

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 18th day of May 2022 at 7:53 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
(absent) Conor Flynn	Councilmember
Scott Honer	Councilmember
Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Steve Bremer	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 FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: May 4, 2022 and Executive Session: May 4 & 11, 2022 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 AND INFORMATIONAL MEETING
DRAFT Stormwater Phase II Annual Report for 2021-2022**

At 7:55PM (local time) Supervisor Majchrzak called for the Public Hearing/Informational Meeting regarding the draft Stormwater Phase II Annual Report for 2021-2022 and to hear all interested parties.

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.

No one came forward.

The resolution was unanimously adopted.

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/Informational Meeting for the Draft Stormwater Phase II Annual Report for 2021-2022 at 7:56PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of the Draft Stormwater Phase II Annual Report for 2021-2022 on May 18, 2022, 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 accept the Draft Stormwater Phase II Annual Report for 2021-2022

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve Final Acceptance of infrastructure for PIP #2020-03 and performance security release.

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

WHEREAS, on April 5, 2022, a final inspection was conducted of the private improvements constructed in the Sheffer Farms Estates Condominiums Phase 1 Project. The project consists of the installation of 800 L.F. of new private roadway, private utilities, and a private bioretention pond to serve 14 condominiums; and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the complete Bioretention Pond plantings installation, which the developer has provided the escrow amount of \$5,000.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept the private infrastructure improvements constructed in the Sheffer Farms Estates Condominiums Phase 1 Project constructed under PIP #2020-03, and authorize the Town Clerk to release the contractor's performance bond in the amount of \$70,000 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Release escrow for PIP # 2020-05 Knoche Farms Estates Subdivision Phase 3

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

WHEREAS, on October 27, 2021, the Town Board accepted dedication of the public improvements constructed in the Knoche Farms Estates Subdivision Phase 3 with the stipulation that funds paid by the developer be held in escrow to install Type E corner property monuments for Town land in the Knoche Farms Estates Subdivision, Phase 3; and

WHEREAS, the developer has since had the above referenced work completed. The work was reviewed and approved 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 \$5,000 held in escrow under PIP #2020-05 to install Type E corner property monuments for Town land in the Knoche Farms Estates Subdivision, Phase 3 to Knoche Farms, LLC, PO Box 1275, Williamsville, New York 14231-1275 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Approve Change Order #2 to contract with Union Concrete Inc. for Bussendorfer Drainage Improvement Phase 2 Project.

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

WHEREAS, the Engineering Department is requesting the Town Board’s approval of a Change Order to the contract with Union Concrete & Construction Corporation for the Bussendorfer Drainage Improvements Phase 2 Project in the amount of \$9,000.00. If approved, this would increase the total contract amount to \$1,004,187.88, representing an increase of 0.009%; and

WHEREAS, the Change Order requested is to revise the work scope under their contract to address several drainage issues and deteriorated pipe replacement. In the area of the project, an existing Pinewood Drive 15" cross culvert's invert is rotten and non-existent. Also, to address a drainage issue for the discharge of a home's sump and downspouts from 4985 Bussendorfer, a far side 6-inch lateral drain pipe with a bubbler is needed. Both of these items were requested to be added to this project by the OP Highway Superintendent; and

WHEREAS, there is presently funding under AD002 Bussendorfer Drainage \$839,781, but additional funding is needed and a meeting is scheduled with accounting.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to our contract with Union Concrete & Construction Corp. for the Bussendorfer Drainage Improvements Phase 2 Project in the amount not to exceed \$9,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Community Activity Center Appointment

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

WHEREAS, the reception staff at the Community Activities Center (CAC) will be short- handed due to the resignation of two staff members; and

WHEREAS, a replacement for the position of part-time Receptionist, Community Activity Center (evening/weekend hours) has been identified; and

WHEREAS, the funds are in the budget for this position; and

WHEREAS, Patrick Higgins has worked for the Town of Orchard Park as a summer camp counselor and proven to be reliable, personable and a hard worker.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Patrick Higgins to the position of part-time evening and weekend receptionist at the Community Activity Center at a rate of \$15.00/hour, group 9, non-union effective May 20, 2022 as recommended by Sue Hemmingway, Community Activity Center Coordinator

The resolution was unanimously adopted.

New Business #2 Recreation Department 2022 Staff appointments

8) 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 authorize the following part-time staff appointments to the Town of Orchard Park Recreation and Parks Department for 2022, effective May 19, 2022.

Alex Barber	\$15.00
Benjamin Bahun	\$15.00
Jessica Carey	\$16.00
Laurel Cymerman	\$15.00
Madeline Franke	\$15.00
Nadia Hering	\$15.00
Paden Homer	\$15.00
Michale Kubera	\$16.75
Ella Merritt	\$15.50
Tyler Regan	\$16.00
Steven Slomka	\$15.00
Angela Totaro	\$15.00
Mary Updike	\$15.00

BE IT FURTHER

RESOLVED, that the Town Board does hereby authorize the appointment of Delaney Cunningham to the part-time staff to the Town of Orchard Park Recreation and Parks Department for 2022, retroactive to April 30, 2022.

The resolution was unanimously adopted.

New Business #3 Advertisement for Assistant Civil Engineer Position.

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

WHEREAS, at the May 11, 2022 Town Board Work Session, the Town Board approved filling the Assistant Civil Engineer position through a promotion. Due to the Engineering Department's work load, and the resignation letter effective May 16, 2022 of Jordon Kellerman, to maintain staffing and continue to complete projects, the position was recommended to be filled and approved by the Town Board; and

WHEREAS, a current Civil Service list does not exist. The Town, therefore, has called for a promotional competitive exam. Erie County Department of Personnel will prepare an open competitive and promotional examination for the Assistant Civil Engineer title; and

WHEREAS, with the current work load of the Engineering Department, this title is recommended to assist in completing the various projects that develop as the Town's Infrastructure ages. The proposed position description of duties includes the following:

Distinguishing features of the class Assistant Civil Engineer includes: responsible direction and control of subordinate employees. This involves the assignment of work, approval of work, training, evaluation and discipline of employees. The supervisor aspects must be an integral part of the job, not incidental or occasional. They must also perform engineering duties and liaison work in connection with the design, construction and maintenance of Town projects; oversee field surveys to obtain data for projects and programs; oversee the obtaining of property line data by survey for survey and deed descriptions use; compute engineering data either manually or through the use of computer; prepare engineering drawings for projects connected with Town plans and projects from surveys either manually or with CADD, or other computer programs; coordinate construction crews; assist in designing bridges, sewage systems, water systems, drainage systems, highways and other Town projects; draw plans and specifications; make inspections of projects under construction for conformance to plans and standards; assist with reports by compilation of data and providing preliminary drafts; inspects construction projects.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement for the position of Assistant Civil Engineer for the Town of Orchard Park Engineering Department.

The resolution was unanimously adopted.

New Business #4 Advertisement for Bids for the Little Loop Announcers/Storage Building & Lighting Project.

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

WHEREAS, the Town’s Consultants for the Brush Mountain – Little Loop Announcers/Storage Building & Lighting Project, Carmina-Wood-Morris, DPC, and C&S Companies are finalizing the plans and specifications for the Little Loop Announcers/Storage Building & Lighting Project; and

WHEREAS, the project consists of the design plans and specifications for the construction of a three (3) story building for football equipment storage and game announcement activities. The project also consists of the electrical work for the building, field lights and scoreboard; and

WHEREAS, the Advertisement for Bids should be published on May 19th, 2022. Plans will be available for purchase on May 20th, 2022. The bid opening will be held on June 10th, 2022.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the proposed Brush Mountain Little Loop Announcers / Storage Building & Lighting Project as prepared by Carmina-Wood-Morris, DPC, / C&S Companies and authorize advertisements in The Bee for sealed bids to be opened for the Brush Mountain Little Loop Announcers / Storage Building and Lighting Project at 2:00 P.M. on June 10th, 2022 in the Basement Meeting Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #5 Authorize the Supervisor to sign NYS DEC SPDES General Permit

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

WHEREAS, per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department Environmental Conservation, a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (N01) goals; and

WHEREAS, the 2021-2022 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. A draft copy will be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve appointment of Seasonal PT Help in the Engineering Department.

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

WHEREAS, funds have been allocated in the 2022 budget for seasonal help in the Engineering Department; and

WHEREAS, with the current work load, the Engineering Department is recommending Anton Hastings. Anton is currently attending Orchard Park High School and W.D. Ormsby Center. He plans to attend ECC South in the fall studying Architecture Technology. Anton has worked at the Orchard Park Country Club as a groundskeeper and completed an internship with the Orchard Park Engineering Department this spring.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Anton Hastings to a seasonal position in the Engineering Department for a twelve-week period beginning June 16, 2022 at a wage rate of \$15.00 per hour.

The resolution was unanimously adopted.

New Business #7 Approve advertisement for Bids for a Commercial Grade AV System for the CAC.

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

WHEREAS, Orchard Park Community Activity Center is seeking to have a commercial grade AV System installed in dining rooms #118, #119 and #120; and

WHEREAS, the Senior Activities Council has offered to fund the AV System; and

WHEREAS, the bid specifications for a commercial grade AV System will be available in the Town Clerk's office during normal business hours between 8:30 am and 4:15 pm; and

WHEREAS, sealed bids must be received in the Town Clerk's office no later than 2:00 pm on Friday, June 10; and

WHEREAS, the sealed bids will be opened in the basement conference room at the Orchard Park Municipal Center on Friday, June 10 at 2:00 pm.

NOW THEREFORE, be it

RESOLVED, that The Orchard Park Town Board authorizes a legal notice to be published in the Orchard Park Bee for bids on a commercial grade AV System in the Community Activity Center (rooms #118, #119 and #120). Bids will be opened in the Town Municipal Center at 2:00 pm, Friday, June 10, 2022. The project's funding will be provided by the Senior Activities Council.

The resolution was unanimously adopted.

New Business #8 Approve a 2022 Stable Permit for Hammersmith Farms.

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

RESOLVED, that the Town Board is hereby authorized to approve the renewal of the 2022 Public Stable Permit for Hammersmith Farms located 6243 Benning Road as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #9 Approve a Stable Permit for Sandybrook Farm & Stable.

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

RESOLVED, that the Town Board is hereby authorized to approve the renewal of the 2022 Public Stable Permit for Sandybrook Farm & Stable located at 6265 Powers Road as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #10 Approve Site Plan and Building Permit for 3538 California Road.

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

WHEREAS, at the Planning Board meeting held on 5/12/22 the following was recommended to the Town Board:

WHEREAS, with regards to Best Brothers Development, 3538 California Road, V/L, located on the southwest corner of California and Milestrip Roads, Zoned I-1, the Board recommends that the Town Board APPROVE the presented Site Plan and AUTHORIZE a Building Permit, to construct five (5) exterior storage buildings and two (2) interior storage buildings, totaling 24,654 sq. ft. Buildings are for Self-Storage Units, per the plan received on 5/10/22, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 2/17/22, and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan.
4. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
5. No outside storage or display is permitted.
6. An updated Landscape Plan, received 5/10/22, meets all Green Space regulations with 73% Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$23,030 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$11,515) Conservation Board approval was granted on 2/01/2022.
7. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
8. This recommendation is conditioned upon the Project Sponsor receiving outside approvals from the ECWA, ECDEP and Town Engineering Approval.

The resolution was unanimously adopted.

New Business #11 Schedule a Public Hearing for rezoning of V/L Taylor Rd SBL #161.00-3-26

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

WHEREAS, the following property located in the Town of Orchard Park, locally known as SBL #161.00-3-26 V/L Taylor Road and is presently zoned R-3 Residential; and

WHEREAS, the Town of Orchard Park has determined that it would be in the best interest of the community at large for said property to be rezoned Development and Research (D-R); and

WHEREAS, the owner of said property is purported to be LeBex Holdings; and

WHEREAS, a metes and bounds description and an accurate map/survey is on file with the Town of Orchard Park Town Clerk; and

WHEREAS, the present use of the property is R-3 and could be used for Two Family Homes, Tourist Homes and Multiple Dwellings (a complete list is available in the Town Clerk's office) and in rezoned D-R state the property could be used for Business and Professional offices, Warehousing and distribution (a complete list is available in the Town Clerk's office).

NOW THEREFORE, under the authority of the Town of Orchard Park Ordinances Sections 144-66 through 144-69, **be it**

RESOLVED, that:

- 1) Notice to adjoining landowners be sent as required by Section 144-67 concerning the proposed rezoning, and
- 2) A hearing to consider said rezoning be scheduled for Wednesday, June 15, 2022 at 7:00 PM in the Municipal Center, 4295 South Buffalo Street.

The resolution was unanimously adopted.

New Business #12 Schedule a Public Hearing for rezoning of V/L Taylor Rd SBL #161.19-2-1

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

WHEREAS, the following property located in the Town of Orchard Park, locally known as SBL #161.19-2-1 V/L Taylor Road and is presently zoned R-3 Residential; and

WHEREAS, the Town of Orchard Park has determined that it would be in the best interest of the community at large for said property to be rezoned Development and Research (D-R); and

WHEREAS, the owner of said property is purported to be Pleasant Acres West; and

WHEREAS, a metes and bounds description and an accurate map/survey is on file with the Town of Orchard Park Town Clerk; and

WHEREAS, the present use of the property is R-3 and could be used for Two Family Homes, Tourist Homes and Multiple Dwellings (a complete list is available in the Town Clerk's office) and in rezoned D-R state the property could be used for Business and Professional offices, Warehousing and distribution (a complete list is available in the Town Clerk's office).

NOW THEREFORE, under the authority of the Town of Orchard Park Ordinances Sections 144-66 through 144-69, **be it**

RESOLVED, that:

- 1.) Notice to adjoining landowners be sent as required by Section 144-67 concerning the proposed rezoning, and
- 2.) A hearing to consider said rezoning be scheduled for Wednesday, June 15, 2022 at 7:00 PM in the Municipal Center, 4295 South Buffalo Street.

The resolution was unanimously adopted.

New Business #13 Board of Assessment Review Chairperson

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

RESOLVED, that the current members of the Board of Assessment Review (BAR) are authorized to select a chairperson for the BAR for the year 2022.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dan Hay inquired to the timing of the Work Session and the Town Board Meeting. He would like a more definitive time set.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke of how amazing the DARE program is and responded to Mr. Hay's questions.

Councilmember Julia Mombrea congratulated the DARE graduates and thanked Officer Mazur for all her hard work with DARE.

Town Clerk Remy Orffeo notified the Town Board of legislation before the Erie County Legislature regarding Erie County Veteran’s Exemptions.

Highway Superintendent Andrew Slotman thanked the Supervisor for informing him of an Erie County Water Authority informational meeting. He also informed the Board that the Milling Contractor has set dates for the end of May and beginning of June to begin Milling about 2 miles of road in Orchard Park.

Police Chief Patrick Fitzgerald informed the public that the Special Olympics Torch Run will be held May 25, 2022 and also the Police Department held “Coffee with a Cop” on May 15, 2022. He also spoke of “Buckle Up NY” occurring May 23, 2022 – June 5, 2022. He informed the residents that 40% of people who die in car accidents are not wearing their seatbelt.

20) 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 #10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$77,971.28
Public Safety Fund	\$2,101.66
Part Town Fund	\$1,634.00
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$36,491.27
Special Districts	\$4,920.72
Trust & Agency	\$6,481.34
Capital Fund	\$3,615.00

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Honer, the meeting adjourned at 8:16 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**