

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 2<sup>nd</sup> day of May 2018 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	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
	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 April 18, 2018, Executive Sessions: April 18 & 25, 2018, and Special Session April 25, 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 2018-7 –** Revising Chapter 32 “Recreation Commission”, Section 32-1 “Establishment; appointment of members”

At 7:05 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018-7

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 COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Public Hearing in the matter of Local Law 2018-7, Recreation Commission is hereby closed at 7:07 PM

**The resolution was unanimously adopted.**

3) 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 2018-07 was conducted on May 2, 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 #2018-7 which provides as follows:

Revising Chapter 32 "Recreation Commission", Section 32-1 "Establishment; appointment of members"

SECTION 1: Section 32-1 Establishment; appointment of members

A Recreation Commission of nine members is hereby created and the members of that Commission shall be appointed for three year terms on January 1<sup>st</sup> of each year staggered so that the terms of three members expire each year. These appointments will beam on January 1<sup>st</sup>, 2019 when the terms of the three most senior members of this Commission at that time shall expire to be followed on January 1<sup>st</sup>, 2020 by the three next most senior members of this Commission, and finally to be followed on January 1<sup>st</sup>, 2021 for the three least senior members of this Commission so that by January 1<sup>st</sup>, 2021 all nine members will be serving staggered three year terms.

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.**

#### **PUBLIC COMMENT ON OLD BUSINESS**

SUPERVISOR KEEM outlined the new format on Public Comment Rules.

No one came forward to speak

#### **Old Business # 1 Pleasant Acres West Subdivision, Connection of Decorative Light Fixtures**

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

**WHEREAS**, the Town Board has received a proposal from NYSEG for the connection of one (1) decorative street light fixture on Golden Crescent Way and five (5) on Tranquility Lane in the Pleasant Acres West Subdivision. At present, there is one (1) single family home currently under construction of the 19 sublots in Part 2, Phase 2 of the Subdivision.

**WHEREAS**, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of standard street light poles under PIP # 2016-02. 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 \$252.18.

**WHEREAS**, the proposal is for a total of six (6) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$138.81. NYSEG will provide new estimate sheets as new rates become available.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize NYSEG to connect a total of six (6) 70-watt high-pressure sodium decorative light fixtures in the Pleasant Acres West Subdivision at an annual increased cost of \$138.81 to the Consolidated Light District in accordance with the NYSEG proposal. Energy will be an additional (+/- \$252.18/yr.) as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**OLD Business #2 Final Dedication – Riley Meadows West Subdivision Phase 1; Pip #2017-02**

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

**WHEREAS**, Aspen Lane, Autumn Lane, and Cypress Lane were constructed as a Town street in accordance with plans and specifications prepared by Greenman-Pedersen, Inc.; and

**WHEREAS**, the two lane streets are 0.51-miles in length and consist of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

**WHEREAS**, construction of Aspen Lane, Autumn Lane, and Cypress Lane has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

**NOW, THEREFORE, be it**

**RESOLVED**, that Aspen Lane, Autumn Lane, and Cypress Lane shall be included in the 2018 Town Local Highway Mileage Inventory of Town Streets; and, be it further; and

**RESOLVED**, that New York State Department of Transportation is requested to include Aspen Lane, Autumn Lane, and Cypress Lane in the Town of Orchard Park's 2018 Inventory of Streets; and

**RESOLVED**, that the Town Board authorizes the Town Attorney to proceed with the dedication of the public improvements in the Riley Meadows West Subdivision Phase 1 constructed under PIP #2017-02, and authorize the Town Clerk to release the performance security in the amount of \$180,000.00 per the recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #3 Riley Meadows West Subdivision Phase 1; PIP #2017-02 Traffic Orders**

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

**WHEREAS**, the Police Chief, Highway Superintendent and Town Engineer have reviewed the street layout for the Riley Meadows subdivision Phase 1 PIP-02.

**NOW, THEREFORE, be it**

**ORDERED**, that a "Stop" sign be posted on:

- Cypress Lane at the intersection of Murphy Road.
- Autumn Lane at the intersection of Murphy Road.
- Aspen Lane at the intersection of Cypress Lane.
- Aspen Lane at the intersection of Autumn Lane.

**NOW, THEREFORE, it is hereby**

**ORDERED**, that the Town Board does hereby adopt these traffic orders.

**The resolution was unanimously adopted.**

**Old Business #4 Riley Meadows West Subdivision Phase 1 - Pip #2017-02 (14) Decorative Lights**

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

**WHEREAS**, the Town Board has received a proposal from NYSEG for the connection of six (6) decorative street light fixtures on Autumn Lane, five (5) on Aspen Lane and three (3) on Cypress Lane in the Riley Meadows West Subdivision. At present, there is one (1) single family home currently under construction of the 30-sublots in Phase 1 of the Subdivision.

**WHEREAS**, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of standard street light poles under PIP # 2017-02. 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 \$588.42 (14).

**WHEREAS**, the proposal is for a total of fourteen (14) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$323.90. NYSEG will provide new estimate sheets as new rates become available.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize NYSEG to connect a total of fourteen (14) 70-watt high-pressure sodium decorative light fixtures in the Riley Meadows West Subdivision Phase 1 at an annual increased cost of \$323.90 to the Consolidated Light District in accordance with the attached NYSEG proposal. Energy will be an additional (+/- \$588.42/yr.) as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward.

**New Business #1 Approve a stable permit**

8) 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 a 2018 stable permit for The Derrick Family Farm at 6140 Benning Road West Falls.

**The resolution was unanimously adopted.**

**New Business #2 Approve 2 special events permits.**

9) 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 approve the Special Events Permits for the Cystic Fibrosis Foundation Orchard Park, Great Strides Fundraising Walk to be held on May 19, 2018 and Nativity of Our Lord 5<sup>th</sup> Annual Chase the Sun Run 5K to be held on June 21<sup>st</sup> 2018.

**The resolution was unanimously adopted.**

**New Business #3 Approve request to attend conference**

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 approve Chief of Police, Mark F. Pacholec to attend the 2018 NFL Security Conference, to be held May 16<sup>th</sup> to May 18<sup>th</sup>. The NFL is paying for travel, lodging and training.

**The resolution was unanimously adopted.**

**New Business #4 Schedule a Public Hearing for LL#2018-8**

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 schedule a Public Hearing in the matter of the proposed Local Law#2018-8, Amending Chapter 58 "Dogs", by adding Section 58-4(D) and amending Section 58-5(B) on May 16, 2018 at 7:00 PM at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #5 Schedule a Public Hearing regarding Stormwater Phase II**

12) 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 schedule a Public Hearing regarding Stormwater Phase II Annual Report Coverage under a SPDES General Permit for Storm Water Discharges from MS4's on May 16, 2018 at 7:00 PM at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #6 Recreational Seasonal Staff Appointments**

13) 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 approve the following 2018 Summer Seasonal Recreation Staff Appointments, dependent upon the applicant providing the required certifications:

**RE: Item 1 (2018 Summer Seasonal part time Staff Appointments effective June 2<sup>nd</sup>, 2018)**

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Jessica Carey	\$11.50	PT4-B (LG)
Isabella DeMeo	\$11.50	PT4-B (LG)
Joshua Duffy	\$11.00	PT3-E (Att)
Zachary Liberatore	\$11.00	PT3-E (Att)
Mary Linton	\$12.00	PT4-D (Att)
Gabriella Mas	\$11.00	PT3-E (Att)
Richard Naylor III	\$11.00	PT3-E (Att)
Linda Sherry	\$15.00	PT6-D (LG)
Mya Wood	\$11.50	PT4-B (LG)

**RE: Item 2 (2018 Summer Seasonal part time Staff Rate Change Appointment effective June 2, 2018)**

	<u>Old Rate</u>	<u>New Rate and Title</u>
Emily Izydorczak	\$12.00 PT4-D (Att)	\$13.75 PT6-A (Att)

**The resolution was unanimously adopted.**

**New Business #7 Advertisement for Bids**

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

**WHEREAS**, the Orchard Park Engineering Department, along with GHD Inc., is finalizing design plans, specifications, and necessary approvals for construction of the Mid-County Pump Station replacement. The replacement of the Mid County Pump Station is essential to providing continued, uninterrupted sanitary sewer service to the serviced area.

**WHEREAS**, the project includes removing the existing outdated station, replacement with a new wet well and submersible pump, a new bypass valve chamber, and a controls building that will house a new automatic standby generator.

**WHEREAS**, to keep the project on schedule, the Advertisement for Bids will be authorized to be published on May 10, 2018. Plans and specifications will be available for purchase on May 11, 2018 with the bid opening to be held on June 1, 2018 at 11:30 am in the Supervisor’s conference room. The necessary work could begin in early July and is anticipated to be completed by September 28, 2018.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board approves the plans and specifications as proposed by GHD Inc., and authorizes advertisement in the Orchard Park Bee for sealed bids for the Mid County Pump Station Replacement Project as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Seasonal appointment to Sewer, Lighting and Water 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 two seasonal employees in the Sewer, Lighting and Water Department.

**WHEREAS**, Matthew Ostrander who worked for the Sewer, Water & Lighting Department as a seasonal summer employee in 2015 has applied again this year. Matthew graduated from Orchard Park High School and does have his CDL Permit with air break.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board will appoint Matthew Ostrander to a seasonal position in the Sewer, Lighting & Water Department for approximately a twenty five-week period beginning May 7, 2018 at a wage rate of \$11.00/hour.

