

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 17th day of April 2024 at 7:07 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 3, 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.

INDUCTION OF MEMBERS TO ORCHARD PARK YOUTH COURT

The following were sworn in as members of the Orchard Park Youth Court

Grace Bottlinger	Tavin DuFaux	Abigail Raines
Tamiya Brown	Kendall Finbar	Ava Rojek
Vaughn Bruzgul	Abigail Houseknecht	Ashley Rozic
Asqa Butt	Sierra Lembitz	Zachary Schwarzott
William Chelus	Lillian Marks	Elle Soltiz
Frank Choroser	Cate McCormick	Eva Soltiz
Emma Cramer	Maddie McDermott	Thomas Talty
Fatima Delen	Maelle Ninin	Avery Wahl
Isabella Devaprasad	Emily Northway	Griffin Watson
Dominic Doerr	Cassandra Prasad	
Tyler Dorsey	Brenna Putnam	

**** Arbor Day Proclamation 2024** was read as follows:**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE

I, Eugene Majchrzak, Supervisor of the Town of Orchard Park, do hereby proclaim April 26, 2024 as Arbor Day. In the Town of Orchard Park, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the wellbeing of this and future generations.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Authorize the release of retention and final payment for the Bussendorfer Waterline Replacement Project to Fairway Contracting, Inc. in the amount of \$27,727.41 and Town Clerk to release Fairway Contracting, Inc.'s performance security in the amount of \$734,844.00.

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

WHEREAS, the Engineering Department is pleased to inform you that construction work on Bussendorfer Road Waterline Replacement Project has been completed. On October 18, 2022, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications; and

WHEREAS, a two-year maintenance bond, in the amount of \$554,548.20, has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents; and

WHEREAS, the Engineering Department has a copy of the final project Change Order and associated Over/Under sheet. The Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there will be a net decrease of \$153,659.87. This represents a decrease of 20.91% from the original amount bid with change orders.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the release of retention and final payment for Bussendorfer Road Waterline Replacement Project to Fairway Contracting, Inc., PO Box 352, Orchard Park, New York 14127, in the amount of \$27,727.41; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release Fairway Contracting, Inc.'s performance security for Bussendorfer Road Waterline Replacement Project in the amount of \$734,844.00.

The resolution was unanimously adopted.

Old Business # 2 Approve the dedication to the relocated watermain to service Birdsong Part 6 and authorize the Town Clerk to release the performance security in the amount of \$7500.00.

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

WHEREAS, on January 18, 2024, final inspection was conducted of the public improvement to relocate a watermain to facilitate the Birdsong Part 6 Subdivision off Old Transit Road; and

WHEREAS, the project consists of the relocation of 285 L.F. of an existing 12-inch diameter watermain along Old Transit Road do to proposed grades for the 4 residential sublots. ECWA had a concern regarding a possible leak with water coming up but digging and testing proved it was just groundwater. All work has been satisfactorily completed in accordance with Town specifications with the exception of the following:

- Complete final seeding and mulching or hydro seeding the limits of work on easement & R.O.W. and the Part 6 four sublots, when weather permits this spring \$ 5,000.00

WHEREAS, the Engineering Department is in receipt of the cash securities for the item noted above. A two-year maintenance bond in the amount of \$37,500.00 has been submitted along with all other necessary documents.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the relocated 12-inch diameter watermain improvements in the Birdsong Part 6, PIP #2023-02 and authorize the Town Clerk to release the performance security in the amount of \$7,500.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Authorize the release of retention and final payment for the Community Activity Center — Door Openers Project (General Contract) to Imperial Door Controls, Inc. in the amount of \$35,603.00.

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

WHEREAS, construction work on the Community Activity Center — Door Openers Project has been completed. A final inspection was conducted and all of the work has been satisfactorily completed in accordance with the contract documents and specifications; and

WHEREAS, the Affidavit of Release of Liens and Affidavit of Payment of Debts for the project has been submitted.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve and authorize the Final Payment / Release of Retention to the general contractor: Imperial Door Controls, Inc. 85 Oriskany Drive, Tonawanda, New York 14150-6722 for the Community Activity Center — Door Openers Project in the amount of \$35,603.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Approve Change Order #1 to our Contract with C & S Companies for additional stream bank erosion control and permitting on the Dennis Road Bridge Replacement Project.

