

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 3<sup>rd</sup> day of February 2016 at 7:00 PM, the meeting was called to order by Councilman Eugene Majchrzak and there were:

**PRESENT AT ROLL CALL:**

- |                         |                        |
|-------------------------|------------------------|
| Eugene Majchrzak        | Councilman             |
| Michael Sherry          | Councilman             |
| John C. Bailey          | Town Attorney          |
| Remy Orffeo             | Town Clerk             |
| Wayne Bieler            | Town Engineer          |
| Andrew Geist            | Building Inspector     |
| Frederick Piasecki, Jr. | Highway Superintendent |
| Mark Pacholec           | Chief of Police        |

**ABSENT:**

- |                 |            |
|-----------------|------------|
| Patrick J. Keem | Supervisor |
|-----------------|------------|

**Councilman 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 COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on January 20, 2016, Executive Sessions: January 20, 2016. Special Session: January 13, 27, 2016 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.**

**Old Business # 1 Approve Change Order for Brush Mountain Building Design Project**

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

**WHEREAS**, the Engineering Department is requesting approval of a Change Order to the contract with Wendel Architecture - Planning Energy Services and Constr. Management, for the Brush Mountain Community Activity Center Preliminary Schematic Building Design Project in the amount of \$13,000. If approved, this would increase the total contract amount to \$162,000, representing an increase of 8.72%, and

**WHEREAS**, this Change Order involves the cost for Wendel Architecture for attending several additional meetings than originally planned and performing a great deal of extra work gathering all the information required from all the various user groups including our Town Recreation Department.

**NOW THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the Change Order #1 to the original contract with Wendel Architecture, Engineering, Planning Energy Services and Constr. Management, 375 Essjay Road, Suite 200, Williamsville, NY 14221 for the Brush Mountain Community Activity Center Preliminary Schematic Building Design Project in the amount not to exceed \$13,000, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Letter of Commitment, NY Storm Water Coalition Water Quality Improvements**

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

**WHEREAS**, the Town of Orchard Park, in partnership with the Western New York Stormwater Coalition, is a project partner on the Erie County Department of Environment and Planning's Round 12 Water Quality Improvement Project #52931. The project, entitled *Western NY Stormwater Coalition: MS4 Gap Analysis & Mapping Project*, includes completion of a gap analysis to identify barriers to green infrastructure in local laws; and, a continuation of MS4 storm system mapping that will add the following features: municipal facilities and the storm sewers draining those properties; stormwater management practices, including ponds, chambers, bio-retention areas, swales, rain gardens, pervious pavement; and, web-based tools for tracking environmental assessments at facilities, and inspections and maintenance of stormwater management practices.

**WHEREAS**, the Town of Orchard Park agrees to the following roles and responsibilities as a project partner:

1. Town of Orchard Park will assist with the gap analysis on municipal code by providing information to the project manager as needed.
2. Town of Orchard Park will provide any existing storm sewer maps and assist a field crew during the data collection component of the mapping to be done at municipal facilities.
3. Town of Orchard Park will provide information on the type and location of stormwater management practices in the municipality.
4. Town of Orchard Park will contribute in-kind services to help meet the required local match of 25%. The in-kind services will be salary and fringe for municipal staff assisting with the project work.

**NOW THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign a commitment letter to participate in the Western New York Storm Water Coalition; Round 12 Water Quality Improvement Projects —Municipal MS4's Gap Analysis & Mapping Project, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Approve Promotional Appointment of Jason Doktor to Assistant Civil Engineer**

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

**WHEREAS**, on May 15, 2011 the Erie County Department of Personnel established the eligibility list for the Assistant Civil Engineer position based on the results of a competitive civil service exam held on

December 11, 2010. Jason Doktor was ranked 4th among the candidates on the list, but per civil service notification the list has expired after four years, resulting in the need for the Town to call for a new test, and

**WHEREAS**, Mr. Doktor has worked assisting in the management and completion of various projects in the Department since August 15, 2011. Jason has accepted the challenge of the added duties and responsibilities of this position with enthusiasm and has performed his assignments with diligence and effectiveness. Throughout his five years of service with the Town, Jason has proven to be a dedicated and dependable employee.

**NOW THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the change in the civil service classification for Mr. Jason Doktor, 5186 Willowbrook Drive, Clarence, NY 14031, to a provisional promotional appointment to the position of Assistant Civil Engineer assigned to the Orchard Park Engineering Department at Range 0013, Step D of the union wage schedule effective February 8, 2016 with a six-month probation period and pending meeting all Civil Service rules and regulations, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #3 Supervisor to Sign an Agreement for 2016 Pond/Lake Maintenance Service**

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

**WHEREAS**, in previous years, to complete the algae/plant treatments for various ponds/lakes including Green Lake; it is necessary to hire an environmental consulting firm New York Certified in Aquatic Vegetation and Algae Control, and

**WHEREAS**, the Engineering Department solicited services and received a proposal from a local environmental consultant firm AquaTech Environmental, Inc., which is qualified and capable to complete lake management work for Green Lake, Pleasant Acres Pond and also the stocking of eleven Town owned lakes/ponds in the necessary time frame, and

**WHEREAS**, the environmental services to be provided for the maintenance of Town lakes/ponds are proposed as an annual lake/pond maintenance service agreement and will include: (if necessary) NYSDEC Permit Procurement (Currently \$300.00), Aquatic Macrophyte Herbicide Treatment (no treatment in 2016 for Green Lake), Algae Herbicide Treatment (no treatment in 2016 for Green Lake), Aeration Assessment and Adjustment, Stocking Permit Procurement, Fish Stocking, Fishery Assessment and Consultation Services. Aqua Tech Environmental, Inc. lump sum cost to provide the above mentioned treatments for 2016 is \$4,600.00, and

**WHEREAS**, the services proposed for Birdsong Subdivision Retention Lake are again being discontinued this year, due to the Homeowners Associations refusal to pay 50% of treatment and permitting costs, and

**WHEREAS**, the Pleasant Acres Retention Ponds is being included in the agreement once again this year for treatment. The developer of the subdivision decided it would be a good option to have in place, if the pond needs treatment. He has agreed to pay for 50% of the permitting fee and the same if treatment is needed. The permitting process (\$300.00) will not be completed at this time, if needed the permit can be applied for and

obtained in a few weeks. The services and costs will be in the contract once again, with zero quantities, so if treatment is warranted it can still be completed as a per treatment basis. The treatments will be Filamentous Algae treatments for \$975.00/each and \$1,450.00/each for rooted plants treatment. The total anticipated cost for 2016 is \$0.00 for the year, and

**WHEREAS**, the continuation of the Town of Orchard Park Fish Stocking program recommendations are attached (Attachment 3.0 Fishery Management Agreement) for 2016. Mr. Adrian recommends continuing the baitfish stocking (crayfish, fathead minnows & golden shiners), game fish stocking (largemouth bass & yellow perch) and grass carp stocking to aid in weed and insect control. The 2016 proposed stocking cost is \$2,349.50, and

**WHEREAS**, the entire projected cost for Town Lake and Pond maintenance, treatment and stocking for calendar year 2016, is not to exceed \$9,675.50. There are presently funds (\$10,000.00) allocated under Orchard Park Engineering Department "Water Quality Consultants" A.1440.000.448 for this work.

**NOW THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the application for NYSDEC permit to use a pesticide for the control of aquatic pest for Aquatic Vegetation and Algae Control for any necessary Town Pond/Lake that requires treatment, and be it further

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$9,675.50 to provide the following, as recommended by the Town Engineer:

- Annual environmental services for Green Lake in an amount of \$4,600.00 annually. (2016 will be used for fish stocking only — no treatment due to construction)
- Environmental permitting and treatment services for various Town Ponds / Lake; including Pleasant Acres Retention, Pond Maintenance.
- Stock fish to specified Town-Owned ponds as per 3.0 & 3.1 Fishery Management Agreement.

**The resolution was unanimously adopted.**

**New Business #4 Authorize the Advertisement of NYSDEC Notice of Complete Application**

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

**WHEREAS**, the Green Lake Dam Rehabilitation and Dredging Project is presently out to bid with the bid opening scheduled on February 19, 2016. In order to keep the project schedule moving forward, and as requested by NYSDEC, the Advertisement for the NYSDEC Notice of Complete Permit Application is required to be published.

**NOW THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for the NYSDEC Permit for the Notice of Complete Application for the Green Lake Dam Rehabilitation and Dredging Project as required by the NYSDEC on February 4, 2016.

**The resolution was unanimously adopted.**

**New Business #5 Appoint 2 Part Time Assistant Network Coordinators**

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

**RESOLVED**, that the Town Board does hereby appoint the following 2 new Part-Time Assistant Network Coordinators, Paul P. Pepero, 6218 Webster Rd., Orchard Park, NY 14127, Range 17 Step 1, \$27.00 hour, and Garrett M. Haima, 8 Highbrook Ct., Orchard Park, NY 14127, Range 8, Step 5, \$18.00 hour, and be it further

**RESOLVED**, that the recommendation of employment is contingent upon successful completion of a background investigation by the Orchard Park Police Department, and actual employment start date to be determined upon completion of the investigation, as recommended by the Network Coordinator.

**The resolution was unanimously adopted.**

**New Business #6 Appoint John F. McCarthy to the Board of Assessment Review**

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

**RESOLVED**, that the Town Board does hereby appoint John F McCarthy, 6693 Powers Road, Orchard Park, NY to fill the open seat on the Board of Assessment Review for the term of October 1, 2015 to September 30, 2020, as recommended by the Town Assessor.

**The resolution was unanimously adopted.**

**New Business #7 Sign an Agreement for Financial Audit**

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

**WHEREAS**, the Town's prior external auditor, Drescher & Malecki LLP, is no longer eligible to provide independent audit services to the Town since it currently supervises the Town Finance Department, and

**WHEREAS**, the Town is in need having an independent external audit annually, and

**WHEREAS**, the Town solicited proposals to perform such service, and

**WHEREAS**, Freed Maxick graded as the best value based on a series of technical and pricing criteria,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an engagement letter with Freed Maxick to provide a financial audit of the Town for the year ended December 31, 2015.

**The resolution was unanimously adopted.**

**New Business #8 Approve Block Party / Road Closure Request**

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

**RESOLVED**, that the Town Board does hereby approve Block Party / Road closure request for Jeff Kandefer, 119 Hunters Ridge Orchard Park, NY for Saturday February 6, 2016 from 11am – 5 pm in the area of Hunters Ridge and Falconcrest.

**The resolution was unanimously adopted.**

**New Business #9 Refer to Planning, Conservation and Architectural Review**

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

**RESOLVED**, Refer the following to the appropriate Board for Review; Conservation, Planning Board and/or Architectural Overlay District:

- Mark Gajkowski, 17 Pleasant Avenue, located on the west side of Pleasant Avenue, Zoned B-1. Mr. Gajkowski is seeking permission to re-construct/repair his home, which is non-conforming using, as allowed by Section 144-61 of the Town Code. (SBL#152.19-1-13)

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Ed Shanahan is a new member of the community, and asked about the issues of the Sidewalk Clearing & Ordinance that were brought up previously and how does the town respond and revisit the issues. Additionally he asked about the 2016 Budget and how do you get a cost break down of the budget lines and where they are going. Had left a few messages for Supervisor Keem, now realizing he is out of town.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Councilman Majchrzak addressed Mr. Shanahan's questions stating that Pat Keem is out of town this week, and he would be the one to help address the budget & sidewalks. There has not been any additional discussion regarding the homeowners' responsibility to keep the sidewalks in the town clear since the snow has melted. Councilman Majchrzak will discuss the issues with Supervisor Keem next week and the possibility of setting up a committee (including Supervisor Keem, Building Inspector Andy Geist or others).

Highway Superintendent Fred Piasecki said his crews are out working on drainage projects, road signage and some light brush pick up from the high winds of recent.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #3 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$79,286.50
Public Safety Fund	\$25,981.66
Part Town Fund	\$2,542.26
Risk Retention	-
Cemetery Fund	-
Highway Fund	\$57,119.53
Special Districts	\$111,132.93
Trust & Agency	\$1,150.17
Capital Fund	\$175.00

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the Building Inspector Report for January 2016.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Councilman Majchrzak, seconded by Councilman Sherry, the meeting adjourned at 7:11 pm (local time).

**Respectfully Submitted,**



**Remy Orffeo  
Town Clerk**

