

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 18th day of March 2015 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 |
| | |
| 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 Regular Town Board Meeting Minutes held on March 4, 2015, and Executive Sessions: March 4 & 11, 2015

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.

2015 State of the Orchard Park Police Dept. presentation was given by Chief Mark Pacholec

Old Business # 1 Reconstruction of a 4-Unit, non-conforming residential building on Milestrip Rd.

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

WHEREAS, Keith Warning, 6999 Milestrip Road, located on the south side of Milestrip Road, west of Baker Road and east of Ferndale Drive, Zoned R-2, has requested a Building Permit to build a 4-Unit, non-conforming residential building

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize a Building Permit for the reconstruction of a 4-Unit, non-conforming residential building damaged by fire based on the letter of intent received 12/15/14, and Approve the Site Plan received on 2/27/15, Per Section 144-61A of the Town Code, as recommended by the Planning Board at its 3/11/15 meeting with the following conditions and stipulations:

1. This is a Type 2, SEQR Action, therefore, no determination is necessary.

The resolution was unanimously adopted.

Old Business #2 Approve Building Permit for Buffalo Medical Group, 3900 North Buffalo Rd.

3) 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 authorize a Building Permit for the Buffalo Medical Group, 3900 North Buffalo Road, Zoned B-1, to construct a 7,703-sq.ft. Single-story addition and approve the Site Plan received 2/26/15, as recommended by the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Short EAF, and a Negative Declaration is made.
2. The Landscape Plan was approved in the overall Site Plan review of 9/11/13, prior to property split with Ellicott Development.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan.
4. No outside storage or display is permitted.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Town Engineering Approval was granted on 3/11/15.

The resolution was unanimously adopted.

Old Business #3 Quaker Crossing, Old I Hop building, approve facade changes for Verizon

4) 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 approve the submitted Verizon Building elevations and façade changes to the Old I Hop existing building at Quaker Crossing Plaza, as recommended by the Planning Board based on the submitted plans received 3/4/15 and the following conditions shall apply:

1. This is a Type II SEQR action and therefore no determination of significance is required.
2. The revised Landscape Plan submitted 3/11/15 shall be used.

The resolution was unanimously adopted.

Old Business #4 2014 Hydrant Replacement Project
TABLED

Old Business # 5 Approve emergency cleaning of unplowed sidewalks in the Town of Orchard Park

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

WHEREAS, the Town Board determined that a number of residences and businesses had neglected their obligation to clear the sidewalks in front of their properties, and

WHEREAS, the Town Board determined that failure presented a danger to public safety rising to the level of an emergency, and

WHEREAS, the Town Board directed the Building Inspector and Town Engineer to identify subcontractors ready, willing and able to clear these sidewalks on an emergency basis, and

WHEREAS, Sergi Construction was engaged to clear those unplowed sidewalks at a rate of \$150.00 per hour, and

WHEREAS, said sidewalk clearing has been completed to the satisfaction of the Building Inspector and Town Engineer,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby notify and confirm its contract with Sergi Construction for the emergency clearing of unplowed sidewalks in the Town of Orchard Park, and be it further

RESOLVED, that the Town Board does hereby authorize the payment to said Sergi Construction at the rate of \$150.00 for the work performed under said contract, and be it further

RESOLVED, that the Town Board authorizes that payment of \$6,975.00 be made out of the appropriate fund from the Orchard Park Town Budget.

The resolution was unanimously adopted.

New Business #1 Trisha Jurek to attend "Introduction to Government Accounting" Seminar.

6) 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 Tricia Jurek to attend "Introduction to Government Accounting" April 21-23 at the Village of East Aurora, the registration fee of \$85.00 is in the budget.

The resolution was unanimously adopted.

New Business #2 Town Accounting Staff to attend a Summer Training Conference

7) 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 Connie Fitzpatrick and Tricia Jurek to attend the 2015 KVS Summer Training School & Conference, July 20 – 22, 2015 at the Buffalo Niagara Marriott Hotel in Amherst. The money is in the budget.

The resolution was unanimously adopted.

New Business #3 Town Clerks attend the 2015 NYS Town Clerk's Conference

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 authorize Remy Orffeo and Kathy Swarbrick to attend the 2015 NYS Town Clerk's Conference, April 27-28 at the Hyatt Regency in Rochester. The money is in the budget.

