

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 3<sup>rd</sup> day of December 2014 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	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 November 3, 2014, and Special Meeting: November 12 & November 25, 2014

**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**

At 8:16 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law 9-2014, Amending Section 25-6 and adding 25-9. Local law comes into effect immediately.

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

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the proposed local laws.

No one came forward.

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

**RESOLVED**, that the Public Hearing for proposed Local Law #9 for 2014 Amending Section 25-6 and adding 25-9 is hereby closed at 8:18PM.

**The resolution was unanimously adopted.**

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

WHEREAS, following due and timely notice a public hearing relating to the Matter of Local Law #9 - 2014 regarding "Amending Section 25-6 and adding Section 25-9" was conducted on the 3<sup>rd</sup> day of December 2014, at which time all interested parties were given an opportunity to be heard.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #9 for the Year 2014 which provides as follows:

**SECTION 1**

**§ 25-6 Approval of laying, closing or abandonment of streets.**

The Planning Board is hereby authorized to approve or disapprove the laying out, closing off on abandonment of streets, highways or public areas under the provisions of the Town Highway Law.

**SECTION 2**

**§ 25-9 "Planning Board" Additional List of Type SEQR Action**

A.

Pursuant to (6) NYCRR Part 617.14 the following actions in addition to the NYS Statewide Type I list are hereby designated Type I SEQR Actions:

- (1) Drive-thru stations or windows including but not limited to restaurants and banks.
- (2) Fuel stations providing gasoline or diesel fuel or electric charges or any other type fuel for vehicles.

**SECTION 3**

This local law shall become effective immediately upon the notification of the filing of the same with the Secretary of State.

**The resolution was unanimously adopted.**

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

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

WHEREAS, the Enforcement Officer of the Town of Orchard Park has filed his report in writing with the Town of Orchard Park containing his findings and recommendations regarding certain structures on the premises located at 5554 Lake Avenue, SBL #152.13-2-41, in which report said Enforcement Officer states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate securing or removal, and

WHEREAS, the Town of Orchard Park after reviewing said report and after hearing said Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined the said report warrants the removal of said structure.

NOW, THEREFORE, be it

RESOLVED, that: (1) notice be given to the record owner of the said premises, Karen E. Mobayed, (2) said notice be served personally upon Karen E. Moybayed or the County Clerk if such person cannot reasonably be

found for such personal service and by affixing a copy thereof upon said structures, (3) said notice shall order that the structure on the said premises is to be demolished and the debris from that demolition is to be removed from the premises if the required repairs and/or remediation is not begun within thirty (30) days of the service of said notice and completed within sixty (60) days thereafter, (4) a public hearing has been scheduled for 7:00 pm Wednesday January 21, 2015 at the Municipal Building, 4295 South Buffalo Street, Orchard Park, in relation to such dangerous or unsafe structures, and (5) the Building Inspector of the Town of Orchard Park is hereby directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk.

**The resolution was unanimously adopted.**

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

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

**RESOLVED**, that the Town Board does approve 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.

Name	Rate	Position(Title)
Garret Brown	\$8.50	PT1-E(Att)
Michael Stevenson	\$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-D (LG)
Emily Jankowiak	\$8.50	\$9.50	PT2-D (Att)

**The resolution was unanimously adopted.**

**New Business #3 Create Position- Civil Ser. Assistant Field Assessor, full time in Assessor's office.**

This item was tabled.

**New Business #4 Supervisor to sign an Inter-municipal Agreement Safe Routes to School Grant.**

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

**WHEREAS**, the Village of Orchard Park has successfully completed an application for a grant under the Safe Routes to School Grant Project, and

**WHEREAS**, the Village of Orchard Park has been awarded that Grant, and

**WHEREAS**, the execution of that Grant requires an Inter-municipal Agreement with the Town of Orchard Park

**NOW, THEREFORE, be it**

**RESOLVED**, that the Supervisor is authorized to enter into the required Inter-municipal Agreement with the Village of Orchard Park for the Safe Routes to School Grant Project as it relates to Bank Street in the Village of Orchard Park.

**The resolution was unanimously adopted.**

**New Business #5 Approve Village to use town-owned property for the Holiday in the Park.**

7) 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 Village to use town-owned property east of the Railroad Depot for the Holiday in the Park Celebration from December 6, 2014 to January 3, 2015, the Certificates of Liability are in place.

**The resolution was unanimously adopted.**

**New Business #6 Set Public Hearing for Two Local Laws.**

8) 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 set a Public Hearing for 7:00 pm, Wednesday, December 17, 2014, at the Municipal Center, 4295 South Buffalo Street, Orchard Park, NY 14127 for the following Local Laws: Amend Chapter 144 "Zoning" Attachment 1, and Amend Section 124-5 "Exemption Established: Amount".

**The resolution was unanimously adopted.**

**New Business #7 Approve seasonal position in the Engineering Department for four weeks**

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

**RESOLVED**, that the Town board does hereby approve the appointment of Sierra Bowen, 11475 Snyder Rd., Springville NY 14141, to a seasonal position in the Engineering Department for a four-week period beginning December 16, 2014 at a wage rate of \$9.00 an hour.

**The resolution was unanimously adopted.**

**New Business # 8 & 9 Refer to Planning & Conservation Boards**

10) 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:

- Miranda Holdings, Inc. is requesting to construct a 3,900 square foot Tim Horton's Restaurant with a drive-thru and retail space at 4956-4968 Chestnut Ridge Road. This is a 0.94-acre site, vacant land, located at the northwest corner of Chestnut Ridge and New Armor Duells Roads, Zoned B-2.

- Cutaia Acquisition LLC, is requesting the Town Board to Rezone 6.64 acres of vacant land, Zoned B-2 to R-3SR, located at the southwest corner of North Buffalo Road and Southwestern Blvd. (across from the Hammocks), for the purpose of constructing Senior Housing.

**The resolution was unanimously adopted.**

**New Business #10 Re-appoint Remy Orffeo as Planning Coordinator.**

11) 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 re-appoint Remy Orffeo to Planning Coordinator effective Thursday December 4, 2014.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Dave Schuster: Thanks to all Town Board Members, Employees, and Citizens helping neighbors throughout the storm.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

**Budget Transfers**

12) 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:

**Engineering**

\$300.00 From: A1440.412 Mileage to A1440.400 Office Supplies

Supervisor Patrick Keem stated that a meeting is scheduled with FEMA for Friday December 5, 2014 to review costs of the storm. He attended a meeting this week in Elma to review what the towns can do to work together in emergency situations, as it takes days for the county and the state to respond.

Councilman Gene Majchrzak also thanked all the dedicated staff and volunteers, and also the 'spouses' for sharing their loved ones to help the community.

Councilman Mike Sherry commended our leaders who were prepared, judicious, competent and selfless throughout the course of this event. They refused to be myopic in their decision making and approach, which were in the best interest of our community. First line responders get kudos and humble sincere gratitude.

Building Inspector Andrew Giest mentioned the importance of keeping the sidewalks cleared.

Police Chief Mark Pacholec also thanked members of departments and the business community. Chief Pacholec accepted the "First Responders Game Ball" in honor of all first responder's from the Bills Game November 30, 2014. The Game Ball will be displayed in the Police Department Trophy case.

Highway Superintendent Fred Piasecki has his crews on brush pick up, and another crew working on Mailboxes in the town. He stated that the Highway department shined and the staff was unbelievable during the November Storm.

Erie County Legislator John Mills commented on the Legislature's budget meeting and they cut \$2million out of County Executive Poloncarz's budget. They have to start to downsize county government to make it efficient. The County also needs to maintain and add equipment to take care of roads and culture of county government needs to keep equipment. Have to move forward together (town, villages, county).

Supervisor Keem mentioned that during the storm, Rich Mrugalski (the Town Disaster Coordinator) stated there was a layer of ice on Lake Avenue that needed to be addressed and Supervisor Keem called John Mills, and he got the equipment needed to scrape Lake Avenue. He thanked John Mills for the help.

**13) 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 #23 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$519,764.42
<b>Public Safety Fund</b>	\$1,016,032.39
<b>Part Town Fund</b>	\$62,931.81
<b>Risk Retention</b>	-
<b>Cemetery Fund</b>	-
<b>Highway Fund</b>	\$386,174.34
<b>Special Districts</b>	\$174,847.34
<b>Trust &amp; Agency</b>	\$1,435.48
<b>Capital Fund</b>	\$5,112.04

**The resolution was unanimously adopted.**

**14) 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 receive and file the Building Inspector November 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 8:45pm (local time).

**Respectfully Submitted,**



**Kathleen A. Swarbrick**  
Acting Town Clerk