

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 16th 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 July 2, 2014, and the Special Session Meeting Minutes held on July 9, 2014 and Executive Session Meeting Minutes held on July 2 & 9, 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 Positive SEQR Declaration & Require Draft Environmental Impact Statement

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

WHEREAS, this Town Board is the Lead Agency pursuant to the State Environmental Quality Review Act in connection with the application to construct a Tim Horton’s at 4956 & 4968 Chestnut Ridge Road (Zoned B-2, Special Exception Use Permit request), and

WHEREAS, this Town Board has considered the Environmental Assessment Form submitted by the Applicant for this Unlisted Action.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby make a Positive Declaration for the purpose of Article 8 of the Environmental Conservation Law with regards to the Tim Horton’s at 4956 & 4968 Chestnut Ridge Road (Zoned B-2, Special Exception Use Permit request), near New Armor Duells Road, and be it further

RESOLVED, that the Town Board does hereby require that a Draft Environmental Impact Statement be prepared for the following reasons:

- Impact of the project on the existing traffic load including turning movements at the intersection of Chestnut Ridge Road and New Armor Duells Road and as well as other intersections in the southern part of the Town.
- Impact on the growth and character of the neighborhood; A) Possible adverse impact of the project on surrounding property values, and B) Possible impairment of the atmosphere and quality of life of the neighborhood.
- Impact on the Town residents; Public controversy related to this issue

RESOLVED, that a Scoping Session shall be conducted at the direction of the Orchard Park Planning Coordinator, and be it further

RESOLVED, that further information can be obtained from Planning Coordinator Remy C. Orffeo, S4295 South Buffalo Street, Orchard Park, NY 14127, 716-662-6432, ext. 2202.

The resolution was unanimously adopted.

New Business #1 Architectural Overlay Districts Appointments

3) 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 following appointments and years of terms to the Architectural Overlay District committee:

Thomas Jaeger	7 year term
Nan Ackerman	6 year term
John Bernard	5 year term
Mitch Nowakowski	4 year term
Andy Sado	3 year term
Jo Ann Litwin-Clinton	2 year term
Joseph Cox	1 year term

The resolution was unanimously adopted.

New Business #2 Recreation Department Seasonal Employees Rate Change

4) 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 approve the following Seasonal Part Time Appointment rate change retroactive as of June 21, 2014, for the Recreation Department, Sarah Badagliacca, \$9.50 (PT2-D) (Lg) and Alex Freedenberg, \$9.50 (PT2-D (Lg), as requested by the Recreational Director.

The resolution was unanimously adopted.

New Business #3 Town to Amend Capital Plan

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

WHEREAS, the Town receives fees for Parkland Development from developers for Recreational Improvements, and

WHEREAS, the Town wishes to provide electric wiring from the existing electric box to the new electric box for lights at the new football field at Brush Mountain Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the transfer from account T.37 Parkland Deposits to the capital project entitled "Town Park Improvements" (project H07) for the cost of the electric wiring for lights at the new football field at Brush Mountain Park not to exceed \$25,000.00.

Supervisor Keem	Aye
Councilman Majchrzak	Nay
Councilman Sherry	Aye

The resolution was duly adopted.

New Business #4 Provide funds for electrical service at Brush Mt. for Little Loop Football

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

WHEREAS, the Little Loop Football Association of Orchard Park conducts its operations on Town of Orchard Park Fields at Brush Mountain Park, and

WHEREAS, the Little Loop Football Association has acquired lights to be installed on those fields, and

WHEREAS, the Little Loop Football Association asked the Town of Orchard Park to provide electrical service to those fields for those lights,

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park expand a sum no greater than \$25,000.00 to provide the fields in question at Brush Mountain Park with electric service, and be it further .

RESOLVED that payment of the authorized amount shall be made from the Capital T.0037 Parkland Account.

Councilman Majchrzak stated that they are in the process of putting the 2015 budget together, and there are a number of Capital Projects and Maintenance Projects that are on the table. He stated there is not enough money to do all that needs to be done, so he feels that the projects need to be prioritized. He stated that in regard to the proposed Community/Senior Center, every 30, 40, or 50 thousand dollars that is spent elsewhere, takes away from the projects that are in the priority. He does not want to offend anyone as far as recreation goes, but if you look at what the Town provides in the Parks and Recreation programs for the youth, verses what the Town has for the seniors, there is no comparison.

Councilmember Sherry stated that the value of recreation for all stages of life is incontrovertible. The persons in private groups that manages and raise monies to operate the many recreational activities contributes not only to the well-being of the residents, but they have a direct beneficial impact on the quality of life here. He personally thinks that to support and partner with such groups, always in a prudent way, is to promote the well-being of our community. He would differ with Councilman Majchrzak in that he does not see this as a seniors verses youth activities. Councilmember Sherry feels you can embrace a number of things and prioritize, without having to devote all your attention and resources to just one of those age groups or activities.

Supervisor Keem	Aye
Councilman Majchrzak	Nay
Councilman Sherry	Aye

The resolution was duly adopted.

New Business #5 Seasonal appointment to Parks and Grounds

7) 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 appoint Douglas Henning to a seasonal position in Parks and Grounds with a start date of 7/14/14 at a rate of PT-1 \$8.00 an hour.

The resolution was unanimously adopted.

New Business #6 Authorize Advertisement for Bids for Municipal Building Improvement Project

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

WHEREAS, the Town Consultant Architect for the Municipal Building Improvement Project, Robert J. Gill RA, PC, is finalizing the plans and specifications for the Municipal Building Repairs Project. The Municipal Building Repairs Project consist of the design plans and specifications for replacing doors, various wood patching and painting, new outside steel stairs, new drop ceilings & lights, construction of computer rooms and police sound proofing, and

WHEREAS, the Advertisement for Bids should be published on July 17, 2014. Plans will be available for purchase on July 28, 2014 with a pre-construction walk through scheduled on August 4th at 10:00am. The bid opening will be held on August 11, 2014.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the proposed Municipal Building Repairs Project as prepared by Robert J. Gill RA, PC, and authorize advertisements in the *Orchard Park Bee* for sealed bids to be opened for the Municipal Building Repairs 2014 Project at 2:00 P.M. on August 11, 2014 in the First Floor Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Award Bid for Concrete Gutters for Weiss Ave. & Hillsboro Drive

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

WHEREAS, Bids were opened for the Concrete Gutters for Weiss Avenue Road Reconstruction and Hillsboro Drive Gutter Replacement Project on July 14, 2014, and

WHEREAS, the Town of Orchard Park Engineering Department has reviewed the itemized prices of the two (2) contractors who submitted bids. E.J. Militello Concrete was the lowest responsible bidder with a base bid of \$33,280.00 that was below the engineer’s estimate of \$37,140 for the project, and

WHEREAS, E.J. Militello Concrete has successfully completed concrete gutter and drain inlet flare projects for the Town of Orchard Park and for various local government agencies including the Iroquois Drive Reconstruction Concrete Gutter Installations in 2012. E.J. Militello Concrete has been found to have the qualifications and experience to perform this work adequately without any reservation about their capabilities, and

WHEREAS, There is presently \$565,341.52 plus interest allocated under Road Reconstruction (Weiss Avenue), Capital Project #H58.5112.0402 for this work per Capital Project meeting.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby award the contract for the Concrete Gutters for Weiss Avenue Reconstruction and Hillsboro Drive Concrete Gutter Installation to the lowest responsible bidder, E.J. Militello, 8565 Roll Road, Clarence Center, New York 14032 in the amount of \$33,280.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 8 Proceed with Dedication of PIP 2013-06, Ellicott Development 3910 N. Buffalo St.,

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

WHEREAS, on July 10, 2014, a final inspection was conducted of the public improvements constructed in the Public Roadway Project P.I.P. #2013-06. The project included the construction of a portion of Holland Lane. The completion of this portion of a business park phase provided access for Buffalo Medical Group facility site to be developed.

