

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 March 2022 at 7:10 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

**PRESENT AT ROLL CALL:**

Eugene Majchrzak	Supervisor
Conor Flynn	Councilmember
Scott Honer	Councilmember
Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Steve Bremer	Building Inspector
Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
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 FLYNN, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: March 2, 2022 and Executive Session: March 2 & 9, 2022; 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**

**Proposed Rezoning of V/L, Lake Ave. located between 6007 and 5971 Lake Ave. (SBL# 152.15-1-16) from I-1 to R-3**

At 7:11 PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed rezoning of V/L, Lake Ave., located between 6007 and 5971 Lake Ave. (SBL# 152.15-1-16) from I-1 to R-3, for the purpose of creating a usable parcel, as petitioned by Paul Reamsnyder of The Spectrum Team.

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 one 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 for proposed rezoning of V/L, Lake Ave., located between 6007 and 5971 Lake Ave. (SBL# 152.15-1-16) from I-1 to R-3, for the purpose of creating a usable parcel, as petitioned by Paul Reamsnyder of The Spectrum Team at 7:12 PM.

**The resolution was unanimously adopted.**

Supervisor Majchrzak stated that the Town Board would vote on the proposed rezoning at the next Town Board Meeting scheduled on April 6, 2022 at the Orchard Park Municipal Center.

### **PUBLIC COMMENT ON OLD BUSINESS**

Rene Choroser spoke of the incorrect description of 6131 Newton Rd. on the building permit that also occurred on many documents including the 2/16/2022 Town Board Minutes. She also expressed her displeasure for not being notified of the approved addition for that address. She pointed out many issues she believed to be problematic regarding the development of this property.

Amy Wierer spoke of the well water, traffic, speeding and lighting issues that will ensue if 6131 Newton Rd. is developed according to the approved permits. She also stated the application for the permits was filled out incorrectly, it contained an incorrect description/location of the property. She feels the applicant should have to reapply for the permits. She also expressed her displeasure for not being notified of this expansion as she lives next door to the facility and will be negatively affected by its development.

Bryan Asci stated his displeasure of the approved building permit for 6131 Newton Rd. He informed the Board that Newton Road is rural. He stated a 61 space parking lot at 6131 Newton Rd. does not fit the neighborhood. The septic and well use will take a toll on the neighborhood also. He also stated that this sounds like an event center in the middle of a rural residential neighborhood and will present safety and traffic concerns.

Patricia Fenzel asked the Town Board to please look into the tax implications of 6131 Newton Rd. to see if it is a seasonal residence, religious operation or a convention center.

Lynnette Benzinger stated her Mother's basement at 6105 Newton Rd. has flooded 5 times since construction at 6131 Newton Rd. has started. She also inquired as to why no one was informed about the expansion and if 6131 Newton Rd. will be approved for the cabins she heard they would like to put on the property as well.

Supervisor Majchrzak asked Town Clerk Orffeo about the clerical errors in the 2/16/22 minutes. Town Clerk Orffeo stated the SBL # for 6131 Newton Road project was correct and his office is usually good at noticing errors in material received from other departments and errors transcribed in the minutes.

Supervisor Majchrzak asked Building Inspector Bremer and Town Engineer Bieler if everything was in compliance regarding 6131 Newton Rd. They both stated it was.

Councilmember Liberti inquired if the application for 6131 Newton Road stated the correct property description. Town Clerk Orffeo stated the SBL # was correct and we are amending the minutes to the correct property description.

### **Old Business #1 Amend clerical errors in the minutes from February 16, 2022**

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

**WHEREAS**, the minutes for the Town Board meeting of February 16, 2022 had clerical errors, and

**WHEREAS**, the Town Clerk would like the minutes to be a true reflection of what transpired at the February 16, 2022 meeting, it is hereby

**RESOLVED**, that the following amendments are adopted to correct clerical errors to the February 16, 2022 Town Board meeting minutes — Old Business Item #1 the amount of the performance bond is changed from \$65,000.00 to \$55,000.00 and New Business #8 the location description is changed from "located on the north side of Newton Road" to "located on the south side of Newton Road".

