

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 6<sup>th</sup> day of March 2019 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        | 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 |
| E. Joseph Wehrfritz     | Asst. Chief of Police  |
- ABSENT:** 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 Meeting Minutes: February 20, 2019 Executive Sessions: February 13 & 27, 2019 and the Special Session: February 27, 2019 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 COMMENT ON OLD BUSINESS**

No one came forward.

**Old Business # 1 Approve Change Order #3 to Contract with Javen Const. Inc.**

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

**WHEREAS**, the Town Board is aware both Wendel and SJB have recommended that the geotextile fabric within the building foot print be eliminated. At the time of bid, it was anticipated the fabric would separate native soil from the crushed stone required for the building pad in areas where subgrade elevations required it. The entire building pad has been brought to workable subbase and as approved by SJB with just crushed stone, eliminating the need for geotextile fabric. Javen Construction has submitted a proposal for the removal of the fabric 150,000 SF with a credit to the project of (\$3,432.15); and

**WHEREAS**, also, discussed was the need to place a geogrid soil stabilization fabric/mat above the embankment fill placed for the parking lots and access roads. Javen (Zoladz) has placed a significant amount of onsite material to raise the site grades to date; and

**WHEREAS**, a unit price of \$0.40 per square foot has been received for the geogrid mat TriAxTX5 (bid item #9) which if used on all paved areas (approximately 150,000 square feet) will cost approximately

\$60,000. Utilizing the onsite fill to the extent already completed, calculating worst case, this future geogrid and stone costs, will still result in a savings of approximately \$87,900 to the project over utilizing only crushed stone within the paved areas. The original projected savings of utilizing the only onsite material was \$525,000 and as the bid was \$625,000. Future savings may be realized if filling is completed during better weather conditions with additional embankment filling but cannot be quantified at this time; and

**WHEREAS**, part of the Engineering Departments review of the site work for the project, areas were identified that additional work, or change in work, had to be completed to ensure the most favorable product. The review and subsequent changes continued after the project bid date. As a result, Wendel issued ASI (Architect's Supplemental Instruction) #3 and Javen has submitted a proposal to complete the associate work; and

**WHEREAS**, the work includes the addition of clay dams to prevent water migration and a sluice gate to control downstream flows from the site, allowing more runoff and storm surge to be diverted to the Bussendorfer Regional Pond. The proposed estimate for this work is \$11,685.89; and

**WHEREAS**, this change order, inclusive of all three items, will increase Javen's total contract by \$68,253.74 to \$12,632,581.74 representing a 0.54% increase.

**NOW THEREFORE, be it**

**RESOLVED**, the Town Board does hereby approve Change Order #3 accepting the credit to remove the geotextile fabric within the building footprint, unit cost of placing geogrid soil stabilization mat, and costs associated with ASI #3 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 in the amount not to exceed \$68,253.74 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve agreement for reimbursement of 2019 funds for Summer Rec. Program**

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

**WHEREAS**, the Town Board does hereby authorize Supervisor Keem to sign an agreement with the County of Erie and the Town of Orchard Park for the reimbursement of 2019 funds towards summer Recreation/Youth services programming; and

**WHEREAS**, Article 12 of the Erie County Charter has established a division of youth within the Erie County Department of Social Services; and

**WHEREAS**, Orchard Park administers a Recreation/Youth program to advance the moral, physical, mental and social well-being of youth of the County of Erie; and

**WHEREAS**, the County desires to assist Orchard Park with its Recreation/Youth programs, and to secure reimbursable funds therefore from the State of New York.

**NOW THEREFORE, be it**

**RESOLVED**, the Erie County Legislature has approved the Recreation/Youth program and authorized the County Executive to execute all necessary documents and agreements to implement such programs.

**The resolution was unanimously adopted.**

**New Business #2 Authorize the relocation of No Parking signs on Burmon Drive**

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

**WHEREAS**, the Police Chief, Highway Superintendent, and the Town Engineer have reviewed the street layout for the Burmon Drive reconstruction project; and

**WHEREAS**, the relocation of the watermain and associated fire hydrants along Burmon Drive from the south side to the north side of the roadway will facilitate the reconstruction project, the Town Engineer hereby recommends the adoption of the traffic order.

**NOW, THEREFORE, it is hereby**

**ORDERED**, the relocation of NO PARKING SIGNS on Burmon Drive from the south side to the north side of Burmon Drive when construction permits as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

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

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

**WHEREAS**, the New York State Town Clerks Association is sponsoring its 37th Annual New York State Town Clerks Association Conference, and

**WHEREAS**, the conference is being held at the Marriott Syracuse Downtown, Syracuse, New York from May 5 to May 8, 2019, and

**WHEREAS**, the conference has many seminars related to the function of the Town Clerk's office, and

**WHEREAS**, the Town Clerk's 2019 budget has funding for this conference

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize 2<sup>nd</sup> Town Clerk Deputy Jennifer Brady to attend the 2019 New York State Town Clerks Association conference from May 5 to May 8, 2019 in Syracuse.

**The resolution was unanimously adopted.**

**New Business #4 Approve the 2019 rates for Compost & Mulch**

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 approve resident's pricing of compost and mulch to be \$15.00/cubic yard and non-residents to be \$23.00/cubic yard as of April 1, 2019.

On the question, Highway Superintendent Fred Piasecki informed the Town of the new rates and payment methods for compost and mulch. You may pay by check at the Compost site or purchase coupon/vouchers at the Town Clerk's Office with cash, check or credit card.

**The resolution was unanimously adopted.**

**New Business #5 Authorize position of Transition/Training Consultant**

7) 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 extension of Patrick J. McMaster to the position of transition/training consultant as of March 7, 2019 at a rate of \$28.50 per hour, not to exceed 60 days.

**The resolution was unanimously adopted.**

**New Business #6 Approve request to attend conference**

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 authorize Dog Control Officer, Kevin Masterson to attend the 10<sup>th</sup> Annual DCO/ACO Conference sponsored by the NYS Department of Agriculture & Markets to be held on May 15 & 16, 2019, at the Guilderland Fire Department, Guilderland, NY. The money is in the budget.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Mark & Kim Williams submitted a letter regarding their opposition to the ECRT, it will be kept on file at the Town Clerk's Office; they couldn't attend the Town Board meeting tonight.

Kathy Gorkiewicz spoke of her disapproval regarding comments made at a previous Town Board meeting asking people not to speak if they are reiterating another's opinion.

Julie Mock, Girl Scout Leader of Junior Girl Scout Troop 30248 spoke about the troop working on their Bronze Award. They will be addressing the issue of deforestation of trees in newly built neighborhoods. They will be replanting trees and would like to speak with the Town Board about this.

Carolyn Coppola submitted a copy of a Conservation Presentation regarding the Rails to Trails on behalf of the Neighborhood Preservationists along with a Comprehensive and Environmental assessment with its backup documentation. She also requested a 27 mile cumulative SEQR mandated on the Trail developer for any future Rail to Trail developments in the Town. She would like the Town Board to put regulations in place for Rails to Trails.

Dean Pomeroy asked that the Town Board be aware of where the access areas are for the Rails to Trails. In his opinion these areas are likely to turn quiet streets into parking lots. He also asked the Town to inquire about ATV and snowmobile access to the trails with specific questions clarifying if the term motorized vehicles applies to them.

Supervisor Keem complimented the Girl Scouts for their desire to help the environment by planting trees and looks forward to working with them. He also commented on the Town’s web site. The font is bigger, the calendar is able to show future and past dates, the agenda is being posted earlier and we are working on getting the archived Minutes available online. A student from the high school is working every Friday to put them online.

Town Clerk Remy Orffeo thanked the Girl Scouts for their delicious cookies.

Highway Superintendent Fred Piasecki stated his department has been busy salting, plowing and presalting. They have been picking up brush and getting it to the compost site. They are also clearing the CAC main entrance of trees. The school zone signs have been updated and are up to code and specifications with the help of Mark Tuttle and Officer Jason Schiedel. Superintendent Piasecki was recently in Albany for the Highway Association doing an advocacy day looking to get more money for the CHIPS funding. He met with Senator Tim Kennedy and was looking for an increase in CHIPS funding. This funding would help pave New York in extreme weather conditions and help with the infrastructure of roads, culverts and bridges. The Highway department is out working on pot holes too. It has been a continuing problem with the freeze/thaw weather but they are working on them.

Town Engineer Wayne Bieler offered the Girl Scouts information on a state program offering free trees through the schools. Erie County Soil is also offering low cost seedlings and may give you the surplus. He too wanted to thank the Girl Scouts for their cookies.

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 # 5 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$71,315.51
<b>Public Safety Fund</b>	\$2,146.97
<b>Part Town Fund</b>	\$1,625.10
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$58,933.77
<b>Special Districts</b>	\$176,133.20
<b>Trust &amp; Agency</b>	\$1,761.98
<b>Capital Fund</b>	\$854,929.97

**The resolution was unanimously adopted.**

10) 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: Electronic Recycling Event March 16, 2019 9:30 am - 12:30 pm at the Western New York Developmental Disabled Service Center 12 East & West Road West Seneca, NY. Go to [SUNNKING.com](http://SUNNKING.com) for a list of acceptable materials.

**The resolution was unanimously adopted.**

11) 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 Building Inspector's Monthly Report for February 2019.

**The resolution was unanimously adopted.**

**12) 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 Highway Department's 2018 Yearly Compost Report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:34 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**