

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 December 2021 at 7:00 PM, the meeting was called to order by Deputy Supervisor Joseph Liberti and there were:

PRESENT AT ROLL CALL:

	Joseph Liberti	Supervisor
	Eugene Majchrzak	Deputy Supervisor
	Conor Flynn	Councilmember
		Councilmember
	Remy Orffeo	Town Clerk
	Timothy D. Gallagher	Town Attorney
Absent	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
	Andrew Slotman	Highway Superintendent
	Ed Leak	Director of Rec., Parks & Forestry
	Wayne Bieler	Town Engineer

Deputy Supervisor Liberti 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 FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: December 1, 2021 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
Special Exception Use Permit for 3490 California Rd.**

At 7:03PM (local time) Councilmember Majchrzak called for the Public Hearing to hear all interested parties regarding Planning Board File #36-21 requesting a “Special Exception Use Permit” to operate a Child Care Facility at 3490 California Road, Zoned I-1.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Councilmember Majchrzak asked if anyone is interested in speaking or making a comment.

Marco Donato came forward to speak in favor of the Special Exception Use Permit.

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

RESOLVED, that the Town Board does hereby close the Public Hearing for Planning Board File #36-21 requesting a “Special Exception Use Permit” to operate a Child Care Facility at 3490 California Road, Zoned I-1 at 7:06PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of a Special Use Permit to allow a Child Care Facility to operate at 3490 California Rd., Zoned I-1, per the Town Schedule of Use Controls was conducted on December 15, 2021, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to approve the Special Exception Use Permit to allow a Child Care Facility to operate at 3490 California Rd., Zoned I-1, per the Town Schedule of Use Controls.

The resolution was unanimously adopted.

**PUBLIC HEARING
Proposed Local Law**

At 7:07PM (local time) Councilmember Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding the On-Site Consumption sites under NYS Cannabis Law Article 4.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Councilmember Majchrzak asked if anyone is interested in speaking or making a comment.

Lauren Kaczor spoke in favor of opting out of on-site cannabis consumption.
Paul Chernogorec spoke in favor of opting out of on-site cannabis consumption.
David Kaczor spoke in favor of opting out of on-site cannabis consumption.
Mike Hanitz spoke in favor of opting out of on-site cannabis consumption.
Howy Holmes spoke in favor of opting out of on-site cannabis consumption.
Jim Morganti spoke in favor of opting out of on-site cannabis consumption.
David Schuster mailed a letter in favor of cannabis sales in Orchard Park.

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

RESOLVED, that the Town Board does hereby close the Public Hearing for proposed Local Law 2021-02 regarding On-Site Consumption sites under NYS Cannabis Law Article 4 at 7:26PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of Local Law 2021-02 was conducted on December 15, 2021, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law 2021-02 which provides as follows:

A local law to opt-out of allowing on-site consumption sites under New York State Cannabis Law Article 4, as follows:

Be it enacted by the Town Board of the Town of Orchard Park

CHAPTER 118 - CANNABIS LAW

Section 118-1 Legislative Intent

It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the Town of Orchard Park that would otherwise be allowed under New York State Cannabis Law Article 4.

Section 118-2 Authority

This local law is adopted pursuant to New York State Cannabis Law s. 131 that expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis on-site consumption license within the jurisdiction of the Town.

Section 118-3 Local Opt-Out

The Town Board of the Town of Orchard Park hereby opts out of allowing on-site cannabis consumption site from being established and operated within the Town's jurisdiction as authorized under New York State Cannabis Law Article 4.

Section 118-4 Severability

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 118-5 Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with New York State Cannabis Law s. 131 and the procedure set forth in New York State Municipal Home Rule Law s. 24.

Section 118-6 Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Following a roll call vote the results are as follows:

Councilmember Majchrzak	Aye
Councilmember Flynn	Aye

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Set a Public Hearing for the CARES ACT

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing, Wednesday January 19, 2022 at 7:00PM (local time) at the Orchard Park Municipal Building for the CARES ACT Program application, as recommended by the Engineering Department.

