

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

TOWN BOARD PROCEEDINGS
Minutes #2015-11
June 1, 2015

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 Councilman Eugene Hart.

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 Joan Backus, Joseph Feeley and William Rusinski.

11-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2015-10 of May 21, 2015.

Ayes: All

Noes: None

Motion Carried

DANFORTH PRESENTATION

TR Cassamante of John W. Danforth Company gave a power point presentation updating the Town Board on the energy efficiency work completed in the town. The ice rink was completely restored and included installation of new high efficiency motors and refrigeration equipment, essentially giving the town a new ice rink. Sewer pump/lift stations were inspected and some of the larger, improperly-sized pumps were replaced with more efficient ones. Also installed was a supervisory control and data acquisition (SCADA) system which allows for remote monitoring and early awareness of warning signs. Sewer inflow & infiltration remediation was done which included inspecting and cleaning the sewer pipes. Other energy improvements completed include energy efficient replacement lighting in all the buildings as well as five hundred street lights updated with LED bulbs. Only those lights owned by the town can be updated to LED and a purchase agreement with NYSEG has been submitted to the Public Service Commission. Once approved, the town will take ownership of approximately 4000 NYSEG-owned street lights and continue with the transition to LED lighting. Segment 1 of this project was completed in June 2013 consisting of ice rink and sewer updates and Segment 2 is currently ongoing and consists primarily of street lighting updates, totaling \$13.1 million in infrastructure improvements thus far. These projects are completely funded with existing utility and operational budgets. Instead of paying utility companies, money is invested in upgrading and modernizing the town's infrastructure and there is guaranteed savings.

DANFORTH PRESENTATION (continued)

Councilman Hart questioned if all the streetlights will be owned by the town.

Mr. Cassamente responded right now the streetlights remain the responsibility of NYSEG. The town will soon own all the streetlights except for a small portion owned by National Grid and they will not sell.

Councilman Hart questioned how much money is being saved.

Town Engineer Steven Tanner responded the spending was already figured into the budget for repairs that would have been done anyway resulting in \$20,000 in savings. He added the goals of this project have been met thus far.

11-B LEGAL ITEMS

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW NUMBER 5 FOR THE YEAR 2015. THE PROPOSED LOCAL LAW SEEKS TO MODIFY CHAPTER 110 – TREES, RELATING TO TREE CONSERVATION" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

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

Ayes: All

Noes: None

Motion Carried

Karl Spencer, Chairman of the Tree Subcommittee, stated they decided to undertake this issue based on resident concerns over property being clear cut by developers and the desire to maintain the aesthetics of our town. He commented the current ordinance is outdated and this revision helps strengthen the existing ordinance by avoiding and eliminating past problems. The new ordinance will require developments over one acre, both public and private, to consult with an International Society of Arboriculture (ISA) board-certified arborist. A tree inventory and subsequent tree plan must be presented to the Planning Board before any work can be done. The West Seneca Environmental Commission will be consulted on an advisory basis. The new ordinance requires that trees measuring over 4 inches in diameter when measured 4.5 feet above the ground shall be preserved. If a tree cannot be saved or replacement cannot be made on site, the developer must provide a mitigation plan or financial agreement for replacement elsewhere in the town. Mr. Spencer further stated the new tree ordinance provides clarification without removing anything from the current ordinance and gives the Planning Board a better tool to preserve trees and guide development in town.

11-B LEGAL ITEMS

1. (continued)

West Seneca Environmental Commission Chairman Evelyn Hicks stated various sources were consulted while revising the tree ordinance, including the American National Standards Industry (ANSI) which provides clear guidelines concerning trees. The environmental commission will work with the Planning Board, Code Enforcement Officer and developers to come up with a list of people in the area that will advise the Planning Board on any significant trees at a project site and the use of tree protection fencing with the cost paid by the developer. Adoption of the new tree ordinance will help preserve trees and increase property values along with additional tree conservation benefits including air quality, energy savings, CO2 reduction and stormwater run-off. They will also be recommending a list of native trees to be used and no site should have more than a certain number of the same type of tree on it.

Hemlock Drive resident, Lynn Jentz, stated her property backs up to the Camelot II development and commented the proposed tree ordinance is a good first step, but she believes the main issue is with developers following the plan and expressed her concern about enforcement of the ordinance.

Town Attorney John Fenz responded the tree ordinance will be considered on all issues before the Planning Board. The environmental commission will advise the Planning Board and issue their determination to guide them on a project so it is "tree neutral." The final certificate of occupancy will depend upon compliance with the Planning Board's provisions.

Mrs. Hicks stated the tree ordinance will allow development to be done in a thoughtful manner with regard to all environmental issues and will discontinue the practice of clear cutting entire parcels.

Code Enforcement Officer John Gullo stated the new ordinance gives his department the tools they need for enforcement.

Mrs. Jentz was in favor of the proposed ordinance and commented on the removal of trees in her area, noting that wildlife has been displaced, noise has increased and the environment they chose to live in has changed.

Mr. Fenz noted typographical errors in the tree ordinance that will be corrected in the final version including: §110-2 Diameter at Breast Height - 6' shall be changed to 4.5'; §110-2 Trees – diameter at breast height shall be 4" or more; §110-15a - the last word is "permit"; and numbering of sections shall read "§110-16 Severability" & "§110-17 When Effective."

11-B LEGAL ITEMS

1. (continued)

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 adopt the following resolution:

WHEREAS, the Town Board of the Town of West Seneca, as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the Town Attorney in connection with the proposed Local Law 2015-05: Chapter 110 Tree Conservation for the purpose of preserving and enhancing the value of trees in the community ("Local Law 2015-05"), has reviewed the draft completed Parts 2 and 3 of the EAF analyzing the potential for the Local Law 2015-05 to result in any significant adverse environmental impacts, and has otherwise taken a hard look at the potential environmental impacts using the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon such review the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed Local Law 2015-05, has determined that no Environmental Impact Statement is necessary and that 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 as set forth in Part III of the EAF expressly incorporated herein with respect to the Project; and be it further

RESOLVED, the Town Board hereby adopts Local Law 2015-05.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL INTERESTED PARTIES AND CITIZENS FOR OR AGAINST THE ADOPTION OF LOCAL LAW NUMBER 6 FOR THE YEAR 2015. THE PROPOSED LOCAL LAW SEEKS TO MODIFY CHAPTER 25, PERSONNEL POLICIES RELATING TO BACKGROUND CHECKS AND PHYSICALS" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

11-B LEGAL ITEMS

2. (continued)

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

Ayes: All

Noes: None

Motion Carried

Town Attorney John Fenz stated this local law revises the drug free workplace policy and requires returning employees to repeat drug testing. Background checks and physicals will also be required for all employees including seasonal help.

No comments were received from the public.

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

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt Local Law No. 6 for the Year 2015, amending Chapter 25, Personnel Policies relating to background checks and physicals.

Ayes: All

Noes: None

Motion Carried
APPENDICES

3. Proofs of publication and posting of legal notice: "OF THE BOND RESOLUTION OF THE TOWN OF WEST SENECA, NEW YORK, ADOPTED MAY 11, 2015, APPROPRIATING \$8,000,000 FOR THE INCREASE AND IMPROVEMENT OF WATER SYSTEM FACILITIES FOR WATER DISTRICTS 1,2,3,4,6,7,8 AND 9, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,600,000 BONDS TO FINANCE A PORTION OF SAID APPROPRIATION; AND AUTHORIZING APPLICATION OF \$400,000 NEW YORK STATE LOCAL GOVERNMENT EFFICIENCY GRANT FUNDS EXPECTED TO BE RECEIVED BY THE TOWN ON BEHALF OF THE DISTRICTS TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE" in the Town of West Seneca, received and filed.

ETHICS COMMITTEE RECOMMENDATIONS

1. Motion by Councilman Hanley, seconded by Supervisor Meegan, to adopt the following resolution:

WHEREAS, the Town of West Seneca Board of Ethics received a complaint with respect to certain actions taken by Councilman Eugene Hart when voting upon a cousin being appointed to a paid position with the Town; and

ETHICS COMMITTEE RECOMMENDATIONS (continued)

WHEREAS, the Board of Ethics determined that a violation occurred pursuant to the Code of Ethics §13-3 (A)(5), which states a Town official shall not use his official position to take any action in a manner which he or she knows may result in a financial benefit to a relative; and

WHEREAS, at its April 20, 2015 meeting the Town of West Seneca Board of Ethics determined: 1) Councilman Hart's public apology at a Town Board Meeting was sufficient; and 2) Councilman Hart shall complete eight (8) hours of government training in ethics, at his discretion, to be completed within six (6) months of the board's decision; now, therefore, be it

RESOLVED, that the Town of West Seneca Town Board accepts the recommendation of the Board of Ethics, noting that Mr. Hart has previously publicly apologized for the incident and completed eight (8) hours of ethics training and no further action is required by Councilman Hart with regard to resolving this matter.

On the question, Councilman Hart stated he will be abstaining on this vote and commented he did not realize he was violating the code at the time of the appointment.

Town Attorney John Fenz referred to the language in the Town Code involving descendants of grandparents and stated it does not specifically state that one cannot vote upon a matter involving a second cousin.

Ayes: (2) Councilman Hanley, Supervisor Meegan

Noes: None

Abstentions: (1) Councilman Hart

Motion Carried

2. Motion by Councilman Hanley, seconded by Supervisor Meegan, to adopt the following resolution:

WHEREAS, the Town of West Seneca Board of Ethics received a complaint with respect to certain actions taken by Zoning Board of Appeals Chairman Timothy Elling when he received Super Bowl tickets from Dr. Hormoz Mansouri; and

WHEREAS, after gathering all relevant facts on the matter and due deliberation, on April 20, 2015 the Board of Ethics determined by a majority vote that Mr. Elling did not knowingly violate the Town of West Seneca Code of Ethics; now, therefore, be it

RESOLVED, there is a finding of no violation and the Town Board recommends that Mr. Elling recuse himself on those matters before the Zoning Board of Appeals that involve Dr. Hormoz Mansouri.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

1. Councilman Hart re Lions Club Concert July 30, 2015

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the Lions Club to hold a hot dog roast to coincide with the Terry Buchwald concert they are hosting on July 30, 2015 at the Lions Band Shell with use of the ice rink in case of rain, noting the Lions will obtain all necessary permits from Erie County and insurance will be provided through Lions International.

On the question, Councilman Hanley stated he is an officer of the Lions Club and will be abstaining from voting on this motion, although Town Attorney John Fenz advised it was not a conflict. Councilman Hart is also a Lion, but not an officer.

Councilman Hart commented the Lions are beginning the process of moving functions to the band shell since the plaza is no longer hosting events.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: None

Abstentions: (1) Councilman Hanley

Motion Carried

2. Town Attorney re Assessment Settlement – Advance Auto Parts, Inc.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Town Attorney to execute the Consent Order to conclude the real property tax assessment challenge litigation between Advance Auto Parts, Inc. and the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re Assessment Settlement -50 Ransier, LLC

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the Town Attorney to execute the Consent Order to conclude the real property tax assessment challenge litigation between 50 Ransier, LLC and the Town of West Seneca.

Ayes: All

Noes: None

Motion Carried

11-C COMMUNICATIONS

4. Town Attorney re Court Officer Designation

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution, pursuant to General Municipal Law §209-v, authorizing the Town of West Seneca Police Department to employ retired former members of the department for purposes of protecting publicly owned property and designating these security officers as peace officers pursuant to New York State Criminal Procedure Law §2.20.

Ayes: All Noes: None Motion Carried
APPENDICES

5. Town Engineer re Change Order #2 – 48" Trunk Sewer Installation

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #2 to CATCO in the amount of \$124,669.40 for the 48" Trunk Sewer Installation project along Orchard Park Road, noting this is the final amount negotiated with the contractor for delays and conflicts during the course of completing the project.

Ayes: All Noes: None Motion Carried

6. Town Engineer re Change Order #3 – 48" Trunk Sewer Installation

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve change order #3 to CATCO in the amount of \$18,668.46 for the 48" Trunk Sewer Installation project along Orchard Park Road, noting this change order is for damages caused during the November snowstorm and represents the amount not paid for by insurance and does not include stranded equipment for which the contractor was asking payment.

On the question, Councilman Hanley stated the contractor was asking for large extras originally totaling \$260,000. The town saved \$126,000 overall because of the efforts of Town Engineer Steven Tanner and Town Attorney John Fenz.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

7. Town Engineer re Hiring of Anthony Buccella – Summer Intern/Basement Inspections

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Anthony Buccella as part-time summer help in the Engineering Department effective June 2 - August 14, 2015 at a rate of \$12/HR and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting that funding for this position is available in budget line 1.1440.0149.

Ayes: All Noes: None Motion Carried

8. Highway Sup't re Appointment of Madelyn Sheehan as Part-time Seasonal Laborer

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Madelyn Sheehan as part-time seasonal laborer in the Highway Department at a rate of \$9.00 per hour effective June 3 – August 28, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

9. Chief Denz re Warrant Clerk Resignation

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of Ethan Murphy as Warrant Clerk effective May 18, 2015 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 NYS Chiefs of Police Training Conference

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize the attendance of Chief Daniel Denz at the New York State Chiefs of Police training conference, July 12-16, 2015 in Saratoga Springs, New York, noting there are sufficient funds budgeted in the 2015 police training courses line item (1.3120.0459) to cover the expense for this annual training that he routinely attends.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

11. Chief Denz re Status Change for Public Safety Dispatcher John Pingitore to Part Time Seasonal

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change the status of part-time Public Safety Dispatcher (PSD) John Pingitore to part-time seasonal effective June 1-30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried
12. Code Enforcement Officer re Temporary Specialty Sign at 53 Langner Road

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the placement of a temporary specialty sign at the residence at 53 Langner Road during the month of October, noting the sign is approximately 4 feet by 8 feet and the permit fee will be waived.

Ayes: All Noes: None Motion Carried
13. Youth Service Coordinator re Gary Gaiser Elementary Cross Country Run

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the use of Sunshine Park by West Seneca School District for the annual Gary Gaiser Elementary Cross Country Run on Saturday, October 3, 2015 between 7:00 – 11:30 AM, noting this is contingent upon West Seneca Central School District providing a proper certificate of insurance no less than ten days prior to the event.

Ayes: All Noes: None Motion Carried
14. Youth Service Coordinator re Pay Rate and Status Change for Michael Talluto

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve a rate increase for Michael Talluto to \$13.50/hour; and further, change his status to part-time seasonal effective June 2 - August 30, 2015 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

11-C COMMUNICATIONS

18. Finance Department re
Closure of Capital Projects
with excess cash balance

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the attached resolution authorizing closure of capital projects with an excess cash balance; and further, authorize use of excess cash for repayment of short-term debt principal and transfer excess cash to appropriate other fund balance accounts.

On the question, Town Engineer Steven Tanner stated funds leftover from the Greenbranch Road project will be used for emergency road reconstruction of Heather Hill Drive, noting the bond was written so it could be used for any road deemed necessary by the Town Board.

Ayes: All Noes: None Motion Carried
APPENDICES

19. Town Engineer re Change
order #1 for Stairs at
Burchfield Center

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve change order #1 in the amount of \$6000 for stairs with handrail leading from the parking lot toward the Burchfield Center.

Ayes: All Noes: None Motion Carried

11-D APPROVAL OF WARRANT

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

General Fund - \$15,437.64; Highway Fund - \$5,666.50; Special Districts - \$30,973.30; Capital Fund - \$103,627.90 (voucher #'s 89082-89242); Trust & Agency Fund - \$66,814.25 (voucher #'s 89295-89333)

Ayes: All Noes: None Motion Carried

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

FISHER ROAD AND LANGNER ROAD BRIDGE CLEANING

Supervisor Meegan stated that bridges on Fisher Road and Langner Road will be cleaned tomorrow.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

POLICE DEPARTMENT UPDATE

Chief Denz stated he was invited to speak at a school board meeting to discuss an agreement allowing the Police Department access to cameras at all schools. This will assist patrols when responding to calls during and after school hours. He further commented that West Seneca has been noted by BOCES as the benchmark community throughout New York State for the positive relationship between the Police Department and school system.

Councilman Hart referred to recent controversy leading to riots in other communities and questioned the preparedness of our Police Department. Chief Denz responded in-service training provided by Central Police Services training academy is ongoing and includes state mandated diversity training for all supervisors.

RECREATION DEPARTMENT UPDATES

Youth Service Coordinator Lauren Masset stated there are nine spots remaining for week one of summer day camp with waiting lists for all other weeks. A "Mommy and Me" swimming class for children 24-48 months has been started and Teen Night will take place on June 19th at 7:00 P.M. Free Tai Chi classes will be held at the Band Shell on August 4th and August 11th at 5:45 P.M. Ms. Masset further noted they are looking for sponsors for movie nights.

Chief Denz noted that Ms. Masset requested help from the Police Department to ensure the entire summer day camp staff is CPR and first aid certified.

BID DATES FOR UPCOMING PROJECTS

Town Engineer Steven Tanner stated they will be asking for Town Board approval for bid dates for several projects including the current water project, Phase 4 sewer lining and sewer replacement in the area of the former Houghton College.

RESTROOM RENOVATION AT SENIOR CENTER

Senior Recreation Therapist of Senior Services Mary Josefiak noted reconstruction has started on the restrooms at the senior center.

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:40 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK

**LOCAL LAW 2015-05
TOWN OF WEST SENECA
MODIFICATION TO Chapter 110: TREE CONSERVATION**

§ 110-1. LEGISLATIVE INTENT

a.) The Town of West Seneca recognizes the value of trees to the community and that the preservation and enhancement of these resources is necessary to:

i.) Protect and promote the public health, safety and general welfare by requiring the preservation and protection of trees on public and private property within the town;

ii.) Reduce flooding; reduce water pollution; reduce effects of wind and air turbulence; reduce visual pollution; reduce sound pollution; reduce soil erosion; reduce levels of carbon dioxide and return oxygen to atmosphere; increased groundwater supply; provide shade; provide habitat for wildlife; conserve and protect property values and otherwise facilitate the creation of a convenient, attractive and harmonious community; and generally preserve and safeguard the ecological, economic and aesthetic environment.

b.) It is the purpose of this chapter to regulate the removal of multiple trees, the planting of new trees, maintain tree diversity, the preservation of existing trees and the controlled harvesting of these natural resources while preserving opportunities for business development. This chapter sets forth regulations for:

i.) Tree removal(s) associated with site plan, subdivision and special permit applications before the Town;

ii.) Establishes restrictions for the removal of trees not associated with applications for site plan, subdivisions or special permit; and

iii.) Regulates certain activities associated with the harvesting of trees.

c.) Certain actions regulated under this chapter may be of sufficient scale to necessitate approval of the Town and may result in significant environmental impacts subject to review pursuant to the State Environmental Quality Review Act.

d.) All land uses subject to the jurisdiction of other codes of the Town of West Seneca, in addition to meeting the requirement of such codes, must also comply with the regulations herein established.

§ 110-2. DEFINITIONS

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

Arborist

A certified or otherwise qualified arborist approved by the Environmental Commission.

Clear Cutting

The large-scale, indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for nonagricultural development purposes.

Code Enforcement Officer

The officer designated by the Town and charged with enforcements of zoning, building and fire prevention codes.

Critical Root Zone (CRZ)

A practical limit beyond which any loss of roots would not have a significant impact on a tree's survival. The CRZ is a circle whose radius shall be equal to the measured diameter of the tree, in inches, at four and one-half (4 1/2) feet above the base of the Tree, multiplied by 12 inches. The center of this circle shall be the center of the Tree.

Diameter At Breast Height (DBH)

A standard measurement of the diameter of a tree measured at four and one-half (4 1/2) feet above the base of the Tree. For purposes of this definition, multi-stem trees are considered one individual tree and each stem must be measured at four and one-half (4 1/2) feet above the base of each stem and added together to determine the diameter of the multi-stem tree.

Dwelling

A house, apartment, or other place of residence.

Environmental Commission

The Town of West Seneca Commission for the Conservation of the Environment, as appointed by the Town of West Seneca Town Board.

Park Trees

All trees located in town parks and all other areas owned by the town.

Plan

The Tree Conservation and Landscape Plan which shall be drawn to scale, including dimensions and distances, and shall clearly delineate the existing and proposed structures, uses, parking areas, access aisles, drainage patterns and the location, size and description of all landscape materials, existing and proposed, including those existing plant materials to be removed.

Street Trees

All trees, shrubs, bushes and all woody vegetation on land located between property lines on either side of all public streets, highways or rights-of-way within the town.

Trees

Any living woody plant usually having one or more self-supported stems or trunks and numerous branches that have a DBH of 4 inches or more.

§ 110-3 GENERAL PROVISIONS

a.) All developments otherwise subject to subdivision and/or site plan review shall meet the requirements of this chapter. Where required by this chapter, a Tree Conservation and Landscape Plan shall be submitted and approved by the Planning Board as a part of the review procedures for all projects. The Commission and Arborist shall be consulted in an advisory capacity for comments regarding the Plan. The Commission may promulgate and adopt its own policies with respect to credentials of the Arborist and the variety of allowable trees to be used.

b.) The Plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate the existing and proposed structures, uses, parking areas, access aisles, drainage patterns and the location, size and description of all landscape materials, existing and proposed, including those existing plant materials to be removed.

c.) Upon approval of the Plan by the Planning Board, the Code Enforcement Officer shall issue a Tree Removal Permit and the property owner agrees to install and perpetually maintain the approved plan for the duration of the use. Any failure to adhere to the standards of the approved Plan shall be enforced by the Code Enforcement Officer in accordance with the terms of this chapter.

§ 110-4. REGULATED ACTIVITIES, APPROVAL REQUIRED

It shall be unlawful to conduct, directly or indirectly, any of the following activities in the Town unless a Tree Conservation and Landscape Plan is submitted and approval obtained pursuant to this chapter:

a.) The extent of clearing for new-build single-family home sites shall not exceed an area of more than $\frac{1}{4}$ acre, not including the area used for driveways, unless stricter requirements have been imposed pursuant to subdivision approval;

b.) The removal of over ten (10) trees per approved building lot within a regulated setback area unless prior approval is granted during subdivision approval;

c.) Clearing and clear-cutting, as defined herein; or

d.) Removal of any street or park trees.

§ 110-5. TREE REMOVAL PERMIT REQUIRED

a.) Subject to the exceptions of §110-6, it shall be unlawful for any person to cut down, kill or otherwise destroy any tree growing on privately owned land within the Town without a tree removal permit issued by the Code Enforcement Officer.

b.) It shall be unlawful to cut down, kill or otherwise destroy any street tree or park tree without permission of the Superintendent of Buildings and Grounds or a Town Board designee.

§ 110-6. EXCEPTIONS TO TREE REMOVAL PERMIT REQUIREMENT

A.) The requirement of a permit in §110-5 shall not apply to the following activities:

i.) Cutting down, killing or otherwise destroying trees by the owner, or its agent, of any tract of land no larger than one acre, which has already been improved by a dwelling. This exception shall not apply to parcels which are not yet improved by a dwelling. In the event that a tract of land is being used for residential purposes and is larger than one acre, this exception shall only apply to a one-acre area immediately surrounding and measured equally around the dwelling.

ii.) Removal of any tree under an actual or ongoing emergency condition when such tree removal is necessary for the protection and preservation of life or property.

iii.) Removal of dead or diseased trees, including those located on private property that constitute a hazard to life or property.

iv.) Cutting down, killing or otherwise destroying trees on properties while being operated and maintained as farms, nurseries, orchards or commercial forests. This exception shall not permit lumber harvesting or any form of tree removal incidental to or in preparation for development of the land.

v.) Cutting down, killing or otherwise destroying trees by public utility, natural gas companies or the Town performing normal construction and maintenance pursuant to and in compliance with the law, provided however that the Town may review the procedures employed by such companies or departments to determine whether they comply with applicable laws and meet the purposes of this chapter.

§ 110-7. STANDARDS FOR PLAN APPROVAL AND ISSUANCE OF PERMIT; APPEALS

A.) When issuing a permit or reviewing a submitted Plan for approval the following factors will be considered:

i.) The extent to which the actual or intended use of the property in accordance with the regulations of the zoning district in which the property lies requires cutting down, killing or destroying trees, following approval of a tree preservation plan and development/site plan.

ii.) Any unreasonable hardship to the applicant which will result from modification or denial of the requested permit.

iii.) The value of preserving any tree by reason of its location, size, age or some other outstanding quality such as uniqueness, rarity or status as a landmark or species specimen, but not limited thereto.

iv.) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the tree(s).

v.) The heightened environmental value of preserving tree cover in densely developed or densely populated areas.

vi.) The need for visual screening in transitional zones or relief from glare, commercial or industrial unsightliness or any other affront to the visual sense in any part of the town.

vii.) The condition of the tree(s) with respect to disease and potential for creating hazardous conditions.

viii.) The proximity of the tree(s) to existing or proposed structures and utility appurtenances.

ix.) The environmental effect of the removal, destruction or killing of the tree(s).

x.) The intention of the applicant to replant additional trees at the site.

xi.) Noncorrectable damage or obstruction to sewer services.

xii.) Disturbance of the Critical Root Zone.

B.) The Code Enforcement Officer shall, within 30 days from the date a permit application is submitted to the town, approve or disapprove the application.

C.) Any applicant aggrieved by a decision of the Code Enforcement Officer may within 30 days of the date on which the decision was mailed to the applicant appeal such decision to the Town Board. The appeal shall be in writing and shall include a copy of all papers filed with the Code Enforcement Officer and a copy of the decision of the Code Enforcement Officer. The appeal shall be filed when it is received by the Town Clerk. The Town Board shall act upon such appeal within 30 days after such notice of appeal is filed with the Town Clerk. In the event that the Town Board fails to act with respect to such appeal within 30 days after the appeal is filed with the Town Clerk, the application shall be deemed approved, and the applicant shall be entitled to the issuance of the permit required hereunder in accordance with the application.

§ 110-8. TREE CARE AND PRESERVATION

The Superintendent of Buildings and Grounds or the Town Board designee shall have the right to prune, treat, maintain and preserve any park trees as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of parks.

§ 110-9. PRUNING; CORNER CLEARANCE

A. Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches of said tree so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of 13 feet above the street and eight feet above the sidewalk. Said owners upon notice by the town shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a danger and menace to the safety of the public.

B. The Highway Superintendent shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

§ 110-10. TREE REMOVAL ON PUBLIC PROPERTY

It shall be unlawful for any person or firm, except as set forth in this chapter, to cut down or to top any street tree, park tree or other tree, shrubs, bushes and woody vegetation on public property. Trees severely damaged by storms, or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical may be topped by the order of the Highway Superintendent.

§ 110-11. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Highway Superintendent shall have the right to cause the removal of any dead or diseased trees on private property within the town when such trees constitute a hazard to public life and property or harbor insects or disease which constitutes a potential threat to other trees within the town on private property. The Highway Superintendent will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Highway Superintendent shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice. Where the town is required to remove a tree for waterway maintenance purposes, the cost shall not be charged to the owner of the property.

§ 110-12. INTERFERENCE WITH HIGHWAY SUPERINTENDENT PROHIBITED

It shall be unlawful for any person to prevent, delay, obstruct or interfere with the Highway Superintendent, or any of his agents or employees, while engaging in the maintenance or removal of any street trees, park trees or trees on private property, as authorized in this chapter.

§ 110-13. TREES REQUIRED

A. When street or park trees are removed by the authority of the Highway Superintendent, Superintendent of Building Grounds or Town Board designee or by other town officials, said trees should be replaced by the town either:

(1) By planting a new tree in the same location of suitable species for planting in an urban environment; or

(2) Offering the adjacent property owner a replacement tree to be planted on his/her property of a suitable species for an urban environment.

B. Unless otherwise exempt under chapter, where a building permit or site/subdivision plan is required and where more than three trees are to be removed, the applicant must make reasonable provisions for new trees to be planted on site or off site as a mitigation measure. Such new plantings shall be subject to approval by the Code Enforcement Officer or the Planning Board, as applicable. A permanent certificate of occupancy shall not be issued until the plantings are made.

C. If any trees are unlawfully cut down, cleared, killed, girdled or otherwise destroyed by any person(s), firm(s), association(s) or corporation(s) in connection with, or preparatory to, any development, improvement or change of use or proposed rezoning, for which a permit or permission is required by the town, then, in addition to any other fine or penalty provided for in this chapter, or elsewhere, said person(s), firm(s), association(s) or corporation(s) shall not be granted such permit or permission by the town unless and until a remedial tree planting plan for the subject premises is accepted and approved by the Planning Board as part of the coordinated review process.

D. The Environmental Commission and Arborist shall provide an advisory list of trees to be planted in accordance with this section.

§ 110-14. DUTCH ELM DISEASE

Pursuant to the provisions of § 169 of the New York State Agricultural and Markets Law, the Town Board of the Town of West Seneca elects to exercise and enjoy, through its appropriate officers and employees, the powers and immunities prescribed and granted in §§ 164, 165 and 167 of Article 14 of the Agriculture and Markets Law with respect and in regard to the Dutch elm disease within the limits of said town.

§ 110-15. PENALTIES FOR OFFENSES

A. The Zoning Code Enforcement Officer may suspend or revoke a permit in the form of a stop-work order if it finds that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth by the permit.

B. Any person who violates any provision of this chapter shall be, upon conviction or a plea of guilty, guilty of a violation, subject to a fine of not more than \$250. For a second and each subsequent offense within a one-year period, the violator shall be guilty of a violation punishable by a fine of not more than \$500 or a term of imprisonment of not more than 15 days, or both. Each violation of the provisions of this chapter shall be a separate and distinct offense. In addition, any offender may be ordered by the court to replant trees that were improperly removed. The court shall specify a reasonable time for completion of such restoration, which shall be effected under the supervision of the Town.

C. In addition to the penalties outlined above, the Town shall not issue a building permit or temporary certificate of occupancy for any property for which a violation of this chapter has been served until said violation is dismissed or resolved to the satisfaction of the Town or court, as appropriate.

D. The Town Zoning Code Enforcement Officers are hereby authorized to issue appearance tickets and summonses for violation of this chapter.

This chapter shall be administered as specified herein and enforced by the Code Enforcement Officer or other Town Board designee of the Town of West Seneca.

§ 110-16. SEVERABILITY

If any clause, sentence, paragraph or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter and shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 110-17. WHEN EFFECTIVE

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

**LOCAL LAW 2015-06
TOWN OF WEST SENECA
MODIFICATION TO Chapter 25: PERSONNEL POLICIES**

§ 25-18. Drug-free workplace policy.

A. One of the Town's primary objectives is to provide a safe, healthful and productive working environment for all of its employees. This means that all employees must be in suitable mental and physical condition at all times while working for the Town. Our work environment and our employees must be completely free of substance abuse and its harmful and dangerous effects. All applicants offered a position, to be hired after the effective date of Local Law 2015-6, *and those returning for seasonal employment* will be required to submit to a drug screen as a condition to their hire. In its sole discretion, the Town Board of the Town of West Seneca may refuse to hire an individual who fails a drug test. In its sole discretion, the Town may hire an individual who fails a drug test and impose conditions, the violation of which may result in all remedies, up to and including termination.

Article V. Background Checks & Physicals

§ 25-20. New hires after June 15, 2012.

A. The objective and policy of the Town of West Seneca is and has been to maintain a safe and healthful environment for all employees, residents, and all members of the general public who visit the Town.

B. In order to further effectuate this objective and policy, *as of the effective date of Local Law 2015-6*, all applicants offered a position will *undergo* a criminal history check *and submit a proof of physical form completed by a licensed physician. The proof of physical form shall be provided to applicants by the Supervisor or human resources coordinator.* In its sole discretion, and subject to all other applicable laws, the Town Board of the Town of West Seneca may refuse to hire an individual who refuses to undergo a criminal history check, whose criminal history check reveals a conviction of a misdemeanor or felony in the State of New York, or equivalent in any other jurisdiction, or whose *proof of physical form indicates they are physically unable to perform the work for which they were hired.*

RESOLUTION

WHEREAS, the Town of West Seneca currently employs retired police officers as part-time security officers to provide security services to the Town of West Seneca Justice Court ("Justice Court Security Officers"); and

WHEREAS, the Chief of Police of the Town of West Seneca has conferred with the Town Justices and determined it necessary that security officers maintain a presence in the West Seneca Justice Court to ensure safety of employees and members of the community; and

WHEREAS, the Chief of Police is desirous of designating these security officers as peace officers with all of the powers set forth in New York State Criminal Procedure Law § 2.20; and

WHEREAS, pursuant to General Municipal Law §209-v, Section the Town Board may authorize the Town of West Seneca Police Department to employ retired former members of the department for purposes of protecting publicly owned property.

NOW THEREFORE, be it Resolved that the Town Board of the Town of West Seneca authorizes the Chief of Police to employ the Justice Court Security Officers and confer upon them all powers as peace officers.



TOWN OF WEST SENECA

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

TO: Honorable Town Board / Town of West Seneca
FROM: Lauren Masset
Youth Service Coordinator
DATE: May 27, 2015
RE: Summer Program Appointments

Dear Honorable Town Board,

Please re-appoint the following as part time seasonal Bus Drivers at a rate of \$10.75 per hour, effective June 2 – August 20, 2015.

Thomas Keenan
Joan Jordan

Please appoint the following new hire as a part time seasonal Bus Driver at a rate of \$10.60 per hour, effective June 2 – August 20, 2015.

Michael Aures

Per the attached list please re-appoint the following list of individuals as Recreation Attendants and Lifeguards at the corresponding rate of pay and change their status from part time to part time seasonal effective June 2, 2015 - August 30, 2015.

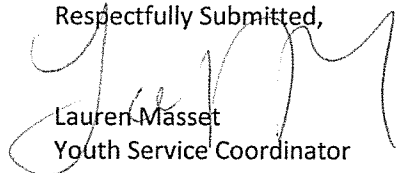
Furthermore please appoint the following list of new hires as Recreation Attendants and Lifeguards at the corresponding rate of pay. In addition please make the individuals part time seasonal from June 2, 2015 – August 30, 2015.

Please note employment for new hires is contingent upon a drug test.

Please advise the Finance Department that the Recreation Attendants will be paid from Salary of Other Employees – Part Time account line 1.7140.0149 and the lifeguards will be paid from Salary of Laborers – Part Time account line 1.7180.0149.

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

Respectfully Submitted,


Lauren Masset
Youth Service Coordinator

JUN 01 2015

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Re-Appointments

Recreation Attendant @ \$9.50

Lauren Smith

Recreation Attendant @ \$9.15 per hour

Emily Baker

Erin Gehen

Kristen Harrigan

Nicolette Nigro

Tyler Perna

Kali Supples

Megan Weinreber

Kristen Keane

Recreation Attendant @ \$9.00 per hour

Keriann Kelly

Hannah Gullo

Vince Leone

Madeline Stoklosa

Travis Hicks

Ben Blandin

Gavin Caulfield

Recreation Attendant @ \$8.85 per hour

Taylor Dolan

George Szczublewski

Quinn Finegan

Kayleigh Baker

Tyler Chodkowski

Benjamin Rich

Sarah Amoia

Recreation Attendant @ \$8.75 per hour

Candice Kogut

Kathy Kogut

Robert Morano

Carly Luksh

Roxana Herriad

Lifeguards @ \$9.60

Laura Kuroski

Matthew Skrzypczyk

Alex Pavlovic

Lifeguards @ \$9.25

Hannah Boltz

Jeremy Boltz

Cory Grezechowiack

Christian Hallgren

Jenna Head

Jack Jerabek

Kelly Lindner

Michelle Lindner

Kristen McDermott

Bailey Morgante

Erin Neary

Jesse Nowak

Erika Przybyla

Leah Rennie

Bridget Rondinelli

Kaitlyn Schmidt

Caitlin Sion

Michael Skrzypczyk

Jenna Slowik

Cassandra Webber

Alicia Wheeler

Dustin Wurster

Angela McNeight

New Hires

Recreation Attendant @ \$9.00 per hour

Kaitlin Alessi
Nicole Strawder
James Rosati
Elizabeth Lusk
Alise Murray
Nicholas McMahon
Caitlyn Demma
Joe Sharkey

Recreation Attendant @ \$8.75 per hour

Dale Nicosia
Ryan Dougherty
Felicia-Ann Urbanczyk
Jason Lepowski
Matt Mazza
Sean Kline
Patricia Alexander
James Burke
Brooke Smith
Kayla Sturm
Francesca McKernon
Sarah Faltyn
Jacob Kobler
Caroline Kane
Mary McNamara
Jade Kiszewski
Jordan Keane
Jessica Vicoria

Lifeguards @ \$9.15

Rylie O'Connor
Robert Bridenstein, Jr.
Samantha Balogh
Jennifer Lew
Kaitlyn Westling
Rachel Zak
Jillian Boltz
Laura Skrzypczyk
Ella Clune
Abigail Farr

West Seneca Closure of Capital Projects with deficit cash balance

WHEREAS, the Town has certain capital projects which have been completed and have deficit cash balance, and

WHEREAS, the Town has identified the original funding sources of the capital projects responsible for reimbursing these deficits; now, therefore, be it

RESOLVED, that the Town Board authorizes the close of capital projects whose original funding source and project purpose relates to the General Fund; namely projects 05.517 Senior Center and 05.514 Senior Citizens Renovation whose deficit cash is \$26,545 and \$1,919, respectively, and the close of the capital project whose original funding source and project purpose relates to the Highway Fund; namely Town Roads Construction project 05.513 whose deficit cash is \$123,345 and be it further

RESOLVED, that the Town Board amendment of the budget to authorize the transfer \$28,464 and \$123,345 of fund balance from the General Fund and Highway Fund, respectively, to reimburse the Capital Projects Fund for the deficit projects identified.

West Seneca Closure of Capital Projects with excess cash balance

WHEREAS, the Town has several capital projects which have been completed and have excess cash remaining, and

WHEREAS, the Town has identified the original funding sources of the capital projects it intends to close and has ascertained it would be desirable to utilize excess cash to provide additional funding to other capital project needs or the repayment of short-term debt

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the close of capital projects whose original funding source and project purpose relates to the General Fund; namely projects 05.514 Equipment Purchases, 05.508 Highway Garage/Resurface Courts, 05.525 Refuse & Garbage Purchases, 05.505 Town Hall Backflow Prevention and use excess cash for the repayment of short-term debt principal as follows:

\$280,239	From 05.514 Equipment Purchases
\$280,239	To reduction of short-term debt principal
\$418,035	From 05.508 2009-10: Highway Garage and Resurface Courts
\$418,035	To reduction of short-term debt principal
\$113,545	From 05.525 Refuse & Garbage Purchase
\$113,545	To reduction of short-term debt principal
\$ 31,909	From 05.505 2009-10: Town Hall Backflow prevention
\$ 31,909	To reduction of short-term debt principal

RESOLVED, that the Town Board authorizes the close of capital projects whose original funding source and project purpose relates to the Highway Fund; namely projects 05.513 Town Roads Construction, 05.511 Dover & Greenmeadow, 05.522 Reconstruction of Greenbranch & Other Roads, and 05.514 Radio/GPS Highway & Sanitation, and use the excess cash for the repayment of short-term debt principal and transfer excess cash to appropriate other fund balance accounts:

\$197,281	From 05.513 Town Roads Construction
\$197,281	To reduction of short-term debt principal
\$261,323	From 05.511 Dover & Greenmeadow
\$261,323	To reduction of short-term debt principal
\$877,891	From 05.522 Reconstruction of Greenbranch & Other Roads
\$800,000	To the Heather Hill/Pamela Court & Other Roads capital project
\$ 77,891	To reduction of short-term debt principal
\$ 51,214	From 05.514 Radio/GPS Highway & Sanitation
\$ 51,214	To Highway Fund fund balance