

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

TOWN BOARD PROCEEDINGS
Minutes #2019-25
December 16, 2019

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 led by Supervisor Meegan.

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

Absent - None

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 Sandra Dzina.

25-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve minutes from the December 2, 2019 work session.

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve minutes from the December 2, 2019 executive session.

Ayes: All Noes: None Motion Carried

- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve Minutes #2019-24 of December 2, 2019.

Ayes: All Noes: None Motion Carried

25-B HELD OVER PUBLIC HEARINGS

1. Re: "A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN ADOPTION OF LOCAL LAW NO. 5 FOR THE YEAR 2019, AMENDMENT TO CHAPTER 13, CODE OF ETHICS" in the Town of West Seneca.

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

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the adoption of the Local Law No.5 for the year 2019, amendment to Chapter 13, Code of Ethics.

Ayes: All Noes: None Motion Carried
APPENDICES

2. Re: "A PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL PERMIT FOR PROPERTY LOCATED AT 299 LEYDECKER ROAD, BEING A PART OF LOT NO. 396, CHANGING ITS CLASSIFICATION FROM R-60A TO R-60A(S), FOR 74 ATTACHED RESIDENTIAL UNITS" in the Town of West Seneca.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution issuing a negative declaration with regard to the State Environmental Quality Review Act ("SEQR") for the proposed project at 299 Leydecker Road:

WHEREAS, the Town Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part 1 of the Full Environmental Assessment Form ("EAF") prepared by the applicant for property located at 299 Leydecker Road ("Subject Property"), for construction of a 74 unit multifamily project including but not limited to the proposed one-story and two-story buildings, parking spaces, landscaping, a stormwater management system to comply with stringent stormwater quality and quantity standards, lighting, landscaping and utility lines and connections (the "Project") and reviewed the draft completed Part II of the Short EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon review of Parts I and II of the EAF and the extensive documentation including numerous reports and studies and the project plans submitted by the applicant in connection with the review of the Project, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that preparation of an Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate;

NOW THEREFORE, BE IT RESOLVED, that pursuant to 6 NYCRR 617.7(a) the Town Board does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: All

Noes: None

Motion Carried

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Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution approving a special permit for property located at 299 Leydecker Road, being a part of Lot No. 396, changing its classification from R-60A to R-60A(S), for 74 attached residential units:

WHEREAS, DATO Development, LLC has an application for a special use permit for multiple- family dwellings on property located at 299 Leydecker Road that is zoned R-60A pursuant to the Town of West Seneca Zoning Map;

WHEREAS, the requested special use permit was reviewed by the Planning Board during its meetings held on February 14, 2019, May 9, 2019, September 12, 2019 and October 10, 2019;

WHEREAS, during its meeting on October 10, 2019, the Planning Board recommended approval of the requested special use permit subject to a condition that the easterly portion (1.38 acres) of the property at 299 Leydecker Road shall remain undeveloped and subject to a declaration of restrictions to be recorded in the Erie County Clerk's Office and copied to the Town Clerk, Town Attorney and Code Enforcement Officer;

NOW THEREFORE, BE IT RESOLVED, the West Seneca Town Board hereby finds that the proposed 74 unit multiple dwelling project satisfies the criteria for the issuance of a special use permit as set forth in Section 120-23A of the Town of West Seneca Zoning Code ("Zoning Code") and grants a special use permit for the proposed 74 unit multiple dwelling project at 299 Leydecker Road subject to the following condition:

1. The easterly portion (1.38 acres) of the property at 299 Leydecker Road shall remain undeveloped and subject to a declaration of restrictions to be recorded in the Erie County Clerk's Office and copied to the Town Clerk, Town Attorney and Code Enforcement Officer.

Ayes: All

Noes: None

Motion Carried

25-C PUBLIC HEARING

1. Re: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING AND SPECIAL PERMIT FOR PROPERTY LOCATED AT 537 POTTERS ROAD, BEING PART OF LOT NO. 276, CHANGING ITS CLASSIFICATION FROM C-1 TO C-2(S), TO UPGRADE FACILITY WITH A NEW ISLAND CANOPY AND INSTALLATION OF UNDERGROUND STORAGE TANKS" in the Town of West Seneca.

(continued)

Motion by Supervisor Meegan, seconded by Councilman Hanley, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

The applicant was not present.

Supervisor Meegan stated the project was recently denied by the Planning Board.

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

Ayes: All

Noes: None

Motion Carried

Motion by Councilman Hart, seconded by Supervisor Meegan, to deny the request for a rezoning for property located at 537 Potters Road, being part of Lot No. 276, changing its classification from C-1 to C-2(S), to upgrade facility with a new island canopy and installation of underground storage tanks based on the following: 1.) residential neighborhood; 2.) increase in traffic; 3.) school zone; 4.) public safety; 5.) tanker trucks inability to turn around; 6.) hardship for required variances.

Ayes: All

Noes: None

Motion Carried

25-D COMMUNICATIONS

1. Supervisor Meegan re Retirement of Highway Sup't. Matthew English

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the retirement of Matthew English from his positions of Superintendent of Highways and Dog Control Officer in accordance with the provisions of the Blue Collar contract effective December 31, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Meegan re Resignation of Planning Board Chairman Robert Niederpruem

Motion by Supervisor Meegan, seconded by Councilman Hart, to accept the resignation of Robert Niederpruem as Planning Board Chairman effective December 16, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

3. Supervisor Meegan re
Appointment of Amy Kobler
as Marriage Officer

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Amy M. Kobler as Marriage Officer with the authority to solemnize marriages occurring within the Town of West Seneca as authorized by the Domestic Relations Law, Section 11-C.

Ayes: All Noes: None Motion Carried

4. Supervisor Meegan re
Criminal Justice Reform

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution in opposition of the Criminal Justice Reform.

On the question, Chief Denz commented on the negative impacts of the reform including: financial burdens for unfunded mandates; safety risks for victims and the general public as defendants will not be held on bail or detained for certain crimes while awaiting trial; defendants will have the right to access their crime scenes; the proper legislative process was not followed – the reform was added into the state budget vote; both law enforcement agencies and multiple government levels are seeking a moratorium.

Ayes: All Noes: None Motion Carried
APPENDICES

5. Supervisor Meegan re Land
Bank resolution – 55 Dirkson
Avenue

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution in regards to the New York State Land Bank Act requesting that BENLIC acquire the property at 55 Dirkson Avenue, West Seneca, NY.

Ayes: All Noes: None Motion Carried
APPENDICES

6. Councilman William Hanley
re Retirement of Supervisor
Sheila Meegan

Motion by Councilman Hanley seconded by Councilman Hart, to accept the retirement of Sheila M. Meegan from her position of Town Supervisor in accordance with the provisions of the White Collar contract effective December 31, 2019 and authorize Director of Finance Megan Wnek to oversee the filing of the necessary forms for Erie County Personnel.

Ayes: (2) Councilman Hart, Councilman Hanley

Noes: None

Abstentions: (1) Supervisor Meegan

Motion Carried

7. Councilman Hart re Buffalo
Fenians GAA application

Motion by Councilman Hart, seconded by Councilman Hanley, to approve the Buffalo Fenians GAA application allowing the GAA Continental Youth Championship to be held at the West Seneca Soccer Park July 25 –31, 2022; noting approval is contingent upon the successful completion of a rental agreement.

On the question, Councilman Hart commented the previous event brought in \$3.8 million to the town, with approximately 20,000 people in attendance and further noted the Fenians left the Soccer Complex in great condition.

Ayes: All

Noes: None

Motion Carried

8. Town Attorney re
Memorandum of Agreement
with CSEA White Collar Unit

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution providing legislative approval for the attached Memorandum of Agreement between the Town of West Seneca and the CSEA Town of West Seneca White Collar Unit and adopting the Parental Leave policy for the White Collar Unit noting upon adoption of the resolution, the Memorandum of Agreement will be considered part of the Town/CSEA Collective Bargaining Agreement as Appendix O of the contract and the Parental Leave Policy will be in full force and effect:

(continued)

WHEREAS, the CSEA White Collar Unit and the Town of West Seneca are parties to a Collective Bargaining Agreement (hereinafter referred to as "CBA") covering the period January 1, 2016 through December 31, 2021; and

WHEREAS, the parties wish to modify the CBA by extending the term of the CBA for a two (2) year period, continuing a 2% salary rate increase for each of the two years, establishing a joint labor/management committee for the purposes of reviewing the health care policies, and the addition of a drug and alcohol testing policy; and

WHEREAS, the Town Board of West Seneca has determined that it is in the best interest of West Seneca and its residents to enter into the Memorandum of Agreement with CSEA White Collar Unit; and

WHEREAS, the Town Board of West Seneca has further determined that the adoption of a Parental Leave Policy for White Collar employees is in the best interest of West Seneca and its residents; and

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Memorandum of Agreement between the Town of West Seneca and the CSEA White Collar Unit and implement the Parental Leave Policy.

On the question, Councilman Hart noted CSEA has agreed to create a Labor Management Committee with the incoming Town Board to address healthcare.

Ayes: All

Noes: None

Motion Carried
APPENDICES

9. Town Engineer re Change Order #1 for the West Seneca Animal Shelter Rehabilitation Project

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Supervisor execute Change Order #1 for the West Seneca Animal Shelter Rehabilitation Project to MGR Constructors in the amount of \$2,876.00 for Electric Panel Improvements that are required to bring the building into compliance with code requirements with the work being completed by the end of January.

Ayes: All

Noes: None

Motion Carried

10. Highway Sup't. re
Appointment of Brian Adams
as Dog Control Officer

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Brian Adams as Dog Control Officer for the Town of West Seneca effective January 1, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

On the question, Councilman Hart questioned the compensation for this title. Supervisor Meegan noted the stipend will be determined at the Organizational Meeting.

Ayes: All Noes: None Motion Carried

11. Highway Sup't. Elect re
Extension of Leave of
Absence

Motion by Supervisor Meegan, seconded by Councilman Hanley, to grant a leave of absence for Brian Adams from his Blue Collar position as laborer through and including January 1, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Chief Denz re Attendance at
FBI National Academy

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Lieutenant James Unger to attend the FBI National Academy, March 30 –June 5, 2020 in Quantico, Virginia, noting funding was placed in the 2020 Police Training budget line 01312000.50459.

Ayes: All Noes: None Motion Carried

13. Chief Denz re Computer
system replacement
purchase

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the purchase of one new HP ProLiant Server System from Synchronet Industries, Inc., at the total cost of \$7,642.00 to replace the current server system already in service; noting the cost is within State Bid pricing guidelines and sufficient funds are available in Police budget line 01312000.50419 to cover the cost of the purchase.

Ayes: All Noes: None Motion Carried

14. Deputy Town Clerk re Appointment of Donna Ferron as part-time clerk typist
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Donna Ferron as part-time clerk typist at a rate of \$15 per hour effective December 17, 2019 with part-time seasonal status effective January 3 – February 21, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: None

Abstentions: (1) Councilman Hanley

Motion Carried

15. Director of Finance re Highway Fund Capital Reserve purchase
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution authorizing the transfer of \$357,426 of capital equipment reserve funds to capital projects fund for the purchase of two trucks for the Highway Department noting the purchase was approved on July 2, 2018:

WHEREAS, the Town Board approved the purchase of two new 2020 model year Freightliner 108SD chassis with Loadmaster rear load pack bodies (the "trucks") on July 2, 2018;

WHEREAS, the trucks were purchased at a cost of \$357,426;

WHEREAS, the Town currently has \$750,518 of reserves for capital equipment purchases;

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the use of \$357,426 of capital equipment reserve funds which will be transferred to the capital projects fund for the purchase of the trucks.

Ayes: All

Noes: None

Motion Carried

16. Town Justice re Appointment of Teressa Stacey as full-time clerk to Town Justice
- Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Teressa Stacey as full-time clerk to the Town Justice effective December 30, 2019 at an annual salary of \$43,274.39 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting this is the Honorable Shannon Filberts appointment.

Ayes: All

Noes: None

Motion Carried

17. Sr. Recreation Therapist of Sr. Services re Pay rate change for staff of the Senior Center

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the rate of pay for the staff of the Senior Center to \$14 per hour effective January 2, 2020 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting any new employee at the Senior Center will start at \$12 per hour.

Ayes: All Noes: None Motion Carried

18. Recreation Supervisor re Title change for Alexa Nigro to part-time Youth Service Coordinator

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the title of Alexa Nigro from part-time clerk typist to part-time Youth Service Coordinator at the rate of \$16 per hour effective December 17, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting this position will be paid from Salary of laborers – Part time account line 0171400050149.

Ayes: All Noes: None Motion Carried

19. Recreation Supervisor re pay rate increase for clerk typists

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the rate of pay for Patrice Jordan to \$12.25 per hour, Joanne McCabe to \$15 per hour and Margaret Pomana to \$15.25 per hour effective December 15, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

20. Recreation Supervisor re Termination of inactive employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate EmmaKay Cislo, Lauren Glawatz, Zachary Nikander, Nicole Strawder and Felicia Urbanczyk effective December 17, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting the employees have become inactive.

Ayes: All Noes: None Motion Carried

21. Recreation Supervisor re Summer Day Camp – 2020

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the program schedule, program fees, parent handbook and policies, registration form and policies for the 2020 Summer Day Camp.

Ayes: All Noes: None Motion Carried

22. Recreation Supervisor re Pay rate increase for part-time recreation attendant
Alexandra Marshall

Motion by Supervisor Meegan, seconded by Councilman Hanley to change the rate of pay for part-time recreation attendant Alexandra Marshall to \$15 per hour effective December 17, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

25-E REPORTS

- Jacqueline A Felser, Town Clerk's report & Receiver of Taxes' report for November 2019 & 2019 year end received and filed.
- Jeffrey Schieber, Code Enforcement Officer's building & plumbing reports for November 2019 received and filed.

25-F 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 - \$489,515.86; Highway Fund - \$107,452.20; Capital Project - \$89,965.92; Sewer Fund - \$57,548.91; Electric Lighting - \$8,429.70 (vouchers 8703 -9326)

Ayes: All

Noes: None

Motion Carried

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

SUPERVISOR MEEGAN

This is the last meeting for the current Town Board and Supervisor Meegan offered the following list of their accomplishments for the Town of West Seneca: (full list attached)

- ✓ Energy Performance Contract
- ✓ Ice Rink renovations
- ✓ Purchase of street lights
- ✓ Over eighty streets that have been milled/paved
- ✓ \$25 million in sewer upgrades
- ✓ Major road reconstructions at approximately \$32 million
- ✓ Centennial Park was renamed as Veterans Memorial Park
- ✓ A portion of Union Road was renamed as Veterans Memorial Highway
- ✓ Successful in keeping the Children's Psychiatric Center in West Seneca
- ✓ Established a Children's Memorial Park
- ✓ Established a Farmers' Market
- ✓ Established a Summer Day Camp
- ✓ Hosted the Girls Softball World Series
- ✓ Hosted the Gaelic Games
- ✓ Host the PBA Car Show and Taste of West Seneca

(continued)

- ✓ Built a new baseball diamond at Firemen's Park
- ✓ Built the Community Center and Library
- ✓ Implemented upgrades to Accounting and Payroll
- ✓ Created a credit card policy
- ✓ Created an Ethics Board
- ✓ ADA upgrades in the court room
- ✓ Responsible Bidder law passed
- ✓ Implemented Code Red
- ✓ Opened an Emergency Operations Center

In closing Supervisor Meegan stated it has been her honor and privilege to work for the good people of West Seneca along with fellow board members Gene Hart and William Hanley. They acted on each and every opportunity that would make a positive impact to the town with a positive spirit. The position afforded her the opportunity to help many families.

Supervisor Meegan thanked all of the departments and employees in the town and shared special words for each.

CHIEF DENZ

Thanked the current Town Board for their continual support of the Police Department

CODE ENFORCEMENT JEFFREY BAKSA

Thanked each member of the current Town Board for their support to the office and himself

TOWN CLERK AMY KOBLER

Thanked Supervisor Meegan, Councilman Hart, and former Town Clerk Jacqueline Felser for their support of the office

MARY JOSEFIK

Thanked the current board and retiring officials for all of their support for herself, staff, and members of the Senior Center

RECREATION SUPERVISOR LAUREN MASSET

Thanked the Town Board, Highway Superintendent Matthew English, Emily Melski and John Fenz for their constant support of the Recreation Department and welcomed the new Town Board

TOWN ATTORNEY TINA HAWTHORNE

Thanked Highway Superintendent Matthew English, Councilman Gene Hart, and Supervisor Meegan and wished them well in their retirement and future endeavors

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COUNCILMAN WILLIAM HANLEY

Welcomed the new board members and encouraged them to keep an open mind and work together. Councilman Hanley stated he is grateful for the relationships built with his fellow board members and Highway Superintendent.

COUNCILMAN HART

Thanked his wife for her support along with the Town Board, highway, and police. He emphasized the strength of a service organization is only as good as the employees and spoke to the dedication of the town employees.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:00 P.M.

Ayes: All

Noes: None

Motion Carried



AMY M KOBLER, TOWN CLERK

§ 13-1 Legislative Intent

The proper operation of Town government requires that its officers and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that public officers and employees observe in their official acts the highest standards of ethics and discharge faithfully the duties of their public office regardless of personal consideration; and that the public have confidence in the integrity of its government and the officers and employees thereof. It is the policy of the Town of West Seneca and the purpose of this chapter to establish standards and guidelines for ethical conduct of officers and employees. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of standards is another step toward providing the highest caliber of public administration for the Town and ensuring that government decisions are arrived at impartially and free of conflict of interests and thereby increasing confidence in public officials. It is also the purpose of this chapter to protect officials and employees from unwarranted assaults on their integrity by separating real conflict from the inconsequential, recognizing that for local government to attract and hold competent administrators, public service must not require a complete divesting of all proprietary interests. In recognition of these goals, there is hereby established a Code of Ethics for all officers and for all employees of the Town of West Seneca, hereinafter referred to as the "Town." In the event of any conflict between the provisions of this code and provisions of Article 18 of the General Municipal Law, the latter shall control. This chapter shall be enforceable upon all Town officials, officers and employees. No acknowledgement, service or acceptance of this chapter shall be necessary for enforcement of its provisions.

§ 13-2 Definitions and Word Usage

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

AGENCY

Any Town department, division, board, committee, or bureau, including the Town Board or any successor thereto.

APPEAR and APPEAR BEFORE

Communicating in any form, including without limitation, personally, by letter, electronic communication, telephone or by any other device.

CONFIDENTIAL INFORMATION

The same meaning as defined in the New York State Public Officer's Law as well as any information discussed and/or revealed at an executive session of a Town Board meeting.

CONFLICT OF INTEREST

Any action or omission which is in conflict or gives or may reasonably give the appearance of conflict with the performance of official Town business or government.

CUSTOMER or CLIENT

Any entity or person to whom an official, officer or employee of the Town of West Seneca or his or her outside employer or business has supplied goods or services during the previous calendar year having, in the aggregate, a value greater than \$2,000.

FINANCIAL BENEFIT

Any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity or other compensation of anything of value, or any promise thereof.

GOOD FAITH

Information concerning potential wrongdoing is disclosed in *good faith* when the individual making the disclosure reasonable believes such information to be true and reasonable believes that it

constitutes potential wrongdoing.

HOUSEHOLD

All persons living in a single residence, whether related or not.

INTEREST

Deemed to include the affairs of the official, officer or employee or their spouse, minor children and dependents, firm, partnership or association in which such official, officer or employee is a member or employee; a corporation in which such official officer or employee is an officer director, or employee; and a corporation of which any stock is owned or controlled directly by the official, officer or employee.

PERSONNEL ACTION

Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

RECUSE

The act of abstaining from participation or influencing in an official action due to a conflict of interest.

RELATIVE

A spouse, parent, grandparent, stepparent, sibling, step-sibling, sibling's spouse, child, grandchild, stepchild, uncle, aunt, nephew, niece or household member of a Town official, officer or employee and individuals having any of these relationships to the spouse of the Town official, officer or employee.

TOWN EMPLOYEE

All board members, officers and staff employed by the town, whether employed full-time or part-time, employed pursuant to a contract, employed temporarily or employees who are on probation, paid or unpaid.

WHISTLEBLOWER

Any town employee (as defined herein) who in good faith discloses information concerning wrongdoing by another town employee or concerning the business of the town itself.

WRONGDOING

Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information or abuse of authority engaged in by a town employee (as defined herein) that relates to the town.

B. Word usage. The use of the masculine gender shall include the feminine where applicable.

§ 13-3 Standards of conduct

Every official, officer and employee of the Town of West Seneca shall be subject to and abide by the following standards of conduct:

A. No Town official, officer or employee shall use his or her official position or office to take or fail to take any action in a manner which he or she knows or has reason to know may result in a financial benefit or interest for any of the following persons or entities:

- (1) The Town official, officer or employee;
- (2) His or her outside employer or business;
- (3) A member of his household;

- (4) A customer or client; or
 - (5) A relative.
- B. No Town official, officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature that is in conflict with, or might reasonably tend to conflict with, the proper discharge of his duties in the public interest. Any officer or employee who has a direct or indirect financial or other private interest in any matter before any board of the Town shall publicly disclose in writing on the official record of such board the nature and extent of such interest prior to participating in the discussion or before making a recommendation or giving an opinion to such board on such matter.
- C. No Town official, officer or employee shall represent private interests before any board, department, office or agency of the Town, nor represent private interests in any action or proceeding against the interests of the Town or in any litigation to which the Town is a party. The preceding sentence shall not preclude any such officers or employees from appearing in the performance of public or civic obligations or on their own behalf with respect to matters of a personal nature. All appearing parties before any board of the Town shall make a disclosure as provided under § 809 of Article 18 of the General Municipal Law. Every application, petition or request submitted for a variance, change of zoning, site plan approval or waiver, license or permit pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town in which a Town officer or employee has an interest as defined in this chapter shall state the name, residence and the nature and extent of the interest of any officer or employee of the Town, in the person, partnership or association making such application, petition or request.
- D. A Town Board member, official, officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter or failing to act on the matter may provide a financial benefit to the persons or entities listed in § 13-3A above. A Town Board member shall promptly recuse himself or herself from voting on the appointment, hiring, or other matter involving a person or entity described in § 13-3A above.
- E. No Town official, officer or employee, whether paid or unpaid, shall directly or indirectly solicit, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, material goods, things, or promise of any other form, under circumstances in which it could reasonably be inferred or could reasonably be expected that the gift was intended to influence such official, officer or employee in the performance of his or her official duties or was intended to reward official action or inaction. Under no circumstances shall an official, officer or employee accept any gift valued in excess of \$25. No officer or employee of the Town shall grant in the discharge of his duties any improper favor, service or thing of value. Nothing contained herein shall be deemed to prohibit any officer or employee of the Town from borrowing money from any bank or banks designated as depositories by the Town Board.
- F. No Town official, officer or employee shall disclose any confidential information or use said information to further their personal interest or the personal interests of others, unless required to do so by law or court order.
- G. No Town official, officer or employee, whether paid or unpaid, shall engage in or accept private employment or render services for private interests when such employment or service is in conflict with the proper discharge of his official duties.
- H. No Town official, officer or employee shall accept employment by any person, firm or corporation with which he or his department, office or agency is engaged on behalf of the Town in the transaction of business which is or may be affected by his official action. No officer or employee of the Town shall, within one year after termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

- I. No Town official, officer or employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others or grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.
- J. No Town official, officer or employee shall, by his conduct, give reasonable basis for the impression that any person can unduly influence him or improperly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- K. No Town official, officer or employee shall direct or cause any officer or employee of the Town to do or perform any service or work outside of public work or employment, or accept any such service or work, nor shall any officer or employee of the Town offer to or perform any such service or work for such officer or employee.
- L. No Town official, officer or employee shall use or permit the use of Town property (including vehicles, equipment, materials and any other property) for personal convenience, profit, or political means except when such use is available to Town citizens generally or is provided as a matter of written Town policy.
- M. No Town official, officer or employee shall require, authorize, or influence any other Town official, officer, or employee to participate in an election campaign or contribute to a political committee.
- N. No Town official, officer or employee shall induce or aid other officials, officers or employees of the Town to violate any provisions of this chapter.
- O. All Town Board members, officials, officers, employees, and volunteers are required to reasonably cooperate with any investigation of the Board of Ethics. Such reasonable cooperation shall include by way of example, but not be limited to, participating in investigatory interviews, producing documents or other tangible information in their possession or control, and appearing at scheduled hearings and giving testimony. Employees represented by a union will have the right to have a union representative present with them for any investigatory interviews and to seek the advice of their union representative prior to appearing before or providing information to the Board of Ethics.
- P. Every Ethics Board Member shall annually complete two (2) hours of ethics training.
- Q. This Ethics Code shall be annually available to all Town Officials, Board Members, Employees, and Volunteers.

§ 13-4 Penalties

- A. In addition to any penalty contained in any other provision of law, a violation of this chapter may result as follows:
 - (1) Forfeiture of pay, suspension or removal from office or employment or such other disciplinary action as the Town Board may consider advisable.
 - (2) Any contract knowingly entered into by and/or with the Town or any agency thereof in which there is an interest or financial benefit prohibited by this chapter shall be null, void, and wholly unenforceable.
 - (3) Recommend a civil fine, not to exceed \$10,000.00 for each violation, upon a Town Official, Board Member, Employee or Volunteer found guilty of a violation of this code. Such fine shall be payable to the Town.
- B. No action expressly or impliedly permitted under Article 18 of the General Municipal Law shall constitute a violation of this chapter.

§ 13-5 Disclosure Statements

- A. The following Town officials, officers and employees of the Town of West Seneca shall be required to file annual disclosure statements by March 31 of each year in the form set forth in Exhibit "A" attached hereto:
 - (1) All elected officials.
 - (2) All department heads.
 - (3) Any and all Board Members, Commission Members, Committee Members, whether elected, appointed, or volunteer.
- B. Said forms shall be filed with the Town Clerk and shall be available for public inspection.
- C. Any independent contractors hired by the Town to perform any work for the Town shall be required to file annual disclosure statements by March 31 of each year in a form set forth in Exhibit "B" attached hereto.

§ 13-6 Whistleblower Policy

- A. This Whistleblower Policy applies to all board members, officers, employees of the Town of West Seneca, and the public, and provides them with a confidential means to report credible allegation of misconduct, wrongdoing or unethical behavior and to protect those individuals, when acting in good faith, from personnel or professional retaliation.
- B. Town employees who discover or have knowledge of potential wrongdoing concerning board members, officers or employees of the town, or a person having business dealings with the town, or concerning the town itself, shall report such activity in accordance with the following procedures:
 - 1) The town employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, to the Town Ethics Board Attorney, general counsel, human resources representative, or the Erie County Whistle Blower Hotline at (716-858-7722) or email at whistleblower@erie.gov.
 - 2) Town employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner. If reporting through the Town Ethics Board Attorney, then the form attached hereto as Exhibit "C" shall be completed and submitted to the Town Ethics Board Attorney.
 - 3) The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
 - 4) The individual to whom the potential wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include referring such information to the authorities or an appropriate law enforcement agency where applicable.
 - 5) Should a town employee believe in good faith that disclosing information within the town would likely subject him or her to adverse personnel action or be wholly ineffective; the town employee may instead disclose the information to the local authorities or to an appropriate law enforcement agency, if applicable.
 - 6) No town employee who in good faith discloses potential violations of the town's Code of Ethics or other instances of potential wrongdoing shall suffer harassment, retaliation or adverse personnel action.
 - 7) All allegations of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the Town Ethics Board.
 - 8) Any town employee who retaliates against or attempts to interfere with any individual for having in good faith disclosed potential violations of the town's Code of Ethics or other instances of potential wrongdoing is subject to disciplinary action, which may include termination of employment.
 - 9) Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.
 - 10) The Whistleblower Policy is not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

11) Specifically, the Whistleblower Policy is not intended to limit any rights or remedies that an individual may have under the laws of the State of New York, including but not limited to the following provisions: Civil Service Law #75-b, Labor Law #740, State Finance Law #191 (commonly known as the "False Claims Act) and Executive Law #55(1).

12) With respect to any rights or remedies that an individual may have pursuant to Civil Service Law #75-b or Labor Law #740, any employee who wishes to preserve such rights shall, prior to disclosing information to a government body, have made a good faith effort to provide the appointing authority or his or her designee the information to be disclosed and shall provide the appointing authority or designee a reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety. (See Civil Service Law #75-b[2][b]; Labor Law #740[3]).

C. Once a Complaint has been submitted, the Ethics Board will investigate the allegations of the Complaint. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, issue subpoenas pursuant to Article 23 of the New York Civil Practice Law and Rules, compel witness attendance and require the production of any books or records which it may deem relevant and material. The Ethics Board shall require clear and convincing evidence before determining that a violation has occurred.

