

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 4th day of December 2024 at 7:14 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
Excused	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: November 20, 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 Rezone “Sterling 45 Medical Building” SBL #152.14-2-24.11 & SBL #152.14-2-24.12 from R-3 to I-1

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

WHEREAS, following due and timely notice a Public Hearing, relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park, was conducted at the Municipal Center on November 6, 2024 at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

WHEREAS, no recommendations from the Erie County Department of Planning, pursuant to §239-m of the General Municipal Law, was received and filed by the Town Board; and

WHEREAS, approval from the Planning Board was received and filed with the Town Board.

NOW, THEREFORE, be it

RESOLVED, and ORDAINED, that the Zoning Ordinance and Zoning map of the Town of Orchard Park be and are hereby amended by rezoning SBL#s 152.14-2-24.11 & 152.14-2-24.12, .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, as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot Number 24, Township 10, Range 7 of the Buffalo Creek Reservation described as follows:

*Commencing at a point in the centerline of Lake Avenue at the northwest corner of lot 24;
Thence S 00°27'42" W, along the west line of lot 24, a distance of 40.00 feet to a point on the south line of Lake Avenue, being 80 feet wide;
Thence S 00°27'42" W, along the west line of lot 24, a distance of 594.80 feet to the POINT OF BEGINNING;
Thence S 88°37'18"E, parallel with the south line of lands conveyed to Metzler, recorded in the Erie County Clerk's Office in Liber 7151 of Deeds at page 657, a distance of 206.40 feet to a point on the east line of Metzler;
Thence S 00°27'42" W, parallel with the west line of lot 24, a distance of 210.00 feet to the south line of Metzler;
Thence N 88°37'18" W along the south line of said lands of Metzler, a distance of 206.40 feet to the west line of lot 24;
Thence N 00°27'42" E along the west line of lot 24, a distance of 210.00 feet to the POINT OR PLACE OF BEGINNING, containing 0.99 acres more or less.*

RESOLVED, that this approval is granted with the following stipulations as recommended by the Planning Board:

- All public notices have been filed.
- This is an Unlisted SEQR action based on the submitted Short EAF, and a Negative Declaration is recommended.
- Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
- 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.
- Access to the parking area shall be through Windward Road, and there shall be no access through Lake Ave.
- 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.

RESOLVED, under the authority of the Town of Orchard Park Ordinances Sections 144-66 through 144-69, and be it further

RESOLVED, this ordinance shall take effect ten (10) days after publication and posting in accordance with the law, and be it further

RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with §264 and 265 of Town Law.

The resolution was unanimously adopted.

Old Business #2 Authorize Supervisor to approve the NYSEG Service Upgrade at the Berg Road Pump Station

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

WHEREAS, the Berg Road Pump Station Reconstruction Project was awarded to Groundbreaking Solutions on September 4, 2024. In order to provide the new pump station with adequate power, NYSEG will need to upgrade the service from 240 volts to 208 delta; and

WHEREAS, NYSEG has provided the Town with a quote not to exceed \$8,371.26. Payment must be received before work can start; and

WHEREAS, there is \$1,103,544.00 allocated in Capital Project G0006 (Berg Road Sanitary Sewer Pump Station) for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to approve the payment to update the electrical service for the Berg Road Sanitary Sewer Pump Station Replacement Project with NYSEG, P.O. Box 847814, Boston MA 02284-2609, for the amount not to exceed \$8,371.26, as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Recognize the resolution honoring Margaret Errington, Orchard Park Library Director

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

WHEREAS, the Orchard Park Town Board would like to express its gratitude to Margaret (Peggy) Errington for her years of dedication to the residents of Orchard Park through her work at the Orchard Park Public Library, and for her commitment to promoting literacy and community engagement through reading; and

WHEREAS, Peggy Errington was born and raised in Orchard Park, NY, and after graduating from Orchard Park High School, she went on to earn her undergraduate and MLS degrees from SUNY Buffalo. Peggy was hired as a part-time page at the Orchard Park Public Library at the age of 16 and has remained an employee of the Buffalo & Erie County Public Library System ever since. Throughout her career, Peggy worked at the Hamburg, Cheektowaga and Buffalo Central Libraries. In January 2012, the position of Director of the Orchard Park Public Library became available and with it the opportunity to bookend her career back to where it started; and

WHEREAS, Peggy has served our community as the Orchard Park Library Director for the past 12 years, Peggy's career with the Buffalo & Erie County Public Library System has come full circle as she retires with 49 years of library service.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby pause its deliberations to congratulate Peggy Errington on her retirement, and to acknowledge her commitment to the residents of Orchard Park. We thank Peggy for her many years of work towards the advancement of literacy, learning, and community engagement. Through her leadership, the Orchard Park Public Library has fostered a welcoming and enriching environment for patrons of all ages, backgrounds, and interests, contributing to the personal and intellectual growth of countless individuals.

The resolution was unanimously adopted.

****Doug McFarland gave remarks thanking Peggy Errington for her 49 years of service and congratulating her on retirement****

New Business #2 Approve the Holly Jolly 5K

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

RESOLVED, that the Town Board does hereby approve the Special Event Permit request for the Holly Jolly 5K Run to be held on Saturday December 21, 2024 from 10AM – 11AM.

The resolution was unanimously adopted.

New Business #3 Approve the Frozen Chosen 5K

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

RESOLVED, that the Town Board does hereby approve the Special Event Permit request for the Frozen Chosen 5K Run to be held on Saturday January 25, 2025 from 10AM – 11:15AM pending departmental approvals.

The resolution was unanimously adopted.

New Business #4 Schedule a Public Hearing for the use of CDBG-CV Grant funding

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

WHEREAS, the Town was awarded a grant for Senior Center Improvements. The grant program is the New York State CDBG — Coronavirus Aid, Relief and Economic Security Act (CARES); and

WHEREAS, the emergency generators have been delivered, automatic door openers have been delivered and installed, and the senior laptops have been delivered and put into use. All that remains is the delivery of the switch -gear for the generators and to complete the installation of the generators themselves, followed by setup/startup manufacture testing; and

WHEREAS, all grant funds associated with this project have been expended. The next step toward completing this project is a second public hearing to discuss our progress with our constituents, with an opportunity for comments if they are forthcoming; and

WHEREAS, the first reasonable time for such a hearing will be the regularly scheduled Town Board meeting on January 15th, 2025.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing on January 15th, 2025 at 7:00 PM, to hear all interested parties regarding the use of CDBG-CV Grant funding for the Town of Orchard Park Community Activity Center Improvements, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Appoint Wayne Bieler to the LDSA Selection Committee representing the Town of Orchard Park

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

WHEREAS, the County Highway Superintendents Association (CHSA) is sponsoring the formation of a new three-year Local Design Service Agreement (LDSA) that provides a listing of pre-approved consultants for Locally Administered Federal-Aid Projects; and

WHEREAS, Cattaraugus County has volunteered to be the regional coordinator for the NYSDOT Region 5. As a municipality in Region 5 with multiple federal-aid projects on the current Transportation Improvement Plan (TIP), the Orchard Park municipality is being invited to participate in the Region 5 LDSA selection committee; and

WHEREAS, by participating in the selection committee, Wayne L. Bieler, P.E., CFM, will be representing our municipality in the formation of the regional LDSA list of up to fifteen pre-approved consultants. He will also be eligible to create a short list of up to five consultants for use by our municipality; and

WHEREAS, in accordance with federal-aid consultant selection procedures, the short list allows a municipality to select consultants directly from a short list while selections made from the full regional list would require a secondary selection process. Similar to the last LDSA selections, if a municipality chooses to create a short list, they will then be restricted in the use of a regional list.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Wayne L. Bieler P.E., CFM, to represent the Town of Orchard Park on the LDSA Selection Committee, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Refer to the Planning and Conservation Boards.

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

1. V/L Windward Drive, located on the north side of an approved 45,000 square foot medical office project at 250 Windward Road, Zoned I-1. Applicant is requesting to construct an 83 space parking lot extension (SBL #152.18-2-6).
2. 3052 Transit Road, Harvest Hill Golf Course. Applicant is requesting to construct a “caretaker’s dwelling” located near the 9th hole green, Zoned R-2 and R-3 (SBL #153.08-2-6.111).

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kathy Bieler spoke in support of Providence Farm Collective. She also encouraged the Town to prioritize resolving the issue of Providence Farm Collective’s water supply.

Rachel Christowski spoke in support of Providence Farm Collective and their efforts to connect to public water supply.

Julie Furlong spoke in support of Providence Farm Collective.

Charlotte Tahk spoke in support of Providence Farm Collective.

Kate Hayes spoke in support of Providence Farm Collective and gave information regarding agriculture and farmland issues.

Mr. Ali spoke regarding his experience being the Market Manager of Providence Farm Collective and the positive impact they have with the community.

Pat of Chestnut Ridge Rd spoke in support of Providence Farm Collective.

Linda Babcock spoke in support of Providence Farm Collective and the urgency of resolving their water supply issue.

Carol Schuster spoke in support of Providence Farm Collective.

Paul Weiss urged the Town Engineer to issue a recommendation for Providence Farm Collective to connect to public water supply.

Paul Zak spoke regarding a third speed hump on Bieler Road.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke regarding Providence Farm Collective and the Bieler Road speed humps. He also congratulated Peggy Errington on her wonderful career and contributions to the community.

Councilmember Joseph Liberti spoke regarding Providence Farm Collective. He also congratulated Peggy Errington on her retirement and thanked her for 49 years of service.

Councilmember Scott Honer thanked all speakers for coming forward with their concerns.

Town Attorney Tim Gallagher spoke regarding Providence Farm Collective water supply issues.

Town Engineer Wayne Bieler spoke regarding Providence Farm Collective water supply issues. He also spoke regarding an Armor/Murphy/Duerr Roads roundabout.

Highway Superintendent Andrew Slotman thanked Highway Department employees for their hard work and long hours keeping the streets clear for the Town and the Sunday night Bills game. He also spoke regarding the Bieler Road speed humps.

10) 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 #23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$38,781.48
Public Safety Fund	\$8,173.36
Part Town Fund	\$1,104.79
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$52,784.47
Special Districts	\$75,003.82
Trust & Agency	\$8,806.70
Capital Fund	\$228,221.94

The resolution was unanimously adopted.

REPORTS

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

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

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:10 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk