

WHEREAS, James Loesch's dedication and hard work have earned him the respect and admiration from his family, friends, colleagues, petitioners and Town elected and appointed officials.

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board does hereby pay tribute to Jim Loesch for his commitment to excellence in the course of serving the Orchard Park community over the years, on this 16th day of May 2012 in the Town of Orchard Park, County of Erie, State of New York.

The resolution was unanimously adopted.

Stormwater Phase II Annual Report Coverage – SPDES – Informational Meeting

At this time Councilmember Kaczor opened the "Informational Meeting" and asked the Town Engineer, Wayne Bieler, to give an overview.

Mr. Bieler stated that 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 of Environmental Conservation, a Stormwater Management Program, and an Annual Report outlining the Town's progress in meeting the Notice of Intent (NOI) goals. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor. The Report is online at the Town's website, and on file in the Library and the Town Clerk's office.

Councilmember Kaczor asked if there was anyone who wanted to speak. **No one came forward.**

Old Business #1 Change-In Use at Quaker Crossing

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

RESOLVED, that the Town Board is hereby authorized to approve the request from Quaker Crossing LLC for a Change-In Use for the former "IHOP" restaurant to two separate businesses (Eye-Care/Dental) at Quaker Crossing West, located on the north side of Milestrip Road, west of Amelia Drive, Zoned B-1, as recommend by the Planning Board with the following conditions and stipulations:

- This is a Type II SEQR Action and therefore no determination of significance is required.
- Maintenance will be performed and meet the standards of the Quaker Crossing Plaza as a whole.
- The final color choice decision for the awning and elevations shall be delegated to the Chair for Final Approval.

The resolution was unanimously adopted.

New Business #1 Appointments to Recreation Department

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

RESOLVED, that the Town Board does hereby approve the following appointments to the staff of the Town of Orchard Park Recreation Department.

Spring Seasonal Part Time Appointment Retro Active 5/7/12

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Trevor Jachimowicz	68 Middlebury Rd	\$8.50	PT1- E (Att)
Samuel Reimondo	4568 Ardmore Ct	\$8.50	PT1- E (Att)

Summer Seasonal Part Time Appointment

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Mackenzie Anderson	7420 Chestnut Ridge Rd	\$8.50	PT1- E (Att)
Allison Anstett	4957 Marilyn Drive	\$8.50	PT1- E (Att)
Emily Crow	1951 Davis Rd	\$8.50	PT1- E (Att)
Aileen Farrell	86 Woodview Dr	\$8.50	PT1- E (Att)
Matthew Gura	125 South Lane	\$9.00	PT2- B (Att)
Sarah Haley	119 Henning Drive	\$8.50	PT1- E (Att)
Trevor Jachimowicz	68 Middlebury Rd	\$8.50	PT1- E (Att)
Margaret Klee	29 Cherry Tree Lane	\$9.50	PT2-D (LG)
Brian Markarian	104 Henning Drive	\$8.50	PT1-E (Att)
Samuel Reimondo	4568 Ardmore Ct	\$8.50	PT1- E (Att)
Kim Wilder	99 Graystone Lane	\$10.50	PT3- C (Att)
Daniel Wright	150 Kenefick Ave	\$8.50	PT1- E (LG)

Note: The above appointment is dependent upon the applicant providing the required certifications.

The resolution was unanimously adopted.

New Business #2 American Legion to hold annual Memorial Day Parade & Ceremonies

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

RESOLVED, that the Town Board does hereby approve the request of the Orchard Park American Legion Post 567 to hold the Annual Memorial Day Parade and Ceremonies, at 9:00 am, Monday, May 28, 2012. The route of the Parade will begin at the Orchard Park Library, proceed down South Buffalo Street to the four corners west on West Quaker Street and end at Veterans Park.

The resolution was unanimously adopted.

New Business #3 Approve Seasonal Laborers for Parks & Grounds

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

RESOLVED, that the Town Board does hereby approve the appointments of Michael Carey and Lee Shular to work as Seasonal Laborers for the Parks & Grounds Part Time with a rate of (PT1) \$7.50, retroactive to May 7, 2012, as requested by Highway Superintendent Fred Piasecki.

The resolution was unanimously adopted.

New Business #4 Adoption of Social Media Policy

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

RESOLVED, that the Town Board does hereby adopt the new Town of Orchard Park Employee's Social Media Policy and to make these rules part of the general employee's policy manual. The policy reads as follows:

TOWN OF ORCHARD PARK SOCIAL MEDIA POLICY

If you have a Facebook or similar electronic media account and your personal profile indicates that you are an employee of the TOWN OF ORCHARD PARK and you decide to send or use vulgar, profane, inappropriate and/or sexual messages DELETE any and ALL references to your relationship with the TOWN OF ORCHARD PARK.

The TOWN OF ORCHARD PARK does not condone, practice, or accept the above-described behaviors.

The TOWN OF ORCHARD PARK does not censure your ability to communicate in any form you wish, and it does support an individual's right to communicate in any form he or she desires. THE TOWN OF ORCHARD PARK believes, however, that it has the right to limit the use of the TOWN OF ORCHARD PARK name and identification items associated with or provided by the TOWN OF ORCHARD PARK.

If you wish to denigrate, criticize, or gossip about any individual including but not limited to those associated with the TOWN OF ORCHARD PARK, then you are expected to remove any reference to your association with the TOWN OF ORCHARD PARK from your Facebook or similar electronic media account.

If you do not understand the term inappropriate message as described above ask your immediate supervisor or direct your inquiry to the Town Board of Orchard Park.

If you have a question about this Policy contact your immediate supervisor or the Town Board of Orchard Park before sending messages on electronic social networking sites where you have identified yourself as an employee of the TOWN OF ORCHARD PARK.

The resolution was unanimously adopted.

New Business #5 Supervisor to Sign Agreement Between PBA & COA for Metal Detector

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement between the Police Benevolent Association & Command Officers Association for the salaries that were agreed upon to be paid to the Court Officers to operate the Metal Detector for Court proceedings.

The resolution was unanimously adopted.

New Business #6 Approval of Lawn & Property Maintenance

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

RESOLVED, that the Town Board does hereby authorize Building Inspector Andrew Geist to obtain informal bids for clean up charges for the 2012 season at the following addresses:

- 60 Velore Ave, lawn mowing every other week for the 2012 season. This is a repeat from last year.
- 4817 Bussendorfer Rd., lawn mowing every other week for the 2012 season, clean up of property one time only, remove dead pine tree from front yard and trim shrubs in front yard one time only.
- 5554 Lake Ave., trim shrubs in front and side one time only. This is a corner lot and the lack of trimming is causing sight issues for traffic coming off Iroquois Dr. The costs for clean-up will be put on the tax rolls for the respective properties.

The resolution was unanimously adopted.

New Business #7 Appointment of Senior Engineer Assistant Position to the Engineering Dept.

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

WHEREAS, on October 12, 2011 the Town of Orchard Park called for the Senior Engineering Assistant list and canvassed the list, which listed one person who declined the position. On April 18, 2012 the Town of Orchard Park called for the Principal Engineering Assistant list and canvassed the list which consisted of eight candidates of which four declined and four were interviewed. In addition five potential candidates for the Senior Engineering Assistant position were interviewed and,

WHEREAS, the Erie County Department of Personnel will request New York State Department of Civil Service to prepare an open competitive examination and certified that the appropriate civil service title for the position of Senior Engineer Assistant for the Town of Orchard Park based on job classifications and duties and,

WHEREAS, since 2005 there have been vacancies in the Engineering Department with the retirements of Greg Graham, John Wilson, Larry Holtz, Dave Yates, Mike Wilson and Dan Hammond and per the August 15, 2007 Town Board meeting and Town Board May 9, 2012 work session the Board approved the filling of the now vacant Senior Engineer Assistant position and,

WHEREAS, the work includes the following: full performance knowledge, skills, abilities and personal characteristics; good knowledge of; techniques terminology and equipment of drafting, engineering field and survey techniques, mathematics as applied to engineering; ability to perform; moderately difficult mathematical computations rapidly and accurately, complete designs utilizing a computer (AUTOCAD) and perform pre-professional engineering research, prepare reports, and understand and follow detailed oral /written instructions and,

WHEREAS, after interviewing several candidates responding to the advertisements and postings, it was concluded that the best-qualified individual for the position is Dean Franklin. Mr. Franklin has worked assisting in survey layout work and CADD draftsman since 1994 and completed various projects for various agencies and companies, including his current Town of Grand Island, Senior Engineering Assistant position, since March 2011. Dean has accepted the challenge of the added duties and responsibilities of this position with enthusiasm and has performed his assignments with diligence and effectiveness. Reference checks have confirmed Dean Franklin has completed his duties, as stated from his former employers, has performed his assignments with diligence and effectiveness, and has proven to be a dedicated and dependable employee and received excellent recommendations from previous employers and,

WHEREAS, funding for the Senior Engineering Assistant position is included in the Engineering Department budget. Per the white collar union contract, Dean Franklin, Senior Engineer Assistant Step A wage of \$22.82/hr is proposed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approve the calling for the civil service classification Senior Engineering Assistant Position Exam and be it further

RESOLVED, that the Town Board does hereby make a provisional appointment to the position of Senior Engineer Assistant to Mr. Dean Franklin, 20 Allen Street, Gowanda, N.Y. 14070, at the range 0009, Step A of union wage schedule effective May 30, 2012 with a six-month probationary period and pending meeting all Civil Service rules and regulations, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Award Bid for CDBG Block Grant Senior Center Improvements

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

WHEREAS, bids were solicited for the Orchard Park Senior Center Exterior Improvements during April 2012 an,;

WHEREAS, the project scope of work is the installation of three new steel doors, A/C concrete pad, painting, aluminum trim work and repairs to the vinyl siding. Three contractors were contacted for bids; they are RB Mac, Fields Builders and Metro Development and,

WHEREAS, the low bidder for this project is Metro Development at a total cost of \$7,850.00. The second bidder was Fields Builders at a price of \$8,100.00. The third and highest bidder was RB Mac, their quote was \$18,470.00 and,

WHEREAS, the Engineering Department has worked previously with all three of these contractors on similar projects in the past and they are all more than capable of completing this project. I have no reservation about their capabilities and,

WHEREAS, the funding for this project will come from CDBG funds that the Village was awarded for their Senior Center outside sidewalk project and did not utilize fully.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend that you award the contract for the Orchard Park Senior Center Exterior Improvements – General Construction, to the lowest responsible bidder, Metro Development, LLC, 54 Bank Street, Orchard Park, New York 14127 in the amount of \$7,850.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize the Release of \$3,000 Held in Escrow

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

WHEREAS, on December 21, 2011 the Town Board authorized the release of partial retention and release of the performance security with closure for Jewett Holmwood Watermain Replacement Installations with the stipulation that the remaining Contract Retention in the amount of \$3,000 be held in escrow until settlement areas restoration within the roadway right-of-way was completed and,

WHEREAS, the contractor has since addressed the settlement areas with additional topsoil, grading and seeding work along the roadway right-of-way. The work was inspected by Craig Wilson of the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Engineering Department to release to Sergi Construction, Inc., 775 Jewett Holmwood Road, East Aurora, New York 14052, the \$3,000.00 held in escrow for seeding and grading of settlement areas in the Jewett Holmwood Road Watermain Replacement Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Appoint Summer Staff to Sewer, Water & Lighting Department

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

WHEREAS, funds have been allocated in the 2012 budget for two seasonal employees in the Sewer, Lighting & Water Department and;

WHEREAS, Michael Cavanagh has applied for a summer position. Michael is currently attending Hilbert College and will attend again this fall as a Senior for his BS in Forensic Science.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Mr. Michael Cavanagh, 1589 East Quaker Street, Orchard Park, New York 14127, to a seasonal position in the Sewer, Lighting & Water Department for approximately a twenty-week period beginning May 21, 2012 at a wage rate of \$8.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Appoint Summer Staff to Engineering Department

