Hart responded they are currently working on major revisions to the tree ordinance.

STATUS OF AMERICORPS PAYMENTS

Karen Lucachik questioned the status of AmeriCorps payments and Supervisor Meegan responded AmeriCorps made a payment this month.

QUASAR MEETING

Karen Lucachik referred to the upcoming Quasar meeting stating she objects that questions need to be submitted in advance of the meeting.

ISSUES OF THE PUBLIC

SENECA PLACE

Amy Carpenter requested the names of individuals acting on behalf of the town for Seneca Place.

Attorney for the Town Charles Grieco responded the individuals included himself, bond counsel representative Todd Miles of Harris Beach, Finance Director Luke Malecki, a representative from the Town Engineering Department, financial advisor Rick Gancy and possibly a Town Board member.

Beverly Leising stated an individual came to her home representing Seneca Place and she was concerned with the inaccurate information being provided. Mrs. Leising questioned what could be done to prevent this from continuing.

Supervisor Meegan responded they have called Steve Casey who is the Chief Executive Officer and informed him of the problem, but the town has no control over what is being said.

Councilman Hart noted there is no proposal in place, just concepts.

Michael Burzynski questioned a rumor that a motel is being built and the Town Board is giving 30 years with no taxes.

Councilman Hart responded the Erie County Industrial Development Agency grants tax breaks and the town has no control over it.

NEW DEVELOPMENTS

Amy Carpenter commented on laws now in place with new developments, stating it is a problem and time needs to be spent looking at what is being done.

Councilman Hart responded part of the problem is the town has a very old set of codes. Part of the Master Plan revision will be coming up with workable plans for different sections of the town based on needs. Next year the zoning and general codes will be rewritten and rebuilt, bringing them up to speed in the current environment. The next master plan meeting date will be set later this week.

Beverly Leising commented that developers are able to do whatever they want and expressed her concern with the trees. She was hopeful the new Master Plan will address tree replacement.

Councilman Hart responded they are trying to address this issue with the new tree ordinance.

ISSUES OF THE PUBLIC

SEWER REHABILITATION PROJECT

Susan Kims commented on the great job United Survey Inc. is doing on the sewer rehabilitation project in town.

UNION ROAD PROPERTY MAINTENANCE

Susan Kims commented on the appearance of property located at 2339 Union Road with bags of garbage, weeds and broken windows.

Code Enforcement Officer John Gullo responded that ownership of the property is changing, but a closing date has not been set. He spoke to the seller last week about the bags of garbage and will take another look at the building.

SEWER PROJECT UPDATE

Beverly Leising requested an update on the sewer project.

Town Engineer Steven Tanner responded based on previous presentations, work has been identified and broken into ten areas. The third area is currently being worked on and the project will be reevaluated when the first four areas are complete. A draft report for the Phase I area shows there has been a 28-35 percent reduction in peak volume based on the completed work. Some punch list items still need to be completed. Phase II is also complete other than punch list items. The sewers have been relined in Phase III, but laterals have yet to be grouted. Bids were received and awarded for the 48" Sewer Installation Project from Fairfax to Plant 5. Work should begin in the next couple of weeks. The 36" sewer line project from Fairfax Drive up to where lines cross behind the high school is in the permitting process. Permits need to be in place prior to the tentative bid date scheduled for March or April 2015. Work is continuing on replacing the 18" sewers that run along Smokes Creek and there is a tentative bid date for January or February 2015. Mr. Tanner stated the \$30 million project will not eliminate all sewer issues; however, it will give a better overview of what else needs to be done.

RECREATION DIRECTOR POSITION

Beverly Leising questioned if test results have been received for the Recreation Director position.

Supervisor Meegan responded tests results have been received, the list has been canvassed and interviews will begin next week for the top three candidates.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

BEECHWOOD ROAD / HILLTOP COURT RECONSTRUCTION PROJECT

Town Engineer Steven Tanner stated that Hilltop Court and Beechwood Drive will not be paved this year and temporary blacktop will be used until spring 2015. Storm work and underground utility work will be completed and driveways patched with a project completion date of spring 2015.

STEPHENSON ST. RECONSTRUCTION PROJECT

Town Engineer Steven Tanner anticipated the Stephenson Street project to be completed by the second week of November with restoration work done in spring 2015.

COMMERCE PARKWAY RECONSTRUCTION PROJECT

Town Engineer Steven Tanner stated a change order of approximately \$100,000 has been submitted for the Commerce Parkway project. The contractor had to dig two extra feet below grade to put in 6" diameter stone to give the road more bearing. Paving should be complete by the weekend.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:50 P.M.

