

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 20th day of October 2021 at 7:00 PM, the meeting was called to order by Deputy Supervisor Joseph Liberti and there were:

PRESENT AT ROLL CALL:

Joseph Liberti	Supervisor
Eugene Majchrzak	Deputy Supervisor
Conor Flynn	Councilmember
	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Steve Bremer	Building Inspector
Gregory Shepherd	Police Captain
Andrew Slotman	Interim Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
Wayne Bieler	Town Engineer

Deputy Supervisor Liberti 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.”

**PUBLIC HEARING
2022 Preliminary Budget and Benefit Basis Special District**

At 6:00PM (local time) Deputy Supervisor Liberti called for the Public Hearing to hear all interested parties regarding the Preliminary Ad Valorem 2022 Budget & Benefit Basis Special District

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.

Presentation was made by Nicole Ruf

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

1) 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 close the Public Hearing for the Preliminary Ad Valorem 2022 Budget & Benefit Basis Special District. at 6:08PM.

The resolution was unanimously adopted.

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

This item was Tabled until the November 3, 2021 Town Board Meeting

The resolution was unanimously adopted.

MEETING WAS ADJOURNED UNTIL 7:00PM

3) 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 Regular Meeting Minutes: October 6, 2021 and Executive Session: September 15, 2021 & October 6 & 13, 2021 and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

**PUBLIC HEARING
Rezoning of Prodigy Webster Road LLC**

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud, and filed with the Town Board by the Town Clerk. After reading the public notice Town Clerk Remy Orffeo stated this Public Hearing will be Tabled at the request of the petitioner for the second time. He stated when it is next presented to the board, the petitioner will be billed for the postage to notify the residents in the required 1000 foot radius of the property.

**PUBLIC HEARING
2022-2023 Community Development Block Grant Funds and CARES Act**

At 7:05PM (local time) Councilmember Flynn called for the 2022-2023 Community Development Block Grant Funds and CARES Act.

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.

The following information was provided for the resident's information:

**2022 - 2023
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
& CDBG — CARES Act Funding**

**PUBLIC HEARING
October 20, 2021**

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 2022 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 (page 7).

The Town is one of 34 municipalities in the Erie County CDBG Consortium. This year the Consortium will receive a grant of approximately \$3.5 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:

- I. - BENEFIT LOW AND MODERATE INCOME PERSONS**
- II. - CORRECT SLUMS AND BLIGHT**

III. - MEET AN URGENT COMMUNITY NEED

These objectives are further described below.

I. BENEFIT LOW AND MODERATE INCOME PERSONS

Area Benefit: For a project to benefit low and moderate income persons, it is required that at least 41.9% E.C. (40.34% Nat.) of the residents of the specific area targeted be at or below the criteria of the Income Eligibility Schedule on *page 4*. Data from the 2010 U.S. Census shows that there are 4,360 low and moderate income persons within the Town and 465 in the Village (Total = 4,825).

For a specific area to qualify, an independent income survey must be performed for the targeted area.

Limited Clientele: All elderly, homeless, and handicapped residents are presumed eligible regardless of their location within the Town or their income levels. For a project to be considered under this category, at least 51% of the benefiting persons must be classified as limited clientele.

II. CORRECT SLUMS AND BLIGHT

For an area to be designated as a slum or blighted area, there must be a substantial number of deteriorated or deteriorating buildings or public improvements throughout the area. The project must address one or more of the conditions, which contributed to the deterioration of the area. Currently there are no such areas in the Town of Orchard Park.

III. MEET AN URGENT COMMUNITY NEED

To comply with the objective of meeting an urgent community need, the project must alleviate existing conditions that have developed or become critical within the past 18 months and:

- Pose a serious and immediate threat to the health and welfare of the community,
- the grantee is unable to finance, and
- other resources of funds are not available.

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

Below, outlined is the history of CDBG funding in the Town of Orchard Park. Since its inception in 1976, the Town has received over \$3.0 million in grants and loans under this Federal program. Below is listed the various projects for which the Town has utilized its block grant monies.

It is estimated that the 2022 allotment for the Erie County CDBG Consortium Communities Senior projects will be \$945,000.00. 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 \$100,000 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 November 1, 2021.

