

ROLL CALL: Present Supervisor Dickson
Councilmember Breidenstein
Councilmember Kims
Councilmember Piekarec
Councilmember Robertson

Absent None

Supervisor Dickson read the Fire Prevention Code instructing the public where to exit in case of a fire, or an emergency was stated.

APPROVAL OF AGENDA

1. Town Clerk re Approval of Agenda as submitted

Motion by Supervisor Dickson, seconded by Councilmember Kims, to approve the agenda as printed with the following two changes: moving Personnel item no. 4 and Communications item no. 2 to the beginning of the meeting.

Ayes: All Noes: None Motion Carried

MINUTES TO BE APPROVED

1. Town Clerk Newton re Meeting Minutes 2025-03 of February 10, 2025

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to approve Meeting Minutes 2025-03 of February 10, 2025.

Ayes: All Noes: None Motion Carried

PUBLIC COMMENTS

James Randolph, West Bihwood Drive, made the following comments and questions:

- Modification of Chapter 59 Cannabis Facilities
 - Suggested the distance from all locations youth frequent be consistent at 500'
 - Questioned if he understood the code correctly that armed guards are required for the first year and then left to the discretion of the Town Board thereafter – Supervisor Dickson stated the Town of West Seneca is the only municipality in New York that requires armed security guards and acknowledged the added expense to the business.
 - While the code is strict on signage, billboards are all over town – Supervisor Dickson stated he is uncertain about the town's control over billboards.
- Modification of Chapter 13 Code of Ethics
 - Referred to the verbiage added under Standards of conduct A: "unless otherwise disclosed and previously approved" and questioned how is it disclosed and who is approving it – Town Attorney Trapp used an example of a board member in another municipality that owned a photography business, a developer that was to appear in front of that board wanted pictures taken and the official sought a determination from the Ethics Board about this being a conflict of interest that would prevent the official from voting.
 - Referred to Penalties, A.3 and questioned why volunteers were added, noting no definition of volunteers is included, nor are volunteers under the jurisdiction of the Ethics Board, as listed in 13.1

6. Recreation Supervisor Masset re Recreation Department appointments

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to appoint the individuals listed in the attached document to the corresponding pay rates, job titles with part-time seasonal status from May 25 - September 13, 2025, noting the appointments are contingent upon each individual obtaining the required certifications and attending all mandatory training and orientation sessions and will be paid from the following budget line accounts:

1.7140.0149 - Recreation Staff
1.7180.0149 - Aquatics Staff

Ayes: All

Noes: None

Motion Carried
APPENDICES

7. Recreation Supervisor Masset re Resignation of Michael Smolen from the Youth and Recreation Commission

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to accept the resignation of Michael Smolen from the Recreation Commission effective February 17, 2025.

Ayes: All

Noes: None

Motion Carried

2. FOR DISCUSSION

1. Councilmember Breidenstein re Veteran's Park Pool admission fees

Councilmember Breidenstein stated the Youth and Recreation Commission was asked to make a recommendation on pool fees for the Summer of 2025, and for reference, residents were not charged, and non-residents were charged a nominal fee pool fees for Summer 2024.

- Residents are free
- Non-Resident (Ages 5-54): \$10
- Non-resident Veterans/Active Duty: Free
- Non-Resident Seniors (55+): Free
- Non-Resident Punch Pass (10 visits): \$75 (Any person can use the pass, not just the original pass holder and pass holder does not need to be present)

Supervisor Dickson stated non-residents, except for veterans, should pay a fee. Councilmember Breidenstein stated in 2023 and 2024 non-residents accounted for less than 10% of pool visits each season.

Councilmember Piekarec agreed with Supervisor Dickson and noted most municipalities charge residents something to offset the costs of running and maintaining the pool. Councilmember Piekarec proposed a fee of \$3 per visit, a season or 10-visit pass for \$20, and leave the non-resident fees as suggested. Residents are charged for open skate at the ice rink.

Councilmember Kims agreed with Councilmember Piekarec and in her opinion, those attending the pool will behave more responsibly when they pay an admission fee. Further, only a small number of residents utilize the pool, and a small fee should be charged.

