

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 15<sup>th</sup> day of February 2023 at 7:17 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	Councilmember
Julia Mombrea	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
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 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 MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: February 1, 2023 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.**

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**CHIEF OF POLICE RECOGNIZED OFFICER CHRISTIAN CLARK’S GRADUATION FROM DARE ACADEMY AND RECEIVING THE 2023 JOHN JANSEN AWARD**

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**PUBLIC HEARING**

**Proposed Town Wide Stormwater Management District and Drainage District Consolidation**

At 7:22PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Town Wide Stormwater Management District and Drainage District Consolidation.

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

Robert Bell spoke in favor of the creation of the Town Wide Stormwater Management District and Drainage District Consolidation.

Amanda Bell spoke in favor of the creation of the Town Wide Stormwater Management District and Drainage District Consolidation.

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

**RESOLVED**, that the Town Board does hereby close the Public Hearing for the proposed Town Wide Stormwater Management District and Drainage District Consolidation at 7:27PM.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**Old Business #1 Amended from agenda – Accept Map, Plan & Report and Order and Schedule a Public Hearing for the Town Wide Stormwater Management District and Drainage District Consolidation.**

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

**WHEREAS**, for the Town of Orchard Park to consolidate existing Drainage Districts and form a Town Wide Drainage and Stormwater Management District (the "District") the Town of Orchard Park must adopt the Order and schedule a public hearing. The public hearing will provide involved/concerned parties an opportunity comment on the Map Plan & Report as well as voice any potential comments issues; and

**WHEREAS**, the process to establish the new Town Wide District is prescribed by New York State Law. It requires among other things, that the Map, Plan & Report be filed with the Town Clerk, and made available for public review, in advance of the public hearing. The Town Engineer recommends that the public hearing be scheduled for March 15, 2023 consistent with notice requirements of State Law; and

**WHEREAS**, the Town Engineer has submitted a proposed Order that includes a notice of the public hearing and announces that the Map, Plan & Report are available for public review; and

**WHEREAS**, New York Law also requires that this Order be adopted (as attached) at the Town Board meeting on February 15, 2023 and published in the Bee, posted on the Town Bulletin Board and also on the Town website; and

**WHEREAS**, after the public hearing on March 15, 2023 the Town Board will be asked to review the environmental impact(s) of establishing the District, and render a determination of environmental significance of any impacts as the conclusion of the SEQRA process. Thereafter, the Town Board, will be able to consider adopting the Order to establish the District. This Order will also be subject to publication and filing with the Town Clerk and the State Comptroller.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby accept the Map, Plan and Report and Order in accordance with the Town Law for the consolidation of existing Drainage Districts and the creation of a Town Wide Stormwater Management District; and be it further

**RESOLVED**, that the Town Board does hereby authorize the scheduling of a Public Hearing to consider the Consolidation of existing Drainage Districts and creation of the Town Wide Stormwater Management District and Drainage for March 15, 2023 at 7:00PM local time at the Orchard Park Municipal building.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Appoint 2023 part time staff for the Orchard Park Recreation Department.**

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

**RESOLVED**, that the Town Board does hereby appoint the following part-time 2023 Recreation Department staff to the Town of Orchard Park Recreation Department effective 2/15/2023.

Anna Jakiel	\$16.00	Program Coordinator 1
Aglaya Zinenko	\$16.00	Program Coordinator 1
William Rudnicki	\$16.00	Lifeguard

**The resolution was unanimously adopted.**

**New Business #2 Appoint Christopher Barnard to the position of Police Officer.**

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

**RESOLVED**, that the Town board does hereby approve the appointment of Christopher Barnard to the position of Police Officer in the Orchard Park Police Department, Step A, effective March 18, 2023, contingent on approval by the Erie County Department of Civil Service.

**The resolution was unanimously adopted.**

**New Business #3 Approve a Mobile Food Vending Permit for Buffalo Brothers Dogs and Catering.**

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

**WHEREAS**, the Town of Orchard Park has completed an inspection of the food truck for Buffalo Brothers Dogs and Catering, and

**WHEREAS**, the Town of Orchard Park Fire Inspector has approved an Operating Permit for the Buffalo Brothers Dogs and Catering, and

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

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

**WHEREAS**, Buffalo Brothers Dogs and Catering, has agreed to comply with the Town of Orchard Park Town Code and policies;

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board of Orchard Park approves the Operating Permit and the town Mobile Food Vending Permit of the Buffalo Brothers Dogs and Catering, Food Truck in the Town of Orchard Park for the year 2023.

**The resolution was unanimously adopted.**

**New Business #4 Address the Climate Leadership and Community Protection Act.**

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

**WHEREAS**, Governor Hochul supports the Climate Leadership and Community Protection Act, which aims to generate 70 percent of the state's electricity from renewable sources by 2030 and 100 percent zero-emission electricity by 2040, and

**WHEREAS**, it is commonly recognized that such an urgent timetable to accommodate the Climate Leadership and Community Protection Act, will severely test and challenge the financial stability of every Orchard Park, New York household, and

**WHEREAS**, it is widely held that the existing power grid serving Orchard Park, New York will become overburdened, and unable to absorb the increased demands that will necessarily attend the Climate Leadership and Community Protection Act, and

**WHEREAS**, specifically noting the long-term power losses attending to the ice storm of March 23, 1976, the Blizzard of 1977, the October Surprise Storm of 2006, the November 2014 storm, and more recently the December 23-25, 2022, blizzard, the geographic area of Orchard Park, New York, historically, has been gravely impacted by such severe weather, and contemporaneously required reliable, alternative sources of energy, and

**WHEREAS**, the provisions of Climate Leadership and Community Protection Act will drastically reduce such alternative sources, and

**WHEREAS**, it is the very strong position and opinion of the Town of Orchard Park's Emergency Medical Services, Fire Department, and Police Department that such energy limitations in times of weather or other civil emergency, will overwhelm their collective capabilities, and therefore, will pose a very substantial threat to the lives and safety of each and every resident of the Town of Orchard Park.

**NOW, THEREFORE be it**

**RESOLVED**, that by virtue of the foregoing, the Town Board of Town of Orchard Park expresses to Governor Hochul and the New York State Legislature, it's very strong opposition to the enactment of the Climate Leadership and Community Protection Act.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Aye
Councilmember Flynn	Nay
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

**The resolution was duly adopted.**

**New Business #5 Opposition to the Proposed Ban on Natural Gas Heating and Appliances in New York State - This Resolution was passed by the Erie County Legislature on January 19, 2022 unanimously 11-0 roll call vote**

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

**WHEREAS**, Governor Hochul's state-of-the-state address contained a proposal to "...end the sale of new fossil powered heating equipment by 2030 by calling for construction of — all new construction needs to be zero emission — starting in 2025 for small buildings and 2028 for large buildings,"; and

**WHEREAS**, President Biden and the White House have come out against any prohibition of gas stoves; and

**WHEREAS**, the State's proposal is intended to help address climate change, but could create a burden for our region's working-class residents; and

**WHEREAS**, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

**WHEREAS**, this past December saw a blizzard rip through the Buffalo Metro Area leaving tens of thousands of residents stuck in their home without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people died during this storm, many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

**WHEREAS**, what is more, alternatives to natural gas-powered heating have yet to be proven reliable as a sole-source heating system in cold-weather climates; and

**WHEREAS**, electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth; and

**WHEREAS**, currently, due to market conditions and technology limitations, most electric appliances are less efficient and absent improvements in electricity efficiencies and the electrical infrastructure grid, would likely cause increases in energy costs; and

**WHEREAS**, as we have seen with California's recent push to make everything electric, improperly planned energy transitions can lead to an increased strain on a state's electrical grid, leading to black outs and rationing, which is especially dangerous with the winter weather we experience; and

**WHEREAS**, the costs to transition the state's energy infrastructure grid should go through a more thorough review to understand how this will impact the energy production and distribution system as a whole, as well as the impact on residential energy systems, before any action is taken.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Association of Erie County Governments hereby urges Governor Hochul and the New York State Legislature to pause in their rush and to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and, be it further

**RESOLVED**, that certified copies of this resolution be forwarded to Governor Hochul's Office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Aye
Councilmember Flynn	Nay
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

**The resolution was duly adopted.**

**New Business #6 Refer to the Planning Board.**

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

Town Board to refer the following to the Planning Board for review:

- 3715 Southwestern Boulevard, located on the south side of Southwestern Boulevard, west of Taylor Road. Joseph DeMarco Jr. is requesting a Special Exception Use Permit to allow a Drive-through, Zoned I-1. (SBL#161.00-5-29)

**The resolution was unanimously adopted.**

**New Business #7 Refer to the Planning and Conservation Boards.**

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

Town Board to refer the following to the Planning and Conservation Boards for review:

- 3715 Southwestern Boulevard, located on the south side of Southwestern Boulevard, west of Taylor Road. Joseph DeMarco Jr. is requesting a Permit for a Cannabis Dispensary, Zoned I-1. (SBL#161.00-5-29)

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

No one came forward.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak welcomed Officer Christopher Barnard and congratulated Officer Christian Clark on his DARE Academy graduation.

Councilmember Joseph Liberti welcomed Officer Christopher Barnard and congratulated Officer Christian Clark on his DARE Academy graduation.

Councilmember Conor Flynn thanked Remy Orffeo for attending a Town Board meeting after collecting Taxes on the last day to pay them.

Councilmember Scott Honer welcomed Officer Christopher Barnard and congratulated Officer Christian Clark on his DARE Academy graduation.

Councilmember Julia Mombrea thanked the residents that came in to speak regarding the proposed Town Wide Stormwater Management District and Drainage District Consolidation. She also thanked the Town Engineer and Highway Superintendent for the work they have put into creating the new District.

Town Clerk Remy Orffeo stated the Tree Maintenance Report is finished and will be distributed to the committees that need to know about it. He also stated the Town received \$32,814.25 from the DEC for the

Grant to complete this report. The Town also participated in a shred-it event. Mr. Orffeo stated the Town was able to dispose of 70 boxes of sensitive materials we were no longer required by NYS Archives to keep. He also thanked the Chief of Police for stationing a Police Officer in the Town Clerk’s Office during our last day of Tax collection.

Highway Superintendent Andrew Slotman notified the Board that Highway mechanics have repaired two of the three broken plow trucks. He will also be writing some guidelines regarding brush collection for the upcoming season.

Police Chief Patrick Fitzgerald welcomed Officer Christopher Barnard and congratulated Officer Christian Clark on his DARE Academy graduation. He also spoke of Office Mazur’s accomplishments as a DARE mentor.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant # 4 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$65,716.55
<b>Public Safety Fund</b>	\$30,523.25
<b>Part Town Fund</b>	\$189.84
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$89,410.12
<b>Special Districts</b>	\$171,561.27
<b>Trust &amp; Agency</b>	\$5,723.64
<b>Capital Fund</b>	\$213,748.37

**The resolution was unanimously adopted.**

**COMMUNICATIONS**

12) 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 received and file: The memo from Smart Growth America regarding National Complete Streets Coalition.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:48 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**