

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 6th day of March 2019 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 |
| | |
| Kathleen Swarbrick | Deputy Town Clerk |
| Wayne Bieler | Town Engineer |
| Steve Bremer | Building Inspector |
| Frederick Piasecki, Jr. | Highway Superintendent |
| E. Joseph Wehrfritz | Acting Chief of Police |

ABSENT:

- | | |
|-------------|------------|
| Remy Orffeo | Town Clerk |
|-------------|------------|

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 Meeting Minutes: April 3, 2019 Executive Sessions: April 3, & 10, 2019 and the Special Session: April 10, 2019 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

Franchise Agreement between the Town of Orchard Park and Time Warner Cable Northeast LLC, l/k/a Charter Communications

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Franchise Agreement between the Town and Time Warner Cable Northeast LLC.

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 asked if anyone is interested in speaking or making a comment. No one came forward.

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

RESOLVED, that the Public Hearing regard the Franchise Agreement with Time Warner Cable Northeast LLC. is hereby closed at 7:08 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:

WHEREAS, an application has been duly made to the Board of the Town of Orchard Park, New York by Time Warner Cable Northeast LLC, 1/k/a Charter Communications, a limited liability organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls NY 14305, for the approval of a renewal agreement for Time Warner Cable’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission, and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable communication Policy Act of 1984, as amended, and certain court rulings, and

WHEREAS, a Public Hearing was held in the Town of Orchard Park NY on April 17, 2019 at 7:00 P.M. and notice of the hearing was published in the Orchard Park Bee.

NOW, THEREFORE, be it

RESOLVED that the Board of the Town of Orchard Park finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Orchard Park hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Town of Orchard Park for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence, and

BE IT FURTHER RESOLVED that the Board of the Town of Orchard Park hereby confirms acceptance of this Franchise Renewal Agreement.

The resolution was unanimously adopted.

Public Hearing

Local Law 3-2019 Revising Chapter 66 Flood Damage Prevention

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law 3-2019

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 asked if anyone is interested in speaking or making a comment. No one came forward.

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 Local Law 3- 2019, Flood Damage Prevention is hereby closed at 7:11 PM.

The resolution was unanimously adopted.

The Town Board did not move on adopting this Local Law tonight.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward.

Old Business #1 Authorize Town Attorney to proceed with Dedication of PIP #2018-01

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

WHEREAS, On April 11, 2019, a final inspection was conducted of the public sanitary sewer mainline installed in the Armor Duells Sanitary Sewer Extension PIP #2018-01. The project included the installation of 300-feet of sanitary sewer mainline to service an existing house and a sub lot along Armor Duells, as shown on the attached location map, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, fine grade topsoil, and hydro seed disturbed areas along the sanitary sewer extension work, which will be completed when the weather permits. We are in receipt of \$500.00 cash security for this work, and

WHEREAS, a two-year maintenance bond in the amount of \$20,000 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements for the Armor Duells Sanitary Sewer Extension PIP #2018-01, and authorize the Town Clerk to release the cash performance security in the amount of \$4,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Approve Change Order #3 Numarco Inc. for Community Activity Center

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

WHEREAS, the Community Activity Center construction work is progressing swiftly. Within the next two weeks the floor is scheduled to be placed in Area #2, the Recreation Wing. Alternate #10, Restroom & Shower room fit-out, and Alternate #9, Locker room fit-out, are currently not awarded and contain work integral to the pouring of the concrete floor within Area #2. The floor drains and shower drains within this area are only to be set with the award of the alternates, however, this work should be completed simultaneously with the floor installation to ensure proper floor slopes and eliminate potential problems with future fit-out. Numarco has provided a proposal to set the drains for \$2,876.08. This cost would be deducted proportionally if either of the alternates were awarded at a future date, and

WHEREAS, this change order will increase Numarco's total contract to \$630,812.89, representing an increase of 0.46%. Numarco's total contract, with change orders, is still \$11,187.11 lower than their base bid, and

WHEREAS, there is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding is needed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve change order #3 to our contract with Numarco, Inc., 1021 Maple Road, Elma, New York 14059 for the Community Activity Center Project for setting floor and shower drains in an amount not to exceed \$2,876.08, as recommended by the Town Engineer.

Councilman Sherry said this has to do with floor drains and shower drains installations, and to insure proper floor slopes.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Gregg Tomani, he is opposed to the Erie Cat Rail Trail. He and others opposed to the Trail have formed a group called the Neighborhood Preservationists. They have hired a nationally recognized firm who specializes in this very topic, Kaplan, Kirsch and Rockwell. This firm sent a letter to the Town Board and Town Attorney, and Mr. Tomani presented this and the guidelines to the Town Board.

Tom Finn, Sue Kind and Ron Wessel spoke in opposition to the Erie Cat Rail Trail.

Susan Yox, Jen Zeitler, Bill Knab, Mike Terranova, Ann Jordan and Nancy Williams spoke in favor of the Erie Cat Rail Trail.

Beth Simons said there has to be more information and plans for people to look at.

New Business #1 Appoint Assistant Emergency Mangers for the Town and Village of Orchard Park

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

WHEREAS, with the retirement of Andy Geist, the position of Assistant Emergency Manager will be vacant. The Town's Emergency Manager Richard Mrugalski would like to add Robert Benning as the first Assistant Emergency Manager and to add Jordan Kellerman as the second Assistant Emergency Manager, and

WHEREAS, Robert and Jordan bring many years of experience in the use of the Incident Command System (ICS) as they used it as Chief and Assistant of the Orchard Park Fire Company. They would bring this experience to the Town with the many events that occur in Orchard Park and the many incidents that require the presence of the Emergency Manager.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Robert Benning as first Assistant Emergency Manager and Jordan Kellerman as second Assistant Emergency Manager.

