

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 6th 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 August 16, 2017, and the Executive Sessions: August 9, 16, and 23, 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.

New Business #1 Supervisor to sign agreement with Duke's Root Control to apply herbicide to sewers

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

WHEREAS, the Town's Sanitary Sewer infrastructure network continues to age, it is imperative that proper maintenance techniques are employed to extend the useful life of the system. Noninvasive (no excavation) maintenance techniques are currently the most cost effective and have a negligible impact on residents while work is being completed, and

WHEREAS, it has been proven that a noninvasive internal application of root control is the most effective and economical means of removing tree roots from sanitary sewer lines. If left untreated, tree roots can cause blockages within the system creating surcharging and sanitary sewer overflows. Application of diquat-based contact herbicide will not only kill roots on contact but also inhibit growth for an additional 3-5 years. The proposed herbicide has received a classification of "evidence of non-carcinogenicity" by the EPA. The product is currently being utilized by neighboring municipalities and has been used on Town sewers in the past. (The Erie County 2017 Summer Maintenance Bid, Item No. E203.9908), and

WHEREAS, there is presently \$4,000 that can be allocated for this purpose in Sewer District Repairs, 001.8346.000.592, and \$6,000 that can be allocated in Contingent Funds, 001.8346.000.550.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Supervisor to sign an agreement with Duke's Root Control, 1020 Hiawatha Blvd., West Syracuse, NY 13204, to complete herbicide root treatment in an amount not to exceed \$10,000, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 2 Accept resignation of Deputy Town Clerk

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 accept, with regret, the resignation of Judith Ernst as Deputy Town Clerk, effective September 1, 2017.

The resolution was unanimously adopted.

New Business #3 Appoint Part-time Records Management Clerk

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

WHEREAS, the position of part-time Records Management Clerk in the Town Clerk's Office has become vacant, and

WHEREAS, there is money in the part-time Records Management Clerk's budget line to fill the position, and

WHEREAS, Jennifer Brady has records experience.

NOW, THEREFORE, be it

RESOLVED, that Jennifer Brady be appointed part-time Records Clerk in the Town Clerk's office at the rate of \$16.00 per hour for the period September 7, 2017 through December 31, 2017.

The resolution was unanimously adopted.

New Business #4 Appoint Part-time Records Clerk under LGRMIF Grant from NY State Archives

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

WHEREAS, the Town of Orchard Park, by resolution on January 4, 2017, applied for a LGRMIF grant through the New York State Archives, and

WHEREAS, the Town of Orchard Park was awarded a LGRMIF records management grant by the New York State Archives, and

WHEREAS, the grant is in the amount of \$61,240 and for the period of July 1, 2017 to June 30, 2018, and

WHEREAS, the records management grant (as amended) allows for the hiring of a part-time Records Clerk at a rate of \$20.00 per hour, and

WHEREAS, Carly Spatar has records experience

NOW, THEREFORE, be it

RESOLVED, that Carly Spatar be appointed part-time Records Clerk under the provisions of New York State Archives Grant #0580-18-7033 at the rate of \$20.00 per hour for the period August 23, 2017 through June 30, 2018.

The resolution was unanimously adopted.

New Business #5 Wage Adjustment for part-time staff in Town Clerk's office

6) 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 authorize a wage adjustment for part-time summer help in the Town Clerk's office for Erin O'Rourke and Catlin O'Rourke.

The resolution was unanimously adopted.

New Business #6 Approve Chamber of Commerce to hold Octoberfest at the Train Depot

7) 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 Special Events Permit for the Orchard Park Chamber of Commerce to hold their Octoberfest at the Orchard Park Train Depot on October 7, 2017 from 5:00PM to 11:00PM. All fees have been paid and the Certificate of Liability has been received.

The resolution was unanimously adopted.

New Business #7 Approve Stadium Parking Permits

8) 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 approve the following 2017 Commercial Parking Permits, as approved by the Chief of Police and Building Inspector:

2549 Group, LLC, 4297 Abbott Rd.
 3819 SWSTRN Blvd., LLC, 3819 Abbott Rd.
 3920 SWTRN LLC, 3916 & 3920 SWTRN Blvd
 Augustine, Diane, 3968 SWTRN Blvd
 Bieler, Kevin, 3946 SWTRN Blvd
 Passucci, Michael (5/17), 5100 Big Tree Rd.
 Carrow, Thomas R., 4243 Abbott Rd.
 Kristin Chequers/Jason Cooper 3964 SWTRN Blvd
 Clark, Zachary, 4180 Abbott Rd.
 Danny's South, 4300 Abbott Rd.
 DeMarco, Dan, 4270 Abbott Rd.
 DeMarco, Joe & Diane, 3964 California Rd.
 Hanley, Sean, 3944 California Rd.
 Jakubowski, Maureen, 3796 Abbott Rd.
 Kam, Thomas & Paul, v/l W Blvd
 (SBL: 161.09-5-3.11 & 3.112)
 Kane, Sue & Patrick, 3952 SWTRN Blvd
 Kowalski, Ray & Sue, 3972 SWTRN Blvd
 Krygier, Linda, 3781 Abbott Rd.

Niagara Frontier Recovery, 3958 SWTRN Blvd
 On the Go Convenience 3975 SWTRN Blvd
 OP BIERGARTEN (Tailgaters) 3847 SWTRN Blvd
 Przybyl, Dennis 3976 SWTRN Blvd
 Quaker Boy, Inc, 5455 W. Webster Rd.
 Red Carpet Inn, 3940 SWTRN Blvd
 Simoncelli, David, 3730 California Rd.
 Simoncelli, David, 3740 California Rd.
 Simoncelli, Michael, 3848 California Rd.
 Smith, Scott & Linda, 3879 SWTRN Blvd
 South Towns Motel, 3923 SWTRN Blvd
 Stadium Mobil, Inc, 3856 SWTRN Blvd
 Stephen, Paul, 4171 Abbott Rd.
 Tempestoso, David, 3912 SWTRN Blvd
 Trella, Edmund, 4317 Abbott Rd.
 Tripodi, Stephen, 3800 SWTRN Blvd
 Twin Oak Motel, 3949 SWTRN Blvd
 Violanti, Samuel/ Gillardo, Ramon, 3763 Abbott Rd.
 W.J. Milligan / JM Productions 3864 Abbott Rd.

Kuebler, John F., 3892 SWTRN Blvd
 Leitzan, Mark, 3808 Abbott Rd.
 Leitzan, Mark, 3816 Abbott Rd.
 Leitzan, Mark, 3830 Sheldon Rd.
 Lewis, Dana, 5554 W. Webster Rd.
 Liberatore, Victor, 3807 SWTRN Blvd
 Matwijow, Eric Am. Hammer Hold, 4170 Abbott Rd.
 Matwijow, Lisa, 4155 Abbott Rd.
 McDonell, Deborah, 3904 Abbott Rd.
 Native Development LLC, 3719 Abbott Rd.

W.J. Milligan / JM Productions 3880 Abbott Rd.
 W.J. Milligan /JM Productions 3892 Abbott Rd.
 Wannamacher, Lee, 3746 Abbott Rd.
 Whytas, Henry 5528, W. Webster Rd.
 Windom Community Church, 3766 Abbott Rd.
 Yemma, Joseph, 3785 Abbott Rd.
 DeMarco, Joe Jr, 4000 California Rd.
 Drewiega, Christopher, Webster Rd, vacant lot
 McDaniel, Michele & Robert, 4309 Abbott Rd.
 McNichol, Keegan, 3752 Abbott Rd.

The resolution was unanimously adopted.

New Business #8 Approve Town Assessor to attend NYSSA Fall Conference

9) 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 request of Milton Bradshaw, Town Assessor to attend the NYSSA Fall Conference from October 1 – 4, 2017 in Lake Placid. The money is in the budget.

The resolution was unanimously adopted.

New Business #9 Closure of Capital Project and Transfer of Funds

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

WHEREAS, the Town has completed project Z53- Draudt Road Culvert and has excess cash remaining, and the Town has identified the original funding source of Z53 as the 2016 bond authorized for “construction and reconstruction of town-wide drainage system 11/18/15”, and

WHEREAS, the Town has ascertained that it would be desirable to utilize the excess cash to provide additional funding to other capital project needs within the scope that the funding was authorized for.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the close of capital project Z53 – Draudt Road Culvert and transfer excess cash in the amount of \$187,038.88 to Z50 - Miscellaneous Culverts.

The resolution was unanimously adopted.

New Business #10 Approve Budget Amendment for NYS Justice Court Assistance Program

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

WHEREAS, the Town has received funding from the NYS Justice Court Assistance Program (JCAP) in the amount of \$9,615 on March 14, 2017, and Town’s adopted budget for 2017 does not include revenues or appropriations for the above mentioned grant,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendment of the Town's 2017 budget to account for the NYS Justice Court Assistance Program Grant:

General Fund:

Increase estimated revenues:

| | | |
|-------------|-------------------------------|-------------|
| A.0000.3330 | General-Court Asst. Prog. Grt | \$ 9,615.00 |
|-------------|-------------------------------|-------------|

Increase appropriation account:

| | | |
|-------------|-----------------------------|-------------|
| A.1110.0419 | Town Justice-Other Expenses | \$ 9,115.00 |
|-------------|-----------------------------|-------------|

| | | |
|-------------|-------------------------------|-----------|
| A.1110.0200 | Town Justice-Office Equipment | \$ 500.00 |
|-------------|-------------------------------|-----------|

The resolution was unanimously adopted.

New Business #11 Approve Budget Amendment for Local

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

WHEREAS, the Town has received final approval from New York State for Local Government Records Management Grant project number 0580187033 in the amount of \$61,240 for the period July 1, 2017 through June 30, 2018, and

WHEREAS, the Town's adopted budget for 2017 does not include revenues or appropriations for the above mentioned grant,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendment of the Town's 2017 budget to account for the Local Government Records Management Grant:

General Fund:

Increase estimated revenues:

| | | |
|-------------|--------------------------|--------------|
| A.0000.3060 | Records Management Grant | \$ 61,240.00 |
|-------------|--------------------------|--------------|

Increase appropriation account:

| | | |
|------------|-----------------------------|--------------|
| A.1410.141 | Records Management Clerk-PT | \$ 61,240.00 |
|------------|-----------------------------|--------------|

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Lisa Young - Ms. Young had a question regarding a variance with a shed at 109 Oakwood Ave. She also stated that at Oakwood, where Pilger comes in, the bushes are overgrown and the woman who owns the property is unable to take them down. She also feels that there should be a stop sign there.

Penny Andrews – Ms. Andrews stated that the house next to hers put in a 350 ft. access road and feels that this has violated Town and State Code. She gave a copy of the said violations to the Town Clerk.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem stated that Monday is the anniversary of 9/11 and he talked about the courage of the first responders, and the tragedy of the day. Never forget.

Councilman Sherry stated the shed issue is being handled by the Building Inspector, and the bushes and stop sign can be referred to the Public Safety Committee. The Building Inspector is aware of the allegations regarding the property on Transit Road.

Town Clerk Remy Orffeo said that Judy Ernst, who worked in the Town Clerk's Office for about three years, had found another job. He stated she was a great employee and we wish her well on her new endeavor.

Police Chief Pacholec said for a stop sign, there are metrics that need to be met before one can be installed. He will put this request on the list for stop signs. For the game on Sunday, Abbott Road will be closed at 8:00AM. He said there will be a KC135 flyover during the National Anthem.

Highway Superintendent Piasecki outlined the Highway Department's paving and drainage work.

13) 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 #17 following auditing by members of the Town Board and in the funds indicated:

| | |
|---------------------------|--------------|
| General Fund | \$76,533.43 |
| Public Safety Fund | \$5,651.79 |
| Part Town Fund | \$378.83 |
| Risk Retention | -0- |
| Cemetery Fund | -0- |
| Highway Fund | \$230,731.61 |
| Special Districts | \$26,341.45 |
| Trust & Agency | \$985.00 |
| Capital Fund | \$12,753.66 |

The resolution was unanimously adopted.

REPORTS

14) 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 receive and file Erie County Public Notice - Enrollment Period for Predominantly Viable Agricultural Land into Existing Agricultural District is 9/1/17 – 9/20/17 Applications are available at the Town Clerk's Office.

The resolution was unanimously adopted.

5) 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 receive and file the Building Inspector's Report for August 2017.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:24 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**