

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 27<sup>th</sup> day of June at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	Patrick J. Keem	Supervisor	
	Eugene Majchrzak	Councilmember	
	Michael Sherry	Councilmember	
	John C. Bailey	Town Attorney	
	Remy Orffeo	Town Clerk	
	Andrew Geist	Building Inspector	
	Frederick Piasecki, Jr.	Highway Superintendent	
	Mark Pacholec	Chief of Police	
	Absent:	Wayne Bieler	Town Engineer

**Supervisor Keem read into the record the following:** “If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.”

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

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on June 20, and be it further

**RESOLVED**, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward.

**Old Business #1 Release of Escrow, Riley Meadows West, PIP 2017-02**

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

**WHEREAS**, on May 2, 2018, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that escrow be held until the following were completed:

- Cover miscellaneous grading, monument, and erosion control issues near and around the retention pond facility. \$15,000
- Fine grade topsoil, and hydroseed and mulch along all new ROW's and along Murphy Road on either side of Cypress Lane and at the residence at #5289 Murphy Road, and seed/mulch all areas of disturbance as needed outside the ROW's. \$25,000

**WHEREAS**, the contractor has since completed the above referenced work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes the Town Clerk to release to Oak Orchard Development LLC, the \$25,000 in escrow for seeding and grading along all new ROW's and Murphy Road, and the \$15,000 in escrow for miscellaneous grading, monument, and erosion control issues near and around the retention pond facility for the Riley Meadows West Subdivision Phase 1, PIP #2017-02 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business # 2 Award Bids for Mid-County Pump Station Replacement**

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

**WHEREAS**, bids were opened for the Mid County Pump Station Replacement Project on June 25, 2018. The project consists of abandoning the existing pump station, constructing a new wet well and valve pit, the addition of an automatic stand by generator, and a modular controls building.

**WHEREAS**, the project was estimated to be over the \$500,000 limit for a single prime contractor and as such was bid according to Wic's Law, this includes separate Prime Contractors for general and electrical construction.

**WHEREAS**, the Engineering Department has reviewed itemized prices from six contractors who submitted bids (3 general & 3 electrical bids). The lowest general bid of \$344,183 and the lowest electrical bid of \$110,300 are below the estimated cost of the project. The low bidder for the General Construction was Kandey Company and the low bidder for the Electrical Construction was CIR Electrical. These companies have both successfully completed projects within the Town and the Town Engineer has no reservations about their capabilities.

**WHEREAS**, there is presently an allocated fund balance of \$300,993 in account Z-77, Mid County Pump Station, \$150,000 in account 518.8120.180.497, Sewer District 18 Mid County Pump Station Upgrades, and \$10,000 in account 518.8120.180.493, Sewer District 18 Pump Stations (of which only \$4,000 may be needed).

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board recommends adoption of the following resolutions per the Town Engineer:

- Award the General Contract for the Mid County Pump Station Replacement Project to the lowest responsible bidder, Kandey Company, 19 Ransier Drive, West Seneca, New York 14224 in the amount not to exceed their base bid of \$314,183.
- Award the Electrical Contract for the Mid County Pump Station Replacement Project to the lowest responsible bidder, CIR Electrical, 400 Ingham Ave., Lackawanna, NY 14218 in the amount not to exceed their base bid of \$110,300.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward.

**New Business #1 Chief of Police to Attend NYS Chiefs of Police Annual Training Conference**

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

**RESOLVED**, the Town Board approves the request to send Chief of Police, Mark F. Pacholec to attend the 2018 New York State Association of Chiefs of Police annual training conference, to be held July 15<sup>th</sup> thru July 19<sup>th</sup>. The money is in the budget.

**The resolution was unanimously adopted.**

**New Business #2 Approve Special Events Permit**

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

**RESOLVED**, the Town Board does hereby approve the Special Events Permit request for the Buffalo Bills 50 Yard Finish 5K to be held on June 23, 2018 at New Era Field.

**The resolution was unanimously adopted.**

**New Business #3 Approve Excavation, Removal & Storage of Materials Permit 2018-02**

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

**WHEREAS**, the Town Board has received from Building Solutions, Inc. of 6091 Seneca Street, Elma, New York 14059 an application for an Excavation, Removal, and Storage of Materials to stock pile fill (approximately 40,000 cubic yards of soil) on the vacant property off California Road; opposite the existing main entrance to Brush Mountain Park — the former Meadow Wood Townhouses project location.

**WHEREAS**, this project was formerly owned by Walter Schmidt and the project location had several excavation / fill permits approved in the past to stockpile material in this magnitude, but was never completed resulting in the development not moving forward.

**WHEREAS**, the Town Board has reviewed the plan and are forwarding a review to finalizing per Town Code. Building Solutions, Inc. has requested a waiver to most of the required construction inspection fees +/- \$4,000 and the required bond seeing that this site had several permits pulled prior, and this operation will be a benefit to the Town to permit fill placement on this site from the Bussendorfer Regional Retention pond project which is excess material from that site.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board recommends approval of the Excavation, Removal, and Storage of Materials Permit #2018-02 to place fill material in stockpile condition on the vacant property off California Road for SBL#172.001-1-22 Building Solutions, Inc. 6091 Seneca Street, Elma, NY 14059, and waive \$4,000 of the fees for this project per the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Approve Highway Department to Purchase 2018 Ford Stake Truck**

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

**WHEREAS**, in accordance with our Truck Replacement program the Town Board approves the purchase of one (1) new 2018 Ford F-350 4x4 Crew Cab - Stake Truck.

**WHEREAS**, the cost of this new Pickup is \$48,978 under New York State Bid Contract, (NJPA). This replaces the Highway Department's 1997 Ford Stake Truck with 192,378 miles.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes the purchase of this truck. Monies are in place in the budget for this purchase per the Town Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #5 Request Erie County to Create a New Position of Recreation Instructor**

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

**RESOLVED**, that the Town of Orchard Park approves Erie County Civil Service to create a new position for the Town of Orchard Park of Recreation Instructor, Full Time, who will report to Recreation Specialist/Department Manager Debbie Santiago, Senior Center.

**The resolution was unanimously adopted.**

**New Business #6 Seasonal Appointments to Parks & Grounds**

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

**RESOLVED**, that the Town of Orchard Park hereby approves the following 2018 Summer Seasonal appointments to Parks & Grounds:

- Kylie Magill effective June 11, 2018 at \$10.40 an hour.
- Colton Wittle effective June 11, 2018 at \$10.40 an hour.
- Nicole Casey effective June 18, 2018 at \$11.00 an hour.

**The resolution was unanimously adopted.**

**New Business #7 Seasonal Appointments to Recreation Staff**

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

**RESOLVED**, that the Town of Orchard Park hereby approves the following 2018 Summer Seasonal Recreation Staff Appointments, dependent upon the applicant providing the appropriate certification.

**(2018 Summer Seasonal part time Staff Appointments retroactive June 12th, 2018)**

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Tyler Conti	\$11.50	PT4-D (LG)
Jack Harper	\$11.50	PT4-D (LG)
David Hoelscher	\$11.50	PT4-D (LG)
Jack Ohle	\$11.00	PT3-E (Att)
Riley Lepsch	\$11.50	PT4-D (LG)
Noah Lepsch	\$11.50	PT4-D (LG)

**(2018 Summer Seasonal part time Staff Rate Change Appointment retroactive June 12th, 2018)**

	<u>Old Rate</u>	<u>New Rate and Title</u>
Elizabeth Hinterberger	\$12.50 PT4-D (Att)	\$13.75 PT6-A (Att)
Mary Genzel	\$12.50 PT4-D (LG)	\$13.00 PT5-C (LG)
Jessica Carey	\$11.50 PT4-D (LG)	\$13.00 PTD-C (LG)

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

\*Att=Attendant

\*LG= Lifeguard

**The resolution was unanimously adopted.**

**New Business #8 Appoint Ethics Committee Secretary**

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

**RESOLVED**, that the Town of Orchard Park hereby appoint Kathy Creagan as the secretary to the Ethics Board, effective May 24, 2018 at a rate of \$50.00 per meeting.

**The resolution was unanimously adopted.**

**New Business #9 Appoint Member to the Architectural Overlay District committee**

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

**RESOLVED**, that the Town of Orchard Park hereby appoint Scott Horner to the Architectural Overlay District Committee, term to expire December 31, 2021.

**The resolution was unanimously adopted.**

**New Business #10 Seasonal Appointment to Engineering Department**

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

**WHEREAS**, the Town of Orchard Park has been allocated funds in the 2018 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, the Town Engineer is recommending Thomas W. Slomka, Jr. Thomas is currently attending SUNY Purchase College with a course of study in Graphic Design.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board appoints Thomas W. Slomka, Jr. to a seasonal position in the Engineering Department for a ten-week period beginning June 15, 2018 at a wage of \$11.00 per hour.

**The resolution was unanimously adopted.**

**New Business #11 Part-time Appointment to Town Clerk's Staff**

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

**RESOLVED**, that the Town of Orchard Park hereby appoint Jonathan Gladding to the Town Clerk's part time staff at a rate of \$14.70/hr. starting June 18, 2018.