The resolution was unanimously adopted.

New Business #2 Memorandum of Understanding between Erie Co. Central Service & Town of OP

8) 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 authorize the Supervisor to sign a Memorandum of Understanding between Erie County Central Police Services and the Town of Orchard Park for the implementation of the NIBRS grant. The term of this MOU is January 1, 2019 to December 31, 2020.

The resolution was unanimously adopted.

New Business #3 Memorandum of Understanding with Police Benevolent Association

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

WHEREAS, the Town Board and the Police Benevolent Association have agreed that any temporary suspension of any Town related rule, order, regulation, or standard operating procedure made by the Chief of Police shall not and will not constitute past practice, and

WHEREAS, the Town of Orchard Park and the Police Benevolent Association has reduced this agreement to a Memorandum of Understanding,

NOW, THEREFORE, BE IT

RESOLVED that The Supervisor of the Town of Orchard Park is hereby authorized to execute the said Memorandum of Understanding and present it to the Police Benevolent Association for their execution.

The resolution was unanimously adopted.

New Business #4 Approve status change for Police Dispatchers

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 move PSD Erie Knavel from Part-time status to seasonal status from May 1, 2019 to September 30, 2019 and PSD Courtney Honer from Part-time to seasonal status from August 1, 2019 to December 31, 2019.

The resolution was unanimously adopted.

New Business #5 Sign Intermunicipal Agreement with Village for use of Compost Site

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

WHEREAS, the Village of Orchard Park wishes to utilize the service of the Town of Orchard Park Compost Facility, and

WHEREAS, the Town of Orchard Park is ready, willing and able to accommodate the Village of Orchard Park's wish to use that compost facility, and

WHEREAS, the two municipalities have agreed on an annual tipping fee for that use of \$6,900.00

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the Supervisor to execute an intermunicipal agreement with the Village of Orchard Park for the Village's use of the Town's compost facility at the stated rate of \$6,900.00

The resolution was unanimously adopted.

New Business #6 Award Brush Contract

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

WHEREAS, the Brush Pickup went out to bid with a "One Year" bid amount and a "Three Year" bid amount, with the Bid Opening held on April 11, 2019.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the Brush Pickup bid to Branch Managers Inc. for One Year (May 1, 2019-October 31, 2019) in the amount of \$197,990.00, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the one year Brush Pickup Contract with Branch Managers Inc., they being the lowest responsible bidder.

The resolution was unanimously adopted.

New Business #7 Change Order to Brush Contract

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

WHEREAS, from the late fall leaf drop and snow from last fall, there is still a lot of leaf and brush remaining to be picked up.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve a Change Order to the 2019 Brush Pickup Contract with Branch Managers Inc. to start pickup on April 22, 2019 thru April 30, 2019 and the fee for the extended time will be in the amount of \$11,555.00.

The resolution was unanimously adopted.

New Business #8 Award Town Mowing Contract for 2019

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

RESOLVED, that the Town Board hereby award the Town Mowing Contract to Green Barber at a fee of \$469.00 per week, and an hourly rate of \$10.00 per hour if needed.

The resolution was unanimously adopted.

New Business #9 Appointment to Laborer position for Sewer, Water & Lighting Department

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

WHEREAS, the Town Board approved the budget for the Laborer position for 2019 and the committee completed the process. The second position requested for the Sewer, Water & Lighting Department will be added in the 2020 budget as directed, and

WHEREAS, in the past, the Department has operated with six permanent employees, supplemented by seasonal employees during the summer months. With the aging infrastructure and the New York State non-funded mandates, the Town Board agreed it is necessary to address the need to be more proactive and complete assessments of existing sanitary sewer mainlines to help prevent costly future emergency repairs and the extensive negative impacts to residents, as well as assisting with normal day to day operations and emergency call outs, and

WHEREAS, the Town Board authorized the posting advertisement and in accordance with provisions of CSEA collective bargaining agreement, Notices of the Vacant Laborer Position were posted at the Sewer, Water & Lighting Department. The position was also advertised by word of mouth and in the Orchard Park Bee newspaper by the Town Clerk. The position is classified as non-competitive civil service by the Erie County Personnel Department.

WHEREAS, in response to the advertisement, we received 18 applications for the position. Eight applicants were interviewed and the skill sets, experience and various qualifications required for the position varied by candidates. Only three applicants met the preference requirement of a CDL license for the position. Several candidates had little to no related experience. The eight selected candidates were interviewed by Gail Orffeo, Human Resources, Andrew Slotman, General Crew Chief of the Sewer, Water & Lighting Department, and Wayne Bieler, Town Engineer, and

WHEREAS, after consultation with Gail Orffeo and Andrew Slotman, the Town Engineer recommended that Rocco Giannicchi should be hired for the Laborer Operator Position. Rocco Giannicchi has a NYS Class B Commercial Driver's License with air brake endorsements, is a certified welder and has experience in construction work currently being done by the Sewer, Water, & Lighting Department. Rocco was also Summer Seasonal Help for the Sewer, Water, and Lighting Department for two seasons.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby appoint Mr. Rocco Giannicchi, 3520 Transit Road, Orchard Park, NY 14127 to the position of Laborer in the Sewer, Water & Lighting Department at a Job Level 1, Wage Step 1 of the current wage schedule for the CSEA Blue Collar Contract effective May 6, 2019, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Agreement with Aqua Tech Environmental Inc. for treatment & stocking of ponds

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

WHEREAS, similar to previous years, to complete the management and maintenance of various ponds/lake including Green Lake; it is necessary to hire an environmental consulting firm that is familiar with non-pesticide aquatic vegetation control (grass carp) and water quality (microbes and water aeration), general consultation and fish stocking, and

WHEREAS, the Town Engineer has again solicited services and received a proposal from a local environmental consultant firm AquaTech Environmental, Inc., which is qualified and more than capable of completing lake management work for Green Lake and other various Town owned ponds. Fish stocking in Eleven (11) Town owned lakes/ponds would also be completed in the necessary timeframe and appropriate season (spring & fall), and

WHEREAS, the environmental services to be provided for the maintenance of Town ponds/lake are proposed as an annual maintenance service agreement and will include: Non-Pesticide Aquatic Vegetation Control (grass carp stocking), Initial Walkthrough (Biological, Chemical and Physical Analysis), Water Quality Analysis, Aeration Assessment, Installation and Adjustment, Stocking Permit Procurement, Fish Stocking, Fishery Assessment/Management and General Consultation Services. Aqua Tech Environmental, Inc. will provide these services on as as-needed basis. A \$2,500.00 deposit will be due in April and will be later subtracted from the stocking costs, and

WHEREAS, the Birdsong Subdivision Retention Pond is being stocked with 10 grass carp this spring to maintain healthy populations that can deal with the rooted plants. The homeowner association has been approached to see if they would be willing to purchase an additional 10 grass carp (\$17.50/each) at a total cost of \$175.00. The additional grass carp pose no negative side effects and are a cost effective measure to control plant populations and improve the overall quality of the pond. No treatment was needed in 2018 for the Birdsong Retention Pond, except for the few grass carp which were added, and

WHEREAS, the total anticipated pond treatment (weather dependent) cost for 2019 is \$0.00 for the year. Nine Town owned water bodies are listed with costs in case any microbial treatment is needed this year. The 2019 pond and lake maintenance proposal includes \$3,000.00 towards possible water treatment options along with 50% cost sharing opportunities from existing drainage districts (1-2, 1-3, 2-2 & 3-2). The \$3,000.00 could also be applied towards the stocking of 125 grass carp in Green Lake pending spillway modifications and NYSDEC approval/permitting. The 125 grass carp would aid in the aquatic vegetation control in the lake and are offered by AquaTech at a reduced cost of \$1,875.00 (\$15/grass carp) due to quantity discounts, and

WHEREAS, for the continuation of the Town of Orchard Park Fish Stocking Program for 2019 Mr. Adrian recommends continuing the feeder fish stocking (crayfish, fathead minnows & golden shiners), game fish stocking (large mouth bass) and increasing grass carp stocking to aid in weed control. The 2019 proposed stocking cost is \$6,999.00 less the \$2,500.00 deposit. The stocking of large mouth bass in Green Lake will start this spring of 2019 as directed by the Town Board. Over Sixty-eight percent of town-wide stocking is once again targeted for Green Lake this year as previously discussed, and

WHEREAS, the entire projected cost for Town Pond/Lake maintenance, possible water quality treatment and stocking for calendar year 2019, is not to exceed \$13,000.00 (excluding aeration improvements). There are presently funds (\$15,000.00+/-) allocated under Orchard Park Engineering Department "Water Quality Consultants" A.1440.000.50541 for this work, and

WHEREAS, the Town Board must be aware, as previously discussed with AquaTech, that this natural means of aquatic vegetation control and water quality management is not a perfect science and is heavily influenced by outside factors such as weather, nutrient loading, oxygen levels, etc. Another factor to highlight is that no aeration projects are funded under this agreement, which are also a major component of improving water quality. Lastly, this amount of funding would not cover all microbial treatments in a single year if they were for some reason required for all proposed waterbodies, which is highly unlikely. All involved parties must know there will be a learning curve with these natural methods, the true benefit for the environment comes with eliminating pesticides.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$9,999.00 to provide the following:

- Professional consultation for yearly environmental services for Town-Owned Ponds & Lake (\$2,500.00 deposit due in April).
- Non-Pesticide water quality treatment services (excluding aeration) for various Town-Owned Ponds & Lake; including Lyrica North & South, Holley Ridge, CRV East & West, Milestrip Reclamation, Birdsong, Pleasant Acres & Knoche ponds, also Green Lake.
- Complete NYSDEC permitting & fish stocking in specified Town-Owned Ponds/Lake as per attachment 3.0 & 3.1 Fishery Management Agreement.

The resolution was unanimously adopted.

New Business #11 Schedule Informational Meeting for Stormwater Phase II Annual Report

17) 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 schedule a public informational meeting for Wednesday, May 15, 2019 at 7:00 pm to receive public comment on the draft Stormwater Phase II annual report, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Sign NYS DEC SPEDES General Permit Municipal Compliance Certification

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

WHEREAS, per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department of Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals, and

WHEREAS, the 2018-2019 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. A draft copy will be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #13 Approve 2019 Stable Permits

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

RESOLVED, that the Town Board hereby approves the 2019 Stable Permit for Sandybrook Farm & Stable, 6265 Powers Rd., Orchard Park NY.

The resolution was unanimously adopted.

New Business #14 Approve Special Events Permits

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

RESOLVED, that the Town Board hereby approve the following Special Events, pending receiving the Certificates of Liability and established fees:

- Orchard Park Little League Parade – May 4, 2019
- Cystic Fibrosis Foundation Great Strides Walk – May 18, 2019
- Nativity of Our Lord Chase the Sun 5K – June 20, 2019

The resolution was unanimously adopted.

