

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 7<sup>th</sup> day of September 2016 at 7:08 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	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 August 17, 2016, Executive Sessions: August 17, 24, 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.**

**PUBLIC HEARING**

**Orchard Park Drainage District OPDD #3-8 for Riley Meadows West Subdivision**

At 7:10 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding Orchard Park Drainage District OPDD #3-8 for Riley Meadows West Subdivision.

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 drainage district.

No one came forward for or against the proposed drainage district.

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

**RESOLVED**, that the Public Hearing in the matter of the proposed Orchard Park Drainage District OPDD #3-8 for Riley Meadows West Subdivision is hereby closed at 7:12 PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, a map, plan and report relating to the establishment of a proposed Town of Orchard Park drainage district number 3-8 as prepared by Carmina Wood Morris, P.C., duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on August 3, 2016, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying September 7, 2016, at 7:00 in the evening of said day as the time, at the Town of Orchard Park Town Hall, as S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

**WHEREAS**, such order was duly published and posted as required by law; and

**WHEREAS**, a hearing on said matter was duly held by said Town Board on September 7, 2016 at 7:00 p.m. evening of said day, in the Orchard Park Town Hall, as 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

**WHEREAS**, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

**RESOLVED AND DETERMINED:**

- A. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- B. That all property and property owners in the proposed district are benefitted thereby;
- C. That all property and property owners benefitted are included within the limits of the proposed district;
- D. That it is in public interest to establish said district; and be it further.

**RESOLVED AND DETERMINED:**

That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the "Town of Orchard Park drainage district number 3-8 and shall be bounded and described as set forth as "Exhibit A" attached hereto and made a part hereof; and be it further

**RESOLVED AND DETERMINED:**

That the improvements for such drainage district are to be constructed by, 5245 Murphy Road, LLC, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said drainage district shall be born by the owners of properties benefitted thereby; and be it further

**RESOLVED AND DETERMINED:**

That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is

located, and the office of the State Department of Audit and control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Legal Description for OPDD #3-8 — Exhibit A

RILEY MEADOWS WEST SUBDIVISION  
MURPHY ROAD (57.669± ACRES)  
TOWN OF ORCHARD PARK

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ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 29, Township 9, and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the east line of Lot No. 29 which is also the center line of Murphy Road, distant 124.72 feet north of the southeast corner of said Lot No. 29 as measured along the east line of said Lot No. 29, said point also being the northeast corner of lands conveyed to Thomas B. Clark and Audrey K. Clark, his wife, by deed recorded in Liber 6020 of Deeds at page 260;

THENCE westerly at right angles to the east line of said Lot No. 29 and along the north line of the lands conveyed to Clark by deed aforesaid, a distance of 233.00 feet to the northwest corner of the lands conveyed to Clark by deed aforesaid;

THENCE southerly at right angles and along the west line of the lands conveyed to Clark by deed aforesaid, a distance of 122.51 to the southwest corner of the lands conveyed to Clark by deed aforesaid;

THENCE westerly at an interior angle of 89°27'28" along the south line of the lands conveyed to Sisters of Mercy of the Buffalo Diocese by deed recorded in Liber 6861 of Deeds at page 555, a distance of 1638.04 feet to the southwest corner of the lands conveyed to Sisters of Mercy of the Buffalo Diocese by deed aforesaid;

THENCE northerly at an interior angle of 90°42'36" and along the west line of the lands conveyed to Sisters of Mercy of the Buffalo Diocese by deed aforesaid, a distance of 1322.16 feet to the northwest corner of the lands conveyed to Sisters of Mercy of the Buffalo Diocese by deed aforesaid;

THENCE easterly at an interior angle of 92°18'36" and along the north line of the lands conveyed to Sisters of Mercy of the Buffalo Diocese by deed aforesaid, a distance of 1876.61 feet to the east line of Lot No. 29 and the center line of Murphy Road;

THENCE southerly along the east line of Lot No. 29 and the center line of Murphy Road, a distance of 600.03 feet to the northeast corner of lands conveyed to David F. Murphy and Virginia L. Murphy, his wife, by deed recorded in Liber 6001 of Deeds at page 393;

THENCE westerly at right angles to the east line of said Lot No. 29 and along the north line of the lands conveyed to Murphy by deed aforesaid, a distance of 233.00 feet to the northwest corner of the lands conveyed to Murphy by deed aforesaid;

THENCE southerly parallel with the east line of said Lot No. 29 and the center line of Murphy Road and along the west line of lands conveyed to Murphy by deed aforesaid, a distance of 120.00 feet to the southwest corner of the lands conveyed to Murphy by deed aforesaid;

THENCE easterly at right angles to the east line of said Lot No. 29 and the center line of Murphy Road and along the south line of the lands conveyed to Murphy by deed aforesaid, a distance of 233.00 feet to the east line of Lot No. 29 and the center line of Murphy Road;

THENCE SOUTHERLY along the east line of said Lot No. 29 and the center line of Murphy Road, a distance of 576.20 feet to the point or place of beginning.

Said parcel containing 57.669 acres, more or less.

**The resolution was unanimously adopted.**

**PUBLIC HEARING**

**Rezoning Request of DATO Development, LLC to Rezone Property from R-1 to R-1 CMO**

At 7:12 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding rezoning request of DATO Development, LLC, to rezone property from R-1, to a R-1/Conservation

Management Overlay District (CMO), for the purpose of developing 100-Single Family Homes. Property is located within the 63.7 +/-acres of Birdsong Subdivision, Part 5.

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 rezoning.

**IN FAVOR:**

Shawn Hopkins from the law firm representing applicant DATO Development LLC, the developer Dave Burke also present. Mr. Burke has a contract to purchase this site, and interested in pursuing the build-out of the remainder of the subdivision. Mr. Hopkins stated he is not in a position this evening nor will in the immediate future to ask for a decision from the Town Board for this application. He does not want a decision from the board for approval, but wants to have the local residents of Birdsong and the surrounding area informed of the preliminary presentation. DATO developer has had 4 meetings with the Birdsong Homeowners Association (HOA). There has been useful information from the HOA, and interested in continuing the dialog moving forward. Asking the town to consider request to amend and create a CMO is requesting to create a CMO overlay district. The CMO is shown on the plans, and the site is 155.9 acres in size, that is the former phase 4 and phase 5 of the subdivision. Asking for consideration of 134 lots adjacent to the existing Birdsong subdivision. Plan includes a wide open area of greenspace along Birdsong Parkway. Mr. Burke thought it would be important to the existing HOA are not going to want to utilize existing streets for construction access. 2 driveways on Transit Road will be connecting to insure that construction vehicles access via Transit Road. A benefit is creation of addition of open space. This plan is not finalized, and know there is a need for continued discussion for phase 3.

**IN OPPOSITION:**

Terrance Young II lives in Birdsong, and member of the HOA. Discussion with developer have centered around how further development to Birdsong will be done. There are differences (Been working toward common ground) of opinion on how the development should be continued to be build out. At this time, the HOA would like to ask the town board to not approve any rezoning that would enable any development of patio homes at this time. Do look forward to continuing dialog with the developer.

Alan Alpert former HOA board member, and homeowner. Voiced support of Terrance Young's request of the board not approve any rezoning at this time. Would like to have continued dialog with DATO and welcome the productive discussion to reach a consensus of what the best way to further develop the future development of Birdsong.

Cindy Dufresne a Birdsong Resident, feels it is premature to move forward with approval for phase 5 when there are other phases still to be considered, and it would be beneficial to learn more about all the phases before a decision is made on phase 5 by the Town Board.

