

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

Absent: Councilmember Mary Sherman

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 Robertson, to accept the agenda as published with the following additions: two personnel items from Highway Superintendent Adams and one request to schedule a public hearing regarding a moratorium on data centers.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

MINUTES TO BE APPROVED

1. Town Clerk Newton re Meeting Minutes 2026-15 of August 10, 2026

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve Meeting Minutes 2026-15 of August 10, 2026.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

OLD BUSINESS

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 2026-4 MODIFICATION OF CHAPTER 46-6 AVOIDABLE ALARMS" in the Town of West Seneca.

Supervisor Dickson requested the item be removed from the agenda until the fire districts provide input and indicated that he would add this item to a future agenda.

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 2026-10 MODIFICATION OF CHAPTER 109 TAXATION" in the Town of West Seneca.

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

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

The following comments and questions were received:

Jim Manley, Larkwood Road:

- Supports the local law
- Made a comment about the language from February - Supervisor Dickson stated the proposed local law uses the language passed in the NYS budget

James Raymond, Cedar Ridge Drive:

- Fully supports this law and asked how many veterans in the town qualify for this
- Requested clarification on what "severe" means
- Is the town considering expanding the types of veteran exemptions available

Mr. Trapp stated this local law would expand the types of veterans exemptions and the Veterans Administration would determine the designation of veterans who are severely disabled, not the town.

Supervisor Dickson referred to what was passed by NYS: A veteran must be 100% disabled and documentation from the Department of Veterans Affairs stating they are permanently and totally disabled as a result of military service, in addition to other criteria. Supervisor Dickson stated the Town Assessor would review applications for this exemption and Mr. Finbar had indicated the number of residents that may qualify is about 280.

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

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adopt Local Law 2026-10 Modification of Chapter 109 Taxation in the Town of West Seneca.

On the question, Councilmember Breidenstein stated that he would contact the school districts to encourage them to also adopt this exemption. Supervisor Dickson commented that he understands Erie County is adopting this for the county taxes.

Ayes: 3 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

The following comments and questions were received:

James Raymond, Cedar Ridge Drive:

- Has participation changed since the town began using YouTube and, in his opinion, the change limits public comments

- Is the Civic and Patriotic Commission bound by the town's procurement policy
- Did the Highway Department perform work installing the planters
- What bids were received for the planters
- How many FOILs have been received by the town and challenged the transparency of the Town Board
- Is still waiting for resolution regarding water pressure issues on Cedar Ridge Drive and challenged the approval of new developments nearby
- Did Young Development fulfill all requirements for their newest project

Gary Bensman, Cedar Ridge Drive:

- Expressed ongoing concerns that existing infrastructure cannot support new developments and spoke of instances of electrical outages and water issues
- Spoke of low water pressure and his efforts at tracking the pressure throughout the neighborhood
- The property owners pay substantial taxes and should not have to buy additional equipment to correct the low water pressure
- In his opinion, the town has allowed too much development to the detriment of the residents

Supervisor Dickson asked what cul-de-sac Mr. Bensman was referring to and when it was built. Mr. Bensman stated Cedar Ridge Road, which was built approximately 20 years ago. Supervisor Dickson stated the current Town Board did not approve most of what Mr. Bensman has taken issue with. Mr. Raymond began speaking from the audience and was asked to wait to speak in an appropriate manner.

Supervisor Dickson stated that he challenges anyone that says the Town Board has limited anyone to communicate with them, and that the Town Board responds to every communication they receive. Further, regarding statements about donors, there are many people that donate to everyone, but this is not a guarantee of project approval. In his opinion, the arguments are cherry picking and despicable. The number of FOILs has increased due to the number of FOILs submitted by the first speaker. Mr. Sherman was a member of the Planning Board before Mrs. Sherman ran, and the public had the choice to vote for or against her. The utility companies are independent of the town and provide their own approvals for projects.

Mr. Trapp stated the Civic and Patriotic Commission is a non-profit and can choose to do business with whomever they choose. Regarding FOILs, the subject has been discussed at the state level and is a consistent problem throughout New York State. The Local State Government Law Section of the NYS Bar Association has formed a working group to examine the problems with the constant requests for FOIL. Many of the requests are AI generated solely for the purpose of either harassment or constantly asking questions or to create a situation whereby litigation can ensue.

Councilmember Breidenstein referred to the comments about the Civic and Patriotic Commission and planters:

- Planning for the USA's 250th anniversary and the town's 175th anniversary began in 2025
- Many entities throughout town were contacted to contribute
- Funds were included in the 2026 budget to beautify the Town Hall campus during public budget meetings
- The planters were purchased by the town per Town Board approval given at the April 13, 2026, meeting

- Request for bids were requested from multiple greenhouses in and around town in February and some declined to bid
- Multiple bids were received according to the procurement process and published with the April 13, 2026, Town Board meeting
- In his opinion, the speaker has offended many entities
- Town departments including the Highway and Buildings and Grounds Departments have watered the planters throughout the summer

Supervisor Dickson expressed disgust that a certain political party had decided to have a political vendetta against the Civic and Patriotic Commission. The volunteer commission has served the town for over 50 years and contributed in many ways to the residents of the town. In fact, the current Town Board has made efforts to improve the Civic and Patriotic Commission.

Councilmember Robertson stated Councilmember Sherman has an excused absence and all Town Board members are respectful of their commitment to the residents of the town. Further, making sweeping generalizations is irresponsible.

Councilmember Robertson asked Deputy Supervisor Greenan if she was aware of the possibility of public comments through YouTube and whether there has been a change in participation. Deputy Supervisor Greenan stated she was able to see how many views there were during the meeting and can inquire if public comments are possible. Further, it would be a Town Board decision to allow comments. Supervisor Dickson reiterated again that there are countless ways to communicate with the Town Board.

NEW BUSINESS

1. PERSONNEL

1. Highway Superintendent Adams re Retirement of Buildings and Ground Laborer Andrew Skrzypczyk

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to accept the retirement of Andrew Skrzypczyk from his position as a Buildings and Grounds Laborer after over 20 years of service. His last day of work was May 29, 2026, and his official retirement date was May 30, 2026.

Supervisor Dickson stated that, in his opinion, Andy was a superb employee and his care of the Community Center building and planters was unmatched. Councilmember Breidenstein agreed and stated that Andy would be missed.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

2. Administrative Court Liaison Almeida re Resignation of part-time Court Clerk Erika McCann Rettig

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to accept the resignation of Erika McCann Rettig as a part-time Court Clerk effective August 13th, 2026.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

3. Chief Cosgrove re Retirement of Senior Police Clerk Martha Franklin

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to accept the retirement of Senior Police Clerk Martha Franklin effective August 29, 2026, noting her last day on the payroll will be August 28, 2026.

Chief Cosgrove spoke of the many duties Martha performed in her role as Senior Police Clerk for the Police Department and expressed his gratitude.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

4. Town Assessor re Appointment of Courtney Girard as permanent full-time Real Property Appraiser Technician

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the status from provisional and appoint Courtney Girard as permanent full-time Real Property Appraiser Technician Group 7 Step 4 effective August 25, 2026, to be paid out of budget line 01135500.50105.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

5. Highway Superintendent Adams re Appointment of Parker Hubbard as part-time Building and Grounds Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to appoint Parker Hubbard as a part-time Laborer in the Buildings and Grounds Department at the rate of \$16.00 per hour effective August 25, 2026, contingent upon completion of paperwork and to be paid from the Buildings & Grounds part-time account line 001-7110-0149-0000-0000.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

6. Highway Superintendent Adams re Appointment of Matthew Wojcik as part-time Building and Grounds Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to appoint Matthew Wojcik as a part-time Laborer in the Buildings and Grounds Department at the rate of \$16.00 per hour effective August 25, 2026, contingent upon completion of paperwork and to be paid from the Buildings & Grounds part-time account line 001-7110-0149-0000-0000.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

2. FOR DISCUSSION

1. Town Engineer re Cedar Ridge Drive water pressure update

Town Engineer Foote referred to the chart in the agenda packet with six alternatives to address the water pressure concerns on Cedar Ridge Drive.

As part of the review, the Town coordinated with the Erie County Water Authority (ECWA), evaluated system elevations and hydraulic conditions, and considered constructibility for each alternative. A total of six alternatives were evaluated, ranging from modifications to the existing water distribution

system and centralized improvements to individual residential booster pump systems. Each alternative was reviewed with consideration given to its potential effectiveness, capital cost, long-term operation and maintenance requirements, and potential impacts on the overall water system.

Councilmember Breidenstein asked how many residents, of the approximately 2,700 in the district, have reported problems. Mr. Foote stated that approximately 6 documented complaints have been received and approximately 20 based on hydraulic. Councilmember Breidenstein stated that he would prefer each property owner report their problems so that the extent of the problems is properly determined. Mr. Foote stated individual preferences regarding acceptable water pressure are a factor, also.

Supervisor Dickson stated the answer Erie County Water Authority provided 6 months ago was that if there was something wrong with their system, property owners should buy their own booster pump. The town wanted to exhaust all possibilities, which took time. Supervisor Dickson asked if Erie County Water Authority could boost the water pressure from their pumps at a level that would not negatively affect other property owners. Mr. Foote stated this is not possible due to many factors and explained about tank levels and other system functionality. Supervisor Dickson commented that Mayer Bros. uses approximately 175M gallons of water per year and other businesses in the Industrial Park could use similar amounts and the addition of 3 houses on Cedar Ridge would not noticeably impact water pressure in that area. Further, Erie County Water Authority, who are the experts, have advised the town that their system is operating the way it is planned, and if individuals have issues they should buy the pumps. Supervisor Dickson stated he would not triple the water district charges for 2,650 customers who would receive no benefit. Further, Supervisor Dickson stated that this is a property management issue and compared the issue to electricity and that property owners do not ask the town or utility provider to pay for generators. Supervisor Dickson would not vote in favor of raising the taxes for the water district.

2. Town Engineer re Transit Road water main project update

Mr. Foote provided the following information:

The Erie County Water Authority recently contacted the Town regarding a proposed change to the location of the new meter vault and water system interconnection on Transit Road. The meter vault and water main crossing were originally proposed to be located immediately north of the new bridge over Cazenovia Creek; however, the improvements will now be relocated further north near the Kwik Fill gas station. In addition, the revised design will include a master pressure reducing valve (PRV) within the meter vault, in lieu of requiring each individual property owner to install a smaller PRV on their water service within their home. The master PRV was not included in the original project estimate, and its addition requires a larger vault and associated modifications to the proposed improvements.

The original project cost was estimated at approximately \$191,000; however, as a result of the revised location, larger vault, and addition of the master PRV, the updated project cost is estimated at approximately \$267,000. Fund balance from Water District No. 1 was planned to be used to fund the project. Therefore, the increased project cost will require approximately \$76,000 in additional funding from the Water District No. 1 fund balance.

The work is currently anticipated to be completed sometime in September 2026. Once the

construction schedule is finalized and the project gets closer to construction, and Mr. Foote plans to provide letters to the affected residents notifying them of the upcoming work and anticipated schedule.

Mr. Foote stated the inter-municipality agreement between Elma, West Seneca, and ECWA may need to be amended for the change in the scope of work and will investigate this.

Supervisor Dickson clarified the fact that the town never intended to install pressure reduction valves in individual houses; what is possible is installing one at the top of the line. Further, there are major differences between this project and Cedar Ridge Drive, noting the property owners along Transit Road have water pressure of 15-psi and the project is a simple technological fix. A pressure reduction valve is necessary due to the water pressure that will result. As well, the project costs could be borne without raising taxes.

Councilmember Breidenstein asked when it was necessary for the Town Board to take action on the additional costs. Mr. Foote stated he would prefer the project continue and would follow up with additional information.

Councilmember Robertson asked if the project only affected the 33 properties along Transit Road. Mr. Foote confirmed this was correct and there are no outlying issues in the district.

3. COMMUNICATIONS TO BE VOTED ON

1. Councilmember Robertson re Certified Local Government grant application

Motion by Councilmember Robertson, seconded by Councilmember Breidenstein, to adopt the following resolution to authorize local matching funds for the Certified Local Government grant application:

WHEREAS, the Town of West Seneca, through its Historic Preservation Commission, is pursuing funding through the New York State Office of Parks, Recreation and Historic Preservation's FY2026 Certified Local Government Grant Program for an Intensive-Level Historic Resource Survey of the Lower and Middle Ebenezer areas of the Town; and

WHEREAS, the proposed project would build upon the Town's previously completed reconnaissance-level historic resource survey and would undertake intensive-level documentation, research, evaluation, mapping, and recommendations for approximately 350 properties within the Lower and Middle Ebenezer areas, with the goal of evaluating the areas' eligibility for future historic district designation and associated preservation opportunities; and

WHEREAS, Preservation Studios, LLC has provided a proposal with a total project value of \$39,000 for the intensive-level survey of both the Lower and Middle Ebenezer areas; and