New Business #15 Appoint Summer Part-time Staff to the Recreation Department

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

RESOLVED, that the Town Board hereby appoints the following Summer Part-time staff to the Recreation Department, dependent upon the applicants providing the required certifications.

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>	<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Katelyn Adams	\$12.00	PT4-D (Att)	Sarah Makey	\$12.00	PT4-D (Att)
Anna Allman	\$12.50	PT5-A (Att)	Jordyn Malinowski	\$12.50	PT5-A (Att)
Grace Attig	\$12.50	PT5-A (Att)	Katherine Manley	\$12.00	PT4-D (Att)
Emily Bement	\$13.00	PT5-C (Lg)	Wayne Martin	\$15.00	PT6-D (Att)
Molly Bleech	\$12.50	PT5-A (att)	Jacob Mattina-Chmiel	\$12.00	PT4-D (Att)
Cynthia Boncaldo	\$12.00	PT4-D (Att)	Madison McCafferty	\$12.00	PT4-D (Att)
Cayley Brege	\$12.50	PT5-A (Att)	Eve McMullen	\$12.50	PT4-D (Att)
Samantha Burgio	\$12.00	PT4-D (Att)	Mason McMullen	\$15.50	PT7-A (Lg)
Jody Burnard	\$15.00	PT6-D (Att)	Tanner McMullen	\$12.50	PT5-A (Att)
Nathaniel Burnard	\$12.50	PT5-A (Att)	Dylan McNichol	\$13.00	PT5-A (Lg)
Shannon Callaghan	\$13.00	PT5-C (Lg)	Diana Menz	\$12.00	PT4-D (Att)
Thomas Callaghan	\$13.00	PT5-C (Lg)	Jarrod Merkel	\$12.00	PT4-D (Att)
Ami Canale	\$12.00	PT4-D (Att)	Richard Merlino	\$12.50	PT5-A (Att)
Ana Canale	\$12.50	PT5-A (Att)	Nathan Messina	\$12.50	PT5-A (Lg)
Jessica Carey	\$13.50	PT5-E (Lg)	Allie Metzger	\$12.50	PT5-A (Att)
Marissa Carrig	\$12.50	PT5-A (Lg)	Emily Mielcarek	\$14.00	PT6-B (Att)
Shannon Clough	\$12.50	PT5-A (Att)	Michael Mielcarek	\$15.50	PT7-A (Att)
Sarah Conley	\$13.00	PT5-C (Lg)	David Morris	\$12.00	PT4-D (Att)
Kasey Cooley	\$12.00	PT4-D (Att)	Jake Morris	\$12.00	PT4-D (Att)
Carly Coppola	\$12.50	PT5-A (Att)	Ava Mrozik	\$12.50	PT5-A (Att)
Caitlin Cyrek	\$12.00	PT4-D (Att)	Madeline Musterait	\$12.50	PT5-A (Lg)
Anna Davolu	\$12.00	PT4-D (Att)	Richard Naylor	\$12.00	PT4-D (Att)
Landon DeKay	\$12.50	PT5-A (Lg)	Nicole Newton	\$12.50	PT5-A (Att)

Andrew Doran	\$12.00	PT4-D	(Att)	Linda Norsen	\$12.00	PT4-D	(Att)
Halle Dueringer	\$13.00	PT5-C	(Lg)	Joshua Nowak	\$12.50	PT5-A	(Lg)
Claire Dunwoodie	\$14.00	PT6-B	(Att)	Julia O'Connor	\$12.00	PT4-D	(Att)
Elizabeth Eberhardt	\$12.00	PT4-D	(Att)	Claire Otis	\$12.50	PT5-A	(Att)
Sarah Eneix	\$12.50	PT5-A	(Att)	Katherine Powers	\$12.50	PT5-A	(Att)
Isabella Fazio	\$12.00	PT4-D	(Att)	Rebekah Quinlivan	\$13.00	PT5-C	(Lg)
Madelin Feldman	\$12.50	PT5-A	(Att)	Maxim Reilly	\$12.50	PT5-A	(Lg)
Jessica Ferguson	\$12.00	PT4-D	(Att)	Rachael Reimondo	\$15.00	PT6-D	(Att)
Julie Filipski	\$13.00	PT5-C	(Lg)	Jordan Reiner	\$12.50	PT5-A	(Att)
Cassie Fowler	\$12.00	PT4-D	(Att)	Alex Reiser	\$12.00	PT4-D	(Att)
Emily Frey	\$12.50	PT5-A	(Att)	Allison Richards	\$12.00	PT4-D	(Att)
Karlie Gambino	\$13.50	PT5-E	(Lg)	Autumn Roza	\$14.00	PT6-B	(Att)
Brittney Gawel	\$12.50	PT5-A	(Att)	Eric Ruhland	\$12.50	PT5-A	(Lg)
Mary Genzel	\$13.50	PT5-E	(Lg)	Amanda Schack	\$12.50	PT5-A	(Att)
Samuel Gura	\$15.00	PT6-D	(Lg)	Anne Sheffield	\$14.00	PT6-B	(Att)
Sarah Gura	\$15.00	PT6-D	(Lg)	Georgia Sherer	\$12.00	PT4-D	(Att)
Sarah Gutsin	\$12.00	PT4-D	(Att)	Benjamin Shoop	\$12.00	PT4-D	(Att)
Grace Haier	\$12.00	PT4-D	(Att)	Courtney Schmidt	\$15.50	PT7-A	(Att)
Brett Hall	\$13.00	PT5-C	(Lg)	Christi Schultz	\$14.00	PT6-B	(Att)
Derek Hall	\$13.00	PT5-C	(Lg)	Alicia Sciolino	\$14.00	PT6-B	(Att)
Sarah Hanlon	\$12.50	PT5-A	(Att)	Katelyn Sciolino	\$14.00	PT6-B	(Att)
Griffin Harrigan	\$12.00	PT4-D	(Att)	Grace Scott	\$13.00	PT5-C	(Lg)
Julia Hasasneh	\$12.50	PT5-A	(Att)	Benjamin Shular	\$13.50	PT5-E	(Lg)
Susan Hemmingway	\$17.50	PT8-D	(Att)	Jennifer Sienkiewicz	\$15.50	PT7-D	(Att)
Patrick Higgins	\$12.50	PT5-A	(Att)	Jacob Simonsen	\$14.00	PT6-B	(Lg)
Elizabeth Hinterberger	\$14.00	PT6-B	(Att)	Gace Sippel	\$12.50	PT5-A	(Att)
David Hoelscher	\$12.50	PT5-A	(Lg)	Samantha Smith	\$12.50	PT5-A	(Att)
Brandon Hoth	\$12.50	PT5-A	(Att)	Carmila Stafford	\$12.50	PT5-A	(Att)
Madison Hornung	\$15.50	PT7-A	(Att)	Sebastian Stafford	\$12.50	PT5-A	(Att)
Jessica Humby	\$12.50	PT5-A	(Lg)	Delanie Suto	\$12.00	PT4-D	(Att)
Christina Hrusa	\$12.00	PT4-D	(Att)	Jenna Syposs	\$12.50	PT5-A	(Att)
Emily Izydorczak	\$14.00	PT6-B	(Att)	Danielle Updike	\$12.50	PT5-A	(Att)
Erin Joyce	\$14.00	PT6-B	(Att)	Daniel Vail	\$14.00	PT6-B	(Lg)
Molly Joyce	\$12.50	PT5-A	(Att)	Alex Vendura	\$13.00	PT5-C	(Lg)
Michael Kane	\$13.00	PT5-C	(Lg)	Madeline Venturo	\$13.00	PT5-C	(Lg)
Evan Kasper	\$12.00	PT4-D	(Att)	Kathryn Visco	\$12.50	PT5-A	(Att)
Jack Kinsman	\$12.00	PT4-D	(Att)	Brendan Wenger	\$13.00	PT5-C	(Lg)
Maria Kubiak	\$13.00	PT5-C	(Lg)	Grace Wiest	\$14.00	PT6-B	(Att)
Jacquelyn Liberman	\$12.00	PT4-D	(Att)	Darcy Zappia	\$14.00	PT6-B	(Att)
Mary Linton	\$14.00	PT6-B	(Att)	Kyla Zybczynski	\$12.50	PT5-A	(Lg)
William Linton	\$12.50	PT5-A	(Att)				

The resolution was unanimously adopted.

New Business #16 Sign Parks & Grounds Agreement with Little League Baseball

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

RESOLVED, that the Town Board does hereby approve the 2019 Parks and Grounds Agreement with the Orchard Park Little League, the Certificate of Liability has been received.

The resolution was unanimously adopted.

New Business #17 Sign Blue Collar Collective Bargaining Agreement

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

WHEREAS, the Town of Orchard Park has been negotiating with its Blue Collar Union for a new Collective Bargaining Agreement, and

WHEREAS, the parties to those negotiations have reached a successful accord extending through 2021, and

WHEREAS, the highlights of terms of that proposed accord include a 2.0% salary increase across the board for 2018 and 2.5% salary increase for 2016, 2017, 2019, 2020 and 2010; \$100 clothing allowance increase for 2019 and a \$50 clothing increase for 2020; and minimum health insurance contribution increases to a rate of 7% in 2019, 8.5% in 2020, and 10% in 2021, and

WHEREAS, the said accord has been approved by the Blue Collar Union and is acceptable to the Town Board of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the proposed Blue Collar Collective Bargaining Agreement as negotiated between the Town Board and the Blue Collar Union, and presently approved by the Blue Collar Union.

The resolution was unanimously adopted.

New Business #18 Terms of Settlement for Mark Pacholec

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

WHEREAS, Chief Mark Pacholec has announced his retirement effective May 3, 2019 after more than 22 years of service to the Town of Orchard Park, including more than 6 years as Chief of Police; and

WHEREAS, the Town of Orchard Park recognizes and appreciates Chief Pacholec's years of dedicated service;

NOW THEREFORE, be it

RESOLVED that the Town Board does hereby modify Chief Pacholec's Compensation as follows:

- To increase Pacholec's salary and holiday pay by twenty percent (20%) above the current 2019 rate retroactive to January 1, 2019 for hours paid in 2019 only.
- To increase Pacholec's 2019 longevity by an additional \$10,044 up to a maximum of \$12,500 effective January 1, 2019.
- To provide Pacholec an additional eighty (80) hours of compensatory time retroactively effective April 1, 2019 as compensation for additional hours of service performed in 2018 and 2019.

BE IT FURTHER RESOLVED that Chief Pacholec's accruals (Compensatory Time, Personal Leave, Sick Leave, Vacation) shall be paid at Pacholec's rate of pay PRIOR TO this April 17, 2019 resolution.

The resolution was unanimously adopted.

New Business #19 Sign Agreement for Mark Pacolec's Retirement

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

WHEREAS, Chief Mark Pacholec has announced his retirement effective May 3, 2019 after more than 22 years of service to the Town of Orchard Park, including more than 6 years as Chief of Police; and

WHEREAS, the Town of Orchard Park recognizes and appreciates Chief Pacholec's years of dedicated service;

NOW, THEREFORE, be it

RESOLVED that the Town Supervisor is hereby authorized to execute the Confidential Settlement Agreement with Mark Pacholec.

The resolution was unanimously adopted.

New Business #20 Year End Budget Transfers for 2018 Budget

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

WHEREAS, the Town is in the process of closing the accounting records for the fiscal year ended December 31, 2018, and

WHEREAS, certain appropriation accounts were noted to need adjustment to allow for appropriate closing of accounts, and

WHEREAS, the funding for these adjusted appropriations is available within other appropriation accounts 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 included in the attached list.

The resolution was unanimously adopted.

Account		Name	(From) To
SL5182	50465	LGT DIST EC CHARGEBACKS	32.00
SL5182	50520	LGT DIST ALLOC COST OF OPER	2,216.00
SL5182	50421	LGT DIST ELECTRICITY	(2,248.00)
SR8160	50503	REFUSE CONT SERVICES-BASIC	23,098.00
SR8161	50200	COMP EQUIPMENT	1,452.00
SR8161	50423	COMP WATER	124.00
SR8161	50444	COMP-EQUIP REPAIR & MAINT	138.00
SR9060	50860	REF/COMP HOSPITAL&MED INS.	21,418.00
SR8160	50405	REFUSE CONT BRUSH PICK UP	(12,300.00)
SR9010	50810	REF/COMP STATE RETIREMENT	(14,265.00)
SR8161	50416	COMP GAS, OIL, ANTIFREEZE	(10,612.00)
SR8161	50103	COMP SAL NONUNION HRLY FT	(9,053.00)
DB1910	50465	HW EC CHARGEBACKS	469.00
DB5110	50105	HW SAL CSEA BLUE	244,551.00
DB5110	50472	HW STONE, GRAVEL AND ROAD OIL	96.00
DB5110	50473	HW READY MIX AND MANHOLE CC	1,804.00
DB5130	50419	MACHINERY OTHER CONT EXPS	25,725.00
DB5140	50105	BRUSH SAL CSEA BLUE	27,023.00
DB5140	50400	BRUSH SUPPLIES	9.00
DB5140	50419	BRUSH OTHER CONT EXPS	684.00
DB5142	50400	SNOW SUPPLIES	103,605.00
DB9010	50810	HW STATE RETIREMENT	6,005.00
DB9030	50830	HW SOCIAL SECURITY	11,402.00
DB9062	50862	HW INSUR WAIVERS	800.00
DB9090	50890	HW MEDICARE	2,666.00
DB9901	50904	HW INTERFUND TRANS-CAP	51,187.00
DB9060	50860	HW HOSPITAL & MED.INS.	(111,971.00)
DB9040	50840	HW WORKMENS COMP INS	(89,898.00)
DB9901	50910	HW INTRFND TRANS-DEBT PRINC	(45,000.00)
DB9901	50911	HW INTRFND TRANS-DEBT INTERE	(40,463.00)
DB5142	50105	SNOW SAL CSEA BLUE	(70,243.00)
DB5130	50105	MACHINERY SAL CSEA BLUE	(15,512.00)
DB5130	50200	MACHINERY EQUIPMENT	(16,482.00)
DB1910	50431	HW GENERAL INSUR	(17,031.00)
DB5110	50416	HW GAS, OIL, ANTIFREEZE	(16,665.00)
DB5140	50416	BRUSH GAS, OIL, ANTIFREEZE	(17,202.00)
DB9065	50865	HW FLEX PLAN	(6,278.00)
DB5120	50105	BRIDGES SAL CSEA BLUE	(7,000.00)
DB5110	50104	HW SAL NONUNION HRLY PT	(5,391.00)
DB5110	50420	HW TELEPHONE/CELL PHONES	(4,855.00)
DB5112	50475	PERMANENT IMPROVEMENTS CHI	(12,035.00)

Account		Name	(From) To
B03620	50102	BLDG INSP SALARY OF DEPT MNGR	266.00
B03620	50103	SAL NONUNION HRLY FT	752.00
B03620	50106	SAL CSEA WHITE	279.00
B08010	50106	ZONING SAL CSEA WHITE	3,186.00
B08010	50450	ZONING PUBLISHING	84.00
B08020	50190	PLANNING SAL	23.00
B08020	50191	PLANNING SAL	219.00
B08020	50400	PLANNING SUPPLIES	444.00
B09062	50862	P/T-INSUR WAIVERS	3,200.00
B09060	50860	P/T-HOSPITAL & MED INS	(8,453.00)
PS1910	50408	PS FIRST AID SUPPLIES	1,248.00
PS2989	50400	PS DARE SUPPLIES	21,370.00
PS3120	50107	PS SAL PBA	211,050.00
PS3120	50131	PS SICK BUY BACK	149,363.00
PS3120	50133	PS COMPENSATORY TIME	233,620.00
PS3120	50137	PS OVERTIME	1,750.00
PS3120	50215	PS PATROL CARS	1,713.00
PS3120	50216	PS DWI EQUIPMENT	44,686.00
PS3120	50408	PS FIRST AID SUPPLIES	1,548.00
PS3120	50409	PS AMMUNITION-RANGE FEES	462.00
PS3120	50413	PS TRAVEL AND CONFERENCE	437.00
PS3120	50414	PS TRAINING	12.00
PS3120	50419	PS OTHER CONT EXPS	644.00
PS3120	50440	PS SOFTWARE/LICENSE/TECH FEES	238.00
PS3510	50104	PS DOG SAL NON UNION HOURLY I	436.00
PS3510	50106	PS DOG SAL CSEA WHITE	2,031.00
PS3510	50407	PS DOG UNIF/CLOTH/TOOL ALLOW	49.00
PS3510	50434	PS DOG ANIMAL REMAINS REMOV.	330.00
PS3510	50445	PS DOG VEHICLE REP & MAINT	21.00
PS3510	50446	PS DOG BUILDING MAINTENANCE	567.00
PS9015	50815	PS POLICE STATE RETIREMENT	115,960.00
PS9061	50861	PS DENTAL INSUR	6,729.00
PS9090	50890	PS MEDICARE	5,117.00
PS3120	50106	PS SAL CSEA WHITE	(75,992.00)
PS3120	50130	PS HOLIDAY BUY BACK	(66,000.00)
PS9060	50860	PS HOSPITAL & MED INS	(494,510.00)
PS3120	50199	PS RETIREMENT COSTING	(100,000.00)
PS3120	50191	PS SAL-METAL DETECTOR	(20,314.00)
PS3120	50416	PS GAS, OIL, ANTIFREEZE	(20,852.00)
PS3510	50190	PS DOG SAL OLD PAYROLL ACCT	(21,073.00)
PS3120	50143	PS COURT TIME	(640.00)

Account		Name	(From) To
A01110	50103	TOWN JUSTICE SAL NONUNION HR	9,168.00
A01110	50437	TOWN JUSTICE LAW BOOKS	374.00
A01110	50449	TOWN JUSTICE COURT REPORTER	113.00
A01220	50103	SPRVSR SAL NONUNION HRLY FT	2,896.00
A01220	50403	SUPERVISOR GRANT WRITER	13,500.00
A01220	50466	SUPERVISOR DEBT ADMINISTRATIO	59,547.00
A01355	50102	ASSESSMENT SAL OF DEPT MGRS	363.00
A01355	50106	ASSESSMENT SAL CSEA WHITE	4,194.00
A01410	50103	TOWN CLRK SAL NONUNION HRLY	877.00
A01410	50104	TOWN CLRK SAL NONUNION HRLY	36,791.00
A01410	50191	TOWN CLRK SAL	678.00
A01410	50413	TOWN CLRK TRAVEL AND CONF	790.00
A01410	50555	TOWN CLRK RECORDS MANAGEMEN	9,034.00
A01420	50552	TOWN LAW OUTSIDE LEGAL SERV	89,786.00
A01420	50554	TOWN LAW OUTSIDE APPRAISALS	50,220.00
A01440	50102	ENGINEER SAL OF DEPT MGRS	3,528.00
A01440	50103	ENGINEER SAL NONUNION HRLY F	7,877.00
A01440	50400	ENGINEER SUPPLIES	600.00
A01620	50104	SAL NONUNION HRLY PT	1,147.00
A01620	50190	BUILDINGS SAL	186.00
A01620	50191	BUILDINGS SAL	24,545.00
A01670	50423	CENT SERV WATER	599.00
A01680	50104	INFO TECH SAL NONUNION HRLY F	41,589.00
A01680	50200	INFO TECH EQUIPMENT	32,699.00
A01680	50420	INFO TECH TELEPHONE/CELL PHON	3,437.00
A01910	50406	GEN MEMBERSHIP/ASSOC DUES	395.00
A05132	50421	HW GARAGE ELECTRICITY	490.00
A05132	50423	HW GARAGE WATER	1,835.00
A06510	50419	VETERANS SERV OTHER CONT EXPS	14,952.00
A07020	50102	REC SAL OF DEPT MGRS	295.00
A07110	50100	PARKS SAL OF ELECT OFFICIALS	1,300.00
A07110	50103	PARKS SAL NONUNION HRLY FT	20,549.00
A07110	50238	PARKS WATER QUALITY EQUIPMEN	95.00
A07110	50421	PARKS ELECTRICITY	4,803.00
A07110	50423	PARKS WATER	3,102.00
A07110	50429	PARKS PORTABLE BATHROOMS	1,354.00
A07110	50444	PARKS EQUIP REPAIR & MAINT	68.00
A07110	50492	PARKS FENCING	357.00
A07110	50546	PARKS LAUNCHING AREA REPAIRS	84.00
A07550	50536	CELEBR JULY 4 CELEBRATION	700.00
A07610	50102	SR CT SAL OF DEPT MGRS	184.00
A07610	50103	SAL NONUNION HRLY FT	40,484.00
A07610	50423	SR CT WATER	92.00
A07610	50458	SR CT SENIOR CITIZENS VAN	3,353.00
A08540	50444	DRAINAGE EQUIP REPAIR & MAINT	4,046.00
A09030	50830	GF SOCIAL SECURITY	3,662.00
A09062	50862	GF INSUR WAIVERS	7,800.00
A09090	50890	GF MEDICARE	857.00
A09901	50902	GF INTRFND TRANS-PUBLIC SAFETY	(128,987.00)
A09060	50860	GF HOS & MED INSUR	(238,993.00)
A01440	50104	ENGINEER SAL NONUNION HRLY P	(16,590.00)
A01440	50106	ENGINEER SAL CSEA WHITE	(55,043.00)
A01620	50106	BUILDINGS SAL CSEA WHITE	(32,851.00)
A01670	50421	CENT SERV ELECTRICITY	(32,931.00)

New Business #21 Erie Cattaraugus Rail Trail

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

WHEREAS, the Town Board has requested numerous town work groups to assess the potential impacts of the trail - positive and negative - in a reasonably thorough and expeditious manner, and

WHEREAS, said work groups have completed their respective assessments and issued written reports and responses, and

WHEREAS, said reports and responses identify or otherwise leave many concerns and/or unknowns about the proposed trail, and

WHEREAS, it would be imprudent for the Town Board to pass a resolution either for or against support for the proposed trail in the absence of a plan which addresses the concerns and unknowns,

NOW, THEREFORE, be it

RESOLVED, that the Town Board maintains its interest in the Erie-Cattaraugus Rail Trail Inc. initiative to convert the Buffalo-Pittsburgh Railway to a pedestrian trail, but will not take a further stance until such time as a satisfactory plan is presented.

Councilmember Majchrzak said that the Erie Cat Rail Trail proponents have been giving presentations to different groups without all the facts. He feels that the ECRT has not demonstrated their ability to be a trail sponsor and that the ECRT is trying to gain support so they can railroad themselves through the issues. Councilmember Majchrzak stated that a few years ago the Soccer Club wanted to put fields at the horse stable on Freeman Road and more recently the Town was considering putting a football field on a piece of property they own off of Webster Road. Both these projects would have impacted the neighbors' quality of life with lights, noise and traffic, he voted against those projects. He said our home is our biggest investment, and to change the rules on someone after they have owned a home for 20 plus years, he is not comfortable with that

At this time, Councilmember Majchrzak said he cannot support this resolution, but he does reserve the right to listen, and see concrete progress, not just words which we have at this point. He would like to see the two sides get together and look at a map, to maybe put the trail through where it does not border residential back yards

Supervisor Keem said that he cannot support anything, or be against anything that there is no plan for. Two members of ECRT spoke at the work session and said they do not have a design, an implementation plan, or the money to get the design, but they are working on that. When they come to the Town Board with a design, he will be open minded enough to look at it.

Councilman Sherry stated it would be imprudent to make a decision for or against, in the absence of relevant information. But, it can't be done without consideration of those most closely affected by it. So there is interest, but we need to see a plan. He stated that until there is the requisite information and a detailed plan, for the community to consider, and then reflect back to the board, he does not consider himself in the position to oppose or be in favor of the ECRT.

Supervisor Keem Aye
Councilman Majchrzak Nay
Councilman Sherry Aye

The resolution was duly adopted.

New Business #22 Refer to Planning, Zoning and Conservation Boards

28) 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 refer the following to the Planning Board, Zoning Board of Appeals and the Conservation Board:

- 10 Cobham, Cobham Mission Systems division is requesting a Building Permit and Site Plan Approval to construct a 32,850 sq.ft. parking lot addition, with associated improvements.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dave Schuster said the Town Board in its State of the Union, the Community Activity Center was discussed, and it said that it is tracking at a slightly lower rate than anticipated. But that does not take into consideration the \$500,000 it took to move the football field, and the major cuts to the planned CAC design, including lopping off 5,000 sq.ft., the front entrance, work that will not be done to finish the CAC and eliminating the emergency generator.

Dan Hay thanked the Town Board for allowing the WNY Campaign for Health to meet here on Monday night, it was a very successful meeting. He also requested that the Town Board cosponsor the New York Health Act.

Supervisor Keem said that Aqua Tech is going to use non-herbicide treatment to control the weeds. For years the Town has used chemicals in the ponds and this will be better for the environment. He is very happy the Blue Collar workers agreed to the Contract, it was long overdue. They deserve the raises and what is in the contract.

Supervisor Keem stated, regarding outgoing Chief of Police, Mark Pacholec, that he was a pleasure to work with, and he admired his work ethic. He respects him for serving our Nation as a member of the United States Marines and his twenty-two years as an Orchard Park Law Enforcement Officer. Supervisor Keem extended best wishes to him for many enjoyable years in the future, no matter where the path of life leads him.

Councilmember Sherry said, that having worked with Mark, he echoes Supervisor Keem's comments. He has a work ethic and dedication second to none. Regarding the Blue Collar contract, it took a while, but it finalized with each side listening to the needs and concerns of the other side. We compared our Highway Department with other peer communities, and came up a contract that was approved by both sides.

Town Attorney John Bailey said he would like to echo good wishes to Chief Mark Pacholec. Every time I had to deal with him in the past six years, he was professional, efficient and pleasant to work with. The Town was well served by him and we will miss him.

Highway Superintendent Piasecki said they have the trucks out picking up brush and leaves. They are continuing with the street sweeping, drainage work and trying to get the Parks ready. Regarding the Blues Collar contract he thanked Dan Sweet and Paul Tuttle for their work in the negotiating.

Superintendent Piasecki stated that for Arbor Day, the Town Conservancy Committee plants a tree at Steinwachs Oak Grove which is by the library. On April 26, 2019 at 4:30pm they will be dedicating a Heritage Oak Tree to the WNY Railroad Society which takes care of our gem of a Train Depot. They work on it constantly to keep it in good shape, and it is much appreciated. George Schichtel is donating the tree, and the community is invited.

29) 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 # 5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$64,527.18
Public Safety Fund	\$21,591.09
Part Town Fund	\$30,275.80
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$27,789.34
Special Districts	\$16,983.31
Trust & Agency	\$1,189.80
Capital Fund	\$16,983.31

The resolution was unanimously adopted.

30) 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:

- NYS Dept. of Transportation notice of rehab work to be done on four bridges on Route 219 in the Towns of Boston and Orchard Park. A preconstruction meeting will be held on 5/17/2019 at 9:00am in the NYSDOT Region 5 Office, 100 Seneca St., Buffalo NY 14203

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:07 pm (local time).

Respectfully Submitted,

**Kathleen A. Swarbrick
Deputy Town Clerk**