

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 2th day of November 2016 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	Councilman
	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

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 MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on October 19, 2016, Executive Sessions: October 19 & 26, 2016, 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 Award Contract for Draudt Road Culvert #3 Rehabilitation Project

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

WHEREAS, bids were opened for the Draudt Road Culvert #3 Rehabilitation Project on October 28, 2016. The Town received six (6) bids. The project consists of removal of approximately 400 cubic yards of siltation from Neuman Creek, installation of a temporary water diversion structure, reinforcing Culvert #3 with welded bar, and placement of concrete along the invert. The bidder's base bid of \$78,945.00 is below the Engineer's construction estimate of \$87,568.16 for the project, and

WHEREAS, the low bidder for this project was Nova Site Company, LLC. The company has successfully completed various projects for neighboring municipalities in the past. Nova Site Company, LLC has been found to have the qualifications and experience to perform this work adequately, and

WHEREAS, funds have been allocated with the 2015 BAN in the amount of \$270,000 under capital account H-03 Draudt Road Culvert Rehabilitation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Draudt Road Culvert #3 Rehabilitation Project to the lowest responsible bidder, Nova Site Company, LLC. 6 Lena Court West Seneca, NY 14224, in the amount not to exceed \$78,945.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Award Contract for Green Lake Outlet Control Structure Concrete Repairs

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

WHEREAS, the Engineering Department is requesting approval to commence work on repairing the concrete surface of the Green Lake Outlet Control Structure. A quote has been obtained from Gerald J.G. Wagner in the amount of \$5,960.00. Gerald Wagner has completed numerous jobs within the town spanning decades and has met or exceeded Department Standards on all occasions, and

WHEREAS, the work scope includes grinding and removing all loose and cracked material on seams and vertical cracks, repairing the cracks with hydraulic non-shrink cement, prime and paint repaired areas to protect from future deterioration, and repeat the process on the inside of the chamber, and

WHEREAS, currently the structure is exposed and the work can be completed without any disruption to surrounding construction activities, or delaying the gate closing. If the work is not completed, it is anticipated that the structure will further deteriorate over a shorter amount of time and will require more extensive and costly repairs. Furthermore, any future repairs would require the complete de-watering of Green Lake to re-expose the structure.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Green Lake Outlet Structure Concrete Repairs to Gerald J.G. Wagner, 7193 Boise Rd., West Falls, NY 14170, at a cost not to exceed \$5960.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 3 Authorize Supervisor to Sign CLOMR Application for Brush Mountain Park

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

WHEREAS, as directed by the Town Board, the Engineering Department is working with Professional Civil Engineering, LLC to complete site Floodplain application for the Brush Mountain Park proposed south entrance and existing driveway stream crossing. As part of the overall park master plan, improving little loop football and park safety access, hauling Bussendorfer Pond embankment material and removing site topsoil stock piles, a new bridge design process over the south tributary to the South Branch of Smokes Creek was started. The Town of Orchard Park Town Board approved the contract on December 16, 2015 with Professional Civil Engineering, LLC for the Floodplain Modeling and FEMA application services for this project, and

WHEREAS, Professional Civil Engineering, LLC has satisfactorily developed the HEC-RAS hydraulic stream model to replace the existing model, which was completed by FEMA in 1983. The application requires the Supervisor's signature and the required fees paid with the application. Funds have been allocated under Capital Project Brush Mt. Activity Center H-89 for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign FEMA Overview & Concurrence Form and Applications (CLOMR application) for the Brush Mountain Park and pay application fees of \$6,750.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Approve Change Order #2 for Municipal Center Parking Lot Reconstruction

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

WHEREAS, The Engineering Department is requesting approval of a Change Order to the contract with Russo Development for the Municipal Center Parking Lot in the amount of \$270.00. If approved, this would increase the total previous contract amount to \$392,906.65 representing an increase of 0.07%, and

WHEREAS, This Change Order covers the cost for Russo to perform additional work under their contract for the Municipal Center Parking Lot Reconstruction Project. The additional work involves painting numbers in the reserved spaces for the Orchard Park Police Department.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to our contract with Russo Development Inc. for the Municipal Center Parking Lot Reconstruction in the amount not to exceed \$270.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #5 Approve Change Order #3 for Green Lake Dam Rehabilitation Project

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

WHEREAS, the Engineering Department is requesting approval of a Change Order to the Contract with Zoladz Construction for Green Lake Dam Rehabilitation and Dredging Project in the amount of \$1,800.00. This would increase the total contract amount to \$4,491,927.26 representing an increase of 0.0004%, and this work will not add time to the Contract, and

WHEREAS, this Change Order covers the cost for Zoladz to perform additional work under their Contract for Green Lake Dam Rehabilitation and Dredging Project. The additional work involves installing a total of six (6) weep holes at a cost of \$300 per hole in the Spillway Stilling Basin to drain the Stilling Basin under low flow conditions.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #3 - Installation of six (6) Weep Holes in the Spillway Stilling Basin to our original Contract with Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for Green Lake Dam Rehabilitation and Dredging Project, in the amount not to exceed \$1,800.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Set Public Hearing for 2017 Preliminary Budget and Benefit Basis Budget

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

RESOLVED, that the Town Board does hereby set a Public Hearing for 2017 Preliminary Budget and Benefit Basis Budget on Wednesday November 9, 2016 at 7:00pm at the Orchard Park Municipal Building.

The resolution was unanimously adopted.

New Business #2 Set Public Hearing for Special Exception Use Permit for Reserve Road / Westgate

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

RESOLVED, that the Town Board does hereby set a Public Hearing on December 7, 2016 at 7:00 pm in the matter of a Special Exception Use Permit for Reserve Road / Westgate Boulevard 11.15 +/- Acres Zoned R-3, for a 48 Unit Multi-Family 10.89-acre project.

The resolution was unanimously adopted.

New Business #3 Adopt Letter of Authorization for Unpaid items to Tax Warrant

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

WHEREAS, in accordance with New York State Law, Section 198, the Town Board had opted to enforce unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided, and

WHEREAS, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town Assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with this letter of authorization:

Total Unpaid Water Erie County & Orchard Park	\$ 6,848.44
Total Unpaid Refuse & Pro-Rated Garbage	\$ 4,211.40
Total Other Charges Property Maintenance (\$5,520.00 + \$744.00 fees)	\$ 6,264.00
Total Omitted Taxes	<u>\$ 267.20</u>
Total of Items Above	\$17,591.04

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park in accordance with New York State Law, Section 198, does hereby adopt all special charges as outlined on the "Letter of Authorization", as recommended by the Town Accountant.

The resolution was unanimously adopted.

New Business #4 Approve Special Event Application for Boys Run On

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

RESOLVED, that the Town Board does hereby approve the Special Event for Boys Run On 5K, on November 20, 2016 from 11:00 am to 1:00 pm starting and ending at South Davis Elementary School. All requirement and financial commitments have been met according to the special events application process. No additional services were requested.

The resolution was unanimously adopted.

New Business #5 Grant Permission for Temporary Sign on Town Property

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

RESOLVED, that the Town Board does hereby grant the Orchard Park Garden Club to erect a free standing banner on Town property, on the west side of South Buffalo Street near the railroad viaduct, to promote their Market Place sale being held Saturday, November 19, 2016 at the Train Depot. This would be a temporary sign being put in place on Monday, November 14 and removed after the event.

The resolution was unanimously adopted.

New Business #6 Declare Town Vehicle as Surplus

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

RESOLVED, that the Town Board does hereby declare the 2005 Ford Taurus assigned to the Building Inspector's Office as surplus, and sell it through Auctions International, as recommended by the Town Building Inspector.

The resolution was unanimously adopted.

New Business #7 Authorize the Purchase of 2017 F-350 Utility Truck for Sewer Water & Lighting

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

WHEREAS, the Sewer Department currently utilizes a 2005 F350 utility (crane) truck to maintain and service pump stations, street lights, haul equipment and snow plow. This truck has already had major transmission issues and was placed out of service while the transmission was overhauled, and

WHEREAS, the Department's future efficient maintenance of the Town's ever growing infrastructure, a secondary utility crane truck in place of the standard pickup is vital to the Department delivering the expected services our residents demand. By having an additional utility truck the duties can be split and the 2005 Ford (65,000 miles +/-) should last a considerable amount longer, and

WHEREAS, a vehicle proposal has been obtained for the much needed 2017 utility truck. The truck can be purchased from Van Bortel Ford under the Onondaga Bid Contract # 7974 2017PU SRW. The proposed truck is a 2017 Ford F-350 Super Duty 4x4 — service body, safety/work lights, ladder rack, power inverter, snowplow and hydraulic crane.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the purchase of a new 2017 Ford F350 from Van Bortel Ford, Inc., 71 Marsh Rd., East Rochester, NY 14445, under Onondaga Bid Contract # 7974 2017PU SRW for \$62,471.10 for the Orchard Park Sewer, Water and Lighting Department, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Approve Resident to Apply for Out of District Water

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

RESOLVED, that the Town Board of the Town of Orchard Park, Erie County, New York, hereby consents and approves the public water service be furnished to the following property owner, at the address set opposite his name, as follows:

SBL	NAME	ADDRESS
183.12-3-16	Daniel & Kelly Canfield	5521 South Abbott Road

by the 1993 Master Water Improvement Area (SW-36) of the Town of Hamburg as an out-of-district customer, and that the Town Board further consents and approves that in the event of a default in payment with respect to said water service, said sum or sums as may be unpaid may be placed on the tax rolls of the Town of Orchard Park for collection thereof; and be it further

RESOLVED, that when and if the Town of Orchard Park forms a Water District to service the area in which this petitioner resides, this petitioner be and is hereby obligated to join the Town of Orchard Park Water District; and be it further,

RESOLVED, that the Town of Hamburg Water District involved is under Lease Management with the Erie County Water Authority and that the permission granted above be and is hereby subject to the approval of the Erie Count Water Authority's Engineering and Tariff Requirements; and be it further

RESOLVED, that this approval is contingent upon the applicant signing an agreement acceptable to the Hamburg Town Attorney.

The resolution was unanimously adopted.

New Business #9 Authorize Budget Amendment for IT Hardware

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

WHEREAS, pursuant to Section 6-c of the General Municipal Law, the Town Board of the Town of Orchard Park (the "Town") established a Building Reserve - Capital Reserve Fund (" Reserve Fund") to finance the cost of construction, reconstruction and/or acquisition of buildings, and

WHEREAS, the Town's Municipal Building has current building improvement needs, and

WHEREAS, the Town's Building Reserve Fund within the General Fund has a balance of \$665,115.00 to allow for the purchase of such improvements,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the expenditure of up to \$90,000.00 from the Reserve Fund to make improvements, and it is

FURTHER RESOLVED, that this Resolution is subject to a permissive referendum, pursuant to General Municipal Law §6-c, and shall not be effective unless either no petition requesting a referendum meeting the requirements of Town Law §90 is filed within thirty (30) days from the date of this resolution, or this

Resolution is approved by the affirmative vote of majority of the qualified electors of the Town of Orchard Park voting on approval of the Resolution; and it is

RESOLVED, that pursuant to §90 of the Town Law that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was accepted to a permissive referendum; and shall publish such notice in the official newspaper of the Town of Orchard Park, and that in addition thereto that the Town Clerk shall post on the sign board of the Town of Orchard Park, a copy of such notice within ten (10) days after the date of the adoption of this resolution.

FURTHER RESOLVED, that the Town Board does hereby authorize the following amendments and transfers to the Town's 2016 budget in the General Funds to provide funding for such improvements:

GENERAL FUND:

Increase appropriated Fund Balance:

A.0000.0878 Building Reserve Fund up to \$ 90,000.00

Increase appropriation accounts:

A.1680.0200 IT Equipment up to \$ 90,000.00

The resolution was unanimously adopted.

New Business #10 Appoint Recreation Seasonal Help

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

RESOLVED, that the Town Board does hereby appointment the following 2016/2017 Fall/Winter/Spring Seasonal part time staff of the Town of Orchard Park Recreation Department effective November 2, 2016 dependent upon the applicant providing the required certifications:

<u>Name</u>	<u>Rate</u>	<u>Position(Title*)</u>
Anna Bond	\$10.50	PT3-C (Att)
Simon Bond	\$10.50	PT3-C (Att)
Meghan Clough	\$12.00	PT4-D (Att)
Gabrielle Zafonte	\$15.00	PT6-0 (Att)

The resolution was unanimously adopted.

New Business #11 Refer to Conservation, Planning Board and/or Architectural Overlay District.

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

RESOLVED, that the Town Board refer the following to the appropriate Planning and Conservation Boards:

- ITT Enidine Inc., 7 Centre Drive, located in the Quaker Industrial Centre, north side of Route 20A, Zoned I-1. Requests a Building Permit to construct a 10,000 S.F. addition and expansion of parking area on the north side of the existing facility (SBL#161.19-1-2). Note: A Variance for Front Yard Parking was granted by the ZBA on 10/18/16.

- 3833 North Buffalo Road. Located on the east side of North Buffalo Road, south of North Freeman Road, Zoned B-3. Birch Run Incorporated, requesting approval of a Demolition Permit to remove an existing house and garage. Applicant will apply for of Building Permit approval to construct an approximately 2,700-sq.ft. Building for lease as professional Office Space at this location.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem encouraged people to go out and vote next week. It is a privilege and people should exercise their right to vote.

Police Chief Pacholec commented that it was a safe Halloween, and was glad to see parents out with their children, and they had flashlights so they were visible.

Highway Superintendent Piasecki outlined the Highway Departments work for the last two weeks.

BUDGET TRANSFERS

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

<u>From</u>		
Highway Equipment Rental	DA 5110.0440	\$16,095.00
<u>To</u>		
Machinery – Highway Equipment	DA 5130.0200	\$16,095.00
<i>Note: to purchase used 2007 Freight Linger Model M2 106</i>		

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$63,630.04
Public Safety Fund	\$45,424.03
Part Town Fund	\$ 909.86
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$28,059.66
Special Districts	\$186,028.05
Trust & Agency	\$4,790.76
Capital Fund	\$43,747.13

The resolution was unanimously adopted.

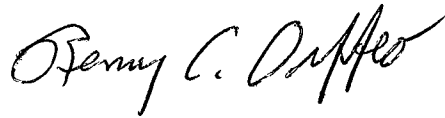
20) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board received and file Communications for Homeless Prevention for Catholic Charities Housing.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:14 pm (local time).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Remy C. Orffeo". The signature is written in a cursive style with a large initial 'R'.

**Remy Orffeo
Town Clerk**

