

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 1st day of May 2024 at 7:09 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Scott Honer	Councilmember
John Mariano	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
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: April 17, 2024 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.

*****FOOD ALLERGY AWARENESS WEEK Proclamation*** was read as follows:**

WHEREAS, as more than 33 million Americans have food allergies; nearly 6 million are children under the age of 18; and

WHEREAS, research shows that the prevalence of food allergies is increasing among children and adults; and

WHEREAS, nine foods cause the majority of all food allergic reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, wheat and sesame. Symptoms of a food allergy reaction can range from mild to severe, such as anaphylaxis; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

WHEREAS, every 10 seconds, food allergy sends a patient to the emergency room. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

WHEREAS, emergency medical treatment for severe allergic reactions to food has increased by 377 percent in only a decade; and

WHEREAS, childhood food allergies cost U.S. families \$25 billion each year; and

WHEREAS, FARE (Food Allergy Research & Education) is a national, nonprofit organization dedicated to improving the quality of life and the health of individuals with food allergies, and to providing them hope through the promise of new treatments.

NOW, THEREFORE, I, Eugene Majchrzak, Supervisor of the Town of Orchard Park, NY, do hereby proclaim May 12-18, 2024 as Food Allergy Awareness Week and encourage all residents of Orchard Park, NY to increase their understanding and awareness of food allergies and anaphylaxis.

*****PROFESSIONAL MUNICIPAL CLERK WEEK Proclamation*** was read as follows:**

WHEREAS, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all;

WHEREAS, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Eugene Majchrzak, Supervisor of Orchard Park, NY, do hereby proclaim the week of April 29 - May 4, 2024 as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Remy C. Orffeo and to his Deputy Clerks, Jennifer Brady, Mary Perram and Jennifer Spengler-Serwinowski for the vital services they perform and their exemplary dedication to the community they represent.

PUBLIC HEARING
Amendment to the Zoning Ordinance

At 7:14PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Amendment to the Zoning Ordinance to rezone V/L CMO proposed 86 lots, 63.7 +/- acres of land known as Birdsong, Part 5, Zoned R-1, to R-1 Conservation Overlay Management District (CMO) designation as petitioned by David Capretto, Forbes Homes.

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.

Sean Hopkins spoke in favor of the proposed amendment and gave a presentation outlining the petitioner’s development plan.

Kevin Miller spoke against the proposed amendment.

Rosalind Wiltse spoke against the proposed amendment.

Tim Heasley spoke against the proposed amendment.

Eric Andrew spoke against the proposed amendment.

Rory Curtis spoke against the proposed amendment.

Tim Strzalka spoke against the proposed amendment.

David Capretto spoke in favor of the proposed amendment.

Katie Dyson spoke against the proposed amendment.

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 proposed Amendment to the Zoning Ordinance to rezone V/L CMO proposed 86 lots, 63.7 +/- acres of land known as Birdsong, Part 5, Zoned R-1, to R-1 Conservation Overlay Management District (CMO) designation as petitioned by David Capretto, Forbes Homes at 7:58PM.

The resolution was unanimously adopted.

The Town Board has decided to delay the vote on the proposed Amendment to the Zoning Ordinance to rezone V/L CMO proposed 86 lots, 63.7 +/- acres of land known as Birdsong, Part 5, Zoned R-1, to R-1 Conservation Overlay Management District (CMO) designation.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Authorize the Supervisor to sign the 2024 Parks & Grounds Agreement with Orchard Park Little Loop Football

3) 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 Supervisor to sign the 2024 Parks & Grounds Agreement with Orchard Park Little Loop Football.

The resolution was unanimously adopted.

New Business #2 Appoint Compost Facility Manager/Working Crew Chief of the Compost Facility

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

WHEREAS, the Compost Facility has an opening for a Compost Facility Manager/Working Crew Chief; and

WHEREAS, there are funds in the budget to hire a Facility Manager/Working Crew Chief; and

WHEREAS, Randy Geitter is currently employed by the Town of Orchard Park in the Highway Department; and

WHEREAS, Randy Geitter is ready, willing, and able to transfer from the Highway Department to the Compost Facility; and

WHEREAS, Randy agrees to the following conditions: The position of Compost Facility Manager/Working Crew Chief is a full time non-exempt non-union position with an hourly pay rate of \$34.50 per hour. His full time hire date and anniversary date for future accruals will remain September 3, 1991. His current accrual balances for sick, personal, and vacation time will remain the same and transfer with Randy from the Highway Department Blue Collar Union to the Compost Facility non-union position. His future benefits will continue to be based from his original full time hire date of September 3, 1991.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the transfer of Randy Geitter from the Highway Department to the Compost Facility; and be it further

RESOLVED, that the Town Board does hereby appoint Randy Geitter to the position of Compost Facility Manager/Working Crew Chief of the Compost Facility in the Town of Orchard Park, effective May 6, 2024.

The resolution was unanimously adopted.

New Business #3 Appoint a seasonal non-exempt employee to the Compost Facility

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

WHEREAS, the Compost Facility has an opening for a seasonal non-exempt employee; and

WHEREAS, there are funds in the budget to hire a seasonal non-exempt employee; and

WHEREAS, James Miller has previously worked for the Town of Orchard Park at the Compost Facility; and

WHEREAS, James Miller is ready, willing, and able to be hired to fill the open position at the Compost Facility; and

WHEREAS, James Miller agrees to the following conditions: The seasonal position is a non-exempt non-union position with an hourly pay rate of \$31.49 per hour.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint James Miller as a seasonal non-exempt employee for the Town of Orchard Park Compost Facility, effective May 13, 2024.

The resolution was unanimously adopted.

New Business #4 Appoint a Senior Engineer Assistant to the Engineering Department

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

WHEREAS, the Engineering Department has been short employees and in an attempt to fill the vacancies, various civil service list were called for and titles researched. This appointment fills one of the vacancies, the Senior Engineer Assistant title; and

WHEREAS, Erie County Department of Personnel will request New York State Department of Civil Service to prepare a promotional and open competitive examination. This position was certified to be the appropriate civil service title of Senior Engineer Assistant for the Town of Orchard Park based on job classifications and duties; and

WHEREAS, the Senior Engineer Assistant assists in the preparation of engineering estimates; participates in surveys of physical features and stakeouts by assembling and operating equipment, taking measurements, placing stakes, holding level rod, taking sightings, and making and checking computations; conducts final survey parties or other field surveys; plots survey results manually or through the use of a computer; prepares tracings and drawings, utilizing a computer or conventional drafting techniques; operates a laboratory to test materials and gathers field samples; files drawings, engineering records and specifications; contacts vendors on engineering data and specifications; inspection of construction projects, takes measurements, calculates and records quantities; enters, checks and/or maintains data for monthly estimate payments; records other pertinent field data such as means, equipment, materials and weather, etc., may be required to perform routine computer operation and programming; collects and organizes data related to sewer permits, house connections and related data; performs other engineering tasks consistent with design and construction projects; and

WHEREAS, after reviewing several applications, and interviewing six candidates of various titles, it has been concluded that the best-qualified individual for the position is Dakota Glashauser. Mr. Glashauser has an Associate's Degree in Building Management and Maintenance from SUNY Erie Community College. He worked as a Maintenance Technician at Ciminelli Real Estate Corporation where he was responsible for maintenance and repair, groundworks, and daily inspections. He is currently working at Atlantic Testing Laboratories as a Construction Materials Technician performing concrete and backfill testing, sitework and rebar inspection. Dakota has various concrete testing certificates, material sampling soil testing experience.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Dakota Glashauser to the provisional position of Senior Engineer Assistant in the Orchard Park Engineering Department at Level 0009 Range 1st year Step Wage of \$26.02/hour per the white collar union wage rate schedule, effective May 16, 2024, pending meeting Civil Service rules and regulations as recommended by the Town Engineer. Funding is available in the Engineering Department budget.

The resolution was unanimously adopted.

New Business #5 Appoint an additional Senior Engineer Assistant to the Engineering Department

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

WHEREAS, the Engineering Department has been short employees and in an attempt to fill the vacancies, various civil service list were called for and titles researched. This appointment fills one of the vacancies, the Senior Engineer Assistant title; and

WHEREAS, Erie County Department of Personnel will request New York State Department of Civil Service to prepare a promotional and open competitive examination. This position was certified to be the appropriate civil service title of Senior Engineer Assistant for the Town of Orchard Park based on job classifications and duties; and

WHEREAS, the Senior Engineer Assistant assists in the preparation of engineering estimates; participates in surveys of physical features and stakeouts by assembling and operating equipment, taking measurements, placing stakes, holding level rod, taking sightings, and making and checking computations; conducts final survey parties or other field surveys; plots survey results manually or through the use of a computer; prepares tracings and drawings, utilizing a computer or conventional drafting techniques; operates a laboratory to test materials and gathers field samples; files drawings, engineering records and specifications; contacts vendors on engineering data and specifications; inspection of construction projects, takes measurements, calculates and records quantities; enters, checks and/or maintains data for monthly estimate payments; records other pertinent field data such as means, equipment, materials and weather, etc., may be required to perform routine computer operation and programming; collects and organizes data related to sewer permits, house connections and related data; performs other engineering tasks consistent with design and construction projects; and

WHEREAS, after reviewing several applications, and interviewing six candidates of various titles, it has been concluded that the best-qualified individual for the position is Peter Lukasiewicz. Mr. Lukasiewicz will have a Bachelor of Sciences in Urban Planning, Minor in Geographic Information System from the SUNY Buffalo State University. He has worked on and off assisting the Orchard Park Engineering Department starting in June of last year, updating the Town Wide Stormwater Management work, various proposed zoning changes and assisted with surveying.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Peter Lukasiewicz to the provisional position of Senior Engineer Assistant in the Orchard Park Engineering Department at Level 0009 Range 1st year Step Wage of \$26.02/hour per the white collar union wage rate schedule, effective May 16, 2024, pending meeting Civil Service rules and regulations as recommended by the Town Engineer. Funding is available in the Engineering Department budget.

The resolution was unanimously adopted.

New Business #6 Appoint seasonal summer help to the Engineering Department

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

WHEREAS, funds have been allocated in the 2024 budget for seasonal help in the Engineering Department; and

WHEREAS, seasonal help is needed in the Engineering Department due to current work load.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Jack Coen to a seasonal position in the Engineering Department for a twelve (12) week period beginning June 17, 2024 at a wage rate of \$17.00 per hour as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize the advertisement for the vacant Senior Engineer Assistant position in the Engineering Department

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

WHEREAS, there is a vacancy in the Town of Orchard Park Engineering Department for the Senior Engineer Assistant position; and

WHEREAS, the Town must call for and Erie County Department of Personnel will prepare an open competitive exam for the Senior Engineering Assistant; and

WHEREAS, distinguishing features of the position include: Assisting in preparation of engineering estimates; participates in surveys of physical features and stake-outs by assembling and operating equipment, taking measurements, placing stakes, holding level rod, taking sightings, and making and checking computations; conducts final survey parties or other field surveys; plots survey results manually or through the use of a computer; prepares tracings and drawings, utilizing a computer or conventional drafting techniques; operates a laboratory to test materials and gathers field samples; files or maintains drawings, engineering records and specifications; contacts vendors on engineering data and specifications; inspection of construction projects, takes measurements, calculates and records quantities; enters, checks and/or maintains data for monthly estimate payments; makes observations and records pertinent field data; may be required to perform routine computer operation and programming; collects and organizes data related to sewer permits, house connections and related data; performs other engineering tasks associated with the review, evaluation, design, and construction of projects.

NOW, THEREFORE be it

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

The resolution was unanimously adopted.

New Business #8 Authorize the advertisement for the vacant Principal Engineer Assistant position in the Engineering Department

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

WHEREAS, there is a vacancy in the Town of Orchard Park Engineering Department for the Principal Engineer Assistant position; and

WHEREAS, the Town must call for and Erie County Department of Personnel will prepare an open competitive exam for the Principal Engineering Assistant; and

WHEREAS, distinguishing features of the position include: assisting in preparation civil/sanitary engineers by compiling data, making surveys and inspections and preparing drawings, reviewing engineering submittals, assisting in evaluations an assisting in designs; prepares drawings, maps, tracing specifications and other

graphic presentations of projects and programs; participates in and/or compiles data for survey parties and engineers; makes engineering computations, both manually and through the use of a computer; searches records for data on properties, easements, rights of way and the like; assists in construction project layouts; makes inspections of projects and programs, reviewing findings with an engineer; makes routine tests and compiles data; represents the engineer on construction projects; carries out tests of materials to ensure conformance to specifications; may be required to perform routine computer operation and programming; prepares drawings and maps utilizing a computer; performs other engineering tasks associated with the review, evaluation, design, and/or construction of projects.

NOW, THEREFORE be it

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

The resolution was unanimously adopted.

New Business #9 Authorize the advertisement for the vacant Junior Engineer position in the Engineering Department

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

WHEREAS, there is a vacancy in the Town of Orchard Park Engineering Department for the Junior Engineer position; and

WHEREAS, due to the Engineering Department's work load and various aging infrastructure, requiring reconstruction or replacements, it would benefit projects to fill this vacant position; and

WHEREAS, the Junior Engineer is responsible for performing entry level professional engineering duties and liaison work in connection with the design, construction and maintenance of municipal projects; and

WHEREAS, distinguishing features of the position include: assisting in planning projects, designs, sanitary sewer systems and storm drainage systems and other municipal projects; makes applications for government projects; monitors construction projects; advises on maintenance projects using sound engineering practices; computes engineering data; acts as Engineer-in-charge on minor construction projects; assists in designing, heating, ventilating, electrical, plumbing, recreational and architectural projects; and

WHEREAS, minimum qualifications include graduation from a regionally accredited or New York State registered college or university with a Bachelor's degree in Civil Engineering; and

WHEREAS, there is no current civil service list per Human Resources for the Junior Engineer title.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the advertisement for the position of Junior Engineer for the Town of Orchard Park Engineering Department as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Adopt the Traffic Order authorizing the posting of a 25mph speed limit sign on Bieler Road

This item was tabled

New Business #11 Authorize the Supervisor to sign agreement with Passero Engineering Architecture for professional services regarding Bieler Road Traffic Engineering Services

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

WHEREAS, consultant assistance services for the Bieler Road Traffic Study are requested to reduce the linear speed limit of Bieler Road from 30 mph to 25 mph; and

WHEREAS, Passero Associates, Transportation and Traffic Engineering Division, specializes in all avenues of traffic engineering. They are qualified to provide a speed limit study of Bieler Road using the Manual on Uniform Traffic Control Devices, NYS Supplement and New York State Department of Transportation requirements to properly analyze, traffic volume data, speed data, and crash data; and

WHEREAS, after completion of the study, Passero Associates will summarize the study procedure, finding and make recommendations for review and approval.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Passero Engineering Architecture, 244 West Main Street, Suite 100, Rochester, New York, 14614, to provide professional services for the Bieler Road Traffic Study, for an amount not to exceed \$2,700.00 as recommended by the Town Engineer; and be it further

RESOLVED, that funding is available in capital account DB001 Unallocated Highway Projects.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Julia Mombrea asked for additional information regarding Birdsong Parts 2, 5 & 8 along with the 2016 proposal that may have been denied by the Planning Board.

Building Inspector Tom Minor informed the Town Board that he will send them his recommendation for a new hire.

Highway Superintendent Andrew Slotman updated residents on the brush collection regulations and schedule which is available online. He also reminded residents that leaf collection has ended and any leaves should now be put in the garbage.

Police Chief Patrick Fitzgerald reminded residents to use caution while driving as vehicle traffic violation complaints have increased.

13) 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 authorize the approval of all entries on Warrant #9 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$42,458.89
Public Safety Fund	\$1,017.00
Part Town Fund	\$0
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$23,151.86
Special Districts	\$2,159.39
Trust & Agency	\$587.28
Capital Fund	\$80,074.91

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the March 2024 Building Inspector’s Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:15 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**