The resolution was unanimously adopted.

Old Business #2 Approve final dedication for Smokes Creek Farms Subdivision PIP #2021-01 & Release performance security.

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

WHEREAS, on December 10, 2021, a final inspection was conducted of the public improvements constructed in Smokes Creek Farm 22-Sublot Subdivision. The project included the construction of Edgewood Farm Lane. The completion of this subdivision will allow 22 new single-family residential lots to be developed; and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which the developer states will be completed in time for dedication, but if they are not, this Department recommends tabling dedication until such time:

- Submit all required R.O.W. and easements descriptions (Metes and Bounds) with all associated descriptions maps for review and approval; and

WHEREAS, the following escrows are requested for uncompleted work:

- Fine grade all areas of disturbance to eliminate ponding water and finish backing up the gutters with topsoil, hydroseed and mulch, when weather permits. \$15,000
- Submit hard copies of the required record drawings for this subdivision's infrastructure in general (storm, roadway, water, street lighting, etc.) for review and approval. \$10,000
- Installation of 7- Light Poles with fixtures and supply all required spare parts to S,W & L. \$35,000
- Submit confirmatory survey data for Type E and Type C monument placements for review and approval. \$10,000
- Install split rail fencing at the Type E monuments. \$5,000

WHEREAS, the Engineering Department is in receipt of the cash securities for the items noted above. A two-year maintenance bond in the amount of \$525,000 has been submitted along with all other necessary documents; and

WHEREAS, the following is required by NYSDOT and will allow these new roadways to be included in the Local Highway Inventory (LHI) program, which is used to calculate Chips funding.

WHEREAS, Edgewood Farm Lane was constructed as a Town street in accordance with plans and specifications prepared by Greenman-Pedersen, Inc.; and

WHEREAS, the two lane street is 0.33-miles in length and consists of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

WHEREAS, the construction of Edgewood Farm Lane has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

NOW, THEREFORE be it

RESOLVED, that Edgewood Farm Lane shall be included in the 2022 Town Local Highway Mileage Inventory of Town Streets; and, be it further

RESOLVED, that New York State Department of Transportation is requested to include Edgewood Farm Lane in the Town of Orchard Park's 2022 Inventory of Streets; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Smokes Creek Farm 22-Sublot Subdivision constructed under PIP #2021-01, and authorize the Town Clerk to release the performance security in the amount of \$105,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Part time Court Clerk Catherine Block-Blaser.

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

WHEREAS, the Orchard Park Court is in need of a part time Court Clerk: and

WHEREAS, Catherine Block-Blaser is qualified and willing to accept the position of part time Court Clerk.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Catherine Block-Blaser to the non-union hourly position of part time Court Clerk, effective December 1, 2021, at a rate of \$15.00/hour.

The resolution was unanimously adopted.

New Business #2 Appoint Police Officer Sydney R. Wheeler

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

RESOLVED, that the Town Board does hereby approve the appointment of Sydney R. Wheeler to the position of Police Officer in the Orchard Park Police Department, Step A, effective December 27, 2021, at the salary of \$75,032.00.

The resolution was unanimously adopted.

New Business #3 Appoint Senior Engineer Assistant Conor Moran

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

WHEREAS, in 2021 the Engineering Department lost two employees to other companies and in an attempt to fill the vacancies, various civil service lists were called for and titles researched; and

WHEREAS, Conor Moran has accepted the position and is aware that it's pending the meeting of civil service rules and regulations; and

WHEREAS, this appointment fills one of the vacancies, the Senior Engineer Assistant title, which there was a Civil Service list that was exhausted and resulted in the Town having to call for a new civil service exam for that title; and

WHEREAS, Erie County Department of Personnel will request New York State Department of Civil Service to prepare a promotional and open competitive examination; and

WHEREAS, this position was certified to be the appropriate civil service title of Senior Engineer Assistant for the Town of Orchard Park based on job classifications and duties; and

WHEREAS, the Senior Engineer Assistant assists in the preparation of engineering estimates; participates in surveys of physical features and stakeouts by assembling and operating equipment, taking measurements, placing stakes, holding level rod, taking sightings, and making and checking computations; conducts final survey parties or other field surveys; plots survey results manually or through the use of a computer; prepares tracings and drawings, utilizing a computer or conventional drafting techniques; operates a laboratory to test materials and gathers field samples; files drawings, engineering records and specifications; contacts vendors on engineering data and specifications; inspection of construction projects, takes measurements, calculates and records quantities; enters, checks and/or maintains data for monthly estimate payments; records other pertinent field data such as means, equipment, materials and weather, etc.; may be required to perform routine computer operation and programming; collects and organizes data related to sewer permits, house connections and related data; performs other engineering tasks consistent with design and construction projects; and

WHEREAS, after reviewing several applications, and interviewing eight candidates, various titles responding to the advertisements, postings, the best-qualified individual for the position is Conor Moran, per the recommendation of the Town Engineer. Mr. Moran has an A.A.S. in Construction Management and an A.A.S. in Civil Technology from Erie Community College, and has worked assisting NYSDOT in two internships, and has worked for Trautman Associates since August of 2020; and

WHEREAS, funding for the Senior Engineering Assistant position is included in the Engineering Department budget, and per the white collar union contract, Connor Moran, Senior Engineer Assistant level 009 Range 1st yr step wage of \$24.47/hr.

NOW, THEREFORE, be it

RESOLVED, that the Town Board appoints Connor Moran, to the provisional position of Senior Engineer Assistant in the Orchard Park Engineering Department at Level 0009, Range 1st yr of the white collar union wage rate schedule, effective January 3, 2022 pending meeting Civil Service rules and regulations, per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Authorize Advertisement for Construction Inspector

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

WHEREAS, on December 8, 1992 the Erie County Department of Personnel approved the Construction Inspector position for the Town of Orchard Park based on job classifications and duties; and

WHEREAS, minimum qualifications include High School diploma, plus four years of satisfactory experience in Construction or graduation from a regionally accredited or New York State registered college or university with an Associate's Degree in Civil Technology, Construction Technology or related courses, plus 2 years of satisfactory experience in construction inspection work; and

WHEREAS, with the Engineering Department down two employees, and the existing and future construction work scheduled for 2022, a staff Construction Inspector is needed; and

WHEREAS, distinguishing features of the Construction Inspector include:

- Perform inspections
- Certify construction materials and methods used on public works and land development projects for conformance with plans and specifications approved by the Town
- Take samples
- Perform routine testing of construction materials and completed works, certifying the results
- Inspect and certify building sanitary sewer laterals, water services and storm drainage connections for compliance with Town specifications
- Inspect and supervise the placement of fill and surface on roads and streets to insure proper backfill and repavement where openings have been made
- Maintain field notes containing reference to job locations for later permanent plotting
- Investigate complaints and contracts other public agencies, utility companies, consultants and suppliers for engineering data, regulations and specifications
- Record and maintain logs of utility connections, street lighting, vehicle maintenance, surveys and other routine data
- Supervise a maintenance crew for the repair or installation of water mains and sewer mains
- Attend meetings and training seminars
- Participate in field surveys and prepare field survey notes and drawings
- Make maps, sketches and perform routine mathematical computations

- Prepare transmittals
- Perform duties of employees with lower titles and assists engineers of higher titles
- Respond to emergency callouts.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approves the advertisement/posting of the civil service classification title Construction Inspector assigned to the Engineering Department at Range 0008 (\$20.45-\$27.25/hr.) of union wage schedule for this position, per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize NYSEG to connect (7) L.E.D Decorative Street Lights for Knoche Farms Phase 3

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

WHEREAS, per the tariff agreement between NYSEG and the Town, NYSEG has requested the Town submit a resolution reflecting the connection of five (5) decorative street light fixtures on Furlong Drive and two (2) on Alyson Drive in the Knoche Farms Estates Subdivision Phase 3; and

WHEREAS, at present, there are thirty two (32) single-family homes currently planned to be constructed in Part 3 of the Subdivision; and

WHEREAS, the LED luminaires, which are owned by the Town, have been installed under PIP # 2020-05; and

WHEREAS, the Town will maintain the poles, bulbs, and the electric eye of the luminaires and NYSEG is providing energy only per the SC4 classification; and

WHEREAS, the Town purchases the electricity from the supplier, which is estimated to be \$42.03/ea. for an annual estimated cost of \$294.21 for these seven decorative light poles; and

WHEREAS, the new LED lights will be added to our existing SC4 (service classification) account. Charges for energy to the lights may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes NYSEG to connect seven (7) L.E.D. decorative light fixtures in the Knoche Farms Phase 3 Subdivision PIP #2020-02 at an estimated annual increased energy cost of \$294.21 to the Consolidated Light District per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Award Contract to Union Concrete and Construction Corp for Bussendorfer Rd. Drainage Phase 2 Project

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

WHEREAS, bids were opened for the Bussendorfer Drainage Phase 2 Project on December 9, 2021. The project consists of reconstruction upgrades and/or replacement of existing drainage along with many improvements to subsurface drainage areas, including open ditches and creek bank revetment and improvement, including a rear yard drainage system, driveway aprons and restoration of disturbed lawn areas; and

WHEREAS, the project was bid on a unit price basis for the associated drainage and road reconstruction work items. The Engineering Department has reviewed those itemized prices of the two contractors who submitted bids. The lowest bid of \$932,692.64 was slightly lower than the engineer's estimate of \$1,028,852.00 for the project; and

WHEREAS, extended tabulation of bid results showing the itemized bid amounts from each bidder. Contractor submissions were checked for math errors, no errors were found and noted; and

WHEREAS, the low bidder for this project is Union Concrete & Construction Corp. The company has successfully completed various sewer, water, and road reconstruction projects in the past. The Town of Orchard Park has worked with this contractor and has no reservations about their capabilities and is recommending awarding this contractor the project; and

WHEREAS, there is presently \$836,781.00 allocated under Capital Project AD002 "Bussendorfer Drainage Phase 2 Project". The 2021 Bond resolution includes the remainder of funding amount needed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Bussendorfer Drainage Phase 2 Project to the lowest responsible bidder, Union Concrete & Construction Corp., PO Box 410, 435 Meyer Road, West Seneca, NY 14224, in the amount not to exceed \$932,692.64 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Adopt Traffic Order for Stop Sign on Edgewood Farm Lane

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

WHEREAS, the Police Chief, Highway Superintendent and Town Engineer have reviewed the street layout for Smokes Creek Farm Subdivision, and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York, and

WHEREAS, upon dedication of Smokes Creek Farm Subdivision, PIP #2021-01

NOW, THEREFORE, it is hereby

ORDERED, that a " Stop sign" be erected, effective immediately, within the Town of Orchard Park, on Edgewood Farm Lane at the intersection of Jewett Holmwood Road.

The resolution was unanimously adopted.

New Business #8 Approve Site Plan and Building Permit for 235 Windward Road

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

RESOLVED, that the Town Board does hereby grant site plan approval and the issuance of a building permit, to construct a 34,000 +/- sq. ft. Veterinary Clinic Building and a 1,250 +/- Accessory Maintenance Building for P.B. File #09-2021, V/L Sterling Park, 235 Windward Road, located on the west side of Windward Road, Zoned I-1 per the plan received on 11/16/2021 and approved by the Planning Board on 12/9/2021 based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 9/17/2021, and a Negative Declaration is made.
3. 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.
4. No outside storage or display is permitted.
5. A Landscape Plan, received 9/17/2021, meets all Green Space regulations with 70.2% Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$181,685.00 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$90,842.50) Conservation Board approval was granted on 9/7/2021.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. Engineering approval was granted on 12/8/21.

The resolution was unanimously adopted.

New Business #9 Grant an Outside Display Permit for 3856 Southwestern Blvd. for “A Drive-Through COVID Testing Site”

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

RESOLVED, that the Town Board does hereby grant an Outside Display Permit, for “A Drive-Through COVID Testing Site”, P.B. File # 41-2021, 3856 Southwestern Blvd., located west of Abbott Road with entrance and exit on the south side of Sheldon Road, Zoned B-2 (SBL # 161.09-4-9.1) based on the following:

1. All public notices have been filed.
2. This is a Type II SEQR action and therefore no SEQR determination is required.
3. The submitted letter of intent and location plan indicate there will be; 20ft x 8ft “Work Shanty”.
4. All signage must be approved by the Building Inspector.
5. If any issues or complaints arise, the Building Inspector is to submit a report to the Planning Board detailing the complaint.
6. The Outside Display will be from 12/10/2021 through 12/31/2022.

The resolution was unanimously adopted.

New Business #10 Adopt a SEQRA resolution for various Bonding Resolutions

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

BE IT RESOLVED, by the Town Board of the Town of Orchard Park Erie County, New York as follows:

Section 1. The Town desires to undertake a certain capital improvement project at a maximum cost of \$9,607,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$9,607,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will exceed five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) consists of multiple components, including the repair, maintenance, and/or replacement of existing utility improvements, roads, highways, buildings, street lighting, drainage, as well as the installation of certain improvements.

Section 4. Pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Town is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Town and the Purpose constitutes such an action.

Section 5. To aid the Town in determining whether the Purpose may have a significant adverse impact upon the environment, the Town has prepared an Environmental Assessment Form (the “EAF”).

Section 6. The Town has examined and reviewed the EAF in order to classify the Purpose and make a determination as to the potential significance of the Purpose pursuant to SEQRA.

Section 7. Based upon an examination of the EAF, the criteria contained in 6 NYCRR §617.7(c) (*i.e.*, SEQRA), and based further upon the Town’s knowledge of the area, and such further investigation of the Purpose and its environmental effects as the Town has deemed appropriate, the Town hereby determines that the Purpose will not have a significant effect on the environment.

Section 8. The Town hereby determines that the components that comprise the Purpose constitute Type II Actions that do not require further review pursuant to SEQRA.

Section 9. This Resolution shall take effect immediately upon its adoption.

Following a roll call vote the results are as follows:

Councilmember Majchrzak Aye
Councilmember Flynn Aye

The resolution was unanimously adopted.

New Business #11 Adopt Bond Resolution to Finance Construction and Reconstruction of Drainage, Highway, Watermain and Sanitary Sewer

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

BE IT RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York (the "Town") as follows:

WHEREAS, the Town of Orchard Park, Erie County, New York (the "Town") seeks to authorize and undertake the following suite of infrastructure replacement/improvement projects:

- the construction and reconstruction of a Town-wide drainage system, including dredging ponds (possible expansion), cleaning swales, replacing pipe and drainage structures, including preliminary costs thereof and costs incidental thereto, at a maximum cost not to exceed \$550,000;
- the reconstruction of the Town's water supply/distribution system, including replacement of water lines and preliminary costs thereof and costs incidental thereto, at a maximum cost not to exceed \$1,482,000;
- the construction of improvements to and reconstruction of the Town's sanitary sewer system, including, but not limited to, the televising and relining of various sanitary sewer lines and preliminary costs and costs related thereto, at a maximum cost not to exceed \$1,525,000;
- the reconstruction and resurfacing of various Town highways and roads, including sidewalks, curbs, gutters, drainage, overlays, landscaping, grading or improving the rights of way, and the elimination of any grade crossing and improvements in connection therewith, including street lighting and preliminary costs thereof and costs incidental thereto, at a maximum cost not to exceed \$6,050,000; and

WHEREAS, in order to finance the suite of replacement/improvement projects described above (collectively, the "Project"), the Town hereby intends to issue its serial general obligation bonds (the "Bonds") in an aggregate principal amount not to exceed \$9,607,000 and the expenditure of other available funds to be issued pursuant to the Local Finance Law of New York; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act ("SEQRA"), the Town Board is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Town Board, and the Project constitutes such an action; and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, the Town has prepared an Environmental Assessment Form (the "EAF") dated October 29, 2021, a copy of which is attached hereto, and copies of said EAF are on file at the Town Offices and are readily accessible to the public; and

WHEREAS, the Town Board has examined and reviewed the EAF in order to classify the Project and make a determination as to the potential significance of the action pursuant to SEQRA; and

NOW, THEREFORE, be it

RESOLVED by the Town Board as follows:

- (1) Based upon an examination of the EAF, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Town Board's knowledge of the Project, and such further investigation of the action and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings and determinations with respect to the action pursuant to SEQRA:

- (a) The Project constitutes a "Type II Action" (as said quoted term is defined in SEQRA) pursuant to 6 NYCRR Part 617.5 [c] [2] because it involves replacement, rehabilitation and reconstruction of Town infrastructure facilities, in kind and on the same sites, without meeting or exceeding any of the thresholds for Type I Actions set forth in 6 NYCRR Part 617.4;
- (b) As a Type II Action, the Project has been categorically predetermined not to have a significant impact on the environment, and is precluded from environmental review under SEQRA (see 6 NYCRR Parts 617.5[a] and [c]).
- (2) A copy of this Resolution shall be placed on file in the Town Office in a file that is readily accessible to the public during regular business hours.
- (3) The Town Clerk is hereby authorized and directed to distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Following a roll call vote the results are as follows:

Councilmember Majchrzak	Aye
Councilmember Flynn	Aye

The resolution was unanimously adopted.

New Business #12 Adopt Bond Resolution to finance Reconstruction & Resurfacing various Highways, Roads & Street Lighting Improvements

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the "Town") complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW THEREFORE be it

RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall reconstruct and resurface various Town highways and roads, including sidewalks, curbs, gutters, drainage, overlay, landscaping, grading or improving the rights of way, and the elimination of any grade crossing and improvements in connection therewith, including street lighting and preliminary costs thereof and costs incidental thereto, at a maximum cost of \$6,050,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$6,050,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the "Purpose") is the reconstruction and resurfacing of various Town highways and roads, including sidewalks, curbs, gutters, drainage, overlays, landscaping, grading or improving the rights of way, and the elimination of any grade crossing and improvements in connection therewith, including street lighting and preliminary costs thereof and costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$6,050,000, (b) no money has heretofore been authorized to be applied to the payment

of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 20(c) of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is fifteen (15) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this Resolution's adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. Subject to the provisions of Section 10 hereof, this Resolution shall take effect immediately upon its adoption..

Following a roll call vote the results are as follows:

Councilmember Majchrzak	Aye
Councilmember Flynn	Aye

The resolution was unanimously adopted.

New Business #13 Adopt Bond Resolution to finance the reconstruction of Water supply/distribution system

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the "Town") complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW, THEREFORE be it

RESOLVED, by the Town Board of the Town of Orchard Park Erie County, New York (the "Town") as follows:

Section 1. The Town shall reconstruct the water supply/distribution system, including replacement of water lines and preliminary costs thereof and costs incidental thereto, at a maximum cost of \$1,482,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$1,482,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes (the "Purpose") to be financed pursuant to this resolution is the reconstruction of the water supply/distribution system, including replacement of water lines and preliminary costs thereof and costs incidental thereto.

Section 4. It is hereby determined that said Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.

Section 5. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$1,482,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein

authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 11. This Resolution, or a summary thereof, shall be published in full by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. Subject to the provisions of Section 10 hereof, this Resolution shall take effect immediately upon its adoption.

Following a roll call vote the results are as follows:

Councilmember Majchrzak	Aye
Councilmember Flynn	Aye

The resolution was unanimously adopted.

New Business #14 Adopt Bond Resolution to finance reconstruction of Town Wide Drainage System

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the "Town") complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW, THEREFORE be it

RESOLVED, by the Town Board of the Town as follows:

Section 1. The Town shall construct and reconstruct a Town wide drainage system including related preliminary costs and incidental costs, at a maximum cost of \$550,000, as more particularly described in Section 3 hereof

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the additional aggregate principal amount of not to exceed \$550,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes (the "Purpose") to be financed pursuant to this resolution is the construction and reconstruction of a Town wide drainage system, including dredging ponds (possible expansion), cleaning swales, replacing pipe and drainage structures, including preliminary costs thereof and costs incidental thereto.

Section 4. It is hereby determined that the Project is one of the class of objects or purposes described in Subdivision 3 of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is thirty (30) years.

Section 5. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$550,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this

Resolution's adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. Subject to the provisions of Section 10 hereof, this Resolution shall take effect immediately upon its adoption.

Following a roll call vote the results are as follows:

Councilmember Majchrzak Aye
Councilmember Flynn Aye

The resolution was unanimously adopted.

New Business #15 Adopt Bond Resolution to finance Construction & reconstruction of Sanitary Sewer system.

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the "Town") complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW, THEREFORE be it

RESOLVED, by the Town Board of the Town of Orchard Park Erie County, New York (the "Town") as follows:

Section 1. The Town shall construct improvements to and reconstruct the sanitary sewer system, including, but not limited to, the televising and relining of various sanitary sewer lines, and preliminary costs and costs incidental thereto, at a maximum cost of \$1,525,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$1,525,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes (the "Purpose") to be financed pursuant to this resolution is the construction of improvements to and reconstruction of the sanitary sewer system, including, but not limited to, the televising and relining of various sanitary sewer lines and preliminary costs and costs incidental thereto.

Section 4. It is hereby determined that said Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.

Section 5. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$1,525,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said Resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. This Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. Subject to the provisions of Section 10 hereof, this Resolution shall take effect immediately upon its adoption.

Following a roll call vote the results are as follows:

Councilmember Majchrzak	Aye
Councilmember Flynn	Aye

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Howy Holmes briefly spoke of a petition he would sign.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Majchrzak spoke of the importance of wearing a mask to avoid going into Phase 4. He also thanked all departments and wished everyone a safe Christmas and Happy New Year.

Councilmember Flynn encouraged residents to consider getting vaccinated and noted the overcrowding issue in local hospitals.

Town Clerk Remy Orffeo spoke of 20 (twenty) letters received opposing the mask mandate and 1 (one) letter in favor of cannabis. He also spoke of a Tree City designation for Orchard Park that is pending and commented on the good job Councilmembers Majchrzak & Flynn have done the past 2 years.

Highway Superintendent Andrew Slotman spoke regarding the annual compost site inspection and thanked Highway staff for their long hours during and after the wind storm.

Police Chief Wehrfritz congratulated Officer Wheeler and thanked Highway and Village DPW for their help providing generators and clearing roads during the storm. He also informed residents of the New Year’s Eve ball drop at Byrd House.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 24 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$108,012.39
Public Safety Fund	\$15,514.14
Part Town Fund	\$573.62
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$12,222.69
Special Districts	\$42,456.45
Trust & Agency	\$10,690.00
Capital Fund	\$9,895.84

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby received and file the November 2021 Building Inspector’s Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:56 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**