

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 7th day of October 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 September 16, 2015, Special Session September 23, 2015, October 5, 2015 and Executive Sessions: September 16 and 23, 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.

PUBLIC HEARING

2016-2017 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 2016-2017 Program Year.

Supervisor, Patrick Keem stated as discussed at the 2016-2017 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.

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 2016-2017 Federal Community Block Grant Funds is hereby closed at 7:09PM.

The motion was unanimously adopted.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WHIT

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 Road Reconstruction Project

Priority #2 = Orchard Park Senior Center Interior Improvements

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 motion was unanimously adopted.

Old Business # 1 Extend the 2015 Garbage Collection Contract

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an amendment to the contract with Allied Waste Services of North America, LLC for Collection, Hauling and Disposal of Mixed Solid Waste, Bulky Waste and White Goods and Processing of Recycling to January 31, 2016.

The resolution was unanimously adopted.

Old Business #2 Extend Memorandum of Agreement for Public Safety Dispatchers

5) 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 Chief of Police to sign an extension to the current Memorandum of Agreement with the CSEA for a temporary schedule for the Public Safety Dispatchers from October 30, 2015 through January 1, 2016.

The resolution was unanimously adopted.

New Business #1 Set Public Hearing on Local Law 2015-7

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

RESOLVED, The Town Board to set a Public Hearing on Wednesday October 21, 2015 at 7:00pm at the Orchard Park Municipal Building for the matter of Local Law #7 of the year 2015, "Town of Orchard Park to over-ride tax levy limit established in general Municipal Law Sec 3-C".

The resolution was unanimously adopted.

New Business #2 Set Public Hearing for 2016 Preliminary Budget and Benefit Basis Budget

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

RESOLVED, that the Town Board does hereby set a Public Hearing for 2016 Preliminary Budget and Benefit Basis Budget on Wednesday November 4, 2015 at 7:00pm at the Orchard Park Municipal Building.

The resolution was unanimously adopted.

New Business #3 Purchase Pick Up Truck for Highway Department

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

WHEREAS, in accordance with the Highway Department replacement program, they are looking to replace a 2001 model truck with 277,000 miles on and it has reached it end of life, and

WHEREAS, they are looking at one (1) new 2016 International Truck 7400 SFA 4x2 Cab and Chassis which is \$169,111.30 under New York State Bid Contract, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to purchase one (1) new 2016 International Truck 7400 SFA 4x2 Cab and Chassis for \$169,111.30 under New York State Bid Contract and the monies are in place in the budget.

The resolution was unanimously adopted.

New Business #4 Budget Amendment for IT Department to purchase new equipment

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

WHEREAS, the IT Department has current equipment needs, and

WHEREAS, the General Fund IT Reserve, with a current balance of \$50,000, has the funding to allow for the purchase of such equipment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendments to the Town's 2015 budget in the General Fund to provide funding for such equipment:

General Fund:

Increase appropriated Fund Balance:		
A.0000.0878.0001	IT Reserve	\$ 50,000.00

Increase appropriation accounts:		
A1680.0200	IT Reserve Purchases	\$ 50,000.00

The resolution was unanimously adopted.

New Business #5 Budget Amendment for Increase in CHIPS funding

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

WHEREAS, the Town has received notification of Consolidated Highway Improvement Program aid of \$154,803.62 and a one-time additional appropriation of \$21,434,78 totaling \$176,238.40, and

WHEREAS, the Town’s adopted budget for 2015 included such aid to be \$154,529, and

WHEREAS, the Town needs to adjust the budget to the level of aid awarded in order to appropriately authorize the expenditure of Town funds and the receipt of such State aid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following amendment of the Town’s 2015 budget to appropriately adjust the amount of aid to be received and authorize additional appropriations for road improvement purposes:

Highway Fund:

Increase estimated revenues:		
DA3501.005	State Aid – C.H.I.P.S. Program	\$ 21,709.40

Increase appropriation account:		
DA5112.200	Highway – Improvement Program	\$ 21,709.40

The resolution was unanimously adopted.

New Business #6 Budget Amendment for Compost Site for equipment

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

WHEREAS, the Compost Department has current equipment needs of a 44K Loader, and

WHEREAS, the Compost Fund Equipment Reserve, which has a current balance of \$181,631.95, has the funding to allow for the purchase of such equipment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following amendments to the Town’s 2015 budget in the Consolidated Garbage District to provide funding for such equipment:

General Fund:

Increase appropriated Fund Balance:

800.0000.0878.0001 Refuse/Compost Equipment Reserve \$ 98,813.92

Increase appropriation accounts:

800.8161.0250 Composting Equipment \$ 98,813.92

The resolution was unanimously adopted.

New Business #7 Appoint Temp Deputy Clerk to Permanent

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 appoint Judy Ernst, to the full time position of 2nd Deputy Town Clerk, Non-Union Salary Schedule Range 5, Step 3, replacing Marie Carruthers who retired on September 30, 2015, as recommended by the Town Clerk.

The resolution was unanimously adopted.

New Business #8 Canvas for Civil Service Position for IT Assistant Network Coordinator

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 authorize the Personnel Department to canvas for the Civil Service position, Full Time, Assistant Network Coordinator for the Information Technology Department.

The resolution was unanimously adopted.

