

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 5th day of June 2024 at 7:09 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: May 15, 2024 and Special Session: May 22, 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.

*****Special Presentations by the Chief of Police*****

1. Police Officer Kowalski was awarded a “Recognition of Excellence Award” as a Drug Recognition Expert in the Orchard Park Police Department. This State wide award was presented by Mothers Against Drunk Driving representative Mr. Bob Heitinger.

2. Police Officer Joseph Rizzo, Police Officer Alex Vranic and Detective Lawrence Brand Jr. were recognized for their actions regarding a cardiac arrest at the Orchard Park Country Club

On the afternoon of May 21st, 2024, Police Officer Joseph Rizzo, Police Officer Alex Vranic and Detective Lawrence Brand Jr. responded to a report of an employee seizing on the grounds of the Orchard Park Country Club. As Officer Rizzo was in the area of the incident he arrived within seconds of the dispatch. Upon their arrival, the victim’s coworkers had initiated CPR as the victim was now in cardiac arrest. The Officers did deploy an Automated External Defibrillator (AED), applied it to the victim and did deliver two shocks thereby returning a normal heart rhythm to the victim’s heart. Arriving paramedics did continue to treat the victim who was now breathing on his own and did transport him to the hospital. The victim subsequently regained consciousness while in the ambulance and was further treated in the hospital.

If it were not for the efforts of coworkers, bystanders and Officers, the victim would have never survived this medical incident. It is due to them and their training that this gentleman has been given a second chance at life.

It is with pride that I confer this Chief’s Letter of Commendation upon them. Acts such as these reflect well not only upon the individuals involved but also upon the department as a whole. The manner in which they performed is certainly in keeping with the high standards of professional law enforcement.

He then presented a Chiefs Letter of Recognition on behalf of this community and his office.

3. The Chief of Police Awarded the Orchard Park Country Club staff with a Chief’s Coin for their quick response in saving a life.

Orchard Park Country Club employees Hamilton McGrath, Andrew Pignatelli and James Guggemos were recognized for their participation in the life saving measures which allowed emergency services intervention to be so successful. Without members of our community being willing to step up and help others we would have a much more difficult time doing our jobs and especially in this case the outcomes would most certainly be different. Your 911 call and initiation of CPR led to a life being saved. You are to be commended for your actions and deserving of your community’s recognition.

The Manager of the Orchard Park Country Club, Mr. Steven Fuse recognized the efforts of his staff for acting quickly and saving the victim’s life.

The victim thanked all involved for saving his life.

PUBLIC HEARING

Proposed Rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL# 153.17-1-1.1. Requesting to Rezone from B-2 to R-3, as requested by Bend Creek Development.

At 7:22PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL #153.17-1-1.1. Requesting to rezone from B-2 to R-3, as requested by Bend Creek Development.

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.

- Sean Overton spoke against the proposed rezoning.
- Judy Cipriani spoke against the proposed rezoning.
- Janis Stanek spoke against the proposed rezoning.
- Lori Peterson spoke against the proposed rezoning.
- John Vanderbush spoke against the proposed rezoning.
- Mary Bishop spoke against the proposed rezoning.
- Ronald Mellerski spoke against the proposed rezoning.

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 for the proposed rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL #153.17-1-1.1. Requesting to rezone from B-2 to R-3, as requested by Bend Creek Development at 7:41PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL #153.17-1-1.1. Requesting to rezone from B-2 to R-3, as requested by Bend Creek Development a public hearing was conducted on June 5, 2024 at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby delay voting on this topic until a later date.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve a Block Party

4) 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 a resident’s request to blockade a portion of South Lane for a block party on August 3, 2024.

The resolution was unanimously adopted.

New Business #2 Appoint a Part-Time Court Clerk

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

WHEREAS, the Town of Orchard Park Court is in need of a part-time court clerk, and

WHEREAS, Suzanne Kelly has applied for said position and appears qualified to perform the duties required of said position.

NOW, THEREFORE be it

RESOLVED, that the Town of Orchard Park offers Suzanne Kelly a position of part-time employment to serve in the capacity of court clerk at a pay rate not to exceed \$16.50 per hour, together with the customary benefits with a start date of May 21, 2024.

The resolution was unanimously adopted.

New Business #3 Appoint a Full-Time Court Clerk

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

WHEREAS, the Town of Orchard Park Court is in need of a full-time Court Clerk, and

WHEREAS, Courtney Miller has applied for said position and appears qualified to perform the duties required of said position.

NOW, THEREFORE be it

RESOLVED, that the Town of Orchard Park offers Courtney Miller a position of full-time employment to serve in the capacity of Court Clerk at a pay rate not to exceed \$23.00 per hour, together with the customary benefits with a start date of May 22, 2024.

The resolution was unanimously adopted.

New Business #4 Appoint seasonal part-time caretaker to the Maintenance Department.

7) 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 appoint Brody Stevens as a seasonal part-time non-union Caretaker for the Maintenance Department, effective May 20, 2024 at a pay rate of \$16.00 per hour, as recommended by the Maintenance Director.

The resolution was unanimously adopted.

New Business #5 Approve appointment to Orchard Park Special Districts Department.

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

WHEREAS, the Orchard Park Special District Department has a vacant laborer position; and

WHEREAS, there are funds in the 2024 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Shawn Maloney is ready and able to serve as a laborer in the Orchard Park Special Districts Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Shawn Maloney is appointed as a laborer in the Orchard Park Special Districts Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$23.68 per hour effective June 10, 2024.

The resolution was unanimously adopted.

New Business #6 Approve appointment to Orchard Park Highway Department.

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

WHEREAS, the Orchard Park Highway Department has a vacant laborer position; and

WHEREAS, there are funds in the 2024 budget to fund a laborer position; and

WHEREAS Andrew Slotman, Orchard Park Highway Superintendent, has determined that Michael Hosie is ready and able to serve as a laborer in the Orchard Park Highway Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Michael Hosie is appointed as a laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$23.68 per hour effective June 10, 2024.

The resolution was unanimously adopted.

New Business #7 Appoint Senior Public Safety Officer.

10) 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 appoint Christina Warmington to the position of Senior Public Safety Dispatcher (Provisional and Probationary), to be effective June 5, 2024, at a rate of pay as previously advertised, as recommended by the Chief of Police. Said position will remain a member of the CSEA, Incorporated, Local 1000, AFSCME, AFL-CIO Orchard Park White Collar Unit #6765-01 Local #815.

The resolution was unanimously adopted.

New Business #8 Appoint Assistant Recreation Director.

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

WHEREAS, the Town of Orchard Park is in need of an Assistant Recreation Director; and

WHEREAS, Adam Houle is an eligible candidate from the active Civil Service list for this title; and

WHEREAS, Adam Houle has 9 years experience working in the Recreation Field, is currently a Recreation Specialist in the Town of Hamburg, and will be a great asset to the Town of Orchard Park; and

WHEREAS, Adam Houle is willing and able to serve as the Assistant Recreation Director for the Town of Orchard Park

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Adam Houle to the job title Assistant Recreation Director, full- time, under the current White Collar Union Agreement under pay range 0006, starting at Step level "C" due to his experience, with an effective date of June 24th, 2024 at a pay rate of \$26.06 per hour, as recommended by the Town of Orchard Park Director of Recreation.

The resolution was unanimously adopted.

New Business #9 Appoint 2024 part-time seasonal staff to the Orchard Park Recreation Department.

12) 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 appoint the following Summer Seasonal staff effective May 11, 2024 – August 23, 2024 and part time seasonal from August 24, 2024 – December 31, 2024:

Angela Armillotti	\$16.25 Program Coordinator 1
Annika Beck	\$16.25 Program Coordinator 1
Kamryn Foley	\$16.25 Program Coordinator 1
Morgan Giancaterino	\$16.25 Program Coordinator 1
Emma Johnson	\$18.00 Director
Sydney Kaderli	\$16.25 Program Coordinator 1
Cate McCormick	\$16.25 Program Coordinator 1
Emma Messina	\$16.25 Program Coordinator 1
Emily Northway	\$16.25 Program Coordinator 1
Matthew Patterson	\$16.25 Program Coordinator 1
Harrison Scanlon	\$16.25 Program Coordinator 1
Ella Sturniolo	\$16.25 Program Coordinator 1
Jonathan Wisniewski	\$16.25 Program Coordinator 1

The resolution was unanimously adopted.

New Business #10 Approve a change of status for two employees in the Maintenance Department.

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 approve a change of status from part-time to Seasonal for Gary Fisher and Alex Melendez with a start date of July 15, 2024 upon the recommendation of the Maintenance Director.

The resolution was unanimously adopted.

New Business #11 Adopt the Climate Smart Communities Pledge.

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

WHEREAS, the Town Board of Orchard Park (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town Board of Orchard Park, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

The resolution was unanimously adopted.

New Business #12 Approve a six (6) month moratorium on Peddler Permits in the Town of Orchard Park.

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

WHEREAS, the Town Board is updating the Town Code and Permit procedure regarding Peddlers Permits.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby issue a six (6) month moratorium on issuing Peddlers permits with a start date of June 5, 2024 and an expiration date of November 5, 2024.

The resolution was unanimously adopted.

New Business #13 Authorize the Supervisor to execute the estimate/invoice dated March 14, 2024 for a new 4” gas line downstream of the meter to the proposed generator sets at the Orchard Park Community Activity Center.

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

WHEREAS, a price was solicited from National Fuel Gas to install the new 4" gas line for the two (2) new proposed generators at the Community Activity Center. This type of gas line work must be completed by National Fuel Gas employees or their approved sub-contractor only. An estimate, dated March 14, 2024, is from Performance Drilling and Installation, the current installer for National Fuel. The Town is not allowed to complete the work or hire a private contractor to complete this scope of work. National Fuel personnel & C&S Engineers evaluated the proposed line and sent the work to their gas line approved subcontractor. Performance Drilling and Installation conducted a site visit, took measurements, reviewed requirements with National Fuel and the project plans to create an estimate for the proposed work to be completed; 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 authorize the Supervisor to execute the estimate/invoice dated March 14, 2024 for a new 4" gas line downstream of the meter to the proposed generator sets at the Community Activity Center. This estimate/invoice is generated under National Fuel Gas pricing for service installation/modifications from Performance Drilling and Installation, 62 Ransier Drive, West Seneca, New York 14224, in the amount not to exceed \$16,982.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Approve PIP #2024-03 for Birdsong Part 3B Subdivision Phase 2B

17) 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 Birdsong Lakes, LLC, 470 Cayuga Road, Cheektowaga, New York 14225, an application for a Public Improvement Permit to construct the Birdsong Part 3B Subdivision Phase 2B; and

WHEREAS, the project consists of the installation of 2,975 L.F. of new roadway and public utilities to serve 34 residential sublots. A regional retention basin system was installed during Birdsong Part 3B Subdivision Phase 1 and 2A; 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. The Town is 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 #2024-03 for the Birdsong Part 3B Subdivision Phase 2B as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Award the contract for the Orchard Park Little League 90ft. Baseball Diamond Thorn Ave. Duerr Road Facility Project (General Construction Contract).

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

WHEREAS, bids were opened for the Orchard Park Little League 90' Baseball Diamond Project on May 31, 2024, which is the replacement diamond for South Taylor Road (Orchard Park Multi-Use Facility); and

WHEREAS, the General Construction Project was bid at a lump sum basis for the associated earthwork, underdrain, irrigation connection, parking lot expansion and stripping, concrete curb replacement, tree planting and restoration work. The Town of Orchard Park received six bids from contractors. The Orchard Park Engineering Department performed a review of the six bids submitted, and compared them against the Engineer's estimate of \$474,184.00. The Baseball Fencing, Back Stops, Bases and Dug Out is being

constructed with phase II of the project, due to the availability of millings from NYS DOT this month; and

WHEREAS, the Engineering Department has the tabulation of bid results showing the lump sum bid amounts from each bidder. Contractor submissions were checked for math errors. No errors were identified. The lowest responsible bidder was Greenauer Blacktop Inc. with a total bid amount of \$489,000.00. This includes \$30,000.00 contingency in the contract; and

WHEREAS, there is presently approximately \$518,333.00 plus interest allocated under Capital Account AP003, Yates Park Little League Ball Diamonds for this project work. An additional \$200,000.00 is included with the 2024 Bonding and Orchard Park Little League is transferring a grant of \$250,000.00 for the fencing contract; and

WHEREAS, Greenauer Blacktop Inc. has successfully completed various sports field projects. I have no reservation that they are qualified and can complete the work.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Orchard Park Little League 90' Baseball Diamond, Thorn Ave, / Duerr Road Facility to the lowest responsible bidder, Greenauer Blacktop Inc., 391 French Road, West Seneca, New York 14224 in the amount not to exceed \$489,000.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #16 Authorize the Supervisor to sign an agreement with LaBella Associated D.P.C. for professional services for the Orchard Park Pedestrian Walkability Project.

This item was tabled.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Rosalind Wiltse inquired about her FOIL request #51-24.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak thanked the Village DPW for helping to maintain the landscaping around the Town Hall. He also welcomed all the newly hired employees.

Councilmember Joseph Liberti thanked the Orchard Park Police Department for their lifesaving efforts and welcomed all the newly hired employees.

Councilmember Julia Mombrea welcomed all the newly hired employees and inquired about a Library Board appointee.

Councilmember Scott Honer welcomed all the newly hired employees and thanked the Orchard Park Police Department. He also addressed NYSEG power outages and acknowledged presented FOIL questions.

Councilmember John Mariano welcomed all the newly hired employees.

Town Engineer Wayne Bieler stated item #16 under new business needed the survey to be adjusted and will be brought back to the agenda soon.

Building Inspector Tom Minor spoke of FOIL's.

Highway Superintendent Andrew Slotman welcomed all the newly hired employees.

Police Chief Patrick Fitzgerald welcomed all the newly hired employees.

19) 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 #11 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$72,298.50
Public Safety Fund	\$21,206.15
Part Town Fund	\$2,444.45
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$24,692.60
Special Districts	\$73,093.65
Trust & Agency	\$88,231.65
Capital Fund	-0-

The resolution was unanimously adopted.

REPORTS

20) 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 receive and file the April 2024 Building Inspector’s Monthly Report.

The resolution was duly adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:14 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk