

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 2nd day of September 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
	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 August 19, 2015, Executive Sessions: August 12 & 19, 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.

Old Business # 1 Final Payment/Release of Retention to Birch Grove for Right of Way Project

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

WHEREAS, the contract work on the 2015 Right-of-Way Lawn Restoration Project has been completed by Birch Grove Landscaping. Final inspection was conducted, and all of the work has been satisfactorily completed in accordance with the contract documents and specifications, and a one-year maintenance bond in the amount of \$41,620.00 has been submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final payment and authorize release of retention Right-of-Way Lawn Restoration Project to Birch Grove Landscaping, 11736 Big Tree Road, East Aurora, New York 14052 in the amount of \$4,160.00, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release Birch Grove Landscaping's performance security in the amount of \$42,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Final Payment/Release of Retention to Ingalls Site Development for Baker Rd.

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

WHEREAS, the construction work on the Baker Road Reconstruction between Milestrip Road and Michael Road Project has been completed. On July 2, 2015, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, A two-year maintenance bond in the amount of \$2,391,646.84 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents, and

WHEREAS, the Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there will be a net decrease of \$371,573.64. This represents a decrease of 13.45% from the original amount bid with change orders.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final payment and authorize release of the remaining retention for Baker Road Reconstruction between Milestrip Road and Michael Road Project to Ingalls Site Development, Inc., 297 Meyer Road, West Seneca, New York 14224 in the amount of \$74,420.74, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release Ingalls Site Development, Inc.'s performance security in the amount of \$2,737,915.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Adopt Erie County Multi-Jurisdictional Hazard Mitigation Plan Updates

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

WHEREAS, The Town of Orchard Park with assistance from URS Corporation has gathered information and prepared the Erie County, New York Multi-Jurisdictional Hazard Mitigation Plan Update ("the Plan"), and

WHEREAS, the Plan has been prepared in accordance with the Disaster mitigation Act of 2000, and

WHEREAS, the Town of Orchard Park is a local unit government that has afforded the citizens an opportunity to comment and provide input in the Plan and the action in the Plan, and

WHEREAS, the Town of Orchard Park has reviewed the Plan and affirms that the Plan will be updated no less than every five years,

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park adopts the Erie County, New York, multi-Jurisdictional Hazard Mitigation Plan Updates as this jurisdiction's Natural Mitigation Plan and resolves to execute the actions in the Plan.

The resolution was unanimously adopted.

New Business #2 Authorize Code Enforcement Officers to attend Training Seminar

5) 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 Tom Minor and John Wittmann to attend a one day training seminar on zoning and planning to be held in Mayville on 9/17/15, there is no cost for this seminar.

The resolution was unanimously adopted.

New Business #3 Schedule Public Hearing for Community Development Block Grant Funds

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

WHEREAS, in order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens an opportunity for input into the project selection process. Project applications are due near the end of October, and

WHEREAS, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a public hearing for Wednesday, October 7, 2015 at 7:00 PM on the possible use of 2016-2017 Community Development Block Grant Funds, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 2220 Southwestern Blvd. Plaza to become Out of District Water Customer

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

WHEREAS, Miranda Development LLC has submitted correspondence to the Engineering Department requesting approval of Out of District Sewer Connection for 2220 Southwestern Boulevard, Orchard Park, with the Town of West Seneca Sewer District #13, and

WHEREAS, as there are no public sanitary sewer lines in OP Sanitary Sewer District #18 for 2220 Southwestern Boulevard to currently connect to in the Town of Orchard Park, an Out of District Sewer Connection with West Seneca is needed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request of Miranda Development LLC for the proposed mixed-use plaza at 2220 Southwestern Boulevard, Orchard Park, to pursue an Out of District Sanitary Sewer Agreement for Connection with the Town of West Seneca, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve 2015 Commercial Parking Permit

8) 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 approve the 2015 Commercial Parking Permit for Tailgaters Bar & Grill at 3847 Southwestern Blvd.

The resolution was unanimously adopted.

New Business #6 Refer to Planning, Conservation and Architectural Overlay District Boards

9) 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 refer the following to the Planning, Conservation and Architectural Overlay District Boards.

- Southowns Tennis Center, 75 Mid County Drive, located on the east side of Mid County Drive, Zoned I-1, requesting to add two (2) separate self-storage buildings to the north of the tennis arena that will be single story and approximately 12,000 sf..

The resolution was unanimously adopted.

Not on the Agenda

10) 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 the Town Supervisor, Patrick J. Keem, to sign the 2014-2015 School Resource Officer (SRO) Agreement between Erie 2 BOCES and the Town of Orchard Park. The town will be reimbursed for \$43,050 for SRO services.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

In Sunday's paper there was an article stating that the Orchard Park Town Board would be voting on a \$9.6 million dollar bond issuance to dredge Green Lake, repair the dam, and for a new drainage system for the 150 homes in the Bussendorfer area. The article was incorrect. Also, a large parcel was purchased by a developer in the Bussendorfer area. The following people came forward to express their concerns regarding the flooding in that area, the lack of support, added flooding worries if a new subdivision is planned for that area. The residents of the area want their drainage problems addressed, to be kept informed, and have possible input, as to what is going to take place with the new development and the proposed drainage system for the area.

Carol Castonguay
Larry Powenski
Chuck Albrecht
Tom Bleb
Earl Kipler
Ken Zielinski
Linda Hristovski
Shauna Hunt
Margaret Ann Bueme

Patricia Meckes & Timothy Gawlick, both live on Newton Road. They had a complaint regarding the resident who lives on the corner of Newton and South Abbott Rd. The resident leaves the garbage cans out all the time and they are placed in the right of way. Anyone who tries to turn right has to veer over to the other lane to get around the garbage cans which creates a traffic hazard. There is debris everywhere and the place is an eyesore. They would like the Town to help with this problem.

ELECTED OFFICIALS & DEPARTMENT HEADS

11) 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 budget transfers:

Rescind from 8/19/15 Town Board Meeting:

\$5,000.00 From: A.7110.0421 Parks Lake Maintenance
 To: A.7110.0449 Parks Electric

Add

\$5000.00 From: A.7110.0449 Parks – Lake Maintenance
 To: A.7110.0421 Parks Electric

The resolution was unanimously adopted.

Supervisor Keem stated that this Town Board is aware of the long standing drainage issues in the Bussendorfer area, and is committed to addressing the problems there. He stated that Councilmember Majchrzak brings it up at every work session. Supervisor Keem told the residents that they could go on the Town website to pull the calendar to find out when the different boards are meeting, and they should have the agendas attached.

Supervisor Keem said he attended the ceremony at the Brush Mountain Little Loop Football field where they honored Dave Janka by naming it after him for all the hard work he has done for the club.

Councilmember Majchrzak said the \$9.6 million dollar bond that is being discussed is for over a dozen projects, with Green Lake Dam and the Bussendorfer drainage as the two big projects. The Green Lake project is mandated by the Federal Government to bring it up to the new standards. He said infrastructure is his passion, it is not something you see, but is very important. With the Bussendorfer drainage project, Councilmember Majchrzak embraced that with Town Engineer Wayne Bieler, and the Town had an informational meeting a few years back for the residents. The plans have changed a bit and the Town has decided to put it out as a one bid proposal. Currently the plans are with a consultant and the Town Engineer will talk about that. Councilmember Majchrzak said he will not let go until it is fixed properly.

With these kinds of projects, Federal and State agencies are involved, and you just have to wait for the project to go through the process.

Councilmember Sherry lives in the Bussendorfer area and is quite familiar with the drainage problems there. The money for addressing the drainage issue has nothing to do with a developer, the drainage problem in this area has been around for over 20 years. The original intention was to vote on a bond for the Bussendorfer drainage issue, and many more, but there are a whole host of issues surrounding this effort and it has been delayed. Councilmember Sherry stated that the Town Board hopes to be able to vote on this within the next few months. He stated that the Board Members are available by email and phone, if you have questions, do call. He also told the residents on Newton Road that the Town will look into the issues there.

Town Clerk Remy Orffeo stated that regarding a proposed Senior Residential zoning, the applicant would have to be referred to the Planning Board, then the Town Board would hold a Public Hearing and everyone within 500 feet would be notified. If approved by the Town Board, it would then go back to the Planning Board where there would be two more Public Hearings and again the residents within 500 feet of the project would be notified.

Police Chief Mark Pacholec said that there is going to be a concert at Ralph Wilson Stadium tomorrow. Regarding the individual discussed tonight on Newton Road, he said that the Department is familiar with them, and have been down there dozens of times. She has harassed the County workers to the point where the southern district Supervisor is considering pressing charges against her. Both roads at the intersection are County Roads, and we do not have jurisdiction over them for certain issues. Chief Pacholec stated that as far as her throwing things in the road, he needs someone to state that they physically saw her do it to prosecute her. They will continue to try to remedy this situation.

Highway Superintendent Fred Piasecki said they are continuing the paving of selected road, and the Weiss Avenue Reconstruction is at the phase where the sub-contractor is pouring the curbs, and paving should be around the last week of September.

Town Engineer Wayne Bieler stated that regarding the Bussendorfer Drainage Project that there is always a public hearing before any major projects, and he hopes to be out in January for bidding on that project. He discussed the State and Federal Wet Land guidelines that slow down the process. He also stated that with SEQR guidelines that you cannot do anything that would cause damage downstream, so that has to be factored in. The project is in four phases, and the first phase has to do with the retention ponds because they have to contain the water upstream.

As far as a developer working in that area, they are also held to the state and federal guidelines, and have to contain the water up to a hundred year storm, and they cannot negatively impact anyone downstream. Development of that area may actually help the water issues as the developer has to do the mitigation work, and could lower the water table because of all the different lines they would be required to put in.

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

General Fund	\$84,888.14
Public Safety Fund	\$18,277.66
Part Town Fund	\$863.97
Risk Retention Cemetery Fund	
Highway Fund	\$56,209.93
Special Districts	\$134,703.72
Trust & Agency	7,639.17
Capital Fund	128,200.92

The resolution was unanimously adopted.

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

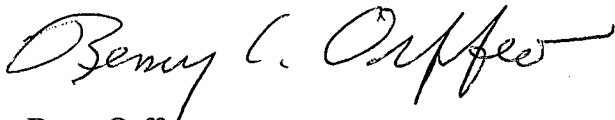
RESOLVED, that the Town Board does hereby receive and file the following communications:

- Erie County Dept. of Environment & Planning memo stating the Agricultural District Annual Enrollment Period is from September 1 through September 30, 2015. Forms are available in the Town Clerk's office.
- 2015-16 HEAP Information update is available in the Town Clerk's Office

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:12 PM (local time).

Respectfully Submitted,



Remy Orffeo
Appointed Town Clerk