**The resolution was unanimously adopted.**

**New Business #9 Transfer of Capital Project Funding**

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

**WHEREAS**, Sanitary Sewer District 18 provided operating transfers to Hazel Court Sanitary Sewer Project (Z76), and

**WHEREAS**, Hazel Court Sanitary Sewer Project (Z76) expenditures are anticipated to be less than budget estimates, and

**WHEREAS**, Mid County Sanitary Sewer Project (Z77) expenditures are anticipated to be greater than original budget estimates, and

**WHEREAS**, the Town has ascertained that both projects are funded by Sanitary Sewer District 18.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes the transfer of cash in the amount of \$40,000 from project Z76-Hazel Court Sanitary Sewer to Z77-Mid County Sanitary Sewer.

**The resolution was unanimously adopted**

**BUSINESS FROM THE FLOOR**

Deborah Smith from the Erie County Opioid Epidemic Task Force spoke about the Opioid Epidemic and OD Mapping. Her son Nathaniel Smith died at the age of 26, was prescribed into addiction. She stated it is not a choice it is a disease. Trudy Lee was also present, her son too died from opioid addiction. In 2017 (245) deaths occurred in Erie County from the Opioid Epidemic. Cheektowaga recently partnered with the Health Department to help identify those in need using a program called OD Mapping. They have had great results in preventing deaths due to overdoses and addiction. She would like the Health Department to present OD Mapping to Orchard Park's community. She pleaded for Orchard Park to accept this invitation. It is a matter of life and death.

Gary Weiser from Burmon Drive requested an update on the progress of the work being done on Burmon Drive.

Sandy Reilander from Burmon Drive inquired about getting a refund on the extra property taxes she paid for the work to be done on her street since the work has come to a stop.

### ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem said the Erie County Commissioner of Health Dr. Gail Berstein will speak at the Association of Erie County Governments scheduled during their meeting on May 17, 2018 about the Opioid Epidemic and during their June meeting there will be a 2 hour Narcan training seminar and how to administer it. He also spoke of the Recreation Department hosting "Come out and play Tennis" classes this summer at Orchard Meadows and Burmon playgrounds. Learn how to play tennis and enjoy the new playground equipment. The cost will be \$40 for 5 classes, see the Recreation Department website for details.

Town Attorney John Bailey spoke about Burmon Drive. The Town has made a claim against the Performance Bond of Accadia Construction, the company has been on site and will reach out to Accadia to see how they will help fund the rest of the project. Once we have a decision from them we will decide when we can begin work on the new sewer line. There is also a law suit between the town and the contractor, this has no impact on when work will start and how long it will take to finish the work. On the question of a refund to Burmon Drive residents for taxes already paid the answer is no. The project is started and will be finished.

Chief of Police Mark Pacholec spoke about the high ranking of Orchard Park's stadium's security and how the security conference he will be attending will give us updates from the federal government on new protocols available. He also stated he was president of the Erie County Chiefs last year and is familiar with OD Mapping. Cheektowaga and Lancaster were the pilot program and believes this will be taking effect on a County wide level but there is an IT component that needs to be implemented to provide referrals which has only been set up at the pilot sites so far.

Highway Superintendent Fred Piasecki stated our new brush contractor has 2 crews out and should have the town cleaned up in 2 weeks. The Highway Department will be out with 2 crews this week picking up brush also. He asked for residents to only put out brush for pick up. Grass and leaves must be put into bags or garbage cans. Sanitation people will pick them up, and please keep brush off the roadway, it can create hazards. Street sweepers are out and will begin where they left off last year to keep it fair. Street signs in town are being updated too. The weather has given us a late start to getting the parks and sports fields ready but they will be ready in time for the season. New playground equipment is almost ready to be used at the Old Orchard Meadows Playground. Burmon playground is the next one to be done. Saturday hours at the Compost site will begin May 5th from 8-noon. Saturday May 12<sup>th</sup> will be Free Mulch Day for Orchard Park residents from 8-4PM. The first yard is free for residents the second is \$7.50 and any additional will be \$15.00. Highway received the snowplowing check from Erie County on May 1<sup>st</sup> for \$46,888.46 for snow plowing over the last winter. The state has been restriping the roads using the local contractor Accent Stripe.

17) 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 # 9 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$77,017.40
<b>Public Safety Fund</b>	\$16,325.09
<b>Part Town Fund</b>	\$799.84
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	0-
<b>Highway Fund</b>	\$30,917.21
<b>Special Districts</b>	\$167,217.73
<b>Trust &amp; Agency</b>	\$3,931.54
<b>Capital Fund</b>	\$10,887.73



**The resolution was unanimously adopted.**

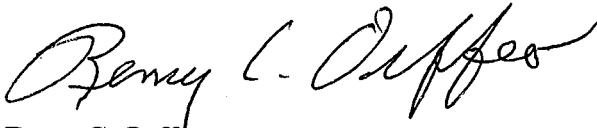
18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby receive and file the West Seneca School District proposed Budget for 2018-2019. Copy is available for review in the Town Clerk's Office.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by COUNCILMEMBER Majchrzak, the meeting adjourned at 7:35 pm (local time).

**Respectfully Submitted,**

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

**Remy C. Orffeo  
Town Clerk**