Fred Fuller lives on Transit Road between the 2 proposed access points. One of the proposal plans he saw a plan with driveways on Transit Road. Having lots open up on Transit Road is dangerous as there is a lot of traffic, and people don't always do the speed limit. The new plan shows a buffer area. There are a lot of trees, and glad to see that they will be kept. Topographically, there is a lot of fill that would need to be moved to build up the roadway.

Dean Hunneshagen lives on Jewett Holmwood Road did get a letter about the proposed zoning change, and were asked to make written comment over a year ago. In future public hearings Birdsong community should be included in mailings so the concerns could be heard. Additionally, would like to point out is that the area that is marked conservation land, that there is an old grove of magnificent black cherry trees that deserve to be preserved, and can't tell from the drawings if those groves will be preserved.

John Murray lives on Birdsong Parkway and that area has been zoned R1, the town has done a very good job of having effective zoning and keeping unlike things apart from one another, and appreciate that. Birdsong HOA residents have to accept a covenant for the betterment of all the people who live in the subdivision. An effort to put patio homes in an 'R1' is totally incongruent with the properties that are adjacent to it.

Harold Wickline appreciates getting a letter in the mail notifying them of public hearing about rezoning, would encourage the town to include the surrounding area of Jewett Holmwood, Transit, and Birdsong to be part of the discussion of what ultimately happens with this area, and the rezoning. There is a ton of traffic on Jewett Holmwood and Transit, no matter how you fix it, keep us in the loop and give the opportunity to offer input.

At the request of Councilman Mike Sherry, Shawn Hopkins added that DATO request no decision be made, plans have been reformulated a few plans and a need for additional discussions with the need to include Birdsong, Jewett Holmwood, Transit. Ask the board to not take any further action, and adjourn the public hearing, leave it open so that so other people can comment in the future at future date to be determined.

Councilman Sherry asked Town Attorney John Bailey his recommendation, which is to close the public hearing and not make a decision.

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

**RESOLVED**, that the Public Hearing in the matter of the rezoning request of DATO Development, LLC to Rezone Property from R-1 to R-1 CMO is hereby closed at 7:33 PM.

**The resolution was unanimously adopted.**

**Old Business # 1 Award bid for Yates Park and Orchard Park Little League Retaining Wall Projects**

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

**WHEREAS**, bids were opened for Yates Park & Orchard Park Little League Retaining Walls Project on September 1, 2016. The Town received six (6) bids. This project consists of the replacement of the existing deteriorated retaining wall at Yates Park along North Lake Drive with a new two tiered natural stone wall along with new drainage and curbing for the parking area and also the Orchard Park Little League 8 ft. retaining wall along Thorn Avenue to provide for future ball diamonds, and

**WHEREAS**, the Bid Alternates consisted of Alternate #1, paving the parking area along North Lake Drive, Alternate #2, constructing a retaining wall at the proposed Orchard Park Little League Fields, and Alternate #3, filling and finish grading the proposed Orchard Park Little League Fields site. Awarding Bid Alternate #2 will allow for the construction of a new retaining wall at the proposed new Little League Baseball Diamonds along Thorn Ave. and Duerr Rd. The Town Highway and Parks Departments are capable of performing the remaining work. The low bidder's Base Bid plus Alternate #2 is \$131,823.00 and is below the construction estimate of \$150,000 for the project, and

**WHEREAS**, funding was allocated by the Town Board for Thorn Avenue with 2010 BAN (\$90,000) with additional funding of \$42,000 being transferred from H-19 "Green Lake Dam Rehabilitation", and

**WHEREAS**, the low bidder for the Base Bid plus Alternate #2 is Zoladz Construction Inc. The company has successfully completed various projects in the past and is currently performing work at Green Lake for the

Town of Orchard Park. Zoladz Construction Inc. has been found to have the qualifications and experience to perform this work adequately.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve change to the Capital Account H-90 "Thorn Avenue Retaining Wall" name to "Yates Park and Orchard Park Little League Retaining Walls" and transfer \$42,000 from Account H-19 "Green Lake Dam Rehabilitation" into Account H-90 "Yates Park and Orchard Park Little League Retaining Walls", and be it further

**RESOLVED**, that the Town Board does hereby award the contract for the Yates Park & Orchard Park Little League Retaining Walls Project to the lowest responsible bidder, Zoladz Construction Inc, 13600 Railroad Street, Alden, New York 14004 in the amount not to exceed \$131,823.00, which includes the Base Bid "Yates Park Retaining Walls" (\$56,712.00) and Alternate #2 (\$75,111.00) "Orchard Park Little League Retaining Walls", as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Award Bid for Green Lake Outlet Control Structure Bridge Painting Project**

This item was tabled.

**New Business #1 Authorize Advertisement for bids for Hazel Ct. Sanitary Sewer Mainline Extension**

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

**WHEREAS**, the Orchard Park Engineering Department is finalizing design plans, specifications, and necessary approvals for the sanitary sewer extension that will service the existing Hazel Court Subdivision, and

**WHEREAS**, the Hazel Court Sanitary Sewer Extension Project includes the installation of 700 linear feet of 8-inch PVC gravity sewer line, one new manhole, connection to two existing manholes, and the reconnection of Carnation Senior Housing into the new sanitary main, and

**WHEREAS**, the Sewer, Water, and Lighting Department does not have the capability of installing the amount of linear footage, +/- 700 LF, at the depth required for this project. The cost is estimated at \$105,000 and therefore the sanitary sewer work must be completed through the formal bidding process, and

**WHEREAS**, the Advertisement for Bids should be authorized to be published on September 15, 2016. Plans and specifications will be available for purchase on September 15, 2016 with the bid opening to be held on September 29, 2016. It is expected that the construction work will start, weather permitting, in early October with completion of final restoration in May 2017 as spring weather permits.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Hazel Court Sanitary Sewer Extension on September 29, 2016 at 2:00 P.M. in the Supervisor's Conference Room at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #2 Change order for Zoladz Green Lake Dam Rehabilitation and Dredging Project**

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

**WHEREAS**, the Engineering Department is requesting a Change Order #1 to the contract with Zoladz Construction for Green Lake Dam Rehabilitation and Dredging Project in the amount of \$8,205.52. If approved, this would increase the total original contract amount of \$4,363,189.74 to \$4,371,395.26, representing an increase of 0.0018%, and this work will add a week to the Contract, and

**WHEREAS**, this Change Order covers the cost for Zoladz to perform additional work under their contract for this Green Lake Dam Rehabilitation and Dredging Project. The additional work involves raising the outfall control structure bridge to meet the elevation of the rehabilitated earthen dam. An additional week of time is also requested. The Green Lake Dam was installed approximately in 1910, and in the final stages of bringing this dam up to present day codes and regulations.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #1 (Raising the Outfall Control Structure Bridge) to our original contract with Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for Green Lake Dam Rehabilitation and Dredging Project, time and materials in the amount not to exceed \$8,205.52 and add a week of time to the Contract, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #3 Declare Ford F150 Truck as Surplus and Authorized Purchase of New F150**

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

**WHEREAS**, the Engineering Department has a vehicle being used by the field inspectors that is experiencing major transmission issues and would require well over \$2,000.00 in repairs. The vehicle is a 2006 Chevrolet 1500 Pickup with over 89,000 miles. The truck has already had numerous repairs and is over ten years old. The truck does run and is somewhat drivable so sending it to public auction would most likely be in the Town's best interest, and

**WHEREAS**, the Engineering Department is in need of a reliable truck for field construction inspections. The Town has been made aware of a large increase in State Bid Prices for 2017, so a truck will need to be purchased off the lot of a local dealer, under NYS/County Bid. The funds are already in the budget for this year.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby declare the 2006 Chevrolet Pickup as a surplus vehicle, and authorize the sale of this vehicle, and be it further