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

WHEREAS, funds have been allocated in the 2012 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, and the course study of the applicant, the Town Engineer recommends Jennifer Tompkins for the summer position in the Engineering Department this year. Jennifer is attending Army ROTC, Canisius College. Jennifer is a former graduate of Jamestown Community College Associate in Applied Science, graduated from Erie Community College in Civil Engineering Technology, and a graduate of Bolivar-Richburg Central High School District. Jennifer is very interested in a civil engineering career and has accepted the challenge of the duties and responsibilities of assignments with enthusiasm.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Jennifer Tompkins, 3818 Teachers Lane Apt. 5, Orchard Park, New York 14127 to a seasonal position in the Engineering Department for a sixteen-week period beginning May 21, 2012 at a wage rate of \$9.00/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Approve Excavation Permit 2012-01 for Krog Medical Complex off Rt. 20A

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

WHEREAS, the Town has received from the Krog Corp, Quaker 20A LLC, 4 Centre Drive, Orchard Park, New York 14127, an application for an Excavation / Fill Permit to perform excavation and fill work for the proposed Medical Office Complex Project site off of Route 20A with approximately 16,000 cubic yards of fill and topsoil to be kept onsite, and

WHEREAS, with this excavation/fill permit, the Krog Corp, Quaker 20A LLC, plans to excavate several fore bay grass swales, bioretention ponds, and retention basins with general site balancing work. The Krog Corp, Quaker 20A LLC, plans to generate fill for placement for future development and balance the site in an effort to assist the building critical path for a possible future Medical Office Complex Project, and

WHEREAS, the Town Engineer has reviewed the plan and has 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 the application for an Excavation/Fill Permit #2012-01 to excavate several fore bay grass swales, bioretention ponds, and retention basins with general site balancing work, and to place and stockpile approximately 16,000 cubic yards of fill and topsoil off of Route 20A to assist with the construction schedule of the proposed Medical Office Complex Project site, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #13 Authorize supervisor to Sign Agreement with Kronos Timekeeping & Scheduling

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

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to sign the agreement between the Town of Orchard Park and Kronos Timekeeping and Scheduling software, services, and equipment at a cost not to exceed \$ 58,132.50 from H67 Computer assets, as recommended by the IT Committee.

The resolution was unanimously adopted.

New Business #14 Authorize Assessor to Attend NYSSA Fall Conference

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

RESOLVED, that the Town Board does hereby authorize Milton Bradshaw to attend the NYSSA Fall Conference at Lake Placid from 9/30/12 to 10/03/12. The estimated cost is \$1,350. (\$225 for classes, \$800 room and meals, mileage & tolls \$325 +/-.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one spoke

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Kaczor said that the Free Mulch Day was quite successful and stated that Highway Superintendent Piasecki will comment on it at the next meeting, as he is being sworn in as First Vice-President for the Erie County Highway Superintendents.

Chief Andrew Benz stated that the “No Right on Red” sign has been installed at the north bound intersection of South Buffalo Rd. at Jewett Holmwood Rd.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, 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 #10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$263,330.51
Public Safety Fund	\$17,335.31
Part Town Fund	\$595.38
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$32,336.44
Special Districts	\$49,083.02
Trust & Agency	\$10,641.96
Capital Fund	\$8,685.96

The resolution was unanimously adopted.

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

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

- Legislator John Mills will be attending the June 6th Town Board meeting to discuss County issues and road issues.
- Letter from the Historical Society requesting permission to build a 10 foot by 20 foot out-building on the Jolls House property to store and display the Society’s restored carriage.

The resolution was unanimously adopted.

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

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

- Building Inspector's Monthly Report for the month of April, 2012.

The resolution was unanimously adopted.

There being no further business, on motion by Councilmember Kaczor, seconded by Councilmember Majchrzak, the meeting was adjourned at 7:29 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk