WEST SENECA COURT ROOM **TOWN BOARD**
1250 Union Road **2026 - 19 Meeting Minutes**
West Seneca, NY 14224 **October 12, 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

Supervisor Dickson asked everyone to keep the family of recently deceased Senior Public Safety Dispatcher Scott Windover in their thoughts and prayers.

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to accept the agenda as published with two changes:
- addition of Communications Item no. 8: accept the 2027 Tentative Budgets as the 2027 Preliminary Budget and set a public hearing
- move the Personnel Item to the front of the agenda

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

MINUTES TO BE APPROVED

1. Town Clerk Newton re Minutes of the Special Town Board Meeting of September 22, 2026

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to approve the Minutes of the Special Town Board Meeting of September 22, 2026.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

2. Town Clerk Newton re Minutes from the Budget Work Session of September 28, 2026

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to approve Minutes from the Budget Work Session of September 28, 2026.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

3. Town Clerk Newton re Meeting Minutes 2026-18 of September 28, 2026

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to Kindly approve Meeting Minutes 2026-18 of September 28, 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 PERSONS INTERESTED IN THE USE OF FEDERAL COMMUNITY DEVELOPMENT FUNDS" in the Town of West Seneca.

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

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

No public comments were received.

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

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
The following public comments were received:

James Randolph, West Bihrwood Drive:
- Referred to Communications Item no. 2, the renewal with Alternative Information Systems:
  - Is this a new contract - Supervisor Dickson stated the contract is a continuation
  - Why is there a one-time implementation fee - Supervisor Dickson stated they are moving from a cloud base to a server based in town
  - Did not see an indemnification clause should AIS be negligent, does AIS carry cyber insurance, does the town's cyber insurance policy cover breaches from AIS - Town Attorney Trapp stated that he would prefer to review the agreement before responding to the questions.

NEW BUSINESS

1. PERSONNEL

1. Chief Cosgrove re Appointment of Faith Gummo as PT-Public Safety Dispatcher

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to appoint Faith Gummo as a part-time Public Safety Dispatcher effective October 19, 2026, at the rate of $22.25 per hour to be paid from budget line 01312000.50148.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

2. FOR DISCUSSION

1. Director of Recreation Cox re 2026 Pool Operations Report

Director of Recreation Cox presented the attached 2026 Pool Operations report.

Director of Recreation Cox stated the swim lesson participants increased this year and season pass sales increased, noting more season pass holders were residents this year. Only one day at the beginning of the summer when access was restricted for approximately 10 minutes. The pool capacity is 207. Non-residents pay double for admittance and season passes.

3. COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re CDBG project

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

WHEREAS, following the Public Hearing of October 12, 2026, which was held at the West Seneca Town Hall for suggestions by the public for Community Development Block Grant projects to be submitted for funding,

NOW, THEREFORE BE IT RESOLVED, that the West Seneca Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2026-2027 grant cycle, requesting CDBG funds:

1st Priority Sunshine Park and Lexington Green Paving Project - $371,829.00.

NOW THEREFORE BE IT RESOLVED BY, that the West Seneca Town Board authorizes Town Supervisor Gary Dickson, to sign, submit, and if funded, execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG.

NOW BE IT FURTHER RESOLVED THAT the West Seneca Town Board provides a cash match of $221,829.00 for the 1st Priority Project using the Highway Paving Fund line item 02511000.50497.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

Councilmember Breidenstein requested the cost estimates be included in the meeting minutes.

2. Deputy Supervisor Greenan re Renewal of 36-Month Contract with Alternative Information Systems

Supervisor Dickson stated the Town of West Seneca is one of the towns of comparable size that spends the least amount of money on IT services and, in his opinion, the town gets great value on outsourcing.

Councilmember Breidenstein stated AIS was involved with the town's cybersecurity audit and questioned if the vote could be delayed until the next meeting to allow Mr. Trapp to review the terms of the contract. Deputy Supervisor Greenan stated the vote can be delayed and Timothy Murphy, the Vice President of Business Development with AIS, is present at the meeting.

Mr. Murphy addressed the questions posed by Mr. Randolph:
- The town is responsible for their cybersecurity insurance
- AIS carries cybersecurity insurance for their environment
- Only moving the town's environment from a cloud to a local environment, AIS's environment is not

changing
- The one-time fee is for migrating data from a cloud environment to a local server which will result in saving the town money

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to table the item to allow the Town Attorney to review the agreement.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

3. Town Engineer re St. David's Drive Drainage Project Close Out and Final Lien Release

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to closeout and release all liens for the St. David's Drive Drainage Project completed by Legend Excavating LLC., 8080 Barnum Rd., Cassadaga, NY 14718.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried
Appendices

4. Town Engineer re Phase 8 Sanitary Sewer Improvements Change Order

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve and authorize the Supervisor to sign the attached Change Order 4 for the Phase 8 Sanitary Sewer Improvements project extending the contract times to June 1, 2027 (substantial completion) and July 1, 2027 (final payment) noting the original contract is scheduled to be completed at the end of October 2026, and there is additional work that is being planned in the Spring of 2027.

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried
Appendices

5. Director of Finance re 2026 budget transfer – HR

Motion by Supervisor Dickson, seconded by Councilmember Robertson, 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 01143000.50200 Human Resources Equipment from 01199000.50480 Contingency for the replacement of personnel filing cabinets.

Increase
$1,050.00 01143000.50200 Human Resources Equipment
$1,050.00 Total Increases

Decrease
$1,050.00 01199000.50480 Contingency
$1,050.00 Total Decreases

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

Councilmember Breidenstein requested a report of expenditures from the Contingency line in 2026

be available at the next meeting.

6. Director of Finance re Senior Center Budget Amendment

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the following 2026 budget amendment for the use of revenue from the 2026 Legislature Lindsay Lorigo Grant awarded to the Senior Center:

WHEREAS, the Town of West Seneca Senior Center received a grant from Legislature Lindsay Lorigo in the amount of $5,000.00; and

WHEREAS, the payments received from this grant have been recognized as revenue in the General Fund as State Aid – Other, account 01000100.43089;

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the 2026 budget amendment to increase State Aid – Other by $5,000.00 for the receipt of the Legislature Lindsay Lorigo. Senior Center – Craft Material and Supplies, account #01762000.50478 will also be increased by $5,000.00 for the associated expenses on this grant.

Increase:
01000100.43089 State Aid – Other $5,000.00
01762000.50478 Senior Center – Craft Material and Supplies $5,000.00

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

7. Director of Finance re Engineering Budget Transfer

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 01144000.50451 Engineering Professional Services from 01199000.50480 Contingency for True North Land Surveying invoice approved at 1/12/2026 Board Meeting

Increase
$7,300.00 01144000.50451 Engineering Professional Services
$7,300.00 Total Increases

Decrease
$7,300.00 01199000.50480 Contingency
$7,300.00 Total Decreases

Ayes: 4 Noes: 0 Abstain: 0 Motion Carried

8. Supervisor Dickson re Supervisor's 2027 Tentative Ad Valorem Budget and Tentative Benefit Basis Budgets

Motion by Supervisor Dickson, seconded by Councilmember Sherman, to approve Supervisor's 2027 Tentative Ad Valorem Budget and Tentative Benefit Basis Budgets as the 2027 Preliminary Budget and set a public hearing on November 9, 2026.

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: $ 135,551.77
Highway Fund: $ 57,588.84
Capital Fund: $ 15,640.71
Trust & Agency Fund: $ 0.00
Sewer Districts: $ 6,325.19
Water Districts: $ 0.00
Drainage District: $ 0.00
Gas Conversion Lighting Districts: $ 255.06
Electric Lighting Districts: $ 7,109.59

Total: $ 222,471.16

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

5. REPORTS FOR FILING

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

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

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

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

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

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

ISSUES OF THE PUBLIC

The following comments and questions were received:

A resident of Sunbriar Drive asked for the status of the sewer repairs on West Willowdale Drive. Mr. Foote stated blacktop restoration needs to be completed and two short sections of the sewer need to be lined. Supervisor Dickson asked the resident if she had experienced water in her basement after the repairs. The resident has not.

James Randolph, West Bihrwood Drive, stated that he spoke with Director of Recreation Cox about the pool and commented that Mr. Cox was receptive to his comments.

