

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 20th day of August, 2014 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
	Kathleen Swarbrick	Deputy Town Clerk
	Frederick Piasecki, Jr.	Highway Superintendent
	Mark Pacholec	Chief of Police
Absent	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Carol Hutton	Town Clerk

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 Regular Town Board Meeting Minutes held on August 13, 2014, and Executive Session Meeting Minutes held on August 6, & August 13, 2014 are hereby approved 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 Informational Meeting

Supervisor Keem opened the informational meeting for Dangerous & Unsafe Structures located at 5285-5287 Chestnut Ridge Road, Orchard Park NY

Elizabeth Duma, who resides in back of these structures, discussed the deplorable state they were in, and wanted to see what the Town Board was going to do regarding this matter.

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

RESOLVED, that the Special Meeting regarding the Dangerous & Unsafe Structures located at 5285-5287 Chestnut Ridge is here by closed at 7:05 PM

The resolution was unanimously adopted.

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

WHEREAS, the Supervising Building Inspector, Andrew Geist, has submitted to the Town Board a report Pursuant to Chapter 47 of the Town of Orchard Park Code of Ordinances, in the matter of the buildings at 5285–5287 Chestnut Ridge Road, in the Town of Orchard Park

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to seek bids to demolish and remove the buildings from the premises at 5285-5287 Chestnut Ridge Road, and be it further

RESOVLED, that the cost of said demolition and removal shall be billed to the property and placed upon the tax roll, and be it further

RESOLVED, that the Town Clerk shall publish due notice thereof.

The resolution was unanimously adopted.

Old Business #1 Lyrica Park Phase 2, No Certificates of Occupancy until stipulations met.

4) 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 stipulate that there will be no Certificates Of Occupancy issued for Lyrica Park Phase 2 until the barn, corral fencing and outbuildings (shed) are removed per the Conditional Final Plat Approval granted on 10/12/11, stipulation #11 “The barn, along with any out-buildings shall be relocated on the adjacent property by June 2012”.

The resolution was unanimously adopted.

Old Business #2 Tim Horton’s 5959 BigTree Rd., approve Building Permit & Site Plan

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 authorize a Building Permit for a 1,950 sq.ft +/- restaurant with a drive-through and Approve the Site Plan received 8/20/14 based on the following conditions and stipulations, as recommended by the Planning Board:

- This is an Unlisted SEQR action based on the submitted Short EAF and a Negative Declaration is Made.
- The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens. Perimeter parking lights shall have back shields.
- The Site Plan shows a minimum of 20-spaces for drive-thru stacking
- No outside storage or display is permitted.
- Dumpsters shall be screened in accordance with Section 144-25 of the Town Code
- The AOD reviewed the proposed Building Elevations on 5/6/14 and based on their comments a revised plan was submitted and is recommended to the Planning Board.

- The Landscape plan, received 7/7/14, includes 33% total Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$8935.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
- Utility and access easements had been approved by the Deputy Town Attorney.
- The Town Engineering Department Approval was granted on 8/20/14.

The resolution was unanimously adopted.

New Business #1 5254 Big Tree Rd., authorize cleanup and removal of debris

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

WHEREAS, the property at 5254 Big Tree Road was destroyed by a fire, and now the property is extremely hazardous and has unsightly conditions on it, and

WHEREAS the Buffalo Bills football season is starting soon, and this property is located close to the stadium,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to solicit for bids for the cleanup and removal of the structure and debris, mow the lawn, and temporarily fence off the area located at 5254 Big Tree Road. This property was destroyed by fire, and all costs related to this project will be applied to the tax roll of the property.

The resolution was unanimously adopted.

New Business #2 Authorize purchase of 2014 International (dump/plow)Truck for Highway

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

RESOVLED, that the Town Board does hereby authorize the Highway Superintendent to proceed with the purchase of a new 2014 International (dump/plow) Truck, 7500 SFA 4x2 cab and chassis off the New York State Bid Contract for \$150,777.40, the monies for this purchase are in the budget.

The resolution was unanimously adopted.

New Business #3 Quaker Arts Festival approval

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

WHEREAS, the Orchard Park Jaycees wish to sponsor the 52nd Quaker Arts Festival on September 20 & 21, 2014 with setup on September 16th, and they requested approval and support from the Town Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Orchard Park Jaycees' holding the 52th Quaker Arts Festival and be it further

RESOLVED, that a Certificate of Insurance will be forwarded to the Town Clerk's Office, and be it further

RESOLVED, that the Town Board support the Jaycees' by providing the following:

- One large dumpster to keep the trash under control
- Approximately 30 trash containers
- Supply the Festival with picnic tables to be used by attendees
- Supply and erect snow fencing to section off the exhibitor areas on the Festival grounds
- Pickup & return of cones and barricades from the Comet Flasher by the Highway Department

The resolution was unanimously adopted.

New Business #4 Authorize Chief of Police to hold auction for recovered & retired items

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

RESOLVED, that the Town Board does hereby authorize the Chief of Police to hold the Annual Bike & Property Auction, which will be conducted by Auctions International from East Aurora. This will be an online auction and will commence September 2nd, 2014.

The resolution was unanimously adopted.

New Business #5 Refer to Planning and Conservation Boards

10) 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 refer the following to the Planning Board and Conservation Board:

- West Herr Chrysler-Jeep 3599 Southwestern Blvd. request for a Building Permit to do substantial site and architectural improvements to their existing building, and expand the parking lot.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem stated that they have begun the 2015 Budget process, and he met with all the Department Managers to go over their budgets line by line. Supervisor Keem said he looks forward to continuing the process.

Chief of Police, Mark Pacholec, stated that tomorrow at 10:00am there will be an "all call" going out to the residents for the Code Red alert system, and to verify that the phone numbers are correct. Code Red is

going to be available to implement and message out to the residents weather events, emergency situations, or emergency information from the Supervisor and Town Board. Any questions, call the police department. He stated that there is a Bills game on Saturday, and Abbott Road will be closed between Fay Street and south of Southwestern Blvd. from 11:30am to 9:30pm, and Big Tree Road, between Abbott and 219 Expressway will be closed to west bound traffic from 7:00pm to 9:30pm. Erie County Health Department has begun their rabies pellet drop

Highway Supervisor Piasecki stated that there was a delay in paving Hillsboro, the contractor will be in there next week. He also said that salt bid for road salt, which is tied into the State bid, had only one bidder, American Rock Salt, and they increaseD the price for salt by 25%. The Town will be faced with a higher cost for the salt for this winter

11) 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 #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$20,126.99
Public Safety Fund	\$19,109.05
Part Town Fund	\$40.80
Risk Retention	
Cemetery Fund	
Highway Fund	\$12,020.65
Special Districts	\$23,545.21
Trust & Agency	\$173.32
Capital Fund	\$11,090.73

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:21 pm (local time).

Respectfully Submitted,



Kathleen A. Swarbrick
Deputy Town Clerk