

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the following resolution approving the issuance of \$1,575,000 in bonds:

WHEREAS, the Town Board of the Town of West Seneca (herein called the "Town"), in the County of Erie, New York, on behalf of Water District No. 1 (herein referred to as the "District"), has caused CPL engineers, duly licensed by the State of New York (the "Engineer") to prepare a map, plan and report dated January 2021 for the increase and improvement of facilities of the District, consisting of water main replacements along (i) Seneca Creek Road; (ii) Transit Road; (iii) Lien Road; including fire hydrants, gate valves and service connections, including study and design and any ancillary or related work required in connection therewith as described in said report and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$1,575,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on March 22, 2021 at 6:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1250 Union Road, West Seneca, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 22nd day of March, 2021 at 6:00 o'clock P.M. (Prevailing Time) at the Town Hall, 1250 Union Road, West Seneca, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project is a Type II project which will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$1,575,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$1,575,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

Ayes: All

Noes: None

Motion Carried

PUBLIC COMMENTS ON COMMUNICATIONS

A resident requested the repairs on Woodward Drive be approved.

OLD BUSINESS

TABLED ITEMS

1. Supervisor Dickson re National League of Cities Service Line Program

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to adopt the following resolution authorizing the Supervisor to enter into a marketing agreement with Utility Service Partners Private Label, Inc., (USP) D/B/A/ Service Line Warranties of America ("SLWA") for advertisement to the town's residents of warranty plans for repairs of external water lines, external sewer lines, in-home plumbing on residential property:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the Town; and

WHEREAS, the Town desires to offer Property Owners the opportunity, but not the obligation, to purchase a service plan for their external water lines, external sewer lines, and in-home plumbing and believes engagement in the marketing agreement will benefit the Property Owners of the Town; and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained within the marketing agreement; and

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of West Seneca hereby authorizes the Supervisor to enter into a three (3) year marketing agreement with Utility Service Partners Private Label, Inc., ("USP") D/B/A/ Service Line Warranties of America ("SLWA") to provide the National League of Cities Service Line Warranty Program.

On the question, Councilman Bauer stated the policies give homeowners a sense of security, however, the town may be dabbling in an unrelated private sector market by giving one company an unfair advantage over their competitors.

Supervisor Dickson stated all homeowners should have this type of insurance and not all insurance providers offer this coverage or advertise this coverage. An education program this company offers is beneficial.

Councilman Hanley stated this agreement does not give this company exclusive rights in the town.

Ayes: Supervisor Dickson
Councilman Hanley
Councilman Piekarec

Noes: Councilman Bauer

Motion Carried

NEW BUSINESS

6-A ANNOUNCEMENTS

- Supervisor Dickson re Sales Tax Revenue
- Supervisor Dickson re American Rescue Plan
- Environmental Commission Chairperson Hicks re West Seneca Environmental Commission
- Town Attorney re In-person meetings

6-B COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re West Seneca Deer Task Force

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution create a West Seneca Deer Task Force:

WHEREAS, many community members are concerned about the impact of deer in suburban areas, including but not limited to, deer-vehicle collisions, tick-borne illnesses from deer, and damage to plants from deer; and

WHEREAS, suburban environments have created a suitable deer habitat, and many citizens, through the planting of ornamental and/or vegetable gardens, inadvertently provide an abundance of food and shelter for the deer population; and

WHEREAS, as the number of deer in suburban environments grows, so too do deer-human conflicts; and

WHEREAS, many West Seneca residents have contacted elected officials of the Town of West Seneca to request the Town take action to control the deer population; and

WHEREAS, there are also many West Seneca residents that believe the deer should be left alone without any deer population controls;

WHEREAS, the scientific research indicates that suburban areas can provide substantial carrying capacity for deer and the biological carrying capacity of some areas can approach 100 deer per square mile; and

WHEREAS, rather than the biological carrying capacity, the community must decide the social carrying capacity -how many deer are acceptable in light of the deer-human conflicts; and

WHEREAS, the Town acknowledges that the New York State Department of Environmental Conservation (DEC) has exclusive jurisdiction over the management of deer per New York State Code; and

WHEREAS, a prudent approach to deer-human co-existence involves a partnership between citizens, local government, and the NYS DEC; and

WHEREAS, there is a significant lack of community knowledge about the complexity of addressing deer in suburban environments; and

WHEREAS, it is in the best interest of the residents of the Town to understand the impact of deer in suburban communities and exploring approaches to minimize deer-human conflicts;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF WEST SENECA, NEW YORK, THAT:

SECTION 1. The West Seneca Deer Task Force shall be established to explore ways to address deer-human conflict, educate the public on the matter, solicit community feedback on possible solutions, and make recommendations to address the matter to the Town Board.

- (1) Members. The Task Force shall be composed of eleven members.
- (2) Appointments. The Supervisor and the four Councilmembers shall each appoint one member from residents of West Seneca. Four additional members with relevant professional qualifications, not necessarily residents of West Seneca, shall be nominated by the Supervisor and approved by the Town Board. One member of the West Seneca Town Board shall be nominated by the Town Board. One member of the West Seneca Environmental Commission shall be nominated by the Town Board.
- (3) Vacancies and Removal. Vacancies shall be filled in the same manner that member who caused the vacancy was appointed. Members of the Task Force may be removed by the authority that appointed them at any time, without cause.
- (4) Qualifications. Members shall include a variety of community representatives and expertise. Preference for Task Force members shall be given to concerned residents, those with a background in biology (wildlife and/or ecology), veterinarians, gardeners, and animal welfare representatives. Members should be open-minded and capable of working in collaboration with members of differing opinions.
- (5) The Task Force is an advisory body and will conduct its business with transparency, seeking as much public input as possible.

- (6) The Town Clerk shall appoint a Secretary to the West Seneca Deer Task Force from a member of her staff with a stipend of \$1,000 from budget line 1.1670.0138 – PT Clerical Pool.

SECTION 2. The Task Force shall submit a status report to the Town Board six months after its first meeting and a final report twelve months after its first meeting with recommendations for review by the Town Board and the NYS DEC and, if recommended, with written material for education of the public to be reviewed by the Town Board prior to dissemination.

SECTION 3. The Task Force will dissolve following submittal of its final report unless extended by the Town Board.

Ayes: All

Noes: None

Motion Carried

2. Supervisor Dickson re Police Reform Plan

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution to approve the *Policing Reform Plan* and further authorize the Supervisor to execute and submit the *Plan Certification form* and *Policing Reform Plan* to the New York State Division of the Budget by the established deadline of April 1, 2021:

WHEREAS: The NYS Police Reform & Reinvention Collaborative was directed by NYS Governor Andrew Cuomo's Executive Order No. 203 of June 12, 2020; and

WHEREAS: All municipalities in New York State that have police forces are required to participate and submit a written plan by April 1, 2021; and

WHEREAS: If communities fail to submit a written plan, their funding will be withheld by the NYS Department of Budget; and

WHEREAS: This process was structured according to the guidelines provided in the New York State Police Reform and Reinvention Collaborative, requiring community input and participation, along with an assessment of the Police Department's policies, practices, and procedures; and

WHEREAS: The Town of West Seneca understands that maintaining public safety is extremely important and is one of the essential roles of government. To achieve that goal, there must be mutual trust and respect between police and the communities they serve; and

WHEREAS: The Town of West Seneca has followed the guidelines of the Police Reform & Reinvention Collaborative in the following ways:

- Convened local stakeholders in the community with the formation of a "West Seneca Police Reform and Reinvention Task Force";
- Reviewed the needs of the community served by the Town of West Seneca Police Department and conducted a comprehensive review of the Department's current deployments, strategies policies, procedures and practices;

- Developed a "Policing Reform Plan" to improve such deployments, strategies, policies, procedures, and practices;
- Involved the entire community in the discussion by way of a public survey distributed in February 2021;
- Offered the Plan in draft form for public comment to all citizens and hosted a community-wide conversation on March 2, 2021 and March 4, 2021. No comments or recommendations were received from the public; and

WHEREAS: The Town of West Seneca Town Board has reviewed and considered the information presented in the Plan; therefore, be it

RESOLVED: That the Town of West Seneca Town Board accepts and adopts the Town of West Seneca Policing Reform Plan and will use it as a guide for future decision-making; and be it further

RESOLVED: That the Town of West Seneca Town Board, upon adoption of this resolution, hereby authorizes the Supervisor to execute and submit the Plan Certification Form and Policing Reform Plan to the New York State Division of the Budget by the established deadline of April 1, 2021.

Ayes: All

Noes: None

Motion Carried

3. Supervisor Dickson re Appointment of Michael Wass to the Erie County Environmental Management Council

Motion by Supervisor Dickson, seconded by Councilman Hanley, to appoint Michael Wass to serve as an official representative of the town on the Erie County Environmental Management Council.

Ayes: All

Noes: None

Motion Carried

4. Supervisor Dickson re Appointment of Jennifer Stanek as Director of Senior Services

Motion by Supervisor Dickson, seconded by Councilman Piekarec, to appoint Jennifer Stanek as Director of Senior Services Group 8, Step 1 effective March 23, 2021 at the salary of \$49,114.12 per the CSEA White Collar Union Contract and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel and vacate the previous motion made in Executive Session on March 8, 2021.

Ayes: All

Noes: None

Motion Carried

5. Supervisor Dickson re Farmers' Market Agreement

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adopt the following resolution to execute the License and Joint Venture Agreement with the Chamber of Commerce for the Town of West Seneca/West Seneca Chamber of Commerce Farmers' Market 2021:

WHEREAS, the Town owns and operates certain properties and facilities located at 1250 and 1300 Union Road; and

WHEREAS, both the Town and Chamber desires to jointly venture to organize and operate a Farmer's Market for the benefit of the Town's residence and visitors; and

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Non-Exclusive Facilities Usage Permit and License and Joint Venture Agreement with the West Seneca Chamber of Commerce.

On the question, Town Attorney Hawthorne noted two minor changes were requested by the West Seneca Chamber of Commerce that will be incorporated into the agreement:

1. Correcting the time of the event by a half hour
2. Section 5, removing the word "consecutive" for the condition of any two weeks that the event should be cancelled

Ayes: All

Noes: None

Motion Carried

6. Councilman Piekarec re Ambulance Medical Response Agreement

Motion by Councilman Piekarec, seconded by Supervisor Dickson, to adopt the following resolution authorizing the Supervisor to execute the Emergency Ambulance Services Agreement with LaSalle Ambulance, Inc. DBA ("AMR"):

WHEREAS, the Town of West Seneca is a political subdivision of New York State with authority over the delivery of pre-hospital emergency medical services ("EMS") within its jurisdiction;

WHEREAS, Ambulance Medical Response (AMR) is a licensed provider of high-quality EMS with the capability to provide EMS within the Town's jurisdiction;

WHEREAS, in the interest of the residents and visitors of the Town's jurisdiction and in order to assure they receive appropriate EMS when required as a result of injury or illness, the Town desires to partner with AMR to provide the specific EMS described herein, and AMR desires to provide such EMS, subject to the terms and conditions specified herein.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of West Seneca hereby authorizes the Supervisor to execute the Agreement with AMR.

On the question, Councilman Hanley stated the language is different from the previous contract, specifically required minimum staffing and units' levels and suggested tabling this item until it can be reviewed with the town attorney.

Councilman Piekarec stated the current contract expired years ago and no language is in effect currently; AMR will station a car in or near West Seneca.

Councilman Hanley stated if the town is giving AMR exclusive rights, they, in turn, should give the town exclusive coverage. Councilman Piekarec replied the coverage is supplemental not exclusive, the fire companies provide supplemental coverage, and in an emergency additional back up could be called in. Councilman Hanley would like to see the language about the number of units and the response time added back into the contract.

Supervisor Dickson questioned the approval of the agreement with the representatives of the fire districts. Councilman Piekarec replied the agreement received unanimous approval from the District Wide Association of Fire Districts.

Motion by Councilman Hanley, seconded by Councilman Bauer, to table this item to allow Town Attorney Hawthorne to review the language.

On the question, Town Attorney Hawthorne stated she did not participate in the negotiations; Councilman Piekarec provided drafts of the agreement which she reviewed and provided changes where needed. Ms. Hawthorne stated she did not have the prior contract to review as this agreement was being prepared and was not aware of the staffing levels. In her opinion, AMR oversees their employees regarding staffing.

Councilman Piekarec noted that AMR needs flexibility and will not guarantee a set number of cars in any jurisdiction. In the agreement, the town requires they station a car in or near West Seneca and meet the ten minute response time as recommend by the National Association of Medical Care.

Councilman Hanley stated it will not cost the town anything to include the language in the agreement. Councilman Piekarec questioned Councilman Hanley as to why the contract remained expired.

Town Attorney Hawthorne questioned Chief Denz about current practice and if AMR was the only ambulance service that responds to calls for service. Chief Denz replied the Police Department defers EMS responses to the fire companies and how they work with AMR; noting AMR has honored the past contract over the last several years. Further, the fact that all six districts are on board with the proposed agreement that was arrived at after many months of negotiations should indicate its merit.

Town Attorney Hawthorne questioned Chief Denz about any concerns with the staffing. Chief Denz stated Captain Unger represented the department and did not mention any concerns; adding that many times AMR will be the first to arrive to a call. The Police Department does not see any issues with the contract.

Supervisor Dickson was at the quarterly district meeting noting all fire districts supported the contract but would also like the town to explore alternatives while noting one advantage with the agreement with AMR is that it is no cost to the town. Town Attorney Hawthorne stated this is a three year contract with a clause for the town to opt out with 120 days' notice.

Councilman Bauer asked Councilman Hanley to review to schedule A which addresses the proximity of a car and the 10 minute response time.

Councilman Hanley referred to a personal experience and stated he would stand firm on his request for the change in the language.

Ayes: Councilman Hanley

Noes: Supervisor Dickson
Councilman Bauer
Councilman Piekarec

Motion Failed

Motion by Councilman Piekarec, seconded by Supervisor Dickson, to adopt the resolution authorizing the Supervisor to execute the Emergency Ambulance Services Agreement with LaSalle Ambulance, Inc. DBA ("AMR").

Ayes: Supervisor Dickson
Councilman Bauer
Councilman Piekarec

Noes: Councilman Hanley

Motion Carried

7. Town Engineer re Woodward Drive sewer repair

Motion by Supervisor Dickson, seconded by Councilman Bauer, to approve the use of the remaining phase 6 sewer repair allowance in the amount of \$160,000 to replace two sections of pipe on Woodward Drive.

Ayes: All

Noes: None

Motion Carried

8. Highway Sup't. re Purchase of two Ferris mowers

Motion by Supervisor Dickson, seconded by Councilman Hanley, to authorize the Highway Superintendent to purchase two (2) new Ferris 61" mowers in the amount of \$24,068.34 for the Buildings and Grounds Department noting the pricing is based on BuyBoard contract No. 529-17 vendor No. 3092 with funds available in line 001.7110.0200.

Ayes: All

Noes: None

Motion Carried

9. Chief Denz re Status change for part-time Safety Dispatcher Anthony Patronaggio to seasonal

Motion by Supervisor Dickson, seconded by Councilman Bauer, to change the status of part-time Safety Dispatcher Anthony Patronaggio to part-time seasonal effective March 1 - 31, 2021 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

10. Chief Denz re Attendance at Crisis Negotiation Certification Course

Motion by Supervisor Dickson, seconded by Councilman Bauer, to authorize Officers Paul Daley and Kevin Carr to attend the Crisis Negotiation 40-hour Certification Course April 19 – 23, 2021 at the NYSP Troop E Headquarters in Farmington, NY, noting there is no fee for the course, but housing and meals are at the expense of the Police Department at a cost not to exceed \$1,200 with funds designated in the 2021 Police Training line 01.3120.0459.

Ayes: All

Noes: None

Motion Carried

15. Ethics Board Chairman Teager re Ethics Board appointments

Motion by Supervisor Dickson, seconded by Councilman Bauer, to re-appoint the Ethics Board members as follows to align with the West Seneca Ethics Code which states "Three members shall be appointed in 2021 and two members to be appointed in 2022."

Amy Carpenter: term ending 12/31/2021

Rodney Montgomery: term ending 12/31/2021

Michael Teager: term beginning 01/01/2021 and ending 12/31/2025

Ayes: All

Noes: None

Motion Carried

6-C APPROVAL OF WARRANT

Motion by Supervisor Dickson, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$194,612.94; Highway Fund - \$124,399.73; Sewer District- \$32,813.45; Gas Conversion Lighting Districts- \$161.75 (vouchers 12678 - 20721)

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

The following comments were received:

- ✓ In favor of the use of funds for the Woodward Drive repair
- ✓ All Town Board members should wear their masks properly

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Recreation Supervisor Masset

- Updates on open positions
- Updates on programs

Highway Superintendent Adams

- Buildings & Grounds, Highway and Sanitation are hiring for part-time seasonal summer positions
- Leydecker Bridge closure is scheduled for April 5, 2021
- Yard waste pick up to begin Monday, April 19, 2021
- Splash pad preparation for construction has begun

Town Engineer Tanner

- Target completion of splash pad is July 1, 2021
- Pavilion completion date is May 15, 2021

Councilman Piekarec

- The West Seneca Library is offering assistance for registration for COVID-19 vaccination appointments

Supervisor Dickson

- Queen of Heaven Carnival and Community Days events are awaiting guidance

Councilman Bauer

- Recognized the Highway Department, the Engineering Department, and CPL for their quick response to the repairs on Woodward Drive

Chief Denz

- Winter parking ban has expired; please remember to lock your cars
- If outdoor burning, please use an approved burn pit

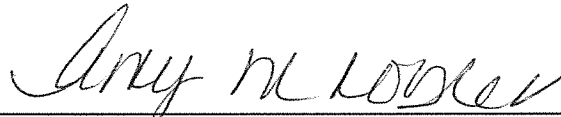
ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilman Hanley, to adjourn the meeting at 7:07 P.M.

Ayes: All

Noes: None

Motion Carried



AMY M. KOBLER, TOWN CLERK