

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 4<sup>th</sup> day of September 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: August 21, 2019 Executive Sessions: August 14 & 21, 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**

**Proposed Renewal of a Conservation Easement of 6807 Gartman Road**

At 7:10 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Renewal of a Conservation Easement of 6807 Gartman Road.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, 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.

**Proponent**

Mr. Brown of 6807 Gartman Road spoke in favor of the easement.

Trish Manning, a neighbor of Mr. Brown’s also spoke in favor of the easement as it provides an important habitat for her honey bees and is a useful place for the neighborhood.

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 the Conservation Easement of 6807 Gartman Road at 7:14 PM

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

**RESOLVED**, the Town Board does hereby approve the renewal of the conservation easement of 6807 Gartman Road.

**The resolution was unanimously adopted**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward.

**Old Business # 1 Approve Local Law 2019-5**

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

**RESOLVED**, that the Town Board hereby adopts Local Law #5 amending Chapter 144 "Zoning" Section 144-75 "North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District" which provides as follows:

**SECTION 1:**

**§ 144 -75 North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District.**

A. Purpose and goal: to maintain and enhance the unique character of North Buffalo Road from Southwestern Boulevard to the north Village line and South Buffalo Street and Ellicott Road from New Armor Duells to the south Village line in keeping with its small-town character. The character of Orchard Park is, in part, dependent upon its physical attributes, the architecture of its buildings, how well those buildings are located and oriented on their sites, how they relate to one another and the surrounding elements. A building's size, shape, height, mass, color, materials, texture, roofline, roof treatment, and window and entry placement combine to give the users and passerby a specific image and identification for the area in particular and the community as a whole. The following guidelines are intended to require excellence in the design of buildings proposed for the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District and to foster development that is consistent with the small-town character and the ambiance of suburban and yesteryear Orchard Park. These guidelines will address required approaches to the design of structures, focusing on building scale, shapes, massing, heights, colors, materials, roof treatments, facades, and building site orientation to achieve diversity and design excellence in residential and nonresidential development in the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District. Further, the streetscape and landscaping features of the area should enhance and complement the District to create the most attractive and compatible northern and southern entryway possible into the historic community center, the Village of Orchard Park.

B. Definitions. As used in this article, the following terms shall have the meanings indicated: NORTH BUFFALO ROAD/ARCHITECTURAL OVERLAY DISTRICT

All premises which have frontage on North Buffalo Road between the center line of Southwestern Boulevard and the Orchard Park Village line, extending 350 feet on the east and west sides of the street and any contiguous properties with the same owner prior to January 7, 2009.

SOUTH BUFFALO STREET/ELLICOTT ROAD ARCHITECTURAL OVERLAY DISTRICT

All premises along South Buffalo Street and Ellicott Road from New Armor Duells Road to the South Village Lot Line in the Business Zone.

- C. Architecture. The construction of new buildings, additions, alterations or renovations within the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District should add life and vibrancy to the existing neighborhood. New design must be carried out in such a way that it complements rather than detracts from the streetscape.
- D. Location. New construction, additions, alterations or renovations should be oriented in conformity with the other buildings on North Buffalo Road and South Buffalo Street/Ellicott Road to New Armor Duells Road. The prevailing setback of the street should be maintained by any new construction.
- E. Scale. New construction, additions, alterations or renovations should be compatible in scale with the other buildings in the area. New construction, additions, alterations and renovations of a massive scale shall not occur within the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District, nor shall very small, out-of-proportion main buildings on a property be added to the stock of the road. Buildings should not be branded using an architectural style of a company. Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is not allowed.
- F. Rhythm. New construction, additions, alterations or renovations should mirror the window and door rhythm and the height of various elements (windows, rooflines, etc.) of the adjacent and other buildings on the street.
- G. Massing. New buildings should incorporate the same general patterns of massing, including window and door forms, roof profiles and building shapes as are evident in the existing architecture of the district.
- H. Materials. New buildings should incorporate the same exterior materials as exist on current buildings within the District. Large expanses of glass and synthetic materials should be avoided. The use of wood, composite wood, or cementitious is recommended.
- I. Roof architecture and treatments. The use of architectural features, such as three-dimensional cornice treatments, enclosed parapet wall forms and details, overhanging eaves, etc., are encouraged to enhance the architectural character of the roof. Roof-top plumbing, vents, ducts, and air-conditioning and heating equipment, communication antennae, and other mechanical or electrical equipment must be located away from public view and screened in such a manner so as not to be visible from any angle or any height outside of the building.
- J. Other exposed mechanicals. Exposed mechanical equipment, such as through-wall and window air conditioners, vent pipes, electrical conduit and boxes, is not permitted on the street face or on any side elevation that is visible from the street.
- K. Additions. Additions to existing buildings should generally be made on the side or rear elevation with minimal impact on existing features, and should be made in such a manner that, if removed in the future, existing material would not be irreparably damaged. Additions should use materials compatible with the existing building and should incorporate massing, scale, window and door proportions, etc.
- L. General guidelines for new construction in the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District.

