

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 17th day of October 2018 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
Michael Sherry	Councilmember
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.”

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 Town Board Meeting Minutes held on October 3, 2018 Executive Sessions: October 3 & 10, 2018 and Special Session October 10, 2018 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 COMMENT ON OLD BUSINESS

Dave Schuster came forward to ask the Town Board to expound upon Old Business #5.

Old Business # 1 Reschedule a Public Hearing for a Proposed Local Law

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 reschedule the Public Hearing for a Proposed Local Law regarding Drive-in Service Facility to October 24, 2018 at 7:00PM.

The resolution was unanimously adopted.

Old Business # 2 Reschedule a Public Hearing for Proposed Local Law

3) 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 reschedule the Public Hearing for Proposed Local Law regarding Amending Schedule of Use Controls to October 24, 2018 at 7:00PM.

The resolution was unanimously adopted.

Old Business # 3 Wendel Change Order #5

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

WHEREAS, Wendel Associates, acting as the construction management team for the Community Activity Center, has requested that weekly topographic surveys within the project site be completed to accurately track quantities of items for payment.

WHEREAS, currently the Engineering Department resources and manpower are allocated to other town projects and cannot commit the weekly time required.

WHEREAS, baseline costs associated with each task has been provided. Due to variables in the construction process and timing requirements, a definite cost cannot be established. The change order will increase the total contract to \$2,394,040.00 requiring a 0.56% increase.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend the change order #5 to our contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY 14221, to provide professional and surveying services for the Brush Mountain Community Activity Center in the amount not to exceed \$13,300.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 4 Release Security for Westview Place Permit #2018-01

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

WHEREAS, on March 7, 2018, the Town Board granted approval of the Excavation, Removal, and Storage of Materials to fill the residential lot (+/- 0.90-acres of disturbance of 7.86-acres) at the end of Westview Place (SBL #172.08-4-38) to construct his future home at the same location.

WHEREAS, at that time, the applicant (Mr. Larry Broad of 50 Shirley Drive, West Seneca, New York 14218) provided a security cashier's check in the amount of \$2,000 in lieu of standard security bond, to be held until the work was completed and accepted by this Department.

WHEREAS, the applicant has since completed his work, which was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend the Town Clerk to release the cash security in the amount of \$2,000 to Larry Broad of 50 Shirley Drive, West Seneca, New York 14218 for the lot at the end of Westview Place Excavation, Removal, and Storage of Materials Permit #2018-01 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 5 CDBG 2019-2020 SEQR Resolution & CDBG Funding

6) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, 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.

WHEREAS, the Town must assess the environmental significance of all actions they have discretion to approve, fund, or directly undertake.

WHEREAS, the Town has determined the project, The Brush Mountain Senior Center (CAC) – Dining Room Furniture, is classified as a "Type II Action" in accordance with section 617.5 (c) (25) of the SEQR regulations as equipment and furniture. 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.

WHEREAS, in addition, the Erie County **DEP** has requested formal proof that matching funding for the recently applied grant projects has been dedicated and is secure. The Brush Mtn. Senior Center (CAC) — Dining Room Furniture is estimated at \$29,243.80 and will be funded with the use of capital account Z-24.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the following resolutions;

- Determine that the Senior Center — Dining Room Furniture (Equipment/Furniture) 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.
- Authorize the Town Clerk to complete a certified funding resolution for submittal to the Erie County Department of Planning for the 2019-2020 CDBG Grant Application with the grant match amount of \$14,621.90 being funded by Town of Orchard Park capital account Z-24 that will cover the funding necessary for the furniture for the senior citizens.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward.

New Business #1 Schedule a Public Hearing for the 2019 Preliminary Budget and Benefit Basis

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 2019 Preliminary Budget and Benefit Basis Special District to be held October 24, 2018 at 6:00PM.

The resolution was unanimously adopted.

New Business #2 Schedule a Public Hearing for a proposed local law

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 schedule a Public Hearing for a Proposed Local Law regarding Amending Chapter 144: Zoning; Article V Supplementary Use Regulations; §144-30 Accessory Uses to add §144-30(F) Short Term Rentals to be held on November 7, 2018 at 7:00 PM.

The resolution was unanimously adopted.