New Business #9 Draudt Road Culvert Rehabilitation Project

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

WHEREAS, the Draudt Road Culvert Crossing was recently red flagged by the New York State Department of Transportation (NYSDOT). A yellow flag was issued in 2014 for this culvert crossing and again on August 3, 2015. The yellow flag was changed to a red flag on August 4, 2015 after review by the Regional Hydraulic Engineer, and

WHEREAS, the portion of the culvert between the Spring Line and the Invert are corroded, and

WHEREAS this was evaluated by the Engineering Department and determined that structural paving of the invert is the most economical repair method. This repair method is less costly than a complete replacement, which will also contribute to greater stream disturbance, and extensive disruption to traffic, and

WHEREAS, the Engineering Department requested professional proposals from two consulting firms and Foit Albert Associates is the preferred consultant to perform the design services for this project. The desired rehabilitation alternative will be for Foit Albert to provide weekly inspections (4 weeks) during

the design for the structural paving. This action will allow the road to remain open for this period. This work can be funded through the 2016 bond resolutions or Capital Project H-03 Bridge/Inventory and Condition Study.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Foit Albert Associates, 763 Main Street, Buffalo, NY 14203 to provide professional services for the Draudt Road Culvert Rehabilitation Project in the amount not to exceed \$4,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Frank Grillo, spoke before the board to get a resolution on a neighbor who is a regular problem. Recently there is a restraining order with this individual. The property line needs to be cleaned up and there is harassment from this individual is daily. Have worked with the Police Dept. without any resolution. His family does not feel safe, and is asking for anyone to help with this matter, as he doesn't know what else to do. This situation is disrupting the whole neighborhood.

Carolynn Piccarreto, spoke of issue with Old Orchard Lane / Powers Rd. / Armor Duells intersection. Painting of the lines where Armor Duells and Powers Road come together (and Old Orchard comes right off there also). Cars are still whipping down Powers, disregarding the lines and stripes on the road, and recently barrels were added, but barrels won't be there all winter. People are not paying attention to the lines and suggest a Stop Sign. Last Tuesday Carolynn went to the Police Department which referred her to Highway. Powers Road is listed as one of the worst intersections in WNY. Not sure what else can be done, but would like to see something done before winter.

Christine Weyer, was inquiring about the schedule in place for this year's leaf pick up. Would like to know the plan for leaf pick up and hope it is better than last year.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem mentioned that there are 2 public forums scheduled at the Municipal Building regarding the budget and the tax increases. This forum will be structured like 'Business from the Floor' with each resident having 4 minutes to speak.

- Saturday October 24, 2015 at 10:00 am
- Wednesday October 28, 2015 at 7:00 pm

Town Engineer Wayne Bieler, Police Chief Pacholec and Councilmember Mike Sherry spoke about the unsafe intersection of Powers Road and Armor Duells, which is a county project, and is still under design review with the county (including a roundabout configuration or a 'T' intersection). Supervisor Keem will contact County Legislator John (Jack) Mills to see what he knows about the project status of this intersection.

Councilmember Sherry commented on leaf pick up and the possibility of schedule to post on our website so residents can go to the website to have an idea when the leaf machine would be in their area. Supervisor Keem also said that is a good point as the leaves blow around.

Town Clerk Orffeo wanted to thank the town's current retiree Marie Carrutters for her years of service. Marie started in the highway department in 1995, and in 1998 moved to the Town Clerk's Office, and was the secretary for the Public Safety Committee for many years.

Police Chief Pacholec also mentioned that with leaf and brush debris there have been many complaints from a certain neighborhood (17 violations). This debris should not go in the road, is a violation and can cause dangerous conditions. Please do not put debris in the roadway. Police Chief Pacholec also commented to Mr. Grillo that he recognizes the number of calls he has made to the Police Department. The individual was put under arrest when the order of protection was listed. Now it needs to go through the court system.

Highway Superintendent Fred Piasecki said his crews are busy with patching, working on drainage receivers, and sidewalks in Yates Park and Carey and Woodlawn area which is part of the School Safe Act Grant in conjunction with the Village.

Supervisor Keem also wanted to further comment about the water level in Green Lake. The water levels were purposely lowered so the dam reconstruction and dredging project can be completed.

Budget Transfers

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

Accounting Services:

Increase Appropriations:

A.1340.0451 Budgeting/Accounting Services
(Total \$75,000)

Decrease Appropriations:

A.1220.0137 Supervisor Clerical Salary \$45,000
A.9010.0814 General – State Retirement \$21,500
A.9060.0814 General – Hospital & Medical \$ 5,000
A.9030.0812 General – Social Security \$ 2,800
A.9090.0817 General – Medicare \$ 700

Workers Compensation expenditures:

Increase Appropriations:

A.9040.0813 General – Workers' Compensation

Decrease Appropriations:

A.9010.0810 General – State Retirement \$173,000

The resolution was unanimously adopted.

16) 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	\$87,580.18
Public Safety Fund	\$20,366.68
Part Town Fund	\$3,232.78
Risk Retention	\$
Cemetery Fund	\$
Highway Fund	\$281,812.88
Special Districts	\$245,697.14
Trust & Agency	\$15,077.54
Capital Fund	\$56,697.00

The resolution was unanimously adopted.

17) 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 receive and file the Building Inspector Report for September 2015

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:32pm (local time).

Respectfully Submitted,



Remy Orffeo
Appointed Town Clerk