

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 7<sup>th</sup> day of April 2019 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

**PRESENT AT ROLL CALL:**

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	Acting Chief of Police

Absent: Patrick J. Keem Supervisor

**Councilmember Majchrzak 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 COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: March 20, 2019 Executive Sessions: February 20, March 13 & 20, 2019.

**RESOLVED**, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward.

**Old Business # 1 Renew Conservation Easements**

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

**WHEREAS**, at the March 27, 2019 Town of Orchard Park Board meeting renewal of certain Conservation Easements was proposed, and

**WHEREAS**, the Town Board of Orchard Park tabled the question of renewing those Conservation Easements for further consideration, and

**WHEREAS**, the Town Board has completed its review of those easements and their renewal,

**NOW, THEREFORE, be it**

**RESOLVED** that the Town Board takes the issue of renewing the subject Conservation Easements from the table, and hereby renews those Conservation Easements as requested on the condition that the owners of the property to which those Conservation Easements apply, file with the Town Clerk and the Town Assessor metes

and bounds descriptions and surveys of the property affected by those easements within 90 days from the date of this resolution, and be it further

**RESOLVED**, failure to provide the subject documents within the stated time frame will result in the termination of those easements, and the Conservation Easements renewed hereby subject to the condition of providing surveys and metes and bounds descriptions are as follows:

CE File #19, 6807 Gartman Road; Kevin Brown, 9-Acres  
CE File #22, V/L Scherff Road; Rose & Patrick McCarthy, 10-Acres  
CE File #25, 5425 Chestnut Ridge Road; Robert M. Laurie, 25-Acres  
CE File #27, 7370 Milestrip Road; Peter & Rosemary Messina, Jr., 5-Acres  
CE File #28, 7360 Milestrip Road; Peter Messina, Sr., 5-Acres  
CE File #29, 6813 Chestnut Ridge Road; Geraldine Kozlowski, 7-Acres  
CE File #30, 7380 Milestrip Road; Russell & Lorraine Bieler, 5-Acres  
CE File #32, V/L Seufert Road; Darryl & Courtney Gonzalez, 10-Acres  
CE File #33, V/L Gartman Road; Dolores Zilliox, 23.45-Acres  
CE File #38, 6164 Bunting Road; Robert J. & Patti A. Woodward, 9-Acres  
CE File #42, 7245 Gartman Road; Wayne Bieler, 5-Acres

**The resolution was unanimously adopted.**

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

No one came forward

**New Business #1 Schedule a Public Hearing regarding a franchise agreement with Time Warner.**

3) 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 schedule a Public Hearing in the matter of the approval of a Television Agreement between Time Warner Cable Northeast LLC and the Town of Orchard Park on April 17, 2019 at 7:00 PM

**The resolution was unanimously adopted.**

**New Business #2 Schedule a Public Hearing for a Local Law regarding Zoning.**

4) 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 schedule a Public Hearing in the matter of a Local Law regarding Amending Chapter 144 "Zoning", Attachment 15 "Supplemental Height, Lot, Yard and Bulk Regulations" on May 1, 2019 at 7:00 PM at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #3 Schedule a Public Hearing for a Local Law regarding Flood Damage prevention.**

5) 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 schedule a Public Hearing in the matter of a Local Law revising Chapter 66 “Flood Damage Prevention” on April 17, 2019 at 7:00 PM at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #4 Schedule a Bid Opening for Brush Collection.**

6) 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 schedule a bid opening for “Brush Collection” on April 11, 2019, bids are to be submitted to the Town Clerk of the Town of Orchard Park on or before 11:00 A.M. (local time). Bid Packages will be available for pick up at the Orchard Park Highway Department.

**The resolution was unanimously adopted.**

**New Business #5 Advertisement for Bids for Little Loop Football Field**

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

**WHEREAS**, the Orchard Park Engineering Department is finalizing design plans and specifications for construction of the Little Loop Football Field at Brush Mountain Park. The project is anticipated to be bid and constructed in multiple contracts. Contract for Field Construction, Building General Contract if Announcer's Building is funded and Electrical Contract for lights, etc. The first, and current contract, is the removal of the softball diamond, construction of the underground storm water drainage, along with final grading, and establishment of the field playing surface and,

**WHEREAS**, the remaining contracts will be bid separately when the necessary electrical design work and building design work has been completed. The contracts are to include installation of the field lighting, construction of the Announcer's Building, placement of the park shelters, flag pole, and all remaining underground utility work that will be necessary for the buildings, field lights and score board and,

**WHEREAS**, in order for the Little Loop organization to utilize the field for their 2019 season, the sod field should be constructed no later than May 31, 2019. This will allow proper time for the field to establish prior to use. Therefore, the Advertisement for Bids should be authorized to be published on April 3, 2019. Plans and specifications will be available for purchase on April 12, 2019 with the bid opening to be held on April 29, 2019 at 2:00 pm in the Supervisor's conference room.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Little Loop Football Field at Brush Mountain Park Project at 10:00 am on April 29, 2019 in the Supervisor's Conference Room at the Orchard Park Municipal Center as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Approval of Erie County's STOP DWI Program.**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the STOP DWI Contract between the Town of Orchard Park and Erie County STOP DWI Program for the term of January 1, 2017 and December 31, 2017.

**The resolution was unanimously adopted.**

**New Business #7 Approve 2 Stable Permits**

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 approve Stable permits for Hammersmith Farms, 6243 Benning Rd. and Bella Cavallo, 6263 Benning Rd., West Falls.

**The resolution was unanimously adopted.**

**New Business #8 Appoint Fall/Winter Seasonal Part-time Recreation Staff.**

10) 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 for appointment to the staff of the Town of Orchard Park Recreation Department Winter/Spring 2019.

2019 Seasonal part time Staff Appointments retroactive March 30th 2019

<u>Name</u>	<u>Rate Position (Title*)</u>
Eric Ruhland	\$12.50 PT5-A (Lg)
Andrew Doran	\$12.00 PT4-D (Att)

Note: The above appointment is dependent upon the applicant providing the required certifications.

**The resolution was unanimously adopted.**

**New Business #9 Appoint a part-time employee to the Town Clerk's office.**

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 Katherine Merkel to a part-time position in the Town Clerk's office at a rate of \$14.70 hr. effective April 1, 2019.

**The resolution was unanimously adopted.**

**New Business #10 Approve the New Free Mulch Program**

**12) 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 approve the New Free Mulch Program utilizing Free Mulch Coupons for residents of Orchard Park. There is one coupon per residence that is good for the season as indicated on the coupon starting May 1, 2019. The first cubic yard is free and the second cubic yard is \$7.50. Coupons can be redeemed at the Orchard Park Compost Facility at 6909 Milestrip Road, Orchard Park during normal hours of operation, Monday – Friday 8 AM – 4 PM and Saturday 8 AM – 12 PM seasonally starting May 4, 2019. The coupons will be available at the Town Clerk’s Office. Proof of Residency is required.

**The resolution was unanimously adopted.**

**New Business #11 Schedule a Public Hearing for a Special Exception Use Permit**

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

**RESOLVED**, that the Town Board is hereby authorized to set a Public Hearing for May 1, 2019 at 7:00 PM as petitioned by Ross Cellino, in the matter of a Special Exception Use Permit to construct a 12,078 +/- Maintenance/Grounds Building for Harvest Hill Golf Course.

**RESOLVED**, that the Town Clerk publish due notice thereof.

**The resolution was unanimously adopted.**

**New Business #12 Emergency Manager to attend conference**

**14) 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 Richard Mrugalski, Emergency Manager, to attend a one-day Active Shooter Workshop coordinated by the Department of Homeland Security on April 11, 2019 at the Erie County Fairgrounds. There is no cost for this training.

**The resolution was unanimously adopted.**

**New Business #13 Adopt revised Personnel Policy Manual.**

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

**RESOLVED**, that the Orchard Park Town Board does hereby adopt the “Town of Orchard Park Personnel Policy Manual” as revised on December 5, 2018.

**The resolution was unanimously adopted.**

**New Business #14 Refer items to Planning, Zoning & Conservation Boards**

**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 refer the following to the Planning Board, Zoning Board and Conservation Board:

- 5490 Lake Avenue located on the north side of Lake Avenue east of North Bennzing Road. Zoned R-3. M & N Property Management, Inc., requests to operate a convenience store with prepared food for sale, and offer rental space for a beauty salon. (SBL#152.113-2-14)
- 4109 N. Buffalo Road located on the east side of N. Buffalo Road south corner of Sunset Terrace. Zoned B-3. Requesting to construct an addition to the existing barn and a covered patio. (SBL#162.13-2-14)
- 3628 N. Buffalo Road located on the west side of N. Buffalo Road south of Milestrip Road. Zoned B-3. Creative Remodeling Services, LLC is requesting to renovate and expand an existing 840-sq.ft. Residence into a 2,140 sq. ft. Office/Showroom for their business, and construct a 28-ft. x 50-ft. x 10-ft. pole-style building, and make exterior improvements. (SBL#161.08-2-29)

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Carol Jo Pope and Patti Sedar spoke against the ECRT.

Mary Brummer and Nancy Buck spoke in favor of the ECRT.

Michele Hornick wanted to inform the public and Town Board of an incident that occurred involving a school coach of the Orchard Park Winter Guard team. Ms. Hornick is a representative of Bikers against Child Abuse and the Mother of a child in the Winter Guard. She was informed that on March 15, 2019 a coach was relieved of his duties after inappropriate messaging with one of the teammates. She has inquired to School Principals, attended a booster meeting, a school board meeting and contacted the police. She hasn't been given any answers to her questions. She would like herself and others to be informed of any wrong doing that has to do with their children.

Chris Guenther lives on Burmon Drive and is disappointed with the amount of response he's been getting from the Town regarding his complaints of the sidewalks on Burmon Drive and his driveway approach that the Town installed.

Dan Hay inquired about a shoulder or walking path he would like installed on Highland Ave.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Town Building Inspector Steve Bremer introduced himself. He has 15 years experience as a code enforcement officer and has extensive knowledge in Development and Planning. He's looking forward to working with the Town of Orchard Park.

Highway Superintendent Fred Piasecki said he has crews picking up brush and street sweeping. He's also started working on the Parks including the baseball diamonds. He thanked Remy Orffeo and the Town Clerk's Staff for helping with the new free mulch program. They are an intricate part of tracking and taking payment for the new coupons. The website will be updated with the appropriate information regarding the program.

Town Engineer Wayne Bieler responded to the Burmon Drive reconstruction project questions. The project hasn't started back up this season yet, it should start up again soon and be done in about a month or two.

Any work that is rejected will be replaced and be redone. There is a 2 year warranty on all work. After the contract has closed we have 2 years to place any complaints.

**17) 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 authorize the approval of all entries on Warrant # 7 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	57,612.80
<b>Public Safety Fund</b>	8,585.12
<b>Part Town Fund</b>	307.40
<b>Risk Retention Cemetery Fund</b>	
<b>Highway Fund</b>	31,623.82
<b>Special Districts</b>	177,960.67
<b>Trust &amp; Agency</b>	3,810.74
<b>Capital Fund</b>	844,433.10

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the Building Inspector's Report for March 2019.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Sherry, the meeting adjourned at 7:42 pm (local time).

**Respectfully Submitted,**

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