

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 17th day of May 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
	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 May 3, 2017, Executive Sessions, May 3 & 10, 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.

Presentation

In honor of the 45th Anniversary of the Conservation Board, Certificates of Appreciation were given to the Chairmen and Chairwoman who served on this Board since its inception.

- ❖ Frank E. Newton 1971 - 1974 & 1981 – 1988
- ❖ Elizabeth Clark 1975 – 1980
- ❖ James J. Loesch 1989 – 2005 (Accepted by his wife)
- ❖ Richard J. Schechter 2006 - Present

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 COUNCILMAN 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.

Old Business # 1 Grant Site Plan Approval & Building Permit for Polymer Conversations

3) 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 grant Site Plan Approval and issue a Building Permit to construct a 29,864 +/- sq. ft. expansion, per the plans received on 4/12/17, as recommended by the Planning Board 5/10/17, based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short EAF Parts 1 and 2, and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
3. No outside storage or display is permitted.
4. The Landscape Plan, received 4/12/17, meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$9,700 Landscaping Estimate Value shall be deposited with the Town Clerk.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. The Zoning Board of Appeals granted a reduced parking variance on 1/17/17.
7. Town Engineering Approval was granted on 5/9/17.

The resolution was unanimously adopted.

Old Business #2 Grant Site Plan Approval & Building Permit for Fox Run

4) 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 grant Site Plan Approval and issue a Building Permit to construct a new 2-story 14,000-sq-ft. addition, per the plans received on 5/04/17, as recommended by the Planning Board 5/10/17, based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short. EAF Parts 1 and 2, and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
3. No outside storage or display is permitted.
4. The Landscape Plan was received 5/04/17, and in accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$6,500 Landscaping Estimate Value shall be deposited with the Town Clerk.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Town Engineering Approval was granted on 5/9/17.

The resolution was unanimously adopted.

RESOLVED, that the Town Board does hereby award the contract for Testing and Repair of Town Owned Backflow Prevention Devices (2017) to MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York, 14224, in an amount not to exceed \$2,765.00 including repairs and kits if needed, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Authorize use of portion of Mid County Dr. for Sanitary Sewer Station Upgrades

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

WHEREAS, in order to maintain the level of service to both commercial and residential customers flowing to the Mid-County pump station, the Engineering Department is currently working with GHD Inc. to design a replacement for the outdated station. The replacement will consist of a new wet well, valve pit, electrical service, and a small building to house an automatic stand-by generator and necessary controls, and

WHEREAS, in the process of researching and surveying for the above mentioned project, it was discovered that the existing Mid-County Dr. pump station is located on a 25'x25' Permanent Easement. This easement is situated directly north of a stub road that was installed in 1972 with the anticipated development of the land west of Mid-County Dr., and is not of sufficient enough size to facilitate the proposed replacement, and

WHEREAS, due to the development of Route 219, the extensive wetlands present, Harley Davidson commercial site to the north, and the existence of paper streets extending north from Southwestern Boulevard, it is unlikely that the current stub road would be utilized to service the intended area. This stub road was deeded to the Town of Orchard Park, in fee, by deed recorded in the Erie County Clerk's Office at Liber 7993 of deeds on Page 299. Because of its location adjacent to the existing station, the low probability for future use, Mid-County Drive connection to Milestrip Road, with development of Orchard Park Commerce Center negating the need for the turnaround, and the Town's ownership of such, the stub road would provide the ideal location for the proposed replacement.

NOW, THEREFORE, be it

RESOVED, that the Town Board does hereby authorize the use of a portion of the turnaround/stub road on Mid-County Drive for reconstruction of the Mid-County Pump Station, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Approve Special Events/Block Party Permits

8) 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 the following Special Events/Block Party Permits:

- Orchard Park Great Strides for the Cystic Fibrosis Foundation – May 20, 2017, 10am – 2pm.
- Tommy's Run – July1, 2017, 9:30am – 11:30am.
- Food Truck in the 'Heights' / Pawtucket Park: Gourm Asian Bistro and Cheesecake Guy on May 21, 2017, 5pm – 7pm.

The resolution was unanimously adopted.

Old Business #3 Authorize NYSEG to connect ten standard light fixtures in Eagle Heights Pt.8 Ph3

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

WHEREAS, the Engineering Department has received a proposal from NYSEG for the connection of ten (10) decorative standard street light fixtures, four (4) on Hearthstone Terrace, three (3) on Woodshire Court and three (3) on Stone Bluff Court in the Eagle Heights Subdivision Pt 8, Ph 3, as shown on the attached map. At present, there are five (5) single-family homes currently under construction of the 30 sublots in this Part 8, Phase 3, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of decorative standard street light poles under PIP # 2016-01. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier, which is estimated to be \$42.03/ea. for an annual cost of \$420.30. The proposal is for a total of ten (10) luminaries to be connected at an annual charge of \$23.13 each, annually totaling \$231.36. NYSEG will provide new estimate sheets (see attached) as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of ten (10) 70-watt high-pressure sodium decorative standard light fixtures in the Eagle Heights Subdivision Part 8, Phase 3 at an annual increased cost of \$231.36 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$420.30/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Award contract for Testing & Repairs of Town Backflow Prevention Devices

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

WHEREAS, the Town of Orchard Park is required to test backflow prevention devices in the Senior Center, Library, Municipal Center, Compost Facility, Green Lake/Little League Park, Orchard Meadows Playground and Honey Crest Playground. The Town must comply with the New York State Sanitary Code Subpart 5, from the New York State Department of Health and from the requirement of the Village of Orchard Park, and

WHEREAS, bids were opened for the Backflow Prevention Devices on May 11, 2017. The bid was for both a base bid for testing and costs of backflow prevention repair kits. Bids were for each facility and the size of the backflow prevention device that each facility currently uses. The lowest base bid of \$1,520.00 was for all seven sites with a total bid of \$2,765.00 including repairs and kits if needed, and

WHEREAS, the Engineering Department has reviewed the bids for this work. The two contractors that bid the scope of work were MKS Plumbing Corp. (\$1,520.00/2,765.00), and MLP Plumbing (\$2,116.40/\$3,271.50), and

WHEREAS, the lowest bidder for this project was MKS Plumbing Corporation. The company has been in business since 1994 and has successfully completed various backflow prevention testing and installation projects in the past for Orchard Park. This company is more then capable of completing the proposed testing and repair of the various backflow prevention devices.

NOW, THEREFORE, be it

New Business #3 Appoint member to Town Recreation Commission

9) 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 Dr. Thomas Tobias, 87 Meadow Rd., to the Town Recreation Commission for a seven year term to expire 12/31/2023.

The resolution was unanimously adopted.

New Business #4 Authorize Purchase of John Deere 130G Excavator

10) 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 authorize the Highway Superintendent to purchase a John Deere 130 G Excavator including excavation buckets (24" and 42") in addition to 60" ditching bucket under NJPA bid for \$109,500.00, the money is in the budget.

The resolution was unanimously adopted.

New Business #5 Seasonal Appointments to Parks & Grounds

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 the following seasonal appointments to Parks & Grounds:

- Justin Zielinski at a rate of \$10.00 an hour effective May 10, 2017
- Tristin Jolls at a rate of \$10.00 an hour effective May 9, 2017
- Zachary Howe at a rate of \$10.50 an hour effective May 9, 2017
- Daniel Cheney at a rate of \$10.50 an hour effective May 9, 2017
- Adam Beyer at a rate of \$10.00 an hour effective May 15, 2017

The resolution was unanimously adopted.

New Business #6 Seasonal Appointment to Compost Site

12) 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 William Bieler to the Compost Site, seasonal, at a rate of \$10.00 per hour, effective May 13, 2017.

The resolution was unanimously adopted.

New Business #7 Part-time Appointment to Highway Department

13) 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 Jason Carey to the Highway Department as part-time clerk, at a rate of \$10.50 an hour, effective May 12, 2017.

The resolution was unanimously adopted.

New Business #8 Seasonal Appointment to Engineering Department

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

WHEREAS, funds have been allocated in the 2017 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department the Town Engineer is recommending Ruth Abdulai to assist with the Town-Wide Sanitary Sewer Study. Ruth is currently attending Rochester Institute of Technology and will be graduating this month with a Bachelor of Science degree in Civil Engineering Technology, and

WHEREAS, the cost of the Town-wide Sanitary Sewer Study Intern and the Roads Condition Study Intern could be charged to the associated capital accounts, per the Town Board work session on May 10, 2017.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Ruth Abjulai to a season position in the Engineering Department for a 20-week period beginning May 22, 2017 at a wage rate of \$12.00 per hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Appointment to Recreation Department

15) 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 the following to the Spring/Summer Seasonal Recreation Staff, and the appointments are dependent upon the applicant providing the required certifications.

2017 summer part time Staff Appointments active 6/3/17

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Sarah Conley	\$11.00	PT3-E (LG)
Carly Coppola	\$10.50	PT3-C (Att)
Annie Emmerling	\$11.00	PT3-E (Att)
Max Gotthelf	\$10.00	PT3-A (Att)
Elliott Martynkiewicz	\$10.00	PT3-A (Att)
Katherine Powers	\$10.00	PT3-A (Att)

The resolution was unanimously adopted.

New Business #10 Proclamation

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

WHEREAS, Gene Majchrzak and his wife Virgie, have been married for twenty years and have lived in Orchard Park with their son, Michael, since 2000; and

WHEREAS, Gene Majchrzak graduated from the University of Cincinnati with a B.S. in Civil Engineering; and

WHEREAS, Gene Majchrzak was elected to the position of Councilman in 2009 and is the liaison to the Zoning Board of Appeals, Public Safety Committee and the Conservation Board, as well as the Trails Task Force, Drainage Committee, Parks and Recreation; and

WHEREAS, Gene Majchrzak is an active member of the community, serving on the Board of Directors for the Boys and Girls Club since 2012, member of the Safari Club, American Society of Civil Engineers, Little League coach and prior member of the Board of Directors of the Police Foundation; and

WHEREAS, Gene Majchrzak is a sixteen year member of the Orchard Park Republican Committee and a ten year member of the Orchard Park Lions Club; and

NOW THEREFORE be it

RESOLVED, that the Town Board of Orchard Park recognizes and congratulates Gene Majchrzak, Orchard Park 2017 Republican of the Year.

The resolution was unanimously adopted.

New Business #11 Proclamation

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

WHEREAS, Nelson R. Barrett was born in Buffalo on May 26, 1927 and will celebrate his ninetieth birthday this year; and

WHEREAS, Nelson R. Barrett graduated from the University of Rochester and attended Law School at the University of Buffalo and graduated in 1955; and

WHEREAS, Nelson R. Barrett began his practice in Buffalo and continued working here until 1984; and.

WHEREAS, Nelson R. Barrett served as Judge in the Orchard Park Town Court from February 1961 until December 1962; and

WHEREAS, Nelson R. Barrett moved to Texas in 1984 and passed the Bar in that state in 2009 and continues to practice law in the State of Texas; and

NOW THEREFORE be it

RESOLVED, that the Town Board of Orchard Park recognizes Nelson R. Barrett on his long-standing career and congratulates him on his ninetieth birthday.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Chris Weyer – Ms. Weyer thanked the Highway Superintendent for making sure the brush in Eagle Heights was cleaned up. She asked if the next garbage contract could include weekly pickup of the recycle bins as

most people can fill it up in one week if they recycle appropriately. Ms. Weyer asked if "Deer Crossing" signs could be placed on Jewett Holmwood Rd.

Edward Pace, Town Justice – wished to thank the Town Board for the installation of a new server in the Court Offices, it has been a big help as they were having a lot of problems before. He also stated his appreciation of the Town Board honoring Nelson R. Barrett's service this evening.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem stated that when they were working on the Garbage & Refuse Contract they considered several different options, but most Towns go with the 65 gal. recycle tote every other week, so that was what the Town decided to do. But they will consider other options when the contract time comes again. He also asked the Highway Superintendent to look into "Deer Crossing" signs for Jewett Holmwood Rd.

Town Clerk Orffeo stated that the interoffice Shred-it event was held last week and there were 298 boxes that were shredded. He thanked all the people who helped make this event successful.

Police Chief Pacholec stated that on 5/19/17 there are three separate races that will be going through the Town, and this will cause some traffic issues. He stated that on Memorial Day, South Buffalo St. and East Quaker will be closed at 9:00am for the Memorial Day Parade and Ceremony.

Highway Superintendent outlined the Highway Departments activities for the week. He also said the new sign is up in Veterans Park and they are completing the landscaping. The Soldier Cross Monument for the Veterans Park is on its way. "Free Mulch" Day was a success and thanked everyone who helped.

18) 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 # 10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$291,196.94
Public Safety Fund	\$56,262.91
Part Town Fund	\$1,055.95
Risk Retention	-
Cemetery Fund	-
Highway Fund	\$142,923.66
Special Districts	\$44,261.66
Trust & Agency	\$4290.80
Capital Fund	\$34,996.21

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