On the question: Councilmember Flynn informed the Town Board of two procedural items regarding this agenda item. He stated the Board could wait until the next Town Board meeting to vote on this and speak with the Town Attorney to additionally review the Town's position and the Town could revisit procedures of how to inform residents of things taking place in their neighborhoods.

Supervisor Majchrzak inquired to Planning Coordinator Orffeo if there was a Public Hearing held for 6131 Newton Road. Planning Coordinator Orffeo stated it was not a rezoning so according to our code a Public Hearing is not required. Planning Coordinator Orffeo stated it would require a change in the code to inform the public of every permit request.

Roll call vote:

Supervisor Majchrzak	Aye
Councilmember Flynn	Nay
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

**The resolution has passed.**

#### **PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Authorize Assistant Emergency Manager to attend 3-day course.**

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

**RESOLVED**, that the Town Board does hereby authorize Assistant Emergency Manager Jordan Kellerman to attend a three-day course on Intermediate Incident Command System (ICS) for Expanding Incidents (1-300) to be held on March 22, 23 and 24, 2022 at Erie County Fire training Academy in Cheektowaga. There is no cost for this training.

**The resolution was unanimously adopted.**

**New Business #2 Approve Daniel Couch as an alternate for the Conservation Board.**

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

**WHEREAS**, a vacancy has been created on the Conservation Board for an alternate member, and

**WHEREAS**, the Town Board and Conservation Board desire to have full membership on the Conservation Board, including the alternate position.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby appoint Daniel E. Couch to the alternate position on the Conservation Board with a term to expire December 31, 2022.

**The resolution was unanimously adopted.**

**New Business #3 Promote Police Officer Michael S. Mackey.**

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

**RESOLVED**, that the Town Board does hereby promote Police Officer Michael S. Mackey to the Position of Patrol Lieutenant, (probationary) effective March 19, 2022, with a rate of pay as defined in the Collective Bargaining Agreement as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**Chief of Police Patrick Fitzgerald spoke of Patrol Lieutenant Michael S. Mackey's accomplishments.**

**New Business #4 Promote Christopher Kuhnle to Working Crew Chief.**

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

**RESOLVED**, that the Town Board does hereby promote Christopher Kuhnle to a Working Crew Chief. This is a Non-Union position and is classified in the Personnel Policy as a non-exempt Group 4 Full Time regular employee with an hourly rate of \$33.00 per hour. The effective date is April 4, 2022.

**The resolution was unanimously adopted.**

**New Business #5 Appoint Linda Rankin to Assistant to the Senior Director of the Community Activity Center.**

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

**RESOLVED**, that the Orchard Park Town Board approves the appointment of Linda Rankin to the Community Activity Center. This is a full time position as Assistant to the Senior Director of the Community Activity Center with an hourly rate of \$18.75 effective March 28, 2022.

**The resolution was unanimously adopted.**

**New Business #6 Appoint Margaret Sanna to Part-time Receptionist at the Community Activity Center.**

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

**RESOLVED**, that the Town Board approves the appointment of Margaret Sanna to the part-time position of receptionist at an hourly rate of \$14.50 (with an increase to \$15.00 per hour based on a performance evaluation at the completion of three (3) months of employment) effective March 18, 2022.

**The resolution was unanimously adopted.**

**New Business #7 Authorize Supervisor to sign agreement with Aqua Tech Environmental Inc.**

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

**WHEREAS**, similar to previous years, to complete the management and maintenance of various ponds/lake including Green Lake; it is necessary to hire an environmental consulting firm that is familiar with non-pesticide aquatic vegetation control (grass carp), water quality (microbes and water aeration), general consultation and fish stocking; and

**WHEREAS**, the Engineering Department has solicited services and received a proposal from a local environmental consultant firm, AquaTech Environmental, Inc., which is qualified and more than capable of completing lake management work for Green Lake and other various Town owned ponds. Fish stocking in fourteen (14) Town owned water bodies would also be completed in the necessary timeframe, weather and appropriate season; and

**WHEREAS**, the environmental services to be provided for the maintenance of Town ponds/lake are proposed as an annual maintenance service agreement and will include: Non-Pesticide Aquatic Vegetation Control (grass carp stocking), Initial Walkthrough (Biological, Chemical and Physical Analysis), Water Quality Analysis, Aeration Assessment, Installation and Adjustment, Stocking Permit Procurement, Fish Stocking, Fishery Assessment/Management and General Consultation Services. Aqua Tech Environmental, Inc. will provide these services on as as-needed basis for a fee of \$1,000.00 due in March. Also a \$1,000.00 stocking deposit will be due in March and will be later subtracted from the overall stocking costs; and

**WHEREAS**, the Birdsong Subdivision Retention Pond is being stocked with another 10 grass carp this spring, as in 2021, to maintain healthy populations that can deal with the rooted plants. The additional grass carp pose no negative side effects and are a cost effective measure to control plant populations and improve the overall quality of the pond; and

**WHEREAS**, the total anticipated pond treatment (weather dependent) cost for 2022 is \$0.00 for the year. Ten (10) Town owned water bodies are listed with costs in case any microbial treatment is needed this year. The 2022 pond and lake maintenance proposal includes \$2,507.00 towards possible water treatment options along with 50% cost sharing opportunities from existing drainage districts (1-2, 1-3, 2-2 & 3-2). The \$2,507.00 could also be applied towards the stocking of 75 grass carp in Green Lake pending spillway modifications and NYSDEC approval/permitting. The 75 grass carp would aid in the aquatic vegetation control in the lake and are offered by AquaTech at a cost of \$1,350.00; and

**WHEREAS**, the continuation of the Town of Orchard Park Fish Stocking Program recommendations are for 2022. Mr. Adrian recommends continuing the feeder fish stocking (fathead minnows & golden shiners), game fish stocking (large mouth bass, crappie & yellow perch) and increasing grass carp stocking to aid in weed control. The 2022 proposed stocking cost is \$8,493.00 less the \$1,000.00 deposit; and

**WHEREAS**, the entire projected cost for Town Pond/Lake maintenance, possible water quality treatment and stocking for calendar year 2022, is not to exceed \$12,000.00. There are presently funds (\$15,000.00+/-) allocated under Orchard Park Engineering Department "Water Quality Consultants" A01440 50541 for this work; and

**WHEREAS**, the Town Board must be aware, as previously discussed with AquaTech, that this natural means of aquatic vegetation control and water quality management is not a perfect science and is heavily influenced by outside factors such as weather, nutrient loading, oxygen levels, etc. Another factor to highlight is that, other than Green Lake, no aeration projects are funded under this agreement, which are also a major component of improving water quality. Lastly, this amount of funding would not cover all microbial

treatments in a single year if they were, for some reason, required for all proposed waterbodies, which is highly unlikely. All involved parties must know there will be a learning curve with these natural methods. The true benefit for the environment comes with eliminating pesticides.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the agreement with Aqua Tech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$12,000.00 to provide the following as recommended by the Town Engineer:

- Professional consultation for yearly environmental services for Town-Owned Ponds & Lake (\$1,000.00 fee due in March).
- Non-Pesticide water quality treatment services (excluding aeration) for various Town-Owned Ponds & Lake; including Brush Mountain, Lyrica North & South, Holley Ridge, CRV Acorn Circle, CRV East & West, Milestrip Reclamation, Birdsong, Riley Meadows, Pleasant Acres & Knoche ponds, also Green Lake.
- Complete NYSDEC permitting & fish stocking in specified Town-Owned Ponds/Lake Fishery Management Agreement (\$1,000.00 deposit due in March).

**The resolution was unanimously adopted.**

**New Business #8 Accept the map, plan and report for Orchard Park Drainage District 1-4**

**11) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:**

**WHEREAS**, a petition, and metes and bounds has been received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Old Transit Road 26-Sublot Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 1-4 for the Old Transit Road 26-Sublot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review; and

**WHEREAS**, the project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure, roadway catch basins, bioretention pond, and detention basin systems for stormwater quality. The construction cost of the Subdivision's stormwater drainage system is estimated at \$500,000, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (Nexgen Development II, LLC); and

**WHEREAS**, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system; and

**WHEREAS**, for the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action. The Planning Board has completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision approval.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 1-4; and be it further

**RESOLVED**, that the Town Board does hereby, subsequent to the public hearing and completion of the SEQR process, then adopt the necessary orders establishing the district. Only after the district creation can the associated Subdivision project proceed with the Planning Board final approval as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #9 Adopt Order to Schedule a Public Hearing for OPDD 1-4**

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

**WHEREAS**, the Town Board of the Town of Orchard Park (herein called “Town Board” and “Town” respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 1-4, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Carmina Wood Morris, DPC, competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective property owners within the proposed district consisting of the construction, installation & maintenance of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 1-4, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

**WHEREAS**, said petition described the boundaries of the proposed new Town Drainage District OPDD 1-4 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

**WHEREAS**, the proposed new Town Drainage District OPDD 1-4 is bounded and described (Exhibit A at end of resolution) in the map, plan and report attached hereto and made a part hereof; and

**WHEREAS**, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 1-4 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 1-4 and

**WHEREAS**, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

**WHEREAS**, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 1-4; and

**WHEREAS**, said new Town Drainage District OPDD 1-4 hereinabove described is to be constructed and paid for by or on behalf of the petitioner, Nexgen Development II, LLC and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property

taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 1-4 in the same manner and at the same time as other Town charges;

**NOW, THEREFORE**, be it

**ORDERED**, that the meeting of the Town Board be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 6<sup>th</sup> day of April, 2022 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage OPDD 1-4; as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

**FURTHER ORDERED**, that the Town Clerk publish, at least once, in the Orchard Park Bee, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

Legal Description of Orchard Park Drainage District OPDD 1-4

DESCRIPTION  
OLD TRANSIT SUBDIVISION  
OLD TRANSIT ROAD (21.75± ACRES)  
TOWN OF ORCHARD PARK

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Orchard, County of Erie and State of New York, being part of Lot 2, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the intersection of the west boundary line of Transit Road (100.00 feet wide) at a distance of 1145.00 feet southerly from the northerly line of lands conveyed to Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300 Parcel 4, as measured along the west boundary line of Transit Road; said point of beginning being 50.00 feet west of the centerline of Transit Road, said centerline of Transit Road being the east line of Lot 2; said point being on the south line of said lands conveyed to Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300, Parcel 1;

THENCE: N 89°-53'-29" W along said south line of lands of Health Research, Inc. a distance of 600.00 feet to a corner thereof;

THENCE: S 60°-06'-31" W continuing along said south line of lands of Health Research, Inc. a distance of 146.61 feet to a corner thereof;

THENCE: S 00°-00'-53" E along the east line of said lands of Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300, Parcel 3 and 2, a distance of 200.23 feet to the southeast corner of Parcel 2;

THENCE: S 57°-19'-17" W along the southerly line of said lands of Health Research, Inc. a distance of 155.00 feet to a corner thereof;

THENCE: N 22°-45'-05" W along the westerly line of said lands of Health Research, Inc. a distance of 245.66 feet to the northwest corner thereof, said point being on the southerly line of lands conveyed to the Town of Orchard Park by deed recorded in the Erie County Clerk's Office in Liber 11271 of Deeds at page 4885;

