

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 5<sup>th</sup> day of June 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             |
| Michael Sherry          | Councilmember          |
| John C. Bailey          | Town Attorney          |
| Remy Orffeo             | Town Clerk             |
| Steve Bremer            | Building Inspector     |
| Wayne Bieler            | Town Engineer          |
| Frederick Piasecki, Jr. | Highway Superintendent |
| E. Joseph Wehrfritz     | Acting Chief of Police |
- ABSENT:** Eugene Majchrzak Councilmember

**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 SHERRY, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: May 15, 2019 Executive Sessions: May 8, 13, 15 & 22, 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.**

**Special Presentation**

<b>Senior Youth Court Awards</b>		
Declan Watson	Pierson Savarino	Abby Graber
Madison Perry	Alex Cymerman	Hannah Iqbal
Tess Kjellstrom	Josef Iqbal	Catherine Reed

Youth Court Director, Detective John Payne gave awards to the seniors graduating through the program.

**PUBLIC COMMENT ON OLD BUSINESS**

Dave Schuster stated that the change orders for the Community Activity Center look like they should have been part of the original plan, and asked that they be explained and about the cost of these change orders.

**Old Business #1 Change Order #5 to contract with IPL Corp. for Community Activity Center**

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

**WHEREAS**, there are items that need to be addressed at the Community Activity Center. The first item is the necessary revisions to the fire suppression system to meet the current building and fire codes. This change included additional work from the General, Electrical, and Fire Protection contractors. IPL Corp. (Electrical Contract) has submitted a price of \$9,663.00 for their portion of the work which included relocating fixtures and providing additional connections required for the fire suppression contractor. The total cost of the change order will be \$27,461.60 if accepted for all three contractors, and

**WHEREAS**, the second item, IPL raised a concern about the number, type, and location of carbon monoxide detection notification devices within the building. Wendel, O.P. Engineering Department, and the O.P. Building Inspectors office have worked with IPL to revise their original proposal and still conform to the current code requirement. The additional notification devices to be added will ensure proper notification of building occupants in case of an emergency. IPL has submitted a cost of \$9,541.36 to install the additional notification devices, and

**WHEREAS**, the third item addresses the handicap entry buttons for the entry doors into the C.A.C. IPL has submitted a plan and proposal that has been reviewed by Wendel that would be more user friendly and ensure easy and convenient access into the building for all users. The work includes the addition of two pylon mounted buttons and relocating buttons inside the structure for more suitable contact. IPL has proposed a cost of \$1,790.00 to complete this work, and

**WHEREAS**, the fourth item stems from the creation of the master keying schedule, the O.P. Engineering Department, Wendel met with both Police and I.T. Department representatives. While reviewing access restrictions and privileges it was noted that there are currently only six doors within the center that are equipped with card readers for access control. This was done as a cost savings measure instead of equipping every door within the center. Both the IT and Police Departments requested a proposal to rough-in the necessary conduit so at a future date ten additional doors could be equipped with card readers. This would allow the users of the rooms identified to access the center based on permissions granted and more closely monitor usage by individuals. IPL has supplied a proposal of \$4,790.00 to provide the materials that would allow a "plug and play" usage of future card readers, and

**WHEREAS**, this change order will increase IPL's total contract by \$25,784.36 to \$1,883,229.55 representing a 1.37% increase. There is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding is needed for Capital Accounts.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve change order #5 to our contract with Industrial Power & Lighting Corporation 60 Depot St, Buffalo, NY 14206, for the sprinkler revisions, carbon monoxide detection equipment, handicap entry buttons, and access control rough-in work in an amount not to exceed \$25,784.36, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Change Order #6 to contract with Javen Const. for Community Activity Center**

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

**WHEREAS**, three items need to be addressed. The first one, Wendel released ASI #6 to Javen modifying portions of the contract per the Town's requests. The significant changes that were made included relocation of the serving pass-through window from the kitchen into the medium multi-purpose room and a revision to the size of a window located in the Recreation office #136, as requested by the Recreation Department. The cost of the changes outlined in ASI #6 are \$7,377.10, and

**WHEREAS**, the second item, scheduled necessary revisions that had to be made to the fire suppression system to meet the current building and fire codes. This change included additional work from the General, Electrical, and Fire Protection contractors. Javen has submitted a price of \$3,101.46 for their portion of the work which included providing fire retardant treated plywood sheathing. The total cost of the change order will be \$27,461.60, if accepted for all three contractors, and

**WHEREAS**, the third item, during the installation of the wing-walls for the concrete box culvert a conflict was realized with the Erie County sanitary trunk line. Wendel and the Engineering Department worked swiftly and diligently to resolve the conflict in a manner that was both acceptable to the Town and the County. A revised construction drawing was provided to Javen (Zoladz) for pricing on the revised work. The work has since progressed and materials ordered. A cost proposal has been received from Javen in the amount of \$9,511.31. Although this cost has been negotiated down approximately \$2,000.00 from the original proposal, Wendel and the O.P. Engineering Department feel it is higher than expected but covers the cost which impacted Zoladz, and

**WHEREAS**, if all three items are approved, this change order will increase Javen's contract by \$19,989.87 for a total of \$12,904,863.21 a 0.16% increase. There is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding will be needed in the capital account to complete the project.

**NOW, THEREFORE, be it**

**RESOLVED**, the Town Board does hereby approve Change Order #6 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 for ASI #6 kitchen modifications, the sprinkler head revisions, and the entrance driveway wing wall revisions in the amount not to exceed \$19,989.87 for the Brush Mountain Community Activity Center Project, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #3 Change Order #2 to contract with Wm. T Spacer Co. for Community Activity Center**

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

**WHEREAS**, there were necessary revisions that had to be made to the fire suppression system to meet the current building and fire codes. This change included additional work from the General, Electrical, and Fire Protection contractors. Wm. T. Spaeder has submitted a price of \$14,697.14 for their portion of the work which included providing additional sprinkler heads at the building overhangs and a dry fire suppression system to the exterior canopy. The total cost of the change order will be \$27,461.60, if accepted for all three contractors, and

**WHEREAS**, this change order will increase Wm. T. Spaeder's total contract to \$194,997.14, representing a 7.54% increase. There is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding will be needed for capital accounts to complete the project.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve change order #2 to our contract with Wm. T. Spaeder Co., Inc., 1602 East 18th Street, Erie, PA 16510, for the sprinkler head revisions for the Brush Mountain Community Activity Center in an amount not to exceed \$14,697.14, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #4 Approve Vacation time for Steven Bremer**

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

**WHEREAS**, Steven Bremer was appointed to the position of Code Enforcement Officer on February 27, 2019 with his starting date March 11, 2019 and

**WHEREAS**, Steven has 15 years of experience in the code enforcement area,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize that Steven Bremer’s appointment to the position of Code Enforcement Officer includes two (2) weeks vacation in 2019 and three (3) weeks vacation in 2020.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business # 1 Accept resignation of Garrett Haima from the IT Department**

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

**RESOLVED**, that the Town Board does hereby accept, with regret, the resignation of Garrett Haima from the Orchard Park IT Department.

**The resolution was unanimously adopted.**

**New Business #2 Approve Special Events Permit for Eclipse Multisport/Lindsey Matthews 5K**

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

**RESOLVED**, that the Town Board does approve the Special Events Permit for Eclipse Multisport/Lindsey Matthews 5k, to be held on Sunday July 28, 2019 at the Orchard Park Soccer complex.

**The resolution was unanimously adopted.**

**New Business #3 Approve Block Party request**

8) 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 request of Shelly Molisani to hold a Block Party at Highbrook Court and Redbrick Road, on June 22, 2019, and authorize the Highway Superintendent to set up barricades for the event, and be it further

**RESOLVED**, that they are exempt from the Town of Orchard Park’s Open Container Law.

**The resolution was unanimously adopted.**

**New Business #4 Approve Village to hold Ice Cream Social & Street Dance on Library grounds**

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

**WHEREAS**, the Village of Orchard Park is once again sponsoring “Summer in the Park” and the Ice Cream Social will be held on Friday July 26, 2019 and the Street Dance will be held on July 27, 2019 and

**WHEREAS**, in the past the Town has allowed the use of the Library grounds for these events, and the Village is again asking the Town for permission to use the Library grounds for these events.

**NOW, THEREFORE, it be**

**RESOLVED**, that the Town Board does hereby approve the request of the Village of Orchard Park to hold “Summer in the Park” on the Library grounds, which includes the Ice Cream Social on July 26, 2019 and the Street Dance on July 27, 2019, and be it further

**RESOLVED**, that the Town Supervisor is authorized to grant permission for the Village to sell/serve alcoholic beverages at the Street Dance.

**The resolution was unanimously adopted.**

**New Business #5 Approve Village to display banners to promote Ice Cream Social & Street Dance**

10) 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 Village of Orchard Park to display a banner for the “Ice Cream Social & Street Dance” on the front lawn at the Municipal Building and at Steinwach’s Oak Grove beginning Monday, July 8, 2019.

**The resolution was unanimously adopted.**

**New Business #6 Approve purchase of 2019 Ford Pickup for Highway Department**

11) 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 Highway Superintendents purchase of a new 2019 pickup truck off the New York State Bid, in the amount of \$30,006.43, and the monies are in the current budget.

**The resolution was unanimously adopted.**

**New Business #7 Appoint Seasonal Staff to Parks & Grounds**

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 appoint the following to seasonal positions in the Parks & Grounds Department:

- Joseph Rozeski, start date May 20, 2019 at a rate of \$11.10.
- Jeffrey Palczewski, start date May 20, 2019 at a rate of \$11.10
- Paul Tucker, start date May 21, 2019 at a rate of \$11.10
- Verdun Harris, start date May 28, 2019 at a rate of \$11.10

- Cody Magill, start date May 28, 2019 at a rate of \$11.10
- David Morris, start date May 28, 2019 at a rate of \$11.10
- Christain Trigilio, start date May 28, 2019 at a rate of \$11.10

**The resolution was unanimously adopted.**

**New Business #8 Appoint Seasonal Staff to the Recreation Department**

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

**RESOLVED**, that the Town Board does hereby appoint the following to seasonal position in the Recreation Department:

2019 Summer Seasonal part time Staff Appointments effective June 1st, 2019

<u>Name</u>	<u>Rate</u>
Lauren Schraf	\$12.00
Emma Johnson	\$12.50
Teresa Kjellstrom	\$12.50
Daniel Towle	\$14.00

Note: The above appointments are dependent upon the applicant providing the required certifications.

**The resolution was unanimously adopted.**

**New Business #9 Appoint Seasonal Staff to the Engineering Department**

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

**WHEREAS**, funds have been allocated in the 2019 budget for seasonal help in the Engineering Department, and the Town Engineer has two recommendations for those positions;

- Mitchell Pastor. Mitchell is completing the Erie 2 B.O.C.E.S — Ormsby Educational Center to receive a CADD Technical Endorsement and will be graduating with Advanced Regents Diploma from East Aurora High School this month. Mitchell also completed an internship with Nussbaumer and Clark Incorporated, and
- Matt Duebell. Matt is completing the Erie 2 B.O.C.E.S — Ormsby Educational Center to receive a certificate in CADD and graduating from Iroquois Senior High School with a Regents Diploma this month.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Mitchell Pastor, to a seasonal position in the Engineering Department for a ten-week period beginning July 1, 2019 at a wage rate of \$13.50 per hour, and be it further

**RESOLVED**, that the Town Board does hereby approve Matt Duebell, to a seasonal position in the Engineering Department for a ten-week period beginning July 1, 2019 at a wage rate of \$12.50 per hour, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #10 Agreement with Bammel Architects to provide Professional Services**

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

**WHEREAS**, the Engineering Department received a proposal for Architectural Services for the Alterations to the Orchard Park Animal Shelter from Bammel Architects. This work would involve the development of Design and Construction Documents based on the preliminary scope developed by Animal Control, Engineering and the Police Department, and

**WHEREAS**, the Town Engineer has met with representatives of the firm to review contract language, define a scope of services and negotiate an appropriate fee structure. He believes that the proposed scope of services and agreement with Bammel Architects, PC is satisfactory and will accomplish the goals of the project as set forth by the Town and the grant as set forth by the State. The work has been organized into major elements based upon the wish list submitted to NYS for the grant application and approval. The estimated total cost for professional services is \$18,000.00. There are slip-sheets of similar local projects successfully completed by Bammel Architects which will also permit the Town to use the AIA Documents for bidding this building project as recommended by the Town Attorney, and

**WHEREAS**, there is presently funding in the 2019 Bond resolution for this project.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Bammel Architects, PC, 6459 West Quaker Street, Orchard Park, New York 14127 to provide professional services for Design and Construction Documents for the Orchard Park Animal Shelter Improvements (Companion Animal Grant) in the amount not to exceed \$18,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #10 Agreement with Bammel Architects to provide Professional Services**

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

**WHEREAS**, the Engineering Department has received a proposal for Architectural Services for the remodeling of the Highway and Sewer, Water & Lighting buildings from Bammel Architects. This work would involve a site visit, code compliance review, architectural specifications and mechanical, plumbing & electrical specifications. Any additional services needed would be added on an hourly basis, and

**WHEREAS**, the Town Engineer has met with representatives of the firm to review contract language, define a scope of services and negotiate an appropriate fee structure. He believes that the proposed scope of services and agreement with Bammel Architects, PC is satisfactory and will accomplish the goals of the project as set forth by the Town. The physical scope of work and plans for the remodeling project have already been developed and reviewed by the OP Engineering, Highway and Sewer departments combined. The estimated total cost for professional services is \$5,500.00. Bammel Architects has completed many similar projects of this scale and are more than capable of reviewing and developing specifications for this project. This will also allow the Town to use AIA Documents for bidding the building project as recommended by Town Attorney, and

**WHEREAS**, there is presently \$130,955.00 allocated in capital account ABOO8 for this project.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Bammel Architects, PC, 6459 West Quaker Street, Orchard Park, New York 14127 to provide professional services for Review and Construction Specifications for the OP Highway and Sewer, Water & Lighting Buildings 2019 Remodeling Project in the amount not to exceed \$5,500.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #11 Award Contract for 6900 Ward Rd. Hydrant Replacement project**

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

**WHEREAS**, the Erie County Water Authority (ECWA) has requested that the Town replace one (1) fire hydrant located near 6900 Ward Road. The Town is required to incur the costs for such replacements of defective fire hydrants per the Town Attorney and lease management agreement between the Town of Orchard Park and ECWA, and

**WHEREAS**, a scope of work was generated and construction companies were solicited to perform the work described and cost estimates were received, and

**WHEREAS**, there is presently, \$425,686 in Capital Account FX006 (previously H-48) "Town Wide Water Improvements" for this work.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract to replace the fire hydrant near 6900 Ward Rd. to Fairway Construction, 5389 South Freeman Road, Orchard Park, 14127, in an amount of \$8,517.05, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #12 Set Parameters for the Compensation of the Chief of Police**

**18) 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 recently completed a review of operations and salaries at the Orchard Park Police Department, and

**WHEREAS**, based on that review a new Police Benevolent Association Labor contract has been negotiated and approved, and a new Command Officers Association Labor contract is being finalized, and

**WHEREAS**, in light of progress on those other two labor fronts, the Town of Orchard Park wishes to set parameters for compensating its Chief of Police,

**NOW, THEREFORE, BE IT RESOLVED that:**

1. Effective June 10, 2019 the exempt salary of the Chief of Police shall be 57% greater than the highest base current salary of a police/patrol officer in the Orchard Park Police Department.
2. In each succeeding year, the aforementioned percent greater salary of the Chief of Police shall remain in effect.



3. The salary anticipates a minimum of a five day, forty hour work week.
4. The Chief of Police shall also receive 30 hours of compensatory time at the end of each calendar quarter (January to March; April to June; July to September; October to December). Said time must be taken or sold back at the straight hourly rate (salary divided by 2080 hours) no later than the end of the ensuing calendar quarter.
5. Additional compensation for the Chief of Police shall include - to the same extent and with the same conditions as received by a command officer pursuant to the Orchard Park Police Command Officers Association collective bargaining agreement – vacation, holidays, personal leave, sick leave accruals, longevity, clothing allowance, life insurance, employer contributions to payments of medical insurance premiums (including dental and optical coverage) or welfare benefits (HRA), and employer contributions to pension and/or annuity funds.

**The resolution was unanimously adopted.**

**New Business #13 SEQRA Declaration for Various Bonding Resolutions**

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

**BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:**

Section 1. The Town desires to undertake a certain capital improvement project at a maximum cost of \$5,215,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$5,215,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will exceed five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) consists of multiple components, including the repair, maintenance, and/or replacement of existing utility improvements, roads, buildings, street lighting, recreational and related facilities, as well as the installation of certain improvements.

Section 4. Pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Town is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Town and the Purpose constitutes such an action.

Section 5. To aid the Town in determining whether the Purpose may have a significant adverse impact upon the environment, the Town has prepared an Environmental Assessment Form (the “EAF”).

Section 6. The Town has examined and reviewed the EAF in order to classify the Purpose and make a determination as to the potential significance of the Purpose pursuant to SEQRA.

Section 7. The Town hereby determines that while the majority of the components that comprise the Purpose constitute Type II Actions that do not require further review pursuant to SEQRA, the remainder of the components of the Purpose constitute an Unlisted Action.

Section 8. Based upon an examination of the EAF, the criteria contained in 6 NYCRR §617.7(c) (i.e., SEQRA), and based further upon the Town’s knowledge of the area, and such further investigation of the Purpose and its environmental effects as the Town has deemed appropriate, the Town hereby determines that the Purpose will not have a significant effect on the environment, and the Town hereby issues a negative declaration for the Purpose pursuant to SEQRA, which shall be filed in the office of the Town in a file that is readily accessible to the public.

Section 9. This Resolution shall take effect immediately upon its adoption.

Supervisor Keem Aye  
Councilmember Sherry Aye

**The resolution was unanimously adopted.**

**New Business #14 Bond Resolution \$110,000 for reconstruction & renovations of Municipal Bldgs.**

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

**BE IT RESOLVED,** by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall reconstruct and renovate various municipal buildings, including necessary site work, and acquire original furnishings, equipment, machinery or apparatus required for the purpose for which such reconstructed and renovated buildings are to be used, including preliminary costs and costs related thereto, at a maximum cost of \$110,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$110,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the reconstruction and renovation of various municipal buildings, including necessary site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such reconstructed and renovated buildings are to be used, including preliminary costs and costs related thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$110,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 12(a)(1) of Section 11.00(a) of the Local Finance Law, and that the period of probable usefulness of the Purpose is twenty-five (25) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and

bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this Resolution’s adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

Supervisor Keem        Aye  
Councilmember Sherry Aye

**The resolution was unanimously adopted.**

**New Business #15 Bond Resolution \$320,000 for Highways & Roads**

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

**BE IT RESOLVED,** by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall reconstruct and resurface various Town highways and roads, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, and the elimination of any grade crossing and improvements in connection therewith, including street lighting and preliminary costs

thereof and costs incidental thereto, at a maximum cost of \$320,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$320,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the reconstruction and resurfacing of various Town highways and roads, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, and the elimination of any grade crossing and improvements in connection therewith, including street lighting and preliminary costs thereof and costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$320,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 20(c) of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is fifteen (15) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this Resolution’s adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

Supervisor Keem        Aye  
Councilmember Sherry Aye

**The resolution was unanimously adopted.**

**New Business #16 Bond Resolution \$1,424,000 for Water Supply/Distribution System**

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

**BE IT RESOLVED,** by the Town Board of the Town of Orchard Park Erie County, New York (the “Town”) as follows:

Section 1. The Town shall replace reconstruct the water supply/distribution system, including repairs to the water tank and replacement of water lines and preliminary costs thereof and costs incidental thereto, at a maximum cost of \$1,424,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$1,424,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes (the “Purpose”) to be financed pursuant to this resolution is the reconstruction of the water supply/distribution system, including repairs to the water tank and replacement of water lines and preliminary costs thereof and costs incidental thereto.

Section 4. It is hereby determined that said Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.

Section 5. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$1,424,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Subject to the provisions of Chapter 97 of the Laws of 2011 of the State of New York, there shall be levied annually on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution’s adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 11. This Resolution, or a summary thereof, shall be published in full by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. Subject to the provisions of Section 10 hereof, this Resolution shall take effect immediately upon its adoption.

**RESOLVED**, that failure to provide the subject documents within a reasonable period of time will result in the termination of those easements.

Supervisor Keem        Aye  
Councilmember Sherry Aye

**The resolution was unanimously adopted.**

**New Business #17 Bond Resolution \$951,000 for Various Parks, Playgrounds & Recreation Areas**

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

BE IT RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall reconstruct and renovate various parks, playgrounds and recreation areas, including preliminary costs and costs related thereto, at a maximum cost of \$951,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$951,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the reconstruction and renovation of various parks, playgrounds and recreation areas, including costs incidental thereto, including preliminary costs and costs related thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$951,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 19(c) of Section 11.00(a) of the Local Finance Law, and that the period of probable usefulness of the Purpose is fifteen (15) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the Resolution’s adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

Supervisor Keem        Aye  
Councilmember Sherry    Aye

**The resolution was unanimously adopted.**

**New Business #18 Bond Resolution \$2,410,000 for Improvements to Sanitary Sewer System**

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

**BE IT RESOLVED**, by the Town Board of the Town of Orchard Park Erie County, New York (the “Town”) as follows:

Section 1. The Town shall construct improvements to and reconstruct the sanitary sewer system, including, but not limited to, the televising and relining of the sanitary sewer main line, construction of improvements to the Berg Road Sanitary Sewer Pump Station, the Hillsboro Pump Station generator, and preliminary costs and costs related thereto, at a maximum cost of \$2,410,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$2,410,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes (the “Purpose”) to be financed pursuant to this resolution is the construction of improvements to and reconstruction of the sanitary sewer system, including, but not limited to, the televising and relining of the sanitary sewer main line, construction of improvements to the Berg Road Sanitary Sewer Pump Station, the Hillsboro Pump Station generator, and preliminary costs and costs related thereto.

Section 4. It is hereby determined that said Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.



Section 5. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$2,410,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said Resolution, to cause to be published a notice which sets forth the date of the resolution’s adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. This Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

Supervisor Keem        Aye  
Councilmember Sherry Aye

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Dave Schuster said that he is very disappointed with the Town Board in their handling of the retirement agreement with Chief Pacholec. It took the Buffalo News contacting the NYS Dept. of State to release the agreement. So the Town Board is paying a public servant with the public money, and “you were not going to let us know”. He also wanted to know where the money was coming from.

Sherry Pomeroy commended Acting Chief Wehrfritz and the police force for being trained in carrying Narcan. She commented on the discussion during the work session regarding the Lions’ Club loan closet possibly being moved to the Community Activity Center, and feels there should be further discussion. Ms. Pomeroy stated that the Rail-Trail is devaluing the quality of their residential life. An example of what they have to deal with, there have been some young men on the trail, and they were loud and using objectionable language. The police were called.

Carolyn Coppola said that it seems that there have been a lot of change orders for the Community Activity Center, and wanted to know if anyone knows the total cost of the changes. Many of the changes should have been part of the original plan, and it seems like a lot of money is involved. If the EC Rail Trail goes in, this will cost the Town even more. She also wanted to know if the EC Rail Trail is federally exempted. Ms. Coppola also heard that they were going to clear the right of way of trees up to 66 feet wide.

Kathryn Gorkiewitz, regarding the retirement of Chief Pacholec, said that with the comments in the News and rumors flying around, the real truth would be greatly appreciated.

**ELECTED OFFICIALS AND DEPARTMENT MANAGERS**

Supervisor Keem stated the infrastructure improvement bonds that were passed tonight are part of the capital spending projects that have been established by the Town, it was not for the Community Activity Center. As far as the Rail Trail, it is private property, there are some things the Town just cannot do. The Town is waiting to see a plan from EC Rail Trail.

Councilmember Sherry said that in about two weeks there will be a document listing all the costs related to the Community Activity Center. Regarding the parameters for the compensation of the Chief of Police, he stated that the assessment began last fall. The Town of Orchard Park looked at other Towns to compare the base salary and other stipends to establish the package they passed tonight.

Councilmember Sherry wanted to address some of the diverse opinions and allegations associated with the recent retirement of Chief of Police, Mark Pacholec, and he read a prepared statement, which will be posted on the Town Website, and concluded with the following:

- Although a difficult one to make, the Town Board decided to provide a \$100k severance pay to the retiring Chief of Police and anticipates recovering most or all of the Agreement costs over the course of the next eighteen months.
- Grounded in principle and legal precedent, the Town Board should not have approved an Agreement that included a non-disclosure clause. Lesson learned.
- There is absolutely no connection whatsoever between an assessment and adjusting of the FMV compensation package for the position of chief of police with that of the May 3, 2019 retirement of Chief Pacholec. The two are, quite simply, unrelated.

Planning and cost savings are already occurring. A new chief of police will be appointed, and changes within the command structure will follow. The changes will achieve enhanced performance and reduce costs. This statement will be on the Town’s website, and attached to the minutes.

John Bailey responded to the Rails to Trails having Federal Exemption, stating it started in the 1880’s and has been expanded upon many times. It was strengthened in the 1970s to preclude any local participation in the administration of the railway rights-of-way, the control of railway right-of-way falls to the federal government. Local municipalities can take action by managing the surrounding area of the rails to trails projects. The Town does not have any ordinance regarding cutting trees, so if an owner wants to cut down a wooded lot, it is their prerogative.

Highway Superintendent Piasecki stated the Highway Department is still sweeping streets, working on drainage receivers, repairing snow plow damage, and working at the Community Activity Center. Next week they are starting milling of the following roads; Valley View Dr., Lenny’s Lane, Timberlake Dr., entrance way to Birdsong Parkway, Thomaston Lane, and Sunset Terrace. All the residents have been notified.

Town Engineer Wayne Bieler addressed the change orders for the Community Activity Center. The original bid was structured with a lot of alternates (developments) and built in factors for unknown items that may pop up. This gave the Town the flexibility to either, reduce the costs and not add the (alternate) developments, or to add developments. Most of the change orders have to do with the adding back some of the developments once it was realized we could afford the additional work, and that it made sense to do the additional work. With the alternates, if you do them now, the cost is considerably less than if you do it later.

The change orders tonight were not related to the alternates, these items have come up unexpectedly, or the contractor came up with better ideas than on the plans.

**25) 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 approval of all entries on Warrant #10 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$90,021.17
<b>Public Safety Fund</b>	\$7,142.78
<b>Part Town Fund</b>	\$772.34
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$2,244.57
<b>Special Districts</b>	\$206,081.37
<b>Trust &amp; Agency</b>	\$9,282.47
<b>Capital Fund</b>	\$1,249,549.76

**The resolution was unanimously adopted.**

**26) 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:

- Household Hazardous Waste Collection Event June 15, 2019 at ECC South Campus. **Pre- Registration is required.** Visit [www.erie.gov/recycling](http://www.erie.gov/recycling) or call 716-858-6800 to pre-register.

**The resolution was unanimously adopted.**

24) 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 report: Building Inspector's May 2019 report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Sherry, the meeting adjourned at 8:20pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**