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 3rd day of August 2022 at 7:10 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

**PRESENT AT ROLL CALL:**

Eugene Majchrzak Supervisor

Conor Flynn Councilmember

Scott Honer Councilmember

Joseph Liberti (absent) Councilmember

Julia Mombrea Councilmember

Remy Orffeo Town Clerk

Timothy D. Gallagher Town Attorney

Steve Bremer Building Inspector

Gregory Sheppard Police Captain

Andrew Slotman Highway Superintendent

Ed Leak Director of Rec., Parks & Forestry

Wayne Bieler Town Engineer

**Supervisor Majchrzak read into the record the following:** “If anyone appearing before the Town Board has a family, financial or businessrelationship 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 MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: July 20, 2022 and Special Session: July 27, 2022; and be it further

**RESOLVED,** that the readingof these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve the 2022 Stable Permits.**

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

**RESOLVED**, that the Town Board is hereby authorized to approve the renewal of the following 2022 Public Stable Permits as recommended by the Building Inspector:

Bella Cavallo Stables located at 6263 Benning Rd, Quaker Field Equestrian located at 4760 Freeman Rd, Skibbereen Farm located at 5142 Bussendorfer Rd.

**The resolution was unanimously adopted.**

**New Business #2 Approve Mobile Food Vending Permit for Coyote Café**

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

**WHEREAS,** the Operating Permit fee and the Town of Orchard Park Mobile Food Vending Permit fee have been paid; and

**WHEREAS,** a certificate of liability insurance has been provided; and

**WHEREAS**, Coyote Café has agreed to comply with the Town of Orchard Park Town Code and policies.

**NOW, THEREFORE, be it**

**RESOLVED,** that the Town of Orchard Park approves the Operating Permit and the Town Mobile Food Vending Permit of the Coyote Café Food Truck in the Town of Orchard Park for the year 2022, upon passing inspection.

**The resolution was unanimously adopted.**

**New Business #3 Approve two (2) members of the IT Department to attend the 2022 Technology & Cybersecurity Forum.**

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

**RESOLVED,** that the Town Board does hereby approve the request to send two (2) members of the IT Department to the 2022 Technology & Cybersecurity Forum. There is no cost to attend.

**The resolution was unanimously adopted.**

**New Business #4 Approve two (2) members of the IT Department to attend the 2022 Linstar Conference.**

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

**RESOLVED,** that the Town Board does hereby approve the request to send two (2) members of the IT Department to the 2022 Linstar Security Conference. Cost to attend is in the budget.

**The resolution was unanimously adopted.**

**New Business #5 Accept resignation of Full Time Public Safety Dispatcher Christian Trigilio and appoint him as a Part Time Public Safety Dispatcher**

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

**RESOLVED**, that the Town Board does accept the resignation of Full Time Public Safety Dispatcher Christian Trigilio; and let it be further

**RESOLVED**, that the Town Board does appoint Christian Trigilio as a Part Time Public Safety Dispatcher effective August 1, 2022 at his current rate of pay in range 0007 step A.

**The resolution was unanimously adopted.**

**New Business #6 Accept resignation of Full Time Public Safety Dispatcher Daniel Schnorr and appoint him as a Part Time Public Safety Dispatcher**

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

**RESOLVED**, that the Town Board does accept the resignation of Full Time Public Safety Dispatcher Daniel Schnorr; and let it be further

**RESOLVED,** that the Town Board does hereby appoint Daniel Schnorr as a Part Time Public Safety Dispatcher effective August 1, 2022 at his current rate of pay in range 0007 step E.

**The resolution was unanimously adopted.**

**New Business #7 Appoint Court Clerk Jessica Kabel**

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

**WHEREAS**, due to the resignation of Court Clerk to the Town Justice, Elaine Yingling; and

**WHEREAS,** the Orchard Park Court is in need of a full-time Court Clerk; and

**WHEREAS**, Jessica Kabel is qualified and willing to accept the position of Court Clerk.

**NOW, THEREFORE be it**

**RESOLVED,** that the Town Board does hereby appoint Jessica Kabel to the non-union hourly position of full-time Court Clerk, effective August 15, 2022, at a rate of $22.00/hour; and be it further

**RESOLVED**, that this appointment is contingent on the successful completion of a background check.

**The resolution was unanimously adopted.**

**New Business #8 Accept Map Plan and Report for the proposed OPDD 5-2 in Orchard Meadows Subdivision Part 8**

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

**WHEREAS**, a petition and metes and bounds have been received by the Town of Orchard Park, pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Orchard Meadows Subdivision Part 8; and

**WHEREAS,** the map, plan and report for the proposed Orchard Park Drainage District OPDD 5-2 for the Orchard Meadows Subdivision Part 8, 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; and

**WHEREAS**, the construction cost of the Subdivision's stormwater drainage system is estimated at $210,000, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (Nick Costa); 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; and

**WHEREAS**, 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, Part 1 for this Unlisted SEQR action; and

**WHEREAS**, 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 for the proposed OPDD 5-2 in Orchard Meadows Subdivision Part 8, upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #9 Schedule a Public Hearing regarding the establishment and creation of OPDD 5-2 in Orchard Meadows Subdivision Part 8**

**10)** THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, 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 Town Law Section 191, for the establishment and creation of Orchard Park Drainage District OPDD 5-2, which petition was signed by the sole owner of the taxable properties, Nick Costa, situated in the Town of Orchard Park hereinafter described as Orchard Meadows Subdivision Part 8. Such petitioner owns the entire taxable real estate to be incorporated into Town Drainage District OPDD 5-2; and

**WHEREAS**, all drainage improvements, initially, shall be constructed at the Petitioner’s expense with no cost to the district; and

**WHEREAS,** the proposed subdivision is located wholly in the Town of Orchard Park, County of Erie, State of New York, and is outside of any city or incorporated village; and

**WHEREAS**, the establishment and creation of a drainage district is in the public interest because the district will more efficiently service prospective new home owners with the required drainage and control of water quality leaving that subject property; and

**WHEREAS**, all prospective homeowners will be included in the drainage district the be established by the Town Board and no disparity in service will exist to any current or prospective property owner; and

**WHEREAS**, the act of establishing and creating OPDD 5-2 itself will not involve the expenditure of public funds, and all future costs associated with the drainage district will be paid for by the property owners of the drainage district and not by the Town at large.

**NOW, THEREFORE, be it**

**RESOLVED,** that the Town Board is hereby authorized to schedule a Public Hearing regarding the establishment and creation of OPDD 5-2 in Orchard Meadows Subdivision Part 8 on October 5, 2022 at 7:00PM (local time) at the Orchard Park Municipal Center, and be it further

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

**The resolution was unanimously adopted.**

**New Business #10 Schedule a Public Hearing regarding an amendment to Chapter 144 Zoning, Section 44, Subsection M, Paragraph 2**

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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing regarding an amendment to Chapter 144 Zoning, Section 44, Subsection M, Paragraph 2 on September 7, 2022 at 7:00PM (local time) at the Orchard Park Municipal Center, and be it further

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

**The resolution was unanimously adopted.**

**New Business #11 Refer the following to the Planning & Conservation Boards for review & recommendation**

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

**RESOLVED,** that the Town Board is hereby authorized to refer to the Planning Board and Conservation Board the following items as entered on the agenda:

* 101 Sterling Drive, located on the east side of Sterling Drive and north of Milestrip Road, Zoned I-1. Applicant is seeking an increase of five (5) parking spaces off the existing parking circle (SBL #152.19-1-25.2)
* 3201 Southwestern Boulevard, located to the south of Southwestern Boulevard, west of the existing Tops Fuel Station, Zoned B-2. Applicant is seeking to develop a 3,500 square foot bank. (SBL #152.16-7-1.1).

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Gregory Gill, Orchard Park Fire District Commissioner, spoke of the effect that the Town’s growth and changing demographic is having on Emergency Services.

Brett Widman spoke of drainage issues and water damage to his driveway on Briar Hill Road.

Bryan Amplement expressed concern regarding a proposed zone change near Conway Circle.

Jessica Rodriquez asked for clarification on the proposed zone change near Golden Crescent Way.

Lindsay Riggs informed the Board that a petition has been signed by residents that are against the proposed zone change near Airmont Drive, Conway Circle and Golden Crescent Way.

Jack Stickney expressed concern of increased noise and traffic issues that may result from the proposed zone change near Airmont Drive.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak spoke to residents regarding the proposed zone change.

Councilmember Conor Flynn informed residents that their concerns regarding garbage collection are being looked into. He also thanked the residents present for sharing their concerns.

Councilmember Scott Honer thanked the Orchard Park Fire District Commissioner and residents for sharing their concerns.

Councilmember Julia Mombrea informed residents that their concerns are being taken seriously and thanked them for coming.

Town Clerk Remy Orffeo informed the Board that the V/L Webster Rd project request has been withdrawn. He also reminded the Board to discuss his email regarding the horse drawn carriage.

Highway Supt. Andrew Slotman updated residents on roadwork and sanitary sewer repair schedules.

**13)** THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR 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 #15 following auditing by members of the Town Board and in the funds indicated:

|  |  |
| --- | --- |
| **General Fund** | $54,267.10 |
| **Public Safety Fund** | $1,991.48 |
| **Part Town Fund** | $543.74 |
| **Risk Retention** | -0- |
| **Cemetery Fund** | -0- |
| **Highway Fund** | $93,428.19 |
| **Special Districts** | $4,184.18 |
| **Trust & Agency** | $876.12 |
| **Capital Fund** | $2,103.50 |

**The resolution was unanimously adopted.**

**COMMUNICATIONS**

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

**RESOLVED,** that the Town Board does hereby receive and file the notification of Applicant withdrawing request of change of zoning from R-3 to B-3 (V/L Webster Rd. PB #18-22)

**The resolution was unanimously adopted.**

**REPORTS**

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

**RESOLVED,** that the Town Board does hereby receive and file the June 2022 Building Inspector’s Monthly Report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Mombrea, the meeting adjourned at 7:57 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo**

**Town Clerk**