

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 15th day of May 2019 at 7:00 PM, the meeting was called to order by Councilmember Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Councilmember
Michael Sherry	Councilmember
John C. Bailey	Town Attorney
Remy Orffeo	Town Clerk
Wayne Bieler	Town Engineer
Frederick Piasecki, Jr.	Highway Superintendent
E. Joseph Wehrfritz	Acting Chief of Police

ABSENT:

Patrick J. Keem	Supervisor
Steve Bremer	Building Inspector

Councilmember Majchrzak 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 COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: May 1, 2019 Executive Sessions: May 1, 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**Stormwater Phase II Annual Report Coverage – SPDES – Informational Meeting**

At this time, Councilmember Majchrzak opened the “Informational Meeting” and asked Town Engineer, Wayne Bieler, to give an overview.

Mr. Bieler stated that per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department of Environmental Conservation, a Stormwater Management Program, and an Annual Report outlining the Town’s progress in meeting the Notice of Intent (NOI) goals. The Annual Report must be submitted to the NYSDEC by June 1st each year. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor. At this time, Town Engineer Bieler opened it to the public for any comments or concerns regarding the Stormwater Program.

No one came forward.

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

RESOLVED, that the Informational Meeting for “Stormwater Phase II Annual Report Coverage –SPEDES” is hereby closed at 7:07PM.

The resolution was unanimously adopted

PUBLIC COMMENT ON OLD BUSINESS

Dave Schuster – Regarding Change Order #4 with Numerco, Inc., he wanted to know what Capital Projects they are borrowing the money from.

Old Business # 1 Grant Special Exception Use for Harvest Hill Golf Course for Out Building

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

WHEREAS, a Public Hearing was held on May 1, 2019 regarding Ross Cellino’s request for a “Special Exception Use Permit” to construct a 12, 078 +/- sq.ft. Maintenance/Grounds building for Harvest Hill Golf Course.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request based on the following conditions and stipulations, as recommended by the Planning Board May 9, 2019:

1. This is an Unlisted SEQR Action and a Negative SEQR is made.
2. Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
3. The recommendation is contingent upon the applicant completing the project as proposed in the letter of intent received on 2/5/19, and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
4. The proposed project is in compliance with the Town's long range comprehensive plan.
5. The applicant has demonstrated a need for the project.
6. 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.
7. The applicant has demonstrated an orderly flow of traffic ingress and egress.
8. The applicant has provided suitable parking facilities.
9. Landscaping as indicated on the proposed plan will provide adequate screening.
10. Free area for recreation is not required.
11. The nearness and impact on schools and utilities is not an issue.
12. The health and safety of adjacent properties is not affected.

The resolution was unanimously adopted

Old Business # 2 Grant Site Approval & Building Permit for Vastola Heating & Cooling

4) 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 grant Site Plan Approval and Issue a Building Permit to construct a 7,000 sq.ft. addition to the existing retail building per the plans received on 4/9/19, and based on the following conditions an stipulations, as recommended by the Planning Board on 5/9/19.

1. This is an Unlisted SEQR Action, based on the Short EAF Parts 1 and 2, and a Negative Declaration is made.

2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site. After hour lighting levels will be reduced per the submitted plan.
3. No outside storage or display is permitted.
4. The Conservation Board on 3/05/19 Approved the Landscaping Plan prepared by a NYS licensed Landscape Architect, submitted on 2/15/19.
5. The Total Green Space is 34.5%, and exceeds the Town Requirement of 20%.
6. The Landscaping Value Estimate of \$16,850 requires a Certified Check amounting to 50% of the total and this shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$8,425)
7. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
8. Town Engineering Approval was granted on 4/5/19.
9. Deliveries will only take place during normal business hours.
10. Petitioner is to provide a copy of whatever agreement exists regarding off-site parking.

The resolution was unanimously adopted.

Old Business #3 Approve Extension of Patrick J. McMaster as Transition/Training Consultant

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

RESOLVED, that the Town Board is hereby authorized to approve Patrick J. McMaster to continue the extension of the position of transition/training consultant as of May 7, 2019 at a rate of \$23.50, not exceed 60 days.

The resolution was unanimously adopted.

Old Business #4 Approve Change Order #4 with Numarco Inc. for Community Activity Center

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

WHEREAS, two fixtures within the kitchen area, previously installed, must be relocated. The plans, as-bid, showed the rough plumbing in locations that are not in concert with the kitchen plan as provided by BHS. Numarco has installed the drains per the contract drawings. One is a sink drain for a hand sink located +/- 2 feet to the south. The other is a floor mop sink drain brought up into a wall, rather than through the floor. The cost to relocate the sink drain is \$192.64. The cost to relocate the floor drain is \$1,396.77. The floor drain will require the removal of a section of floor within the kitchen. This area will be covered by the fixture and the patch will not be visible when finished, and

WHEREAS, this change order will increase Numarco's total contract to \$632,402.30, representing an increase of 0.25%. Numarco's total contract, with change orders, is still \$9,597.70 lower than their base bid, and

WHEREAS, there is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding is needed to complete construction contracts.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve change order #4 to our contract with Numarco, Inc., 1021 Maple Road, Elma, New York 14059 for the Community Activity Center Project for relocating kitchen drains in an amount not to exceed \$1,589.41, as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 New York State Annual Update Document for the Fiscal Year Ending 12/31/2018

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 receive and file the New York State Annual Update document for the Town of Orchard Park, for the period beginning on January 1, 2018 and ending on December 31, 2018 which was compiled by Dreshcer & Malecki, LLP. It will be on file in the Town Clerk's office.

The resolution was unanimously adopted.

New Business #2 Advertise for Position of Draftsman for the Orchard Park Engineering Dept.

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

WHEREAS, Roy Shepard has resigned effective May 17, 2019. With this, there is a vacant position in the Engineering Department, and an immediate critical need to have a fulltime person staff this position, and

WHEREAS, an Engineering Draftsman performs engineering drafting CADD duties and liaison work in connection with the design, construction and maintenance of municipal projects; does research and study of Town maps and deeds in keeping them up to date; performs drafting work covering zoning, water districts, highways, storm drainage and sewage lines; assists in field engineering and with the preparation of plans and specifications of Town facilities; keeps engineering records current. Required knowledge skills and abilities include; good knowledge of techniques, terminology and equipment of drafting; good knowledge of mathematics as applied to engineering; knowledge of field and survey techniques; ability to perform moderately difficult surveying and drafting tasks with a high degree of accuracy; ability to perform sub-professional engineering research and to prepare reports; ability to understand and follow detailed oral and written instructions; initiate and resourcefulness; industry and dependability; good physical condition, and

WHEREAS, this is a replacement Engineering Department position which is currently funded with the 2019 budget. Wage range recommended is the same as the current Engineer Draftsman Title Union range 0009 \$23.01 to \$28.27/hr. (\$48,044.88 to 59,027.76).

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the advertisement and posting for the position of civil service classification Engineering Draftsman Position title for the Orchard Park Engineering Department at the level stated in the white union wage rate schedule.

The resolution was unanimously adopted.

New Business #3 Bid for Brush Mountain CAC Little Loop Football Announcers Building Project

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

WHEREAS, with the Consultant of the Little Loop Football, Carmina, Wood Morris PC, we are developing design plans, specifications, and bid documents for the Brush Mountain Park, Little Loop Football Equipment & Announcers Bldg. Project, and

WHEREAS, the project includes the construction of a 24ft x 24ft Announcers and Equipment Building with basic electrical services for lighting. The building is located along the North side of the new football field that is currently under construction, and

WHEREAS, there is presently funding in the amount of \$700,000 being proposed for the Brush Mountain Park, Little Loop Football Infrastructure with the June 5, 2019 Bond resolutions per the capital project meeting. The Announcers and Equipment building portion is estimated at \$130,000 which is partly being funded from an individual in the Orchard Park Little Loop Group.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for bids to be opened for the Brush Mountain Park, Orchard Park Little Loop Football, Announcers & Equipment Storage Building Project at 2:00 P.M. on June 14, 2019 in the Supervisor's Conference Room, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Remove member of Comprehensive Plan Implementation Committee.

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

WHEREAS, John Bernard is presently a member of the Town of Orchard Park Comprehensive Plan Implementation Committee, and

WHEREAS, John Bernard is no longer Planning Coordinator for the Town of Orchard Park, and

WHEREAS, the Town of Orchard Park Board would like John Bernard's ultimate Successor as Planning Coordinator to take Mr. Bernard's place on that Committee,

NOW, THEREFORE, BE IT

RESOLVED that John Bernard is hereby removed from the Comprehensive Plan Implementation Committee.

The resolution was unanimously adopted.

New Business #5 Appoint Seasonal Staff to the Parks & Grounds Department

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 the following to a seasonal position in the Parks & Grounds Department: Alexander Melendez – start date May 4, 2019 at \$11.10 an hour and Colton Wittle, start date May 6, 2019 at \$11.50 an hour.

The resolution was unanimously adopted.

New Business #6 Appoint Season Staff to the Parks & Grounds Department

12) 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 the following to a seasonal position in the Parks & Grounds Department: Daniel Cheney – start date May13, 2019 at a rate of \$11.50 an hour, Alexander Freilicher – start date May 13, 2019 at a rate of \$11.10 an hour, Mitchell Streety – start date May 14, 2019 at a rate of \$11.10 an hour and Jason Carey – start date May 14, 2019 at a rate of \$12.00 an hour.

The resolution was unanimously adopted.

New Business #7 Approve Special Events Permit

13) 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 a Special Events Permit for WNY Regional Special Olympics/OPPD – Law Enforcement Torch Run for May 23, 2019. The run will begin and end at Green Lake Recreation Building.

The resolution was unanimously adopted.

New Business #8 Approve Block Party Permits

14) 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 Block Party Permits for Food Trucks at Pawtucket Park: May 22 – Lloyd’s Taco Truck & Sassi Cakes, June 5 – Fat Bob’s Food Truck & Cheesecake Guy, June 19 – Coyote Café & Sweet Melody’s.

The resolution was unanimously adopted.

New Business #9 Advertise for Bid for Site Work for Playground Equipment at Pawtucket Park

15) 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 authorize advertisement in the Orchard Park Bee for bids for the Site work and installation of playground equipment at Pawtucket Playground, to be opened at 2:00 P.M. on May 30, 2019 in the Supervisor's Conference Room.

The resolution was unanimously adopted.

New Business #10 Renew Building Permit for 2911 Southwestern Blvd.

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

WHEREAS, on October 14, 2015 the Orchard Park Town Board approved a Building Permit to construct a two (2) story, 3,200 GSF retail space addition with outdoor seating for 2911 Southwestern Boulevard (Buffalo Cigar), and

WHEREAS, the action was declared an Unlisted SEQR with a Negative Declaration, and

WHEREAS, Section 144-44(K) of the Orchard Park Town Code requires that projects must be started within one year of approval, and

WHEREAS, the project has not yet been started

NOW, THEREFORE be it

RESOLVED that the Town Board reapproves the building permit for 2911 Southwestern Boulevard (Buffalo Cigar) with all the conditions and stipulations approved on October 14, 2015.

The resolution was unanimously adopted.

New Business #11 Appoint Members to Trails Task Force

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

WHEREAS, the Trails Task Force committee was established by the Orchard Park Town Board on June 20, 2001, and

WHEREAS, the original charge of the Trails Task Force was met, and

WHEREAS, the Trails Task Force was reactivated by the Orchard Park Town Board on May 7, 2003, and

WHEREAS, the Trails Task Force became dormant during the years 2017 and 2018, and

WHEREAS, the Orchard Park Town Board recognizes the value and need for a Trails Task Force, and

WHEREAS, public notice was given that the Orchard Park Town Board was interested in seeking members to a reactivation of the Trails Task Force and encouraged interested parties to submit letters of interest to serve on the committee to the Town Clerk, and

WHEREAS, numerous letters were received and interested residents were interviewed by Audrey Ramage, Chair of the Trails Task Force committee, Councilmember Gene Majchrzak and Town Clerk Remy Orffeo,

NOW THEREFORE BE IT

RESOLVED, that the Orchard Park Town Board does hereby appoint the following to the Town of Orchard Park Trails Task Force, term to expire on December 31, 2019:

Dan Barone, Holly Becher, Jennifer Brady, Jason Januszkiewicz, Allie Loesch , Kevin Leffler and Nick Vega

The resolution was unanimously adopted.

New Business #12 Supervisor to sign Three Year Contract with Skylighters for 4th of July Fireworks

18) 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 three year contract with Skylighters of Western New York for the 4th of July Fireworks presentation.

The resolution was unanimously adopted.

New Business #13 Refer to Planning, Zoning and Conservation Boards

19) 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, Zoning Board of Appeals, and Conservation Board:

- 2260 Southwestern Blvd, Salem's Roofing & Siding, vacant land located on the south side of Southwestern Blvd., east of Angle Road, zoned B-2. F. J. Wailand Associates, Inc. is requesting to develop a multi-purpose Sports Complex, adjacent to the existing business upon 5.56 acres.
- 3340 N. Benzing Road, Buffalo & Orchard Park Top Soil, Inc, Zoned I-1. Alan Huegal is seeking a Building Permit and Site Plan approval to re-build a building that was destroyed by fire using the same footprint. He is also seeking permission to erect a temporary structure to operate his business from.

The resolution was unanimously adopted.

New Business #14 Not on Agenda – Change Order #3 DV Brown for Community Activity Center

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

WHEREAS, the Mechanical Contractor, D.V. Brown, asserted that they believe two of the roof top curbs were only to be installed with the award of Alternate #6. After reviewing the Contract Drawings, it is clear, based on the notes and Mechanical Equipment Schedule the roof top curbs are to be provided under Alternate #6 and not under the base bid. These curbs will be utilized for a future Recreation Area Fit-Out to install roof top units. It is recommended these roof top curbs will be installed with weather tight caps so that the roofing material could be placed without the need for future cutting and patching of the membrane. This will reduce the building operation impact in the future (closing the building), possibly voiding the new roof warranty as well as add additional cost. The intent of Wendel was to have the curbs set under the base bid. D.V. Brown has submitted a price of \$6,822.00 to place these curbs. If the Change order is awarded prior to award of Alternate #6, the cost of the alternate award would be reduced by the amount of the change order, and

WHEREAS, this change order will increase DV Brown's total contract to \$1,583,822.00 representing a 0.43% increase, and

WHEREAS, there is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, however, additional funding is needed to complete the project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve change order #3 to our contract with DV Brown & Assoc. Inc., 567 Vickers Street, Tonawanda, New York 14150, for the Brush Mountain Community Activity Center to set two roof top curbs in an amount not to exceed \$6,822.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Not on Agenda – Conservation Easement

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

WHEREAS, Conservation Easements for V/L Scherff Road, CE File #21 Rose & Patrick McCarthy, 10 acres and 6900 Ward Road, CE File #22 Rose & Patrick McCarthy, 15 acres are up for renewal in 2019, and

NOW, THEREFORE, BE IT

RESOLVED that the Town Board renews these Conservation Easements on the condition that the owners of the property to which those Conservation Easements apply, file with the Town Clerk and the Town Assessor metes and bounds descriptions and surveys of the property affected by those easements, and be it further

RESOLVED, that failure to provide the subject documents within a reasonable period of time will result in the termination of those easements.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Darlene Bodhorn lives across from Brush Mountain Park. She requests that the Town Board has the lights for the Football and Baseball games be turned off after the games are finished, and not be on unless there is a game. The lights shine directly into her house. She also wanted to know when the Town was going to have the stock piled dirt from the retention pond removed from the vacant lot on California Road. It is impacting the drainage on the lots around it.

David Schuster said that the Change Order #3 with D.V. Brown & Assoc. was brought on because Wendell misworded a bid item having to do with the roof top curbing. He wondered if Wendell is on top of their game, and he agrees with Councilmember Majchrzak that Wendell should be paying for that blunder, not the Town.

Deborah Lowry lives on Sonnet Drive and they have two retention ponds in that subdivision. In the past several years they have only been mowed twice, and the prairie grass was cut back only 70%. The HOA was told the prairie grass would be cut back in the fall of 2018 or spring of 2019. It has not been done at this time. They are also having problems with people trespassing. The HOA has posted the area, but it does not stop people from fishing and kayaking. They also have not had their trees planted yet.

Olena May lives on Sonnet Drive and is still waiting for her tree to be planted.

Norma Devin lives directly in front of the retention pond and said it looks horrible. She wants to see it cleaned up.

John Steel he also has been waiting for his tree to be planted and the area to be cleaned up.

ELECTED OFFICIALS AND DEPARTMENT MANAGERS

Councilmember Majchrzak stated that he has been in contact with the Public Service Commission regarding the frequent power outages in the southern part of the Town. The power company has submitted a report to him outlining the improvements they have made to correct this situation. They currently are moving up their trimming cycle to the fall of this year to clear out as much as they can. Councilmember Majchrzak said that it is important for the residents to let the power company access their right of way to do the trimming, and residents should respect the recommendation the power company may have. He stated the people that he talked to were very cooperative and he is going to stay in touch with them.

Highway Superintendent stated that the contractor has started picking up the brush, and the leaf pickup will continue until May 24th. They have had the street sweepers out and are working over at Brush Mountain Community Activity Center. The wet weather has put them behind in the mowing and athletic fields' maintenance. As far as the tree planting, they have been behind, but the last week in May they are going to resume the tree planting. Regarding the detention ponds, they cannot get to them until things dry out. But with the detention ponds there are only certain areas they cut, not the whole thing.

Town Engineer Wayne Bieler said they will look at the timing of the lights at Brush Mountain, they should be turned off after games, but they will check into it. If it is the security lighting, that is necessary, but they can look into shielding of the lights that affect the residents. The property across the street from Brush Mountain is private property and they pulled an Excavation/Fill permit for that. He said that the drainage for that property should already be in place.

As far as Sonnet Drive subdivision, the developer wanted to keep most of the property under the control of the homeowners association, so the upkeep, care and policing of the property is up to HOA. As to people fishing the ponds and walking around them, they can on the small Town portion, but not on the property owned by the HOA.

22) 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 approval of all entries on Warrant #10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$107,539.29
Public Safety Fund	\$15,707.42
Part Town Fund	\$394.34
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$15,398.81
Special Districts	\$218,455.42
Trust & Agency	\$4,629.72
Capital Fund	\$336,504.31

The resolution was unanimously adopted.

23) 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 following communication:

- 2018 Annual Report on the accomplishments and status of the work done by the Erie County Clerk's office, Michael Kern, County Clerk.
- Erie County Department of Senior Services & Center for Elder law and Justice are presenting "Elder Law Day" on June 6, 2019 which offers presentation on a variety of Topics.
- New York Public Interest Research Group (NYPIRG) submitted their Outreach information for canvassing the Town of Orchard Park.
- Director of Real Property Tax Services Petition and Notice of Foreclosure of Tax Liens by the County of Erie. The last day of Redemption is fixed as the 1st day of July 2019.

The resolution was unanimously adopted.

24) 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 following report: Building Inspector's April 2019 report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Sherry, the meeting adjourned at 7:52 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**