

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 4th day of October 2017 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 September 20, 2017, Executive Sessions: September 20, 2017, 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
2018-2019 Federal Community Development Block Grant Funds**

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the use of Community Development Block Grant Funds.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud, and filed with the Town Board by the Town Clerk.

Town Engineer, Wayne Bieler, stated the Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2017-2018 Program Year.

Supervisor Keem asked if anyone is interested in speaking or making a comment. No one came forward.

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

RESOLVED, that the Public Hearing for the 2018 - 2019 Federal Community Development Block Grant Funds is hereby closed at 7:13 PM.

The motion was unanimously adopted.

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

WHEREAS, as discussed at the 2017 public hearing on the use of Community Development Block Grant Funds, the Supervisor must be given authorization to sign, submit and execute the contracts with the Erie County Community Development Block Grant (ECCDBG) program. The proposed Community Development projects must be ranked in order of priority by the Town. In addition, Rural Transit Service has asked for a letter of support from the Town.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign, submit and execute applications/contracts for the ECCDBG program with the following priority.

- Priority #1 = Burmon Drive Sidewalk Replacement
- Priority #2 = Brush Mtn. Senior Center Wing (CAC) – Meals on Wheels Program
- Priority #3 = Rural Transit Service

And, be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to issue a letter of support for the Rural Transit Service – Van Program, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to complete a certified resolution for submittal to Erie County Department of Planning for the 2018-2019 CDBG Grant Applications.

The resolution was unanimously adopted.

Old Business #1 Final Change Order & Release of Retention to Zoladz for Green Lake Dam Proj.

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

WHEREAS, the construction work on the Green Lake Dam Rehabilitation and Dredging Project has been completed. On August 3, 2017, 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 \$4,386,759.04 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 \$125,032.42. This represents a decrease of 2.78% from the original amount bid with contact change orders.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final change order and authorize release of the retention for Green Lake Dam Rehabilitation and Dredging Project to Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 in the amount of \$216,337.95, and be it further

RESOLVED that the Town Board does hereby authorize the Town Clerk to release Zoladz Construction's performance security in the amount of \$4,363,189.74, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Release of Escrow under PIP 2013-02 Knoche Farms Estate Subdivision Phase 1

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

WHEREAS, on August 27, 2014, the Town Board accepted dedication of the public improvements constructed in the Knoche Farms Estate Subdivision with the stipulation that funds paid by the developer be held in escrow ensuring placement of required wetlands plantings after the outlet of the retention pond 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 Wilson Environmental 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 the \$8,000 held in escrow under PIP #2013-02 for placement of required wetlands plantings in the Knoche Farms Estates Subdivision, Phase 1 to Knoche Farms LLC., as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Set Public Hearing for 2017 Local Laws

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

RESOLVED, that the Town Board does hereby set a Public Hearing for the following Local Laws for 2017, which are on file in the Town Clerk's Office.

- 2107-14 – Town of Orchard Park to over-ride tax levy limit established in General Municipal Law Sec. 3-c
- 2017-15 – Amending Chapter 144 “Zoning”, Article III. Zoning District: Regulations § 144-17.1 Conservation Management Overlay (CMO) District
- 2017-16 – Amending Chapter 144 “Zoning”, Article Telecommunications to add §114-55 “Solar Energy Ordinance”

The resolution was unanimously adopted.

New Business #2 Authorize Town Attorney to write a Local Law rescind Chapter 99-3(D).

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

RESOLVED, that the Town Board does hereby authorize the Town Attorney to write a Local Law rescinding Chapter 99 “Peace and Good Order” Article II “Unlawful Trespass” Section 99-3(D) and to further direct the Town Clerk to begin the process of scheduling a Public Hearing on said Local Law.

The resolution was unanimously adopted.

New Business #3 Set Public Hearing for 2018 Ad Valorem & Benefit Basis Budgets

9) 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 set a Public Hearing for Wednesday November 1, 2017 to hear all interested parties regarding the 2018 Preliminary Ad Valorem and Benefit Basis Budgets at 7:00 PM, at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #4 Appointment of Deputy Town Clerk

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

WHEREAS, Deputy Town Clerk Judy Ernst has resigned her position in the Town Clerk's Office as of September 5, 2017, and therefore the Town Clerk's Office is in need of additional staff,

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of Town Clerk Remy Orffeo, the Town Board does hereby appoint Jennifer Brady, 6215 Scherff Road, Orchard Park, NY 14127 to the position of Deputy Town Clerk in the Town Clerk's Office at a wage rate of \$19.50 per hour effective October 10, 2017.

The resolution was unanimously adopted.

