

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 July 2015 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 | Councilmember |
| Michael Sherry | Councilmember |
| John C. Bailey | Town Attorney |
| | |
| Remy Orffeo | Town Clerk |
| Wayne Bieler | Town Engineer |
| Andrew Geist | Building Inspector |
| Frederick Piasecki, Jr. | Highway Superintendent |
| E. Joseph Wehrfritz | Asst. Chief of Police |

ABSENT:

- | | |
|---------------|-----------------|
| 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 COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on July 1, 2015, Executive Sessions: July 1 & 8, 2015, Special Session July 8, 2015 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.

PUBLIC HEARINGS

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against Local Law #4 of the Year 2015 - Amending Chapter 144, Zoning Attachment 15- "Supplemental Height, Lot Yard, and Bulk Regulations"

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 Local Law.

No one came forward.

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

RESOLVED, that the Public Hearing in the matter of Local Law #4 of the Year 2015- Amending Chapter 144, Zoning Attachment 15 – Supplemental Height, Lot Yard, and Bulk Regulations is closed at 7:05PM.

The resolution was unanimously adopted.

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

WHEREAS, a Public Hearing was held on the 15th day of July in the matter of Local Law #4 of the Year 2015 Amending Chapter 144, Zoning Attachment 15 – Supplemental Height, Lot Yard, and Bulk Regulations,

NOW, THEREFORE, be it

RESOLVED that the Town Board is hereby authorized to adopt Local Law #4 of the Year 2015 which provides as follows: to Change the Maximum Lot Coverage in A-1 Zone from 7% to 8%; in R-1 Zone from 12% to 14%; and in R-2 from 12% to 14%.

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.

At 7:05 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against Local Law #5 of the Year 2015, Amending Chapter 99, Article II to add Section 99-3D. Operation of Unmanned Aircraft/Unmanned Air Craft System.

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 Local Law.

No one came forward.

4) 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 Local Law #5 of the Year 2015, Amending Chapter 99, Article II to add Section 99-3D. Operation of Unmanned Aircraft/Unmanned Air Craft System is hereby closed at 7:08 PM

The resolution was unanimously adopted.

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

WHEREAS, a Public Hearing was held on the 15th day of July in the matter of Local Law #5 of the Year 2015 Amending Chapter 99, Article II to add Section 99-3D. Operation of Unmanned Aircraft/Unmanned Air Craft System,

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #5 of the Year 2015 which provides as follows:

§99-3D. Operation of Unmanned Aircraft/Unmanned Air Craft System

1. It shall be unlawful for any person to operate an Unmanned Aircraft or Unmanned Aircraft System upon or in the airspace within one (1) mile of an open-air event in the Town of Orchard Park wherein more than two hundred (200) individuals could gather for an organized event including, but not limited to: parades, concerts, street dances, festivals, art shows, sporting events and recreational events.
2. It shall be unlawful for any person to operate an Unmanned Aircraft or Unmanned Aircraft System upon or in the airspace within three (3) miles of the Ralph Wilson Stadium Complex on the day of any event held at the Ralph Wilson Stadium Complex or four (4) hours prior and two (2) hours after to any event held at the Ralph Wilson Stadium Complex.
3. Definitions:
 - a. Unmanned Aircraft means:
 - (i) a device that is intended to navigate in the air without an onboard pilot and
 - (ii) an aircraft that is operated without the possibility of human intervention from within or on the aircraft. Unmanned Aircraft are also referred to as "drones."
 - b. Unmanned Aircraft System means an Unmanned Aircraft and associated elements (including communications links and the components that control the unmanned aircraft) that are required for the pilot-in-command to operate safely and efficiently in the national airspace system.
 - c. Ralph Wilson Stadium Complex means all of the approximately 197.65 acre parcel of land situated in the Town of Orchard Park, New York locally known as One Bills Drive inclusive of Ralph Wilson Stadium, the ADPRO SPORTS Training Center, the Fieldhouse, parking lots, entrances, walkways and practice fields.
4. Exceptions - Express written permission required:

The use of an Unmanned Aircraft or Unmanned Aircraft System is permitted pursuant to written permission issued by the Town of Orchard Park. This permission, when issued, will be subject to all applicable Federal Aviation Administration (FAA) regulations and shall designate the boundaries of the event an operation of such Unmanned Aircraft or Unmanned Aircraft System.
5. Violations:

This article shall be punishable by a maximum fine of two hundred fifty dollars (\$250.00) or by imprisonment of not more than fifteen (15) days or both.

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.

At 7:08 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against Local Law #6 of the Year 2015, Deleting Section 97-24 Parking Permit required for Yates Park.

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 project.

Remy Orffeo, Town Clerk stated that he is in favor of this ordinance as this helps the Police Department because there were questions of enforcing the requirement of having a parking sticker for Green Lake.

6) 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 Local Law #6 of the Year 2015, Deleting Section 97-24 Parking Permit required for Yates Park is closed at 7:10PM.

The resolution was unanimously adopted.

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

WHEREAS, a Public Hearing was held on the 15th day of July in the matter of Local Law #6 of the Year 2015, which eliminates the need for parking permits for Yates Park/Green Lake

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #6 of the Year 2015 which provides as follows:

Delete §97-24 "Parking permit required" of the above stated Chapter 99 "Peace and Good Order" Article II "Unlawful Trespass"

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.

At 7:10PM the Supervisor called for a Public Hearing to hear the interested parties in the matter of a Dangerous and Unsafe Property located at 5928 Armor Duells Road.

Katie Summers, who lives at and owns the property in question, stated that she is going through a divorce, and cannot do anything with this property until the divorce is settled. Ms. Summers said the divorce is close to settlement and her attorney would be glad to explain where they are in the process. When the divorce is finalized, the property will be sold. Currently, it is boarded up and is safe.

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

RESOLVED, that the Public Informational Meeting regarding "Dangerous & Unsafe Property" located at 5928 Armor Duells Road is closed at 7:14PM.

The Building Inspector stated that he is sympathetic to Ms. Summer's dilemma, but this property has been like this for about six years. It is unsightly and the lawn seldom gets cut. The Building Inspector is looking for the authorization to proceed with demolition if the parties do not proceed with what is

necessary. It does not mean that he is going to act on the authorization, he will work with the owners, but we need to bring this to a close.

The Town Attorney said the issue of this Public Hearing is whether or not to set the time line of 30 days for the work to begin, and 60 days to be completed, this is not an immediate demolition.

The resolution was unanimously adopted.

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

WHEREAS, The 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 5928 Armor Duells Road, SBL# 172.04-1-20, 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 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 authorize the Building Inspector to seek bids to demolish and remove the buildings from the premises at 5928 Armor Duells Road, and be it further

RESOLVED, that the cost of said demolition and removal shall be billed to the property and placed upon the tax roll.

The resolution was unanimously adopted.

At 7:14 PM the Supervisor called for a Public Hearing to hear the interested parties in the matter of a Dangerous and Unsafe Property located at 95 Washington Ave.

Barbara See, resident of this property, currently is living in another place, as social services moved her there after the Police and Building Inspector contacted Adult Protective Services. She stated that she is currently working to repair the house. She has talked to contractors who said the house could be rehabilitated, or only the older part would need to be removed. As far as the sanitation problems, she said that she is working with the health department. Ms. See said she has verbal agreement with some contractors to help her do the rest of the work.

Building Inspector Andy Geist said the way the Ordinance is written, the Town would not have any interest other than demolition. He does not believe drainage was the issue with this house, the entrance to the basement is deteriorated and the basement is literally filled to the top with water. There were no functioning utilities in this house, no water, sewer, gas or electric. He said if Ms. See has the resources and the interest to do the work, it will come down to the 30 days to start & 60 days to finish. Mr. Geist said that he went to that site today, and it does not look any different from the day Adult Protective Services, and Social Services were there. They were the ones who moved Ms. See out of the house, and condemned it as inhabitable, just as the Town did.

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

RESOLVED, that the Public Hearing regarding "Dangerous & Unsafe Property" located at 95 Washington Ave., is closed at 7:24PM.

The resolution was unanimously adopted.

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

WHEREAS, The 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 95 Washington Avenue SBL #161.07-3-14, 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 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 authorize the Building Inspector to seek bids to demolish and remove the buildings from the premises at 95 Washington Ave., and be it further

RESOLVED, that the cost of said demolition and removal shall be billed to the property and placed upon the tax roll.