**The resolution was unanimously adopted.**

**New Business #12 Authorize Advertisement for Bids for Multi-Generational Community Center**

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

**WHEREAS**, the Orchard Park Engineering Department, along with Wendel Companies, is finalizing design plans, specifications, and necessary approvals for construction of the above-mentioned project. The Multi-Generational Community Center is a major component of the Town's Master Plan and is vital to the growth and well being of the Town for future generations.

**WHEREAS**, the Project includes construction of the +1- 61,000 square foot activity center including a senior wing, cafeteria, gymnasium, multi-purpose meeting rooms, athletic training areas, and children's recreational areas.

**WHEREAS**, to keep the project on schedule, and in anticipation of the plans, specifications, and contract documents being complete, the Advertisement for Bids should be authorized to be published on June 29, 2018. Plans and specifications will be available for purchase on July 11, 2018 with the

bid opening to be held on August 8, 2018 at 2:00 PM in the Supervisor's conference room. The necessary work could begin in early September and is anticipated to obtain substantial completion by the end of 2019.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board accepts the plans and specifications as proposed by Wendel Companies, along with the Town Engineering Department, and authorizes advertisement in the Orchard Park Bee for sealed bids for the Multi-Generational Community Activity Center as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Lucinda Teagarden spoke of leash law problems in Orchard Park. She has reported an issue of dogs chasing her while walking her leashed dogs on her street. This issue has been going on for too long. This is the second Town Board meeting she has brought this up at, she has called the Police, Supervisor and Dog Warden multiple times. The Police and Dog Warden visit the house but there are no consequences for the offender's actions. She asked the Town Board to Please fine or ticket these offenders.

Joseph Battaglia spoke of branch pick up problems. He has had branches in front of his house for 5 weeks. After the chipper truck drove right by his house he chased them and ask when they will grab his branches, they said they would send a truck. He waited 2 weeks with no results. He called the Highway Department and they sent someone to pick them up. Now he has another pile to pick up. He would like to know the Town's Policy on branch pick up.

Terry Parish spoke of brush pick up issues. She has placed 5 calls to the Highway Department and multiple calls to the Town Supervisor. Her brush has not been picked up for 7 weeks. She has a wedding this summer and is embarrassed of the condition of her yard. She stated the contractor is not doing his job.

Debra Kerl spoke of brush pick up problems. The contractor doing the pickup is not keeping up with the contract. She asked that the Town Board look elsewhere for a new contractor.

Howard Holmes wanted people to know about the 4<sup>th</sup> of July parade and also spoke of Brush pick up issues. He asked that the Town reread the Brush contract and enforce it by following the provisions stated in it for noncompliance.

Fran Hogencamp spoke of pain medication addictions/problems and crisis. He wanted to voice the people's questions of what we can do to help.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem informed the Town of his recent Narcan training and its need in our community. The Opioid Epidemic is spreading quickly with deaths on the rise. He was impressed by Cheryl Moore's program and recommends it to everyone. He stated drugs are addicting and can hook 10-15% of people easier than others. These are the people who may steal left over medications at your home. We have installed a medication drop box outside of the Police Station for extra medications to be dispensed of properly.

Chief of Police Mark Pacholec notified the Town of a new route the 4<sup>th</sup> of July Parade will be taking and that it will start at 8:00pm with fireworks to begin about 9:00pm or dusk. The parade will start at Orchard Fresh and come down South Buffalo Street to Thorn Ave. to the middle school for fireworks. If there is a rain date needed there will not be a parade but the fireworks will be Thursday July 5<sup>th</sup>. Secondly the Police Department has had many inquiries about firework legalities. You may use sparklers but not concussion or projectile type fireworks, these are still illegal in NYS.

Councilmember Majchrzak stated that the parade route has changed due to waterline construction on Quaker Road.

Highway Superintendent Fred Piasecki stated they are still working on drainage projects, street sweeping, plow damage repair and mowing of detention ponds. They will be starting some site work at Brush Mountain Park for the Community Activities Center next week. Concerning the brush, the Town has put the contractor on notice. The Town is hiring an additional crew to help in the areas where the contractor is behind. The additional work by the extra crew will come off the contractor’s payment. There will be no additional charge to the tax payer. Once back on schedule he should be getting around the town in 2 week periods. If this does not happen then the additional crew will be kept on and the contractor will be charged. We should be back on track in the next few weeks.

**16) 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 #13 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$108,555.44
<b>Public Safety Fund</b>	\$65,667.32
<b>Part Town Fund</b>	\$819.22
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$34,459.43
<b>Special Districts</b>	\$172,049.45
<b>Trust &amp; Agency</b>	\$2,694.50
<b>Capital Fund</b>	\$7,280.42

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:33 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**