

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.

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.

18-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2019-17 of August 26, 2019.

Ayes: All

Noes: None

Motion Carried

18-B HELD OVER PUBLIC HEARING

1. Re: "A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN LOCAL LAW NO. 2019-04 – AMENDMENT TO CHAPTER 13, CODE OF ETHICS" in the Town of West Seneca.

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

Ayes: All

Noes: None

Motion Carried

Town Attorney Tina Hawthorne stated substantial changes were made to the proposed Code of Ethics and a new public hearing must be scheduled.

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the public hearing and schedule a public hearing for October 7, 2019 at 7 P.M. to consider the revised Local Law No. 2019-04 – Amendment to Chapter 13, Code of Ethics.

Ayes: All

Noes: None

Motion Carried

18-C PUBLIC COMMENTS ON COMMUNICATIONS

- A resident requested a public meeting with the DEC prior to signing the consent order and expressed concern over the phrasing in the contract with regard to enforcement of the existing sewer code and time of sale provisions - Town Attorney Tina Hawthorne advised residents will not be forced to make changes; the phrasing states the town should consider making a mandate, not that the town is obligated to mandate.

18-D COMMUNICATIONS

1. Town Attorney re DEC Consent Order
Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution authorizing the Supervisor to sign the Revised Schedule A, Order on Consent No. R9-20030625-33:

WHEREAS, the Town of West Seneca entered into an Order on Consent on June 28, 2004 with the New York State Department of Environmental Conservation to address certain sanitary sewer overflow abatement; and

WHEREAS, the Town of West Seneca entered into a Revised Order on Consent on July 14, 2008 with the New York State Department of Environmental Conservation to address certain sanitary sewer overflow abatement; and

WHEREAS, the Town of West Seneca would benefit from extending the time to investigate and take corrective action in Phases 9 and 10 of the sanitary sewer overflow abatement as set forth in the proposed Revised Schedule A, Order on Consent as approved by the New York State Department of Environmental Conservation; now, therefore, be it

RESOLVED, the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Revised Schedule A, Order on Consent No. R9-20030625-33 with the New York State Department of Environmental Conservation who approved a work plan for sanitary sewer overflow abatement.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2. Town Attorney re Animal Control Facility agreement
Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution authorizing the Supervisor to execute the necessary documents to enter into a Municipal Cooperation Agreement with the Town of Orchard Park to share animal control facilities:

WHEREAS, the Town of Orchard Park and the Town of West Seneca both anticipate renovating their animal control facilities in the near future; and

WHEREAS, the Town of Orchard Park and the Town of West Seneca will both need alternate space to house the animals held in their respective animal control facilities as these renovations take place; and

WHEREAS, the Town of Orchard Park and the Town of West Seneca are ready, willing, and able to accommodate each others' animal housing needs during each of their respective renovation projects; and

18-D COMMUNICATIONS

2. (continued)

WHEREAS, the Town of Orchard Park and the Town of West Seneca jointly desire to enter into an agreement whereby they would house each others' animals during each of their renovation projects; now, therefore, be it

RESOLVED, the Town Board of the Town of West Seneca authorizes the Supervisor to execute a Municipal Cooperation Agreement to share Animal Control Facilities.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3. Town Attorney re Ethics Board Advisory Opinion

Motion by Supervisor Meegan, seconded by Councilman Hanley, to receive and file the Ethics Board advisory opinion.

On the question, Councilman Hart questioned if this could be reviewed by the Ethics Board in the future if the legal suit is resolved. Town Attorney Tina Hawthorne advised that a subsequent complaint would have to be filed.

Ayes: All

Noes: None

Motion Carried

4. Highway Sup't. re Status change for Buildings & Grounds employees

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of the following Buildings & Grounds Department part-time seasonal laborers to part-time laborers effective September 1, 2019 at a rate of \$11.10 per hour:

Justin Alley
Connor Houlihan

Dylan Blanchard
Andrew Sandel

Samuel Feneziani

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

Ayes: All

Noes: None

Motion Carried

18-D COMMUNICATIONS

5. Highway Sup't. re Status change for Buildings & Grounds employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of Buildings & Grounds part-time seasonal laborer Rick Mingle to part-time effective September 1, 2019 at a rate of \$12 per hour; and further, change the status of the following Buildings & Grounds Department part-time seasonal laborers to part-time effective September 1, 2019 at a rate of \$11.10 per hour:

Matthew Amoia
Colin Horan
Zachary Lembke
Cooper Panek

Michael Baker
Wayne Kelm
Matthew Northern
Jake Weber

Quinn Finnegan
Jason Lehsten
Paul Olszewski

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

Ayes: All

Noes: None

Motion Carried

6. Highway Sup't. re Employee status & department change

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the following part-time seasonal laborers in the Highway Department to part-time laborers in the Buildings & Grounds Department effective September 1, 2019 at a rate of \$11.10 per hour:

Andrew Comerford
Chad Lomas

Tyler Dunning
Justin Zielinski

Joseph Huffnagle
Calogero Zagarrio

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

Ayes: All

Noes: None

Motion Carried

7. Chief Denz re Attendance at Colonel Henry F. Williams Homicide Seminar

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Detective Lieutenant Kevin Baranowski to attend the 32nd Annual Colonel Henry F. Williams Homicide Seminar, September 22 – 27, 2019 in Albany, NY at a cost not to exceed \$1,500, noting there are sufficient funds budgeted in the police training courses line (1312000.5049) to cover this expense.

Ayes: All

Noes: None

Motion Carried

18-D COMMUNICATIONS

8. Town Justices re Justice Court Assistance program grant application

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Court Clerk Maureen Brownsey to complete the necessary application and submit the JCAP (Justice Court Assistance Program) grant application in the amount of \$7297.62 to the NYS Unified Court System for the purpose of securing the grant, noting the grant money will be used to purchase a computer server and cash counter for the court office.

Ayes: All Noes: None Motion Carried

9. Town Assessor re Attendance at NYS Assessors Association conference

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize Erik Finbar to attend the NYS Assessors Association conference, September 22 – 25, 2019 in Lake Placid, NY, noting the total cost should not exceed the amount available on the department training budget line.

Ayes: All Noes: None Motion Carried

10. Supervisor Meegan re Retirement of Kris Hicks

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the retirement of Kris Hicks effective September 6, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

18-E REPORTS

- Jacqueline A Felser, Town Clerk’s report for August 2019 received and filed.

18-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 - \$397,732.80; Highway Fund - \$206,826.45; Capital Fund - \$32,908.50; Sewer Fund - \$4411.93; Electric Lighting - \$13,956.64 (vouchers 6002 - 7379)

Ayes: All Noes: None Motion Carried

ISSUES OF THE PUBLIC

- A resident of Mayfield Court commented on the recent increased assessment of their patio homes and questioned why their garbage will not be picked up until January. Supervisor Meegan stated they are working with Modern Disposal and a memorandum of agreement is required as trucks will be entering private property. Town Attorney Tina Hawthorne advised there is a process and they are attempting to get everything in place as soon as possible. If that happens earlier than January they will begin garbage pickup sooner.
- A resident questioned if Recreation Supervisor Lauren Masset tracks the number of residents and children the Recreation Department services each year. Ms. Masset stated she has been tracking this since 2018 and will provide a thorough breakdown tomorrow via email. In 2017, the Recreation Department serviced 6,364 residents; in 2018 the number of residents serviced was 12,623; and this season there was a 26 percent increase in attendance at the large pool.
- A resident recognized and expressed thanks to the Highway Department for their assistance with a water problem on South Warren Avenue.
- A resident commented/questioned the following:
 - ✓ Status of eyesore houses on Union Road near Route 400 - Code Enforcement Officer Jeffrey Baksa responded his office has been in contact with the property owner for some time and there has been court cases involving the condition of the houses. Currently the houses have been put up for sale and the owner is considering demolishing the properties. If no action is taken soon by the owner, the town may take action and has already reached out to a structural engineer for guidance.
 - ✓ Are any new businesses planning to locate in West Seneca - Councilman Hart responded with the following: Rosina Foods project on Clinton Street; Ebenezer Railcar expansion; 20,000 sf warehouse in the industrial park. Councilman Hanley also noted Buffalo Truck Center will be opening in the industrial park, there is a new car wash at Clinton Street and Transit Road and a new car wash coming on Union Road. Supervisor Meegan suggested watching the Planning Board agendas to see what is up and coming in the town.
- A resident questioned the status of the Budget Advisory Committee – Councilman Hart stated although they have had three meetings they are still in the learning process, but may make recommendations at the upcoming budget meeting.
- A resident questioned if any employee contracts are being renegotiated before the current board members leave the board. Councilman Hanley stated if any of the unions come to the Town Board wanting to open their contracts for concessions the board members would listen and talk.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

CHIEF DENZ

- Wednesday is the 18th anniversary of the 9/11 attacks; reminded residents to keep the victims and first responders in their thoughts and prayers

CODE ENFORCEMENT OFFICER JEFFREY BAKSA

- Sidewalk bid will be opened September 17th; residents who are part of the program will be contacted soon after

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RECREATION SUPERVISOR LAUREN MASSET

- Open interviews will be held September 12th from 2:00 P.M. – 3:00 P.M. in the Community Center & Library gym

COUNCILMAN HANLEY

- The Sun newspaper is requesting input from residents on what issues they would like covered in this year's election. Questionnaires are available at the back of the meeting room or on The Sun's website.

SUPERVISOR MEEGAN

- Budget hearing is scheduled for October 7, 2019 at 6 P.M. in the Community Room

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 7:45 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Town of West Seneca

REVISED SCHEDULE A

Order on Consent No. R9-20030625-33

I. Respondent acknowledges and agrees that this Revised Schedule A replaces the Schedule A under Order on Consent R9-20030625-33 (“Order”), effective July 8, 2004, and the prior Revised Schedule A dated July 17, 2008. Upon execution by the Respondent, this Revised Schedule A shall be incorporated into and become an enforceable part of the Order. By signing this document, Respondent consents to the issuing and entering of this Revised Schedule A, waives its right to a hearing as provided by law and agrees to be bound by the provisions, terms and conditions contained therein. With the exception of the provisions below, all other terms and conditions of the Order remain in full force and effect.

II. The Respondent shall, on or before the date indicated, perform the following items:

DUE DATE

1. Sanitary Sewer Overflow Abatement

- a. Continue to implement the work plan approved by the Department by letter dated October 23, 2009. The remaining phases of the project must be implemented in accordance with the following schedule (based on the Town of West Seneca’s financial capability assessment dated March 12, 2015). Ongoing

<u>Project Phase</u>	<u>Investigations (SSES)</u>	<u>Corrective Actions</u>
5	Completed	2019
6	2019	2020
7	2020	2021
8	2021	2022
9	2023	2024
10	2024	2025

- b. The SSES shall be conducted in accordance with EPA guidance (625/6-91/030) Sewer System Infrastructure Analysis and Rehabilitation. The SSES is a detailed investigation into the physical condition of the sanitary sewers (including private laterals) to identify sources of I/I into the system. SSES investigative techniques typically include CCTV inspection, smoke testing, dyed water testing and manhole inspections.

- c. Upon completion of each SSES phase, the Town shall submit a report summarizing the findings and proposing a corrective actions plan (CAP) for that phase. The CAP will describe the corrective actions to address the specific sewer defects identified in the SSES. Corrective actions typically Upon completion of each SSES phase

DUE DATE

include sewer/manhole replacement, relining, or spot repairs. Corrective actions on each area will begin immediately following completion of each phase of the SSES and will be conducted concurrently with the next phase of the SSES.

- d. The SSO abatement program shall include provisions for addressing and eliminating both public property and private property I/I. To address private property I/I, the Town shall continue to conduct interior and exterior house inspections to identify improper connections to the sanitary sewers. Inspections will be conducted in each sewer-shed as part of the system-wide SSES. The Town shall continue to enforce the existing sewer code and should consider modifications of the sewer code to include “time of sale” provisions to more completely address I/I originating from private property. “Time of sale” provisions may include such things as the installation of sumps and sump pumps (which discharge to the storm water conveyance system) to replace foundation drains that were connected to the sanitary sewer.
- e. Submit a certification upon completion of each phase of the SSES and CAP that the work was completed in accordance with the approved work plan. If any deviation from the work plan occurred, the certification should explain the nature of the deviation, the reason for it, and the steps that the Town will take to return to compliance with the work plan and schedule. The certifications can be submitted with the annual reports required by item 5 of this Schedule. Upon completion of each SSES and CAP phase
- f. Conduct periodic public education and outreach to inform residents and other Town sewer users of what the Town of West Seneca is doing to abate SSOs. This should include methods to inform residents of the prohibition on residential downspout and sump pump connections to the sanitary sewer system. The program may utilize such methods as: informational flyers included with monthly billing statements, project status reports posted to the Town’s website, agenda items for Town Board or other meetings, etc. Immediately
- g. Conduct a second round of pre-construction and post-construction monitoring after the phase 6 CAP. The purpose of this study is to determine the effectiveness of the corrective actions and to compare this second round of monitoring to the pre- and post-construction monitoring conducted after the phase 1 CAP. The study shall evaluate whether the effectiveness of the program changes as it progresses into lower priority I/I areas. The results of this study shall be reported with the progress report required in item 1.h below. The need for additional pre- and post-construction monitoring for subsequent phases will be assessed during the program.
- h. Submit an approvable report which summarizes and evaluates progress on I/I reductions achieved through the first 6 years of the SSES and CAP. The Dec 31, 2021

DUE DATE

study is to be focused only on those areas where I/I corrective actions were implemented, and is to quantify remaining I/I and identify which of those areas may still have excessive I/I. The intent of the report is to facilitate further optimization of the remaining phases of SSES and CAP work based upon work that has been completed. The report is to include any proposals the Town has for changes to the approved SSO abatement work plan, including any proposed schedule changes.

2. Notification Requirements

Continue to submit a monthly SSO Activation Report of all sanitary sewer overflows from the locations listed in Table 1 of this Schedule A. The monthly reports shall summarize, for each day that an overflow occurs, the total volume and duration of each overflow and measurements of the total amount of rainfall. Sanitary sewer overflows from any other locations within the Town shall also be included on these reports and all overflows shall be reported in accordance with current requirements under the NYS Sewage Pollution Right to Know Law (within 2 hours of discovery) using the NY-Alert system.

Immediately

3. Inspection and Maintenance Program for Overflow Facilities

Conduct monthly inspections and maintenance of all sanitary sewer overflow locations listed in Table 1 of this Schedule A. This program shall include required repair, cleaning, and maintenance of the facilities performed as needed. A summary of all inspection and maintenance activities, including visual observations of the condition of the facilities and any repair work required, is to be submitted in the annual report specified in Item 5 of this schedule.

Immediately

4. Capacity, Management, Operation and Maintenance (CMOM) Program

- a. Submit an approvable CMOM plan. Upon approval, the CMOM plan shall become part of, and enforceable under this Order.
- b. Implement the approved CMOM Plan.

Oct. 31, 2019

Upon DEC Approval

5. Annual Reporting and Meetings

Submit annual status reports that provide a general description of the work completed in the preceding 12 months, whether the completed work is in conformance with the requirements of this Order, a projection of the work to be performed during the next annual reporting period, and notification of any anticipated delays for the upcoming annual period. The annual report shall also detail the actions taken in accordance with the CMOM Program from item 4 above. The annual report shall also summarize SSO statistics for the preceding 12 months including SSO volumes and frequencies and shall

January 31st of each year

DUE DATE

compare these statistics to previous reporting periods to assess the progress of SSO abatement. The Town of West Seneca shall schedule meetings with the Department within 30 days after submission of the reports to discuss the reports and progress made.

6. New Flow Metering at Plant 5

Design and construct a new velocity-depth flow meter system at Plant 5 to replace the existing Parshall flume as described in the Town of West Seneca's submission titled Sewer System Improvements Basis of Design (April 2015). The proposed metering system will allow accurate flow measurements during both open channel flow and surcharged conditions.

a. Submit design documents

Sept 30, 2019

b. Complete construction

Sept 30, 2020

Table 1
Town of West Seneca SSOs

<u>SSO No.</u>	<u>Description</u>	<u>Location</u>	<u>Receiving Stream</u>
002a	Overflow weir from Sewer District No. 13 to overflow lift station	Ashmund & Fairfax	Cazenovia Creek
002b	Overflow weir from Sewer District No. 5 to overflow lift station	Ashmund & Fairfax	Cazenovia Creek
003	Twin portable pumps near West Seneca West H.S.	Seneca & Main	Cazenovia Creek
004	Portable pump	1190 Orchard Park Road	Cazenovia Creek
005	Portable pump	42 Elmsford Drive	Tributary of Smoke Creek
006	Gravity overflow at Leydecker pump station	303 Leydecker Road	Tributary of Cazenovia Creek

Dated: Buffalo, New York
_____, 2019

New York State Department of
of Environmental Conservation

by: _____
Abby M. Snyder
Regional Director

Dated: _____, 2019

Town of West Seneca

by: _____
Town Supervisor

**MUNICIPAL COOPERATION AGREEMENT
TO SHARE ANIMAL CONTROL FACILITIES**

THIS AGREEMENT is made this __ day of August, 2019 by and among the TOWN OF ORCHARD PARK, a municipal corporation of the State of New York with principal offices located at 4295 South Buffalo Road, Orchard Park (hereinafter referred to as "OP") and the TOWN OF WEST SENECA, a municipal corporation of the State of New York with principal offices located at 1250 Union Road, West Seneca, New York (hereinafter referred to as "WS") (collectively the "Parties").

WHEREAS, OP and WS anticipate renovating their Animal Control Facilities in the near future, and

WHEREAS, OP and WS will need alternate space to house the animals held in their Animal Control Facilities as these renovations are taking place, and

WHEREAS, OP and WS are ready, willing, and able to accommodate each others' housing needs during each of their respective renovation projects,

NOW, THEREFORE, IT IS MUTUALLY AGREED AND PROVIDED AS FOLLOWS:

- (1) OP and WS will coordinate the scheduling of their renovation projects, and
- (2) OP and WS will accommodate each others' animal control housing needs as each of OP and WS find necessary during this renovation process

IN WITNESS WHEREOF, the Parties have hereto set their hands as of the day and year first above written.

TOWN OF ORCHARD PARK

TOWN OF WEST SENECA

By: _____
Patrick J. Keem, Supervisor

By: _____
Sheila M. Meegan, Supervisor