

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 September 2021 at 7:00 PM, the meeting was called to order by Deputy Supervisor Joseph Liberti and there were:

PRESENT AT ROLL CALL:

	Joseph Liberti	Supervisor
	Eugene Majchrzak	Deputy Supervisor
	Conor Flynn	Councilmember
		Councilmember
	Remy Orffeo	Town Clerk
	Timothy D. Gallagher	Town Attorney
	Wayne Bieler	Town Engineer
	E. Joseph Wehrfritz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Ed Leak	Director of Rec., Parks & Forestry
Absent	Steve Bremer	Building Inspector

Deputy Supervisor Liberti 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 COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: September 1, 2021 and Executive Session: September 1 & 8, 2021 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 Rezoning for 6435 Webster Rd.**

This Public Hearing has been cancelled.

**PUBLIC HEARING
Proposed Special Use Permit for the former “Northwest Bank” at Quaker Crossing**

At 7:03PM (local time) Councilmember Majchrzak called for the Public Hearing to hear all interested parties regarding a Special Use Permit allowing the former “Northwest Bank” site at Quaker Crossing to be converted to an “Urgent Care Facility” per the Town Schedule of Use Controls.

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.

Councilmember Majchrzak asked if anyone was interested in speaking or making a comment.

No one came forward to speak regarding this Public Hearing.

2) 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 close the Public Hearing for the Special Use Permit allowing the former “Northwest Bank” site at Quaker Crossing to be converted to an “Urgent Care Facility” per the Town Schedule of Use Controls at 7:05PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of the Special Use Permit allowing the former “Northwest Bank” site at Quaker Crossing to be converted to an “Urgent Care Facility” per the Town Schedule of Use Controls was conducted on September 15, 2021, 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 approve the request for a “Special Exception Use Permit” to convert the former “Northwest Bank” site, Zoned B-1, to an “Urgent Care Facility”, per the Town Schedule of Use Controls, based on the following:

1. This is an Unlisted SEQR action based on the submitted Full EAF Parts 1 & 2, and a Negative Declaration shall be made.
2. Public Hearing fees must be paid prior to the public hearing, Section 144-69 of the Town Code.
3. Article VI (Section 144-43(c)(1-11)) has been satisfactorily addressed as follows:
 - a. The proposed project is in compliance with the Town's long-range Comprehensive Plan.
 - b. The applicant has demonstrated a need for the project.
 - c. 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.
 - d. The applicant has demonstrated an orderly flow of traffic ingress and egress.
 - e. The applicant has provided suitable parking facilities.
 - f. Landscaping as indicated on the proposed plan will provide adequate screening.
 - g. Free area for recreation is not required.
 - h. The nearness and impact on schools and utilities is not an issue.
 - i. The health and safety of adjacent properties is not affected.
4. The project shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Release Cash Security regarding 5 Smokes Creek.

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

WHEREAS, on September 2, 2020, the Town Board granted approval of the Excavation, Removal, and Storage of Materials to excavate (approximately 2,500 cubic yards of soil) a pond at 5 Smokes Creek to construct a new home at the same address. At that time, the applicant (Barbara Yoviene of 5 Smokes Creek) provided a security cashier's check in the amount of \$2,000 in lieu of standard security bond, to be held until the work was completed and accepted by the Engineering Department; and

WHEREAS, the applicant has since completed the work, which was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the cash security in the amount of \$2,000 to Barbara Yoviene of 5 Smokes Creek, Orchard Park, New York, 14127, for the 5 Smokes Creek Excavation, Removal, and Storage of Materials Permit #2020-001 upon the recommendation of the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Set a Public Hearing for 6435 Webster Rd.

5) 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 set a Public Hearing for Prodigy Webster Road LLC for V/L 6435 Webster from R-3 to B-3, seeking to construct a parking lot and annex building for Wayland Brewery on October 20, 2021 at 7:00PM.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve donation of \$19,000.00 for Wall Pads for the CAC.

