

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 16th day of January 2019 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 Meeting Minutes: December 19, 2018 and January 2, 2019, the 2019 Organizational Minutes from January 2, 2019, and Executive Sessions January 2 and 9, 2019: 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

No one came forward

Old Business #1 Change Order #2 Javen Construction for Brush Mt. Activity Center

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

RESOLVED, that this item is hereby tabled.

The resolution was unanimously adopted

Old Business # 2 Change Order #1 with Numarco Inc, for Brush Mt. Activity Center

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

WHEREAS, the contractors for the Brush Mountain Community Activity Center have been asked to provide proposals for items they feel could provide cost savings without taking away from the overall function or aesthetics of the C.A.C. Numarco Plumbing has presented a proposal to substitute Schedule 40 PVC pipe in place of Hubless Cast Iron for above grade storm water piping. While the PVC material may result in a more audible detection of storm events inside the building, Wendel has confirmed with the down spout locations & insulations the noise will be minimal, similar to mechanicals noise, it is expected that the PVC may better

withstand chemicals and acid rains that could be present over the life of the building. The proposal, if accepted, would result in a credit decrease of the project of (\$14,063.19), and

WHEREAS, this change order will decrease Numarco's total contract to \$627,936.81, representing a 2.19% decrease.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve change order #1 to our contract with Numarco, Inc., 1021 Maple Road, Elma, New York 14059 and accept the cost saving proposal, substitution of PVC storm water piping materials for a credit (contract decrease) to the project of (\$14,063.19), as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Proceed with Dedication for PIP 2017-03 – Residence at the Ridge- Sanitary Sewer

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

WHEREAS, on June 18, 2018, a final inspection was conducted of the sanitary mainline extension installed on Chestnut Ridge Road to service the future Residences at the Ridge, a 22-unit Townhouse development. This work included 365 ft. public and 298 ft. private sanitary sewer which also provides for future extensions along Chestnut Ridge Road, 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: Fine grade topsoil and hydroseed along Chestnut Ridge Road ROW \$750, and

WHEREAS, the Town is in receipt of the \$750 cash security noted above, and a two-year maintenance bond in the amount of \$42,500 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that does hereby authorize the Town Attorney to proceed with the dedication of the public improvements on Chestnut Ridge Road, constructed under the Residences at the Ridge — Sanitary Mainline Extension PIP #2017-03, and authorize the Town Clerk to release the performance security in the amount of \$8,500, as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

New Business #1 Emergency Manager to attend Symposium

5) 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 request of Richard Mrugalski, Emergency Manager to attend a half-day symposium on Erie County Interoperable Communications to be held on January 17, 2019 at Erie Community College South Campus.

The resolution was unanimously adopted.

New Business #2 Emergency Manager to attend two day course

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 approve the request of Richard Mrugalski, Emergency Manager, to attend a two-day course on Critical Decision making for Complex Coordinated Attacks to be held on January 23-24, 2019 at Erie County Fire Training Academy in Cheektowaga.

The resolution was unanimously adopted.

New Business #3 Advertise for the position of Laborer in the Sewer, Water & Lighting Department

7) 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 approve the advertisement and posting for the position of Laborer, non-competitive title for the Orchard Park Sewer, Light & Water Department Engineering Department, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve Payment to NYSEG for Construction Fee at Brush Mt. Activity Center

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

WHEREAS, regarding the Brush Mountain Community Activity Center, IPL, Wendel, and the Engineering Department have been in constant communication with NYSEG to provide a new primary electrical service for the Community Activity Center, and

WHEREAS, this fee was included in the bid as a reimbursable expense and the cost estimated within the bid package could not be verified due to supply-line uncertainties.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the payment of the attached invoice to NY State Electric & Gas Corporation, P.O. Box 847814, Boston, MA 02284 in the amount of \$70,641.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve PIP 2019-1 for Shadow Lane Extension

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

WHEREAS, the Town has received from Andrew Romanowski, Oak Grove Holdings, LLC, 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the public road extension of Shadow Lane, and

WHEREAS, the project consists of the installation of 1,355 L.F. of new roadway and public utilities to serve 150-unit commercial apartment complex. One bioretention / detention basin system will be installed during Shadow Lane Extension construction, and

WHEREAS, the Engineering Department has reviewed the plans and specifications for the proposed project and have found them 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 approve Public Improvement Permit #2019-01 for the Shadow Lane Extension, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Appointment to Conservation Board

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

WHEREAS, George Schichtel was an original member of the Town of Orchard Park Conservation Board, and has served on the Conservation Board since 1971, and

WHEREAS, in 2009 a Quercus Alba (White Oak) tree was planted in his honor in Steinwachs Park, and

WHEREAS, George Schichtel is an original member of the Tree Conservancy Board

NOW, THEREFORE be it

RESOLVED, that George Schichtel is reappointed to the Conservation Board for a term ending December 31, 2020.

The resolution was unanimously adopted.

New Business #7 Appoint Secretary to Planning, Zoning, Conservation & Architectural Overlay Dist.

11) 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 appoint Rose Messina as secretary to the Orchard Park Planning Board, Zoning Board of Appeals, Conservation Board and the Architectural Overlay District Committee for the year 2019.

The resolution was unanimously adopted.

New Business #8 Appoint Secretary to Town Board of Ethics & Economic Development Committee

12) 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 appoint Kathleen Creagan as Secretary to the Orchard Park Board of Ethics and the Economic Development Committee for the year 2019.

The resolution was unanimously adopted.

New Business #9 Appoint Secretary to Historic Preservation Board

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

RESOLVED, that the Town Board does hereby appoint Danielle Ostrander as secretary to the Town of Orchard Park Historic Preservation Board for the year 2019.

The resolution was unanimously adopted.

New Business #10 Accept Resignation from Conservation Board

14) 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 accept the resignation of Ashleigh Houser from the Orchard Park Conservation Board.

The resolution was unanimously adopted.

New Business #11 Appointment to the Public Safety Committee

15) 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 Frank Wierzbowski to the Orchard Park Public Safety Committee with for a term ending December 31, 2019.

The resolution was unanimously adopted.

New Business #12 Approve Application Fee for Short Term Rentals

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

WHEREAS, the Orchard Park Town Board held a public hearing on November 7, 2018 for Local Law #14 of 2018 regarding Short Term Rentals, and

WHEREAS, the resolution was unanimously adopted, and

WHEREAS, Section 5 of the resolution allows the Town Board to set a nonrefundable application fee

NOW, THEREFORE, be it

RESOLVED, that the nonrefundable application fee for Short Term Rentals under Local Law #14 of 2018 is established as \$100.00.

The resolution was unanimously adopted.

New Business #13 Refer to Planning Board, Conservation Board & Architectural Overlay Dist.

17) 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 refer the following to the Planning Board, and Conservation Board:

Ellicott Development Company requests Rezoning of Vacant Land located west of North Buffalo Road, south of Webster Road, of contiguous parcels as follows:

- One parcel consisting of approximately 6 acres that is currently Zoned R-3 Residential ("R-3").The Applicant is seeking to amend the zoning classification from R-3 Residential ("R-3") to B-1Commercial ("B-1").
- A second parcel consisting of approximately 5.2 acres that is currently zoned R-3 Residential ("R-3") and B-3 Commercial ("B-3"). The Applicant is seeking to amend the zoning classification that is zoned R-3 Residential ("R-3") to B-1 Commercial ("B-1").
- A third parcel consisting of 6.5 acres that is currently zoned R-3 Residential ("R-3") and B-3 Commercial ("B-3"). The Applicant is seeking to amend the zoning classification from R-3 Residential ("R-3") and B-3 Commercial ("B-3") to B-1 Commercial ("B-1").
- A fourth parcel consisting of approximately 70.61 acres that is currently zoned R-2 Residential ("R-2") and R-3 Residential ("R-3"). The Applicant is seeking to amend the zoning classification from R-2 Residential ("R-2") and R-3 Residential ("R-3") to R-1 Residential ("R-1") with a Conservation Management Overlay ("CMO").

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

The following people spoke in opposition to the Erie Cattaraugus Rail Trail and their reasons why:

Thomas Pieczynski	Carolyn Cappola	Vivian Liberto	Greg Tomani
Dean Pomeroy	Sherry Pomroy	Erin Mastroianni	Patti Sedar
Gary Doster			

The following people spoke in favor of the Erie Cattaraugus Rail Trail and their reasons why:

John Willis	Gary Koeppel	Karen Koeppel	Patrick Cluckey
John Angelbeck	Tom Grogran	Patrick Cluckey	David Selig
Tyrone Palaganas	Dave Broderhorf	Howie Holmes	Jennifer Brady
Brian Frascella	Ken Struck	Wendi Czekanski	
Judy Selig	Dwight Mateer	Glenn Ferguson	

Deb Fenn, Co-Chair of Erie-Cattaraugus Rail Trail, presented an 86 page binder with data driven information from well-respected sources regarding Rail Trails that will answer some of the questions of the Town Board.

Pat O'Brien talked about police salaries, staffing and Chief Pacholec's salary.

Bridget Pacholec discussed the reporting of the police officers' salaries and her husband's salary. She also discussed staffing in the Orchard Park Police Department.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem thanked everyone for coming forward to express their views on the Erie-Catt Rail Trail, and recognized that it is a passionate issue for everyone involved. His hope, when everything is done with the Rail-Trail, is that everyone will come together and still be friends. He also stated that on our website there are pictures of the Brush Mountain Community Activity Center as it is being built.

Supervisor Keem stated that as a Town Board they struggle with making a balanced budget. Yesterday the Governor gave his budget for this year, and the state funding in the budget for the Town of Orchard Park is zero dollars, the same goes for all the other Towns and Villages in Erie County, this only makes it harder to balance the budget.

Chief Pacholec thanked everyone who came to the Public Safety meeting last night. One of the tasks from the Town Board, for the Public Safety Committee, is to develop data regarding trails around Erie County. They will obtain accurate data from the different agencies and then will present it to the Town Board so decisions can be made. He said they had two incidences of people walking on the ice on Green Lake, this is dangerous and he encourages people to not do this. He also stated that there is a weather event this weekend and asked people to drive appropriately.

Superintendent Piasecki said the Highway Department is picking up brush and Christmas trees.

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

RESOLVED, that the Town Board hereby authorizes the following 2018 Budget Transfers from the Orchard Park Engineering Dept.:

\$1,500.00 From: WS8346.50592 – Sewer District Repairs
 To: WS8346.50445 – Vehicle Repairs

The resolution was unanimously adopted.

19) 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 # 2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$124,336.68
Public Safety Fund	\$28,916.63
Part Town Fund	\$2,514.79
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$29,540.15
Special Districts	\$24,589.62
Trust & Agency	\$33,810.23
Capital Fund	\$1,381,869.42

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board hereby receive and file the NYS DEC letter stating they have received a Brownfield cleanup Program Application and Draft Remedial Investigation Work Plan for a site at 3678 Southwestern Blvd., Orchard Park, NY.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board hereby receive and file the Building Inspector's Monthly Report for December 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 8:55 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**