

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 19<sup>th</sup> day of August 2015 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilmember
	Michael Sherry	Councilmember
	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 COUNCILMEMBER MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on August 5, 2015, Executive Sessions: August 5, 2015 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 Approve Building Permit for 6456 New Taylor Road**

**2) 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 authorize a building permit and grant site approval for 6456 New Taylor Road, Zoned B-1, Special Exception Use Permit, to construct a 1,665 GSF Medical Office building, as recommended by the Planning Board, based on the following conditions and stipulations as recommended by the Planning Board:

1. This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
2. The site lighting is limited to those building fixtures indicated on the approved site plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Any dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
5. The landscape plan, received 7/22/15, includes 44.8% total green space. In accordance with Section 144-44(c)(1)(a)(2), a \$3,225 Certified Check amounting to 50% of the Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.

6. Town Engineering Approval was granted on 8/12/2015.

**The resolution was unanimously adopted.**

**Old Business #2 Approve Building Permit for 3910 North Buffalo Road**

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 authorize a Building Permit and grant Site Plan approval for 3910 North Buffalo Road, Zoned B-1. The Plan received 7/22/15 to construct a 3,000 GSF Single Story Retail/Office Building, based on the following conditions and stipulations, as recommended by the Planning Board:

1. This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan.
3. No outside storage or display is permitted.
4. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
5. The landscape plan, received 7/22/15, includes 15% total green space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check has been provided for the entire 3900 & 3910 North Buffalo site of which \$4,985 is for this project.
6. Town Engineering Approval was granted on 8/12/2015.

**The resolution was unanimously adopted.**

**New Business #1 Set a Public Hearing for Historic Designation**

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 set a public hearing for September 16, 2015 at 7:00 PM to consider a historic designation for 7980 Quaker Road, owned by Bruce and Helena Keiser. Request of the Historic Preservation Board and the property owners.

**The resolution was unanimously adopted.**

**New Business #2 Senior Discount for Dog License**

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

**WHEREAS**, the Town of Orchard Park is empowered by the State of New York to license dogs owned by residents of the Town of Orchard Park, and

**WHEREAS**, the Town of Orchard Park is further authorized to collect fees for the presentation of said licenses, and

**WHEREAS**, under Section 58-11(B) of the Orchard Park Town Code the Board of the Town of Orchard Park is authorized to prescribe license fees and surcharges from time to time by Resolution,

**NOW, THEREFORE, be it**

**RESOLVED** that the Town Board does hereby adopt:

- 1) Fees for resident dog owners who are the age of 65 and older shall be set as follows:
  - a) Spade / neutered - \$6.00 each (up to three dogs)
  - b) Unspade / unneutered - \$10.00 each (up to three dogs)
- 2) Each dogs' owner will need to provide their proof of age (driver's license) which is required at the time of dog license purchase or renewal.
- 3) The effective start date will be January 1, 2016.

**The resolution was unanimously adopted.**

**New Business #3 Budget Amendment for Police DARE Program**

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 approve the following Budget Amendment:

Increase DARE Gifts and Donations:	PS.0000.2705	\$2,675.00
Increase DARE Program Supplies:	PS.2989.0419	\$2,675.00

**The resolution was unanimously adopted.**

**New Business #4 Inter-Municipal Cooperative Agreement for School Tax Collection**

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

**WHEREAS**, the Orchard Park Central School District desires to have the Town of Orchard Park undertake responsibility for collecting school taxes for the District from residents of the Town of Boston who reside within the Orchard Park School District;

**WHEREAS**, the Town of Orchard Park has in place office space, equipment and personnel with the requisite experience to undertake this responsibility;

**WHEREAS**, the Town of Orchard Park and the District have determined that it would be mutually beneficial to engage in an agreement for the District to designate the Town of Orchard Park to collect school taxes from residents of the Town of Boston who reside within the Orchard Park School District; and

**WHEREAS**, Remy C. Orffeo has agreed to serve as the school district tax collector for purposes of the school tax collection; and

**WHEREAS**, pursuant to the laws of the State of New York, including Article 5-G of the New York State General Municipal Law, the Town of Orchard Park, Remy C. Orffeo and the District are authorized and empowered to enter into this agreement.

**NOW THEREFORE, it be**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor and Town Clerk to sign an Inter-Municipal Cooperative Agreement between the Town of Orchard Park and the Orchard Park Central School District allowing the Town Clerk's office to collect school taxes for the school district from residents of the Town of Boston who reside within the Orchard Park School District. This agreement would begin on September 1, 2015.

**The resolution was unanimously adopted.**

**New Business #5 Release Escrow for 'The Hills' Subdivision**

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

**WHEREAS**, on January 29, 2015, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the contractor be held in escrow until spare fuses, a pole, and fixture with bulb required per Town Standards were supplied and the UL Inspection Certification for the installation were provided, and

**WHEREAS**, the contractor has since supplied all the required street lighting spare parts and provided the UL Inspection Certification. The material was inspected by the Sewer, Water & Lighting Department and was 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 to Essex Homes of WNY the \$5,000 escrow for supplying the spare fuses, pole, and fixture with bulb required per Town Standards and providing the UL Inspection Certification for the installation for The Hills Subdivision (PIP #2013-07), as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Approve Special Event in Yates Park August 20, 2015**

**9) 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 a special event 'Sunrise in the Southtown's Family Health Fair' on Saturday August 29, 2015 from 10:00 AM – 6:00 PM in Yates Park, as recommended by Chief Pacholec, and Recreation Director Ed Leak. They have met all the requirements as stated in the special events process.

**The resolution was unanimously adopted.**

**New Business #7 Tricia Jurek to attend Government Accounting School**

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 approve town employee Trisha Jurek to attend the Advanced Government Accounting School. Classes will be held in East Aurora on October 20 – 22, 2015. The cost of the school is \$85. The money is in the budget.

**The resolution was unanimously adopted.**

**New Business #8 Appointment Seasonal part-time to Recreation Department**

11) 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 Recreation Department as part-time seasonal staff. The appointments are dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

2015-16 Fall Winter Spring Seasonal part-time staff appointments effective 09/12/15

<b>Name</b>	<b>Rate</b>	<b>Position (Title)</b>
Nicholas Ramage	\$12.00	PT4-D (Att)
Matthew Stromecki	\$ 9.50	PT2-D (Att)

**The resolution was unanimously adopted.**

**New Business #9 Refer to the Conservation, Planning and Architectural Overlay District.**

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 refer to appropriate Board for review; Conservation, Planning Board, and/or Architectural Overlay District the following:

1. Mr. James Jerge, 5285 Chestnut Ridge Road, 4-acres, located on the east side of Chestnut Ridge Road, south of New Armor Road, Zoned R-3, "SR" (Senior Residential Designation). Mr. Jerge proposes to construct a 32-Unit, Senior Residential project known as the "The Residences at the Ridge" housed in three buildings.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

No one came forward.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem thanked all the volunteers in the community who make many of the events (such as Quaker Days) that the town hosts be a success. We can't run all the events without the commitment of the many volunteers.

**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 following budget transfers:

<u>From</u>	<u>To</u>	<u>Amount</u>
<b>Police</b>		
PS.3120.0450 First Aid Supplies	PS.1910.0408 First Aid Expenses	\$1,000.00
PS.3120.0225 Other Equipment	PS.3120.0412 Mileage Reimb.	\$1,000.00
PS.3120.0111 Overtime	PS.3120.0113 Comp Time	\$50,000.00
<b>Highway</b>		
A.7110.0421 Parks – Lakes Maintenance	A.7110.0449 Parks Electric	\$ 5,000.00
<b>Town Clerk</b>		
A.1410.0141	A1410.0110	\$ 500.00

**The resolution was unanimously adopted.**

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

**WHEREAS**, two bids were received and were opened on August 14, 2015 at 4:00 PM in the Town Clerks Office. The bids reviewed and a decision was made in accordance with the town purchasing policy.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the bid for Police Clothing and Uniform Parts to United Uniform of Buffalo, NY and the bid will run the period of September 1, 2015 through August 31, 2016, as recommended by the Chief of Police Mark Pacholec.

**The resolution was unanimously adopted.**

**15) 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 #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$53,041.59
Public Safety Fund	\$5,667.90
Part Town Fund	\$797.09
Risk Retention	\$
Cemetery Fund	\$
Highway Fund	\$27,021.03
Special Districts	\$28,602.22
Trust & Agency	\$13,246.58
Capital Fund	\$16,815.71

**The resolution was unanimously adopted.**

16) 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 Building Inspector Report for July 2015.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:12 PM (local time).

**Respectfully Submitted,**



**Remy Orffeo  
Town Clerk**