

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 20th day of November 2024 at 7:04 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Excused Joseph Liberti	Councilmember
Excused 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 MARIANO, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: November 6, 2024 and Special Session: November 13, 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 Release cash security regarding 29 Edgewood Farm Lane for Floodplain Development Permit 2024-01

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

WHEREAS, on July 17, 2024, the Town Board granted approval of the Floodplain Development Permit #2024-001 to construct a rock retaining wall along the creek at 29 Edgewood Farm Lane; Orchard Park, New York 14127. At that time, the applicant (Roselle Abyad of 29 Edgewood Farm Lane) provided a security cashier's check in the amount of \$2,000.00 in lieu of standard security bond, to be held until the work was completed and accepted by this Department; and

WHEREAS, the applicant has since completed his work, which was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the cash security in the amount of \$2,000.00 to Roselle Abyad of 29 Edgewood Farm Lane, Orchard Park, New York, 14127, for the Floodplain Development Permit #2024-01 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Release cash security regarding 31 Edgewood Farm Lane for Floodplain Development Permit 2024-02.

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

WHEREAS, on August 21, 2024, the Town Board granted approval of the Floodplain Development Permit #2024-002 to construct a rock retaining wall along the creek at 31 Edgewood Farm Lane; Orchard Park, New York 14127. At that time, the applicant (Thomas J. Johnson Land Development, LLC) provided a security cashier's check in the amount of \$2,000.00 in lieu of standard security bond, to be held until the work was completed and accepted by this Department; and

WHEREAS, the applicant has since completed his work, which was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the cash security in the amount of \$2,000 to Thomas J. Johnson Land Development, LLC of 6435 West Quaker, Orchard Park, New York, 14127, for the Floodplain Development Permit #2024-02 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Paul Weiss inquired about adding a tenth item to the agenda.

Matthew Ayle explained the objective and benefits of the Cornell Cooperative located on Bunting Road.

New Business #1 Authorize payment of fee for two hydrants in Orchard Meadows Part 8 PIP 2024-02.

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

WHEREAS, requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amounts upon dedication of the various phases of the subdivision per the Town of Orchard Park and ECWA lease management agreement; and

WHEREAS, the construction of the Orchard Meadows Part 8 PIP #2024-02 subdivision will result in two new hydrants in service.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the payment of the two hydrant fee amounts upon dedication of the Orchard Meadows Part 8 PIP #2024-02, and associated hydrant fees per the lease management agreement between the Town of Orchard Park and ECWA as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Authorize payment of fee for two hydrants in Quaker Lake Terrace PIP 2024-04.

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

WHEREAS, requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amounts upon dedication of the various phases of the subdivision per the Town of Orchard Park and ECWA lease management agreement; and

WHEREAS, the construction of the Quaker Lake Terrace Extension 18-lot subdivision PIP #2024-04 will result in three new hydrants in service.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the payment of the three hydrant fee amounts upon dedication of the Quaker Lake Terrace Extension 18-lot Subdivision PIP #2024-04, and associated hydrant fees per the lease management agreement between the Town of Orchard Park and ECWA as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Approve Floodplain Development Permit 2024-03 for 29 Lakeridge Drive.

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

WHEREAS, the Engineering Department has received from John Wabick, an application for a Floodplain Development Permit to construct a stream bank stabilization retaining wall for 29 Lakeridge Drive; Orchard Park, New York 14127; and

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

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Permit 2024-03 for the Floodplain Development Permit to construct a stream bank stabilization retaining wall for the home at 29 Lakeridge Drive; Orchard Park, New York 14127 as recommended by the Town Engineer.

The resolution was unanimously adopted.

On the question, Councilmember Honer inquired about the supporting documentation, he was satisfied with the information provided to him.

New Business #4 Appoint part time staff to the Orchard Park Recreation Department.

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

RESOLVED, that the Town Board is hereby authorized to approve the following residents appointments to the 2024 part-time staff for the Orchard Park Recreation and Parks Department retroactive to November 20, 2024 as recommended by the Recreation Director:

- Joseph Mitchell \$16.25 Program Coordinator 1
- Trisha Young \$17.50 Supervisor

The resolution was unanimously adopted.

New Business #5 Authorize the purchase of a Titan, Spartan Leaf Pro Trailer mounted vacuum leaf collector.

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

RESOLVED, that the Town Board does hereby authorize the purchase of a Titan, Spartan Leaf Pro Plus Trailer mounted vacuum leaf collector from Cyncon Equipment as quoted under sourcewell contract #093021-GEP not to exceed \$146,114.00 as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #6 Authorize a Building Permit and approved Site Plan for 188 Thorn Ave. (SBL# 172.08-4-12)

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

RESOLVED, that the Town Board does hereby approve the presented Site Plan and authorize a Building Permit to construct an eighteen parking spot parking addition based on the Site Plan submitted to the Planning Board on 11/6/24, regarding 188 Thorn Ave. “Thorn Avenue Animal Hospital” located on the north side of Thorn Avenue, east of Duerr Road, Zoned B-2, as it was recommended by the Planning Board at their 11/14/24 meeting:

1. All public notices have been filed.
2. This is an Unlisted Action, based on the Short EAF submitted on 7/25/24 and a Negative Declaration is made.
3. There is no proposed lighting, and should lighting be added in the future, the Applicant is directed to return to the Planning Board for review.
4. No Outside storage or display is permitted.
5. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
6. A 6-ft. vinyl stockade fence, as indicated in the Site Plan shall be erected.
7. Town Engineering approval was granted on 11/7/2024.

The resolution was unanimously adopted.

New Business #7 Authorize a Building Permit and approved Site Plan for V/L Burton Rd. (SBL# 184.15-1-5.111)

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

RESOLVED, that the Town Board does hereby approve the presented Site Plan and authorize a Building Permit to construct a 30 X 30 roofed Shelter with no walls or floor for shade based on the recommendation from the Planning Board meeting held on 4/13/23 regarding V/L Burton Road at Powers Road, “Cornell Cooperative Extension of Erie County” Zoned R2/A1:

1. All public notices have been filed.
2. There is no proposed lighting, and should lighting be added in the future, the Applicant is directed to return to the Planning Board for review.

The resolution was unanimously adopted.

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

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

1. 4117 Abbott Road, located on the northwest corner of Abbott Road and Allen Street, Zoned DR-2. Golden Armor Properties is proposing the demolition of an existing home, and the phased development of two, two-story commercial buildings. (SBL#161.17-3-9.1)

The resolution was unanimously adopted.

New Business #9 Item not on Agenda – Authorize Supervisor to sign the 2024 Erie County Municipal Planning Grant.

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

WHEREAS, the Town of Orchard Park has applied and received from Erie County a Municipal Planning Grant in the amount of \$35,000.00, and

WHEREAS, this grant is to be used for an update on the Town of Orchard Park Comprehensive Plan, and

WHEREAS, the Town Board is authorizing the Town Supervisor to enter into an inter-municipal agreement with Erie County to accept the funding of this grant.

NOW, THEREFORE be it

RESOLVED, that Supervisor Majchrzak is authorized to sign the 2024 Erie County Municipal Planning Grant for the purposes of completing an update to the Town of Orchard Park's Comprehensive Plan.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Paul Weiss spoke of Providence Farms's need of a new barn and inquired about connecting to the Town water lines.

Roslind Wiltse inquired about a FOIL she filed and its response.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Town Engineer Wayne Bieler spoke of the Murphy Rd. roundabout, Webster Rd. snow dumping site, the Cornell Cooperative agreement and generators for the Community Activity Center.

Building Inspector Tom Minor spoke of the Orchard Park Motel and the status of the mold contained in it.

Highway Superintendent Andrew Slotman spoke of Bieler Road speed hump layout, leaf pickup and thanked the Board for allowing him to purchase needed equipment for the Highway Department.

Police Chief Patrick Fitzgerald spoke of the traffic and tailgaters relating to the Bills Game. He stated the private lots are becoming very active.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #22 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$534,934.68
Public Safety Fund	\$1,585,044.33
Part Town Fund	\$72,153.73
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$244,063.43
Special Districts	\$101,074.54
Trust & Agency	\$7,318.27
Capital Fund	\$14,724.19

The resolution was unanimously adopted.

COMMUNICATIONS

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 receive and file the notification of a Blood Drive to be held at the Orchard Park Community Activity Center on Wednesday December 4, 2024 from 2PM – 7:00PM.

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the October 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 7:40 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**