New Business #5 Approve Building Permit for Emmanuel United Methodist Church

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

WHEREAS, the Emmanuel United Methodist Church wishes to construct a small addition in order to install a wheelchair lift, and

WHEREAS, the property has been considered for Historic designation and the Historic Preservation Board has accepted the plan as submitted (per section 74-6D) of the Town Code.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve a Building Permit for the Emmanuel United Methodist Church located at 7404 Ellicott Road.

The resolution was unanimously adopted.

New Business #6 Approve Commercial Parking Permit

12) 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 2017 Commercial Parking Permit for David Field at 5122 Big Tree Road, as recommended by the Chief of Police and Code Enforcement.

The resolution was unanimously adopted.

New Business #7 Approve Request to Attend Conference

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

RESOLVED, that the Town Board does hereby approve the request of Paul Pepero, IT Department, to attend the Essentials of Community Cyber Security Exercise Planning Conference on October 18 & 19, 2017 at the Erie County Emergency Services Training & Operations Center in Cheektowaga.

The resolution was unanimously adopted.

New Business #8 Approve Request to Attend Meeting

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

RESOLVED, that the Town Board does hereby approve the request of Amy Glende and Carly Spatar, Records Management Clerks, to attend the 51st WNYLRC Annual Meeting on October 4, 2017, the money is in the budget.

The resolution was unanimously adopted.

New Business #9 Approve Request to Attend Workshop

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

RESOLVED, that the Town Board does hereby approve the request of Amy Glende and Carly Spatar to attend the WNYLRC Workshop: Introduction to Archival Arrangement & Description on November 02, 2017, the money is in the budget.

The resolution was unanimously adopted.

New Business #10 Approve Request to Attend Conference

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

RESOLVED, that the Town Board does hereby the request of Amy Glende and Carly Spatar to attend the Mid-Atlantic Regional Archives Conference on October 26 – 28, 2017, the money is in the budget.

The resolution was unanimously adopted.

New Business #11 Approve purchase of new 2016 Morbark Wood Hog Grinder

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

RESOLVED, that the Town Board does hereby approve the sale of the 2006 6600 Wood Hog Grinder to the L.C. Whitford Equipment co, Inc. for the sum of \$327, 370.00, and be it further

RESOLVED, that the Town Board does hereby approve the purchase of a new 2016 Morbark model 6600 Wood Hog Grinder under the New York State Bid Contract for \$786,212.05, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #12 Budget Amendment

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

WHEREAS, the Town’s Police Department had vehicles involved in accidents, and

WHEREAS, the Town’s Police Department received proceeds insurance recoveries and from the sale of other equipment, and

WHEREAS, the Town did not include the revenues above in appropriations within the year 2017 adopted budget, and

WHEREAS, the Town does desire to purchase other equipment with the proceeds,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2017 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$8,500.00:

Increase Appropriations:

PS.3120.0225	Public Safety Police – Other Equipment	\$8,500.00
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Increase Estimated Revenues:

PS.0000.2665	Public Safety Police – Sale of equip	\$ 8,500.00
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The resolution was unanimously adopted.

New Business #13 (not on agenda) Set Public Hearing for Civil Service Law §209-a (1)(e),

19) 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 schedule a Public Hearing to be held by the Town Board of the Town of Orchard Park, on November 1, 2017 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, pursuant to Civil Service Law §209-a (1)(e), for the bargaining representatives of the Town and Civil Service Employees Association, Local 815, representing the Town of Orchard Park Blue Collar Unit to explain their positions with respect to the Report of the Fact Finder in PERB Case No. M2015-160.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward to speak.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem talked about the 2018 tentative budgets and stated they are online for everyone's review.

Chief of Police Pacholec stated that there is going to be a Med Drop Off event and to check the Town's website for information.

Highway Superintendent Piasecki stated they have completed some big drainage projects, cleaned out some receivers and hope to finish up the drainage work at Fox Chapel.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$66,650.24
Public Safety Fund	\$28,056.28
Part Town Fund	\$816.05
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$25,439.34
Special Districts	\$931,487.19
Trust & Agency	\$4960.59
Capital Fund	\$383,432.35

The resolution was unanimously adopted.

21) 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 receive and file the Orchard Park Fire District Notice of Public Hearing on the proposed 2018 Fire District Budget on October 17, 2017. A copy of the proposed budget is on file with the Town Clerk.

The resolution was unanimously adopted.

22) 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 receive and file the Building Inspector's Report for September 2017.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:27 pm (local time).

Respectfully Submitted,



**Remy C. Orffeo
Town Clerk**