

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 1st day of October, 2014 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

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

ABSENT AT ROLL CALL:	Eugene Majchrzak	Councilmember
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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 SHERRY, TO WIT:

RESOLVED, that the Regular Town Board Meeting Minutes held on September 17, 2014, and Executive Session Meeting Minutes held on September 17 & 24, 2014 are hereby approved 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

2015-2016 Federal Community Development Block Grant Funds

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against the 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 2015-2016 Program Year.

Supervisor, Patrick Keem stated as discussed at the 2014 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.

Supervisor Keem asked if anyone is interested in speaking or making a comment. No comments were made.

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

RESOLVED, that the Public Hearing for the 2015-2016 Federal Community Block Grant Funds is hereby closed at 7:10PM.

The motion was unanimously adopted.

New Business #1 Community Development Block Grant

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY.

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 Sanitary Sewer Replacement Project

Priority #2 = Burmon Drive Road Reconstruction Project

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.

The resolution was unanimously adopted.

New Business #2 Commercial Parking Permit approvals

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

RESOLVED, that the Town Board does hereby approve the following 2014 Commercial Parking Permits, as requested by the Town Clerk: 5554 W. Webster Road.

The resolution was unanimously adopted.

New Business #3 Town of Orchard Park Purchase Card Policy & Procedures

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

RESOLVED, that the Town of Orchard Park has revised its Purchase Card Policy and Procedure to add additional card holders.

WHEREAS, the entire purchase card policy & Procedure Policy was rewrote.

WHEREAS, the current policy where Karen Barnas, in accounting was the only one holding the purchase card.

WHEREAS, 4 others will be added to the purchase cards to make the municipality run more efficient.

WHEREAS, Anna Willems, Director of the Senior Center, Mark Pacholec, Chief Police, Wayne Bieler, Town Engineering and, Ed Leak, Recreation.

WHEREAS, Statements will be monitored closely and this will make things run more efficiently.

The resolution was unanimously adopted.

New Business #4 Director of the Senior Center' to attend the Network in Aging Conference

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

RESOLVED, that the Town Board does hereby approve the request of Anna Willems, Director of the Senior Center' to attend the Network in Aging Conference "Aging Services in the 21st Century, National, State and Local Perspective" on November 6, 2014 at Samuels Grand manor in Williamsville.

The resolution was unanimously adopted.

New Business #5 Set Public Hearing for 2015 Preliminary Budget and Benefit Basis Budget

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

RESOLVED, that the Town Board does hereby Schedule a Public Hearing for Wednesday, October 15, 2014 at 7:00 pm, for the 2013 Tentative AD Valorem Budget & the Benefit Basis Special District Budget.

Supervisor Patrick Keem stated the Preliminary Budgets have been completed by the supervisor and filed within the Town Clerk's office and be available for inspection and will be posted on line.

The resolution was unanimously adopted.

New Business #6 Public Hearing for Local Law: §25-6 Additional list Type I SEQR Action.

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

RESOLVED, that a Public Hearing will be set for 7:00 pm, Wednesday, October 15, 2014, at the Municipal Center, 4295 South Buffalo Street, Orchard Park, NY 14127 for the following Local Law: §25-6 "Planning Board" Additional list Type I SEQR Action.

The resolution was unanimously adopted.

New Business #7 Supervisor to submit an application to the NYS Unified Court System

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

RESOLVED, that the Town Board to authorize the Supervisor to submit an application to the New York State Unified Court System, 2014 Justice Court Assistance program for the Town Court. The total amount requested for the proposed project will not exceed \$30,000

The resolution was unanimously adopted.

New Business #8 Release of \$4,500 held in escrow under PIP #2013-06 Ellicott Development,

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

WHEREAS, on July 16, 2014 the Town Board accepted dedication of the public improvements constructed in the Ellicott Development – 3910 North Buffalo St. Public Roadway Project, PIP 2013-06 with the stipulation that funds paid by the contractor be held in escrow until removal of the field office trailer and install a swale, and placement of a street sign were completed, and

WHEREAS, the contractor has completed the work, which was inspected by the Engineering Department and found to comply with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Tom Greenauer, the escrow totaling \$4,500 held in escrow for the trailer removal, installation of the swale with rock check dams on north side of property, placement of hydro seed and mulch, and installation of the street sign in the Ellicott Development - 3910 North Buffalo Street Public Roadway Project (P.I.P. #2013-06.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Release of \$2,500 held in escrow under PIP #2013-04, Lyrica Park CMO

