

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 7th day of August 2024 at 7:22 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: July 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.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve a block party for Regalwood Drive on August 24, 2024

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, 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 Regalwood Drive for a block party on August 24, 2024.

The resolution was unanimously adopted.

New Business #2 Authorize the Supervisor to sign a letter to participate in the WNY Storm Water Coalition.

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

WHEREAS, the New York State Department of Environmental Conservation is making available Environmental Protection Funds. The Water Quality Improvement Projects program provides reimbursement for eligible portion of the cost of implementing projects that include Municipal Separate Storm Sewer Systems (MS4) Phase II Stormwater Implementation; and

WHEREAS, the proposed project will result in mapping all Stormwater Management Practices in accordance with NYSDEC's required Basic and Intermediate Mapping Elements. The project work will fulfill NYSDEC'S required Intermediate Mapping Elements. In addition, higher functioning inspection APP's, designed to interface directly with the Coalition's Online Stormwater Mapper, will be developed.

Erie County Department of Environment and Planning will oversee the administration of the grant for the Western New York Storm Water Coalition members that participate. The Town must submit to be a project partner with the Erie County Department of Environmental and Planning's program with the New York State Department of Environmental Conservation.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the cooperating letter to participate in the Western New York Storm Water Coalition: Municipal Separate Storm System — Western New York Stormwater Coalition: Non-Agricultural Nonpoint Source Planning and Municipal Separate Sewer System (MS4) Mapping Grant Program, with the required matching contributions being in-kind services by the Orchard Park Engineering Department personnel, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Accept 2023 Departmental Audits by Drescher & Malecki, LLP

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

WHEREAS, Drescher & Malecki, LLP are the Town of Orchard Park's auditors; and

WHEREAS, Drescher & Malecki, LLP have submitted the 2023 Departmental Audits.

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board does hereby accept the 2023 Department Audits and directs that they be filed in the Town Clerk's office.

The resolution was unanimously adopted.

New Business #4 Authorize appointment of Police Patrol Captain

5) This item was removed from the agenda by Supervisor Majchrzak

New Business #5 Approve Change Order #1 to the contract with Edbauer Construction for the Lakeview Avenue Reconstruction Project

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

WHEREAS, Change Order #1 to the contract with Edbauer Construction Inc., for Lakeview Avenue Reconstruction Project, consists of two items; and

WHEREAS, item 1A covers additional costs for the removal of existing regional septic tank found un-abandoned. Per all records found prior to bidding the project, this regional septic tank for Lakeview Avenue area was to be abandoned in the late 1960s. However, while excavating to install the new sanitary sewer mainline, it was found to be in-place; and

WHEREAS, this septic tank was 35-feet x 16-feet x 14-feet in size, was made of concrete, and had gas mains and FIOS conduit running through it, which further complicated the situation. This additional cost is not to exceed \$30,353.95 and this cost will be applied to the Contract's Contingency OP Line Item with no increase in total contract cost; and

WHEREAS, item 1B includes raising two fire hydrants to match existing grades. The new watermain installed in the area of the two fire hydrants in question was lowered to avoid existing sanitary sewer laterals and a gas main. Both existing utility locations were unknown prior to bidding the Project due to the age of their installations; and

WHEREAS, the cost is not to exceed \$3,200.00 and this cost will be applied to the Contract's Contingency OP Line Item with no increase in total Contract cost; and

WHEREAS, this change order will not increase the Contract amount of \$3,787,258.60. The Contingency OP Bid Item will be reduced to \$33,553.47 from \$100,000.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1 (Items 1A and 1B) to the Contract with Edbauer Construction, 2790 Clinton Street, West Seneca, New York 14224 for the Lakeview Avenue Reconstruction Project, by applying the amount not to exceed \$33,553.47 to the existing Contingency OP Bid Item, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve Change Order #1 to the contract with Stenzel Electrical Construction, Inc. for the Community Activity Center generators Electrical Installation Project

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

WHEREAS, C&S Company has modified the size of the electrical wiring needed for the secondary power supply for the contract with Stenzel Electrical Construction Inc., for Community Activity Center Generator Installation Project (Electrical Contract); and

WHEREAS, the result of the modification is a deduction to the original contract amount in the sum of \$2,541.34 for work no longer required and an increase to the contract for the proposed changes in the amount of \$13,823.29; and

WHEREAS, this change order will increase the awarded Contract amount of \$119,250.00, to \$130,531.95. This is a net increase of 9.5%.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the Contract with Stenzel Electrical Construction Inc., 8535 Sunset Drive, Williamsville, New York 14221, for the Community Activity Center Generators Installation Project (Electrical),as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize the publication of the “Bid to Purchase Compost Product from the Town of Orchard Park Compost Facility” with bid opening date of August 30, 2024

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 authorize the Town Highway Superintendent to advertise for bids for the sale of bulk compost from the Orchard Park Compost Center to be opened at 2:15PM on August 30, 2024 in the Basement Meeting room located at the Municipal Center, 4295 S. Buffalo Street, Orchard Park, NY 14127; and be it further

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

The resolution was unanimously adopted.

New Business #8 Approve the Recreation Department seasonal appointments

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

RESOLVED, that the Town Board is hereby authorized to approve the following resident appointments to the 2024 part-time summer seasonal staff for the Orchard Park Recreation Department effective August 8, 2024 as recommended by the Recreation Director:

Kari Cunningham	\$20.00 Special Programs Supervisor
Samantha Fischer	\$16.25 Program Coordinator 1
Jeanne Garvin	\$16.25 Program Coordinator 1

The resolution was unanimously adopted.

New Business #9 Approve expansion of Fox Run

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

WHEREAS, the Orchard Park Planning Board recommends that Fox Run, located at 1 Fox Run Lane, Zoned B-2, had received Planning Board approval; and

WHEREAS, this multi-unit expansion of an existing site received preapplication findings on June 13, 2024; and

WHEREAS, this multi-unit expansion of an existing site received preliminary and final plat plan approval from the Planning Board on July 11, 2024 and recommends that the Orchard Park Town Board approve a building permit.

NOW, THEREFORE be it

RESOLVED, that Fox Run (SBL #172.00-1-1.111) be granted all necessary permits necessary to complete the proposed project at 1 Fox Run Lane with the following stipulations:

1. All public notices have been filed.
2. A negative SEQR determination, based on an Unlisted SEQR Action has been declared.
3. 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.
4. No outside storage or display is permitted.
5. The Landscape Plan meets all Green Space regulations and a certified check, per section 144 Attachment 1.2 (D) (5), shall be submitted to the Town Clerk's office in the amount of \$86,000.00.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. The applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project by a Certified Commercial Appraiser.
8. Town Engineering approval was granted on 7/10/2024.

The resolution was unanimously adopted.

New Business #10 Refer to the Planning and Conservation Boards.

11) 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 refer the following item to the Planning Board for review and recommendation:

1. 188 Thorn Avenue, located on the north side of Thorn Avenue, east of Duerr Road, Zoned B-2, Chris Wood, representing Thorn Avenue Animal Hospital, is proposing a parking lot expansion. (SBL 172.08-4-12)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kelsey Gasiarczyk inquired about a tree that was paid for and should be planted for her new build home.

Andrew Kaminski expressed his concern of water damage as a result of land that is being cleared.

Ray Paolini spoke about water drainage issues, flooding and a rotting utility pole due to land clearing.

Rosalind Wiltse recognized the excellent work of paving by the Highway Department. She also inquired about benches in the Birdsong area.

Paul Zak spoke about ongoing traffic issues on Bieler Road and the possibility of using speed humps to improve safety and quality of life.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke of the tax cap and announced that the Town has been awarded a Bridge Program Grant for Henning Drive. He also spoke of the Town receiving an award for Financial Reporting Excellence and thanked everyone for their hard work.

Councilmember Joseph Liberti spoke of Bieler Road speed humps and Birdsong benches.

Councilmember Julia Mombrea discussed the possibility of speed humps on Bieler Road.

Councilmember Scott Honer spoke of tree planting and Bieler Road speed humps.

Councilmember John Mariano spoke about meeting with residents regarding drainage issues.

Town Engineer Wayne Bieler spoke about the Lakeview Reconstruction project.

Building Inspector Tom Minor addressed residents' concerns regarding tree clearing.

Highway Superintendent Andrew Slotman thanked the Police Department for their help with various traffic projects. He also addressed a resident's question regarding tree planting.

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 authorize the approval of all entries on Warrant #15 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$168,480.66
Public Safety Fund	\$7,320.30
Part Town Fund	\$1,759.82
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$379,418.89
Special Districts	\$91,401.56
Trust & Agency	\$6,910.01
Capital Fund	\$765,286.40

The resolution was unanimously adopted.

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

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**