

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 18th day of December 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: December 4, 2019 Executive Sessions: December 4, & 11, 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.

Supervisor Keem stated that this was Councilmember Sherry’s last meeting with the Town Board and they presented him with plaque in honor of his six years of service to the Town of Orchard Park. Supervisor Keem said that Councilman Sherry was not a political person and was always for what was best for the community.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business # 1 Approve Local Law 7-2019 Hunting

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

WHEREAS, the Town Board the Town Board did hold a Public Hearing regarding Local Law 7-2019 Amending Chapter 97 “ Parks & Playgrounds” Article 1 “General Provisions” Section 97-11 Hunting, on December 4, 2019, and

WHEREAS, the meeting was closed and no action was taken on the Local Law.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does approve Local Law 7-2019 as follows:

SECTION 1
Section 97-11 Hunting

No person shall hunt game and/or use a hunting implement on property owned by the Town of Orchard Park or within 500 feet of the boundaries of a park, playground, or developed recreational area owned by the town of Orchard Park.

SECTION 2

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

The resolution was unanimously adopted

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Schedule 2020 Organizational Meeting

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

RESOLVED, that the Town Board is hereby authorized to set the date for the 2020 Organizational Meeting and 1st Regular Meeting of 2020 for Thursday, January 2, 2020 in the Municipal Building Basement Meeting Room at 7:00 PM, the work session, in the Supervisor’s Conference Room, will begin at 6:00 PM and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

New Business #2 Town Board to Accept Map, Plan & Report for Drainage District OPDD #2-6

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

WHEREAS, a petition, and metes and bounds has been received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Barrington Heights Part 2 Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 2-6 for the Barrington Heights Part 2 — Highcrofte Lane 3 Sublot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review, and

WHEREAS, the project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure and roadway catch basins. The construction cost of the Subdivision's stormwater drainage system is estimated at \$22,000, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (ARR Holding, LLC), and

WHEREAS, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system, and

WHEREAS, for the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action. The Planning Board has completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 2-6, and be it further

RESOLVED, subsequent to the public hearing and completion of the SEQR process, the Town may then adopt the necessary orders establishing the district. Only after the district creation can the associated Subdivision project

The resolution was unanimously adopted.

New Business #3 Town Board to Adopt Order Scheduling Public Hearing for OPDD 2-6

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called “Town Board” and “Town” respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 2-6, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Carmina Wood Morris, DPC competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of the petitioners, to provide storm water drainage to prospective new homeowners within the proposed district consisting of the construction and installation of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 2-6, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries (Exhibit A-1) of the proposed new Town Drainage District OPDD 2-6 in a manner sufficient to identify the lands included therein as in the deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded: and

WHEREAS, the proposed new Town Drainage District OPDD 2-6 is bounded and described in the map, plan and report attached hereto and made a part hereof; which reads as follows:

Exhibit A-1

Legal Description for OPDD #2-6

DESCRIPTION : HIGHCROFTE LANE SUBDIVISION
HIGHCROFTE LANE (16.442± ACRES)
TOWN OF ORCHARD PARK

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 Number eight (8), Township ten (10), Range seven (7) of the Buffalo Creek Reservation bounded and described as follows:-

BEGINNING at the southwesterly comer of lands conveyed to Jonathan R. Schmid Trust by deed recorded in the Erie County Clerk's Office in Liber 11084 of Deeds at page 3124, said point being on the westerly line of Lot Number eight (8), Township ten (10), Range seven (7); thence north 88 degrees 56' 10" east along the southerly line of Schmid lands, a distance of five hundred fifty-two and forty-five hundredths (552.45) feet to a westerly line of Barrington Heights Subdivision, Part One, as shown on a map filed in the Erie County Clerk's Office under Map Cover Number 3119; thence along lines of said Barrington Heights Subdivision, Part One, the following six (6) courses and distances: south 24 degrees 17' 03" east, a distance of two hundred three and twenty-four hundredths (203.24) feet to a point; south 65 degrees 43' 57" west, a distance of fourteen and fourteen hundredths (14.14) feet to a point; south 24 degrees 17' 03" east, a distance of one hundred eighty-six and eight hundredths (186.08) feet to a point; south 01 degrees 31' 57" west, a distance of five hundred ninety-six and thirty-six hundredths (596.36) feet to a point; south 84 degrees 43' 22" west, a distance of one hundred eighty-three and twelve hundredths (183.12) feet to a point; south 14 degrees 39' 20" east a distance of five hundred thirty-three and seventy-two hundredths (533.72) feet to the southerly line of lands conveyed to Barrington Heights Partnership by deed recorded in the Erie County Clerk's Office in Liber 10877 of Deeds at page 1485; thence south 89 degrees 43' 03" west, along said southerly line, a distance of six hundred twenty-seven and seventy-two hundredths (627.72) feet to the westerly line of said Barrington Heights Partnership lands; thence north 00 degrees 19' 59" west, along said westerly line being the westerly line of Lot Number eight (8), a distance of one thousand four hundred eighty-two and eighty-nine hundredths (1,482.89) feet to the point or place of beginning.

Excepting therefrom that parcel of land conveyed to Thomas Grimes and Julie Renee Grimes, husband and wife by deed recorded on October 30, 2013 in Liber 11255 of Deeds, at page 4706.

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 2-6 may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 2-6 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 2-6; and

WHEREAS, said new Town Drainage District OPDD 2-6 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, ARR Holding, LLC and the expense of the maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 2-6 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it **ORDERED**, that a meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 2nd day of January 2020 at 7:00 p.m. to consider the establishment and creation of the new Town Drainage District OPDD 2-6, as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the Orchard Park Bee, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant of Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

The resolution was unanimously adopted.

New Business #4 Town Board to Accept Map, Plan & Report for Drainage District OPDD #2-8

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

WHEREAS, a petition, and metes and bounds has been received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Smokes Creek Farms 22-Sublot Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 2-8 for the Smokes Creek Farms 22-Sublot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review, and

WHEREAS, the project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure, roadway catch basins, bioretention pond, and detention basin systems for stormwater quality. The construction cost of the Subdivision's stormwater drainage system is estimated at \$403,510, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (James Jerge), and

WHEREAS, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system, and

WHEREAS, for the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action. The Planning Board has completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 2-8, and be it further

RESOLVED, subsequent to the public hearing and completion of the SEQR process, you may then adopt the necessary orders establishing the district. Only after the district creation can the associated Subdivision project proceed with the Planning Board final approval, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Town Board to Adopt Order Scheduling Public Hearing for OPDD 2-8

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition (Exhibit A) pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 2-8, which petition was

signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Carmina Wood Morris, DPC competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of the petitioners, to provide storm water drainage to prospective new homeowners within the proposed district consisting of the construction and installation of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 2-8, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries (Exhibit A-1) of the proposed new Town Drainage District OPDD 2-8 in a manner sufficient to identify the lands included therein as in the deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded: and

WHEREAS, the proposed new Town Drainage District OPDD 2-8 is bounded and described in the map, plan and report attached hereto and made a part hereof; which reads as follows:

Exhibit A-1

Legal Description for OPDD #2-8

DESCRIPTION

SMOKES CREEK FARMS SUBDIVISION
EDGEWATER FARMS LANE (24.113± ACRES)
TOWN OF ORCHARD PARK

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York; being part of Lot 61, Township 9, Range 7 of Holland Land Company Survey, bounded and described as follows:

Beginning at a point in the centerline of Jewett Holmwood Road (as 66' wide road), distant 1057.26 feet easterly from the west line of Lot No. 61 extended northerly; Thence southerly at an angle 90°, a distance of 33 feet to a point on the southerly line of said Jewett Holmwood Road, said point being the True Point and Place of Beginning;

