

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 4<sup>th</sup> day of February 2015 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

**PRESENT AT ROLL CALL:**

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|-------------------------|------------------------|
| Patrick J. Keem         | Supervisor             |
| Eugene Majchrzak        | Councilmember          |
| Michael Sherry          | Councilmember          |
| 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        |

**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 Organizational Meeting and January 7, 2015, Regular Town Board Meeting Minutes held on January 21, 2015, and Executive Sessions: January 28, 2015 & Special Session January 28, 2015, 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 Public Hearing for Dangerous & Unsafe Building located at 5554 Lake Avenue.**

**Public Hearing**

Supervisor Keem opened the Public Hearing regarding the Dangerous & Unsafe Buildings located at 5554 Lake Avenue, Orchard Park, NY deeming it unsafe to the public and dwellings are dilapidated and needs to be torn down.

Supervisor Keem asked if anyone had any comments. No one came forward.

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

**RESOLVED**, that the Public Hearing regarding the dangerous and unsafe structures at 5554 Lake Avenue was closed at 7:04pm

**The resolution was unanimously adopted.**

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

WHEREAS, the Supervising Building Inspector, Andrew Geist, has submitted to the Town Board a report Pursuant to Chapter 47 of the Town of Orchard Park Code of Ordinances, in the matter of the buildings at 5554 Lake Avenue, in the Town of Orchard Park

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to seek bids to demolish and remove the buildings from the premises at 5554 Lake Avenue, and be it further

RESOVLED, that the cost of said demolition and removal shall be billed to the property and placed upon the tax roll, and be it further

RESOLVED, that the Town Clerk shall publish due notice thereof.

The resolution was unanimously adopted.

Old Business #2 Town Attorney to proceed with Dedication of The Hills Subdivision, PIP 2013-07.

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

WHEREAS, on January 15, 2015 a final inspection was conducted of the public improvements constructed in The Hills Subdivision. The project included the construction of Hidden Oak Court, as shown on the attached location map. The completion of this subdivision phase will allow 20 new single family / CMO 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 will be completed when the weather permits:

- o Supply spare fuses, pole and fixture with bulb required per Town Standards and provide UL Inspection Certification for the installation. \$5,000
- o Plant the nine (9) required trees in Cul-de-sac Island. \$5,000
- o Complete backfilling behind gutters and repair gutters, if needed. \$8,000
- o Properly shape swales along lot line for Lot 1, 2, 3 and 4. \$5,000
- o Topsoil, fine grade, york-rake, hydro seed and mulch in +/- 1.6-acres of ROW area. \$21,000
- o Topsoil, fine grade, york-rake, hydro seed and mulch in +/- 1.2-acres of areas,
- o and address remaining disturbed miscellaneous grading issues. \$16,000

WHEREAS, the Town of Orchard Park is in receipt of the cash securities for the items noted above. A two-year maintenance bond in the amount of \$360,000.00 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

**RESOLVED**, that the Town Board authorize the Town Attorney to proceed with the dedication of the public improvements in The Hills Subdivision constructed under PIP #2013-07, and authorize the Town Clerk to release the performance security in the amount of \$72,000.00 to Essex Homes Of WNY, Inc., 8940 Main Street, Clarence, New York 14031.

**The resolution was unanimously adopted.**

**New Business #1 Appointment to Community Activity Center Task.**

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

**RESOLVED**, that the Town Board does hereby appoint Rozanne Redlinski to the Community Activity Center Task Force, with the term to expire on 12/31/15.

**The resolution was unanimously adopted.**

**New Business #2 Approve Orchard Park Garden Club Plant Sale.**

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

**RESOLVED**, Town Board does hereby approve the request from the Orchard Park Garden Club, upon receipt of a Certificate of Liability Insurance, to hold their 2015 Plant sale on May 16<sup>th</sup> and 17<sup>th</sup> at the Railroad Depot, and to authorize the approval for a tent to be erected on Town Property on Friday, May 16<sup>th</sup> to May 17<sup>th</sup>.

