

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 1st day of June 2016 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	Councilman
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
Excused:	Eugene Majchrzak	Councilman
	Mark Pacholec	Chief of Police

Supervisor Keem read into the record the following: "If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."

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

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on May 18, 2016, Executive Sessions: May 18, 25, 2016, 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

At 7:02 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against the Local Law 1-2016 amending the Town Code of Ordinance for Garbage, Refuse and Rubbish.

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, posted on line and filed with the Town Clerk.

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the proposed rezoning.

No one came forward to speak on behalf of the project.

The following town residents came forward in opposition of the Local Law (in regards to wildlife):

Amiee Comeau, has a problem with the wild life feeding section noting that proper bird feeding does not attract rodents. If you are properly feeding your birds it no way attracts rats to your back yard. Rats are attracted to foul smells which feed off other items such as dog feces or grill drippings. People who don't take care of their dog feces or grill drippings can bring a rodent problem. Would like more definition to the town code about what a resident is able to have.

Bob LePorta, works at Wild Birds Unlimited. Most customers are very educated on how to not attract rodents, cleaning up the seeds is not a deterrent for rats. Stating that bird feeding is a hobby, and so many people feed birds for the enjoyment of seeing them in their back yard.

Charlotte Tahk, (village resident) a retired Science teacher and enjoys bird feeding as a family involvement of teaching, watching birds, and having native plants is important, and doesn't want people to feel they can't have them because they can't maintain them. Likes the sense of connection in Orchard Park with the connection to nature. Would like more definition or wording the local law.

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

RESOLVED, that the Public Hearing in the matter of the proposed hearing is hereby closed at 7:11 PM, and be it further

RESOLVED, that the Local Law will not be voted on tonight due to absence of Councilman Majchrzak, and the need to review comments from the floor.

The resolution was unanimously adopted.

New Business #1 Authorize the Excavation Permit #2016-01 for 340 Sunset Terrace

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

WHEREAS, the town of Orchard Park received from Mr. Thomas E. Boechel of 211 Ladner Avenue, Buffalo, NY 14220 an application for an Excavation, Removal, and Storage of Materials to fill (approximately 1,400 cubic yards of soil) the lot at 340 Sunset Drive to construct his new home at the same address, and

WHEREAS, the Town Engineer has reviewed the plan and have found it acceptable per Town code. All necessary fees and bonds have been received.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Excavation, Removal, and Storage of Materials Permit #2016-01 to fill the lot at 340 Sunset Drive to facilitate a home construction, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Town Board to approve Boys Run On 5K

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

RESOLVED, that the Town Board does hereby approve the Boys Run On 5K, June 10th from 6:00 – 8:00pm, which has been approved by the Recreation Director and Police Chief.

The resolution was unanimously adopted.

New Business #3 Appoint Seasonal Parks & Grounds Staffing

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

RESOLVED, that the Town Board does hereby approve the hiring of Daniel Cheney, Seasonal Parks & Grounds, at \$10.00 an hour, effective May 31, 2016.

The resolution was unanimously adopted.

New Business #4 Approve Block Party Permit

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

RESOLVED, that the Town Board does hereby approve a Block Party Request for Highbrook Court Cul-de-sac, off of Redbrick Rd. for Saturday, June 25, 2016 from 12:00pm to midnight. Barricades will be needed, and they have requested an exemption from the Town's open container law.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Several town residents whose property backs up to the private club Eagle Ridge Recreation Association (ERRA) located at 7425 Jewett Holmwood Road spoke of their concerns of the club putting in a basketball court in the area that was once a parking area.

Bob Rucker spoke about the basketball court proposal and partial installation at ERRA. This is not about basketball hoops, but about 'what is a playground, what is a parking lot, what is a tennis court, what is the charter for ERRA'. Mr. Rucker recommended that the Town Board refer this subject to a 'panel' (zoning, or planning, or somebody with the town for public input on the building code) to better understand the issues.

Ralph McNall mentioned the ERRA establishing a basketball court is problematic. Being a neighbor that abuts to ERRA is opposed to the change being made to the space that was used for tennis (previous parking area) and now a basketball court. Referred to a letter from 1977 that was read (and handed to the Town Clerk) specifically addressing ERRA requested limitation to 150 families, to avoid the club becoming a 'nuisance' due to close proximity to a neighborhood. Additionally the 1977 letter states one parking space for every 3 family members. The repurposing of this area for the basketball court that used to be for parking. He feels that planning and zoning should check that they are compliant to the parking guidelines.

Kathleen McNall was glad that the planning board was involved in 1977 when the club was established, and hope the planning department continues to be involved with the full basketball court so close to back yards in a residential neighborhood. Rise in vandalism with the kids hanging out, the club has no way of controlling it. Residents have been told to call police if they see suspicious activity. Last week police were called twice for a broken fence post that was thrown in their yard, as well as trespassing / swimming at 4:00am.

Fletcher Doyle a current member of ERRA, and still plays tennis. The tennis courts are right behind his house. He never objected to the tennis practice courts, but he objects installing basketball courts which can get loud.

Nancy Stoll (letter read by Fletcher Doyle) stating she is in opposition of the proposed basketball court as it is too close to the property line. As it stands, kids cut through my yard to get to the club, and if the courts were placed there I am sure the foot traffic will increase. As a tax payer for 38 years, I feel that having courts so close to my property would bring down the value of my house. I am appealing to the Town Board to look into this matter, and the legality of having this nuisance so close to my property line.

Tracy Doyle has been a member of ERRA for 28 years. Saw two men in the back yard and thought ERRA hired someone to fix the rotting fence (on Nancy Stolls property) as it has not been well maintained. Went down to the edge of property and concrete footers had been installed for the basketball hoops, and not on this paved area.

The other main concern after reviewing the survey, the long side of the practice court is less than 10 feet to property line. Homes are primary asset, and believe a decline in property value of residents backing up to ERRRA is a concern.

Bob Rucker asked to add one more point in regard to parking. There is not enough parking with the loss of space that is now the practice court/basketball court. There are significant fire, health and safety issues with parking at Eagle Ridge. Asking the town board to study the parking situation for ERRRA.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem commented that he takes pride in the municipal building, and in the community. His goal for 2014/15 was to freshen up the appearance of the building inside and out and continue to the finishing up of the outside will include the parking lot. The project for 2016 is working on the parks in our town. There have been calls about a bench being ripped out at Honeycrest Park. New mulch will be added to all the town playgrounds. The town will be replacing broken equipment, and will get the town parks at a level where the residents will be proud of them.

Mike Sherry addressed both issues that were addressed this evening. Referring to the people who spoke tonight, the proposed Local Law does not have a ban on bird feeding. The code makes reference to bird feeding if rats develop in an area that the feeding needs to cease until the problem goes away. It is not the intension of the Local Law to prevent people from feeding birds. The code is already in effect, it is county wide, and we didn't add anything to it. The Local Law makes it softer by allowing exceptions to when trash can be taken to curb. There have been various sightings in town of rats, so one of the solutions is requiring the use of 100 gallon capacity garbage carts. We chose not to do that in this new contract because it's an issue of when should government legislate the county health code to protect the health of its residents, and prevent a significant problem from developing.

Councilman Sherry thanked the residents for their comments on Eagle Ridge. Not only is it a financial issue for the value of residents homes but a quality of life. We have to operate within the parameters of the law, and the board will examine carefully, the issues that were brought up.

Highway Superintendent Piasecki stated that road milling is taking place in the town (with the exception of North Lake Drive, that will take place after the Green Lake project is complete). The town will be paving the 13 roads over the next four weeks, and will send out notices to residents when their street will be paved. Highway crews also redid the bleachers at Yates Park ball field, replacing mulch at the town parks, and the street sweeper continues to work around the town.

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

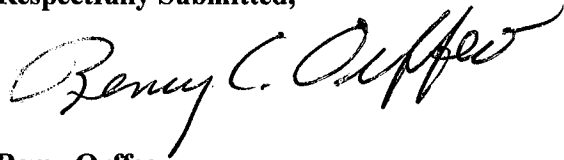
RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 11 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$63,304.17
Public Safety Fund	\$31,117.98
Part Town Fund	\$2,049.43
Risk Retention	-
Cemetery Fund	-
Highway Fund	\$19,341.54
Special Districts	\$159,757.04
Trust & Agency	\$33,845.92
Capital Fund	\$27,676.44

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Sherry, the meeting adjourned at 7:48 pm (local time).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Remy C. Orffeo". The signature is written in a cursive, flowing style.

**Remy Orffeo
Town Clerk**