

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 6th day of April 2016 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	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

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 16, 2016, Executive Sessions: March 16, 23, 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 Final Change Order for Police Training Room

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

WHEREAS, the construction work on the Orchard Park Police Training Room (Simulator) Project has been completed. A final inspection was conducted on March 17, 2016 and all of the work has since been satisfactorily completed in accordance with the contract documents, and

WHEREAS, the Final Change Order - No.1 is an additional charge for framing in and covering the sewer stack and relocated sewer lateral in the amount of \$564.00. No. 2 is an additional charge to raise the center of the ceiling area in the amount of \$851.00. These two change orders will bring the total contract amount to \$25,485.00 which represents an increase of 5.8%.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Final Change Orders in the amount of a \$1,415.00, and authorize the Final Payment to Telco Construction Inc., 500 Buffalo Road, East Aurora, New York 14052 for the Orchard Park Municipal Police Training Room Project in the amount of \$25,485.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Approve 4 Street Lights for Riley Meadow Subdivision Phase 2

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

WHEREAS, the town has received the proposal from NYSEG for the connection of four (4) decorative standard street light fixtures on Golden Oak Lane in the Riley Meadow Subdivision Phase 2. At present, there are no single-family homes currently under construction in the 12 sub lots in this Phase 2, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of decorative standard street light poles under PIP # 2015-03. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier, which is estimated to be \$42.03/ea. for an annual cost of \$168.12 (4). The proposal is for a total of four (4) luminaries to be connected at an annual charge of \$23.13 each, totaling annually \$92.52. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of four (4) 70-watt high-pressure sodium decorative standard light fixtures in the Riley Meadow Subdivision Phase 2 at an annual increased cost of \$92.52 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$168.12/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Approve a change order for Philson Drive Water Replacement Project

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

WHEREAS, the construction work on the waterline replacement for the Philson Drive project has been satisfactorily completed in accordance with Town standards and specifications, and

WHEREAS, a two-year maintenance bond in the amount of \$102,958.58 has been submitted along with the Affidavit of Release of Liens, Affidavit of Payment of Debts and Claims, and necessary legal documents, and

WHEREAS, the Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there was a net decrease of \$26,270.67. This represents a decrease of-20.32% from the original contract amount, which includes Change Order No.1 for transferring and repairing the found 2-inch fire service for the group home located at 104 Philson Drive (\$5,469.45).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Final Change Order and authorize release of retention to Sergi Construction Inc., 775 Jewett Holmwood Road, East Aurora, New York 14052 for the Philson Drive Waterline Replacement Project, and authorize the Town Clerk to release the cash performance security in the amount of \$131,959.80, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Approve SPDES General Permit for Stormwater Discharge

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

WHEREAS, Per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals, and

WHEREAS, the 2015-2016 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification.

The resolution was unanimously adopted.

New Business #2 Schedule Informational Meeting on Stormwater Phase 2 Annual Report

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

RESOLVED, that the Town Board will schedule a public informational meeting for Wednesday, May 18, 2016 at 7:00 pm to receive public comment on the draft Stormwater Phase II annual report.

The resolution was unanimously adopted.

New Business #3 Approve Agreement for Professional Design for Yates Park and Little League

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

WHEREAS, the existing entrance Yates Park Stone Retaining Wall is in disrepair with additional stone work damage by vandals recently, and

WHEREAS, with the Reconstruction of Green Lake Dam and the Dredging Project the former Murphy Property purchased by the Town, is being used as a staging area. This property is being graded with the ball diamond design site plans and finish elevations (-1ft) taken into account for the end results, and

WHEREAS, after evaluation of the current condition of the Yates Park entrance retaining wall and adjacent area, it is recommended total reconstruction of the retaining wall and garden areas below as well as the top side parking lot paving area, and

WHEREAS, there is presently \$90,000 plus from the Town Board Bond resolution with possible additional funding coming from parks capital accounts for actual construction installations if needed, and

WHEREAS, the Engineering Department requested professional proposals from two consulting firms and Carmina, Wood, Morris DPC is the preferred consultant to perform the Yates Park & Little League Yates

Park Retaining Wall design services for this project for a lump sum of \$6,720 and \$5,220 respectfully (\$11,940.00).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Carmina, Wood, Morris DPC, 487 Main Street, Suite 600 Buffalo, NY 14203 to provide professional services for the Yates Park Reconstruction and Yates Park Little League Terraces Retaining Walls Design in the amount not to exceed \$12,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve 3 year contract Agreement with Skylighters Fireworks for 4th of July

8) 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 Supervisor to sign the Pyrotechnic Display and Services agreement with Skylighters of New York, LLC to provide the annual 4th of July Fireworks for the Town of Orchard Park, with an inclement weather day of July 5, 2016.

The resolution was unanimously adopted.

New Business #5 Approve Fee for Block Party Request Form

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

WHEREAS, the Town of Orchard Park requires a "Block Party Request Form" be submitted to the Town Clerk's office fifteen (15) days prior to the event; and

WHEREAS, the Town Highway Superintendent and Town Police Chief review and recommend approval or disapproval of the request; and

WHEREAS, the Town Board makes the final approval or disapproval of the block party request;

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve beginning May 1, 2016 a non- refundable fee of \$20.00 is required to be submitted with each block party request.

The resolution was unanimously adopted.

New Business #6 Establish revised Commercial Parking Regulation and Fees

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

WHEREAS, the Chief of Police, and the Code Enforcement officer have reviewed the Commercial Parking fees and Regulations, and to protect the public it is necessary to add terms and conditions to the granting of said permit, and

WHEREAS, the addition to the permit will read: *As a term and condition of the granting of this permit, the undersigned hereby agrees to allow the Orchard Park Police Department and/or any other Police*

enforcement agency to enter, at their discretion and for whatever purpose, the premises for which the permit is granted at any and all times during which the premises are being used for the purpose for which this permit is granted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the following fees for 2016 Commercial Parking
\$100 (up to three acres)
\$200 (three to six total acres)
\$300 (over six total acres)

This fee is effective for one (1) year from July 1st through June 30th of the following year, and be it further

RESOLVED, that property owners are required to provide Sanitation Facilities - at least (2) sanitation facility per acre with a minimum of one per lot shall be provided.

The resolution was unanimously adopted.

New Business #7 Recommend to Hire Clean Up Services for 3909 Taylor Road

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

WHEREAS, the property at 3909 Taylor Road has been vacant for over a year. There have been recent break-ins that have resulted in a broken basement window which has been boarded up but the plywood is coming off. Neighbors on both sides have field complaints about the debris all over the yard and the window. There has been one report of rats having been seen on the property, and

WHEREAS, the Code Enforcement Department has attempted to contact the owner multiple times, but have had absolutely no response. Due to the lack of response and the condition of the property it is recommended to clean up the property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Code Enforcement Department to hire a contractor to clean up the property. Costs incurred will be applied to the tax roll of the property.

The resolution was unanimously adopted.

New Business #8 Approve the Appointments of 2 Police Lieutenants

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

RESOLVED, The Town Board does hereby authorize the appointment of Patrick J. Rizzo to Lieutenant (probationary) effective April 7, 2016 and David P. Bowersox Jr. to Lieutenant (probationary) effective April 8, 2016. The probationary period is for 90 days and the pay is per the Collective Bargaining Agreement.

The resolution was unanimously adopted.

New Business #9 Approve Special Events through the Recreation Department

13) 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 approve the following events, as recommended by the Police Chief and the Recreation Director:

- (1) The Kelly Tough 12K, May 14, 2016
- (2) Special Olympics Law Enforcement Torch Run, May 31, 2016
- (3) American Cancer Society Relay for Life, June 11, 2016
- (4) Chase the Sun 5K, June 16, 2016
- (5) Lindsay Matthews 5K, July 24, 2016

The resolution was unanimously adopted.

New Business #10 Approve Winter/Spring Part Time Recreation Department Staff

14) 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 to the Town of Orchard Park Recreation Department as part time seasonal staff. The appointments are dependent upon the applicate providing the required certifications, as recommended by the Recreation Director.

2016 Winter Spring Seasonal part time Staff Appointments effective 1/1/16

<u>Name</u>	<u>Rate Position (title)</u>
Nathaniel Burnard	\$9.00 PT2-B (Aft)
Nigel Cordulla	\$15.00 PT6-D (Att)
Anthony Franjoine	\$15.00 PT6-D (Aft)
Zachary Kozoduj	\$15.00 PT6-D (Att)
Nathaniel Rivera	\$15.00 PT6-D (Att)
Deborah Todero	\$15.00 PT6-D (Att)

The resolution was unanimously

adopted. BUSINESS FROM THE FLOOR

Town Resident and business owner Eric Matwijow had a question about the Kelly Tough Run (Scheduled for May 14). He noticed race 'start' markers being painted on Abbott Road, and was curious on the race route as many of these races have break stops, and unfortunately the runners stop for a drink, and then litter along the race route. He expressed concern over the event, and what is being done about preventing garbage being littered along the route.

Additionally, Mr. Matwijow commented on the Commercial Parking rate increase and was wondering why there isn't a permit for private lots like there is for commercial lots. Seems like a burden is being put on commercial property owners. The town should enforce the same guidelines for private lots, as currently they don't have to abide by the same fees and rules.

ELECTED OFFICIALS & DEPARTMENT HEADS

Police Chief Pacholec called up Officer Ruzzo and Officer Bowersox and read the Police Department oath and swore in the Officers as new Lieutenants to the Orchard Park Police Department.

Supervisor Keem talked about the NY state budget process, and that the schools will be getting 6.5% increase in funding, but the town governments get nothing. IT makes it harder for Towns (and Villages) to balance budgets.

Councilman Sherry congratulated the new Lieutenants, and reminded citizens that next week at 6:00pm, is the presentation on the Community Activity Center in the board room.

Police Chief Pacholec thanked the board for approving the promotion of the two Lieutenants. Additionally, he addressed Mr. Matwijow's concerns about parking around the stadium, and the increased security concerns and the next step is to address public safety on private lots.

Highway Superintendent Piasecki reviewed that his staff is working on brush pick up (weather permitting), drainage, signs, street sweeping, and even snow plowing when necessary. Highway will be involved in the Philson Drive reconstruction work. The Highway Department received another federal grant check, now totaling \$1,200,310.96 for the Forest Drive Bridge project. The town's share was \$200,000.00. The Orchard Park compost site was featured in a John Deere video, which will be linked to the town website for those who would like to view it and see what this down does.

15) 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 # 7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$106,237.72
Public Safety Fund	\$121,509.99
Part Town Fund	\$1,838.97
Risk Retention	
Cemetery Fund	
Highway Fund	\$46,935.22
Special Districts	\$146,424.09
Trust & Agency	\$4,323.57
Capital Fund	\$103,400.78

The resolution was unanimously adopted.

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 receive and file the Building Inspector's Report for March 2016.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:23 pm (local time).



Respectfully Submitted,
Remy Orffeo

Appointed Town Clerk