

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 1st day of March 2017 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	Councilman
	Michael Sherry	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

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 February 15, 2017, Executive Sessions: February 15, 2017, 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

7:00 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding a Historic Landmark Designation For 7690 Ellicott Road, as requested by Cheryl A. Hall.

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 Historic Designation, no one came forward.

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

RESOLVED, that the Public Hearing in the matter of the proposed Historic Landmark Designation was closed at 7:05pm.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby approve a “Historic Landmark Designation” for the property located at 7690 Ellicott Road as petitioned by Cheryl A Hall. The property is State and National registry eligible, and meets one or more of the criteria listed in the Town’s Historic Preservation ordinance.

The resolution was unanimously adopted.

Old Business # 1 Approve Change Order for Green Lake Dam Rehabilitation and Dredging Project

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, 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 \$2,750.00. This would increase the total contract amount to \$4,492,577.26 representing an increase of 0.0006%. This Change Order covers the cost for Zoladz to provide additional aluminum spillway railing system material to enclose openings near the new pedestrian bridge over the reinforced concrete spillway for safety reasons.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #5 for additional aluminum spillway railing system near the new pedestrian bridge over the concrete spillway 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 not to exceed \$2,750.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Accept Resignation of Clerk to the Town Justice

5) 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 accept, with regret. the resignation of Brigid Lavelle, Clerk to the Town Justice effective March 2, 2017.

The resolution was unanimously adopted.

New Business #2 Approve Hiring of Clerk to the Town Justice

6) 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 approve the hiring of Marie Falzone to the full-time position of Clerk to the Town Justice, Nonunion, Labor Grade 5, effective March 6, 2017.

The resolution was unanimously adopted.

New Business #3 Sign a 5 year Lease with the Village for Joint Use and Occupancy

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a 5 year inter-municipal lease agreement with the Village of Orchard Park for joint use and occupancy of the Municipal Center at 4295 South Buffalo Street.

The resolution was unanimously adopted.

New Business #4 Sign Agreement for Cornell Local Roads Programs

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

WHEREAS, to manage the Town's infrastructure, develop capital improvement goals, and provide quality service to our residents, an evaluation of our Town roads should be completed and an efficient pavement management system should be developed. This information, pared with future sewer and water infrastructure studies, will streamline the criteria by which all future capital projects are prioritized and selected, and

WHEREAS, Cornell University currently has an intern based Asset Management Program in which they train a Town employee as well as a seasonal intern to evaluate existing road conditions and develop an effective pavement management plan. The program is completed under the supervision of a Cornell University Professor who will assist in reviewing both the evaluation and the developed plan as well as provide technical assistance when required, and

WHEREAS, neighboring municipalities including Mt. Morris, Depew, Ellicottville, and the Village of Orchard Park have participated in this program. The cost is estimated to range from \$4,500-\$6,500 depending on seasonal employee's wage. The recommended wage is between \$12-\$15/hr. The Town Engineering seasonal position could be used.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Cornell Local Roads Program, 416 Riley-Robb Hall, Ithaca, NY 14853 in the amount not to exceed \$60 (Application Fee), as well as commit an amount not to exceed \$6,500 for associated labor costs, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve PIP 2017-01 for Knoche Farms Estates Phase 2.

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

WHEREAS, we have received from Mark Tufillaro, 5255 Mallard Roost, Williamsville, New York, representing Knoche Farms LLC, an application for a Public Improvement Permit to construct the Knoche Farms Estates Phase 2. The project consists of the installation of 2,565 L.F. of new roadways, 2,215 L.F. of sanitary mainline and a sanitary lifting station, 2,100 L.F. of watermain, and seven (7) street lights to service thirty-two (32) home sublots. Installation of a 2nd stormwater treatment unit will be completed in this construction project phase for the existing retention basin that was constructed in Phase 1, and

WHEREAS, the Orchard Park Engineering Department reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, insurances, and the performance bond, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2017-01 for the Knoche Farms Estates Subdivision, Phase 2, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve Traffic Orders for Speed Limit Signs

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

WHEREAS, upon recommendation of the Chief of Police and the Public Safety Committee, and pursuant to the authority granted by Section 1662-A of the Vehicle and Traffic Law of the State of New York.

NOW, THEREFORE, it is hereby

ORDERED, that signs be erected designating a speed limit of 30 mph on Timberlake Drive, Lenny's Lane, Orchard Hill Drive, Valley View Drive, and Deer Run.

And it is further

ORDERED, that the Orchard Park Highway Superintendent is hereby directed to post the proper and necessary signs indicating the area speed limit on the above referenced highway.

The resolution was unanimously adopted.

New Business #7 Approve Usage of Town Owned Property to Orchard Park Garden Club

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

RESOLVED, that the Town Board does hereby approve the request of the Orchard Park Garden Club to hold their 2017 Plant Sale on May 12th and 13th at the Town owned Railroad Depot, and to authorize the approval of a tent being erected for the event, and a Certificate of Liability is on file.

The resolution was unanimously adopted.

New Business #8 Advertisement of Sealed bids for Site Clearing for Bussendorfer Retention Basin

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

WHEREAS, The Orchard Park Engineering Department has submitted to the Army Corps of Engineers and NYS DEC a joint application for permit on the above mentioned project. In order to advance the project, and due to regulations regarding site clearing dates allowed by law, and avoid Bat regulatory implications/possible complications, we feel it prudent to receive bids on the site clearing portion of the project at this time, and

WHEREAS, the contract will allow roughly 10 acres of forested land within the Brush Mountain Park and Brush Mountain Park West properties to be cleared for future regional retention flood mitigations pond construction. The estimated cost of this portion is approximately \$50,000, and

WHEREAS, in order to keep the project on schedule, the Advertisement for Bids should be authorized to be published in 'DODGE' on March 3rd 2017. Plans and specifications will be available for purchase on Tuesday March 7th 2017 with the bid opening to be held on March 14th 2017. It is expected that the work will start, pending the ACOE and DEC permit approval, on March 16, 2017 and be completed by March 31, 2017.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in 'DODGE' for sealed bids to be opened for the Bussendorfer Regional Retention Basin Site Clearing Project on March 14th 2017 at 2:00 P.M. in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Anthony Berti spoke on behalf of Boy Scout Troop 1910, which is a newly-formed troop located at St. Bernadette's Church. The scouts are available should you need any sort of volunteer work. Last year, the troop worked in the Village of Hamburg picking up trash and helped at many other events at St. Bernadette's. If you know someone who might be interested in joining Scouting, contact Damon Beiter (716)-649-5464 for more information.

Lisa Young lives on Oakwood Street has zombie property next to her house at 109 Oakwood Street has been vacant over for 4 years (presented pictures to the Town Board). Upset to learn this property was recently purchased by a local resident who owns several lots where he parks cars for stadium events. Ms. Young is concerned that the new owner will park cars in this residential area possibly demolish the house as well. She feels that is not a healthy environment for her and her family and pets. She is requesting that the town look into this matter, as the residential neighborhood is not a place for pre-event activities including rowdiness, excessive drinking, public urination, etc. An offsite parking area for stadium events does not belong in this residential neighborhood, and needs the towns help to do what's best for the town and its residents.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem read the following statement about the recent vandalism that took place in Orchard Park this past weekend:

Any act of random vandalism is disturbing. But when it includes graffiti that suggests or is otherwise capable of being interpreted as representing a hostile opinion, feeling or disposition towards any particular group of persons, it is especially upsetting. As the Buffalo News reported this past weekend, last Friday evening unknown individuals went on a vandalism spree using spray paint that caused thousands of dollars of damage to the property of a number of residents, not to mention to a bridge and the South Davis Elementary playground. What is worse, some of the spray painting involved symbols and words that are vulgar and prejudicial in nature. Whereas one has to wonder what is going on in the mind of an individual who engages in this kind of conduct, one thing that is not in question is the mind of our community in the wake of this occurrence... it is highly offensive and will not be tolerated.

Supervisor Keem along with Town Attorney John Bailey, and Town Engineer Wayne Bieler attended the Association of Towns Conference in New York City this past weekend. There were many individual seminars to attend and they were worthwhile and informative. John Bailey and Wayne Bieler also thanked the Town for letting them attend this event.

Police Chief Pacholec is also disappointed that the town was hit with graffiti and Police are investigating this act of vandalism.

Highway Superintendent Piasecki outlined the current activities of the Highway Department.

WARRANT

15) 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 authorize the approval of all entries on Warrant # 7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$49,159.00
Public Safety Fund	\$37,048.68
Part Town Fund	\$775.69
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$47,495.85
Special Districts	\$536,333.03
Trust & Agency	\$2,549.56
Capital Fund	\$95,349.79

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:30 pm (local time).

Respectfully Submitted,



**Remy Orffeo
Town Clerk**