Thence continuing southerly along last described line, a distance of 223.62 feet to a point;

Thence easterly along a line parallel with the centerline of said Jewett Holmwood Road, a distance of 189.58 feet to a point; Thence northerly at an exterior angle of 92°40', a distance of 223.86 feet to a point in the southerly line of said Jewett Holmwood Road; Thence easterly and along the southerly line of said Jewett Holmwood Road, at an interior angle of 92°40', a distance of 268.90 feet to a point in the west line of lands appropriation by the County of Erie and recorded in the Erie County Clerk's Office in Liber 9713 of Deeds at Page 611; Thence southerly at an interior angle of 90° and along the west line of said appropriation, a distance of 27.65 feet to a point; Thence easterly along the south line of said appropriation and parallel with the centerline of said Jewett Holmwood Road, a distance of 100.00 feet to a point; Thence northerly at an exterior angle of 90° and along the east line of said appropriation, a distance of 27.65 feet to a point in the southerly line of said Jewett Holmwood Road; Thence easterly and along the southerly line of said Jewett Holmwood Road, at an interior angle of 90°, a distance of 284.11 feet to a point; Thence southerly at an interior angle of 84°37'31", a distance of 209.25 feet to a point; Thence easterly along a line parallel with the centerline of said Jewett Holmwood Road, a distance of 120.00 feet to a point on the westerly line of Subdivision Lot "B" as shown on Map Cover No. 3593 as filed in the Erie County Clerk's Office;

Thence southerly along the said line of Subdivision Lot "B" as extended southerly, a distance of 25.00 feet to a point in the south line of an exception parcel as filed in the Erie County Clerk's Office in Liber 11278 of

Deeds at page 6558; Thence easterly and along southerly line of said exception parcel, a distance of 120.00 feet to a point in the west line of Parcel B in deed to Orchard Park Development Co., Inc. in Erie County Clerk's Office in Liber 6089 of Deeds at page 364; Thence southerly along the westerly line of said Parcel B and continuing south along the westerly line of Parcel A in said deed to Orchard Park Development Co. Inc., a distance of 765.46 feet to the northerly line of Parcel C in said deed to Orchard Park Development Co., Inc.; Thence westerly on a line parallel with the center line of Jewett Holmwood Road and along the northerly line of said Parcel C in said deed to Orchard Park Development Co. Inc., a distance of 1136.50 feet to a point; Thence northerly at an interior angle of 83°33'52" and parallel with the westerly line of Lot No. 61, a distance of 583.67 feet to a point; Thence westerly at exterior angle of 83°33'52" and parallel with Jewett Holmwood Road, a distance of 66.86 feet to a point; Thence northerly at an interior angle of 83°33'52" and parallel with the westerly line of Lot No. 61, a distance of 417.96 feet to a point in the southerly line of said Jewett Holmwood Road; Thence easterly and along the southerly line of said Jewett Holmwood Road, at an interior angle of 96°26'08", a distance of 91.72 feet to the True Point and Place of Beginning. This Parcel containing 24.113 Acres more or less.

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 2-8 may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 2-8 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 2-8; and

WHEREAS, said new Town Drainage District OPDD 2-8 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, James Jerge and the expense of the maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 2-8 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it **ORDERED**, that a meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the **5th day of February 2020 at 7:00 p.m.** (prevailing time); to consider the establishment and creation of the new Town Drainage District OPDD 2-8, as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the Orchard Park Bee, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant of Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

The resolution was unanimously adopted.

New Business #6 Town Board to Support Legislation to Halt New Criminal Justice Reform

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

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government. County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly and children. No group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect;

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes ‘and the imposition of stringent discovery mandates on police and prosecutors; and under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families. These crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community. They also include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals and Aggravated Cruelty to Animals, Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and also include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting. Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Association of Erie County Governments hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Association of Erie County Governments asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM

The resolution was unanimously adopted.

New Business #7 Authorize Supervisor to sign Purchase Order for sale of 70 Linwood.

