

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 6th day of November 2024 at 7:13 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 16, 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
Regarding the 2025 Preliminary Budget & Benefit Basis Special District**

At 7:15PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding the 2025 Preliminary Budget & Benefit Basis Special District.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Presentation by Nicole Ruf of Drescher Malecki

Supervisor Majchrzak asked if anyone is interested in speaking or making a comment.

No speakers came forward.

2) 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 close the Public Hearing regarding the 2025 Preliminary Budget & Benefit Basis Special District at 7:23PM.

The resolution was unanimously adopted.

The Town Board did not vote on this item.

**PUBLIC HEARING
Regarding the 2025 Community Development Block Grant Funds**

At 7:24PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed 2025-2026 Community Development Block Grant Program.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

The following information was provided for the residents' information by the Town Engineer.

**2025 - 2026
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

PUBLIC HEARING

November 6, 2024

The Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) for the 2025 Program Year. The purpose of this public hearing is to provide an opportunity for citizens to discuss the needs of the community as outlined in the official notice (*page 7*).

The Town is one of 34 municipalities in the Erie County CDBG Consortium. This year the Consortium will receive a grant of approximately \$3.1 million from HUD. The grant will be divided into four spending categories: 27% for Community Projects; 27% for Housing; 27% for Economic Development; and 19% for Administration and Planning.

To be eligible for CDBG funding, a proposed project must satisfy one or more of the following national objectives:

- I. - BENEFIT LOW AND MODERATE INCOME PERSONS
- II. - CORRECT SLUMS AND BLIGHT
- III. - MEET AN URGENT COMMUNITY NEED

These objectives are further described below.

- I. BENEFIT LOW AND MODERATE INCOME PERSONS

Area Benefit: For a project to benefit low and moderate income persons,' it is required that at least 40.34% of the residents of the specific area targeted be at or below the criteria of the Income Eligibility Schedule on page 4. Data from the 2010 U.S. Census shows that there are 4,360 low and moderate income persons within the Town and 465 in the Village (Total = 4,825).

For a specific area to qualify, an independent income survey must be performed for the targeted area. **Limited Clientele:** All elderly, homeless, and handicapped residents are presumed eligible regardless of their location within the Town or their income levels. For a project to be considered under this category, at least 51% of the benefiting persons must be classified as limited clientele.

II. CORRECT SLUMS AND BLIGHT

For an area to be designated as a slum or blighted area, there must be a substantial number of deteriorated or deteriorating buildings or public improvements throughout the area. The project must address one or more of the conditions, which contributed to the deterioration of the area. Currently there are no such areas in the Town of Orchard Park.

III. MEET AN URGENT COMMUNITY NEED

To comply with the objective of meeting an urgent community need, the project must alleviate existing conditions that have developed or become critical within the past 18 months and:

- Pose a serious and immediate threat to the health and welfare of the community;
- The grantee is unable to finance; and
- Other resources of funds are not available.

ELIGIBLE ACTIVITIES

- Acquisition of Real Property for a Project
- Public Facilities and Improvements

- **Public Services**
- **Removal of Architectural Barriers**
- **Historic Preservation**
- **Commercial or Industrial Rehabilitation**
- **Special Economic Development**
- **Program Administration Costs**

Page 5 outlines the history of CDBG funding in the Town of Orchard Park. Since its inception in 1976, the Town has received over \$3.0 million in grants and loans under this Federal program. Page 6 lists the various projects for which the Town has utilized its block grant monies.

There is a maximum grant of \$150,000.00 per project with a maximum of two projects funded per municipality. Applications for this year's Community Development Block Grant funds must be submitted by Monday, November 4, 2024.

