

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 2th day of August 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 |
- ABSENT:** Andrew Geist Building Inspector

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 July 19, 2017, Executive Sessions: July 12, 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.

Old Business # 1 Approve One Year Extension of Excavation Permit # 2016-02

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

WHEREAS, the Town of Orchard Park has received from Zoladz Construction Co., Inc. of 13600 Railroad Street, Alden, New York 14004-0157 a request to renew their application for an Excavation, Removal, and Storage of Materials to fill (approximately 45,000 cubic yards of soil) for the vacant property at the end of Woodhaven Road for future development of the property to extend Woodhaven Road into Diller Drive, and

WHEREAS, the request has been reviewed and found acceptable per Town code. All necessary insurances have been updated and are acceptable, and the required bonds are still in place.

NOW THEREFORE be it

RESOLVED, that the Town Board does hereby approve of the 1-year extension of the Woodhaven Road Excavation, Removal, and Storage of Materials Permit #2016-02 to fill the vacant property at the end of Woodhaven Road with all stipulations identified on the original permit.

The resolution was unanimously adopted.

New Business #1 Approve Advertisement for Burmon Drive Reconstruction Project

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

WHEREAS, The Orchard Park Engineering Department is in the final stages of preparing design plans, specifications, and is coordinating agency approvals for the Burmon Drive Reconstruction Project, and

WHEREAS, the Town has received CDBG Grants in the amount of \$100,000 for the Burmon Drive Sewer Replacement Project and \$150,000.00 for the Burmon Drive Reconstruction Project, and

WHEREAS, the Construction Plans and Documents for the Burmon Drive Reconstruction Project will be available on August 10, 2017 at the Town Clerks office, and

WHEREAS, it is expected that construction can start after award on September 6, 2017 with completion date of August 31, 2018.

NOW THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee and the Buffalo Challenger for sealed bids to be opened for Burmon Drive Reconstruction Project at 1:00 P.M. on August 30, 2017 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #2 Schedule an Informational Meeting for Burmon Drive Reconstruction Project

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

WHEREAS, the Town of Orchard Park Engineering Department is finalizing the design for the reconstruction of Burmon Drive, between Abbott Road and Bielak Road. The project is currently out for bid and is scheduled to be awarded on September 6, 2017. The scope of work includes new under-drain stormwater system for the roadway and adjacent lawn areas, sub-base stabilization, and asphalt pavement replacement with country gutters, the replacement of the entire water and sewer systems, as well as replacement/installation of sidewalks the entire length of the project. The typical section has a 22 foot pavement width and 2.5 feet concrete country gutters on each side of the asphalt (totaling 27 feet). The majority of the proposed work will take place in the existing highway right-of-way of Burmon Drive, and

WHEREAS, the informational meeting is to explain the proposed project in more detail, outline the approximate schedule, and provide residents with the opportunity to ask questions about the upcoming project. The Engineering Department will be present to answer questions that residents may have regarding their property and impacts.

NOW THEREFORE be it

RESOLVED, that the Town of Orchard Park does hereby schedule a public information meeting for the Burmon Drive Reconstruction project on Wednesday, August 16, 2017 from 4:30-6:30 PM in the Basement Meeting Room of the Municipal Center, 4295 South Buffalo Street to discuss the project scope of work and gather any specific private property information. All interested parties are invited to attend.

The resolution was unanimously adopted.

New Business #3 Award Bid for Green Lake Rehabilitation & Dredging Staging Area

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

WHEREAS, to facilitate the future construction of baseball diamonds near the corner of Thorn Avenue and Duerr Road, miscellaneous concrete debris generated from grading this area, which was formally the Green Lake Dam Rehabilitation and Dredging Project staging area, requires crushing and removal, and

WHEREAS, the Engineering Department solicited a bid from Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 to crush up to 11,000 CY of this concrete material and have it removed by June 30, 2018. Zoladz Construction submitted a bid in the amount of \$27,500. This bid is fair and reasonable as compared to other options and bids identified on memo dated July 26, 2017.

NOW THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Concrete Crushing at the Thorn Avenue and Duerr Road Site formally the Green Lake Dam Rehabilitation and Dredging Project Staging Area to Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 in the amount not to exceed \$27,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Agreement for Professional Services for Brush Mountain Community Center

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

WHEREAS, in continuation with the Brush Mountain Community Activity Center design work, and the new building location, more existing soil conditions/characteristics need to be known for design by the Town and Wendel. With survey work completed and design work well under way, additional test bore locations have been identified. Because of the extensive scope of the Project, it is essential to perform additional sub-soil investigations to know existing conditions to ensure that proper materials and methods are used for the construction documents development. Additional sub-soil investigations and analysis will render the data needed to make the engineering determinations required, and

WHEREAS, a proposal has been obtained from Empire Geo Services, Inc. to perform fifteen (15) soil bores to a depth of 25-feet +/-, three (3) bedrock cores, two (2) groundwater monitoring wells, five (5) infiltration tests, laboratory testing and Geotechnical evaluation with recommendations for foundation areas, roads, parking lots and the pond area, and

WHEREAS, currently the Town has allocated funds under Capital Project H-89 Brush Mountain Community Activity Center (+/- \$574,686) for this project.

NOW THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement with Empire Geo Services (also known as SJB Services), Inc., 5167 South Park Avenue, Hamburg, NY 14075, to provide professional services for soil borings, cores, wells, tests, evaluations and recommendations in the amount not to exceed \$13,850.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Advertise Baker Road Concrete Driveway and Gutter Replacement Project

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

WHEREAS, after initially notifying Ingalls Site Development, Inc. on March 22, 2016 with numerous follow up letters stating that some concrete placed during their Baker Road Reconstruction Project between Milestrip and Michael Roads was failing, and

WHEREAS, per Town Attorney, the Town has no due recourse, but to proceed with drawing against the project's Maintenance Bond (prior to September 2, 2017) to cover the costs associated to complete this work. This work will entail replacement of concrete driveways, gutters, and gutter flares showing evidence of pitting, spalling, and delamination.

NOW THEREFORE be it

RESOLVED, the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Baker Road Concrete Driveway and Gutter Replacement Project at 11:00 A.M. on August 15, 2017 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #6 Sign Contract for Background Checks

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

WHEREAS, the Town of Orchard Park needs to complete background checks for potential Animal Control employees, and

WHEREAS, the Supervisor can require background checks for potential employees as part of his general administrative powers.

NOW, THEREFORE be it

RESOLVED, that the Town of Orchard Park does hereby authorize the Supervisor enter into a contract with Selection.Com to conduct background checks on potential Animal Control employees during the period of March 8, 2017 and December 31, 2017.

The resolution was unanimously adopted.

New Business #7 Award Contract for Board / Courtroom Sound System Updates

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

WHEREAS, bids were solicited for Orchard Park Municipal Building Board/Courtroom Sound System Upgrades. The projects scope of work is to replace the Amplifier, Microphones and to enable the system to integrate with current and future digital recording software. Three contractors submitted bids for the project they are AV Integration Group (\$8,422.99), Supervised Security Systems (\$11,500.00), and Capstream Technologies Innovation (\$11,832.99), and

WHEREAS, the low bidder for this project is AV Integration Group at a cost of \$8,422.99. The funds for this project are allocated in the 2017 Capital Project Budget.

NOW THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Board/Courtroom Sound System Upgrades to AV Integration Group 78 Rolling Hills Drive Orchard Park, NY 14127 in the Amount of \$8,422.99, as recommended by Building & Maintenance.

The resolution was unanimously adopted.

New Business #8 Appointment of New Police Officer

10) 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 appointment of Kelly H. Wyrrough to the position of Police Officer (Probationary) in the Orchard Park Police Department, Step A, effective August 3, 2017 at the salary of \$45,417.

The resolution was unanimously adopted.

New Business #9 Approve Training Seminars for Records Management Clerk

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 approve Amy Glende, Records Management Clerk, to attend the following seminars (a) Thursday, August 3, 2017 WNYLRC Preservation Committee, Niagara University at the cost of \$25.00, (b) Wednesday, August 9, 2017 WNYLRC Ancestry.com at the cost of \$20.00. The money is in the budget.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Barbara Little expressed concern over the extension of the Excavation Permit #2016-2 and feels that if Zoldaz adds more fill it is going to continue with flooding issues on Diller Drive.

Lisa Young spoke about the empty lot on 109 Oakwood Drive upcoming events (pre-season games and concerts in August), will Yellow Brick be parking on Oakwood, or just on their lot on Big Tree. Additionally, there is still a drainage problem with back up water when it rains.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem discussed the various projects that are being worked on. Burmon Drive Reconstruction project is part of a grant and is saving the town \$100,000 for sewers, and \$150,000 for road reconstruction. The Town is moving forward on the Brush Mountain Community Activity Center soil boring testing and sub-surface testing. The Baker Road Driveway and Gutter project is due to prior work being done by a contractor and the need to hold the contractor accountable, and the town needed to step in to make it right for our residents that were effected by poor work done on the driveways and gutters. Regarding Public Safety, the town will continue to fill police positions as needed.

Police Chief Pacholec discussed the events at New Era field including shutting down Abbott Rd. 4.5 hours prior to an event including: August 10, 2017 Pre-season game, August 16, 2017 Guns and Roses concert.

Highway Superintendent Piasecki discussed the current projects around town including micro paving Stepping Stone and Ashwood area (Ashwood Ln to Arrowood Ln, Sitka Circle, Soldier Wood Circle), drainage culvert on Hawthorne, and parts of Fox Chapel that don't have under drain in the curbs.

Town Engineer Bieler addressed Barbara Little. The Excavation Permit and fill permit is an extension of time from the one that was approved last year, and she can stop by his office to review the plans.

BUDGET TRANSFERS

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

TOWN CLERK:

<u>Increased Appropriations:</u>	<u>Decreased Appropriations:</u>	
A.1410.0419 Town Clerk – Other Expenses	A.1910.0480 Contingent	\$2,000.00

JUSTICE:

<u>Increased Appropriations:</u>	<u>Decreased Appropriations:</u>	
A.1110.0420 Justice Law Books	A.1110.0449 Justice Court Reporter	\$300.00

The resolution was unanimously adopted.

APPROVAL OF BILLS

13) 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 # 15 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$109,149.66
Public Safety Fund	\$38,053.05
Part Town Fund	\$1,362.71
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$72,656.04
Special Districts	\$174,366.48
Trust & Agency	\$2,677.02
Capital Fund	\$72,859.07

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:28 pm (local time).

Respectfully Submitted,



**Remy C. Orffeo
Town Clerk**