

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

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 the following changes: Personnel item nos. 4, 5, and 6 will be heard first and a walk-on for Communications from Councilmember Sherman, no. 7.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

MINUTES TO BE APPROVED

1. Town Clerk Newton re Meeting Minutes 2026-03 of February 9, 2026

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve Meeting Minutes 2026-03 of February 9, 2026.

On the question, Councilmember Robertson referred to Kloc's Grove item and noted a typographical error, "shirt" should be "short."

On the question, Councilmember Sherman referred to page 5 of the agenda packet, page 2 of the meeting minutes and stated the Engineering Department letter noted the number of gallons of sewage would be less than the "original" plan, not "revised."

Deputy Town Clerk Martin confirmed the corrections would be made.

Ayes: 5 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.

1. Response to Public Comment

PUBLIC COMMENTS

The following public comments were

Kylie, Manhasset Street:

- Requested the policy and procedures for handling complaints made to the Code Enforcement Office, specifically, the steps from complaint to enforcement and related documentation

Supervisor Dickson stated that Code Enforcement Officer Schieber follow up with the speaker regarding the procedure.

Councilmember Breidenstein referred to questions from the February 9, 2026, meeting regarding the Civic and Patriotic Commission:

- The commission has filed a 990 form and the form is available online with the IRS for a charge, but the form has not been uploaded by the IRS

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 REQUEST FOR A REZONE AND SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 1475 ORCHARD PARK ROAD CHANGING ITS CLASSIFICATION FROM C-1 AND R-75 TO C-1(S) TO PERMIT THE CONSTRUCTION OF A MULTI-UNIT RESIDENTIAL DEVELOPMENT" in the Town of West Seneca.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adopt the following resolution:

WHEREAS, the Town Board of the Town of West Seneca, as 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 Full Environmental Assessment Form ("FEAF") prepared by the applicant for property located at 1475 Orchard Park Road ("Subject Property"), for development of twenty-nine townhouses and associated site work and parking (the "Project"), and reviewed the draft completed Part II and Part III of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the identified potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, the Erie County Division of Planning, after carefully and fully reviewing a description of the proposed project, along with the application and other documents as submitted to the Town of West Seneca, replied in writing that the project was to be of local concern; and

WHEREAS, the Town Board held a public hearing which was properly noticed to the public wherein the project was discussed; and

WHEREAS, the Town Board herein determines that it shall act as lead agency for such purposes and there has been no opposition thereto by any other interested agency; and

WHEREAS, the Town Board, carefully and fully reviewed the application including the following documents submitted by the applicant and other interested entities: SHPO, Erie County Environment

and Planning, ECWA, NYSDOT, EC Division of Sewer Management, EC DPW, and the reports and submissions from Anthony Pandolfe, PE ; and

WHEREAS, a zoning change from R-75 and C-1 to C-1(S) to allow the construction of the townhouses is sought; and

WHEREAS, the Town Board, upon taking an independent hard look and reasoned evaluation of all of the above-referenced information, comments and written documentation with regard to the project;

WHEREAS, upon review of Parts I, II, and III of the FEAF and documentation and plans submitted by the applicant in connection with the review of the Project, the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that this is an unlisted action and preparation of a Full Environmental Impact Statement is not necessary and that the issuance of a Negative Declaration is therefore appropriate; now, therefore, be it

RESOLVED that pursuant to 6 NYCRR 617.7(a) the Town Board hereby accepts its designation as lead agency and does hereby adopt a Negative Declaration with respect to the Project based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to grant the rezone and Special Use Permit for property located at 1475 Orchard Park Road changing its classification from C-1 and R-75 to C-1(S) to permit the construction of a multi-unit residential development in the Town of West Seneca.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

NEW BUSINESS

1. PERSONNEL

1. Highway Superintendent Adams re Promotion of Frank Malota Highway HEO

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the title of Frank Malota from a Highway MEO and appoint him as a Highway Heavy Motor Equipment Operator Group 5, Step 9 at a rate of \$36.77 per hour effective February 23, 2026, as per the Blue Collar Contract.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

2. Highway Superintendent Adams re Promotion of Jason Celli Highway Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the title of Jason Celli from a Sanitation Laborer and appoint him as a Highway Laborer, Group 1, Step 1 at a rate of \$25.92 effective February 23, 2026, as per the Blue Collar Contract.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

3. Highway Superintendent Adams re Promotion of Brian Wilds Highway Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the title of Brian Wilds from a Sanitation Laborer and appoint him as a Highway Laborer, Group 1, Step 1 at a rate of \$25.92 effective February 23, 2026, as per the Blue Collar Contract.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

4. Highway Superintendent Adams re Appointment Samuel Feneziani Buildings & Grounds Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the title of Samuel Feneziani from a part-time Buildings and Grounds Laborer and appoint him as a full time Buildings and Grounds Laborer, Group 1 Step 1 at a rate of \$25.92 per hour effective March 9, 2026, noting this position will be paid from Sanitation.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

5. Highway Superintendent Adams re Appoint Michael Biddeman Full Time Sanitation Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the title of Michael Biddeman from a part-time Sanitation Laborer appoint him as a full time Sanitation Laborer at a rate of \$25.30 per hour per the Blue Collar Contract effective February 23, 2026.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

6. Highway Superintendent Adams re Appointment of Joseph Chrosniak Sanitation Laborer

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to change the title of Joseph Chrosniak from a part-time Sanitation Laborer to a full time Sanitation Laborer at a rate of \$25.30 per hour per the Blue Collar Contract effective February 23, 2026.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

7. Chief Cosgrove re Clerk Typist Kristine Bajdas Retirement

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to accept the retirement of Clerk Typist Kristine Bajdas from the Police Records Office effective February 28, 2026, noting her last day on the payroll will be February 27, 2026.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

2. COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re Equitable Business Opportunities (EBO) Resolution

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to adopt the following resolution appointing the Supervisor to be the Town's Responsible Local Official:

WHEREAS, the New York State Department of Transportation (NYSDOT) has implemented a web-based reporting system called Equitable Business Opportunities (EBO) to streamline and satisfy Title VI Civil Rights Reporting requirements for Federal Aid for locally sponsored contracts; and

WHEREAS, NYSDOT requires that each local municipality as a sub-recipient to NYSDOT of Federal funds and sponsor of Federal-Aid contracts to identify a single primary user in order to access and use the system for Title VI compliance reporting requirements.

NOW THEREFORE, BE IT RESOLVED, the Town Board identifies Gary A. Dickson, Town Supervisor, as the Town's Responsible Local Official authorized to access the EBO system as the Town of West Seneca's Equitable Business Opportunities (EBO) Administrator;

BE IT FURTHER RESOLVED, this resolution is effective immediately.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

2. Town Clerk Newton re Extension of Tax Collection

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to authorize the Supervisor to sign the Notice of Extension of Collector's Warrant requesting the extension of the time to collect the taxes remaining unpaid to June 30, 2026, noting this allows the Town to keep the penalties rather than the County.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

3. Town Engineer re Proposal for Sewer Model Recalibration and SSES Re-Evaluation

Town Engineer Foote stated the purpose of the request is to obtain new data for the sewer system through flow metering, re-calibrate the model, and identify the worst areas to target priority areas in town.

Councilmember Piekarec asked what the timeline for this would be. Mr. Foote stated the meters would be in place from March through June, a report would be completed by the end of November and submitted to NYSDEC.

Councilmember Robertson stated that, in his opinion, the cost of the flow meters is excessive and asked how many flow meters would be placed in trunk lines that were slip lined. Mr. Foote stated the meters would be placed in the same locations as the 2009 study. Councilmember Robertson asked what the point of this would be and how issues would be handled. Mr. Foote stated he is fairly confident the infiltration is from privately owned laterals. Councilmember Robertson asked if the project could be scaled down be less impactful on the sewer lines. Mr. Foote stated flow meters must be checked weekly which requires quite a bit of labor. The meters have been paired down as much as possible. Councilmember Robertson asked how this project factors into the DEC Consent Order. Mr. Foote stated this project will identify the problem areas of I & I.

Supervisor Dickson stated the project would allow the town to measure the benefits of the sewer work that has been completed and identify areas where private laterals continue to be a problem. Further, the cost of sewer work, millions of dollars, justifies the current project, the town has grant money, Phase 8 was completed with a \$180,000 underage, and the town has additional money.

Councilmember Breidenstein asked if this project was budgeted for 2026. Mr. Foote stated \$600,000 was budgeted for this project and sewer work. The system is behaving differently than in 2009

because the mains were lined, however if Phase 9 and 10 are lined, the town will not get to zero overflow. The project would allow the town to reevaluate and address the right areas.

Councilmember Robertson asked how many laterals that could be an issue are the town's responsibility versus homeowners' responsibility. Mr. Foote stated the it would be the town's responsibility because it is the town's overflow. Councilmember Robertson asked what the point of the project was, if the town cannot require homeowners to fix their laterals. Mr. Foote stated he cannot be certain if the laterals are the problem, or something else and the study should provide the answer. Further, private owners could then be approached where the laterals have been identified. The information the town has is very old.

Supervisor Dickson stated the town needs data to approach the NYSDEC with an alternative solution to the Consent Order and reiterated that the NYSDEC is interested in the town reducing the overflow. Mr. Foote concurred, and a data analysis report prepared by GHD in 2025 showed that if the town spent the same amount of money doing something else, a better result could be achieved for reducing I & I.

Councilmember Piekarec asked if upsizing the sewer lines on Orchard Park Road is part of the sewer analysis. Mr. Foote stated this was identified as an alternative in the 2025 GHD report. Councilmember Piekarec asked if the proposed study would further the betterment plans for Orchard Park Road. Mr. Foote stated the study would help identify what needs to be unsized and commented that the trunk sewer to Allendale Road needs to be upsized, noting there are hydraulically restrictive sections that contribute to the surcharging.

Councilmember Sherman asked how much Phase 8 money could be applied to the proposal. Mr. Foote stated applying Phase 8 money to this would require permission from EFC.

Councilmember Robertson stated he would have preferred learning of the substantial costs sooner than the current meeting.

Councilmember Piekarec asked what the alternative would be to this project. Mr. Foote stated the town could continue with the phase but reiterated his concerns that this would not achieve zero overflows.

Councilmember Breidenstein stated he agrees that obtaining current data would be helpful to the town.

Councilmember Robertson asked if the flow meters would remain available to the town. Mr. Foote stated the flow meters would be placed temporarily and then removed, but noted the town intends to install approximately 4 - 5 permanent flow meters for ongoing monitoring.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve the Engineering services proposal from GHD for providing engineering services for the implementation of a permanent flow monitoring program, sewer model recalibration, and re-evaluation of the existing SSES Report for the Town's sanitary sewer system as follows, and authorize the Supervisor to sign and return a copy of the proposal.

Task 1: Flow Metering, in the amount of \$15,900
Task 2: Model Recalibration, in the amount of \$149,300,
Task 3: Alternatives Analysis, in the amount of \$28,000
Task 4: Reporting, in the amount of \$44,600

Further noting, the costs for GHD's engineering proposal will be paid primarily by the EPG of \$100,000 and the remaining balance will be paid by the sewer budget.

On the question, Councilmember Breidenstein asked when the report would be provided. Mr. Foote stated GHD would have the report by November. Councilmember Breidenstein stated he would expect updates as they become available.

Councilmember Robertson stated he supports repairing sewers and good data collection, noting many residents have had issues for decades, but he is disappointed with the high price points.

Councilmember Piekarec and Supervisor Dickson reiterated that NYSDEC requires data for any changes.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

4. Town Engineer re Request for Proposal for a Phase 1 Environmental Site Assessment (ESA)

Supervisor Dickson stated the owner of R.P. Oak Hill Property offered to give the town property from Mill Road Park up to Seneca Street to Kotecki's property, noting there were businesses on the property that may have had environmental impacts. The purpose of the proposal is to perform a Phase 1 Environmental Site Assessment to identify to identify potential property concerns before accepting the generous donation.

Councilmember Piekarec asked if the town had spent any money to date. Supervisor Dickson stated no money was spent.

Councilmember Robertson asked what the property may be used for. Supervisor Dickson stated the town could use the property for green space, sell it, or something different. There are 3 parcels total and some are wetlands and cannot be developed.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize the Town Engineer to solicit Requests for Proposals (RFPs) from qualified environmental consulting firms to complete a Phase I Environmental Site Assessment (ESA) for a vacant parcel located at 4397 Seneca Street.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

5. Chief Cosgrove re Purchase of Department Duty Weapons

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to approve the purchase of (70) seventy Glock Model 45 Generation 6 duty weapons, with mounted optics, per the quote from Amchar Wholesale Inc. in accordance with NYS contract #PC68734 noting the total amount of the purchase is \$56,044.10, less trade in, up to a credit of \$17,625.00, which will be determined by the condition of and total number of trades received by the dealer to be paid for with funds from the

Federal Asset Forfeiture Program account.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

6. Chief Cosgrove re Drone Agreement with Flock Group, Inc.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize Chief Cosgrove to enter into an agreement with Flock Group, Inc, of Atlanta Georgia, for a Flock Aerodome M4TD first responder drone with the contract amount of \$100,000 annually, for a period of two years, noting the contract contains a 180 day opt out period, wherein the agreement may be terminated without penalty or fees and further noting that during the "trial," it is determined that the technology is not useful or external funding cannot be obtained, the intent will be to opt out of the contract.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

7. Councilmember Sherman re Extension of West Seneca Little Loop agreement

Motion by Councilmember Sherman, seconded by Councilmember Breidenstein, to extend the current agreement with West Seneca Little Loop for one year, expiring December 31, 2026, at the same rate and terms to afford both parties additional time to finalize the license agreement.

On the question, Councilmember Robertson suggested the item be tabled the item until the next meeting to finalize the agreement.

Councilmember Piekarec suggested an extension of 30 days instead. Councilmember Sherman stated that she understands negotiations would be ongoing, and a new agreement would be presented upon its completion.

Councilmember Breidenstein stated an extension is reasonable and would not impede registration for the upcoming season. Further, the completed agreement could be put forth when available. Councilmember Sherman stated registration had been delayed once.

Deputy Town Attorney Trapp stated he is aware that Town Attorney Trapp is involved in the discussions.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

3. 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: \$ 513,512.43
Highway Fund: \$ 184,438.75
Capital Fund: \$ 207,635.50
Sewer Districts: \$ 41,712.74
Water Districts: \$ 0.00

Drainage District: \$ 0.00
Gas Conversion Lighting Districts: \$ 129.61
Electric Lighting Districts: \$ 102,967.12

Total: \$ 1,050,396.15

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

ISSUES OF THE PUBLIC

Public comments were received as follows:

James Raymond, 81 Cedar Ridge Drive:

- Acknowledged the increased police patrol presence in the area - Chief Cosgrove spoke about the Patrol Finder program currently being utilized and is pleased the program is effective.
- Has unanswered questions about the water pressure on Cedar Ridge Drive, spoke of his own investigations, and expressed ongoing concerns about new developments coming online
- Can the Town Engineer obtain the following information from ECWA: areas within the town in the 30 - 40 psi range, other municipalities with water pressure below 40 psi, can the pressure be increased without negatively impacting property owners

Beverly Leising, Harwood Road:

- Does the town plow county roads - Highway Superintendent Adams confirmed this.
- Could the town repair potholes on county roads at the county's cost - Highway Superintendent Adams stated that was not likely to happen.
- Did not think Councilmember Breidenstein's comments about the public comments at the previous meeting were fair

Kylie, Manhasset Street:

- Are calls into the Code Enforcement Office recorded - Supervisor Dickson stated that no calls into the town are recorded except for the Police Department.
- Was told that there would be a cost for the transcription of calls into the Code Enforcement Office
- Does the town have a written policy or standard documentation procedure describing how Code Enforcement complaints are received, reviewed, and documented to determine what is required for enforcement or if no action is needed - Supervisor Dickson stated he does not know what the conversation was. Councilmember Piekarec suggested the Clerk's Office and Attorney's Office work with the Code Enforcement Office to provide a response. Deputy Attorney Trapp stated he would follow up with Town Clerk Newton regarding any FOILs. Further, municipalities in NYS do not set code enforcement standards. Minimum standards are set by the NYS Uniform Fire Prevention and Building Code. Councilmember Piekarec stated the resident would like an answer in writing.

Comments from Facebook:

- Commented on a private developer being interested in property next to her own
- Why does the parcel along the creek need to be developed - Supervisor Dickson stated no decisions have been made and the areas along the creek could not be developed.

1. Response to Public Comment

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Chief Cosgrove

- Congratulated Kris Badjas on her retirement and thanked her for her high work standards

Councilmember Robertson

- Acknowledged the Highway Department's efforts over the past winter

Councilmember Breidenstein

- All public comments from the previous meeting were responded to, noting they were 29
- FOIL requests are not a dialogue, responses can take up to 30 days, make very specific requests, not every request can be filled as a record is not available
- Volunteered to follow up with the Code Enforcement Office

Supervisor Dickson

- Complimented the Lions Club St. Patrick's Day event
- Many opportunities to volunteer in the town

Councilmember Piekarec

- Encouraged the Town Clerk to exceed the timeframe for FOILs
- Upcoming meetings include the Zoning Board of Appeals, Senior Services Advisory Board, and Internal Audit Committee

Deputy Town Clerk Martin

- Town Clerk Newton is handling many FOIL requests accordingly and within all time frames
- Hundreds of taxpayers were through the office recently, and are in the 2nd phase of penalties
- Respectfully, the Code Enforcement should provide the policy and procedures and requested that the Board not involve themselves in the process that has been established

EXECUTIVE SESSION

1. Supervisor Dickson re executive session to interview candidates for Recreation Director

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to enter into executive session to interview candidates for the Recreation Director position at 7:06 P.M.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to leave executive session and return to the open meeting at 8:43 P.M.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to appoint David Cox as Recreation Director at an annual salary of \$80,153.60, with 3 weeks of vacation, and benefits as per the White Collar contract effective as soon as practical.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

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

TOWN BOARD PROCEEDINGS
Minutes - Meeting # 2026-04
February 23, 2026

Motion by Councilmember Breidenstein, seconded by Councilmember Sherman, to accept the resignation of David Cox from the Youth and Recreation Commission effective February 24, 2026.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to adjourn the meeting at 8:45 P.M.

Ayes: 5 Noes: 0 Abstain: 0 Motion Carried