

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 February 2018 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 SHERRY, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on January 17, 2018, Executive Sessions: January 17, 2018, 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 Approve change order for Bussendorfer Regional Retention Pond Project

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

WHEREAS, DiDonato Associates and the Engineering Department are in the final stages of completing Contract Documents and Specifications document preparation required for bidding the above mentioned project. With the Kiantone Pipe denying a crossing to intercept the stream and the Community Activity Center rapidly advancing, it was necessary to include design considerations and include possible swapping of impact areas into the Bussendorfer Pond to help facilitate options to increase flows into the basin. The required changes are outside of DiDonato Associates' original scope of work for the Bussendorfer Pond.

WHEREAS, DiDonato Associates is adding the required design professional services as outlined in the attached proposal. We are awaiting the final plan changes to complete bid packages for the scheduled plan available to the public February 9, 2018.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a change order agreement with DiDonato Associates, 689 Main Street, Buffalo, NY, 14203 to provide additional professional services as shown in the attached proposal for the Bussendorfer Regional Retention Pond Project in the amount not to exceed \$4,500.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Authorize escrow release for Street Light Installations for Knoche Farms Estates

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

WHEREAS, on November 1, 2017, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the contractor be held in escrow ensuring completion of the street light installation, to provide a spare pole, a light fixture, and fuses to the Town and to provide the UL Inspection Certification of the installation within Knoche Farms Estates Subdivision, Phase 2.

WHEREAS, the developer has since had the above referenced work completed. 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 authorize the Town Clerk to release the \$8,000 held in escrow under PIP #2017-01 for completion of the street light installation, to provide a spare pole, a light fixture, and fuses to the Town and to provide the UL Inspection Certification of the installation in the Knoche Farms Estates Subdivision, Phase 2 to Tom Greenauer Development Inc., PO Box 250, Springfield, New York 14140-0250.

The resolution was unanimously adopted.

Old Business #3 Authorize change order for HEC-RAS Modeling/Application

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

WHEREAS, directed by the Town Board, the Engineering Department is working with Wendel Associates to complete the site work design for a multi-generational Community Activity Center (CAC) at Brush Mountain Park. Recently Wendel has proposed to relocate the proposed CAC within the park to minimize wetland disturbance. Along with Wendel's request to relocate the building within the site, they have also requested to change the alignment of the entrance road servicing the CAC. The entrance road must cross a tributary to Smoke's Creek requiring approvals from agencies such as the ACOE, NYSDEC, and FEMA.

WHEREAS, the modeling of the creek floodplain based on the original design was completed by Professional Civil Engineering, LLC in 2017 and approvals have been obtained by the Town in the form of a FEMA issued CLOMR. In order to reposition the proposed culverts this CLOMR must be revised and resubmitted including all pertinent new design information along with updated floodplain models.

WHEREAS, obtaining the revised CLOMR is anticipated to take 2-3 months. However, the proposed new location for the creek crossing will allow the Town to minimize wetland and stream impacts resulting in the project falling under a Nation Wide Permit through the ACOE. Obtaining the nationwide permit, instead of being required to obtain an individual project permit, will save time and money during the construction phase. The new culvert locations will necessitate future stream armoring and alignment work.

WHEREAS, PCE has submitted a proposal to revise the proposed conditions for the HEC_RAS models, analyze the results of the model, as well as develop and assemble a complete resubmittal package for the CLOMR for a fee of \$7,600.00. This does not include FEMA's application and review fees anticipated at \$9,400.00.

WHEREAS, funds have been allocated under Capital Project Brush Mt. Activity Center H-89 for this project but additional funding will be needed resulting from these various changes.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Professional Civil Engineering, LLC, 8150 Salt Road, Clarence, NY 14032 to provide professional services for the revised floodplain modeling at the Brush Mountain Park in an amount not to exceed \$7,600 excluding FEMA estimated fees of \$9,400.00.

The resolution was unanimously adopted.

New Business #1 Authorize Building Inspector's office to purchase F150 pickup truck

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

WHEREAS, the Town Board approves the purchase of one new 2018 Ford F150 pickup truck from Delacy Ford (state bid contractor) for the Building Inspector's office. This new truck will replace a 2007 F150 currently in use.

WHEREAS, the exact cost cannot be known until we select the specific vehicle, however this will be a state bid price and my discussions with the dealer will put the purchase price within the limits of my budget. The Building Inspector's 2018 budget is \$30,000 and the expected cost is \$28-29,000.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request of Andrew Geist to purchase a 2018 Ford F150 pickup truck for the Building Inspector's office.

The resolution was unanimously adopted.

New Business #2 Authorize 2018-2020 agreement with OP Fire District

6) 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 authorize the Town Supervisor, Patrick J. Keem, to sign the 2018-2020 Agreement between the Orchard Park Fire District and the Town of Orchard Park. The Town will be reimbursed for dispatching services for their operations.

The resolution was unanimously adopted.

