

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 11<sup>th</sup> day of March 2020 at 7:18 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilmember
	Conor Flynn	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: February 19, 2020 Executive Sessions: February 12, 19 & 26, 2020 Special Session February 26, 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**

**“Special Exception Use” Permit for the proposed Mighty Taco Restaurant at 3340-3350 Southwestern Blvd.**

At 7:20 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the request for a “Special Exception Use” Permit for the proposed Mighty Taco Restaurant with a drive-through to be built at 3340-3350 Southwestern Blvd. A complete metes and bounds description of this property together with a surveyor’s map is on file in the Town Clerk’s Office for onsite inspection during regular business hours.

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.

The attorney from Benderson Development appeared here today to answer any questions the Board may have regarding the proposed Mighty Taco Restaurant with a drive-through.

John Bernard spoke of the proposed Mighty Taco Restaurant with a drive-through. He stated his personal observations of other drive-throughs and their logistics. He also spoke of the lack of green space and the potential of connecting this property to Sterling Park.

2) 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 close the Public Hearing for a “Special Exception Use” Permit for the proposed Mighty Taco Restaurant with a drive-through to be built at 3340-3350 Southwestern Blvd. at 7:27 PM.

The Supervisor moved to address this item at the next Town Board Meeting.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**OLD Business #1 Update the job description for the Fire Inspector.**

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

**WHEREAS**, the Town of Orchard Park on September 18<sup>th</sup>, 2019 created the office of "Fire Inspector" in the Building Department of the Town of Orchard Park, and

**WHEREAS**, that said resolution did not reference the pay range and step for this new position,

**NOW, THEREFORE, be it**

**RESOLVED**, that:

- 1) The Town Board sets the pay range for the position of "Fire Inspector" at 0010, and,
- 2) The pay step for this position is "C" per appendix "F"-2019 Salary schedule.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward.

**New Business #1 Approve 2020 part time staff to the Recreation Department.**

4) 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 following 2020 winter/spring Seasonal Recreation Staff Appointments, dependent upon the applicant providing the appropriate certification.

**(2020 Seasonal part time Staff Appointments Rate Change retroactive 3/1/20)**

<u>Name</u>	<u>Old Rate</u>	<u>New Rate Position (Title*)</u>
Sarah Gura	\$15.00 PT6-D (LG)	\$16.00 PT7-C (LG)

**(2020 winter, spring part time Staff Appointments effective 3/21/20)**

<u>Name</u>	<u>Rate Position (Title*)</u>
Artyom Littrell	\$12.75 PT5-B (LG)
Linda Sherry	\$15.00 PT6-D (Lg)

**The resolution was unanimously adopted.**

**New Business #2 Appoint a part time Caretaker.**

5) 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 appoint Gary Fischer to the position of part time Caretaker, to be effective March 16, 2020, pay range 0001, \$13.50 per hour.

**The resolution was unanimously adopted.**

**New Business #3 Appoint a part time Cleaner.**

6) 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 appoint Cheryl Gasiorowski to the position of part time Cleaner, to be effective March 16, 2020, pay range 0001, \$13.00 per hour.

**The resolution was unanimously adopted.**

**New Business #4 Appoint two Full Time Public Safety Dispatchers.**

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

**RESOLVED**, that the Town Board does hereby appoint Jacob Galas to the Full Time position of Public Safety Dispatcher (Probationary), to be effective March 16, 2020, CSEA pay range 0007 "1st year" \$18.34 per hour, as recommended by the Chief of Police, and

**NOW THEREFORE, be it further**

**RESOLVED**, that the Town Board does hereby appoint Part Time Public Safety Dispatcher Eric Kavel to the Full Time position of Public Safety Dispatcher (Probationary), to be effective March 16, 2020, CSEA pay range 0007 " Step E ", \$25.71 per hour, with a seniority date effective November 16, 2016, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #5 Honoring Jackie Briggs**

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

**WHEREAS**, Jackie Briggs has served as president of the Senior Council of Orchard Park, and

**WHEREAS**, she continued to serve as president when the Senior Council of Orchard Park became the Community Activity Council, and

**WHEREAS**, she was a strong proponent of and advocate for a new updated senior citizens facility, and

**WHEREAS**, in recognition of her many years of service the Town Board of Orchard Park presented Jackie with a Certificate of Appreciation on January 18, 2017 in recognition of her dedicated service to the community, and

**WHEREAS**, Marty Kohler, owner of Kohler Awning, has offered to donate his services and materials for an awning outside the café in the Senior Wing of the Community Activity Center, and

**WHEREAS**, this donation includes decals on either side of the doors and a wrought iron attachment with a "Jackie's Café" sign pointing in the direction of the café, and

**WHEREAS**, within the café a picture of Jackie Briggs is planned along with information of her arduous work starting up the Senior Council and the successor Community Activity Council,

**NOW THEREFORE be it**

**RESOLVED**, that the Orchard Park Town Board expresses its sincere gratitude to Marty Kohler for his generous donation, and

**NOW THEREFORE be it further**

**RESOLVED**, that the Orchard Park Town Board goes on record approving the café awning, "Jackie's Café" sign and a picture of Jackie Briggs with an informational plaque in honor of Jackie Briggs and all her hard work on behalf of Town of Orchard Park Senior Citizens.

**The resolution was unanimously adopted.**

**New Business #6 Authorize LGRMIF grant application**

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

**RESOLVED**, that the Town Board does hereby authorize Supervisor Patrick Keem and Town Clerk Remy Orfeo to apply to New York State Archives for a 2020/2021 LGRMIF grant under the "Inactive Records" category in an amount not to exceed \$75,000.

**The resolution was unanimously adopted.**

**New Business #7 Approve Stable Permit**

10) 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 2020 Stable Permit for Hammersmith Farms at 6243 Benning Rd. West Falls, NY 14170.

**The resolution was unanimously adopted.**

**New Business #8 Approve Extension of Conservation Easements.**

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

**WHEREAS**, the Town of Orchard Park has successfully administered a Conservation Easement program designed to promote preserving green space and limiting development, and

**WHEREAS**, the Town Board renews Conservation Easements as requested on the condition that the owners of the property to which those Conservation Easement apply file with the Town Clerk and the Town Assessor metes and bounds descriptions and surveys of the property affected by those easement within 120 days from the date of this resolution, and

**NOW, THEREFORE** be it

**RESOLVED**, failure to provide the subject documents within the stated time frame will result in the termination of those easements, and the Conservation Easements renewed are hereby subject to the conditions of providing notarized easement applications, surveys and metes and bounds descriptions are as follows:

Mark Kozaniewski	CE #42	6390 Cole Road
Henry Lewandowski	CE #60	6106 Cole Road
Geraldine Kozlowski	CE #29	6813 Chestnut Ridge Road
Russell Bieler	CE #30	7380 Milestrip Road
Wayne Bieler	CE #42	7245 Gartman Road
Robert & Patti Woodward	CE #38	6164 Bunting Road
Kevin Brown	CE #19	6807 Gartman Road
Patrick & Rose McCarthy	CE #21	6900 Ward Road
Patrick & Rose McCarthy	CE #22	V/L Scherff Road
Dolores Zilliox	CE #33	V/L Gartman Road

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Michele Poitras is an Orchard Park resident, on the Board of OP Little League and the director of Travel Softball for OP Stars. She would like to know if there will be permanent lights set up at the diamonds at Brush Mountain Park. If there is no plan for permanent lights to go up there will they be able to have temporary lights put up?

David Schuster came forward to ask for the Planning Board minutes to be posted on the website, expressed his concern about Orchard Fresh leaving Orchard Park, and wanted to know why future meetings he has scheduled in the basement at the Town Hall (which he gets to use at no charge) are being asked to move to the CAC where they will have a charge.

Tamara Manly came forward to inquire about modifying the Town’s Noise Ordinance. She asked that it be more specific about what constitutes noise and how loud it can be. She also wants a penalty to be instituted (fines or jail time).

Patricia Meckes stated she represents “The Citizens Against Wind Turbines In Lake Erie.” She would like to ask Orchard Park if they will stand with them against the Turbines in Lake Erie. She stated the arguments against them. Governor Cuomo is trying to put it through in a 30 day budget and asked for people to act fast.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Keem stated the Town is looking into other supermarkets to replace Orchard Fresh. He is also willing to look into adjusting Town Noise Ordinance Codes to make things better for the community. He also will be issuing a resolution to oppose Governor Cuomo’s plan to have home rule taken away from the Towns. He also spoke of the Corona Virus and how the Erie County website offers helpful information and links to other reputable resources.

Councilmember Majchrzak asked for copies of the noise ordinance complaints from Tamara Manly.

Councilmember Flynn announced the “Councilmember on the Corner” dates. The first is April 25 from 9-11 at Tim Hortons near the Stadium at 3239 Abbott Rd. Orchard Park, the second is June 20 from 9-11 at the Grateful Grind Café in Chestnut Ridge Park. This will continue on a bi-monthly basis. He also plans to draft a Town Social Media Policy which he will present at the next Town Board Meeting. He would like to have it adopted two weeks later. After this is adopted we can begin Social media accounts with the residents of Orchard Park. He would also like to revise the time and dates items for the Town Board meetings are due to the Town Clerk in order for the agenda and documentation to be accessible sooner to the public and Board members.

Town Clerk Orffeo stated getting the information for the Town Board Meetings has been an issue for years. If the deadline dates are changed it wouldn’t prevent Department Heads from adding emergency items at the last minute. It would be incumbent for the Board to stick to the deadline and move items to the next Board meeting if they aren’t available in a timely fashion.

Chief of Police Wehrfritz thanked the Town Board for appointing the two full time Dispatchers and welcomed them.

Highway Superintendent Piasecki stated they are trimming trees and starting drainage projects and their mechanics are getting the road sweepers ready for operation. The Highway Department is taking calls from residents who have brush that is needed to be picked up now. They will compile a list and go out for a full day to pick up those piles. Regular leaf and brush pickup zones and dates will be posted in the paper in May. He also stated the rising beaver population in Birdsong Park has caused flooding and extensive damage. The DEC has been hired to remove the beavers.

**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 authorize the approval of all entries on Warrant #5 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$84,708.66
<b>Public Safety Fund</b>	\$3,358.98
<b>Part Town Fund</b>	\$1,332.74
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$114,221.87
<b>Special Districts</b>	\$4,986.84
<b>Trust &amp; Agency</b>	\$1,290.04
<b>Capital Fund</b>	\$70,254.30

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby approve, receive and file the Buffalo Adult and Teen Challenge to canvas Orchard Park in an effort to create awareness on issues of substance abuse, alcoholism, depression, and other life controlling problems from April – October 2020.

**The resolution was unanimously adopted.**

14) 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 receive and file the Building Inspector's monthly report for February 2020.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:59 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**