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

WHEREAS, on August 13, 2014, the Town Board accepted dedication of the public improvements constructed in the Lyrica Park CMO subdivision Phase 2 with the stipulation that funds paid by the developer be held in escrow until the spare decorative street lighting parts were delivered

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the \$2,500 held in escrow for supplying required spare fuses, poles, and fixtures per Town Standard in the Lyrica Park CMO Subdivision Phase 2 (PIP #2013-04) as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Board to adopt the SEQR Resolution for Hazel Court Sanitary Sewer Extension.

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

WHEREAS, New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impact's 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 Hazel Court Sanitary Sewer Extension Project and has determined the project is classified as a "Type II Action" in accordance with section 617.5(c)(11) of the SEQR regulations as an extension of utility distribution facility. Actions that are classified as "Type II Actions" under SEQR regulations do not require any further SEQR review, including an Environmental Assessment Form. The Short Environmental Assessment Form has been completed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby determine the Hazel Court Sanitary Sewer Extension Project is 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 Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Authorize Police Officers to attend NYS highway Safety Symposium

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

RESOLVED, to authorize Lt. Jason Schiedel and PO Daniel Honer to attend the NYS highway Safety Symposium in Lake Placid, NY from October 19th to October 22nd. The cost for the course and room is \$687.00 and is in the budget. Cost for gas and meals will be paid by the Orchard Park Police Department, and is in the budget.

The resolution was unanimously adopted

BUSINESS FROM THE FLOOR

Dave Schuster 5385 S. Freeman Road. At work session last week, one of the item's to be discussed was the budget, but when it was time to discussed, the public and press were asked to leave. Reason given for executive session was individual salaries would be discussed. Feel pay raises should be discussed in public. Prior issue of the Bee paper discussed the salary of the town clerk, assistant to town clerk's hourly raise and new rate recommended. Why was the executive session held to discuss salary when it was in the paper when other salary discussions were behind closed doors

ELECTED OFFICIALS & DEPARTMENT HEADS

Patrick Keem had 4 issues to discuss

1. Tentative 2015 Budget filed, and posted on website.

2. Brush Pick up, former contract was released and hired 2 different companies hired to handle brush.
3. Changing Bulk pick up (in contract formerly bulk picked up 1x month, caused issues with trucks full and couldn't get all bulk items and residents would complain). Met in July and changing policy to one item per week verses last week of month. Code Red Alert will be made tomorrow, as well as on the website and letter will also be sent out to residents.
4. Statement to make regarding the retirement of the Town Clerk and the responsibility it places upon this town board. Carol Hutton and many years of professionalism and dedicated serve our community for 20 years. . NYS town law section 30, states the First deputy clerk possess power and perform the duty or during a vacancy of town clerk. The office has been vacated due to retirement, 1st deputy town clerk Kathy Swarbrick in accord with the law duties to law. Kathy has 19 years of service in the Town Clerk's office, and Carol confirmed her confidence to oversee and hold responsibilities of that office. Outstanding level of service the town clerk provided to community. No urgency or advantage in maintain and appoint to the position of town clerk. Intention to arrive at best decision not just an acceptable or good one.

Police Chief Pacholec, mentioned 2 events in the village on Thursday Oct 2 and Friday Oct 3 which may result in parking congestion and pedestrian traffic. Few car larcenies have been reported in a short time frame. Good citizens who called police with good accurate and police working through investigation. Please call the Police if you see anything, and do not intervene with an incident.

Highway Superintend Fred Piasecki, Municipal parking lot has been paved, small drainage projects completed, Amelia drive paved to Milestrip. Erie County did complete the milling and paving of Abbott Road, and just need to stripe the roads. Do have 2 new brush contractors and will go through Oct 31 and split the town in half, North section and south section with 20A being split.

14) 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 #19 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$76,069.44
Public Safety Fund	\$24,994.23
Part Town Fund	\$1683.30
Risk Retention	
Cemetery Fund	
Highway Fund	\$179,770.26
Special Districts	\$128,813.30
Trust & Agency	\$52,821.61
Capital Fund	\$174,691.89

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Sherry, the meeting adjourned at 7:33 pm (local time).

Respectfully Submitted,



Kathleen Swarbrick
Acting Town Clerk