The resolution was unanimously adopted.

New Business #4 Hire Full-time Real Property Appraiser

9) 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 Nancy Kenlon to “Full-time Real Property Appraiser”, at range 0009, 1st year starting at \$21.16 per hour, pending six-month probation effective March 23, 2015.

The resolution was unanimously adopted.

New Business #5 Approve 2015 Stable Permit

10) 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 application for a 2015 Stable Permit for Hammersmith Farms, as recommended by the Building Inspector’s office.

The resolution was unanimously adopted.

New Business #6 Approve PIP #2015-01 for the Armor Meadows Subdivision.

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

WHEREAS, the Town has received from David Capretto, D.J.C. Land Inc., 420 Cayuga Road, Cheektowaga, New York 14225, an application for a Public Improvement Permit to construct the Armor Meadows 9-lot Subdivision, and

WHEREAS, the project consists of the installation of 1,221 L.F. of stormwater drainage piping and 947 L.F. of sanitary to service nine home sublots as shown on the attached location map. Installation of an underground stormwater detention facility will be completed in this construction project, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards, and the Town is in receipt of all necessary fees, insurances, and a certified cash security in lieu of a performance bond. Due to Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district, which was completed by the Town of Orchard Park Town Board on March 5, 2014.

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby approve of Public Improvement Permit #2015-01 the Armor Meadows 9-lot Subdivision, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve PIP 2015-02, 19 Hillsboro Dr. Storm Sewer Relocation project

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

WHEREAS, the Town has received from Mr. Jeffrey Magavern, 19 Hillsboro Drive, Orchard Park, New York, an application for a Public Improvement Permit to construct an 18-inch storm sewer drainage pipe at 19 Hillsboro Drive, and

WHEREAS, the project consists of the installation of 217 L.F. of new 18-inch HDPE pipe, 2 storm sewer drain inlets, and establishing/armoring the pipe outlet. The drainage pipe serves as an outlet for the existing roadside underdrain collected system part of Hillsboro Drive. With the development of the subplot, the pipe needed to be relocated and the outlet ditch covered, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to comply with the current Town Specifications and Standards, and the Town is in receipt of all necessary fees. Mr. Magavern requested bond requirements be waived, but has paid inspection fees. As discussed previously at Town Board work session, the performance and maintenance securities will be waived because of the improvement of the outlet.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve of Public Improvement Permit #2015-02 for the 19 Hillsboro Drive Drainage Outlet Relocation Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Professional Services for Green Lake Dredging and Dam Reconstruction

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

WHEREAS, for the past several years the Town completed several unfunded mandates required by the New York State Part 673: Dam Safety Regulations. The Town Engineering Department continues to complete an annual inspection and submit the Annual Certification to the NYSDEC. The Emergency Action Plan was completed with the assistance of C&S Engineering in 2013 and the Dam Engineering Assessment was completed with the assistance of Kheops Architecture, Engineering & Survey, DPC last year as required due to the change in classification from B to C., and

WHEREAS, to clarify the design work needed, the Green Lake Dam Assessment and Repair work scope was divided into three phases: Phase I of this project, which included landside survey of the dam structure, a Dam Safety Inspection and Safety Inspection Report, and Dam Engineering Assessment Report. The Dam Engineering Assessment Report included hazard classification evaluation, as well as hydrology, hydraulic, and stability assessments of the existing structure, and

WHEREAS, the Engineering Assessment Report determined that the dam is in need of repairs in order to be in conformance with current dam safety criteria. Based on the findings and recommendations of the Dam Engineering Assessment Report, hazard reclassification of the dam is not possible at this time. The bathymetric survey of Green Lake will be completed in early Spring 2015 to determine the existing lake bed topography and finalize Phase I; and Phase II - an assessment meeting, testing of onsite materials, and inspection of the outlet structure, and Phase III - the actual design of the recommended dredging and dam repairs, and

WHEREAS, due to the variable nature of this project, it was recommended that Phase II and III not be scoped in detail until the Phase I was completed by Kheops Architecture, Engineering & Survey (Kheops). With the Dam Engineering Assessment Report finalized now with the NYSDEC, the scope for Phases II and III are now detailed below, and

WHEREAS, the second and third phases include testing of onsite materials and design of the recommended dredging and dam repairs will include first an assessment meeting to determine the desired lake depth and bed geometry based on recreational uses, the proposed fish species to be stocked and spawning, soil borings and minimizing invasive algae and other plants species. Discussions will also include determining the procedure for stockpiling of dredged materials, disposal of dredged materials and alternative hauling and stockpiling options, and a project timeline, and

WHEREAS, once issues are discussed and methods of completing the tasks, Phase II - sampling and testing of sediments and water will proceed. The goal of Phase II is to collect subsurface soil boring information, subsurface information and testing data for the water and lake sediment, which are all necessary to develop a dredging plan, and

WHEREAS, concurrently, Kheops will perform a site visit to inspect the outlet control structure and sluice gates to provide in a technical memorandum of repair recommendations, or replacement needs, and

WHEREAS, with data collected in Phase II and using the topographic data obtained during Phase I, Kheops will start Phase III preparing design drawings showing the dredging of the lake and rehabilitation of the Dam to address all necessary repairs identified by Engineering Assessment Report and those required by the NYSDEC. Finally detailed construction plans and bid specifications will be developed, and

WHEREAS, there is presently \$406,902.34 plus interest allocated under Capital Project H-19 Green Lake Dam & Dredging and \$250,000 grant money coming from the State Senator for the project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Kheops Architecture, Engineering & Survey, DPC 300 Pearl Street Suite 100, Buffalo, New York 14202 to provide professional design services for the Green Lake Dredging and Dam Reconstruction Phase II & III Project for a lump sum fee of \$148,500, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Professional Services for Community Activity Center Building Project

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

WHEREAS, the consultant selection process for the Brush Mountain Park Activity Center Building has been completed. Three professional firms responded to the Town's request for updated qualifications, and

WHEREAS, back in 2004, the consultant selection committee decided to interview three firms. The committee selected the professional architecture design firm of Wendel to be the Town's building design consultant for the Brush Mountain Park Activity Center Project, and

WHEREAS, in August of 2014, the Town Board requested qualifications be resubmitted and updated from three firms. The Town Board reviewed the qualifications and selected the professional architecture design firm of Wendel to be the Town's consultant to complete the schematic building design for the Brush Mountain Park Activity Center Project, and

WHEREAS, the proposed scope of services and agreement with Wendel is satisfactory and will accomplish the goals of the project that were set forth by the Town, and

WHEREAS, major components include the programming and needs of the various user groups, space utilization with maximizing shared use in the building, Schematic Design Report; includes the Geotechnical report, Code review narrative, design standards, space utilization program and description, phasing plan, design alternatives, recommend building systems narrative, energy saving/net zero design options, site utility narrative, and preliminary construction cost estimates, and

WHEREAS, there is presently \$565,341.52 plus interest allocated under Capital Project H-89, Brush Mountain Community Activity Center for this project.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor sign an agreement with Wendel Architecture, Engineering, Planning Energy Services and Constr. Management, 140 John James Pkwy, Suite 201, Buffalo, NY 14228, to provide professional services for the Brush Mountain Community Activity Center Preliminary Schematic Building Design Project in an amount not to exceed \$149,000.00.

The resolution was unanimously adopted.

Refer to Conservation, Planning and/or Architectural Overlay District

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

RESOLVED, that the Town Board does hereby refer the following to the Conservation, Planning and/or the Architectural Overlay District:

- Roy Emerling, requesting a Special Exception Use Permit to construct a 10-Unit Apartment Building, project known as "Quaker Estates", at 4460 Abbott Road, located on the west side of Abbott Road, south of Route 20A, (Big Tree Road) Zoned R-3. (SBL#171.08-5-21)
- 3943 North Buffalo Road (former Bicycle Museum), south of Webster Road, Zoned B-3 & R-2. Ellicott Development is requesting a Building Permit to construct a 2,200 +/-sq.ft. addition to the existing building and a fenced-in playground area for a proposed "Edu Kids". (SBL#162.13-1-6.1)
- 3858 & 3862 North Buffalo Road, located on the east side of North Buffalo Road, south of Webster Road, Zoned B-3. Ellicott Development is requesting a Building Permit to construct a 4,902 +/- sq.ft. Single-story multi-tenant building with a drive-thru bank lane. Two existing homes will be demolished. (SBL's 162.09-1-22, 23)
- 3460 Orchard Park Road, located on the south west corners of Orchard Park Road and Hart Place, Zoned B-4. Michael Anderson of Abstract Architecture, on behalf of "Salon Justin Charles" is requesting a Building Permit to convert a former doctor's office into two separate rental spaces. (SBL#152.20-3-14)

The resolution was unanimously adopted.

New Business #10 Not on Agenda - Part Time Public Safety Dispatcher

16) 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 Eric Knavel to Part-time, non-competitive, public safety dispatcher at the pay rate of PT 0003, \$13.35 per hour effective March 21, 2015, as recommended by the Chief of Police.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Barbara Little- Ms. Little woke up in the middle of the night to find water from the ice buildup on the roof gushing in one of her windows. She called the police dispatch and asked if there were any names of someone who could help her. She was told by the Police Dept. that there was no one who could help her. She would like to see a list compiled of people or businesses that the residents could refer to in the case of emergencies.

ELECTED OFFICIALS & DEPARTMENT HEADS

17) 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 following 2015 Budget Transfer:

| Amount | From | To: |
|---------------|---------------------------------------|--|
| \$ 2,858.00 | A.9065.0814.0005 Town Law – Flex Plan | A.8760.0401 Emergency Management – FEMA Exp. |

The resolution was unanimously adopted.

Supervisor Keem stated that there is going to be Electronic Recycling Event at Curbell Inc., on April 25, 2015, which is located at 7 Cobham Dr., it will be from 9:00am to 1:00pm. The Town is going to post this on its website.

Supervisor Keem said he was going to undergo a minor surgical procedure tomorrow, and while he is incapacitated, he is going to appoint Councilmember Eugene Majchrzak to temporarily act as Supervisor Keem’s agent as Supervisor until he resumes his duties as Supervisor.

Town Clerk Orffeo stated that he is a big believer in continual training and upgrading skills. He and three other employees attended a Chase Commercial Online Security Seminar, at no cost to the Town, and it was informational and makes him aware of things he needs to know in his capacity as Town Clerk.

Police Chief Pacholec, addressing Ms. Little, stated that the Police Department gets many calls asking for recommendations, but because of Town and Liability issues, they cannot make any recommendations. But he said she was right, that there has to be a better way to handle these kinds of situations and he is going to reach out to his fellow Chiefs and see if they have a solution, and he will get back to her. He stated that there has been a phone scam going around, the individual is soliciting money for the Orchard Park Police Dept. Orchard Park will never do that, and they are investigating this scam.

Highway Superintendent Piasecki said the Highway Department is out fixing potholes, and have started some of the brush pickup left over from the fall. He said they are also monitoring the sewer receivers at this time, as there has been some upheaval to the drains because of the melting.

Town Engineer Bieler said in Allegany, the Chamber of Commerce put together a booklet of all the local business people, and what kind of work they do. He said they do carry a list in their department, but it consists of mostly of contractors for excavation jobs.

18) 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 #6 following auditing by members of the Town Board and in the funds indicated:

| | |
|---------------------------|----------------|
| General Fund | \$26,350.36 |
| Public Safety Fund | \$16,485.97 |
| Part Town Fund | \$182.33 |
| Risk Retention | \$ |
| Cemetery Fund | \$ |
| Highway Fund | \$55,988.62 |
| Special Districts | \$55,462.46 |
| Trust & Agency | \$1,716,025.03 |
| Capital Fund | \$1,000.00 |

The resolution was unanimously adopted.

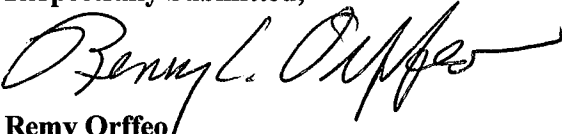
19) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's report and recommendation on the Town's sidewalks.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:40 pm (local time).

Respectfully Submitted,



Remy Orffeo
Town Clerk