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Director of Recreation Cox
- Fall Fest event is scheduled for October 17th at the Soccer Park

Chief Cosgrove
- Remembered Public Safety Dispatcher Scott Windover

Councilmember Robertson
- Congratulated the newly appointed Public Safety Dispatcher and his thoughts and prayers are with the Police Department

Councilmember Sherman
- Thanked Mr. Randolph for recognizing Director of Recreation Cox

Councilmemebr Breidenstein
- Expressed his heartfelt condolences to Mr. Windover's family and the Police Department

Town Clerk Newton
- Expressed thanks and gratitude to the residents during the tax collection cycle and their compliments of the office staff

EXECUTIVE SESSION

No executive session was needed.

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to adjourn the meeting at 6:35 P.M.

Ayes: 4	Noes: 0	Abstain: 0	Motion Carried

West Seneca Veterans Park Pool

2026 Comprehensive Operations, Revenue & Attendance Report

Town of West Seneca, NY
60 Operational Days

$56,829.00	420	9,885	134
TOTAL GROSS REVENUE	SEASON PASSES SOLD	TOTAL TURNSTILE VISITS	SWIM LESSON ENROLLEES

1. EXECUTIVE REVENUE SUMMARY

Revenue Stream	Source / Description	Volume / Units	Revenue Generated	% Share
Single Visit Gate Sales	Resident & Non-Resident Daily Admissions	4,167 Visits	$26,289.00	46.3%
Membership & Pass Sales	Veterans Park Pool Seasonal Passes	420 Passes	$22,450.00	39.5%
Jeff Ellis Swim Lessons	Preschool through Advanced Skill Levels	134 Enrollees	$8,090.00	14.2%
GRAND TOTAL REVENUE	**All Combined Revenue Streams**	**--**	**$56,829.00**	**100.0%**

2. MEMBERSHIP PASS & GATE ADMISSION BREAKDOWN

Category / Ticket Type	Residency / Status	Volume	Revenue	% Share
Resident Season Pass	Town Resident Baseline Membership	332 Passes	$14,640.00	65.2% (Pass)
Non-Resident Season Pass	Out-of-Town Seasonal Membership	88 Passes	$7,810.00	34.8% (Pass)
Non-Resident Single Visit	Standard Gate Day Pass	1,312 Visits	$12,830.00	48.8% (Gate)
Resident Single Visit	Standard Gate Day Pass	2,488 Visits	$12,070.00	45.9% (Gate)
Military / Senior (Res 62+)	Discounted Gate Day Pass	255 Visits	$735.00	2.8% (Gate)
Military / Senior (Non-Res 62+)	Discounted Gate Day Pass	112 Visits	$654.00	2.5% (Gate)

Operational Takeaway: Pre-season revenues (Season Passes + Swim Lessons) yielded **$30,540.00 (53.7%)** of total operational funding prior to opening day, providing significant insulation against summer weather variances.

3. JEFF ELLIS SWIM LESSON PROGRAM PERFORMANCE

Program Name	Skill Tier	Enrollees	Total Revenue	Avg Fee / Student	% Share
Swim Lessons Beginner	Beginner Swim	40	$2,610.00	$65.25	32.3%
Swim Lessons Advanced Beginner	Advanced Beginner	30	$1,300.00	$43.33	16.1%
Swim Lessons Preschool	Preschool Swim	24	$1,560.00	$65.00	19.3%
Swim Lessons Parent+Preschool	Preschool / Parent	20	$1,310.00	$65.50	16.2%
Swim Lessons Advanced	Advanced Swim	10	$660.00	$66.00	8.2%
Swim Lessons Intermediate	Intermediate Swim	10	$650.00	$65.00	8.0%
TOTAL SWIM LESSONS	**All Tiers Combined**	**134**	**$8,090.00**	**$60.37 avg**	**100.0%**

4. REGISTERED MEMBER DEMOGRAPHICS

Age Bracket	Registrants	% of Total	Male	Female	Primary Demographic Segment
0 – 4 Years	128	8.3%	61	67	Early Childhood / Toddler
5 – 12 Years	512	33.2%	258	254	Primary Youth / Swim Instruction
13 – 17 Years	194	12.6%	102	92	Teen / Open Swim
18 – 34 Years	118	7.7%	41	77	Young Adult / Lap Swim
35 – 54 Years	386	25.0%	142	244	Parents / Household Adults
55 – 64 Years	82	5.3%	29	53	Older Adult
65+ Years	122	7.9%	48	74	Senior Pass Holders
TOTAL MEMBERS	**1,542**	**100.0%**	**681**	**861**	**54.1% Under 18 Years Old**

> **Demographic Insight:** Youth under age 18 represent **54.1% (834 registrants)** of total member density. Instructional swim programs converted 20.9% of all registered children under 13 into paid lesson participants.