Ayes: All

Noes: None

Motion Carried


JACQUELINE A FELSER, TOWN CLERK

Town of West Seneca

Local Law 12 of the year 2014

A Local Law of the Town of West Seneca to over-ride the tax levy limit established in General Municipal Law Sec 3-c as follows:

Be it enacted by the _____ Town Board _____ of the
Town of _____ West Seneca _____ as follows:

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

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of West Seneca to adopt a budget for the fiscal year commencing January 1, 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Sec. 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Sec 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adopt of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of West Seneca, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec 3-c.

Section 4. Severability

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

Section 5. Effective date

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

**DESIGNATING OCTOBER 2014 AS
BREAST CANCER AWARENESS MONTH**

Breast cancer touches the lives of residents from every background and in every community, including the Town of West Seneca. Though there have been great strides in combating this devastating illness, more than 230,000 women will be diagnosed with breast cancer this year, and tens of thousands are expected to lose their lives to the disease. We honor those we have lost, lend our strength to those who carry on the fight, and pledge to educate ourselves and our loved ones about this tragic disease; and

Breast cancer is the second leading cause of cancer death in women, exceeded only by lung cancer. Death rates from breast cancer have been declining since about 1989; These decreases are believed to be the result of earlier detection through screening and increased awareness, as well as improved treatment; and

This month, we stand with all those who have been affected by breast cancer, and we recognize the ongoing efforts of dedicated advocates, researchers, and health care providers who strive each day to defeat this terrible disease. In memory of the loved ones we have lost and inspired by the resilience of those living with the disease; and

Sheila M. Meegan, Supervisor, along with fellow Town Councilmen Eugene Hart and William Hanley Jr. of the great Town of West Seneca, in the County of Erie, in the State of New York, the Empire State, do recognize October in the year two thousand and fourteen as **BREAST CANCER AWARENESS MONTH** in the Town of West Seneca;

And I urge all my fellow residents join in activities that will increase awareness of what we can do to prevent breast cancer.



Town of West Seneca
Office of The Supervisor

PROCLAMATION

**DESIGNATING OCTOBER 2014 AS
DOMESTIC VIOLENCE AWARENESS MONTH**

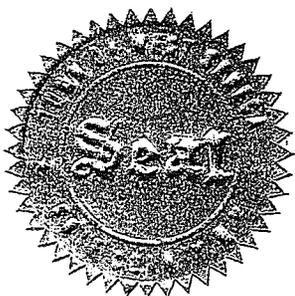
Whereas - The impact of Domestic Violence not only affects countless victims every year, but their children, families, friends, and communities as a whole suffer. October is a time to Shine a Light on Domestic Violence, a time to spread awareness and take a stand against Domestic Violence; and

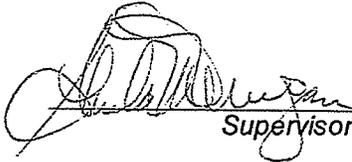
Whereas - There is no tolerance for Domestic Violence, the Town of West Seneca along with communities across the nation have taken this pledge and will continue to spread awareness. There are various state and local 24 hour Domestic Violence hotlines available in addition to the West Seneca Police Department, these resources will continue to provide help, education, and preventative measures against these crimes of violence; and

Whereas - On October 15, 2014 – residents are encouraged to wear and display purple in honor of Jacqueline Wisniewski and all others who have been - and continue to be affected by Domestic Violence. Purple is the designated color representing Domestic Violence Awareness, it is a color to signify remembrance as well as awareness; and

Therefore, I, Sheila M. Meegan, Supervisor, along with fellow Town Councilmen Eugene Hart and William Hanley Jr. of the great Town of West Seneca, in the County of Erie, in the State of New York, the Empire State, do recognize October in the year two thousand and fourteen as **DOMESTIC VIOLENCE AWARENESS MONTH** in the Town of West Seneca;

And I urge all my fellow residents to keep the conversation going, that Domestic Violence will not be tolerated.




Supervisor

**Town of West Seneca
Office of the Supervisor**

PROCLAMATION

**150th Anniversary of Fourteen Holy Helpers Parish
October 5, 2014**

- Whereas: On October 29th, 1863 a group of German immigrants residing in West Seneca, New York, with the permission of Bishop John Timon of Buffalo, purchased the Middle Ebenezer Memorial Church from the "Community of True Inspiration" and Christian Metz, their leader, as that religious community, also known as the Ebenezers, moved to Amana, Iowa.
- Whereas: On October 1, 1864 the Reverend Bishop John Timon assigned the Reverend D. Martin Winands as the first pastor of the new parish and congregation. Pastor Winands celebrated the first mass in the church on October 2, 1864. The Parish was officially dedicated and named by Bishop Timon and Pastor Winands as Fourteen Holy Helpers Church with a mass of celebration and dedication on January 6, 1865.
- Whereas: Fourteen Holy Helpers Church and parish is an integral part of the West Seneca Community. It should be recognized that the parish's history is unique among its peers. It is the only parish in the United States dedicated to a group of Saints know by its name. The Fourteen Holy Helpers, Agathius, Barbara, Blaise, Catherine of Alexandria, Christopher, Cyriacus, Denis, Erasmus, Eustace, George, Giles, Margaret of Antioch, Pantaleon and Vitus, are venerated together because their intercessions are believed effective against various diseases. In recognition of the healing powers of the Fourteen Holy Helpers the Sorrowful Mother Chapel was established in the basement of the church in the late 1880's. Many pilgrims made their way to Gardenville by foot, trolley or carriage to offer prayers in hope of experiencing the healing powers of these Fourteen Holy Helpers. Many a miracle as evidenced by the votive offerings left by those healed by the power of these Saints.
- Whereas: Early in the history of the Church the congregation recognized the need to provide for the education of their children. Shortly before the celebration of the parish's first mass, Victor Irr was hired as the first teacher beginning a tradition of catholic education at Fourteen Holy Helpers Elementary school, a tradition which continued until June of 2014 when the school sadly closed its doors. Although the school may be shuttered it should be recognized for its contributions to our community and the many leaders, educators and fine citizens who passed through its doors. Those individual contributions built on a strong Catholic education will continue as a blessing to the West Seneca community for many years to come.

Whereas: Fourteen Holy Helpers was the first Roman Catholic Church located in West Seneca, New York and for many is recognized a “mother” church. Both the Parish and school grew throughout the years until in 1955 when the need for a new parish was recognized and, Queen of Heaven Parish, was “born” to the south, and followed shortly by St. Phillip the Apostle Parish to the north thus spreading the vibrant spirit of the Fourteen Helpers religious community to a wider community.

Whereas: Many physical and spiritual changes have occurred in 150 years at Fourteen Holy Helpers Parish and yet the religious community continues with a the vibrancy, resilience and tenacity similar in many respects to our founding fathers of 150 years ago and to those pilgrims who made their way to the Sorrowful Mother Shrine over 130 years ago in hope of finding solace and healing in our Fourteen Holy Helpers.

Whereas: It is duly noted that the Fourteen Holy Helpers religious community has remained true to its mission for 150 years, has always been guided by scripture following “the way, the Truth, and Life” and will continue as a vibrant contributor to the history and the strong moral values that make West Seneca, New York the community that is and will be:

NOW THEREFORE IT BE RESOLVED THAT I, Sheila Meegan, Supervisor of the great Town of West Seneca, New York along with Councilman Gene Hart and Councilman Bill Hanley do hereby declare and dedicate the week of

October 5, 2014 through October 11, 2014

as

A week of Celebration of the 150th Anniversary of the founding of

Fourteen Holy Helpers Parish

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Town of West Seneca, New York to be affixed at Erie County on this day of October 5, 2014

Sheila M. Meegan, Supervisor

DRAFT

Town of West Seneca

Local Law 13 of the year 2014

Section 1. Title

A local law to add a new Chapter, 60 - Development Plan Review Fees, to the Town Code.

Section 2. Enacting Clause

Be it enacted by the Town Board of the Town of West Seneca, as follows:

Section 3. The Body

A new Chapter 60 is hereby added to the Town Code, as follows:

§ 60-1. Title.

The title of this chapter shall be the "Development Plan Review Fees."

§ 60-2. Legislative findings, intent, and purpose.

The Town Board hereby finds and determines that in order to protect and safeguard the Town of West Seneca, its residents and their property, with respect to certain land developments within the Town, all should be designed and constructed in a competent and workmanlike manner and in conformity with all applicable governmental codes, rules and regulations and dedicated and conveyed to the Town in a legally sufficient manner. In order to assure the foregoing, it is essential that the Town have available to it all necessary professional expertise to assist in the review of plans, designs, applications and related materials in order to make recommendations to the Town Board, Planning Board and Zoning Board of Appeals. The Town of West Seneca takes great pride in the skill and professionalism of its staff. However, from time to time, the staff is called upon to review and evaluate matters outside the range of staff training. These situations may require the Town to seek out skills not possessed by the Town employees but which are not required frequently enough to justify the hiring of new staff. At the same time, the cost of retaining such outside expertise should not be borne by the taxpayers of the Town but rather by those who seek to profit from the decisions of the Town and its boards. Therefore, it is the intent of this chapter to establish a mechanism whereby the Town may hire necessary expertise that is needed infrequently without imposing the cost on its taxpayers.

§ 60-3. Statutory authority; local supersession.

This chapter is enacted under the authority of Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(1)(ii) and Municipal Home Rule Law § 22. To the extent that the Town Law of the State of New York does not authorize the Town Board, Town Planning Board and Zoning Board of Appeals to require the reimbursement to the Town of expenses incurred by the Town in connection with the professional review of applications for development and land use approvals, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town. It is the expressed intent of the Town Board to change and supersede Town Law §§ 64(17-a), 264, 265, 267, 267-a, 267-b, 274-a, 274-b, 276, 277, 278, and 280-a to empower the Town to require such payment as part of the approval process.

§ 60-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

Any person, firm, partnership, association, corporation, company, limited liability company or organization of any kind who or which requests the Town Board, the Planning Board or the Zoning Board of Appeals, to approve a land use application or take other action to advance a proposed land use development project within the Town.

CONSULTANT or EXPERT

Any consultant or professional, including, but not limited to, attorneys, engineers, accountants, financial advisors, architects, surveyors, retained by the Town for any purpose authorized pursuant to this Chapter.

LAND USE APPLICATION

An application for subdivision approval, site plan approval, area variance, use variance, special use permit, or any similar approval issued pursuant to the Code of the Town of West Seneca, as amended, and any additional review for those as needed to comply with any other applicable state or local law, including, but not limited to, the New York Town Law, General Municipal Law, Highway Law, Municipal Home Rule Law, Local Finance Law and the State Environmental Quality Review Act, Environmental Conservation Law, Article 8, and any regulations adopted pursuant to such laws.

TOWN

The Town of West Seneca.

§ 60-5. Retention of experts; reimbursement by applicant.

- A. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing a land use application or proposed development plan.
- B. Except as otherwise provided in Chapter 120, Zoning, Article IIIB, of the Code of the Town of West Seneca with respect to applications for special permits for telecommunications facilities, if, prior to the completion of a review of a land use application or development proposal, the Town discovers the need to retain consultant and/or expert services, the applicant shall deposit with the Town funds in an amount determined by the Town to be sufficient to reimburse the Town for the reasonable costs of consultation and/or evaluation in connection with review of the application. The Town will maintain a separate escrow account for such funds.
- C. Upon receipt of such funds, the Town Clerk shall cause the money to be placed in an account in the name of the Town and shall keep a separate record of all money so deposited and the name of the applicant and the project for which the sums were deposited.
- D. The Town's consultants and experts shall invoice the Town for services rendered in reviewing the application. The Town shall furnish a copy of each invoice received to the applicant upon receipt of the invoice by the Town.
- E. The Town shall review and audit all invoices received and shall approve payment only of such fees as are reasonable in amount and necessarily incurred by the Town in connection with a review of a land use application. For purposes of this chapter, a fee is reasonable in amount if it bears a reasonable relationship to the average charge by such an expert to the Town or others for services performed in connection with the review of a project similar to that involved in the land use application. In this regard, the Town may take into consideration the size and type of project involved in the land use application and any special conditions or considerations as the Town may deem relevant in connection with review of the particular land use application.
- F. Contracts for the retention of experts shall be let pursuant to the purchasing policy of the Town of West Seneca unless the contract is one that must be competitively bid.
- G. After payment of all outstanding invoices, any funds held by the Town upon completion of a review of a land use application shall be returned to the applicant.

§ 60-6. Exceptions.

- A. The following developments are hereby exempt from the application of this chapter:
- (1) Any development of land of one acre or less abutting an existing public highway.
 - (2) Any subdivision of land into four or fewer lots abutting an existing public highway.

B. Notwithstanding anything to the contrary contained in this chapter, an applicant or developer shall not be required to reimburse the Town for any part of a fee incurred by the Town for services performed in connection with matters, including but not limited to those resulting from complaints by third parties, as to which the Town determines the applicant had no responsibility or were beyond the reasonable control of the applicant.