Councilmember Robertson stated he respects both views and will support the majority's opinion and non-

resident seniors should be charged \$5.

Councilmember Breidenstein summarized the Town Board members' preferences to be:

- Veterans/Active Duty: Free
- Non-Resident Punch Pass (10 visits): \$75 (Any person can use the pass, not just the original pass holder and pass holder does not need to be present)
- Undecided – what, if any, fee should residents be charged
- Undecided – what, if any, fee should non-resident seniors be charged

Councilmember Piekarec stated he prefers a \$10 fee for non-resident seniors as they do not pay town taxes but would support a discount for senior residents. Supervisor Dickson stated he agrees with this proposal and questioned if a \$3 fee would be pose a problem for the pool staff.

Recreation Supervisor Masset proposed adding the categories of "Resident Youth School Age" – any youth 17 years and younger presenting a school ID or report card listing the name and address of a school in West Seneca as a resident, even if the live outside of the town, and a "Resident Guardian" – a non-resident adult that accompanies a Resident Child. Councilmember Piekarec agrees with the student but prefers to charge the guardian the non-resident fee.

Supervisor Dickson requested a revised fee schedule be presented at the March 10th Town Board meeting. Councilmember Breidenstein confirmed the Town Board is requesting a nominal fee for residents and any non-resident, except Veterans and Active Duty, will pay \$10.

Councilmember Piekarec stated the petty cash amount can be modified if necessary. Supervisor Dickson questioned the status of cashless payments at the pool. Councilmember Breidenstein stated cashless payments are not supported by the Finance Department. Councilmember Piekarec questioned if the passes could be sold online. Recreation Supervisor Masset stated the pass is a physical piece of paper.

3 COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re Workers Compensation Settlement

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to approve the Workers Compensation Settlement in the matter of the death of Donald F. Schultz III in 2016 per the attached settlement letter.

Ayes: All

Noes: None

Motion Carried
APPENDICES

2. Councilmember Breidenstein re Cybersecurity Services Proposal

Peter Ronca of DataSure Twenty Four (DS24) provided the following information:

- ✓ The information security risk assessment process will validate the town's IT team current procedures and identify any gaps
- ✓ Utilize CIS Implementation Group 1 control assessment and risk-based analysis of the results to identify risk specific to the organization and prioritize remediation next steps based on risk-level
- ✓ Provide Security Awareness Training Program: educating employees on recognizing and responding to cybersecurity threats, such as phishing and social engineering, through training and phishing testing

Supervisor Dickson asked if DS24 works with other municipalities. Mr. Ronca stated many customers are healthcare and financial institutions.

Councilmember Breidenstein stated the town's intention is to bring in a third-party that specializes in risk assessment.

Motion by Councilmember Breidenstein, seconded by Councilmember Kims, to approve the Cybersecurity Services Proposal between the Town of West Seneca and DataSure24 to perform a third-party security risk assessment of the organization at a cost of \$8,625 and to implement a security awareness training program at an annual cost of \$8,510 to be paid from the following budget lines:

\$11,135	01199000.50480
\$3,000	01322000.50412
\$3,000	01718000.50231

Ayes: All

Noes: None

Motion Carried

3. Town Attorney re Local Law 2025-3 Modification of Chapter 13 Code of Ethics

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to schedule a public hearing on April 14, 2025, at 6:00 P.M. or as soon thereafter as it can be heard on a local law to amend Chapter 13 as it pertains to the Code of Ethics.

Ayes: All

Noes: None

Motion Carried

4. Town Attorney re Local Law 2025-4 Modification of Chapter 59 Cannabis Facilities

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to schedule a public hearing on April 14, 2025, at 6:00 P.M. or as soon thereafter as it can be heard on a local law to amend Chapter 59 as it pertains to Cannabis facilities.

Ayes: All

Noes: None

Motion Carried

5. Town Clerk Newton re Extension of tax collection

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to approve the request for an extension of the time for collection of 2025 Town & County taxes to June 30, 2025, pursuant to §6-14.0 of the Erie County Tax Act Laws of 1942 allowing the Town to keep the penalties rather than the County receiving them.

Ayes: All

Noes: None

Motion Carried

6. Chief Cosgrove re Attendance at Supervisory Liability for Law Enforcement Training

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to authorize Captain James Unger and Captain John Urbanski to attend the Supervisory Liability for Law Enforcement Training presented by NYSDCJS in Binghamton, NY, from March 12 - 13, 2025, at a cost not to exceed \$400 to be paid from the 2025 training line 001.3120.50459.

Ayes: All

Noes: None

Motion Carried

7. Chief Cosgrove re Attendance at CALEO Symposium

Motion by Supervisor Dickson, seconded by Councilmember Kims, to authorize two detectives to attend the Canadian American Law Enforcement Organization (CALEO) 29th Annual Training Symposium in Niagara Falls, Ontario, Canada from April 15 - 17, 2025, at a cost not to exceed \$1,100 and will be paid from the 2025 Police Training line 01312000.50459.

Ayes: All

Noes: None

Motion Carried

8. Director of Finance re Budget amendment – Highway Department

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the following 2024 budget amendment for revenue received on an insurance claim:

WHEREAS, Town of West Seneca Building & Grounds Department's Chevy Silverado #801 was damaged in 2024 and a claim was submitted to the Town's Insurer; and

WHEREAS, the Town had not originally budgeted for these funds in the 2024 Adopted Budget,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the 2024 budget amendment to account for the Insurance Recovery received through December 20, 2024:

Increase:

00100100.42680 \$2,486.00

01711000.50443 \$2,486.00

Ayes: All

Noes: None

Motion Carried

9. Director of Finance re Budget amendment – Police Department

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to authorize the following 2024 budget amendment for revenue received on an insurance claim:

WHEREAS, Town Police vehicle was damaged and a claim was submitted to the insurance carrier; and

WHEREAS, the Town had not originally budgeted for these funds in the 2024 Adopted Budget,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the 2024 budget amendment to account for the Insurance Recovery received through December 11, 2024:

Increase:

01000100.42680 Insurance Recoveries \$48,072.00

01312000.50208 Police/Police Vehicles \$48,072.00

Ayes: All

Noes: None

Motion Carried

4. WARRANT

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

General Fund: \$ 393,102.40
Highway Fund: \$ 153,773.81
Trust & Agency: \$ 0.00
Capital Fund: \$ 38,701.08
Sewer Districts: \$ 684,404.60
Water Districts: \$ 0.00
Drainage District: \$ 0.00
Gas Conversion Lighting Districts: \$ 214.24
Electric Lighting Districts: \$ 829.45

Total: \$ 1,271,025.58

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

No public comments were received.

COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

Councilmember Robertson

- Stands behind the Corrections Officers and is disappointed with NYS Officials

Councilmember Breidenstein

- Upcoming meeting with Pearl Logic who are performing an analysis of the town's healthcare costs
- Also supports the Corrections Officers and has spoken with statewide elected officials
- Encouraged residents to reach out to NYS officials

Supervisor Dickson

- Agreed with Councilmembers Robertson and Breidenstein about the deplorable working conditions of the Corrections Officers
- Burchfest is scheduled for September 13th
- Read a resident letter thanking Highway Superintendent Adams for all of his efforts

Councilmember Kims

- Supports the Corrections Officers and knows of families affected by the situation
- Gallery exhibit of Margaret Hart, mother of former Councilmember Gene Hart, is currently underway at the Burchfield Nature and Art Center until March 21st

Councilmember Piekarec

- Supports the Corrections Officers and agrees they are being mistreated
- The NYS Legislature needs to address the issues
- Recognized the Chamber of Commerce award winners
- Senior exemption applications are due and thanked Erie County for the new van and recognized the efforts of the West Seneca representatives that worked for the new van

Town Assessor Finbar

- The deadline for exemption applications is extended to Monday, March 3rd this year

Town Clerk Newton

- Thanked the Police Department for their support during tax collection
- Collection is currently \$62M or 90% of the warrant
- Thanked the Town Clerk's Office staff for their hard work and noted there were 854 transactions in the office on February 18th

Recreation Supervisor Masset

- Hiring for summer aquatics staff
- Registration for April programs opening next week
- Thanked Michael Smolen for his contributions to the Youth and recreation Commission
- Congratulated Supervisor Dickson for receiving the Lincoln Leadership award

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilmember Robertson, to adjourn the meeting at 6:45 P.M.

Ayes: All

Noes: None

Motion Carried

Last Name	First Name	Title	Hourly Rate of Pay
Drews	Jillian	Lifeguard PT	\$18.00
Garbo	Evan	Lifeguard PT	\$17.00
Hise	Julia	Lifeguard PT	\$17.00
Jurek	Avery	Lifeguard PT	\$17.00
Keane	Jack	Lifeguard PT	\$17.00
Krawczyk	Alexia*	Lifeguard PT	\$17.00
Piotrowski	Joseph	Lifeguard PT	\$17.00
Scibetta	Noah*	Lifeguard PT	\$21.00

*Please note that Alexia Krawczyk and Noah Scibetta are currently year-round employees. Their title and pay rate changes will be effective May 25, 2025.

2.24.2025

BAXTER & SMITH, P.C.

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The information contained herein is privileged and confidential and constitutes an attorney-client communication and/or attorney work product, or is otherwise subject to a rule or doctrine of privilege, confidentiality or non-disclosure.

February 19, 2025

VIA EMAIL - cqtrapp@grecolawyers.com

Chris G. Trapp, Esq.
Town of West Seneca
1250 Union Road
West Seneca, New York 14224

Re: **Donald Schultz v. Town of West Seneca**
Date of Incident: **10/29/2016**
Our File No.: **17409DZTRN**

Dear Mr. Trapp:

As you are aware, this matter has been settled and that Town has agreed to the settlement of this claim, as follows:

- Argo Insurance will contribute \$300,000.
- The Town will cut a check in the amount of \$650,000 (and then collect reimbursement over its self-insured retention, as per the terms of its policy with Safety National).
- Ultimately, the Town will contribute \$262,289.56 (the remainder of its \$600,000 SIR) and Safety National Insurance will contribute \$387,710.44, which will be in the form of a reimbursement to the Town.
- The Town is also waiving the Worker's Compensation lien in full (\$337,710.44).

Copies of the General Release and Settlement Agreement with the plaintiff are provided for your review. Additionally, copies of the Releases from Allison Transmission,

New York Office
505 8th Avenue, Suite 1704
New York, NY 10018
Tel. No. (212) 732-9800
Fax No. (212) 732-0152

Nassau Office
99 North Broadway
Hicksville, NY 11801
Tel. No. (516) 997-7330
Fax No. (516) 997-7488

Penn Power, and Muncie Power are attached. Also attached is a copy of the Order of Settlement with the Notice of Entry, and the Stipulations of Discontinuance, which we will plan to file at the appropriate time.

Plaintiffs' counsel's Tax I.D. No. is [REDACTED], deceased plaintiff's SSN is [REDACTED] and his DOB was [REDACTED].

If you need any additional information or documents for the Town Board to formally consider approval of the settlement at its upcoming meeting, please advise as soon as practicable and we will work to provide you with same.

After the settlement has been formally approved by the Town Board, please provide us with a settlement draft in the amount of six hundred fifty thousand dollars (\$650,000). We have been advised that the settlement draft be made payable to "Lipsitz Green Scime Cambria LLP, as Attorneys" and they will distribute the funds in compliance with the Court's Order approving the settlement.

Once the settlement drafts have been provided to plaintiffs' counsel, we will plan to file the Stipulation of Discontinuance as to the third-party claims and we will provide you with a copy of same for your records. We will then plan to close our file and send our final bill to your attention.

In the interim, we shall continue to keep you apprised of developments as they ensue. Of course, should you wish to discuss any aspect of the above, please do not hesitate to contact me.

Very truly yours,

BAXTER & SMITH, P.C.

By: *Arthur J. Smith* *Louis B. Dingeldey Jr.*

Arthur J. Smith Louis. B. Dingeldey Jr.

AJS/ lbd
Attachments

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