(1) New additions to existing properties shall include new construction physically attached to an existing structure, such as an appendage to a building, or separate new pieces of construction having nearby existing counterparts, such as a new building adjacent to a similar resource.

(2) Any new addition should be located in a manner that allows existing features to remain the primary visual and physical components of the existing property. Considerations include characteristics such as density, orientation, scale, and form of features both within the existing property and its setting.

(3) Attached additions, such as a building appendage, should be somewhat smaller in scale, although similar in overall form to the existing feature. Separate new construction, such as a new building along this overlay street, should be of the same general scale and size as the adjacent existing counterparts. Considerations include overall dimensions, as well as size of significant features, such as roof slopes and overall height, and general alignment. A general rule of thumb is that the new construction falls within 10% of the scale of existing equivalents.

(4) Additions to existing properties should reflect the shape or form of similar adjacent existing counterparts. When shape is determined by strict geometric arrangements, for example, the combination of rectilinear components to form buildings, these same forms should be reflected in the proposed addition. If existing forms are more organic or free-flowing, as might be the case in the arrangement of structures in the overall layout on a property, such forms should guide the design of the new construction.

(5) New construction should be comprised of individual features comparable, but not identical to, those of similar existing properties. In those areas of the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District which are characterized by dwellings having front porches, paired windows and dormers, etc., new buildings should include these same features.

(6) Materials used in new construction should be comparable with those of corresponding existing properties and their features. Additions having existing counterparts should reflect the overall pattern, texture, and color of materials found at the existing property. For example, a new outbuilding should complement the existing main building in application of roof, building massing, and foundation materials that complement those of the existing property.

(7) A property's color palate should not be more than three colors: one base color, one trim color, and one accent color. Encourage trim and accent colors that contrast with the base color. Trim and accent colors should be either lighter or darker than base color.

(8) Articulation.

(a) If buildings are longer than 30 feet, they should include modulation and/or articulation features at a maximum of 30 feet to reinforce the small pattern or earlier times. At least two of the following methods must be employed at intervals of no greater than 30 feet.

[1] The use of window and/or entries.

[2] The use of awnings.

[3] The use of change of roofline.

[4] The use of change in building materials or siding.

[5] The use of other methods that meet the intent of the guidelines to retain the small-town feel of the structure.

(b) Vertical articulation should be used to moderate buildings extending to the full 35 feet of vertical development permitted by local ordinance, such as cornice treatments, differing levels of fenestration, material changes, pedestrian-scale building details, and weather protection elements, such as awnings and door overhangings.

M. Signs.

(1) Signs should be architecturally compatible with the style, compositions, material, color, and detail of the building and other signs on nearby buildings. They should also provide adequate identification of the business. All signs need to comply with the Town of Orchard Park Zoning Code general sign requirements.

(2) Signs constructed of materials such as wood or metal are preferred. Permanently painted window or awning signs are encouraged if compatible with the architectural style of the building. Painted window signs shall not consume more than 1/3 of the glazed area of the window.

(3) Neon signs are not permitted on the exterior of the building. They may be used in the interior of a display window. However, they may not cover more than 1/3 of the window surface.

(4) Projecting signs cannot block or obliterate intricate facade detailing, windows or cornices of the building upon which they are attached. Franchise signage will be moderated to comply with the design intents of the district.

N. Exterior lighting.

(1) Lighting along the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District shall serve to illuminate facades, signage, and landscaping. Illumination shall provide an adequate level of personal safety, while enhancing the aesthetic appeal of building and grounds.

(2) The use of shaded gooseneck style, lantern, and other style lighting fixtures relative to the particular architectural character of the building are recommended.

(3) The backlighting of semitransparent awnings, colored lighting, and neon lighting are not permitted.

(4) Catalogue cuts or photographs of all proposed lighting fixtures shall be submitted to the Architectural Review Committee for review and acceptance.

O. Awnings.

(1) The use of awnings is encouraged within the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District to enhance the traditional and historic character of the community. Awnings are to provide sun protection for display windows and/or residential windows, shelter for pedestrians, and a sign panel for businesses. (2) Retractable or operable awnings are recommended. Large expanses of awnings should be broken into segments that reflect individual store fronts. Awnings are not permitted to extend across multiple store fronts and/or multiple buildings. Awnings must be constructed of durable, protective, and water-repellent material and project a maximum of 36 inches from a building facade. Plastic or fiberglass awnings are not permitted. The backlighting of permitted awnings is not acceptable.

P. Streetscaping. Landscaping treatments should be used to enhance the pedestrian and vehicular experience, complement architectural features, and/or screen utility areas.

(1) A streetscape master plan shall be prepared by a registered landscape architect which will encompass a selection of trees, shrubs, ground covers, perennials, location of annuals, as well as hardscapes. Hardscapes will include paving materials, benches, landscape aggregates, and lighting. This master plan will be reviewed by the Conservation Board and the Planning Board, with final approval granted by the Town Board.

(2) Any new construction shall conform to the streetscape master plan. The Conservation Board shall be familiar with all details of the plan as well as all landscape architects doing work in the Architectural Overlay District.

(3) Some plantings should be located on private property, with the permission of the owners, to give continuity to the whole streetscape.

(4)Funding of the streetscape shall be derived from recreation land fees, as well as forfeited landscape fees from other projects.

Q. Drive-Through Windows. Defined as those windows which allow for service of food and other services or product from a window in a structure which allows for such service without the patron leaving his or her vehicle is hereby prohibited in the Architectural Overlay District.

**SECTION II:**

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

**The resolution was unanimously adopted.**

**Old Business # 2 Approve Change Orders #6 IPL, #5Numarco & #6 DV Brown for the CAC.**

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

**WHEREAS**, the Engineering Department has been working with Wendel and the user groups to finalize and order kitchen equipment. The prime contractors on the C.A.C. have been solicited to provide a cost to install the equipment as supplied by Buffalo Hotel Supply. IPL, Numarco, and DV Brown have all returned a no cost estimate to install the equipment.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board approves the no cost change order #6 to our contract with Industrial Power & Lighting Corporation 60 Depot St, Buffalo, NY 14206, for the installation of the kitchen equipment, and be it further

**RESOLVED**, that the Town Board approves the no cost change order #5 to our contract with Numarco, Inc., 1021 Maple Road, Elma, New York 14059, for the installation of the kitchen equipment, and be it further

**RESOLVED**, that the Town Board approves the no cost change order #6 to our contract with DV Brown & Assoc. Inc., 567 Vickers Street, Tonawanda, New York 14150, for the installation of the kitchen equipment as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #3 Approve Change Order #10 to the Contract with Javen for the CAC**

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

**WHEREAS**, a number of items have been brought forward to not only enhance the quality of the CAC project but also to keep the project on schedule. The following items have been proposed by the general contractor, and recommended by Wendel and O.P. Engineering;

1) Credit for Surplus Unit Price Bid Items — In developing the bid documents for the project, a broad set of assumptions were utilized in calculating the unit quantities for bid Alternate #11 (Onsite stockpiled material used for filling). With the completion of the filling operations a topographic survey was completed and final quantities of material placed were determined. The results of the survey concluded

that 8,544CY of material was not required to be placed. The total credit to be received from the adjustment of quantities of these bid items is \$85,440.00.

- 2) Hardware Cost Adjustment — During the submittal phase of the project, a complication arose between the doors and their specified hardware per the contract. The Specified hardware sets were incompatible with certain door styles, resulting in different materials having to be ordered through other suppliers. Also, during the keying conferences had with the Engineering, Police, IT, and Maintenance Departments a request was made to have the center's interior doors lockable from within the rooms for safety and lockdown purposes. A revision also had to be made to the plans to add a doorway that will allow access into space unfinished by alternates #9 and #10. The total cost of the hardware revisions are proposed to be \$27,849.48.
- 3) Kitchen Equipment Installation — As previously discussed, a proposal has been received from Buffalo Hotel Supply to purchase the necessary kitchen equipment for the center. Some of the equipment will require a dividing wall be added into the kitchen between the food prep and stovetop cooking area. Javen has submitted a cost of \$2,127.24.
- 4) Phenolic Panel/Stone Veneer Trims & Caulks — Due to unspecified sealants and finishing techniques, a more detailed scope of work to seal the exterior finishes had to be established. Wendel's Architect and Javen have developed a solution to properly seal the different exterior materials and provide a weather tight building. The additional flashings and caulking involved resulted in a request from Javen in the amount of \$11,318.53.

**WHEREAS**, this change order will result in a net credit to the project of \$44,144.75. This will decrease Javen's total contract to \$12,656,321.12 representing a 0.35 % decrease.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve change order #10 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 for the adjustment of bid item quantities, hardware cost adjustment, kitchen equipment installation, and phenolic panel/stone veneer sealants for a total net credit of \$44,144.75 for the Brush Mountain Community Activity Center Project, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

#### **PUBLIC COMMENT ON NEW BUSINESS**

Sherry Pomeroy inquired about unregistered voters that are Orchard Park residents who want to vote on the special election of increasing the Town Board. She asked if the hours offered for registering could be extended to accommodate more people on the designated October 1<sup>st</sup> registration date.

Supervisor Keem and Town Attorney John Bailey responded by stating we are waiting for feedback from the Erie County Board of Elections Commissioner regarding details of the potential need for specific registration times.

Town Clerk Remy Orffeo stated in the past we have used the standard voter registration form and submitted them right away due to their time sensitivity. We will wait for the County Commissioner of the Board of Elections to respond before we take the next step.

**New Business #1 Approve Increasing the Town Board from Three to Five Members**

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

**WHEREAS**, a Petition for the submission of a proposition, hereinafter described, was filed in the Office of the Town Clerk of the Town of Orchard Park on the 26th day of August, 2019 subscribed and authenticated pursuant to law by electors of said town qualified to vote upon said proposition, said electors equal in numbers, to at least 5% of the total votes cast for Governor in said town at the last general election held for election of State Officers and

**WHEREAS**, the aforesaid Petition called for voters of the Town of Orchard Park to vote on a proposition to increase representation of the Town Board from 2 council members to 4 council members in the Town of Orchard Park, New York, such that the Orchard Park Town Board shall be comprised of the Supervisor and 4 council members beginning on January 1, 2022 and;

**NOW, THEREFORE, be it**

**RESOLVED**, as follows:

1. That a special election of the residents and tax payers of the Town of Orchard Park is hereby authorized and direct to be held on the 5th day of November, 2019 between the hours of 6:00 a.m. and 9:00 p.m. for the purpose of voting by ballot on such proposition.
2. The polling places at such election are hereby designated to be those polling places utilized at the general election in the Town of Orchard Park which shall be held on the same date as this election.
3. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Orchard Park Bee, such publication to be at least ten (10) days prior to the date of such special election, and by posting on a sign board of the Town a copy of such notice at least ten (10) days prior to the date of such special election.
4. The notice of such special election shall be in substantially the form set by the Town Attorney.
5. Local personal registration for the purpose of voting by ballot on such proposition is hereby set for the 1st day of October, 2019, between the hours of 11:00 a.m. and 4:30 p.m. Such registration shall be held at the Orchard Park Town Hall at 4295 S. Buffalo Street, Orchard Park, New York and the Town Clerk is hereby ordered and directed to give notice of such personal registration by publication thereof and posting thereof as required by law. Those so registering shall be added to the roll of those personally registered as the same is maintained by the Erie County Board of Elections so as to qualify as an elector for the purpose of this special election.
6. The Town Clerk is hereby ordered and directed to contact and make necessary arrangements with the Erie County Board of Elections for the purpose of bipartisan selection designation of qualified election inspectors and ballot clerks and for the aforesaid local personal registration and for the purpose of provision of voting machines and/or ballots in sufficient quantity for use at such special election and to prepare for the use of the election officers the necessary oaths and certificates of election and to procure and deliver to such election officers any and all necessary paraphernalia for the proper conduct of such election.
7. This resolution shall take effect immediately.

**The resolution was unanimously adopted.**

**New Business #2 Appoint Police Officer Christopher P. Climenhaga**

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

**WHEREAS**, the Orchard Park Police Department has an opening for a Police Officer on its staff, and

**WHEREAS**, upon recommendation of Police Chief E. Joseph Wehrfritz, the Town Board of Orchard Park wishes to appoint Christopher P. Climenhaga to the position of Police Officer in the Orchard Park Police Department, Step A, effective September 16, 2019, at the salary of \$72,320.00

**NOW, THEREFORE, BE IT**

**RESOLVED** that:

1. Christopher P. Climenhaga is hereby appointed to the position of Police Officer in the Orchard Park Police Department, and
2. Mr. Climenhaga's start date will be September 16, 2019, and
3. Mr. Climenhaga's salary will be \$72,320.00, Step A.

**The resolution was unanimously adopted.**

**New Business #3 Appoint Police Officer Christopher S. Tornabene.**

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

**WHEREAS**, the Orchard Park Police Department has an opening for a Police Officer on its staff, and

**WHEREAS**, upon recommendation of Police Chief E. Joseph Wehrfritz, the Town Board of Orchard Park wishes to appoint Christopher S. Tornabene to the position of Police Officer in the Orchard Park Police Department, Step A, effective September 17, 2019, at the salary of \$72,320.00

**NOW, THEREFORE, BE IT**

**RESOLVED** that:

1. Christopher S. Tornabene is hereby appointed to the position of Police Officer in the Orchard Park Police Department, and
2. Mr. Tornabene's start date will be September 17, 2019, and
3. Mr. Tornabene's salary will be \$72,320.00, Step A.

**The resolution was unanimously adopted.**

At this point Chief of Police Wehrfritz congratulated the Police Officers. He outlined their accomplishments and contributions to the Orchard Park Police Department.

**New Business #4 Re-Appoint Michelle Bouton to the Board of Assessment Review**

**10) 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 re-appoint Michelle Bouton to the Board of Assessment Review with a term to expire September 30, 2024.

**The resolution was unanimously adopted.**

**New Business #5 Appoint Peter Krog II to the North & South Buffalo AOD.**

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

**WHEREAS**, the North and South Buffalo Architectural Overlay District committee has a vacancy, and

**WHEREAS**, Peter Krog II, has expressed an interest in serving on the North and South Buffalo Architectural Overlay District committee.

**THEREFORE, NOW be it**

**RESOLVED**, that Peter Krog II, 5625 Benning Road, Town of Orchard Park, is appointed to the North and South Buffalo Architectural Overlay District committee with a term to expire on December 31, 2022.

**The resolution was unanimously adopted.**

**New Business #6 Appoint 2019-2020 Recreation Staff**

**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 approve the following fall, winter, spring 2019/ 2020 staff to the Town of Orchard Park’s Recreation Department. *Please note many have rate changes from the summer.*

**(2019/2020 fall, winter, spring Seasonal part time Staff Appointments effective 9/1/19**

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Abriana Will	\$13.00	PT5-C (Lg)
Lincoln Roza	\$12.50	PT5-A (Lg)
Jessica Gifford	\$15.00	PT6-D (ATT)

Note: The above appointments are dependent upon the applicant providing the required certifications.

**The resolution was unanimously adopted.**

**New Business #7 Approve Supervisor to sign Contract with Human Resources Simplified.**

**13) 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 Contract with Human Resources Simplified

SCOPE OF WORK: This arrangement between Human Resources Simplified (referred to as HRS) and the Town of Orchard Park (referred to as the client) is a project agreement.

- Review Town Personnel Policy Manual. Update, writing policies as necessary.
- Compare Town Personnel Policy Manual, Town Code and Police Rules & Regulations.
- Identify areas in conflict between Personnel Policy, Town Code and Police Rules & Regulations.
- Working with the Police Chief, determine appropriate policy and/or rule when there is a conflict between Town Personnel Policy, Town Code and Police Rules & Regulations.
- Meet with Department Managers as necessary to determine appropriate policy changes.
- Rewrite Town Code, Police Rules & Regulations (that do not require negotiations) and Personnel Policy Manual, as appropriate so they are aligned.
- Provide training as necessary for policy changes.

PHASE I - \$8500

- Review personnel policy; identify omissions, ambiguity and compliance issues. Update, writing policies as necessary.
- Compare Town Personnel Policy Manual, Town Code and Police Rules & Regulations.
- Identify areas in conflict between Personnel Policy, Town Code and Police Rules & Regulations.

PHASE II - \$4475

- Working with the Police Chief, determine appropriate policy and/or rule when there is a conflict between Town Personnel Policy, Town Code and Police Rules & Regulations.
- Meet with Department Managers as necessary to determine appropriate policy changes.

PHASE III - \$4550

- Rewrite Town Code, Police Rules & Regulations (that do not require negotiations) and Personnel Policy Manual, as appropriate so they are aligned.
- Provide training as necessary for policy changes.

START DATE: August 19, 2019

END DATE: March 31, 2020

Progress on this project will be dependent on availability of employees and responses to inquiries.

PAYMENT: HRS will provide billing upon the completion of each phase. Phase 1 is anticipated to be completed and billed in 2019. Phase II and III will be completed in 2020 and billed upon completion of each phase.

TERMINATION: A two-week notice is requested if the client desires to terminate the relationship. All services will cease at the end of the two-week notice period and all completed work at time of notice will be billed and payable to HRS.

**The resolution was unanimously adopted.**

**New Business #8 Approve 2019 Commercial Parking Permits**

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

**RESOLVED**, that the Town Board is hereby authorized to table the approval of the 2019 Commercial Parking Permits.

**The resolution was unanimously adopted.**

**New Business #9 Approve the Salvage / Purchase of a vehicle for the Building Inspector’s Dept.**

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

**WHEREAS**, the Town of Orchard Park Building Inspector's Department has been assigned a 2008 Ford Focus to be used by that department in the furtherance of its duties, and

**WHEREAS**, that 2008 Ford Focus now needs maintenance work at an expense incommensurate with the value of that automobile, and

**WHEREAS**, an acceptable replacement vehicle is available on the New York State bid, and

**WHEREAS**, the Town Board of the Town of Orchard Park is willing to declare the 2008 Ford Focus as salvage and is willing to authorize the purchase of a 2019 Ford Escape at the New York State bid price of \$22,957,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2008 Ford Focus presently assigned to the Building Department for its use is hereby declared salvage and is to be disposed of appropriately, and be it further

**RESOLVED**, that the purchase of a 2019 Ford Escape VIN # 1FMCU9GD3KUC48944 from DeLacy Ford at the New York State Contract Bid of price of \$22,957 is hereby approved.

**The resolution was unanimously adopted.**

**New Business #10 Approve Agreement with Buffalo Hotel Supply**

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

**WHEREAS**, the Town retained BHS Foodservice Solutions to prepare a kitchen design and specify equipment suitable for the needs of the building and the user groups. They have completed the design and modified components, as requested by the senior groups, and the rough in work on site has been completed based on the appliances specified and,

**WHEREAS**, to ensure that the equipment can be delivered and installed prior to substantial completion of the building, the kitchen equipment should be ordered as soon as possible. BHS has provided a proposal for the equipment and installation for \$107,700.00. If accepted, per our original consultant agreement, the design fee will be reduced by 50%, approximately \$1,000.00 which will be received after the approval of the agreement and,

**WHEREAS**, the quote is at or below state bid pricing and requires 100% payment prior to the order being placed. There is presently funding allocated under Capital Projects ABOO4 for the Community Activity Center, and additional funding is being allocated into the accounts.

**NOW, THEREFORE, be it**

**RESOLVED** that the Supervisor is authorized to sign an agreement with BHS Foodservice Solutions, 375 Commerce Drive, Amherst, NY 14228, to provide the kitchen equipment and installation services for the Brush Mountain Community Activity Center in an amount not to exceed \$107,700.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #11 Approve PIP #2019-01 for Pleasant Acres West Subdivision Part 3 Phase 1.**

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

**WHEREAS**, we have received from Anastasi Trucking & Paving, 4430 Walden Avenue, Lancaster, New York, 14086, an application for a Public Improvement Permit to construct the Pleasant Acres West Subdivision Part 3 Phase 1 and,

**WHEREAS**, the project consists of the installation of 1,550 L.F. of paving and curbing, 3,650 L.F. of drainage, 810 L.F. of sanitary sewer, 950 L.F. of waterline & 2 hydrants, five streetlights and well points, clay dams, fabric, geogrid, etc., to service fourteen home sublots and,

**WHEREAS**, we have reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, insurances, and the performance bond and,

**WHEREAS**, due to NYSDEC Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district, which was completed by the Town of Orchard Park Town Board for the entire Pleasant Acres West Subdivision.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board approves the Public Improvement Permit #2019-01 for the Pleasant Acres West Subdivision Part 3 Phase 1, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #12 Appoint Seasonal part-time Assessment Clerk**

**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 appoint Jennifer Spengler-Serwinowski to the position of Part-Time Seasonal Clerk Typist effective Monday August 26, 2019 at a Rate of \$15 per hour.

**The resolution was unanimously adopted.**

**New Business #13 Approve a two day CCTA Program**

**19) 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 Richard Mrugalski to attend a two-day exercise for Complex Coordinated Terrorist Attack Program to be held on October 1 and 2, 2019 at State Preparedness Training Center in Oriskany, New York. There is no cost for this training or lodging. There will be cost for tolls, fuel and meals. This will come out of the Emergency Management account for training.

**The resolution was unanimously adopted.**

**New Business #14 Refer to the Planning Board, Zoning Board and Conservation Board**

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

**RESOLVED**, that the Town Board does hereby refer the following to the Planning Board, Zoning Board of Appeals, Conservation Board:

3340 & 3320 North Benzing Road, Zoned I-1. (SBL#'s 152.13-3-23.3 & #152.13-3-24.2) Jay Pohlman, Esquire, representing "Buffalo & Orchard Park Top Soil, Inc.", Estate of Alan B Huegel, Owner. Requesting Town Board approval to rebuild a warehouse and office that were destroyed by fire.

**The resolution was unanimously adopted.**

**New Business #15 Approve contract with Paramount Pictures Corporation**

21) 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 a contract with Paramount Pictures Corporation to provide Police services on September 9 & 10, 2019 for 3 officers and 3 patrol cars for 11.5 hours each.

**The resolution was unanimously adopted.**

**New Business #16 Authorize the creation of IT Position**

22) 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 creation of one (1) Civil Service position entitled full-time Assistant Network Coordinator for the Information Technology Department.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Tom Leone thanked the Town Board, Highway Department and Councilmember Mike Sherry for working with him to get his brush picked up. He also inquired about why the Town decided to outsource the task of picking up brush. He feels the Highway Department does a great job and they should do the brush pickup.

Peggy McCarthy asked what could be done about cars not stopping for the stop sign at the corner of Berg Road and Bieler Road. She's concerned about the safety of drivers, bicyclists and pedestrians.

Mary Chase is also concerned about the speed of drivers and the lack of drivers stopping at the stop sign on the corner of Berg Road and Bieler Road. She also inquired about the bushes on the corner of Bieler Road and Lake Avenue. They are overgrown and it is very difficult to see around them to check for oncoming traffic. She left a message for the Highway Department to trim them back like they were trimmed last year. Highway trimmed the bushes on the opposite side of the road and sent her an email stating the bushes are on private property and the Town must send a letter to the homeowner.

**DEPARTMENT HEADS**

Supervisor Keem congratulated the two new Police Officers.

Town Clerk Remy Orffeo stated the forms for the Agricultural District Annual Enrollment are available in the Town Clerk's Office.

Building Inspector Steve Bremer stated that the bushes on Bieler Road & Lake Ave. that the resident spoke of are on private property and is a code issue. He will have an Officer look at it tomorrow.

Chief of Police Joe Wehrfritz told the residents who spoke of traffic issues that he will give the Captain in charge of traffic their information to look into the problems they spoke of.

Highway Superintendent Piasecki spoke of cleaning up the retention ponds and drainage aspects. They are starting to do bubbler repair and installing pipe. They are continuing to work at the CAC entrance way and it's looking very nice.

23) 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 #17 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$71,525.46
<b>Public Safety Fund</b>	\$4,848.48
<b>Part Town Fund</b>	\$1,044.89
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$10,661.82
<b>Special Districts</b>	\$42,625.28
<b>Trust &amp; Agency</b>	\$540.07
<b>Capital Fund</b>	\$92,208.38

The resolution was unanimously adopted.

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

RESOLVED, the Town Board does hereby receive and file the Public Notice for the Annual 30-day period of Predominantly Viable Agricultural Lands into Existing Agricultural Districts.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:44 pm (local time).

Respectfully Submitted,

Remy C. Orffeo  
Town Clerk