

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 16th day of November 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
	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
ABSENT:	Eugene Majchrzak	Councilman

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 SHERRY, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on November 2, 2016, Executive Session on November 2, 2016, Special Session on November 9, 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.

Old Business # 1 Adopt 2017 Ad Valorem Budget with Amendments

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

WHEREAS, officers and employees in charge of various administrative units of the government of the Town of Orchard park have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2017, and

WHEREAS, the Supervisor, as the Town's Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to this Town Board, and

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2017, and a public meeting was conducted on November 9, 2016 as required by Section 108 of Town Law.

NOW, THEREFORE, be it

RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual Ad Valorem Budget of the Town of Orchard Park for the fiscal year ending December 31, 2017 with the following amendments:

TOWN OF ORCHARD PARK, NEW YORK
Amendments to the Preliminary Ad Valorem Budget

Fund, Department & Description	Budget Code	2017 Original Proposed	Added	Deleted	2017 Adjusted Total
General Fund:					
Special Items					
Contractual Expenses - Fiscal Advisors	A.1910.463	\$ -	\$ 1,750	\$ -	\$ 1,750
Contractual Expenses - Erie County Chargebacks	A.1910.465	2,182	-	(2,051)	\$ 131
Employee Benefits					
State Retirement	A.9010.810	419,033	-	(45,348)	373,685
Social Security	A.9010.812	180,517	7,903	-	188,420
Medicare	A.9010.817	42,218	1,848	-	44,066
Appropriated Fund Balance	A599	(1,805,000)	190,000	-	(1,615,000)
Public Safety Fund:					
Police					
Personal Services - Retirement Costing	PS.3120.199	200,000	-	(100,000)	100,000
Employee Benefits					
State Retirement	PS.9010.810	100,737	-	(2,633)	98,104
State Retirement - Police	PS.9015.811	949,245	-	(2,000)	947,245
Social Security	PS.9030.812	278,157	-	(6,324)	271,833
Hospital & Medical Insurance	PS.9060.814	695,088	136,619	-	831,707
Medicare	PS.9090.817	65,053	-	(1,479)	63,574
General Fund - Town Outside Village:					
Employee Benefits					
State Retirement	B.9010.810	55,563	-	(1,452)	54,111
Appropriated Fund Balance	B599	(44,506)	1,452	-	(43,054)
Highway Fund:					
Special Items					
Contractual Expenses - Erie County Chargebacks	DB.1910.465	1,836	-	(1,835)	1
General Repairs					
Contractual Expenses - Auditing Services	DB.5110.452	-	2,500	-	2,500
Contractual Expenses - Erie County Chargebacks	DB.5110.464	74	-	(74)	-
Employee Benefits					
State Retirement	DA.9010.810	223,064	-	(5,831)	217,233
Interfund Transfers					
Transfer to Debt Service - Principal	DA.9710.600	595,000	-	(45,000)	550,000
Transfer to Debt Service - Interest	DA.9710.700	189,112	-	(24,213)	164,899
Debt Service Fund:					
Interfund Transfers					
Transfer from Capital Projects Fund - Principal	V5050.600	-	45,000	-	45,000
Transfer from Capital Projects Fund - Interest	V5050.700	-	24,213	-	24,213
Transfer from Debt Service - Principal	V5050.600	595,000	-	(45,000)	550,000
Transfer from Debt Service - Interest	V5050.700	189,112	-	(24,213)	164,899

The resolution was unanimously adopted.

Old Business #2 Adopt 2017 Benefit Basis Budget with Amendments

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

WHEREAS, the Supervisor, as the Town's Budget Officer, has caused a tentative benefit basis budget to be prepared and filed with the Town Clerk's Office, as provided by law, and

WHEREAS, the Town Board has met and considered the Preliminary Budget for the year ending December 31, 2017, and a public meeting was conducted on November 9, 2016 as required by Section 108 of Town Law.

NOW, THEREFORE, be it

RESOLVED, that the Preliminary Benefit Basis Budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual benefit basis budget of the Town of Orchard Park for the fiscal year ending December 31, 2017, with the following amendments:

**TOWN OF ORCHARD PARK, NEW YORK
Amendments to the Preliminary Benefit Basis Budget**

<u>Fund, Department & Description</u>	<u>Budget Code</u>	<u>2017 Original Proposed</u>	<u>Added</u>	<u>Deleted</u>	<u>2017 Adjusted Total</u>
Sewer Districts (8120):					
Sewer District No. 4 - Appropriated Fund Balance	.599	(1,000)	1,000	-	-
Sewer District No. 5 - Appropriated Fund Balance	.599	(1,700)	-	(1,000)	(2,700)
Sewer District No. 7 - Appropriated Fund Balance	.599	(2,000)	1,000	-	(1,000)
Sewer District No. 13 - Appropriated Fund Balance	.599	(2,100)	-	(185)	(2,285)
Sewer District No. 13 - Ext. 1 - Appropriated Fund Balance	.599	(185)	-	(15)	(200)
Sewer District No. 14 - Appropriated Fund Balance	.599	(1,800)	1,000	-	(800)
Sewer District No. 16 - Deficit Reduction	.599	4,500	-	(2,000)	2,500
Sewer District No. 20 - Appropriated Fund Balance	.599	(71)	-	(1,804)	(1,875)
Sewer District No. 18 - Erie County Chargebacks	.202	-	190	-	190
Water Districts (8340):					
Water District No. 4 - Ext. 1 - Appropriated Fund Balance	.599	(12,600)	2,000	-	(10,600)
Water District No. 6 - Appropriated Fund Balance	.599	(14,500)	4,500	-	(10,000)
Water District No. 6 - Ext. 3 - Appropriated Fund Balance	.599	(3,450)	1,450	-	(2,000)
Water District No. 8 - Ext. 3 - Appropriated Fund Balance	.599	(510)	-	(263)	(773)
Water District No. 8 Ext. 4 - Deficit Reduction	.599	-	500	-	500
Water District No. 9 - Appropriated Fund Balance	.599	(12,200)	2,000	-	(10,200)
Water District No. 12 - Appropriated Fund Balance	.599	(3,300)	1,300	-	(2,000)
Water District No. 13 - Ext. 1 - Appropriated Fund Balance	.599	(1,000)	-	(1,000)	(2,000)
Water District No. 15 - Appropriated Fund Balance	.599	(24,000)	-	(6,000)	(30,000)
Water District No. 18 - Appropriated Fund Balance	.599	(2,000)	1,000	-	(1,000)
Water District No. 19 - Appropriated Fund Balance	.599	(3,500)	-	(1,500)	(5,000)
Water District No. 19 - Ext. 1 - Appropriated Fund Balance	.599	(400)	400	-	-
Water District No. 1 - Debt Principal	.910	7,246	26	-	7,272
Water District No. 1 - Debt Interest	.911	2,528	9	-	2,537
Water District No. 2 - Debt Principal	.910	3,484	12	-	3,496
Water District No. 2 - Debt Interest	.911	1,215	5	-	1,220
Water District No. 3 - Debt Principal	.910	2,508	9	-	2,517
Water District No. 3 - Debt Interest	.911	875	3	-	878

<u>Fund, Department & Description</u>	<u>Budget Code</u>	<u>2017 Original Proposed</u>	<u>Added</u>	<u>Deleted</u>	<u>2017 Adjusted Total</u>
Water District No. 3 Ext. 1 - Debt Principal	.910	550	2	-	552
Water District No. 3 Ext. 1 - Debt Interest	.911	192	1	-	193
Water District No. 4 - Debt Principal	.910	19,764	71	-	19,835
Water District No. 4 - Debt Interest	.911	6,894	24	-	6,918
Water District No. 4 Ext. 1 - Debt Principal	.910	10,271	37	-	10,308
Water District No. 4 Ext. 1 - Debt Interest	.911	3,583	13	-	3,596
Water District No. 6 - Debt Principal	.910	12,827	46	-	12,873
Water District No. 6 - Debt Interest	.911	4,474	16	-	4,490
Water District No. 6 Ext. 3 - Debt Principal	.910	1,290	4	-	1,294
Water District No. 6 Ext. 3 - Debt Interest	.911	450	2	-	452
Water District No. 6 Ext. 4 - Debt Principal	.910	1,214	5	-	1,219
Water District No. 6 Ext. 4 - Debt Interest	.911	424	1	-	425
Water District No. 6 Ext. 5 - Debt Principal	.910	938	3	-	941
Water District No. 6 Ext. 5 - Debt Interest	.911	327	2	-	329
Water District No. 7 - Debt Principal	.910	637	2	-	639
Water District No. 8 - Debt Principal	.910	20,255	73	-	20,328
Water District No. 8 - Debt Interest	.911	7,065	25	-	7,090
Water District No. 8 Ext. 1 - Debt Principal	.910	831	3	-	834
Water District No. 8 Ext. 1 - Debt Interest	.911	290	1	-	291
Water District No. 8 Ext. 2 - Debt Principal	.910	2,490	9	-	2,499
Water District No. 8 Ext. 2 - Debt Interest	.911	869	3	-	872
Water District No. 8 Ext. 3 - Debt Principal	.910	173	1	-	174
Water District No. 8 Ext. 4 - Debt Principal	.910	1,358	-	(1,358)	-
Water District No. 8 Ext. 4 - Debt Interest	.911	474	-	(474)	-
Water District No. 9 - Debt Principal	.910	5,959	21	-	5,980
Water District No. 9 - Debt Interest	.911	2,079	7	-	2,086
Water District No. 9 Ext. 1 - Debt Principal	.910	1,156	4	-	1,160
Water District No. 9 Ext. 1 - Debt Interest	.911	403	2	-	405
Water District No. 9 Ext. 2 - Debt Principal	.910	2,624	10	-	2,634
Water District No. 9 Ext. 2 - Debt Interest	.911	916	3	-	919
Water District No. 9 Ext. 3 - Debt Principal	.910	144	1	-	145
Water District No. 9 Ext. 4 - Debt Principal	.910	4,763	17	-	4,780
Water District No. 9 Ext. 4 - Debt Interest	.911	1,662	5	-	1,667
Water District No. 10 - Debt Principal	.910	4,865	18	-	4,883
Water District No. 10 - Debt Interest	.911	1,697	6	-	1,703
Water District No. 11 - Debt Principal	.910	2,102	7	-	2,109
Water District No. 11 - Debt Interest	.911	733	3	-	736
Water District No. 12 - Debt Principal	.910	1,330	5	-	1,335
Water District No. 12 - Debt Interest	.911	464	2	-	466
Water District No. 13 - Debt Principal	.910	1,871	6	-	1,877
Water District No. 13 - Debt Interest	.911	653	2	-	655
Water District No. 13 Ext. 1 - Debt Principal	.910	6,759	25	-	6,784
Water District No. 13 Ext. 1 - Debt Interest	.911	2,358	8	-	2,366
Water District No. 14 - Debt Principal	.910	1,073	4	-	1,077
Water District No. 14 - Debt Interest	.911	374	2	-	376
Water District No. 15 - Debt Principal	.910	100,825	361	-	101,186
Water District No. 15 - Debt Interest	.911	35,167	126	-	35,293
Water District No. 17 - Debt Principal	.910	143,223	498	-	143,721
Water District No. 17 - Debt Interest	.911	51,957	173	-	52,130
Water District No. 17 Ext. 1 - Debt Principal	.910	3,163	11	-	3,174
Water District No. 17 Ext. 1 - Debt Interest	.911	1,103	4	-	1,107
Water District No. 17 Ext. 2 - Debt Principal	.910	5,290	18	-	5,308
Water District No. 17 Ext. 2 - Debt Interest	.911	1,845	7	-	1,852
Water District No. 17 Ext. 3 - Debt Principal	.910	347	4,001	-	4,348
Water District No. 17 Ext. 3 - Debt Interest	.911	121	3,398	-	3,519

<u>Fund, Department & Description</u>	<u>Budget Code</u>	<u>2017 Original Proposed</u>	<u>Added</u>	<u>Deleted</u>	<u>2017 Adjusted Total</u>
Water District No. 18 - Debt Principal	.910	850	3	-	853
Water District No. 18 - Debt Interest	.911	297	1	-	298
Water District No. 19 - Debt Principal	.910	7,788	27	-	7,815
Water District No. 19 - Debt Interest	.911	2,717	9	-	2,726
Water District No. 19 Ext. 1 - Debt Principal	.910	3,753	13	-	3,766
Water District No. 19 Ext. 1 - Debt Interest	.911	1,309	5	-	1,314
Water District No. 20 - Debt Principal	.910	448	2	-	450
Water District No. 20 - Debt Principal	.910	171	1	-	172
General Lighting District (5182):					
Appropriated Fund Balance	.599	(33,000)	-	(10,000)	(43,000)
Erie County Chargebacks	.464	141	-	(141)	-

The resolution was unanimously adopted.

Old Business #3 Set Public Hearing for Colton RV for Special Exception Use Permit.

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

WHEREAS, Colton RV has requested a Special Exception Use Permit for 3383 Southwestern Blvd, (SBL 152.20-1-1.1) to allow additional Parking/Display on the former Putt-Putt Golf site, Zoned B-2 and

WHEREAS, the Planning Board has recommended approval of this request with conditions and stipulations

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby set a Public Hearing for December 21, 2016 at 7:00pm in the matter of a Special Exception Use Permit for Colton RV at 3383 Southwestern Blvd.

The resolution was unanimously adopted.

New Business #1 Approve request of the Village to use Town Property at Depot for Holiday in the Park

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

RESOLVED, that the Town Board does hereby approve the request of the Village of Orchard Park to hold their annual "Holiday in the Park" Celebration scheduled for Saturday, December 3, 2016, from noon to 3:00pm on Town property east of the Railroad Depot, and to display their tree in Steinwach's Oak Grove Green south of the library until the first week of January 2017. A Certificate of Liability is in place.

The resolution was unanimously adopted.

New Business #2 Building Inspector & staff to attend Niagara Frontier Building Officials conference

6) 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 Andy Geist, Tom Minor and John Wittman to attend the 2017 Niagara Frontier Building Officials conference to be held on January 23-25, 2017 at the Walden Millennium Hotel. This conference enables them to obtain their required 24 hours of continuing education for this year and the money is in the budget.

The resolution was unanimously adopted.

New Business #3 Supervisor to sign the 2016-19 Intermunicipal Snow Removal Agreement.

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

WHEREAS, the Erie County Department of Public works, Division of Highways have sent the 2016-2019 Snow Removal contracts, and

WHEREAS, the Highway Superintendent and Town Attorney have reviewed the contract and have found everything in order.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Orchard Park does hereby authorize the Supervisor to sign the 2016-2019 Intermunicipal Snow Removal and ICE Control Agreement with the County of Erie, as recommended by the Highway Superintendent and Town Attorney.

The resolution was unanimously adopted.

New Business #4 Supervisor to sign Agreement for Bussendorfer Regional Retention Basin Project

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

WHEREAS, the Engineering Department requested professional service proposals from two consulting firms to design and submit a mitigation plan along with the Joint Application for Permit to both the DEC and ACOE. After careful review, Earth Dimensions, Inc. is the recommended consultant to perform the services necessary for this project, and

WHEREAS, the US Army Corps required the wetlands be reflagged as part of the permit application with a new mitigation plan completed. The Engineering Department does not have the expertise to complete this necessary work to help facilitate a 2017 construction, and

WHEREAS, the Town has allocated funds under Capital Project H-06 Bussendorfer, Willowbrook, Forsythia Drainage Project for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Earth Dimensions, Inc., 1091 Jamison Road, Elma, NY 14059 to provide professional services for the Bussendorfer Regional Retention Pond Project wetland mitigation plan and permit application in the amount not to exceed \$7,840.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve Final Change Order & Release of Retention for Russo Development

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

WHEREAS, the Town Engineer stated that the Municipal Center Parking Lot Reconstruction Project is complete, and all work has been satisfactorily completed in accordance with the specifications, and

WHEREAS, a two-year maintenance bond in the amount of \$392,636.65 and all necessary legal documents have been received by the Town from the Contractor, and

WHEREAS, The Over/Under sheet lists the final adjustments to the quantities for each bid item and shows that there is a net decrease in the amount of \$5,568.08. This will bring the total contract amount to \$387,338.57, which represents a decrease of 1.41%.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the final payment and release of retention to Russo Development Inc. 3710 Milestrip Rd., Blasdell, N.Y. 14219 in the amount of \$157,430.23, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Pledge to Orchard Park Veterans Memorial Park

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

WHEREAS, The Orchard Park Veterans Memorial Park Committee has organized an effort to renovate the Orchard Park Veterans Park on West Quaker Street, and

WHEREAS, The Town Board of Orchard Park would like to encourage the effort of this committee and pledge its support.

NOW, THEREFORE, be it

RESOLVED that The Town of Orchard Park does hereby pledge ten-thousand dollars (\$10,000) to the Orchard Park Veterans Memorial Park Committee to be paid once work begins on renovating the Orchard Park Veterans Park.

The resolution was unanimously adopted.

New Business #7 Appointment to the Library Board

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

RESOLVED, that the Town Board does hereby appoint Ann Marie Newbury to the Library Board to fill an unexpired term that ends on December 31, 2016.

The resolution was unanimously adopted.

New Business #8 Part-time appointment to Maintenance Department

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

WHEREAS, Supervisor Keem has responsibility for maintaining the Municipal Building and its grounds, and wishes to hire a part-time person to assist the Maintenance Department.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Robert Benning Jr. to a part-time position for the Maintenance Department effective November 1, 2016 at the rate of \$9.00 per hour. Mr. Benning will report directly to Supervisor Keem.

The resolution was unanimously adopted.

New Business #9 Refer to Planning Board, Zoning Board or Architectural Overlay District.

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

RESOLVED, that the Town Board refer the following to the appropriate Planning Board, Conservation Board or Architectural Overlay District:

- Dan Claycomb, representing ITT Enidine Inc., 7 Centre Drive, located in the Quaker Industrial center, north side of Route 20A, Zoned I-1. Requests a Building Permit to construct a 10,000 SF. Addition and expansion of parking area on the north side of the existing facility (SBL #161.19-1-2). Note: A Variance for Front Yard Parking was granted by the ZBA on 10/18/16.
- 3833 North Buffalo Road, located on the east side of North Buffalo Road, south of North Freeman Road, Zoned B-3. Birch Run Incorporated, requesting approval of a Demolition Permit to remove an existing house and garage. Applicant will apply for of Building Permit approval to construct an approximately 2,700-sq.ft. Building for lease as professional Office Space at this location.

The resolution was unanimously adopted.

Not on the Agenda

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

WHEREAS, the Town of Orchard Park has encountered operational problems with its telephone system and computer system, and

WHEREAS, the professional IT Staff of the Town of Orchard Park has investigated the problems and has recommended employing third party vendors to fix the same, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby by authorize the Supervisor to execute any and all documents recommended by the Town of Orchard Park Professional IT Staff to remedy the problems that the Town is currently encountering.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one spoke

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem stated that in 2015 several of the Town's military veterans and concerned citizens began meeting to discuss the much needed revitalization of the Town's Veterans Memorial Park. It is apparent that the sixty year old park is in desperate need of updating and a fund raising effort is currently underway to raise money for the park's updating project. Our Town Board is aware of the sacrifices made by our military veterans, those brave men and women who have served, or are currently serving, to preserve and secure freedom around the world. The Town Board approved a resolution to pledge \$10,000 to the Veterans Memorial Park fund raising to honor to those who have sacrificed for our country.

Supervisor Keem also thanked the members of the Community Activity Task Force that worked so hard to secure and provide information to the community so they could make an informed and educated decision on voting for the Community Activity Center. He sent a letter to everyone on the task force thanking them.

Councilman Sherry read the following statement regarding the 2017 Budget Process.

"The town began fiscal year (FY) 2016 with a total general fund balance of \$9,129,282, of which \$5,472,452 was unreserved, meaning it is not designated and can be used as needed without restrictions. Having recently completed three quarters of FY2016 during which expenditures increased by about 3.5% (compared to the CPI of 0.73% used to establish the 2016 tax cap), it is projected that the town will use approximately \$500-\$600,000 of the unreserved fund, leaving a 2016 end of year balance of approximately \$4.9 million (\$8.6 million total).

For FY2017, the property tax cap levy for the town is slightly over 2%, for a total of \$14,083,842. The cap is determined by a formula inclusive of, along with a number of other lesser variables, the consumer price index (CPI of 0.62% for FY2017) and a tax base growth factor for Orchard Park that is calculated by the New York State Commissioner of Taxation (1.44% for FY2017). Unfortunately, but consistent with every year under New York's inequitable tax cap, we fully expect and must financially plan for the town's expenditures exceeding our tax cap by 1-1.5% per year.

The town board and its department managers continue to do our best to control and cut costs, but finding savings sufficient to address the cumulative shortfall every year would require the cutting of services as we know and expect them, or cutting personnel to the point of compromising our services. Every year we bench mark our major services — police, highway and recreation — over against our comparable neighbors and share those results with our community. We are always a top performer when it comes to the value of those services for the tax dollars paid.

This annual difference between the tax cap and rising costs may result in an additional shortfall in the neighborhood of \$340,000 in FY2017 over and above — that is, in addition to — the \$500-\$600,000 shortfall in FY2016 which must come from non-property tax sources in order to stay under the tax cap. In that they have been largely flat for the past five years, it would be irresponsible to attribute that needed extra revenue to other major sources such as state aid, sales and mortgage taxes, and fees. We must, consequently, budget it out of our unreserved fund balance. This would bring our end of FY2017 unreserved fund balance down to approximately \$4.225 million, which is approximately 14% above the Government Finance Officers Association (GFOA) recommended 15-16% of annual operating expenses \$3.737 million for the town of Orchard Park.

Given the current trajectory of revenues and expenditures and the continued indifference and intransigence of Albany to the pleas of local governments — having failed to deliver on the promised additional tax cap-related financial aid to and reduced mandates for local communities — the cumulative impact to the town of staying within the tax cap would bring our reserves down to slightly below the GFOA recommended level at the end of FY2018, and could completely deplete our reserves within 3-5 years (2020-2022), a financially unhealthy condition that a number of communities in NYS have found themselves in.

Our purpose here is not to foster a sense of panic, but rather to explain the fiscal realities and reasoning behind the board's budget that increases property taxes for the medium home owner by just under \$1 month / \$12 year. This represents an increase of approximately 1%, give or take. We had originally hoped to avoid any increase, or even provide a minor reduction, but doing so would have required a greater draw down of our reserves. Albany, big government from afar, may operate with a view only to the near term, but we will not. We inherited a lean but fiscally sound budget three years ago, and we will continue that tradition by always budgeting with an eye that looks backward and forward 3-5 years out."

Councilman Sherry said the work on the Community Activity Center has been long and hard, and now the community has voted that they want the Center built. He stated the Board will continue to be open and inclusive throughout the process of developing the Community Center. Councilman Sherry also thanked all the people who have put so much time and effort into this project.

Police Chief Pacholec stated that there is one more championship game on Saturday at the Stadium. He also said that this weekend there is potential for heavy snowfall, and he wanted to remind the residents to drive safely.

Highway Superintendent Piasecki stated that they are still doing the leaf pick up and are also ready for the weather event that may be coming our way.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #22 following auditing by members of the Town Board and in the funds indicated:

General Fund	304,589.77
Public Safety Fund	978,326.50
Part Town Fund	247,357.52
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	90,460.61
Special Districts	76,437.53
Trust & Agency	475.00
Capital Fund	539,240.09

The resolution was unanimously adopted.

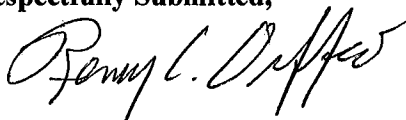
16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

RESOLVED, that the Town Board received and file the Building Inspector's report for October 2016.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Sherry, the meeting adjourned at 7:36 pm (local time).

Respectfully Submitted,



Remy Orffeo
Town Clerk