**The resolution was unanimously adopted.**

**New Business #3 Set Public Hearing for Local Law 2015-01, §144 Zoning – Schedule of fees**

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

**RESOLVED**, that the Town Board does hereby set a Public Hearing for 7:00 PM Wednesday, March 4, 2015, at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, for the Local Law 2015-01, Amending Chapter 144 “Zoning” Schedule of fees.

**The resolution was unanimously adopted.**

**New Business #4 Town Board to authorize Winter Spring Seasonal Recreation staff appointments.**

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

**RESOLVED**, that the Town Board does hereby appoint the following 2014/15 Seasonal Part-Time Staff to the Recreation Department, dependent on them receiving the required certifications, as recommended by the Director of Recreation.

<u>Name</u>	<u>Old Rate</u>	<u>New Rate</u>	<u>Position</u>
Courtney Thornton	\$9.00 (PT2-B)	\$9.50	PT2-D (LG)
Shannon Goodman	\$9.00 (PT2-B)	\$9.50	PT2-D (LG)

**The resolution was unanimously adopted.**

**New Business #5 Town Board to authorize the posting of a Stop Sign.**

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

**WHEREAS**, per the request from the Police Chief, Town Engineer and the Highway Superintendent, and pursuant to the authority granted by §1660 of the Vehicle and Traffic Law of the State of New York

**NOW, THEREFORE, it is hereby**

**ORDERED**, that the posting of a "Stop Sign" on Hidden Oak Court at the intersection of Arrowood Lane within the Town of Orchard Park, and be it further

**ORDERED**, that the Superintendent of Highways be and is hereby directed to post the proper and necessary sign at said location.

**The resolution was unanimously adopted.**

**New Business #6 Town Board to appoint Architectural Overlay District.**

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

**RESOLVED**, that the Town Board does hereby appoint Joseph Cox, to the Architectural Overlay District to fill the unexpired term which ends 12/31/2015.

**The resolution was unanimously adopted.**

**New Business #7 Expenditure from Building Reserve Fund subject to Permissive Referendum.**

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

**WHEREAS**, pursuant to Section 6-c of the General Municipal Law, the Town Board of the Town of Orchard Park (the "Town") established a Building Reserve - Capital Reserve Fund (" Reserve Fund") to finance the cost of construction, reconstruction and/or acquisition of buildings; and

**WHEREAS**, the Town's Police Department has current building improvement needs, and

**WHEREAS**, these building improvements will provide for the safety of officers and allow the Police Department to better serve the community, and

**WHEREAS**, the Town's Building Reserve Fund within the General Fund has sufficient funding to allow for the purchase of such improvements,

**NOW, THEREFORE, it be**

**RESOLVED**, that the Town Board authorizes the expenditure of up to \$35,600.00 from the Reserve Fund to make improvements; and it is further

**RESOLVED**, that this Resolution is subject to a permissive referendum, pursuant to General Municipal Law §6-C, and shall not be effective unless either no petition requesting a referendum meeting the requirements of Town Law §90 is filed within thirty (30) days from the date of this resolution, or this Resolution is approved by the affirmative vote of majority of the qualified electors of the Town of Orchard Park voting on approval of the Resolution; and it is further

**RESOLVED**, that pursuant to §90 of the Town Law that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was accepted to a permissive referendum; and shall publish such notice in the official newspaper of the Town of Orchard Park, and that in addition thereto that the Town Clerk shall post on the sign board of the Town of Orchard Park, a copy of such notice within ten (10) days after the date of the adoption of this resolution, and it is further

**RESOLVED**, that the Town Board hereby authorizes the following amendments and transfers to the Town's 2015 budget in the General and Public Safety Funds to provide funding for such improvements:

**General Fund:**

Increase appropriated Fund Balance:

A.0000.0878	Building Reserve Fund	\$ 35,600.00
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Increase appropriation accounts:

A9903.901	Transfer to Public Safety Fund	\$ 35,600.00
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**Public Safety Fund:**

Increase estimated revenues:

PS.0000.5031	Transfer from the General Fund	\$ 35,600.00
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Increase appropriation account

PS.3120.0225	Other Equipment	\$35,600.00
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Decrease appropriation account

PS.3120.0446	Driver Education Program	\$15,000.00
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Increase appropriation account

PS.3120.0225	Other Equipment	\$15,000.00
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**The resolution was unanimously adopted.**

**New Business #8 Award bid for Police Department Acoustical Panels in the Interview Room.**

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

**WHEREAS**, The 2014 Municipal Building Repairs Project with Telco Construction is 100% complete and all of the objectives of the project were achieved. One very important aspect of that project was the soundproofing of the Police Department's small conference room that is now being used for interrogations and recordings, and

**WHEREAS**, recently the Town received an estimate for the supply and installation of 11 acoustical panels. KT Construction Services has agreed to supply and install 11 each (30"x42"x1") acoustical sound panels for \$940.00 (\$9.77/sq.ft. installed). There is presently \$326,533.00 allocated under Capital Projects H-88 "Municipal Building" for the work.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board award the contract for the Orchard Park Police Department (Interrogation Room) Acoustical Panels to KT Construction Services & Commercial Contractors, 50 James Street, Tonawanda, New York 14150 the lowest responsible bidder in an amount not to exceed \$940.00.

**The resolution was unanimously adopted.**

**New Business #9 Appointment of Public Safety Dispatcher.**

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

**RESOLVED**, that the Town Board authorize the appointment of Jillian Lasker to the position of Public Safety Dispatcher (full time) effective February 13, 2015, pay range 0003 step, 1<sup>st</sup> year, \$13.35 per hour.

**The resolution was unanimously adopted.**

#### **BUSINESS FROM THE FLOOR**

Kathryn Gorkiewicz thanked Supervisor Pat Keem's for speaking up for taxpayers, and this area, in his radio interview regarding the Buffalo Bills stadium, and keeping it in Orchard Park. She stated that he made many good points regarding the cost of building a new stadium, and the infrastructure it would need and the burden it would be to the taxpayers. He also commented on how a new Buffalo Bills stadium would affect the surrounding areas.

David Shuster commented on the Towns brush pick up and the speed of pick up over the summer. OP has a Cadillac of policies, compared to other towns which have many more restrictions to their pick up. Examples are only specific weeks for pick up, stack neatly, 1 pickup per road, no summer pick up, maps posted on websites, etc. If residents high expectations, hire more labors in the highway dept., or scale back on service offered. David Shuster commented that Supervisor Keem stated in the Bee that he would list the organizations he would donate the Stipend money to, but he has not seen this list.

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

Supervisor Keem said, regarding the radio interview about the stadium, the First Ward residents called him directly thanking him for commenting, and stating that their personal schedules would be effected (if a stadium would be built down town) due to gridlock on game days. He said the list of the 19 organizations the stipend is going to are in the Penny Saver this week, and will be in the Orchard Park Bee and the Sun. The organizations were listed, the exact amounts were not listed.

Highway Superintendent Fred Piasecki commented that his crews are plowing down the banks (shelving) on days where street plowing is not needed.

14) 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 #3 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$65,766.99
<b>Public Safety Fund</b>	\$12,144.80
<b>Part Town Fund</b>	\$989.45
<b>Risk Retention</b>	\$
<b>Cemetery Fund</b>	-
<b>Highway Fund</b>	\$66,542.56
<b>Special Districts</b>	\$323,407.74
<b>Trust &amp; Agency</b>	\$58,416.53
<b>Capital Fund</b>	\$45,485.52

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the Building Inspector January 2015 Report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:18 pm (local time).

**Respectfully Submitted,**



**Remy Orffeo  
Town Clerk**