5. DAILY ADMISSIONS & WEATHER MASTER LOG (PART 1: JUNE 22 – JULY 25)

Date	Res	N-Res	M/R62	M/NR62	U2	Pass	Rain Tkt	Emp	Non-Swm	Total	Weather & Operational Notes
06/22/26	0	0	0	0	0	3	0	0	0	**3**	Cool / Overcast Opening Day
06/23/26	32	20	2	0	1	19	0	0	0	**74**	Mostly Cloudy
06/24/26	21	2	2	0	0	67	0	0	0	**92**	Breezy / Sun & Clouds
06/29/26	146	98	14	5	20	105	0	0	0	**388**	Warm & Sunny
06/30/26	187	98	13	2	11	130	27	0	0	**468**	Peak Day / PM Storm Evacuation
07/01/26	103	69	13	7	6	69	0	0	3	**270**	Clear / Warm
07/02/26	111	101	17	3	6	133	1	0	22	**394**	Sunny / Warm (86°F)
07/03/26	105	80	3	2	9	126	0	0	10	**335**	Warm & Clear
07/05/26	30	19	2	0	2	34	0	0	4	**91**	Overcast / Cool Winds
07/06/26	4	5	2	0	0	6	0	0	1	**18**	Rainy / Low Temp
07/07/26	47	26	1	0	1	130	0	0	11	**216**	Partly Cloudy
07/08/26	112	60	7	4	10	184	0	0	15	**392**	Hot & Sunny
07/09/26	100	28	8	3	10	148	0	1	10	**308**	Warm / Humid
07/10/26	22	20	1	1	1	101	0	0	1	**147**	Scattered Showers
07/11/26	38	42	5	5	5	105	0	0	7	**207**	Mild / Partial Clouds
07/12/26	92	47	5	1	6	96	0	0	6	**253**	Warm & Clear
07/13/26	74	40	13	1	5	214	0	0	12	**359**	Hot & Sunny
07/14/26	64	23	7	7	5	230	0	0	4	**340**	Warm / Breeze
07/15/26	20	23	3	7	2	62	0	0	5	**122**	Overcast / Late Rain
07/16/26	0	0	0	0	0	0	0	0	0	**0**	Heavy Storms / Closed
07/17/26	31	6	7	0	0	66	0	0	5	**115**	Cool / Cloudy
07/18/26	4	0	0	0	0	14	0	0	3	**21**	Heavy Rain / Washout
07/19/26	34	21	2	0	1	24	0	0	8	**90**	Cool / Windy
07/20/26	48	22	5	0	3	138	0	0	12	**228**	Warm & Clear
07/21/26	5	2	0	0	0	9	0	0	2	**18**	Cool / Intermittent Drizzle
07/22/26	1	0	0	0	0	12	0	0	0	**13**	Rainy Washout
07/23/26	14	1	1	0	3	73	1	0	4	**97**	Overcast / Drizzle
07/24/26	64	13	9	4	2	110	0	0	4	**206**	Warm & Sunny
07/25/26	43	40	4	3	4	74	0	0	9	**177**	Mild / Sun & Clouds

