

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 19<sup>th</sup> day of April 2017 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
	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 April 5, 2017, and Executive Sessions: April 5 & 12, 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**

At 7:00 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties concerning the proposal to accept the following: a 15 year Conservation Easement as requested by Ms. Marlene Guerra for 6.0 acres of vacant land adjacent to 6646 Cole Road, and to authorize the Town Assessor to determine the valuation of properties taking into account the limitation of the future use of the land imposed by such Conservation Easements.

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 Conservation Easement.

Marlene Guerra came forward in favor of this Conservation Easement.

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

**RESOLVED**, that the Public Hearing for the Conservation Easement is now closed at 7:07PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, the Town Board held a Public Hearing concerning an application for a Conservation Easement petitioned by Ms. Marlene Guerra for 6.0 acres of vacant land adjacent to 6646 Cole Road.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve a Fifteen (15) Year Conservation Easement for vacant land on Cole Road as petitioned by Ms. Marlene Guerra, and authorize the Town Assessor to determine the valuation of properties taking into account the limitation of the future use of the land imposed by such Conservation Easements, as Recommended by the Conservation Board.

**The resolution was unanimously adopted.**

**Old Business #1 Set a Public Hearing for Dangerous & Unsafe Property at 7503 Quaker Rd.**

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

**WHEREAS**, the Code 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 7503 Quaker Road, SBL #162.19-1-13.111, 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 Code 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 notice be given to William S. Smith, and said notice be served personally upon William S. Smith or the County Clerk if such persons cannot reasonably be found for such personal service and by affixing a copy thereof upon said structures, and be it further

**RESOLVED**, that said notice shall order that the structures on the said premises are to be repaired to the satisfaction of the Code Enforcement Officer of the Town of Orchard Park or said structures are to be demolished and the debris from that demolition is to be removed from the premises within thirty (30) days of the service of said notice and to be completed within sixty (60) days thereafter, and be it further

**RESOLVED** that a hearing has been scheduled at 7:00 pm on June 7<sup>th</sup>, 2017 at the Municipal Building, 4295 South Buffalo Street, Orchard Park, in relation to such dangerous or unsafe structures, and the Town Attorney of the Town of Orchard Park he 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 #1 Approve PIP 2017-02 for Riley Meadows West Subdivision, Phase 1**

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

**WHEREAS**, the Town has received from Andrew Romanowski, Oak Orchard Development, LLC, 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the Riley Meadows West Subdivision Phase 1, and

**WHEREAS**, the project consists of the installation of 2,700 L.F. of new roadway and public utilities to serve 30 residential sublots as shown on the attached location map. Two bio retention ponds and a retention basin system will be installed during Riley Meadows West Subdivision Phase 1 construction, and

**WHEREAS**, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards, and the Town is in receipt of all necessary fees, bond, and insurances.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Public Improvement Permit #2017-02 for the Riley Meadows West Subdivision Phase 1, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Sign Agreement with Earth Dimensions. Inc. for Wetlands Delineation**

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

**WHEREAS**, the Engineering Department is continuing to progress with plans and specifications for the new Brush Mountain Park South Entrance Culvert. In order to proceed, a Jurisdictional Determination is required from the Army Corps of Engineers. The Town has a proposal from Earth Dimensions Inc., to perform a wetlands delineation survey as well as other services necessary to obtain the Jurisdictional Determination, and

**WHEREAS**, Earth Dimensions Inc., is currently retained by the Town and is providing similar services for the Bussendorfer Drainage Regional Basin Project. Funds have been allocated under Capital Project Brush Mt. Activity Center H-89 for this project,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Earth Dimensions Inc., 1091 Jamison Road, Elma, NY 14059, for professional services for Brush Mountain Community Activity Center in an amount not to exceed \$2,265.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #3 Approve Stable Permit for Sandybrook Farm**

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

**RESOLVED**, that the Town Board does hereby approve a 2017 Stable Permit for Sandybrook Farm & Stable, 6265 Powers Road, as recommended by the Code Enforcement Officer.