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

WHEREAS, the Engineering Department is requesting your approval of Change Order #1 to the Contract with C&S Company's, for Design of the Dennis Road Culvert Replacement Project; and

WHEREAS, C&S Company's is requesting a \$26,000.00 (maximum amount payable) increase to their agreement to cover additional work not included within their original scope of work. This includes, additional ROW mapping and appraisal services, streambank armoring on private property, traffic counts, and landscaping, etc. per NYSDOT design report comments; and

WHEREAS, if approved, this change order would increase the Contract amount to \$188,000.00 from \$162,000.00, representing an increase of 16%. There is a Capital Account DB015 Dennis Road Culvert setup, which per accounting, will track all project costs under Capital Project DB015, Dennis Road Culvert Replacement Project for 100% reimbursement with the BridgeNY Culvert Program.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the design agreement with C&S Companies, 141 Elm Street, Suite 100, Buffalo, New York, 14203, in an amount not to exceed \$26,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

A Motion was offered by Supervisor Majchrzak to move into Executive Session, seconded by Councilmember Liberti at 7:19pm, the Town Board meeting reconvened at 7:51pm.

PUBLIC COMMENT ON NEW BUSINESS

David Adrian thanked the Town Board for passing the resolution opposing wind turbines in Lake Erie.

New Business #1 Appoint Seasonal help to the Engineering Department

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

WHEREAS, funds have been allocated in the 2024 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department and the vacant positions in the Engineering Department, I am recommending Peter Lukasiewicz's appointment to assist the Engineering Department, and

WHEREAS, Peter is completing his third year at SUNY Buffalo State University for a Bachelor of Sciences in Urban Planning, Minor in Geographic Information System. Peter has, in the past, assisted with updating the Town Wide Trail Master Plan, GIS Town Wide Stormwater Management work, various proposed zoning

changes and assisted with surveying. The Engineering Department would like him to return and continue this work.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Peter Lukasiewicz to help in the Engineering Department two days a week for no more than sixteen hours a week, beginning April 15, 2024 at a wage rate of \$17.00 per hour as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Appoint Daniel Lagoda to Patrol Captain (Permanent)

7) This item was removed by the Town Board.

New Business #3 Appoint Mark Antonio to the position of Police Officer

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

RESOLVED, that the Town board does hereby approve the appointment of Mark Antonio to the position of Police Officer in the Orchard Park Police Department, Step 2, effective May 3, 2024, as recommended by the Chief of Police.

The resolution was unanimously adopted.

The Chief of Police spoke of Officer Antonio's qualifications.

New Business #4 Appoint Michael Lococo to the position of Police Officer

9) 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 Michael Lococo to the position of Police Officer in the Orchard Park Police Department, Step 2, effective April 27, 2024, as recommended by the Chief of Police.

The resolution was unanimously adopted.

The Chief of Police spoke of Officer Lococo's qualifications.

New Business #5 Appoint part time staff in the Recreation Department

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

RESOLVED, that the Town Board is hereby authorized to appoint Kristin Guadagno to the 2024 part-time staff for the Orchard Park Recreation and Parks Department effective April 19, 2024 as a Program Coordinator 1 at an hourly pay rate of \$16.25 as recommended by the Recreation Director.

The resolution was unanimously adopted.

New Business #6 Reappoint John Forness to the Parks and Grounds Department.

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

RESOLVED, that the Town Board does hereby approve the reappointment of John Forness to the Parks and Grounds Department for the maintenance of the Milestrip Road Soccer Complex as a Seasonal non-union hire with an hourly pay rate of \$20.45 and a start date of April 15, 2024.

The resolution was unanimously adopted.

New Business #7 Board of Assessment Review Chairperson

12) 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 that the current members of the Board of Assessment Review (BAR) are authorized to select a chairperson for the BAR for the term October 1, 2024 to September 30, 2025.

The resolution was unanimously adopted.

New Business #8 Oppose Wind Turbines in Lake Erie

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

WHEREAS, NY State has passed the Climate Leadership and Community Protection Act (the Climate Act) calling for 70 percent of electricity in the state to be produced by renewable resources by 2030 , and 100 percent of the state's electricity be generated by renewable resources by 2040; and

WHEREAS, wind energy has been designated by the Climate Act as an essential form of renewable energy; and

WHEREAS, there are a number of commercial wind energy facilities operating in Western New York, with more in the planning and permitting stages; and

WHEREAS, NY State's power grid manager New York Independent Systems Operator (NYISO) has determined the Western New York zone of grid to be 89 percent free of carbon emissions in the generation of electricity; (5), and

WHEREAS, NYISO has described the lack of electricity transmission facilities capable of transmitting electricity from Western New York to downstate grid zones which are 90 percent dependent on fossil fuels for generating electricity; (6), and

WHEREAS, the New York State Energy Research and Development Authority determined in 2022 that this is not the right time to consider constructing offshore wind facilities in Lake Erie; (7),and

WHEREAS, the offshore wind industry is experiencing global difficulties related to inflation and supply line shortages as evidenced by the recent NY State Public Service Commission decision denying industry requests for higher power delivery rates: (8), and

WHEREAS, the long planned Lake Erie offshore wind energy project known as Icebreaker Wind near Cleveland, Ohio, has recently been suspended (8a),

WHEREAS, questions concerning offshore wind energy facilities in fresh water bodies remain unanswered such as these which are not included in the NYSERDA reports of 2011 and 2022:

- What assurances that toxic industrial wastes in the lake bed will not be disturbed to endanger safe drinking water and enter the food chain of Lake Erie's fish and bird species (9)
- How would the placement of offshore wind turbines in Lake Erie affect the migratory pathways and behavior of economically important game fish (10)
- What would be the impact on tourism of placing wind turbines in Lake Erie (11)
- Specifically how would offshore wind turbines in Lake Erie contribute to the emissions reduction goals of the Climate Act (12)
- How would the radar interference created by offshore wind turbines in Lake Erie affect the safety of shipping, recreational boating, search and rescue operations and international border security (13)
- How would microplastics and toxic chemicals like BPA and PFAS emitted by wind turbines impact water quality and the ecology of Lake Erie (14)
- How much oil and other petroleum products are contained within each offshore wind turbine and how would oil spills from wind turbines be mediated, and other maintenance performed during annual periods of ice coverage on Lake Erie (15)
- How would noise and vibrations emitted by wind turbines impact the quiet enjoyment of Lake Erie by fishers, boaters and nearshore residents and visitors (16)
- What are the effects of vibrations emitted by wind turbines on the organisms living in the lake bed (17)
- How would the blinking red lights atop each offshore wind turbines be reconciled with increased interest in preventing light pollution in dark skies (18)
- What would be the impact of placing offshore wind turbines in Lake Erie's migratory flyways of birds, bats and butterflies (19)
- What are the cumulative impacts of placing offshore wind turbines in Lake Erie given the already large concentration of onshore wind turbines along the Ontario shoreline and the elevations overlooking the lake in Chautauqua County
- What restrictions or no-go zones would be imposed on fishers and boaters in Lake Erie (20)
- How would the Public Trust Doctrine which serves to protect the interests of all Western New Yorkers in a healthy Lake Erie be honored in the context of primary financial benefits to the offshore wind industry
- How would offshore wind turbines impact historic sites such as shipwrecks and lighthouses (21)
- Would the rights of the Seneca Nation of Indians to administer water quality standards on the Cattaraugus Reservation be a consideration in placing offshore wind turbines in Lake Erie (22)
- Would the high costs of offshore wind energy in Lake Erie be explained to Town of Hamburg electricity ratepayers in terms of monthly increases to their utility bills
- How would property values along the lake shore be impacted by viewsheds including offshore wind turbines and their industrial support and maintenance activities.
- Conclusion: Some of these questions cannot be answered, or would be cost prohibitive to address. There are many documented examples of negative impacts of wind turbines on both terrestrial and aquatic environments. There are alternatives such as small modular nuclear and hydropower, which deserve significant consideration as possible future sources of power and do not negatively affect Lake Erie or other large bodies of water.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby oppose, at this time, any efforts to introduce offshore wind turbines in the waters of Lake Erie; and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this Town Board resolution to Honorable Governor Kathy Hochul.

Literature Citations

1. [NYSERDA.Com](https://www.nyserda.com) GreatLakes Wind Energy Feasibility Study
2. [CAWTILE.com](https://www.cawtile.com)
3. NYSERDA 2011 Feasibility Report available at [CAWTILE.com](https://www.cawtile.com)
4. [Empirewind.com](https://www.empirewind.com)
5. [Nyiso.com/power-trends](https://www.nyiso.com/power-trends)
6. [Nyiso.com/power-trends](https://www.nyiso.com/power-trends)
7. [NYSERDA.com](https://www.nyserda.com) Great Lakes Wind Energy Feasibility Study
8. [Spglobal.com/marketintelligence/en/news-insights/latest-news-headlines](https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines)
- 8a. [Cleveland.com/news/2023/12/icebreaker-wind-project-halted-no-plans-to-resurrect-effort](https://www.cleveland.com/news/2023/12/icebreaker-wind-project-halted-no-plans-to-resurrect-effort)
9. [Tethys.pnnl.gov/publications/benthic-disturbance-offshore-wind-foundations-anchors-cables](https://www.tethys.pnnl.gov/publications/benthic-disturbance-offshore-wind-foundations-anchors-cables)
10. Journal of Fish Biology onlinelibrary-wiley.com/doi/full/10.1111/jfb.13948
11. [Epa.gov/Greatlakes/lake-erie](https://www.epa.gov/greatlakes/lake-erie)
12. NYS DPS DMM Case 15-E-0302 line 495 Comments of Save Ontario Shores, Inc.
13. National [academies.org/news/2022/02/offshore-wind-farms-can-interfere-with-ship-radar-and-navigation-says-new-report](https://www.academies.org/news/2022/02/offshore-wind-farms-can-interfere-with-ship-radar-and-navigation-says-new-report)
14. [Does.wind-watch.org/leading-edge-erosion-and-pollution-from-wind-turbine-blades](https://www.does.wind-watch.org/leading-edge-erosion-and-pollution-from-wind-turbine-blades)
15. [Surgeaccelerator.com/do-wind-turbines-leak-oil](https://www.surgeaccelerator.com/do-wind-turbines-leak-oil)
16. International Journal of Engineering research and Technology, ISSN2278-0181, Mitigation of Underwater Vibrations Due To Offshore Wind Turbines
17. [Tethys.pnnl.gov/publications/commercial-cuttlefish-exposed-noise-offshore-windmill-construction-show-short-range](https://www.tethys.pnnl.gov/publications/commercial-cuttlefish-exposed-noise-offshore-windmill-construction-show-short-range)
18. Proposed NY State Senate bill 7663 enacting dark skies protection
19. Birds eros.usgs.gov/dorremote-sensing-activities/2012/usgs/airspace-use-night-migrating-landbirds
20. [Yachtingmonthly.com/news/sailor-prosecuted-for-wind-farm-sabotage](https://www.yachtingmonthly.com/news/sailor-prosecuted-for-wind-farm-sabotage)
21. [Syracuse.com/news/2011/03/judge-says-lake-erie-shipwrecks](https://www.syracuse.com/news/2011/03/judge-says-lake-erie-shipwrecks)
22. [Epa.gov/wqs-tech/water-quality-standard-regulations-seneca-nation-indians](https://www.epa.gov/wqs-tech/water-quality-standard-regulations-seneca-nation-indians)

The resolution was unanimously adopted.

New Business #9 Authorize the Supervisor to sign the contract with EBC HR & Payroll Solutions, Inc.

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

RESOLVED, that the Town Board of Orchard Park does hereby authorize the Supervisor to sign a contract with EBC HR & Payroll Solutions, Inc. located at 301 Ohio Street, Suite 250, Buffalo, NY 14204 with a start date of May 1, 2024 and an end date of October 31, 2024, as recommended by the Town Supervisor.

The resolution was unanimously adopted.

New Business #10 Supervisor to sign the Lease agreement with ECWA

15) 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 authorize the Supervisor to sign the Lease Management Agreement with the Erie County Water Authority.

The resolution was unanimously adopted.

New Business #11 Supervisor to sign the Erie County Traffic Signal permit for Lake Avenue and North Benzing Road and OP HWY Dept. to coordinate with Erie County Department of Public Works for any and all field requirements on Lake Ave. for the signal 3 phase change.

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

WHEREAS, seen from the traffic study, there has been an increase in traffic patterns through the North Benzing and Lake Avenue intersection. Other residents have also called to complain about the amount of time it takes to make a left turn onto Lake Avenue from North Benzing. Change the flashing yellow/red signal to a 3 phase signal may also reduce traffic toward Bieler Road by making a left turn easier. Even though the signal is on a County Highway, per NYS, it is owned and maintained by the Town of Orchard Park, Erie County does not own any signals. In order to change its function, a traffic study was conducted by Passero Engineering Architecture, (Which supported the signal change to 3 phases). The Orchard Park Engineering Department submitted it to the Erie County Department of Public Work. Subsequently, the study was approved by the Erie County Department of Public Work and the permit was sent; and

WHEREAS, the permit, which the Town Supervisor needs to sign to physically start the work to change the signal from flashing yellow to 3 phase at Lake Avenue and North Benzing Road has been submitted to him today. In addition, per the April 10, 2024 email, the Orchard Park Highway Department is aware to coordinate with the Erie County Department of Public Work any and all field efforts, such as required signage, etc. to change the signal. The Town Engineer is of the understanding, a warning sign has to be placed a week before and for the first week with the 3 phase in place.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Erie County permit to change the signal from flashing yellow/red to 3 phase at Lake Avenue and North Benzing Road; and be it further

RESOLVED, that the Town Board does hereby authorize the Orchard Park Highway Department to coordinate with the Erie County Department of Public Work any and all field efforts to change the signal from flashing yellow to 3 phase at Lake Avenue and North Benzing Road as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Authorize the Supervisor to sign the 2024 Parks & Grounds Agreement with the Orchard Park Soccer Club.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the 2024 Parks & Grounds Agreement with the Orchard Park Soccer Club.

The resolution was unanimously adopted.

New Business #13 Authorize the Supervisor to sign the 2024 Parks & Grounds Agreement with Orchard Park Little League Baseball.

18) 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 League Baseball.

The resolution was unanimously adopted.

New Business #14 Authorize NYSEG to connect (1) LED decorative light fixture in the Riley Meadows West Subdivision Phase 4 under PIP #2023-01

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

WHEREAS, the Engineering Department has received a proposal from NYSEG for the installation of one (1) decorative street light fixture on Grove Road in the Riley Meadows West Subdivision, Phase 4. At present, there are four (4) single-family homes currently under construction in this Subdivision's Phase; and

WHEREAS, the LED luminaires infrastructure, which are owned and maintained by the Town, have been installed under PIP # 2023-01. The Town will maintain the poles, bulbs, and the electric eye of the luminaires and NYSEG will provide the energy only per the SC4 classification agreement. The Town purchases the electricity from the supplier, which is *estimated* to be \$42.03/ea. for an annual estimated cost of \$42.03 for this one decorative light pole. Charges for energy to the light may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect one (1) LED decorative light fixture on Grove Road in the Riley Meadows West Subdivision Phase 4, installed under PIP #2023-01 at an estimated annual increased energy cost of \$42.03 to the Consolidated Light District in accordance with the NYSEG proposal, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Approve Public Improvement Permit PIP #2024-01 for 65 & 66 Coventry Lane Sanitary Sewer Improvement.

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

WHEREAS, the Engineering Department has received, from Shawn Hanley, 66 Coventry Lane; Orchard Park, New York 14127, an application for a Public Improvement Permit for sanitary mainline sewer improvements to facilitate 65 and 66 Coventry Lane sewer laterals; and

WHEREAS, the project consists of the extension of a sanitary mainline sewer by 20 L.F. and the installation of two (2) sanitary manholes to serve 65 and 66 Coventry Lane; and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, bond, and insurances.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2024-01 for 65 and 66 Coventry Lane Sanitary Sewer Improvements as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #16 Approve the application for the Excavation, Removal and Storage of Materials Permit # 2024-01 to stockpile/deposit approximately 42,631 Cubic Yards of fill at the Harvest Hill Golf Course which will be generated from a nearby bridge project on Transit Road.

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

WHEREAS, the Engineering Department has received from Union Concrete and Construction Corp., 435 Meyer Road; West Seneca, New York 14224, an application for an Excavation, Removal, and Storage of Materials Permit to stockpile / deposit approximately 42,631 Cubic Yards (CY) of fill at the adjacent Harvest Hill Golf Course. The fill will be generated from the nearby bridge replacement project on Transit Road (Route 20); and

WHEREAS, the Engineering Department has reviewed the plans and have found them to be acceptable. All necessary fees have been paid, and the Site Improvement Bond and Contractor's Insurance Certifications were provided. This permit excludes the provisions under Town Code 144-26.D. and P (erecting corner posts with signage and construction fencing), because code sections were combined with other Town Codes in error. One sign will be erected near the SWPPP Mail Box near the filling construction entrance of the golf course.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the application for the Excavation, Removal, and Storage of Materials Permit No. 2024-01 to stockpile / deposit approximately 42,631 Cubic Yards (CY) of fill at the Harvest Hill Golf Course which will be generated from a nearby bridge project on Transit Road.

On the question:

Councilmember Honer inquired as to where the materials will be placed.

Town Engineer Bieler responded.

The resolution was unanimously adopted.

New Business #17 Approve the Lyme WNY 5K

22) 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 approve the Special Event Permit request for the Lyme WNY 5K Run to be held on Sunday May 5, 2024 from 9:30am – 12pm with the race ending at 10:30am pending all fees have been paid and insurances have been provided.

The resolution was unanimously adopted.

New Business #18 Schedule a Public Hearing regarding the Rezoning of “Bend Creek Subdivision”.

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

WHEREAS, the rezoning request for the subdivision rezoning known as "Bend Creek Subdivision" has been recommended for Town Board approval by the Orchard Park Planning Board, and

WHEREAS, the rezoning request consists of changing the zoning on 5.5 +/- acres of V/L from B-2 to R-3 residential, and

WHEREAS, the rezoning is identified as SBL #153.17-1-1.1 located on the north side of Milestrip Road across from Moreland Drive.

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board schedules a Public Hearing regarding property identified as SBL #153.17-1-1.1 on June 5, 2024 at 7:00PM at the Town Municipal Center, 4295 South Buffalo Street, Orchard Park, New York 14127 and be it further

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

The resolution was unanimously adopted.

New Business #19 Refer to the Planning and Conservation Boards.

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

1. 3310 Southwestern Blvd. Located on the northwest side of Southwestern Blvd., south of Lake Avenue, Zoned B-1. Brian Gilbride is requesting a parking expansion. (SBL #152.16-6-1.112)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Chase (an eleven year old Orchard Park resident) asked if the Town Board would sign a proclamation about food allergy awareness and told of his personal experience with food allergies and the reactions to them.

Rosalyn Wilks spoke of her being upset over the procedural handling of the Planning Board meetings and Town Board meetings in Orchard Park.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke of the deadline for Town Board agenda items.

Councilmember Joseph Liberti welcomed the newly appointed Police Officers and the newly inducted Youth Court members.

Councilmember Julia Mombrea welcomed the newly appointed Police Officers and the newly inducted Youth Court members. She also inquired if items sent to the Town Clerk from Department Heads could be copied to the Town Board.

Councilmember Scott Honer welcomed the newly appointed Police Officers and the newly inducted Youth Court members. He also inquired about reviewing the procedure for items to be put on the Town Board Agenda at the next work session.

Councilmember John Mariano stated his opposition to the Rapid Act Bill. It opens up areas of the State if a business wants to bring in solar panels or windmills under eminent domain, this Bill makes it very easy for this to happen. This item will be put on the next Town Board agenda. He also asked if the Town Clerk could abide by the guidelines/rules and post the Town Board Meeting Agenda on Friday before the Town Board meeting by noon with modifications by noon on Monday before the Town Board meeting.

Town Clerk Remy Orffeo stated he had one item for the Executive Session. He also stated the hindrances of getting the Town Board Meeting Agenda available by the Friday before the Town Board Meeting but he is in favor of making this happen.

Town Engineer Wayne Bieler spoke of the OPLL Grant for the design of the Ball Park. He also stated the SEQR is prepared for the multiuse Maintenance Facility.

Building Inspector Tom Minor stated his department is still looking to hire Code Enforcement Officers.

Highway Superintendent Andrew Slotman stated the Highway Department is still collecting brush and cleaning streets.

Police Chief Patrick Fitzgerald spoke of the road closures and concerts coming up this weekend. He also thanked the Town Board for their support of hiring the new Police Officers. He also spoke of the GTSC and the No Empty Chair Campaign and Operation Safe Stop.

25) 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 #8 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$87,849.80
Public Safety Fund	\$28,766.49
Part Town Fund	\$9,923.23
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$96,518.68
Special Districts	\$34,310.65
Trust & Agency	\$56,310.67
Capital Fund	\$687,821.53

The resolution was unanimously adopted.

COMMUNICATIONS

26) 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 2024 Town of Orchard Park’s Governmental Insurance Disclosure Statement.

The resolution was unanimously adopted.

27) 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 Information about the 2024 Paint Recycling Event.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:30pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk