

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 5<sup>th</sup> day of February 2020 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
	Conor Flynn	Councilmember
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
<b>ABSENT:</b>	Eugene Majchrzak	Councilmember
	Frederick Piasecki, Jr.	Highway Superintendent

**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 FLYNN, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: January 15, 2020 Executive Sessions: January 8, 15 & 29, 2020 Special Session: January 29, 2020 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**

**Proposed Establishment and Creation of OPDD 2-8 in Regards to Smokes Creek Farms Subdivision.**

At 7:07PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Establishment of Creation to the Town Drainage District OPDD 2-8 in Regarding Smokes Creek Farms Subdivision, owned by James Jerge.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

No one came forward.

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

**RESOLVED**, that the Town Board does hereby close the Public Hearing for the proposed Establishment of Creation to the Town Drainage District OPDD 2-8 in regards to Smokes Creek Farms Subdivision, owned by James Jerge at 7:08PM.

On the question Town Engineer Wayne Bieler requested the Town Board accepts and approves the Map, Plan and Report and authorize the Town Attorney, Town Engineer and Town Clerk to process the filing of Drainage District OPDD 2-8.

**The resolution was unanimously adopted.**

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

**WHEREAS**, a map, plan and report relating to the establishment of a proposed Town of Orchard Park drainage district number 2-8 as prepared by Carmina Wood Morris, D.P.C., duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on January 2, 2020, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk’s Office for public inspection, and stating all other matters required by law to be stated, and specifying February 5, 2020, at 7:00 in the afternoon of said day as the time, at the Town of Orchard Park Town Hall, as S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

**WHEREAS**, such order was duly published and posted as required by law; and

**WHEREAS**, a hearing on said matter was duly held by said Town Board on February 5, 2020 at 7:00 p.m. in the afternoon of said day, in the Orchard Park Town Hall, as 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

**WHEREAS**, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

**RESOLVED AND DETERMINED:**

- A. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- B. That all property and property owners in the proposed district are benefitted thereby;
- C. That all property and property owners benefitted are included within the limits of the proposed district;
- D. That it is in public interest to establish said district; and be it further

**RESOLVED AND DETERMINED:**

That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the “Town of Orchard Park drainage district number 2-8 and shall be bounded and described as set forth as “Exhibit A” attached hereto and made a part hereof; and be it further

**RESOLVED AND DETERMINED:**



That the improvements for such drainage district are to be constructed by, James Jerge, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said drainage district shall be born by the owners of properties benefitted thereby; and be it further

**RESOLVED AND DETERMINED:**

That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Legal Description for OPDD #2-8 – Exhibit A

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SMOKES CREEK FARMS SUBDIVISION  
JEWETT HOLMWOOD ROAD (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.

**The resolution was unanimously adopted.**

**PUBLIC HEARING**

**Proposed Local Law #1-2020 Amending Zoning 144 Attachment 1**

At 7:08PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law 1-2020 regarding Amending Zoning 144 Attachment 1.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

No one came forward

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

**RESOLVED**, that the Town Board does hereby close the Public Hearing for proposed Local Law 1-2020 Amending Zoning 144 Attachment 1 at 7:10PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, following due and timely notice, a public hearing relating to the matter of Local Law #2020-1 was conducted on February 5, 2020 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 #1-2020 which is as follows:

Amending Zoning Section 144 Attachment 1

- A. Applications or appeal to the Architectural Overlay District Committee, Conservation Board, Conservation Management Overlay District, Planning Board, Town Board and Zoning Board of Appeals shall be subject to the following fees: [Amended 10-7-1992; 5-1-2002; 1-16-2008 by L.L. No. 1-2008; 4-27-2011 by L.L. No. 1-2011; 3-4-2015 by L.L. No. 1-2015]
  - (1) Initial applications to the Architectural Overlay District Committee, Conservation Board, Conservation Management Overlay District, and Planning Board shall be established by the Town Board at its annual Organizational Meeting, and is payable to the Town of Orchard Park.
  - (2) Zoning Board of Appeals applications or appeals, applications for variances or appeals shall be accompanied by a fee of \$100 payable to the Town of Orchard Park. Furthermore, if a petitioner requests adjournment of a public hearing which has been published or noticed, said petitioner shall bear the costs incurred to re-publish or re-notice said hearing.

- (3) Applications for public hearings before the Town Board or the Planning Board shall be accompanied by a fee of \$ \$100 payable to the Town of Orchard Park.
- (4) All above fees in this section shall be considered nonrefundable.  
SEE ATTACHED SCHEDULE A

SCHEDULE A - Amending Zoning 144 Attachment 1

B. Zoning amendment **or** change petition.

- (1) Any petition and the accompanying instruments, to amend or change the zoning regulations relating to parcels of land amounting to five acres or less shall be accompanied by an initial filing fee of \$50. Subsequent to recommendation of the Planning Board and prior to publication in the official Town, newspaper, the following fees shall be paid: [Amended 8-6-1997]
  - (a) For areas of 1/2 acre or less: \$50.
  - (b) For areas from 1/2 acre to two acres: \$150.
  - (c) For areas from two to five acres; \$150 for the first two acres and \$50 for each additional acre or fraction thereof.
- (2) Any petition and the accompanying instruments to amend or change the zoning regulations relating to parcels of land amounting to five acres or more shall be accompanied by the following fees:
  - (a) For areas from five to 10 acres: 335 for the first five acres and \$30 for each additional acre thereof.
  - (b) For all areas in excess of 10 acres: \$485 for the first 10 acres and \$20 for each additional acre or fraction thereof.
- (3) The fee for a petition and accompanying instruments for a planned urban unit development shall be \$5,000. The Town of Orchard Park shall refund those fees which are not utilized in reviewing such petition and accompanying instruments for a planned urban development. [Amended 8-16-2017 by L.L. No. 6-2017]

C. Applications for approval of plans for subdivision development shall be accompanied by the following fees:

- (1) For areas less than five acres: \$185 for the first two acres and \$50 for each additional acre or fraction thereof.
- (2) For areas from five to 10 acres: \$335 for the first five acres and \$30 for each additional acre or fraction thereof.
- (3) For areas in excess of 10 acres: \$485 for the first 10 acres and \$20 for each additional acre or fraction thereof.

D. Where the Planning Board chooses to accept moneys from subdividers in lieu of recreation land, the following fee schedule shall apply: [Added 5-17-1989; amended 6-6-1990; 3-17-1999; 10-2-2002; 1119-2003 by L.L. No. 5-2003; 4-27-2011 by L.L. No.1-2011; 12-17-2014 by L.L. No. 10-2014]

- (1) Any owner who presents a subdivision in an area zoned R-3 or R-4 shall be assessed \$1,400 for each lot in said subdivision.
- (2) Any owner who presents a subdivision in any area zoned R-2 shall be assessed \$1,650 for each lot in said subdivision.
- (3) Any owner who presents a subdivision in any area zoned R-1 shall be assessed \$2,250 for each lot in said subdivision.
- (4) Any owner who presents a subdivision in any area zoned A-1 shall be assessed \$3,250 for each lot in said subdivision.
- (5) Any developer who secures a building permit for multidwelling units in any zone shall be assessed \$9,000 per acre. In the event that multidwelling units carry senior residence (SR) designation, the assessment shall be directed to an account dedicated to senior activities.

- E. Commercial parking lot fee. [Added 10-7-1992; amended 1-16-2008 by L.L. No. 1-2008; 6-18-2014 by L.L. No. 1-2014]
  - (1) Operators of commercial parking lots shall be obligated to pay an annual fee of \$75. Each permit shall be used for a period commencing June 30 and terminating July 1 of the following year.
  
- F. Subdivision engineering review fees. [Added 1-16-2008 by L.L. No. 1-2008]
  - (1) Subdivisions of 20 lots or less (2 reviews): \$50 per lot.
  - (2) Subdivisions over 20 lots (2 reviews): \$1,000 plus \$30 per lot (over 20 lots).
  - (3) Multiple dwelling (2 or more families): \$50 plus \$50 per unit over two units.
  - (4) Additional reviews after first 2 initial reviews: \$250 per review.
  - (5) Engineering review of residential lot grading and drainage plan: \$75 per lot.
  
- G. Commercial engineering review fees. [Added 1-16-2008 by L.L. No. 1-2008]
  - (1) Review of site plan: \$100.
  - (2) Review of site plan if detention or utility extension is included: \$400 for the first acre plus \$50 per acre.
  - (3) Additional reviews after first two initial reviews: \$250.
  
- H. Flood zone development engineering review fees. [Added 1-16-2008 by L.L. No.1-2008]
  - (1) Permit application (any new project in flood zone): \$100 plus \$0.02 per square foot.
  - (2) Flood zone letter: \$25.
  
- I. Excavation/fill permit engineering review fees. [Added 1-16-2008 by L.L. No. 1-2008]
  - (1) Review of grading plan (not required for building permits or public improvement permits): \$150 plus \$75 per acre.
  - (2) Construction site inspection: \$50 plus 2% of construction cost.
  
- J. Sanitary sewer. [Added 1-16-2008 by L.L. No. 1-2008]
  - (1) Engineering review, connection and inspection fees.
    - (a) Residential development: \$250 per lot.
    - (b) Multiunit residential development: \$250 plus \$100 per unit.
    - (c) Commercial projects based on water service size.
      - [1] Less than 1-inch water service: \$250.
      - [2] One inch or less than 1.5-inch water service: \$500.
      - [3] 1.5-inch or less than 2-inch water service: \$1,000.
      - [4] 2-inch water service: \$1,500.
      - [5] Over 2-inch water service: \$2,000.
  - (2) Private mainline extensions; construction inspections.
    - (a) 6-inch sanitary sewer inspection: \$100 per 100 linear feet.
    - (b) 8-inch sanitary sewer inspection: \$250 per 100 linear feet.
  
- K. Drainage and Phase II. [Added 1-16-2008 by L.L. No. 1-2008]
  - (1) Engineering stormwater pollution prevention plan reviews and construction site inspections-single phase residential and commercial development projects.
    - (a) If design is in conformance with New York State Design Manuals and Town of Orchard Park Standard SWPP plan design plan review:
      - [1] Less than 5 acres: \$300.
      - [2] 5 acres to 10 acres: \$450.

- [3] More than 10 acres: \$450 plus \$100 for each 5 acres or portion thereof.  
Construction inspection.
- [1] Less than 5 acres: \$500.
- [2] 5 acres to 10 acres: \$700.
- [3] More than 10 acres: \$700 plus \$200 for each 5 acres or portion thereof.

(b) If design is not in conformance with New York State Design Manuals and Town of Orchard Park Standard SWPP plan design plan review:

- [1] Less than 5 acres: \$600
- [2] 5 acres to 10 acres: \$750.
- [3] More than 10 acres: \$750 plus \$100 for each 5 acres or portion thereof.  
Construction inspection.

- (1) Less than 5 acres: \$500.
- [2] 5 acres to 10 acres: \$700.
- [3] More than 10 acres: \$700 plus \$200 for each 5 acres or portion thereof.

(2) Engineering stormwater pollution prevention plan reviews and construction site inspections - multiphase residential and commercial development projects.

- (a) When the entire project is first being reviewed and approved by the municipality, use the single phase residential and commercial development project schedule above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
- (b) Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of the development of each subsequent phase. This additional \$500 is to be used for construction inspection assuming that the SWPP plan and design plans do not change.

Note: These fees are in addition to the existing site plan or subdivision review/application fee.

(c) Engineering review of public storm sewer extensions (not part of a commercial or subdivision plan): \$50 plus \$50 per 100 feet or portion thereof.

L. Water [Added 1-16-2008 by L.L. No. 1-2008]

- (1) Engineering review of a public mainline extension (not part of a commercial or subdivision plan): \$50 plus \$25 per 100 feet or portion thereof.

M. Miscellaneous. [Added 1-16-2008 by L.L. No. 1-2008]

- (1) Rezoning map and description review: \$50.
- (2) Reinspection (called to make inspection, work not completed): \$35 per inspection.

Editor's Note: Former Subsection P(3), Planning Board public hearing fee, which immediately followed, was repealed 8-24-2011 by LL No. 3-2011. See now Subsection B.

**The resolution was unanimously adopted.**

**PUBLIC HEARING  
Proposed Local Law #2-2020 Appointment of Electrical Inspectors**

At 7:10PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding § 45-5.1

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Keem asked if anyone is interested in speaking or making a comment.

No one came forward

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

**RESOLVED**, that the Town Board does hereby close the Public Hearing for proposed Local Law 2-2020 regarding § 45-5.1 at 7:12PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, following due and timely notice, a public hearing relating to the matter of Local Law #2020-2 was conducted on February 5, 2020 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 #2-2020 which is as follows:

§ 45-5.1 as set out below is eliminated:

§ 45-5.1 Appointment of Electrical Inspectors.

[Added 6-20-2001] The Town Board shall designate Electrical Inspectors for the period of one year at the yearly organizational meeting. All entities seeking to perform electrical inspection services for the Town of Orchard Park shall submit an application form from the Building Inspector's office.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

Assemblyman Burke came forward to speak about the “Justice for Rachael” Act. In 2018 Rachael Wierzbicki was shot and killed in a domestic violence dispute. This Act promotes the establishment of a system of dangerousness hearings that would help keep potentially dangerous individuals in pre-trial custody.

**New Business #1 Appoint Part-time Court Clerk**

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

**WHEREAS**, Tanner Till, a resident of the Town of Orchard Park, attending college studying Criminal Justice, has been interviewed by Gail Orffeo, our Human Resource Administrator and the Court Clerks; Cindy Jondle and Marie Falzone. Also, having been interviewed by Town Justices, Edward Pace and Jorge deRosas and has provided their recommendation to the Town Board for the appointment of Tanner Till as a part-time Court Clerk.

**NOW, THEREFORE, be it**



**RESOLVED**, that this Town Board hereby appoint Tanner Till as part-time Town Court Clerk at the rate of \$15.00 per hour up to 19 1/2 hours per week to commence on January 27, 2020 per recommendation of the Town Justices.

**The resolution was unanimously adopted.**

**New Business #2 Approve agreement with the County of Erie and the Town of Orchard Park for the reimbursement of 2020 funds towards summer Recreation/Youth services programming.**

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

**WHEREAS**, Article 12 of the Erie County Charter has established a division of youth within the Erie County Department of Social Services; and

**WHEREAS**, Orchard Park administers a Recreation/Youth program to advance the moral, physical, mental and social well-being of youth of the County of Erie; and

**WHEREAS**, the County desires to assist Orchard Park with its Recreation/Youth programs, and to secure reimbursable funds therefore from the State of New York; and

**WHEREAS**, the Erie County Legislature has approved the Recreation/Youth program and authorized the County Executive to execute all necessary documents and agreements to implement such programs.

**The resolution was unanimously adopted.**

**New Business #3 Approve NYS Bill Act to Amend the Real Property Tax Law**

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

**WHEREAS**, the current STAR real property tax savings may be less than the amount of the STAR real property tax savings from the prior year and has no floor value, and

**WHEREAS**, the New York State Legislature is considering legislation amending Subparagraph (i) of Paragraph (a) of Subdivision 2 of Section 1306-a of the Real Property Tax Law, as amended by Section 1 of Part LL of Chapter 59 of the Laws of 2019 to add language in relation to providing that the amount of a STAR real property tax savings may not be less than the amount of the STAR real property tax savings from the previous year, which will create a floor for the STAR program, and

**WHEREAS**, the establishment of such legislation would create a floor that protects low income individuals and those on fixed incomes to ensure they receive, at a minimum, the same STAR real property tax savings in the following year, and

**WHEREAS**, the New York State Assessor's Association supports this Bill,

**NOW, THEREFORE, be it**

**RESOLVED**, by the Town Board of the Town of Orchard Park that the Real Property Tax Law be amended to provide that the amount of a STAR real property tax savings not be less than the amount of the STAR real property tax savings from the prior year and hereby supports the New York State Bill, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of said resolution to the following persons:

Governor Andrew Cuomo  
Assemblywoman Sandy Galef  
Assemblyman Kenneth Zebrowski

**The resolution was unanimously adopted.**

**New Business #4 Approve the 2020 rates for Compost & Mulch**

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

**RESOLVED**, that the Town Board does hereby approve resident's pricing of compost and mulch to be \$15.00/cubic yard and non-residents to be \$23.00/cubic yard as of April 1, 2020.

**The resolution was unanimously adopted.**

**New Business #5 Approve Resolution to support legislation known as the "Justice for Rachael" Act.**

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

**WHEREAS**, bail reform measures were included in the 2019 New York State omnibus budget package; and

**WHEREAS**, these reforms are causing significant concern in our community and among law enforcement officials; and

**WHEREAS**, New York State Assemblyman Patrick Burke has introduced legislation that would establish a system of dangerousness hearings that would create a process to keep potentially dangerous individuals in pre-trial custody; and

**WHEREAS**, the legislation adds a new section 510.55 of the criminal procedure law; and

**WHEREAS**, section 510.55 of the criminal procedure law establishes the conditions under which the people may seek pretrial detention due to the dangerousness of the principal; and

**WHEREAS**, upon the appearance of the principal charged with an offense listed in subdivision 1 of the legislation, and upon the motion of the people, the judge shall hold a dangerousness hearing. After the hearing and pending trial, the judge shall issue an order that either the individual be released on his or her own recognizance, released on certain conditions, or detained; and

**WHEREAS**, if after the dangerousness hearing, the judge finds by clear and convincing evidence that no conditions of release will reasonably assure the safety of any other person or the community, the judge shall order the pretrial detention of the principal; and

**WHEREAS**, this legislation is named in memory of Rachael Wierzbicki, who was killed in a domestic dispute and her alleged murdered was promptly released on bail, not considering the danger he posed to the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Orchard Park goes on record in support of the "Justice for Rachael" Act in the New York State Assembly; and be it further

**RESOLVED**, that a certified copy of this resolution is sent to New York State Governor Andrew Cuomo, the Speaker of the New York State Assembly Carl Heastie, Senate Majority Leader Andrea Stewart-Cousins and any other party deemed necessary and proper.

**The resolution was unanimously adopted.**

**New Business #6 Refer to the Planning and Conservation Boards for review:**

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

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

- 5020 Armor Duels Road, located on the north side of Armor Duels Road, Zoned B-2. (SBL#183.08-4-6) “HIP Development + Construction”, would like to expand leasable space at this existing plaza, and also construct a Lacrosse Athletic Training Center, and make site improvements to the property.
- 3310 N. Benzing Road, located on the west side of N. Benzing Road, south of Lake Avenue, Zoned I-1. (SBL#152.13-3-25) 3310 Benzing Road, LLC is requesting to construct a 10,300-sq.ft, single story, metal Warehouse Building addition at the rear of the property.
- V/L Windward Road, 9.2 +/- acres, located in Sterling Park Business Center, north side of Milestrip Road, east of the 219, and south of Lake Avenue. Zoned I-1. (SBL#152.14-5-1). New York Beer Project, LLC/K Squared Properties LLC is requesting a Special Exception Use Permit.

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Tamara Manly thanked the Town for picking up the dead tree near her house.

Brian Kelly inquired about a storm drain in front of his house. He has gotten conflicting stories from the Highway Superintendent Fred Piasecki and has been trying for 4 years to get one installed. He would like some answers.

### **ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Town Supervisor Pat Keem stated he was deeply saddened by Rachael Wierzbicki’s death. He was very pleased to hear Assemblyman Burke’s “Justice for Rachael” Act was moving forward.

Councilmember Conor Flynn spoke of his support for “Rachael’s Act”. He also stated he will be at Spot Coffee in town this Saturday from 11:00 - 11:45 AM to hear from the Town residents about any issues they are concerned with. He also offered a solution to the brush pile issues in Orchard Park. He is trying to increase the communication between the Highway Dept, and residents. Starting in March he will have the Highway Dept. report to the Supervisor’s Office stating when and where they will be picking up brush that week. It will be posted on the Orchard Park website. This way residents will have an idea of when to put their brush out and increase the Highway Department’s accountability. He thanked Highway Superintendent Fred Piasecki, Town Supervisor Pat Keem, OP Sun, OP BEE and the residents for their input.

Town Clerk Remy Orffeo spoke of Erie County’s solution to the overcharges of the 2020 Town County Taxes. They will mail a refund to those who qualify after the final collection in July and issue an updated bill.

Chief of Police Joe Wehrfritz thanked the Board for supporting Rachael’s Act.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #3 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$136,807.37
<b>Public Safety Fund</b>	\$18,729.88
<b>Part Town Fund</b>	\$841.19
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$94,181.13
<b>Special Districts</b>	\$11,635.07
<b>Trust &amp; Agency</b>	\$1,438.12
<b>Capital Fund</b>	\$292,886.95

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the Highway Department’s 2020 Yearly Compost Report.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the 2019 STOP DWI Report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:36 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo**  
Town Clerk