

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 17<sup>th</sup> day of January 2018 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             |
|                              | Michael Sherry          | Councilman             |
|                              | 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        |
| <b>ABSENT</b>                | Eugene Majchrzak        | Councilman             |

**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 COUNCILMAN SHERRY, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the 2018 Organizational Meeting, Regular Town Board Meeting Minutes held on December 20, 2017 & January 3, 2018, Executive Session held on January 3, 2018, 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.**

**PUBLIC HEARING**

**Local Law 2018-1** – Amending chapter 144 “Zoning” Attachment 1 “Schedule of Zoning Fees”

At 7:17 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018-1

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

No one came forward to speak.

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

**RESOLVED**, that the Public Hearing in the matter of Local Law 2018-1, Schedule of Zoning Fee” is hereby closed at 7:19 PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, following due and timely notice a public hearing relating to the matter of Local Law 2018-01 was conducted on January 17, 2018, at which time all interested parties were given an opportunity to speak.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board is hereby authorized to adopt Local Law #2018-1 which provides as follows:

Amending Chapter 144, Attachment 1, Schedule of Zoning Fees, to add:

**SECTION 1:**

**A. Building Permit Fees**

VI. Building Permit fees are non-refundable six (6) months after a payment is made whether a permit has been issued or not.

**SECTION II:**

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

**The resolution was unanimously adopted.**

**Old Business #1 Authorize NYSEG to connect street lights fixtures in Knoche Farms Subdivision**

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

**WHEREAS**, the Town Engineer's have received a proposal from NYSEG for the connection of four (4) decorative street light fixtures on Knoche Way, two (2) decorative street light fixtures on Adrian Court and one (1) decorative street light fixture on Christina Lane in the Knoche Farms Subdivision. At present, there is one (1) single family home currently under construction of the 32 sublots in Phase 2 of the Subdivision, and

**WHEREAS**, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of decorative street light poles under PIP # 2017-01. 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 \$294.21 (7). The proposal is for a total of seven (7) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$161.95. NYSEG will provide new estimate sheets (see attached) as new rates become available,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize NYSEG to connect a total of seven (7) 70-watt high-pressure sodium decorative street light fixtures in the Knoche Farms Subdivision at an annual increased cost of \$161.95 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$294.21/yr.), as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Approve Change Order #3 to contract with Wendel Architecture**

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

**WHEREAS**, the Engineering Department has received & reviewed a request for a fee adjustment from Wendel for professional services associated with the Brush Mountain Community Activity Center Proj., and

**WHEREAS**, the original agreement for professional services was based on 6.5% of the originally estimated building cost of \$14,400,000, plus schematic design phase 3 & 4, construction estimating and reimbursable expenses; all totaling \$1,080,000. The most recent construction estimate for the project has a total of \$20,032,000 (Building = \$15,589,000 + Site = \$4,443,000). Wendel and the Town are currently working together to identify Value Engineering alternatives to reduce the total project cost to \$19,000,000. The requested fee adjustment is based on the probable \$19,000,000 project total that should be achieved after modifications are made to the plans. Wendel is now asking for 6.0% of the \$19,000,000 project cost, plus schematic design phase 3 & 4, construction estimating and reimbursable expenses; all totaling \$1,284,000. The fee increase would total \$204,000. The CAC Steering Committee has reviewed and recommended approval. If actual construction costs are less, the total fee will not be invoiced.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve change order #3 to our contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., to continue to provide professional services for the Brush Mountain Community Activity Center (Fee Adjustment for Previously Contracted Professional Services) in an amount not to exceed \$204,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Authorize attendance at Communications Course**

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

**RESOLVED**, that the Town Board does hereby authorize Richard Mrugalski to attend a two day Effective Communications course to be held on January 23-24, 2018 at the Erie County Fire Training academy in Cheektowaga, and there is no cost for this training.

**The resolution was unanimously adopted.**

**New Business #2 Recreation Staff Appointments**

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

**RESOLVED**, that the Town Board does hereby approve the following 2018 Spring Seasonal Part-time Recreation Staff Appointments, dependent upon the applicant providing the required certifications:

| <u>Name</u>       | <u>Rate</u> | <u>Position (Title)</u> |
|-------------------|-------------|-------------------------|
| Sarah Badagliacca | \$12.00     | PT4-D (Att)             |
| Madison Hornung   | \$13.00     | PT5-C (Att)             |
| Alexis Taranowski | \$13.00     | PT5-C (LG)              |

**The resolution was unanimously adopted.**

**New Business #3 Appointments to the Trails Task Force**

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

**RESOLVED**, that the Town Board does hereby appoint Todd Hathaway and Peter Swartwout to the Trails Task Force Committee with terms ending December 31, 2018.

**The resolution was unanimously adopted.**

**New Business #4 Appointment to Ethics Board**

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

**RESOLVED**, that the Town Board does hereby appoint Nick Biach as Chairman of the Ethics Board for the year 2018.

**The resolution was unanimously adopted.**

**New Business #5 Consultant Agreement for Brush Mt. Community Ctr. Food Preparation**

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

**WHEREAS**, as requested by Wendel and directed by the steering committee, the Engineering Department and Wendel have met with a kitchen design consultant. A major component of the proposed center will be the food preparation and servery areas. These areas require specialty design considerations that Wendel recommends be completed by a specialty design firm. BHS Foodservice Solutions has submitted a proposal for the needed professional services to design these areas, and

**WHEREAS**, the proposal outlines the detailed scope of work and fee schedule proposed. Professional services are to include providing preliminary equipment floor plans, cost estimates, specifications, as well as attending meetings and site visits during construction. Also included in the proposal is a clause where 50% of the cost would be returned if the company's equipment is used and installed.

**NOW, THEREFORE, be it**

**RESOLVED** that the Town Board does hereby authorize the Supervisor to sign an agreement with BHS Foodservice Solutions, 375 Commerce Drive, Amherst, NY 14228, to provide professional services for the Brush Mountain Community Activity Center food preparation and servery area design in an amount not to exceed \$3,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Refer to Planning Board, Zoning Board and Conservation Board**

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

**RESOLVED**, that the Town Board does hereby refer the following to the Planning Board, Zoning Board of Appeals, and Conservation Board:

- 3964 California Road, located on the west side of California Rd. south of Southwestern Blvd, Zoned I-1. Joseph DeMarco, Jr. is requesting to construct an unheated 60-ft. x 34-ft. storage addition at the rear of the existing pavilion and a 40-ft. x 130-ft. addition to the side of the existing pavilion (SBL #161.03-1-8)

**The resolution was unanimously adopted.**

**New Business #7 Not On the Agenda**

**12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the secretarial stipend change for Justine LeFauve from \$30.00 a meeting to \$50.00 a meeting, effective January 1, 2018.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem noted that Ed Starosielec, a long time servant of our community, passed away. He served on the Town & Village Economic Development Committee for over 15 years, and was a tremendous asset to the committee. He was one of the architects of the Town's 2008 Economic Development Strategic Plan. It was that plan which lead to the development of the Chestnut Ridge Conservancy. Even with declining health, he continued to participate in the development of the updated 2017 plan, and for his service we are forever grateful.

Town Clerk Orffeo stated that the tax bills will be going out on January 19, 2018 and they are due by February 15, 2018.

Town Attorney Bailey stated that he served with Mr. Starosielec on the Economic Development Committee and the Chestnut Ridge Conservancy and he was a true asset to both.

**13) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:**

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant # 7 following auditing by members of the Town Board and in the funds indicated:

|                    |             |
|--------------------|-------------|
| General Fund       | \$44,591.31 |
| Public Safety Fund | \$23,234.57 |
| Part Town Fund     | \$32,294.02 |
| Risk Retention     | -0-         |
| Cemetery Fund      | -0-         |
| Highway Fund       | \$66,976.41 |
| Special Districts  | \$33,267.45 |
| Trust & Agency     | \$6,260.10  |
| Capital Fund       | \$32,474.88 |

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the Building Inspector's Report for December 2017.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Sherry, the meeting adjourned at 7:22 pm (local time).

**Respectfully Submitted,**



**Remy C. Offeo**  
Town Clerk