**RESOLVED**, that the Town Board does hereby authorize the purchase of a new 2016 Ford F150 from DeLacy Ford under State/County Bid for \$22,161.44 for Orchard Park Engineering Department field construction inspections, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Proposition for Brush Mountain Multi-Generational Community Center for Ballot**

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

**WHEREAS**, the Town Board of the Town of Orchard Park (the "Town") is considering a capital improvement project at the Town's Brush Mountain Park site consisting of the construction of a new Brush Mountain Multi-Generational Community Center, related site work and the acquisition and installation therein of necessary furniture, equipment and apparatus (collectively, the "Project") and the issuance of obligations to finance the Project; and

**WHEREAS**, the Town Board intends to submit a proposition (the "Proposition") to the voters of the Town seeking voter approval of the Project and the issuance of obligations of the Town to finance the Project (the "Vote"); and

**WHEREAS**, the Town Board intends that the Vote will be on November 8, 2016; and

**WHEREAS**, the Town Board intends to adopt future resolutions (the "Future Resolutions") approving (a) subject to voter approval, the Project and the issuance of obligations of the Town to finance the Project, and (b) the submission of the Proposition to the voters of the Town; and

**WHEREAS**, the Future Resolutions will not be adopted until the Town has complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder ("SEQRA"); and

**WHEREAS**, the Town Board desires to set the date for the Vote;

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby determines that the Vote shall be held on Tuesday, November 8, 2016 from 6:00 a.m. until 9:00 p.m. at such polling places as are set by the Board of Elections for the general election; provided, however, that the Vote shall not take place unless the Future Resolutions are adopted by the Town Board and the other legal requirements applicable to publication of the notice of the Vote have been complied with, and be it further

**RESOLVED**, that this resolution shall take place immediately.

The following votes were cast:

Supervisor Keem	Aye
Councilman Majchrzak	Aye
Councilman Sherry	Aye



**New Business #5 Approve 3 items relative to the proposed Senior Center Referendum for the Election**

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

**WHEREAS**, the Town Board of the Town of Orchard Park (the "Town") wishes to determine public support for the construction of a Community Activities Center for general, social, education, recreational and senior services purposes, and

**WHEREAS**, the project will be funded by the Municipal Bonds authorized pursuant to the New York State Local Finance Law, and

**WHEREAS**, the project is not to exceed a cost of sixteen million dollars, and

**WHEREAS**, a Town wide Referendum will be held at the general election on November 8, 2016.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the following '**Ballot Statement**' as follows:

Shall the Town Board of the Town of Orchard Park be authorized at the Town's expense to construct a Community Activity Center at a cost not to exceed sixteen million dollars to be funded by Municipal Bonds authorized pursuant to the Local Finance Law of New York State.

**RESOLVED**, that the Town Board does hereby approve the following '**Public Notice**' as follows:

The Town of Orchard Park will hold a Public Referendum at the general election on November 8th, 2016 on the question of whether or not the Town of Orchard Park be authorized to construct a Community Activity Center at a cost not to exceed sixteen million dollars to be funded by Municipal Bonds authorized pursuant to the Local Finance Law of New York State.

**RESOLVED**, that the Town Board does hereby approve the '**Statement of Purpose**' as follows:

The Town Board of Orchard Park, New York wishes to determine public support for the construction of a Community Activities Center for general social, education, recreational, and Senior service purposes funded by Municipal Bonds authorized pursuant to the New York State Local Finance Law at a cost not to exceed sixteen million dollars by a Town wide Referendum to be held at the general election on November 8th, 2016.

**The resolution was unanimously adopted.**

**New Business #6 SEQR Lead Agency for Brush Mountain Multi-Generational Community Center**

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

**WHEREAS**, the Town of Orchard Park proposes to embark upon and fund a capital improvement project at the Town's Brush Mountain Park site (new Brush Mountain Multi-Generational Community Center and related site work); and

**WHEREAS**, the Town of Orchard Park will need to complete a referendum on this proposed capital improvement project and bond the monies necessary to complete portions of this work; and

**WHEREAS**, the proposed project and bonding of the costs are subject to classification and review under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the proposed project meets the requirements as being a Type I action under SEQRA (Section 617.4 (b) (10)) and therefore requires establishment of a Lead Agency and completion of a coordinated review; and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Orchard Park Town Board would like to designate themselves as SEQR Lead Agency.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby seek SEQR Lead Agency designation for the project, and authorizes Wendel, its consultant on the project, to perform the appropriate Lead Agency mailings.

**The resolution was unanimously adopted.**

**New Business #7 Approve Commercial Parking Permits for the July 2016 – June 2017 Season**

**12) 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 commercial parking permits for the July 2016 – June 2017 season. The owners and locations are as follows:

- 2549 Group, LLC, 4297 Abbott Road
- 3920 Southwestern LLC, 3616 & 3920 SW Blvd
- Augustine, Diane, 3968 Southwestern Blvd
- Benes, Rudolf E., 3742 Southwestern Blvd
- Benes, Veronica, 3964 Southwestern Blvd
- Bieler, Kevin, 3946 Southwestern Blvd
- Bruni, Giancarlo & Roberta, 5100 Big Tree Road
- Carrow, Thomas R., 4243 Abbott Road
- Clark, Zachary, 4180 Abbott Road
- Danny’s South, 4300 Abbott Road
- DeMarco, Dan, 4270 Abbott Road
- DeMarco, Joe & Diane, 3964 California Road
- Hanley, Sean, 3944 California Road
- Kam, Thomas & Paul, v/l Southwestern Blvd
- Kane, Sue & Patrick, 3952 Southwestern Blvd
- Kowalski, Ray & Sue, 3972 Southwestern Blvd
- Krygier, Linda, 3781 Abbott Road
- Kuebler, John F., 3892 Southwestern Blvd
- Leitzan, Mark, 3808 & 3816 Abbott Road
- Leitzan, Mark, 3830 Sheldon Road
- Lewis, Dana, 5554 W. Webster Road
- Liberatore, Victor, 3807 Southwestern Blvd
- Matwijow, Eric, 4170 Abbott Road
- Matwijow, Lisa, 4155 Abbott Road
- McDonell, Deborah, 3904 Abbott Road

- Native Development LLC, 3719 Abbott Road
- Niagara Frontier Recovery, 3958 Southwstn Blvd
- On the Go Convenience, 3975 Southwestern Blvd
- Przybyl, Dennis, 3976 Southwestern Blvd
- Quaker Boy, Inc., 5455 W. Webster Road
- Red Carpet Inn, 3940 Southwestern Blvd
- Simoncelli, David, 3730 & 3740 California Road
- Simoncelli, Michael, 3848 California Road
- Smith, Scott & Linda, 3879 Southwestern Blvd
- South Towns Motel, 3923 Southwestern Blvd
- Stadium Mobil, Inc, 3856 Southwestern Blvd
- Stephen, Paul, 4171 Abbott Road
- Tailgaters Bar & Grill, 3847 Southwestern Blvd
- Tempestoso, David, 3912 Southwestern Blvd
- Trella, Edmund, 4317 Abbott Road
- Tripodi, Stephen, 3800 Southwestern Blvd
- Twin Oak Motel, 3949 Southwestern Blvd
- Violanti & Gallardo, 3763 Abbott Road
- W.J. Milligan / JM Productions, 3864, 3880, 3892 Abbott Road
- Whytas, Henry, 5528 W. Webster Road
- Windom Community Church, 3766 Abbott Road
- Yemma, Joseph, 3785 Abbott Road

**The resolution was unanimously adopted.**

**New Business #8 Approve Special Events Permit**

**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 the special events permit for Orchard Park High School Homecoming Parade from 9:30am to 10:00am on Saturday October 1, 2016. Police services will also be required for this event.

**The resolution was unanimously adopted.**

**New Business #9 Appoint Youth Board Bureau Board Members**

This item was tabled.

**New Business #10 Appoint Seasonal Help for the Recreation Department**

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

**RESOLVED**, that the Town Board does hereby approve the 2016/2017 Fall/ Winter /Spring Seasonal part time Staff Appointments effective 9/10/16. The above appointment is dependent upon the applicant providing the required certifications. (\*Att=Attendant, \*LG= Lifeguard)

<b>NAME</b>	<b>Rate</b>	<b>Position (Title*)</b>	<b>NAME</b>	<b>Rate</b>	<b>Position (Title*)</b>
Nicole Augustine	\$15.00	PT6-D (Att)	Ava Mrozik	\$ 9.50	PT2-D (Att)
Camryn Backman	\$10.00	PT3-A (Att)	Andrea Pawarski	\$12.00	PT4-D (Att)
Jody Burnard	\$15.00	PT6-D (Att)	Rebekah Quinlivan	\$11.00	PT3-E (LG)
Toby Burns	\$15.00	PT6-D (Att)	Nicholas Ramage	\$15.00	PT6-D (Att)
Elizabeth Egloff	\$12.00	PT4-D (Att)	Maxim Reilly	\$11.00	PT3-E (LG)
Megan Filipski	\$11.00	PT3-E (LG)	Heather Reimondo	\$ 9.50	PT2-D (Att)
Anthony Franjoine	\$15.00	PT6-D (Att)	Autumn Roza	\$10.00	PT3-A (LG)
Brianna Fulton	\$ 9.50	PT2-B (Att)	Joshua Saville	\$12.00	PT4-D (Att)
Janie George	\$ 9.50	PT2-D (Att)	Timothy Saville	\$ 9.50	PT2-D (Att)
Shannon Goodman	\$11.00	PT3-E (LG)	Mary Schichtel	\$15.00	PT6-D (Att)
Sarah Gura	\$ 9.50	PT2-B (Att)	Courtney Schmidt	\$10.50	PT3-C (Att)
James Guzzino	\$15.00	PT6-D (Att)	Kyle Schmitt	\$ 9.50	PT2-B (Att)
Sue Hemingway	\$15.00	PT6-D (Att)	Benjamin Shular	\$10.00	PT3-A (LG)
Elizabeth Hinterberger	\$ 9.00	PT2-B (Att)	Megan Smith	\$10.50	PT3-C (Att)
Douglas Jankowiak	\$12.00	PT4-D (Att)	Carmila Stafford	\$ 9.00	PT2-B (Att)
Grant Karlson	\$12.00	PT4-D (Att)	Alexis Tarnowski	\$12.00	PT4-D (LG)
Kenneth Kruszka	\$ 9.50	PT2-D (LG)	Deborah Todero	\$10.00	PT3-A (Att)
Salvatore Labuca	\$16.50	PT7-E (Att)	Daniel Vail	\$11.00	PT3-E (LG)
Samantha LaDuca	\$10.00	PT3-A (Att)	Darcy Zappia	\$10.50	PT3-C (Att)
Mason McMullen	\$11.00	PT3-E (LG)			

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

The 8<sup>th</sup> grade members from Girl Scout Troop 31301 spoke about their Silver award project, and Little Free Libraries 'take a book, leave a book' policy and promote literacy for all ages in the community. These permanent structures help bring the community together, sharing their love of reading with each other through this book exchange. The troop built and constructed their own libraries together. The books in the library will be free, and the troop will help stock the books, as well as the community with the book swap. Troop 31301 is seeking permission to place 2 libraries in Orchard Park: one in Birdsong Park, and the other in Yates Park in Green Lake.

Anna Lehood resides on Behm Road is requesting what the formal resolution to the increased coyote population. Have had problems with them, and had to chase them away when was 8 feet away from front door attempting to attack my pets. This problem has gotten worse over the past 4 to 5 years. Wants to know what the town's resolution will be.

Doug Bellus resides on Sheldon Road, wanted to address the board concerning property behind his address. The resident and business was demolished (properly permitted). The property owner removed the vegetation and majority of the trees, from the property, and placed fill of stone, asphalt millings, clean fill, rolled it and compacted the surface to park vehicles for Bills games. Feel the construction of the parking area behind residence has negatively impacted my enjoyment of residence, and negative property value. This problem extends over more than a dozen properties in the stadium areas, hayfields are backfilled with stone. Concerned of the unregulated parking for business.

Joe Gill resides on Sheldon Road, and echo Doug Bellus's sediment and the property in discussion is also behind him. Came home from work one day, and 5 piles of stone were on Mr. Gills property which was put there by the person owning the lot. It was resolved satisfactorily. There were no markings where the property line was, they do know now where they are. They thought that his property was from fence line, but Mr. Gill also owns another section behind his property. Want to make sure the town is doing due diligence to make sure that codes are adhered to protect the homeowners in the area.

Ann Lehood requested to add one more comment regarding the coyotes, that the DEC position is to take a picture of the coyote, send it to them, and if it has mange, the DEC will send you medicine to put in a hot dog to give to the coyote. This is not a good option if the coyote is threatening in your animals. The DEC is not helpful with the coyote population.

#### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem commented that school is now open and thanked the Girl Scouts from the Middle School for their book project. We are all blessed to live in Orchard Park and America where we have access to education. It is a great idea to encourage people to read. Wish all the students a successful school year in learning, athletics, and clubs.

Councilman Majchrzak does have a question for the girl scouts, is there is timeframe that these libraries would be in the park. The troop leader responded that the Libraries would be on posts, and requested that the troop leader send drawings on how to set the posts to the town board, and will see how the town can assist to get these libraries mounted.

Councilman Sherry commented on the Girl Scout project and how gratifying it is. Regarding parking, we do what we can, but we are bound by law. With respect to the 3 resolutions for the community activity center vote. Operational costs for the community center will be shared as well as sources of revenue to help raise money for this project, as well as looking into grants and aids from the government. There will be 4 dates to be set for open forums that will 1) talk about developing 2017 budget for the town, and 2) addressing matters of the community center.

Police Chief Pacholec commented on the coyotes the DEC and animal control are well aware of it, and if there are concerns, to call the police. School is back in session, be aware of school zones, and buses stopping and children crossing the street, and kids walking. Bills home opener Thursday September 15, and it will be a challenge, Abbott Road will be shut down, and Big Tree will be shut down around 10:30pm.

Highway Superintendent Piasecki worked with Village around Bank Street and North Lake Drive, and adds to beauty of park. Completed Philson Drive, and thank residents for their cooperation and patience on the construction. Smaller projects on Shadow Lane and Pleasant Avenue.

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 authorize the approval of all entries on Warrant # 17 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$ 96,141.07
<b>Public Safety Fund</b>	\$ 18,669.62
<b>Part Town Fund</b>	\$ 2,114.99
<b>Risk Retention</b>	\$0
<b>Cemetery Fund</b>	\$0
<b>Highway Fund</b>	\$ 20,454.28
<b>Special Districts</b>	\$186,382.70
<b>Trust &amp; Agency</b>	\$ 1,180.47
<b>Capital Fund</b>	\$345,547.11

**The resolution was unanimously adopted.**

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

Communications:

- Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district. The application is available on the DEP website at [www.erie.gov/environment](http://www.erie.gov/environment).

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 8:13 pm (local time).

**Respectfully Submitted,**



**Remy Orffeo**  
Town Clerk