New Business #3 Authorize John Bailey to attend seminar

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

WHEREAS, the Town Board approves John Bailey to attend the "Local Government Law From Start to Finish" seminar being held at the Hilton Garden Inn, Rochester, NY on March 22, 2018. The cost is \$349.00 and they money is in the budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve John Bailey to attend the "Local Government Law From Start to Finish" seminar.

The resolution was unanimously adopted.

New Business #4 Authorize retroactive wage increase for six non-union highway employees

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

WHEREAS, six non-union members of the highway/compost department received an increase in salary of 1.5 percent for the period January 1, 2015 to December 31, 2015, and

WHEREAS, the Civil Service Employees Association, Local 1000, Town of Orchard Park Blue Collar Unit and the Town of Orchard Park resolved on December 20, 2017 to increase employee wages by 2.0 percent for the period of January 1, 2015 to December 31, 2015, effective January 1, 2015, and

WHEREAS, the Town Board desires the non-union employees within the highway/compost department listed below to receive an increase equal to that of the Civil Service Employees Association, Local 1000, Town of Orchard Park Blue Collar Unit,

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes to increase the following employees' wages by 0.5 percent for the period January 1, 2015 to December 31, 2015 effective January 1, 2015: Ernie Matthews, Mike Carey, Mike Delia, Jeffrey Smith and Dennis Haas; and to increase the following employees' wages by 0.5 percent for the period June 4, 2015 to December 31, 2015 effective June 4, 2015: Andrew Slotman.

The resolution was unanimously adopted.

New Business #5 Authorize agreement with ECWA for 2018 Benning Road Tank Repairs

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

WHEREAS, the ECWA operates the Ground Benning Water Storage Tanks in the Town of Orchard Park under the Lease Management agreement with the Town. ECWA agreed to pay the engineering costs associated with tank refurbishing work and the Town has agreed to pay the construction costs.

WHEREAS, the ECWA recommended that the Benning and Cole Storage Tanks' interiors be refurbished along with a number of miscellaneous safety-related, sanitary, and operating deficiencies that also need addressing. On June 7, 2017, the Town Board authorized the Supervisor to sign the agreement (attached) with ECWA to pay for these construction costs for the Benning and Cole Storage Tanks Refurbishment for an amount not to exceed \$498,000.

WHEREAS, after bidding these projects, ECWA's apparent low bidder had a total construction bid of \$585,750 for both tanks' refurbishing. ECWA is requesting to move forward with only the Benning Road Tank work at this time. Therefore, the Town Board will accept the apparent low bid of \$186,700 for the Benning Storage Tank Refurbishment. It is our understanding with the ECWA that the Cole Road Tank Refurbishment will be delayed to the spring of 2019 after further evaluation of costs and scope of work and possible re-bid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the low bid of \$186,700 from Amstar of Western New York for the construction costs for the Benning Storage Tank Refurbishment. Authorize payment to be made to the ECWA, at 3030 Union Road, Buffalo, New York 14227 with completion of work as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Authorize agreement with National Grid

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

WHEREAS, the developer, Andrew Romanowski of Orchard Grove Holdings, LLC, 4727 Camp Road, Hamburg, New York 14075, is in the process of designing the Orchard Grove Apartment Complex, which includes the extension of Shadow Lane from its current terminal point to from an intersection with California Road. Once this extension is constructed to Town Codes and specifications and dedicated, this extension of Shadow Lane will be a public roadway.

WHEREAS, to facilitate the extension of Shadow Lane, a National Grid utility corridor will be crossed and an application to National Grid for Third Party Occupation Agreement is required.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to sign the agreement with National Grid, Real Estate Department, 144 Kensington Avenue, Buffalo, New York 14214 for the Third Party Occupation Agreement to facilitate the extension of Shadow Lane as recommended by the Town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Mr. Dan Teplesky expressed his desire to have the stop sign at Pine Terrace and Valley View changed to a yield sign. He states that the intersection is not the busiest intersection in Eagle Heights and the stop sign causes a delay at times when school is not in session. He stated that things might work better if the bus picks the children up from another direction and put a yield sign at the entrance of Pine Terrace and Valley View. Safety of the children is paramount he wants to work together for the other times of the day when there is no issue at that intersection.

Mr. Ray Bigaj wanted to express his concerns over his taxes on Burmon Dr. with regards to the sewer. He acknowledged the letter that was sent out after the tax bill was delivered. He stated the workers are great but he would have appreciated prior notification of the increase of \$750 a year for the next twenty years. He stated when the Town came to his house and shook his hand and let him know how nice the new sewer and road will be they never said how much it would cost the few residents on Burmon Drive.

Ms. Jean Myers stated she was shocked that her tax bill for her Burmon Drive home went up 40 percent this year. She inquired about a tax cap and lack of advanced notification of the increase. She wanted to know who determined that the work needed to be done and why there were so many sewer districts in Orchard Park. If consolidated it would make the billing more affordable. She also stated that the Town devalued all the houses on Burmon Drive by raising their taxes so much. Their taxes compared to the next street over makes their houses less marketable. Could you decrease their assessment to help them with the problem you created?

Ms. Linda Brueckl of Burmon Drive stated she and all the residents on her street feel the Town should have notified them of the increase in taxes. Most people on this street are on fixed income, elderly and disabled. They were told that the sewers would be done but they had bonds and money to cover it. Their taxes were still greatly increased. This was inconsiderate to the poor. You never told us our taxes would go up \$750 a year for twenty years. It was irresponsible of the Town Board to not notify us.

Mr. Jim Breitwieser of Burmon Drive stated they have had problems with the sewers for years. During heavy rains sewage and water would flood his basement even though he has 2 sum pumps. He stated the backup happens because of poorly planned pipes. He realizes they need to be fixed but he and his wife are disabled and doesn't know where they are going to get the money to pay for their taxes.

Ms. Suzanne Suchan of Burmon Drive states she has gotten sewage backup in her basement for the past ten years, as a single parent she is upset about the 40 percent increase in taxes. She inquired whether the sidewalks are mandatory or optional and whose responsibility they are to be taken care of.

Mr. Justin Simet of Burmon Drive stated he just closed on his house December 27, 2017. Before the tax increase he could afford the home but with the extreme increase he will have problems. He would have liked to have been notified of this giant leap in taxes. He could have budgeted accordingly with notification. He feels badly for his elderly neighbors on fixed incomes.

ELECTED OFFICIALS & DEPARTMENT HEADS

BUDGET TRANSFERS

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

WHEREAS, a Town vehicle damaged an employee's vehicle, and

WHEREAS, the Town agrees to pay the \$500 deductible for the employee's insurance claim, and

WHEREAS, the funding for the appropriation is available within the contingency account in the Town's 2018 budget,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the amending of the Town's 2018 Budget as outlined below.

GENERAL FUND

Increase Appropriations:

A.5010.0419 Superintendent of Highways — Other Expenses \$500

Decrease Appropriations:

A.1910.0480 Contingent \$(500)

The resolution was unanimously adopted.

Town Engineer Wayne Bieler explained how the Town’s infrastructure is affected by a major project like the Burmon Drive sewer project. He spoke about the difference between Bans and Bonds. In the case of Burmon Drive, most of the road is on sewer district 3 which is part of a small district. The improvements are only benefitting that small district, therefore those residents saw an increase in their tax bill. Regarding the highway on Burmon Drive; the roads, storm drain, black top, concrete gutters, and sidewalks are General Fund funded and the cost is spread Town wide. We have petitioned to consolidate Sewer districts but it is a complicated and time consuming process. Sewer District 3, Burmon Drive was bonded for 1 million dollars and that amount was put against their current tax bill. Our construction estimate came in at half of that, we also applied for a seed block grant for \$125,000. This should reduce the total project cost. Burmon Drive’s tax bill next year should be lower. Accounting chose a twenty year Bond so this will be on their tax bill for twenty years. Sidewalk maintenance is the responsibility of the homeowner. You won’t see an increase on your tax bill for sidewalk construction because it is covered Town wide. A town’s person asked if the project was really necessary. Mr. Bieler stated if the collapsing sewer lines weren’t addressed now it would cost Burmon Drive residents double later. Engineering doesn’t deal with the accounting and application part of taxes. How projects impact taxpayers is part of the accounting department’s duties. Districts are so different in how they are charged, it involves in depth accounting steps.

Supervisor Keem apologized for the lack of notification of the tax increase on Burmon Drive. He spoke of future Sewer District consolidation and a decrease in next year’s taxes on Burmon Drive. He also spoke of the 5th annual “State of Orchard Park Address” to be done on Wednesday February 21st at 6:30pm at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, NY.

Councilman Majchrzak stated newly built neighborhoods don’t see an infrastructure tax increase for brand new water lines, sewers and storm sewers because it’s paid for in the lot price used to purchase and build the home. It is not shared town wide. Subdivisions are paying for it upfront in their lot cost and not over a 20 year period.

Councilman Sherry stated later this month we will be evaluating the different districts in Town. There are legal obligations to redistricting but they will be assessed.

Chief of Police Pacholec reminded everyone winter is not over and drive safely.

Highway Superintendent Piasecki stated highway is focused on salting and plowing the roads.

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 authorize the approval of all entries on Warrant # 3 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$123,046.76
Public Safety Fund	\$40,806.07
Part Town Fund	\$1,038.23
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$101,453.02
Special Districts	\$352,521.75
Trust & Agency	\$8,509.20
Capital Fund	\$62,497.11

The resolution was unanimously adopted.

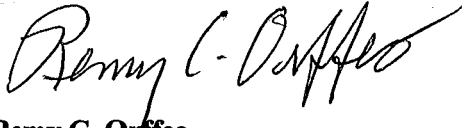
13) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's Report for January 2018.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:48 pm (local time).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Remy C. Orffeo". The signature is written in a cursive style with a long, sweeping underline.

Remy C. Orffeo
Town Clerk