

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 20th day of July 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."

RETIREMENT RECOGNITION

Supervisor Keem called up Anna Willems, Senior Center Director recognizing her for her passion and dedication over the past 20 years and thanked her for her service to the town, community and the Senior Center. Anna Willems also thanked everyone and the Town Board for their support to the Senior Center over the years.

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 July 6, 2016, Executive Sessions: July 6, 13, 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.

Old Business #1 Adopt Local Law to Establish a Moratorium on Installation of Solar Energy Facilities

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

WHEREAS, the Public Hearing was held on July 6, 2016, for the Local Law to establish a moratorium on the installation of solar energy facilities on the ground, at which all interested parties were given an opportunity to be heard.

NOW, THEREFORE, it be

RESOLVED, that the Town Board does hereby adopt Local Law No. 2 of the Year 2016 as follows:

SECTION I: PURPOSE AND INTENT

The purpose of this Local Law is to establish a moratorium on the installation, construction, or development on property in the Town of Orchard Park (hereinafter "TOWN") of Solar Energy Facilities located on the ground of such property; this moratorium shall not be applicable to the installation, construction, or development on property in the Town of Solar Energy Facilities located on the roofs of existing improvements. The intent of this Local Law is to provide a temporary interim measure to halt the further development of ground solar facilities until such time as the TOWN has had an opportunity to research the options for regulation of such facilities and to develop, consider, and enact a Local Law establishing regulations for the installation of ground solar facilities. The TOWN desires to enact such a Local Law in order to preserve and protect the aesthetic and visual resources of and the property values within the TOWN by providing certain regulations, restrictions on the location, size, and siting of ground solar facilities within the TOWN while enabling such facilities to be developed in the interest of promoting the development and the use of renewable energy sources. During the period in which the moratorium is established by this Local Law is in effect, the TOWN will evaluate the restrictions concerning ground solar facilities that are necessary or appropriate to so preserve and protect the aesthetic and visual resources of and the property values within of the TOWN.

SECTION II: AUTHORITY

This Local Law is enacted pursuant to the granted powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government, or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

SECTION III: DEFINITIONS

As used in this local law, the following terms shall have the meanings indicated:

- A. GROUND SOLAR FACILITY - Structures, facilities, systems, and/or equipment, or any combination thereof, including, but not limited to solar panels and the hardware with or on which such panels are mounted, the purpose of which is

(1)

to collect, absorb, concentrate, or direct solar energy, which structures, facilities, systems, and/or equipment, or any combination thereof, are located or installed, constructed, or developed on the ground of a parcel, or on a pad or base substantially on grade with the ground. Ground solar facilities shall not include structures, facilities, systems, and/or equipment, or any combination thereof that are located, installed, constructed or developed above the roof of an existing improvement.

Exempted from this definition are ground solar facilities intended solely for an individual Home Owner's use and not for the commercial generation of electricity.

SECTION IV: MORATORIUM, RESTRICTIONS, AND PROHIBITIONS

From the effective date of this Local Law forward until the next to occur if (i) the repeal of this Local Law, (ii) the enactment of this Local Law by the TOWN regulating ground solar facilities, or (iii) the date one (1) year from the date of this enactment of this Local Law, it shall be unlawful for any person to install, to construct, or to develop a ground solar facility on any property in the TOWN.

SECTION V: APPEAL

In the event that any owner of any property located in the TOWN determines that they are aggrieved by the moratorium imposed by this Local Law, said owner may apply to the TOWN'S Board of Zoning Appeals to seek an area variance for the construction of a ground solar facility on their property, and the Board of Zoning Appeals shall review such appeal in accordance with the procedural and substantive requirements of an area variance appeal.

SECTION VI: GRANDFATHER CLAUSE

The enactment of this moratorium will affect any new application received on or after 2016. Any application received prior to this date will be "grandfathered" from this moratorium and will be processed under the existing regulation & any application received on or after this date will not be processed and no approvals or permits will be issued.

This moratorium will not affect the installation of roof mounted systems and will not affect or eliminate the requirement for any necessary repairs needed to be made to any existing ground mounted solar panels. However, existing ground mounted solar panels that need to be modified in such a way that would require, a permit and/or approval from the TOWN will be included under this moratorium.

