

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 5th day of April 2017 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilman
	Michael Sherry	Councilman
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
	Mark Pacholec	Chief of Police

Supervisor Keem read into the record the following: "If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."

1) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on March 15, 2017, Executive Sessions: March 15, 22, 29, 2017, and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

Old Business # 1 Set a Public Hearing for Property at 5285-5287 Chestnut Ridge Road

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

WHEREAS, the Code Enforcement Officer of the Town of Orchard Park has filed his report in writing with the Town of Orchard Park containing his findings and recommendations regarding certain structures on the premises located at 5285-5287 Chestnut Ridge Road, (SBL #185.05-3-11.1), in which report said Enforcement Officer states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate securing or removal, and

WHEREAS, the Town of Orchard Park after reviewing said report and after hearing said Code Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined the said report warrants the removal of said structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby state: (1) notice be given to 498 Delaware Avenue Development, LLC, (2) said notice be served personally upon 498 Delaware Avenue Development, LLC or the County Clerk if such persons cannot reasonably be found for such personal service and by affixing a copy thereof upon said structures, (3) said notice shall order that the structures on the said premises are to be repaired to the satisfaction of the Building Inspector of the Town of Orchard Park or said structures are to be demolished and the debris from that demolition is to be removed from the premises within thirty

(30) days of the service of said notice and to be completed within sixty (60) days thereafter, (4) a public hearing has been scheduled at 7:00 pm on May 17, 2017 at the Municipal Building, 4295 South Buffalo Street, Orchard Park, in relation to such dangerous or unsafe structures, and (5) the Town Attorney of the Town of Orchard Park be and he hereby is directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk.

The resolution was unanimously adopted.

Old Business # 2 Rescind Resolution for SMEC to Supply Electricity and Natural Gas

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Town of Orchard Park solicited bids to supply its electricity and natural gas needs, which bids were opened on February 10th, 2017, and

WHEREAS, the Town of Orchard Park initially passed a resolution awarding that bid to School & Municipal Energy Cooperative (SMEC) by resolution at the February 15, 2017 meeting of the Town Board, and

WHEREAS, no contract has been executed between the Town of Orchard Park and SMEC pursuant to that initial resolution, and

WHEREAS, certain irregularities related to noncompliance with bidding instructions and ambiguity in cost calculations have been identified since that resolution of February 15, 2017.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby rescind its resolution of February 15, 2017, awarding the contract to SMEC to supply electricity and natural gas to the Town of Orchard Park, and be it further

RESOLVED, that The Town of Orchard Park rejects all of the bids for providing electricity and natural gas received pursuant to the bid opening of February 10, 2017, and be it further

RESOLVED, The Town of Orchard Park reserves the right to request new bids at a time and in a manner of its choosing.

The resolution was unanimously adopted.

Old Business # 3 Approve Change Order for Green Lake Dam and Dredging Project

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:

WHEREAS, the Engineering Department is requesting approval of a Change Order to the Contract with Zoladz Construction for Green Lake Dam Rehabilitation and Dredging Project in the amount of \$6,371.00. This would increase the total contract amount to \$4,498,948.26 representing an increase of 0.001%. This Change Order covers the cost for Zoladz to provide additional stainless steel cables to the spillway railing system for safety reasons.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #6 to the original Contract with Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for additional stainless steel cables to the spillway railing system for Green Lake Dam Rehabilitation and Dredging Project, in the amount not to exceed \$6,371.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Set a Public Information Meeting for Stormwater Phase II Annual Report

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

RESOLVED, that the Town Board does hereby schedule a public informational meeting for Wednesday, May 17, 2017 at 7:00 pm to receive public comment on the draft Stormwater Phase II annual report.

The resolution was unanimously adopted.

New Business #2 Authorize Supervisor to Sign NYSDEC SPDES

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:

WHEREAS, the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town of Orchard Park must submit to the New York State Department Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (N01) goals, and

WHEREAS, the 2016-2017 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. A draft copy will also be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification.

The resolution was unanimously adopted.

New Business #3 Award Contract for General Contracting for Court Clerks Security Upgrades

7) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Orchard Park Court Clerks applied for a Justice Courts Assistance Program Grant in the fall of 2016. Orchard Park was awarded these specific grants in the past to improve our court facilities. The 2016 application was submitted to improve security for the court clerks and judges inside their office area on court nights, and funds 100% of the proposed work, and

WHEREAS, the intention of the court staff is to have all people screened before approaching the clerk window. The attendees would pass through the metal detector and be screened by the officer on duty before approaching the window or entering the court room. This situation could be resolved by removing the court clerk's door on the west side of their office and replace it with a new fully functional security transaction window. Once complete, then their existing window can be removed and the opening covered. Another improvement in this project is the removal and replacement of the existing sidelight glass panel in the clerk's door near the east side of their office. That glass is scheduled to receive 3" thick heavy duty glass blocks and mortar, and

WHEREAS, the Engineering Department completed the design and scope of work for these upgrades and will inspect the project. The State Court Systems agreed with this reasoning and has awarded Orchard Park a \$9,615.00 Justice Court Assistance Program Grant to fund this necessary project, and

WHEREAS, these funds have already been received by the Town and the money must be spent within 180 days. During the application process, preliminary contractor estimates were obtained to develop the grant amount, needed. Once the grant was awarded it was necessary to go back to contractors/vendors for updated estimates, and

WHEREAS, the three construction contractors that submitted updated bids to complete the Security Upgrades Project were Millender General Contracting, Telco Construction and DK Custom Cabinets. Millender General Contracting submitted a bid totaling \$8,100.00, Telco Construction's bid was \$8,300.00 and DK Custom Cabinets bid was \$11,700.00. All three of these companies are capable local contractor's that are more than qualified to complete this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the lowest bid for the complete scope of work (excluding glass) was Millender General Contracting LLC at \$8,100.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Award Contract for General Contracting for Court Clerks Safety Glass

8) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby award the contract for the Court Clerk's Security Upgrades Project "Safety Glass — (Supply & Install)" to the lowest responsible bidder, Aberdeen Plate Glass Co. Inc., 2119 South Park Ave., Buffalo, New York 14220 in the amount not to exceed \$930.00 (also covered by the grant money), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Sign Agreement for Brush Mountain Community Center Design & Bid Services

9) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the consultant selection process for the Brush Mountain Community Activity Center Building has been completed. Three professional firms responded to the Town's request for updated qualifications — Foit Albert Associates, Wendel WD Architecture, Engineering, Surveying & Landscaping Architecture, P.C. and CHA Design/Construction Solutions, and

WHEREAS, after reviewing the proposals with the 3 consultants; the consultant that best fits Orchard Park's situation is Wendel. The additional scope items such as parking lot lighting, preliminary design of phase 3 & 4, construction bidding documents, etc. have been added to the scope as the Town requested. The scope of work is attached with the contract, and

WHEREAS, there is presently \$574,189 plus interest allocated under Capital Project H-89, Brush Mountain Community Activity Center for this project. The Town Board also authorized banding \$16,000,000 for the project in 2016.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY 14221, to provide professional services for the Brush Mountain Community Activity Center Building (Phase 1 & 2) Project - Design & Bidding Services and Preliminary Design (Phase 3 & 4) in an amount not to exceed \$1,080,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Authorize Tree Conservancy to Plant Tree in honor of Francis T. Hogancamp

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, Francis T. Hogancamp is a lifelong resident of Orchard Park, and

WHEREAS, he manages a third generation business, Hogancamp Optics, that is approximately eighty (80) years old, and

WHEREAS, in his capacity as Village Trustee he has focused on tree replacement, restoration of historic sites, beautification efforts and special events, and

WHEREAS, he has been a member of numerous civic groups.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Tree Conservancy to plant a Black Oak tree in honor of Orchard Park Village Trustee Francis T. Hogancamp on Friday April 28, 2017 at Steinwach Park in the Town of Orchard Park.

The resolution was unanimously adopted.

New Business #7 Establish Free Mulch Day for Residents of Orchard Park

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM TO WIT:

RESOLVED, that the Town Board does hereby establish May 13th as Free Mulch Day for residents of Orchard Park, it will be available from 8:00am to 4:00pm. The Fees for 2017 Mulch Day are 1st cubic yard – free, 2nd cubic yard - \$7.50 and all further yards will be at full price, \$15.00 cubic yard. Non

Residents would pay the normal \$23.00 cubic yard of mulch. This only applies to 'mulch' at the Compost Facility.

The resolution was unanimously adopted.

New Business #8 Appoint Tricia Jurek to Employee Safety Committee

12) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, with the departure of Brigid Lavelle we no longer have a secretary for the employee safety committee, and the position needs to be filled.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Tricia Jurek to fill the position of secretary of the employee safety committee for the balance of 2017.

The resolution was unanimously adopted.

New Business #9 Authorize staff to attend National Homeland Security Conference

13) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby authorize Richard Mrugalski and Jeff Sweet to attend the three day National Homeland Security Conference that will be held in Buffalo June 6 - 8, 2017. The conference will have several sessions that will focus on Whole Community Preparedness, Intelligence and Information Sharing, Empowering Partners for the Shifting Threat Landscape. The Conference will be held at the Buffalo/Niagara Convention Center. The cost for this the Conference per person is \$500.00. The funds for this Conference will come from the Emergency Management training budget line. Currently there is \$1,000.00 in the line item (A.8760.400) in the budget.

The resolution was unanimously adopted.

New Business #10 Approve Special Events

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby approve the following special events that have been approved by the Police Chief: The Kelly Tough 12K, May 19, 2017, Special Olympics Law Enforcement Torch Run, May 19, 2017, Lindsay Matthews 5K, July 30, 2017, Camel Spider Sprint 5K Run, August 12, 2017 Holly Jolly 5K Run, December 2, 2017, pending receipts of fees and insurance certificates.

The resolution was unanimously adopted.

New Business #11 Authorize 2016 Year End Budget Transfers

15) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Town is in the process of closing the accounting records for the fiscal year ended December 31, 2016, and

WHEREAS, certain appropriation accounts were noted to need adjustment to allow for appropriate closing of accounts, and

WHEREAS, the funding for these adjusted appropriations is available within other appropriation accounts in the Town's 2016 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amendment of the Town's 2016 Budget as included in the attached list.

<u>T/F</u>	<u>Code</u>	<u>Description</u>	<u>Amount</u>
From	700.5182.0490	LGT.DIST. - SERV.COST-ELECTRIC	(7,000.00)
To	700.5182.0520	LGT.DIST. - ALLOC.COST OF OPER	7,000.00
From	800.8160.0402	REFUSE - BRUSH PICK-UP	(2,479.00)
To	800.8160.0405	REFUSE - CONTRACT.BRUSH PICKUP	1,380.00
To	800.8161.0111	COMPOSTING - CREW CHIEF	1,099.00
From	800.8161.0520	COMPOSTING - ALLOC. COST OF OPERATION	(8,627.00)
To	800.9030.0812	COMPOSTING - SOCIAL SECURITY	91.00
To	800.9045.0815	COMPOSTING - LIFE INSURANCE	64.00
To	800.9060.0814	COMPOSTING - HOSPITAL&MED INS.	8,458.00
To	800.9090.0817	COMPOSTING - MEDICARE	14.00
From	DA.5130.0144	MACHINERY - LABORERS	(63,561.00)
From	DA.9060.0814	HIGHWAY - HOSPITAL & MED.INS.	(80,184.00)
To	DA.1910.0465	HIGHWAY - ERIE COUNTY CHG.BACK	7.00
To	DA.5110.0472	HIGHWAY - STONE,GRAVEL,RD.OIL	538.00
To	DA.5142.0144	SNOW - LABORERS	80,762.00
To	DA.5142.0402	SNOW - SUPPLIES	1,880.00
To	DA.9010.0810	HIGHWAY - STATE RETIREMENT	59,910.00
To	DA.9030.0812	HIGHWAY - SOCIAL SECURITY	525.00
To	DA.9090.0817	HIGHWAY - MEDICARE	123.00
From	B.1910.0480	P/T - CONTINGENT	(12,000.00)
From	B.9010.0810	P/T - STATE RETIREMENT	(2,152.00)
To	B.3620.0100	BLDG.INSPECTION - SUPV.CODE ENFORCE.	35.00
To	8.3620.0109	BLDG.INSPECTION - CODE ENFORCEMENT. OFCR. I	4,365.00
To	B.3620.0110	BLDG.INSPECTION - CODE ENFORCEMENT.OFCR. II	2,621.00
To	B.3620.0137	BLDG.INSPECTION - CLERICAL PERSONNEL	1,818.00
To	B.8010.0101	ZONING - ALTERNATE BD.MEMBER	957.00
To	B.8010.0139	ZONING - ZONING CLERK (1/2)	1,945.00
To	8.9045.0815	P/T - LIFE INSURANCE	11.00

<u>T/F</u>	<u>Code</u>	<u>Description</u>	<u>Amount</u>
To	B.9065.0817	P/T- INSURANCE WAIVERS	2,400.00
From	A.1910.0480	GENERAL - CONTINGENT	(50,000.00)
From	A.1410.0137	TOWN CLERK - 2ND DPTY.CLK.SAL.	(38,776.00)
From	A.1910.0431	GENERAL - UNALLOC. INSURANCE	(83,430.00)
To	A.1220.0465	SUPERVISOR - DEBT ADMIN.	250.00
To	A.1220.0475	SUPERVISOR - GASOLINE	109.00
To	A.1355.0110	ASSESSMENT - SR.TAX MAP TECH.	3,807.00
To	A.1355.0111	ASSESSMENT - REAL PROPERTY APP	936.00
To	A.1355.0137	ASSESSMENT - CLERICAL PERSONL	2,371.00
To	A.1410.0100	TOWN CLERK - TOWN CLERK SALARY	3,696.00
To	A.1410.0111	TOWN CLERK - DPTY.TWN.CLRK.SAL	697.00
To	A.1410.0112	TOWN CLERK - DPTY.TWN.CLRK.-TAX	1,150.00
To	A.1410.0138	TOWN CLERK - TEMP. 2ND DPTY.TVVN.CLERK	39,532.00
To	A.1420.0455	TOWN LAW - OUTSIDE LEGAL SERV.	70,784.00
To	A.1420.0460	TOWN LAW - OUTSIDE APPRAISALS	1,808.00
To	A.1440.0100	ENGINEER - ENGINEER SALARY	360.00
To	A.1440.0137	ENGINEER - CLERICAL PERSONNEL	1,802.00
To	A.1440.0414	ENGINEER - TRAINING	105.00
To	A.1620.0143	BUILDINGS - P/T PERSONNEL SR. CTR.	22,349.00
To	A.1620.0148	BUILDINGS - P/T PERSONNEL REC. BLDG.	390.00
To	A.1670.0423	CENT.SERV. - WATER	355.00
To	A.1680.0420	INFO. TECH. - TELEPHONE	1,568.00
To	A.1910.0465	GENERAL - E.C.CHARGEBACKS	746.00
To	A.7020.0100	REC. - DIRECTOR OF REC.-SALARY	267.00
To	A.7020.0111	REC. - DIR.OF REC.ASST.-SALARY	2,090.00
To	A.7020.0201	REC. - PLAYGROUND EQUIPMENT	325.00
To	A.7020.0402	REC. - ARTS & CRAFTS SUPPLIES	795.00
To	A.7020.0420	REC. - TELEPHONE	3,391.00
To	A.7110.0423	PARKS - WATER-ECWA & VILLAGE	303.00
To	A.7550.0440	CELEBRATIONS - JULY 4TH, CELEB/PARADE	920.00
To	A.7610.0100	SR. CTZ. - SR. CENTER SALARIES	1,797.00
To	A.7610.0400	SR. CTZ. - GROUP EXPENSES	549.00
To	A.7610.0410	SR. CTZ. - SR.CTR.OPER.EXPENSE	774.00
To	A.7610.0470	SR. CTZ. - TROPHIES & REF.FEES	144.00
To	A.8160.0410	BRUSH - CONT.CONTAINER HAUL	2,636.00
To	A.9065.0817	GENERAL - INSURANCE WAIVERS	3,000.00
To	A.9065.0817.0004	TOWN CLERK - INSURANCE WAIVERS	2,400.00
From	PS.3120.0104	PS POLICE - PS DISPATCH PIT & F/T	(20,882.00)
From	PS.9010.0810	PUBLIC SAFETY - STATE RETIREMENT	(21,307.00)
From	PS.3120.0475	PS POLICE - GASOLINE	(38,610.00)
From	PS.9030.0812	PUBLIC SAFETY - SOCIAL SECURITY	(40,829.00)
From	PS.9015.0811	PUBLIC SAFETY - POLICE STATE RETIREMENT	(56,432.00)

<u>T/F</u>	<u>Code</u>	<u>Description</u>	<u>Amount</u>
From	PS.3120.0111	PS POLICE - OVERTIME	(86,466.00)
From	PS.3120.0115	PS POLICE - PS DISPATCH TRAINIG	(13,131.00)
From	PS.3120.0109	PS POLICE - SALARY FOR TRAINING	(12,669.00)
To	PS.3120.0100	PS POLICE - PERSONNEL SALARY	21,312.00
To	PS.3120.0106	PS POLICE - BUYBACKS & HOLIDAYS/VACATION	8,203.00
To	PS.3120.0113	PS POLICE - COMPENSATORY TIME	168,573.00
To	PS.3120.0225	PS POLICE - OTHER EQUIPMENT	2,554.00
To	PS.3120.0407	PS POLICE - UNIFORM ALLOW./REPLACEMENT	842.00
To	PS.3120.0409	PS POLICE - AMMO/RANGE FEES	18.00
To	PS.3120.0412	PS POLICE - MILEAGE REIMBURSEMENT	84.00
To	PS.3120.0418	PS POLICE - COMMUNITY POLICING	644.00
To	PS.3120.0419	PS POLICE - UNION CONTRACT TRAVEL	1.00
To	PS.3120.0449	PS POLICE - SMALL EQUIPMENT REPAIRS	50.00
To	PS.3120.0450	PS POLICE - FIRST AID SUPPLIES	1.00
To	PS.9060.0814	PUBLIC SAFETY - HOSPITAL & MED INS	72,647.00
To	PS.9070.0816	PUBLIC SAFETY - UNEMPLOYMENT INS	9,750.00
To	PS.9080.0818	PUBLIC SAFETY - DENTAL INSURANCE	5,647.00

The resolution was unanimously adopted.

New Business #12 Authorize Budget Amendment for DARE 2016

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Town has a portion of its fund balance derived from donations reserved to support the Town's D.A.R.E. program, and

WHEREAS, the Town's Police Department wishes to use a portion of such D.A.R.E. Reserve to purchase materials and supplies to further the objectives of the program, and

WHEREAS, the Town Board does support these program objectives and desires to authorize the use of such reserves.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amendment of the Town's 2016 adopted budget to increase appropriations and authorize the use the D.A.R.E. Reserve funds as follows:

Increase appropriation account:

PS.2989.419 DARE Expenses \$ 4,147.77

Increase use of fund balance restriction:

PS.0889 Restricted Fund Balance — D.A.R.E. Reserve \$ 4,147.77

The resolution was unanimously adopted.

New Business #13 Authorize Budget Amendment for Electrical Inspector Shared Services 2016

17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Building Inspector Department utilized shared services with the Town of West Seneca for electrical permits and inspections during 2016 that was not budgeted in the 2016 adopted budget, and

WHEREAS, the 'Town Outside Village Fund' has additional revenues in the amount of \$82,732 from the electrical permits and inspections identified above.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the following amendments to the Town's 2016 budget in the Town Outside Village Fund to provide funding for such expenses:

Increase revenue account:

B.0000.1560.0003 Electrical Permits \$37,438.00

Increase appropriation account:

B.3620.0404 Electrical Inspector — Shared Services \$37,438.00

The resolution was unanimously adopted.

New Business #14 Authorize Budget Amendment for STOP DWI Grant for 2016

18) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Public Safety Fund has a portion of its fund balance derived from State funding restricted for Stop DWI initiatives, and

WHEREAS, the Town's Police Department wishes to use a portion of such Stop DWI Reserve to purchase equipment to further the objectives of the program, and

WHEREAS, the Town Board does support these program objectives and desires to authorize the use of such reserves.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amendment of the Town's 2016 adopted budget to increase appropriations and authorize the use the Stop DWI Reserve funds as follows:

Increase Appropriations:

PS.3120.0105 Public Safety Police — DWI Salary \$1,391.90

PS.3120.0217 Public Safety Police — DWI Equipment \$2,260.00

Increase Use of Fund Balance Restriction:

PS.0000.0888 Public Safety Police — DWI Reserve \$3,651.90

The resolution was unanimously adopted.

New Business #15 Authorize Year End Transfer of Sales Tax for 2016 to the Highway Fund

19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:

WHEREAS, WHEREAS, the Highway Fund is in the process of closing the accounting records for the fiscal year ended December 31, 2016, and

WHEREAS, the unappropriated fund balance of the fund is in a deficit position, and

WHEREAS, the distribution of \$50,000 of sales tax would eliminate the deficit balance.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the allocation of \$50,000 of 2016 sales tax to the Highway Fund.

The resolution was unanimously adopted.

New Business #16 Authorize Budget Amendment for Additional Workers Comp Expenditures

20) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the workers compensation expenditures in the Garbage and Refuse Fund has exceeded the amount budgeted for the fiscal year ended December 31, 2016, and

WHEREAS, the Garbage and Refuse Fund, has unappropriated funds to cover such expenditures.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the following amendments to the Town's 2016 budget in the Garbage and Refuse Fund to provide funding for such expenditures:

General Fund:

Utilize unappropriated Fund Balance:

800.0000.0909.0000 Refuse/Compost Fund Balance \$ 47,938

Increase appropriation accounts:

800.9040.0813 Composting — Workers compensation \$ 47,938

The resolution was unanimously adopted.

New Business #17 Promotion of Employee to Senior Court Clerk

21) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, Brigid Lavelle, Senior Court Clerk resigned on March 6, 2017, and Cindy Jondle would become the Senior Court Clerk, with an increase in her pay scale.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the promotion and pay increase for Cindy Jondle to \$22.78 hourly rate, retroactive to March 6, 2017.

The resolution was unanimously adopted.

New Business #18 Retirement of Building Inspector Department Employee

22) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby recognize the retirement of long term Building Inspector Clerk / Typist, Lucy Frank as of March 29, 2017.

The resolution was unanimously adopted.

New Business #19 Approve Pay Increase for Part Time IT Staff

23) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, Paul Pepero and Garrett Haima were hired by the Town of Orchard Park as Assistant IT Managers, and

WHEREAS, the Chief IT Manager left unexpectedly shortly after the hiring of Paul Pepero, and Garrett Haima, and

WHEREAS, Paul Pepero and Garrett Haima have taken on substantial additional work load and responsibility to cover the absence of the departed IT Manager, and

WHEREAS, the Town Board of Orchard Park has determined that Paul Pepero and Garrett Haima are entitled to increased compensation as a result of their tremendously expanded roles.

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby authorize Paul Pepero and Garrett Haima are to be paid a \$1,000 per month stipend retrospectively for a period beginning September 1st, 2016 and ending March 31st, 2017, and be it further

RESOLVED, the hourly rates for these employees shall be raised beginning April 1st, 2017 for Paul Pepero to \$35.14 per hour and for Garrett Haima \$27.55 per hour.

**Councilman Majchrzak – Aye
Councilman Sherry – Aye
Supervisor Keem – Abstained**

The resolution was duly adopted.

New Business #20 Sign Agreement with Erie BOCES for School Resource Officer

24) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Town of Orchard Park and Erie 2 BOCES agree that until the full time position is filled, Erie 2 BOCES will reimburse the town for its expenses in participating in the SRO Program at a rate of \$82.00 per hour starting April 1, 2017 through the final day of student attendance. In return, the Town of Orchard Park Police Department will assign one officer, at the school specified above, for a period not to exceed forty (40) days for the remainder of the school year on days agreed upon by the Building Principal and SRO Supervisor. Each day that is worked shall be for the hours of 7:30 AM — 3:00 PM.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby agree that the Town of Orchard Park Police Department shall provide one police officer as SRO during the term of this agreement. The SRO shall be subject to the administration, supervision and control of the Town of Orchard Park Police Department, as recommended by the Chief of Police.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jim Suplicki spoke about the proposed Orchard Grove apartment complex, and mentioned that previous plans that were presented by Young Developers only had one entrance on California Road and did not have an access road on Big Tree and would use Shadow Lane for an emergency. He asked the Planning Board (and the Town Board recommendation) to consider how the proposed access road on Big Tree would affect the local residents. Also Mr. Suplicki was concerned about the zoning laws and the number of complexes have zoning changes with more than 8 units in them, and for what reason.

Chris Weyer hopes that a Town Representative would be at one of the NYSEG Information sessions scheduled for April 12, 2017. Ms. Weyer requested that in future emergency situations that the town be more proactive in letting the community know (such as availability of warming stations) by using the 'code red system', as some people didn't have power for up to 4 days. Being proactive is a great service to the citizens of this town.

Lisa Young is a property owner on Oakwood Avenue and concerned that the new owner of property at 109 Oakwood purchased this property to demolish the house, and use the lot for parking vehicles during stadium events. Ms. Young and other neighbors believe their property values will go down. There are enough public lots, the town does not need any more. During event days there are barricades up at the end of each street and only one way out to Abbott Road. This is an unsafe situation for this residential neighborhood, and not suited for cars to be parked for stadium events. This is a quiet area, and a major disturbance for homeowners. Local neighbors agree, and have signed a petition (presented to the Town Board) against this property being a parking lot. Ms. Young also submitted photos and an aerial map to show how close houses are to this lot.

Bill Young is also a property owner on Oakwood Avenue and doesn't understand how someone would be allowed to run a parking business for stadium events in this residential area. 'Stadium parking' should not be in residential neighborhood zoning. Residential zoning allows for off street parking, but how can the town allow "Yellow Brick LLC" which is a parking business, in a residential area. Mark from 'Yellow Brick' states he falls under residential zoning. 'Residential' should be defined as having a house on the property. Mr. Young said it is not right for the neighborhood to have a stadium parking lot, and his house is close to the property line. During the colder weather it is common for 'tailgaters' to have fire pits, potentially within 3 feet of houses and potentially a fire could get out of control. This is a public safety issue and a disaster waiting to happen, as a fire truck would not be able to make it down these streets during events at the stadium.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem read the letter from New York State Department of Public Service Commission to Elected Officials (listed under Communications) and the Public Information Meeting on April 12, 2017 in East Aurora, NY. The public statement hearings will address the performance of the public utilities during the March 2017 wind storm resulting in power outages. Public statement hearings are set up to solicit input and comments to how the utilities performed during this event. Orchard Park will have a town official at the meeting. Orchard Park does have 3 chronic areas that lose power frequently, and will hold a separate meeting with NYSEG on a different date to try to address the identified problem areas and see what NYSEG can do.

Councilman Majchrzak addressed Mr. Suplicki that any changes to zoning is a long process and would have to come to the Town Board, and won't be done without a lot of research in zoning of the specific property. It would come back to the Town Board before it would ever get changed.

Councilman Sherry also addressed Mr. Suplicki's comments and mentioned the town has a Comprehensive Plan Committee and this group's charter is to address the impact and direction of "Smart Growth" within the town. The Planning Board can allow for exceptions under a proposed request if they feel it is appropriate. Addressing Mr. & Mrs. Young: there are legal matters of what we can and cannot do when someone owns a property. There are a lot of legal matters here that we are looking into, however the Town Board has nothing to 'consider' regarding what the owner does with this property. What the town is considering (and what we have to consider) is the needs of local neighbors and the rights of everyone involved, so we are exploring the legalities of what action might be warranted, and take into account the needs and rights of everyone involved.

Town Clerk Orffeo mentioned that the prior plan submitted in the Orchard Grove area by Young Development had submitted and considered many different designs, of which did not get final approval nor did previous developer who presented to the Planning Board. Those proposals did have a connection to Shadow Lane. None of the prior plans got final approval to move forward.

Building Inspector Geist mentioned that there are a few complexes in town that were approved for 10 units (Hammocks by Tops), and Lindsey Lane proposed 10 but instead decided on an 8 unit complex because they were getting a lot of resistance. Mr. Geist addressed the Young's and said he would be more than happy to meet with them as to what is in the town code, so they have a better understanding of what can and cannot be done with a property.

Highway Superintendent Piasecki outlined the current activities of the Highway Department. Additionally he stated that his department is working on the new Veteran's Park wall on East Quaker Street and is scheduled to have it finished before Memorial Day.

WARRANT

25) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$98,138.42
Public Safety Fund	\$ 14,953.00
Part Town Fund	\$838.59
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$63,649.51
Special Districts	\$146,310.30
Trust & Agency	\$4,188.35
Capital Fund	\$12,811.00

The resolution was unanimously adopted.

26) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's Report for March 2017.

The resolution was unanimously adopted.

27) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the Communications from the Department of Public Services, NYSED Informational Meeting Related to Power Outages from the March 2017 Wind Storm.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:52 pm (local time).

Respectfully Submitted,



**Remy C. Orffeo
Town Clerk**