**The resolution was unanimously adopted.**

**New Business #4 Appointment to Building Inspector's Office**

8) 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 appoint Kathleen Creagan to the position of fulltime clerk/typist level 3 in the Building Inspector's office effective April 20, 2017. The starting salary per the collective bargaining agreement is \$29,025.00 the first year. The position is being filed from the current Civil Service list provided to the town and is replacing Lucy Frank who retired in March.

**The resolution was unanimously adopted.**

**New Business #5 Appointments to Dog Control**

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

**RESOLVED**, that the Town Board does hereby appoint Kevin Masterson to the position of part-time laborer, probationary (Assistant Dog Control) pay range 0003, step 1<sup>st</sup> year at \$13.00 per hour, effective April 20, 2017, and be it further

**RESOLVED**, that the Town Board does hereby appoint Thomas McCarthy to the position of part-time laborer, probationary (Assistant Dog Control) pay range 0003, step 1<sup>st</sup> year at \$13.00 per, effective April 15, 2017.

**The resolution was unanimously adopted.**

**New Business #6 Appointments to Parks & Grounds**

10) 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 appoint Julie Fregelette and Gerald V. Meissner to the Parks and Grounds staff at a rate of \$12.18 per hour, effective April 10, 2017.

**The resolution was unanimously adopted.**

**New Business #7 Appointment to Compost Site**

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

**RESOLVED**, that the Town Board does hereby appoint Rodger Meissner to the Compost Site staff at a rate of \$20.30 an hour, effective April 10, 2017.

**The resolution was unanimously adopted.**

**New Business #8 Appointment to the Highway Department**

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

**RESOLVED**, that the Town Board does hereby appoint David Helwig, as seasonal, to the Highway Department at a rate of \$16.00 an hour, effective April 17, 2017.

**The resolution was unanimously adopted.**

**New Business #9 Appointments to the Spring/Summer Seasonal Recreation Staff**

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

**RESOLVED**, that the Town Board does hereby appoint the following to the Spring/Summer Seasonal Recreation Staff, and the appointments are dependent upon the applicant providing the required certifications.

2017 Spring Seasonal part time Staff Appointments effective 4/17/17

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Brett Burnard	\$10.00	PT3-A (Att)
Madison Hornung	\$13.00	PT5-C (Att)
Salvatore LaDuca	\$16.50	PT7-E (Att)
Nicholas Ramage	\$15.00	PT6-D (Att)
Tim Saville	\$10.00	PT3-A (Att)

2017 Spring Seasonal part time Staff Appointments retroactive 3/25/17

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Jared Albert	\$10.00	PT3-A (Lg)
Anthony Franjoine	\$15.00	PT6-D (Att)
Grace Scott	\$10.00	PT3-A (Lg)
Alex Vendura	\$10.00	PT3-A

