

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 7<sup>th</sup> day of December 2016 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	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>	Michael Sherry	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 MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on November 16, 2016 and Executive Session on November 16, 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.**

**PUBLIC HEARING – Reschedule**

**2) 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 on December 21, 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.**

**Old Business # 1 Change Order #4 for Zoladz Green Lake Project**

**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 of a Change Order to the Contract with Zoladz Construction for Green Lake Dam Rehabilitation and Dredging Project in the amount of a (-\$2,100) credit. This would decrease the total contract amount to \$4,489,827.26 representing a decrease of 0.0005%, and this will save 2-weeks in fabrication time in lieu using the bid specified material, and

**WHEREAS**, this Change Order covers the cost savings for Zoladz to provide a material substitution under their Contract for Green Lake Dam Rehabilitation and Dredging Project. The material substitution credit is to install an aluminum spillway railing system in lieu of the galvanized spillway railing system design.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #4 for aluminum spillway railing system in lieu of the galvanized spillway railing system designed 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 of a deduction of (- \$2,100), as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Municipal Building Air Quality Contract**

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

**WHEREAS**, the Engineering Department has been tasked with soliciting professional service proposals from environmental testing contractors to perform an indoor air quality assessment at the Orchard Park Municipal Center Building. The assessment would include testing for common substances such as CO<sub>2</sub>, Radon, and Formaldehyde, as well as monitoring for respirable small particulates, organic vapors, and representative mold samples. Four consulting firms returned proposals. After careful review and alterations to the scope of work, Stohl Environmental is the recommended consultant to perform the services necessary for this project, and

**WHEREAS**, Stohl Environmental has previously completed projects for the Town of Orchard Park including asbestos abatement at the Public Library, as well as lead testing and abatement at the Jolls House, and

**WHEREAS**, currently the Town has no allocated funds and Capital Project H-88 Municipal Buildings was scheduled to be closed. Funds will need to be appropriated for this project. I recommend the \$5,100.00 of Capital Project Z01 "OP Municipal Center Parking Lot" be transferred to Z02 Municipal Building.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the creation of Capital Project Z02 "Municipal Buildings." and transfer \$5,100.00 from Z01 OP Municipal Center Parking Lot to Capital Project Z02 "Municipal Buildings" and be it further

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Stohl Environmental, 4169 Allendale Parkway, Buffalo, NY 14219, to provide professional services for an indoor air quality assessment at the Orchard Park Municipal Center in the amount not to exceed \$5,060.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Authorize Purchase of 4 Police Cars**

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

**WHEREAS**, the Town of Orchard Park Police Department needs to acquire four new patrol vehicles as part of its regular fleet maintenance program, and

**WHEREAS**, money to purchase said vehicles has been set aside in the 2017 Town of Orchard Park Budget.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park does hereby authorize Chief of Police Mark Pacholec to order four patrol vehicles from DeLacy Ford (State vendor-ID Number PC66774SB) out of the 2017 Town of Orchard Park Budget.

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Bob Nowak spoke in regards to the Westgate Project, and was requesting that a larger area for notification to residents, 500 feet is not a long distance to notify about a complex. Concerned about the sewage and drainage with this proposed complex.

Tim Wright would like to see a better effort with leaf removal, feel other areas of town had leaves picked up more than Independence Heights Neighborhood. Leaves created a problem with hazardous driving and walking as residents putting their leaves in street. Would like a notification process of leaf pick up for residents.

Joe Celeste also spoke about the Westgate zoning variance. Sewage is an issue, as well as the existing open lot next to it, will the town allow more complexes to be built in the empty lot next to this proposed project?

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem talked about the 75<sup>th</sup> anniversary of Pearl Harbor today, and all the people who lost their lives to always remember them. Ribbon cutting and ceremony for Green Lake Dam and Dredging project and will close the lower gate on Thursday Dec. 8. There will be a ground breaking ceremony for the Veterans Memorial Park on West Quaker Street on Friday Dec. 9. "Santa Land" will be at Chestnut Ridge Park on Sunday Dec. 11, put on by Erie County, and our Recreation Department helps out with the event.

Councilman Majchrzak commented about the Green Lake Dam, and the lower gate will be closed tomorrow, but this will not fill up the whole lake right way. The DEC requirements are to keep the upper gate open 30 days beyond the closure of the lower gate so we can check the foot of the dam and make sure there is not any leakage or anything being breached. Once the DEC gives us the approval we will be able to close the upper gate. Touching on comments from "Business From the Floor" regarding leaf pick up, there is a Town Ordinance and law to not put the leaves in the street because of public safety. Regarding the Public Hearing being postponed, there are deadlines when things need to be submitted, and unfortunately not everything was submitted, so it had to be rescheduled. This is just a Public Hearing where we can hear concerns of the proposed project. There is still a long process that the developer would need to go through including drainage and sewage issues that need to be addressed. The hearing is not a rubber stamp of approval.

Building Inspector Geist, mentioned that the Westgate project is not a Zoning Variance, but Special Exception Use which requires extra scrutiny from the town in considering the approval to the project.

Chief of Police Pacholec also mentioned that when residents put the leaves in the roadway, it is a safety issue, and that is why people should not to put the leaves in the road. Possible weather event this weekend could pose hazardous driving, please use your winter driving skills. Next 3 weekends there are home Bills Games, so the regular game day road closures will be in place.

Highway Superintendent Piasecki discussed leaf pick up. There was a late drop of leaves from the trees and high volume within a short period of time with a record number of loads at the compost site. With the intense volume, it took longer to get areas cleared up. Crews will start capturing brush that is also along the roadways. The plows are ready for the winter weather. Traffic Signal at 20A and South Taylor will be on Dec. 12 and will be on flash for 10 days before it is completely working.

Town Engineer Bieler mentioned the Westgate proposed project and the sanitary sewer with West Seneca. West Seneca has had a lot of issues with their sewer lines, and passed a \$30 million bond to start improvement work and a \$90 million total upgrade. They have opened up their sewers to "out of district", and allow a tie in but are charging a considerable amount of money. Additionally, there are a lot of mitigation requirements with DEC on the consent order for the sewer approval process, and the developer is trying to address the issues. Drainage is handled with retention requirements with NY State, as well as Orchard Park requirements. It is an intense process for both sewer and drainage requirements for the Westgate project that the developer needs to comply with.

**BUDGET TRANSFERS**

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

**WHEREAS**, the General Fund is in need of funds to pay out additional amounts for expenses within the IT Department including IT consultation services in developing a telecommunication upgrade for current phone systems that were not included in the amount budgeted for the fiscal year ended December 31, 2016, and

**WHEREAS**, the funding for these adjusted appropriations is expected to be available within other appropriation accounts in the Town's 2016 budget.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorizes the following transfers:

Increase Appropriations:

A.1680.0420 Info. Tech. Dept. – Telephone \$8,223

Decrease Appropriations:

A.1680.0130 Info. Tech. Dept. – Personnel Services \$8,223

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$100,582.39
Public Safety Fund	\$ 25,310.83
Part Town Fund	\$3,591.75
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$20,052.17
Special Districts	\$168,691.67
Trust & Agency	\$1,488.15
Capital Fund	\$161,002.03

**The resolution was unanimously adopted.**

8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK 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 November 2016.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:24 pm (local time).

**Respectfully Submitted,**



**Remy Orffeo  
Town Clerk**