

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 21st day of August 2024 at 7:05 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: August 7, 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 HEARING
Establishing Zoning District D-R-2**

THIS ITEM WAS RESCHEDULED TO October 2, 2024

A Public Forum and slide presentation was held by Councilmember Joseph Liberti regarding the establishment of Zoning district D-R-2

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve Change Order #1 to the Labella Associates contract regarding the Orchard Park Pedestrian Walkability Project.

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

WHEREAS, on July 17, 2024, the Orchard Park Town Board approved the scope of work for Professional Services for Pedestrian Walkability Sidewalks & Crosswalks to Improve Safe Routes to Schools Project. With the increased work load and inclement weather, the Orchard Park surveyor was unable to finish

collecting survey data for the Eggert Road location of this project. In order to make the tight deadline to keep to the grant schedule, the Town Engineer is requesting you approve a change order in the amount of \$14,000.00 for the additional survey and mapping service in addition to the original scope of work, to be completed by LaBella Associates; and

WHEREAS, there is presently in Capital Account AB014 School Sidewalk \$200,000.00, which was approved to be funded from the 2024 bonding resolutions for the Town, \$200,000.00 required match. An agreement is in place with OPSC for their \$200,000.00 required match because of the amount of sidewalk on their property. The total grant received was for \$1,600,000.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve change order #1 with LaBella Associated D.P.C., 300 State Street, Rochester, New York 14614, to provide additional professional services for the Design of Orchard Park Pedestrian Walkability Project in an amount not to exceed \$14,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Paul Zak inquired about the speed humps on Bieler Rd.

New Business #1 Accept a donation from the Orchard Park Community Activity Council.

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

WHEREAS, the Community Activity Center gymnasium is enjoyed by people of all ages and abilities; and

WHEREAS, the Orchard Park Community Activity Council is ready, willing, and able to donate the sum of \$5,800.00 to the Town of Orchard Park to cover the cost for Toth’s Sports to install two adjustable basketball rims, making these courts more accessible for everyone; and

WHEREAS, the Town of Orchard Park is ready, willing, and able to accept the donation from the Orchard Park Community Activity Council in the above amount.

NOW, THEREFORE, be it

RESOLVED, that The Town of Orchard Park accepts the Orchard Park Community Activity Council donation of \$5,800.00 for the installation of two adjustable basketball rims at the Activity Center.

The resolution was unanimously adopted.

New Business #2 Approve Floodplain Development Permit 2024-02 for 31 Edgewater Farm Lane.

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

WHEREAS, the Orchard Park Engineering Department has received from Thomas Johnson Development, an application for a Floodplain Development Permit to construct a stream bank stabilization retaining wall for the home at 31 Edgewood Farm Lane; Orchard Park, New York 14127; and

WHEREAS, the Town Engineer has reviewed the plans and have found them to be acceptable. All necessary fees have been paid.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Permit 2024-02 for the Floodplain Development Permit to construct a stream bank stabilization retaining wall for the home at 31 Edgewood Farm Lane; Orchard Park, New York 14127 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Approve 2024 Stable Permits.

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

RESOLVED, the Town Board is hereby authorized to approve the renewal of the 2024 Public Stable Permits for the following stables as recommended by the Building Inspector:

- Chestnut Creek Farm, 5624 Chestnut Ridge Rd.
- Hammersmith Farms, 6243 Benning Rd.
- Willowview Equestrian, 7895 E. Quaker Rd.

The resolution was unanimously adopted.

New Business #4 Approve 50 Yard Finish 5K & Kids Fun Run Special Event.

6) 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 50 Yard Finish 5K & Kids Fun Run to be held on Friday September 27, 2024 from 6:15PM – 7:15PM pending all fees have been paid.

The resolution was unanimously adopted.

New Business #5 Approve a Block Party Permit

7) 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 approve the Special Event Permit for a Block Party at 14 Knob Hill Rd on September 7, 2024.

The resolution was unanimously adopted.

New Business #6 Approve appointment of Public Safety Dispatcher Caitlynn Leone.

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

RESOLVED, that the Town Board does hereby appoint Caitlynn Leone to the position of full time Public Safety Dispatcher, to be effective 9/7/2024, CSEA pay range 9 Step First Year, contingent upon Erie County Civil Service approval, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #7 Approve appointment of Public Safety Dispatcher Casandra Thompson.

9) 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 appoint Casandra Thompson to the position of full time Public Safety Dispatcher, to be effective 9/8/2024, CSEA pay range 9 Step First Year, contingent upon Erie County Civil Service approval, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #8 Approve appointment of Public Safety Dispatcher Sarah Reiter.

10) 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 appoint Sarah Reiter to the position of full time Public Safety Dispatcher, to be effective 9/6/2024, CSEA pay range 9 Step A, contingent upon Erie County Civil Service approval, as recommended by the Chief of Police.

The resolution was unanimously adopted.

The Chief of Police spoke highly of all three newly hired Public Safety Dispatcher's backgrounds and accomplishments.

New Business #9 Sign and approve appointment of Brady Moran to the Parks and Grounds Department.

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

WHEREAS, the Orchard Park, Parks and Grounds Department has vacancies for seasonal employment positions; and

WHEREAS, there are funds in the 2024 budget to fund seasonal employment positions.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Brady Moran be appointed as seasonal staff to the Parks and Grounds Department with a rate of \$17.00 per hour, effective August 26, 2024

The resolution was unanimously adopted.

New Business #10 Approve appointment of Michael Greis to Special Distric/Drainage Department.

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

WHEREAS, the Orchard Park Special District/Drainage 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 Michael Greis is ready and able to serve as a laborer in the Orchard Park Special Districts/Drainage Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Michael Greis is appointed as a laborer in the Orchard Park Special Districts/Drainage Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$23.68 per hour effective August 26, 2024.

The resolution was unanimously adopted.

New Business #11 Approve appointment of 2024 Recreation Staff.

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

RESOLVED, that the Town Board does hereby approve the appointment of Jillian Ambrose-Symons to the 2024 part-time seasonal Orchard Park Recreation staff at a pay rate of \$16.25 per/hour as a Program Coordinator 1.

The resolution was unanimously adopted.

New Business #12 Authorize ALL WAY STOP STUDY for Michael Rd. & Angle Rd.

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

RESOLVED, that the Town Board is hereby authorized to, at the request of the Public Safety Committee, direct an ALL WAY STOP STUDY from the Erie County Department of Public Works for the intersection of county roads Michael Road and Angle Road.

On the question: Councilmember Liberti inquired about when the study would begin.
Chief of Police Fitzgerald stated it would begin in about a month.

The resolution was unanimously adopted.

New Business #13 Approve purchase of Bobcat T66 track loader for the Special District Department.

15) 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 Special Districts Department to purchase a Bobcat T66 track loader from Clark Equipment Company dba Bobcat Company (Upstate Equipment) utilizing Sourcewell Contract #040319-CEC upon recommendation of the Orchard Park Highway Superintendent.

The resolution was unanimously adopted.

New Business #14 Approve installation of Speed Humps on Bieler Rd.

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

WHEREAS, the safety and well-being of residents and road users on Bieler Road are of paramount importance; and

WHEREAS, excessive vehicle speeds and over 3,000 vehicles daily traveling on Bieler Road have been identified as a concern by the community and residents; and

WHEREAS, speed humps are an effective traffic calming measure to reduce vehicle speeds and enhance safety for pedestrians, cyclists, and motorists;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of Orchard Park, that:

- Two speed humps shall be installed on Bieler Road at locations determined by the Engineering & Highway Departments.
- The installation shall be completed by April 30, 2025

Cost Breakdown:

Speed Humps: Approximately \$2,000 for two humps

Signage: Approximately \$300

Labor: Approximately \$250

- The effectiveness of the speed humps in reducing traffic speed and enhancing safety shall be reviewed after one year from the date of installation.
- A third party shall conduct a traffic study and community feedback survey to assess the impact of the speed humps and present a report to the Town Board within 30 days after the one-year review period.

The resolution was unanimously adopted.

New Business #15 Refer to the Conservation Board for review and recommendation.

17) 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 Conservation Board for it’s review and recommendation.

- 5705 Chestnut Ridge Road, located on the east side of Chestnut Ridge Road, south of Powers Road, Zoned A-1 and R-2. Dale H. Reigle is requesting 29.5 acres be placed into a Perpetual Conservation Easement. (SBL#185.13-1-24.1)

The resolution was unanimously adopted.

New Business #16 Refer Birdsong Part 5 back to the Planning Board.

18) 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 refer the proposed Amendment to the Zoning Ordinance regarding the V/L CMO proposed building lots known as Birdsong Part 5 back to the Planning Board citing extensive changes to their proposal.

The resolution was unanimously adopted.

New Business #17 Vote on proposed Special Exception Use Permit for V/L 4297 & 4309 Abbott Rd.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of V/L 4297 & 4309 Abbott Road, located on the south east corner of Abbott & Big Tree Roads, Route 20A, across from Danny’s South, Zoned B-2. Ellicott Development is requesting a “Special Exception Use Permit” be granted to construct a new Gas Station with a Convenience Store Building, including a pick-up window, a six (6) dispenser fueling canopy, and driveway access to Abbott Road was conducted on July 3, 2024, at which time all interested parties were given an opportunity to speak. The Town Board did not vote on it on July 3, 2024 and Tabled the vote again on July 17, 2024 at the Town Board meeting at the petitioner’s request.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to approve the “Special Exception Use Permit” for V/L 4297 & 4309 Abbott Road, located on the south east corner of Abbott & Big Tree Roads, Route 20A, across from Danny’s South, Zoned B-2. Ellicott Development is approved for a “Special Exception Use Permit” to construct a new Gas Station with a Convenience Store Building, including a pick-up window, a six (6) dispenser fueling canopy, and driveway access to Abbott Road.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Aye
Councilmember Liberti	Aye
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Doug McFarland spoke of how polluted Green Lake is and inquired what the Town is going to do about it.

Nancy Barry spoke of the pollution in Green Lake and vehicles speeding on Elmhurst Dr.

Legislator Mills thanked Councilmember Liberti for the rezoning presentation and asked the Town Board to be prepared for problems that will arise from building a new stadium. He referred to the new stadium as a “Sleeping Giant”.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak welcomed the newly hired employees and thanked Legislator Mills for his words of wisdom.

Councilmember Joseph Liberti welcomed all new hires and thanked Legislator Mills for his support.

Councilmember Julia Mombrea welcomed the new hires and thanked Legislator Mills for his comments.

Councilmember Scott Honer welcomed the new hires and specifically thanked the Parks and Grounds Department for all their hard work. He also thanked Legislator Mills for his comments and Councilmember Liberti and Don Lorenz for their work on rezoning the stadium area.

Councilmember John Mariano welcomed the newly hired employees and he spoke of a grant to be used for stadium development.

Town Clerk Remy Orffeo spoke of perpetual easements and the Town’s policy of releasing an owner from the easement.

Town Engineer Wayne Bieler spoke of the condition of Green Lake and the scheduled meeting with the DEC next week.

Highway Superintendent Andrew Slotman welcomed the newly hired staff and spoke of the road crack and seals scheduled for this September.

Police Chief Patrick Fitzgerald alerted the public to a change in traffic pattern for the Bills football game this Saturday.

20) 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 approval of all entries on Warrant #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$93,384.13
Public Safety Fund	\$78,642.04
Part Town Fund	\$764.64
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$44,498.23
Special Districts	\$4,782.41
Trust & Agency	\$4,932.64
Capital Fund	\$

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the July 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 8:01pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**