

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 January 2019 at 7:40 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 Executive Sessions: December 19 & 26, 2018 and the Special Session: December 26, 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 2019-1** Amending Chapter 58.Dogs. Section 58-4 Seizure; Violations Enumerated. Subsection C(2) and C(3) Dangerous Dogs

At 7:41 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law 2019-1.

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.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

No one came forward.

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

**RESOLVED**, that the Public Hearing for the proposed Local Law 2019-1 “Dangerous Dogs” is hereby closed at 7:42 PM.

**The motion 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 2019-1 was conducted on January 2, 2019 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 2019-1 which is as follows:

Amending Chapter 58.Dogs. Section 58-4 Seizure; Violations Enumerated. Subsection C(2) and C(3)  
Dangerous Dogs

**SECTION I:**

**Section 58-4 C(2) Dangerous Dogs**

Any person may make a complaint of any attack upon a person or an attack, chasing, or worrying of a domestic animal to a Dog Control Officer. Such Officers shall immediately inform the complainant of his right to commence a proceeding as provided in Section 123, Subdivision 123(1) of the Agricultural and Markets Law.

**SECTION II:**

**Section 58-4 C(3) Dangerous Dogs**

Any person owning or harboring a dog deemed dangerous by a Judge or justice pursuant to Agricultural and Markets Law, Section 123, will muzzle the dog at all times when the dog is outside his proper enclosure. The muzzle shall be approved by the Dog Control Officer.

**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.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward.

**New Business #1 Part-time staff appointment to the Town Clerk's office**

4.) 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 continue the appointments of the following part-time staff in the Town Clerk's office for the period of December 31, 2018 to December 31, 2019: Erin O'Rourke, Grant Merkel and Caitlin O'Rourke at a rate of \$15.22 per hour and Lizzy C. Honer and Jonathan Gladding at a rate of \$14.92 per hour.

**The resolution was unanimously adopted.**

**New Business #2 Recreation 2019 Winter/Spring staff appointments**

5) 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 following 2019 Winter/Spring Recreation Staff appointments, dependent upon the applicant providing the appropriate certification.

**2019 Seasonal part time Staff Appointment rate changes effective January 1st, 2019**

NAME	OLD RATE		NEW RATE	
Grace Attig	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Emily Bement	\$11.50 PT4-B	(Lg)	\$11.75 PT4-C	(Lg)
Erin Brege	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Thomas Callaghan	\$11.50 PT4-B	(Lg)	\$11.75 PT4-C	(Lg)
Julie Filipski	\$11.50 PT4-B	(Lg)	\$11.75 PT4-C	(Lg)
Madeline Feldman	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Emily Frey	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Molly Joyce	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Michael Kane	\$11.50 PT4-B	(Lg)	\$11.75 PT4-C	(Lg)
Maria Kubiak	\$11.50 PT4-B	(Lg)	\$11.75 PT4-C	(Lg)
William Linton	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Katherine Manley	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Eve McMullen	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Nicole Newton	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Amanda Schack	\$11.00 PT3-E	(Att)	\$11.75 PT4-C	(Att)
Kyla Zybczynski	\$11.50 PT4-B	(Lg)	\$11.75 PT4-C	(Lg)

\*Att=Attendant

\*Lg= Lifeguard

**The resolution was unanimously adopted.**

**New Business #3 LGRMIF Grant approval**

6) 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 authorize Supervisor Patrick Keem and Town Clerk Remy Orffeo to apply to New York State Archives for a LGRMIF grant under the "Inactive Records" category in an amount not to exceed \$75,000.00.

**The resolution was unanimously adopted.**

**New Business #4 Officials added to NYS and Local Employees Retirement System**

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

**RESOLVED**, the Town Board does hereby add Kim Bowers, Dwight Mateer and Timothy Gallagher to the standard workday and reporting resolution for Elected and Appointed Officials to the New York State and

Local Employees Retirement System based on the record of activities maintained and submitted by the Town Clerk.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Kathryn Gorkiewicz spoke of Chief Pacholec’s work demands versus his pay rate. She feels he should have more supporting staff and more compensation for his position and duties. She also spoke of the Rails to Trails project. She inquired if the trails are on private property could grant funding still be used? She also stated private residences would be in jeopardy of losing privacy and security.

Sean Mets expressed his displeasure of the leaf pick up this past year. His phone calls have been met with excuses of understaffing. He would like this addressed.

Pat O’Brien spoke of the short comings of the previous Town Board meeting. He was displeased with the fiscal responsibility of the Town Board. He would also like to see some members on the Town Board replaced.

Gary Doster spoke of his disapproval of Rails to Trails in suburban neighborhoods. He stated there is no need for a linear park here. There is a large County Park less than 5 miles away. This trail would sacrifice the security of homes by offering back door access to the public. It would also be a liability risk, any injury on the trail would be the responsibility of the adjoining homeowner and the trails have no parking available. The trail would also cross the very busy intersection of Jewett Holmwood, Freeman and South Freeman Road. A crosswalk at this location would be dangerous. He would like to see the Town Accountants give a short and long term cost of the trails and requests the Town to do an independent cost analysis, safety and environmental impact study.

Bridget Pacholec spoke of the “Fair Market Value” of the Town’s Police Officers, Lieutenants and Chief of Police. She inquired about the amount of money the residents would be saving and what they would be sacrificing by cutting or freezing salaries in the Police Department.

**BUDGET TRANSFERS**

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

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

<u>Increase Appropriations:</u>	
A.1440 50200 Engineering Equipment	\$681.42
<u>Decrease Appropriations:</u>	
A.1440 50541 Water Quality Consultants	\$681.42

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem wished everyone a Happy Healthy New Year.

Town Clerk Remy Orffeo thanked his staff for helping set up the Organizational meeting this year. He also proposed the Town take action on a law that came about this year. Public restrooms are required to have

baby changing platforms and the Town has none. He offered to work with Bob Benning on getting a cost report back to the Board. This is an opportunity to do something good and be in compliance with the law.

Chief of Police Mark Pacholec spoke of a new County ordinance that prohibits smoking in vehicles with children. He stated we don't have any guidance on how to enforce this yet. It is a County ordinance not a State law. We will let you know when we know more. He apologized to citizens for being without power New Year's Eve for 12 hours and thanked Highway Superintendent Piasecki for quickly getting generators out to the traffic lights. His fast actions saved the Police Department many man hours of work. He also thanked the Orchard Park residents for their patience throughout the Bill's Season.

Highway Superintendent Fred Piasecki stated he has 2 crews picking up leaves with loaders and trucks equipped with large leaf machines taking advantage of the milder weather. Christmas trees will be picked up and taken to the compost site.

**9) 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 # 1 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$43,010.13
<b>Public Safety Fund</b>	\$2,460.24
<b>Part Town Fund</b>	\$3,048.60
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$56,445.08
<b>Special Districts</b>	\$472.29
<b>Trust &amp; Agency</b>	\$21,656.85
<b>Capital Fund</b>	\$62,232.75

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:08 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**