

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 18<sup>th</sup> day of September 2024 at 7:15 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

**PRESENT AT ROLL CALL:**

|                         |                        |
|-------------------------|------------------------|
| Absent Eugene Majchrzak | Supervisor             |
| Joseph Liberti          | Councilmember          |
| Julia Mombrea           | Councilmember          |
| Scott Honer             | Councilmember          |
| John Mariano            | Councilmember          |
| <br>                    |                        |
| 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          |

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

**RESOLVED**, that the Town Board does hereby approve Councilmember Liberti to act as acting Supervisor for this Town Board Meeting in Supervisor Majchrzak’s absence.

**The resolution was unanimously adopted.**

**Councilmember Liberti 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.”

2) 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 approve the Regular Meeting Minutes: September 4, 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 19 week extension of a part-time appointment in the Engineering Department**

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

**WHEREAS**, funds have been allocated in the 2024 budget for seasonal help in the Engineering Department. With the current work load and the loss of another employee of the Engineering Department, I am recommending Anton Hastings to continue his appointment for the next nineteen weeks. He continues to

attend ECC South studying Architecture Technology but will be able to assist us for a maximum of 19.5 hours a week.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Anton Hastings to extend his appointment in the Engineering Department for a nineteen-week period at a wage rate of \$17.00 per hour as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Reapprove Excavation Permit #2021-02 for a 1-year extension.**

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

**WHEREAS**, the Engineering Department has received from Paul R. Perry in April 2022, an application for an Excavation, Removal, and Storage Permit to excavate a decorative pond for his home at 5497 Dennis Road; Orchard Park, New York 14127; and

**WHEREAS**, the Engineering Department has reviewed the plans and have found them to be acceptable. All necessary fees have been paid. The actual construction work to date has not started.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve of the 1-year extension of the application for the Excavation, Removal, and Storage Permit to excavate a decorative pond for the home at 5497 Dennis Road; Orchard Park, New York 14127 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business # 3 Approve a no cost time extension for Orchard Park Little League 90' Baseball Diamond Thorn Avenue/Duerr Road Facility (Earthwork)**

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

**WHEREAS**, the Orchard Park Little League 90' Baseball Diamond Project was bid and awarded to Greenauer Blacktop Inc. The project currently is substantially complete with a few long lead items remaining incomplete. Those items have arrived and will be installed in the next few weeks. An extension to the contract will allow for the proper materials to be obtained and used for the project without substitution.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #2, a no cost time extension until October 4, 2024, for the project completion of the contract for the Orchard Park Little League 90' Baseball Diamond Thorn Ave / Duerr Road Facility — Earthwork Contract, to Greenauer Blacktop Inc., 391 French Road, West Seneca, NY 14224, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

Rosalind Wiltse spoke of items 15 & 18 on tonight's agenda.

**New Business #1 Approve 2024 Commercial Parking Permit applications**

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

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

- Riordan, Cassie / 3748 Southwestern Blvd.
- Leitzan, Mark / 3816 Abbott Road
- Schummer, Abby / 5554 Webster Rd.
- Trella, Gary / 4317 Abbott Rd.

**The resolution was unanimously adopted.**

**New Business #2 Approve a Recreation Department seasonal appointment**

7) 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 appointment to the 2024 part-time summer seasonal staff for the Orchard Park Recreation Department effective September 23, 2024 as recommended by the Recreation Director:

- Emily Wahl                      \$16.25 Program Coordinator 1

**The resolution was unanimously adopted.**

**New Business #3 Approve scheduled Pre-Approved paid absences in overtime calculations.**

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

**WHEREAS**, the Town of Orchard Park recognizes the importance of accurately calculating hours worked for payroll and compliance purposes, and

**WHEREAS**, there is a need to clarify the treatment of **scheduled pre-approved paid absences** in overtime calculations.

**NOW, THEREFORE** be it

**RESOLVED**, that effective immediately, the Town Board does hereby approve the following guidelines shall apply:

**Scheduled Pre-Approved Time Off:**

Employee's regular work week shall include pre-approved paid absences. Scheduled and pre-approved time off shall be considered as hours worked for the purpose of calculating overtime. Employees who take scheduled vacation and/or sick days during a workweek shall have those hours included in their total hours worked.

**Overtime Calculation:**

Overtime shall be calculated based on the total hours worked, including scheduled pre-approved paid absences. The standard overtime rate (1.5 times the regular hourly rate) shall apply to all hours worked beyond 40 in a workweek; and be it further

**RESOLVED**, that this resolution be communicated to all non-union employees, HR personnel, and payroll administrators for implementation and adherence.

**The resolution was unanimously adopted.**

**New Business #4 Approve the promotion of an Assistant Crew Chief at the Highway Department**

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

**WHEREAS**, the Orchard Park Highway Department has a vacant Assistant Crew Chief position; and

**WHEREAS**, there are funds in the 2024 budget to fund an Assistant Crew Chief position; and

**WHEREAS**, Andrew Slotman, Orchard Park Highway Superintendent, has determined that John Blesy is ready and able to serve as an Assistant Crew Chief in the Orchard Park Highway Department.

**NOW, THEREFORE be it**

**RESOLVED**, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, John Blesy is promoted to an Assistant Crew Chief in the Orchard Park Highway Department as a Blue Collar Assistant Crew Chief at Job Level 4 Step 9 of the Blue Collar Contract at a rate of \$34.10 per hour effective September 21, 2024.

**The resolution was unanimously adopted.**

**New Business #5 Authorize the purchase of a Toro Z-Master lawn mower for the Compost Facility**

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

**RESOLVED**, that the Town Board does hereby authorize the Compost Facility to purchase a Toro Z-Master Lawn mower Model 72968 from Grassland Equipment and Irrigation Corp. utilizing NYS Contract PC69682, Group 40625 Heavy Equipment, with Award PGB-22792 for \$16,543.81 upon the recommendation of the Orchard Park Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #6 Authorize the purchase of a Toro Z-Master lawn mower for the Parks and Grounds Department**

11) 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 Parks and Grounds Department to purchase a Toro Z-Master Lawn mower Model 72968 from Grassland Equipment and Irrigation Corp. utilizing NYS Contract PC69682, Group 40625 Heavy Equipment, with Award PGB-22792 for \$16,543.81 upon the recommendation of the Orchard Park Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #7 Approve Change Order #1 to the contract with Greenauer Blacktop Inc. for the Community Activity Center Generators Installation Project**

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

**WHEREAS**, the Engineering Department is requesting your approval of a Change Order #1 to the contract with Greenauer Blacktop Inc., for Community Activity Center Generator Installation Project (General Contract); and

**WHEREAS**, C&S Company's has modified the size of the concrete pad and associated fencing enclosure for generators, for the above mention project. The result of the modifications required is an increase in the amount of \$13,432.00; and

**WHEREAS**, if approved, this change order will increase the awarded Contract amount of \$157,300.00, to \$170,732.00. This is a net increase of 8.5%; and

**WHEREAS**, there is presently funding in AB018 Community Activity Senior Bocce/Generator \$80,352.00.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #1 to the Contract with Greenauer Blacktop Inc., 391 French Road, West Seneca, New York 14224, for the Community Activity Center Generators Installation Project (General), as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Authorize the Town Supervisor to sign an agreement with TECsmith Inc. to provide professional sanitary sewer flow monitoring service for the Eaglebrook Drive Reconstruction Project**

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

**WHEREAS**, the Engineering Department is currently awaiting final approval from the Erie County Department of Sewage Management (ECDSM) for the sanitary sewer portion of the reconstruction project. Approval is needed prior to the start of construction. In order to receive approval, the ECDSM is requiring a Down Stream Capacity Analysis to be completed. This analysis will verify that if the existing Erie County sanitary sewer trunk has the capacity required for our reconstruction project; and

**WHEREAS**, the Sanitary Sewer Department does not have the manpower available for this work nor the equipment anymore; and

**WHEREAS**, the initial set up cost to meet ECDSM requirements will be \$6,600.00 and include the installation of three nodes and weekly service for the first month. After the first month, there will be a weekly charge of \$1,125.00 for monitoring services until a half inch rain event occurs or 90 days of data has been collected; and

**WHEREAS**, there is currently funding allocated in account, G0009 Eaglebrook Sanitary Sewer \$276,353.00 for this work.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with TECsmith, Inc., PO Box 95, Clarence, New York, 14031 to provide professional sanitary sewer flow monitoring for the Eaglebrook Drive Reconstruction Project, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #9 Approve the appointment of a Junior Engineer to the Engineering Department**

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

**WHEREAS**, on August 5, 2003 the Erie County Department of Personnel approved the Junior Engineer Position for the Town of Orchard Park based on job classifications and duties. On August 6, 2003, the Town Board created the Junior Engineer position for the Town of Orchard Park; and

**WHEREAS**, since then the Engineering Department has called Erie County for several available civil service titles and advertised for several titles for the replacement of employees. The Engineering Department has proposed for the past several years filling the Junior Engineer position with budget submittals. The Junior Engineer would assist with the increased technical workload associated with maintaining the Town's increasing/aging infrastructure; and

**WHEREAS**, minimum qualifications include graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree in Civil Engineering; and

**WHEREAS**, the Engineering Department is pleased to inform you that after interviewing several candidates, we have concluded that the best-qualified individual for the position is Jonathan Gladding. Mr. Gladding will be performing entry level professional engineering work in the office or field in connection with design, inspection, maintenance and/or construction of civil engineering projects. Work includes complex technical duties that apply the principles of civil engineering to a variety of engineering problems either as a regular assignment or as a training experience. Work is performed under the direct supervision of higher ranking engineering staff with limited leeway for the exercise of independent judgement. Supervision is exercised over lower level technical and labor class employees; and

**WHEREAS**, Mr. Gladding has some experience with the City of South Pasadena Public Works as a High School Intern and graduated from the University of Buffalo with a Bachelor of Science Degree in Civil Engineering in 2023. Jonathan Gladding has completed the challenges of the duties from his former employers / schooling with enthusiasm and has performed his assignments with diligence and effectiveness. Attached is a copy of Mr. Jonathan Gladding's resume.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Mr. Jonathan Gladding, to the provisional position of Junior Engineer assigned to the Engineering Department at Range 0012, Step A-1st yr. of the White Collar union wage schedule effective September 19, 2024 with a six-month probation period and pending meeting all Civil Service rules and regulations, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #10 Approve the appointment of a Senior Engineer Assistant to the Engineering Department**

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

**WHEREAS**, the Engineering Department has lost two employees to other companies, agencies and retirements. In an attempt to fill the vacancies, various civil service list were called for and titles researched. With the retirement of Richard Mrugalski on October 11, 2024 the Department will have another vacancy for stormwater regulations/ district management work; and

**WHEREAS**, Erie County Department of Personnel request New York State Department of Civil Service to prepare a promotional and open competitive examination. This position was certified to be the appropriate

civil service title of Senior Engineer Assistant for the Town of Orchard Park based on job classifications and duties is correct. The Civil Service list was canvased and three out of the 18 candidates responded they would accept the position. The remaining responded insufficient compensation; and

**WHEREAS**, a lot of time has been spent by Human Resources and myself on this quest and perseverance has paid off. After interviewing several interested candidates, this appointment fills one of the vacancies with the Senior Engineer Assistant title and the need for another construction inspector; and

**WHEREAS**, the Senior Engineer Assistant assists in the preparation of engineering estimates; participates in surveys of physical features and stakeouts by assembling and operating equipment, taking measurements, placing stakes, holding level rod, taking sightings, and making and checking computations; conducts final survey parties or other field surveys; plots survey results manually or through the use of a computer; prepares tracings and drawings, utilizing a computer or conventional drafting techniques; operates a laboratory to test materials and gathers field samples; files drawings, engineering records and specifications; contacts vendors on engineering data and specifications; inspection of construction projects, takes measurements, calculates and records quantities; enters, checks and/or maintains data for monthly estimate payments; records other pertinent field data such as means, equipment, materials and weather, etc.; may be required to perform routine computer operation and programming; collects and organizes data related to sewer permits, house connections and related data; performs other engineering tasks consistent with design and construction projects; and

**WHEREAS**, the Town Engineer is pleased to inform you that after reviewing several applications, and interviewing candidates, various titles responding to the advertisements, postings, I have concluded that the best-qualified individual for the position is Daniel Thomas. Mr. Thomas has an A.A.S. in Civil Technology from Erie Community College and is currently working as a technician for Concrete Holcim, Tonawanda, New York and recently retired from the United States Army where he was a Drill Sergeant; and

**WHEREAS**, funding for the Senior Engineering Assistant position is included in the 2024 Engineering Department budget. Per the white collar union contract, Daniel Thomas, Senior Engineer Assistant level 009 Range 1<sup>st</sup> YR step wage of \$26.02/hr. is per the white collar union contract.

**NOW, THEREFORE be it**

**RESOLVED**, the Town Board does hereby appoint Mr. Daniel Thomas to the position of Senior Engineer Assistant in the Orchard Park Engineering Department at Level 0009, Range 1<sup>st</sup> yr. of the white collar union wage rate schedule, effective September 30, 2024 pending meeting Civil Service rules and regulations, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #11 Appoint Peter Lukasiewicz, Engineering Department, as EBO for Federal Grant Administration as required by NYS DOT**

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

**WHEREAS**, of May 2007, the State of New York has required the use of a web-based civil rights reporting system, called Equitable Business Opportunities (EBO), to satisfy reporting requirements related to construction and engineering projects which utilize federal funding; and

**WHEREAS**, the Engineering Department has reviewed our current projects and have found a number with federal funding, which necessitates our registration with the EBO website.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Peter Lukasiewicz to the position of Senior Engineer Assistant, as the Town's liaison (Municipal EBO Officer) with the NYSDOT to handle all necessary reporting, per State guidelines as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #12 Authorize the Town Supervisor to sign an agreement with Carmina Wood Design for Professional Construction Inspection of Berg Road Pump Station.**

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

**WHEREAS**, the Berg Road Pump Station Replacement project has started. While the Engineering Department is capable of providing inspection services internally for the above referenced project, the current staff levels and anticipated workload cannot provide construction inspection services; and

**WHEREAS**, the Engineering Department has received a proposal from Carmina Wood Design to perform the necessary inspection services with Craig Wilson to assist this Department with field construction inspection for the Berg Road Pump Station Replacement Project; and

**WHEREAS**, there is presently \$1,175,632.00 in Trust Account TA000 20095 for consultant work.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Supervisor to sign an agreement with Carmina Wood Design; 487 Main Street, Suite 500; Buffalo, New York 14203 to provide professional construction inspection services for the Berg Road Pump Station Replacement Project at a rate of \$62.00 per hour with project mileage reimbursement at IRS rate, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #13 Award the Multiuse Maintenance Fuel Facility contract to L&O Mechanical Contractors**

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

**WHEREAS**, the Bid Opening for the Multi-Use Maintenance Fuel Facility Project was held on September 12, 2024 at 2:00 PM at the Orchard Park Municipal Center, Basement Meeting Room. Six bids were received. The lowest reasonable bidder was L & O Plumbing & Heating, Inc., with a written total base bid of 1,978,000.00; and

**WHEREAS**, the Engineering Department and the Town Consultant Engineers, C&S Company's, have reviewed bids, checked references, and completed a de-scoping meeting on September 16, 2024. The low bidder had a mathematical error of \$500.00 difference between the numerical total and the written word lump sum value. Per the Town Attorney and bid documents, the written word governs and L & O Plumbing & Heating Inc. is aware of this. The company has been found to have the qualification and experience to perform the work adequately; and

**WHEREAS**, the work will entail the installation of 2 — 9,900 gallon above ground fuel tanks, dispensers and safety controls; associated drainage including storm water retention and quality; associated electric and communication line; installation of pavement, fencing, and restoration; and abandonment of the old tanks.



There is presently funding allocated in Capital Account, "AB015 Highway Fuel Rehab" \$1,992,500.00 for this project.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby award the Multi-Use Maintenance Fuel Facility Contract to L & O Plumbing & Heating Inc., 835 Quaker Road, Macedon, NY 14502, in the amount not to exceed \$1,978,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #14 Approve PIP #2024-04 for Quaker Lake Terrace Extension 18-Lot Subdivision**

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

**WHEREAS**, the Engineering Department has received, from PAL Enterprises, LLC, 3375 North Benzing Road, Orchard Park, New York 14127, an application for a Public Improvement Permit to construct an extension of Quaker Lake Terrace, for "Quaker Lake Terrace Subdivision"; and

**WHEREAS**, the project consists of the installation of 1,490 L.F. of new roadway and public utilities to serve 18 residential sublots as shown on the location map. The project also includes stone and boardwalk/bridges, trails, bio retention and detention ponds; and

**WHEREAS**, the Engineering Department 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 of Public Improvement Permit #2024-04 for Quaker Lake Terrace Subdivision, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #15 Approve the presented site plan & Authorize a Building Permit to construct a 14,400 square foot building per the recommendation of the Planning Board**

**20) 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 approve 4000 California Road, located on the west side of California Road, across from Ellis Road Zoned I-1 (SBL #161.03-1-5.11) for the presented Site Plan and authorize a Building Permit to construct a 14,400 square foot building per the plans received on May 8, 2024 based on the following conditions and stipulations as recommended by the Planning Board on September 12, 2024:

1. All public notices have been filed.
2. This is an Unlisted Action, based on the Short EAF submitted on 12/6/24 and a Negative Declaration is made.

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. A Landscape Plan, received 12/22/23, was approved by the Conservation Board with greater than 20% Green Space. In accordance with Section 144-44(C)(1)(a)(2), a Certified Check amounting to 50% of the \$7,390 Landscaping Estimate Value shall be deposited with the Town Clerk, (\$3,695).
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 9/12/24.

**The resolution was unanimously adopted.**

**New Business #16 Refer to the Planning and Conservation Boards.**

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

1. 3340 North Benzing Road, located on the west side of North Benzing Road, north of Milestrip Road, Zoned I-1. Buffalo Topsoil is requesting to reconstruct a 3,449 square foot warehouse which was destroyed in a fire, as well as adding a “self-contained wheel wash system for 10-wheelers” and reworking an existing topsoil stockpile (SBL #152.13-3-23.3).
2. 50 Cobham Drive, located on the north west corner Cobham Drive and Big Tree Road, Zoned I-1. The Krog Group is seeking to construct a parking expansion of 98 additional parking spaces for a total of 205 parking spaces (SBL #161.18-2-4.12).

**The resolution was unanimously adopted.**

**New Business #17 Regarding creation of new Zoning Designation.**

**22) 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 acknowledge receipt of the Planning Board’s recommendation of moving ahead with regards to the planning and establishment of a proposed zoning district DR-2 area based on the following:

1. The rezoning supports the Town Comprehensive Plan goal to “Encourage the expansion of business and industrial uses such as research and development”
2. The rezoning supports the Economic Development Committee’s Strategic Plan goal to “Improve Orchard Park’s Draw as a Tourist Destination”

**The resolution was unanimously adopted.**

**New Business #18 Approve a Building Permit for 6131 Newton Rd.**

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

**RESOLVED**, that the Town Board does hereby approve the issuance of a building permit for an 8 foot by 10 foot Accessory structure for Holy Face Ministry (SBL# 184.00-4-12.121) located at 6131 Newton Road, located on the south side of Newton Road, Zoned A-1 as recommended by the Planning Coordinator.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Jim Grucella spoke of his concerns regarding the proposed Crosby Gas Station.

David O'Rourke spoke of his concerns regarding the proposed DR-2 zone and thanked the Town Board for their work on this issue.

Paul Zak thanked the Town Board for approving two speed humps for Bieler Road and is requesting a third speed hump.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Councilmember Joseph Liberti assured residents that the Town Board is listening to their concerns and invited all to a meeting at Wings on 9/19/24 to discuss the proposed DR-2 zone. He also congratulated John Blesy on his promotion and welcomed Jonathan Gladding & Daniel Thomas to the Engineering Department.

Councilmember Julia Mombrea thanked the residents that spoke at tonight's meeting and addressed their concerns. She also welcomed new hires Jonathan Gladding & Daniel Thomas and congratulated John Blesy on his promotion.

Councilmember Scott Honer welcomed Jonathan Gladding & Daniel Thomas and congratulated John Blesy on his promotion.

Councilmember John Mariano invited residents to a public forum at Wings regarding the proposed DR-2 zone. He also congratulated John Blesy and welcomed Jonathan Gladding & Daniel Thomas.

Town Clerk Remy Orffeo spoke of a vacancy that needs to be filled on the Board of Assessment Review.

Town Engineer Wayne Bieler clarified zoning of the proposed Crosby Gas Station.

Police Chief Patrick Fitzgerald congratulated John Blesy on his promotion and welcomed Jonathan Gladding & Daniel Thomas.

**24) 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 authorize the approval of all entries on Warrant #18 following auditing by members of the Town Board and in the funds indicated:

|                           |            |
|---------------------------|------------|
| <b>General Fund</b>       | \$4,348.00 |
| <b>Public Safety Fund</b> | \$0        |
| <b>Part Town Fund</b>     | \$264.42   |
| <b>Risk Retention</b>     | -0-        |
| <b>Cemetery Fund</b>      | -0-        |
| <b>Highway Fund</b>       | \$102.90   |
| <b>Special Districts</b>  | \$0        |
| <b>Trust &amp; Agency</b> | \$0        |
| <b>Capital Fund</b>       | \$0        |

**The resolution was unanimously adopted.**

**REPORTS**

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

**RESOLVED**, that the Town Board does hereby receive and file the August 2024 Building Inspector’s Monthly Report.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the proposed 2025 Orchard Park Fire District Budget.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the 2025 Tentative Benefit Basis Budget.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Councilmember Liberti, seconded by Councilmember Mombrea, the meeting adjourned at 8:00 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**