SECTION VII: PENALTIES FOR OFFENSES

Any person who themselves, or by an agent or employee, shall violate any provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense.

SECTION VIII: SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations, and other enactments of the Town of Orchard Park in conflict with the provisions of this Local Law are hereby superseded to the extent to give this Local Law full force and effect. Without limiting the foregoing to any extent that the terms of the Zoning Ordinance are deemed to be in conflict with the moratorium imposed by this Local Law, the terms of this Local Law shall govern and control.

SECTION IX: EXTENSION OF THE MORATORIUM

At the discretion of the Town Board, this moratorium may be extended for at least one (1) additional six (6) month period, after proper notice and a public hearing, to be held within forty-five (45) days prior to the expiration of said moratorium period.

SECTION X: PARTIAL AND INVALIDITY

In the event that any portion of this Local Law is declared invalid by a Court of Competent Jurisdiction, the validity of the remaining portion shall not be affected by such declaration of the validity.

SECTION XI: EFFECTIVE DATE

This Local Law shall be effective immediately upon the filing in the Office of the New York Secretary of State except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Town Clerk, and showing the date of its passage and entry in the minutes of the Town Board.

The resolution was unanimously adopted.

Old Business #2 Amend Town Code Section 101 Peddlers and Solicitors

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

WHEREAS, the Public Hearing was held on July 6, 2016, for the Local Law Amending Chapter 101 "Peddlers and Solicitors", at which all interested parties were given an opportunity to be heard.

NOW, THEREFORE, it be

RESOLVED, that the Town Board does hereby adopt Local Law No. 3 of the Year 2016 as follows:

SECTION 1:

§101-1 License required.

No person shall solicit for donations or contributions or sell, peddle, hawk or vend any goods, wares or merchandise or engage in canvassing and/or soliciting for the sale of or subscriptions to newspapers, magazines, books, pamphlets or other publications upon the streets or public places of the Town of Orchard Park, outside the Village of Orchard Park, or by going from house to house soliciting purchases or subscriptions, without first registering with the Town Clerk and obtaining a license for such purpose. Solicitations made pursuant to the license granted hereunder are allowed only in the hours between 9:00am and 7:00pm.

SECTION 2:

§101-4 License Fee.

A fee set from time to time by resolution of the Town Board of Orchard Park and administered by the Town Clerk of Orchard Park shall be paid by the applicant for each license issued pursuant to the provisions of this chapter, except for those person to whom the chapter is not applicable as stated in §101-2 hereof.

SECTION 3:

§101-11 Stadium Event Vendor License.

The Town of Orchard Park Stadium event vendor license is a license to sell goods, wares, or merchandise upon privately owned parcels within a one-mile radius from the center of the stadium. The license shall be valid only on event days for a period of four hours prior to, during, and four hours after the end of the stadium event. This license shall be valid only during the time period designated on the license. This license shall be issued in compliance with Peddlers and Solicitors, § 101-3, and §§ 101-5 through 101-10, The license fee shall be set by resolution of the Town Board of Orchard Park from time to time and be administered by the Town Clerk of Orchard Park.

The resolution was unanimously adopted.

Old Business #3 Reschedule Public Hearing for Historic Designation

4) 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 reschedule Public Hearing for August 17, 2016 for a Historic Designation for 5575 Big Tree Road, as requested by owners James and Ann Grucella.

The resolution was unanimously adopted.

Old Business #4 Authorize a building permit for Windom Volunteer Fire Company

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

RESOLVED, that the Town Board does hereby approve a building permit for Windom Volunteer Fire Company, 3736 Abbott Road, for the construction of a 30-ft. x 64-ft. shelter, including a 30-ft. wide by 10-ft. deep enclosed storage area based on the plans received July 5, 2016, as recommended by the Planning board with the following:

1. This is a Type 2, SEQR Action, therefore, no determination is necessary.
2. No additional exterior lighting is included in the approval. If any exterior lighting is to be installed, the plans shall be submitted to the Planning Board.

The resolution was unanimously adopted.

New Business #1 Schedule a Public Hearing for "Special Exception Use Permit"

6) 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 set a public hearing for August 17, 2016 for Ellicott Development, 3910 North Buffalo Road located on the west side of North Buffalo Road, south of Webster Road, Zoned B-1, for the requested "Special Exception Use Permit" to construct a 5,035-sq.ft. Medical Office Building.

