

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 15th day of June 2016 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 June 1, 2016, Special Session held on June 8, 2016, and Executive Session held on June 8, 2016, 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.

Presentation of the Recreation Department Awards

Each year at this time, the Recreation Department and the Recreation Commission recognize individuals or businesses that have been supportive over the years. Recreation Director, Ed Leak introduced Recreation Commission Chairperson, Audrey Ramage and presented awards to the following contributing representatives: Anna Pawlaczyk – Community Marketing Manager for Dick’s Sporting Goods for their Corporate Sponsorship and Bill Bosinski – Assistant Superintendent of Building and Grounds for the Orchard Park School District.

Police Department Awards

Landon Chiazzese: On May 13, 2016 the Orchard Park Police Department received a 911 call from Landon that his 5 year old sister had lost consciousness and had stopped breathing. All on his own he got assistance from his neighbor. Upon returning to the house, he first paused to provide comfort to his sister, and then put their dog in a safe place and then made sure that there was a clear and safe path for the emergency responders. Officer Mackey & Paramedic Eric Knavel were the first on the scene. Landon then went out to the driveway to assist the emergency personnel in locating his sister. While at his sister’s side, Landon provided the emergency responders with the information they requested while providing comfort to his sister. Throughout this entire emergency situation Landon remained calm and steadfast, showing maturity and bravery beyond his eleven years. It is with this incident that the Orchard Park Police Department takes recognition of Landon Chiazzese.

John Payne. On August 27, 2009, Angela Moss was murdered on the side of California Rd. Over the course of the next six years the detective bureau and specifically Det. Payne spent hundreds of hours interviewing numerous witnesses and chased down dozens of leads. From the beginning, everything pointed to Ronald T. Epps, the fiancée of the deceased. Det. Payne never wavered in his pursuit of the person responsible for the death of Ms. Moss. His goal was three fold; bring the perpetrator to justice, secure a conviction and provide closure for the victim's family. Det. Payne's efforts paid off when Mr. Epps was convicted on all 10 Federal charges he was indicted on. Det. Payne's perseverance and tenacity in this investigation reflect highly on himself and the OP Police Department.

Senior Youth Court Graduation & Awards

The Youth Court Director, David Rebmann stated that the Town's Youth Court is the official alternative to Erie County's Family Court, and is an integral part of the criminal justice system. It handles cases of youthful offenders petitioned by the Orchard Park Police Department. The youthful offenders are judged and sentenced by their peers to perform community service hours. He thanked the Town Board, Chief of Police and the community for their support.

Mr. Rebmann introduced Ben Schaefer, who is the Chief of Staff for the Youth Court. Mr. Schaefer thanked the seniors for all their hard work and presented the awards and read the biographies for the following Youth Court members who are graduating this year: The following seniors were presented awards:

Lucy Covello	Hala ElSolh	Michael Gossel
Riley Heywood	Jessi Jeziorski	Michael Mielcarek
Anna Swetz	Jessica Visco	Tavis Wolf
Ryan Zuccala	Alexandra Zubrick	

Mr. Rebmann presented the Thomas McGinty Memorial Scholarship Award for the outstanding Youth Court member to Tavis Wolf. Mr. Rebmann presented the E.D. Rebmann Youth Court Scholarship to Michael Gossel, and the Edward D & Anne E. Rebmann Memorial Youth Court Scholarship to Jessi Jeziorski.

PUBLIC HEARING

7:30 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding a Historic Landmark Designation For 4528 Freeman Road, as requested by Katheryn Bihr.

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the proposed Historic Designation, no one came forward.

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

RESOLVED, that the Public Hearing in the matter of the proposed Historic Landmark Designation was closed at 7:35pm.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby approve a "Historic Landmark Designation" for the property located at 4528 Freeman Rd. as petitioned by Katheryn Bihr. The property is State and National registry eligible, and meets one or more of the criteria listed in the Town's Historic Preservation ordinance.

The resolution was unanimously adopted.

Old Business # 1 Town Board to Adopt Local Law 1-2016 Amending Chapter 119, Solid Waste

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

WHEREAS, a Public Hearing was held on the 1st day of July 2016, in the matter of Local Law #1 of the Year 2016 Amending Chapter 119 – Solid Waste.

NOW, THEREFORE, be it

RESOLVED that the Town Board is hereby authorized to adopt Local Law #1 of the Year 2016 which provides as follows:

SECTION 1:

§ 119-8

Purpose: To promote the proper disposal of Garbage, Refuse, and Rubbish to provide a healthy, clean environment and to prevent the infestation of undesirable rodents and pests.

§ 119-9

1.7 Definitions

- a. DWELLING shall mean any building or structure that contain one or more dwelling unit(s), rooming units, or bed and breakfast units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
- b. DWELLING UNIT shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c. EXTERMINATION shall mean the control or elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by application of pesticide(s), trapping or by another recognized legal pest elimination methods approved by the local or State authority having such administrative authority.
- d. GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.
- e. MEANING OF CERTAIN WORDS. Whenever the words "Dwelling", "dwelling unit", "bed and breakfast", "premises", "structure" are used in this Article, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
- f. NUISANCE (a.k.a. PUBLIC NUISANCE, PUBLIC HEALTH NUISANCE) shall mean whatever is or could potentially become dangerous to human life or detrimental to health.
- g. OCCUPANCY shall mean the purpose for which a building or portion thereof is utilized or occupied.
- h. OCCUPANT shall mean any individual living or sleeping in a building, or having possession of a space within a building; except that in dwelling units a guest will not be considered an occupant.
- i. OPERATOR shall mean any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- j. OWNER shall mean any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any

- such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- k. PERSON shall mean an individual, heirs, executors, administrators or assigns, and also includes firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
 - l. PREMISES shall mean a lot, plot or parcel of land, an easement or public way, including any structure thereon.
 - m. PUBLIC WAY shall mean a street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet.
 - n. RODENT HARBORAGE shall mean any place where rodents can live, nest, hide or seek shelter.
 - o. RAT PROOFING shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk opening and other places that may be reached and entered by rat climbing, burrowing or other methods, by the use of materials impervious to rat gnawing or by other methods approved by the Town of Orchard Park Building Inspector.
 - p. REFUSE shall mean all putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
 - q. REFUSE CONTAINERS shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the Town of Orchard Park Building Inspector. Openings into the container such as covers and doors shall be tight fitting.
 - r. RUBBISH shall mean combustible and non-combustible waste materials, except garbage; the term shall include the residue from burning wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, mineral matter; glass, crockery, and dust and other similar materials; this term shall also include discarded, abandoned or stored refrigerators.
 - s. STRUCTURE shall mean that which is built or constructed or a portion thereof.

§ 119-10

Occupant to dispose of rubbish. Every occupant of a structure, building, bed and breakfast, dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

§ 119-11

Occupant to dispose of garbage. Every occupant of a structure, building, bed and breakfast, dwelling or dwelling unit shall dispose of and store all his garbage or any other organic waste which might provide food for insects, rodents or any other pest, in a clean, sanitary safe manner. Garbage shall not be allowed to accumulate. Rodent-proof, insect-proof, watertight refuse containers shall be used for storage pending collection. The lid of the refuse container shall be on the container at all times, including when at curb pending collection.

§ 119-12

Refuse Containers to be provided for rubbish and garbage. Every owner of a premises, structure, building, rooming house, bed and breakfast, or dwelling shall supply adequate facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage, unless otherwise agreed to in writing by the lessee. Such containers shall be in proper working condition, undamaged and rodent-proof. The maintenance and upkeep of the container shall be the owners and/or occupants responsibility.

§ 119-13

Responsibility for extermination. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the

responsibility of the owner. Whenever infestation exists in the rooming house, bed and breakfast, or two or more dwelling units in any dwelling, or in the shared or public parts of any rooming house, bed and breakfast or dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

§ 119-14

Rodent control

- (a) Every owner and/or occupant of a premises, structure, building, bed and breakfast, dwelling or dwelling unit shall store and dispose of accumulated rubbish, boxes, lumber, scrap metal, or any other materials in such a manner as to prevent rodent harborage in or about any premises, structure, building, bed and breakfast, rooming house, rooming unit, dwelling or dwelling unit. Materials shall be stacked neatly in piles elevated to a level high enough to permit effective cleaning.
- (b) All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved process which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- (c) Every owner or occupant of a dwelling or dwelling unit shall not store, place, or allow to accumulate any material that may serve as food or harborage for rodents in a site accessible to rodents.
- (d) No person shall feed in the open any domestic or wild fowl, birds or animals other than in a suitable container and in such a manner so as to prevent scattering of food upon the ground or ground level which can or will provide food for rodents, insects, vermin or other pests. If an area is deemed infested with rodents, insects, vermin or other pests by the Town of Orchard Park Building Inspector, all bird feeding shall be ceased until the area is no longer deemed infested with rodents, insects, vermin or other pests.
- (e) If an area is deemed infested with rodents, insects, vermin or other pests by the Town of Orchard Park Building Inspector, all such premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches, so as to prevent rodent harborage. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however this term shall not include cultivated flowers or gardens.

§ 119-15

Nuisances. All complaints regarding what is dangerous to human life or detrimental to health shall be received and investigated. The Town of Orchard Park Building Inspector or his/her designee may enter upon or within any place or premises where nuisances or conditions dangerous to life and health or which are the cause of nuisances existing elsewhere are known or believed to exist.

§ 119-16

Placement of containers for collection.

- A. All totes and recyclable containers shall be transferred to the curblin e or pavement line in front of the premises by the producer of solid waste.
(4)
- B. No garbage, non-recyclable refuse and rubbish or recyclable rubbish shall be set out for collection before 3:00 pm on the day preceding collection, nor subsequent to 6:00 am on the day of collection.
- C. Totes and recyclable containers shall be removed from the curb line within 12 hours after being emptied to a location behind or beside any structure or building on the premises; said location shall not be in the defined front yard area and shall be a minimum of 8 feet from any neighboring structure or building.
- D. For good cause shown, the Building Inspector of the Town of Orchard Park may provide an exemption for the above stated rules for the placement of containers for collection. Good cause may be but is not limited to the property owner's physical disability, short-term absence, or one-time disposal event.

§ 119-17

Penalties for offenses.

- A. Penalties for violation of any provision of this article shall be as follows:
 - (1) A warning notification for the first violation.
 - (2) A fine of \$25 for the second violation.
 - (3) A fine of \$50 for the third violation.
 - (4) A fine of \$100 for the fourth violation.
 - (5) A fine of \$250 for the fifth violation.
- B. In the event of succeeding and continuing violations, any person who shall be convicted of violating or failing to comply with the provisions of this Article shall be liable to a fine of \$250 per day.

SECTION 2:

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

The resolution was unanimously adopted.

Old Business #2 Town Board to declare itself Lead Agency

5) 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 declare itself the Lead Agency for the Coordinated SEQR review of the project, as the 30 days has expired, and no other agency has objected to the request, for Ellicott Development, vacant land, northwest corner of Southwestern Boulevard (US Route) and Milestrip Road (NYS Route 179), across from Hart Place, Zoned B-1, as recommended by the Planning Board.

The resolution was unanimously adopted.

New Business #1 Set Public Hearing for Historic Designation

6) 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 set a Public Hearing for July 20, 2016 to consider a Historic Designation for property located at 5575 Big Tree Road, as requested by owners James and Ann Grucella.

The resolution was unanimously adopted.

New Business #2 Approve Special Event

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

RESOLVED, that the Town Board does hereby approve the application to hold the 5th annual "50 Yard Finish" 5k run to be held on June 18, 2016 and the race will begin and end at Ralph Wilson Stadium, the appropriate paperwork has been received and approved.

The resolution was unanimously adopted.

New Business #3 Set Public Hearing for Local Law 2-2016

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 set a Public Hearing for July 6, 2016 to consider a Local Law to establish a Moratorium on the Installation of Solar Energy Facilities on the ground.

The resolution was unanimously adopted.

New Business #4 Set Public Hearing for Local Law 3-2016

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

RESOLVED, that the Town Board does hereby set a Public Hearing for July 6, 2016 to consider a Local Law to amend Chapter 101, Peddlers and Solicitors, Sections 4 and 11 of the Town Code.

The resolution was unanimously adopted.

New Business #5 Approve request of Orchard Park Jaycees to hold the Quaker Arts Festival

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

WHEREAS, the Orchard Park Jaycees wish to sponsor the 54th Quaker Arts Festival on September 17th and 18th, 2016 with setup on September 16th, and they requested approval and support from the Town Board and a certificate of insurance will be sent to the Town Clerk's office.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Orchard Park Jaycees' holding the 54th Quaker Arts Festival and be it further

RESOLVED, that the Town Board support the Jaycees' by providing the following:

- One large dumpster to keep the trash under control
- Approximately 30 trash containers
- Supply the Festival with picnic tables to be used by attendees
- Supply and erect snow fencing to section off the exhibitor areas on the Festival grounds
- Pickup & return of cones and barricades by the Highway Department

The resolution was unanimously adopted.

New Business #6 Approve Stable Permit

11) 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 application for a 2016 Stable Permit for Quaker Field Equestrian, 4760 Freeman Rd, Orchard Park, as recommended by the Building Inspector's office.

The resolution was unanimously adopted.

New Business #7 Authorize Building Inspector to hire contractor

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

WHEREAS, 3261 Abbott Road is vacant and on the Town's list of zombie properties, and the Town has received several complaints about refuse around the exterior, and

WHEREAS, the Building Inspector has attempted to contact the responsible party, and have had no response from them.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to hire a contractor to clean up the exterior of the property at 3261 Abbott Road with the costs applied to the tax roll of that property.

The resolution was unanimously adopted.

New Business #8 Approve Seasonal Position in the Engineering Department

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

WHEREAS, funds have been allocated in the 2016 budget for seasonal help in the Engineering Department, with the current work load of the Engineering Department the Town Engineer is recommending Michael Duran to fill that position. He is currently attending the University of Buffalo with a course in Civil Engineering.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the appointment of Michael Durant to a seasonal position in the Engineering Department for a twelve-week period beginning June 6, 2016 at a wage rate of \$9.50 per hour.

The resolution was unanimously adopted.

New Business #9 Approve Part-time Clerical Position in the Town Clerk Office

14) 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 appointment of Amy M. Glende to a part-time clerical position to work on special projects in the Town Clerk's Office at a wage rate of \$14.50 per hour, beginning June 22, 2016 and ending December 31, 2016.

The resolution was unanimously adopted.

New Business #10 Approve Recreation Summer Seasonal Part-Time Staff

15) 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 appoint the following to the Town of Orchard Park Recreation Department as part time seasonal staff. The appointments are dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

2016 Summer Seasonal part time Staff Appointments effective 6/18/2016

Name	Rate	Position (title)
Heather Carlson	\$9.50	PT2-D (Att)
Paul Lancaster	\$9.00	PT2-B (Att)
Mary Linton	\$9.00	PT2-B (Att)
Megan Shepard	\$9.00	PT2-B (Att)
Brenton Heath	\$9.00	PT2-B (Att)

2016 Summer Seasonal part time Staff Rate Change effective 6/18/16

Name	Old Rate	New Rate	Position (Title)
Jordan Keough	\$ 9.50	\$10.50	PT3-C (Att)
Amanda Simone	\$ 9.00	\$ 9.50	PT2-D (Att)
Sue Hemingway	\$12.50	\$15.00	PT6-D (Att)

The resolution was unanimously adopted.

New Business #11 Approve Parks & Grounds Seasonal Appointment

16) 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 approve the appointment of Andrew Galas and Tristin Jolls as part-time seasonal for the Park and Grounds Department, effective June 13, 2016 at \$9.00 an hour.

The resolution was unanimously adopted.

New Business #12 Authorize Chief of Police to Attend Conference

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

RESOLVED, that the Town Board does hereby approve the request of the Chief of Police to attend the 2016 New York State Association of Chiefs of Police annual training conference July 10-13, 2016, and the money is in the budget.

The resolution was unanimously adopted.

New Business #13 Authorize the Supervisor to Sign an Agreement

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

WHEREAS, the Engineering Department is requesting approval for professional special geotechnical inspection services with McMahan & Mann, Consulting Engineers, P.C., 2495 Main Street, Buffalo, NY 14214 for an amount not to exceed \$18,700, and

WHEREAS, the Green Lake Dam special inspections' services are needed because Kheops, the design engineer, cannot provide the service. McMahan & Mann scope of work includes providing a professional licensed geotechnical engineer to observe the existing soil conditions for the Dam's proposed emergency

spillway, to observe the general earth reconstruction of the Dam interface of the concrete and the earthen work proposed for the emergency spillway and the Dam itself, and to provide professional geotechnical recommendations so that the project licensed structural engineer-of-record can evaluate potential changes on the spillway's reinforcing steel and the general placement of the concrete spillway to seal and prevent seepage problems due to site conditions, and

WHEREAS, McMahon & Mann will visit the site and observe the dredging operations, including the materials being removed and the materials at the bottom of the excavation. Based on observations, McMahon & Mann will provide recommendations for preparing the lake bottom soils to ensure the exposed shale is sealed with current materials and final grading to control seepage. McMahon & Mann will prepare and submit reports, including daily logs detailing the observations and findings of the given work that day, and

WHEREAS, there is presently funding under Capital Project H-19 Green Lake Dam Rehabilitation and Lake Dredging to cover these costs and the 2015 bond money is being transferred into the account. Depending on grants and total unit construction costs, additional funding may be needed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the professional service contract with McMahon & Mann Consulting Engineering, P.C. for professional special geotechnical inspection services for the Green Lake Dam and Dredging Reconstruction Project in the amount not to exceed \$18,700, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Authorize advertisement of Bid for Municipal Center Parking Lot Reconstruction

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

WHEREAS, the Orchard Park Engineering Department is finalizing design plans, specifications, and coordinated the replacement of the outlet pipe under the Joll's Building Pavers Replacement Project, and

WHEREAS, the Orchard Park Municipal Center Parking Lot Reconstruction Project includes the replacement of the storm drainage system DI's and 816 LF of piping, removal of trees, checking sub-base depth and regrading subgrade and sub-base to new pavement slopes. As requested by the Town Board, the design includes the additional 19 spaces as per the preliminary design plans and Hunt Realty is going to transfer the 6 parking spaces, or reimburse the Town, and

WHEREAS, the Highway and Parks and Grounds Departments do not have the manpower to complete the work, and because the cost is estimated above \$35,000.00 the construction work must be completed through the formal bidding process. Construction Plans and Documents will be available on June 30, 2016 at the Town Clerks office. The preliminary estimated project cost is \$255,000, and

WHEREAS, the Town Board approved funding for the pavement replacement portion, which was included in the 2015 bond in the amount of \$ 200,000. Per accounting, this amount is being transferred into Capital Project #Z-01 "Municipal Center Parking Lot Reconstruction", and

WHEREAS, it is expected that construction can start the end of July 2016, with a completion date of October 1, 2016.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee Publication for sealed bids to be opened for the Orchard Park Municipal Center Parking Lot Reconstruction Project at 2:00 P.M. on July 14, 2016 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Approve Paul Pepero, Town IT Department, to attend free Conference

20) 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 authorize Paul Pepero from the Town's IT Department to attend a free conference "Cyber Resilient Communities – Local Officials Providing First Line of Defense Against Cyber Attacks" on June 22, 2016.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tracy Doyle – Ms. Doyle thanked the Town Board for giving them copies of what the Town had on file pertaining to Eagle Ridge Recreation Association (ERRA). She went over some of the stipulations and changes that have taken place at ERRA and questions if ERRA followed the appropriate steps that should have been taken when adding structures to a property. Currently they are putting up basketball court nets only 15 ft. from their property, and feels this does not comply with the Town Code. Further, the parking in and around has become a problem. She wants the Town to make sure ERRA is and was compliant with the Town Code.

Fletcher Doyle – Mr. Doyle feels that the ERRA has placed the basketball court too close to their property, they can hear people dribbling the basketball from inside their house. This has already had a negative effect on him and the other neighbors. ERRA has over 9 acres and therefore has other areas it could put this basketball court. This will lower their property values. He wants the Town to hold the club to the terms that were previously stipulated, and to the Town Code.

Carol Jo Pope – Ms. Pope said ERRA is a bad neighbor to the local residents because of its lack of compliance and disregard of protocols. She is also concerned about the lack of security, as after-hours people break into the pool area to swim, start fires, or cause general mayhem. Ms. Pope is worried about property values because of ERRA's neglect and indifference to its neighbors. She is urging the Town Board to protect its tax payers through due diligence. She would like the ERRA to begin to act responsibly, to solicit proper authorizations, reach out politely to those who have concerns and to practice becoming a good neighbor. The basketball court should come down.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem said that last week the Town was able to refinance 6.3 million dollars in a 20 year bond at 2.54% interest rate, and the Board was thrilled with that. This week the Town put out to refinance a 9.85 million bond and were able to get a 20 year bond at 2.115%. This bond is for the work at Green Lake and other infrastructure needs of the town. Because of the Town's fiscal stability, and financial reserves, the Town has been able to keep the Aaa public credit rating from Moody's. This Moody's rating allows the town to refinance at lower interest rates. This will save the taxpayers a lot of money and will enable the Town to move projects forward and invest in the Town's infrastructure.

Councilman Sherry wished to address the ERRA issue which is not simple or straight forward. Several Town departments have been involved with locating and assessing the relevant documents, but the details of past records are not up to today's standards and this complicates it. Additionally, the intentions behind the past determinations could not have anticipated all the future developments. For example, the plan the Building Inspector has on file does not match the aerial view. Furthermore, the issues such as fencing, memberships, parking requirements and even the safety of the residents and members of the club need to be assessed. Further, what are the implications for future similar developments, not only at the ERRC, but elsewhere in Orchard Park?

Councilman Sherry wanted to make a personal observation. He visited the ERRA and walked the area, and looked into a few of the backyards there. He stated "I would not want a basketball court virtually in my backyard and I find it hard to believe that any of the ERRC board members would passively accept one in their backyard". The Board will continue to look for any jurisdiction it has in the matter and will move forward with this issue.

Police Chief Pacholec thanked the residents on Timberlake Drive (which backs up to the ERRA) for calling the police and telling them that there were individuals who were causing an issue, or were in the facility after hours. In the last three weeks the police have arrested 8 people who were trespassing. He encouraged the residents to keep up the calls when they see something unusual.

Police Chief Pacholec said there will be two events this weekend that may cause some traffic issues: Nativity Chase the Sun 5K run and the Buffalo Bills 50 year 5K run. He also stated that they found on a Trail Cam that there is large black bear around the south end of Town (Cole Rd. and Ward Rd.) He advised the residents to not feed the bear or go near it, just let him do his thing and move on.

Highway Superintendent Piasecki said the Highway crew has been milling and repairing Town roads. When they finish up, crews will be paving all those milled roads in July. They are also working on drainage projects, street sweeping, and finishing the Philson Drive project. There are a couple of major projects in the parks as well.

21) 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 # 12 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$298,611.48
Public Safety Fund	\$150,028.22
Part Town Fund	\$45,024.52
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$70,168.58
Special Districts	\$51,059.53
Trust & Agency	\$352.98
Capital Fund	\$716,661.42

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following communications:

- New York State Public Interest Research Group (NYPIRG) letter stating that they will be conducting their door to door outreach from July 13th to July 25th.

The resolution was unanimously adopted.

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

RESOLVED that the Town Board does hereby receive and file the Building Inspectors May 2016 Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 8:04 pm (local time).

Respectfully Submitted,



**Remy Orffeo
Town Clerk**