

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 17th day of August 2016 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:

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| Patrick J. Keem | Supervisor |
| Eugene Majchrzak | Councilman |
| Michael Sherry | Councilman |
| John C. Bailey | Town Attorney |
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| 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 August 3, 2016, Executive Sessions: August 3, & August 10, 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.

**PUBLIC HEARING
Historic Designation for 5575 Big Tree Road**

At 7:00 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding a Historic Landmark Designation For 5575 Big Tree Road as requested by James & Ann Grucella.

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 Historic Designation.

Jim Grucella said that this house was built by Sam Oaks and he and his wife bought this house in 1975. It was in terrible shape when they purchased it. They have spent the last 41 years updating, and refurbishing this house and it has been a labor of love for them.

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

RESOLVED, that the Public Hearing in the matter of the proposed Historic Designation is hereby closed at 7:05 PM.

The resolution was unanimously adopted.

3) 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 a “Historic Landmark Designation” for the property located at 5575 Big Tree Road as petitioned by James & Ann Grucella. The property is State and National registry eligible, and meets one or more of the criteria listed in the Town’s Historic Preservation ordinance.

The resolution was unanimously adopted.

PUBLIC HEARING

“Special Exception Use” for 3910 North Buffalo Rd.

At 7:08PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the request for a “Special Exception Use Permit” for 3910 North Buffalo Road, Zoned B-1, on the west side of North Buffalo Road, south of Webster Road, (SBL # 161.16-1-2.3) to construct a 5,035 sq.ft. Medical Office Building as petitioned by Ellicott Development.

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 Special Exception Use Permit.

Bill Paladino – from the Ellicott Development Company said they are seeking the “Special Exception Use” to build a medical facility in front of the current structure. The original approval for this project included a 3,000 sq.ft. retail building or restaurant on this site, and Buffalo Medical Group (BMG) to be the main tenants. This site is one of BMG’s main sites and they came to Ellicott Development with a request for another medical operation that is not part of their current facility in Orchard Park. This request would expand the original 3,000 sq.ft. that was already approved, to 5,035 sq.ft. The look will be the same as the other structures and it will be connected to the other buildings by a covered walkway.

There is a Sanitary Sewer Easement that runs between the buildings and Ellicott Development has talked to the Town Engineer, and Town Attorney about constructing this walkway so it sort of floats over the ground, that way, if there are any problems with that sewer, the Town will have access to it. Any problems that arise that Ellicott Development may have to help with, or any damage that would occur because of that to the facility, they will do the repair if it is necessary.

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

RESOLVED, that the Public Hearing in the matter of the proposed “Special Exception Use” is hereby closed at 7:15 PM.

The resolution was unanimously adopted.

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

WHEREAS, A Public Hearing was held in the matter of a request for a “Special Exception Use Permit” for the construction of a 5,035 sq. ft. Medical Office Building, as petitioned by Ellicott Development

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve a "Special Exception Use Permit" for Ellicott Development to construct a 5,035 sq.ft. Medical Office Building at 3910 North Buffalo Street, west side of North Buffalo Road, south of Webster Road, (SBL # 161.16-1-2.3), as petitioned by Ellicott Development with the following stipulation:

- Part of the site plan approval by the Engineering Department and Planning Board shall include that the walkway between the proposed new building and the existing Buffalo Medical Group building remain a bridge type structure with skirting. This will permit excavation for repairs and maintenance of the sanitary sewer line if necessary.

The resolution was unanimously adopted.

New Business #1 Schedule Public Hearing to Remove Conservation Easement

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

RESOLVED, that the Town Board does hereby set a Public Hearing for September 21, 2016 in the matter of rescinding a Conservation Easement for vacant land on Cole Road as requested by Kathleen Dibianca.

The resolution was unanimously adopted.

New Business #2 Approve resident to connect to the Hamburg Sanitary Sewer System

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

WHEREAS, Anthony Bienias, who lives at 5459 South Abbott Road, currently has a septic system, and

WHEREAS, Mr. Bienias wishes to connect to the Town of Hamburg's sanitary sewer system and has the approval from Erie County Sewer Department and the Town of Hamburg.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request of Anthony Bienias to connect to the Town of Hamburg's Sanitary Sewer System.

The resolution was unanimously adopted.

New Business #3 Advertisement for Bids for Green Lake Pedestrian Bridge & Outlet Structure System

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

WHEREAS, the Engineering Department is in the final stages to complete the plans and specifications for the Green Lake Pedestrian Bridge Painting & Control Structure Rehabilitation Project, and

WHEREAS, in order to move the project schedule forward, the Advertisement for Bids should be authorized to be published on August 17, 2016. Plans and specifications will be available for purchase on August 19, 2016, with the bid opening to be held on September 1, 2016.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the Green Lake Pedestrian Bridge Painting & Control Structure Rehabilitation Project and be it further

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened on September 1, 2016 at 1:00 P.M. in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Authorize Supervisor to sign Letter to participate in WNY Storm Water Coalition

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

WHEREAS, the New York State Department of Environmental Conservation is making available Environmental Protection Funds. The Water Quality Improvement Projects program provides reimbursement for eligible portions of the cost of implementing projects that include Municipal Separate Storm Sewer Systems (MS4) Phase II Stormwater Implementation, and

WHEREAS, the proposed project will result in an online storm system mapping program. The online program will allow the Town to generate up-to-date maps of the Towns storm sewer system, access their system maps in the field, and view maps of neighboring MS4s, and

WHEREAS, Erie County Department of Environment and Planning will oversee the administration of the grant for the Western New York Storm Water Coalition members that participate. The Town Board has a copy of a draft letter/resolution the Town must submit to be a project partner with the Erie County Department of Environmental and Planning's Round 13 grant program with the New York State Department of Environmental Conservation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the commitment letter to participate in the Western New York Storm Water Coalition: Round 13 Water Quality Improvement Projects — Municipal Separate Storm System — Western New York Stormwater Coalition: MS4 Maps Online Project, with the required matching contributions being in-kind services by the Orchard Park Engineering Department personnel, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Award Police Uniforms & Equipment Bid

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

WHEREAS, the Orchard Park Police Department did request bids for Clothing and Uniform parts for the period of September 1, 2016 to August 31, 2017 with two (2) one year options, and

WHEREAS, two bids were received and were opened on August 15, 2016 in the Town Clerk's office at 3:30PM by Town Clerk Remy Orffeo and Chief of Police Mark Pacholec.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the Clothing and Uniform Bid for the above period to United Uniform of Buffalo, they being the lowest responsible bidder, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #6 Authorize Budget Amendment

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

WHEREAS, the Building Inspector Department is in need of funds to pay for a vehicle that was not budgeted in the 2016 adopted budget.

WHEREAS, the Town Outside Village Fund has unappropriated funds to cover payment for such vehicle,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendments to the Town's 2016 budget in the Town Outside Village Fund to provide funding for such expenses:

Increase appropriation account:

B.3620.0202	TOV -- Safety Inspection - Vehicles	\$28,156.44
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Decrease appropriated Fund Balance:

B.0000.0909	TOV -- Fund Balance	\$28,156.44
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The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Lucinda Teagarden lives on Cole Road and walks her dogs on that road. She regularly experiences dogs running out and barking at her dogs, and has had them attacked as well as herself. She has suffered injuries because of this. She has been to court regarding the dogs that have hurt her & her dogs, but that resulted in temporary changes. Ms. Teagarden said that she has given up calling the Dog Control Officer because nothing happens. This is her neighborhood too, she wants to walk her dogs, but what recourse does she have with the uncontrolled dogs in the neighborhood.

Nancy Baxter lives on Abbott Road and stated there is a serious problem with coyotes in her neighborhood and in the Town. She has been watching them for 10 years now, and there have been as many as six in her yard, and has been backed up onto her deck by them. Ms. Baxter and her neighbors have a coyote watch. She has two dogs and is in fear for them, especially if she has to let them out at night. She would like someone to address this before someone gets hurt.

Elise Able is a wildlife rehabilitator, a nuisance wildlife control officer, is known as a coyote wildlife expert, and has worked for the Town, so she is very well aware of the wildlife issues in the Town of Orchard Park. She believes that there is really nothing to be done about the coyotes and does not want the Town to be taken over by hysteria and forced to do something that may actually lead to an increase in the coyote population. She handed the Town Board an article on coyotes illustrating what she is talking about. She will be happy to help the Town.

ELECTED OFFICIALS & DEPARTMENT HEADS

12) 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 budget transfers:

Highway

\$35,000.00	From: DA.5110.0416 Highway Fuel	To: DA.5110.0472 Highway Road
\$10,655.00	From: DA.5140.0416 Brush Fuel	To: DA.5142.0402 Snow Supplies

Building Inspector

\$700.00	From: B.3620.0475 Title gasoline	To: B.3620.0445 Title vehicle repair
\$600.00	From: B.3620.0407 Title Uniform	To: B.3620.0445 Title vehicle repair

The resolution was unanimously adopted.

Supervisor Keem said he understands Ms. Teagarden's frustration walking her dogs, and hopes that something can be done to help her. Addressing Nancy Baxter's coyote issue, he stated that he and his brother own property down in Franklinville, and up to the 1990's he said they did not have any coyotes around there that they were aware of. Now, when they sit out at a campfire at night, they can hear them, and it does make you uneasy, but they have not had any problems with them.

Police Chief Mark Pacholec told Ms. Teagarden that whenever she is walking and has an incident with another dog to call the police and they will get someone out there right away. He also told Ms. Baxter the same thing, if you have an incident with the coyotes, call the police, and they will send someone out. Chief Pacholec said that Ms. Able spoke quite aptly regarding coyotes.

Chief Pacholec said there is a Bills game on Saturday at 4:00pm, and Abbott Road will be shut down at 11:00am, and Big Tree will be shut down to west bound traffic around 6:00pm. He noted that people have been receiving letters regarding "water service line responsibility". This is a scam letter do not call. If there are any questions, contact the engineering department. Finally, he informed all the residents to lock their house doors and car doors.

Highway Superintendent Piasecki stated that they are pretty much done with the milling of the roads. They are working on various drainage projects. The one milling project they are working on with the Village, is North Lake Drive, and paving should begin on Monday, August 29, 2016. They will begin paving Philson Drive towards the end of the month as well.

Town Engineer Wayne Bieler said regarding the Municipal Parking Lot reconstruction that the parking lot will be shut down Friday the 19th to do the milling of the whole parking lot. He said during the various stages, there will be portions of the lot that will not be accessible. The next time the whole lot will be shut down is when they do the paving, and they hope to get it done in one day.

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 #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$64,263.09
Public Safety Fund	\$42,395.63
Part Town Fund	\$29,020.28
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$350,667.96
Special Districts	\$26,400.71
Trust & Agency	\$435.00
Capital Fund	\$577,260.17

The resolution was unanimously adopted.

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

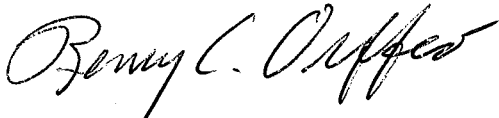
RESOLVED, that the Town Board does hereby receive and file the following communication:

4th Annual K.I.A. Memorial Road March to honor the veterans who were Killed In Action in Iraq and Afghanistan, and to raise funds to support local veterans organizations and collect food to donate to the local food pantries, is going to be held on August 20, 2016 at Chestnut Ridge Park. If anyone would like to participate contact SGM Jason Jaskula at (716) 866-4448.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:35 pm (local time).

Respectfully Submitted,



Remy Orffeo
Town Clerk