

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 2nd day of January 2020 at 7:45 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilmember
	Connor Flynn	Councilmember
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Steve Bremer	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
	E. Joseph Wehrfritz	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: December 18, 2019 Executive Sessions: December 18, 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 HEARING

Establishment and Creation of OPDD 2-6 in Barrington Heights Part 2-Highcrofte Lane 3 Sublot Subdivision

At 7:50PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Establishment and Creation of OPDD 2-6 in Barrington Heights Part 2-Highcrofte Lane 3 Sublot Subdivision.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and 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 Town Board does hereby close the Public Hearing for proposed Establishment and Creation of OPDD 2-6 in Barrington Heights Part 2-Highcrofte Lane 3 Sublot Subdivision at 7:52 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, a map, plan and report relating to the establishment of a proposed Town of Orchard Park drainage district number 2-6 as prepared by Carmina Wood Morris, D.P.C., duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was unanimously adopted by this Town Board on January 2, 2020, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk’s Office for public inspection, and stating all other matters required by law to be stated, and specifying December 18, 2019, at 7:00 in the afternoon of said day as the time, at the Town of Orchard Park Town Hall, as S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on January 2, 2020 at 7:50 p.m. in the afternoon of said day, in the Orchard Park Town Hall, as 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- A. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- B. That all property and property owners in the proposed district are benefitted thereby;
- C. That all property and property owners benefitted are included within the limits of the proposed district;
- D. That it is in public interest to establish said district; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the “Town of Orchard Park drainage district number 2-6 and shall be bounded and described as set forth as “Exhibit A” attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

That the improvements for such drainage district are to be constructed by, James Jerge, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said drainage district shall be born by the owners of properties benefitted thereby; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Legal Description for OPDD #2-6 – Exhibit A

DESCRIPTION - HIGHCROFTE LANE SUBDIVISION

HIGHCROFTE LANE (16.442± ACRES) TOWN OF ORCHARD PARK

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie, State of New York being part of Lot Number eight (8), Township ten (10), Range seven (7) of the Buffalo Creek Reservation bounded and described as follows:-

BEGINNING at the southwesterly comer of lands conveyed to Jonathan R. Schmid Trust by deed recorded in the Erie County Clerk's Office in Liber 11084 of Deeds at page 3124, said point being on the westerly line of Lot Number eight (8), Township ten (10), Range seven (7); thence north 88 degrees 56 1 06" east along the southerly line of Schmid lands, a distance of five hundred fifty-two and forty-five hundredths (552.45) feet to a westerly line of Barrington Heights Subdivision, Part One, as shown on a map filed in the Erie County Clerk's Office under Map Cover Number 3119; thence along lines of said Barrington Heights Subdivision, Part One, the following six (6) courses and distances: south 24 degrees 17' 03" east, a distance of two hundred three and twenty-four hundredths (203.24) feet to a point; south 65 degrees 43' 5T' west, a distance of fourteen and fourteen hundredths (14.14) feet to a point; south 24 degrees 17' 03" east, a distance of one hundred eighty-six and eight hundredths (186.08) feet to a point; south 01 degrees 31' 57" west, a distance of five hundred ninety-six and thirty-six hundredths (596.36) feet to a point; south 84 degrees 43' 22" west, a distance of one hundred eighty-three and twelve hundredths (183.12) feet to a point; south 14 degrees 39' 20" east a distance of five hundred thirty-three and seventy-two hundredths (533.72) feet to the southerly line of lands conveyed to Barrington Heights Partnership by deed recorded in the Erie County Clerk's Office in Liber 10877 of Deeds at page 1485; thence south 89 degrees 43' 03" west, along said southerly line, a distance of six hundred twenty-seven and seventy-two hundredths (627. 72) feet to the westerly line of said Barrington Heights Partnership lands; thence north 00 degrees 19' 59" west, along said westerly line being the westerly line of Lot Number eight (8), a distance of one thousand four hundred eighty-two and eighty-nine hundredths (1,482.89) feet to the point or place of beginning.

Excepting therefrom that parcel of land conveyed to Thomas Grimes and Julie Renee Grimes, husband and wife by deed recorded on October 30, 2013 in Liber 11255 of Deeds, at page 4706.

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Award Hazel Court Sanitary Sewers Extension Bid

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

WHEREAS, bids were opened for the Hazel Court Sanitary Sewer Extension Phase 2 Project on December 20, 2019. The project consists of the installation of public sanitary sewers and restoration for existing residents along Southwestern Boulevard. The project was bid on a unit price basis for the associated sewer and restoration work items, and

WHEREAS, the Engineering Department has reviewed those itemized prices of the three contractors, who submitted bids. The lowest bid of \$209,453.50 was below the engineer's estimate of \$220,000 for the project. All bids were reviewed and checked for errors by the Engineering Department; one math error was found in the Tom Greenauer Development bid in the amount of \$4,281.75, but this did not impact the apparent low bidder for this project. Fairway Contracting bid contained no math errors and was found to be the low bidder. Fairway Contracting has successfully completed various sewer and water reconstruction projects in the past for the Town. I have no reservation about their capabilities, and

WHEREAS, there was \$268,542 plus interest allotted under Capital Project 00004 - Hazel Court Sanitary Sewer for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Hazel Court Sanitary Sewer Extension Phase 2 Project to the lowest responsible bidder, Fairway Contracting, PO Box 352; Orchard Park, New York 14127 totaling an amount not to exceed \$209,453.50 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Approve Change Order #1 to SJB Services Inc. for the Bussendorfer Water Line Project

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

WHEREAS, the Town Board does hereby approve SJB Services to complete geotechnical/soil borings services on the Bussendorfer Waterline Replacement project, DiDonato Associates has spoken with SJB Empire and determined a more thorough investigation of the sub soil conditions is necessary, and

WHEREAS, the complexity and need of a deeper boring pit due to the existing 42" ECWA water transition line at the intersection of Abbott Rd. and Bussendorfer Rd. will require additional services/ testing to determine base line gradation, moisture, and groundwater levels of the work area for the summary report and bid documents. The pavement section is also poor and already showing signs of subbase failure. Orchard Park Highway has scheduled the entire road (including the waterline open cut repair sections) for milling and overlay in June of 2020. Some additional quantities will be included in the bid documents if needed for road under cuts and repairs of additional areas, funded by Highway budget, and

WHEREAS, a revised scope of work was received by SJB Services and includes all necessary updates of professional geotechnical work for a total cost of \$3,350.00. Contract total cost for soil boring & Geotechnical Report Services is \$6,300.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby approve Change Order #1 with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, to provide additional soil borings and geotechnical report services for the Bussendorfer Waterline Project in an amount not to exceed \$3,350.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint 2020 Winter/Spring Part Time Seasonal Recreation Department Staff

6) 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 following 2020 Winter/Spring part time seasonal Recreation Staff appointments, dependent upon the applicant providing the required certifications:

RE: Item 1 (2020 Winter/ Spring Seasonal part time Staff Appointments Rate Change effective 1-1-20)

Name	Old Rate	New Rate	Position (Title*)
Anna Allman	\$12.50 PT5-A	\$12.75	PT5- B (Att)
Nathaniel Burnard	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Landon DeKay	\$12.50 PT5-A	\$12.75	PT5-B (Lg)
Andrew Doran	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Claire Dunwoodie	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Elizabeth Eberhardt	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Sarah Eneix	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Cassie Fowler	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Griffin Harrigan	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Sydney Grossman	\$12.50 PT5-A	\$12.75	PT5-B (Lg)
Sarah Gustin	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Grace Haier	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Patrick Higgins	\$12.50 PT5-A	\$12.75	PT5-B (Att)
David Hoelscher	\$12.50 PT5-A	\$12.75	PT5-B (Lg)
Brandon Hoth	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Madison Hornung	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Jessica Humby	\$12.50 PT5-A	\$12.75	PT5-B (Lg)
Emma Johnson	\$12.50 PT5-A	\$12.75	PT5-B (Lg)
Erin Joyce	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Molly Joyce	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Evan Kasper	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Mary Linton	\$14.00 PT6-B	\$12.75	PT5-B (Att)
William Linton	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Jordyn Malinowski	\$12.50 PT5-A	\$12.75	PT5-B (Att)
Katherine Manley	\$12.00 PT4-D	\$12.75	PT5-B (Att)
Madison McCafferty	\$12.00 PT4-D	\$12.75	PT5- B (Att)

Eve McMullen	\$12.50 PT4-D	\$12.75 PT5-B (Att)
Tanner McMullen	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Diana Menz	\$12.00 PT4-D	\$12.75 PT5-B (Att)
Emily Mielcarek	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Michael Mielcarek	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Ava Mrozik	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Nicole Newton	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Joshua Nowak	\$12.50 PT5-A	\$12.75 PT5-B (Lg)
Claire Otis	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Emily Penn	\$12.50 PT5-A	\$12.75 PT5-B (Lg)
Autumn Roza	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Eric Ruhland	\$12.50 PT5-A	\$12.75 PT5-B (Lg)
Alicia Sciolino	\$14.00 PT6-B	\$12.75 PT5-B (Att)
Courtney Schmidt	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Gace Sippel	\$12.50 PT5-A	\$12.75 PT5-B (Lg)
Sebastian Stafford	\$12.50 PT5-A	\$12.75 PT5-B (Att)
Delanie Suto	\$12.00 PT4-D	\$12.75 PT5-B (Att)
Abigail Vendura	\$12.50 PT5-A	\$12.75 PT5-B (Lg)
Darcy Zappia	\$12.50 PT5-A	\$12.75 PT5-B (Att)

RE: Item 2 2020 Winter, Spring Seasonal part time Staff Appointments Retro Active 12/26/19

<u>Name</u>	<u>Rate Position (Title*)</u>
Brett Hall	\$13.00 PT5-C (Lg)
Derek Hall	\$13.00 PT5-C (Lg)
Teresa Kjellstrom	\$12.75 PT5-B (Att)
Mary Linton	\$12.75 PT5-B (Att)
Maya O'Rourke	\$12.75 PT5-B (Att)
Jessica Gifford	\$15.00 PT6-D (ATT)
Brendan Wenger	\$13.00 PT5-C (Lg)
Alex Vendura	\$13.00 PT5-C (Lg)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dave Schuster came forward to thank Supervisor Keem for posting the Work Session agenda on the Town’s website and inquired if the minutes from the work session would be published as well. He also asked when the Purchase Order for the Senior Center would be available for viewing.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem welcomed Councilmember Connor Flynn to the Town Board.

Councilmember Majchrzak wished everyone a Happy New Year and welcomed Councilmember Flynn to the Town Board.

Councilmember Flynn stated he is excited to get started on the hard work ahead of the Town Board. He will do his best to provide all citizens the best service he can.

Town Clerk Remy Orffeo welcomed Councilmember Flynn to the Town Board and stated the Town/County Tax bills will be in the mail within the next 2 weeks.

Town Attorney John Bailey thanked the Town Board for appointing him for another term and welcomed Councilmember Connor Flynn to the Town Board.

Police Chief Wehrfritz welcomed Councilmember Connor Flynn to the Town Board.

Highway Superintendent Fred Piasecki welcomed Councilmember Connor Flynn to the Town Board and stated crews are still picking up leaves/brush and plowing. The Highway Department received payment for plowing county roads in the amount of \$49,984.85. This April we will receive our next payment from them.

Town Engineer Wayne Bieler thanked the Town Board for reappointing him and welcomed Councilmember Flynn.

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 approval of all entries on Warrant #1 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$29,842.92
Public Safety Fund	\$24,736.44
Part Town Fund	-0-
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$280,387.40
Special Districts	\$51,364.64
Trust & Agency	\$359.57
Capital Fund	\$91,250.91

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:01 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**