§ 13-7 Creation of Board of Ethics; Composition of Membership; Conditions of Membership

A. A Board of Ethics is hereby established pursuant to Article 18, Section 808, Subdivision 3 of the General Municipal Law. The members of the Board of Ethics shall be appointed by the Town Board and shall receive no salary or compensation for their services as members of such Board. A member of the Board of Ethics may be removed for cause. The Board shall be composed of one member to be appointed by each member of the Town Board with staggered terms. Three members shall be appointed in 2021 and two members to be appointed in 2022. The term of each member shall be five years with three more being appointed or reappointed in 2026 and two being appointed or reappointed in 2027, which shall continue on the same scheme. A member of the Town Board shall not appoint himself or herself or any other current Town Board member. The seventh member of the Board of Ethics shall be the Town Clerk, who shall be an ex officio member without the power to vote. The members of the Board of Ethics shall be residents of the Town of West Seneca and only one member shall be a current Town official, officer or employee. The Town Attorney representing the Town shall be an ex officio member of the Board of Ethics without the power to vote. In the event that the Town Board increases to five board members, the Board of Ethics shall become a five member Board. One member shall be appointed by each Town Board member and the terms shall be five years as decided by a majority of the Town Board members.

B. Advisory opinions. Upon written request of any Town official, officer or employee, the Board of Ethics established herein shall render advisory opinions regarding this chapter of Ethics or the provisions contained in Article 18 of the New York State General Municipal Law. The Board of Ethics shall also make recommendations as to any amendments to this chapter upon the request and majority vote of the Town Board. The opinions of the Board of Ethics shall be advisory and under no circumstances shall the identity of the Town officer, official or employee be disclosed except to authorized persons and agencies or pursuant to a court order.

C. Rules and regulations. The Board of Ethics shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

D. All recommendations, advisory opinions and rules and regulations of the Board of Ethics shall be kept in the Town Clerk's Office.

§ 13-8 Severability

If any portion of this chapter shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative and the balance of the code deemed to be in full force and effect.

§ 13-9 Permissible Claims

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Town official, officer or employee of any claim, account, demand or suit against the Town or any agency thereof on behalf of himself or any relative or household member arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 13-10 Compliance Required; Distribution of Copies

Compliance with this code of ethics shall be deemed a condition of employment for all Town officials, officers and employees. The Town Human Resources Department must promptly cause a copy of this code, including any amendments, to be distributed to every person who is or becomes an official, officer or employee of the Town of West Seneca and a receipt of the same shall be signed by such official, officer or employee. Such receipts shall be filed with Human Resources, who shall supply the necessary forms, and a photocopy shall be filed in the officer's or employee's personnel folder and with the Board of Ethics.

§ 13-11 Effective Date

This chapter shall become effective immediately upon its enactment by the Town Board after proper filing, including filing with the office of the State Comptroller and the office of the Secretary of State.



Resolution Opposing the Criminal Justice Reform

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Town of West Seneca along with the Association of Erie County Governments hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Town of West Seneca along with the Association of Erie County Governments asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to all the appropriate agencies and officials within NYS Government.

**A RESOLUTION SUBMITTED
BY
SUPERVISOR SHEILA MEEGAN
OF THE
TOWN OF WEST SENECA**

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the TOWN OF WEST SENECA, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT

RESOLVED, that TOWN OF WEST SENECA hereby officially requests that BENLIC acquire the following property(ies):

55 DIRKSON AVE WEST SENECA, NY 14224

SBL# 134.45-3-44

; and be it further

RESOLVED, that the TOWN OF WEST SENECA has completed the required Acquisition Applications for each property listed above and has attached the Acquisition Applications to this resolution; and be it further

RESOLVED, that the TOWN OF WEST SENECA agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

RESOLVED, that the TOWN OF WEST SENECA agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

RESOLVED, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of vacant lots which do not contain structures and which are identified herein, BENLIC retains option to transfer to the TOWN OF WEST SENECA, The TOWN OF WEST SENECA agrees to accept a transfer of title of all non-disposed vacant lots which do not contain structures by quit claim deed; and be it further

INSERT VACANT LOT ADDRESS SBL# (NO VACANT LOTS)

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

MEMORANDUM OF AGREEMENT

This Agreement, by and between the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO on behalf of the CSEA Town of West Seneca White Collar Unit (hereinafter referred to as "CSEA White Collar Unit") and the Town of West Seneca (hereinafter referred to as the "Town"), jointly the "Parties."

WHEREAS, the CSEA White Collar Unit and the Town are parties to a Collective Bargaining Agreement covering the period of January 1, 2016 through December 31, 2021 (the "CBA"); and

WHEREAS, The Parties wish to modify the CBA as set forth herein; and

WHEREAS, the parties wish to extend the term of the CBA, as modified by this Agreement, for a period of two (2) years, up to and including December 31, 2023.

NOW, THEREFORE BE IT AGREED, as follows:

1. The terms of the CBA are extended through December 31, 2023.
 - i. The Cover Page of the CBA shall reflect the term of the agreement as follows:

January 1, 2016 – December 31, 2021

and

January 1, 2022 – December 31, 2023

- ii. Article 31(Term Of Agreement), Section 31.1 of the CBA is modified to add the following language at the end of the section. "Based on the Memorandum of Agreement between the Town and the CSEA White Collar Unit dated December __, 2019 this Agreement shall remain in full force and effect until Midnight, December 31, 2023 and shall continue in effect thereafter until such time as a subsequent agreement becomes effective."
2. Article 25 (Salaries), Section 25.1 (Increases) shall be modified to add the following language at the end of the section.
 - i. Effective January 1, 2022, each employee covered under this contract shall receive an increase in his or her 2021 salary at rate of 2.0%.
 - ii. Effective January 1, 2023, each employee covered under this contract shall receive an increase in his or her 2022 salary at rate of 2.0%.

3. The Town and CSEA agree to establish a joint labor/ management committee for the purposes of reviewing the health care policies for performance and to explore potential cost saving measures.
4. Appendix O: Drug and Alcohol Testing Policy is added to the CBA and will read as follows:

Appendix O: Drug and Alcohol Testing Policy

I. PURPOSE

The Town of West Seneca Drug and Alcohol Testing Policy is designed to ensure a safe, drug and alcohol free workplace for all employees and residents of the Town and to aid the Town in maintaining the trust of the public. This policy is intended to set forth reasonable guidelines for post-accident and reasonable suspicion drug and alcohol testing of Town Employees.

The parties agree that members of the CSEA White Collar Bargaining Agreement do not hold "safety sensitive positions" as defined by the Omnibus Transportation Employees' Testing Act ("OTEA"), nor are any employees required to possess a CDL (commercial driver's license) as a term and condition of employment in accordance with the employee's civil service job specification. The Parties further agree that some CSEA represented bargaining unit employees of the Town are required to possess a valid driver's license in connection with their employment with the Town, that they are, from time to time, required to drive in the course of their employment with the Town and that they may be required to operate at Town vehicle in connection with their employment with the Town.

In accordance with Section 204 of the New York State Public Employees' Fair Employment Act, the parties hereby agree to the following post-accident and reasonable suspicion drug and alcohol testing procedure(s).

II. POLICY STATEMENT

1. Employees of the Town of West Seneca are prohibited from reporting for duty under the influence of alcohol, illegal drugs, or drugs that are being used illegally.
2. Employees of the Town of West Seneca are prohibited from using, selling, buying, obtaining, distributing, dispensing, possessing, transporting, or manufacturing alcohol or illegal drugs, drugs that are being used illegally, or drug paraphernalia while on Town property, while on duty for the Town, or while in a Town- owned vehicle or a leased vehicle.
3. This Memorandum of Agreement does not pertain to legal substances, being used legally that are stored in an employee's personal vehicle(s) parked on Town property.

4. The Town may send an employee for drug and alcohol testing for reasonable suspicion and following an accident as further described herein. Employees covered by this policy who test positive will be subject to Appendix L to the CBA- Disciplinary-Discharge Procedure and any discipline/discharge issued to an employee may be appealed through the grievance and arbitration process set forth in Article 24 of the CBA.
5. Should the parties disagree on the meaning or application of any portion of this Drug and Alcohol Testing Policy the aggrieved party shall file a grievance and it shall be subject to the grievance and arbitration procedure set forth in Article 24 of the CBA.
6. This policy is effective thirty (30) days after the Town provides written notice to the CSEA Unit President that the Town has made available to employees and to all supervisors and managers of such employees a Drug and Alcohol Education Program as described herein.

III. PRECONDITIONS TO REASONABLE SUSPICION & POST ACCIDENT TESTING

1. At least 30 days prior to the implementation of this Policy, the Town will make available to employees covered by this White Collar CBA and to all supervisors and managers of such employees a Drug and Alcohol Education Program relating to the drug and alcohol testing policy and procedures provided herein.
2. The term "prohibited drugs" means Amphetamines, Barbituates (urine), Benzodiazepines, Buprenorphine, Cocaine, Methamphetamine 1000, Methadone, Opiates, Oxycodone, Heroin, and Phencyclidine. While Marijuana shall not be considered a "prohibited drug" for the purposes of testing, employees shall be prohibited from bringing marijuana and any apparatus used to ingest marijuana on Town property.
3. The Town will use Healthworks or a New York State Department of Transportation certified testing facility, collection site, and medical review officer.
4. Educational Training: Prior to the implementation of this Drug and Alcohol Testing Policy, the Town will make available to the Town Supervisor, Town Board members, the Human Resources Department, the Town Attorney, Town department heads, the CSEA White Collar Bargaining Unit President, and one additional CSEA White Collar Bargaining Unit representative who is employed with the Town, with a minimum of sixty (60) minutes of training on how to identify signs of intoxication/impairment for purposes of reasonable suspicion drug and alcohol testing. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substance(s). Such training must be completed before an employee undergoes

a test. Prior to any employee being tested for reasonable suspicion or post accident testing, a majority of three (from a group of two management personnel and one union designee) must agree that just cause exists. Training will be refreshed at least every two years.

