

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 3<sup>rd</sup> day of October 2018 at 7:10 PM, the meeting was called to order by Supervisor Keem and there were:

|                              |                         |                        |
|------------------------------|-------------------------|------------------------|
| <b>PRESENT AT ROLL CALL:</b> | 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 19, 2018, Executive Sessions: September 19 & 26, 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.**

**PUBLIC HEARING  
2019-2020 Federal Community Development Block Grant Funds**

At 7:10 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the use of 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 2019-2020 Program Year.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

Mr. John Vinti came forward to ask if the funds could be used towards installation of sewers on Powers Road. Town Engineer Wayne Bieler stated Powers Road does not qualify for the CDBG Grant. Supervisor Keem also stated Powers Road does not qualify for the Grant but Mr. Vinti may speak again during business from the floor.

**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 2019-2020 Federal Community Development Block Grant Funds is hereby closed at 7:19 PM.

**The motion was unanimously adopted.**

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

**WHEREAS**, as discussed at the 2018 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.

**NOW, THEREFORE, be it**

**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 = Brush Mtn. Senior Center (CAC) – Dining Room Furniture
- Priority #2 = 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 resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward.

**Old Business # 1 SJB Services Agreement**

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

**WHEREAS**, special materials and construction inspection services will be required for the construction of the Community Activity Center per NYS Building Codes. While we are currently in the early stages of the project, it is necessary to secure services as earthwork and foundation preparation may commence in the days forthcoming.

**WHEREAS**, the proposal, provided by SJB Inc., is a time and materials proposal outlining personnel and associated costs for specific tasks that are to be completed. An estimate not to exceed cost of \$80,000 has been provided.

**WHEREAS**, due to variables in the construction process and timing requirements, a definite cost cannot be established. The special inspections consultant must also be retained by the Town, as outlined in the Project's AIA Specifications, prior to the General Contractor submitting for a building permit.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, to provide special inspections for the Community Activity Center on a time and materials basis in an amount not to exceed \$80,000.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward.

**New Business #1 Commercial Parking Permit**

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 2018 Commercial Parking Permit for Abby Ruzzene at 5554 W. Webster Road Orchard Park, NY.

**The resolution was unanimously adopted.**

**New Business #2 Reimbursement of 2018 funds from County of Erie for Summer Recreation programming**

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

**WHEREAS**, Article 12 of the Erie County Charter has established a division of youth within the Erie County Department of Social Services; and

**WHEREAS**, Orchard Park administers a Recreation/Youth program to advance the moral, physical, mental and social well-being of youth of the County of Erie; and

**WHEREAS**, the County desires to assist Orchard Park with its Recreation/Youth programs, and to secure reimbursable funds therefore from the State of New York; and

**WHEREAS**, the Erie County Legislature has approved the Recreation/Youth program and authorized the County Executive to execute all necessary documents and agreements to implement such programs;

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes Supervisor Keem to sign an agreement between the County of Erie and the Town of Orchard Park for the reimbursement of 2018 funds towards summer Recreation/Youth services programming.

**The resolution was unanimously adopted.**

**New Business #3 Town Engineer Vacation Days**

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

**RESOLVED**, that the Town Board does hereby approve the Town Engineer Wayne Bieler to sell back unused vacation and personal days, and/or transfer up to five vacation days to 2019.

**The resolution was unanimously adopted.**

**New Business #4 Advertisement of Clerk Typist position**

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

**WHEREAS**, our current secretary will be out due to injury until December 14, 2018 with time earned to extend her sick time well past her expected retirement date in May 2019. With this, there is a vacant position in Engineering Department, and an immediate critical need to have a fulltime person staff this position.

**WHEREAS**, minimum requirements include graduation from High School or High School equivalently, and the ability to perform routine typing, filing, and answering of the Department's phone calls. In addition, this position requires the performance of responsible and complex clerical and staff work preparing and maintaining budget records and all invoicing; not only for the Engineering Department, but also for the Sewer, Water, and Lighting Department.

**WHEREAS**, although a list was called, the White Collar Union Contract / Town requires it be formally processed by the Town Board per civil service rules and regulations.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the advertisement for the civil service classification Clerk Typist title for the Orchard Park Engineering Department as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5 Certified resolution for 2019-2020 CDBG Grant Application**

9) 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 authorize the Town Clerk to complete a certified resolution for submittal to Erie County Department of Planning for the 2019-2020 CDBG Grant Applications as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Appointment of Training/Transition Consultant**

10) 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 appointment of Patrick J. McMaster to the position of transition/training consultant as of October 9, 2018, at a rate of \$28.50 per hour, not to exceed 120 days.

**The resolution was unanimously adopted.**

**New Business #7 Transfer of vacation days to 2019**

11) 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 2<sup>nd</sup> Deputy Town Clerk, Jennifer Brady to transfer up to five unused vacation days to 2019.

**The resolution was unanimously adopted.**

**New Business #8 Schedule a Public Hearing regarding Drive-in Service Facility**

12) 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 schedule a Public Hearing for a Local Law regarding Drive-In Service Facilities; Amending Chapter 144, Article II Definitions, Section 144-5 on October 17, 2018 at 7:00 PM at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #9 Schedule a Public Hearing regarding Amending Schedule of Use Controls**

13) 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 schedule a Public Hearing for a Local Law regarding Amending Schedule of Use Controls, Attachment 7,B1 Commercial; Attachment 8,B2 Commercial; Attachment 9,B3 Commercial; Attachment 10,64 Commercial; Attachment 11,I-1 Industrial; Attachment 13,D-R Development and Research on October 17, 2018 at 7:00 PM at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #10 Schedule a Hearing regarding Removal of Structures**

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

**WHEREAS**, the Enforcement Officer of the Town of Orchard Park has filed his report in writing with the Town of Orchard Park containing his findings and recommendations regarding certain structures on the premises located at 17 Quaker Lake Terrace, SBL #162.19-2-18, in which report said Enforcement Officer states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate securing or removal, and

**WHEREAS**, the Town of Orchard Park after reviewing said report and after hearing said Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined the said report warrants the removal of said structure.

**NOW, THEREFORE, be it**

**RESOLVED**, that: (1) notice be given to Eric J. Smith and Lynn E. Smith, (2) said notice be served personally upon Eric J. Smith and Lynn E. Smith or the County Clerk if such persons cannot reasonably be found for such personal service and by affixing a copy thereof upon said structures, (3) said notice shall order that the structures on the said premises are to be repaired to the satisfaction of the Building Inspector of the Town of Orchard Park or said structures are to be demolished and the debris from that demolition is to be removed from the premises within thirty (30) days of the service of said notice and to be completed within sixty (60) days thereafter, (4) a public hearing has been scheduled at 7:00 pm on November 7, 2018 at the Municipal Building, 4295 South Buffalo Street, Orchard Park, in relation to such dangerous or unsafe structures, and (5) the Town Attorney of the Town of Orchard Park be and he hereby is directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk.

**The resolution was unanimously adopted.**

**BUDGET TRANSFERS**

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

**WHEREAS**, expenditures in the codification account are dependent on code changes during the year, and

**WHEREAS**, current cost have exceeded the amount budgeted for the fiscal year ended December 31, 2018, and

**WHEREAS**, the funding for these adjusted appropriations is expected to be available within other appropriation accounts in the Town's 2018 budget,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorizes the following transfer:

Increase Appropriations:

A.1410.0460 Town Clerk — Codification of Ordinances \$550.41

Decrease Appropriations:

A.1410.0450 Town Clerk — Publishing \$550.41

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Mr. John Vinti inquired about funds available for sewers to be installed on Powers Road. The residents that live there have been paying taxes on sewer lines that don't exist and would like them installed. He has been paying taxes on them since 1979 and would like to know when his payments will benefit him and others on his road. He stated he and others will be voicing their needs until something is done about this urgent issue as some of their septic systems are beginning to fail.

Sean Kelley inquired about the status of the Football Complex proposal. He and his neighbors are concerned about the noise and light pollution that it would bring. He questioned the pedestrian traffic and safety with no lights and small shoulders on Webster Road. He also stated they are worried about the influx of traffic and shorter days becoming a concern for safety. They question if it is the best place for football fields. The soccer complex on Milestrip road appears to be better suited for the football fields with regards to traffic and lighting. If the town needs to build more soccer fields to replace the ones on Milestrip to make room for the football fields there, the land on Webster would be better suited to accommodate soccer fields. As the pressure from deadlines comes closer he doesn't want other options discluded. The quality of life of the residents would be severely affected by the lights and noise from a football field.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem responded to Mr. John Vinti's topic of sewers on Powers Road. He stated they are still working on the Capital Projects Budget for next year and the sewers are under discussion. With regards to the Football complex; we used the Webster Road area to place our extra fill from the Brush Mountain retention ponds. We use the fill in the Town for different projects. The Town Engineer was instructed to place it there. When residents inquired about the road going in we told them it was just fill being piled there. We try to be transparent and we do listen to the people. We got the message from residents on Ferndale and Webster that they don't want football fields there. Other options are being evaluated, the plans that someone saw of the football fields on Webster were only one option and not a site plan. We are analyzing the Soccer Fields and even Brush Mountain as a potential site. We are looking at many other options and taking not

only the football, cheerleading and soccer people into consideration but also the residents there. We had another meeting on it today.

Councilmember Majchrzak stated we are looking at other ideas for the Football Fields stay tuned and please be patient with us.

Councilmember Sherry responded to Mr. John Vinti’s issue about no sewers, he stated it doesn’t sound right to pay taxes on a service you’re not receiving. We are looking to see if they can go in there. He also stated they would not move forward with the football fields without looking at all the options. They will not make decisions too quickly and will consider all options first.

Chief of Police Pacholec spoke about another High School Football game at New Era Field this Friday at 7 PM. We are expecting four to five thousand fans. On Sunday the Bills game will start at 1:00. Abbott Road will be closed at 8AM and 20A will close at about 3 PM.

Highway Superintendent Piasecki stated highway is working on drainage work and cutting detention ponds. They are also doing site work at the CAC center. The Football lights and poles have been taken down and they are constructing a new entrance road at the CAC site.

Town Engineer Bieler spoke about the expansion of sanitary sewers on Powers Road. One of the Capital Projects that has been partially funded includes an assessment of sanitary sewer lines and a study of how they can handle expansion, how they differ from the original plan of what they were intended to do and replacement of those lines in the future. These studies are partially funded and would be the beginning of the sewer project. With regards to current sanitary septic system’s life expectancy; if you are in an area that can be expanded in the near future and have issues with your septic the DEC and Health department have allowed you to go under consent, even if it’s a sale of that property. They put money in escrow to take care of that septic system. This allows you to not put money into a septic system then have a sewer line put in the next year. This has been done on Hazel Court for three different residents and worked out well. Regarding the Webster Road property, that design has been put on hold. We have had dialog with different user groups and incorporated the residential concerns and needs with that area. We are looking at different options to satisfy different concerns.

**15) 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:

|                           |              |
|---------------------------|--------------|
| <b>General Fund</b>       | \$102,775.39 |
| <b>Public Safety Fund</b> | \$12,323.12  |
| <b>Part Town Fund</b>     | \$767.83     |
| <b>Risk Retention</b>     | -0-          |
| <b>Cemetery Fund</b>      | -0-          |
| <b>Highway Fund</b>       | \$29,890.73  |
| <b>Special Districts</b>  | \$236,027.73 |
| <b>Trust &amp; Agency</b> | \$6,910.53   |
| <b>Capital Fund</b>       | \$200,185.16 |

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by councilmember Majchrzak, the meeting adjourned at 7:42 pm (local time).

**Respectfully Submitted,**

A handwritten signature in cursive script, appearing to read "Remy C. Orffeo".

**Remy C. Orffeo  
Town Clerk**