Supervisor Keem stated that he knows Ms. See through the Kiwanis, and does not feel comfortable voting on this issue and will recuse himself.

Supervisor Keem	Recused
Councilmember Majchrzak	Aye
Councilmember Sherry	Aye

The resolution was duly adopted.

Old Business #1 Building Permit Quaker Crossing East for 18,000 Sq.Ft. Retail Building

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

RESOLVED, that the Town Board does hereby authorize a Building Permit for Quaker Crossing East, LLC, located on east side of Amelia Drive, for an 18,000 Sq.Ft. multi-tenant building and approve the Site Plan received 6/19/15, as recommended by the Planning Board with the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Long EAF, and a Negative Declaration is declared.

2. The Landscape Plan, received 6/9/15, includes the 10% Interior Green Space Requirement. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$ 9,365.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan.
4. No outside storage or display is permitted.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Engineering approval was granted on 7/8/15.

The resolution was unanimously adopted.

Old Business #2 Building Permit for Ellicott Development – 3858 – 3862 N. Buffalo St.

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

RESOLVED, that the Town Board does hereby authorize a Building Permit and grant Site Plan approval for the Plan received on 6/22/15 to construct a One-Story 4,902 G.S.F. building. A 2,592 G.S.F. Bank with a drive-thru, and a 2,310 G.S.F. Commercial Space will occupy the building, as recommended by the Planning Board, based on the following conditions and stipulations:

1. This is a Type 1 SEQR Action and a Negative Declaration is declared.
2. No outside storage or display is permitted.
3. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
4. The landscape plan, received 6/2/15, meets all Town green space requirements. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$14,650 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
5. The Architectural exterior elevations are approved on 6/2/15, as presented and approved by the AOD.
6. Town Engineering Approval was granted on 7/8/15.
7. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens. The northwest Pole Light will be turned-off after business hours.
8. Windows facing North Buffalo Road shall have the grids to match the rest of the building.

The resolution was unanimously adopted.

Old Business #3 NYSEG to connect 5 standard lights for PIP 2014-01, Lyrica Park Ph. 3

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of five (5) decorative street light fixtures on Sonnet Drive in the Lyrica Park Subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of decorative street light poles under PIP # 2014-01. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier, which is estimated to be \$42.03/ea. for an annual cost of \$210.15. The proposal is for a total of five (5) luminaries to be connected at an annual charge of \$23.13 each, totaling annually \$115.68. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of five (5) 70-watt high-pressure decorative light fixtures in the Lyrica Park Subdivision Phase 3 P.I.P. #2014-01 under Service Class 2 at an annual increased cost of \$115.68 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$210.15/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Release escrow to Essex homes for PIP #2013-07, The Hills Subdivision

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

WHEREAS, on January 29, 2015, the Town Board accepted dedication of the public improvements constructed in the Hills subdivision, PIP 2013-07, with the stipulation that funds paid by the contractor be held in escrow until work could be completed, weather permitting in the spring, and

WHEREAS, the contractor has since completed the required work: topsoil, fine grade, york-rake, and seed and mulch miscellaneous areas disturbed outside the ROW (+/- 1.2-acres). The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Essex Homes of WNY the following escrows: \$8,000 for completing backfilling behind gutters; \$5,000 for properly shape swales along lot line for Lot 1, 2, 3 and 4; \$21,000 for topsoiling, fine grading, york-raking, and seeding / mulching +/- 1.6-acres of ROW area; and \$16,000 for topsoiling, fine grading, york-raking, and seeding / mulching +/- 1.2-acres of areas, and address remaining disturbed miscellaneous grading issues in The Hills Subdivision (PIP #2013-07).

The resolution was unanimously adopted.

Old Business #5 Release escrow for PIP 2013-02, Knoche Farms LLC

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

WHEREAS, on August 27, 2014, the Town Board accepted dedication of the public improvements constructed in the Knoche Farms subdivision with the stipulation that funds paid by the developer be held in escrow ensuring that the grass grows in all the seeded disturbed areas outside of the dedicated ROW's and dedicated pond and rear yard swales areas (approximately 10-acres) within Knoche Farms Estates Subdivision, Phase 1, and

WHEREAS, the developer has since had the above referenced work completed. The work was inspected by the Engineering Department and found to be in compliance with Town specifications,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Knoche Farms LLC, the \$20,000 held in escrow for final seeding and grading of all disturbed areas outside of the dedicated ROW's, dedicated pond, and rear yard swales areas in the Knoche Farms Estates Subdivision Phase 1 (PIP #2013-02), as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #6 Release escrow for PIP 2014-01 Lyrica Park CMO

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

WHEREAS, on June 25, 2015, the Town Board accepted dedication of the public improvements constructed in the Lyrica Park subdivision with the stipulation that funds paid by the developer be held in escrow until the Bernstein Monument GPS survey data was provided and accepted, and

WHEREAS, the developer has since completed this work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to DS of Orchard Park, LLC the \$2,000 held in escrow for providing the Bernstein Monument GPS survey data for the Lyrica Park CMO Subdivision Phase 3 PIP #2014-01, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Approve Commercial Parking Permits

18) 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 the following Commercial Parking Permits as recommended by the Chief of Police and the Building Inspector.

Name	St #	Parking Address
1. 2549 Group, LLC	4297	Abbott Road
2. 3920 Southwestern LLC (Eagan)	3916	Southwestern Blvd.
3. Liberatore, Victor	3807	Southwestern Blvd.
4. On the Go Convenience	3975	Southwestern Blvd.
5. Petch, Arthur	3719	Abbott Road
6. Stephen, Paul	4171	Abbott Road
7. Twin Oak Motel	3949	Southwestern Blvd.

The resolution was unanimously adopted.

New Business #2 Supervisor to sign letter to participate in WNY Stormwater Coalition

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

WHEREAS, the New York State Department of Environmental Conservation is making available Environmental Protection Funds. The Water Quality Improvement Projects program provides reimbursement for eligible portion of the cost of implementing projects that include Municipal Separate Storm Sewer Systems (MS4) Phase II Stormwater Implementation, and

WHEREAS, the proposed project will result in a gap analysis identifying barriers to green infrastructure in local laws, and enhance existing MS4 storm system maps by adding the following features: Municipal facilities within each MS4's regulated area and storm sewers draining these properties; Stormwater management practices, including pond, chambers, bio-retention areas, swales, rain gardens, pervious pavement, etc; Web-based tools for tracking environmental assessments at facilities, and inspections and maintenance of stormwater management practices, and

WHEREAS, Erie County Department of Environment and Planning will oversee the administration of the grant for the Western New York Storm Water Coalition members that participate. Attached is a copy of a draft letter/resolution the Town must submit to be a project partner with the Erie County Department of Environmental and Planning's Round 12 grant program with the New York State Department of Environmental Conservation.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby authorize the Supervisor to sign the commitment letter to participate in the Western New York Storm Water Coalition: Round 12 Water Quality Improvement Projects – Municipal Separate Storm System – Western New York Stormwater Coalition: MS4 Gap Analysis & Mapping Project, with the required matching contributions being in-kind services by the Orchard Park Engineering Department personnel, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Declare Sewer, Water & Lighting Dept. F350 Dump Truck as Surplus

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

WHEREAS, the Sewer, Water, and Lighting Department (SWLD) presently owns a 1992 Ford F350 one-ton dump truck, which has +/- 53,198 miles and is poor condition. The dump body is severely rusted with numerous holes of various sizes in addition having transmission issues, and

WHEREAS, primarily the dump truck is used for hauling materials to and from job sites for sanitary sewer, water, street lighting, construction repair projects, and other miscellaneous capital projects. The purchase of a F550 dump truck includes a payload upgrade to 19,000 GVWR and 4 x 4, in lieu of the current 10,000 GVWR 2 wheel drive. As this vehicle is essential for the operation of the SWLD, the heavier duty truck such as the F550 will be able to haul the full payload of material keeping the truck under its gross vehicle weight for less vehicle wear and tear. The dump truck is relatively the same physical size and is small and maneuverable, and will be fitted with hydraulic packages and 4-wheel drive to allow the SWLD to snowplow to the sewer lift stations. In addition, in extreme weather events, the truck could snowplow and salt (a salt body must be purchased) the Town parking lots and roads, or pickup Town employees, and

WHEREAS, the Town will check the trade in value of the existing 1992 F350 vehicle and will sell this existing vehicle at auction after declared surplus.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize that the F350 Ford Dump Truck (VIN # 2FDJF37H8NCA72723) be declared surplus and be it further

RESOLVED, that the Town Board does hereby approve the purchase of a 2016 F550 Ford Dump Truck under state bid contract from Van Bortel Ford, Inc. 7325 Route 96, Victor, New York 14564 for the amount not to exceed \$58,273.00 for the Sewer, Water & Lighting Department, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 NYS Parks, Recreation & Historic Preservation grant for Green Lake Trails

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

WHEREAS, the Engineering Department with KHEOPS (Grant Writer) has prepared an application for the New York State Office of Parks under the Trail Development category. The Yates Park Trail Reconstruction Project is designed to expand the trail system (ADA compliant) in Yates Park at Green Lake. This grant will, if awarded, help significantly fund the reconstruction of a handicapped accessible trail system that will connect the Town's Yates Park, Orchard Park Village & Town neighborhoods and other recreational amenities with connections to Thorn Avenue, Duerr Road, Bank Street and South Buffalo Street, as well as the Duerr Road, Thorn Avenue and South Buffalo Street Greater Buffalo Niagara Regional Transportation Commission bike routes. This trail system project is reconstruction of existing paved, stone and dirt trails in addition to the Village's "Safe Routes to School" Project.

NOW, THEREFORE, be it

RESOLVED, that Patrick J. Keem, as Supervisor of the Town of Orchard Park is hereby authorized to sign an application and accept funds awarded from the requested grant amount from New York State Office of Parks, Recreation and Historic Preservation. The request of \$137,500 is to construct/reconstruct handicapped accessible trails that will connect the Yates Park, Orchard Park Village & Town neighborhoods and other recreational amenities with Greater Buffalo Niagara Regional Transportation Commission bikeways. Grant funds will be matched by the Town with \$137,500, in cash/in-kind services or 50% of the total project preliminary cost of \$275,000, and be it further

RESOLVED, that the Town Board in accordance with the requirements for application for funding from the New York State Office of Parks, Recreation and Historic Preservation, the Town of Orchard Park reaffirms the master plan "Town of Orchard Park Comprehensive Plan", adopted in 2007 including any and all amendments to date, as the official land use planning document of the Town of Orchard Park, and be it further

RESOLVED, that the Town Board of the Town of Orchard Park does hereby authorize the Supervisor to complete, sign and submit a NYSDEC Short Environmental Assessment Form (SEQR) with the Yates Park Trail Reconstruction grant application.

The resolution was unanimously adopted.

New Business #5 American Legion/VFW Post to refurbish Veterans' Park

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

WHEREAS, the Town of Orchard Park owns the Veterans' Memorial Park located in the Village of Orchard Park, and

WHEREAS, the said Veterans' Memorial Park has not undergone a major refurbishment in more than a decade, and

WHEREAS, there is a Community Committee composed of Veterans and concerned citizens committed to refurbishing Veterans' Memorial Park,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board does hereby authorize the American Legion/VFW Committee to proceed with a site development strategy to refurbish the Veterans' Memorial Park located in the Village of Orchard Park on West Quaker Street.

The resolution was unanimously adopted.

New Business #6 Appointment to the Youth Board

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

RESOLVED, that Shannon Fuhrman, 88 Middleberry Road, is hereby appointed to the Youth Board for a term ending December 31, 2015.

The resolution was unanimously adopted.

New Business #7 Building Inspector to clean up 4817 Bussendorfer Rd., will be applied to tax roll

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

WHEREAS, the property at 4817 Bussendorfer Road has been abandoned for years, and the property has become an eyesore to the area. The Town has received several complaints regarding the trees, brush and the pool, and

WHEREAS, the Building Inspector has attempted to contact the owner, but has had no success.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to have the dead and broken trees removed, the yard picked up and the pool drained and covered for safety reasons, and be it further

RESOVLED, that all costs will be added to the tax roll of the property.

The resolution was unanimously adopted.

New Business #8 Approve the creation of two Lieutenant Positions in OP Police Dept.

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

WHEREAS, the Town of Orchard Park Police Department has determined that Supervisory scheduling of duty shifts would be aided by approving the creation of two additional Lieutenants,

NOW, THEREFORE, be it

RESOVLED, that the Town Board does hereby approve the creation of two new Lieutenant positions in the Orchard Park Police Department.

