

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 July 2024 at 7:04 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
Excused 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 MARIANO, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: July 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.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve the proposed Special Exception Use Permit for V/L 4297 & 4309 Abbott Road.

2) This Item was Tabled at the request of the petitioner.

Old Business # 2 Reschedule a Public Hearing

3) 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 reschedule the Public Hearing scheduled for August 7, 2024 at 7:00pm (local time) at the Orchard Park Municipal Center S4295 South Buffalo Street, Orchard Park, New York 14127, regarding amending §144-6 by establishing a new Zoning District D-R-2 to August 21, 2024.

The resolution was unanimously adopted.

Old Business #3 Authorize the dedication of PIP #2024-01 for 65 & 66 Coventry Lane Sanitary Sewer Improvement Project and release Performance Security.

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

WHEREAS, on July 9, 2024, a final inspection was conducted of the public improvements (sanitary sewer improvements) constructed for the subdivision of 65 & 66 Coventry Lane Properties. The project included the installation of two sanitary sewer manholes and the extension of the sanitary sewer mainline; and

WHEREAS, all of the work has been satisfactorily completed in accordance with Town Specifications. A two-year maintenance bond in the amount of \$20,000.00 has been submitted along with all other necessary documents (easements, etc.).

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements for 65 & 66 Coventry Lane Sanitary Sewer Improvements constructed under PIP #2024-01 and authorize the Town Clerk to release the performance security in the amount of \$4000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Christine Tempestoso to the Library Board of Trustees

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

WHEREAS, there exists a vacancy on the Town of Orchard Park Library Board of Trustees, and

WHEREAS, the current Town of Orchard Park Library Board of Trustees has recommended Orchard Park resident, Christine Tempestoso to fill said vacancy, and

WHEREAS, Christine Tempestoso, is ready, willing and able to fill the open Trustee Seat vacated in January of 2024, it is hereby

RESOLVED, that the Town Board does hereby appoint Christine Tempestoso to the Library Board of Trustees to fill an unexpired term that ends on December 31, 2028.

The resolution was unanimously adopted.

New Business #2 Approve a Block Party on Timberlake Drive.

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

RESOLVED, that the Town Board is hereby authorized to approve a resident's request to blockade a portion of Timberlake Drive for a block party on July 27, 2024 with a rain date of July 28, 2024.

The resolution was unanimously adopted.

New Business #3 Approve a Block Party on South Lane

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

RESOLVED, that the Town Board is hereby authorized to approve a resident's request to blockade a portion of South Lane for a block party on July 20, 2024.

The resolution was unanimously adopted.

New Business #4 Approve appointment to the Highway Department

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

WHEREAS, the Orchard Park Highway Department has a vacant laborer position; and

WHEREAS, there are funds in the 2024 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Jacob Schwab is ready and able to serve as a laborer in the Orchard Park Highway Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Jacob Schwab is appointed as a laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$23.68 per hour effective July 22, 2024.

The resolution was unanimously adopted.

New Business #5 Approve promotion of a Truck Driver in the Highway Department.

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

WHEREAS, the Orchard Park Highway Department has a vacant Truck Driver position; and

WHEREAS, there are funds in the 2024 budget to fund a Truck Driver position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Chase Weber is ready and able to serve as a Truck Driver in the Orchard Park Highway Department.

NOW, THEREFORE, be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Chase Weber is promoted to a Truck Driver in the Orchard Park Highway Department at Job Level 2 Step 2 of the Blue Collar Contract at a rate of \$25.53 per hour effective July 22, 2024.

The resolution was unanimously adopted.

New Business #6 Approve promotion of a Light Equipment Operator in the Special Districts Department.

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

WHEREAS, the Orchard Park Special District Department has a vacant Light Equipment Operator position; and

WHEREAS, there are funds in the 2024 budget to fund a Light Equipment Operator position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Rocco Giannicchi is ready and able to serve as a Light Equipment Operator in the Orchard Park Special Districts Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Rocco Giannicchi is promoted to a Light Equipment Operator in the Orchard Park Special Districts Department at Job Level 3 Step 6 of the Blue Collar Contract at a rate of \$30.89 per hour effective July 22, 2024.

The resolution was unanimously adopted.

New Business #7 Approve the appointment of staff in the Orchard Park Recreation 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 is hereby authorized to approve the following residents appointments to the 2024 Summer Seasonal staff for the Orchard Park Recreation Department retroactive to July 12, 2024, Part-Time Seasonal August 24, 2024 – December 31, 2024 as recommended by the Recreation Director:

Maddie Guarino	\$16.75 Program Coordinator 2
Kaeli Higgins	\$16.75 Lifeguard 1
Jillian Ambrose-Symons	\$18.00 Director
Jonas Ganuszkiewicz	\$16.25 Program Coordinator 1

The resolution was unanimously adopted.

New Business #8 Approve the appointment of a Police Officer in the Orchard Park Police Department.

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 the appointment of Kyle Tower to the position of Police Officer in the Orchard Park Police Department, Step 2, effective August 2, 2024, contingent upon Erie County Civil Service approval, as recommended by the Chief of Police.

The resolution was unanimously adopted.

Chief of Police Pat Fitzgerald spoke of Officer Kyle Tower’s accomplishments.

New Business #9 Approve a Site Plan and Building Permit for 3310 Southwestern Blvd.

13) 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 presented Site Plan and authorize a Building Permit for 3310 Southwestern Blvd., located on the north side of Southwestern Blvd, west of “five corners” (former auto parts store), zoned B-1 (SBL# 152.16-6-1.112) to construct a parking lot expansion for a net increase of 20-spaces for a total of 43 spaces, and a planned additional 9-spaces (for a total of 52) in Phase 2, for a “Swim Club”, per the plan received by the Planning Board on July 5, 2024, based on the following conditions and stipulations as recommended by the Planning Board at their July 11, 2024 meeting:

- All public notices have been filed.
- This is an UNLISTED SEQR Action, based on the Short EAF submitted on 3/18/2024, and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
- No outside storage or display is permitted.
- The Landscape Plan, received 5/31/2024, was approved with the Total Green Space meeting the Town requirement of 20%. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$4,865 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$2,432.50) Conservation Board approval was granted on 7/02/2024.
- Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- Engineering Approval was granted on 7/10/2024.

The resolution was unanimously adopted.

New Business #10 Approve a Site Plan and Building Permit for 7 Cobham Drive.

14) 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 presented Site Plan and authorize a Building Permit for 7 Cobham Drive, Curbell Inc., located in the Quaker Industrial Park, Zoned I-1 (SBL# 161.19-1-4.111) to construct a Pole Barn per the plan received by the Planning Board on June 12, 2024, based on the following conditions as recommended by the Planning Board:

- All public notices have been filed.
- This is an UNLISTED SEQR Action, based on the Short EAF submitted on 3/24/2024, and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
- No outside storage or display is permitted.
- Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- The applicant is to provide the Town of Orchard Park Assessor with an “independent” appraisal for the completed project by a Certified Commercial Appraiser
- Engineering Approval was granted on 7/10/2024.

The resolution was unanimously adopted.

New Business #11 Approve Floodplain Development Permit #2024-01 for 29 Edgewood Farms.

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

WHEREAS, the residents at 29 Edgewood Farms have requested to install a retaining wall within the floodplain of Smokes Creek North branch. This maintenance will include stabilizing the bank along the entire back of the property to reduce erosion and protect their property. The U.S Army Corp of Engineers has determined that the Town can process work with a local Floodplain Development Permit and formal submittal to the U.S. Army Corps of Engineers is not required.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the Floodplain Development Permit #2024-01, for Roselle & Gary Abyad, 29 Edgewood Farms, Orchard Park, New York 14127 for retaining wall construction as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Declare the Survey truck, 2015 Ford Supercab Pickup as Surplus for auction or trade in.

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

WHEREAS, the Engineering Department recommends replacing the 9 year old 2015 truck. Vehicles in the fleet are typically used by several employees and end up being used by Engineering or Special District summer help; and

WHEREAS, the 2015 F150 Super Cab 4x4 truck is currently still being used for surveying but experiencing repair issues often, is badly rusted, has body damage, and is becoming questionable to pass inspection. This 2015 vehicle has 52,630 miles and a lot of idling time; and

WHEREAS, the truck runs and is drivable but very limited. Sending it to public auction would most likely be in the Town's best interest. Brakes are questionable, all hydraulic lines are bad, transmission issues and sensor needs to be replaced. The repairs needed totaled \$6,000.00. A trade in value has also been requested from dealer.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby declare the 2015 F150 Super cab (VIN #1FTFX1EF4FFC95618) as a surplus vehicle, and authorize the sale of this vehicle or trade in as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #13 Authorize purchase of a 2024 Ford Supercab for the Engineering Department.

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

WHEREAS, the Engineering Department would like to purchase a new 2024 in stock Ford Supercab F150XL to replace the survey truck for the department, which is not useable; and

WHEREAS, the funds are already in the budget for this year; #A01440-50200 Engineering Equipment \$52,144.36 balance to cover the cost.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the purchase of a new 2024 Ford Supercab F150XL from DeLacy. Ford under State/County Bid for \$46,730.00 for the Orchard Park Engineering Department as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Authorize advertisement for the Orchard Park Berg Road Pump Station Replacement Project.

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

WHEREAS, the Orchard Park Engineering Department, as directed, is finalizing plans, specifications, and bid documents for the replacement of the Berg Road Pump Station. Plans and specifications for the Berg Road Pump Station replacement Project, prepared by Barton & Loguidice, D.P.C., are available for review in the Engineering Department Office; and

WHEREAS, the work will entail the removal of the existing pump station, replacement with a new complete updated pump station, including a new wet well, dry well and new building to house a new gas fired generator for the pump station. Bid documents will be available July 31, 2024.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids for the Berg Road Pump Station Replacement Project to be opened on August 29, 2024 at 10:00 am at the Orchard Park Municipal Center, Basement Meeting Room as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Authorize the Engineering Department to use the Professional Services of Barron & Associates PC, Geotechnical Consulting and Special Inspections for Town Construction Project.

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

WHEREAS, during construction projects, the Town requires specialty construction inspections and testing to determine the strength of concrete/compaction of soils placed in the field, etc. The Engineering Department staff prepares molds at the time the concrete is placed. The molds are tested at different intervals, to confirm if the concrete has reached its designed strength. Soil samples are pulled from embankment sources for standard proctor soil testing, nuclear testing for compaction of soils in the right-of-ways for construction if deep fill areas are needed; and

WHEREAS, the Engineering Department requested proposals from all of the local testing firms. We received proposals from three firms. After analysis of the proposals, the town Engineer has determined Barron and Associates to be the most reasonable for meeting all the Town's needs.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Barron and Associates, 10440 Main Street, Clarence, New York, 14031 to provide professional services for Geotechnical Consulting, Special Inspection and Concrete Testing at a time and material rate as recommended by the town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Paul Zak spoke of the speed limit and number of cars on Bieler Road.
Mary Chase spoke of the speed limit and number of cars on Bieler Road.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke of lowering the speed limit on Bieler Rd and congratulated the Police, Highway and the Library on their new hires and promotions.

Councilmember Joseph Liberti congratulated the new hires and promoted employees on their accomplishments. He also spoke of the Police Open House on July 23, 2024 and the speed limit on Bieler Rd.

Councilmember Julia Mombrea congratulated the new hires and promoted employees on their accomplishments. She also spoke of the Traffic Study on Bieler Rd.

Councilmember John Mariano congratulated the new hires and promoted employees on their accomplishments. He also thanked the Department Heads for submitting their agenda items on time to the Clerk's office.

Town Clerk Remy Orffeo submitted a petition from Kevin Bieler regarding the support of property owners near the Stadium with regards to the rezoning of the area to a D-R-2.

Town Engineer Wayne Bieler discussed some of the questions regarding the property on Lake Ave.

Building Inspector Tom Minor discussed some of the questions regarding the property on Lake Ave.

Highway Superintendent Andrew Slotman welcomed and congratulated the new and promoted staff at the Highway Department.

Police Chief Patrick Fitzgerald welcomed and congratulated the new and promoted staff at the Highway Department. He also welcomed Officer Tower to the Police Department and reminded the public of the Police Open House next Tuesday and thanked Arthur's for assisting with the Cookout. The Touch a Truck event will be on Saturday July 27, 2024 with the assistance of the Village and community.

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 #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$106,944.02
Public Safety Fund	\$79,147.49
Part Town Fund	\$18,802.42
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$84,747.97
Special Districts	\$11,173.82
Trust & Agency	\$16,644.82
Capital Fund	-0-

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the June 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 7:36 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**