WEST SENECA COURT ROOM
1250 Union Road
West Seneca, NY 14224

TOWN BOARD
Meeting 2026-18 Minutes
September 28, 2026

ROLL CALL: Present: Supervisor Gary Dickson
Councilmember Scott Robertson
Councilmember Mary Sherman
Councilmember Robert Breidenstein

Absent:

SUPERVISOR CALL TO ORDER

1. Pledge of Allegiance
2. Fire Safety Notification
3. Roll Call

CONSENT AGENDA

1. Accept agenda as published

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to accept the agenda as published with one amendment, that Personnel Item no. 4 is moved to the front of the meeting.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

MINUTES TO BE APPROVED

1. Town Clerk Newton re Meeting Minutes 2026-17 of September 14, 2026

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to approve Meeting Minutes 2026-17 of September 14, 2026.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

LEGAL NOTICES

1. Town Clerk Newton re 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 2026-11 MORATORIUM ON DATA CENTERS" in the Town of West Seneca.

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to open the public hearing.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

Town Attorney Trapp stated the purpose of this proposed local law is to prevent the development of any data centers in the Town of West Seneca until the town has the opportunity to develop local laws dealing with zoning, operations, and any other aspects of their development. The moratorium would expire at the end of August 2027 but could be extended.

Supervisor Dickson stated the town would have time to develop standards in the town.

The following public comments were received:

Andrew Ciepiela, Mill Road:
- Does not support the moratorium
- In his opinion, data centers are the future of AI and believes the centers use very little water due to

the closed systems
- Data centers often provide their own power and the town could benefit from the additional power
- In his opinion, the town should not be afraid of advancement and the town needs the advancement or will get run over by it

Jean, Seneca Street:
- Does not support data centers and should not allow them
- Referred to Erin Brokovich's work related to data centers around the world and other resources available
- There are many detrimental effects of data centers up to many miles away from them

James Randolph, West Bihrwood Drive:
- Supports the moratorium
- The decibel average is between 92 - 96 and is continuous
- Careful consideration must be made and spoke to the detrimental effects on property values and quality of life

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to close the public hearing.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

Supervisor Dickson stated that, in his opinion, three big issues are water, electricity, and noise. The facility in North Tonawanda is an example of allowing a facility into the town and then being stuck with noise issues that would be almost impossible to fix. Another concern is the NYS school property and the fact that NYS does not follow local zoning laws. NYS implemented a moratorium on data centers 50-megawatts and larger. Supervisor Dickson stated that he cannot think of any suitable location in town for any business generating a significant amount of noise.

Councilmember Breidenstein stated he agrees with Mr. Randolph's statements about the decibel levels data centers generate and compared the noise to the 100 decibel level at the Buffalo Bills home opener game. Although there are locations in town where data centers could be located, the town should do their due diligence regarding data centers and supports the moratorium.

Councilmember Sherman referred to the language of the moratorium, specifically the paragraphs stating the moratorium would not apply to healthcare facilities and schools and questioned why they must be excluded. Mr. Trapp stated they do not have to be excluded, but explained the entities are not doing this for commercial purposes but solely for their own use. Supervisor Dickson stated there are no pending requests and would like to remove the paragraphs.

Councilmember Robertson supports the moratorium to allow the town to do diligent research.

Councilmember Breidenstein supports the town having a lower megawatt level than NYS.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adopt Local Law 2026-11 Moratorium on Data Centers with the following amendment: removal of the two paragraphs concerning healthcare facilities and educational institutions.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

REGARDING PUBLIC COMMENTS
The Board will now entertain public comments for an item on the agenda or for any topic of concern. Each speaker should state your name and street for the record. Please be respectful in your comments and do not divulge any personal or confidential information (for example: names, specific situations, etc.). Speakers should recognize that not all questions or comments can be answered immediately and may require additional research. It is the Board's goal to respond in a thoughtful, timely, and accurate manner.

PUBLIC COMMENTS
No comments were received.

NEW BUSINESS

1. PERSONNEL

1. Deputy Supervisor Greenan re Appointment of Martha Franklin as part-time Senior Clerk Typist

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to appoint Martha Franklin to the position of part-time permanent Senior Clerk Typist at an hourly rate of $24.13, effective September 29, 2026, to be paid from account code 01167000.50138.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

2. Deputy Supervisor Greenan re Resignation of Matthew Fincel from Commission Secretarial Roles

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to accept the resignation of Matthew Fincel from the role of Secretary to the Environmental Commission, Ethics Board, Historical Preservation Commission, and Recreation Commission, effective October 1, 2026.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

3. Town Clerk re Resignation of Cashier Claire Termini

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to accept the resignation of Claire Termini as Cashier effective September 22, 2026.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

4. Chief Cosgrove re Title change for Andrew Oscypala to full-time Public Safety Dispatcher

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to change the title of Andrew Oscypala from part-time Public Safety Dispatcher to full time provisional Public Safety Dispatcher effective October 12, 2026, at Group 7A, Step 5 at the salary of $67,018.30 per the attached MOU with the White Collar Union and contingent upon the approval of residency waiver by Erie County Personnel, noting the position will be paid from account line 01312000.50155.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

Appendices

2. PRESENTATIONS

1. Town Engineer re Activity Center Presentation

Supervisor Dickson stated that the town was offered a gift of property along Seneca Street that was formerly a paving company and elected to have a Phase 1 Environmental Site Assessment performed.

Christopher Boron of Roux Environmental Consulting and Management presented the findings on the assessment for properties located at 4393 and 4397 Seneca Street:
- Phase 1 is a non-intrusive assessment
- Goal is to recognize any recognized environmental conditions (RECs)
- Reviewed historical records, walked the property, and spoke with the current property owner
- RECs include the presence of, likely presence of hazardous substances or petroleum products
- The two parcels total approximately 39 acres
- Discovered three previous investigations were performed
- Opinion:
  - A REC exists related to the various fill materials placed and associated contamination in the approximate 8-acre area of the Subject Property
  - Recommend that any future redevelopment on-site should consider the current 6NYCRR Part 375 Regulations for Environmental Remediation Programs
  - Any redevelopment should be in accordance with a Soil/Fill Management Plan to ensure any soil/fill generation and management are completed in accordance with federal, state, and local regulations; and that users of the Subject Property are protected from potential exposure using engineering controls appropriate for the end use

Mr. Boron stated the town would need to weigh the risk of the existing contamination on the 8-acres of the property. Supervisor Dickson questioned if any residences could be built on the land. Mr. Boron stated there are tax credits available if the developer cleaned the site. Supervisor Dickson stated that he is not in favor of accepting the land.

3. COMMUNICATIONS TO BE VOTED ON

1. Highway Superintendent Adams re Purchase of leaf collection equipment

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the Highway Superintendent to execute the purchase agreement of a new 2020 Titan Leaf Pro Guthrie Heli-Arc Inc. in the amount of $47,941.00, per HGACBUY contract GR01-20, to be paid from the 2026 Highway Equipment line 02511000.50200.

On the question, Councilmember Sherman asked if this was used equipment. Highway Superintendent stated the equipment was a demonstration model used less than 10 hours and a new model would cost approximately $80,000.00.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

2. Director of Finance re Budget transfer - Town Clerk

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the following 2026 budget transfer:

RESOLVED, that the Town of West Seneca Board authorizes the following 2026 budget transfer for an adjustment to 01141000.50419 Town Clerk Supplies from 01141000.50414 Town Clerk Continuing Education

Increase
$500.00 01141000.50419 Town Clerk Supplies
$500.00 Total Increases

Decrease
$500.00 01141000.50414 Town Clerk Continuing Education
$500.00 Total Decreases

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

4. WARRANT

1. Director of Finance re Approval of Warrant

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to approve the vouchers submitted for audit, chargeable to the respected funds as follows:

General Fund: $ 165,927.54
Highway Fund: $ 205,226.83
Capital Fund: $ 84,471.18
Trust & Agency Fund: $ 0.00
Sewer Districts: $ 2,999.95
Water Districts: $ 0.00
Drainage District: $ 0.00
Gas Conversion Lighting Districts: $ 115.72
Electric Lighting Districts: $ 339.86

Total: $ 459,081.08

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

ISSUES OF THE PUBLIC

The following comments and questions were received:

Andrew Ciepiela, MIll Road:
- Is a combat veteran and requested the noise ordinance be changed to 10 P.M. from 11 P.M.

Beverly Leising, Harwood Road:
- Requested status of the dog park - Highway Superintendent Adams stated that the Highway Department is completing other projects and the dog park is on the list. Mrs. Leising suggested the area could be cleaned up and used as a regular park, also.
- Could the property gifted to the town along Seneca Street be used for overflow parking for the

Ebenezer Alehouse or another park.
- Requested a report on the pool for this past season including maintenance that may be required to keep the pool operational - Director of Recreation Cox stated he will have this information at the next meeting. Highway Superintendent Adams stated he does not anticipate additional maintenance costs for the following year. Mrs. Leising asked if benches were installed. Director of Recreation Cox stated the benches are being discussed.

John Rusinski, Fernwood Avenue:
- Recognized the first responders that responded to the recent car accident on Harlem Road

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Director of Recreation Cox
- Fall Fest event is scheduled for October 17th and will be held at the Soccer Park at 5 P.M.