New Business #3 Supervisor to sign Intermunicipal Agreement

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

WHEREAS, property locally known as 99 North Davis, and identified in the Village of Orchard Park (hereinafter "VILLAGE") by SBL numbers 161.20-1-41.12, and in the Town of Orchard Park (hereinafter "TOWN") as 161.20-7-8.2, needs water and sewer service, and

WHEREAS, although most of the subject property is located in the TOWN, the only water and sewer lines available to service this property belong to the VILLAGE, and

WHEREAS, the VILLAGE is willing to allow access to its water and sewer lines to service this lot, and

WHEREAS, the TOWN is willing to allow the VILLAGE to assess the land owner of the subject property the cost of using said water and sewer lines,

NOW, THEREFORE, be it

RESOLVED, that the Town:

- (1)** The Supervisor of the Town of Orchard Park is hereby authorized to execute an Intermunicipal Agreement granting access to the Village water and sewer lines to the property locally known as 99 North Davis Street with SBL number 161.20-7-8.2, and
- (2)** The said agreement will allow the Town full authority to charge the owner of said property for access to and use of said utility services.

The resolution was unanimously adopted.

New Business #4 Town Clerk to apply for WNYLRC Grant

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

RESOLVED, that the Orchard Park Town Board approves the Town Clerk to apply through WNYLRC for a Regional Bibliographic Database & Resource Sharing grant, not to exceed \$7,500.00, to digitalize the historical photo collection established by former Councilmember Nan Ackerman which is currently housed in the basement of the Town Hall.

The resolution was unanimously adopted.

New Business #5 Appointment of Building Inspector's Clerk/Typist

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

WHEREAS, the Town of Orchard Park Building Inspector's Office is in need of a Clerk Typist due to the resignation of Clerk Typist Kathy Creagan, and

WHEREAS, the Town of Orchard Park budget has funds in the budget for a Clerk Typist position in the Building Inspector's Office,

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Natalie Nawrocki as fulltime Clerk/Typist to the Building Inspector's Office level 2, range 4, 1st year at \$16.27 per hour effective October 31, 2018 with a six month probationary period.

The resolution was unanimously adopted.

New Business #6 Appointment of Working Crew Chief at the Compost Facility

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

RESOLVED, that the Town Board does hereby appoint James Miller to the position of Working Crew Chief at the Compost Facility, with an hourly rate of \$27.50 per hour, starting on October 22, 2018.

The resolution was unanimously adopted.

New Business #7 Appointment of Engineering Department's Clerk/Typist

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

RESOLVED, that the Town Board does hereby appoint Judy Kaminski to the position of Clerk Typist assigned to the Engineering Department at a Range of 0004, Step A-1st year of the union wage schedule effective October 29, 2018 with a six month probation period and pending meeting all Civil Service rules and regulations.

The resolution was unanimously adopted.

New Business #8 Salary Schedule change for Clerk Typist

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

WHEREAS, Mary Popielinski had worked part-time in the Orchard Park Recreation Department from June, 1987 until July, 2008, and

WHEREAS, Mary Popielinski became a full-time employee in the Town of Orchard Park Assessor's office on July 21, 2008, and

WHEREAS, it is the Town Board's determination that her job classification should be changed,

NOW, THEREFORE be it

RESOLVED, that Mary Popielinski's salary schedule status be changed from Clerk Typist I to Clerk Typist II Range 0004 Step B at a rate of \$18.78 per hour effective October 22, 2018.

The resolution was unanimously adopted.

New Business #9 Approve Excavation, Removal, Storage Permit #2018-03 Holland Lane

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

WHEREAS, we have received from Webster Block, LLC, 295 Main Street, Suite 210, Buffalo, New York, 14203, an application for an Excavation, Removal, and Storage of Materials to fill (approximately 25,000 cubic yards of soil) the lot at the end of Holland Lane to construct future commercial and residential development at the same location

WHEREAS, the plans and have been found acceptable per Town code. All necessary fees and bonds have been received.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend approval of the Excavation, Removal, and Storage of Materials Permit #2018-03 to fill the lot at the end of Holland Lane to facilitate future commercial and residential development as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Approve PIP #2018-1 Sanitary Sewer Extension

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

WHEREAS, we have received from Bart Adams, 16 Faahs Drive, Orchard Park, New York, 14127, an application for a Public Improvement Permit to extend the public sanitary sewer on Armor Duells Road.

WHEREAS, the project consists of the installation 320 L.F. of new public sanitary sewer to serve 2 residential lots.

WHEREAS, the plans and specifications for the proposed project and have found to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, bond, and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend the approval of Public Improvement Permit #2018-01 for the Armor Duells Sanitary Sewer Extension.

The resolution was unanimously adopted.

New Business #11 Budget Amendment for Highway Culvert Pipe

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

WHEREAS, the Town has additional costs for culvert pipe that exceed the 2018 budget, and

WHEREAS, the Town has received proceeds from the sale of culvert pipe that were not included in the 2018 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approves the amending of the 2018 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$3,124.32:

Increase Appropriations:

DA.5110.0474	Highway – Culvert Pipe	\$3,124.32
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Increase Estimated Revenues:

DA.0000.2655	Highway – Sale of Culvert Pipe	\$3,124.32
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The resolution was unanimously adopted.

New Business # 12 Approve WYNLRC Workshop

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

RESOLVED, that the Town Board approves the attendance of Amy Glende at the WYNLRC workshop “How to Fill Out FOIA/FOIL requests” on Wednesday, October 24, 2018 at the Buffalo & Erie County Public Library. There is no cost for the workshop.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Mr. David Schuster came forward to speak about the escalating cost of the Community Activity Center and cuts being made in the design. He is concerned about new changes such as the covered entrance being omitted, eliminating half of the woodwork and shrinking the size of the workout room and foyer. The diesel generator has been eliminated as well. This will make it difficult to shelter seniors during an extreme weather event and power failure.

Mr. Alan Winship came forward to inquire about the status of solar panels on the street facing side of homes in Orchard Park.

Mr. Jeff Benz inquired about solar panels on the front of homes. He has heard of concerns about glare and resale value of other properties. He does not agree with anyone being told they cannot have solar panels. He believes the benefits outweigh any aesthetic issues.

Mary Ostrowski came forward to speak about her patio home neighborhood on Vineyard Trail. The Town owns part of the pond in their area. The pond is becoming overgrown and needs maintenance. She also inquired about numerous dead Ash trees. She’s called different Town offices for months but there has been no action taken.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem spoke of a press conference at Orchard Meadows Park on October 20, 2018 at 12:30 PM. Senator Chris Jacobs has secured a SAM Grant for \$75,000 to be used for Inclusive Playground Equipment which will be put in the park. This equipment is specifically for disabled and autistic children. On October 27, 2018 at noon the ground breaking ceremony for the Community Activity Center will take place at Brush Mountain Park. There will be signs directing people to use the construction entrance.

Councilmember Sherry spoke of a report from the Planning board about Solar Panels. The Board has done a lot of research, including reaching out to communities out west. The report is ready and will be presented to the Board on November 14, 2018 with their recommendations on the basis of their research. The board will make decisions based on their recommendations. It will address issues from safety, glare and intrusion to resale.

Town Clerk Remy Orffeo spoke of wrapping up the Tax season last Monday and thanked the Police Department for stationing an Officer in the office. We are also applying for a Grant to digitalize the historical photos displayed on the basement walls of the Town Hall. Former Councilmember Nan Ackerman put together walls and walls of photos. We would like to get them online with the NYS Archives Organization.

Chief of Police Mark Pacholic spoke of a Monday night football game, Abbott Rd. will be shut at 3:15 PM. We expect about 10,000 fans to attend. He also encouraged everyone to act and dress appropriately for Halloween.

Highway Superintendent Piasecki stated they are finishing up receivers on Cobham. They started leaf pickup and have 3 more trucks coming around. They are also starting tree plantings on the ROW for the homes that have been designated. They have also started to outfit the trucks to prepare for Mother Nature.

17) 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 #20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$34,906.14
Public Safety Fund	\$13,386.85
Part Town Fund	\$674.55
Risk Retention	-
Cemetery Fund	-
Highway Fund	\$141,683.23
Special Districts	\$23,770.90
Trust & Agency	\$355.00
Capital Fund	\$315,178.35

The resolution was unanimously adopted.

COMMUNICATIONS

The Alzheimer's Association will be holding a Dementia Safety night on October 29, 2018 from 5:30-7:30PM in the Hamburg Senior Community Center.

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

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's Report for September 2018.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:34 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**