

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 21<sup>st</sup> day of December 2016 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	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 December 7, 2016 and Executive Sessions on December 7 & 21, 2016 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  
Special Exception Use Permit**

At 7:00 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties in the matter of a Special Exception Use Permit request for the construction of a 48-Unit Multi-Family 10.89 Acre project at the intersection of Westgate Boulevard and Reserve Road, Zoned R-3, as requested by Roy Emmerling

Affidavits and Publication 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 there was anyone in the audience who would like to speak for or against the proposed Special Exception Use Permit.

The following people spoke in favor of Westgate Project:  
Daryl Martin – Architect for Roy Emmerling

The following people spoke against the Westgate Project:  
Joe Celeste, Anthony Cording, Bob Misztal, Dawn Baumgarten, Nick Twentyfive, Cory Ricketon, Jessica Dobson, Chastity Oshei, Bob Nowak, Mark Litman, Pat Clifford, Richard Klimowicz, Ray Kohl, Dawn Kruger, Amanda Twentyfive, Chris Szeliga, Terry Weixlman, Todd Pfeiffer, William Weixlmann, Amber Jones, Mike Rosch, Peter Marsh, Donna Carr, Orlando Burr, Cindy James, and Jack Green.

Residents wanted to understand "Special Exception Use". Andy Geist, the Town Building Inspector, stated that obtaining a "Special Exception Use" permit for a multifamily unit gives extra scrutiny rather than just being a permitted use like building a single family house, and it is more detailed review of the project.

The following concerns were expressed by the residents that came forward to speak against this project:

- Drainage, sewage and run off water, this area already has problems.
- It is a residential neighborhood where people take pride in their homes, an apartment complex does not fit.
- This would change the look and ruin their neighborhood.
- Would rather see single family homes, or townhouses built.
- Will this be Section 8 housing?
- Security
- Increased traffic, would like a traffic study done.
- Safety for Children.
- Noise.
- Loss of green space and beauty of area.
- Property values would be affected.
- This decision affects West Seneca neighbors, but is being made by Orchard Park (who would benefit).
- It was hard to get information regarding this project.

2) 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 close the Public Hearing at 7:58PM in the matter of a Special Exception Use Permit for Reserve Road / Westgate Boulevard 11.15 +/- Acres Zoned R-3, for a 48 Unit Multi-Family 10.89-acre project.

**The resolution was unanimously adopted.**

Supervisor Keem stated that since there is so much information to absorb and evaluate, the Town Board will not make a decision tonight regarding the "Special Exception Use permit.

**PUBLIC HEARING  
Special Exception Use Permit**

At 7:00 PM (Local Time) Supervisor Keem called for the Public Hearing to hear all interested parties in the matter of a Special Exception Use Permit request to allow additional parking/display at 3383 Southwestern Boulevard, Zoned B-2, as requested by Colton RV.

Affidavits and Publication 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 there was anyone in the audience who would like to speak for or against the proposed Special Exception Use Permit.

The following people spoke in favor of Colton RV:

Kristin Savard, owner of Advanced Design Group and engineer & architect for this project for Chris Colton and Jim Colton, owners of Colton RV. They propose to remove and demolish the Putt-putt course and batting cages to expand and improve their facility for storage and improve the circulation around the facility.

The following people spoke against Colton RV:

Mike Jaeger, Charles Hartman, Spencer Davis, Brian Evens, Gayleen Jaeger

The following are the concerns of the residents who spoke against the project.

- The area is becoming unsightly, previous buffer zones have been demolished.
- What kind of buffering will be in place to protect the residents?
- Tree removal.
- Will this become a blacktop area from Hart Place to Zebb's?
- Light pollution is already a problem in this area.
- Noise
- Notice of the Public Hearings should be sent farther than 500 ft. so more neighbors would be aware.

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

**RESOLVED**, that the Town Board does hereby close the Public Hearing at 8:13PM, in the matter of a request for a Special Exception Use Permit for 3383 Southwestern Boulevard, as requested by Colton RV.

**The resolution was unanimously adopted.**

Supervisor Keem stated that the Town Board will not make a decision tonight as they will review all the information from this Public Hearing before making their decision.

**Old Business #1 Town Board to seek Lead Agency in SEQR review for Bussendorfer Retention Pond**

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

**WHEREAS**, New York State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally, with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake, and

**WHEREAS**, the Town Board has proposed the construction of the Bussendorfer Regional Retention Pond on a parcel of land owned by the Town of Orchard Park on the west side of California Road; and

**WHEREAS**, the project represents a Type 1 Action under the regulations of the New York State Environmental Quality Review Act (SEQR); and

**WHEREAS**, a Full Environmental Assessment Form has been prepared for the proposed action; and

**WHEREAS**, the project will require the approval of other agencies; and

**WHEREAS**, the Town Board is principally responsible or funding and approving the action and is best suited for making a determination of significance.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board of the Town of Orchard Park will seek SEQR lead agency status from the other involved agencies and conduct a coordinated review of the potential environmental impacts of the proposed Bussendorfer Regional Retention Pond Project, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Town Board to set date for Organizational Meeting**

5) 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 set the date for the Organizational Meeting and 1<sup>st</sup> Regular Meeting of 2017 for Wednesday, January 4, 2017 at 7:00 PM and the work session will begin at 6:00 PM.

**The resolution was unanimously adopted.**

**New Business #2 Budget Amendment for Consolidated Garbage District**

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

WHEREAS, costs incurred for the one time purchase of 8,655 recycle totes in the amount of \$379,054 was not budgeted for in 2016, and

WHEREAS, the cost is not a recurring operating cost, it is a capital cost in the amount of \$43.77 for each Town residence in 2016, and

WHEREAS, unassigned fund balance in the Consolidated Garbage District is available to cover the aforementioned cost,

**NOW, THEREFORE, be it**

RESOLVED, that the Town Board hereby authorizes the following amendments to the Town's 2016 budget in the Consolidated Garbage District Fund:

**Consolidated Garbage District:**

Utilize Fund Balance:

800.0800.0909 Unassigned Fund Balance \$ 382,000

Increase budget appropriations:

800.8160.0440 Contractual Services - Basic \$ 382,000

**The resolution was unanimously adopted.**

**New Business # 3 Budget Amendment for purchase of D.W.I equipment**

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

WHEREAS, the Public Safety Fund has a portion of its fund balance derived from funds restricted to support the Town's D.W.I. program, and

WHEREAS, the Town's Police Department wishes to use a portion of such D.W.I. Reserve to purchase equipment needed for the D.W.I. patrol car, and

WHEREAS, the Town Board does support the program objectives and desires to authorize the use of such reserves.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the amending of the Town's 2016 adopted budget to increase appropriations and authorize the use the D.W.I. Reserve funds as follows:

Increase Appropriations:		
PS.3120.0217	Public Safety D.W.I. — Equipment	\$540.00
Increase Use of Fund Balance Restriction:		
PS.0888	Restricted Fund Balance — D.W.I. Reserve	\$540.00

**The resolution was unanimously adopted.**

**New Business #4 Budget Amendment to Purchase Police Equipment**

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

**WHEREAS**, a piece of the Town's Police Dept. Equipment was damaged and needed to be replaced, and

**WHEREAS**, the Town did not include the insurance revenue to provide for the purchase of this equipment in the 2016 adopted budget, and

**WHEREAS**, the Town does desire to purchase replacement equipment with insurance proceeds,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the amending of the 2016 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$2,360.00:

Increase Appropriations:

PS.3120.0225	Public Safety Police — Other Equipment	\$2,360.00
Increase Estimated Revenues:		
PS.0000.2665	Public Safety Police — Ins. Recovery	\$ 2,360.00

**The resolution was unanimously adopted.**

**New Business #5 Seasonal Part-time Recreation Staff appointments**

**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 2017 Recreation Seasonal part time Staff Appointments effective 1/07/2017, and staff rate changes. The appointments are dependent upon the applicant providing the required certifications.

Name	Rate	Position (Title*)	
Callie Reid	\$15.00	PT6-D (Att)	
Daniel Towle	\$10.00	PT3-C (Att)	
Name	Old Rate	New Rate	Position (Title*)
Anna Bond	\$10.50	\$15.00	PT6-D (Att)
Simon Bond	\$10.50	\$15.00	PT6-D (Att)

**The resolution was unanimously adopted.**

**New Business #6 Refer to Planning Board, Conservation Board or Architectural Overlay District**

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

**RESOLVED**, that the Town Board refer the following to the appropriate Planning Board, Conservation Board or Architectural Overlay District:

- 5732 Big Tree Rd., Polymer Conversions, request to expand its operations with a total of 29,875 SF addition to the existing building and construct 26 additional parking spaces.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

**ELECTED OFFICIALS & DEPARTMENT HEADS**

**BUDGET TRANSFERS**

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

**WHEREAS**, the General Fund is in need of funds to pay out additional amounts for expenses within the IT Department including IT upgrades and new server that were not included in the amount budgeted for the fiscal year ended December 31, 2016, and

**WHEREAS**, the funding for these adjusted appropriations is expected to be available within other appropriation accounts in the Town's 2016 budget.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorizes the following transfers:

Increase Appropriations:

A.1680.0200 Info. Tech. Dept. — Equipment	\$9,991.85
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Decrease Appropriations:

A.1680.0415 Info. Tech. Dept. — Computer Training	\$3,991.85
A.1680.0442 Info. Tech. Dept. — Computer Software	\$6,000.00

**The resolution was unanimously adopted.**

Supervisor Keem commented to those in attendance on the Westgate Project that the public notice letter parameters were increased from 500 feet to 1,000 feet to notify more residents, they may consider expanding the distance the letters are sent to on a regular basis. He wanted to let the residents know that approval of the two Special Exception Use requests tonight are not a "done deal", they will assess this and look at different factors before making their decision. The Rt. 20A & Taylor Road light is now functional and people are happy. Supervisor Keem wished the residents a Happy Hanukkah and a Merry Christmas.

Town Clerk Remy Orffeo, and Building Inspector Andy Geist went over the process that people go through to get a Special Exception Use permit.

Councilman Majchrzak mentioned the traffic and speed in Westgate Area, the Town does have a Public Safety Committee, and he is going to talk to the Chief of Police and the Town Engineer regarding this issue.

Councilman Sherry commented that it is good to see people in neighborhoods come out and voice their concerns. No decision by the Town Board is based on tax revenue, it has to do with people's lives. This decision is not just for the Orchard Park residents, the West Seneca residents feelings will be taken into consideration.

Building Inspector Geist if you want to see the plans, please come to our offices and we will explain what the proposed plans are, and go over what is taking place.

Police Chief Pacholec stated that they did conduct a traffic study in Westgate, and the average volume per day was turned over to the Planning Board. He reminded the community that there is a Bills game and that there will be the usual road closures. New Year's Eve, North Buffalo Road will be closed from Quaker Rd. to Princeton for the Ball Drop.

Highway Superintendent Piasecki stated that there are crews out for salt and snow removal, and if the snow melts that his crews will be out on brush pick up.

Town Engineer Wayne Bieler outlined some of the guidelines used for water retention, runoff, and storm events. He also talked about Sanitary Sewers, and he said a Traffic Study can be done.

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

**WHEREAS**, the Public Safety Fund is in need of funds to pay out additional amounts for officer first aid, travel costs and mileage reimbursements that were not included in the amount budgeted for the fiscal year ended December 31, 2016, and

**WHEREAS**, the funding for these adjusted appropriations is expected to be available within other appropriation accounts in the Town's 2016 budget.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the following transfers:

Increase Appropriations:

PS.3120.0419 Public Safety Police — Union Contract Travel	\$644.00
PS.3120.0450 Public Safety Police — First Aid Supplies	\$235.00
PS.3120.0412 Public Safety Police — Mileage Reimbursement	\$1,961.00

Decrease Appropriations:

PS.3120.0418 Public Safety Police — Other Expenses	\$644.00
PS.3120.0451 Public Safety Police — Insurance Deductible	\$235.00
PS.3120.0475 Public Safety Police — Gasoline	\$1,961.00

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #24 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$75,023.79
<b>Public Safety Fund</b>	\$22,579.91
<b>Part Town Fund</b>	\$37,885.46
<b>Risk Retention</b>	\$0
<b>Cemetery Fund</b>	\$0
<b>Highway Fund</b>	\$18,211.57
<b>Special Districts</b>	\$27,777.30
<b>Trust &amp; Agency</b>	\$73,512.82
<b>Capital Fund</b>	\$149,262.36

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 8:26 pm (local time).

**Respectfully Submitted,**



**Remy Orffeo  
Town Clerk**