The resolution was unanimously adopted.

New Business #2 Approve PIP for the Pleasant Acres West Subdivision Part 2 Phase 2.

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

WHEREAS, Anastasi Trucking & Paving, 4430 Walden Avenue, Lancaster, New York, 14086, submitted an application for a Public Improvement Permit to construct the Pleasant Acres West Subdivision Part 2 Phase 2, and

WHEREAS, the project consists of the installation of 1,550 L.F. of new roadways, 1,860 L.F. of sanitary mainline, 1,600L.F. of water main, and six streetlights, to service eighteen home sub lots. Installation of a stormwater treatment unit and excavating a retention basin will be completed in this Pleasant Acres West Subdivision Part 2 Construction Project, and

WHEREAS, the Town Engineer reviewed the plans and specifications for the proposed project and found them to be in compliance with current Town Specifications and Standards. Receipt of all necessary fees, insurances, and the performance bond have been filed. Due to NYSDEC Stormwater Phase II regulations. The Town has required the formation of a stormwater public improvement district, which was completed by the Town of Orchard Park Town Board for the entire Pleasant Acres West Subdivision.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2016-02 for the Pleasant Acres West Subdivision Part 2 Phase 2, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize Excavation, Removal and Storage of Materials Permit

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

WHEREAS, Zoladz Construction Co., Inc. of 13600 Railroad Street, Alden, New York 14004-0157 submitted an application for an Excavation, Removal, and Storage of Materials to fill (approximately 45,000 cubic yards of soil) the vacant property at the end of Woodhaven Road, and

WHEREAS, Engineering reviewed the plan and found it acceptable per Town code. All necessary fees and bonds have been received.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Excavation, Removal, and Storage of Materials Permit #2016-02 to fill the vacant property at the end of Woodhaven Road, with the following stipulations identified by the Town Engineer:

- 1) The Drainage shed runoff direction is to be maintained per NYSDEC regulations and approved plans. Erosion, sediment and dust control is to be maintained per NYSDEC regulations.
- 2) The contractor is to maintain and restore the asphalt pavement to original condition. Weight limit posted on Erie County Road "Webster Road" is to be followed per Erie County requirements. A Bond or a security deposit may be required per the OP Highway Superintendent after review by Town Attorney.
- 3) The neighbors are to be notified 48 hour before the remaining grinding of the brush is completed. Approximately 5 hours of grinding remains per the contractor.
- 4) Garbage and miscellaneous debris located on the site (bath tub, tires, scrap metal etc.) are to be removed from the site.
- 5) The Contractor can start cleaning up cleared areas and completion of clearing and grubbing per NYSDEC regulations with OP Town Inspector watching for signs of stone origination or additional evidence supporting cemetery identification. Filling work of areas can only be started after the Building Inspectors investigation cleared that area to be filled.
- 6) The stop sign is to be temporary reinstated with a temporary barricade placed at the end of the road for traffic safety. A standard barricade will be provided by the Town Highway Department to be installed at the end of the existing road by the contractor.
- 7) Existing utilities are to be protected, maintained and modified over the duration of the project per Orchard Park standards and details.
- 8) Fill material is from a parking lot/ roadway project or is reasonably suspected for contaminants is required to be tested.

The resolution was unanimously adopted.

New Business #4 Agreement with the Village of Orchard Park for Compost Site

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

WHEREAS, the parties to this agreement are: The Village of Orchard Park, with offices at S4295 South Buffalo Street, Orchard Park, New York, and the Town of Orchard Park, with offices at S4295 South Buffalo Street, Orchard Park, New York; and

WHEREAS, the Town of Orchard Park operates a compost site at 6909 Milestrip Road in the Town of Orchard Park; and

WHEREAS, the Village of Orchard Park wishes to utilize the services of the compost site; and the parties hereby agree as follows:

- (1) The Village of Orchard Park shall be authorized to deliver to the compost site at 6909 Milestrip Road, Orchard Park, New York, brush and leaves. All materials delivered must be cleaned. No grass will be accepted. The compost manager will make the final determination as to whether any materials may be accepted in the compost site.
- (2) The Village of Orchard Park shall pay to the Town of Orchard Park, upon execution of this Agreement, the sum of Six Thousand Eight Hundred (\$6,800.00) dollars.
- (3) This Agreement shall be in effect from June 1, 2016 through May 31, 2017.
- (4) During the term of this Agreement, all benefits afforded the residents of the Town, shall also be afforded to the residents of the Village, including any special deals on mulch or compost.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Village of Orchard Park to utilize the services of the Town's Compost site for a fee of \$6,800.00, and the agreement shall be in effect from June 1, 2016 to May 31, 2017.

The resolution was unanimously adopted.

New Business #5 Retain Inter-Municipal Grant Writer

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

WHEREAS, entering into a shared services agreement with the Village of Orchard Park will save over 15% on the cost of grant writing, and

WHEREAS, J. O'Connell Associates will be able to write grants and be focused on grants that at times help the Village and Town work together.

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board does hereby authorize the Supervisor to enter into an Inter-Municipal agreement with the Village of Orchard Park to retain J. O'Connell Associates, 10646 Main Street, Clarence, NY 14031, as grant writers from August 1, 2016 to July 31, 2017 at a rate of \$3,000 per month.

The resolution was unanimously adopted.

New Business #6 Appoint Debra Santiago as Recreation Specialist / Senior Director

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

WHEREAS, the Orchard Park Senior Center Director Anna Willems has announced that she is going to retire after 20 years of service, and

WHEREAS, the Town formed a search committee to look for a replacement for Anna, who was also involved with the search committee, and

WHEREAS, after many interviews it came down to two people, and the committee along with some members of the Senior Council decided on Debra Santiago, and

WHEREAS, Debra is currently working as program coordinator for the Clarence Center, and for the committee, it was apparent that with her experience and passion for working with seniors made her an excellent choice to fill the position as Senior Center Director.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Debra Santiago to the position of Recreation Specialist/Senior Director effective July 18, 2016 at a salary of \$47,000 per year.

The resolution was unanimously adopted.

New Business #7 Appoint Interim Executive Director for the Orchard Park Youth Board

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

WHEREAS, E. David Rebmann, the Youth Board and Youth Court Director has suddenly passed away, and

WHEREAS, Mr. Rebmann kept all the information regarding the Youth Board and the Youth Court in his office in the Municipal Center, and

WHEREAS, the Town values the importance of the Youth Board and Youth Court and want to make sure both continue, and

WHEREAS, in order for both to continue, it is necessary for someone to review and organize Mr. Rebmann's work, and

WHEREAS, Benjamin Schafer has been Mr. Rebmann's Chief of Staff for three years, and is familiar with all the information regarding Youth Board and Youth Court.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Benjamin Schafer as Interim Executive Director of the Orchard Park Youth Board, and will be paid \$14.00 an hour, effective July 5, 2016 to August 26, 2016.

The resolution was unanimously adopted.

New Business #8 Reinstate Full Time Public Safety Dispatcher

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 approve reinstating Jonathon Torre to full time Public Safety Dispatcher effective August 6, 2016 at pay range 0005, Step B, \$18.88 per hour.

The resolution was unanimously adopted.

New Business #9 Authorize the Police Department to request bids for Clothing and Uniform parts

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 authorize the Police Department to request bids for Clothing and Uniform parts for the period of September 1, 2016 through August 31, 2017, with two (2) one year options.

The resolution was unanimously adopted.

New Business #10 Approve Block Party Permit/Road Closure

15) 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 a block party permit/road closure for Dennis Road with barricades from South Freeman to Ellicott Road for August 13, 2016 from 3:00 pm – 12:00 midnight.

The resolution was unanimously adopted.

New Business #11 Approve Block Party Permit

16) 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 block party permit for Concerto Court/Sonnet Drive for August 20, 2016 from 7:00 pm – 11:00 pm, and approve the exemption from the Town's open container law, with no barricades needed. Rain date scheduled for August 27, 2016.

The resolution was unanimously adopted.

New Business #12 Statement Recorded in the Minutes with Mindset of Town Board

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

WHEREAS, it is unfortunate, although not unexpected, that the national political parties have seized upon the tragedies of police-related deaths. One party emphasizes the deaths occurring under the color of law, while the other side emphasizes the attack on the front liners so necessary to maintaining the rule of law. Although it would be strenuously denied by both parties, the result is that of a *de facto* either/or choice served up to citizens. If you are concerned about potential police abuse under the color of law, then side with us. If you are concerned about the assault upon these defenders of the rule of law, then we have a seat for you, and

WHEREAS, then combined with the ceaseless snippets of information and opinions offered through traditional and social media, the result is an inflaming of personal and societal tensions and division that may only serve to exacerbate the anger, fear and – potentially – violence that is gripping individual communities and the nation. Allow us, consequently, to make two suggestions for politicians, and

WHEREAS, first, imitate a good police officer. In your words and actions, remain objective. This will require you to suppress your own assumptions, predispositions and what may seem like an obvious conclusion. Investigate and stick to the evidence. 'Probable cause to believe' that someone(s) committed an act should not be conveyed as a verdict of guilt, and

WHEREAS, secondly, in that police-related deaths occur at the local level, what if our county government assembled a task force to engage the color of law/rule of law perceptions and divide? Populated by members of minority groups, police agencies and the academy, social scientists, as well as a few politicians, the engaging of

dialogue for the purpose of problem identification and solution might provide some of the balm we could all use right now.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby record the statement expressing reflecting mindset of the board.

BUSINESS FROM THE FLOOR

David Schuster submitted a FOIL request (Freedom of Information Legislation) for the community service center survey, and is looking for the transcript of the exact wording of the poll, to understand the way it was done. The survey only gave 2 options, not including if you don't want to proceed with the project. Councilman Sherry stated the Board will follow the will of the people, but how do you follow the will of the people if the survey doesn't include a specific response (you don't want a center at all). Also inquiring which survey was preferred, and who funded the survey. Has the board already earmarked funds for the project?

Jim Suplicki has 2 comments, 1) is parking for the Bills Games, satellite parkers. Mr. Suplicki operates a private satellite parking, and parking cars for 8 years, lot is closer to California Road. He has never had any trouble in his lot and police have enough to do on game day. He believes most of the problems are in the stadium parking lot. 2) The polling survey for the community center was only made to 'land line phones' and many households no longer have land line phones which limits the people reached by the survey. Question should be do you want it, you don't want it or you want the senior center, or all of it. Do we need a senior center; absolutely, but 'the rest of it' (Community Center), we don't need it at the present time.

Barbara Little lives on Diller Drive spoke about the clearing and fill of the vacant land between Woodhaven and Diller/Ferndale. The land clearing is level with Diller Drive which is very low (on Diller), and the fill is going on Woodhaven. How this town, planning, engineering can consider letting someone put fill in there so the water can run even more so into the houses on Diller, Moreland, Edgar Circle. What about all the residents who have lived here for many years. Someone has to protect the residents who live there.

Donna Fallon resides at the last house on Woodhaven Road is upset the land owners cleared trees up to the property line. How does the Town know if the equipment is over the 10 ton weight limitations? A tomb stone was found which is older than any other stones in the nearby cemetery. What is the town doing to seek this out and make sure there are no bodies in the ground in the area that they plan on putting fill.

Wendy Backman who lives on Ferndale Drive is really disappointed, disgusted with the Town Board tonight for approving the fill permit. "I do not feel you did your due diligence on the issues here that have not been addressed." Right now there is standing water on that property and we are in a severe drought. There are severe drainage problems without the fill. Are there environmental studies assuming that adding fill is not going to be a problem? When will the loads start being dumped, what is the estimated number of loads driven down small little street every day. Is this a fill permit that is unlimited? As a tax payer here, I am disgusted with the push to get this through so fast. Don't understand it.

Mark Lester lives on Big Tree Road, and wanted to address rumors on possibly having the police access private yards of residents during stadium events, and is against any such proposal. Have been running a business parking cars since the stadium was constructed, he has never had any issues. Have private security, 4 parking attendants for 100 cars with exceptional security. There is no need for police access on private lots, no safety issues. Wonder why there is a push to have this go on in the smaller private satellite lots, there doesn't seem to be a need for it. If there was a need, I would probably be in favor of it. He ejects people if there is bad behavior or calls the police if an issue.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem thanked Anna Willem for all her service to the town. Quaker Days are coming up and lots of events going on around the town. They are all on the website and at various places where activities are being held. Go enjoy them all, and have a great week.

Councilman Majchrzak also thanked Anna Willem for her service to the town and to the seniors.

Councilman Sherry also wishes Anna Willem a wonderful retirement and recognized her accomplishments with the town and dedication and service. Regarding the police statement made on behalf of the board, Mr. Sherry has 25 years in law enforcement so the current events taking place with police officers is a sensitive topic. Regarding the comments on private lot stadium parking, thank you, yet keep in mind this is something that has been brought to the board not driven by the board.

Councilman Sherry also addressed Mr. Schuster's inquiry on the Community Center Survey, and explained more about the poll. It was developed to get a sense from the community the direction that should be taken. The community center discussion has been going on since 2008, before this board. Keep in mind; this was not a 'vote' but confirming the 'pulse' of the community and getting better direction. The survey and all the results are posted on our website, We need to get a sense of benefits that are most important in this 6 part, multiple phase projects and at the price point the community is willing to pay for.

The town consulted with Gelia group (gratis, saving the town thousands), which helped with the script of the poll. The poll was submitted to three companies, and awarded to lowest bidder: Valient Market Research, Barry Zepowitz Associates, and Liberty Opinion Research (\$15,000, \$6,800, \$3,250, respectively) for completing 500 surveys (as sufficient to achieve a 4% margin of error). The calls were IVR (interactive voice response) automated landline phone calls were placed July 6, 2016 to July 11, 2016 from 10-11:30am and 6-9pm.

There were 2 alternatives offered: (1) senior center, community center, gym. (2) Senior center, community center, gym, indoor pool, outdoor splash pad, field house. The poll results showed a slight preference for build option #(2), however factoring in potential cost to the property tax payer, option (1) was the strong overall preference. The Community Activity Center Task Force (CACTF) will pursue operational and maintenance costs associated with a center, focusing primarily upon alternative (1), but also researching costs for the other elements.

Additionally the CACTF will pursue state and federal aid, grants and fundraising to offset as much cost as possible. By early fall, should have the draft resolution for the November vote. Throughout the fall additional information regarding a potential CAC will be communicated to the community at large through [1] the town web site, [2] media releases, and [3] anticipated open forums in various locations throughout the village and town.

Police Chief Pacholec attended a training conference when the most current national police event (Dallas Police shootings) were taking place. Upon return, many citizens had sent their appreciation to the Orchard Park Police Department in an out pouring of support including food, posters, flowers, calls which shows a good relationship with police and the community. Many upcoming events with road closures and Quaker Day Events (Lindsey Matthews Run, Taste of Orchard Park, Ice Cream Social, Street Dance, Lions Car Show).

Highway Superintendent Piasecki discussed highway issues around town including paving for all milled roads, Philson Drive reconstruction project is moving along.

Town Engineer Wayne Bieler addressed some questions being raised. The town board did propose an ordinance for clearing a one acre or more property and establishing a limit which was not supported by the general residents of Orchard Park. The Town has no regulations regarding clearing, and could clear the entire property. A fill permit

is only good for one year. It has to be renewed through the Town Board, and have to come back to Town Board with another request. The fill material is tested by those people who are regulating that site before it leaves (in this instance; school property). The grading plan and slips are available in engineering for anyone to view.

BUDGET TRANSFERS

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

WHEREAS, certain parks and playground equipment needs replacing and these expenditures were not included in the amount budgeted for the fiscal year ended December 31, 2016, and

WHEREAS, an account does not currently exist to track such expenditures, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the creation of account A.7110.0216 General — Parks and Playgrounds - Playground Equipment.

BE IT FURTHER RESOLVED that the Town Board does hereby authorize the following transfer:

Increase Appropriations:

A.7110.0216 General — Parks and Playgrounds - Playground Equipment \$20,000

Decrease Appropriations:

A.7110.0144 General — Parks and Playgrounds — Laborers \$20,000

The resolution was unanimously adopted.

19) 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 # 14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$91,111.83
Public Safety Fund	\$18,598.73
Part Town Fund	\$ 6,515.14
Risk Retention	\$10,201.71
Cemetery Fund	0
Highway Fund	\$22,382.31
Special Districts	\$33,059.20
Trust & Agency	\$ 110.00
Capital Fund	\$60,732.06

The resolution was unanimously adopted.

20) 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 receive and file the Building Inspector's Report for June 2016.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 8:08 pm (local time).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Remy Orffeo".

Remy Orffeo
Town Clerk