2017 Summer part-time Staff Appointments effective 6/3/17

<u>Name</u>	<u>Rate</u>	<u>Position</u>	<u>Name</u>	<u>Rate</u>	<u>Position</u>
Jared Albert	\$11.00	Pt3-E (Att)	Samantha Maley	\$10.00	Pt3-A (Att)
Margaret Ahern	\$11.00	Pt3-E (Att)	Jordyn Malinowski	\$11.00	Pt3-E (Att)
Camryn Backman	\$11.00	Pt3-E (Att)	Amy Marciniak	\$13.00	Pt5-C (Att)
Elizabeth Battaglia	\$11.00	Pt3-E (Att)	Janet Marks	\$15.00	Pt6-D (Att)
Jessica Battaglia	\$11.00	Pt3-E (Att)	Allie Metzger	\$11.00	Pt3-E (Att)
Leah Berst	\$13.00	Pt5-C (Att)	Nathan McMillen	\$11.00	Pt3-F (Lg)
Beau Bradshaw	\$13.00	Pt5-C (Att)	Mason McMullen	\$13.00	Pt5-C (Att)
Cayley Brege	\$11.00	Pt3-E (Att)	Tanner McMullen	\$10.00	Pt3-A (Att)
Brett Burnard	\$10.00	Pt3-A (Att)	Dylan McNichol	\$11.00	Pt3-E (Lg)
Jody Burnard	\$15.00	Pt6-D (Att)	Owen McNichol	\$10.00	Pt3-A (Att)
Shannon Callaghan	\$11.00	Pt3-E (Lg)	Emily Mielcarek	\$11.00	Pt3-E (Att)
Ana Canale	\$11.00	Pt3-E (Att)	Michael Mielcarek	\$11.00	Pt3-E (Att)
Catherine Capriotto	\$11.00	Pt3-E (Att)	Ava Mrozik	\$11.00	Pt3-E (Att)
Daniel Chojnacki	\$10.00	Pt3-A (Att)	Bernadette O'Connell	\$10.00	Pt3-A (Att)
Nicholas Darling	\$11.00	Pt3-E (Att)	Caitlin O'Rourke	\$11.00	Pt3-E (Lg)
Morgan Doyle	\$13.00	Pt5-C (Att)	Erin O'Rourke	\$11.00	Pt3-E (Lg)
Halle Dueringer	\$11.00	Pt3-E (Lg)	Claire Otis	\$11.00	Pt3-E (Att)
Claire Dunwoodie	\$13.00	Pt5-C (Att)	Mary Owczarczak	\$11.00	Pt3-E (Att)
Sarah Eneix	\$13.00	Pt5-C (Att)	Brooke Plonka	\$10.00	Pt3-A (Att)
Christopher Falcone	\$10.00	Pt3-A (Att)	Rebekah Quinlivan	\$12.50	Pt5-A (Lg)
Megan Filipski	\$12.50	Pt5-A (Lg)	Callie Reid	\$11.00	Pt3-E (Att)
Alex Freedenberg	\$11.00	Pt3-E (Att)	Maxim Reilly	\$11.50	Pt4-B (Lg)
Emma Freedenberg	\$11.00	Pt3-E (Att)	Heather Reimondo	\$10.00	Pt3-A (Att)
Clayton Galas	\$11.00	Pt3-E (Att)	Rachael Reimondo	\$13.00	Pt5-C (Att)
Brittney Gawel	\$10.00	Pt3-A (Att)	Autumn Roza	\$12.50	Pt5-A (Lg)
Mary Genzel	\$11.00	Pt3-A (Lg)	Joshua Saville	\$13.00	Pt5-C (Att)
Shannon Goodman	\$12.50	Pt5-A (Lg)	Timothy Saville	\$11.00	Pt3-E (Att)
Sarah Gura	\$11.00	Pt3-E (Att)	Alicia Sciolino	\$11.00	Pt3-E (Att)
Samuel Gura	\$11.00	Pt3-E (Att)	Katelyn Sciolino	\$11.00	Pt3-E (Att)
Brett Hall	\$11.00	Pt3-E (Lg)	Tiffany Schierlitz	\$11.00	Pt3-E (Att)
Derek Hall	\$11.00	Pt3-E (Lg)	Mary Schichtel	\$11.00	Pt3-E (Att)
Julia Hasasneh	\$10.00	Pt3-A (Att)	Courtney Schmidt	\$13.00	Pt5-C (Att)

Riley Heywood	\$11.50	Pt4-B	(Lg)	Heidi Schneider	\$15.00	Pt6-D	(Att)
Patrick Higgins	\$10.00	Pt3-A	(Att)	Skye Schultz	\$10.00	Pt3-A	(Att)
Rebecca Higgins	\$15.00	Pt6-D	(Att)	Grace Scott	\$11.00	Pt3-E	(Lg)
Elizabeth Hinterberger	\$11.00	Pt3-E	(Att)	Ashley Seltz	\$13.00	Pt5-C	(Att)
Madison Hornung	\$13.00	Pt5-C	(Att)	Benjamin Shular	\$12.50	Pt5-A	(Lg)
Brandon Hoth	\$11.00	Pt3-E	(Att)	Jennifer Sienkiewicz	\$15.00	Pt6-D	(Att)
Emily Izydorczak	\$11.00	Pt3-E	(Att)	Amanda Simone	\$11.00	Pt3-E	(Att)
Kailynn Janaski	\$11.00	Pt3-E	(Att)	Jacob Simonsen	\$11.50	Pt4-B	(Lg)
Doug Jankowiak	\$13.00	Pt5-C	(Att)	Carmila Stafford	\$11.00	Pt3-E	(Att)
Carissa Jantzi	\$11.00	Pt3-E	(Lg)	Jenna Syposs	\$11.00	Pt3-E	(Att)
Erin Joyce	\$11.00	Pt3-E	(Att)	Alexis Tarnowski	\$15.00	Pt6-D	(Lg)
Margaret Karnath	\$11.00	Pt3-E	(Att)	Daniel Vail	\$12.50	Pt5-A	(Lg)
Austin Kennedy	\$10.00	Pt3-A	(Att)	Michelle Vasiloff	\$13.00	Pt5-C	(Lg)
Melissa Kennedy	\$11.00	Pt3-E	(Att)	Alex Vendura	\$11.00	Pt3-E	(Lg)
Tess Kjellstrom	\$11.00	Pt3-E	(Lg)	Madeline Venturo	\$11.00	Pt3-E	(Lg)
Amanda Klubek	\$10.00	Pt3-A	(Att)	Brendan Wenger	\$11.00	Pt3-E	(Lg)
Salvatore Laduca	\$16.50	Pt7-E	(Att)	Madeline Wiechec	\$10.00	Pt3-A	(Att)
Mary Linton	\$11.00	Pt3-E	(Att)	Grace Wiest	\$11.00	Pt3-E	(Att)
Evan Lovullo	\$11.00	Pt3-E	(Att)	Darcy Zappia	\$13.00	Pt5-C	(Att)
				Margaret Ziccardi	\$10.00	Pt3-A	(Att)

**The resolution was unanimously adopted.**

#### **10) Not on the Agenda – Set Public Hearing for Local Law 1-2017**

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

**RESOLVED**, that the Town Board does hereby set a Public Hearing for May 3, 2017 at 7:00 PM in the matter of Local Law No. 1 of the year 2017- “A Local Law to Establish A moratorium on the Expansion of Parking Facilities Around New Era Field (formally known as Ralph Wilson Stadium).

Councilman Sherry stated the purpose of this Local Law “is to establish a moratorium on the expansion either by footprint size or by number of cars parked of private parking areas, residential and commercial, within a one mile radius from the center of New Era Field. No new commercial permits shall be granted for commercial lots and the expansion of residential parking lots either by footprint or number of cars shall also be proscribed during the term of this moratorium.”

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

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

Supervisor Patrick Keem thanked everyone for covering for him while he was on vacation.

Building Inspector Andy Geist thanked the Town Board for appointing Kathleen Creagan to the Building Inspector’s office, and he looks forward to working with her.

Police Chief Mark Pacholec stated that with the nicer weather, his officers are seeing significant increases in speed. They have seen speeds in excess of 100 mph on Rt. 219, and speeds upwards of 90 mph on Chestnut Ridge Rd. He said to keep in mind, that if you have an accident or hit a deer at those speeds, there will not be a whole lot to investigate. He asked the citizens to please drive prudently.

Highway Superintendent Piasecki stated that the Highway Department is on its spring rounds. He said that this week the walls and pillars for Veterans Park are going to be installed. He also noted that there will be an Electronics Pickup Event at Curbell Industries on Saturday April 22, 2017 from 9:00am to 1:00pm. The proceeds will benefit Camp Good Days and Happy Times.

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 # 8 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$62,208.07
<b>Public Safety Fund</b>	\$5739.46
<b>Part Town Fund</b>	\$135.71
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$16,829.67
<b>Special Districts</b>	\$30,621.98
<b>Trust &amp; Agency</b>	\$980.00
<b>Capital Fund</b>	\$2658.75

**The resolution was unanimously adopted.**

#### COMMUNICATION

16) 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 receive and file the letter from Erie Co. Board of Elections which states it is holding their annual Campaign Finance Seminar on 5/9/2017 at the Walter J. Mahoney State Office Building from 9:00 am to 12:00 pm.

**The resolution was unanimously adopted.**

#### REPORTS

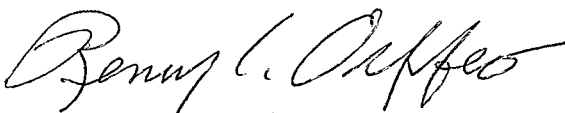
17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

**RESOLVED**, that the Town Board does hereby receive and file the Compost Site 2016 Annual Report

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:22 pm (local time).

**Respectfully Submitted,**



**Remy C. Orffeo**  
Town Clerk