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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 4th day of April 2018 at 7:15 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	
	Andrew Geist	Building Inspector	
	Frederick Piasecki, Jr.	Highway Superintendent	
	Mark Pacholec	Chief of Police	
	ABSENT:	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 COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on March 21, 2018, Executive Sessions: March 7,14 & 21, 2018, 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

Local Law 2018-3 – Amending Chapter 74 “Historic Preservation”, Section 74-5 “Town of Orchard Park Historic Preservation Board, (B) “Membership”

At 7:17 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018-3

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

No one came forward to speak.

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 Local Law 2018-3, Historic Preservation Board Membership is hereby closed at 7:19 PM.

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, following due and timely notice, a public hearing relating to the matter of Local Law 2018-03 was conducted on April 4, 2018, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #2018-3 which provides as follows:

Amending Chapter 74 "Historic Preservation", Section 74-5 "Town of Orchard Park Historic Preservation Board", (B) Membership as follows:

SECTION 1:

Section 74-5(B) Membership

- B. The Preservation Board shall consist of seven members who shall be appointed by the Town Board. Persons whose primary residence is within the Town of Orchard Park shall be eligible for appointment by the Board, unless an individual with the qualifications set forth in §74-5C below is not available in the Town of Orchard Park. All members shall serve terms of four years. Their successors shall be appointed for terms of four years from and after the expiration of their predecessors in office. If any Historic Preservation Board member resigns or otherwise cannot fulfill his or her term of office, the Town Board shall appoint an interim member to serve the remainder of the term.

SECTION II:

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

The resolution was unanimously adopted.

Local Law 2018-4 – Amending Chapter 12 "Ethics" Article II "Administrative Provisions" Section 12-11 "Ethics Board: establishment; qualifications of members; appointment of members; term of office"

At 7:20 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018-4

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

No one came forward to speak.

4) 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 Local Law 2018-4, Ethics Article II Administrative Provisions is hereby closed at 7:20 PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of Local Law 2018-04 was conducted on April 4, 2018, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #2018-4 which provides as follows:

Amending Chapter 12 "Ethics" Article II "Administrative Provisions" Section 12-11 "Ethics Board: establishment; qualifications of members; appointment of members; term of office"

SECTION 1:

Section 12-11

Ethics Board: establishment; qualifications of members; appointment of members; term of office

- A. There is hereby established an Ethics Board consisting of a minimum of five members a majority of whom are not otherwise Orchard Park officers or employees. Such Board shall include at least one member who is an elected or appointed municipal officer or employee.
- B. All members of the Ethics Board shall be residents of the Town of Orchard Park.
- C. The Town Board shall appoint the members of the Ethics Board for staggered terms of five years as their terms expire. These appointments will occur each January at the Town Board's annual re-organizational meeting.
- D. The members of the Ethics Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- E. Except for elected officials, no member of the Ethics Board shall make a contribution to or participate in any Town of Orchard Park political campaigning pertaining to a specific Town office.
- F. Consecutive service on the Ethics Board shall not exceed two full-terms, a total of 10 years.

SECTION II:

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof

The resolution was unanimously adopted.

New Business #1 Authorize Bid Opening for Brush Collection

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

RESOLVED, that the Town Board does hereby authorize a bid opening for the Brush Collection for the Town of Orchard Park on April 13, 2018, at 11:00 am (local time) in the Supervisor's Conference Room at the Municipal Center of the Town of Orchard Park. The Town Clerk is authorized to post due notice in the official paper of the Town, as requested by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #2 Approve Special use Permits

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

WHEREAS, the Village of Orchard Park requests the following special use permits:

- Memorial Day Parade on May 28, 2018
- Independence Day Parade on July 4, 2018
- Taste of Orchard Park on July 25, 2018
- Lions Club Car Show on July 28,2018

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Village's request for special use permits.

The resolution was unanimously adopted.

New Business #3 2018 Compost & Mulch rates

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

WHEREAS, the Highway Department submitted the 2018 compost & mulch rates as \$15.00/Cubic Yard for residents and \$23.00/Cubic Yard for non-residents payable by check.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the 2018 compost & mulch rates.

The resolution was unanimously adopted.

New Business #4 Approve Stable Permit

9) 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 2018 Stable Permit for Sandybrook Farm & Stable, 6265 Powers Rd.

The resolution was unanimously adopted.

New Business #5 Contract termination with Accadia Site Contracting, Inc.

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

WHEREAS, the Orchard Park Town Board has received a memorandum from Town Engineer Wayne Bieler concerning the Burmon Drive construction project and its contract with Accadia Site Contracting, Inc., and

WHEREAS, in that memorandum Town Engineer Bieler certifies numerous material breaches of the Town's contract with the said Accadia Site Contracting, Inc. for the Burmon Drive project, and

WHEREAS,

- 1.) Based on the Town Engineer's certification outlining Accadia Site Contracting, Inc. material breaches of its contract with the Town of Orchard Park,
- 2.) Based on the Town Engineer's certification that those breaches provide good cause for terminating the said contract with Accadia Site Contracting, Inc.,
- 3.) The Town Board authorizes Town Engineer Wayne Bieler, or in his absence, Assistant Municipal Town Engineer Thomas Ostrander, to terminate said contract with Accadia Site Contracting, Inc. for the Burmon Drive contract pursuant to the terms of that underlying contract.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve termination of current contract, as recommended by the Town Attorney.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Mr. Gary Weiser of Orchard Park inquired about the status of the Burmon Road Project now that the Town is terminating the contract with Accadia Site Contracting, Inc. He stated they are living in a war zone, the contractor has made a mess. He wanted to know what the Town will do for the residents living there.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem spoke of Martin Luther King Jr., today is the 50th anniversary of his death. He was a giant in the Civil rights movement, let us never forget his message of nonviolence and equal opportunity for all.

Chief Pacholec informed the residents that there are about 1800 homes without power due to the storm and we are working with NYSEG. Wires and trees are down so please drive with caution.

Highway Superintendent Piasecki stated they are working with 2 crews to pick up brush and have started street sweeping. Regarding Burmon Road, the Highway Department will be patching potholes and backfill trench linings to make the roads safer. On a personal note, he thanked the Town Board, town personnel and community for their prayers and support for his wife Kathy. He and his daughter deeply appreciated it.

11) 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	\$39,527.48
Public Safety Fund	\$9,151.43
Part Town Fund	\$1,002.39
Risk Retention	-
Cemetery Fund	-
Highway Fund	\$31,952.66
Special Districts	\$186,259.09
Trust & Agency	\$1,946,799.75
Capital Fund	\$52,220.76

The resolution was unanimously adopted.

12) 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 Building Inspector's Report for March 2018.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:33 pm (local time).

Respectfully Submitted,



Remy C. Orffeo
Town Clerk