

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 3<sup>rd</sup> day of July 2019 at 7:00 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          |
|                              | 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: June 19, 2019 Executive Session: June 19, 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**

Dave Schuster questioned the details of Change Order #8.

**Old Business # 1 Approve Final Payment Release of Retention to Kandy Company Inc.**

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

**WHEREAS**, construction work on the Mid County Pump Station Replacement Project has been completed. On June 12, 2019, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications; and

**WHEREAS**, a two-year maintenance bond in the amount of \$342,239.09 has been submitted along with the Affidavit of Release of Liens, Affidavit of Payment of Debts and Claims, and necessary legal documents; and

**WHEREAS**, there will be a net decrease of \$2,691.41 due to unused utility allowance. The Final Project Contract cost is \$342,239.09. This represents a decrease of 0.78% from the original amount bid.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board approves Change Order 3 - final payment and authorizes the release of retention for Mid County Pump Station Replacement Project to Kandy Company, 19 Ransier Drive, West Seneca, NY 14224 in the amount of \$45,611.95 as per the Town Engineer.

**The resolution was unanimously adopted**

**Old Business # 2 Approve Change Order #8 with Javen Const. Co. for CAC Project**

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

**WHEREAS**, Javen Construction has provided a proposal to provide sound dampening insulation for interior walls within both the senior and recreation wing of the building. This additional insulation will allow for less disturbance of areas adjacent to production spaces such as the kitchen, as well as more privacy in areas such as offices and conference rooms; and

**WHEREAS**, their proposal includes insulating 20 interior rooms for a total cost of \$17,463.55. Currently the contractor's schedule has them installing drywall in these areas within the next 2 weeks; and

**WHEREAS**, this change order will increase Javen's total contract to \$12,986,326.76 representing a 0.14% increase; and

**WHEREAS**, there is presently funding allocated under Capital Projects ABOO4 & ABOO5 for the Community Activity Center, and additional funding is being allocated into the accounts.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board approves change order #8 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 to complete Interior Insulation, in an amount not to exceed \$17,463.55 for the Brush Mountain Community Activity Center Project per the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Appoint Records Management Supervisor.**

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

**WHEREAS**, Amy Glende has served the Town of Orchard Park for the past two years as the Records Management Supervisor and LGRMIF Grant Project Director; and

**WHEREAS**, Amy Glende has been instrumental in helping the town obtain grants from the New York State Archives in the amounts of \$61,240.00 and \$73,711.00 for records management; and

**WHEREAS**, Amy Glende has demonstrated expertise in the area of records management, and

**WHEREAS**, the current grant from LGRMIF expires on June 30, 2019, and

**WHEREAS**, the Town of Orchard Park has a continued need for records management expertise.

**NOW, THEREFORE be it**

**RESOLVED**, that Amy Glende is appointed to the position of full-time Records Management Supervisor at a rate of \$20.00 per hour for the period July 1, 2019 to December 31, 2019.

**The resolution was unanimously adopted.**

**New Business #2 Approve Block Party Request.**

5) 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 Block Party request for Green Acre's Ice Cream Truck and Thai Me Up Food Truck to be stationed at Pawtucket Playground on July 17, 2019. The fees and Certificates of Liability have been received.

**The resolution was unanimously adopted.**

**New Business #3 Approve a Special Events Permit.**

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

**RESOLVED**, the Town Board does hereby approve the Special Events Permit request for the Buffalo Bills 50 Yard Finish 5K to be held on Saturday July 13, 2019 at 9:00 AM at New Era Field pending receipt of fees.

**The resolution was unanimously adopted.**

**New Business #4 Approve a Stable Permit.**

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

**RESOLVED**, the Town Board is hereby authorized to approve the renewal of the 2019 Stable Permit for Willow View Equestrian Stable, 7895 East Quaker Road.

**The resolution was unanimously adopted.**

**New Business #5 Senior Center Office Clerk Program Coordinator Pay Increase.**

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

**WHEREAS**, Maria Galley is presently working for the Town of Orchard Park in the Senior Center; and

**WHEREAS**, Maria Galley's title is "Office Clerk Program Coordinator" and her pay is \$14.81 per hour; and

**WHEREAS**, the Town of Orchard Park wishes to increase her hourly pay rate to \$17.00 effective on July 3<sup>rd</sup>, 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the hourly pay rate of Office Clerk Program Coordinator Maria Galley is hereby increased to \$17.00 per hour.

**The resolution was unanimously adopted.**

**New Business #6 Appoint seasonal workers to Parks and Grounds.**

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 approve the following 2019 Seasonal employees in the Parks & Grounds Department:

- Mark Nemec effective on July 1, 2019 at \$11.10 an hour.
- Jarrett Brocks effective on July 2, 2019 at \$11.10 an hour.

**The resolution was unanimously adopted.**

**New Business #7 Accept resignation of Joseph Cox.**

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

**RESOLVED**, the Orchard Park Town Board, with regret, accepts the resignation of Joseph D. Cox from the Architectural Overlay District committee.

**The resolution was unanimously adopted.**

**New Business #8 Chief of Police to attend Conference**

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

**RESOLVED**, that the Town Board approves the request of Chief of Police, E. Joseph Wehrfritz, to attend the 2019 New York State Association of Chiefs of Police annual training conference, to be held July 21st thru July 24th. The money is in the budget.

**The resolution was unanimously adopted.**

**New Business #9 Supervisor to sign STOP DWI Contract**

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 authorize the Supervisor to sign the STOP DWI Contract between the Town of Orchard Park and Erie County STOP DWI Program for the term of January 1, 2018 and December 31, 2018.

**The resolution was unanimously adopted.**

**New Business #10 Sewer, Water and Lighting Department Truck declared as surplus.**

THIS ITEM WAS TABLED BY SUPERVISOR KEEM.

**New Business #11 Supervisor to sign agreement with Cummins Sales and Service.**

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

**WHEREAS**, the Town's Sanitary Sewer infrastructure network continues to age, maintaining emergency standby equipment required to provide immediate and adequate service is essential, and

**WHEREAS**, a large component of the Town's response plans includes the use of two trailer-mounted stand by diesel generators, as well as one automatic natural gas powered generator at Mid-County Pump Station, and

**WHEREAS**, Cummins Sales and Service has provided a proposal for a 5-year inspection and service agreement. The service includes thorough inspection of each unit, load bank testing of the generator systems, as well as regular service such as oil and fluid changes, and

**WHEREAS**, there are presently funds that can be allocated for this purpose in Sanitary Sewer District 18 Account 5188120.180.495.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Cummins Sales & Service 7000 Aero Drive, Buffalo NY, 14225, for a 5-year Generator Maintenance and Service Agreement in an amount not to exceed \$13,186.04.

**The resolution was unanimously adopted.**

**New Business #12 Supervisor to sign contract for Traffic Safety Committee Program.**

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

**WHEREAS**, the Orchard Park Town Police Department has been awarded \$12,900 to participate in New York State's Highway Safety Program with a goal to reduce the number of crashes, injuries and deaths on New York's roads; and

**WHEREAS**, two contracts must be signed by an authorized representative for the County, City, Town or Village, and notarized, then returned to the NYS DMV. Once the contracts have been signed by the New York State Governor's Traffic Safety Committee, one contract will be returned to you for your records; and

**WHEREAS**, the contracts will be effective only upon final approval by the New York State Office of the State Comptroller; and

**WHEREAS**, contracts are with the County, City, Town or Village, not your specific agency. An authorized representative who has legal authority to sign contracts may not be the project director. Please ensure that a legal signatory of your municipality or organization signs the contracts. For municipalities, this will likely be someone from the City, County, Town or Village.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the Contracts with the New York State Governor's Traffic Safety Committee Program.

**The resolution was unanimously adopted.**

**New Business #13 Refer to Planning Board, Zoning Board and Conservation Board.**

**15) 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 refer the following to the Planning Board, Zoning Board of Appeals, and Conservation Board:

- 3552 Southwestern Boulevard, West Herr Automotive, located on the north side of Southwestern Boulevard, east of Mid County Drive, Zoned I-1. (SBL#161.07-7-2) Seeking to expand and construct approximately 90-parking spaces at the rear of the Corporate Headquarters lot.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Kate Litton inquired about the Town tree that was promised to her through Ryan Homes. She wanted to know why some of her neighbors whose homes were built after hers have received their tree before her. She states she has waited for over 2 years and would like some answers.

Dan Hay stated he did an informal poll on the Nextdoor Ap regarding having a 5 member Town Board, it had a positive response. He wanted to let the Board know the Town's people are interested in it but doesn't know how to make it happen.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem stated the US Chamber of Commerce ranked 2,509 towns, villages and cities. They ranked them on the basis of 5 factors, employment, housing, quality of life, education and health. Orchard Park was ranked as #5 in the USA. Tours were offered last Saturday of the CAC. People that took the tour were very impressed.

Councilmember Majchrzak agreed that a 5 member Board would be favorable. He has been part of a 5 member Board and a 3 member Board and sees the benefits of it. To begin the process he suggested contacting the Board of Elections, he believes signatures and petitions would be required to get it on the ballot.

Councilmember Sherry agreed with Supervisor Keem that the tours of the CAC went well and there will be another tour in the fall. It will add to the quality of life for our Town's residents.

Chief of Police Wehrfritz said the rain date for fireworks will be Friday July 5<sup>th</sup> and Tommy's run 5K will be Saturday July 5<sup>th</sup> beginning at the Train Depot and go through Yates Park beginning at 10 AM.

Highway Superintendent Piasecki stated they are patching Town roads and are continuing to mow 50 retention ponds and are doing shoulder mowing. They will be paving/milling roads on July 16<sup>th</sup>, weather permitting. The bio retention ponds at the CAC will have final landscaping done and hydro seeding of pond areas will be done weather permitting. He stated they planted 12 trees on Sonnet Drive and was unaware that some people opted out of having a tree planted and donated theirs to other neighbors. He will be planting more trees this week. Fencing has been placed at the middle school for the fireworks on the 4<sup>th</sup> of July.

**16) 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 #13 following auditing by members of the Town Board and in the funds indicated:

|                           |             |
|---------------------------|-------------|
| <b>General Fund</b>       | \$63,147.14 |
| <b>Public Safety Fund</b> | \$7001.19   |
| <b>Part Town Fund</b>     | \$1,026.86  |
| <b>Risk Retention</b>     | -0-         |
| <b>Cemetery Fund</b>      | -0-         |
| <b>Highway Fund</b>       | \$42,769.41 |
| <b>Special Districts</b>  | \$36,643.69 |
| <b>Trust &amp; Agency</b> | \$20,376.37 |
| <b>Capital Fund</b>       | \$36,435.83 |

**The resolution was unanimously adopted.**

17) 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 report for June 2019.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:29 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**