§ 60-7. Severability.

If any section, clause or provision of this chapter or the application thereof to any persons is adjudged invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof that can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

Section 4. Effective date

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

CLERK AND ATTORNEY CERTIFICATION

I hereby certify that the local law annexed hereto, designated as **Local Law No. X of 2014** of the Town of **West Seneca** was duly passed by the **Town Board** on _____, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Jacqueline Felser, Town Clerk

(Seal)

Date: _____, 2014

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

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney for the Town
Town of West Seneca

Date: _____, 2014

1106345

Resolution to Approve Budgetary Amendment for the General Fund

WHEREAS, at the September 8, 2014 Board Meeting the Town Board approved the purchase of fifty (50) TK-2180K portable radios from FM Communications, Inc., 1941 Colvin Blvd., Tonawanda, NY 14150 at a cost of \$549.69/EA which is below the NYS bid price, for a total cost of \$27,484.50, noting the original source of funding was under budget line 001.001.2610, and

WHEREAS, the Town's General Fund has available unassigned fund balance,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby amend the Town's 2014 adopted budget to increase General Fund appropriations and authorize use of its unassigned fund balance and increase expenditures for Dispatch Equipment 001.3120.0211 in the amount of \$27,484.50 to support the purchase of the portable radios.

**Town of West Seneca
Budget Amendment Request**

To: Honorable Town Board

The 2014 Town of West Seneca Adopted Budget did not account for a portion of the required EPC Payment. Whereas, the Town's General Fund and Sewer Fund has available unassigned fund balance. Therefore, the Town Board authorizes the amending of the adopted 2014 General Fund budget and the adopted 2014 Special Districts budget to appropriately account for the amount of debt service payments regarding the EPC payment for a total of \$307,000 using unassigned Fund Balance requested as follows:

Account Number	Description	Amount
1.9785.0910	EPC - Principal	\$80,643.00
1.9785.0911	EPC - Interest	\$26,807.00
3.8101.0960	EPC - Principal	\$3,300.00
3.8101.0970	EPC - Interest	\$1,097.00
3.8102.0960	EPC - Principal	\$1,188.00
3.8102.0970	EPC - Interest	\$395.00
3.8103.0960	EPC - Principal	\$225.00
3.8103.0970	EPC - Interest	\$75.00
3.8104.0960	EPC - Principal	\$585.00
3.8104.0970	EPC - Interest	\$194.00
3.8105.0960	EPC - Principal	\$4,172.00
3.8105.0970	EPC - Interest	\$1,386.00
3.8155.0960	EPC - Principal	\$8,442.00
3.8155.0970	EPC - Interest	\$2,806.00
3.8106.0960	EPC - Principal	\$11,146.00
3.8106.0970	EPC - Interest	\$3,706.00
3.8107.0960	EPC - Principal	\$1,622.00
3.8107.0970	EPC - Interest	\$538.00
3.8108.0960	EPC - Principal	\$6,542.00
3.8108.0970	EPC - Interest	\$2,175.00
3.8109.0960	EPC - Principal	\$379.00
3.8109.0970	EPC - Interest	\$126.00
3.8110.0960	EPC - Principal	\$391.00
3.8110.0970	EPC - Interest	\$130.00
3.8111.0960	EPC - Principal	\$192.00
3.8111.0970	EPC - Interest	\$64.00
3.8112.0960	EPC - Principal	\$1,201.00
3.8112.0970	EPC - Interest	\$399.00
3.8123.0960	EPC - Principal	\$3,741.00

3.8123.0970	EPC - Interest	\$1,245.00
3.8113.0960	EPC - Principal	\$89,611.00
3.8113.0970	EPC - Interest	\$29,788.00
3.8114.0960	EPC - Principal	\$1,641.00
3.8114.0970	EPC - Interest	\$545.00
3.8115.0960	EPC - Principal	\$332.00
3.8115.0970	EPC - Interest	\$110.00
3.8118.0960	EPC - Principal	\$132.00
3.8118.0970	EPC - Interest	\$44.00
3.8119.0960	EPC - Principal	\$451.00
3.8119.0970	EPC - Interest	\$150.00
3.8120.0960	EPC - Principal	\$14,473.00
3.8120.0970	EPC - Interest	\$4,811.00

DEPARTMENT HEAD APPROVAL

Availability to Appropriation Checked
Finance Department

J. Krakowski
INITIAL

10/3/14
DATE

Submitted to Town Clerk for Town Board Meeting of:

DATE