

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 5th day of March, 2014 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilmember
	Michael Sherry	Councilmember
	John C. Bailey	Town Attorney
	Carol Hutton	Town Clerk
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	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 COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

RESOLVED, that the Regular Town Board Meeting Minutes held on February 5 and 19, 2014, and Special Session Meeting Minutes held on February 26, 2014, Executive Session Meeting minutes of the Town Board Meeting held on January 29, February 12 and 19, 2014, are hereby approved 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.

New Business #1 Appointment to North Buffalo Architectural Overlay District

2) 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 Joseph Cox, to the North Buffalo Architectural Overlay District with a term to expire on 12/31/2014.

The resolution was unanimously adopted.

New Business #2 Appointment to North Buffalo Architectural Overlay District

3) 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 appoint JoAnn Litwin, to the North Buffalo Architectural Overlay District with a term to expire on 12/31/2014.

The resolution was unanimously adopted.

New Business #3 Appointment to the 2014 Winter/Spring Part Time Seasonal Recreation Staff

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

RESOLVED, that the Town Board does hereby authorize the following Recreation Department appointment, as recommended by the Recreation Director. These appointments are dependent upon the applicants providing the required certifications.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position (Title)</u>
Joseph Sullivan	1901 Main St	\$8.50	PT1-E (LG)

The resolution was unanimously adopted.

New Business #4 Authorize Bid Opening for the Brush Collection

5) 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 authorize a bid opening for the Brush Collection for the Town of Orchard Park on April 8, 2014, at 11:00 am (local time) in the Supervisor’s Conference Room at the Municipal Center of the Town of Orchard Park. The Town Clerk is authorized to post due notice in the official paper of the Town, as requested by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #5 Town Board to accept Map, Plan & Report for OPDD 3-9

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

WHEREAS, a petition received by the Town of Orchard Park pursuant to Town Law §191, that the Town Board establish a Drainage District for the Armor Meadows 9-lot Subdivision. The map, plan, and report for the proposed Orchard Park Drainage District OPDD 3-9 for the Armor Meadows 9-lot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk’s office for public review, and

WHEREAS, the project involves the installation of the Subdivision’s stormwater drainage system, which includes the piping infrastructure, roadway catch basins, green infrastructure, and retention pond systems for stormwater quality. The construction cost of the Subdivision’s stormwater drainage system is estimated at \$135,000 pending resubmission of map, plan and report, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (DJC Land Development, Inc.), and

WHEREAS, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity leaving the subject property per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system, and

WHEREAS, for the drainage district creation, the applicant has completed and submitted the Short EAF, Part 1 for this Unlisted SEQR action. The Planning Board is completing a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the map, plan, and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 3-9.

The resolution was unanimously adopted.

Adopt order calling for a Public Hearing for Establishment of Orchard Park Drainage Dist. 3-9

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 3-9, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Carmina Wood Morris, PC, competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective property owners within the proposed district consisting of the construction, installation & maintenance of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 3-9, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection, and

WHEREAS, said petition described the boundaries of the proposed new Town Drainage District OPDD 3-9 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded, and

WHEREAS, the proposed new Town Drainage District OPDD 3-9 is bounded and described in the map, plan and report attached hereto and made a part hereof, and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 3-9 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 3-9, and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk, and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 3-9, and

WHEREAS, said new Town Drainage District OPDD 3-9 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, DJC Land, Inc. and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 3-9 in the same manner and at the same time as other Town charges,

NOW, THEREFORE, be it **ORDERED**, that meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 2nd day of April, 2014 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage OPDD 3-9; as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish as least once in the Orchard Park Press, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

The resolution was unanimously adopted.

New Business #6 Approve Excavation, Removal & Storage of Materials

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

WHEREAS, the Town has received from Fellowship Wesleyan Church, 1645 Southwestern Boulevard, West Seneca, New York 14224, an application for an Excavation / Fill Permit to establish an additional grass athletic field behind their Church with approximately 2,500 cubic yards of fill and reuse of onsite stripped topsoil, and

WHEREAS, the Engineering Department has reviewed the plan and found it acceptable per Town code. All necessary fees and bonds have been received.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Excavation / Fill Permit #2014-01 to clear, grub, fill, and re-grade approximately 0.97 acres with approximately 2,500 cubic yards of fill and reuse of onsite stripped topsoil at the Fellowship Wesleyan Church at 1645 Southwestern Boulevard, West Seneca, New York 14224, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve Change Order to the Contract with Delmar Electric

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

WHEREAS, the Engineering Department is requesting approval of a Change Order to the contract with Delmar Electric for providing technical review and inspection for the pump station electrical supply and installations at Knoche Farm Estates in the amount not to exceed \$600.00. If approved, this would increase the total contract amount to \$1,450.00, and

WHEREAS, this Change Order is requested as additional review is needed specifically related to the pumping station electrical supply and related equipment details.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve a change order to the contract with Delmar Electric for the Knoche Farms Pump Station Review for an increase of \$600.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize Attendance to Western New York Stormwater Conf. & Tradeshow

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

WHEREAS, the Western New York Storm Water (WNYSW) Conference and Tradeshow will deal with a wide range of topics from stormwater, green infrastructure, MS4 Green Infrastructure Applications, stormwater program implementation for MS4s, floodplains, watersheds, hydraulics, and showcase for the latest in stormwater technology design and equipment. This conference is intended for municipal officers and staff, advisory board members, planners, engineers, agencies, developers, contractors, teachers, architects, stormwater and environmental professionals, and municipal employees, and

WHEREAS, the WNYSW Conference and Tradeshow will be held on March 19, 2014. This single day conference will be located at the Buffalo Niagara Convention Center, and is a valuable source of information that has been utilized by the Engineering Department in the past. The Western New York Stormwater Coalition sponsors this event and through the Coalition. Richard J. Mrugalski of the Engineering Department can attend free due to the Town membership in the coalition. The conference and tradeshow cost is \$90 per person for the course, which covers handouts, refreshments and lunch. This would allow Thomas A. Ostrander and Wayne L. Bieler to attend at cost.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Richard J. Mrugalski, Thomas A. Ostrander, and Wayne L. Bieler to attend Western New York Storm Water (WNYSW) Conference and Tradeshow on March 19, 2014 in an amount not to exceed \$180.00.

The resolution was unanimously adopted.

New Business #9 Authorize Attendance to New York Planning Federation Conference

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

RESOLVED, that the Town Board does hereby authorize Remy Orffeo, Planning Coordinator, to attend the NYPF Conference on Sunday, March 30 and Monday, March 31, 2014 in Saratoga Springs and the total cost is \$236.87. Mr. Orffeo has been named the award Recipient of the 2014 "Levine Community Service Award".

The resolution was unanimously adopted.

Refer to Planning Board

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

RESOLVED, that the Town Board does hereby refer the following to the Planning Board:

- Fox Run, One Fox Run Drive, request to operate an after school program.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Robert Lennartz – he asked why the Timberlake Waterline Project was scheduled for this time of year. He also asked about the removal of the trees to the entrance of the Timberlake subdivision.

Barbara Little – she stated that she is concerned with the reduction of code enforcement personnel and the fire inspections on the business and residential buildings. She stated that not appointing Mr. Jensen from the civil service list was politically motivated. She feels that the Town is at risk without adequate personnel.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem – he stated that he was very proud to be a member of this Town Board which approved the first Conservation Easement renewal for a property on Bunting Road.

Councilmember Majchrzak – he stated that the process with any project has challenges, but the Timberlake Waterline Project was necessary and will serve the residents well. He stated that he could not comment on the issue of Mr. Jensen, who worked in the Building Inspector's office as a Code Enforcement Officer, since he has contacted an attorney. The Town has filled the position with an Orchard Park resident from the Civil Service list.

Chief of Police Mark Pacholec – he reminded residents that the parking ordinance is still in effect. He asked the residents to lock their vehicles to deter theft.

Town Engineer Wayne Bieler – he explained to Mr. Lennartz the many reasons for scheduling the Timberlake Waterline Project at this time. There is always an informational public meeting before a project and notification to the immediate residents in the form of letters and through newspaper publications. The residents also have the opportunity to contact the Engineering Department with any questions on any project.

13) 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 #5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$70,664.85
Public Safety Fund	\$13,606.73
Part Town Fund	\$841.21
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$43,376.74
Special Districts	\$119,779.72
Trust & Agency	\$6,430.68
Capital Fund	\$36,641.50

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following:

Reports

- Building Inspector’s Monthly Report for the Month of February, 2014.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:30 pm (local time).

Respectfully Submitted,

Carol R. Hutton
Town Clerk