

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 20th day of November 2019 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
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: November 4, 2019, Executive Sessions: November 6 & 13, 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 COMMENT ON OLD BUSINESS

No one came forward

Old Business # 1 Grant Site Plan Approval for Buffalo Cigars, 2911 Southwestern Blvd.

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

WHEREAS, with regard to “Buffalo Cigars, 2911 Southwestern Boulevard”, revised request for a Building Permit and Site Plan Approval to construct 51-Parking Spaces, and

WHEREAS, the Planning Board, 11/14, 19, recommends approval.

NOW, THEREFORE, be it

RESOLVED the Town Board does hereby grant Site Plan Approval for this Unlisted Action, to construct 51-Parking Spaces per the plan received on 10/10/19, as recommended by the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short EAF Part 1, and a Negative Declaration is declared.
2. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.

3. No outside storage or display is permitted.
4. Petitioner will hydro seed all disturbed dirt area, and remove miscellaneous debris.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Applicant received NYS DOT approval for a road cut.
7. Town Engineering Approval was granted on 8/8/19.
8. Conservation Board approved Landscape Plan on 10/29/19.
9. The Orchard Park Planning Board retains all Town Code enforcement rights regarding any further parking lot expansion or building construction, including but not limited to, a pavilion.

The resolution was unanimously adopted

PUBLIC COMMENT ON NEW BUSINESS

No one came forward.

New Business #1 Support Town & Village applying for Round 15 Forestry Funding from NYSDEC

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

WHEREAS, The Town and Village of Orchard Park are applying for Round 15 Urban Community Forestry funding from the New York State Department of Environmental Conservation, and

WHEREAS, the purpose of this funding is to contract a tree inventory of and management plan for all street trees on land owned by the Town and Village of Orchard Park, and

WHEREAS, the inventory and management plan will be created by a certified arborist, and

WHEREAS, the tree inventory will be limited to properties owned by the Town of Orchard Park and the Village of Orchard Park, and

WHEREAS, the application for funding will not exceed \$50,000, and

WHEREAS, there is no required matching funding for this funding program.

NOW, THEREFORE, be it

RESOLVED, that the Town Board supports the application for Round 15 Urban Community Forestry Funding.

The resolution was unanimously adopted.

New Business #2 Agreement with NYSDOT for relocation of waterline on Milestrip Road.

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

WHEREAS, the New York State Department of Transportation proposed the construction, reconstruction or improvement for NYSDOT NY Route 179, Milestrip Road PIN 5215.09 in the Town of Orchard Park. The Town owns the waterline on California Road at the intersection with Milestrip Road, which will be affected by the project, and

WHEREAS, the State will include as part of the construction, reconstruction or improvement of the above mentioned project, the work to be done pursuant to Section 10, Subdivision 24, of the State highway Law, as shown on the contract plans relating to the project and meeting the requirement of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project, at no cost to the Town of Orchard Park, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park approves of the work to be done and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Orchard Park will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans, and be it further

RESOLVED, that the Orchard Park Town Board does hereby Authorize the Supervisor to sign the HC140 Utility Work Agreement (4 copies) and any and all documents that may become necessary as a result of this project with the New York State Department of Transportation for the NY Route. 179 Project (P.I.N. #5215.09) permitting the relocation/adjustment of waterline at no expense to the Town of Orchard Park, and be it further

RESOLVED that the Town Board does hereby authorize the Town Clerk to transmit five (5) certified copies of the forgoing resolution the New York State Department of Transportation.

The resolution was unanimously adopted.

New Business #3 Agreement with NYSDOT for relocation of street light on Milestrip Rd.

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

WHEREAS, the New York State Department of Transportation proposed the construction, reconstruction or improvement for NYSDOT NY Route 179, Milestrip Road PIN 5215.09 in the Town of Orchard Park. The Town owns the street light head on California Road at the intersection with Milestrip Road, which will be affected by the project, and

WHEREAS, the State will include as part of the construction, reconstruction or improvement of the above mentioned project, the work to be done pursuant to Section 10, Subdivision 24, of the State highway Law, as shown on the contract plans relating to the project and meeting the requirement of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project, at no cost to the Town of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park approves of the work to be done and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Orchard Park will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans, and be it further

RESOLVED, that the Orchard Park Town Board does hereby Authorize the Supervisor to sign the HC140 Utility Work Agreement (4 copies) and any and all documents that may become necessary as a result of this project, with the New York State Department of Transportation for the NY Rte. 179 Project (P.I.N. #5215.09) permitting the relocation of the street light pole and luminaire at no expense to the Town of Orchard Park, and be it further

RESOLVED that the Town Board does hereby authorize the Town Clerk to transmit five (5) certified copies of the forgoing resolution the New York State Department of Transportation

The resolution was unanimously adopted.

New Business #4 Set a Public Hearing for Proposed Local Law 2019-7 “Hunting”

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for a Proposed Local Law regarding Amending Chapter 97 "Parks and Playgrounds", Article 1."General Provisions", Section 97-11."Hunting" to be held on December 4, 2019 at 7:00 PM.

The resolution was unanimously adopted.

New Business #5 Refer to Planning Board, Zoning Board and Conservation Board

7) 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:

- Merle Whitehead Properties, LLC propose 110-unit “Heathwood Assisted Living” facility. Vacant land, 4.5 Acres at the rear portion of the northeast corner of North Buffalo & Webster Roads, Zoned B-3 (SBL # 162.05-2-2.11). This project is scheduled to appear before the Zoning Board of Appeals on 11/19/19 for two Area Variance requests.

The resolution was unanimously adopted.

New Business #6 Not on the Agenda – Amend Resolution regarding hiring date of Zacherie Sucrese

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

WHEREAS, on November 4, 2019 the Town Board did appoint Mr. Zacherie Sucrese, to the position of Senior Engineer Assistant assigned to the Engineering Department at Range 0009, Step A-1st yr. of the union wage schedule effective November 21, 2019 with a six-month probation period and pending meeting all Civil Service rules and regulations.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby amend the start date of Zacherie Sucrese to December 2, 2019.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Joseph Podgorski discussed the lack of leaf pickup and subsequent snow fall in Eagle Heights and how horrible the conditions are up there. The Highway Department needs to be more responsive to the concerns of Town residents. He would like better information regarding leaf pick up on the Orchard Park website.

Chris Weyer also discussed the lack of leaf and brush pickup as well as snow plowing in Eagle Heights and said the Town needs a better plan to facilitate the cleanup of that area.

ELECTED OFFICIALS AND DEPARTMENT MANAGERS

Supervisor Keem stated that there is brush pickup now, the Highway Department has a crew out now. The contract with the Town's outside contractor ended on October 31st.

Highway Superintendent Piasecki said the brush contractor finished up at the end of October, but there is a brush crew out now. With the snow cover melting, they also have crews starting again with the leaf pickup, and are adding overtime and weekends.

9) 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 # 22 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$131,960.56
Public Safety Fund	\$14,941.27
Part Town Fund	\$1,43784
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$26,046.70
Special Districts	\$174,450.37
Trust & Agency	\$5,602.31
Capital Fund	\$1,059,023.33

The resolution was unanimously adopted.

10) 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 October 2019 Building Inspector's Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:20 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk