

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 20<sup>th</sup> day of September 2017 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	Councilman
Michael Sherry	Councilman
John C. Bailey	Town Attorney
Remy Orffeo	Town Clerk
Wayne Bieler	Town Engineer
Andrew Geist	Building Inspector
Frederick Piasecki, Jr.	Highway Superintendent
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 COUNCILMAN MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on September 6, 2017, and the Executive Session: September 6, 2017, 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 Window Blind Replacements**

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

**WHEREAS**, bids were solicited for Orchard Park Municipal Building Window Blind Replacement and installation. The projects scope of work is to replace all the window blinds in the Municipal Building, except for the Board/Courtroom, and

**WHEREAS**, the low bidder for this project is Signature Design, and the funds for this project are allocated in the 2017 Capital Project Budget,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract for Window Blind Replacement to Signature Design, 36 North Davis St., Orchard Park, NY, being the lowest responsible bidder, in the amount of \$7,189.00.

**The resolution was unanimously adopted.**

**New Business #1 Appointment to Board of Assessment Review**

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

**RESOLVED**, that the Town Board does hereby reappoint Colleen Brunell, to the Orchard Park Board of Assessment Review for a five year term from October 1, 2017 to September 30, 2022.

**The resolution was unanimously adopted.**

**New Business #2 Appointment to Conservation Board**

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

**WHEREAS**, with the passing of Conservation Board member Frank Newton, a vacancy has been created on the Orchard Park Conservation Board, and

**WHEREAS**, Ashleigh J. Houser has served as an alternate member of the Conservation Board, and she has expressed a desire to serve as a regular member of the Conservation Board,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby appoint Ashleigh J. Houser to the Orchard Park Conservation Board to fill the vacancy created by Frank Newton's passing for a term from September 20, 2017 to December 31, 2018.

**The resolution was unanimously adopted.**

**New Business #3 Schedule Public Hearing for Community Development Block Grant Funds**

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

**WHEREAS**, in order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens the opportunity for input into the project selection process. Project applications are due near the end of October, and

**WHEREAS**, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby schedule a Public Hearing for Wednesday, October 4, 2017 at 7:00 PM on the possible use of 2018-2019 Community Development Block Grant Funds, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Supervisor to sign agreement with Earth Dimensions for Professional Services**

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

**WHEREAS**, to complete the site design work for Brush Mountain Park Community Activity Center, existing wetlands and mitigation had to be identified. The Engineering Department requested professional service proposal to complete and submit the Joint Application for Permit to both the NYSDEC and USACOE, Stream Assessment, Stream Mitigation Plan, Section 404(b)(1) Alternatives Analysis, Section 404 Permit and Section 401 Water Quality Certification., and

**WHEREAS**, Earth Dimensions, Inc. performed the original wetland delineation and is the recommended consultant to perform the services necessary for this scope of work, and the Town has allocated funds under Capital Project H-89 "Brush Mountain Activity Center" for this project.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Earth Dimensions, Inc., 1091 Jamison Road, Elma, NY 14059 to provide professional services for the Brush Mtn. Park Joint Application for Permit - Section 404 Permit, Stream Assessment, Stream Mitigation Plan and Section 401 Water Quality Certification in the amount not to exceed \$5,855.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5 Award Contract for Police Evidence Storage Room Rehabilitation Project**

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

**WHEREAS**, as related by the Chief of Police, with the number of crimes that have occurred in Orchard Park, in conjunction with evidence retention laws, the need for additional secured storage is desperately needed. The Engineering Department has completed the design and scope of work for the storage room improvements, to be completed in the existing back room near the garage bays in the Police Station., and

**WHEREAS**, five local construction companies were solicited for this project. All of the companies are more than capable of successfully completing this project on time and within budget. The plans and scope of work were sent out to the companies starting August 1<sup>st</sup> 2017 and bids were requested by August 25<sup>th</sup>. Only one company submitted a bid to complete the project, Telco Construction, and

**WHEREAS**, the lowest bid for the Police Storage Room Project was submitted by Telco Construction at \$17,000.00, which was in line with the engineer's estimate. This company has completed numerous projects for Orchard Park with many praises about the professionalism of their workforce and quality of work, and

**WHEREAS**, there is presently \$17,000 allocated under Capital Projects Z02 "Various Town Bldgs., Municipal Center" respectfully for this project's work per Capital Project Meeting and March 2017 bond resolutions.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract for the Police Evidence Storage Room Project to the lowest responsible bidder, Telco Construction, Inc., 500 Buffalo Road, East Aurora, New York 14052 in the amount not to exceed \$17,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Award Contract for Burmon Drive Reconstruction Project**

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

**WHEREAS**, bids were opened for the Burmon Drive Reconstruction Project on September 18, 2017. The project consists of total reconstruction/replacement of Sanitary Sewers, Watermain, Storm Sewers, Roadway and Sidewalks, and

**WHEREAS**, the project was bid on a unit price basis for the associated sewer, water, drainage, and road reconstruction work items. The Engineering Department has reviewed those itemized prices of the eight contractors who submitted bids. The lowest bid of \$2,545,291.30 was below the engineer's estimate of \$2,933,566.74 for the project, and

**WHEREAS**, an extended tabulation of bid results showing the itemized bid amounts of each contractor was made, and contractor errors were corrected and not corrected per Town Attorney, and

**WHEREAS**, the low bidder for this project was Accadia Site Contracting. The company has successfully completed various sewer, water, and road reconstruction projects in the past, and

**WHEREAS**, there is presently \$2,000,000, \$1,000,000, \$895,670 allocated under Capital Projects Z-51 "Burmon Drive Reconstruction Road", Z-75 "Burmon Drive Reconstruction Sanitary Sewer", and H-48 "District-Wide Water Improvements" respectfully. The area is a direct service area, water improvements will be paid for by ECWA per agreement between Town and ECWA.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract for the Burmon Drive Reconstruction Project to the lowest responsible bidder, Accadia Site Contracting, 5636 Transit Rd, Depew, NY 14043, in the amount not to exceed their base bid of \$2,532,639.42 with Alternate #1 in the amount of \$12,650.00 totaling an amount not to exceed \$2,545,289.42, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Refer to Planning, Conservation, Zoning Boards and Architectural Overlay District**

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

**RESOLVED**, that the Town Board does hereby refer the following to the Planning, Conservation, Zoning Boards and the Architectural Overlay District:

- Vacant Land, 3.224 +/- Acres, Northwest corner of Orchard Park Road (NYS 240/277) and Milestrip Road, Zoned B-4. Petitioner is requesting a building permit to construct three (3) Single Story Office Buildings: One (1) 10,500 sq. ft., one (1) 9,500 sq. ft. and one (1) 5,400 sq. ft. (SBL #152.20-3-15).

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Chris Weyer – Ms. Weyer wanted to know when the tax bills were going out because she usually had hers by now.

Amy Rodler - Ms. Rodler Wanted to know why garbage totes were voted down when Orchard Park is having a rat problem. She has had a rat problem for two years, and has had five exterminators come to her house and they still have rats. She worries about the safety of her three small children. All the towns around us have garbage totes, so naturally the rats have moved here.

Penny Andrews – Ms. Andrews said she was at the September 6<sup>th</sup> Town Board meeting and presented issues with her neighbor that she feels violated Town & State Code. She wants the Town Board to appoint a Code Enforcement Officer to meet with them. She also asked that Mr. Bieler, Town Engineer, meet with them to review the access road on her neighbor's property and how it floods her property in the spring and during heavy rain.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem asked Ms. Rodler if she contacted Peter Tripi at the County, he has helped other residents in the Town. He said he voted in favor of the garbage totes, and that the Garbage Contract is already in its second year of a five year contract, and they cannot make changes now. Supervisor Keem said that there was a road reconstruction on Baker Road a few years back, and the driveway aprons started to deteriorate. So the contractor is replacing the concrete that deteriorated, at no cost to the Town.

Councilman Sherry said that the garbage totes were not voted down, there were several options to choose from. Because of cost, they went with the same approach as the Village, getting the recycle totes first, and then getting the garbage totes. It is an issue they plan to return to. Regarding Ms. Andrews allegations, he asked the Town Attorney to look at the Codes sections she feel were violated.

Town Clerk Orffeo stated that all the tax bills come from the County, and the Town did not receive them until last week. They had to be sorted, then sent out to be folded and stuffed. We got them back Monday and they were mailed on Monday and Tuesday. There is no provision in state law about a time limit to get the bills out, and in fact there is no provision that requires a tax bill be sent out from the Town. Not that he agrees with it, the State feels you should know when your tax bills are due, and find out what you owe. Town Clerk Orffeo said that other Towns had the same problem of late tax bills that we had.

Police Chief Pacholec stated that there is a sold out Bills game this weekend, and Abbott Road will be shut down at 8:00AM on Sunday morning. The Orchard Park Police Department is sponsoring a new Drivers Safety class on September 28<sup>th</sup> from 6:30pm to 8:00pm.

Highway Superintendent said they are still doing drainage work on Fox Chapel and hope to finish up by the end of the month. On Hawthorn, they have started to clean the drainage ditch. They have also started to clean up receivers and rebuild some of them under Storm Water II program.

Town Engineer stated that on Baker Road Project, the concrete was basically a material failure issue. The aggregate mix in the concrete had a higher moisture content which caused the popping and fracturing. The concrete company and subcontractor should be finishing up the repair work today.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #18 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$55,058.90
Public Safety Fund	\$7,400.35
Part Town Fund	\$627.60
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$13,485.12
Special Districts	\$31,470.40
Trust & Agency	\$1,440.50
Capital Fund	\$3,500.00

**The resolution was unanimously adopted.**

#### **REPORTS**

#### **COMMUNICATIONS**

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

**Respectfully Submitted,**

**Remy C. Orffeo**  
**Town Clerk**