

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 May 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
Steve Bremer	Building Inspector
Frederick Piasecki, Jr.	Highway Superintendent
E. Joseph Wehrfritz	Acting 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: April 17, 2019 Executive Sessions: April 17 & 24, 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 HEARING**

**Local Law 2019-4 – Revising Chapter 66 Flood Damage Prevention**

A Public Hearing was held regarding Local Law 2019-3 on April 17, 2019. The Public Hearing was closed and no action was taken.

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

**RESOLVED**, that the Town Board is hereby authorized to adopt Local Law 2019-3 Chapter 66 Flood Damage Prevention which can be found on file in the Town Clerk’s Office.

**The resolution was unanimously adopted**

**Local Law – Amending Chapter 144 “Zoning” Attachment 15 “Supplemental Height, Lot, Yard and Bulk Regulations”**

At 7:04 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2019-4

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.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

Lynn Clark asked what this Local Law addresses and where it would apply.

Town Clerk Remy Orffeo responded by explaining that the revised Local Law corrects errors in figures and numbers of the previous law. It doesn't change the law.

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

**RESOLVED**, that the Public Hearing in the matter of Local Law 2019-4, Amending Chapter 144 "Zoning" Attachment 15 "Supplemental Height, Lot, Yard and Bulk Regulations" is hereby closed at 7:05 PM.

**The resolution was unanimously adopted**

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

**RESOLVED**, that the Town Board hereby adopts Local Law 2019-4 Amending Chapter 144 "Zoning" Attachment 15 "Supplemental Height, Lot, Yard and Bulk Regulations" which can be found on file in the Town Clerk's Office.

**The resolution was unanimously adopted**

At 7:06 PM (local time) Supervisor Keem called the Public Hearing to hear all interested parties for or against the Petition for Special Exception Use Permit by Ross Cellino to construct a 12,078 +/- Maintenance/Grounds Building for Harvest Hill Golf Course off Michael Road, Orchard Park.

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.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

**Proponents:** No one came forward

**Opponents:** Mark Boldt came forward to ask questions about the comparison of the drawings present today and the diagrams the Town has of the planned building. He decided to wait until after the meeting to ask his questions.

Steve Frank came forward to ask why they are building in a residential area when they own commercial property they could build on. They own property on the commercial side of Southwestern across from Lydecker Road. He also inquired about the noise ordinance Code 360. If the code states there is a noise ordinance from 10 PM to 7 AM then he would like to inform the Board that they start using loud equipment at 6 AM. He can't keep his windows open in the summer. He also wanted to know why they only asked 2 neighbors about the proposed building when their documents state they talked to all the neighbors. His house and his Father-in-law's house were there prior to the Golf Course. They were told the building used for tractors was temporary until a new site was found, it's been there for over 8 years. They were told future buildings would be on the Southwestern side. The traffic from the Golf Course on Michael Road is already busy, a new building would add to that.

Supervisor Keem stated we are not going to vote on this matter tonight. There are questions that need to be answered, that's why we have public hearings. This all has to go back to the Planning Board and they make recommendations.

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

**RESOLVED**, that the Public Hearing in the matter of the petition for a Special Use Permit for Harvest Hill Golf Course (SBL#154.09-1-8) for a 12,078 +/- Maintenance/Grounds Building is hereby closed at 7:12 PM.

**The resolution was unanimously adopted**

### **PUBLIC COMMENT ON NEW BUSINESS**

Dave Schuster came forward to ask about the funds being transferred/pilfered from account AP005 Yates Park Trail and AP008 Yates Park Recreation buildings to bolster AP009 Brush Mountain Football Field. He wanted to know if these funds are in excess or if the accounts are closed or are you just borrowing from them? Is this covering up Wendy's inability to notice Wetlands on a building site. He also wanted more details on the Change of work orders #4 & 5.

#### **New Business #1 Sign Parks & Grounds Agreement with Orchard Park Soccer Club**

6) 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 authorize the Supervisor to sign a Parks & Grounds Agreement with the Orchard Park Soccer Club. The agreement will be on file in the Town Clerk's office.

**The resolution was unanimously adopted.**

#### **New Business #2 2019 Summer Recreation Staff Appointments**

7) 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 approve the following for appointment to the staff of the Town of Orchard Park Recreation Department Summer 2019.

<u><b>Name</b></u>	<u><b>Rate Position (Title*)</b></u>
Archie Burtolotti	\$12.00 PT4-D (Att)
Zachary Liberatore	\$12.50 PT5-A (Lg)
Abigail Vendura	\$12.50 PT5-A (Lg)
Linda Sherry	\$15.00 PT6-D (Lg)
Alexis Taranowski	\$15.00 PT6-D (Att)

Note: The above appointment is dependent upon the applicant providing the required certifications.

**The resolution was unanimously adopted.**

**New Business #3 Reappoint the Town Assessor**

8) 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 reappoint Milton Bradshaw as the Town of Orchard Park's Assessor for another 6 year term, 10/1/19 to 9/30/2025.

**The resolution was unanimously adopted.**

**New Business #4 Appoint Clerk/Typist in the Building Inspector's office.**

9) 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 appoint Natalie Nawrocki to the permanent position of fulltime Clerk/Typist in the Building Inspector's Office as she has successfully completed the 6 month probationary period as of April 30, 2019.

**The resolution was unanimously adopted.**

**New Business #5 Appoint Clerk/Typist in the Engineering Department's Office.**

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 Judy Kaminski to the permanent position of fulltime Clerk/Typist in the Engineering Department as she has successfully completed the 6 month probationary period as of April 30, 2019.

**The resolution was unanimously adopted.**

**New Business #6 Appoint Seasonal Staff to Parks & Grounds at Milestrip**

11) 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 Seasonal Staff to the Parks and Grounds Department. Julie Fregelette and Gerald V. Meissner started on April 17, 2019 at a pay rate of \$15.00/Hr.

**The resolution was unanimously adopted.**

**New Business #7 Add Elected and Appointed officials to NYS & Local Employees Retirement System**

12) 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 Jorge S. DeRosa Town Justice to be added to the Standard Work Day and Reporting Resolution for Elected and Appointed Officials to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the Town Clerk.

**The resolution was unanimously adopted.**

**New Business #8 Appoint Interim Planning Coordinator**

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

**WHEREAS**, the Town of Orchard Park Planning Coordinator John Bernard has retired, and

**WHEREAS**, there is a high volume of planning projects in the pipeline that need present attention, and

**WHEREAS**, there is an immediate need for an Acting Planning Coordinator to address that catalog of projects, and

**WHEREAS**, the present Town Clerk, Remy Orfeo, has successfully served as Planning Coordinator before becoming Town Clerk and is fully familiar with the demands of the position, and

**WHEREAS**, the Town Clerk Remy Orfeo is willing to, on a temporary basis, act as Planning Coordinator, and reorganize staff in the Town Clerk's office and in the Planning Office to facilitate that appointment, and

**WHEREAS**, Town Clerk Remy Orfeo proposes to take this appointment without exceeding the Planning Office budget for the 2019 fiscal year,

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) Remy Orfeo is appointed Acting Planning Coordinator effective immediately and lasting until December 31, 2019, and
- 2) Staffing and compensation for this proposal is established as follows, which proposals stay within the Planning Office budget for fiscal year 2019:
  - A.) Town Clerk/Acting Planning Coordinator:

Additional Duties	\$1600.00/mo
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  - B.) Deputy Town Clerk:

Additional Duties	\$300.00/mo
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  - C.) Planning Secretary:

Additional Duties	\$500.00/mo
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**The resolution was unanimously adopted.**

**New Business #9 Transfer of funds**

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

**WHEREAS**, the improvements for the Little Loop Football field are estimated at \$330,000, and

**WHEREAS**, the Town Board in its 2018 bond issue, issued serial bonds in the amount of \$1,250,000 for the purpose of "reconstruction of various parks, playgrounds and recreational areas", and

**WHEREAS**, the funds of \$1,250,000 were allocated to various projects for the purpose stated above, and

**WHEREAS**, the Town has determined funds from other projects that may be transferred to the Little Loop Football field project,

**NOW, THEREFORE, be it**

**RESOLVED** that the Town Board authorizes the transfer of funds from AP005 Yates Park Trail in the amount of \$292,600.28 and from AP008 Yates Park Recreation Buildings in the amount of \$37,399.72 to AP009 Brush Mountain Football Field.

**The resolution was unanimously adopted.**

**New Business #10 Award Contract of Brush Mountain Football Field Construction Project.**

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

**WHEREAS**, the Engineering Department completed the design and received bids for the construction of a new Little Loop Football Field within Brush Mountain Park. This project consists of the removal of the existing baseball diamond, installation of new storm water controls, field underdrain, re-grading of approximately 3.5 acres, and installation of a sod playing surface. Bids were opened on April 29, 2019 from Zoladz Construction Inc. and Wayside Nursery. Wayside Nursey's bid totaled \$392,886.00 including Alternate #1 and Zoladz Construction bid totaled \$312,528.47 including Alternate #1 and

**WHEREAS**, the low bidder for this project was Zoladz Construction. The company has successfully completed various projects in the past and currently is working within Brush Mountain Park on the C.A.C. Project and

**WHEREAS**, there is presently funding proposed for this project with the 2019 Bond. A capital account, AP009 "Brush Mountain Football Field" has been set up for this project. Bond funding has to be authorized per Town Board Attorney and

**NOW, THERFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the contract for the Brush Mountain Park Little Loop Football Field Construction Project be awarded to the lowest responsible bidder, Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for their base bid of \$300,449.8 with Alternate #1 (Sod Depth Increase and Time Extension) in the amount of \$12,078.67, totaling an amount not to exceed \$312,528.47 as recommended by the Town Engineer and

**The resolution was unanimously adopted.**

**New Business #11 Approve Change Order # 5 with Javen Construction**

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

**WHEREAS**, Wendel has finalized the design of an irrigation line extending from the Community Activity Center domestic waterline. This new line will service both the existing lighted baseball diamond as well as the new football field.

**WHEREAS**, the domestic waterline for the C.A.C. has already been installed and is currently in the testing phase, so, construction on the irrigation line can begin at any time. This will positively affect the

construction of the new Little Loop Football Field and should have no effect on timing of construction for the C.A.C.

**WHEREAS**, Javen has submitted a proposal of \$138,917.70 to complete the necessary work. Industrial Power and Lighting has provided a Proposal of \$7,572.48 to complete the electrical work required for the hotbox enclosure servicing the irrigation line. These proposals have been reviewed and approved by Wendel and the Orchard Park Engineering Department. The total cost of the Irrigation supply line would be \$146,490.18, and

**WHEREAS**, Javen (Zoladz) has submitted a proposal to construct the diversion ditch running to the Bussendorfer Regional Pond. Currently Javen is responsible for construction of the large structures, chambers, and piping. The Highway Department was tasked with digging the main open portion of the ditch. With the Little Loop Football field ready for award and the diversion chambers and pipe currently being installed, the timing of the ditch work becomes vital to the success of both projects. The fill from the ditch construction may be left on site and utilized to construct the field if completed in a timely manner, and

**WHEREAS**, if the football field is constructed prior to the ditch construction, fill will have to be hauled in for the field and the excavated material from the ditch will have to be removed from the site, adding costs to both projects. The proposed cost submitted by Javen for this work is \$35,270.50, and

**WHEREAS**, this change order will increase Javen's contract by \$174,188.20 to \$12,884,873.34 a 1.35% increase. There is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding will be needed to complete the project. Transfers from Capital Projects (AP005 Yates Pond Trail & AP008 Yates Pond Recreation Parks) are proposed for Fund AP004 Brush Mountain Football Field.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board approves Change Order #5 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 for the Irrigation Water Line and construction of the Diversion Ditch in the amount not to exceed \$174,188.20 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #12 Approve Change Order #4 with Industrial Power Lighting Corporation**

**17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHZAK, TO WIT:**

**WHEREAS**, Wendel has finalized design of an irrigation water line extending from the Community Activity Center domestic waterline. This new line will service both the existing lighted baseball diamond as well as the new football field with water wheel connections. The domestic waterline for the C.A.C. has already been installed and is currently in the testing phase, so, construction on the irrigation water line can begin at any time, and

**WHEREAS**, this will positively affect the construction of the new Little Loop Football Field and should have no effect on timing of construction for the C.A.C. Javen has submitted a proposal of \$138,917.70 to complete the necessary work. Industrial Power and Lighting has provided a Proposal of \$7,572.48 to complete the electrical work required for the hotbox enclosure required for the irrigation line, and

**WHEREAS**, these proposals have been reviewed and approved by Wendel and the Orchard Park Engineering Department. The total cost of the Irrigation Water supply line would be \$146,490.18, and

**WHEREAS**, this change order will increase IPL's total contract by \$7,572.48 to \$1,857,445.19 representing a 0.41% increase. There is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding is needed. There is also, presently, funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding will be needed to complete the project. Transfers from Capital Projects (AP005 Yates Pond Trail & AP008 Yates Pond Recreation Parks) are proposed to Fund AP004 Brush Mountain Football Field.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board approves Change Order #4 to our contract with Industrial Power & Lighting Corporation 60 Depot St, Buffalo, NY 14206, for the Irrigation Line Extension in an amount not to exceed \$7,572.48 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #13 Advertise for 2019 Summer Help in the Engineering Department**

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

**WHEREAS**, funds have been allocated in the 2019 budget for seasonal help in the Engineering Department.

**NOW, THEREFORE, be it**

**RESOLVED**, the Town Board is authorized to advertise in the Orchard Park Bee for two seasonal employees for a sixteen-week period at a wage rate of \$11.10-\$16.00/hr.

**The resolution was unanimously adopted.**

**New Business #14 Advertise for 2019 Summer Help in the Sewer, Water and Lighting Department.**

**19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:**

**WHEREAS**, funds have been allocated in the 2019 budget for seasonal help in the Sewer & Lighting Department.

**NOW, THEREFORE, be it**

**RESOLVED**, the Town Board is authorized to advertise in the Orchard Park Bee for two seasonal employees for a sixteen-week period at a wage rate of \$11.10-\$16.00/hr.

**The resolution was unanimously adopted.**

**New Business #15 Compost Agreement with the Village of Orchard Park**

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

**WHEREAS**, the parties to this agreement are: The Village of Orchard Park, with offices at



S4295 South Buffalo Street, Orchard Park, New York, and the Town of Orchard Park, with offices at S4295 South Buffalo Street, Orchard Park, New York; and

**WHEREAS**, the Town of Orchard Park operates a compost site at 6909 Milestrip Road in the Town of Orchard Park; and

**WHEREAS**, the Village of Orchard Park wishes to utilize the services of the compost site; and the parties hereby agree as follows:

- (1) The Village of Orchard Park shall be authorized to deliver to the compost sites at 6909 Milestrip Road, Orchard Park, New York, brush and leaves. All materials delivered must be cleaned. No grass will be accepted. The compost manager will make the final determination as to whether any materials may be accepted in the compost site.
- (2) The Village of Orchard Park shall pay to the Town of Orchard Park, upon execution of this Agreement, the sum of Six Thousand Nine Hundred (\$6,900.00) dollars.
- (3) This Agreement shall be in effect from June 1<sup>st</sup>, 2019 through May 31<sup>st</sup>, 2020.
- (4) During the term of this Agreement, all benefits afforded the residents of the Town, shall also be afforded to the residents of the Village, including any special deals on mulch or compost.

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign this agreement.

**The resolution was unanimously adopted.**

**New Business #16 Renew a Conservation Easement**

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

**WHEREAS**, at the March 27, 2019 Town of Orchard Park Board meeting renewal of certain Conservation Easements was proposed, and

**WHEREAS**, the Town Board has completed its review of those easements and their renewal,

**NOW, THEREFORE, be it**

**RESOLVED** that:

- 1) The Town Board hereby renews the Conservation Easement set out below as requested on the condition that the owners of the property to which this Conservation Easement applies, file with the Town Clerk and the Town Assessor a metes and bounds description and survey of the property affected by this easement within 90 days from the date of this resolution, and
- 2) Failure to provide the subject documents within the stated time frame will result in the termination of this easement, and
- 3) The Conservation Easement renewed hereby is subject to the condition of providing surveys and metes and bounds descriptions is as follows:

- A. CE File #39, John & Sharon Tewey 4000 Transit Road, Orchard Park,  
New York 14127

**The resolution was unanimously adopted.**

**New Business #17 Approve Annual 4<sup>th</sup> of July Parade**

**22) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MARJCZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Annual 4<sup>th</sup> of July parade on Thursday, July 4, 2019. The parade will assemble at the Orchard Park High School parking lot at 7 PM and start at 8 PM.

**The resolution was unanimously adopted.**

**New Business #18 Tabled Approval 4<sup>th</sup> of July Pyrotechnic Display**

**23) 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 table approval of the 4<sup>th</sup> of July fireworks display, pending signing a new contract with Skylighters Fireworks.

**The resolution was unanimously adopted.**

**New Business #19 Refer to the Planning Board, Zoning Board and Conservation Board**

**24) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby refer the Benzing Commons, 3670 S. Benzing Road's request to construct a 12,000 sq. ft. addition, SBL # 15.13-3-24.1, PB #12-19 to the Planning Board, Zoning Board and Conservation Board.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Christine Weyer inquired about the amount and duration of power outages in Orchard Park. She hasn't received any helpful answers from NYSEG. She wants to know what the Town is doing about these issues.

Dave Schuster asked about Erie Cat's proposal of volunteers to police the trails. Will the volunteers work all night or will certain hours be worked by the Police? Will homeowners be given an Erie Cat. hotline to call? How will volunteers be identified? He would like Erie Cat to address these issues sooner than later.

Pat O'Brian spoke of his displeasure regarding the recent negative media attention Orchard Park has received. He was unhappy with John Bernard's dismissal, the Town's fiscal standing and the Town Board only having 3 members.

### ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem spoke of the Town and Village's Compost Site Agreement. He is pleased that they are working well together. He also spoke of Green Lake being restocked with fish May 2, 2019. He met with NYSEG this morning and was assured they will clean out trees which are affecting the power outages in Eagle Heights. He has received positive calls from Residents regarding the new Brush Contractor "Branch Managers". Residents are very happy with their work. He also complimented Highway Superintendent Fred Piasecki on his efforts to pick up the leaves.

Councilmember Majchrzak stated he has been in touch with the Public Service Commission of the power company. They identified the problem areas of Orchard Park and have sent him a list of whether the problems are a trimming issue or an equipment update and the time frame they are to be rectified in. Unfortunately it was phrased in language only a power company could understand. He requested them to redo the information given to him in laymen's terms. He also urged residents to comply with NYSEG's requests of trimming the trees. It will affect the power company's ability to rectify the situation. The last thing the Power Company would want is for us to file a complaint with Commission.

Town Clerk Remy Orffeo commented on the residents who inquired about Harvest Hill Golf Course's building action. He stated that he would summarize their comments and get them to the Planning Board, the Planning Board will meet 5/9/19. This was the purpose of having the public hearing so the Planning Board would have these comments in hand as they look to make a recommendation back to the Town Board.

Acting Police Chief Wehrfritz asked with the weather getting nicer, everyone be aware of pedestrians and bicyclists when driving.

Highway Superintendent Fred Piasecki stated he has trucks out picking up leaves and brush for another few weeks. The new Brush contractor "Brush Managers" have been doing a great job. Street sweepers are almost done with the town. He is doing his best to cut the grass at the parks but it has been very wet. The new Saturday hours at the Compost Site will be 8 AM – Noon as of Saturday May 4<sup>th</sup> – October 1<sup>st</sup>.

Town Engineer Wayne Bieler reported that the Capital Project transfer, AP005 was tied to a grant and AP008 was a building rehab that was proposed but that project will be put on hold. The grant for the trails hasn't been received yet. The money for the Capital Projects were approved and funded from the Recreational Parks Bond in 2017. Those projects will be made whole again with the 2019 Board resolutions for that bond authorization. It is borrowing from one project for another and moving money around to projects that need to be done at this time.

**25) 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 # 9 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$67,044.22
<b>Public Safety Fund</b>	\$13,328.56
<b>Part Town Fund</b>	\$1,051.60
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$25,154.74
<b>Special Districts</b>	\$11,164.41
<b>Trust &amp; Agency</b>	\$1,024.80
<b>Capital Fund</b>	\$408,806.60

**The resolution was unanimously adopted.**

**26) 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 NYSDEC Erosion and Sediment Control Workshop for WNY Stormwater Coalition MS4 Staff / Municipal employees only. This will be on file in the Clerk's Office.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Sherry, the meeting adjourned at 7:46 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**