THENCE: N 89°-10'-51" E along the southerly line of said lands of the Town of Orchard Park, a distance of 52.52 feet to the southeast corner thereof;

THENCE: N 21°-10'-15" W along the easterly line of said lands of the Town of Orchard Park, an along an easterly boundary of Knoche Farms Estates Subdivision as shown on Map Cover 3594 a distance of 766.97 feet to a corner thereof;



THENCE: N 60°-16'-15" E along a southerly boundary of said Map Cover 3594, a distance of 517.28 feet to a corner thereof;

THENCE: N 00°-00'-54" W along the easterly boundary of Knoche Farms Estates Subdivision as shown on Map Cover 3594 a distance of 1.12 feet to a northerly corner of said lands of Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300, Parcel 1

THENCE: N 60°-06'-31" E along the northerly line of said lands of Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300, Parcel 1, a distance of 102.71 feet to a corner thereof;

THENCE: southerly forming an interior angle of 90°-00'-00" along the northeasterly line of said lands of Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300, Parcel 1, a distance of 46.55 feet to a westerly corner of said parcel 4;

THENCE: N 33°-34'-02" E along the northwesterly line of said lands of Health Research, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7071 of Deeds at page 300, Parcel 4, a distance of 310.97 feet to a point;

THENCE: S 00°-06'-31" W a distance of 297.12 feet to a point;

THENCE: S 89°-53'-29" E a distance of 445.00 feet to a point on the west boundary of Transit Road;

THENCE: S 00°-06'-31" W along said west boundary, a distance of 815.00 feet to the POINT OF BEGINNING, containing 21.75 acres more less.

**The resolution was unanimously adopted.**

**New Business #10 Authorize Supervisor to sign agreement with SJB Services.**

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

**WHEREAS**, to complete the Lakeview Avenue, Eaglebrook Drive, Brimfield, The Green, Elmtree and Dorchester Road Reconstruction Project along with Pavement Cores and Soil Borings bid documents and design specification work, existing pavement and subsurface soil conditions needs to be investigated for the projects; and

**WHEREAS**, with the final design work underway, the Engineering Department requested quotes from three Drilling and Testing companies. Quotes were received from two firms and reviewed by the Town Engineering Department and deemed to be fair and accurate proposals for the scope provided. Figures were provided showing proposed test bore locations depths of pavement cores and soil borings depending on utility standards depths' required. The Town of Orchard Park will directly contract the test boring services for the above mentioned reconstruction projects and include reports with the bid documents as well as the Town's master soil boring records book; and

**WHEREAS**, this geotechnical boring work will include three pavement core locations (4" asphalt core, sample subbase to determine thickness, spit spoon samples to 3 feet), four to five soil borings to a depth of 15-feet (or refusal) for the fill areas and deeper utility work, and all associated boring reports for each project site. All boring locations are to be tied into Town of Orchard Park survey Datum for elevation reference. SJB Services, Inc. submitted a proposed cost to complete the above mentioned work totaling \$10,400.00. The estimated time necessary to complete the work is three days.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with SJB Services, Inc. 5167 South Park Avenue, Hamburg NY 14075, to provide pavement cores & soil borings for the Lakeview Avenue, Eaglebrook Drive, Brimfield & The Green, Elmtree & Dorchester Road Reconstruction Projects in an amount not to exceed \$10,400.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #11 Authorize the United States Dept. of Agriculture property access.**

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

**WHEREAS**, the Town of Orchard Park has received a request to trap the European Cherry Fruit Fly (ECFF) and the Box Tree Moth (BTM). The requests are for property access to place the traps on the Town owned right-of ways, in parks, and in cemeteries. For private property, land owners will be approached directly; and

