

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 16<sup>th</sup> day of October 2024 at 7:07 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: October 2, 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.**

**\*\*\*POLICE PRESENTATION\*\*\***

**INTRODUCING THE ORCHARD PARK CANINE PROGRAM AND NEW OFFICER**

Chief of Police Patrick Fitzgerald introduced Canine Ross and his partner Officer Nolte. He spoke of their training and the abilities they bring to Orchard Park’s Police Department.

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**Old Business #1 Authorize Town Attorney to proceed with dedication of public improvements in Riley Meadows West Subdivision Phase 3 PIP #2023-03 and authorize the Town Clerk to release the performance security.**

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

**WHEREAS**, on September 11, 2024, a final inspection was conducted of the public improvements installed in the Riley Meadows West Subdivision, Phase 3. The project included the installation on a portion of Autumn Lane. The completion of this Subdivision's Phase 3 will allow 21 new single-family residential lots to be developed; and

**WHEREAS**, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when the weather permits:

- Supply Third Party UL Certification for the Installation of 7- Light Poles and fixtures \$500; and

**WHEREAS**, a two-year maintenance bond in the amount of \$450,000 has been submitted along with all other necessary documents; and

**WHEREAS**, the following is required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby adopt the following resolution:

**WHEREAS**, the portion of Autumn Lane was constructed as a Town street in accordance with plans and specifications prepared by Carmina Wood Design; and

**WHEREAS**, the two lane street is 0.30-miles in length and consist of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

**WHEREAS**, construction of the portion of Autumn Lane has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

**NOW, THEREFORE be it**

**RESOLVED**, that the portion of Autumn Lane shall be included in the 2024 Town Local Highway Mileage Inventory of Town Streets; and be it further

**RESOLVED**, that New York State Department of Transportation is requested to include the portion of Autumn Lane in the Town of Orchard Park's 2024 Inventory of Streets; and be it further

**RESOLVED**, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Riley Meadows West Subdivision Phase 3 constructed under PIP #2023-03; and be it further

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release the performance security in the amount of \$90,000.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Authorize NYSEG to connect seven (7) decorative light fixtures on Autumn Lane in Riley Meadows West Subdivision PIP #2023-03**

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

**WHEREAS**, the Engineering Department has received a proposal from NYSEG for the installation of seven (7) decorative street light fixture on Grove Road in the Riley Meadows West Subdivision, Phase 3. At present, there are twenty two (22) single-family homes currently under construction in this Subdivision's Phase; and

**WHEREAS**, the LED luminaires infrastructure, which are owned and maintained by the Town, have been installed under PIP # 2023-03. The Town will maintain the poles, bulbs, and the electric eye of the luminaires and NYSEG will provide the energy only per the SC4 classification agreement. The Town purchases the electricity from the supplier, which is *estimated* to be \$42.03/ea. for an annual estimated cost of \$42.03 for this one decorative light pole. The application will add the new LED light to our existing SC4 (service classification) account. Charges for energy to the light may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize NYSEG to connect seven (7) LED decorative light fixtures on Autumn Lane in the Riley Meadows West Subdivision Phase 3, installed under PIP #2023-03 at an estimated annual increased energy cost of \$42.03 to the Consolidated Light District in accordance with the NYSEG proposal as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve Stable Permits**

4) 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 approve the following Stable Permits:

- Bella Cavallo Stables at 6263 Benning Road, West Falls, NY 14170
- Jaxon’s Sky Equestrian Center LLC at 7613 Behm Rd, West Falls, NY 14170

**The resolution was unanimously adopted.**

**New Business #2 Approve a change of status for Alex Ensminger Senior Center employee.**

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

**WHEREAS**, Alex Ensminger is currently a part time CAC Front Desk Clerk.

**WHEREAS**, Alex Ensminger is needed and available to assist with additional maintenance shifts during the upcoming winter season.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board grants a change of status from Part Time to Seasonal for Alex Ensminger, for the five month period of October 12, 2024 – March 7, 2024, as recommended by the Senior Center Director.

**The resolution was unanimously adopted.**

**New Business #3 Appoint Connor Moran to the position of Assistant Principal Engineer.**

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

**WHEREAS**, the Engineering Department lost employees to other companies and in an attempt to fill the vacancies, various civil service lists were called for and titles researched. A lot of time has been spent on this quest. In order to maintain and retain an experienced work force, filling vacancies and promotions is necessary in the Engineering Department. The Town Orchard Park has vast time and expenses in developing and training employee's and experiences/knowledge with Town's infrastructure, specifications, standards and procedures is valuable; and

**WHEREAS**, the "Principal Assistant Engineer list" was requested from Civil Service and interviews conducted. Four out of eighteen replied they would accept the position. Fourteen candidates responded insufficient compensation, not interested for the 0011 salary range listed in the White Collar Union contract. Several other Civil Service titles have been requested to fill vacancies, but no current lists exist and potential, candidates are not interested due to insufficient salary offered; and

**WHEREAS**, the proposed Principal Engineer Assistant position description of duties includes the following: Assists civil/sanitary/road/water engineers by compiling data, making surveys and inspections, prepares drawings, reviewing engineering submittals, assisting in evaluations, and assisting in designs of the Town's aging infrastructure. Prepares drawings, maps, tracings, specifications and other graphic presentations of projects and programs. Participates in and/or compiles data for survey parties and engineers. Makes engineering computations, both manually and through the use of a computer. Searches records for data on properties, easements, rights of ways and the like. Assists in construction projects layout. Makes inspections of projects and programs, reviews findings with an Engineer. Makes routine tests and compiles data. Carries out tests of materials to ensure conformance to specifications. May be required to perform routine computer operation and programming. Prepares drawing and maps utilizing a computer. Performs other engineering tasks associated with the review, evaluation, design, and construction of projects; and

**WHEREAS**, Connor Moran has worked with the Orchard Park Engineering Department for over two years and was instrumental in field inspection at the Lakeview Reconstruction Project. He has also worked over time for plowing during the winter storm events and as needed with the Engineering Department. Funding for the Principal Engineering Assistant position is included in the Engineering Department budget as Bill Fulton and Richard Mrugalski have retired from the department. Per the white collar union contract, Connor Moran is currently a Senior Engineer Assistant level 0009 Range B step wage of \$29.65/hr. per the white collar union contract.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Mr. Connor Moran, to the position of Principal Engineer Assistant in the Orchard Park Engineering Department at Level 0011, Range A (\$31.42/hr.) of the white collar union wage rate schedule, effective October 26, 2024 pending meeting Civil Service rules and regulations, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Appoint Zacharie Sucrese to the position of Assistant Principal Engineer.**

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

**WHEREAS**, the Engineering Department lost employees to other companies/agencies and in an attempt to fill the vacancies, various civil service lists were called for and titles researched. A lot of time has been spent on this quest. In order to maintain and retain an experienced work force, filling vacancies and promotions is necessary in the Engineering Department with adequate compensation. The Town Orchard Park has vast time and expenses in developing and training employees and experiences with Town's infrastructure, specifications, standards and procedures is valuable; and

**WHEREAS**, the "Principal Engineer Assistant list" was requested from Civil Service and four interviews were conducted. Twenty other candidates were not interested for the 0011 salary range listed in the White Collar Union contract. Several other Civil Service titles have been requested to fill vacancies, but no current lists exist or potential candidates are not interested due to insufficient salary offered; and

**WHEREAS**, the proposed Principal Engineer Assistant position description of duties includes the following: Assists civil/sanitary/road/water engineers by compiling data, making surveys and inspections, prepares drawings, reviewing engineering submittals, assisting in evaluations, and assisting in designs of the Town's aging infrastructure. Prepares drawings, maps, tracings, specifications and other graphic presentations of projects and programs. Participates in and/or compiles data for survey parties and engineers. Makes engineering computations, both manually and through the use of a computer. Searches records for data on properties, easements, rights of ways and the like. Assists in construction projects layout. Makes inspections of projects and programs, reviews findings with an Engineer. Makes routine tests and compiles data. Carries out tests of materials to ensure conformance to specifications. May be required to perform routine computer operation and programming. Prepares drawing and maps utilizing a computer. Performs other engineering tasks associated with the review, evaluation, design, and construction of projects; and

**WHEREAS**, Zacherie Sucrese has worked with the Orchard Park Engineering Department for almost five years and was instrumental in facilitating the Diamond Maps Project Civil 3D and taking over the drafting of Town design projects. He has also worked with a number of interns and other employees since he has been with the department helping with drafting needs. Funding for the Principal Engineering Assistant position is included in the Engineering Department budget as Bill Fulton and Richard Mrugalski have retired from the department. Per the white collar union contract, Zacherie Sucrese, is currently at a Senior Engineer Assistant level 0009 Range E step wage of \$31.97/hr. per the white collar union contract.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Mr. Zacherie Sucrese, to the position of Principal Engineer Assistant in the Orchard Park Engineering Department at Level 0011, Range B (\$32.86/hr.) of the white collar union wage rate schedule, effective October 26, 2024 pending meeting Civil Service rules and regulations, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5 Approve the Supervisor to sign the Letter of Authorization for Erie County Real Property Tax Unpaid Items.**

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

**WHEREAS**, in accordance with New York State Law, Section 198, the Town Board had opted to enforce unpaid accounts for water, sewer, refuse and other unpaid Town services as indicated below, by placing a lien upon the real property for which such services were provided, and

**WHEREAS**, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town Assessor's master computer assessment roll file, which is also hereby being delivered by the Assessor with this letter of authorization:

Total Unpaid Water Erie county and Orchard Park	\$9,632.43
Total Unpaid Refuse & Pro-Rated Garbage-	\$3,753.87
Total Property Maintenance & Code Enforcement-	\$1,020 (\$850 + \$270)
Total Omitted Taxes-	\$32,697.43

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board of the Town of Orchard Park, in accordance with New York State Law, Section 198, does hereby adopt all special charges as outlined on the "Letter of Authorization" as recommended by the Town Accountant.

**The resolution was unanimously adopted.**

**New Business #6 Authorize the Highway Superintendent to accept results of the auction from Auctions International.**

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 authorize the Highway Superintendent to accept results of the auction from Auctions International.

**The resolution was unanimously adopted.**

**New Business #7 Authorize the Supervisor to sign the MOU with the Orchard Park PBA**

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

On the question, Councilmember Mariano questioned the content and wording of the MOU.

**This item was tabled.**

**New Business #8 Approve a Budget Transfer for the Orchard Park Police Department.**

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

**WHEREAS**, the Police Department would like to move the amounts indicated from Revenue Accounts into Expense Accounts.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the following amendments to provide funding for such expenses:

**General Fund:**

Increase Information Technology Services; Equipment:	
A01680 50200 IT Equipment	\$ 38,196.71
Decrease Police; Other State Aid:	
PS0000 43000 Other State Aid	\$ 38,196.71
Increase Police; Patrol Cars:	
PS3120 50215 Patrol Cars	\$ 18,452.15

Decrease Police; Sales of Equipment:

PS0000 42665 Sales of Equipment	\$ 18,452.15
Increase Police; Patrol Cars: PS3120 50215 Patrol Cars	\$ 30,000.00
Decrease Police; Other State Aid: PS0000 43000 Other State Aid	\$ 30,000.00
Increase Police; Other Equipment: PS3120 50200 Other Equipment	\$ 50,000.00
Decrease Police; Other Revenue: PS0000 42770 Other Revenue	\$ 50,000.00
Increase Police; Patrol Cars: PS3120 50215 Patrol Cars	\$ 6,891.05
Decrease Police; Insurance Recovery: PS0000 42680 Insurance Recovery	\$ 6,891.05

**The resolution was unanimously adopted.**

**New Business #9 Schedule a Public Hearing for the Tentative 2025 Budget.**

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 schedule a Public Hearing for November 6, 2024 at 7pm (local time) at the Orchard Park Municipal Center regarding the 2025 Preliminary Budget & Benefit Basis Special District.

**The resolution was unanimously adopted.**

**New Business #10 Schedule a Public Hearing for the CDBG funds.**

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

**WHEREAS**, in order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens the opportunity for input into the project selection process. Project applications are due near the end of October; and

**WHEREAS**, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications. Since the Town was not able to find a project that qualified, the only application was going to be the Rural Transit Van (Senior). But the Senior Center working with Mary (grant writer) have some senior items that qualify now.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby schedule a public hearing for Wednesday, November 6, 2024 at 7pm (local time) at the Orchard Park Municipal Center on the possible use of 2025/2026 Community Development Block Grant Funds; and be it further

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign for the grant application for the Rural Transit Van (Senior) and senior items/projects as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #11 Schedule a Public Hearing for the rezoning of V/L Lake Ave from R-3 to I-1.**

**14) 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 schedule a Public Hearing for November 6, 2024 at 7pm (local time) at the Orchard Park Municipal Center regarding the rezoning of V/L Lake Avenue, located on the north side of “Sterling 45 Medical Building”, and on the south side of Lake Avenue SBL#152.14-2-24.11 & SBL#152.14-2-24.12 , the Planning Board recommended that the Town Board approve the request to rezone .99 +/- Acres V/L from R-3 to I-1, to allow an 83 parking space parking addition as recommended by the Planning Board at its meeting on October 10, 2024 based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR action based on the submitted Short EAF, and a Negative Declaration is recommended.
3. Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
4. The recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans, and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
5. Access to the parking area shall be through Windward Road, and there shall be no access through Lake Ave.
6. The Planning Board recommends that the applicant be granted conditional approval to clear the site as needed if and when the Town Board approves the rezoning.

**The resolution was unanimously adopted.**

**New Business #12 Schedule a Public Hearing for A Local Law regarding amending §101 Peddling, Soliciting, Transient Business and mobile Food Vending.**

**15) 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 schedule a Public Hearing for November 6, 2024 at 7pm (local time) at the Orchard Park Municipal Center regarding a Local Law amending §101 Peddling, Soliciting, Transient Business and Mobile Food Vending.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Louise Behm spoke against the DR-2 zone.  
Ellen Geitter complained of an increased number of watermain breaks on Kent Drive  
Mr. Grucella inquired about the second DR-2 map.



Brenda Krusheski spoke of multiple watermain breaks on Kent Drive.  
Rosalind Wiltse spoke of her approval of the Town Board debating topics during the Town Board meeting.  
Silvia Morale-Takler complained about the noise coming from a workout center near her home during early and late hours of the day.  
Kristin Dudish complained of increased watermain breaks on Kent Drive.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Councilmember Joseph Liberti congratulated the promoted Engineers and Canine Ross. He also thanked the residents for their input regarding the DR-2 zone and stated he will release the new maps and information regarding the revised DR-2 zone on Friday October 18, 2024.

Councilmember Julia Mombrea congratulated the Engineering Department’s newly promoted workers and thanked the residents for coming forward with their complaints.

Town Clerk Remy Orffeo thanked Jennifer Brady for the work she did regarding updating Town Code §101. He also thanked the Chief of Police for sending Officer Bowersox to guard the Town Clerk’s office on the last tax collection day.

Town Engineer Wayne Bieler spoke of watermain breaks and the timing of new waterline replacements.

Building Inspector Tom Minor addressed the noise complaint placed by a resident at this meeting.

Highway Superintendent Andrew Slotman spoke of leaf collection beginning.

Police Chief Patrick Fitzgerald spoke of the Home Bills game this Sunday and traffic patterns to be followed.

**15) 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 #20 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$60,031.39
<b>Public Safety Fund</b>	\$8,427.87
<b>Part Town Fund</b>	\$1,238.56
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$153,758.35
<b>Special Districts</b>	\$57,906.99
<b>Trust &amp; Agency</b>	\$32,579.99
<b>Capital Fund</b>	\$780,702.41

**The resolution was unanimously adopted.**

**REPORTS**

**16) 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 September 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 Mariano, the meeting adjourned at 8:04 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**