Some suggested projects in the Town of Orchard Park which may qualify for funding in 2022 include:

<u>PROJECT</u>	<u>ESTIMATE</u>
<u>CARES ACT</u> - O.P. Senior Center Generator	
Laptops & Automatic Door Openers	\$967,154.00
Request \$391,154 / Match \$576,000	
<u>CDBG</u> - Rural Transit Service (participation in the existing program w/ 18 towns, 7 villages)	\$30,000.00 +/- (no matching funds required)

Last year the Town submitted applications for the O.P. Senior Center Improvements and Senior Transportation Van and the Rural Transit Service Program. The Rural Transit Service Program was funded. The O.P. Senior Center Improvements and Senior Transportation Van 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 137 registered users.

ATTACHMENT

2021 INCOME ELIGIBILITY SCHEDULE
 ERIE COUNTY COMMUNITY DEVELOPMENT PROGRAM

	4 Points	3 Points	2 Points	1 Point		
No. of Persons	30% County Median	50% County Median	65% County Median	70% County Median	80% County Median -	100%
	<i>CDBG Very Low Inc.</i>	<i>CDBG Low Inc.</i>			<i>CDBG Moderate Inc.</i>	Median
1	\$16,590	\$27,650	\$35,945	\$38,710	\$44,240	\$55,300
2	\$18,960	\$31,600	\$41,080	\$44,240	\$50,560	\$63,200
3	\$21,330	\$35,550	\$46,215	\$49,770	\$56,880	\$71,100
4	\$23,670	\$39,450	\$51,285	\$55,230	\$63,120	\$78,900
5	\$25,590	\$42,650	\$55,445	\$59,710	\$68,240	\$85,300
6	\$27,480	\$45,800	\$59,540	\$64,120	\$73,280	\$91,600
7	\$29,370	\$48,950	\$63,635	\$68,530	\$78,320	\$97,900
8+	\$31,260	\$52,100	\$67,730	\$72,940	\$83,360	\$104,200

Rehab Program		Rehab Program Income Points	
Under 80% Median	0% Deferred	<30% =	4 Points
		30-50% =	3 Points
		50-65% =	2 Points
		65-80% =	1 Point

**TOWN OF ORCHARD PARK
COMMUNITY DEVELOPMENT PROGRAM
FUNDING HISTORY AS OF OCTOBER 2021**

YEAR	ALLOTMENT	EXPENDED	BALANCE
1976	\$111,792.00	\$111,792.00	\$0.00
1977	111,792.00	111,792.00	0.00
1978	111,792.00	111,792.00	0.00
1979	111,792.00	111,792.00	0.00
1980	111,792.00	111,792.00	0.00
1981	111,792.00	111,792.00	0.00
1982	259,977.59	259,977.59	0.00
1983	58,448.49	58,448.49	0.00
1984	64,499.92	64,499.92	0.00
1985	50,852.00	50,852.00	0.00
1986	20,171.00	20,171.00	0.00
1987	0.00	0.00	0.00
1988	0.00	0.00	0.00
1989	23,357.00	23,357.00	0.00
1990	34,183.00	34,183.00	0.00
1991	90,000.00	90,000.00	0.00
1992	0.00	0.00	0.00
1993	150,630.00	150,630.00	0.00
1994	0.00	0.00	0.00
1995	0.00	0.00	0.00
1996	40,000.00	40,000.00	0.00
1997	0.00	0.00	0.00
1998	0.00	0.00	0.00
1999	135,000.00	135,000.00	0.00
2000	0.00	0.00	0.00
2001	0.00	0.00	0.00
2002	190,000.00	190,000.00	0.00
2003	0.00	0.00	0.00
2004	0.00	0.00	0.00
2005	90,000.00	90,000.00	0.00
2006	0.00	0.00	0.00
2007	0.00	0.00	0.00
2008	100,000.00	100,000.00	0.00
2009	0.00	0.00	0.00
2010	0.00	0.00	0.00
2011	200,000.00	200,000.00	0.00
2012	0.00	0.00	0.00
2013	0.00	0.00	0.00
2014	0.00	0.00	0.00
2015	100,000.00	100,000.00	0.00
2016	0.00	0.00	0.00
2017	150,000.00	150,000.00	0.00
2018	78,759.00	78,759.00	0.00
2019	0.00	0.00	0.00
2020	0.00	0.00	0.00
2021	0.00	0.00	0.00
TOTAL GRANTS	\$2505,630.00	2,506,630.00	\$0.00
1992 LOAN*	100,000.00	100,000.00	0.00
1995 LOAN**	450,000.00	450,000.00	0.00
TOTAL LOANS	550,000.00	550,000.00	0.00
GRAND TOTAL	\$3,056,630.00	\$3,056,630.00	\$0.00

* Loan repaid in 2005

** Loan repaid in 2006

TOWN OF ORCHARD PARK
 COMMUNITY DEVELOPMENT FUNDED PROJECTS
 STATUS AS OF 10/5/2021

FUNDING YEAR	PROJECT	ALLOCATED	EXPENDED	BALANCE
1977 - 1980*	Administration	36,861.14	36,861.14	0
1978 - 1981**	Housing Rehabilitation	23,737.00	23,737.00	0
1976	Orchard Meadows Playground	37,264.00	37,264.00	0
1976, 1977	Poplar-Webster Drainage	159,320.00	159,320.00	0
1976, 1977	Union Road Waterline Ext.	11,208.68	11,208.68	0
1977 - 1979	Burmon Sanitary Sewer Rehabilitation	6,903.32	6,903.32	0
1978, 1979	Southwestern Blvd. Economic Dev. Waterline	166,852.23	166,852.23	0
1980	Velore Avenue Waterline	12,130.58	12,130.58	0
1980	Burmon Recreation Area	42,767.93	42,767.93	0
1977, 1979 -1983	Velore Avenue Rehabilitation	102,189.12	102,189.12	0
1981, 1982	Quaker Centre Industrial Park Phase 1	350,000.00	350,000.00	0
1985	Zoning Maps	464.05	464.05	0
1982 - 1984	Vistula Avenue Rehabilitation	140,465.67	140,465.67	0
1985	Planning / Construction Maps	867.77	867.77	0
1989	Hillside Income Survey (Hillside Ave. & NIA)	6,000.00	6,000.00	0
1985, 1986, 1989	Hillside Ave. Rehabilitation (Inc. 1st & 2nd St.)	175,209.51	175,209.51	0
1993	Senior Citizens Activity Center	90,630.00	90,630.00	0
1993	Lakeview Ave. Pavement Restoration	60,000.00	60,000.00	0
1996	O.P. Library Handicapped Accessibility	40,000.00	40,000.00	0
1996***	Rural Transit Service Program			
1999	Summit Avenue Reconstruction	90,000.00	90,000.00	0
1999	Boys & Girls Club Handicap Access	45,000.00	45,000.00	0
2002	Windom Ave. Reconstruction	90,000.00	90,000.00	0
2002	Burmon Recreation Area Improvements	40,000.00	40,000.00	0
2002	Senior Citizens Center Repairs	60,000.00	60,000.00	0
2005	Allen Street Reconstruction	90,000.00	90,000.00	0
2008	Oakwood Reconstruction	100,000.00	100,000.00	0
2011	Iroquois Drive Reconstruction	100,000.00	100,000.00	0
2011	Iroquois Drive Drainage	100,000.00	100,000.00	0
2015	Burmon Drive Sanitary Sewer Replacement	100,000.00	100,000.00	0
2017	Burmon Drive Road Reconstruction	150,000.00	150,000.00	0
2018	Burmon Drive Sidewalk Reconstruction	78,759.00	78,759.00	0
TOTAL GRANTS		\$2,506,630.00	\$2,506,630.00	\$0.00
1992	Breem Street Relocation (Loan)	100,000.00	100,000.00	0
1995	Orchard Park Commerce Center (Loan)	450,000.00	450,000.00	0
TOTAL LOANS		\$550,000.00	\$550,000.00	\$0.00
GRAND TOTAL		\$3,056,630.00	\$3,056,630.00	\$0.00

*Costs for administration of grant monies were reimbursed to the Town for years 1977-1980, but administration is now done entirely by Erie County.

**The Housing Rehabilitation Program was administered by the Town for years 1978-1981, but now the program is administered directly by Erie County.

***In 1996 the Town began participation in a transportation service with approval of an additional grant for \$34,782 for the purchase of a handicapped van. These funds and additional funds used for annual operation and maintenance

do not accrue to the Town. The program is administered by Erie County through a not for profit agency and therefore the amount of funding is not shown in this table.

Councilmember Flynn asked if anyone is interested in speaking or making a comment.

No one came forward.

