

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 18th day of January 2107 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	Councilman
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
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."

PRESENTATIONS**John Murray, Chairman of the Economic Development Committee.**

Mr. Murray said the Economic Development Committee is composed of residents who want to encourage the development of businesses in Orchard Park that are sustainable over the long term and is consistent with the character of the town and the overall quality of life we enjoy here. They do not want to see growth just for the sake of growth.

In 2008 the Economic Development Committee developed a Strategic Plan, and this past year the committee updated it. The plan will be on the Town website soon. One of the strengths of the current plan is how it was formulated. They looked for the input from all the local business in the community. Every owner or manager of a business in Orchard Park was given the opportunity to input into the Plan. The current Plan has some action initiatives and some implementation initiatives that will be part of the focus of the Economic Development Committee in the next year. Mr. Murray encouraged everyone to view the new Strategic Plan on the web site, and contact them if you have any input you would like to share.

Senior Citizen of the Year – Jacqueline Briggs

Supervisor Keem said the reason that Orchard Park is so great is because of all the people who donate their time and effort to make Orchard Park a better place to live. One such person is Jacqueline Briggs. She has served on the Senior Citizens Task Force, as President of the Senior Council and on the Recreation Center Task Force, and has been a driving force for a new Community Activities Center. Supervisor Keem presented Jacqueline Briggs with a "Certificate of Appreciation" in recognition of dedicated service to the community and said "she is a great example for all of us, and someone who we certainly admire".

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

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on January 4, 2017, Executive Sessions: January 4, & January 11, 2017, 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.

Old Business # 1 Proceed with Dedication of PIP 2016-01 & Release of Performance Security

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

WHEREAS, On December 8, 2016, a final inspection was conducted of the public improvements installed in the Eagle Heights Subdivision Part 8, Phase 3. The project included the completion of Hearthstone Terrace and the installation of both Stone Bluff Court and Woodshire Court. The completion of this subdivision phase will allow 31 new single-family residential lots to be developed, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when the weather permits:

- Install ten (10) poles and fixtures, all associated conduits, wiring, fuses, junction boxes, 'special' pull boxes, etc., supply required spare fuses, pole, and fixture, and provide UL Inspection Certification. \$24,000
- Place and fine grade topsoil, and hydro seed and mulch the entire ROW and cul-de-sacs. \$31,500
- Remove fill stockpile from subplot #42 \$30,000
- Finish grading drainage easement along subplot # 58, provide yard drains as needed for #4 Hearthstone Terrace, topsoil, and hydro seed and mulch this area \$5,000
- Install swale along subplot #66, backfill existing rear yard receiver, fine grade, hydro seed and mulch. \$3,500
- Remove temporary turnaround on subplot #36, topsoil, fine grade, seed, and mulch. \$2,000
- Install all required street signage per Town Standards. \$1,500
- Fill the ROW completely for subplot #57, and place a berm on the south side of FI in subplot #57. \$2,500

WHEREAS, the Town is in receipt of the \$100,000 cash securities with the Letter of Credit per Town Attorney for the items noted above. A two-year maintenance bond in the amount of \$500,000 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Eagle Heights Subdivision Part 8 Phase 3 constructed under PIP #2016-01, and authorize the Town Clerk to release the performance security in the amount of \$100,000.00, as recommended by the Town Attorney.

The resolution was unanimously adopted.

Old Business #2 Adopt Traffic Orders for Eagle Heights Sub. Part 8, Phase 3-PIP 2016-01

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

WHEREAS, upon the recommendation of the Police Chief, Town Engineer and Highway Superintendent, and 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 Eagle Heights Subdivision Part 8, Phase 3.

NOW, THEREFORE, it is hereby

- **ORDERED**, that stop signs be erected at the following intersections:
 - **STOP SIGN** on Hearthstone Terrace at the intersection of Knob Hill Road.
 - **STOP SIGN** on Stone Bluff Court at the intersection of Hearthstone Terrace.
 - **STOP SIGN** on Woodshire Court at the intersection of Hearthstone Terrace.

And be it further

ORDERED, that the Superintendent of Highways be and is hereby directed to post the proper signs at said locations.

The resolution was unanimously adopted.

Old Business #3 Authorize “Special Exception Use” permit for Colton RV, Southwestern Blvd.

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

RESOLVED, that the Town Board does hereby approve the requested Special Exception Use Permit to allow additional Parking/Display area for a Franchised Dealer on +/- 2.3 Acres, portion of former Putt-Putt Golf site, currently Zoned B-2, as recommended by the Planning Board at their 11/9/16 meeting, based on the following conditions and stipulations:

1. Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
2. The recommendation is contingent upon the Applicant completing the project as proposed on the development plans dated 10/21/16, and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
3. The proposed project is in compliance with the Town's long-range Comprehensive Plan.
4. The applicant has demonstrated a need for the project.
5. The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
6. The traffic ingress and egress is adequate.
7. The applicant has provided suitable parking facilities.
8. Landscaping as indicated on the proposed plan shall be reviewed and approved by the Conservation Board as part of the Site Plan approval process.
9. Free areas for recreation are not required.
10. The nearness and impact on schools and utilities is not an issue.
11. The health and safety of adjacent properties is not effected.
12. A Negative SEQR Declaration is declared for the Special Exception Use Permit based on the Full EAF submitted on 10/31/16.

The resolution was unanimously adopted.

Old Business #4 Refer Westgate Project request for “Special Ex. Use” back to Planning Board

This item was tabled.

Old Business #5 Adopt SEQR Classification & Determination for Burmon Dr. Reconstruction

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUCILMEMBER 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 completed the SEQR Short Form for the Burmon Drive Reconstruction Project and has determined the project is classified as a "Type II Action" in accordance with section 617.5 (c)(11) of the SEQR regulations as replacement of existing utility distribution facilities. Actions that are classified as "Type II Actions" 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 attached to provide documentation of this review and determination.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt that the Burmon Drive Reconstruction Project is 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 Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, as determined by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Supervisor to Sign Agreement with SJB Services for soil boring for Burmon Dr.

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

WHEREAS, to complete the Burmon Drive reconstruction design work, existing soil conditions and pavement sections (subgrade/subbase) need to be known. With survey work completed, utilities located and design work well under way, test bore locations have been identified. Because of the extensive scope of the Burmon Drive Reconstruction Project, it is essential to perform a sub-soil investigation to know existing conditions to ensure that proper materials and methods are used for the construction documents development. A sub-soil investigation in the form of soil bores and split spoon sampling will render the data needed to make the engineering determinations required, and

WHEREAS, a proposal has been obtained from SJB Services, Inc. to perform four (4) soil bores to a depth of 25-feet along the length of Burmon Drive as well as prepare a report to detail the findings, and

WHEREAS, currently the Town has allocated funds under Capital Project Z-51 Burmon Drive Reconstruction for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement with SJB Services, Inc., 5167 South Park Avenue, Hamburg, NY 14075, to provide professional services for soil borings sub-surface investigation in the amount not to exceed \$2,700.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Retain Benjamin Schaefer as Consultant to Interim Youth Court Director

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

WHEREAS, Benjamin J. Schafer has acted as interim Youth Court Director since David Rebmann's death, and is willing to continue to work with the new interim director of the Youth Court, Detective John Payne, through January 20th, and

WHEREAS, the Town of Orchard Park is willing to pay Benjamin J. Schafer \$14.00 per hour and Benjamin J. Schafer is willing to accept \$14.00 per hour for said consultant work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby retain Benjamin J. Schafer as a consultant to interim Youth Court Director John Payne at the hourly rate of \$14.00 through January 20th, 2017.

The resolution was unanimously adopted.

New Business #3 Appoint OP Fire Company Liaison to Emergency Disaster Committee

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

RESOLVED, that the Town Board does hereby appoint Guy Carey as Liaison to the Emergency Disaster Committee for the Orchard Park Fire Company, term to end December 31, 2017.

The resolution was unanimously adopted.

New Business #4 Appoint Alternate Member of the Conservation Board

9) 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 appoint Ashleigh Houser as the alternate member of the Conservation Board, term to expire on December 31, 2017.

The resolution was unanimously adopted.

New Business #5 Appoint 2016/17 Seasonal Part-Time Recreation Staff & Rate Changes

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

RESOLVED, that the Town Board does hereby appoint the following to the Town of Orchard Park Recreation Department as part time seasonal staff. The appointments are dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Seasonal part time Staff Appointments Rate Change effective 1/1/17 due to minimum wage increase:

Name	Old Rate	New Rate	Position (Title*)
Brianna Fulton	\$9.50	\$10.00	PT3-A (Att)
Janie George	\$9.50	\$10.00	PT3-A (Att)
Sarah Gura	\$9.50	\$10.00	PT3-A (Att)
Elizabeth Hinterberger	\$9.00	\$10.00	PT3-A (Att)
Ava Mrozik	\$9.50	\$10.00	PT3-A (Att)
Heather Reimondo	\$9.50	\$10.00	PT3-A (Att)
Timothy Saville	\$9.50	\$10.00	PT3-A (Att)
Carmila Stafford	\$9.00	\$10.00	PT3-A (Att)

2017 Winter/ Spring part time Staff Appointments

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Shannon Callaghan	\$10.00	PT3-A (LG)

The resolution was unanimously adopted.

New Business #6 Establish fee for "Zoning Compliance Letters"

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

RESOLVED, that the Town Board does hereby establish that the fee for "Zoning Compliance Letters" is \$25.00.

The resolution was unanimously adopted.

New Business #7 Authorize the Frozen Chosen 5K Run

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

RESOLVED, that the Town Board does hereby approve the "Frozen Chosen" 5K Run to be held on January 21, 2017 from 8:00AM to, 1:00PM, the request was approved by the Chief of Police and Highway Superintendent and the fees have been paid.

The resolution was unanimously adopted.

Not on Agenda – Refer Request for Conservation Easement to Conservation Board

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

RESOLVED, that the Town Board does hereby refer the request of Marilyn Guerra for a Conservation Easement for vacant land on Cole Road to the Conservation Board.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Stephen Mychajliw, County Comptroller, came in to discuss County finances. He said that they have the actual figures for the first eleven months of the year and the Sales Tax revenues are down. Mr. Mychajliw said the good news is that they put the banking out to bid and are now dealing with one bank instead of five, they are now taking advantage of electronic banking, and they are now making money for paying the vendors with a credit card. They have brought the county finances into the information age. They have brought an outside firm in to perform a risk assessment about where some of the red flags are. They have received a national award for making a "Readers Digest version of the budget". Residents can go to the County website www.erie.gov/comptroller, where they have the taxpayers' checkbook. Every Friday they post all the bills that were paid. He thanked everyone for their time and service.

ELECTED OFFICIALS & DEPARTMENT HEADS**Budget Transfer**

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

Highway:

From:	To:	Amount
DA5142.0144 Snow Laborers	DA5110.0144 Highway Laborers	\$11,256.00
DA5142.0144 Snow Laborers	DA5140.0144 Brush Laborers	\$56,862.00
DA5110.0416 Highway-Gas&Oil	DA5130.0419 Machinery-Other Expense	\$ 4,462.00
DA5110.0416 Highway-Gas&Oil	DA5110.0440 Hwy – Equipment Rentals	\$ 2,295.00

Compost:

From:	To:	Amount
800.8161.0416 Composting Gas & Oil	800.8161.0419 Composting PT Personnel	\$ 1,430.00
800.8161.0416 Composting Gas & Oil	800.8161.0423 Composting – Water	\$ 426.00

Parks:

From:	To:	Amount
A5010.0210 Supt Hwy-Other Equip	A3310.0442 Traffic Signal Maintenance	\$ 120.00
A7110.0144 Parks-Laborer	A5010.0137 Supt Hwy-P/T Clerk	\$ 165.00
A7110.0144 Parks-Laborer	A7110.0149 Parks – P/T Laborers	\$ 6,251.00
A7110.0475 Parks-Gasoline	A7110.0400 Milestrip Field Supplies	\$ 1,275.00
A7110.0475 Parks-Gasoline	A8560.0419 Forestry – Water	\$ 742.00
A7110.0475 Parks-Gasoline	A8560.0419 Forestry – Trees	\$ 657.00

The resolution was unanimously adopted.

Supervisor Keem stated that one of his promises was to take the Budget Director's stipend and give it back to the community. He said that he did it again this year as he made checks out to 24 organizations in Orchard Park, and they will be listed in the paper next week.

Councilman Sherry said, according to the Buffalo News, the State Budget was released yesterday, and it looks like there will be nothing for local communities. In another article in the Buffalo News, the Director of Tax Services for the County said "when you look at your overall tax bill, the County portion is still the smallest portion that you pay". So Councilman Sherry went to the County & Town websites to see if was true. In comparison, the residents of Orchard Park pay substantially more to the County than they do to the Town of Orchard Park. Anyone can go to either of these websites and do the same. He felt it was important to set the record straight.

Town Clerk Orffeo stated that the Town/County tax bills were put in the mail yesterday, so the residents should be receiving them soon. He mentioned that residents can go to the Town website to review their tax bills, and there is a link to the County website.

Highway Superintendent Piasecki said the Highway crew is out picking up brush, Christmas trees and are focusing on drainage work.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$82,279.41
Public Safety Fund	\$25,575.64
Part Town Fund	\$1,669.37
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$66,366.09
Special Districts	\$33,424.19
Trust & Agency	\$344.62
Capital Fund	\$15,073.50

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the 2016 Annual Building Inspector's Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:27 pm (local time).

Respectfully Submitted,



Remy Orffeo
Town Clerk