5. The following drug and alcohol reasonable suspicion and post-accident methodology shall be utilized for any drug and/or alcohol test performed:
 - a. Initial Test - The initial test shall use an immunoassay (EMIT) test as a screening test to rule out the presence of a controlled substance or its metabolite. Those samples which test positive shall be subject to confirmatory testing as described below.
 - b. Confirmatory Testing - All specimens identified as positive on the initial test shall be confirmed using a gas chromatography/mass spectrometry ("GC/MS") technique. Testing shall be conducted by a laboratory with National Institute on Drug Abuses ("NIDA") certification. All confirmed test results shall be referred to a medical review officer (MRO), described below.
 - c. Cutoff Levels - A positive controlled substance test shall be a specimen that tests at or above the cutoff levels used by the United States Department of Transportation and/or Federal Highway Administration. Tested levels which fall below these cutoff levels shall be considered negative results.
 - d. In accordance with the Federal Regulations, the employee shall be permitted to be present to observe the sealing and tagging of the specimen containers.

IV. DEFINITIONS

1. Test - Refers to an on duty, reasonable suspicion or post-accident drug and/or alcohol test.
2. Urine Test - A urine sample submitted to a laboratory for testing.
3. Collection Site - Healthworks, another New York State Department of Transportation approved site or the work location where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs and/or alcohol for reasonable suspicion testing or post-accident testing.
4. Medical Review Officer (MRO) - A licensed physician responsible for receiving laboratory results generated by the TOWN 's testing program who has knowledge of substance abuse disorders and has appropriate medical training to

interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The MRO will be a New York State Department of Transportation certified MRO.

5. Positive Test Result - A test result that shows evidence of a drug, drug metabolite or alcohol without a valid medical explanation at or above the cutoff level assigned to that substance as reviewed by MRO.
6. Rehabilitation – Restoring someone's health through treatment for drug/alcohol use.
7. Treatment - A therapeutic residential or outpatient treatment program for individuals with drug and/or alcohol substance abuse issues.

V. REASONABLE SUSPICION TESTING

1. Determination of Reasonable Suspicion: An employee may be tested where there exists a "reasonable suspicion" that the employee is under the influence of drugs/alcohol as defined under the provision of this policy. The term "reasonable suspicion" shall be defined as observed aberrant unusual behavior on-duty not immediately explained by causes other than that of drug/alcohol use, and/or the physical manifestation of drug/alcohol use (e.g., including, but not limited to such things as, drug paraphernalia, observed possession of drugs, open container containing alcoholic beverage, slurred speech, bloodshot eyes/dilated pupils, unsteady walk/uncoordinated movement, etc.).
2. The conduct giving rise to "reasonable suspicion" that an employee is under the influence of alcohol or using drugs must be supported by evidence or information which appears reliable. Such evidence shall be of the weight and persuasiveness as to cause at least two individuals (who have received the training on how to identify signs of intoxication/impairment for purposes of reasonable suspicion drug and alcohol), based upon their judgment, experience, and training, to reasonably suspect that a particular employee is under the influence of alcohol or drugs. This suspicion must be supported by specific, articulate, written facts from which a rational inference can be drawn, not based upon a mere hunch or solely upon poor work performance or personality conflicts. The employee and the CSEA President shall be provided with a copy of the specific, written facts constituting the reasonable suspicion within 24 hours of the time the employee is instructed that he/she will be subject to reasonable suspicion testing.
3. If suspicion of drug/alcohol use is based upon observation of the suspected employee's physical appearance, at least two individuals who have received the training on how to identify signs of intoxication/impairment for purposes of reasonable suspicion drug and alcohol testing must make and document the observations. Circumstances which constitute a basis for determining

“reasonable suspicion” may include, but are not limited to, a pattern of abnormal or erratic behavior, information provided by a reliable and credible source (excluding co-worker’s with personality conflicts), direct observation of drug and/or alcohol use, glassy or bloodshot eyes, slurred speech, poor coordination, poor reflexes or an employee’s inability to perform his/her assigned duties in a safe and satisfactory manner due to suspected drug or alcohol use. The employee shall be provided with a copy of the documented observations constituting reasonable suspicion within 24 hours of the time the employee is instructed that he/she will be subject to reasonable suspicion testing.

4. Right to Representation: When a decision is made for the employee to be tested, the employee shall be advised that he/she can consult with a Union representative so long as that consultation does not delay the testing.
5. Transportation: The employee shall be transported to the testing facility by his/her department head or the department head’s designee in a vehicle designated by the Town. The Town may send a representative with the transportation vehicle.
6. Compensation: All time spent administering an alcohol or drug test, stemming from reasonable suspicion, will be paid at the employee’s regular hourly rate of pay or at their overtime rate, if applicable, including travel time to and from the testing facility and all time spent administering the test.
7. When an employee is called in to work on an overtime basis and declines to report due to his acknowledgement that he has consumed alcohol within four (4) hours of the call-in he shall not be required to report and will not be subject to disciplinary action.
8. Any such discipline assessed will be removed from the employee’s file twelve (12) months after the date effective, providing no additional discipline relating to a positive drug/alcohol test has occurred.
9. For employees with responsibilities such as driving or operation of equipment, during the period while awaiting test results, they may return to work, but must be assigned to desk work until cleared to regular work duties.

VI. POST ACCIDENT TESTING

1. Post accident testing shall be defined as an “accident involving the loss of life or property or vehicle damage.”
2. All time spent administering a post-accident alcohol or drug test, will be paid at the employee’s regular hourly rate of pay or at their overtime rate, if applicable, including travel time.

3. Any employee who is not allowed to return to work while awaiting test results arising out of post-accident testing may use paid leave benefits (vacation, personal leave, sick leave, compensatory leave, at the employee's choice) during the waiting period for time lost and will be reimbursed by the Town for all time lost should the test results prove negative.
4. Right to Representation: Should it be determined that a drug and/or alcohol test is required after an accident, the employee shall be advised that he/she can consult with a union representative, as long as that consultation will not cause a delay in the testing process.
5. Any such discipline assessed will be removed from the employee's file twelve (12) months after the date effective, providing no additional discipline relating to a positive drug/alcohol issue has occurred.

VII. TESTING PROCEDURES

1. Drug Testing Procedures

The following procedure shall be used whenever an employee is required to give a urine sample based on reasonable suspicion or post-accident testing for reasonable suspicion of drugs.

- A. A urine sample will be taken of the employee. The collection shall be done in such a manner as to protect the authenticity and reliability of the sample and the privacy of the individual.
- B. Immediately after the sample has been given, it will be divided into two (2) parts, labeled Sample A and Sample B, provided at least 45 ml. has been provided. The "A" sample shall contain a minimum of 30 ml., and the "B" sample shall contain 15 ml. Each sample will be separately sealed, labeled, and stored in a secure and refrigerated atmosphere for transfer to the testing laboratory under a chain of custody.
- C. In each instance of a drug test, a chain of custody procedure will be followed. This procedure is used to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.
- D. A chain of custody shall be used from the time of collection to receipt by the testing laboratory(s). Upon receipt by the testing laboratory(s), an appropriate laboratory chain of custody form accounting for the sample within the laboratory shall be used.
- E. A tamper proof sealing system shall be used in the manner such that the specimen bottle will be sealed against undetected opening and the bottle

can be identified utilizing an identification number identical to that appearing on the urine custody and control form. Space shall be provided to initial the bottle, thereby affirming its identity.

- F. Should the employee be unable to pass the required amount of urine, he/she shall remain at the collection center and follow all directives given by the collection site person until such time as 45 ml. or more of urine has been passed. Should the employee be unable to pass at least 45 ml. of urine during his/her shift, he/she shall be referred to a designated physician who shall determine if such inability was purposefully done or medically unavoidable. If medically unavoidable, the employee shall be retested within twenty-four (24) hours of his/her next working day.
- G. Any sample which has been adulterated, substituted, or shown to be a substance other than urine shall be reported as such and will be considered a failure to submit to a test and will be considered the equivalent of a positive test and will constitute grounds for disciplinary action.
- H. All testing will be done during working hours to the extent possible. However, where a reasonable suspicion arises or an accident occurs in the latter part of the employee's shift, the testing may extend beyond the end of the employee's regularly scheduled shift. In that event, refer to compensation above.

2. Alcohol Testing Procedures

- A. Tests for alcohol shall only be conducted by a breath alcohol technician using an evidential breath-testing device. Such device shall be approved by the National Highway Traffic Safety Administration and placed on the Conforming Products List of Evidential Breath Measurement Devices.

VIII. REPORT AND REVIEW BY MRO

- 1. All confirmed positive drug test results shall be referred to an MRO who shall perform the following tasks:
 - A. Review the chain of custody documents and test results for completeness and accuracy.
 - B. Give the employee an opportunity to discuss the results. Any employee who tests positive will be afforded an opportunity to justify the test results, including the opportunity to present evidence of the legitimate use of prescription medication, non-prescription medication or other substance.

- C. If there appears to be no medical reason for the positive test result, which is acceptable to the MRO, the test shall be verified as positive and the same reported to the Human Resources Department of the Town.
- D. Should the employee provide a medically acceptable explanation and/or documentation to the MRO, the MRO shall report the test as negative to the collection clinic, which in turn shall report same to the Human Resources Department of the Town.

IX. RETEST PROCEDURES FOLLOWING POSITIVE DRUG TEST RESULTS

If the confirmatory test and medical review is positive for the presence of an alcohol, illegal drug, or drugs that are being used illegally, the employee will be so notified and provided with copies of all documents pertinent to the test. If the test is confirmed as positive by the MRO, the employee will have the opportunity to request the "B" sample be retested at a laboratory of his/her choice and at his/her expense. The MRO will authorize release of this test to the laboratory. If the "B" sample is negative, the employee will be reimbursed for the cost of the retest and no action will be taken. Should the second result be positive, the employee and the Union waive any right to challenge the testing protocol for either sample.

X. SPECIMEN INTEGRITY AND EMPLOYEE CONDUCT

Specimen collection will occur in a clinical setting and under strict procedures so as to avoid specimen tampering. Careful chain of custody procedures shall be followed at all times. Any attempt to hinder collection procedures or to adulterate or substitute a urine sample will result in disqualification of an applicant and disciplinary charges against the employee and a retest.

XI. POSITIVE TEST RESULT(s) PROCEDURES

For the purposes of this policy, an employee will not be discipline for prohibited drug and/or alcohol usage until the employee had the opportunity to discuss the results with the MRO and the test is confirmed positive by the MRO.

XII. REFUSAL TO SUBMIT TO TEST

Based on reasonable suspicion and/or post accident, employees who fail or refuse to immediately appear for testing, delay in reporting for a test, refuse or fail to provide a specimen, refuse or fail to attempt to provide a specimen without adequate medical explanation, adulterate or substitute or attempt to adulterate or substitute a specimen, fail to complete any paperwork required by the collection facility, fail to remain at the testing site until the test is completed, or fail to cooperate with any aspect of the testing process shall be considered as testing positive and subject to disciplinary action as set forth in this Policy.

XIII. POSITIVE TEST RESULTS – DISCIPLINARY ACTION

1. In the event a positive test occurs, the following disciplinary action will be implemented:

A. Blood Alcohol Content of .02 - .039 Concentration

- First offense: Verbal Warning
- Second offense: Written Warning
- Third offense: One (1) week suspension without pay
- Fourth offense: Termination of Employment

B. Blood Alcohol Content of .04 or above Concentration and All Other Drugs

- First offense: One (1) day suspension without pay
- Second offense: One (1) week suspension without pay
- Third offense: Termination of Employment

C. The Town will not discipline, discharge or terminate an employee for alcohol or controlled substances test result below the levels established and used by the United States Department of Transportation and/or the Federal Highway Administration. The term "positive controlled substances test" as it is used in this Memorandum of Agreement shall mean a positive test under the levels established and used by the United States Department of Transportation and/or the Federal Highway Administration. Tested levels which fall below these cutoff levels shall be considered negative results.

D. It is agreed that this system of progressive discipline is based upon a rolling thirty-six (36) month period. In the event an employee tests positive for drugs or alcohol, his discipline shall be determined by the number of positive tests for drugs and/or alcohol that remain in his file within the most recent thirty-six (36) month period.

E. Following the period of disciplinary suspension, an employee may use any available accrued time off for drug/alcohol abuse/addiction treatment.

XIV. NEGATIVE TEST RESULTS PROCEDURES

As soon as practicable, the CSEA Unit President shall be provided with a complete listing of all its members who are tested for "reasonable suspicion" or post-accident. CSEA will thereafter review any negative testing results.

XV. CONFIDENTIALITY

All records related to reasonable suspicion and post-accident testing and all results of all drug and alcohol tests will be maintained in individual files separate from the employee's official personnel file.

XVI. EMPLOYEE ASSISTANCE AND REHABILITATION

1. Employee Assistance

The Town shall provide Employee Assistance Program (EAP) services. It shall be the purpose of the EAP to:

- A. Educate employees about the dangers of substance abuse;
- B. Provide a resource for treatment of alcohol and drug abuse problems;
- C. Assist employees with a number of other services unrelated to substance abuse designed to aid in the identification, intervention, and resolution of personal problems (e.g., family, marital, financial, etc.), which negatively impact on the employee's employment with Town.
- D. Provide initial counseling, problem identification, short-term counseling, referral if necessary, to a professional agency or person who can assist the employee to resolve his/her problem and to offer follow up support and monitoring.
- E. The services of the EAP shall be free to any employee. Specifically, the costs of any professional help to which the employee or immediate family member is referred beyond the services of the EAP and what may be covered by the employee's health insurance program.
- F. Use of EAP services or further professional help shall be confidential except when confidentiality is waived by the employee as discussed below. EAP records shall be maintained separately by the EAP Coordinator and shall not be included in personnel files. The EAP Coordinator shall provide the Town with statistical data only regarding the use of the program by Town employees and members of their immediate families. In this regard, there shall be no names or reference of any type whatsoever that would enable any Town official to identify any subject of the EAP program.
- G. If an employee has a positive test, the parties agree to a mandatory referral to EAP and mandatory compliance with the prescribed course of treatment. This will require the employee to sign a waiver authorizing EAP to report to the

Town whether the employee has/has not complied with the prescribed course of treatment.

XVII. AMNESTY REHABILITATION PROGRAM

1. Treatment/Rehabilitation Encouraged

Employees represented by CSEA who have a drug and/or abuse or addiction problem are encouraged to seek treatment and rehabilitation either through the employee's health insurance plan or the Town's EAP program. Participation in this program shall be without fear of any discipline or discharge penalties provided:

- A. Entry and participation in such treatment and rehabilitation must occur prior to employee selection for reasonable suspicion or post-accident testing.
- B. The employee must complete a rehabilitation/counseling program.
- C. The employee must sign any and all releases and/or waivers to allow the Town assurance of employee participation in the rehabilitation/counseling program. Information acquired by the Town shall be viewed only by the Human Resources Department and shall be filed separately from the employee's official personnel file. In all other respects, the employee's right to confidentiality shall be respected.
- D. Confirmed Positive Test Result: A positive drug and/or alcohol test result and the MRO's confirmation of a positive drug and/or alcohol test result following entry in and/or completion of any rehabilitation/treatment program shall be subject to the disciplinary procedure set forth in this policy.

XVIII. GRIEVANCE PROCEEDING

- 1. Any conflict of these provisions in the interpretation, application, unfair or inequitable use of this drug and alcohol policy are subject to the grievance and arbitration procedure as defined in Article 24 of the Collective Bargaining Agreement.

XVIX. PART OF TOWN /CSEA BARGAINING AGREEMENT

1. This Memorandum of Agreement shall be considered part of the TOWN /CSEA collective bargaining agreement as an Appendix O in the contract.

Dated: December ____, 2019.

TOWN

CSEA

Sheila M. Meegan
Town Supervisor

Deborah Mueller
Labor Relations Specialist

Ronald Pfeil
Unit President



Parental Leave Policy - White Collar employees

Summary – The Town’s Parental Leave Policy entitles an eligible full-time White Collar employee (regularly scheduled to work at least 35 hours per week) to a period of unpaid leave following the birth or placement of a child through adoption. This Leave must be used within the 12 months immediately following the birth or placement for adoption with the employee and is available to both biological and adoptive parents only.

The application for parental leave of absence must be filed in writing with the Human Resource Department (HR) and is subject to approval by the employee’s department head and the Town Board. The determination on whether to grant Parental Leave in excess of leave covered by the Family and Medical Leave Act will be based on the employee meeting the eligibility requirements and on the operational needs of the department during the period the leave is being sought.

On a regular basis, any employee on leave pursuant to this policy will be required to provide updates about work status, including return to work date and any restrictions he/she may have upon return.

Eligibility

Employees Employed Full-time with the Town for 12 months or More at the Commencement of the Leave –

- The Town will evaluate the employee’s eligibility for FMLA and document the FMLA accordingly.
- Where an employee eligible for Parental Leave is also eligible for FMLA leave, the Parental Leave and the FMLA leave shall run concurrently until such time as the FMLA is exhausted; and
- If the employee wishes to use unpaid Parental Leave after the depletion of FMLA, the employee may apply for additional Parental Leave. The total combined amount of any FMLA pre-birth or pre-placement, Parental Leave, and FMLA post-birth or post-placement may not exceed 12 months. *(For example, if an employee used FMLA pre-birth and the employee only has two (2) months of FMLA remaining post-birth, the employee may apply for up to ten (10) months of unpaid Parental Leave);* and
- Approval of the Parental Leave is at the discretion of the department head, as well as the Town Board based on the needs of the department during the period the leave is being sought. In some cases, the department may not be able to accommodate an extended leave of absence for Parental Leave; and
- Per the FMLA policy, the Town will pay out an employee’s accruals during any period of leave covered by FMLA. Likewise, while on Parental Leave (that is not covered by FMLA) employees will be required to exhaust all available paid leave accruals before taking unpaid leave; and



- An employee on Parental Leave shall continue to remain eligible for medical insurance coverage under the same terms as if he/she were actively working so long as the leave is also covered under FMLA and/or the employee is using paid leave accruals. In some cases, the coverage may extend for additional time. For additional information about health insurance benefits, see **Benefits During a Leave of Absence/ Health Insurance**.
- Any provisions about "Leaves" in the Collective Bargaining Agreement shall apply.

Employees Employed Full-time with the Town for less than 12 months at the Commencement of the Leave –

- The Town will evaluate the employee's eligibility for FMLA leave and document accordingly; and
- Where an employee eligible for Parental Leave is also eligible for FMLA leave, the Parental Leave and the FMLA leave will run concurrently until the FMLA is exhausted; and
- If the employee wishes to use unpaid Parental Leave after the depletion of FMLA or after a determination that the employee is not eligible for FMLA, the employee may apply for Parental Leave. The total combined amount of any Parental Leave and FMLA leave following the birth or placement of a child for adoption may not exceed 3 months; and
- Approval of the Parental Leave is at the discretion of the department head, as well as the Town Board, based on the needs of the department during the period the leave is being sought. In some cases, the department may not be able to accommodate an extended leave of absence for Parental Leave; and
- Per the FMLA policy, the Town will pay out an employee's accruals during any period of leave covered by FMLA. Likewise, while on Parental Leave that is not covered by FMLA employees will be required to exhaust all available paid leave accruals before taking unpaid leave; and
- If the employee is still within the Probationary Period, the period of Parental Leave will not count toward the probationary period and the employee's probationary period will be extended by the length of the Parental Leave; and
- Employees on Parental Leave shall remain eligible for medical insurance coverage under the same terms as if he/she were actively working so long as the leave is also covered under FMLA and/or the employee is using paid leave accruals. In some cases, the coverage may extend for additional time. For additional information about health insurance benefits, see **Benefits During a Leave of Absence/ Health Insurance**.



Notification and Certification Requirements –

- **Request for Parental Leave-** Where foreseeable, the employee must apply, in writing, to the department head and Human Resources at least thirty calendar days prior to the commencement date of the Parental Leave.
- **Status Reports** – The employee must periodically update the appropriate department head as to the employee's status and intent to return to work. Any medical information (for Parental Leave that is also covered by the FMLA) should be provided directly to Human Resources.

Certification – Where applicable, the employee must produce a medical certification issued by a health care provider or other documentation sufficient to support the biological or adoptive relationship with the child for whom Parental Leave is being taken, including the date of birth of the child or date of placement of the child for adoption. This documentation must be provided as soon as possible and in any event, no later than fifteen calendar days from the date of the birth of the child or the date of placement of the child for adoption. Failure to submit the required certification may jeopardize the employee's eligibility for a Parental Leave and the absence may be considered unexcused with resulting disciplinary consequences

- Where Parental Leave also qualifies for FMLA leave and/or disability leave, the employee must comply with the FMLA certification requirements in order to be entitled to Parental Leave.

Benefits During a Leave of Absence – For the purpose of this policy, the following will apply:

- **Use of Accrued Paid Leave Credits** - Please refer to the FMLA policy regarding the Use of Paid Leave Credits. For Parental Leave, an employee taking leave for the birth or adoption of a child must first use all vacation, sick and personal leave credits prior to taking any unpaid Parental Leave and the use of vacation, sick and personal leave which will be included in the maximum amount of leave time allotted under this policy.
- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation, personal and sick leave. After all such paid leave is exhausted, any additional Parental Leave will be unpaid. An employee will not earn paid vacation, personal or sick leave or receive holiday pay for any holidays that may occur during an unpaid portion of the Parental Leave of absence.
- **Health Insurance** – During any period of the Parental leave covered by the FMLA and/or utilizing paid leave accruals, the employee will remain eligible for medical insurance coverage under the same terms as if he/she were actively working. For eligible employees employed by the Town, the employee will also be eligible for additional months under the same terms as if he/she were actively working according to the following schedule:
 - Employed full-time with the Town less than one year- limit of three (3) months of coverage from the commencement of the leave



- Employed full-time with the Town between one (1) and four (4) years- limit of six (6) months of coverage from the commencement of the leave (up to 3 months of FMLA leave and up to an additional 3 months).
- Employed full-time with the Town for five (5) years or more- limit of 12 months of coverage from the commencement of the leave. (up to 3 months of FMLA leave and up to an additional 9 months).
- All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, the Town will request recovery of the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

Return to Work – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Classified Civil Service of the County of Erie*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The Town reserves the right to have the employee examined by a physician selected and paid for by the Town to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Return to work part-time** - At the discretion of the department head and the Town Board, and subject to availability and employer need, an employee who has not exhausted his/her Parental Leave entitlement, may have the option of returning to work on a part-time basis; although this part-time status may not extend past the maximum 12-month period for Parental Leave/ FMLA leave. If an employee returns to work part-time, the employee's benefits and accruals will be pro-rated based on the number of days worked per week. The exception will be the eligibility for health insurance, as that is addressed in this policy under Health Insurance on Page 3.

September 2010:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
French Road Reconstruction Project	US Dept. of HUD Community Development Block Grant Administered by Erie County DEP	\$100,000	October 26, 2009
Inactive Records Storage Center	NYS Archives	\$11,980	February 2, 2009
Energy Efficiency Block Grant	US Department of Energy	\$181,100	June 25, 2009
RFID System & Door Replacement	NY Public Library Construction Grant	\$30,478.19	August 21, 2009
Radio System Upgrade With GPS	NYS Senator William T. Stachowski	\$50,000	March 6, 2009
Police Dept.: Sally Port and Elevator Construction	NYS Senator William T. Stachowski for \$86,000	\$350,000 awarded based on Supervisor's request for larger project	February 12, 2010
Court Automation & Security Grant	Justice Court Assistance Grant	Equipment including: Wireless Audio Recording System; and, Construction of a Security Wall with a total value of \$15,468	August 1, 2009
Ice Rink Repairs	DASNY SAM Grant	\$250,000	March 26, 2009
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$989,026.19	

September 2011:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Belgia Place Road Reconstruction Project & Columbia Parkway Road and Sidewalk Reconstruction Project	US Dept. of HUD Community Development Block Grant Administered by Erie County DEP	\$100,000	October 26, 2009
West Seneca Public Library HVAC Replacement	NYS Education Dept. Division of Library Development	\$20,873	August 31, 2010
Chairs and Label Printer	Unified Court System	\$28,289.55	October 31, 2010
West Seneca Parks Development	NYS CFA: NYS OPRHP Environmental Protection Fund	\$50,603	October 31, 2011
Removal of Architectural Barriers at Town Hall: Elevator Construction	US Dept. of HUD/CDBG administered by ECDEP	\$85,000	October 24, 2011
Enterprise Content Management System in the Building & Plumbing Department	NYS Archives	\$61,677	February 1, 2011
Court Equipment	Unified Court System	\$3,468.08	September 16, 2011
Sidewalk Reconstruction	NYS Education Dept. Division of Library Development	\$16,665	September 30, 2011
Senior Center Vans, Equipment and Streets Projects	US Dept. of HUD/CDBG administered by ECDEP	\$452,790.45	July 18, 2012
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$791,076.53	

December 2012:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Digitizing Board Minutes	NYS Archives	\$11,622	March 1, 2012
Stephenson Road Full Depth Reconstruction Project with New Sidewalks	US Dept. of HUD administered by Erie County DEP	\$100,000	October 29, 2012 This was funded even though it was ranked as the second priority because of the larger number of low-moderate income residents on this street (it is a longer street than North Ave.).
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$111,622	

December 2013:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Repointing of Library Façade	Public Library Construction Grant Program	\$19,442	September 7, 2012
Electronic Key Fob Access System for Court Office Personnel	Justice Court Assistance Grant	\$7,895	October 1, 2012
Police Dept. K9	National Police Dog Foundation & Pet Co. Foundation	\$2,000	January 8, 2013 Due to a change in administration, the new Chief did not want to continue the K-9 Officer Program and the grant funds were returned.
Digitizing Building Dept. Records	NYS Archives	\$47,906	March 1, 2013
Consolidation of Water Districts & Transfer of Ownership to ECWA	Local Government Efficiency	\$400,000	March 13, 2013
Sanitary Sewer Consolidation Study	Local Government Citizens Re-Organization Empowerment Grant	\$27,000	April 3, 2013
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$504,243	

December 2014:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
ADA Restrooms at Town Hall & Senior Center	US Dept. of HUD administered by Erie County DEP	\$100,000	October 28, 2013
Court Office Equipment & Furniture	Justice Court Assistance Program/Unified Court System	\$3,951.98	October 18, 2013
Town Hall Parking Lot	DASNY SAM Grant via Senator Gallivan	\$150,000	August 25, 2014
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$253,951.98	

September 2015:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Library Construction Grant Phase I	NYS Education Dept. \$14 Million Public Library Construction Grant	\$439,018	October 4, 2014
Westcliff Drive, Woodlane Drive & Chamberlin Drive Road Milling & Paving Project	US Dept. of HUD administered by Erie County DEP	\$100,000	October 27, 2014
Compost/Grapppler Truck	NYS Dept. of Environmental Conservation Waste Reduction & Recycling	\$64,266.50 (50% of total project cost)	Pre-Application: April 30, 2011 Full Application: December 15, 2014
November 2014 Storm: Disaster 4204	FEMA Category A: Kiwanis Building Demolition	\$70,000	Completed June 1, 2015
November 2014 Storm: Disaster 4204	FEMA Category B: Emergency Protective Measures	\$708,648.25	Completed June 1, 2015
November 2014 Storm: Disaster 4204	FEMA Category A: Debris Removal	\$7,280.91	Completed June 1, 2015
November 2014 Storm: Disaster 4204	FEMA Category C: Roads	\$232,311.38	Completed June 1, 2015
November 2014 Storm: Disaster 4204	FEMA Category E: Buildings	\$32,044.43	Completed June 1, 2015
Library Construction Grant Phase II	NYS Education Dept. \$14 Million Public Library Construction Grant	\$411,099	September 4, 2015
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$2,064,668.47	

December 2016:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Curbside Collection Recycling Bins	NYS Dept. of Environmental Conservation Waste Reduction & Recycling* *Submitted by CPL	\$2,890 (50% of total project cost)	Pre-Application: September 26, 2011 Full Application: December 15, 2014
Engineering Planning Grant	NYS Dept. of Environmental Conservation Waste	\$100,000	July 31, 2015
Road Reconstruction Project for Birchwood Avenue, North Covington Drive, Burch Avenue and Grace Street	US Dept. of HUD administered by Erie County DEP	\$100,000	November 2, 2015
Records Management: Document Conversion & Access Finance Dept.	NYS Archives	\$49,045	March 14, 2016
Library Expansion	DASNY SAM Grant via Senator Gallivan	\$400,000	March 22, 2016
West Seneca Youth & Recreation	NYS Office of Children & Family Services admin. by Erie County Dept. of Social Services	\$21,935	May 31, 2016
Purchase of Vacuum Truck	DASNY SAM Grant via Senator Gallivan	\$250,000	July 1, 2016
Library Expansion	DASNY SAM Grant via Assemblyman Kearns	\$250,000	June 7, 2016
Commerce Drive Expansion	Governor Cuomo via DASNY SAM Grant	\$500,000	July 8, 2016
Zombie & Vacant Properties Remediation & Prevention Initiative	Administered by LISC with funding from NYS Attorney General	\$175,000	August 19, 2016
Tim Russert Park Playground Equipment	DASNY SAM Grant via Senator Gallivan	\$100,000	June 29, 2016
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$1,948,870.00	

December 2017:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Milling & Resurfacing of Boncroft, Bellwood, Thorndale & Tindle	US Dept. of HUD administered by Erie County DEP	\$100,000	October 31, 2016 (awarded Jan. 2017)
2017 Youth Development Program	Erie County	\$21,935	May 25, 2017
Multi-Modal Road Repair	NYS DOT	\$300,000	September 25, 2017
Veteran's Park Pavilion	DASNY SAM Grant Via Senator Gallivan	\$300,000	January 13, 2017
Library Furniture	DASNY SAM Grant Via Assemblyman Kearns	\$125,000	September 25, 2017
	TOTAL AWARDED TO DATE THIS CONTRACT YEAR:	\$846,935	

December 2018:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Road Milling & Resurfacing Project: Benson Ave., Dirkson Ave., & Wichita Road	US Dept. of HUD administered by Erie County DEP	\$100,000	October 30, 2017
Companion Animal Fund Capital Grant Program	NYS Dept. of Agriculture & Markets	\$119,775	January 10, 2018
Two Brush Chippers	NYS Dept. of Environmental Conservation Waste Reduction & Recycling	\$32,537	Pre-Application: September 26, 2011 Full Application Submitted January 4, 2018
E-Waste Recycling	NYS DEC	\$9,691.84	November 3, 2017
E-Waste Recycling	NYS DEC	\$5,601.43	January 29, 2018
2018 Youth Development Program	Erie County	\$23,032	May 22, 2018
Digitization of Assessment Records	NYS Education Dept.: State Archives	\$45,928	January 15, 2018
Legion Parkway Reconstruction	NYS DOT	\$25,000	November 30, 2018
Acquisition of Police Cars	DASNY SAM Grant via Senator Gallivan	\$100,000	June 2018
Water Infrastructure Improvement Act (WIIA)	NYS EFC Grant	\$1,637,832* *now may be subject to slight reduction based on WQIP Award	September 12, 2017
Water Quality Improvement Program (WQIP): SSO for Dist. 5 & 6	NYS DEC	\$1,383,893	July 28, 2018
	TOTAL GRANTS AWARDED TO DATE THIS CONTRACT YEAR:	\$3,483,290.27	
Water Infrastructure Improvement Act (WIIA)	NYS EFC Loan	\$3,900,575.00	September 12, 2017
	TOTAL GRANTS & LOANS AWARDED TO DATE THIS CONTRACT YEAR:	\$7,383,865.27	

December 2019:

Project Title	Name of Funding Source	Amount of Award	Date Submitted
Road Milling & Resurfacing Project: Emporium Avenue, Eldred Avenue and Gordon Avenue	US Dept. of HUD administered by Erie County DEP	\$100,000	October 29, 2018
2018 Youth Development Program	Erie County	\$23,032	May 25, 2018
Zombie & Vacant Properties Remediation & Prevention Initiative 2.0	Administered by LISC with funding from NYS Attorney General	\$150,000	March 8, 2019
	TOTAL GRANTS AWARDED TO DATE THIS CONTRACT YEAR:	\$273,032	

SUMMARY:

2010: \$989,026.19

2011: \$791,076.53

2012: \$111,622

2013: \$504,243

2014: \$253,951.98

2015: \$2,064,668.47

2016: \$1,948,870.00

2017: \$846,935

2018: \$7,383,865.27 Grant and 0%-interest loan

2019: \$273,032

TOTAL: \$15,167,290.44

Town of West Seneca		
Construction Projects 2011-2017		
Year	Project	Total Construction
2011	Elmsford Drive and Court Reconstruction	\$ 1,180,000
2011	Columbia Drive/Belgia Reconstruction	\$ 1,252,000
2012	Dover Greenmeadow Reconstruction	\$ 2,045,000
2012	Phase 1 Energy Performance Contract - New Ice Rink Surface, New lighting at rink, new boilers at ice Rink, Change out of town owned street lights, new boiler and HVAC equipment at Town hall, New boiler and HVAC equipment at Highway Garage, Phase 1 Sewer Rehabilitation, Change out or reconditioning of all Pumps at Pump Stations, new boiler at Plant 6, Baseball field lighting,	\$ 9,460,749
2012	Town Hall Handicap Accessible Entrance	\$ 550,000
2012	Pool Rehabilitation and Pump upgrades	\$ 225,000
2012	Metz House HVAC improvements	\$ 30,000
2012	Engineering/Building Department Office Rehab	\$ 50,000
2013	Cardinal, Larkwood, Woodmar and Greenbranch Full Depth Reconstruction	\$ 1,611,241
2013	Senior Center Parking Lot	\$ 35,000
2013	Town Hall Police Expansion	\$ 1,197,000
2013	Highway Garage Roof and siding of west wall	\$ 506,000
2013	East/West Leydecker Sewer	\$ 970,000
2013	Phase 2 and 3 Sewer Improvements	\$ 5,596,000
2014	Hilltop Courts and Beechwood Reconstruction	\$ 1,279,026
2014	Stephenson Ave Reconstruction	\$ 600,000
2014	Phase 2 Energy Performance Contract - Purchase NYSEG owned street lights and change out to LED street lights, new LED scoreboard at ice rink, roofing and lighting improvements at WSCCL	\$ 5,250,000
2014	New Dugouts at Veterans Park BB Field	\$ 22,000
2014	New Fencing along right and left fields at Veterans park	\$ 25,000
2014	Burchfield Comfort Station	\$ 135,000
2014	Town Clerk's Office Rehab	\$ 50,000
2014	Trunk Sewer Replacement OP RD and Fairfax	\$ 2,200,000
2015	Commerce Parkway and Ransier Drive Reconstruction	\$ 1,713,000
2015	Heather Hill/Pamela Court Reconstruction	\$ 1,790,000
2015	Senior Center and Town Hall HC accessible Restrooms	\$ 130,000
2015	Phase 4 Sewer Improvements	\$ 3,290,100
2016	Theresa Court Reconstruction	\$ 895,000
2016	Rosewood/Brianwood/Reynolds/Azalea Reconstruction	\$ 2,355,285
2016	Town Hall Handicap Accessible Courtroom	\$ 120,000
2016	Buildings and Grounds Roof	\$ 106,000
2016	Kiwanis Building Demolition	\$ 77,000

2016	East/West Angle Watermain Replacement	\$ 1,065,000
2016	Boncroft Watermain Replacement	\$ 226,270
2017	West Seneca Community Center and Library	\$ 13,600,000
2013-2017	Firemans Fields Baseball Parks	\$ 650,000
2018 & 2019	Phase 5 Sewer Rehabilitation	\$ 1,600,000
	Dog Shelter Improvements	\$ 160,000
2019	Town Hall Parking Lot	\$ 400,000
2019	Assessor's Office Rehab	\$ 35,000
2019	Leydecker Waker Storage Tank Rehab	\$ 160,000
		\$ 62,641,671
	Milling and Resurfacing	
2019	Town Hall Parking Lot + Legion & Holland	3
	Tanglewood	1
	Marlyn	1
	Laurelton	1
	Cranwood	1
	Emporium	1
2018	Woodcrest Dr.	1
	Briarhill Dr.	1
	Christopher Dr.	1
	Marilyn Dr.	1
	Patricia Dr.	1
2017	Brookside Dr.	1
	Dundee St.	1
	Densmore Ave.	1
	Boncroft Dr.	1
	Thorndale Ave.	1
	Bellwood Ave.	1
	Tindle Ave.	1
	Heritage Farms	1
	Norma Dr	1
	Shirley Dr.	1
	Molnar Dr.	1
2016	North Covington Dr.	1
	Burch Ave.	1
	Birchwood Ave.	1
	Angle Rd.	1
	Lakeside	1
	Wildwood Ave.	1
	Constitution Ave.	1
	Dorrance Ave.	1
	Innes Rd.	1
	Fairfax Dr.	1

2015	Chamberlin Dr.	1
	Westcliff Dr.	1
	Woodlane Dr.	1
	Villa Maria Rd.	1
	Rolling Hills Dr.	1
	Mill Rd.	1
	Manhasset St.	1
	Main St.	1
2014	Newell Pl.	1
	Sherwood	1
	Klink Pl.	1
	Crofton Dr.	1
	Crofton Ct.	1
	Glenmar Dr.	1
	Pleasantview Ln.	1
	Phyllis Dr.	1
	Suburban Ct.	1
2013	Summit	1
	Duchess Dr.	1
	Princess Ln.	1
	Pinewood Dr.	1
	Westminster Rd.	1
	Meyer Rd.	1
	Lind Ave.	1
	Waltercrest Terr.	1
	Crystal Ln.	1
	Weigand St.	1
	North Covington	1
2012	Bullis Rd.	1
	Broadway St.	1
	Pearl St.	1
	French Lea Rd.	1
	S. Warren Ave.	1
	Greenfield Ave.	1
	Elm Ave.	1
	Chestnut Ave.	1
	Huntington Ave.	1
2011	Schultz Rd.	1
	East Ave.	1
	Dauer Dr.	1
	Sharon Dr.	1
	Country Ln.	1
	Doster	1
	Henrietta	1
	Olean	1
	Kauderer	1
	Ave B	1
	Loxley	1

	Paxford	1
		83
	Senior Center Improvements	
2012	New Vending & Ice Machines	
2012	Parking Lot	
2013	3 New Vans	
	New Kitchen Equipment; Stove, Dishwasher and Disposal	
	New Fitness Center Equipment; Treadmills, Bicycles and Weights	
2014	New Pinochle Tables	
2015	Bathroom Updates	
	1 New Van	
2016	Resurfaced Pool Tables in Game Room	
2017	New Computers & Printers for Computer Lab	
2018	Rug Cleaning	
2019	Front Entrance Sidewalk / Landscaping repairs	