

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 15th day of April 2020 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
	Conor Flynn	Councilmember
	Remy Orffeo	Town Clerk
	John C. Bailey	Town Attorney
	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

ALL PRESENT PARTICIPATING VIA WEBX.

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: April 1, 2020 Executive Sessions: April 1, 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.

Supervisor Keem stated that a letter from John Bernard asking about the Public Hearings tonight given that Governor Cuomo has suspended public hearings until June 1, 2020. Town Attorney John Bailey stated that there are two executive orders regarding public hearings that are not mutually exclusive. The first allows public hearings to be held electronically, and the second one suspends normal time periods, and hold the public hearing at a later date without prejudice. The Town Board can choose which ever route it wishes to hold these public hearings.

Supervisor Keem noted that both these project have been reviewed by Engineering and the Planning Board. The Planning Board’s public hearing were held in a public forum. So the Town Board has decided to hold the Public Hearings scheduled for tonight.

**PUBLIC HEARING
Special Exception Use Permit for New York State Beer Project**

At 7:00PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the request of New York State Beer Project & K Squared Properties LLC. for a Special Exception Use Permit to construct a two- story 28,000+/- total sq.ft. facility with a 8,000 sq.ft. covered porch on vacant land, located on Windward Road, end of cul-de-sac, far northwest corner near Lake Avenue in the “Sterling Park Business Center”.

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.

Councilman Majchrzak noted that this project is zoned properly for the Brewery, the Special Exception Use is for the restaurant, and this will come back again to the Town Board. Hopefully we will be out of this crisis by that time, and will be able to hear comments from the public.

Supervisor Keem read the letters from residents regarding this project.

Jeffery Steinwachs, owner of the land, requested support of a Special Exception Use permit for the NYS Beer Project in Sterling Park. He looks forward to working for full approval and permitting of this project and bringing this great amenity to the Sterling Business Park. He enclosed two pictures of other Beer Projects that currently in operation. He said Sterling Business Park has consistently received the Town's support in the past, which they appreciate. That support helped us obtain a "Shovel Ready" designation from Empire State development.

Kevin Krupski, (part of Beer Project) said they are asking for the Special Exception Permit for the operation of a brewery and a full service restaurant. They currently have two other similar projects which are unique gather spots for families. They are looking to design a peaceful, yet impressive NYBP "Beer Lodge". He also stated that they look to be a good neighbor in our Town, giving back to the community, and promise to be a courteous and quiet co-habitator with the residents closest to them.

Sarah Budzinski requested that the meeting be postponed so that she can voice her concerns. She is opposed to this project finds it corrupt that the Town is holding this meeting without the opportunity for a member of the community you are planning on altering to speak on their own behalf.

Kevin Mast is opposed to this project as he lives on Lake Ave. and this is in his back yard. His concerns were noise, privacy issues, security for his children and of his property, rental of his duplex. He also had concerns about the large parking lot becoming an event area for this bar, late hours and alcohol related incidents.

John Bernard had questions regarding the SEQR findings statement, operating hours, control of outside party events, lighting, traffic patterns and a traffic study. Town Clerk Orffeo stated all these items are part of the Planning Board review. The Brewery they are putting in is permitted use in I-1 zoning. This project will go back to the Planning Board for site plan review, and he stated the Planning Board will have all the comments for and against that have been submitted. The project comes back to the Town Board for final approval.

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 at 7:15pm.

The resolution was unanimously adopted.

3) 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 authorized to approve a Special Exception Use Permit as requested by New York State Beer Project & K Squared Properties LLC. for a Special Exception Use Permit to construct a two- story 28,000+/- total sq.ft. facility with a 8,000 sq.ft. covered porch on vacant land, located on Windward Road, end of cul-de-sac, far northwest corner near Lake Avenue in the "Sterling Park Business Center, as recommended by the Planning Board with the following conditions and stipulations:

- This is an Unlisted EQR action based on the submitted Short EAF Part 1, and a Negative Declaration is made.
- Public Hearing Fees must be paid prior to the public hearing.
- Article VI (Section 144-43(c)(1-11) has been satisfactorily addressed as follows:
 1. The proposed project is in compliance with the Town’s long-range Comprehensive Plan.
 2. The applicant has demonstrated a need for the project.
 3. The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
 4. The applicant has demonstrated an orderly flow of traffic ingress and egress.
 5. The applicant has provided suitable parking facilities.
 6. Free area for recreation is not required.
 7. The nearness and impact on schools and utilities is not an issue.
 8. The health and safety of adjacent properties is not affected.

The resolution was unanimously adopted.

**PUBLIC HEARING
Special Exception Use Permit for QC Properties, LLC**

At 7:00PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the request for a Special Exception Use Permit for Gerald Buchheit, QC Properties LLC, to construct a 20,000 +/- sq.ft. Outparcel Building, located on the north side of Milestrip Road, in the Quaker Crossing Plaza

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 read letters submitted regarding this project

John Bernard has concerns with onsite parking, traffic control at the plaza intersection.

Gerald Buchheit, owner of the property, stated that with Regal Cinema’s decision to reduce seating in the theaters, their parking requirements have dropped by 60%. Therefore he would like to build an outbuilding which would allow additional retail space.

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 at 7:21pm.

The resolution was unanimously adopted.

3) 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 request for a Special Exception Use Permit for Gerald Buchheit, QC Properties LLC, to construct a 20,000 +/- sq.ft. Outparcel Building, located on the north side of Milestrip Road, in the Quaker Crossing Plaza, as recommended by the Planning Board.

The resolution was unanimously defeated.

PUBLIC COMMENT ON OLD BUSINESS

All comments received via 3-mail.

Robert Sieczkarek feels that the transfer of Parks & Grounds maintenance should have been addressed at the Organizational Meeting with all the questions being addressed at that time. Now is not the time to do this.

Chris Kowalski attended the presentation by Recreation Director Ed Leak where he presented why Recreation should be in charge of Parks & Grounds. There have been too many complaints in the past, and Ed Leak should be given the opportunity.

David Schuster, regarding the transfer of Parks & Grounds, has questions regarding employees, equipment, union issues, salary, and the cost if all new equipment has to be purchased for this transfer. Will this be a permanent transfer? Mr. Schuster feels recreation takes up too much of the Town's budget, and he feels that more interest and funds should be directed to the Arts in Orchard Park.

Old Business #1 Reorganization of Parks & Grounds Supervision

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

WHEREAS, the Town of Orchard Park Board wishes to re-organize the administration and operation of the Town of Orchard Park Parks & Grounds Department, and

WHEREAS, Highway Superintendent Fred Piasecki presently is responsible for managing the Town of Orchard Park Parks & Grounds Department, and

WHEREAS, the Orchard Park Town Board wishes to appoint Edward Leak to take Fred Piasecki's position as Chief Administrator of the Town of Orchard Parks & Grounds Department, and

WHEREAS, the Orchard Park Town Board wishes to cancel the stipend paid to Highway Superintendent Fred Piasecki for his duties as Administrator of the Town of Orchard Park Parks & Grounds Department, and

WHEREAS, the Orchard Park Town Board wishes to make these changes effective on April 15, 2020, and

WHEREAS, the post of Director of Recreation and Parks is to be an annual appointment hereafter to be made at the Town of Orchard Park organizational meeting each year,

NOW THEREFORE BE IT RESOLVED THAT:

1. Highway Superintendent Fred Piasecki is hereby relieved of any and all of his duties related to the Town of Orchard Park Parks & Grounds Department, and
2. Town Recreation Director Edward Leak is hereby appointed the successor to Highway Superintendent Fred Piasecki in managing all of those duties related to the Town of Orchard Park Parks & Grounds Department previously managed by Highway Superintendent Fred Piasecki, and
3. Highway Superintendent Piasecki's stipend for his Town of Orchard Park Parks & Grounds is hereby cancelled and Town Recreation Director Edward Leak is granted an annual stipend of \$8,000 to be adjusted proportionately for the 2020 calendar with payments in full beginning in the 2021 calendar year, and

- 4. The position of Director of Recreation & Parks is to be an annual appointment hereafter to be made at the Town of Orchard Park organizational meeting each year, and
- 5. These changes are effective as of April 15, 2020.

Councilmember Flynn stated that this change has been discussed for years, and a subcommittee of the Recreation Commission investigated this and recommended in favor of the change. Therefore he will be voting for this change in management. He stated that this is not a reflection on the Highway Department, its management or employees. He also stated this move is not a rubber stamp on uninhibited grow in recreation. Recreation is important, but so is public safety, road maintenance, the arts and more.

Councilmember Flynn said he believes in giving Ed Leak the chance to follow through on the goals he has set. He also feels that Ed will get up to speed with the Blue Collar Unit and the Town Board will check regularly to ensure this transition is handled appropriately.

Councilmember Majchrzak stated that he echoes Councilmember Flynn’s comments. But he would like to see this group report to the Town Board until all the issues are ironed out, be it logistics, equipment, whatever the reasons are. He would like that turned over to a manager who would report to the Town Board until all the issues are worked out. Therefore he will voting no on this particular change.

Supervisor Keem also echoed Councilman Flynn’s statement. The Town has known about these issues in Parks & Grounds for three years when the Recreation Commission gave their presentation. Nothing has changed in that time. So he feels it is time to give Ed Leak a chance to see what he can do. Then at the end of the year, it will be evaluated.

Town Clerk Orffeo called for a roll call vote which resulted as follows:

Supervisor Patrick Keem	Aye
Councilmember Majchrzak	Nay
Councilmember Flynn	Aye

The resolution was duly adopted.

PUBLIC COMMENT ON NEW BUSINESS

None

New Business #1 Appoint Acting Assessor

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

WHEREAS, the Orchard Park Town Assessor, Milton Bradshaw, has recently retired, and

WHEREAS, the Town of Orchard Park has not completed the process of hiring Mr. Bradshaw’s successor, and

WHEREAS, the duties and responsibilities of the Orchard Park Assessor are ongoing, and

WHEREAS, the Town of Orchard Park Assessors office needs leadership during this interim period, and

WHEREAS, Nancy Kenlon, currently on the town Assessor's staff, is ready, willing and able to assume the role of Acting Assessor until Milton Bradshaw's successor is chosen.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Orchard Park Town Board does hereby appoint Nancy Kenlon as the Town of Orchard Park Acting Assessor effective retroactively to March 28, 2020, and
2. This appointment is to continue until a new Town Assessor is chosen and appointed by the Orchard Park Town Board.

The resolution was unanimously adopted.

New Business #2 Approve 2020 Stable Permits

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 Stable Permits: Sandybrook Farm & Stables at 6265 Powers Rd. and Chestnut Creek Farm at 5624 Chestnut Ridge Road.

The resolution was unanimously adopted.

New Business #3 Approve 2020 Summer Season Staff

Due to the current Covid-19 situation, the appointment of the Summer Recreation staff was tabled.

BUSINESS FROM THE FLOOR

Supervisor Keem read the letters that came in for the Town Board Meeting.

Barbara Bernard asked how so people in Town participate in a public meeting if they do not have a computer. Supervisor Keem responded that they are doing the best they can, some Towns are not even holding their meetings. Town Attorney John Bailey stated that the Town is holding its meeting under cover of an Executive Order from the Governor.

Susan Yox had questions regarding brush and leaf pickup in Eagle Heights.

Robert Sieczkarek asked about lights that are out on North Buffalo Rd, and New Taylor Rd. He also inquired about the installation of LED lights. Town Engineer Wayne Bieler said the Village has purchased the LED lights and are going to install them. He hopes to piggyback on their contract to purchase them for the Town. He also stated that NYSEG is way behind with replacing the burned out street lights.

Tamara Manley requested a review of the Town's noise ordinance. She also said her neighbor's dead ash trees pose a safety issue for her house. The property owners have been cited twice and the trees are still standing. What is the next step to getting them removed? The Building Inspector and Town Attorney are going to review the current noise ordinance. Regarding the trees, Town Attorney Bailey stated it is the responsibility of the Town if the trees are in the Town's right of way or on Town property, or it is a general public hazard (such as they will fall in a roadway). If the trees are on private land, and the only hazard they represent is to other private property, it is beyond the Town's scope, it is a private problem.

Michele Poitras wanted to know if tonight's resolution regarding the transfer of Parks & Grounds management meant the Ed Leak was going to be in charge. Representing OP Little League and OP Starz Travel softball program, she wanted to know if there was a possibility of temporary lights being set up on the field at Brush Mountain.

Michelle Miranda said that she received an anonymous letter stated that a lacrosse field was going to replace the plaza at the end of Short Drive. If that is the case, she requested that the driveway have its entrance off of Armor Duells Road, as they have had numerous problems with traffic on Short Drive already. Town Clerk Orffeo, as part-time Planning Coordinator, stated that a few months ago the Town Board referred that project to the Planning Board. They came in for a pre-application with the Planning Board, and the Planning Board gave them some suggestions to look at. At this time they have not filed anything new. It won't be addressed until after the Town reopens for business.

Susan Yox had questions regarding food trucks she schedules at Pawtucket Park. After she sent in her list, she said she was notified that there new requirements that were going to be put in place regarding food trucks. She would like to know how to proceed. Town Clerk Orffeo said that his office has been in touch with Ms. Yox, and he and Building Inspector Steve Bremer, have been working on a Code change that they will be getting to John Bailey for review and hopefully have it presented at one of May meetings. His office has held onto the checks that have been sent in. Building Inspector Bremer said that New York State has initiated a new law regarding inspections on food trucks that goes into effect on May 12, 2020. He and Town Clerk Orffeo are working on trying to get one inspection and one fee for the food trucks per year.

Councilmember Majchrzak wanted to know, if social distancing is still in place, who will be monitoring that the lines. Police Chief Wehrfritz stated that anything to do with food, that is the responsibility of the Erie County Health Department. Councilmember Majchrzak said there should be no issuance of permits until the social distancing issue is resolved.

Councilmember Flynn said food trucks and many of the other events planned in the Town will require a hard look at what needs to happen.

Mike Sicily & James Loga had questions regarding a drainage ditch on Golden Crescent Way as it has not been maintained in years and it is causing damage. Town Engineer Bieler said that drainage ditch is part of the new subdivision and the developer will be filling that one in.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem responding to Mr. Schuster questions. The Crew Chief needed for Parks & Grounds will be replacing one that retired last June. The four full-time will be the same number as before, and then there is the seasonal workers. All the equipment belongs to the Town, not the Highway Department. It will be an annual appointment. Supervisor Keem stated that the Art Programs are an important part of the Town.

Councilmember Flynn stated that he will be scheduling a meeting with Town Clerk Orffeo to come up with a plan for a task force to revise the Town Code on agenda submissions to the public and he has a draft proposal for updating the Town social media policy.

Police Chief Wehrfritz asked that the residents please pay attentions to the rules established by the Governor and County Executive.

Highway Superintendent Fred Piasecki said the Highway Department is working with split crews and are continuing with brush and leaf pickup, and road sweeping. He said he has two concerns with the transfer of Parks and Grounds. In the Parks & Grounds budget there are 28 line items and only two were addressed. The other concern is with the Blue Collar contract.

Town Engineer Bieler said they are working with split crews, and some are working from home.

Supervisor Keem said the Town Board members, Department Managers and Emergency Management Team will continue to closely monitor and respond to this ongoing situation. Supervisor Keem said this is a personal issue for him as well, his sister-in-law passed away from Covid 19. So, as we work collaboratively to contain this pandemic, it is important that we follow the recommendations of the NYS Department of Health. He is asking everyone to continue taking the proper steps to prevent the spread of the Corona virus and other infections

- Practice social distancing
- Stay home as much as possible
- Avoid crowds and keep 6ft. distance from anyone
- Do not congregate in groups
- Keep impeccable hand hygiene – hand washing and hand sanitizer
- Abstain from touching your face
- Cover any coughs and sneezes

Stated he looks forward to working for full approval and permitting of this project and bringing this great amenity to the Sterling Business Park. He enclosed two pictures of other Beer Projects that currently in operation.

12) 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 authorize the approval of all entries on Warrant #8 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$33,206.28
Public Safety Fund	\$15,613.68
Part Town Fund	\$102.34
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$5,336.46
Special Districts	\$3,402.15
Trust & Agency	\$2,824,271.00
Capital Fund	

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak & Flynn, the meeting adjourned at 8:25pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**