4) 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 close the 2022-2023 Community Development Block Grant Funds and CARES Act. At 7:06PM

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Correct the pay rate of Interim Highway Superintendent.

5) 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 amend the salary of the Interim Highway Superintendent Andrew Slotman from \$36.22/hour to \$37.61/hour effective October 4, 2021.

The resolution was unanimously adopted.

Old Business # 2 Authorize dedication of the public improvements in the Knoche Farms Estate Subdivision Phase #3.

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

WHEREAS, on August 25, 2021, a final inspection was conducted of the public improvements constructed in Knoche Farms Estates Subdivision Phase 3. The project included completing the construction of the portions of Alyson Drive, Christina Lane, and Knoche Way, and the construction of Furlong Drive; and

WHEREAS, the completion of this final subdivision phase will allow 32 new single-family residential lots to be developed. All work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which the developer states will be completed in time for dedication, but if they are not, the Engineering Department recommends tabling dedication until such time:

- Submit for review and approval hard and electronic copies of the required record drawings for this subdivision to include Real Time Kinematic (RTK) coordinates for the Sanitary Sewer,

The following escrow are requested for uncompleted work:

- Submit for review and approval hard and electronic copies of the required record drawings for this subdivision to include Real Time Kinematic (RTK) coordinates for the subdivision's infrastructure in general (storm, roadway, water, street lighting, etc.). \$10,000

- Install one Type E corner property monuments for the Town Land. \$5,000
- Install Type C GPS monument on Sublot No. 19. \$15,000

WHEREAS, the Town Board is hereby in receipt of the cash securities for the items noted above. A two-year maintenance bond in the amount of \$575,000 has been submitted along with all other necessary documents; and

WHEREAS, the following is required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding. The Town Engineer, therefore, recommends you adopt the following resolution

WHEREAS, portions of Alyson Drive, Christina Lane, and Knoche Way, and Furlong Drive were constructed as a Town street in accordance with plans and specifications prepared by Greenman-Pedersen, Inc.; and

WHEREAS, the two lane streets are 0.45-miles in length and consist of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

WHEREAS, construction of portions of Alyson Drive, Christina Lane, and Knoche Way, and the construction of Furlong Drive has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

NOW, THEREFORE, be it

RESOLVED, that portions of Alyson Drive, Christina Lane, and Knoche Way, and Furlong Drive shall be included in the 2021 Town Local Highway Mileage Inventory of Town Streets; and, be it further

RESOLVED, that New York State Department of Transportation is requested to include portions of Alyson Drive, Christina Lane, and Knoche Way, and Furlong Drive in the Town of Orchard Park's 2021 Inventory of Streets; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Knoche Farms Estates Subdivision Phase 3 constructed under PIP #2020-05, and authorize the Town Clerk to release the performance security in the amount of \$115,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Authorize Dep. Supervisor to sign, submit and execute applications for the Erie County CDBG and CARES Act program

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

WHEREAS, New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund, or directly undertake; and

WHEREAS, the Orchard Park Engineering Department has the SEQR Short Form for the O.P. Senior Center Generator, laptops & automatic door openers and the Town has determined the project is classified as a "Type II Action" in accordance with section 617.5 (c) (25) of the SEQR regulations as equipment; and

WHEREAS, actions that can be classified as a "Type II Action" under the SEQR regulations do not require any further SEQR review, including an Environmental Assessment Form. The Short Environmental Assessment Form has been completed and is documentation of this review and determination; and

WHEREAS, in addition, the Erie County DEP has requested formal proof that matching funding for the recently applied grant project has been dedicated and is secure. The O.P. Senior Center Generator, laptops & automatic door openers is estimated at \$967,154.00 +1- (Request = \$391,154.00) and will be funded with the use of capital account ABOO4 Brush Mountain Community Activity Center Building \$2,914,906.

NOW, THEREFORE be it I, therefore, recommend that you adopt the following resolutions:

RESOLVED, that the Town Board does hereby determine that the O.P. Senior Center Generator, laptops & automatic door openers be classified as a "Type II Action" as the project will not have a significant impact on the environment and is precluded from further environmental review under New York State Environmental Conservation Law, Article 8, ; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to complete a certified funding resolution for submittal to the Erie County Department of Planning for the CARES-Act Grant Application with the grant match amount of \$576,000.00 +1- (59.55% of project cost) being funded by Town of Orchard Park capital account ABOO4 that will cover the funding necessary for the equipment and technology for the senior citizens.

The resolution was unanimously adopted.

Old Business #4 Authorize Town Clerk to complete a certified resolution for the CARES Act and CDBG projects.

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

WHEREAS, was discussed at the 2021 public hearing on the use of 2022/2023 Community Development Block Grant Funds and CARES Act Funds, the Deputy 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 applications/contracts for the Erie County CDBG program and CARES Act with the following priority.

- Priority #1 = CARES = OP Senior Center Generator, laptops & automatic door openers
- Priority #1 = CDBG = 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 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Authorize pay adjustment for Marie Falzone

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

WHEREAS, due to the resignation of Court Clerk to the Town Justice, Cindy Jondle; and

WHEREAS, Marie Falzone has assumed the responsibilities of Senior Court Clerk to the Town Justices; and

WHEREAS, effective October 4, 2021 Marie Falzone’s salary will be increased by \$1.36/hour.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby increase Marie Falzone, Senior Court Clerk’s salary by \$1.36/hour effective October 4, 2021.

The resolution was unanimously adopted.

New Business #2 Appoint Public Safety Dispatcher

10) 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 appoint Joseph Gian to the position of Public Safety Dispatcher, to be effective November 2, 2021, CSEA pay range 0007 “1st year” \$19.21 per hour, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #3 Appoint Part Time Public Safety Dispatcher

11) 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 appoint Part Time Public Safety Dispatcher Courtney Kessel to the position of Public Safety Dispatcher (Probationary), to be effective December 6, 2021, CSEA pay range 0007 “ Step E “, \$25.71 per hour, with a seniority date effective July 19, 2020 with an accrual date effective 07/19/2017, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #4 Adopt Special Charges in “Letter of Authorization”

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

WHEREAS, in accordance with New York State Law, Section 198, the Town Board had opted to enforce unpaid accounts for water, sewer, refuse and other unpaid Town services as indicated below, by placing a lien upon the real property for which such services were provided, and

WHEREAS, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town Assessor's master computer assessment roll file, which is also hereby being delivered by the Assessor with this letter of authorization:

Total Unpaid Water Erie County and Orchard Park-	\$ 613.38
Total Unpaid Sewer	\$ 33.19
Total Unpaid Refuse & Pro-Rated Garbage-	\$1,916.40
Total Property Maintenance & Code Enforcement-	\$ 585.00

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in accordance with New York State Law, Section 198, does hereby adopt all special charges as outlined on the "Letter of Authorization" as recommended by the Town Accountant.

The resolution was unanimously adopted.

New Business #5 Adopt Traffic Orders for Knoche Farms Estate Subdivision.

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

WHEREAS, the Police Chief, Highway Superintendent and Town Engineer have reviewed the street layout for Knoche Farms Estates Phase 3 subdivision; and in pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York; and

WHEREAS, upon dedication of Knoche Farms Estates Subdivision Phase 3 PIP #2020-05

NOW, THEREFORE it is hereby

ORDERED, that stop signs be erected at the following intersections:

- posting of a **STOP SIGN** on Knoche Way at the intersection of Furlong Drive.
- posting of a **STOP SIGN** on Christina Lane at the intersection of Furlong Drive.
- posting of a **STOP SIGN** on Furlong Drive at the intersection of Alyson Drive.

The resolution was unanimously adopted.

New Business #6 Appoint Jordan Kellerman to Principal Engineer Assistant

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

WHEREAS, since early 2021, there have been vacancies in the Engineering Department with the resignations of Garrett Chilson and Craig Wilson and per various Town Board work sessions, the Town Board approved the filling of the now vacant Principal and Senior Engineer Assistant positions; and

WHEREAS, Erie County Department of Personnel has two New York State Department of Civil Service title lists, both of which were canvassed with only three candidates responding to the position for the Principal

title. The position was certified that the appropriate civil service title of Principal Engineer Assistant for the Town of Orchard Park based on job classifications and duties is correct; and

WHEREAS, the proposed Principal Engineer Assistant position description of duties includes the following: Assists civil/sanitary/road/water engineers by compiling data, making surveys and inspections, prepares drawings, reviewing engineering submittals, assisting in evaluations, and assisting in designs of the Town's aging infrastructure. Prepares drawings, maps, tracings, specifications and other graphic presentations of projects and programs. Participates in and/or compiles data for survey parties and engineers. Makes engineering computations, both manually and through the use of a computer. Searches records for data on properties, easements, rights of ways and the like. Assists in construction projects layout. Makes inspections of projects and programs, reviews findings with an Engineer. Makes routine tests and compiles data. Carries out tests of materials to ensure conformance to specifications. May be required to perform routine computer operation and programming. Prepares drawing and maps utilizing a computer. Performs other engineering tasks associated with the review, evaluation, design, and construction of projects; and

WHEREAS, the Town Engineer is pleased to inform you that after receiving their applications and interviewing three candidates responding to the advertisements, postings and scoring in the top three on the exam, I have concluded that the best-qualified individual for the position is Jordan Kellerman. Mr. Kellerman has an A.A.S. in Construction Management from Erie Community College and has worked assisting the Engineering Department in survey work and construction inspection in the past. Jordan has accepted the challenge of construction inspection duties and responsibilities with enthusiasm and has performed his assignments with diligence and effectiveness. Mr. Kellerman was promoted to Senior Engineer Assistant on August 6, 2013. Again, Mr. Kellerman accepted all challenges of the Senior Engineering Assistant title. With both the Engineering and the Sewer Water & Lighting Department, Jordan had proven to be a dedicated and dependable employee; and

WHEREAS, funding for the Principal Engineering Assistant position is included in the Engineering Department budget. Per the 2019 white collar union contract, Jordan Kellerman, Principal Engineer Assistant level 0011 Range C wage of \$30.33/hr. is proposed, which was the next acceptable step above his current salary.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Mr. Jordan Kellerman to the permanent position of Principal Engineer Assistant in the Orchard Park Engineering Department at Level 0011, Range C of the union wage rate schedule, effective October 25, 2021 meeting Civil Service rules and regulations as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Award contract to New Frontier Excavating and Paving Inc.

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

This item was Tabled.

The resolution was unanimously adopted.

New Business #8 Authorize the Engineering Dept to purchase a 2022 Ford F150 S/C pickup

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

WHEREAS, the Engineering Department has a 2014 F150 4x4 vehicle that is experiencing minor repair issues; and

WHEREAS, one of the Department's inspectors is currently using the vehicle. It has had electrical issues over the last few years causing the battery to drain overnight causing delays and additional manpower; and

WHEREAS, the vehicle has been out of service for the electrical problems several times. The truck needs tires before winter, inspection and has front barring grinding. It is not cost effective for the Town to continue to run this vehicle, with the high value of used trucks, an upgrade makes sense; and

WHEREAS, a trade-offer for this vehicle from the dealer is \$14,000.00, but the Town could accept a higher amount from public action, Actions International Inc. The truck does run and is drivable so sending it to public auction would likely be in the Town's best interest to try to get more; and

WHEREAS, the State bid is \$29,978 for a 2022 F150XL super cab from Delacy Ford. Delacy Ford is unable to acquire a 2021 F150XL regular cab due to the availability of the 2021 model year. In addition, the quoted model was incorrect and it should have been a super cab and not a regular cab. A super cab is better suited for inspections for it allows for storage of equipment and rain gear; and

WHEREAS, there is presently funding allocated under Capital Account WS002 Water and Sewer Equipment Acquisition, A01440 50200 Engineering Equipment and WS8346 50200 Sewer General Equipment for equipment upgrades.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby declare the 2014 Ford F150 4x4 pickup (1FT-WI EF5EKE10800) as surplus vehicle, and authorize the sale of this vehicle or trade as stated; and be it further

RESOLVED, that the Town Board does hereby authorize the purchase of a new 2022 Ford F150XL 4x4 super cab pickup from Delacy Ford under State/County Bid for \$29,978.00 for the Engineering Department as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Refer to the Zoning Board:

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

RESOLVED, that the Town Board is hereby authorized to refer the following to the Zoning Board of Appeals:

- Windom Community Church, 60 West Abbott Grove, located on the south side of West Abbott Grove, off Abbott Road, adjacent to Church, Zoned B-2. (SBL#161.09-2-15) Anthony Venturoli is requesting to spilt-off and sell a portion of the church's property with parsonage residence located there.

The resolution was unanimously adopted.

New Business #10 Approve Site Plan and Building permit for Quaker Crossing Outparcel

18) 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 Site Plan for the Quaker Crossing Outparcel, located at the western end of parking area between Regal Cinema & Red Robin Restaurant, Zoned B-1, and authorize a Building Permit, to construct a 31,070 sq. ft. Retail Building, per the plan received on 9/29/21, based on the following conditions and stipulations as recommended by the Planning Board:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 8/18/21, and a Negative declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. An updated Landscape Plan, received 8/23/21, meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$9,350 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$4,675) Conservation Board approval was granted on 10/05/2021.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. This approval is conditioned on the following:
 1. Add on the Site Plan a table of the required and supplied parking spaces for the site as well as appropriate approval history of parking spaces approvals. Parking spaces shall meet or exceed Town Code requirements for all building capacities. Variances granted before have proved appropriate for this site.
 2. Include Water domestic service and fire protection connections for the proposed building. Verify the connection pipe system is correct, provide details and clarification of existing supply system on the site plan.

The resolution was unanimously adopted.

New Business #11 Approve Site Plan and Building Permit regarding V/L Sterling Park & Windward Rd.

19) 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 approve the presented Site Plan regarding P.B. File #14-2021, V/L Sterling Park, 235 Windward Road, located on the west side of Windward Road Zoned I-1, and authorize a, Building Permit, to construct a 2 phase project, First, 18,156 sq. ft. medical Building, and second 15,950 sq. ft., per the plan received on 9/28/2021, based on the following conditions and stipulations as recommended by the Planning Board:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 7/30/21, and a **Negative Declaration** is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. A Landscape Plan, received 8/31/2021, meets all Green Space regulations with 57.9% Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50%

of the \$45,045 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$22,522.50) Conservation Board approval was granted on 9/07/2021.

- 6. All future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- 7. This approval is conditioned upon submission of a minor amendment of drawing C-302.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Ron Plant spoke of the drainage problem on Bussendorfer Rd. and the consequences of adding new builds to the area.

Jim Morganti questioned the Webster Rd. rezoning and if the board members have seen his petition.

Mike Barenger inquired about new builds and drainage issues on Bussendorfer Rd.

Carol Castonquay spoke about 50 years of drainage problems on Bussendorfer Rd. and asked the Town Board to revisit the proposal of not clear cutting trees on acreage of new builds.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Majchrzak stated that a Gentlemen’s agreement has been in place regarding political lawn signs for years and he hopes all candidates will continue to honor it. Regarding Bussendorfer, he has supported and assisted with that project for years and will continue to advocate for it until it is completed. He also stated he will make sure residents are notified about the Webster Rd. Project when it comes up again.

Councilmember Flynn stated Brush pick up rules can be found on the Town’s website. He stated there is nothing the Town can do about political lawn signs but the Real Estate lawn signs can be brought before the Building inspector if they are left up too long. He also stated that he and Councilmember Majchrzak have set a great example of how two people of different political parties on a three member Town Board can still get the job done but does not recommend it for any Town.

Town Clerk Remy Orffeo reminded residents of early voting dates October 23 - October 31, 2021 at the Community Activity Center. He also thanked Officer Dan Honer for assisting with the final day of School Taxes. He also stated that he responded to Mr. Morganti’s emails and forwarded his petitions to the Board Members.

Town Engineer Wayne Bieler stated that the Town of Orchard Park has filed a SEQR and is lead agency on the CDBG and CARES Act and the Town will provide a matching funds for the Grant. He also stated there is no Bussendorfer subdivision application as of today’s date. He spoke of Smokes Creek’s and Rush Creek’s drainage basin and wetlands. He also stated there are no regulations for clearing lots.

Highway Superintendent Andy Slotman stated Highway is working on culvert pipes and has their leaf trucks out. He also requested that residents put grass in the garbage and keep leaves separated from brush as they are picked up by different trucks. He also asked for residents to put their leaves on the shoulder of the road and not block drainage ways.

Police Captain Shephard stated that trick or treating in the village will be from 6PM-8PM and congratulated the two Dispatchers to their positions, Joseph Gian and Courtney Kessel.

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

General Fund	\$50,484.67
Public Safety Fund	\$8,158.57
Part Town Fund	\$72.48
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$32,047.76
Special Districts	\$5,480.65
Trust & Agency	\$2,275.00
Capital Fund	\$39,067.50

The resolution was unanimously adopted.

REPORTS

21) 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 received and file the September 2021 Building Inspector's Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:51 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk