

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 15th 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
	Eugene Majchrzak	Councilmember
	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

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 Preliminary Budget & Benefit Basis Special District Budget

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against the 2015 Preliminary Ad Valorem and Benefit Basis Budgets.

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.

Supervisor Keem stated that the Supervisor's Tentative Town Budget has been prepared with the help of the Town's Accounting Firm Drescher & Malecki. Since this is a tentative budget, there is still more to be done by the Town Board to see where constructive changes can be made.

Tom Malecki, the Town Account, stated that the Benefit Basis Budget is based upon an attempt to match the services you receive with the amount you pay for the services. It includes the sewer district, the water districts, the consolidate garbage and the lighting districts. The Ad Valorem Budget makes up the General Fund, the Town Outside Village Fund, the Highway Funds. The way you are charged is based on the assessed value of your home.

At this time Supervisor Keem asked if anyone wanted to come forward to speak.

Dave Schuster, - Last year the Code Enforcement position was eliminated due to fiscal constraints however, this year's budget calls for raises for elected and appointed positions. Mr. Schuster disagrees with the priorities and would like to see the stipend for the Supervisor as budget officer eliminated. If it is your duty as supervisor to prepare the budget you should not receive an extra stipend. Over the last several years there has been a \$4,500 variation in supervisor's compensation package and this was based solely based on the discretion of the board.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

RESOLVED, that the Public Hearing for the 2015 Ad Valorem & Benefit Basis Special District Preliminary Budgets of the Town of Orchard Park is hereby closed at 7:23 PM.

The resolution was unanimously adopted.

Statement from Supervisor Patrick Keem. Thanks to those who expressed concerns of town's 2015 budget draft. Being the Supervisor's primary responsibility to formulate the Ad Valorem budget, and being the first time was a cooperative undertaking involving the expertise of accounting, auditing, other jurisdictions to compare our town budget and practices with other towns. Council members have heard from many persons. We hope to hear from many more most importantly, those we are here to serve with public input, additional information, and new developments. We have asked managers to revisit their budgets to further control costs without compromising the excellence of service.

PUBLIC HEARING

At 7:25PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law #8-2014 Amending Chapter 25, "Planning Board to add Section 25-6-Additional List of Type 1 SEQR Action". Local law comes into effective immediately.

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

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the proposed local laws.

No one came forward.

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

RESOLVED, that the Public Hearing for proposed Local Law #8 for 2014 is hereby closed at 7:27PM

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a public hearing relating to the Matter of Local Law #8 - 2014 regarding "Add Section 25-6 Additional List Type I SEQR Action" was conducted on the 15th day of October 2014, at which time all interested parties were given an opportunity to be heard.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #8 for the Year 2014 which provides as follows:

§25-6 "Planning Board" Additional list Type I SEQR Action

A.

Pursuant to (6) NYCRR Part 617.14 the following actions in addition to the NYS Statewide Type I list are hereby designated Type I SEQR Actions;

(1)

Drive-thru stations or windows including but not limited to restaurants and banks.

(2)

Fuel stations providing gasoline or diesel fuel or electric charges or any other type of fuel for vehicles.

Section 2

This local law shall become effective immediately upon notification of the filing of the same with the Secretary of State

The resolution was unanimously adopted.

State of Orchard Park Police Address by Chief of Police Mark Pacholec

Volume of calls increases yearly, population growing, the average officer is 2.5 officers per 1,000, OP is at 1.43.

New Equipment to make our community safe: Wearable Body Cameras for Officers, Infrared Heat Sensor that was (bought with \$ outside of budget) used successfully the first day (and will help with missing persons) Additionally First Aid & various supply bags, security claws (door pry's), Command control in police vehicle, community Bike Safety Patrol, Tasers, Emotional Disturbed Protocol training, Video cameras on town property and co-viewed school property to better identify where issues are.

Building relationships with other municipalities for best practices and cost savings on equipment fees and Code Red. Partnering with State Police, FBI, NFTA. Also Buffalo Bills, OP Schools, various businesses, community (Youth Court, PTA), Facebook, twitter, Citizen Police Academy, Coffee with a Cop.

Challenges: 1) 24/7 First line supervision of staff and escalation process, 2) retirement & new hires, 3) records retention (data storage) and data technology is changing and costly (Wireless Aircards used to write up tickets in patrol cards), 4) array of drug / substance abuse and EMS and additional crimes that result.

New Business # 1 Budget Amendment- for field maintenance and appropriation.

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

WHEREAS, the Town has received funds from the Orchard Park Soccer club for the purpose of maintaining soccer fields, and

WHEREAS, weather conditions have required the Town to expand additional amounts to maintain and water such fields, and

WHEREAS, the funds received from the Soccer Club were not included in the town’s 2014 adopted budget for the General Fund

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorized the amending of the 2014 budget to recognize the amounts received from the Orchard Park Soccer Club and authorizes expending such funding for the maintaining of soccer fields as follows:

Increase Estimated Revenues:

A.2705.0001 Public Contributions – Recreations \$7,400.00

Increase Appropriations:

A.7110.0400 Parks – Milestrip Field Supplies \$4,000.00

A.7110.0423 Parks – Water \$3,400.00

The resolution was unanimously adopted.

New Business #2 Budget Amendment – Increase in CHIPS Funding

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

WHEREAS, the Town has received notification of Consolidated Highway Improvement aid of \$154,529.16 and a one-time additional appropriation of \$17,147.82 totaling \$171,676.98.

WHEREAS, the Town’s adopted budget for 2014 such aid to be \$150,084.00.

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 hereby authorizes the following amendment of the Town’s 2014 budget to appropriately adjust the amount of aid to be received and authorizes additional appropriations for road improvement purposes:

Highway Fund:

Increase Estimated Revenues:

DA 3501.0005 State Aid C.H.I.P.S. Program \$21,592.98

Increase Appropriation Account:

DA 5112.0200 Highway – Permanent Improvement \$21,592.98

The resolution was unanimously adopted.

New Business #3 Authorize Supervisor to sign STOP DWI Contract

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

WHEREAS, Police Chief Mark Pacholec commented that 65% of money for the STOP DWI contract comes from DWI or aggravated suspended license fees from the jurisdiction and not from tax payers.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the STOP DWI Contract between the Town of Orchard Park and Erie County STOP DWI Program for a term of January 1, 2014 through December 31, 2016.

The resolution was unanimously adopted.

New Business #4 Emergency Manager- attend Sports/Special Events Incident Management Course

8) 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 Richard Mrugalski, Emergency Manager, to attend a two day Sports and Special Events Incident Management Course MGT 404 to be held on October 21 & 22, 2014 at the Erie County Fire Training Academy in Cheektowaga, there is no charge for this training.

The resolution was unanimously adopted.

New Business #5 Release Escrow for PIP2013-02, Knoche Farms Estate Subdivision

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

WHEREAS, On August 27, 2014, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until landscaping within Knoche Farms Estates Subdivision, Phase 1 was completed, and

WHEREAS, the developer has since installed the required landscaping in the Town retention pond area and Parkland. 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 to Knoche Farms LLC, the \$5,000 held in escrow for Landscaping in the Knoche Farms Estates Subdivision Phase 1 (PIP #2013-02), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Adopt SEQR & Funding Resolution for Burmon Drive Sanitary Sewer

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

RESOLVED, that the 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 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

WHEREAS, 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 for this project, the entire project, minus the possible grant award of \$100,000, will have to be bonded as discussed at previous meetings. The project cost is estimated at \$1,180,000 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 Town Board does hereby determine that the Burmon Drive Sanitary Sewer Replacement Project be 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 resolution for submittal to the Erie County Department of Planning for the 2015-2016 CDBG Grant Application for the Town to secure by bonding the funding amount of \$1,180,000 for the Burmon Drive Sanitary Sewer Replacement Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Adopt the SEQR & Funding Resolution for Burmon Drive Road Reconstruction

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

WHEREAS, the 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 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

WHEREAS, 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 for this project, the entire project, minus the possible grant award of \$100,000, will have to be bonded as discussed at

previous meetings. The project cost is estimated at \$2,275,000 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 Town Board does hereby determine that the Burmon Drive Road Reconstruction Project be 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 complete a certified resolution for submittal to the Erie County Department of Planning for the 2015-2016 CDBG Grant Application for the Town to secure by bonding the funding amount of \$2,275,000 for the Burmon Drive Road Reconstruction Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Appoint Secretary to Public Safety Committee (temporarily)

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

RESOLVED, Town Board to appoint Beverly Kirkpatrick to the position of Secretary to the Public Safety Committee (temporarily) as of October 16, 2014, at her current rate of pay.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dave Schuster, commented that 2 work sessions ago Ed Leak petitioned the board for an emergency full time position. He commended Councilman Mike Sherry for asking what the duties of position would be. Rec Dept seems to always need things on an emergency basis. Last year a veteran full time code enforcer was let go, but in the Recreation Department everything is an emergency, and he does not feel that it is a fair trade.

Chris Wyer. Comment and question for Highway Superintendent. Have 2 companies to do brush pick up. Is that an additional cost or is it the same cost, but more efficient way of doing it?
Highway Superintendent Fred Piasecki Commented that having 2 is a more efficient way, may be additional cost, but getting things done efficiently and helps the Compost site revenue.

Barbara Little, comment to the Town of Orchard Park that they added additional handicapped parking to the new Buffalo Medical Group on 3910 North Buffalo Road and appreciate that more handicapped spaces that were added then required.

ELECTED OFFICIALS & DEPARTMENT HEADS

Patrick Keem attended an open house and ribbon cutting at a new company that came to Orchard Park, One Touch Direct call center that solves business solutions, and have a lot of jobs they need to fill. Trying to build a good culture, currently have 150 positions and want to get to 271. It is nice to see a new growing company hiring in Orchard Park and hope to see a lot more business and jobs in the community.

Councilman Mike Sherry wanted to thank the Chief and Assistant Chief of Police on their presentation; Policing has changed and will continue to change. Next week the Chief will release a paper to educate community and strategic plan for the Police Department and afford the community to have input to communicate to the police department and to the Town board on their hopes and expectations for the police department. Hope that citizens will attend one of the input sessions.

Police Chief Mark Pacholec, Advise local citizens of safety issues regarding leaves as residents are putting them in the streets. That restricts driving, and leaves should not be in the streets, but deposited on the right of way not the roadways.

Highway Superintendent Fred Piasecki commented that his crew is increasing town trucks picking up leaves as they come down and go to additional OT to get leaves picked up then take to the compost site. Finishing up drainage projects around town. Forest Drive Bridge has been completed. Now starting process to recovering money from Federal Grant (80% of cost) State Grant (potential of another 15%) and would potentially recover 95% of bridge through Grant process.

Town Engineer Wayne Bieler commented that lighting in Court Room will be complete once dimmer switches are added and huge improvement.

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 approval of all entries on Warrant #20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$69,973.09
Public Safety Fund	\$14,985.09
Part Town Fund	\$6,842.25
Risk Retention	
Cemetery Fund	
Highway Fund	\$6,438.82
Special Districts	80,506.51
Trust & Agency	\$1,638.18
Capital Fund	\$661,443.37

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:25 pm (local time).

Respectfully Submitted,



Kathleen Swarbrick
Acting Town Clerk