

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 16<sup>th</sup> day of December 2015 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          |
|                         |                        |
| 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 COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on December 2, 2015, Executive Sessions: December 2, 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.**

**Public Hearing**

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

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the perpetual conservation easement, 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 in the matter of the perpetual conservation easement is hereby closed at 7:09 PM.

**The resolution was unanimously adopted.**

3) 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 Perpetual Conservation Easement for approximately 13.57 acres of vacant land to Mr. & Mrs. Able, 5685 Benning Rd, Zoned A-1. (SBL#185-4-19.1)

**The resolution was unanimously adopted.**

**Old Business # 1 Change Order for Draudt Road Culvert Rehabilitation**

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

**WHEREAS**, the Engineering Department is requesting a Change Order to the contract with Foit Albert Associates for the Draudt Road Culvert Rehabilitation Project in the amount of \$1,500.00 or six (6) additional inspections. This would increase the total contract amount to \$5,500.00, representing an increase of 37.50%, and

**WHEREAS**, the Change Order is requests additional inspections necessary on Span 3 of the subject culvert. The inspections are required in response to the Red Structural Flag that was issued by the NYSDOT August 3<sup>rd</sup>, 2015. The inspections allow the span to remain open to traffic until the rehabilitation is completed, and

**WHEREAS**, the Engineering Department has received preliminary plans for the project and the rehabilitation work is expected to be completed in early spring of 2016 when the weather is conducive for the placement of concrete and all required permits have been obtained.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #1 to the contract with Foit Albert Associates for the Draudt Road Culvert Rehabilitation Project in the amount not to exceed \$1,500.00 per inspection, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Brush Mountain Park FEMA Floodplain and Floodway encroachment Analysis**

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

**WHEREAS**, the Engineering Department is working to complete site work design for a multi-generational Community Activity Center at Brush Mountain Park. As part of the overall park master plan, hauling Bussendorfer Pond embankment material and topsoil for Green Lake Dam work, a new bridge to cross over the south tributary to the South Branch of Smokes Creek is recommended. The Town of Orchard Park will directly contract the floodplain modeling services for this project and add the findings to the Town's design records book, and

**WHEREAS**, in order to keep the project on schedule, the modeling of the creek floodplain must be completed early in the design stage. The Town Engineer solicited services from two local consultants, Wendel Architecture, Engineering, Planning Energy Services & Construction Management and Professional Civil Engineering, LLC, and

**WHEREAS**, the proposed scope of services and agreement with Professional Civil Engineering, LLC is satisfactory and will accomplish the goals of the project that were set forth by the Town Board. The work will involve developing a new HEC-RAS hydraulic stream model to replace the existing model, which was completed by FEMA in 1983, and

**WHEREAS**, the existing bridge will be modeled to determine if changes or replacement will be needed to mitigate increased flood hazards caused by the proposed bridge. With this agreement, the Engineering

Department can advise the Town Board on park improvements and sequential steps in the master plan site work for the Brush Mountain Park Community Activity Center, and

**WHEREAS**, funds have been allocated under Capital Project Brush Mt. Activity Center H-89.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Professional Civil Engineering, LLC, 8150 Salt Road, Clarence, NY 14032 to provide professional services for the floodplain modeling at the Brush Mountain Park in an amount not to exceed \$14,640.00 excluding FEMA fees, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 SEQR Resolution for Green Lake Dam and Dredging Project**

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

**WHEREAS**, a SEQR (Full EAF) was previously completed and signed by the Town Supervisor for the bonding portion of the project and the required grant paperwork, and

**WHEREAS**, Kheops, the Town's hired consultant design engineers for the Green Lake Project are in the process of obtaining the NYSDEC permits for the project's actual construction work, and this step is required for the NYSDEC approval of permits.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the Green Lake Dam & Dredging Project's SEQR Full Environmental Assessment Forms Parts 1, 2 & Part 3 (Determination of Significance) for the Green Lake Dam Reconstruction and Lake Dredging Project General Construction Permit as required by NYSDEC, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #3 Transfer Unused Vacation and Personal Days to 2016**

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

**WHEREAS**, the Town of Orchard Park Police Chief Mark Pacholec and Assistant Chief Joseph Wehrfritz have unused vacation and personnel days for the calendar year 2015, and

**WHEREAS**, neither Chief Pacholec or Assistant Chief Wehrfritz will be able to use those vacation and personnel days during the calendar year 2015, and

**WHEREAS**, Chief Pacholec and Assistant Chief Wehrfritz are willing to sell those unused days back to the Town of Orchard Park, and/or transfer up to 5 days of that time to calendar year 2016, and

**WHEREAS**, the Town of Orchard Park is willing to purchase those unused vacation and personnel days from Chief Pacholec and Assistant Chief Wehrfritz, and/or allow up to five days of that time to be transferred to calendar year 2016.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize Chief Mark Pacholec and Assistant Chief Joseph Wehrfritz to sell back unused and personnel days and/or transfer up to five days of that time to calendar year 2016.

**The resolution was unanimously adopted.**

**New Business #4 Purchase 5 new Patrol Vehicles**

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

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

**WHEREAS**, money to purchase said vehicles has been set aside in the 2016 Town of Orchard Park Budget, and

**WHEREAS**, DeLacy Ford (State vendor- ID Number PC66774SB) is offering to sell said vehicles at a price not to exceed \$28,991 per vehicle.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park does hereby authorize Chief of Police Mark Pacholec to order five patrol vehicles from DeLacy Ford (State vendor- ID Number PC66774SB) out of the 2016 Town of Orchard Park Budget at a price not to exceed \$28,991 per vehicle.

**The resolution was unanimously adopted.**

**New Business #5 Award Bid Contract for Police Report Room**

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

**WHEREAS**, Informal bids were requested and received for the Orchard Park Police Report Room in December 2015, and

**WHEREAS**, the Police and Engineering Department has reviewed the prices of the three contractors who submitted bids. The lowest bid of \$7260 was in line with proposed estimates for the project.

**The bid results for each contractor are as follows:**

#1	DK Custom Cabinets	\$ 7,260.00
#2	Ken Ton Fabricators	\$ 7,900.00
#3	Glen Falls Studio	\$10,400.00

**WHEREAS**, the low bidder for this project was DK Custom Cabinets, and this company has been found to have the qualifications and experience to perform this work adequately.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board approve the contract for the Orchard Park Police Report Room to the lowest responsible bidder, DK Custom Cabinets, 6991 Cole Road, Orchard Park, NY 14127 in the amount of \$7,260.00. There is presently money budgeted for this in the police accounts.

**The resolution was unanimously adopted.**

### BUSINESS FROM THE FLOOR

No one spoke from the floor.

### ELECTED OFFICIALS & DEPARTMENT HEADS

Pat Keem, Gene Majchrzak, Mike Sherry and the principal officers wish everyone a safe and happy holiday season.

Pat Keem commented that Orchard Park received its FEMA money from the November 2014 storm.

### BUDGET TRANSFERS

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

#### Highway – Parks

From:	To:	
A.7110.0477 Parks-Contracted Mowing	A.7110.0421 Parks – Electric	\$3,068.00
A.8560.0412 Forestry– Mileage Reimbursement	A.7110.0421 Parks – Electric	\$ 500.00
A.8540.0449 Drainage – WNY Coalition Fee	A.7110.0423 Parks – Water	\$1,500.00

#### Technology

From:	To:	
A.1680.0415 Computer Training	A.1680.0441 Computer Hardware	\$5,000.00

**The resolution was unanimously adopted.**

**11) 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 #24 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$35,375.04
<b>Public Safety Fund</b>	\$19,209.62
<b>Part Town Fund</b>	\$541.64
<b>Risk Retention</b>	-
<b>Cemetery Fund</b>	-
<b>Highway Fund</b>	\$12,051.07
<b>Special Districts</b>	\$33,235.48
<b>Trust &amp; Agency</b>	\$9,524.00
<b>Capital Fund</b>	\$11,626.40

**The resolution was unanimously adopted.**

12) 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 Inspectors Report for November 2015.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:16 pm (local time).

**Respectfully Submitted,**

A handwritten signature in cursive script, appearing to read "Remy C. Orffeo".

**Remy Orffeo**  
**Town Clerk**