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

WHEREAS, the Town of Orchard Park owns real property locally known as 70 Linwood Avenue in the Town and Village of Orchard Park, and

WHEREAS, the Town of Orchard Park houses its Senior Center at said 70 Linwood Avenue, and

WHEREAS, the Town of Orchard Park is constructing a new Community Activity Center which, when completed, will be the new home for the Town of Orchard Park Senior Center, and

WHEREAS, the Town of Orchard Park will no longer need 70 Linwood Avenue once the Community Activity Center is completed and its Senior Activities are moved to that new location, and

WHEREAS, the Town of Orchard Park has marketed 70 Linwood Avenue and received an acceptable Purchase Offer from Joseph Zannoni as an agent for an entity to be formed, and

WHEREAS, the purchase price set out in said Purchase Offer is \$550,000 with the purchaser paying the \$25,000 realtor's commission, and

WHEREAS, the full Purchase Offer is on file with the Orchard Park Town Clerk and available for further public review,

NOW, THEREFORE, BE IT

RESOLVED that the Orchard Park Town Supervisor is hereby authorized to sign said Purchase Offer for the Sale of 70 Linwood Avenue, and be it further

RESOLVED, that it is subject to a Permissive Referendum, the Town of Orchard Park is hereby authorized to sell 70 Linwood Avenue pursuant to the subject Purchase Offer.

The resolution was unanimously adopted.

New Business #8 Police Chief to Apply for Grant to Purchase New Fingerprint Equipment

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

WHEREAS, the Town of Orchard Park authorizes the Town of Orchard Park Police Department's application for funding through the New York State (NYS) Division of Criminal Justice Services (DCJS) LIVESCAN Equipment Program for the purchase of a new fingerprint scanning system to replace the current system that is reaching end-of-life service, and

WHEREAS, the Town Board approves the Orchard Park Police Department commitment to provide the 50% cash match requirement from the department's equipment reserve fund.

NOW, THEREFORE, be it

RESOLVED, that the Town Board supports the Orchard Park Police Department 2020-2021 application for New York State Division of Criminal Justice Services funding.

The resolution was unanimously adopted.

New Business #9 Engineering Seasonal Appointment

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

WHEREAS, funds have been allocated in the 2019 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department getting caught up, the Town Engineer recommends Matt Duebell, who has worked with the department over the summer and was an asset to the team.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Matt Duebell, to a seasonal position in the Engineering Department starting December 23, 2019 and ending January 17, 2020, while he is on break from college, at a wage rate of \$12.50 per hour.

The resolution was unanimously adopted.

New Business #10 Approve Court Clerks to Sell Back Unused Vacation & Personal Days.

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 approve the Town Court Clerks, Cindy Jondle and Marie Falzone to sell back unused vacation and personal days from 2019 only, and/or transfer up to five vacation days to the next calendar year.

The resolution was unanimously adopted.

New Business #11 Budget Amendment for Youth Court

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

WHEREAS, the Town has paid for damages to replace the All Traffic Solutions sign, and

WHEREAS, the Town has received restitution to pay for the damages.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2019 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$287.48.

Increase Appropriations:		
PS3120.50445	PS Vehicle repair and maintenance	\$287.48

Increase Estimated Revenues:		
PS0000.41521	PS Police Department Fees	\$287.48.

The resolution was unanimously adopted.

New Business #12 Approve Town of Orchard Park Tree Ordinance

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

WHEREAS, Orchard Park Town Board recognizes the importance that trees hold in our communities, and

WHEREAS, the Arbor Day Foundation is an organization that is dedicated to planting trees, and

WHEREAS, trees change people's lives and enhance the quality of life in our communities, and

WHEREAS, the Arbor Day Foundation sponsors a Tree City Certification for communities that are stewards of their trees and the benefits they provide to their community, and

WHEREAS, the Town of Orchard Park is applying for the Arbor Day Foundation Tree City certification and part of that certification is the submission of a Tree ordinance.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approves the Orchard Park Tree Ordinance.