6. DAILY ADMISSIONS & WEATHER MASTER LOG (PART 2: JULY 26 – AUGUST 29)

Date	Res	N-Res	M/R62	M/NR62	U2	Pass	Rain Tkt	Emp	Non-Swm	Total	Weather & Operational Notes
07/26/26	47	11	4	1	0	56	0	0	7	**126**	Partially Cloudy
07/27/26	31	12	3	2	2	166	1	0	8	**225**	Warm / Passing Shower
07/28/26	7	13	1	0	2	52	0	0	7	**82**	Cool / Overcast
07/29/26	0	0	1	0	0	12	1	0	1	**15**	Heavy Rain Washout
07/30/26	39	15	3	1	1	99	2	0	13	**173**	Warm / Light Drizzle
07/31/26	42	32	9	3	5	165	23	0	10	**289**	Warm / PM Squall (23 Rain Tkts)
08/01/26	56	36	3	4	2	101	0	0	6	**208**	Warm / Mostly Clear
08/02/26	0	0	0	0	0	0	0	0	0	**0**	Severe Thunderstorms / Closed
08/03/26	16	7	2	0	0	58	0	0	5	**88**	Overcast / Mild
08/04/26	46	28	8	6	7	148	4	0	6	**253**	Warm / Evening Storm
08/05/26	88	26	5	15	4	180	0	0	12	**330**	Hot & Clear
08/06/26	40	35	6	2	4	168	2	0	8	**265**	Warm / Clouds
08/07/26	5	1	0	0	1	11	0	0	3	**21**	Heavy Rain & Wind
08/08/26	17	2	0	0	0	39	0	0	0	**58**	Cloudy / Drizzle
08/09/26	79	25	8	2	2	95	0	0	9	**220**	Warm & Clear
08/10/26	22	0	0	0	2	69	1	0	1	**95**	Cool / Overcast
08/11/26	50	5	2	2	4	147	0	0	9	**219**	Clear & Warm
08/12/26	16	7	1	1	3	75	0	0	5	**108**	Breezy / Cloudy
08/13/26	30	8	8	4	4	108	0	0	4	**166**	Mostly Sunny
08/14/26	46	7	7	0	1	103	3	0	5	**172**	Warm / PM Light Rain
08/15/26	58	44	8	2	4	92	0	0	5	**213**	Sunny / Clear
08/16/26	42	23	8	0	2	54	1	0	8	**138**	Breezy / Sun & Clouds
08/17/26	9	3	4	0	3	77	0	0	7	**103**	Overcast / Cool
08/18/26	31	13	5	4	0	76	0	0	7	**136**	Mostly Clear
08/19/26	2	1	0	0	1	56	0	0	2	**62**	Cool Winds / Cloudy
08/20/26	15	7	0	0	0	30	0	0	4	**56**	Cool / Overcast
08/21/26	35	13	5	5	3	99	5	0	9	**174**	Mild / Afternoon Rain
08/22/26	15	5	2	0	1	56	0	0	3	**82**	Cool / Overcast
08/23/26	0	0	0	0	0	0	0	0	0	**0**	Weather Closure
08/24/26	0	0	0	0	0	0	0	0	0	**0**	Weather Closure
08/25/26	4	0	1	1	0	24	0	0	3	**33**	Unseasonably Cool
08/26/26	17	20	2	1	0	98	1	0	4	**143**	Mild / Partial Sun
08/27/26	7	1	2	0	0	37	2	0	4	**53**	Cool / Rain Showers
08/28/26	8	1	1	1	0	40	0	0	0	**51**	Late Season Drop
08/29/26	16	5	0	0	0	56	0	0	9	**86**	Season Finale
TOTALS	**2,488**	**1,312**	**255**	**112**	**171**	**5,129**	**75**	**1**	**342**	**9,885**	**60 Operating Days Logged**

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: Town of West Seneca	Owner's Contract No.:
Contractor: Legend Excavating LLC	Contractor's Project No.: SD-2502
Engineer: CPL	Engineer's Project No.:
Project: Drainage Installation	Contract Name: St. David's Drive Drainage Installation

This [preliminary] [final] Certificate of Substantial Completion applies to:

☑ All Work ☐ The following specified portions of the Work:

September 1, 2026

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: ☑ None ☐ As follows

Amendments to Contractor's responsibilities: ☑ None ☐ As follows:

The following documents are attached to and made a part of this Certificate: punch list

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:	RECEIVED:	RECEIVED:
By: Jason M Tantillo	By:	By: Travis Storer
(Authorized signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Town Engineer	Title: Senior Engineering Assistant	Title: President
Date: 20 Oct 2026	Date: 1 Oct 2026	Date: September 1, 2026

TOWN OF WEST SENECA

ENGINEERING DEPARTMENT

TOWN SUPERVISOR
Gary A. Dickson
TOWN COUNCIL
Robert J. Breidenstein
Scott D. Robertson
Mary T. Sherman

FINAL WAIVER AND RELEASE OF LIEN AND/OR CLAIM

OWNER: Town of West Seneca

GENERAL CONTRACTOR: Legend Excavating LLC.

PROJECT: St. David's Drive Drainage Project

FOR AND IN CONSIDERATION of one dollar ($1.00) and other valuable consideration set forth below, the undersigned does hereby WAIVE and RELEASE any and all liens and/or claims including, but not limited to, any lien, bond or claim for payment arising out of or related to the above referenced Project.

THIS WAIVER AND RELEASE IS CONTINGENT UPON RECEIPT BY THE UNDERSIGNED OF PAYMENT FOR labor, materials, services and/or equipment in the amount of:

$6,240.85

(Six thousand Two hundred Forty and Eighty-Five cents)

Contractor covenants and warrants that no sub-subcontractor, materialman, supplier or employee working for or under the Contractor on or for said Project has any claim or right to lien against said Project.

Further, the undersigned agrees to indemnify the Owner against any claim, including, but not limited to, any lien or bond claim, asserted by or through it with respect to the Project.

Dated: October 2, 2026

Legend Excavating LLC.

By _____

Title: President

Sworn to before me this 2nd day of October, 2026

Aimee L. Ames
Notary Public

AIMEE L. AMES, #01AM6410239
Notary Public State Of New York
Qualified In Chautauqua County
My Commission Expires Oct. 19, 2028

LEGEND Excavating
CASSADAGA, NEW YORK

STORMWATER DRAINAGE WARRANTY

Date: 10-2-2026

Project: St. David Drive Stormwater Drainage Improvements
Location: St. David Drive, Town of West Seneca, New York

WARRANTY

Legend Excavating LLC ("Legend Excavating") hereby warrants that the stormwater drainage work performed by Legend Excavating in connection with the above-referenced project was completed in a professional and workmanlike manner and in accordance with the project plans, specifications, and applicable requirements, to the extent applicable to Legend Excavating's scope of work.

Legend Excavating warrants the workmanship and materials directly associated with the stormwater drainage improvements installed by Legend Excavating for a period of **one (1) year from the date of substantial completion of the work**, subject to the terms and exclusions set forth below.

WARRANTY EXCLUSIONS

This warranty does not cover conditions, failures, or damage resulting from:

1. **Normal wear and deterioration** of materials or components.
2. **Damage caused by third parties**, including contractors, utility companies, property owners, municipalities, or other persons not under the control of Legend Excavating.
3. **Modification, alteration, excavation, or disturbance** of the drainage system or surrounding area by others after completion of Legend Excavating's work.
4. **Improper maintenance or operation** of the stormwater drainage system.
5. **Clogging or obstruction** caused by leaves, soil, sediment, debris, ice, snow, trash, vegetation, or other materials entering the drainage system after completion.
6. **Damage caused by extraordinary or unusual weather events**, flooding, excessive rainfall, acts of nature, or other conditions exceeding the design capacity of the drainage system.
7. **Conditions associated with existing drainage systems or structures** that were not installed, modified, or repaired by Legend Excavating.

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LEGEND Excavating
CASSADAGA, NEW YORK

8. **Settlement, movement, erosion, or other changes** caused by conditions beyond Legend Excavating's control, including changes in groundwater, soil conditions, or drainage patterns occurring after completion.
9. Damage resulting from **vehicular traffic or loads** beyond those contemplated by the project design.
10. Any work, materials, or components **not furnished or installed by Legend Excavating.**

WARRANTY CLAIMS

Any warranty claim shall be submitted to Legend Excavating in writing and shall provide reasonable detail regarding the alleged defect or drainage issue. Legend Excavating shall be provided reasonable access to the affected area to inspect the condition and determine whether the issue is covered under this warranty.

If Legend Excavating determines that a covered defect exists, Legend Excavating will make reasonable arrangements to correct the defective workmanship or material within a reasonable period of time, subject to weather, site conditions, material availability, and other circumstances beyond its control.

This warranty is limited to the correction or repair of covered defective workmanship or materials provided by Legend Excavating. Legend Excavating shall not be responsible for consequential, incidental, or indirect damages arising from conditions not covered under this warranty.

This warranty applies only to the stormwater drainage work performed by Legend Excavating on the above-referenced project and does not extend to any other work or improvements.

ACCEPTANCE

By signing below, the parties acknowledge the terms of this Stormwater Drainage Warranty.

LEGEND EXCAVATING LLC

By: _____
Name: Travis Steel
Title: President
Date: 10-16-2026

AIMEE L. AMES, #01AM6410239
Notary Public State Of New York
Qualified In Chautauqua County
My Commission Expires Oct. 19, 2028

Notary: Aimee L. Ames

OWNER / AUTHORIZED REPRESENTATIVE

By: _____
Name: Jason A. Fook
Title: Town Engineer
Date: 10/7/2026

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Contractor's Application for Payment No. 3

To (Owner): Town of West Seneca	Application Period: September 1, 2026	Application Date: 10-05-2026
Project: St. David's Drive Drainage	From (Contractor): Legend Excavating LLC	Via (Engineer): CPL
Owner's Contract No.: 1	Contract: 1	
	Contractor's Project No.: 1	Engineer's Project No.:

Application For Payment

Change Order Summary

Approved Change Orders

Number	Additions	Deductions
Addendum 1	$7,777.00	
Addendum 2	$3,450.00	
TOTALS	$11,220.00	$0.00
NET CHANGE BY CHANGE ORDERS	$11,220.00	

1. ORIGINAL CONTRACT PRICE		$ 113,597.00
2. Net change by Change Orders		$ 11,220.00
3. Current Contract Price (Line 1 ± 2)		$ 124,817.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)		$ 124,817.00
5. RETAINAGE:		
a. X ____ Work Completed		$
b. X ____ Stored Material		$
c. Total Retainage (Line 5.a + Line 5.b)		$
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)		$ 124,817.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)		$ 118,576.15
8. AMOUNT DUE THIS APPLICATION		$ 6,240.85
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)		$ 0.00

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

AIMEE L AMES, #01AM6410239
Notary Public State Of New York
Qualified In Chautauqua County
My Commission Expires Oct. 19, 20

Contractor Signature

By: Zachary Risley — Date: 10-05-2026

Payment of: $ 6,240.85
(Line 8 or other - attach explanation of the other amount)

is recommended by: _____ 10/7/26
(Engineer) (Date)

Payment of: $ $6,240.85
(Line 8 or other - attach explanation of the other amount)

is approved by: _____ _____
(Owner) (Date)

Approved by: _____ _____
Funding or Financing Entity (if applicable) (Date)

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7 Oct 2026 EML

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Change Order No. 4

Date of Issuance:	October 12, 2026	Effective Date:	October 12, 2026
Owner:	Town of West Seneca	Owner's Contract No.:	C9-6645-03-00
Contractor:	United Survey, Inc.	Contractor's Project No.:	
Engineer:	CPL	Engineer's Project No.:	R22.12049.05
Project:	Phase 8 Sanitary Sewer Improvements	Contract Name:	Phase 8 Sanitary Sewer Improvements

The Contract is modified as follows upon execution of this Change Order.

This will be a no cost change order to increase the contract times to June 1, 2027 (substantial completion) and July 1,2027 (final payment). These dates are being extended to allow time on the contract to complete additional contract items. The last remaining sections of the original contract are scheduled to be completed by the end of October 2026.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 15,191,650.00	Original Contract Times: Substantial Completion: June 30, 2025 Ready for Final Payment: August 31, 2025
None from previously approved Change Orders: $ 0.00	**Increase** from previously approved Change Orders Substantial Completion: July 1, 2026 Ready for Final Payment: August 1, 2026
Contract Price prior to this Change Order: $ 15,191,650.00	Contract Times prior to this Change Order: Substantial Completion: July 1, 2026 Ready for Final Payment: August 1, 2026
No Change of this Change Order: $ 0	Increase of this Change Order: Substantial Completion: June 1, 2027 Ready for Final Payment: July 1, 2027
Contract Price incorporating this Change Order: $ 15,191,650.00	Contract Times with all approved Change Orders: Substantial Completion: June 1, 2027 Ready for Final Payment: July 1, 2027 days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Project Manager	Title Town Supervisor	Title [redacted] Project Manager
Date: _____	Date _____	Date 10/8/26

Approved by Funding Agency (if applicable)

By: _____ Date:

Title: _____