

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 7th day of June 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 SHERRY, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on May 17, 2017, Executive Sessions: May 17 & 24, 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**

**2017 Senior Youth Court Awards and Scholarships**

Youth Court Director, Detective John Payne gave awards to the graduating seniors through the program: Joseph Even, Nathaniel Kreen, Liam Pacholec, and Adam Zaccardi. Not in attendance: Michael Keane, Daniel Valtin.

- The McGinty Scholarship was presented to: Liam Pacholec
- David Rebmann Scholarships (2) were presented to: Joseph Even and Adam Ziccardi

**PUBLIC HEARING**

At 7:16 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties for or against the rezoning of approximately 11 acres of land at 4000 California Road from R-4 to I-1 to comply with a Planning Board request (SBL#161.03-1-5.1).

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, posted on line and filed with the Town Clerk.

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the proposed local law.

Persons coming forward in favor: property owner Joe DeMarco. He stated he was requested to rezone by Planning Board, and also to have a buffer along California Road, and keep that section zoned as R-4. The property is primarily used for overflow parking for the pavilion and Wings events.

Persons coming forward in opposition: Jim Suplicki, Don Kaczynski, Debra May, Nancy Ernst. A summary of their concerns is as follows:

Concerned that the lot is being used to park cars from dealerships, and the car carriers that come to pick up and drop off these vehicles are a hazard. Additionally the car carriers that transport the vehicles kick up a lot of dust (and mud on roads when wet), and come at all hours of the day and evening, and park on a 'blind curve' which residents feel is a public safety issue. Residents live in a residential area, and feel that their property values will be affected if you change the zoning of this property.

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 the proposed hearing is hereby closed at 7:35 PM.

**INFORMATIONAL HEARING**

At 7:35 PM (local time) Supervisor Keem called for the Information Hearing for Dangerous and Unsafe Property at 7503 Quaker Road.

Supervisor Keem asked if there was anyone in the audience who would like to speak for or against the dangerous and unsafe property.

No One Spoke.

3) 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 the proposed hearing is hereby closed at 7:36 PM.

4) 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 approve the Code Enforcement Officer to proceed with obtaining bids for clean-up and removal of the remains of the structure at 7503 Quaker Road.

**The resolution was unanimously adopted.**

**Old Business # 1 Authorize Final Payment for Draudt Road Culvert #3 Rehabilitation Project**

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

**WHEREAS**, all work has been satisfactorily completed in accordance with the specifications for the Draudt Road Culvert #3 Rehabilitation Project. The Over/Under Sheet lists the final adjustments to the quantities for each bid item, per original contract & Change Order #, and

**WHEREAS**, a two-year maintenance bond in the amount of \$80,733.50 has been submitted along with all necessary legal documents.

**NOW THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the final payment and release of retention to Nova Site Company LLC, for Draudt Road Culvert #3 Rehabilitation Project in the amount of \$4,036.67, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business # 2 Approve Change Order #7 for Green Lake Dam Rehabilitation Project**

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

**WHEREAS**, the submission of a Change Order to the Contract with Zoladz Construction for Green Lake Dam Rehabilitation and Dredging Project in the amount of \$2,178.10. This would increase the total contract amount to \$4,501,126.36 representing an increase of 0.0005%. This Change Order covers the cost for Zoladz to provide a stainless steel cable and signage in front of the concrete spillway for boat safety reasons.

**NOW, THEREFORE, it be**

**RESOLVED**, that the Town Board does hereby approve Change Order #7 to the original Contract with Zoladz Construction for a stainless steel cable and signage in front of the concrete spillway for Green Lake Dam Rehabilitation and Dredging Project, in the amount not to exceed \$2,178.10, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 ECWA 2017 Benning Road and Cole Road Tank Rehabilitation Project**

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

**WHEREAS**, the ECWA operates the Benning Road and Cole Road water storage tanks in the Town of Orchard Park under the Lease Management agreement with the Town. ECWA agreed to pay the engineering costs associated with tank refurbishing work and the Town has agreed to pay the construction costs, and

**WHEREAS**, ECWA recommends that the Benning and Cole Storage Tanks' interiors be refurbished along with a number of miscellaneous safety-related, sanitary, and operating deficiencies that also need addressing. ECWA estimated the total construction cost for both tanks to be \$498,000, and

**WHEREAS**, with the 2017 bond resolution, funding has been allocated, but additional funding may be needed with this project's increase in cost, as well as when other projects design construction needs are identified.

**NOW, THEREFORE, it be**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the agreement with ECWA, 3030 Union Road, Buffalo, New York 14227 to pay the construction costs for the Benning and Cole Storage Tanks Refurbishment for an amount not to exceed \$498,000, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Declare Lead Agency and Negative SEQRA**

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

**WHEREAS**, the proposed Bussendorfer Retention Pond Brush Mountain Park, California Road project is classified as a Type I action under the SEQRA. On December 12, 2016, the completed EAF was distributed to all involved agencies. At the Town Board meeting on December 21, 2016, the Town Board requested lead

agency status for the environmental review of the project and adopted an official resolution stating that request, and

**WHEREAS**, the Town Engineering Department finished the design for construction of the pond and have conducted a public information/comment period/meeting for the project, and

**WHEREAS**, based on the Towns review, research and the comments from other governmental agencies and the public, the proposed project will not have an adverse effect on the environment.

**NOW THEREFORE be it**

**RESOLVED**, that the Town Board, acting as lead agency under the State Environmental Review Act, does hereby issue a negative declaration for the proposed Bussendorfer Retention Pond in Brush Mountain Park, west side of California Road.

**The resolution was unanimously adopted.**

**New Business #3 Approve the Village Summer in the Park Event**

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

**WHEREAS**, the Village of Orchard Park is once again sponsoring "Summer in the Park" and the Ice Cream Social will be held on Friday July 28, 2017 and the Street Dance will be held on July 29, 2017, and

**WHEREAS**, in the past the Town has allowed the use of the Library grounds for these events, and the Village is again asking the Town for permission to use the Library grounds for these events.

**NOW, THEREFORE, it be**

**RESOLVED**, that the Town Board does hereby approve the request of the Village of Orchard Park to use town property for the "Summer in the Park Event" at the Railroad Depot on July 28, 2017 and the Orchard Park Library (Parking Lot) on July 29, 2017.

**The resolution was unanimously adopted.**

**New Business #4 Approve the Supervisor to Sign Landlord Authorization Form**

10) 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 approve the request of the Village of Orchard Park to sell / serve alcoholic beverages at the Street Dance on July 29, 2017, and authorize the Supervisor to sign the Landlord Authorization Form. A certificate of insurance has been submitted.

**The resolution was unanimously adopted.**

**New Business #5 Authorize Display of Banner on Town Property**

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 Village of Orchard Park to display a banner for the "Ice Cream Social & Street Dance" on the front lawn at the Municipal Building (banner size 2' x 5' W wide), and at Steinwach's Oak Grove Green (banner size 3' x 7' wide) beginning on July 10, 2017.

**The resolution was unanimously adopted.**

**New Business #6 Appointment to Comprehensive Plan Implementation Committee**

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 appoint Supervisor Patrick Keem as liaison to the Comprehensive Plan Implementation Committee.

**The resolution was unanimously adopted.**

**New Business #7 Appoint Members to the Assessment Board of Review**

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

**WHEREAS**, the members of the Board of Assessment Review are appointed by the Town Board for a five year term with one member's term expiring annually, and

**WHEREAS**, the members of the Board of Assessment Review consists of community members with real estate, assessing and/or legal backgrounds, and

**WHEREAS**, the members of the Board of Assessment Review are given specific and extensive training for the service they provide to Orchard Park, and

**WHEREAS**, the members of the Board of Assessment Review are the hearing body for members of the public who file grievances regarding the assessment value placed on their property by the Town Assessor.

**NOW, THEREFORE, be it**

**RESOLVED**, that the following are appointed to terms on the Town of Orchard Park Board of Assessment Review:

Colleen Brunelle, 6039 Berkley Drive, Orchard Park, NY 14127 (Term begins 10/01/12 and ends 9/30/17)

Michelle Bouton, 20 Graystone Lane, Orchard Park, NY 14127 (Term begins 10/01/14 and ends 9/30/19)

John McCarthy, 6693 Powers Road, Orchard Park, NY 14127 (Term begins 10/01/15 and ends 9/30/2020)

James Rykowski, 8 Birdsong Pkwy, Orchard Park, NY 14127 (Term begins 10/01/16 and ends 9/30/2021)

**The resolution was unanimously adopted.**

**New Business #8 Appoint Seasonal Staff to Parks and Grounds**

14) 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 Tristan Lukowski to Seasonal Parks and Grounds, effective May 22, 2017 at \$10.00 an hour.

The resolution was unanimously adopted.

**New Business #9 Appoint Seasonal Staff to Parks and Grounds**

15) 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 the following Season Parks and Grounds staff: Edwin Rossy and Bryan Somerville effective June 5, 2017 at \$10.00 an hour.

The resolution was unanimously adopted.

**New Business #10 Appoint Seasonal Staff to Sewer, Water & Lighting**

16) 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 Rocco J. Giannicchi to a seasonal position in the Sewer, Water, & Lighting Department for a twenty-week period beginning June 12, 2017 at a wage rate of \$10.00 per hour.

The resolution was unanimously adopted.

**New Business #11 Appoint Summer Part Time Seasonal Recreation Staff**

17) 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 Town of Orchard Park Recreation Department as part time seasonal staff. The appointments are dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

2017 Summer Part Time Staff Appointments effective 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 Merkel	\$11.00	PT3-E (LG)
Katherine Powers	\$10.00	PT3-A (Att)
Daniel Towle	\$11.00	PT3-E (Att)

2017 Summer Seasonal Part Time Staff Appointments Rate Change effective 6/3/17:

<u>Name</u>	<u>Old Rate</u>	<u>New Rate</u>
Camryn Backman	\$11.00 PT3-E	\$12.50 PT5-A

The resolution was unanimously adopted.

**New Business #12 Approve Block Party Permit**

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 approve a Block Party Request for Highbrook Court Cul-de-sac, off of Red Brick Rd. for Saturday, June 24, 2017 from 3:00pm to 10pm, with a rain date of June 25, 2017. Barricades will be needed, and they have been granted an exemption from the Town's open container law.

**The resolution was unanimously adopted.**

**New Business #13 Approve Special Event Permit**

19) 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 approve the following Special Event approved by the Police Chief: Buffalo Bill's 50 Yard Finish 5k on Saturday June 24, 2017 from 8:30am — 10:30am, pending receipts of fees and insurance certificates.

**The resolution was unanimously adopted.**

**New Business #14 Authorize Purchase of Truck for Highway**

20) 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 purchase of a 2018 Freightliner as part of the Highway truck replacement program. The cost of the new truck, cab and chassis is \$185,609.92 under the New York State Bid Contract. The monies are in place in the budget for this purchase.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Chris Weyer resides off of Jewett Holmwood Road, and requests that the grass be trimmed on Freeman and Jewett Holmwood Road (Highway Superintendent comment this is a County Road), as it is a safety issue were you cannot see to make a turn at that intersection. Additionally Ms. Weyer asked if someone could explain what R-4 zoning designation is.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

**BUDGET TRANSFER**

21) 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 following Budget Transfers:

Engineering:

From: A.1440.413 Travel & Conf.

To: A.1440.412 Mileage

\$ 35.98

**The resolution was unanimously adopted.**

Town Clerk Remy Orffeo commented that the Town Clerk's Office received a \$61,000 grant award for NYS Archive's Record Management with the help of J. O'Connell Consultants who prepared the grant.

Code Enforcement Officer Andy Geist clarified the zoning code R-4 is for multi-family residents. Regarding the Public Hearing for 4000 California Road, he clarified that the cars being referenced are parked on 3964

California Road (zoned I-1) and not on the 4000 California Road parcel. The public hearing is to blend the parcels together, but still keep the front of the property as R-4 zoning as a buffer to the residential area.

Police Chief Mark Pacholec thanked the Town Board for their continued commitment to Youth Court. There have been sightings of a bear on Behm, Benning and Cole Roads. Please do not approach the bear if you see it.

Highway Superintendent Piasecki gave an update on the projects that his crews are working on. Roadwork and milling projects will start around June 20, and residents in effected areas will be notified.

**APPROVAL OF BILLS**

22) 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 #11 following auditing by members of the Town Board and in the funds indicated:

	<b>General Fund</b>	\$122,872.64
	<b>Public Safety Fund</b>	\$8,375.41
	<b>Part Town Fund</b>	\$823.78
	<b>Risk Retention</b>	\$0
	<b>Cemetery Fund</b>	\$0
	<b>Highway Fund</b>	\$36,547.75
	<b>Special Districts</b>	\$175,755.98
	<b>Trust &amp; Agency</b>	\$6,370.82
	<b>Capital Fund</b>	\$80,365.10
Manual Check 5/19/2017:	<b>General Fund</b>	\$7,700.00
Manual Check 6/2/2017:	<b>Trust &amp; Agency</b>	\$789.84

**The resolution was unanimously adopted.**

**REPORTS**

23) 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 May 2017.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:54 pm (local time).

**Respectfully Submitted,**



**Remy C. Orffeo  
Town Clerk**