

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 4th day of June, 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
	Mark Pacholec	Chief of Police
	Andrew Geist	Building Inspector

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.”

Supervisor Keem stated that the Board of Assessment Review members and the Town Assessor, Milton Bradshaw, have requested a moment of silence in memory of Thomas Valentine, the former longtime Chairman, who passed several months ago while serving as an active member. Mr. Valentine served on the Board of Assessment Review for over twenty years in a diligent and professional manner. Tom was not only a fine gentleman and consummate professional, but a good friend to those whom he served.

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

RESOLVED, that the Regular Town Board Meeting Minutes held on May 7, 2014, and the Executive Session Meeting Minutes held on May 7 & 14, 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.

Presentation of the Recreation Department Awards

At this time, Recreation Director, Ed Leak introduced Recreation Commission Chairperson, Audrey Ramage. Each year at this time, the Recreation Department and the Recreation Commission recognize individuals or businesses that have been supportive over the years. He introduced the following contributing representatives: Ron Toczek, Human Resource Director for Moldenhauer & Associates, Paul Bahr, Executive Director for Bryant & Stratton Western New York College and Adam Ziccardi, President of the Orchard Park Teachers Association.

Presentation of Senior Youth Court Awards

At this time, Youth Director, David Rebmann, introduced the present Youth Court Board and Nan Ackerman, who was a founding member. He also thanked the Youth Court Board members for their contributions, the Town Board, Police Department and the community. Mr. Rebmann introduced Mrs. McGinty, the wife of Thomas McGinty, who was one of the founders and driving force behind the Youth Court. He thanked the Town Board, Chief of Police and the community. Mr. Rebmann introduced Ben

Schaefer, who is the Chief of Staff for the Youth Court. Mr. Schaefer thanked the seniors for all their hard work. He also thanked the former youth court members from the class of 2010 who have continued to help. The following seniors were presented awards:

Madison Gossel	Noelle Dowling	Megan Podgorski
John Boncaldo	Alex Freedenberg	Courtney Sullivan
Kevin Steyer	Emma Freedenberg	Alex Tripi
Joshua Zuccala	Taylor Heywood	Michael Torcello
Micah Herskind	Mario Marrazzo	Benjamin Goodman
Jackson Wolf	Camron Murray	David Even

Mr. Rebmann presented the Thomas McGinty Memorial Scholarship Award for the outstanding Youth Court member to David Even. Mr. Rebmann presented the Scholarship Award that he started last year to outstanding Youth Court member, Ben Goodman.

Public Hearing

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding a building at 3428 Southwestern Blvd. which has been deemed to be a dangerous or unsafe structure.

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the structure. No one spoke.

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

RESOLVED, that the Public Hearing in the matter of a dangerous and unsafe building at 3428 Southwestern Blvd. is hereby closed at 7:24 PM.

The resolution was unanimously adopted.

Supervisor Keem stated that the Town Board would not make a decision at this time.

New Business #1 Appointments to the 2014 Summer Seasonal Part-Time Staff for Recreation

3) 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 staff of the recreation Department as part-time seasonal staff effective 6/7/2014. The appointments are dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Morgan Doyle	6144 Emerson Dr.	\$8.50	PT1-E (LG)
Liam Gallagher	1 Smokes Creek Rd.	\$8.50	PT1-E (LG)

The resolution was unanimously adopted.

New Business #2 Schedule Public Hearing for Local Laws

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing on Wednesday, June 18, 2014 at 7:00 PM in the matter of the adoption of the following Local Laws:

1. Schedule of Zoning Fees
2. Taxation – Conditions for Exemption
3. Dog Defecation
4. Procurement Policy – Best Value
5. Procurement Policy
6. Architectural Overlay District
7. Architectural Review Board

AND, BE IT FURTHER

RESOLVED, that the Town Clerk publish due notice thereof.

The resolution was unanimously adopted.

New Business #3 Call for the Civil Service List for Police Officer Position

5) 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 calling of the Civil Service List for the position of Police Officer to fill the vacancy that was created when Police Officer William Speyer retired.

The resolution was unanimously adopted.

New Business #4 Declare 5285-5287 Chestnut Ridge Road “Dangerous & Unsafe”

6) 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 declare the property at 5285-5287 Chestnut Ridge Road “Dangerous and Unsafe” and order the Town Attorney to begin the process to have the buildings repaired or demolished as outlined in the Town Code.

The resolution was unanimously adopted.

New Business #5 NYSEG to Connect Decorative Light Fixtures for Pleasant Acres West Pt 2, Ph 1

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of seven (7) standard street light fixtures on Golden Crescent Way and one (1) on Wentworth Drive in the Pleasant Acres West

Subdivision. At present, there are two (2) single family homes currently under construction of the 21 sublots in Part 2, Phase 1 of the Subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of standard street light poles under PIP # 2013-01. 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 \$336.24 (8). The proposal is for a total of eight (8) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$185.09. 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 eight (8) 70-watt high-pressure sodium decorative light fixtures in the Pleasant Acres West Subdivision at an annual increased cost of \$185.09 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$336.24/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 NYSEG to Connect Decorative Light Fixtures for Lyrica Park Subd. , Ph 1

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of eight (8) standard street light fixtures on Sonnet Drive in the Lyrica Park Subdivision. At present, there are two (2) single family homes currently under construction of the 11 sublots in Phase 1 of the Subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of standard street light poles under PIP # 2012-04. 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 \$336.24 (8). The proposal is for a total of eight (8) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$185.09. 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 eight (8) 70-watt high-pressure decorative standard light fixtures in the Lyrica Park Subdivision at an annual increased cost of \$185.09 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$336.24/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 7 Approve Change Order to Contract with Wm. Schutt for Waterline Replacement

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 Town Board approval of a Change Order to the contract with Wm. Schutt Associates for the Chestnut Ridge Rd. & Duerr Rd. Waterline Replacement

Project in the amount of \$8,500.00. If approved, this would increase the total contract amount to \$41,000.00, representing an increase of 26.2%, and

WHEREAS, Preliminary Design Plans for the Chestnut Ridge Road Waterline were sent to the NYSDOT for their comment on the alignment. They have stated that their preferred alignment is for the waterline to be installed on easement outside of the ROW due to utility conflicts and only allowing installation in state pavement if no other options are available, and

WHEREAS, this Change Order is requested to perform the additional survey work and easement maps needed to acquire sixteen (16) easements that are not covered under the current contract with Wm. Schutt Associates. Although there is an additional cost to obtain the easements, the construction costs are estimated to be \$60,000 less than the alternative, which is installing the waterline in the pavement of the road.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Change Order #1 to our contract with Wm. Schutt Associates for the Chestnut Ridge Rd. & Duerr Rd. Waterline Replacement Project in the amount not to exceed \$8,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Supervisor to sign Consultant Agreement for Professional Grant-Writing Services

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

WHEREAS, as previously discussed at the work sessions, to watch for and apply for the various grants, the use of a consultant for Professional Grant-Writing Services would be necessary and open the door for many more funding possibilities, and

WHEREAS, the Town of Orchard Park received a qualifications submittal from KHEOPS Consultants. The Town Engineer has met with representatives of the firm and received a copy of their on-call professional services. A Task Order will be developed for individual proposals to review contract language, refine a scope of services and negotiated an appropriate fee structure. The Town Engineer believes that the proposed scope of on-call services and agreement with KHEOPS Consultants is satisfactory and will accomplish the goals of the grant-writing procedure as set forth by the Town, and

WHEREAS, KHEOPS Consultants proposes to provide these services noted above at a fee of \$500/month retainer for grant consulting and \$1,800 per grant application. There is presently approximately \$25,000 plus interest allocated under Grant Writer A.1220.403 for Town Grant Application projects.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with KHEOPS Consultants, 300 Pearl Street, Suite 100, Buffalo, New York 14202, to provide Professional *Grant-Writing On-Call Services* for the Town of Orchard Park in the amount of \$500/month retainer and \$1,800/grant application fee as approved by the Town Board with individual Task Orders, and be it further

RESOLVED, that the Town does hereby approve KHEOPS to pursue a NYSERDA grant due on June 16th that would allow the Town to complete a town-wide traffic study due June 16, 2014. The time frame for this grant requires immediate approval and notice to proceed for the consultant to meet the requirements, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Award Contract for Payroll Clerk Workstation

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

WHEREAS, Informal bids were requested and received for the Orchard Park Payroll Clerk – Workstation in May 2014, and the Engineering Department has reviewed the prices of the three contractors who submitted bids, and

WHEREAS, the lowest bid of \$3,580 was in line with proposed estimates for the project.

The bid results for each contractor are as follows:

#1	Ken Ton Fabricators	\$3,580.00
#2	DK Custom Cabinets	\$3,880.00
#3	Glen Falls Studio	\$5,850.00

WHEREAS, the low bidder for this project was Ken Ton Fabricators, and this Company has been found to have the qualifications and experience to perform this work adequately

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the Contract to Ken Ton Fabricators, 2505 Main Street, Buffalo NY 14214, for fabrication services for the Payroll Office Workstation in the amount of \$3,580.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

David Schuster – Mr. Schuster asked the Town Board to consider passing a resolution eliminating the item “private recreation club” from the special exception use in the R-1 designated areas. He asked if anyone from the Town Board was planning on attending the “International Conference of the Congress of New Urbanism”, hosted by the City of Buffalo. Mr. Schuster had questions about the recycling in the Town.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem – He stated that he had gone to the Conference Mr. Schuster had referenced and that it was very interesting and gave a brief view of the meeting. Supervisor Keem said he would share the information with Councilmember Sherry and Councilmember Majchrzak. Councilmember Sherry was registered to attend, but had something come up and couldn’t go.

Councilmember Majchrzak – He stated that he had a commitment with Conservation Board and could not attend the Conference.

Highway Superintendent Piasecki – He reported on street drainage.

12) 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 #11 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$63,561.14
Public Safety Fund	\$31,330.57
Part Town Fund	\$1,771.48
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$31,709.75
Special Districts	\$142,023.70
Trust & Agency	\$4,969.30
Capital Fund	\$62,932.52

The resolution was unanimously adopted.

13) 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 following communication:

U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) is holding a meeting a Woodlawn Beach State Park, S-3580 Lakeshore Road, Blasdell NY 14219, for Counties Erie & Genesee. Date and Time: Tuesday June 10, 2014 – 9:30 am to 12 pm. This meeting will provide an opportunity to discuss the floodplains and floodplain management activities throughout the watershed, discuss your community's mitigation plan, mitigation projects as well as any flood risks or concerns.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:36 pm (local time).

Respectfully Submitted,

Carol R. Hutton
Town Clerk