

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 16th day of April, 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
Wayne Bieler	Town Engineer
Mark Pacholec	Chief of Police
Andrew Geist	Building Inspector
Carol Hutton	Town Clerk

ABSENT

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 April 2, 2014, and Executive Session Meeting minutes of the Town Board Meeting held on April 2, & April 9, 2014, and the Special Session Meeting Minutes held on April 9, 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.

Old Business # 1 Award Bid for Orchard Park Town Brush Pickup

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

WHEREAS, the Town of Orchard Park did hereby received and opened bids on April 8, 2014 for Town Brush Pickup

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid for the Town of Orchard Park Brush Pickup to Rappold Tree Service, 58 Hodson Rd., Orchard Park, NY, they being the lowest responsible bidder thereof, as recommended by the Highway Superintendent for a three year contract as follows:

- May 1 through October 31, 2014 - \$75,000.00
- May 1 through October 31, 2015 - \$79,000.00
- May 1 through October 31, 2015 - \$83,000.00

The resolution was unanimously adopted.

Old Business #2 Approve Change Order #1 to Fairway Contracting for Weiss Ave. Water Project

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

WHEREAS, the Engineering Department is requesting Town Board approval for a Change Order to the contract with Fairway Contracting for the Weiss Avenue Waterline Replacement Project in the amount not to exceed \$7,000. If approved, this would increase the total contract amount to \$65,767.97 representing an increase of 10.64%, and

WHEREAS, after the water line installation started, it was discovered that two businesses located on Weiss Avenue (Duffs Restaurant and Gymnastics Unlimited) had fire service supplied through a dedicated 4-inch line. The fire service lines require shut off valves to isolate their service, which is separate from their domestic service. In addition, due to the unknown fire service lines, a tapping sleeve and valve was needed for a temporary “hard” connection while the water services were being transferred to the new line to ensure the proper fire flows were provided. The additional work was agreed to be paid by time and materials as the additional work exceeds the scope of the contract.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the contract with Fairway Contracting for the Weiss Avenue Waterline Replacement Project in the amount of an increase not to exceed \$7,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Authorize partial release of retention for Baker Rd. Reconstruction Project

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

WHEREAS, the Town Engineer stated that construction work on the Baker Road Reconstruction Project between Milestrip Road and Michael Road has been substantially complete since late last fall. Upon inspection last week, once the snow was away, it was established that site was satisfactorily completed in accordance with the contract documents and specifications, and the Right-of-Way is in excellent shape for placement of final topsoil and final seeding, when the weather permits, and

WHEREAS, the contractor has requested a partial release of retention in the amount of \$70,000.00. The Town will retain \$44,906.22 in retention after this release, plus the pay items amounts and retention for final restoration work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the partial release of retention for Baker Road Reconstruction Project between Milestrip Road and Michael Road to Ingalls Site Development, Inc., 297 Meyer Road West Seneca, New York 14224, in the amount of \$70,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Town Board to set Public Hearing for Special Ex. Use – 59 Grand View Trail

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

WHEREAS, the Town Board referred the petition for a “Special Exception Use” permit for Mr. & Mrs. David Hore, 59 Grand View Trail, to build a “Multi-Sport Court” in the rear yard, to the Planning Board & Conservation Board, and

WHEREAS, the Planning Board has recommended that the Town Board schedule a Public Hearing, and also recommends approval of this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a Public Hearing for May 7, 2014 at 7:00 PM in the matter of a request for a “Special Exception Use” permit, petitioned by Mr. & Mrs. David Hore, 59 Grand View Trail, to build a “Multi-Sport Court” in the rear yard, as recommended by the Planning Board, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

Old Business #5 Town Board to seek Lead Agency Status for Chestnut Ridge Rd. Tim Horton’s

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

WHEREAS, the Town Board referred the petition of Miranda Holding, Inc. to construct a 4,000 sq.ft. Tim Horton’s with a drive-thru & retail space upon vacant land at 4956 & 4968 Chestnut Ridge Road, located on the northwest corner of Chestnut Ridge and New Armor Roads, Zoned B-2 to the Planning Board on 12/4/2013, and

WHEREAS, the Planning Board, upon review, has recommended that the Town Board seek Lead Agency Status under SEQRA.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby seek Lead Agency Status with a Coordinated Review for Planning Board File #38-13, Miranda Holding, Inc., proposed construction of a 4,000 sq.ft Tim Horton’s as recommended by the Planning Board, 3/12/2014.

The resolution was unanimously adopted.

New Business #1 Appointment to work with Historic Preservation Board

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

WHEREAS, the Historic Preservation Board needs to have a person to notify members of meeting dates and times, post the meeting notices per the Open Meeting Statute, record the minutes, and after the official minutes are approved upload the minutes to the Town of Orchard park website and keep a hard copy on file in the Planning Office.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize and approve Danielle Ostrander to work with the Historic Preservation Board at her normal hourly rate at P/T Clerk to the Planning, Zoning and Conservation Boards, and be it further

RESOLVED, that her hours are not to exceed 19 ½ hours per week or 39 hours per payroll in total.

The resolution was unanimously adopted.

New Business #2 Appoint Seasonal Position in the Engineering Department

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

WHEREAS, funds have been allocated in the 2014 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, and the course study of the applicant, the Town Engineer recommends Jackson Ogin. Jackson is currently attending State University at New York at Binghamton. His course of study is in Mechanical Engineering.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Jackson Ogin, 70 Squire Drive, Orchard Park, New York 14127 to a seasonal position in the Engineering Department for a fourteen-week period beginning May 27, 2014 at a wage rate of \$8.50 per hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Appoint Seasonal Positions for Park & Grounds

9) 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 appoint the following to seasonal positions for Parks and Grounds as of April 1, 2014, as recommended by the Highway Superintendent:

- Paul Barker at a rate of (PT3) \$10.00 an hour;
- Julie Fregelette at a rate of (PT3) \$10.00 an hour
- Lynn Reynolds at a rate of (PT11) \$20.00 an hour

The resolution was unanimously adopted.

New Business #4 Appoint Seasonal Position at Compost Site

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 appoint Roger Meissner to a seasonal position at the Compost Site as of April 7, 2014, at a rate of (PT7) \$16.00 an hour, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #5 Appoint Seasonal part-time staff to Recreation Department

11) 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 appoint the following to the Recreation Department as part-time seasonal staff. The appointments are dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

2014 Winter/Spring/ Summer Seasonal part time Staff Appointments retroactive April 12th

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Kathleen Goodman	132 Meadowbrook	\$15.00	PT6-D (Att)
Shannon Goodman	132 Meadowbrook	\$8.50	PT1-E (LG)
Sarah Michaud	4717 Winding Woods Lane	\$8.50	PT1-E (LG)
Jacob Wojnicki	77 Randall Terrace	\$8.50	PT1-E (LG)

Summer Seasonal Part Time Appointment Effective as of June 7 2014

Brendan Allman	190 Highland Ave	\$8.50	PT1-E (Att)
Liam Allman	190 Highland Ave	\$9.00	PT2-B (Att)
Mackenzie Anderson	7420 Chestnut Ridge Rd	\$9.00	PT2-B (Att)
Allison Anstett	4957 Marilyn Dr	\$11.50	PT4-B (Att)
Victoria Arthur	45 Fox Chapel Dr	\$8.50	PT1-E (Att)
Katie Augustine	2960 Bullis Rd	\$11.50	PT4-B (Att)
Nicole Augustine	2960 Bullis Rd	\$11.50	PT4-B (LG)
Justin Babirad	62 Kemp Ave	\$8.50	PT1-E (Att)
Sarah Badagliacca	7274 Jewett Holmwood Rd	\$9.00	PT2-B (LG)
Jessica Battaglia	30 Norwood Lane	\$9.00	PT2-B (LG)
Kevin Batorski	5976 Elmhurst Rd	\$9.00	PT2-B (LG)
Leah Berst	76 Ashley Dr	\$9.00	PT2-B (Att)
Darianna Borowiec	3 Fox Chapel Dr	\$8.50	PT1-E (Att)
Bradley Bourne	64 Willowbrook Dr	\$11.00	PT3-E (Att)
Peter Brady	14 Regalwood Dr	\$9.50	PT2-D (Att)
Cayley Brege	7250 Gartman Rd	\$8.50	PT1-E (Att)
Andrea Buchanan	4698 Parker Rd	\$9.00	PT2-B (Att)
Toby Burns	4128 North Freeman Rd	\$15.00	PT6-D (Att)
Jennifer Buskus	887 W. Creekbend Dr	\$10.50	PT3-C (Att)
Matthew Castilloue	5790 Scherff Rd	\$9.00	PT2-B (Att)
Sarah Chamberlin	12805 Whitney Rd	\$9.00	PT2-B (LG)
Maria Chirico	79 Naples Dr	\$9.00	PT2-B (Att)
Corinne Christopherson	43 Graystone Lane	\$9.00	PT2-B (Att)
Anthony Cimorelli	7464 Crestwood	\$9.00	PT2-B (Att)
Lisa Cimorelli	7464 Crestwood	\$8.50	PT1-E (Att)
Alina Clough	344 Hillside Dr	\$9.00	PT2-B (LG)
Harrison Clough	152 Tanglewood Dr	\$9.00	PT2-B (Att)
Meghan Clough	152 Tanglewood Dr	\$9.00	PT2-B (Att)
Amanda Cody	73 Meadow Run	\$9.00	PT2-B (Att)
Paige Cuddihy	3694 Eckhardt Rd	\$9.00	PT2-B (Att)
Tiffany Dingeldey	6830 Canterbury Ct	\$9.00	PT2-B (Att)

Kelli Graber	37 Hampton Ct	\$8.50	PT2-D	(LG)
Kennan Druding	4 Lynchburg Ct	\$9.00	PT2-B	(Att)
Katharine Dunbar	242 Stonehenge Dr	\$8.50	PT1-E	(Att)
Claire Dunwoodie	87 Sibley Dr	\$8.50	PT1-E	(Att)
Elizabeth Egloff	105 South Lane	\$9.00	PT2-B	(Att)
Emily Feldman	77 North Lane	\$11.00	PT3-E	(Att)
Emily Fleetwood	50 Nina Terrace	\$9.00	PT2-B	(Att)
Alex Freedenberg	10 Sylvan Circle	\$9.00	PT2-B	(LG)
Benjamin Frost	43 Timberlake Dr	\$8.50	PT1-E	(LG)
Christopher Gartenman	9 Lakewood Dr	\$8.50	PT1-E	(Att)
Emily Gartenman	9 Lakewood Dr	\$9.00	PT2-B	(Att)
Emily Geiger	50 Sitka Circle	\$8.50	PT1-E	(LG)
Nichole Geiger	50 Sitka Circle	\$9.00	PT2-B	(LG)
Kathleen Goodman	132 Meadowbrook	\$15.00	PT6-D	(Att)
Shannon Goodman	132 Meadowbrook	\$8.50	PT1-E	(LG)
Taylor Gorman	165 Hobby Lane	\$9.00	PT2-B	(Att)
Ellen Gotthelf	18 Forest Dr	\$11.50	PT4-B	(Att)
Sarah Gura	93 Stonehenge Dr	\$8.50	PT1-E	(LG)
Sarah Haley	119 Henning Dr	\$9.00	PT2-B	(Att)
Bridget Hall	65 Old Orchard Lane	\$9.00	PT2-B	(Att)
Derek Hall	65 Old Orchard Lane	\$8.50	PT1-E	(Att)
Abigail Hamilton	7871 Milestrip Rd	\$10.50	PT3-C	(Att)
Taylor Heywood	41 Middlebury Rd	\$8.50	PT1-E	(Att)
Rebecca Higgins	20 Sitka Circle	\$8.50	PT1-E	(Att)
Elizabeth Hinterberger	8 Philson Dr	\$8.50	PT1-E	(LG)
Madison Hornung	91 Hunters Ridge Rd	\$9.00	PT2-B	(Att)
Alexandra Hughlett	74 Jolls Lane	\$8.50	PT1-E	(LG)
Shannon Jablonski	121 Whitney Pl	\$11.50	PT4-B	(LG)
Emily Jankowiak	6094 Berkley Dr	\$9.00	PT2-B	(Att)
John Januszkiewicz	55 Grand View Trail	\$8.50	PT1-E	(Att)
Kelly Jasica	26 Birdsong Parkway	\$8.50	PT1-E	(Att)
Justin Jemiolo	14 Birch Run	\$9.00	PT2-B	(LG)
Cassandra Kaczmarek	6 Lenny's Lane	\$9.00	PT2-B	(LG)
Grant Karlson	4028 Midway Ct	\$9.00	PT2-B	(Att)
Bailey King	5730 Seufert Rd	\$9.00	PT2-B	(Att)
Danielle King	5362 Scranton Rd	\$8.50	PT1-E	(Att)
Florence Kirkner	16 Bender Dr	\$11.25	PT4- A	(Att)
Annie Rose Kosrzewski	29 Silent Meadow Lane	\$9.00	PT2-B	(LG)
Miranda LaBedz	4701 Pineview Dr	\$9.50	PT2-D	(LG)
Salvatore LaDuca	220 Anderson Place	\$15.00	PT6- D	(Att)
Emma Laipple	230 Fox Meadow Lane	\$9.00	PT2-B	(LG)
Ryan Lehman	5162 Ellicott Rd	\$15.00	PT6-D	(Att)
Julia Liberto	54 Deer Run	\$8.50	PT1-E	(Att)
Emily Lock	S4072 Highview Pkwy	\$8.50	PT1-E	(Att)
Brian Manley	2 Winterhall Rd	\$9.50	PT2-D	(LG)
Janet Marks	1203 Jewett Holmwood Rd	\$12.50	PT5- A	(Att)
Kyle Martin	7197 Gartman Rd	\$8.50	PT1-E	(Att)
Bethany Mattina-Chmiel	24 Wellington Lane	\$9.00	PT2-B	(LG)
William McCauley	5860 Woodlee Ct	\$9.00	PT2-B	(LG)
Amy McConeghy-Witman	76 Candy Lane	\$11.50	PT4- B	(Att)
Anabelle McDonald	87 Hunters Ridge Rd	\$9.00	PT2-B	(Att)
Katherine McGarrity	115 Curley Dr	\$8.50	PT1-E	(Att)
Travis McNichol	3662 California Rd	\$9.00	PT2-B	(LG)
Alexandria Metzger	7875 Milestrip Rd	\$8.50	PT1-E	(Att)
Gregory Michael	5330 Murphy Rd	\$11.50	PT4-B	(LG)
Sarah Michaud	4717 Winding Woods Lane	\$8.50	PT1-E	(LG)

Emily Mielcarek	30 Sitka Circle	\$8.50	PT1-E	(Att)
Jillian Miller	5940 Seufert Rd	\$8.50	PT1-E	(Att)
George Munschauer	176 Stonehenge Dr	\$8.50	PT1-E	(LG)
Mary Owczarczak	30 Ranch Trail	\$9.00	PT1-E	(Att)
Andrea Pawarski	3582 Eric Trail	\$11.50	PT4-B	(Att)
Amphavanh Philarom	1713 Schoellkopf	\$11.00	PT3-E	(LG)
Kelly Rand	23 Lakeridge Dr	\$9.00	PT2-B	(Att)
Anne Randle	12 Thomaston Lane	\$8.50	PT1-E	(Att)
Erin Rapp	62 Rosedale Ave	\$9.00	PT2-B	(Att)
Emily Rattanaphasouk	6150 Lake Ave	\$9.00	PT2-B	(Att)
Rachael Reimondo	4568 Ardmore Ct	\$9.00	PT2-B	(Att)
Abigail Robertson	123 Summit Ave	\$8.50	PT1-E	(Att)
Megan Robertson	62 Potter Ave	\$11.00	PT3-E	(Att)
Anna Ryan	7919 Ellicott Rd	\$8.50	PT1-E	(Att)
Sarah Ryan	3600 Bonnie Lane	\$8.50	PT1-E	(LG)
Megan Sarles		\$8.50	PT1-E	(Att)
Danielle Schaefer	60 Rolling Hills Rd	\$11.50	PT4-B	(Att)
Mary Schichtel	4536 Mt Vernon Blvd	\$15.00	PT6-D	(Att)
Courtney Schmidt	5165 Briercliff Dr	\$9.00	PT2-B	(Att)
Kyle Schmitt	149 Hemlock Dr	\$9.00	PT2-B	(Att)
Jessica Schneider	3496 Lakeview Rd	\$8.50	PT1-E	(Att)
Christi Schultz	6111 Bunting Rd	\$9.00	PT2-B	(Att)
Heidi Schultz	6111 Bunting Rd	\$11.00	PT3-E	(Att)
Kelsey Sheehan	19 Rene Dr	\$9.00	PT2-B	(Att)
Madelyn Sheehan	19 Rene Dr	\$9.00	PT2-B	(Att)
Linda Sherry	18 Sickman Ave	\$15.00	PT6-D	(LG)
Rhiannon Slowik	6108 Armor Rd	\$9.00	PT2-B	(Att)
Kristen Stanek	4481 Kathaleen St	\$8.50	PT1-E	(Att)
Michael Steinbar	3557 Benzing Rd	\$8.50	PT1-E	(Att)
Robin Steiner	89 Cherokee Dr	\$9.00	PT2-B	(Att)
Morgan Szustak	4010 Bond st	\$9.00	PT2-B	(Att)
Alexis Tarnowski	4712 John Michael Way	\$11.00	PT3-E	(LG)
Shannon Tatay	15 Brompton Court	\$8.50	PT1-E	(Att)
Courtney Thornton	108 Harvey Dr	\$9.00	PT2-B	(LG)
Alex Tripi	5 Lockwood Lane	\$8.50	PT2-B	(Att)
Emily Tripi	5 Lockwood Lane	\$9.00	PT2-B	(Att)
Mary Twarog	31 Wildwood Lane	\$8.50	PT1-E	(Att)
Michelle Vasilloff	3578 Heatherwood Dr	\$9.00	PT2-B	(LG)
Courtney Wilson	71 Hilltowne Dr	\$8.50	PT1-E	(Att)
Aaron Wojnicki	77 Randall Terrace	\$8.50	PT1-E	(LG)
Jacob Wojnicki	77 Randall Terrace	\$8.50	PT1-E	(LG)
Brian Wylie	53 Stonehenge Dr	\$9.00	PT2-B	(Att)
Kevin Zablonski	95 Burbank Dr	\$9.00	PT2-B	(Att)

Seasonal part time Appointment effective as of April 12 2014)

Chelsea Andorka	78 Clifford Heights	\$10.50	PT3-C	(Att)
-----------------	---------------------	---------	-------	-------

The resolution was unanimously adopted.

New Business #6 Create Government Efficiencies Task Force & appoint Chairperson

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

WHEREAS, the Town Board does wish to form a Task Force to aid in its efforts to deliver improvements in government performance, regulatory compliance and service quality while controlling costs.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby create the Government Efficiencies Task Force to

1. Assess the services whereby the needs and expectations of our residents are addressed.
2. Identify variables in the government ecosystem that can be optimized so as to reduce costs while enhancing the operational efficiency with which services are delivered.
3. Redesign systems and processes through which government services are provided, including shared services and consolidation.

And be it further

RESOLVED, that the Town Board does hereby appoint Councilmember Michael Sherry to chair the Government Efficiencies Task Force for the year 2014.

The resolution was unanimously adopted.

New Business #7 Create Capital Reserve for Buildings and provide initial funding

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

WHEREAS, the Town of Orchard Park, New York ("Town") created a Workers' Compensation Reserve Fund ("Fund") to pay compensation and benefits, medical, hospital or other expenses authorized by Article 2 of the Workers' Compensation Law when the town was self-insured for such claims, and

WHEREAS, the Town ceased to be a self-insurer several years ago and it is believed all expenditures, both accrued and contingent have been paid, and

WHEREAS, General Municipal Law Section 6-j allows for moneys remaining in the Fund to be transferred to certain other reserve funds, to the extent moneys in the Fund exceed an amount sufficient to pay all authorized expenditures, both accrued and contingent, and

WHEREAS, the Town has identified \$729,815.00 within the Fund to exceed any amounts required to pay all authorized expenditures, both accrued and contingent, and

WHEREAS, the Town has a capital plan in place and its plans include certain expenditures relating to enhancing, constructing or acquiring buildings.

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Building Reserve Fund: (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulated moneys to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the Reserve Fund is the construction, reconstruction and or acquisition of buildings, and be it further

RESOLVED, The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal law. The chief fiscal officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town and any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund, and be it further

RESOLVED, The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund, and be if further

RESOLVED, that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c, and be it further

RESOLVED, that such Reserve Fund will be initially funded by transferring the \$729,815.00 excess from the Workers' Compensation Fund.

The resolution was unanimously adopted.

New Business #8 Authorize 3 members of Historic Preservation Board to attend Conference

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

WHEREAS, the Landmark Society of Western New York is holding its 2014 Preservation Conference in Rochester April 24-26, 2014 and

WHEREAS, the Historic Preservation Board would like to send three members to this conference to increase the member's knowledge in areas including historic preservation, currant tax credit issues and help fulfill the NYS-CLG training requirements.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request of the Historic Preservation Board to send three members of their Board to attend the Landmark Society at a cost not to exceed \$267.00.

The resolution was unanimously adopted.

New Business #9 Appoint member to Conservation Board

15) 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 appoint Nan Ackerman to the Conservation Board to fill an unexpired term of Anne Bergantz, which expires on 12/31/2014.

The resolution was unanimously adopted.

New Business #10 Appoint member to Recreation Commission

16) 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 appoint Robert Fortenbaugh to the Recreation Commission for a 5 year term to expire on 12/31/18.

The resolution was unanimously adopted.

New Business #11 Approve Special Events in the Town of Orchard Park

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 approve the following events for 2014, as they have met all the requirements set forth by the Towns Special Event application process, as recommended by the Chief of Police and Recreation Director.

- June 21st Nativity of Our Lord School 5k Run and Walk starting at 7:30PM
- June 28th Buffalo Bills 50 yard Finish Half Marathon starting at 7:00AM
- July 27th Lindsay Matthews 5k Run starting at 10:00AM

The resolution was unanimously adopted.

New Business #12 Proclaim May as Building Safety Month

18) 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 proclaim May as "Building Safety Month" to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

The resolution was unanimously adopted.

New Business # 13 Proclamation – May as “Motorcycle Safety and Awareness Month”

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

WHEREAS, Motorcycle Safety awareness is of critical importance to both riders and other potential victims, and

WHEREAS, in the past year, Erie county has experienced more than a dozen mishaps involving motorcycles, more than half ending in fatalities, and

WHEREAS, no single cause is to blame, and

WHEREAS, motorcycle safety awareness has been identified by Governor Andrew Cuomo, as well as other government officials, as a priority in traffic safety.

NOW, THEREFORE, be it

RESOLVED that the members of this Town Board declare the month of May 2014 as “Motorcycle Safety and Awareness Month” in our municipality, and be it further

RESOLVED, the Town Board does take note of the Saturday, May 3rd assembly of area bikers sponsored by the Buffalo-Erie County Chapter, American Bikes Aimed Toward Education (ABATE) at noon, and be it further

RESOLVED, that a copy of this proclamation be sent to Mr. Scott Lingle, Chapter legislative Coordinator of ABATE Buffalo/Erie Chapter.

The resolution was unanimously adopted.

New Business # 14 Refer to Planning Board and Conservation Board

20) 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 and Conservation Board:

- Schmitz Holdings LLC, request to construct a Tim Horton’s with a drive-thru located within the site currently under construction by the Krog Corp., 5959 Big Tree Road, southwest corner of Big Tree Road (Rte 20A) and Quaker Parkway, zoned DR.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

David Schuster – Mr. Schuster commends the seniors for their tenacity in their quest for a new senior center, but he is opposed to it. It is not the Town’s responsibility to provide entertainment for its citizens from toddler to senior citizen. Nor is it the government’s responsibility to compete with services offered by private enterprises, such as day care, meals, gym, babysitting, classes to name a few. It is the government’s job to provide services unobtainable by the public – Police Department, Fire Department and Highway Department.

Katherine Gorkiewicz – Ms. Gorkiewicz had questions regarding the Capital Reserve account that was set up this evening. She wanted to know where the excess reserves came from to set up the account and what the “Capital Reserve for Buildings” will be used for.

John Marlow – Mr. Marlow asked the Town Board to give careful consideration before expending a substantial amount of money on a new senior center. Mr. Marlow would like to see the senior center remain in the Village to keep a sense of community. He said that a few years back, the Town was looking at combining the Police dispatch services with Hamburg and share the expenses at a much lesser cost, but that did not happen. Now we have a substantial Public Safety budget due to the dispatch system and increased personnel. He hopes in the future the Town will look at a more regional basis, cooperating with other groups and be as efficient as we are hoping for in establishing the “Government Efficiencies Task Force”.

David Jensen – Mr. Jensen wanted to know about the OPPD-FLSA Lawsuit that was addressed at the last Town Board meeting. His hope is that this new Town Board will change the way the public finds out about Town issues, as their decisions affect all the residents and their taxes. Mr. Jensen said that he read in the paper the Town authorized a new administrative lieutenant’s position in the police department, and he felt that the newly appointed Asst. Chief of Police should have helped with the administrative issues. He wanted to know how and where money can be found for some departments, when others have to do with less.

ELECTED OFFICIALS & DEPARTMENT HEADS

21) 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 budget transfer:

\$300.00 From: A7520.0419 – Historic Preservation – Expenses
 To: A7520.0139 – Historic Preservation – P/T Clerk

The resolution was unanimously adopted.

Supervisor Keem addressed the new Capital Fund for Building. When he reviewed the line items on the Town Budget for last year he questioned the money in a Workman’s Compensation line. The accountants stated that the Town self-funded its Workman’s Compensation for a while, but now the Town does not do that. The accountants said that those funds could be moved to a new line item and that would help balance out the 2013 budget. This fund was basically set up for building repair, but the money could also be moved at a later date if need be.

Councilmember Sherry stated that in regard to the OPPD-FLSA lawsuit, the Town Board is unable to discuss it until the case is disposed of. Next, he addressed Mr. Schuster stating that Mr. Schuster is correct in that government exists to provide necessary services. Councilmember Sherry also feels that government is there to do the will of the people they represent. It is the responsibility of the governing body to listen to the needs of their people and to bring possible solutions back to the community. It will then be up to the community to reflect back to their representatives what they want. That is the very reason the Senior Task Force was created, to gather the information regarding seniors, so the Town Board and the community is informed.

Highway Superintendent Piasecki stated the Highway Department has received its second payment on the Snow Plowing Contract from the County. He also said the Highway Department is out picking up brush and working on some drainage issues.

22) 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 #8 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$35,009.25
Public Safety Fund	\$5,553.98
Part Town Fund	\$4,786.22
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$14,915.85
Special Districts	\$48,994.44
Trust & Agency	\$38.18
Capital Fund	\$100,635.68

The resolution was unanimously adopted.

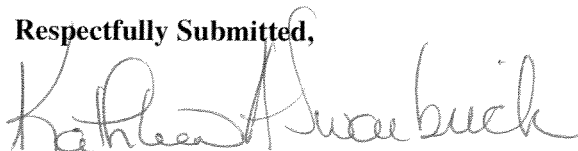
23) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following:

- The Senior Services Task Force Report

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Sherry, the meeting adjourned at 7:26 pm (local time).

Respectfully Submitted,



Kathleen A. Swarbrick
Deputy Town Clerk