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

WHEREAS, the seniors at the Orchard Park Community Activity Center have had a huge interest in Pickleball since the facility opened. The increased interest in this sport has led to a need for space to play additional pickle ball games. The large multi-purpose room, specifically room #156 has been used for two additional courts and has worked fabulously for the increased participants. The need and use of this room has been supported by the Senior Director and Recreation Director; and

WHEREAS, between the support and use of this room for Pickleball; the Senior Activity Council has looked into improving the space for continued Pickleball use. The highest priority from the players was to add wall padding, similar to the gym, to avoid possible injuries from the game. The Council has evaluated and researched this request and has decided to fund the wall padding project for room #156. The project was put out for informal bids and the low bidder quoted \$19,000.00 to complete the wall padding scope; and

WHEREAS, the Senior Activity Council officially decided to fund this project and has sent \$19,000.00 to the Town Clerk's Office.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept the \$19,000.00 funding amount (check) received by the Town Clerk towards the C.A.C. Room #156 Wall Padding Project. This represents 100% of the project funding upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Award Contract for Wall Pads for the CAC.

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

WHEREAS, bids were opened for the C.A.C. Room #156 Wall Padding project on August 20, 2021 at 2:00pm.; and

WHEREAS, the project was bid informally to three companies who specialize in this type of work. The three vendors were Buffalo Interior Specialties, Nickerson Corporation, and Toth's Sports. These three companies showed previous interest in the project and visited the site. Bids were opened and Buffalo Interior Specialties bid \$19,000.00, Nickerson Corporation bid \$31,976.00 and Toth's Sports chose not to submit a bid; and

WHEREAS, the Engineering Department has reviewed the bids of the two companies who submitted bids. Both companies are more than capable of completing this project in the time frame identified. The low bidder is a local company called Buffalo Interior Specialties. They are the same vendor that supplied and installed the wall padding for the gym in the C.A.C.; therefore they are familiar with the specified products and required installation methods. The company has been found to have the qualifications and experience to perform this work. With no reservations about their capabilities and a completion date of December 3, 2021, materials need to be ordered; and

WHEREAS, the Town has recently received adequate funding from the Senior Activity Council specifically for this project. The C.A.C. - Room #156 Wall Padding Project needs a capital account created and the donated money transferred into it to fund this project.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the creation of Capital Account #AP015 "CAC Room #156 Wall Padding" for this Project; and be it further

RESOLVED, that the Town Board does hereby authorize the transfer of \$19,000.00 donated funds from the O.P. Community Activity Council into Capital Account #AP015; and be it further

RESOLVED, that the Town Board does hereby award the contract for the C.A.C. "Room #156 Wall Padding Project" to the lowest responsible bidder, Buffalo Interior Specialties, 4196 South Taylor Road, Orchard Park, NY 14127 in the amount not to exceed \$19,000.00 upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize Dep. Supervisor to sign application for Transportation Alternatives Program.

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

RESOLVED, that the Town Board is hereby authorized to table this item.

The resolution was unanimously adopted.

New Business #4 Appoint part-time 2021 Fall Recreation employees.

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

RESOLVED, that the Town Board is hereby authorized to approve the following resident appointments to the 2021 part-time Fall Recreation Staff effective 9/15/2021:

- Kate Bartlett \$15.00 PT6-D (Att)
- Robert Brozyna \$15.00 PT6-D (Att)
- Katie Dyson \$15.00 PT6-D (Att)
- Jeff Roberts \$15.00 PT6-D (Att)

The resolution was unanimously adopted.

New Business #5 Appoint Johnathan P. Payne to the Highway Department.

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

WHEREAS, a position in the Highway Department has become available due to an employee’s retirement; and

WHEREAS, Johnathan P. Payne possesses a NYS Class A CDL License and has experience operating heavy equipment;

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Johnathan P. Payne to the Highway Department with a starting salary of \$22.00/hr. with a start date of September 27, 2021.

The resolution was unanimously adopted.

New Business #6 Approve 2021-2022 Commercial Parking Permit.

11) 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 the 2021 Commercial Parking Permit for Bo Tucker at 4243 Abbott Rd. as approved by the Chief of Police and Building Inspector.

The resolution was unanimously adopted.

New Business #7 Approve Special Event “Buffalo Bills 50 Yard Finish”

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 approve the Special Events Permit request for the Buffalo Bills 50 Yard Finish 5K to be held on Friday September 24, 2021 from 6:00PM – 7:30PM at Highmark Stadium pending the receipt of fees and Liability Insurance.

The resolution was unanimously adopted.

New Business #8 Allot funds towards “Nan’s Garden”

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

WHEREAS, the Tree Conservancy Committee is coordinating the creation of a flower garden and seating area on town property in an area to be known as "Nan's Garden", and

WHEREAS, the garden is to be in honor of former Town Councilman and public servant Nancy "Nan" Ackerman; and

WHEREAS, this area will serve residents as a place to sit, relax and read outside the Orchard Park Public Library, and

WHEREAS, the Tree Conservancy Committee is seeking funds from the Town of Orchard Park to supplement their fundraising efforts; and

WHEREAS, the Town Board is supportive of the Tree Conservancy Committee's efforts to create "Nan's Garden"; and

WHEREAS, funds are available in Budget Account Park Land Deposits TA 0000 20037

NOW, THEREFORE be it

RESOLVED, that up to \$4,000.00, upon the submission of valid receipts, shall be allotted to the Tree Conservancy Committee's efforts in the creation of a garden and seating area in honor of former Councilman Nancy "Nan" Ackerman from budget account Park Land Deposits TA 0000 — 20037.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski spoke against Marijuana dispensaries in Orchard Park.

Carol Eberhardt spoke against Marijuana dispensaries in Orchard Park.

Lauren Kaczor spoke against Marijuana dispensaries in Orchard Park.

Carol Eckert spoke of the Divide New York State Resolution.

Andy Slotman thanked the Recreation and Engineering Department for their assistance with two Eagle Scout projects completed by Boy Scouts from Troop 285.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Flynn stated the bus that “Let’s Goat Buffalo” has been using was destroyed in a fire and a fundraiser is underway. He also stated tax revenue is not the only reason he is in favor of Marijuana dispensaries in Orchard Park, he will elaborate on his opinion at a later date. He stated he is acting on the residents best interests and listens to public input. He also stated that both he and the Board have not been informed about the new placement of the stadium but he has many questions and recommends the Town put together a Stadium Advisory Committee.

Town Clerk Remy Orffeo asked for clarification of the Public Hearing 1000 ft. notification for the Webster Rd. Public Hearing. He also stated for the 2021-22 School Tax collection payments will only be accepted through the mail, night deposit box and drop box outside the Town Clerk’s office. Receipts will be mailed to the resident. These measures are taken in order to keep our residents and staff safe.

Highway Superintendent Fred Piasecki spoke of drainage work, tree removal, shoulder mowing and prepping leaf trucks being done at Highway. He also stated he has been fighting Metastatic Melanoma, it has been and will be a long process. He announced he would be retiring on September 30, 2021. He thanked the community, the Town Board, colleagues, Ernie Matthews and his daughter for all the support and prayers they have given him. He stated it has been his pleasure and honor to serve this community. He thanked everyone from the bottom of his heart.

Police Chief Wehrfritz spoke of upcoming Town events. September 16, 2021 the OP Village will be hosting the Torch Run. On Sept. 18 & 19 the Festival of the Arts will be in the ECC parking lot, police officers will be speaking there about teen driving too. On September 22, 2021 from 10-3 at the OP Firehall there will be car seat installations. On September 26, 2021 (the next Bills home game) residents will experience similar bad traffic problems as the last home game. He also asked if a member of the Town Board could be apprised of the developments regarding the new Bills Stadium.

Councilmember Majchrzak stated he would like to see residents decide if Marijuana dispensaries should be allowed in Orchard Park by putting it to a vote with a referendum in 2022.

14) 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 #17 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$74,261.16
Public Safety Fund	\$6,270.40
Part Town Fund	\$1,422.48
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$16,238.32
Special Districts	\$224,711.00
Trust & Agency	\$612.00
Capital Fund	\$183,610.92

The resolution was unanimously adopted.

REPORTS

15) 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 received and file the August 2021 Building Inspector's Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:54 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**