Councilmember Sherry stated this was based on a report that was given by an efficiency team of the Government Efficiencies Task Force. They have been working with the Police Department for the last six months doing an assessment, and this is the top priority that they identified.

The resolution was unanimously adopted.

New Business #9 Approve 2015 Stable Permits

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

RESOVLED, that the Town Board does hereby approve the application for a 2015 Stable Permit for the Derrick Family Farm, 6140 Benning Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Nicholas Taneff – Mr. Taneff said there were three “phantom” properties on Summit Ave. that are owned by the same person. He said two of them have been cleaned up, but the third one at 234 Summit needs to be addressed. Mr. Taneff also stated there is a property at 3261 Abbott Road that is in deplorable condition, and this is at one of the entrance ways into Orchard Park. He said when you have properties that are run down, it affects the value of the homes around it, and this is not good for the community. He would like to know the time table for these issues to be taken care of.

Kathryn Gorkiewicz – Ms. Gorkiewicz said Public Safety is an important issue, and she supports the authorization to create two new Lieutenant positions in the Orchard Park Police Department.

David Jensen – Mr. Jensen has a concern regarding what he read about on the Town’s Planning Board website. On April 8, 2015, the Planning Board received a request for approval of a fund raising event to be held at 3964 California Rd., “Wings of Hope” by Joe DeMarco Jr. During the review a Planning Board member brought up several issues with this site regarding the non-compliance of the owners to file proper procedures with the structures on this property. Mr. Jensen wants to know how Mr. DeMarco can keep changing the use of structures on this property without a “Change-In-Use” permit. He asked for a response in writing.

Jim Suplicki - Mr. Suplicki asked about the “Wings of Flight” property, because it has come to his attention from neighbors, this property is to be rezoned. There have been a lot of bulldozers over there doing different things. If it is to be rezoned, do the neighbors get to have a voice in that, and will there be a public hearing. And if there is a rezoning, will it change all of California Rd.

ELECTED OFFICIALS

Supervisor Keem said that next week is the Town's Quaker Days Celebration with the "Taste of Orchard Park", Ice Cream Social, and the Street Dance at the Library, as well as concerts at the Pavilion. He hopes that everyone comes out and enjoys the wonderful festivities that Orchard Park has to offer.

Councilmember Majchrzak stated that next week on 7/22/15, the regularly scheduled work session is going to be cancelled.

Councilmember Sherry asked the Town Attorney to talk to Mr. Suplicki after the meeting and explain how the rezoning process works.

Town Clerk Orffeo said that all rezoning requests have to have a Public Hearing, and the residents of 500 feet are notified. That is the minimum qualification. At the Public Hearing interested individuals will be able to speak.

Building Inspector Geist said when Joe DeMarco Jr. came in front of the Planning Board for the "Wings" Fundraiser, there was some informal discussion regarding changing the rezoning of the south lot from B-4 to I-1, so it would be the same as the rest of the property. Nothing has been said about going forward with it at this time. Mr. Geist said the bulldozers were there to put some millings down for parking. He also said Mr. DeMarco got some free fill, and had nowhere to put it, so they put it there on a temporary basis.

Assistant Police Chief Wehrfritz wanted to remind residents, that with Quaker Days, the Orchard Park Police Department is holding its Open House on Friday, July 24, 2015, from 10:00 AM to 2:00 PM. There will be free hot dogs and snacks, child ID's, display of bikes and various equipment. Everyone is free to stop by.

Superintendent Piasecki said the Highway Department is working on the drainage portion of Weiss Ave. They have milled up several roads for overlay. They anticipate starting the paving process on August 3rd to the 7th. Mr. Piasecki said the brush contractor seems to be getting around in the two week period.

27) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, 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	\$259,381.88
Public Safety Fund	\$85,071.79
Part Town Fund	\$39,372.61
Risk Retention	
Cemetery Fund	
Highway Fund	\$174,372.63
Special Districts	\$39,618.75
Trust & Agency	\$200.00
Capital Fund	\$2,238.29

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the Verizon FIOS Update

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's monthly report for June 2015.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Sherry, the meeting adjourned at 7:25 PM (local time).

Respectfully Submitted,



**Remy Orffeo
Town Clerk**