

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 5th day of November 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
	Kathy Swarbrick	Acting 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 October 15, 2014, and Executive Session Meeting Minutes held on October 1, 15 & 29, 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.

New Business # 1 Declare the property of 5554 Lake Avenue as "dangerous and unsafe"

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

RESOLVED, the Town Board does hereby declare the property of 5554 Lake Avenue as "dangerous and unsafe" and authorize the Town Attorney to begin the process of removal as outlined in Chapter 47 of the Town Code, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #2 2014/2015 Fall Winter Spring Seasonal staff Recreation Department appointments

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 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>
Emily Badagliacca	\$9.50	PT2-B(Att)
Rachel Johnson	\$8.50	PT1-E (Att)

Rate Change Fall/Winter/Spring Appointments

Name	Old Rate	New Rate	Position(Title)
Emily Gieger	\$8.50	\$9.50	PT2-B (LG)
Shannon Goodman	\$8.50	\$9.50	PT2-B (LG)

The resolution was unanimously adopted.

New Business #3 Authorize Planning Board member to attend "Fall Local Government Workshop"

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 Mr. Henry Heppner, Planning Board member, to attend a "Fall Local Government Workshop" to be held on November 14, 2014, Clarion Hotel Batavia, NY. at a cost of \$75.00 registration fee.

The resolution was unanimously adopted.

New Business #4 Authorize Emergency Manager & Assistant attend a one-day tabletop exercise

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

RESOLVED, that the Town Board does hereby approve Ernie Matthews, Assistant Emergency Manager, and Richard Mrugalski, Emergency Manager, to attend a one day table top exercise on transportation and emergency response held on November 7, 2014 at the Grapevine Banquet Hall. There is no charge for this training.

The resolution was unanimously adopted.

New Business #5 Town Board to appoint Tricia Jurek to full time position of Account Clerk

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 authorize the appointment of Tricia Jurek, 622 Willardshire Road Orchard Park, NY to the full time position of Account Clerk, Nonunion, Pay Scale, Range 4, Step 1st Year as of November 10, 2014.

The resolution was unanimously adopted.

New Business #6 Authorize NYSEG to connect (9) 70-watt high pressure standard street lights

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

WHEREAS, the Engineering Department received a proposal from NYSEG for the connection of one (1) decorative street light fixture on Julia Place, six (6) decorative street light fixtures on Knoche Way and two (2) decorative street light fixtures on Alyson Drive in the Knoche Farms Subdivision, as shown on the attached map. At present, there is one (1) single family home currently under construction of the 33 sublots in Phase 1 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 # 2013-02. 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 (9) an annual cost of \$378.27. The proposal is for a total of nine (9) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$208.22. 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 nine (9) 70-watt high-pressure sodium decorative street light fixtures in the Knoche Farms Subdivision at an annual increased cost of \$208.22 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$378.27/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize the release of escrow under PIP 2012-04, Lyrica Park CMO Subdivision

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

WHEREAS, On August 28, 2013, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that \$4,000 & \$1,000 paid by the developer be held in escrow until finish grading and seeding of the former staging area between San MH 2 and San MH 1 and all right-of-ways and landscaping respectfully were completed.

WHEREAS, the developer has since completed this work. The work was inspected by the Engineering Department and 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 Schop, Powell & Allen, IOLA Attorney Trust Account, 5900 Main Street, Williamsville, New York 14221 the \$5,000 held in escrow for finish grading and seeding, and landscaping in the Lyrica Park CMO Subdivision Phase 1 PIP #2012-04.

The resolution was unanimously adopted.

New Business #8 Award Hydrant Replacement Project 250 Hillside Ave. & 6202 New Taylor Rd.

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

WHEREAS, The Erie County Water Authority (ECWA) has requested that the Town replace two (2) fire hydrants located at 250 Hillside Avenue and 6202 New Taylor Road. The Town is required to incur the costs for such replacements of defective fire hydrants per the Town Attorney and lease management agreement between the Town of Orchard Park and ECWA, and

WHEREAS, a scope of work was generated and four (4) construction companies were solicited to perform the work described for which three (3) have responded with cost estimates, and

WHEREAS, there is \$1,070,458.17 allocated under Capital Account H-48 "Town Wide Water Improvements" to fund the replacements.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby award the contract to replace Hydrant J15-A15 (250 Hillside Avenue) and Hydrant K16-A49A (6202 New Taylor Road), to Sergi Construction Inc., located at 775 Jewett Holmwood Road, East Aurora, NY 14052 in an amount not to exceed \$14,855.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize the Supervisor to sign a contract with Earth Dimensions Inc.

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

WHEREAS, the 38.88± acres that comprise the old Quaker Settlement property requires a wetland delineation to determine the amount of usable land available for park management, wetland mitigation work, or recreational improvement uses. The Town Engineer has contacted Earth Dimensions, Inc. who was the consultant for Brush Mountain Parkland Master Plan, to complete a wetland delineation for this property in accordance with the "Corps of Engineers Wetland Delineation Manual" (1987), and North Central and Northeast Regional Supplement to the Corps of Engineer's Wetland Delineation Manual (2009), and

WHEREAS, the work will include field inspection/flagging of wetlands and the preparation of the Final Wetland Delineation Report for submittal to the Corps of Engineers/NYSDEC and the New York State DEC in addition to sometime allotment for meetings with regulatory agencies. Mapping of the wetland will be performed by the Engineering Department, or under a separate contract, and

WHEREAS, there is presently \$562,350.88 plus interest allocated under Capital Project #H89 "Brush Mountain Center Complex" that could be used for this project.

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby authorize the Supervisor to sign an agreement with Earth Dimensions, Inc., 1091 Jamison Road, Elma, New York 14059, to provide professional Wetland Delineation and Report services for the Quaker Settlement Property, SBL #172.05-6-1.1 located SE of Abbott Road and Route 20A in an amount not to exceed \$5,160.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Town Board to increase the Senior Van Drivers wage for the 2015 Budget Year.

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

RESOLVED that the Town Board does hereby authorize the increase of Senior Van Drivers wage from \$9.25 to \$9.50/hr. for the upcoming 2015 Budget year.

The resolution was unanimously adopted.

New Business #11 "Letter of Authorization" to be adopted per NYS Town Law, Section 198.

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, 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	\$ 1,804.65
Total Unpaid Refuse & Pro-Rated Garbage	\$ 3,432.61
Total Other Charges Property Maintenance (\$22,044.50 + \$472.50 Fees)	\$22,517.00
Total Omitted Taxes, Town	\$ 2,194.53
Total of Items Above	\$29,948.79

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 outline on the "Letter of Authorization", as recommended by the Town Account.

The resolution was unanimously adopted.

New Business #12 Authorize purchase of a new 2014 John Deere 244J Wheel Loader for Compost.

Tabled.

New Business #13 Set Public Hearing for a Local Law regarding §25-6 & §25-9 of Town Code

13) 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 7:00 pm, Wednesday, December 3, 2014, at the Municipal Center, 4295 South Buffalo Street, Orchard Park, NY 14127 for the following Local Law: §25-6 Approval of laying, closing or abandonment of street & §25-9 "Planning Board" Additional list Type I SEQR Action.

The resolution was unanimously adopted.

New Business # 14 Town Board to establish itself as SEQRA Lead Agency for the Sam's Club Proj.

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

WHEREAS, Sam's Real Estate Business Trust has submitted a site plan application to the Town of Orchard Park Town Board (the "Town Board") concerning construction of an approximately 139,229± square foot Sam's Club (the "Sam's Club Project") on a portion of the property located at Milestrip Road (NYS Route 179), in the Town of Orchard Park, Erie County, New York; and

WHEREAS, the Town Board has determined that the Sam's Club Project constitutes a Type I Action under the State Environmental Quality Review Act ("SEQRA"), requiring coordinated review; and

WHEREAS, by resolution dated June 18, 2014, the Town Board indicated its intent to act as Lead Agency and notice was sent to all involved and interested agencies; and

WHEREAS, at least thirty (30) days have elapsed and none of the interested or involved agencies objected to the Town Board acting as Lead Agency for purposes of this project.

NOW, THEREFORE, be it

RESOLVED that the Town Board is hereby established as SEQRA Lead Agency for the Sam's Club Project and will conduct a Coordinated Review under section 617(b)(3) of the SEQRA regulations.

The resolution was unanimously adopted.

New Business # 15 & 16 Refer to Planning & Conservation Boards

15) 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 refer the following to the Planning & Conservation Board: Buffalo Community Credit Union's proposal to construct a two-story banking facility, Vacant Land, Zoned B2, located at the corners of Orchard Park Road and Eaglebrook Rd.

The resolution was unanimously adopted.

16) 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 refer the following to the Planning & Conservation Board: Quaker Crossing East, LLC proposal to construct a 14,000 sq.ft. Multi-Tenant Building, on the north side of Amelia Drive

The resolution was unanimously adopted.

NO BUSINESS FROM THE FLOOR

ELECTED OFFICIALS & DEPARTMENT HEADS

Budget Transfers

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 2014 Budget Transfers:

From	To	Amount
Recreation		
A7020.450 Publishing	A7020.428 Field Trips	\$ 7,357.89
A7020.450 Publishing	A7020.459 Training	\$ 16.32
A7020.450 Publishing	A7020.463 Transportation	\$ 600.00
Assessor		
A1355.413 Travel & Conference	A1355.412 Mileage	\$ 300.00

Highway

DA5100 0440 HWY Equipment Rentals	DA5130.0200 Machinery HWY Equip	\$30,000.00
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Parks

A7110.0477 Parks Contracting Mowing	A7110.0402 Parks Supplies	\$ 5,886.96
A7110.0477 Parks Contracting Mowing	A7110.0448 Parks Fertilizer	\$ 26.04

Supervisor Patrick Keem stated that on October 29, 2014 a work session was conducted from 5:30pm to 1:35am to discuss the preliminary town budget for final reduction in spending, breaking for Police Public input session at 7:00pm for an hour. Result was a reduction in spending by more than \$200,000. As a result, we had to rework the numbers and get a revised copy of the preliminary budget, but did not receive back from the accountant in time to have all departments review the budget again. There is more work to do on the budget, so the Town Board will not be voting on it tonight. Councilman Michael Sherry will not be here for the next board meeting, so they will hold a Special Meeting November 12, 2014 to pass budget.

Councilman Mike Sherry also commented they reviewed the budget line by line on past revenues and expenses came down a total over \$400,000 for the budget reductions. The department managers have a hard task in providing services and keeping costs down.

Police Chief Pacholec thanked citizens for attending strategic planning meeting for the two input sessions. Looking at suggestions that everyone had in connection with the community-policing department. Officer Mark Pacholec discussed car larcenies in north part of town, cars were unlocked. Citizens need to take responsibility to lock their vehicles to make it harder for items to be stolen.

Highway Superintendent Fred Piasecki stated crews are concentrating on leaves, working 2 hours of overtime each day during the week and Saturday, Sunday to get leaves up and to the compost site.

Stephan Mychajliw from Erie County Controllers Office spoke and commended the Town Board for trying to do more with less and trim budgets. OP Highway Department is using innovation and thinking outside of the box with use of solar panels, diesel hybrid dump trucks. Mr. Mychajliw spent the summer at a class at Harvard Kennedy School of Government, where they emphasized doing more with less and you are doing in Orchard Park. Office of County Controller is also trying to do more with less and has changed the entire system. Cross training has also reduced costs in the county payroll.

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 #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	98,726.83
Public Safety Fund	30,242.68
Part Town Fund	23,465.25
Risk Retention	-
Cemetery Fund	-
Highway Fund	53,521.78
Special Districts	126,026.62
Trust & Agency	14,231.96
Capital Fund	51,585.75

The resolution was unanimously adopted.

18) 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 receive and file the Building Inspector October 2014 Monthly Report.

The resolution was unanimously adopted.

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

Respectfully Submitted,



**Kathleen A. Swarbrick
Acting Town Clerk**