The resolution was unanimously adopted.

New Business #13 Reappoint Records Management Supervisor

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

WHEREAS, Amy Glende has served the Town of Orchard Park as the Records Management Supervisor and LGRMIF Grant project Director, and

WHEREAS, Amy Glende has been instrumental in helping the town obtain grants from the New York State Archives for records management, and

WHEREAS, Amy Glende is also working with the police department on records management and seeking out grants, and

WHEREAS, Amy Glende has demonstrated expertise in the area of records management, and

WHEREAS, the town of Orchard Park has a continued need for records management expertise

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Amy Glende to the position of full-time Records Management Supervisor at a rate of \$20.00 per hour for the period January 1, 2020 to June 30, 2020.

The resolution was unanimously adopted.

New Business #14 Refer to Planning Board, Zoning Board and Conservation Board

16) 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 Boards:

- Benderson Development, 3340 – 3350 Southwestern Boulevard (“The Commons/Creek side Plaza”) Zoned B-1. Request to construct a stand-alone 1,910 sq. ft. “Mighty Taco” Restaurant with a Drive-thru, with associated site, utility and drainage improvements.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dean Pomeroy – Thanked Mike Sherry for his service to the town. Regarding the Rail Trail, he supports a bypass of the residential area, and asked the Town Board to do the same.

ELECTED OFFICIALS AND DEPARTMENT HEADS

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

RESOLVED, that the Town Board hereby authorizes the following 2019Budget Transfers:

Engineering Department

\$440.00 From: A.01440.50200 (Engineering Equipment)
 To: A.01440.50541 (Water Quality Consultant)

\$97.50 From: A.01440.50200 (Engineering Equipment)
 To: A.01440.50412 (Mileage Reimbursement)

Sewer, Water & Lighting Department

\$168.93 From: WS.8346.50480 (Contingent)
 To: WS.8346.50408 (Firs Aid Supplies)

The resolution was unanimously adopted.

Supervisor Keem stated the Town has received \$75,000.00 for the inclusive playground equipment for the Burmon Playground for Sen. Chris Jacobs. The Town also applied for a grant and received \$50,000.00 in funding for the Veterans Memorial. He again thanked Councilman Sherry for his service and said he will miss him. Supervisor Keem wished everyone a Merry Christmas & Happy New Year.

Councilman Sherry said it has been an honor to serve the community he grew up in as a councilman for six years, and as a Police Officer for 25 years. It has been a busy six years as a councilman and a lot has been accomplished. One of the things on his radar as a councilmember was to see the Town’s employees’ respected, and to know that they are valued. It’s the employees who are the front line and contribute to the quality of life in Orchard Park. He also stated that he wanted the issue of the Community Activity Center go to the community instead of it being decided with a few people in a room. And that is what happened, and it will be open in a few months and will serve the community for many years. He also stated the Town Board has made significant steps in planning ahead for many years. The one thing left undone for him was looking at the Highway Department and reorganizing that department. Councilman Sherry thanked the community for the opportunity to serve.

Chief Wehrfritz stated that Councilman Sherry was his field training officer and has been a great mentor, not only in the police department, but on the Town Board.

Highway Superintendent said the Highway is continuing with brush pickup with the better weather.

18) 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 # 24 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$64,590.81
Public Safety Fund	\$70,113.14
Part Town Fund	\$1,056.15
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$42,388.67
Special Districts	\$205,144.32
Trust & Agency	\$2,224.85
Capital Fund	\$16,868.62

The resolution was unanimously adopted.

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

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

- Letter from Neighborhood Preservationists, Inc. stating Mission Statement, and requesting the Town Board to support Erie Cat Rail Trail plan with a bypass of residential areas.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does receive and file the following reports:

- Building Inspectors November Monthly Report
- 2019 training program for the Planning Board and Zoning Board of Appeals Members

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:30 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk