

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 2nd day of July, 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
	Andrew Geist	Building Inspector
	Wayne Bieler	Town Engineer
	Joseph Wehrfritz	Assist Chief of Police
	Absent	Mark Pacholec

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 Regular Town Board Meeting Minutes held on June 18, 2014, and the Special Session Meeting Minutes held on June 25, 2014 and Executive Session Meeting Minutes held on June 18 & 25, 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.

Old Business #1 Demolish Dangerous or Unsafe Structure

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

WHEREAS, the Town of Orchard Park has declared the structure at the property locally known as 3428 Southwestern Boulevard, Orchard Park, New York dangerous or unsafe, and

WHEREAS, the owner and all those who have a claim against the property have been served notice to repair or demolish said dangerous or unsafe structure at 3428 Southwestern Boulevard, Orchard Park New York, and

WHEREAS, a public hearing was held on June 4, 2014 and (no one appeared) or (no interested party offered cooperation concerning repair or demolition),

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector is hereby authorized to make the necessary arrangements as he in his sole discretion deems appropriate to demolish or repair the structure at 3428 Southwestern Boulevard, Orchard Park, New York, if no such satisfactory efforts to repair or demolish the said structure are begun within thirty (30) days from the date hereof, and be it further

RESOLVED, that all cost and expenses incurred by the Town of Orchard Park in connection with these proceedings to remove or secure this dangerous or unsafe building or structure, including the cost of actually removing said building shall be assessed against the land on which said building or structure is located.

The resolution was unanimously adopted.

New Business #1 Request of Town Attorney to Attend Seminar

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 approve Town Attorney, John Bailey, to attend a Seminar on the Fundamentals of Employment Law on August 15, 2014, at the Double Tree Club by Hilton Downtown, Buffalo, NY. The cost of this seminar is \$4,339.00.

The resolution was unanimously adopted.

New Business #2 Seasonal Employees Appointed to Parks & Grounds

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 following appointments to the Parks & Grounds seasonal employees: Matthew Ostrander, PT1-\$8.00/hour and Leonard Giovenettio, Jr., PT1-8.00/hour, both started 6/23/14, as requested by Highway Superintendent Piasecki.

The resolution was unanimously adopted.

New Business #3 Transfer of Money to Recreation Budget

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

WHEREAS, there are sufficient funds in the T.0000.0037.0737 account, and

WHEREAS, the existing dock at Green Lake has been identified by the Town Supervisor & Recreation Director that it has exceeded its life span and should be replaced and such dock replacement was not budgeted in the 2014 adopted budget, and

WHEREAS, the Town does desire to purchase a shore dock and swim platform with funds from the General Fund by transferring funds from the T & A Fund,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby approve the transfer of \$22,000.00 to the Recreation Budget A.7020.0251 in the General Fund, with funding from the Park Land Deposit (T.0037).

The resolution was unanimously adopted.

New Business #4 Permission for Village to Display Banners

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 give the Village of Orchard Park permission to display the banners for their "Ice Cream Social & Street Dance" on the front lawn of the Municipal Center and at Steinwach's Oak Grove Green beginning Monday July 7th. The size of the banners are 2' tall by 5 ½' wide. They will put 2-3 stakes in the ground and tie the banners to them.

The resolution was unanimously adopted.

New Business #5 Authorize Release of Escrow for Lyrica Park Subdivision Phase I

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

WHEREAS, on August 28, 2013, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision. The Town Board stipulated at that time that funds paid by the contractor be held in escrow until restoration work associated with the watermain along Milestrip and Old Transit Road and install eight (8) light poles and fixtures, associated conduits, wiring, fuses, junction boxes, 'special' pull boxes, etc., and UL Inspection Certification provided were completed, and

WHEREAS, the contractor has since completed the required watermain work item repairs on Milestrip and Old Transit Road. In addition, the required decorative street lighting standards along with all wire and conduit have now been installed for the above referenced project. The work was inspected by 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 Town Clerk to release the \$3,000 held in escrow for the completion of restoration work associated with the watermain work on Milestrip and Old Transit Road, and release the \$40,000 held in escrow for the installation decorative street lighting in Lyrica Park CMO Subdivision Phase 1 constructed under PIP #2012-04 to Schop, Powell, & Allen IOLA Attorney Trust Account, 5900 Main Street, Williamsville, New York 14221.

The resolution was unanimously adopted.

New Business #6 Appoint Promotional Truck Driver to Sewer, Water & Lighting Department

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

WHEREAS, with the retirements of Rick Buss, Don Wittrock and Jim Putnam transferring to the Police Department, it created a shortage of an operator and truck drivers within the Sewer, Water & Lighting Department, and

WHEREAS, in the past, the Department has operated with six permanent employees, supplemented by a seasonal employee during the summer months. Since September 2001, the Department has operated, for the most part, with four permanent employees and two summer help positions. With the smaller crew, it is necessary to cross train, with all employees obtaining the skills to complete the necessary work. The permanent truck driver position for normal day to day operations and emergency call outs is necessary. The Sewer, Water and Lighting Department employed three or more employees for the past 25 years with CDL licenses', which is required for the sewer jet truck operation. Currently only two employees are left in the Department with a CDL license (including Robert Stachewicz). If both employees are on vacation, out of Town, or sick there is no one in the Department left that has the required license. Crew Chief Dale Jolls has his permit but does not feel confident to take the driving test, and

WHEREAS, with Cmom being required in the Erie County District 3 Permit by NYSDEC, EPA Phase II regulations and the current public notification law adopted by New York State all SSO are reported and if not handled in a timely manner could result in fines or consent orders. Currently, several areas are maintained regularly with degreasers, jetting and or root cutting. Emergency blockages, if not opened, could surcharge and possibly flood basements with sanitary sewer effluent, and

WHEREAS, per the Town Board work session and in accordance with provisions of the CSEA collective bargaining agreement, the Town Engineer had notices of the promotional truck driver opening posted in the Sewer, Water & Lighting Department and Highway Department in Highway, and Town Hall. There was a formal announcement, or advertisement of the Truck Driver position with the laborer position advertisement, and

WHEREAS, the Town of Orchard Park received 27 applications for the Sewer, Water, and Lighting Department positions, nine interviews were conducted with Dale Jolls, Crew Chief. We are recommending Robert E. Stachewicz to the promotional position of Truck Driver for the Sewer, Water, and Lighting Department, and

WHEREAS, Robert has been with the Department since 2013. He is a dedicated employee of the Town and has demonstrated the necessary work ethic and skills that are required for this position. Robert Stachewicz, of 51 Burbank Drive in Orchard Park has a CDL Class B license, Construction Safety and Health OSHA 10 hour & 30 hour Training, Hazardous Waste Worker OSHA 29CFR 1910.120 Training, Confined Space OSHA 29CFR 1910.146, Hazardous Communication Programs OSHA 1926.59(k), AWP Safety Training for Operations of Self Propelled Booms, Scissors and Personal Platforms, Lead Awareness Certification, Asbestos Handling Certification and CPR/AED & First Aid. Robert formerly worked for Union Concrete and Construction Corporation with Union Local 210 of Buffalo and has experience from various construction companies on numerous sewer and water installations projects. Robert also completed the National Tractor Trailer School and Erie 1 BOCES-Harkness Career and Technical Center, Course work in Building Trades. Robert since his appointment as laborer has received his tanker endorsement for his CDL License.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Mr. Robert E. Stachewicz, 51 Burbank Drive, Orchard Park, NY 14127 to the position of Truck Driver in the Sewer, Water & Lighting Department at Job Level 2, Step 2 of the current wage schedule for CSEA Local Unit 815 effective July 7, 2014.

The resolution was unanimously adopted.

New Business #7 Approve Fireworks Display for Block Party

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

WHEREAS, the Wildwood Lane Neighborhood has requested and received permission to hold a block party July 3rd, 2014,

WHEREAS, the said Wildwood Lane Neighborhood has engaged the services of a Professional Fireworks Display Company to present a fireworks display related to said block party, and

WHEREAS, the best site for conducting said display is on Town Property adjoining the site of Wildwood Lane Neighborhood block party, SBL 185.04-3-14.2, and

WHEREAS, a proper Certificate of Insurance has been provided by the Professional Fireworks Display Company to the Town of Orchard Park, and

WHEREAS, approval of the proposed display is specifically conditional upon a complete clean-up of the fireworks display area by the Wildwood Lane Neighborhood and a provision of adequate safety precautions:

1. That the Wildwood Lane Neighborhood is authorized to conduct a Fireworks Display on July 3rd, 2014 on the identified Town of Orchard Park property adjoining the site of their Block Party.
2. The Wildwood Lane Neighborhood will clean-up the display area promptly and to the satisfaction of the Town of Orchard Park.
3. The Wildwood Lane Neighborhood will take on appropriate safety precautions to protect the safety of spectators and surrounding property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Wildwood Lane Neighborhood to hold a block party with fireworks with the specified stipulations.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

David Schuster – He commented on the settlement of the Police Officers Lawsuit against the Town. He felt that professional public servants should not be suing the public over frivolous issues. Mr. Schuster said that it wasn't too long ago that the Town Board was considering abolishing the Police force altogether. The citizens, he included, spoke and picketed in order to retain the Police Department and this is how they are thanked with a frivolous lawsuit. In addition, he feels that anytime the Town is sued, the public should be notified of the filing. He also spoke against the proposed Sam's Club. He stated that the Senior Task Force gave their second presentation to the Town Board at the work session and he still would like to know the answer to his question on how many seniors that frequent the center are residents from Orchard Park.

Kathryn Gorkiewicz – She spoke regarding the Police Union Lawsuit against the Town. She stated that the lawsuit had started a few years back when the previous Town Board was in office and researching options for replacing the Police Department and dispatchers. While the residents of the Town were

rallying for the Police, the Union was pursuing a lawsuit against the Town, unbeknownst to the residents. She stated that we need to look forward with positive attitudes and let our actions speak of respect.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem – He stated that he attended the “Fishing Derby” with his grandchildren at Green Lake sponsored by the Orchard Park Lions Club and gave a special thank you to Highway Superintendent Piasecki.

Councilmember Majchrzak – He reminded the residents about the 4th of July parade and fireworks and wished everyone a happy and safe holiday.

Councilmember Sherry – He stated that the second report filed by the Senior Services Task Force will be posted on the Town website.

Assistant Police Chief Wehrfritz – He gave the time and route of the 4th of July parade and the fireworks to follow. The newly formed Police bicycle patrol would be visible at the parade. He stated that on Monday, July 7, 2014, the Forest Avenue Bridge will be closed for approximately two months.

Highway Superintendent Piasecki – He reported that crews are continuing drainage and receiver work, road milling and paving projects on Hillsboro Dr., Burning Bush Way, Quail Run and Breem Street.

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 authorize the following budget transfer:

Courts	From:	PS.1110.0200 – Public Safety – Office Equipment	\$600.00
	To:	PS.1110.0449 – Public Safety – Court Reporter	\$600.00

Reason: Court Reporter Fee for Jury Trial June 2014

The resolution was unanimously adopted.

11) 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 #13 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$77,654.77
Public Safety Fund	\$21,963.41
Part Town Fund	\$950.81
Risk Retention	\$0.00
Cemetery Fund	0.00
Highway Fund	\$88,355.74
Special Districts	\$123,254.85
Trust & Agency	\$1,528.23
Capital Fund	\$22,233.25

The resolution was unanimously adopted.

12) 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:

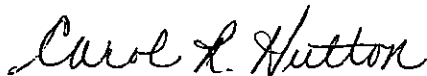
Communication

- New York Public Outreach Office of the New York Public Interest Research Group (NYPIRG) requesting to conduct door to door outreach for a brief period between July 7 & September 15, 2014. Their activities will entail circulating support statements, soliciting small contributions, distributing information and recruiting support on a variety of issues of concern to the community.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:20 pm (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**