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following:

- o Supply required spare fuses, pole and fixture per Town Standards \$3,000
- o Install final barricade with stop sign at the end of roadway and maintain temporary Type 3 barricade with stop sign until the final barricade is installed \$4,500
- o Address detention basin’s underdrain to provide positive pitch and flow in underdrain system \$3,500
- o Remove trailer and install swale with rock check dams on north side of property, and hydro seed and mulch \$4,000
- o Hydro seed and mulch in +/- 1.40-acres of ROW area (area will be seeded by dedication, but not growing yet) \$6,000

- o Hydro seed in +/- 4-acres of remaining disturbed areas (area will be seeded by dedication, but not growing yet) \$10,000
- o Install eight Town property corner monuments with split rail fencing, and provide confirmatory boundary survey \$5,000
- o Install street sign \$500
- o Repair gouges in roadway blacktop \$1,000

WHEREAS, the Town is in receipt of the cash securities from the involved contractor ("Greenauer Development") for the items noted above.

- o Complete the detention basin and bioretention pond installations once permitted by NYSDEC, and maintain the detention basin and bioretention pond facilities and associated access road until the basin, bioretention pond, and surrounding area are completely constructed. \$15,000
- o Fill in wet pond once permitted by USACOE; topsoil and hydroseed accordingly \$15,000
- o Install concrete stairs from sidewalk on North Buffalo Street per approved site plan. \$ 5,000

WHEREAS, the Town is receipt of the cash securities from the developer (Ellicott Development) for the items noted above. A two-year maintenance bond letter in the amount of \$237,500 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Ellicott Development - 3910 North Buffalo Street Public Roadway Project (portion of Holland Lane) constructed under PIP #2013-06, and authorize the Town Clerk to release the performance security in the amount of \$47,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

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New Business # 9 NYSEG to connect 5 Decorative Standard Lights for PIP 2013-06, Holland Lane

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of five (5) decorative standard street light fixtures on Holland Lane off of North Buffalo Street for the new medical park, as shown on the attached map, 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 # 2013-06 by the developer. 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 \$210.15 (5). The proposal is for a total of five (5) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$115.68. 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 five (5) 70-watt high-pressure decorative standard light fixtures on Holland Lane at an annual increased cost of \$115.68 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$210.15/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 10 Traffic Order for Ellicott Development, PIP 2013-06, Holland Land

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

WHEREAS, per the request of the Police Chief and the Highway Superintendent and the Town Engineer, and pursuant to the authority granted by §1660 of the Vehicle and Traffic Law of the State of New York

NOW, THEREFORE, it is hereby

ORDERED, the posting of a “Stop Sign” on Holland Lane at the intersection of North Buffalo Street, and be it further

ORDERED, that the Superintendent of Highways be and is hereby directed to post the proper and necessary sign at said location.

The resolution was unanimously adopted.

New Business # 11 Town Attorney to attend Seminar on Human Relations Administration

13)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 request of the Town Attorney to attend a seminar on Human Relations Administration, September 24, 2014, at a cost of \$149.00.

The resolution was unanimously adopted.

New Business # 12 Amend Budget for purchase of Security Camera for Little League Baseball

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

WHEREAS, the Town receives fees for Parkland Development from developers for Recreational Improvements.

NOW, THEREFORE, be it

RESOLVED, that the Town’s 2014 Budget is hereby amended by transferring \$2,000.00 from the T & A Trust Parkland Deposit Account (T.37) to the Recreation Department Equipment Account (A.720.0201) for Orchard Park Little League Baseball Group to help with the purchase of a security camera for the baseball diamond parking lot off of Thorn Avenue.

The resolution was unanimously adopted.

New Business # 13 Reaffirm Bonding Resolution authorizing \$700,000 for Community Center

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

WHEREAS, the Senior Services Task Force and the Town of Orchard Park Recreation Department has presented compelling arguments for the development of a Community Activities Center, and

WHEREAS, both the Senior Services Task Force and the Recreation Department have demonstrated their needs for more appropriate space for activities, and

WHEREAS, the Town Board has created and populated a Community Activities Center Task Force, and

WHEREAS, the Community Activities Center Task Force has been charged with investigating funding vehicles to support its research and the possibility of constructing a Community Activities Center, and

WHEREAS, the Town of Orchard Park has previously passed a Resolution authorizing bonding in the sum of \$700,000.00 toward such a project as is being investigated by the Community Activities Center Task Force, but the Town has not acted on that Resolution.

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park hereby reaffirms its previous Resolution, of June 23, 2010, authorizing bonding in the sum of \$700,000 for the planning and construction of a Community Activities Center, and be it further

RESOLVED, all potential funding agents may rely on this Resolution in considering the outreach of the Community Activities Center Task Force and/or the Town of Orchard Park for participation on any level in the community activities center project as it evolves under the leadership of the Community Activities Center Task Force and/or the Town of Orchard Park.

Councilmember Sherry stated this resolution did not have to be passed tonight, as it was adopted previously in a Special Meeting, but it is reflective of this Town Board's determination to be as transparent as possible. The Senior Service Task Force report and the Recreation Department report both clearly outlined the need for more space and the Town Board wished to reaffirm this resolution as they move forward in the development of Brush Mountain Park.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Lou Boehm – Mr. Boehm noted that Sam's Club is petitioning to open operations on the Walmart property on Milestrip Road. While a Sam's Club is not as objectionable as a Walmart, the previous petition progressed to a full sized big box Walmart store. He stated its fine to have development which increases revenue, provided, there is not the diminished return of decreased residential property due to excessive traffic.

Jackie Briggs – Ms. Briggs thanked the Town Board for approving the study for a new community center. She said that she and the seniors have been working very hard to have their dream fulfilled for a new community center.

Tom Pieczynski – Mr. Pieczynski thanked the Town Board for recognizing the need for a new community center and for moving forward with the economic activity relative to a new center. He worked on the senior task force and said the Town Board was helpful in getting reports done.

ELECTED OFFICIALS & DEPARTMENT HEADS

16) 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:

From:	A.1670.0413	Central Office Supplies	\$450.00
To:	A.7550.0440	July 4, Celebrations	\$450.00

Per Town Board Resolution on 6/18/2014 to approve \$150.00 towards a “Fife and Drum Corps” and \$300.00 towards a “Marching Drum Band” for the Fourth of July Parade. Moneys were not budgeted so it is necessary to do a budget transfer.

The resolution was unanimously adopted.

Supervisor Keem – stated that the Orchard Park Football Booster’s Club came before the Town Board a few months ago and requested \$250,000 dollars to complete the football field at Brush Mountain. The Town Board asked them to go out and look for other ways they could help themselves, such as fund raising and asking for donations, before relying on the government to help. The Booster’s club came back and said they bought the bleachers, a score board, have the light poles up, are getting the lights hooked up and raised \$50,000 dollars. So that is why he voted to run the electricity at the field, as they did accomplish a lot themselves.

Councilmember Sherry – said that last week the Town Board formed the Community Activities Center Task Force after receiving the reports from the Senior Task Group and the Recreation Department indicating both groups need more space. The next step in due diligence is to get detailed plans. They have design work that had been done in the past and now they need detailed plans before further steps can occur. The Task Force is going to oversee those plans, be responsible for investigating financing, looking at infrastructure, issues relating to the maintenance of the facility, as well as the operations of the facility. As this work takes place, the Town Board will keep the community informed.

Assistant Police Chief Wehrfritz – wanted to remind everyone on Friday, July 25th, during Quaker Days, the Police Department is going to hold its Open House from 10:00 am to 2:00 pm and will be serving hot dogs, chips and refreshments.

Highway Superintendent Piasecki – said the Highway Department is working on drainage receivers around Town and are currently milling Burning Bush Way, Quail Run, Hillsboro Drive, Hidden Meadow cul-de-sac and Breem Street, which will then be paved.

Town Engineer Wayne Bieler – stated that the Forest Drive Bridge Project is underway and it will be a while before the bridge is done and the road opened back up again.

17) 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 #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$59,195.23
Public Safety Fund	\$13,590.24
Part Town Fund	\$9,826.78
Risk Retention	\$0.00
Cemetery Fund	0.00
Highway Fund	\$26,885.76
Special Districts	\$39,824.10
Trust & Agency	\$44,565.11
Capital Fund	\$2,520.00

The resolution was unanimously adopted.

18) 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:

Reports

- Building Inspector’s Monthly Report for June 2014

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:29 pm (local time).

Respectfully Submitted,

Carol R. Hutton
Town Clerk