

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 21st day of March 2018 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
	Ernie Matthews	Dep. 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 March 7, 2018, Executive Sessions: February 28, 2018, 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

At 7:00 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding proposed Local Law 2018- Extend the Moratorium on the Expansion of Parking Facilities around New Era Field

Affidavits of Publication and Posting 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 application for the Proposed Changes to the Town Code of Ordinance.

In Favor

William Young – Mr. Young lives by the stadium and said the Town needs to settle the issue of businesses buying up vacant land/homes in a residential area and tearing down the homes to conduct a parking business. Parking around New Era Field should be just for residents who have a home on the property. That is what the original intention was, for the residents to make a few bucks, not for the neighborhood to become a parking lot business.

In Opposition

Mark Lester – Mr. Lester and his family have legally operated a parking business for 45 years around New Era Field, and does not want any changes in the Town Code that pertains to the parking around the stadium. This moratorium stops him from parking on vacant land he has purchased. He has no intention of giving up any of his property rights for any zoning changes that will adversely impact his ability to run his business

and to use his properties as he sees fit. He currently has vacant land that he can't use for parking because of the moratorium. He does not want any legislation that will deny him the use of his property.

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 for Local Law #2 – 2018 Extending the Moratorium on the Expansion of Parking Facilities around New Era Field at 7:15 PM

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a public hearing relating to the matter of Local Law No. 2 of 2018 was conducted on March 21, 2018, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law No.2 of 2018 which provides as follows: Extend the Moratorium on the Expansion of Parking Facilities around New Era Field

Section I: Purpose and Intent

The purpose of this Local Law is to extend the moratorium created by Local Law No. 1 of 2017 on the expansion of private commercial and residential parking facilities either by footprint or by number of cars within a one mile radius from the center of New Era Field (formerly known as Ralph Wilson Stadium) for an additional six month period as provided in Section IX "The extension of the Moratorium" of Local Law No. 1 of the year 2017.

Section II: Effective Date

This Local Law shall be effective immediately upon the filing in the Office of the New York Secretary of State except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Town Clerk, and showing the date of its passage and entry in the minutes of the Town Board.

The resolution was unanimously adopted.

Old Business #1 Approve Site Plan & Building Permit for Dollar General, 2737 Southwestern Blvd.

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

RESOLVED, that the Town Board does hereby approve the request of "Dollar General Store", 2737 Southwestern Boulevard to grant Site Plan Approval, and issue a Building Permit to construct a 9,030-sq.ft. Retail Building per the plans received on 2/16/18, as recommended by the Planning Boards 3/8/2018, based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short EAF, Parts 1 and 2, and a Negative Declaration is made.
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. After hour lighting levels will be reduced per the submitted plan.

3. No outside storage or display is permitted.
4. The Conservation Board on 3/6/18 Approved the Landscaping Plan prepared by a NYS licensed Landscape Architect, submitted on 2/16/18.
5. The Total Green Space is 46.2%, and exceeds the Town Requirement of 20%.
6. The Interior Green Space requirement of 10% is met with 11.3%.
7. The Landscaping Value Estimate of \$22,400 requires a Certified Check amounting to 50% of the total and this shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$11,200)
8. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
9. The Zoning Board of Appeals granted an Area Variance for reduced number of off-street parking spaces on 8/15/17.
10. Ingress and Egress Agreement is in place and recorded for the yet to be developed corner property to allow access between the properties.
11. Town Engineering Approval was granted on 3/8/18.

The resolution was unanimously adopted.

Old Business #2 Approve Site Plan and Building Permit for 3964 California Road

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

RESOLVED, that the Town Board does hereby approve the request of Joseph DeMarco Jr., 3964 California Road to grant Site Plan Approval and issue a Building Permit to construct an unheated 60-ft. x 34-ft. Storage Addition at the rear of the existing Pavilion, and a 40-ft. x 130-ft. addition to the side of the existing Pavilion, per the plans received on 2/21/18, as recommend by the Planning Board, 3/8/2018, based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, based on the Short EAF, Parts 1 and 2, and a Negative Declaration is made.
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. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
5. Town Engineering Approval was granted on 3/8/18.
6. An updated survey that includes all existing and proposed structures and uses, shall be provided to the Town prior to receiving a Building Permit.

The resolution was unanimously adopted.

New Business #1 Schedule Public Hearing for a 2018 Local Law-Recreation Commission appointments

Tabled

New Business #2 Schedule Public Hearing for Local Law No. 5 of 2018 Landscape Plan

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing on April 18, 2018 at 7:00PM in the matter of Local Law #5 of 2018 - Amending Chapter 144 "Zoning" §144-44 "Applications for building permits and certificates of occupancy in B, I-1, or D-R Zones", (1) "Landscape Plan", (a) "Requirements", (2),

The resolution was unanimously adopted.

New Business #3 Schedule Public Hearing for Local Law No. 6 of 2018 Town Board Rules

7) 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 schedule a Public Hearing on April 18, 2018 at 7:00PM in the matter of Local Law No. 6 of 2018 - Amending Chapter A147 "Town Board Rules and Regulations", §A147-5 "Form of Agenda".

The resolution was unanimously adopted.

New Business #4 Authorize Supervisor to execute papers for Grant for "Veteran's Memorial"

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

WHEREAS, the Dormitory Authority of the State of New York has grant funding available that may be applied to projects such as the reconstruction of the Veteran's Memorial Park, and

WHEREAS, the Town of Orchard Park is eligible to apply for such grant funding, and

WHEREAS, \$50,000 may be available to the Town of Orchard Park for this project from this source of grant funding,

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby authorize Supervisor Keem to execute the necessary papers to apply for a grant from the Dormitory Authority of the State of New York for \$50,000 to be applied to improvements to Veteran's Memorial Park in the Town and Village of Orchard Park.

The resolution was unanimously adopted.

New Business #5 Town to apply to NYSDOT-Bridge NY for funding to replace culvert on Dennis Rd.

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

WHEREAS, the Town of Orchard Park wishes to apply for Bridge NY funding through the NYS Department of Transportation to replace the culvert on Dennis Road, and;

WHEREAS, the Town plans to arrange for NYSDOT to design and let this culvert in a bundled construction contract;

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby authorize this arrangement and agrees to ensure future maintenance of the Dennis Road culvert should the project be funded.

The resolution was unanimously adopted.

New Business #6 Supervisor to sign Lease Agreement for Third Party Occupation with National Grid

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

WHEREAS, the Engineering Department has secured permission to occupy a "Licensed Area" from National Grid for the Bussendorfer Regional Retention Basin Project. The "Licensed Area" will be required to construct an access and maintenance road extending from Dorchester Rd. to the new pond, and

WHEREAS, the Licensed Area requires a \$500.00 check payable to National Grid be submitted at the time of filing. The Town has allocated funds under Capital Project H-06 Bussendorfer, Willowbrook, Forsythia Drainage Project that can be used for this purpose, and

WHEREAS, although this agreement will allow us permission from National Grid to cross their property, a separate agreement with United Refining (Kiantone Pipe Line) must still be obtained prior to constructing the access. The Engineering Department is continuing to pursue this agreement and will bring it before the Town Board as soon as it becomes available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the License Agreement for Third Party Occupation for National Grid, 144 Kensington Avenue, Buffalo, NY 14214, along with authorizing payment of the one-time fee in the amount of \$500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 NYSEG to install one street fixture on South Abbott Rd.

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

WHEREAS, the Engineering Department received a request from a resident located at 6305 S. Abbott Road for an additional street light to be installed due to safety concerns from lack of adequate lighting. There are two existing streetlights, approximately 1400-feet apart located on the west side of S. Abbott Road, and

WHEREAS, there are six residences located on the west side of the S. Abbott; all six homeowners received a letter from the Engineering Department requesting feedback on their thoughts/concerns for adding an additional streetlight. One of the homes is currently vacant and four of the remaining five responded to our letter. Three of the four homeowners are in favor of adding a light, agreeing that this section of road is too dark, and the one resident against the light has concerns about light pollution. , and

WHEREAS, the Town has received a proposal from NYSEG for the installation of an additional cobra head light. The 70-watt H.P.S. luminaire and cobra head bracket will be installed at no charge to the Town and will be owned and maintained by NYSEG. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier, which is estimated to be \$42.03/ea. for an annual cost of \$42.03. The proposal is for one (1) luminaire, at a monthly charge of \$8.15, and one (1) bracket fee, at a monthly charge of \$2.64; totaling annually \$129.48. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to install one (1) 70-watt high-pressure sodium cobra head street light fixture on South Abbott Road at an annual increased cost of \$129.48 to the Consolidated Light District in accordance with the attached NYSEG proposal, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Declare 2003 Chevrolet Pickup from Sewer & Water as surplus

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

WHEREAS, the Sewer & Lighting Department has a vehicle being used by the summer help that is experiencing repair issues much more often and the rate of rust is quickly increasing. The vehicle is a 2003 Chevrolet 1500 Pickup with over 72,000 miles. The truck has already had numerous repairs and is 15 years old, and

WHEREAS the truck does run and is drivable so sending it to public auction would most likely be in the Town's best interest. Due to workload, this truck will be utilized until the end of fall 2018.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby declare the 2003 Chevrolet Pickup (VIN# 2GCEC19V931271911) as a surplus vehicle, and authorize the sale of this vehicle, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize purchase of 2018 Ford F150 for Sewer & Water Crew Chief

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

WHEREAS, the Engineering Department would transfer its oldest truck (2007 Chevy 1500) to the Sewer & Lighting Department to be used as the summer help vehicle. The Engineering Department would then acquire the former General Crew Chief's truck (2014 Ford F150) for the numerous field construction inspections that are required with the Bussendorfer Pond and Brush Mtn. CAC. The funds are already in the budget for this year.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the purchase of a new 2018 Ford F150 from DeLacy Ford under State/County Bid for \$30,696.00 for Orchard Park General Crew Chief, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Approve residents being in Bird Song Park after sunset for research

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 approve Bret Norvilitis & his son Matthew being in Birdsong Park after sunset to gather information/data regarding amphibious animals in the park for a citizens science initiative that is sponsored by the Buffalo Zoo.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Lori Sherk – Ms. Sherk lives near New Era Field and she does like the moratorium on new parking around the stadium. She does not agree with people buying up homes and then knocking them down to park cars. Properties where there used to be homes are now empty parking lots that will only be used about 8 days a year. This brings the property values down in the neighborhood where the houses were just ripped down. She doesn't want to drive into her neighborhood and see empty lots where there once were houses. She does not like the idea that if you purchase a property, you can just knock a house down so you can park cars, it's not going to happen.

Eric Matwijow – Mr. Matwijow stated that he feels anyone who obtains a Peddlers Permit through the Town should have some kind of tag which can be seen clearly when they come to the door. There are too many scammers that have taken advantage of residents. He said there is a house on Abbott Road, across from the ECC Energy center that has structures that are falling down and the property is not very presentable.

Mark Lester – Mr. Lester stated that there are properties in the community that are not being properly maintained and contribute to blight. In the area around the stadium there are a lot of older homes that are cheaply built. If there are any zoning changes made, he would like to see the area be zoned for a more commercial use to take advantage of New Era Field.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem said as far as abandoned, and run down properties in Orchard Park, the Building Inspector and Supervisor Keem have been to several, and were involved with "Shame the Banks" campaign with County Clerk Mickey Kearns. When a house is identified, the Town contacts his office, and they help track down the owners, or banks, to improve or sell the property. The Town is very proactive with the abandoned houses.

Councilman Sherry stated that as far as the moratorium, there is no issue with parking cars around the stadium, nor is it to restrict the number of vehicles parked on a property. It is to restrict the expansion of lots. The Town is looking to have the Comprehensive Plan Committee to evaluate the needs of the Town and make recommendations to the Town Board before they make any decisions on any zoning changes.

Deputy Highway Superintendent Matthews said the Highway is completing tree trimming, continuing the brush pickup, pothole repair and doing some drainage work.

15) 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 # 6 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$27,811.93
Public Safety Fund	\$5,564.18
Part Town Fund	\$144.46
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$39,622.84
Special Districts	\$8,401.74
Trust & Agency	\$4,681.00
Capital Fund	\$117,799.79

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:33 pm (local time).

Respectfully Submitted,



Remy C. Orffeo
Town Clerk