

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 June 2017 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
	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 June 7, 2017, Executive Session: June 7, 2017, 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 Authorize Final Payment to T & R Seasonal Services Inc. for Yates Park

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

WHEREAS, the Yates Park Retaining Wall Landscaping Project is complete. All work has been satisfactorily completed in accordance with the specifications, and

WEHREAS, a one-year written warranty has been provided and all necessary legal documents have been received by the Town from the Contractor, and

WHEREAS, the contract was a lump sum contract and there were no change orders or cost adjustments associated with this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the final payment to T&R Seasonal Services Inc. 6413 W. Quaker Street, Orchard Park, N.Y. 14127 for Yates Park Retaining Walls Landscaping in the amount of \$7,194.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Approve Rezoning of 4000 California Rd. from R-4 to I-1

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

WHEREAS, following due and timely notice a Public Hearing was held, relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park, was conducted at the Municipal Center on the 7th day of June 2017, at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

To rezone 8.6 acres of vacant land located at 4000 California Road (SBL #161.03-1-5.1) from R-4 to I-1,

WHEREAS, no recommendations from the Erie County Department of Planning, pursuant to §239-m of the General Municipal Law, was received and filed by the Town Board, and

WHEREAS, approval from the Planning Board was received and filed with the Town Board.

NOW, THEREFORE, be it

RESOLVED, and ORDAINED, that the Zoning Ordinance and Zoning map of the Town of Orchard Park be and are hereby amended by rezoning 8.61 acres of land located at 4000 California Rd. from R-4 to I-1 as follows:

All THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie, State of New York, being part of Lot 32, Township 9, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the southeasterly corner of lands conveyed to Joseph Demarco in Liber 11307 of Deeds at Page 436, said point is also in the centerline of California Road as now laid out, thence northerly along the easterly line of Demarco, as described above, and the centerline of said California Road a distance of 49.17 feet to the TRUE POINT OF BEGINNING;

Thence westerly on a line parallel to the southerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436, and making an interior angle of 86° 10' with the centerline of California Road, a distance of about 446.55 feet to a point;

Thence northerly parallel with the first described portion of California Road a distance of about 349.54 feet to a point on the northerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436;

Thence easterly along the said northerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436 a distance of about 400 feet to a point in the center line of California Road as now laid out.

RESOLVED, that this approval is granted with the following stipulations as recommended by the Planning Board:

- This is an Unlisted SEQR action based on the submitted Short EAF, Part One and a Negative Declaration is declared.
- Approximately one-acre at the front of the property will remain R-4.
- Acreage fees shall be paid in accordance with §144 Attachment (c) Schedule of Zoning Fees of the Town Code prior to publication of the Public Hearing Notice.

RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with §264 and 265 of Town Law.

The resolution was unanimously adopted.

New Business # 1 Town Board to Approve 4th of July Parade

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 Annual 4th of July parade on Tuesday, July 4, 2017. The parade will assemble at the Orchard Park High School parking lot at 7 PM and start at 8 PM.

The resolution was unanimously adopted.

New Business #2 Approve 4th of July Pyrotechnic Display

5) 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 approve the 4th of July fireworks display, and has set July 5, 2017 as the inclement weather day for the 4th of July fireworks, under a three year contract with Skylighters Fireworks (2016-18).

The resolution was unanimously adopted.

New Business #3 Approve Jaycees request for Approval and Assistance for Quaker Arts Festival

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

WHEREAS, the Orchard Park Jaycees wish to sponsor the 55th Quaker Arts Festival on September 16 & 17, 2017 with setup on September 15th and they requested approval and support from the Town Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Orchard Park Jaycees to hold the 55th Quaker Arts Festival and be it further

RESOLVED, that a Certificate of Insurance will be forwarded to the Town Clerk's Office, and be it further

RESOLVED, that the Town Board support the Jaycees' by providing the following:

- One large dumpster to keep the trash under control
- Approximately 30 trash containers
- Supply the Festival with picnic tables to be used by attendees
- Supply and erect snow fencing to section off the exhibitor areas on the Festival grounds
- Pickup & return of cones and barricades from the Comet Flasher by the Highway Department

The resolution was unanimously adopted.

New Business #4 Schedule a Public Information Meeting for Yates Park Trail Development Grant

7) 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 schedule a joint Public Informational Meeting with the Village of Orchard Park at 6:45pm on July 5, 2017 for residents input regarding an application for funds from the New York State Office of Parks, Recreation and Historic Preservation, Recreational Trails Program for the Yates Park Trail Development Project.

The resolution was unanimously adopted.

New Business #5 Accept resignation of Town Arborist, Lynn Reynolds

8) 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 accept, with regret, the resignation of Lynn Reynolds, the Town Arborist, as he is retiring and his last day being June 2, 2017.

The resolution was unanimously adopted.

New Business #6 Approve Block Party Permit

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

RESOLVED, that the Town Board does hereby approve the Block Party request of Susan Yox, at Pawtucket Park for June 28, 2017, 5pm to 7pm, with a food truck from Coyote Café. A Certificate of Insurance has been submitted.

The resolution was unanimously adopted.

New Business #7 Approve an Out-of-District Sanitary Sewer Service

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

WHEREAS, Metzger Civil Engineering PLLC has submitted plans to the Orchard Park Planning Department for the Rolling Ridge (Town of Hamburg) proposed subdivision. Currently the property is located outside of any Orchard Park Sanitary Sewer Districts. It has been the inclination of the Town Board not to extend Sanitary Sewer Districts in recent years, and

WHEREAS, because only a small portion of the Public Improvement lies within the Town of Orchard Park, and the Town of Orchard Park has no Sanitary Sewer connection available, the Town Engineer recommends that the sanitary sewer be dedicated to Erie County Sewer District #3 and the proposed lots located within the Town of Orchard Park become direct service customers of Erie County Sanitary Sewer District #3, with infrastructure dedicated to ECSD#3.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Out-of-District Sanitary Service Agreement between Orchard Park and ECSD #3 for Rolling Ridge Subdivision for direct service area of Erie County Sewer District #3, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Approve 2017 Stable Permit

11) 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 a 2017 Stable Permit for Bella Cavallo, 6263 Benning Rd., West Falls, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #9 Authorize Chief of Police to hold Bike & Property Online Auction

12) 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 Chief of Police to hold the Annual Bike & Property Auction. This auction will be conducted by Auctions International (from East Aurora, NY) It is an online auction (www.auctioninternational.com) and will commence July 10, 2017, and be it further

RESOLVED, that the Town Clerk shall publish due notice thereof in the Orchard Park Bee.

The resolution was unanimously adopted.

New Business #10 Authorize Emergency Manager to attend Sports Event Evacuation Training

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

RESOVLED, that the Town Board does hereby authorize Richard J. Mrugalski, the Town's Emergency Manager, to attend a two day Sports Events Evacuation training and Exercise Course (MGT 4142) to be held on June 26-27, 2017 at Erie County Fire Training Academy in Cheektowaga.

The resolution was unanimously adopted.

New Business #11 Approve 2017 Summer Part-time Recreation Staff

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 appoint the following to the staff of the Town of Orchard Park Recreation Department effective 6/3/2017 Spring Seasonal part time. The appointments are dependent upon the applicant providing the required certifications.

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Emily Balisteri	\$10.00	PT3-A (Att)
Lara Bridges	\$11.00	PT3-E (LG)
Alexis Brignoni	\$11.00	PT3-E (LG)
Tressa Bogner	\$15.00	PT6-D (Att)
Carolyn Coppola	\$10.50	PT3-C (Att)
Joseph Eusanio	\$10.00	PT3-C (Att)
Isaac Forni	\$11.00	PT3-E (LG)
Catherine Lauria	\$10.00	PT3-C (Att)
Rian Lehman	\$15.00	PT6-D (Att)
Ethan Shiley	\$10.00	PT3-A (Att)

2017 staff appointment rate change effective 6/3/17)

Name	Old Rate	New Rate
Amy Marciniak	\$15.00 PT5-C	\$11.00 PT3-E

The resolution was unanimously adopted.

New Business #12 Approve Parks & Grounds Summer Seasonal Staff

15) 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 appoint Noah Harvey to Parks and Grounds, Seasonal, to start June 15, 2017 at \$9.70 per hour.

The resolution was unanimously adopted.

New Business #13 Approve Parks & Grounds Summer Seasonal Staff

16) 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 appoint Sarah Nemec to Parks and Grounds, Seasonal, to start on June 19, 2017 at \$10.00 per hour.

The resolution was unanimously adopted.

New Business #14 Approve Summer Seasonal Staff for Parks & Grounds

17) 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 appoint Christina Benning and Cody Magill to Parks and Grounds, Seasonal, to start on June 12, 2017 at \$9.70 per hour.

The resolution was unanimously adopted.

New Business #15 Approve rate change for non-union personnel in Town Clerk's Office

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

WHEREAS, the Orchard Park Town Board recognizes the need to adjust wages in the Town Clerk's office, and

WHEREAS, the Orchard Park Town Board has determined that Kathy Swarbrick, Mary Perram, Judy Ernst, Janet Holdridge and Amy Glende are entitled to increased compensation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize that the hourly rates shall be adjusted as follows effective July 3, 2017: Kathy Swarbrick - \$24.00 per hour; Mary Perram - \$24.00 per hour; Judy Ernst- \$19.00 per hour; Janet Holdridge - \$16.00 per hour; and Amy Glende - \$16.00 per hour

The resolution was unanimously adopted.

New Business #16 Refer to Planning, & Zoning Boards, and Architectural Overlay Comm.

19) 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 refer the following to the appropriate Boards – Planning Board, Zoning Board or Architectural Overlay Committee:

- Vacant land, at the corner of Southwestern Blvd. and Angle Road, Zoned B-2. Zaremba Group is requesting a Building Permit, per §144-44 of the Town Code, to construct a 9,030 GSF Retail Building (SBL 153.07-1-8.3)
- 7186 Ellicott Road, located on the north side of Ellicott Road, east of Scherff Rd., Zoned B-2. Bart Adams Jr. is requesting to rezone 171 x 500 sq. ft. portion of this property from B-2 to R-1, per §144-68 of the Town Code: (SBL 185.10-2-15).

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Sean Hopkins, representing Orchard Grove LLC. – Mr. Hopkins outlined the reasons they are requesting approval from the Town to place an identification sign on California Rd. for the proposed Orchard Grove development. He wants to work with the Towns departments and attorney to figure out a solution.

Andrew Romanowski, project sponsor for Orchard Grove LLC. – Mr. Romanowski stated they are trying to accommodate the neighbors request by not putting an entrance to the proposed project on Big Tree Road, so they are looking to the Town for help on placing an identification sign on California Road.

Jim Suplicki – Mr. Suplicki stated that Mr. Joe DeMarco has been parking new and used cars from automobile dealerships in his parking lot on California Rd., and this is against Town Code. Even with the property being rezoned to I-1, it is still in violation of the Town Code. Why is this being allowed and on whose authority has this been allowed to happen. It appears that the original Rich Stadium Commercial Parking Permits are being issued for purposes other than what they were meant for. With the rezoning of this property, and in view of the new Local Law putting a moratorium on new permits, will this extend to Mr. DeMarco's property?

Dan Kaczynski – Mr. Kaczynski lives near the DeMarco's property and has watched as the area has been altered. It used to be a beautiful area, now it is black top. He wanted to know if there are Town Codes regarding noise and time limits for operations for the Town because of the loading and unloading of cars on the lot and all the other noise that comes from there. Mr. Kaczynski does not even know what goes on at this property. Years ago Mr. DeMarco approached him saying he had to put up new buildings for his WINGS project, but Mr. Kaczynski said he is disgusted with what they have done with the property there. He said that he has so many questions as how it got to this point and is afraid for what else will happen there.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Keem wanted to mention the 4th of July Parade next week and encouraged everyone to attend as it is always a good time.

Councilman Sherry said that it is the understanding of the Town Board that the parking has stopped at the California property. If there are still lingering questions, they can be followed up with the Building Inspector. The purpose of the moratorium on Stadium parking is to take a time-out and assess what is going on over there. One of the charges that went to the Comprehensive Plan Implementation Committee is that they take a look at that area over there and get back to the Board with some recommendations.

Building Inspector, Andy Geist, told Mr. Suplicki and Mr. Kaczynski to get in touch with him and he will explain spot zoning and answer their questions. Mr. Geist said that the Commercial Parking permits are not issued by the Building Inspector, they are approved by the Town Board.

Chief of Police Pacholec wanted to let people know that there will be roads closed off on the 4th of July for the parade. A bear was seen at the Orchard Park County Club on Saturday night.

Highway Superintendent Piasecki stated that road work is starting next week, and outlined the roads that will be worked on.

20) 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 #12 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$159,138.11
Public Safety Fund	\$64,664.12
Part Town Fund	\$836.05
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$192,914.42
Special Districts	\$90,141.93
Trust & Agency	\$972.18
Capital Fund	\$671.67

The resolution was unanimously adopted.

COMMUNICATIONS

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

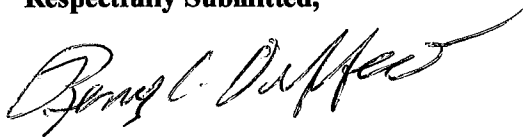
RESOLVED, that the Town Board does hereby receive and file the communications:

- Letter from NYPIRG stating that they are going to be conducting their annual door-to-door outreach in Orchard Park with a list of their staff that will be working in Orchard Park.
- Letter from Hopkins, Sorgi & Romanowski PLLC, requesting a project identification sign in the Town's right-of-way, near California Road.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:45 pm (local time).

Respectfully Submitted,



Remy C. Orffeo
Town Clerk