

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 4th day of September 2024 at 6:50 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 21, 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 Appoint Jake Leckel to the Special District/Drainage Department.

2) 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 Heavy Equipment Operator position; and

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

WHEREAS Andrew Slotman, Orchard Park Highway Superintendent, has determined that Jake Leckel is ready and able to serve as a Heavy Equipment Operator 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, Jake Leckel is appointed as a Heavy Equipment Operator in the Orchard Park Special Districts/Drainage Department as a Blue Collar Heavy Equipment Operator at Step 2 of the Blue Collar Contract at a rate of \$26.62 per hour effective September 9, 2024.

The resolution was unanimously adopted.

New Business #2 Appoint Ryan Parker to the Highway Department.

3) 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 Ryan Parker 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, Ryan Parker 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 September 9, 2024.

The resolution was unanimously adopted.

New Business #3 Appoint Kayla Turner to the Senior Center.

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

RESOLVED, that the Town Board does hereby appoint Kayla Turner to the part time position of Assistant Director of the Orchard Park Senior Center. Kayla is currently the full-time Assistant Director and will transition into a part time role as she returns to school. Her last day as full time Assistant Director will be August 27, 2024. Her part time position will take effect on September 12, 2024 and will work 8-16 hours per week with an hourly pay rate of \$22.00 per hour upon the recommendation of Maria Galley, the Senior Center Director.

The resolution was unanimously adopted.

New Business #4 Appoint Claire Ottis to the Senior Center

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

WHEREAS, the Orchard Park Senior Center has a vacant part time front desk receptionist position; and

WHEREAS, Maria Galley, Orchard Park Senior Center Director, has determined that Claire Otis is ready and able to serve as a receptionist in the Orchard Park Senior Center.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Maria Galley, Orchard Park Senior Center Director, Claire Otis is appointed as a part time front desk receptionist working a total of 8 hours per week with an hourly rate of pay of \$17.00 per hour, with a start date of September 3, 2024.

The resolution was unanimously adopted.

New Business #5 Authorize the Supervisor to sign an agreement with Quadient to lease a new mail Machine.

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

RESOLVED, that the Town Board does hereby approve the Supervisor to sign an agreement with Quadient to lease a new Mail Machine including a service agreement and an early upgrade agreement not to exceed \$708.46 a month for 60 months.

The resolution was unanimously adopted.

New Business #6 Award the bid for the purchase of leaf compost from the Highway Department.

7) 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 Compost Facility to accept the bid from Dan Gernatt Gravel Products, Inc. to purchase approximately 1,350 cubic yards of leaf compost for a price of \$22,555.00, upon the recommendation of the Orchard Park Highway Superintendent.

The resolution was unanimously adopted.

New Business #7 Award contract for the General Contract for the Berg Road Pump Station Replacement Project.

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

WHEREAS, the Bid Opening for the Berg Road Pump Station Replacement Project was held on August 29, 2024 at 11:30 AM at the Orchard Park Municipal Center, Basement Meeting Room. Three Bids were received for the general construction work and most well below the engineers estimate of \$900,000; and

WHEREAS, the Engineering Department and the Town Consultant Engineers, Barton & Loguidice, have reviewed bids, checked references, and completed a descoping meeting on September 3, 2024. No mathematical errors in the lump sum were discovered. The company has been found to have the qualification and experience to perform the work adequately. The lowest responsible bidder for the General Contract is Ground Breaking Solutions with a bid of \$598,000.00; 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 with Mission Control System. There are presently funds in Capital Account, G0006, \$1,103,544.00 designated for this project.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the Berg Road Pump Station Replacement Project-General Contract to Ground Breaking Solutions, 1019 Blakeley Road, East Aurora, NY 14052, in the amount not to exceed \$598,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Award contract for the Electrical Contract for the Berg Road Pump Station Replacement Project.

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

WHEREAS, the Bid Opening for the Berg Road Pump Station Replacement Project was held on August 29, 2024 at 11:30 AM at the Orchard Park Municipal Center, Basement Meeting Room. Two bids were received for the electrical construction work; and

WHEREAS, the Engineering Department and the Town Consultant Engineers, Barton & Loguidice, have reviewed bids, checked references, and completed a descoping meeting on September 3, 2024. No mathematical errors in the lump sum were discovered but the mobilization percentage was reduced to 4% per Town Attorney. The lowest responsible bidder for the Electrical Contract is Stenzel Electrical Construction, Inc. with a bid of \$137,112.00. The company has been found to have the qualifications and experience to perform this work adequately; 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 with Mission Control System. There are presently funds in Capital Account, G0006, \$1,103,544 designated for this project.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the Berg Road Pump Station Replacement Project-Electrical Contract to Stenzel Electrical Construction, Inc., 8535 Sunset Drive, Williamsville, NY 14221, in the amount not to exceed \$137,112.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Approve the Homecoming Parade Special Event.

10) 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 Special Event Permit request for the Orchard Park Homecoming Parade to be held on Saturday September 28, 2024 from 10AM – 11AM pending all fees have been paid and insurances have been provided.

The resolution was unanimously adopted.

New Business #10 Authorize the purchase of a Komatsu WA-380-8 loader for the Highway Department.

11) 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 Highway Department to purchase a Komatsu WA380-8 Wheel Loader from Anderson Equipment as quoted #01240739, utilizing Sourcewell contract # 011723-KOM upon the recommendation of the Orchard Park Highway Superintendent.

The resolution was unanimously adopted.

New Business #11 Authorize a Budget Transfer in the Engineering Department.

12) 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 following budget transfer within the 2023 Engineering Budget:

\$309.23

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code:A01440 50413
(Engineering Travel & Conference)

The resolution was unanimously adopted.

New Business #12 Approve the 2024 Commercial Parking Permits.

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

RESOLVED, the Town Board does hereby approve the following 2024 Commercial Parking Permits:

- | | |
|---|--|
| 2549 Group, LLC, / 4297 Abbott Rd. | Bell, Benjamin /3847 Southwestern Blvd. |
| 3819 Southwestern Blvd., LLC, / 3819 Abbott Rd. | Passucci, Michael / 5100 Big Tree Rd. |
| Bieler, Kevin,/ 3946 Southwestern Blvd | Patti, Daniel / V/L Webster Rd. near Abbott Rd. |
| Clark, Zachary, /4180 Abbott Rd. | Przybyl, Dennis/3976 Southwestern Blvd |
| Danny’s South, /4300 Abbott Rd. | Red Carpet Inn, /3940 Southwestern Blvd |
| DeMarco, Nancy, /4270 Abbott Rd. | Simoncelli, Edward, /5455 W. Webster Rd. |
| DeMarco, Joe & Diane, /3964 California Rd. | Simoncelli, David, /3730 California Rd. |
| DeMarco, Joe Jr /4000 California Rd. | Simoncelli, David, /3740 California Rd. |
| Hanley, Sean, /3944 California Rd. | Simoncelli, Michael, /3848 California Rd. |
| Jakubowski, Maureen, /3796 Abbott Rd. | Smith, Scott & Linda,/ 3879 Southwestern Blvd |
| Janish, Joelle, /3719 Abbott Rd. (Kettles) | Carducci, Augustin, /3923 Southwestern Blvd |
| Kingfisher Holdings, /3785 & 3920 Southwestern Blvd | Stadium Mobil, Inc, /3856 Southwestern Blvd |
| Kane, Sue & Patrick,/ 3952 Southwestern Blvd | Stephen, Paul, /4171 Abbott Rd. |
| Kowalski, Ray & Sue,/ 3972 Southwestern Blvd | Team Pro Auto Care, /3707 Southwestern Blvd. |
| Kuebler, John F., /3892 Southwestern Blvd | Teeter, Christopher / 3904 Abbott Rd. |
| Leitzan, Mark, /3808 Abbott Rd. | Tempestoso, David, /3912 Southwestern Blvd |
| Leitzan, Mark, /3830 Sheldon Rd. | Tripodi, Stephen, /3800 Southwestern Blvd |
| Liberatore, Victor,/ 3807 Southwestern Blvd | Twin Oak Motel, /3949 Southwestern Blvd |
| Matwijow, Eric Am. Hammer Hold, /4170 Abbott Rd. | Violanti, Samuel/ Gillardo, Ramon,/ 3763 Abbott Rd |
| Matwijow, Lisa, /4155 Abbott Rd. | W.J. Milligan / JM Productions /3864 Abbott Rd. |
| Helm, Matthew / 3752 Abbott Rd. | W.J. Milligan / JM Productions /3880 Abbott Rd. |

Nowakowski, Lisa & Frank / 3755 Abbott Rd.

W.J. Milligan /JM Productions /3892 Abbott Rd.
Wannamacher, Leslie, /3746 Abbott Rd.
Whytas, Henry /5528, W. Webster Rd.
Windom Community Church, /3766 Abbott Rd.
Yemma, Joseph, /3785 Abbott Rd.

The resolution was unanimously adopted.

New Business #13 Refer the following to the Conservation Board.

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

1. 5705 Chestnut Ridge Road, located on the east side of Chestnut Ridge Road, south of Powers Rd, 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 #14 Approve the amendment to the Employee Handbook

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

WHEREAS, the Town of Orchard Park recognizes the importance of providing holiday accrual benefits to regular part-time employees.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize Regular part-time employees be eligible to accrue holiday time.

Holiday time will be accrued at a rate of 0.5 hours for every 20 hours worked by regular part-time employees. Seasonal employees are not eligible to accrue holiday time.

The maximum accrual of holiday time is capped at 25 hours annually. The accrual is on a calendar year.

Unused holiday hours will not roll over to the next year. There will be no cash-out option for unused holiday hours.

This resolution shall take effect on Wednesday, September 4, 2024.

This resolution will be reviewed annually and may be amended as necessary to meet the needs of the Town.

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

The resolution was adopted.

BUSINESS FROM THE FLOOR

Tom Leone of Orchard Park spoke of the unsafe road conditions on Lake Ave.

Jeffrey Rayner of Orchard Park spoke of his displeasure with how the Town Board is handling the rezoning of the Stadium.

Dan Warmus from Erie County spoke of his displeasure with Orchard Park’s Police Department.

Mary Chase of Orchard Park inquired about a third speed hump on Bieler Rd. and about moving up the installation date.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke highly of the Orchard Park Police Department and of all the Councilmembers time and efforts spent doing their jobs.

Councilmember Joseph Liberti stated his love of the Orchard Park Community and how fortunate he feels to help promote it. He also welcomed all the new hires.

Councilmember Julia Mombrea welcomed all the new hires.

Councilmember Scott Honer welcomed the new hires, thanked the Police for their hard work, and stated he will look into the condition of Lake Ave. and inquiries about Bieler Rd.

Councilmember John Mariano welcomed the new hires.

Town Clerk Remy Orffeo stated Tax Bills will be coming soon.

Highway Superintendent Andrew Slotman spoke of patching roads, leaf collection and welcomed the new employees.

Police Chief Patrick Fitzgerald welcomed the new hires.

16) 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 #17 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$650,542.63
Public Safety Fund	\$7,053.20
Part Town Fund	\$2,210.48
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$55,821.57
Special Districts	\$41,342.05
Trust & Agency	\$5,815.04
Capital Fund	\$33,295.66

The resolution was unanimously adopted.

COMMUNICATIONS

17) 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 memo from the Erie County Department of Environment and Planning regarding the Agricultural District Annual Enrollment Period.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:25pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk