

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 15<sup>th</sup> day of January 2020 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
Connor Flynn	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: January 2, 2020 Executive Sessions: January 2, 2020 and the 2020 Organization Meeting, 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 Change Order #6 to contract with Numarco Inc. for Brush Mt. Community Center**

**Old Business #2 Change Order #15 to contract with Javen construction for Brush Mt. Comm. Ctr.**

**Old Business #3 Change Order #11 with contract with Industrial Power & Lighting for Brush Mt.**

Old Business #1, #2, and #3 were tabled. Town Engineer Wayne Bieler stated that upon reviewing the New York State Building Codes they were able to reduce some of the proposed work planned for the Community Center. Also, they are waiting for the final “punch list” items to be addressed from the contractors.

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve Free Maxick CPAs, P.C. to provide independent auditing**

**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 approve Freed Maxick CPAs, P.C. to provide independent audit and consulting services for the December 31, 2019 and December 31, 2020 fiscal years.

**The resolution was unanimously adopted.**

**New Business #2 Approve the Frozen Chosen 5K run for St. John's Lutheran Church**

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

**RESOLVED**, that the Town Board does hereby approve the Frozen Chosen 5k for St. John's Lutheran Church on Saturday, February 8, 2020. The time is from 10:00am to 1:00pm, and all the fees have been paid and the Certificate of Liability has been submitted.

**The resolution was unanimously adopted.**

**New Business #3 Creation of additional position for "Public Safety dispatcher Full Time.**

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

**RESOLVED**, that the Town Board does hereby authorize the creation of one additional position of "Public Safety Dispatcher Full Time" to the rolls of the Orchard Park Police, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #4 Approve Change in Status for Public Safety Dispatcher**

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

**RESOLVED**, that the Town Board does hereby approve the change in status of Full-time Public Safety dispatcher, Kevin M Jewett to a Part-time Public Safety Dispatcher effective January 17, 2020 at the same rate of pay, range 0007, step D, \$24.71 per hour, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #5 Approve Change in Status for Public Safety Dispatcher**

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

**RESOLVED**, that the Town Board does hereby approve the change in status of Public Safety Dispatcher Chelsea Vasquez from Part-time status to seasonal status from January 16, 2020 to April 16, 2020, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #6 Appoint Public Safety Dispatcher**

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

**RESOLVED**, that the Town Board does hereby approve the appointment of Marie G. Armstrong to the position of Public Safety Dispatcher (part-time, probationary) effective January 16, 2020, pay range 0007 step 1<sup>st</sup> year at \$19.21 per hour, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #7 Approve extension of Patrick McMaster as Transition/Training Consultant**

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

**RESOLVED**, that the Town Board does hereby authorize the extension of Patrick J. McMaster in the position of transition/training consultant in the Orchard Park Police Department as of January 16, 2020 at a rate of \$28.50 per hour, not to exceed 90 days, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #8 Approve purchase of one new 2020 Freightliner 114 SD 4x2 Cab & Chassis**

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

**WHEREAS**, in accordance with the Highway Department's truck replacement program, we are looking to purchase one (1) new 2020 Freightliner (114 SD 4x2 Cab and Chassis) to replace the 2008 International truck currently in the fleet, and

**WHEREAS**, the cost of this new truck, cab and chassis is \$181,402.50 under the New York State Bid Contract and the money is in the budget.

**NOW, THEREFORE** be it

**RESOLVED**, that the Town Board does hereby authorize the Highway Superintendent to proceed with the purchase of one new 2020 Freightliner 114 SD 4x2 Cab and Chassis for \$181,402.50 under the New York State Bid Contract.

**The resolution was unanimously adopted.**

**New Business #9 Appointment to Compost Site**

**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 approve the following appointments to the Compost Site effective January 3, 2020: Dave Helwig at \$20.40 per hour and Ronald Henning at \$20.00 per hour.

**The resolution was unanimously adopted.**

**New Business #10 Appointment to Emergency Disaster Committee for 2020**

**11) 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 Jordan Kellerman to the Emergency Disaster Committee for 2020.

**The resolution was unanimously adopted.**

**New Business #11 Appointments of Assistant Emergency Disaster Coordinators**

**12) 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 accept the resignation of JoAnn Litwin Clinton as Assistant Emergency Disaster Coordinator, and be it further

**RESOLVED**, that the Town Board does hereby appoint Robert Benning and Jordan Kellerman as Assistant Emergency Disaster Coordinators for the year 2020.

**The resolution was unanimously adopted.**

**New Business #12 Appointment to the Ethics Board**

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

**RESOLVED**, that the Town Board does hereby appoint Jacqueline Mattina to the Ethics Board with a term to expire on December 31, 2024.

**The resolution was unanimously adopted.**

**New Business #13 Appointment to the Comprehensive Implementation Committee for the year 2020**

**14) 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 Timothy Gallagher to the Comprehensive Implementation Committee for the year 2020.

**The resolution was unanimously adopted.**

**New Business #14 Set Public Hearing for Local Law**

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

**RESOLVED**, that the Town Board does hereby set a Public Hearing in the matter of Local Law 1-2020, "Amending Zoning §144 Attachment 1", for February 5, 2020 at 7:00pm.

**The resolution was unanimously adopted.**

**New Business #15 Set Public Hearing for Local Law**

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

**RESOLVED**, that the Town Board does hereby set a Public Hearing in the matter of Local Law 2-2020, Eliminating Chapter 45 Building Construction §45-5.1", for February 5, 2020 at 7:00pm.

**The resolution was unanimously adopted.**

**New Business #16 Supervisor to Sign an Agreement to analyze the energy usage of the Town**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Erie County and Fluent Energy to analyze the energy usage of the Town of Orchard Park.

**The resolution was unanimously adopted.**

**New Business #17 Refer to Planning Board, Zoning Board and Conservation Board**

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

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

- 4370 Taylor Road, located on the west side of Taylor Road, just north of US Route 20A (Big Tree Road), Zoned I-1. (SBL#172.07-1-6.1) Paul Bliss is requesting to construct a 2-Story, 12,000 gsf. Office Building with 44-parking spaces and on-site utility improvements. The existing home and driveway will be demolished.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Rebecca Overton had questions regarding the proposed “Heathwood Assisted Living project” which the developers want to build in the North Buffalo Road and Webster Road area. She wanted to know why this parcel of land was picked, as it is a national wetland, and there are so many other properties that are more suitable. She is opposed to this project as it will increase traffic in an already very busy intersection, it will increase flooding in that area, and will negatively impact the people who already live in that area.

Sean Overton, Merlene Richards, Sue Phillips, Tim Goldsmith and Karen Colosante all came to oppose the proposed “Heathwood Assisted Living project”.

Fred Odie had questions regarding the speed limit on Baker Road. He also wanted to know why the Highway Superintendent position is an elected one.

John Bihr is opposed to the proposed “Heathwood Assisted Living project” and any other project that wants to develop on wetlands as they are important to the ecology and contribute to biodiversity of areas other than where they are located.

Justin Brand is opposed to the new regulations regarding the licensing of plumbers. He feels this new regulation will hurt his ability to conduct business in the Town.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Councilmember Flynn thanked everyone for their help as he transitions into the Council seat. He stated that he is going to hold a “Councilman on your Corner” event on February 8, 2020 at Spot Coffee from 11:00am to 12:00pm where anyone that has any questions can stop by.

Town Attorney Bailey stated that in some Towns, the Highway Superintendent is appointed, and other towns it is an elected position, and in Orchard Park it has always been an elected position. Regarding the Water Tower, the land under it is owned by Arthurs, the Tower itself is owned by the Town, and it is leased through Sprint Telecommunications as a cell tower. It may have outlived its usefulness as a water tower, but it is living on as a cell tower, and the Town does not have the authority to rip it down. As far as the painting of the Tower, that is the responsibility of the Sprint Company.

Code Enforcement Officer Bremer stated that as far as Justin Brand and others that fall through the cracks of the new Building Code requirements and fee, they are going to try and work through it for them.

Highway Superintendent Piasecki said the Highway is still out with the brush pickup with the warmer weather. They have also been doing work at the Community Activity Center.

Town Engineer Bieler, regarding the “Heathwood Assisted Living project”, stated that during the Site Plan Approval process the wetlands are addressed, and they are protected with regulations of the NYS DEC and Army Corp of Engineers, which are very strict.

Town Clerk Orffeo said the project is currently in concept review with the Planning Board, and they have not gotten to the point of making a list of questions regarding this project. That is why it is important for people like Ms. Overton to come forward with their concerns.

Councilmember Majchrzak, liaison to the Planning Board, stated that he will request the Planning Board Chairman to hold a Public Hearing on this matter so the residents will be able to voice their concerns.

**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 the approval of all entries on Warrant # 2 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$128,088.82
<b>Public Safety Fund</b>	\$13,023.11
<b>Part Town Fund</b>	\$2,111.63
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$34,683.48
<b>Special Districts</b>	\$200,074.70
<b>Trust &amp; Agency</b>	\$2,493.60
<b>Capital Fund</b>	\$281,101.09

**The resolution was unanimously adopted.**

#### **Reports**

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

**RESOLVED**, that the Town Board dose hereby receive and file the following: Building Inspector’s December 2019 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 7:38 pm (local time).

**Respectfully Submitted,**

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