

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 7th day of October 2020 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
Conor Flynn	Councilmember

Remy Orffeo	Town Clerk
John C. Bailey	Town Attorney
Steve Bremer	Building Inspector
E. Joseph Wehrfritz	Chief of Police
Wayne Bieler	Town Engineer

Absent:	Frederick Piasecki, Jr.	Highway Superintendent
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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: September 16, 2020 Executive Sessions: September 16, 2020 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.

At this time Mayor Litwin-Clinton presented Supervisor Keem with a commemorative plaque for his years of service to our Town.

**PUBLIC HEARING 1
Proposed Local Law #7-2020 “Approvals Required”**

At 7:05PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law Amending §144-49 of the Town of Orchard Park Code entitled “Approvals required”

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and 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.

Teresa Eagan spoke against the placement of the cell tower at 75 Weiss Ave. Orchard Park, NY.
Don Eagan spoke against the placement of the cell tower also.

2) 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 close the Public Hearing for proposed Local Law regarding Amending §144-49 of the Town of Orchard Park Code entitled “Approvals required” at 7:15PM.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #7 of 2020 which provides as follows:

Amending Chapter 144.Zoning, Article VII. Telecommunications Section 144-49 "Approvals Required"

C. Non-residential Districts. Telecommunications facilities requiring construction of a new tower on non-municipal or government-owned property in any nonresidential zoning district shall require a site plan review and approval by the ZBA and the issuance of a tower permit as set forth in this article. Proof of other carriers using the cell tower shall consist of presentation of valid and binding leases of at least ten years in duration.

D. Residential Districts. Telecommunications facilities requiring construction of a new tower in a residential zoning district shall in all cases require a site plan review and approval by the ZBA and the issuance for a tower permit as set forth in this article. Proof of other carriers using the cell tower shall consist of presentation of valid and binding leases of at least ten years in duration.

The resolution was unanimously adopted.

PUBLIC HEARING 2

Proposed Local Law #8-2020 “Communications Facility Permits standard”

At 7:05PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding Amending §144-51 of the Town of Orchard Park Code entitled “Communications Facility Permits standard”

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and 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 Town Board does hereby close the Public Hearing for proposed Local Law regarding Amending §144-51 of the Town of Orchard Park Code entitled “Communications Facility Permits standard” at 7:15PM.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #8 of 2020 which provides as follows:

§ 144-51 Communications Facility Permit Standards (B) Aesthetics (7)

B.

(7) Towers are to be located in wooded areas of trees of at least 100 to 125 feet in height and the towers themselves are to be disguised as trees. The applicant must enter into an agreement with the Town of Orchard Park to maintain the wooded area and the trees located therein for so long as the cell tower remains standing which obligation is to be secured by a Performance Bond provided by the applicant to the Town of Orchard Park.

The resolution was unanimously adopted.

PUBLIC HEARING 3

Dangerous and Unsafe Properties – 3949 Southwestern Blvd.

At 7:16PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proceedings to remove Unsafe Buildings and Collapsed Structures on the Premises Reputedly Owned by James Preiss.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and 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.

6) 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 close the Public Hearing regarding the proceedings to remove Unsafe Buildings and Collapsed Structures on the Premises Reputedly Owned by James Preiss at 7:16PM.

The resolution was unanimously adopted.

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

WHEREAS, the building inspector of the Town of Orchard Park has filed a written report with the Town Board of the Town of Orchard Park for premises locally known as 3949 Southwestern Boulevard SBL# 161.00-5-6, deeming the same to be unsafe to the public in that the dwelling on the premises is dilapidated and needs to be torn down; and

WHEREAS, the Town Board of the Town of Orchard Park, after considering said report, and pursuant to the provisions of said local law, by resolution duly adopted at its September 2nd, 2020 meeting, determined that in the opinion Town Board of Orchard Park that said structures or buildings are unsafe and dangerous and ordered that they be secured in the following manner, to wit: all unauthorized physical alterations be made code compliant, electrical alterations be made code compliant, and plumbing alterations remain code compliant all of which work must be done to the satisfaction of the Building Inspector of Orchard Park, and all of which must be commenced within 30 days of the service upon you of this notice and be completed within 60 days thereafter unless for good cause shown such time shall be extended.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby declare in the event of any neglect or refusal to comply with the order of said Town Board of the Town of Orchard Park as detailed in this notice, the Town Board of the Town of Orchard Park is authorized to provide for the demolition and removal of said structures and to assess

all expenses thereof against the land on which they are located and to institute a special proceeding to collect the cost of demolition, including legal expenses as recommended by the Town Attorney.

The resolution was unanimously adopted.

**Public Hearing 4
2021-2022 Federal Community Development Block Grant Program**

The Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) for the 2021 Program Year. The purpose of this public hearing is to provide an opportunity for citizens to discuss the needs of the community as outlined in the official notice.

The Town is one of 34 municipalities in the Erie County CDBG Consortium. This year the Consortium will receive a grant of approximately \$2.461 million from HUD. The grant will be divided into four spending categories: 27% for Community Projects; 27% for Housing; 27% for Economic Development; and 19% for Administration and Planning.

To be eligible for CDBG funding, a proposed project must satisfy one or more of the following national objectives:

- BENEFIT LOW AND MODERATE INCOME PERSONS
- CORRECT SLUMS AND BLIGHT
- MEET AN URGENT COMMUNITY NEED

ELIGIBLE ACTIVITIES

- Acquisition of Real Property for a Project
- Public Facilities and Improvements
- Public Services
- Removal of Architectural Barriers
- Historic Preservation
- Commercial or Industrial Rehabilitation
- Special Economic Development
- Program Administration Costs

It is estimated that the 2021 allotment for the Erie County CDBG Consortium Communities Senior projects will be \$600,000.00. Funds will be granted on a competitive basis to those municipalities whose projects best meet the HUD goals described above. There is a maximum grant of \$150,000 per project with a maximum of two projects funded per municipality. Applications for this year's Community Development Block Grant funds must be submitted by October 26, 2020.

Some suggested projects in the Town of Orchard Park which may qualify for funding in 2021 include:

<u>PROJECT</u>	<u>ESTIMATE</u>
1- Brush Mtn. Senior Center	
ADA-Electronic Door Openers 6 bathroom doors and main entrance door	\$21,000.00
#20SeniorComputers/Protectors and Desks/Tables	\$20,000.00
Main Entrance Sign for Senior Center	\$26,000.00
Directional Senior Signage	\$4,000.00
Senior Van with lift	\$50,500.00
Total:	\$121,500.00
2- Rural Transit Service (participation in the \$29,300.00 +/- existing program w/ 18 towns, 7 villages)	(no matching funds required)

Last year the Town submitted applications for the Brush Mtn. Senior Center (CAC) — Furniture and Technology and the Rural Transit Service Program. The Rural Transit Service Program was funded. The Brush Mtn. Senior Center (CAC) —Furniture and Technology was not funded.

It is likely that the Town will again submit an application for funding to continue our participation in the Rural Transit Service Program. This program provides van transportation for eligible citizens. Trips can be for any reason but are prioritized for medical and health concerns. Orchard Park has 211 registered users.

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.

At 7:17 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against the Community Development Block Grant Funds.

No one came forward.

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

RESOLVED that the Public Hearing for the Federal Community Development Block Grant Program is hereby closed at 7:23 PM.

The resolution was unanimously adopted

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Benefit Eligibility

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

WHEREAS, Paul Pepero has been hired IT Network Administrator for the Town of Orchard Park effective October 1, 2020, and

WHEREAS, Mr. Pepero's rate/salary will be \$52.89 per hour, and

WHEREAS, his job range is Group 3 - non-union, and

WHEREAS, Mr. Pepero has been a part-time employee for four years and seven months, and

WHEREAS, the Town of Orchard Park wishes that this service be counted toward benefits and paid time off when years of service determine eligibility in compliance with plan documents,

NOW, THEREFORE, be it

RESOLVED that the Town board does hereby approve Paul Pepero's service as a part-time employee for four years and seven months will be counted toward benefits and paid time off when years of service determine eligibility in compliance with plan documents.

The resolution was unanimously adopted.

Old Business #2 Approve Final Payment Release of Retention to Javen Construction for the CAC.

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

WHEREAS, on 12/17/2019, a preliminary inspection was conducted, punch-list generated, and the contractor has completed the outstanding items necessary to fulfill the contract requirements. Javen is continuing to work on warranty related items within the building and will do so in conformance with the specifications and contract documents; and

WHEREAS, the change orders for the project were as follows:

A two-year maintenance bond in the amount of \$12,776,236.40 and all other maintenance, warrant documents and legal documents have been received by the Town from the Contractor.

Alternates Awarded:

- C/O #1 — Award of Alt. #5, Senior Area Fit Out for \$97,000
- C/O #2 — Award of Alt. #4, Gymnasium Fit Out for \$372,000
- C/O #7 — Award of Alt. #6, Recreation Area Fit Out for \$64,000
- Total = \$533,000.00 (+4.41%)

Other Change Orders of Work Scope:

- C/O #3 — ASI #3 Adjusted Scope for \$68,253.74
- C/O #4 — Construction of NYSEG Access Rd for \$78,103.40
- C/O #5 — Irrigation Line and Diversion Ditch Construction for \$174,188.20
- C/O #6 — Kitchen Modification, Sprinkler Revisions, and Retaining Wall Changes for \$19,989.87
- C/O #8 — Interior Insulation for \$17,463.55
- C/O #9 — Credits for Surplus Items & Additional Scope of Work for -\$285,860.89
- C/O #10 — Credits for surplus Items & Additional Scope of Work for -\$44,144.75
- C/O #11 — Condensate Drain, Downspouts, and Flagpole Installation for \$15,013.00
- C/O #12 — Gymnasium Wall Alterations for \$4,176.55
- C/O #13 — Gymnasium Storage Doors and Dance Studio Mirrors for \$16,049.40
- C/O #14 — Washable Ceiling Tile in Kitchen for 2,163.91
- C/O #15 — Punch list Requests and Code Compliancy Changes for \$54,725.89
- C/O #16 — Additional blocking required for \$16,515.50
- C/O #17 — Additional conduit painting and exterior blocking for \$11,271.03
- Total = \$147,908.40 (+1.22%)

WHEREAS, the final contract amount is \$12,776,236.40. Seventeen change orders with alternates added for the project resulted in an increase of \$680,908.40. This represents an increase of 5.63% from the original amount bid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the final payments and release the retention for Javen Construction, 2575 Baird Road, Penfield, NY 14526 in the amount of \$681,615.45 for the Brush Mountain Community Activity Center Project General Contract as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Appoint Amy Glende to position of Full-Time Records Management Supervisor.

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

WHEREAS, Amy Glende has served the Town of Orchard Park as the Records Management Supervisor and LGRMIF Grant Project Director; and

WHEREAS, Amy Glende has been instrumental in helping the town obtain grants from the New York State Archives for records management; and

WHEREAS, Amy Glende has demonstrated expertise in the area of records management; and

WHEREAS, the Town of Orchard Park has a continued need for records management expertise.

NOW, THEREFORE, be it

RESOLVED, that Amy Glende is appointed to the position of full-time Records Management Supervisor at a rate of \$20.00 per hour for the period January 1, 2020 to December 31, 2020.

The resolution was unanimously adopted.

Old Business #4 Approve Final Payment Release of Retention to Pinto Const. for the CAC.

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

WHEREAS, the Brush Mountain Community Activity Center Grading, Seeding, & Landscaping Contract is complete; and

WHEREAS, on 8/26/2020, an inspection was conducted and final punch-list generated the contractor has completed the outstanding items necessary to fulfill the contract requirements. Pinto has also submitted pricing on additional work as requested. These items were adding a parking area near California Road, placing mulch under the overhangs of the Gymnasium for better aesthetics, as well as placing additional rip-rap along the entrance road to protect from erosion and reduce the mowing area to ease maintenance. Per the capital projects meeting, no additional work was authorized and Pinto has requested that contract closeout and the retention for the project be released; and

WHEREAS, the final contract amount is \$373,672.00. There were no change orders issued for this project and the contractor was able to complete the project prior to the contractual completion date. The contractor has also submitted all necessary closeout documents and maintenance bonds.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize to release the retention and final payments for Pinto Construction Services, 132 Dingens Street, Buffalo, NY 14206 in the amount of \$18,683.60 for the Brush Mountain Community Activity Center Grading, Seeding & Landscaping Project as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #5 Approve Change Order #1 for contract with Union Concrete and Const. Corp.

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

WHEREAS, the Engineering Department has a Change Order to the contract with Union Concrete & Construction Corporation for the Brenner Drive —Lexington Avenue Reconstruction Project in the amount of \$8,000.00 as discussed at the Work Sessions. This would increase the total contract amount to \$677,669, representing an increase of 1.19%; and

WHEREAS, the Change Order is to revise the work scope under their contract to remove the asphalt of the shared driveway for 141 Brenner Drive and 9 Lexington Avenue for an additional distance of 100-feet by 20-foot wide, and to repave this driveway with 2.5-inches of binder course and 1-inch of top course; and

WHEREAS, the intent of this work is to repair property owned by private residents damaged by agencies using it as a turn around and used by Municipal and commercial services mistakenly over the years. The Town Board authorized just driveway asphalt replacement work during a special session on August 12, 2020.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to our original contract with Union Concrete & Construction Corp. for the Brenner Drive — Lexington Avenue Reconstruction Project in the amount of \$8,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #6 Approve the priority of grant projects & Authorize Supervisor to sign the application for the ECCDBG program

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

WHEREAS, discussed at the 2020 public hearing on the use of 2021/2022 Community Development Block Grant Funds, the Supervisor must be given authorization to sign, submit, and execute the contracts with the Erie County Community Development Block Grant (ECCDBG) program; and

WHEREAS, the proposed Community Development projects must be ranked in order of priority by the Town. In addition, Rural Transit Service has asked for a letter of support from the Town.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign, submit, and execute contracts for the ECCDBG program with the following priorities.

- Priority #1 = Various Senior Center Brush Mountain Community Activity Center Items, Senior Van Purchase, seven additional automatic doors openers and handicap improvements, Senior Main Entrance sign and directional signage, and #20 senior laptops, etc.
- Priority #2 = Rural Transit Service.

And be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to issue a letter of support for the Rural Transit Service – Van Program.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

At this time Councilmember Majchrzak explained the resolution regarding ECRT. He stated the opposition is not to stop the trail. The Town cannot stop the trail. The opposition is because the ECRT has not submitted a plan. About 4 years ago ECRT presented a conceptual idea of what their plan will be. It included safety, drainage, policing and more. We have yet to see that plan. While the Town cannot stop the project, the developer ECRT, is required to abide by the code and laws of the Town they are working in.

John Bailey stated the federal government determines the Rails ROW that can be developed and they also choose the Developer. But the cases are clear that the groups that develop those trails have to abide by the local regulations for safety and zoning as they construct the trails. For example guard rails, yard markers making the trail wide enough for emergency vehicles or certain elements that would fall into those categories. At this point the Town has not received any of this information.

Councilmember Majchrzak stated this resolution is not to stop the trails it is to have the developer be in compliance like any other developer in Town. You need a permit to put in a swimming pool or a subdivision. This is no different. We have not seen any type of plan presented. We need ECRT to be in compliance like any other developer in town.

People in favor of the ECRT who spoke/submitted emails:

Molly Vendura	Tyrone Palagranas	Kim & Russ Kamis	Josh Merewether
Sean Doyle	Bill Magner	Jared Smith	Jeff Dolce
Gary Koeppel	Jen Zeitler	Tonya Davis	Sheila Barnes
Lawlor Quinla	Marcy Jordan	Kathleen Turand	Bob Courtney
Lauren Weber	Jennifer Brady	Dana Fauth	Tamara Manly
Rick Weber	Howie Holmes	Cathie Payne	Jennifer Mcginty
MaryAnn Kostusiak	Patrick Cluckey	Julie Murphy	Scott Clark
Mary Brummer	Matt Folquist	Barb Evans	Linda Brigance
Tom Grogan	Matt Watson	Amy Burnett	Anne Eisenberg
Kevin O'Brien	Karin Provost	Joanne McClintock	Ryan Patterson
Dan Hay	Sean Metz	Susan Yox	Dave/Kathy Todtenhaven
Andy Gernold	Lisa Henrich	Barbara Rueston	Kate Ort
Valerie Venturo	Kathleen McCrone	Joann Harig	Theresa Beldner
Vivian Liberto	Cathie Payne	Dan Gladysz	Julie Murphy
Tim Jones	Lee Tatar	Maura Watson	Frank O'Connor
Michael Neumeister	Mary & John Wajda	Rachna Clerici	Elizabeth Duckham
Katherine Lehman	Lyndsay Nelson	Michael Mazur	Ken & AnnMarie Newbury
Mandy Gotham	Cynthia Foote	Pamela Rauh	Nancy Malachowski
Bradley Rauch	Donald Warhol	Robert Kloss	

Residents Opposed to the ECRT who spoke/submitted emails:

Kevin Clough	Carolyn Cappola	Greg Tomani
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Supervisor Keem stated before ECRT opened the trail the Railroad tracks were littered with garbage. In Florida the Rail Trails have fencing and bollards to prevent motorized vehicles. ECRT did not submit plans, Supervisor Keem thought we had a gentleman's agreement to not develop the trail until a plan was submitted and we decided to support it or not. This year it was opened without the Board or landowners knowledge. The Police were called after people were seen on the trail. People who live on the trail feel as if their privacy was violated. Police protection is an issue too. It is a federal corridor and there will be a trail there someday. This resolution will give us more control. Zoning codes assure the safety of everyone. The Towns of Aurora, Concord, Ashford and West Falls all have similar resolutions to this one. People need to be protected, the trail should not be opened until these issues are taken care of.

New Business #3 Approve Budget Amendment – Police IT Equipment

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

WHEREAS, the Town has received a National Incident Based Reporting System (NIBRS) grant in the amount of \$26,345 for the purchase of various software and equipment, and

WHEREAS, the proceeds and purchase of equipment were not included in the 2020 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2020 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$26,345:

Increase Appropriations:

PS3120 50440	Public Safety - Software	\$26,345
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Increase Estimated Revenues:

PS0000 44389	Fed Aid — PS Equip	\$26,345
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The resolution was unanimously adopted.

New Business #4 Schedule a Public Hearing for the 2021 Preliminary Budget and Benefit Basis Special District.

18) 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 Hearing for the 2021 Preliminary Budget and Benefit Basis Special District to be held October 21, 2020 at 6 PM in the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #5 Appoint members to the Orchard Park Recreation Commission

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

WHEREAS, Section 32-1 of the Orchard Park Town Code directs that the Town of Orchard Park Recreation Commission be comprised of nine members with staggered terms, and

WHEREAS, through clerical error not all of the positions on the Town of Orchard Park Recreation Commission were filled at the 2020 Re-Organization Meeting for the Town of Orchard Park Board, and

WHEREAS, terms of office for members of the Town of Orchard Park Recreation Commission were not properly set at the 2020 Re-Organization Meeting for the Town of Orchard Park Board, and

WHEREAS, the Town of Orchard Park wishes to correct those errors.

NOW THEREFORE, be it

RESOLVED that:

1. The Town of Orchard Park Board hereby appoints the following people to the following terms to the Town of Orchard Park Recreation Commission:
 - A. To expire December 31st, 2020: Susan Parzymieso, Jill Jordan, and Lauren Kaczor.
 - B. To expire December 31st, 2021: Tom Roward, Gerard Cappelli, and Audrey Ramage.
 - C. To expire December 31st, 2022: Thomas Tobias, Tim Winterhalter, and Robert Fortenbaugh.

The resolution was unanimously adopted.

New Business #6 Authorize the Budget Transfer for the Engineering Department

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

RESOLVED, that the Town Board does hereby approve the following budget transfer within the 2020 Budget due to needed vehicle repairs:

From: Budget Code: A01440 50200	\$398.04	To: Budget Code: A01440 50445	\$398.04
(Engineering Equipment)		(Vehicle Repair)	

The resolution was unanimously adopted.

New Business #7 Authorize advertisement in the OP Bee for Bids for the Green Lake Maintenance Dredging Project.

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

WHEREAS, the Orchard Park Engineering Department received the permit from NYSDEC and is finalizing bid documents and specifications and maps for the Green Lake Maintenance Dredging Project; and

WHEREAS, this project includes the maintenance removal of sediment from the inlet weir of Green Lake as well as an alternate for the dredging of the Acorn Circle Pond; and

WHEREAS, in order to utilize the remainder of the available construction season, the Advertisement for Bids should be authorized to be published on October 7, 2020. Construction Plans and Bids Documents will be available for purchase on October 1st at the Town Clerks office with the bid opening to be held on October 19, 2020 at 10:00 AM.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Green Lake Maintenance Dredging Project on October 19, 2020 at 10:00 AM in the basement meeting room at the Orchard Park Municipal Center as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Refer easements to the Conservation Board.

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

RESOLVED, that the Town Board does hereby refer to the Conservation Board the following applications for Conservation Easements:

Henry Lewandowski, 6106 Cole Road, 34.66 acres (extension of easement #60) — 14 years
Donald & Jennifer Brady, 6215 Scherff Road, 28.868 acres – Perpetual easement

The resolution was unanimously adopted.

New Business #9 (Not on agenda) Approve the Police Traffic Services Grant

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Police Traffic Services Grant, (PTS Grant), Contract between the Town of Orchard Park and the New York State Governor's Traffic Safety Committee for the term of October 1, 2020 and September 30, 2021, in the amount of \$12,240.00.

The resolution was unanimously adopted.

New Business #10 (Not on agenda) Approve the State Highway Safety Program Grant

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Highway Safety Program Grant, (HS1), Contract between the Town of Orchard Park and the New York State Governor's Traffic Safety Committee for the term of October 1, 2020 and September 30, 2021, in the amount of \$12,975.00.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Sandra Bell spoke of flooding and damage to her home on Eaglebrook Dr. and asked for the Town's assistance.

Howie Holmes inquired about the process of appointing the next Supervisor and who it will be.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Majchrzak thanked Supervisor Keem for his years of serving our community and stated it has been a pleasure working with him.

Councilmember Flynn commended Supervisor Keem for his years of service.

Town Clerk Remy Orffeo stated it has been a pleasure working with Supervisor Keem. He also thanked the community for paying their taxes by mail and night deposit box.

Town Attorney John Bailey wished Supervisor Keem and his wife well.

Building Inspector Steve Bremer stated it was a pleasure to work with Supervisor Keem.

Town Engineer Wayne Bieler said it was a pleasure to work with Supervisor Keem. He also stated the Town is working on fixing the flooding problem on Eaglebrook Drive.

Chief of Police Joe Wehrfritz thanked Supervisor Keem for all his efforts and support of the Police Department and wished him well.

Supervisor Pat Keem stated it has been an honor starting each Town Board meeting with the Pledge of Allegiance; it serves as a moment for him to reflect on what the flag means to him. He stated he never voted on issues for personal advancement or political gain but what he truly believed would be the best for our community. His years of service were guided by his moral compass. He thanked the Town Department Managers, his personal office team, those that managed his campaign, Mayor Litwin, Erie County Legislator John Mills, former Councilmember Mike Sherry and his wife and best friend Debbie. All have had an influence in his decisions and votes. He is proud of the many projects that have been completed under his time here as Supervisor. He stated it has been an honor to serve the Community and may God Bless each and every one of you.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #19 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$182,279.49
Public Safety Fund	\$40,461.19
Part Town Fund	\$6,871.86
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$40,547.18
Special Districts	\$52,589.03
Trust & Agency	\$92,263.80
Capital Fund	\$778,988.39

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 9:24 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**