

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 19th day of October 2016 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilman
	Michael Sherry	Councilman
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
	Mark Pacholec	Chief of Police

Supervisor Keem read into the record the following: "If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."

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

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on October 5, 2016, Executive Sessions: October 5 & 12, 2016 Special Session: October 12, 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.

SPECIAL PRESENTATION

Certificates of Appreciation for former Zoning Board of Appeals Chairpersons

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

WHEREAS, the Town Board of the Town of Orchard Park, on January 2, 1941 established, under New York State Law, the Orchard Park Zoning Board of Appeals, and

WHEREAS, in the year 2016 the Orchard Park Zoning Board of Appeals is celebrating its 75th anniversary, and

WHEREAS, the Zoning Board of Appeals is empowered to approve or deny requests for variances from the Orchard Park Town Code and decisions of this Zoning Board of Appeals are based on strict criteria defined by the State, and

WHEREAS, this Zoning Board of Appeals may advise the Orchard Park Town Board regarding zoning and development issues as they deem necessary, and

WHEREAS, under the Orchard Park Town Code the Zoning Board of Appeals has the authority to approve the location of cell towers, and

WHEREAS, during its seventy-five year history the Zoning Board of Appeals has been staffed by residents dedicated to serving the Orchard Park community, and

WHEREAS, persons who have served on the Zoning Board of Appeals have helped the Town of Orchard Park to develop in a manner consistent with "smart growth" that balances practical considerations and hardships with the intent of the Orchard Park Town Code, and

WHEREAS, the Orchard Park Town Board seeks to honor the sixteen members of the Zoning Board of Appeals who have served as chairperson.

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board does hereby recognize the dedication and service to the Orchard Park Zoning Board of Appeals as Chairpersons of:

Herbert Holtz, Clinton Holmes, Vincent Sorge, Walter Meyer, William Corcoran, John Mills, Leon Zwolinski, Francis Fiske, Eileen Falcon, Arthur Coon, Michael McGuire, David Kaczor, Remy Orffeo, Robert Lennartz, JoAnn Litwin Clinton and Joseph Liberti.

The resolution was unanimously adopted.

Old Business #1 Supervisor to sign contract to extend Federal Aid Project for Forest Drive Bridge

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

WHEREAS, the State of New York Department of Transportation has officially agreed to extend the current contract for (PIN 5758.32, BIN 2213410, comptroller's contract #D0-32478) Forest Drive Bridge Replacement, so that the Forest Drive Bridge Replacement Project may be closed out and that the Town may request reimbursement for final available Federal and State funds under construction and construction inspection phase.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute (all necessary) contract items to extend the Federal Aid Project Agreement # D032478 with New York State Department of Transportation for the Forest Drive Bridge Replacement Project's Contract End Date to December 31, 2017, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Burmon Dr. Sidewalk Replacement Project declare SEQR Type II Action

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

WHEREAS, New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund, or directly undertake, and

WHEREAS, the Orchard Park Engineering Department has attached the SEQR Short Form for the Burmon Drive Sidewalk Replacement Project and the Town has determined the project is classified as a "Type II Action" in accordance with section 617.5 (c) (5) of the SEQR regulations as replacement in kind. Actions that can be classified as a "Type II Action" under the SEQR regulations do not require any further SEQR review, including an Environmental Assessment Form. The Short Environmental Assessment Form has been completed and is attached to provide documentation of this review and determination, and

WHEREAS, in addition, the Erie County DEP has requested formal proof that funding for the recently applied grant projects has been dedicated and is secure. As there has not been a capital account set up and funded for this project, the entire project, minus the possible grant award of \$150,000, will have to be bonded as discussed at previous meetings. The project cost is estimated at \$380,000 and the funds will not have to be used at this time unless the grant is awarded to the Town.

NOW, THEREFORE, be it

RESOLVED, that the Burmon Drive Sidewalk Replacement Project is hereby classified as a "Type II Action" as the project will not have a significant impact on the environment and is precluded from further environmental review under New York State Environmental Conservation Law, Article 8, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to complete a certified funding resolution for submittal to the Erie County Department of Planning for the 2017-2018 CDBG Grant Application with project being funded by 2015 bond resolution that will fund the amount of \$380,000 for Burmon Drive Sidewalk Replacement Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Burmon Dr. Road Replacement Project Declared SEQR Type II Action

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

WHEREAS, New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake, and

WHEREAS, the Orchard Park Engineering Department has attached the SEQR Short Form for the Burmon Drive Road Reconstruction Project and the Town has determined the project is classified as a "Type II Action" in accordance with section 617.5 (c) (5) of the SEQR regulations as replacement in kind. Actions that can be classified as a "Type II Action" under the SEQR regulations do not require any further SEQR review, including an Environmental Assessment Form. The Short Environmental Assessment Form has been completed and is attached to provide documentation of this review and determination, and

WHEREAS, in addition, the Erie County DEP has requested formal proof that funding for the recently applied grant projects has been dedicated and is secure. As there has not been a capital account set up and funded for this project, the entire project, minus the possible grant award of \$150,000, will have to be bonded as discussed at previous meetings. The project cost is estimated at \$2,000,000 and the funds will not have to be used at this time unless the grant is awarded to the Town.

NOW, THEREFORE, be it

RESOLVED, that the Burmon Drive Road Reconstruction Project is hereby classified as a "Type II Action" as the project will not have a significant impact on the environment and is precluded from further environmental review under New York State Environmental Conservation law, Article 8, and be it further

CDBE

RESOLVED, that the Town Board does hereby authorize the Town Clerk to complete a certified funding resolution for submittal to the Erie County Department of Planning for the 2017-2018 CDBG Grant Application with project being funded by 2015 bond resolution that will fund the amount of \$2,000,000 for Burmon Drive Road Reconstruction Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Town to submit a Safe Routes to School Project

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

WHEREAS, the Town of Orchard Park intends to submit a Transportation Alternatives Program grant application to the New York State Department of Transportation, in an amount not to exceed \$5 million (project maximum) for a Safe Routes to School project that promotes safe, healthy alternatives to riding the bus or being driven to school. This project will include the construction of new sidewalks along Sheldon Road between Lynn Drive and Abbott Road in front of Windom Elementary; along the back of Windom to Olympic Avenue and West Abbott Grove; on Eggert Road directly in front of Eggert Elementary; and on the south side of North Lake Drive near Yates Park and Green Lake to lead to South Davis Elementary, and;

WHEREAS, the Town of Orchard Park will cover all project costs upfront before receiving 80% reimbursement from the State. The Town of Orchard Park will commit a minimum 20% match toward this project. The Town of Orchard Park is committed to and supports this project.

NOW, THEREFORE, be it

RESOLVED, that Wayne Bieler, Town Engineer, is hereby authorized to submit a Transportation Alternatives Program to the New York State Department of Transportation for the development of a Safe Routes to School project that promotes safe, healthy alternatives to riding the bus or being driven to school.

The resolution was unanimously adopted.

New Business #2 Budget Amendment for the STOP DWI Grant

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

WHEREAS, the Public Safety Fund has a portion of its fund balance derived from State funding restricted for Stop DWI initiatives, and

WHEREAS, the Town's Police Department wishes to use a portion of such Stop DWI Reserve to purchase equipment to further the objectives of the program, and

WHEREAS, the Town Board does support these program objectives and desires to authorize the use of such reserves.

NOW, THEREFORE be it

RESOLVED, that the Town Board hereby authorizes the amending of the Town's 2016 adopted budget to increase appropriations and authorize the use the Stop DWI Reserve funds as follows:

Increase Appropriations:

PS.3120.0217 Public Safety Police – DWI Equipment	\$35,470.00
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Increase Use of Fund Balance Restriction:
 PS.0000.0888 Public Safety Police – DWI Reserve \$35,470.00

The resolution was unanimously adopted.

New Business #3 Budget Amendment for D.A.R.E, Program Supplies

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

WHEREAS, the Public Safety Fund has a portion of its fund balance derived from donations restricted to support the Town’s D.A.R.E. program, and

WHEREAS, the Town’s Police Department wishes to use a portion of such D.A.R.E. Reserve to purchase equipment to further the objectives of the program, and

WHEREAS, the Town Board does support these program objectives and desires to authorize the use of such reserves.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the amending of the Town’s 2016 adopted budget to increase appropriations and authorize the use the D.A.R.E. Reserve funds as follows:

Increase Appropriations:
 PS.2989.0419 Public Safety D.A.R.E. – Program Supplies \$3,100.00

Increase Use of Fund Balance Restriction:
 PS.0000.0889 Restricted Fund Balance – D.A.R.E. Reserve \$3,100.00

The resolution was unanimously adopted.

New Business # 4 Budget Amendment for Police Patrol Car

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

WHEREAS, one of the Town’s Police Depart. Vehicles was involved in an accident and totaled, and

WHEREAS, the Town did not include the insurance revenue to provide for the purchase of the replacement vehicle in the year 2016 adopted budget, and

WHEREAS, the Town does desire to purchase a replacement vehicle with insurance proceeds.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2016 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$28,700.00:

Increase Appropriations:
 PS.3120.0215 Public Safety Police – Patrol Cares \$28,700.00

Increased Estimated Revenues:

PS.0000.2665 Public Safety Police – Ins. Recovery \$28,700.00

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one spoke

ELECTED OFFICIALS & DEPARTMENT HEADS**Budget Transfers**

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

WHEREAS, the Public Safety Fund is in need of funds to pay out additional amounts for officer compensatory time and mileage reimbursements that were not included in the amount budgeted for the fiscal year ended December 31, 2016, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following Transfers:

Increase Appropriations:

PS.3120.0113 Public Safety Police – Compensatory Time	\$103,314.00
PS.3120.0412 Public Safety Police – Mileage Reimbursement	\$ 2,000.00

Decrease Appropriations:

PS.3120.0105 Public Safety Police – Salary – Stop DWI	\$ 8,000.00
PS.3120.0109 Public Safety Police – Salary for Training	\$ 20,000.00
PS.3120.0135 Public Safety Police – Metal Detector Salary PT	\$ 20,314.00
PS.3120.0111 Public Safety Police – Overtime	\$ 55,000.00
PS.3120.0475 Public Safety Police – Gasoline	\$ 2,000.00

Highway Budget Transfers

From	To:	Amount
DA.5130.0200 Highway Equipment	DA.5110.0472 Highway Stone/Gravel	\$33,000.00
DA.5110.0416 Highway Gas/Oil	DA.5110.0472 Highway Stone/Gravel	\$28,000.00

The resolution was unanimously adopted.

Supervisor Keem stated that the Municipal Parking lot was in very bad shape and needed to be replaced, it could no longer just be patched. Also, more parking spaces needed to be added. The Town Board decided to completely reconstruct the lot. New storm drains were put in, they dug the base out and replaced the whole lot and reinforced it. It was done correctly, on time and on budget. The fence behind the parking lot was also in bad shape, and needed to be redone as well. Supervisor Keem thanked Town Engineer Wayne Bieler and his staff for all the time they put into the project.

Councilman Majchrzak noted that the bridge at Green Lake was removed and taken off to be repainted. Depending on the weather, hopefully the bridge will be back in place next week. Then after one more pour on the spillway, in a few weeks they may be able to close the gate and let Mother Nature fill the lake back up.

Town Clerk Remy Orffeo stated the last day to pay school taxes was on last Monday, and Chief Pacholec was good enough to station a Police Officer in the Town Clerk's office for the day. This is very important because there are a lot of people coming in to pay their taxes that day, and there are a lot of checks and cash. He thanked Chief Pacholec for the two officers who helped that day.

Chief Pacholec stated that on October 30th the Patriots will be playing here. It is a flex game and may get moved from 1:00pm to 4:00pm start. Halloween is on Monday, the 31st of October and he asked our citizens be cognizant of the little ones out there trick or treating. Along with that the leaves are coming down and people are putting them in the street, this creates driving issues, especially with Halloween. Do not put your leaves in the road.

Highway Superintendent Piasecki outlined the Highway Departments work for the last two weeks. He stated that they have started the leaf pickup, and will increase the pickup as necessary. The Town Highway Superintendents have been working on the Plowing Contract with the County.

10) 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 # 20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$38,658.55
Public Safety Fund	\$12,187.22
Part Town Fund	\$2,167.49
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$5,241.54
Special Districts	\$275,001.50
Trust & Agency	\$15,250.00
Capital Fund	\$448,359.87

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board received and file the following Communications:

- Orchard Park Fire District 2017 Budget Summary (on file in Town Clerk's office)
- NYS Public Service Commission is sponsoring public statement hearings regarding proposed increases for National Fuel Gas Distribution corporations (NFG) gas delivery rates. In April 2016, the company filed for new gas delivery rates to be effective beginning April 1, 2017.

The resolution was unanimously adopted.

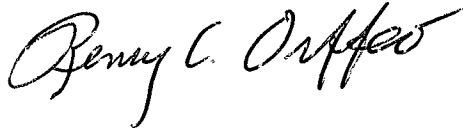
11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board received and file the Building Inspector's September Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:30 pm (local time).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Remy C. Orffeo". The signature is written in a cursive, flowing style.

**Remy Orffeo
Town Clerk**