Chief Cosgrove
- Echoed the positive sentiments about first responders

Councilmember Robertson
- Also commented on the first responders and that he appreciated the Supervisor's Office for their communication relating to the accident on Harlem Road

Supervisor Dickson
- The town is purchasing 30 acres of land along Cazenovia Creek adjacent to the Soccer Park
- The Costco project is progressing
- Referred to the interviews he gave to the media regarding the town's first responders and police; we have excellent firefighters and police who followed their rules and have excellent leadership; we have an excellent Highway Department, and we are blessed to have such dedicated workers

Councilmember Sherman
- Shares the sentiments expressed

Councilmember Breidenstein
- Referred to the accident and the possible traffic impact on the two nearby schools and spoke of the town's proactive communication with the school district
- Be mindful of children going and coming home from school as daylight is shortening

Highway Superintendent Adams
- The Greymont Avenue culvert replacement has been completed with just landscaping to be finished, and the road should be opened within the next few days

Town Engineer Hardbrook
- Referred to the Orchard Park Road water and sewer repairs: ECWA identified approximately 4600' of aging sewer lines in need of repair before converting from lease managed to direct service; upsize the sewer sizes to increase the capacity of the pipe and decrease overflows; NYSDOT will begin a road reconstruction project in the Spring of 2028 through 2029; would like to complete work before this road project; anticipate grant award decisions by the end of the year and encourages the town to advance the project while waiting for grant decisions noting the town may need to proceed regardless

of receiving funds; the sewer project would begin in 2027 in order to finish by the Spring of 2028; design and permitting is 6-9 months; would like the town to proceed with the RFP process for professional engineering service; services would include surveying, hydraulic evaluation, design, permitting, utility coordination, NYSDOT and ECWA coordination, utilities, etc.

Supervisor Dickson stated he would support CPL presenting an RFP at the next Town Board meeting.

Town Clerk Newton
- As an agent for the NYSDEC the office has been assisting many hunters
- The tax bills have been mailed, contact the office with any problems;
- Reminder that the due date is October 15th. The office will open the morning of Saturday, October 10th, and closed Monday, October 12th
- When mailing a payment, please have a USPS representative hand stamp a postmark on the envelope; reminder of the Dropbox just inside Town Hall
- The office staff collected $3M in the past five days

Councilmember Robertson reminded all that the next Town Board meeting will be on Monday, October 12th.

EXECUTIVE SESSION
No executive session was needed.

ADJOURNMENT
Motion by Supervisor Dickson, seconded by Councilmember Robertson, to adjourn the meeting at 7 P.M.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

Memorandum of Agreement
Between
The Town of West Seneca
And
Civil Service Employees Association, Inc.
Local 1000, AFSCME, AFL-CIO, Local 815
Town of West Seneca White Collar Unit # 6713-02

THIS UNDERSTANDING, by and between the Town of West Seneca (hereinafter, "Town") and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO, Local 815 Unit 6713-02 (hereinafter, "CSEA") and,

WHEREAS, the Town and CSEA are parties to a collective bargaining agreement (hereinafter, "CBA") covering the period January 1, 2024 through December 31, 2028 and

WHEREAS, the Public Safety Dispatcher (PSD) position is a CSEA represented title, covered under the current CBA and

WHEREAS, the PSD title is allocated to a Group 7A on the Job Classification Schedule within the CBA and

WHEREAS, the CBA states that upon initial appointment, each employee shall be paid in accordance with the wage schedule in the CBA, except for those employees in job classification 8 or above with verifiable relevant experience, who shall be paid the beginning salary as determined by the Town and

WHEREAS, the Town is currently experiencing elevated staffing challenges within the title of PSDs

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained herein, it is understood and agreed by and between the parties as follows:

1. This Memorandum of Agreement documents a singular exception to the standard CBA salary schedule, specific to the appointment of Andy Oscypala the position of PSD. This agreement shall not set precedent for any future hires or alter the established salary schedule within the CBA.

2. Andy Oscypala previously served in this role as a part-time PSD for 18 consecutive years. His knowledge and experience allow him to bypass any training period and equip him to immediately train other incoming PSDs

3. To address this specific hiring need, the parties agree to a starting salary equivalent to a Group 7A, Step 5, of the salary schedule within the CBA. This represents an exception to the established starting rate for this position.

4. This agreement is limited solely to the appointment of Andy Oscypala to the position of PSD and shall not be cited as a basis for demanding a similar pay rate for current or future employees.

5. All other terms, conditions, and provisions of the existing CBA, remain in full force and effect.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed on the _____ Day of September 2026.

_____
Gary Dickson
Town of West Seneca
Supervisor

_____
Civil Service Employee Association
Doug Busse, Unit President
Unit 815-6713-02

_____
Civil Service Employee Association
Jose L Cruz, Labor Relations Specialist