

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 17th day of September, 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
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 Regular Town Board Meeting Minutes held on September 3, 2014, and Executive Session Meeting Minutes held on September 3 & 10, 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 3670 S. Benzing Rd., waive stipulation

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

WHEREAS, the Planning Board in the original approval of a building permit for 3670 South Benzing Road, Planning Board file #34-99, stipulated in #8 that the Petitioner was to submit the proposed tenants for review and approval of the Planning Board, when prospective tenants were known, and

WHEREAS, this property has a new owner, which is leasing to local doctor who is going to put in a family practice, which is permitted in an I-1 zone.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby waive the original Stipulation #8 requiring that the Petitioner submit the tenants for review and approval and such tenants are only required to go through the CO permit requirement of the Building Department, as recommended by the Building Inspector.

The resolution was unanimously adopted.

Old Business # 2 Introduction of the Strategic Planning Initiative for Orchard Park Police Dept.

Supervisor Keem stated that this Initiative is Goal # 3 of the State of Orchard Park Address given on February 12, 2014 which stated "Begin to develop strategic plans at the Department and Committee level. It is anticipated these Board led strategic plans contain not only goals and objectives, but the targets and measurements by which progress will be benchmarked. Although it will take a number of years for the plans to be developed for most areas, as they come on board, the individual plans will be posted on the Town website. " and they are going to start with the Police Department. Tonight the Town Board gave a presentation (which can be found on the Town' website) to outline their intentions.

On Saturday, October 25th at 10:00am, and Wednesday, October 29 at 7:00pm the Town Board is holding public input sessions to give the residents a chance to voice their needs and expectations for the police department.

New Business #1 Commercial Parking Permit approvals

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 approve the following 2014 Commercial Parking Permits, as requested by the Town Clerk: 3819 Southwestern Blvd, 3730 California Rd, 3847 Southwestern Blvd and 3740 California Rd.

The resolution was unanimously adopted.

New Business #2 Pay Rates for part-time Dispatchers

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

WHEREAS, the Town of Orchard Park has created and operates an Emergency dispatch Service as part of the Orchard Park Police Department, and

WHEREAS, there are both full-time and part-time employees of that Emergency Dispatch Service, and

WHEREAS, pay rates for part-time Dispatch employees are not uniform, and

WHEREAS, the Town of Orchard Park has determined that all pay rates for part-time Dispatchers shall be made uniform, and

WHEREAS, there is adequate money in the Police Department budget for 2014 to fund this proposal,

NOW, THEREFORE, be it

RESOLVED, that the hourly rate for all part-time Dispatchers working in the Orchard Park Police Department Emergency Dispatch unit shall be \$14.83 per hour with all associated benefits, if any, pertinent thereto, and be it further

RESOLVED, The said pay adjustments for each affected employee shall be retroactive to his or her step date.

The resolution was unanimously adopted.

New Business #3 Orchard Park Recreation Dept. Seasonal appointments

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

RESOLVED, that the Town Board does respectfully submit the following 2014/ 2015 Fall Winter Spring Seasonal part time Staff Appointments to the Orchard Park Recreation Department. These appointments are dependent upon the applicant providing the required certifications.

<u>Name</u>	<u>Rate</u>	<u>Position(Title*)</u>
Eric Overhoff	\$8.50	PT1-E (ATT)
Matthew Stromecki	\$8.50	PT1-E (Att)

The resolution was unanimously adopted.

New Business #4 Release of Escrow for PIP 2013-01, Pleasant Acres Pt. 2 Ph 1 subdivision

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

RESOLVED On January 15, 2014, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until the following were completed:

- o Eight light fixtures, all associated conduits, wiring, fuses, and 'special' pull boxes, and provide UL Inspection Certification and all required spare parts. \$20,000
- o Complete remaining final grading, seeding and mulching in all ROW areas. \$5,000
- o Complete field and stockpile seeding and mulching in all remaining disturbed areas. \$20,000
- o Install trail gate on access road and install associated trail sign. \$2,500
- o Complete grading of the rear yard swales to provide positive flow. \$3,000
- o Complete regrading and paving the recreation land access road. \$1,000

RESOLVED, the developer has since completed this work, and the work was inspected by the Engineering Department and found to be in compliance with Town specifications.

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Pleasant Acres West LLC, the remaining escrows totaling \$51,500 in the Pleasant Acres West Subdivision Part 2 Phase 1 (PIP # 2013-01), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve Change Order 1 & 2 With Telco Construction, Inc.

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

WHEREAS, the Engineering Department is requesting approval of two Change Orders to the contract with Telco Construction Inc. for the Orchard Park Municipal Building Repairs Project in the amount of \$5,076.00. If approved, this would increase the total contract amount to \$267,216.00, representing an increase of 1.94%, and

WHEREAS, this Change Order is requested to perform changes in the original scope of work and additional work not covered under their contract. The additional work involves adding insulation around the eleven court room windows and for the new construction of a secure file room for the accounting office, and

WHEREAS, the eleven existing court room windows were installed years ago and were not properly insulated. The old weight cavity was never insulated and once the trim was removed and the open air space was exposed, it is required by energy code to be insulated. The cost of labor and material for this proposed change order is \$408.00, and

WHEREAS, the next change order proposed is for the construction of a secure file room for the accounting office. This office has an ever expanding amount of paperwork that must be secured and retained for certain time frames and with the addition of a third person in this office, additional file space is greatly needed. By using a small portion of the council members space (map attached), a secure file room could be constructed for \$4,668.00, which the Town benefits due to the fact that the contractor is already completing similar work on site.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 & #2 to our contract with Telco Construction Inc. for the Orchard Park Municipal Building Repairs Project in the amount of an increase of \$5,076.00 and appropriate additional funding to this project to cover the increase in cost, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Final Dedication of Sanitary Sewer Main Relocation

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

WHEREAS, on August 4, 2014, a final inspection was conducted of the public improvements constructed in relocating of the Sanitary Sewer under P.I.P. #2013-05. The project included the relocating the existing public sewer and installing five new sanitary manholes, 521 lineal feet of 8" PVC sewer line and four wyes – 1 for the O.P. Veterinary Hospital and 3 for future building connections, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications. A two-year maintenance bond in the amount of \$22,500 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 relocated Public Sanitary Sewer constructed under PIP #2013-05 and authorize the Town Clerk to release the performance security in the amount of \$4,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve Change Order 1 with CATO

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

WHEREAS, the Engineering Department is requesting the Town Board approval of a Change Order to the contract with Concrete Applied Technologies Corporation (CATCO) for the Bridge Replacement – Forest Drive Project (BIN2213410 - PIN5758.37) in the amount of (\$577.80). If approved, this would decrease the total contract amount to \$896,183.72, representing a decrease of (0.001) %, and

WHEREAS, this Change Order involves a change from placing cast-in-place concrete bridge wingwalls to using precast concrete retaining wall system. This change was proposed by CATCO as more ethically pleasing with its rock-textured finish in lieu of a simple concrete plain wall look and to save time by completing construction of the bridge quicker than the cast-in-place wingwalls were per contract. The Town's consultant inspector on this project (GPI) has acknowledged the value of this change and has verified that it was accepted by the Design Engineer of the project, and approved by the State.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to our original contract with Concrete Applied Technologies Corporation (CATCO) for the Bridge Replacement – Forest Drive Project (BIN2213410 - PIN5758.37) in the amount of a decrease of (\$577.80), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Approve Time Extension with CATO for Forest Drive Bridge Replacement.

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

WHEREAS, the Town has received a request for time extension from CATCO the contractor working on the Forest Drive Bridge Replacement Project. CATCO has formally requested a Contractual Time Expansion of thirty (30)-calendar days to the original contract. The contractor lost approximately two (2) calendar weeks due to the pile driving operation/portion of the bridge installation because of the unforeseen warranted need to wait after the initial driving of the piles for both of the bridge abutments, and then re-striking of each of these piles. CATCO also lost time due to the Village of Orchard Park requesting and authorizing the replacement of the 8-inch diameter watermain stream crossing, which is adjacent to the bridge's north wing wall. This watermain work had to be completed prior to the removal of the bridge stream diversion system and sequential backfilling of the bridge's east abutment. The total resulting time of delays is thirty (30)-calendar days. The Town's consultant inspector on this project (GPI) has acknowledged the Contractual Time Expansion and has verified that it was accepted by the Design Engineer of the project, and approved by the State, and

WHEREAS, the Engineering Department is recommending that the Town Board approve a Contractual Time Expansion to the original contract with Concrete Applied Technologies Corporation (CATCO) for the Bridge Replacement – Forest Drive Project (BIN2213410 - PIN5758.37).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #2, the Contractual Time Expansion to our original contract completion of August 31, 2014 with Concrete Applied Technologies Corporation (CATCO) for the Bridge Replacement – Forest Drive Project (BIN2213410 - PIN5758.37) of thirty (30)-calendar days making the Contract completion Date September 30, 2014.

The resolution was unanimously adopted.

New Business #9 Authorize Attendance to the National Flood Insurance Program

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

WHEREAS, the New York State Association of professional Land Surveyors, Inc. (NYSAPLS) is a professional organization dedicated to the advancement of knowledge, professional growth of the men and women of the land surveying profession. The NYSAPLS is hosting a National Flood Insurance Program Information for Surveyors workshop. This workshop provides an opportunity for members and other professionals to get updates on regulations, network, and exchange ideas while acquiring updated knowledge and tools to promote sound surveying practices throughout New York State. This also provides Kenneth W. Partridge P.L.S. the necessary continuing education credits to maintain his L.S. license, and

WHEREAS, the National Flood Insurance Program: Information for Surveyors workshop will be held on Monday October 6th 2014 in Corning, New York. This workshop is an important course presenting vital information to surveyors on how elevation certificates and letters of map change applications fit within the context of the National Flood Insurance Program (NFIP) This course will review NFIP development requirements, provide detailed information on how to obtain and interpret Flood Insurance Rate Maps, key concepts of elevations, lowest grades, flood zones, and guidance of properly filling LOMA applications, and

WHEREAS, Ken Partridge will be responsible for his own travel time to and from the course. The cost is \$215 for a NYSSAPLS member attendance. Funding has been allocated in the 2014 budget for this training.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Kenneth W. Partridge P.L.S of the Engineering Department to attend the NYSAPLS National Flood Insurance Program: Information for Surveyors on October 6th 2014 in Corning, New York, for a total amount not to exceed \$215.00.

The resolution was unanimously adopted.

New Business #10 Authorize Chief of Police to Attend FBI Great Lakes Leadership Seminar

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 approve the request to send Chief of Police, Mark F. Pacholec to the FBI Great Lakes Leadership Seminar, to be held at Niagara Falls Air Force Base, September 21st through September 26th. The cost for this course is \$375.00 and is in the budget.

The resolution was unanimously adopted.

Please Refer to Conservation and Planning Board
New Business #11 Approval to Relocate a Barn

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

RESOLVED, that Saville's Country Florist, 4020 North Buffalo Road, Mr. Richard Stedman is requesting approval to relocate a barn to this property

The resolution was unanimously adopted

BUSINESS FROM THE FLOOR

Sue Cushman – Ms. Cushman questioned the timing of the retirement of Carol Hutton, the Town Clerk. If Ms. Hutton retired sooner, an election would have taken place this year instead of next year. Ms. Cushman feels this was a very calculated decision. Ms. Cushman then wished Ms. Hutton happiness and health in her retirement.

Don Furman – Mr. Furman feels that too many people are exceeding the speed limits as they drive through Orchard Park, and he also feels that the motorcycles groups that drive through the Town, especially on Sunday, are damaging the tranquility of the Town. He would like to see the Town Board address these issues.

Dave Schuster- Mr. Schuster stated that the Town is considering replacing snow plow wingmen with a laser beam apparatus and purchasing robotic surveying equipment, thereby eliminating positions in the Town. He hates to see positions eliminated by electronic equipment. When Supervisor Keem stated at the last meeting his unhappiness with a three man board, Mr. Schuster felt that if saving money is the goal, eliminating two council positions saves the Town \$37,000 a year. Mr. Schuster also stated that unions are a necessary counterbalance to management.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem said County Executive Poloncarz joined County Legislator Mills and himself, presenting the keys to a new Senior Van which take the seniors to different appointments. The old vans were in bad shape, and Supervisor Keem requested new ones for the Town. He also stated that they have filed the Benefit Basis Budget and they are now working on the Ad Valorem budget.

Councilmember Majchrzak said speed limits on many of the roads are out of the Town's control, the only control is having the Police patrol the area. He also stated that with the laser equipment and the survey equipment there was no mention of eliminating a position, it will help cut down the overtime. Regarding the downsizing of the Board, it was cut in half. Now, the current councilmembers are taking care of town business up to four nights a week, and sometimes on the weekend. With that there are still areas that fall through the cracks because they do not have the individuals to cover everything.

Councilmember Sherry stated that he seconded Mr. Schuster's opinion regarding unions. Regarding Ms. Hutton's retirement, he disagreed with Ms. Cushman and stated there will be an election next year in accord when they are scheduled. The law provides for situations like this, so it won't be the first time, or the last time the governing board will appoint someone to fill a position. He stated that Ms. Hutton is a life time resident, and has served the community for over 20 year, and he wanted to personally thank her for her service and wished her many years in her retirement that she has earned.

Supervisor Keem wanted to take this time to thank Ms. Hutton for her 20 years of service. Working with her on a daily basis he really came to appreciate what a kind, good hearted, dedicated employee she is. He said that he is really going to miss her as she really helped him transition into the Supervisor's position, and has been a good friend.

Town Clerk Carol Hutton said that it has been a pleasure working with all the elected officials, department managers and employees throughout the years.

Town Attorney Bailey wished to add his congratulations to Carol, and thanked her for the ways she has helped him in his position. He said he would miss her.

Chief of Police also wanted to thank Carol, as she was a very important source of counsel and a good sounding board when he first became Chief of Police. He wished her a long and happy retirement. Chief Pacholec wanted to remind people that the Quaker Art Festival is this weekend and there is a Bills game on Sunday, so the traffic is going to be quite heavy. He also wanted to thank the local residents who were helpful in observing incidents and reporting them, it was crucial in the investigation. Regarding the strategic planning, it will help them work smarter with the community, and this is an excellent time to look at this long term.

Fred Piasecki wished Carol a very happy retirement, and she deserves it, and thanked her for her hard work and time in service. He stated the Highway Department is finishing up on Hillsboro, Dennis Road, Burton Road, and they are taking care of some drainage issues. He also noted that the County is going be working on Abbott Road from Armor Duells to Big Tree Road starting on September 22, 2014 and it will take about two weeks to do.

Town Engineer Wayne Bieler also thanks Carol for her years of service and wished her a happy retirement.

14) 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 #18 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$27,505.38
Public Safety Fund	\$10,814.41
Part Town Fund	\$154.74
Risk Retention Cemetery Fund	
Highway Fund	\$30,497.46
Special Districts	30,475.69
Trust & Agency	\$1,237.72
Capital Fund	\$43256.81

The resolution was unanimously adopted.

15) 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:

COMMUNICATIONS

- County of Erie, Department of Environment and Planning designated September 1 – September 30 each year as the annual thirty-day period during which a landowner may request the inclusion of predominantly viable agricultural land into a certified agricultural district. A copy of this form can be found at www.erie.gov/environment, or call 716-858-8002, or email at agriculture@erie.gov.

The resolution was unanimously adopted.

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 receive and file the following:

REPORTS

- Building Inspector's Monthly Report for August, 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 7:47 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk