

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 16th day of May 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	
	ABSENT:	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 May 2, 2018, Executive Sessions: May 2, 2018 and Special Session: May 9, 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 Information Hearing

Stormwater Phase II Annual Report coverage – SPDES – Informational Meeting

At this time Supervisor Keem opened the meeting and Town Engineer, Wayne Bieler, stated the informational meeting is held in accordance with the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II Regulations and NYSDEC requirements of the “State Pollutant Discharge Elimination System – SPDES”, General Permit for Stormwater Discharge. This meeting is to allow the public to comment on the draft Stormwater Phase II Annual Report.

Mr. Bieler stated that per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the NYS Department of Environmental Conservation, a Stormwater Management Program, and an Annual Report outlining the Town’s progress in meeting the Notice of Intent (NOI) goals. The Annual Report must be submitted to the NYSDEC each year by June 1st. No one came forward to speak.

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

RESOLVED, that the Public Informational Hearing for Stormwater Phase II Annual Report Coverage & SPDES is hereby closed at 7:13PM.

The resolution was unanimously adopted.

PUBLIC HEARING

Local Law 2018-8 – Amending Chapter 58 “Dogs” by adding Section 58-4(D) & amending Section 58-5(B)

At 7:13 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018-8

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.

3) 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 Local Law 2018-8, Amending Chapter 58 “Dogs” by adding Section 58-4(D) and amending Section 58-5(B) is hereby closed at 7:16 PM

The resolution was unanimously adopted.

4) 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 2018-8 was conducted on May 16, 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 #2018-8 which provides as follows:

SECTION 1:

Section 58-4 (D) Wild Animals and Dangerous Dogs

On April 1st of every year a report must be filed with the Town Clerk listing the physical location of where all dangerous dogs and dangerous wild animals will be kept. Such wild animals and dangerous dogs are defined as non-human primates, non-domesticated dogs and cats, bears, venomous snakes, constrictors, pythons, and certain crocodiles.

SECTION II:

Section 58-5 (B)

Violations of this Chapter shall be punishable by a maximum fine of \$250 or imprisonment for not more than fifteen days, or both with the exception of a violation of Section 58-4(d) for which the fine will be \$250 for the first offense and \$1000 for each subsequent offense or imprisonment for not more than fifteen days, or both

SECTION III:

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.

Old Business # 1 Memorandum of Understanding – Command Officers Association

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

WHEREAS, the Town Board of Orchard Park and the Orchard Park Command Officers Association are presently negotiating a new Collective Bargaining Agreement, and

WHEREAS, the parties have tentatively agreed to the language of a Memorandum of Understanding addressing salary issues arising from June 1, 2018 to September 1, 2018, and

WHEREAS, the full copy of that Memorandum of Understanding will be held on file with the Town Clerk's Office,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board does hereby authorize the Supervisor of the Town Board of Orchard Park to execute the proposed Memorandum of Understanding between the Town of Orchard Park and the Command Officers Association concerning the salary issues referenced above, and further that the executed Memorandum of Understanding is to be filed with the Town of Orchard Park Town Clerk.

The resolution was unanimously adopted.

New Business #1 Approve 2018 Stable Permit

6) 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 2018 Stable Permit for Bella Carala Stable, 6263 Benning Road, West Falls, NY.

The resolution was unanimously adopted.

New Business #2 Approve Special Event Permit

7) 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 Special Events Permit for the Orchard Park Police Department Special Olympics Torch Run on May 25, 2018.

The resolution was unanimously adopted.

New Business #3 Schedule Public Hearing for proposed 2018 – 9 Local Law

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing in the matter of the proposed Local Law#2018-9, Amending Chapter 144 “Zoning”, Section 144-55(E) “Solar as an Accessary Use or Structure on June 20, 2018 at 7:00 PM at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #4 Appoint Representative to the Erie County Environmental Management Council.

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

WHEREAS, Erie County New York has an Environmental Management Council, and

WHEREAS, that Council has a vacancy, and

WHEREAS, Councilmember Michael Sherry is eligible to fill that vacancy and is willing to serve on that Council,

NOW, THEREFORE, BE IT

RESOLVED that The Town Board of Orchard Park hereby appoint Councilmember Michael Sherry as its representative on the Erie County Environmental Management Council.

The resolution was unanimously adopted.

New Business #5 Authorize Additional Officer in the Police Department

10) 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 Chief of Police to add an additional officer in the police department to increase its size to a total of thirty-four (34) officers. This will allow for the filling of the position of full time School Resource Officer (SRO) at the Orchard Park School District, and be it further

RESOLVED, that the Town Board does hereby authorize the Chief of Police to canvas applicants and call for the civil service list for police officers.

The resolution was unanimously adopted.

New Business #6 Approve Emergency Manager Attending Two Courses

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 approve Richard Mrugalski, Emergency Manager, to attend a one-day course on Public Information Officer Awareness held on June 26, 2018, and a two-day course on basic Public Information Officer held on June 27-29 2018 at the Erie County Fire Training Academy in Cheektowaga, NY.

The resolution was unanimously adopted.

New Business #7 Authorize purchase of 2017 Ford Pick-up for Highway Department

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

WHEREAS, in accordance with our truck replacement program, the Highway Department is looking to purchase one (1) new 2017 Ford F-25 4X4 Pickup Truck, and

WHEREAS, the cost of this new Pickup is \$29,245.50 under New York State Bid Contract, (NJPA). This will replace the 2001 Ford Pickup with 148,178 miles.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to proceed with the purchase of this truck. The monies are in place in the budget for this purchase.

The resolution was unanimously adopted.

New Business #8 Approve Out-of-District Water Customer

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

WHEREAS, James & Lauren Dodd have submitted correspondence to the Engineering Department requesting approval to pursue an Out of District Water Connection for property on North Davis Street, SBL# 161.20-7-8, Orchard Park, with the Village of Orchard Park Water District, and

WHEREAS, there are no Town owned municipal water lines adjacent to North Davis Street, the property owner's only option is to connect to the Village owned water line along North Davis Street (far side).

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the request of James and Lauren Dodd to pursue an Out of District Water Agreement for connection with the Village of Orchard Park water system for their North Davis Street property SBL# 161.20-7-8, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Appointment to Recreation Commission

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 appoint Susan Parzymieso to the Recreation Commission with the term to end December 31, 2018.

The resolution was unanimously adopted.

New Business #10 Appoint Summer Intern to Sewer, Water & Lighting Department.

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

WHEREAS, funds have been allocated in the 2018 budget for seasonal help in the Sewer, Water & Lighting Department, and

WHEREAS, with the current work load of the SW&L Department, the Town Engineer recommends Rocco J. Giannicchi who worked as a seasonal employee in 2017 and has applied again this year.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Rocco J. Giannicchi, 3520 Transit Road, Orchard Park, NY 14127 to a seasonal position in the Sewer, Water, & Lighting Department for a twenty-five week period beginning May 29, 2018 at a wage rate of \$11.00 per hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Seasonal Appointment to Parks & Grounds

16) 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 appoint Alexander Meleudez to a seasonal position in the Parks & Grounds Department effective May 1, 2018 at a rate of \$10.40 per hour.

The resolution was unanimously adopted.

New Business #12 Seasonal Appointment to Compost Site

17) 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 appoint Dave Helwig to a seasonal position in the Compost Site effective April 27, 2018 at a rate of \$20.00 per hour.

The resolution was unanimously adopted.

New Business #13 Appointment to Compost Site for Free Mulch Day

18) 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 appoint Nathan Ostrander to the Compost Site for Free Mulch Day on May 12, 2018 at a rate of \$10.40 per hour.

The resolution was unanimously adopted.

New Business #14 Seasonal Appointments to Parks & Grounds

19) 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 appoint the following seasonal appointments to Parks & Grounds: Jason Carey effective May 10, 2018 at \$11.20 an hour, Joe Rozeski effective May 14, 2018 at \$10.40 an hour and Chris Trigilo effective May 14, 2018 at \$10.40 an hour.

The resolution was unanimously adopted.

New Business #15 Authorize Budget Transfer for Police Dept. to purchase Barricades

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

WHEREAS, the Emergency Management and the Police Department are purchasing 12 Water filled barricades for public safety at events throughout the town, and

WHEREAS, Emergency Management will be paying for half the cost

WHEREAS, the funding for these adjusted appropriations is expected to be available within other appropriation accounts within the Emergency Management 2018 budget

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following transfer:

Increase Appropriations:

A.8760.0200 Emergency Management - Equipment \$1,000.00

Decrease Appropriations:

A.8760.0400 Emergency Management - Supplies \$1,000.00

The resolution was unanimously adopted.

New Business #16 Approve Annual 4th of July Parade

21) 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 Annual 4th of July parade on Wednesday, July 4, 2018. The parade will assemble at the Orchard Fresh parking lot at 7 PM and start at 8 PM.

Councilmember Majchrzak stated that the reason the assembly has been relocated is it is due to some construction taking place in the Village

The resolution was unanimously adopted.

New Business #17 Approve Annual 4th of July Fireworks

22) 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 Annual 4th of July fireworks display, and has set July 5, 2018 as the inclement weather day for the 4th of July fireworks, under a three year contract with Skylighters Fireworks (2016-18).

The resolution was unanimously adopted.

Not on the Agenda

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

WHEREAS, the Town Board, in conjunction with the Brush Mountain Community Center Steering Committee, have requested some revisions to the construction documents, and

WHEREAS, Wendel put together a proposal for Professional Engineering services for the revisions that include implementation of the Value Engineering ideas accepted by the Town Board at the 4/30/2018 meeting, that will be implemented to reduce the overall project cost, including the building structure and site work inside and outside the "yellow box", and

WHEREAS, based on the Town Board's direction at the 4/30/2018 meeting, Wendel has begun work on this scope of additional services to maintain a schedule that will allow them to go out to bid in 45 to 60 days.

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby approve Change Order #4 with Wendel for Professional Services for Brush Mountain Community Activity Center.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Anne Griesinger – Ms Griesinger wanted to inquire about the construction at Mystery Pond on Pawtucket, and wanted to know if there was any more work planned for it. She also inquired about the removal of the swing set at Pawtucket Playground. She knew it was cited as unsafe, but did not feel it was that bad. It was a very popular item at the playground, and there is nothing for the older children at the playground now.

Chris Weyer – Ms. Weyer said when Birch Grove did the brush pickup, they did a wonderful job. The new contractor the Town has had for the last three years is a nightmare. The new contractor does not pick up the soft debris, only the limbs. Then the soft debris sits all summer, sometimes in the roadway, until fall when the Town starts picking it up. This is a dangerous situation, and it needs to be addressed.

Gary Weiser – Mr. Weiser said he is looking for his bi-weekly address of what is happening with Burmon Drive reconstruction. Nothing is happening and it is just a mess. Hopefully there is another contractor lined up to get things rolling. He is just looking for answers.

Kathe Eskew – Ms. Eskew asked what precipitated the promulgation of the proposed local law regarding the installation of Solar Power panels.

Jeff Pedro – Mr. Pedro was also inquiring about the Solar Energy ordinance that has come out. He understands that the proposed Local Law does not allow solar panels on the front of houses. The panels he wanted to put on his house were black and would blend into the house itself. He works for CIR Electrical and has installed solar systems for homes, many of which are quite nice. They have done over 500 homes in WNY and this is the first ordinance that he has heard of where people are not allowed to put solar panels on the front of their house. He feels this is not a good precedence.

Sue Hogenkamp – Ms. Hogenkamp wanted to piggy back onto Ms. Weyer's statement regarding the brush and debris in Eagle Heights. She walks a lot and the huge piles of brush sticking out in the road has been a much larger safety hazard than the swings in the park that was taken down. The swings are sorely missed, she wants them replaced this year.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem said two different companies and our insurance company went around last year to evaluate the playground equipment and they determined what was unsafe and had to be removed. Unfortunately, we did not get a schedule of what was being removed and when. In the Pawtucket Playground the 2 -5 year old playground has been completed, and next year an ADA walkway and swings are going to be put in. As far as Mystery Pond on Pawtucket, two environmental people evaluated that, and determined that it was a safety and health issue that needed to be cleaned up. At this time there is still more work to be done on the pond.

Supervisor Keem stated that there has to be a better format for cleaning up all the brush & debris in the Town. Addressing Mr. Pedro's issue, he stated they are going to be taking another look at the Solar Law and tweaking it. He also stated that through Sen. Chris Jacobs, the Town has received a grant of \$75,000.00 for "Inclusive Playground Equipment", which is for children of all abilities to play and grow, to be put in the Orchard Meadows playground. The Town is going for another grant for the same equipment for the Burmon Road playground.

Councilmember Majchrzak said, regarding the Burmon Road Project, the Town is in a legal situation and cannot share a lot of information. But, the Town is making progress in having a contractor pick up where the other contractor left off. Hopefully, in the next week, the Town should get feedback to determine what direction the Town will take on this project. The plan is to have everything done this year except maybe the seeding and grading.

Councilmember Sherry asked if it has always been that the contractor only picked up brush and not the soft debris, and Superintendent Piasecki said yes. COUNCILMEMBER Sherry then stated that there is a law on the books that things cannot be put in the roadway or on the shoulder of a road, it is a safety hazard. The police have been reluctant to charge people who are doing that, and put out a Town-wide bulletin on Code-Red letting people know the law regarding this. This hazard has to be addressed.

Councilmember Sherry said the new Solar Panel Local Law is to clarify some of the law regarding issue, not to enact a new code. There has been some discussion about revisiting the Solar Panel code again and consider some exceptions to it. Any changes will be done through the Local Law process were residents have the opportunity to express their concerns. He also talked about the Eagle Heights issues of Mystery Pond, and the swing set, and stated the Board will find out more about it.

Highway Superintendent Piasecki stated that the Highway Department is overlapping with the Brush Contractor to get everything cleaned up. The property owners are responsible for the soft debris, and should bag it, or have their landscaper do that, for garbage pickup. He said that a full crew will be put up in Eagle Heights next week to clean the streets, from there on in it is up to the residents.

As far as the Pawtucket Mystery Pond, that has been on the Highway Department's list for a long time to be cleaned up because of the state it was in. They went in to fix the drainage, clean it out, and fix up the banks. They are now waiting for it to dry up a bit to finish the landscaping on it.

24) 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 # 7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$298,238.68
Public Safety Fund	\$5,880.22
Part Town Fund	\$367.46
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$114,799.21
Special Districts	\$15,172.16
Trust & Agency	\$5,075.00
Capital Fund	\$159,760.43

The resolution was unanimously adopted.

25) 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: Household Hazardous Waste Collection Day through Erie Co. Department of Environment & Planning on Saturday, June 2, 2018 from 9am – 2pm at Erie Community College. Enter from Abbott Road, Lot 3, across from New Era Field.

The resolution was unanimously adopted.

26) 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's Report for April 2018

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by COUNCILMEMBER Majchrzak, the meeting adjourned at 8:00 pm (local time).

Respectfully Submitted,

A handwritten signature in cursive script that reads "Remy C. Orffeo".

Remy C. Orffeo
Town Clerk