Some suggested projects in the Town of Orchard Park which may qualify for funding in 2025 include:

<u>PROJECT</u>	<u>ESTIMATE</u>
<u>CDBG</u> — Senior TV Screens, Sound System, Kitchen Drawer Set, Dining Tables, Work Tables (plus installation), and Dance Studio Floor Restoration	\$40,746.08
<u>CDBG</u> — Orchard Park Senior Transport Van	\$66,530.00
<u>CDBG - Rural Transit Service (participation in the existing program w/ 18 towns, 7 villages)</u>	\$ Cost Varies +/- (no matching funds required)

Last year the Town issued a letter of support for the Rural Transit Service Program. It is likely that the Town will again submit an application/letter of support for funding to continue our participation in the Rural Transit Service Program.

This program provides van transportation for eligible citizens. Trips can be for any reason but are prioritized for medical and health concerns. As of 2023, Orchard Park had 196 registered users in this program.

Erie County Community Development Program - Income Eligibility Schedule 2024

	4 Points <i>CDBG Very Low Inc.</i>	3 Points <i>CDBG Low Inc.</i>	2 Points	1 Point <i>CDBG Moderate Inc.</i>		
# of Persons	30% County Median	50% County Median	65% County Median	70% County Median	80% County Median	100% Median
1	\$20,370	\$33,950	\$44,135	\$47,530	\$54,320	\$67,900
2	\$23,280	\$38,800	\$50,440	\$54,320	\$62,080	\$77,600
3	\$26,190	\$43,650	\$56,745	\$61,110	\$69,840	\$87,300
4	\$29,070	\$48,450	\$62,985	\$67,830	\$77,520	\$96,900
5	\$31,410	\$52,350	\$68,055	\$73,290	\$83,760	\$104,700
6	\$33,750	\$56,250	\$73,125	\$78,750	\$90,000	\$112,500
7	\$36,060	\$60,100	\$78,130	\$84,140	\$96,160	\$120,200
8+	\$38,400	\$64,000	\$83,200	\$89,600	\$102,400	\$128,000
Rehab Program <80% Median: 0% Deferred			Rehab Program Income Points <30%: 4 Points 30-50%: 3 Points 50-65%: 2 Points 65-80%: 1 Point			

**TOWN OF ORCHARD PARK
COMMUNITY DEVELOPMENT FUNDED PROJECTS
STATUS AS OF 10/22/2024**

FUNDING YEAR	PROJECT	ALLOCATED	EXPENDED	BALANCE
1977 - 1980*	Administration	36,861.14	36,861.14	0
1978 - 1981**	Housing Rehabilitation	23,737.00	23,737.00	0
1976	Orchard Meadows Playground	37,264.00	37,264.00	0
1976, 1977	Poplar-Webster Drainage	159,320.00	159,320.00	0
1976, 1977	Union Road Waterline Ext.	11,208.68	11,208.68	0
1977 - 1979	Burmon Sanitary Sewer Rehabilitation	6,903.32	6,903.32	0
1978, 1979	Southwestern Blvd. Economic Dev. Waterline	166,852.23	166,852.23	0
1980	Velore Avenue Waterline	12,130.58	12,130.58	0
1980	Burmon Recreation Area	42,767.93	42,767.93	0
1977, 1979 -1983	Velore Avenue Rehabilitation	102,189.12	102,189.12	0
1981, 1982	Quaker Centre Industrial Park Phase 1	350,000.00	350,000.00	0
1985	Zoning Maps	464.05	464.05	0
1982 - 1984	Vistula Avenue Rehabilitation	140,465.67	140,465.67	0
1985	Planning / Construction Maps	867.77	867.77	0
1989	Hillside Income Survey (Hillside Ave. & NIA)	6,000.00	6,000.00	0
1985, 1986, 1989	Hillside Ave. Rehabilitation (Inc. 1st & 2nd St.)	175,209.51	175,209.51	0
1993	Senior Citizens Activity Center	90,630.00	90,630.00	0
1993	Lakeview Ave. Pavement Restoration	60,000.00	60,000.00	0
1996	O.P. Library Handicapped Accessibility	40,000.00	40,000.00	0
1996***	Rural Transit Service Program			
1999	Summit Avenue Reconstruction	90,000.00	90,000.00	0
1999	Boys & Girls Club Handicap Access	45,000.00	45,000.00	0
2002	Windom Ave. Reconstruction	90,000.00	90,000.00	0
2002	Burmon Recreation Area Improvements	40,000.00	40,000.00	0
2002	Senior Citizens Center Repairs	60,000.00	60,000.00	0
2005	Allen Street Reconstruction	90,000.00	90,000.00	0
2008	Oakwood Reconstruction	100,000.00	100,000.00	0
2011	Iroquois Drive Reconstruction	100,000.00	100,000.00	0
2011	Iroquois Drive Drainage	100,000.00	100,000.00	0
2015	Burmon Drive Sanitary Sewer Replacement	100,000.00	100,000.00	0
2017	Burmon Drive Road Reconstruction	150,000.00	150,000.00	0
2018	Burmon Drive Sidewalk Reconstruction	78,759.00	78,759.00	0
2021***	Rural Transit Service Program			
TOTAL GRANTS		\$2,506,630.00	\$2,506,630.00	\$0.00
1992	Breem Street Relocation (Loan)	100,000.00	100,000.00	0
1995	Orchard Park Commerce Center (Loan)	450,000.00	450,000.00	0
TOTAL LOANS		\$550,000.00	\$550,000.00	\$0.00
GRAND TOTAL		\$3,056,630.00	\$3,056,630.00	\$0.00

*Costs for administration of grant monies were reimbursed to the Town for years 1977-1980, but administration is now done entirely by Erie County.

**The Housing Rehabilitation Program was administered by the Town for years 1978-1981, but now the program is administered directly by Erie County.

***In 1996 the Town began participation in a transportation service with approval of an additional grant for \$34,782 for the purchase of a handicap van. In 2021, the Town approved an additional grant for \$30,000 for the purchase of a new van. These funds and additional funds used for annual operation and maintenance do not accrue to the Town. The program is administered by Erie County through a not for profit agency and therefore the amount of funding is not shown in this table.

-Covid funds are excluded from this project sheet.

**TOWN OF ORCHARD PARK
COMMUNITY DEVELOPMENT PROGRAM**

Funding History as of October 2024

YEAR	ALLOTMENT	EXPENDED	BALANCE
1976	111,792.00	111,792.00	0.00
1977	111,792.00	111,792.00	0.00
1978	111,792.00	111,792.00	0.00
1979	111,792.00	111,792.00	0.00
1980	111,792.00	111,792.00	0.00
1981	111,792.00	111,792.00	0.00
1982	259,977.59	259,977.59	0.00
1983	58,448.49	58,448.49	0.00
1984	64,499.92	64,499.92	0.00
1985	50,852.00	50,852.00	0.00
1986	20,171.00	20,171.00	0.00
1987	0.00	0.00	0.00
1988	0.00	0.00	0.00
1989	23,357.00	23,357.00	0.00
1990	34,183.00	34,183.00	0.00
1991	90,000.00	90,000.00	0.00
1992	0.00	0.00	0.00
1993	150,630.00	150,630.00	0.00
1994	0.00	0.00	0.00
1995	0.00	0.00	0.00
1996	40,000.00	40,000.00	0.00
1997	0.00	0.00	0.00
1998	0.00	0.00	0.00
1999	135,000.00	135,000.00	0.00
2000	0.00	0.00	0.00
2001	0.00	0.00	0.00
2002	190,000.00	190,000.00	0.00
2003	0.00	0.00	0.00
2004	0.00	0.00	0.00
2005	90,000.00	90,000.00	0.00
2006	0.00	0.00	0.00
2007	0.00	0.00	0.00
2008	100,000.00	100,000.00	0.00
2009	0.00	0.00	0.00
2010	0.00	0.00	0.00
2011	200,000.00	200,000.00	0.00
2012	0.00	0.00	0.00
2013	0.00	0.00	0.00
2014	0.00	0.00	0.00
2015	100,000.00	100,000.00	0.00
2016	0.00	0.00	0.00
2017	150,000.00	150,000.00	0.00
2018	78,759.00	78,759.00	0.00
2019	0.00	0.00	0.00
2020	0.00	0.00	0.00
2021	0.00	0.00	0.00
2022	0.00	0.00	0.00
2023	0.00	0.00	0.00
2024	0.00	0.00	0.00
TOTAL GRANTS	2,506,630.00	2,506,630.00	0.00
1992 LOAN*	100,000.00	100,000.00	0.00
1995 LOAN**	450,000.00	450,000.00	0.00

TOTAL LOANS	550,000.00	550,000.00	0.00
GRAND TOTAL	<i>3,056,630.00</i>	<i>3,056,630.00</i>	<i>0.00</i>

* Loan repaid in 2005 ** Loan repaid in 2006
 -Covid funds are excluded from this history sheet.

Supervisor Majchrzak asked if anyone is interested in speaking or making a comment.

No speakers came forward.

3) 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 close the Public Hearing for the proposed 2025-2026 Community Development Block Grant Program at 7:26PM.

The resolution was unanimously adopted.

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

WHEREAS, discussed at the 2024 public hearing on the use of 2025/2026 Erie County Community Development Block Grant (ECCDBG) program; and

WHEREAS, the proposed Community Development projects must be ranked in order of priority by the Town. In addition, Rural Transit Service has requested a letter of support from the Town.

NOW, THEREFORE be it,

RESOLVED, that the Town Board does hereby authorize the following resolutions as recommended by the Town Engineer:

- Authorize the Town Supervisor to sign, submit, and execute applications/contracts for the Erie County CDBG program with the following priority:
 - Priority 1.) CDBG — Senior TV Screens, Sound System, Drawer Set for Senior Kitchen, Dining Tables, Work Tables (plus installation), and Dance Studio Floor Restoration - \$40,746.08
 - Priority 2.) CDBG — Senior Transportation Van - \$66,530.00
 - Priority 3.) Authorize the Supervisor to issue a letter of support for the Rural Transit Service — Van Program

The resolution was unanimously adopted.

PUBLIC HEARING

Regarding rezoning of “Sterling 45 Medical Building” SBL#152.14-2-24.11 & SBL#152.14-2-24.12 from R-3 to I-1

At 7:27PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed rezoning of .99+/- acres of a 3.34+/- acres parcel of Vacant Land, currently accessed by Lake Ave. from R-3 to I-1, to allow for a parking expansion to be accessed through Windward Road, sponsored by 45 Sterling Bend, LLC. (SBL#s 152.14-2-24.11 & 152.14-2-24.12)

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Majchrzak asked if anyone is interested in speaking or making a comment.

Chris Wood came forward to speak in favor of the proposed rezoning.

Renee Carroll came forward to speak against the proposed rezoning.
Kathy Pokigo came forward to speak against the proposed rezoning.
Elizabeth Stuart came forward to speak against the proposed rezoning.
Paul Zak came forward to speak against the proposed rezoning.
Mary Chase came forward to speak against the proposed rezoning.
Josh & Laura Fabi came forward to speak against the proposed rezoning.
Larry Filipski came forward to speak against the proposed rezoning.

5) 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 close the Public Hearing regarding the proposed rezoning of .99+/- acres of a 3.34+/- acres parcel of Vacant Land, currently accessed by Lake Ave. from R-3 to I-1, to allow for a parking expansion to be accessed through Windward Road, sponsored by 45 Sterling Bend, LLC. (SBL#s 152.14-2-24.11 & 152.14-2-24.12) at 7:54PM.

The resolution was unanimously adopted.

The Town Board did NOT vote on this resolution.

PUBLIC HEARING

Proposed Local Law §101 Peddling, Soliciting, Transient Business and Mobile Food Vending

At 7:56PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding §101 Peddling, Soliciting, Transient Business and Mobile Food Vending.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Majchrzak asked if anyone is interested in speaking or making a comment.

No speakers came forward.

6) 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 close the Public Hearing for proposed Local Law 2024-03 regarding §101 Peddling, Soliciting, Transient Business and Mobile Food Vending at 7:59PM.

The resolution was unanimously adopted.

The Town Board did NOT vote on this resolution.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Authorize Supervisor to sign MOU with the Orchard Park PBA

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

WHEREAS, the Town of Orchard Park (TOWN) and the Orchard Park Police Benevolent Association (PBA) have agreed to a stipend for School Resource Officers and guaranteed right of first refusal for school and departmental school based overtime, and

WHEREAS, the Town and the PBA have agreed to these additional benefits through a Memorandum of Understanding (MOU), and

WHEREAS, these benefits will be retroactively applied to September 2023, and

WHEREAS, a copy of the MOU is on file in the Town Clerk's Office.

NOW, THEREFORE be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the MOU with the PBA.

The resolution was unanimously adopted.

Old Business # 2 Approve the final payment and authorize release of retention for Brush Mountain Little Loop Football Electrical Project to IPL.

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

WHEREAS, construction work on the Brush Mountain - Little Loop Announcers / Storage Building and Field Lighting Project has been completed. A final inspection was conducted on Thursday, September 7, 2023, and

WHEREAS, in June of this year all punch list items were completed. On October 24, 2024 the Town received the Electrical Certificate. All of the work has been satisfactorily completed in accordance with the contract documents and specifications; and

WHEREAS, the two-year maintenance bond for the project has been submitted, along with the Affidavit of Release of Liens and Affidavit of Payment of Debts, they have submitted the final payment request sheet / release of retention.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve and authorize the Final Payment / Release of Retention to the electrical contractor: Industrial Power & Lighting Corporation, 60 Depot Street, Buffalo, NY 14206 for the Brush Mountain Park - Little Loop Announcers / Storage Building and Lighting Project in the amount of \$25,037.46 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Approve Change Order #1 to our contract with TECsmith Inc. for the flow monitoring for Eaglebrook Sanitary Sewers.

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

WHEREAS, the Engineering Department is requesting approval for a change order to the Professional Services Agreement for flow monitoring services with TECsmith, Inc. for the Eaglebrook Drive Reconstruction Project. The Erie County Department of Sewage Management (ECDSM) has requested that we add an additional node, which was not included our original scope; and

WHEREAS, the initial set up cost to add another node will be \$2,200 and include the installation of one node and weekly service for the first month. After the first month, there will be a weekly charge of \$375 for monitoring services until a half inch rain event occurs or 90 days of data has been collected. The estimated cost is \$3,700.00, but additional weeks might be needed for monitoring; 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 approve Change Order #1 to the professional services agreement with TECsmith, Inc., PO Box 95, Clarence, New York, 14031 for the Eaglebrook Drive Reconstruction Project in the amount not to exceed \$4,450.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Approve Final payment and authorize release of retention for the Chestnut Ridge Watermain Replacement Project to 716 Site Contracting.

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

WHEREAS, the paving work on Chestnut Ridge Waterline Replacement Project has been completed. On June 6, 2024, a final inspection was conducted and all of the work was completed in accordance with the contract documents and specifications; and

WHEREAS, a two-year maintenance bond, in the amount of \$531,676.90, has been submitted along with the Affidavit of release of Liens, Affidavit of Subcontractor Payment and necessary legal documents. The Engineering Department is requesting approval of the Final Change Order to close out the contract with 716 Site Contracting, Inc. in the amount of a deduct of \$265,923.10. If approved, this would decrease the total contract amount to \$531,676.90, representing a decrease of 33.34%. Amounts of the Final Change Order / and release of retention is \$26,583.85.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the change order/final payment and authorize release of retention for the Chestnut Ridge Waterline Replacement Project to 716 Site Contracting, Inc., PO Box 120, North Boston, New York 14110, in the amount of \$26,583.85; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release 716 Site Contracting, Inc.'s performance security bond in the amount of \$797,600.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #5 Approve Change Order #1 to our contract with Performance Drilling & Installation for the Community Activity Center Generator Gas Line.

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

WHEREAS, the Engineering Department is requesting your approval for a change order to the gas line installation contract with Performance Cable and Drilling LLC for the Community Activity Center Generator Project in the amount of \$4,750.00. If approved, this would increase the total contract amount to \$21,732.00, representing an increase of 21.86%.

Item #1 is requested to perform work not included under the original proposal; and

WHEREAS, the change in scope of work involves National Fuel Gas changing the location of the final gas line connection. This work includes the reconfiguring of the existing downstream gas line; and

WHEREAS, funds have been allocated under Capital Projects AB018, "CAC Senior Bocce Court/Generator" \$80,351.83 and ABOO4 "Brush Mountain Community Activity Center" \$3,095,492.00 for this project. This is needed to complete this work and keep the generators project on schedule.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to our contract with Performance Cable and Drilling LLC, 62 Ransier Drive, West Seneca, New York 14224, in the amount not to exceed \$4,750.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Rosalind Wiltse spoke regarding New Business Item #7, the Professional Service Agreement for the Stadium Area Comprehensive Study.

New Business #1 Approve the amendments of the Ad Valorem Budget for the fiscal year ending December 31, 2025.

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

Ad Valorem Budget (General, Town Outside Village, and Highway Funds)

WHEREAS, officers and employees in charge of various administrative units of the government of the Town of Orchard Park have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2025, and

WHEREAS, the Town Supervisor, as the Town’s Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to this Town Board, and

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2025, and a public meeting was conducted on November 6, 2024 as required by Section 108 of Town Law.

NOW, THEREFORE, be it

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2025.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak

Nay

Councilmember Mariano	Aye
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

The resolution was duly adopted.

New Business #2 Approve a Fee increase for Peddler Permits.

13) 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 set the fee for Peddler Permits as follows effective November 6, 2024:

- \$1,000.00 for 6 (six) months for Erie County Residents
- \$1,200.00 for 6 (six) months for Non-Erie County Residents

The resolution was unanimously adopted.

New Business #3 Approve the Stable Permit for Skibbreen Farm.

14) 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 following Stable Permit:

- Skibbreen Farm 5142 Bussendorfer Rd. Orchard Park, NY 14127

The resolution was unanimously adopted.

New Business #4 Approve Special Event 5K's

15) 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 approve the following Special Event Permit requests pending all fees have been paid and insurances have been provided:

- Wayland's Wicked 5K to be held November 10, 2024 from 10am – 11am.
- Fattety Turkey Baster Run November 16, 2024 from 10am – 11am.

The resolution was unanimously adopted.

New Business #5 Approve the award of the professional contract to C&S Companies for Construction Administration Inspections and Special Inspections for the Multi-Use Maintenance Fuel Facility Project.

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

WHEREAS, the Town Board has awarded L&O Mechanical the contract for the construction of the Multi-Use Maintenance Fuel Facility. The Engineering Department had a Preconstruction Meeting with the

Contractor on October 22, 2024. The Contractor is finalizing his schedule and would like to start construction in the beginning of November; and

WHEREAS, due to the complexity of this project, the Engineering Department is recommending the use of a consultant for the construction administration, observation and environmental monitoring. The Town Engineer has received a time and materials proposed from C&S Companies with a not to exceed price of \$194,406.00; and

WHEREAS, there is currently funding available in account AB015 OP Highway Fuel Facility Replacement \$2,079,652.00 for this work. This scope includes the detention basin for the entire Master Plan facility, therefore, funding from other phases will be used as needed.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Agreement with C&S Companies 141 Elm Street, Suite 100, Buffalo, New York 14203, for professional special construction inspection services for the Multi-Use Maintenance Fuel Facility Project, at an amount not to exceed \$194,406.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Appoint Eugene Majchrzak, Town Supervisor, as EBO for Federal Grant Administration as required by NYS DOT.

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

WHEREAS, after the resolution on September 18th, 2024, the Town was informed by Christopher Church, NYSDOT Local Projects Coordinator, that the Town's appointed Municipal EBO Officer is required to be an elected official of the Town per NYSDOT Albany Office.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby retract the appointment of Peter Lukasiewicz as the Town's Municipal EBO Officer; and be it further

RESOLVED, that the Town Board does hereby appoint Eugene Majchrzak, Town Supervisor, as the Town's 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 #7 Authorize the Town Supervisor to sign a Professional Service Agreement for the Stadium Area Comprehensive Study with LaBella Associates.

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

WHEREAS, the Town has secured State funding for the development of a comprehensive plan for the use of land around the new Buffalo Bills Stadium; and

WHEREAS, the Engineering Department has requested proposals from the top master planners. A committee was formed to review the proposals and it is our recommendation for the Town to hire Labella Associates,

D.P.C. Labella is a national leader in planning for sports-anchored entertainment and mixed-use development; and

WHEREAS, the Engineering Department has negotiated a detailed scope of work and proposed fee with Labella to complete a master plan of the area including a market study, community engagement, infrastructure analysis, transportation analysis, zoning and development regulations and a case study, at a cost not to exceed \$247,700.00. The Town is receiving \$200,000.00 from grant funding for this study so an additional \$47,700 is needed.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Labella Associates, D.P.C, 300 State Street, Rochester, NY 14614 to provide professional design services for the Preliminary Stadium Area Comprehensive Development Plan, for a fee not to exceed of \$247,700.00; and be it further

RESOLVED, that the Town Board does hereby approve the creation of Capital Account "AB020 Stadium Area Comprehensive Plan" as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Refer to the Planning and Conservation Boards.

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

1. 10 Cobham Drive, "Mission Systems Orchard Park Inc.", (previously known as "Carleton Controls"), Zoned I-1, is requesting that the adjacent Vacant Land they own, Zoned R-3, be rezoned to I-1. (SBL#'s 161.18-22 & 161.18-2-1)
2. V/L Taylor Road, +/- 3.0 Acres, located on the east side of Taylor Road, north of 4121 Taylor Road, Zoned R-D. Pleasant Acres West LLC is requesting to construct a flex warehouse facility with ingress/egress onto Taylor Road. (SBL#161-19.-2-1)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Gary Trella spoke regarding the proposed Crosby Fuel Station project and submitted paperwork to the Town Clerk.

Paul Weiss spoke in support of the Providence Farm Collective.

Joe Pitzonka spoke in support of Providence Farm Collective.

Tim Bighom spoke in support of Providence Farm Collective.

Rosalind Wiltse questioned a FOIL request.

Daniel Warmus questioned the lack of body cameras on Police Officers.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Joseph Liberti thanked residents for speaking and addressed their concerns.

Councilmember Julia Mombrea spoke regarding the budget process and thanked all speakers for coming forward with their input.

Councilmember Scott Honer thanked the Highway Department for their exemplary work patching parking lots.

Councilmember John Mariano thanked Department Managers and Town Board members for their hard work during the budget process.

Town Engineer Wayne Bieler reminded the Town Board that they need to vote on the 2025-2026 Community Development Block Grant funds as discussed in Public Hearing #2.

Building Inspector Tom Minor clarified code questions regarding the proposed Lake Ave rezoning.

Highway Superintendent Andrew Slotman updated residents on leaf collection and snow plow prep.

Police Chief Patrick Fitzgerald reminded residents to lock their car doors and not leave the keys inside. The increased stolen vehicle cases have all involved unlocked car doors, some with the keys inside.

20) 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 #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$156,179.98
Public Safety Fund	\$8,368.08
Part Town Fund	\$11,601.75
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$234,746.26
Special Districts	\$251,371.47
Trust & Agency	\$8,292.00
Capital Fund	\$288,624.32

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Mariano, the meeting adjourned at 8:40 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**