

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 May 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 COUNCILMAN MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on April 20, 2016, Executive Sessions: April 20, 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 Authorize Payment for Hazel Court Sanitary Sewer Connection to West Seneca**

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

**WHEREAS**, confirmation from the Town of West Seneca Town Engineer that construction plans and specifications for the sanitary sewer connection of Hazel Court Subdivision into the West Seneca system have been reviewed and accepted, and

**WHEREAS**, part of the Town of West Seneca consent, order with the NYSDEC to make repairs to their overall sewer system, the Town has added a "Sewer Mitigation Fee" into their code, and

**WHEREAS**, the fee is based on calculated sewer flow in gallons per day. Hazel Court is calculated to produce an estimated 6,900 gallons per day of sewage flow into the West Seneca system. The base fee is \$1.20 per gallon. Therefore the required sewer mitigation fee is 6,900 gallons times \$1.20 equals a fee of \$8,280.00.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize a payment to the Town of West Seneca for the Hazel Court "Sewer Mitigation Fee" in the amount of \$8,280.00 payable to Code Enforcement Officer Mr. John Gullo, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Authorize 2016 School Resource Officer Agreement**

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

**RESOLVED**, that the Town Board does hereby authorize the Town Supervisor, Patrick J. Keem, to sign the 2015-2016 School Resource Officer Agreement between Erie 2 BOCES and the Town of Orchard Park. The Town will be reimbursed \$43,050 for Part Time SRO services or \$99,885 and \$1,500 for Full time SRO services and equipment respectively (pending contract negotiations).

**The resolution was unanimously adopted.**

**New Business #1 Add Officials to the NYS and Local Employees Retirement System**

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

**RESOLVED**, the Town Board does hereby add Patrick J. Keem, Supervisor, Eugene Majchrzak, Councilman, Edward A. Pace, Town Justice, John C. Bailey, Town Attorney, Joseph C. Liberti, Zoning Board of Appeals Chairman, Lauren Kaczor, Zoning Board of Appeals, Fredrick J. Piasecki, Highway Superintendent and Lynn W. Keane, Town Justice to the standard workday and reporting resolution for Elected and Appointed Officials to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the Town Clerk.

**The resolution was unanimously adopted.**

**New Business #2 Authorize letter to DOT for Road Closure on July 4, 2016**

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

**WHEREAS**, the Town of Orchard Park will be holding a July 4, 2016 parade from the Orchard Park High School to the Orchard Park Middle School and requires the road to be closed on 20A for the parade route from Baker Road to South Lincoln Avenue.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to send a letter to the DOT requesting 20A to be closed for the parade on July 4, 2016 from 8:00 pm – 9:00 pm from Baker Road to South Lincoln Avenue.

**The resolution was unanimously adopted.**

**New Business #3 Increase the Dog Adoption Fees**

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

**RESOLVED**, that the Town Board does hereby set the dog adoption fee to \$50.00 effective May 5, 2016, as recommended by the Animal Control Officer Dennis Buczkowski.

**The resolution was unanimously adopted.**

**New Business #4 Authorize Purchase of New Truck for Highway Department**

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

**WHEREAS**, in accordance with the vehicle/truck replacement program, the Highway Department is looking to purchase one (1) new 2015 Ford F-350. The cost of this new truck, cab and body is \$33,670.00 under New York State Bid Contract, (NJPA).

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board is hereby authorized to proceed with the purchase of this truck. Monies are in place in the budget for this purchase, as recommended by Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #5 File Easement and Process the Sale for Town Owned Property**

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

**WHEREAS**, the property located on East Abbott Grove (SBL 161.09-3-25) has a survey plan, location plan and legal description for the sale of this property and filing of a permanent easement.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Attorney to proceed with the filing of a Permanent Turnaround Easement to the Town of Orchard Park and the property sale of sub lot located on East Abbott Grove (SBL 161.09-3-25).

**The resolution was unanimously adopted.**

**New Business #6 Sign Agreement for Green Lake Dam & Dredging Reconstruction Project**

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

**WHEREAS**, the Engineering Department is requesting approval for professional special inspection services with KHEOPS Architecture, Engineering & Survey, and

**WHEREAS**, the Green Lake Dam special inspections services needed from KHEOPS include:

- Professional licensed geotechnical engineer from Golder Associates to observe the installation and testing of the rock anchors for the dam's proposed emergency spillway.
- Observe the general earth reconstruction of the dam interface of the concrete and the earthen work proposed for the emergency spillway and the dam itself.
- Provide a professional licensed structural engineer from KHARFRA to perform field inspections of the spillway's reinforcing steel and the general placement of the concrete spillway.

**WHEREAS**, KHEOPS will prepare and submit reports, including daily logs detailing the observations and findings of the given work that day.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #2 professional service to the contract with KHEOPS Architecture, Engineering & Survey, DPC, 300 Pearl Street Suite 100, Buffalo, New York 14202 to provide professional special inspection services for the Green Lake Dam Reconstruction for time and materials not to exceed \$17,985, this would increase the total contract amount with KHEOPS to \$178,885 representing an increase of 11.12%, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Proclamation for Municipal Clerks Week**

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

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk serves as the information center of functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal clerk.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Erie County Town Clerk and Tax Collectors Association, celebrating 50 years in 2016, hereby recognize the week of May 1 through May 7, 2016 as Municipal Clerk's Week and further extends appreciation to Orchard Park Town Clerk, Remy Orffeo and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**The resolution was unanimously adopted.**

**New Business #8 Appoint Summer Seasonal Help for Parks & Grounds**

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

**RESOLVED**, that the Town Board does hereby authorize the appointment of Alexander Melendez, to Seasonal Parks & Grounds, at \$9.00 an hour effective April 25, 2016.

**The resolution was unanimously adopted.**

**New Business #9 Appoint Summer Seasonal Help for Recreation Department**

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 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 Summer Seasonal part time Staff Appointments effective 6/1/16

<u>Name</u>	<u>Rate</u>	<u>Position (Title)</u>
Daniel Anderson	\$ 9.00	PT2-D (Att)
Jean Karn	\$10.50	PT3-C (Att)
Jordan Keough	\$ 9.50	PT2-D (LG)
Kenneth Kota	\$ 9.00	PT2-D (Att)
Jordyn Malinowski	\$ 9.00	PT2-D (Att)
Lindsey Martello	\$ 9.50	PT2-D (Att)
Alicia Ralph	\$ 9.50	PT2-D (Att)
Margret Rapp	\$ 9.50	PT2-D (Att)
Autumn Roza	\$ 9.00	PT2-D (LG)
Benjamin Shular	\$ 9.00	PT2-B (LG)
Grace Wiest	\$ 9.00	PT2-B (Att)

**The resolution was unanimously adopted.**

**New Business #10 Appoint Summer Seasonal Help for Sewer Water & Lighting**

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

**WHEREAS**, funds have been allocated in the 2016 budget for two seasonal help positions in the Sewer, Water & Lighting Department. With the current work load of the Department, additional manpower is needed. Edwin Rozeski worked last summer for Sewer, Water & Lighting.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby appoint Edwin Rozeski, to a seasonal summer position in the Sewer, Water, & Lighting Department for a fifteen week period beginning May 23, 2016 at a wage rate of \$9.50 per hour.

**The resolution was unanimously adopted.**

**New Business #11 Appoint Summer Seasonal Help for Engineering Department**

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

**WHEREAS**, funds have been allocated in the 2016 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, the Town Engineer is recommending Joshua H. Krog. Joshua is currently attending Clarkson University with a course of study in Mechanical Engineering.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby appoint summer seasonal staff of Joshua H. Krog, to a seasonal position in the Engineering Department for a sixteen-week period beginning May 9, 2016 at a wage rate of \$9.00 per hour.

**The resolution was unanimously adopted.**

**New Business #12 Appoint Summer Seasonal Help for Municipal Building Grounds**

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

**WHEREAS**, Supervisor Patrick Keem has responsibility for maintaining the Municipal Building and its grounds, and

**WHEREAS**, Supervisor Keem has recommended to the Town Board that it hire a part-time employee to specifically address lawn care and gardening for the grounds of the Municipal Building, and

**WHEREAS**, the Supervisor wishes such person to work on a part-time basis for \$9.00 per hour beginning May 9th, 2016.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board does hereby appoint Robert Benning, Jr. to work on lawn care and gardening of the grounds of the Municipal Building. Mr. Benning will begin work on May 9, 2016, at the rate of \$9.00 per hour. Mr. Benning will work for two hours a day and will report directly to Supervisor Keem.

**The resolution was unanimously adopted.**

**New Business #13 Seek Lead Agency of an Unlisted SEQR Action**

16) 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 seek Lead Agency for a coordinated review of an Unlisted SEQR Action regarding (P.B. File #21-15) a proposed 23,567 +/- GSF Medical Office Building northwest corner of Southwestern Boulevard (US Route 20) and Milestrip Road (NYS Route 179) as part of a 43.65 +/- acre phased Commercial Development.

**The resolution was unanimously adopted.**

**New Business #14 Refer to the Appropriate Boards**

17) 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 refer the following to the appropriate board for review: Planning Board, Conservation Board and Architectural Overlay:

1. Frank Wailand, representing Precision Flooring, Southwestern Boulevard, located on the south side of Southwestern Boulevard, west of Hazel Court, Zoned B-2. Applicant is requesting a Building Permit and to construct a 3,384-S.F. steel building and Site Plan Approval. (SBL# 152.08-1-1)

- 2. Ellicott Development. 3910 North Buffalo Rd, located on the west side of North Buffalo Road. South of Webster Road. Zoned B-1. Applicant requests that the Town Board grant a "Special Exception Use Permit" for the construction of a proposed 5,035 GSF Medical Office Building on 0.46-acres.
- 3. Ellicott Development. Vacant Land. Northwest corner of Southwestern Boulevard (US Route 20) and Milestrip Road (NYS Route 179). Across from Hart Place. Zoned B-1. Applicant requests that the Town Board grant a "Special Exception Use Permit" for the construction of a proposed 23,567 GSF Medical Office Building on 3.3-acres as part of a 43.65 +/- acres phased Commercial Development.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Laura Piccillo, Town of Elma, discussed various flooding issues she has and believes they are stemming from draining from either private property on Transit Road (Tax Map# 154.17-1-1.11), or possibly NYSDOT road drainage. Supervisor Keem and Wayne Bieler to meet with Ms. Piccillo after the meeting.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Pat Keem discussed that he met with the contractors for brush collection as they have started picking up for the season. They will be on 2 week pick up cycle.

Highway Superintendent Fred Piasecki said summer road work milling and resurfacing will take place on the following streets:

- Braunview (Portion from 20A to Hummingbird Court)
- Fairway Drive
- Ellicott (Stub) (Between Rt 277 & Ellicott)
- Old Hickory Court
- Edgewater (Portion from Old Hickory Court to Lakeridge)
- Timberlake (Portion up to Mt. Airy)
- Mt Airy and Mt Airy Court
- Briar Hill (Portion from Mt. Airy to Dale Road)
- Dale Road
- Henning Drive (Portion from 20A around 2<sup>nd</sup> Curve)
- Kingswood
- South Benzing
- North Lake Drive (Town's Portion end of Bank Street to Boat Launch)

Fred Piasecki also mentioned that the free mulch day offered to residents (first yard-free, second yard-at \$7.50, 3 or more yards at \$15) at the Compost Site on Milestrip Road is Saturday May 14, 2016 from 8am – 4pm.

**Budget Transfers**

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

**Police:**

Increase Appropriations:

PS.2989.419 DARE Expenses	\$4,000
PS.3120.0443 Public Safety Police-Equipment Repairs	\$7,300
PS.0000.0882.0001 Equipment Reserve-FEMA	\$50,000

Decrease Appropriations:

PS.0889 Restricted Fund Balance – DARE	\$4,000
PS.0000.2665 Public Safety – Ins. Recovery	\$7,300
PS.3120.0225 Other Equipment	\$50,000

**The resolution was unanimously adopted.**

19) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, 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 # 9 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$62,483.73
<b>Public Safety Fund</b>	\$22,499.57
<b>Part Town Fund</b>	\$891.06
<b>Risk Retention</b>	\$0
<b>Cemetery Fund</b>	\$0
<b>Highway Fund</b>	\$44,494.36
<b>Special Districts</b>	\$141,306.14
<b>Trust &amp; Agency</b>	\$1,365.00
<b>Capital Fund</b>	\$171,963.63

**The resolution was unanimously adopted.**

#### COMMUNICATIONS

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

**RESOLVED**, that the Town Board does hereby receive and file a letter from Lifestyle Photography, owner Carol Leo.

**The resolution was unanimously adopted.**

21) 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's Report for April 2016.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:27 pm (local time).

**Respectfully Submitted,**



**Remy Orffeo  
Town Clerk**