

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 18<sup>th</sup> day of November 2015 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	Councilmember
	Eugene Majchrzak	Councilmember
	Remy Orffeo	Town Clerk
	John C. Bailey	Town Attorney
	Andrew Geist	Building Inspector
	Mark Pacholec	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

**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 November 18, 2015, Executive Session on November 18, 2015 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 Final Change Order & Final Payment for MLP Plumbing & Mechanical**

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

**WHEREAS**, the construction work on the Orchard Park Municipal Building Mechanical & Electrical Systems Repairs Project has been completed. A final inspection was conducted on June 12<sup>th</sup> (Mechanical) and June 19<sup>th</sup> (Electrical) and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications. The owner equipment demonstrations were conducted on August 31<sup>st</sup> for Town employees, and

**WHEREAS**, the two-year maintenance bond in the amount of \$317,448.44 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Final Payment / Release of Retention to MLP Plumbing & Mechanical Inc., 3198 Union Road, Suite 300, Cheektowaga, New York 14227 for the Orchard Park Municipal Building Mechanical & Electrical Systems Repairs Project in the amount of \$15,872.42, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Final Change Order & Final Payment for M&M Electrical Construction Co.**

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

**WHEREAS**, the construction work on the Orchard Park Municipal Building Mechanical & Electrical Systems Repairs Project has been completed. A final inspection was conducted on June 12<sup>th</sup> (Mechanical) and June 19<sup>th</sup> (Electrical) and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications. The owner equipment demonstrations were conducted on August 31<sup>st</sup> for Town employees, and

**WHEREAS**, the two-year maintenance bond in the amount of \$49,925.00 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Final Payment / Release of Retention to M&M Electric Construction Company, Inc. 4819 Henry Avenue, Niagara Falls, New York 14304 for the Orchard Park Municipal Building Mechanical & Electrical Systems Repairs Project in the amount of \$2,496.25, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Authorize advertisement for bids for the 2015-16 Green Lake Dredging & Dam**

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

**WHEREAS**, KHEOPS is in the final stages to complete the plans and specifications for the Green Lake Dam Rehabilitation and Dredging Project. The Town Engineer is reviewing the plans and specifications, and found them acceptable for permit applications to the NYSDEC, and

**WHEREAS**, in order to move the project schedule forward, the advertisement for bids should be authorized to be published on December 3, 2015. Plans and specifications will be available for purchase on December 21, 2015, with the bid opening to be held on January 11, 2016.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby accept the plans and specifications for the Green Lake Dam Rehabilitation and Dredging Project as prepared by KHEOPS, and authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Green Lake Dam Rehabilitation and Dredging Project on January 11, 2016 at 11:00 A.M. in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Authorize attendance to an Emergency Response to Domestic Incidents training.**

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

**RESOLVED**, that the Town Board does hereby authorize Richard Mrugalski, Emergency Manager, to attend a two day course on Emergency Response to Domestic Incidents to be held on December 3<sup>rd</sup> and 4<sup>th</sup> at Erie County Fire training Academy in Cheektowaga. There is no cost for this training.

**The resolution was unanimously adopted.**

**New Business #3 Authorize the attendace to Emergency Management Disability Training.**

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 Richard Mrugalski, Emergency Manager, to attend a one day course on Emergency Management Disability Awareness Training to be held on December 15<sup>th</sup> at Niagara University.

**The resolution was unanimously adopted.**

**New Business #4 Fall/Winter/Spring part-time Recreation Staff Appointments**

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

**RESOLVED**, that the Town Board does hereby approve the following appointment to the 2015 Fall Winter Spring Seasonal part time, as recommended by the Recreation Director.

<u>Name</u>	<u>Positon</u>	<u>Wage</u>
Jody Burnard	PT6-D (Att)	\$15.00
Andrew Schaffstall	PT2-B (Att)	\$ 9.00

The above appointment is dependent upon the applicant providing the required certifications.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

David Jensen – At a July meeting he asked about 3964 California Road, at which a garage structure was made over into a public assembly use structure without Planning Board or Town Board approval. He wants to know whose authority has allowed this to happen, and who issued the pemit for this to be done without the proper procedures being followed. Mr. Jensen also commented on a large pile of garbage at 5330 Big Tree Road, which is next to the stadium parking, that has been there for over three weeks. They park cars for the games and Mr. Jensen believes that the requirements for parking cars is a 24 hr. clean up after a game. He wanted to know if the Town would be able to stop them from parking if the property is not maintained in the proper manner.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem said that the Holiday time is upon us and there will be many parties that people are going to be attending and a lot of family functions. He just wanted to remind people to think twice about drinking and getting behind the wheel of a vehicle. Please take the time to set a designated driver, or call a taxi to get home. Personally he has a nephew that was killed by a drunk driver, and the family never gets over it. So don't drink and drive.

Building Inspector Andy Giest stated that they have been looking into 5330 Big Tree Road. There was a notice of violation and an appearance ticket was issued, so the gentleman will have to appear in court about that. But as of 2:00pm this afternoon all the garbage is gone. Mr. Giest said he thought that property is zoned R-3, within one mile of the stadium, and does not require a permit to park cars for the games.

Police Chief Pacholec stated that there are three events this coming weekend. First, there is the Bills game on Sunday, and on Saturday, there is the Holly Jolly run, which begins at Orchard Fresh at noon. There is also the Holiday Parade at noon, which goes from the Library to the old Orchard Lanes, so S. Buffalo Street will be closed for about 1/2 hour.

Highway Superintendent Piasecki said that with the good weather they still have crews out picking up leaves and brush.

**8) 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 approval of all entries on Warrant #21 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$60,716.69
<b>Public Safety Fund</b>	\$34,989.28
<b>Part Town Fund</b>	\$1,057.01
<b>Risk Retention</b>	
<b>Cemetery Fund</b>	
<b>Highway Fund</b>	\$13,482.11
<b>Special Districts</b>	\$115,270.95
<b>Trust &amp; Agency</b>	\$19,286.29
<b>Capital Fund</b>	\$33,268.67

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:18 pm (local time).

**Respectfully Submitted,**

**Remy Orffeo  
Town Clerk**