WHEREAS, members of the Town of West Seneca Historic Preservation Commission, in coordination with Town staff, propose to provide approximately \$6,500 in in-kind services, including compilation of permit and construction information and preparation of mapping information necessary to support the survey; and

WHEREAS, the Town desires to demonstrate its commitment to the project and strengthen its

application for Certified Local Government funding through an additional municipal cash contribution;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of West Seneca hereby authorizes the submission of an application to the FY2026 Certified Local Government Grant Program for the Intensive-Level Historic Resource Survey of the Lower and Middle Ebenezer areas; and

BE IT FURTHER RESOLVED, that the Town Board hereby commits and authorizes an amount not to exceed \$6,500 in Town funds as a local cash contribution toward the project, contingent upon award of the Certified Local Government Grant and execution of the applicable grant agreement; and

BE IT FURTHER RESOLVED, that the Town anticipates providing approximately \$6,500 in additional in-kind services through the Historic Preservation Commission and Town staff, subject to acceptance and valuation of such services by the New York State Office of Parks, Recreation and Historic Preservation; and

BE IT FURTHER RESOLVED, that the Town Supervisor and/or other appropriate Town officials are hereby authorized to execute and submit such documents as may be necessary to complete the grant application and, upon award, administer the project in accordance with applicable Town and State requirements.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

2. Town Attorney re Undertaking with New York State Department of Transportation

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adopt the attached resolution for the Town Board to retroactively accept the Undertaking with the State of New York Department of Transportation.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried
Appendices

3. Town Attorney re Agreement with ErieNet

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the Supervisor to execute the agreement between ErieNet and the Town of West Seneca which will allow ErieNet to use a pole on Town property for their telecommunication services.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

4. Town Engineer re Authorization to bid two improvement projects

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the bidding for sanitary sewer flow metering improvements at various Town sanitary sewer lift stations and overflow locations and the bidding of SCADA system improvements to integrate the new flow metering data into a centralized monitoring and data collection system.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

5. Town Clerk Newton re Standard Work Day reporting - Joseph G. Trapp

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to approve the Standard Work Day reporting for Town Prosecutor Joseph G. Trapp.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

6. Highway Superintendent Adams re Purchase of software and equipment - Ice Rink

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Highway Superintendent to execute the service contract with Stark Tech (DBA U&S Services) in the amount of \$52,475.00, which includes the Base Bid, Alternate no. 1 and Alternate no. 2, pursuant to State Contract PT69752 for the update and installation of a new chiller plant control and monitoring system, including a backup control system, for the ice rink to be paid from line 01714200.50445.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

Supervisor Dickson addressed previous questions and stated the system has exceeded its useful life and, during an extended power outage in April, programming and functionalities were lost. Unfortunately, the provider would not attempt to repair the system.

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to amend the motion to include the following information, to authorize the Highway Superintendent to execute the service contract with Stark Tech (DBA U&S Services) in the amount of \$52,475.00, which includes the Base Bid of \$25,750.00, Alternate no. 1 for \$14,975.00, and Alternate no. 2 at \$11,750.00, pursuant to State Contract PT69752 for the update and installation of a new chiller plant control and monitoring system, including a backup control system, for the ice rink to be paid from line 01714200.50445.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

Supervisor Dickson directed additional questions to Highway Superintendent Adams and Buildings and Grounds Crew Chief Hanavan.

7. Highway Superintendent Adams re Flooring contract - Senior Center

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the Highway Superintendent to execute the agreement with Heritage Flooring in the amount of \$66,700.00, pursuant to State Contract #PC70838, for the purchase and installation of new flooring at the Town Senior Center noting funding for this project will be reimbursed to the Town through Erie County as part of the Community Development Block Grant (CDBG) that was awarded to the Town earlier this year.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

8. Highway Superintendent Adams re Purchase of wheelchair van - Senior Center

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Highway Superintendent to execute the purchase of a new 2025 Ford Transit wheelchair van for the Senior Center from Towne Ford in the amount of \$79,165.00, through OGS Mini-Bid #23166, with reimbursement to be provided through Erie County Community Development Block Grant awarded to

the Town earlier this year.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

9. Administrative Court Liaison re 2027 JCAP Grant application

The item was tabled per the request of Administrative Court Liaison Almeida.

10. Chief Cosgrove re School Resource Officer Agreement - Addendum no. 4

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Town Supervisor to sign the attached addendum with the West Seneca Central School District for the School Resource Officers, noting the 4th Addendum will cover the reimbursement for 5 School Resource Officers from July 1, 2026, through June 30, 2029, and is a continuation of the original agreement signed with the West Seneca Central School District in 2016 and reflects the current rate of pay in the Collective Bargaining Agreement with the West Seneca Police Benevolent Association.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried
Appendices

11. Chief Cosgrove re Inter-Municipal Agreement - Tactical Team Resources

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Supervisor and Chief of Police to sign the agreement with the Town of Cheektowaga and Village of Depew formalizing the relationship between the parties and combining Tactical Team resources.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

12. Director of Finance re 2026 budget transfer - Buildings & Grounds Department

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve the following 2026 budget transfer:

RESOLVED, that the Town of West Seneca Board authorizes the following 2026 budget transfer for an adjustment to 01714200.50200 Ice Rink Equipment from 01714200.50445 Ice Rink Repair & Maintenance, 01162100.50417 Buildings – Town Community Center Cleaning & Other Supplies, 01162100.50200 Buildings – Town Community Center Equipment & 0185400.50498 Drainage Culvert, Pipe, Lumber, Sand, etc.

Increase

\$52,475.00 01714200.50445 Ice Rink Equipment

\$52,475.00 Total Increases

Decrease

\$32,475.00 01714200.50445 Ice Rink Repair & Maintenance

\$5,000.00 01162100.50417 Buildings – Town Community Center Cleaning & Other Supplies

\$5,000.00 01162100.50200 Buildings – Town Community Center Equipment

\$10,000.00 0185400.50498 Drainage Culvert, Pipe, Lumber, Sand, etc.

\$52,475.00 Total Decreases

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

13. Town Attorney re Data Center Moratorium

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to schedule a public hearing to consider a local law declaring a 12-month moratorium on the development and/or creation of any data center in the Town of West Seneca until August 31, 2027.

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

Town Clerk Newton stated the public hearing would be scheduled for the September 28th meeting.

4. WARRANT

1. Director of Finance re Approval of Warrant

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

General Fund: \$ 783,315.22
Highway Fund: \$ 304,429.81
Capital Fund: \$ 14,852.65
Trust & Agency Fund: \$ 19,529.07
Sewer Districts: \$ 1,024,550.72
Water Districts: \$ 0.00
Drainage District: \$ 0.00
Gas Conversion Lighting Districts: \$ 130.67
Electric Lighting Districts: \$ 23,517.04

Total: \$ 2,170,325.18

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

5. REPORTS FOR FILING

1. Town Clerk Newton re Town Clerk monthly report for July 2026

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to receive and file the Town Clerk monthly report for July 2026 .

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

2. Code Enforcement re Building & Plumbing reports for July 2026

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to receive and file the Building & Plumbing reports for July 2026 .

Ayes: 3 Noes: 0 Abstain: 0 Motion Carried

3. Town Engineer re Capital Project reports for June and July 2026

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to receive and file the Capital Project Reports for June 2026 and July 2026.

Ayes: 3

Noes: 0

Abstain: 0

Motion Carried

ISSUES OF THE PUBLIC

The following comments and questions were received:

James Raymond, Cedar Ridge Drive:

- Apologized to Councilmember Robertson for his prior generalized statements
- Concerns about water pressure were expressed at the time the Young Development project on Schultz Road was proposed
- In his opinion, the town should take care of the residents on Cedar Ridge Road in the same manner as those on Transit Road
- Expressed concerns about transparency, politically motivated decisions of the Town Board, and limitations on speaking during meetings

Ray Kapuscinski, Neubauer Court:

- Referred to a notice he received about having to move a structure on the adjacent town-owned property
- A drainage ditch was installed in 1962 at the time the houses were built, and the town maintained the property for a time, then stopped
- Understands that in the mid 1970's the town advised property owners that they could use the property
- Would like to buy the entire town-owned property
- How many similar properties does the town own throughout the town
- Will the property behind his own ever be maintained

Jeff Quain, Davis Road:

- Referred to the proposed data center moratorium and asked why the town is pursuing this if there are no active proposals
- Suggested the town enact zoning laws to regulate data centers, specifically below 20MW

Sharon Guenther, Neubauer Court:

- Received letter regarding the shed she has on the town-owned easement
- Has maintained the shed and asked if she was able to purchase the property

Joe O'Donnell, Nancycrest Lane:

- Thanked Captains French and Urbanski for providing information about the Flock cameras
- Requested the status of the Director of Human Resources position and the contract she was hired under

Darin Balcer, Neubauer Court:

- Has a garden on the town-owned property and would like to purchase the property

Supervisor Dickson made the following comments:

- The water pressure cannot be blamed on the new development, noting the resident made

complaints before the new development began

- Regarding Neubauer Court, the town has offered a compromise in the letter sent to the residents, and they are allowed to purchase the amount of property that makes them legal; after this process is completed, the purchase of additional property can be discussed. Letters were sent to property owners that have structures on the town-owned easement. It is at Highway Superintendent Adams' discretion to maintain the town-owned property.
- Regarding data centers, a proposal for a limit on megawatts could be made during the public hearing. The town should be proactive and put regulations in place before any applications are made.
- The contract with the Director of Human Resources is not finalized.

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Director of Recreation Cox

- The pool will close this Saturday, August 29th and end of summer activities are scheduled for Wednesday
- A Fall Fest event at the Soccer Park is being planned for October 17th
- The Fall catalog of programs is available on the website

Supervisor Dickson stated the Town Board must balance every issue and must make decisions that the members believe are best for the town.

Chief Cosgrove

- Recognized the comments about Police Department personnel and that Flock Cameras are a hot topic
- The Special Olympic Torch Run was rescheduled for Friday, September 11th at 6 P.M.

Supervisor Dickson stated Flock Cameras are another tool to assist law enforcement and the pros and cons of this technology must be weighed. Chief Cosgrove stated the Police Department is experiencing a learning curve with this technology and data.

Director of Senior Services Lignos

- Upcoming renovations at the Senior Center are scheduled to start on October 5th and continue throughout the month and will include flooring, ceiling and lighting improvements, new entry doors, and other upgrades; anticipated reopening at the beginning of November
- Currently preparing a schedule of activities for the members while the center is closed, including livestreaming fitness classes and using other meeting rooms across the town
- Frozen meal pickup will continue every Tuesday and members may have lunch at any other Senior Center in Erie County

Councilmember Robertson

- Offered his condolences to the first responder community for the recent losses of members
- Noted the increase in vehicle and pedestrian accidents and reminded all to stay alert when driving
- Expressed excitement for the upgrades at the Senior Center and congratulated the Recreation Department on a successful year
- Reminded all that the Town Board members are available through email

Supervisor Dickson

- Only land with existing structures on Neubauer Court is offered to property owners to purchase; but

after this process is completed, any property owner can contact the town with their interest in purchasing available town-owned land and this process may be repeated in other areas across town

- Political affiliations are not a consideration for Town Board members when hiring employees
- The vast majority of companies in the town have not donated to any political candidates and stated the Town Board approve projects that are good for the town
- Has not approved a car wash while on the Town Board
- ECWA bought 50 acres in the Industrial Park and is now looking to sell it

Councilmember Breidenstein

- Recognized all involved in the budget process
- An update on apiaries, or bee yards, will be provided at an upcoming meeting
- A 25th 9/11 Memorial Commemoration Ceremony at Union Fire Company
- A More Perfect Union on Union event is scheduled for September 12th
- Thanked the Neubauer Court residents for their attendance at the meeting
- In his opinion, the town is not going to wait for Albany regarding data centers
- Spoke of the community support he received during two successful campaigns and the greenhouse bids are public record

Supervisor Dickson referred to receiving donations from the owners of Kloc's Grove and noted the Town Board voted against the project.

Deputy Highway Superintendent Gugliuzza

- Thanked Andy Skrzypczyk for his service and wished him a happy retirement

Town Attorney Trapp

- Is a proponent of local governments establishing local laws

EXECUTIVE SESSION

An executive session was not needed.

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to adjourn the meeting at 8:24 P.M.

Ayes: 3

Noes: 0

Abstain: 0

Motion Carried

TOWN OF WEST SENECA



Legal Department

TOWN SUPERVISOR
Gary A. Dickson

TOWN COUNCIL
Robert J. Breidenstein
Scott D. Robertson
Mary T. Sherman

WHEREAS, the process

In 2012, the then Town Board and Town Supervisor, Sheila Meegan, executed an Undertaking with the State of New York Department of Transportation with regard to the Highway Work Permit review process. The expiration of the document signed by the Supervisor is in 2032. The Town Clerk recently advised that there was no resolution of the Town Board authorizing the execution of the document and the provision for the undertaking by the Town. It provides that the DOT shall receive prior notice of any operations or activities within the state right-of-way; adhering to all laws, rules and regulations applicable to any work; guaranteeing site restoration; and indemnification provisions for the State.

By approving a signing the document, the review process is enhanced in the event that the Town performs any such work.

Since no resolution could be found by the Town Clerk and the State is requesting that a resolution be drafted and forwarded to the DOT for filing, it is incumbent upon the Town to do so retroactively if the Town wishes to continue as it has for the last fourteen years.

A draft resolution is attached.

TOWN OF WEST SENECA



Legal Department

TOWN SUPERVISOR
Gary A. Dickson

TOWN COUNCIL
Robert J. Breidenstein
Scott D. Robertson
Mary T. Sherman

WHEREAS, the process of the Town working within the State right-of-way would be enhanced with the execution and filing of an Undertaking with the Department of Transportation, and

WHEREAS, in 2012, the then Town Board and Town Supervisor, Sheila Meegan, executed an Undertaking with the State of New York Department of Transportation with regard to the Highway Work Permit review process, and

WHEREAS, the expiration of the document signed by the Supervisor is in 2032, and

WHEREAS, the Town Clerk recently advised that there was no resolution of the Town Board authorizing the execution of the document and the provision for the undertaking by the Town and same has been requested by the New York State Department of Transportation, and

WHEREAS, by approving the execution of the document, the review process is enhanced in the event that the Town performs any such work,

NOW, BE IT THEREFORE RESOLVED that the Town hereby retroactively approves the Undertaking with the New York State Department of Transportation and notes that it shall continue as it has for the last fourteen years expiring in 2032 unless otherwise revoked by the Town or rejected by the DOT.



UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

(For use by Municipalities)

WHEREAS, the undersigned Town of West Seneca (Municipality, County, Town City or Village, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent

PERM 1 (5/11)

condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

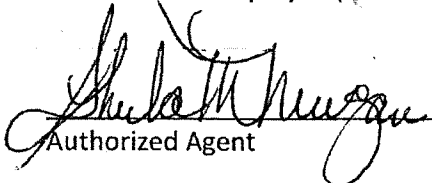
4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to improvements in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all claims for the value of public improvements.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's, activities or operations, no matter how caused.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, Town of West Seneca (Municipality-County, Town, City or Village) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).



Authorized Agent

1/19/12

Date

Sheila M. Meegan, Supervisor

Print Name/Title

1250 Union Rd

Address

West Seneca, NY 14224

Address

(716) 558-3253

Phone number

smeeagan@twсны.org

e-mail

MUNICIPAL COOPERATION AGREEMENT
SCHOOL RESOURCE OFFICERS
4th Addendum

THIS AGREEMENT made July 13,, 2026 by and between the TOWN OF WEST SENECA, a municipal corporation organized and existing under the laws of the State of New York, having its principal office at 1250 Union Road, West Seneca, NY 14224, hereinafter referred to as the "Town", and WEST SENECA CENTRAL SCHOOL DISTRICT, an educational corporation organized and existing under the laws of the State of New York having its principal offices at 900 Mill Road, West Seneca, NY 14224, hereinafter referred to as "District."

WITNESSETH:

WHEREAS, pursuant to Article 5-G and Section 208-a of the General Municipal Law, the Town and the District are parties to a Municipal Cooperation Agreement ("Agreement"), dated December 19, 2016, whereby the Town agreed to provide police officers to the District to act in the capacity of School Resource Officers, and the District agreed to pay for the services of said police officers employed by the Town during the contract period of January 1, 2017 through December 31, 2020; and

WHEREAS, pursuant to Article 5-G and Section 208-a of the General Municipal Law, the Town and the District extended the terms of said Agreement by written addendum dated March 5, 2024 covering the period from July 1, 2026 through June 30, 2029; and

WHEREAS, this Agreement has been duly approved by a majority of the governing boards of the Town and the District.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Town and District hereby agree as follows:

1. Except as otherwise expressly described herein and/or as may be further extended through later agreement of the parties, the terms of the December 19, 2016 Agreement between the Town and the District for shared services of the School Resource Officers, which was extended by written addendums dated January 28, 2021 and March 5, 2024, shall be further extended and remain in full force and effect for the period July 1, 2026 through June 30, 2029.
2. Consistent with the original Agreement, the Town agrees to provide services of four (4) police officers to the West Seneca School District to act in the capacity of School Resource Officers.

The Town will assign, on a full-time basis, one officer to the West Seneca West Senior High, one officer to the West Seneca East Senior High, one officer to each of the West Seneca Middle schools, five days per week, while schools are in session. The Town will further assign, on a full-time basis, one (1) officer for the purpose of monitoring the elementary school buildings within the District.

3. On the first of each month, the District will reimburse the Town eighty percent (80%) of the calculated monetary sum of the police officers' contractual salary steps, per the Collective Bargaining Agreement in effect between the Town and the West Seneca Police Benevolent Association.

The reimbursement schedule shall be set per the following formulary:

2026

$80\% \text{ of } \$51.8153/\text{hr} \times 40 \text{ hrs/week} = \$1,658.09 \text{ per officer}$
 $\$1,658.09 \times 5 \text{ officers} = \$8,290.45 \text{ per week} \times 40 \text{ weeks} = \$331,617.92$
 $\$331,617.92/12 \text{ months} = \$27,634.83 \text{ per reimbursement payment}$

2027

$80\% \text{ of } \$53.37/\text{hr} \times 40 \text{ hrs/week} = \$1,707.84 \text{ per officer}$
 $\$1,707.84 \times 5 \text{ officers} = \$8,539.20 \text{ per week} \times 40 \text{ weeks} = \$341,568.00$
 $\$341,568.00/12 \text{ months} = \$28,464.00 \text{ per reimbursement payment}$

2028

$80\% \text{ of } \$54.97/\text{hr} \times 40 \text{ hrs/week} = \$1,759.04 \text{ per officer}$
 $\$1,759.04 \times 5 \text{ officers} = \$8,795.20 \text{ per week} \times 40 \text{ weeks} = \$351,808.00$
 $\$351,808.00/12 \text{ months} = \$29,317.33 \text{ per reimbursement payment}$

2029

$80\% \text{ of } \$56.62/\text{hr} \times 40 \text{ hrs/week} = \$1,811.84 \text{ per officer}$
 $\$1,811.84 \times 5 \text{ officers} = \$9,059.20 \text{ per week} \times 40 \text{ weeks} = \$362,368.00$
 $\$362,368.00/12 \text{ months} = \$30,197.33 \text{ per reimbursement payment}$

4. Overtime of School Resource Officers. At the request of the District and at the approval of the West Seneca Police Department, SROs may be scheduled for additional hours outside of the school day (i.e. for evening school events, etc.). The District will reimburse the Town for 50% of the calculated overtime expenses of SROs up to \$12,000 per SRO annually.

5. This Agreement constitutes the entire agreement between the parties and shall serve as a fourth (4th) addendum to the December 19, 2016 Agreement. To the extent that any term of this Agreement is in conflict to the December 19, 2016 Agreement, this Agreement's terms shall control. Any amendment to this Agreement shall be void unless it is in writing and subscribed by the party against whom the amendment is sought to be enforced.

6. This Agreement shall be governed by and under the laws of the State of New York. In the event that a dispute arises between the parties, the venue for the resolution of such a dispute shall be the County of Erie, State of New York.

7. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of said counterparts shall together constitute but one and the same instrument, which may be sufficiently evidenced by one counterpart.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written

DATE: _____ BY: _____
Supervisor, Town of West Seneca

DATE: 7/13/26 BY: Lisa M Krueger
Superintendent of Schools, West Seneca Central School District

State of New York)
Town of West Seneca)

On the ____ day of _____ in the year 2026 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary A. Dickson, Supervisor for the Town of West Seneca N.Y., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; that she/he executed the foregoing instrument in accordance with Resolution No. 3 of 2021-17 adopted by the West Seneca Town Board on _____, 2026.

Notary Public

State of New York)
Town of West Seneca):

On the 13th day of July in the year 2026 before me, the undersigned, a Notary Public in and for said State, personally appeared Lisa M. Krueger, Superintendent of Schools, West Seneca Central School District, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; that she/he executed the foregoing instrument in accordance with Resolution No. of adopted by the West Seneca Central School District Board of Education on July 7,, 2026.

Melissa E. Schutrum
Notary Public

MELISSA E. SCHUTRUM Notary Public - State of New York Reg. No. 01006202160 Qualified in Erie County Commission Expires May 21, 20 <u>28</u>