**WHEREAS**, if there are any specific restrictions/areas that access is not permitted, it can be noted on the Property Access Request Forms. The traps will be serviced at least every two weeks and will be removed on or before October 31<sup>st</sup>.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize Property Access for the United States Department of Agriculture to trap for an invasive pest, the European Cherry Fruit Fly (ECFF) and the Box Tree Moth (BTM) in the Town owned sections of Orchard Park as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #12 Approve Final Payment Release of Retention to Industrial Power & Lighting Inc. for the Community Activity Center.**

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

**WHEREAS**, on 12/17/2019, a preliminary inspection was conducted, punch-list generated, and the contractor has completed the outstanding items necessary to fulfill the contract requirements; and

**WHEREAS**, the Town Board approved on 8/11/2021, IPL's request to release the remaining 50% of the retention withheld for the project totaling \$97,039.33. The Town and IPL had agreed to hold \$5,000 of the retention as IPL determines if they can complete Alternate #7 Generators Installation as originally bid; and

**WHEREAS**, the change orders for the project were as follows:

Alternates Awarded:

C/O #1 — Award of Alt. #5, Senior Area Fit Out for \$46,400  
C/O #3 — Award of Alt. #4, Gymnasium Fit Out for \$104,324.73  
C/O #6 — Award of Alt. #6, Recreation Area Fit Out for \$44,400.00  
Total = \$195,124.73

Other Change Orders of Work Scope:

C/O #2 — Adjusted electrical service location for a credit of (\$39,952.02)  
C/O #4 — Irrigation line Extension for \$7,572.48  
C/O #5 — Additional access control, CO detection and handicap entry buttons for \$25,784.36  
C/O #7 — Kitchen Modification, Sprinkler Revisions, and Retaining Wall Changes for \$0.00  
C/O #8 — Flagpole lighting for \$1,025.00  
C/O #9 — Rural Transit antenna installation for \$1,630.00  
C/O #10 — Additional Outlets for \$2,044.00  
C/O #11 — Code violation corrections and additional requested work for \$8,458.00  
C/O #12 — Exterior Fixture Support, GFI Breakers for Fountains, Maglock Installation for (\$6793.83)  
Total = (\$232.01)

**WHEREAS**, the final contract amount to date is \$1,933,992.72. Twelve change orders for the project resulted in an increase to \$194,892.72. This represents an increase of 10.1% from the original amount bid.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve final payment and authorize the release of IPL's remaining retainage in the amount of \$5,000.00 for the Brush Mountain Community Activity Center Project as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #13 Approve the Budget Transfer for Green Lake Boat Dock Replacement.**

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

**WHEREAS**, the Town Recreation and Parks Department would like to replace the current Boat Dock at Green lake, and

**WHEREAS**, the amount to replace the boat dock (\$7,910) will exceed the total amount budgeted for in the Town's 2022 adopted budget relating to Launching Area Repairs (\$7,000), and

**WHEREAS**, the Town has budgeted and unused funds available in the Lake Maintenance & Channel Cleaning account and will need to transfer money from this account to fulfill the total amount of repairs, and

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorize the following transfer of the 2022 adopted budget in the amount of \$910.

Increase Appropriations:

A07110-50546	Launching Area Repairs	\$910
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Decrease Appropriations:

A07110-50544	Lake Maintenance & Channel Cleaning	\$910
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**The resolution was unanimously adopted.**

**New Business #14 Consider a Budget Transfer for the Green Lake Splash Pad-Surface Replacement Project.**

**17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:**

**WHEREAS**, the Town needs funding for the Green Lake Splash Pad Project — to be recorded in the Capital Projects Fund, AP001 — Parks Projects in the amount of \$33,082.60, and

**WHEREAS**, funding is available within Parkland Deposits TA0000 20036.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes the following budget transfer of funds in the amount of \$33,082.60 from the Parkland Deposits TA0000 20036 to Capital Projects Fund, AP001, effective as of March 16, 2022.

On the question; Supervisor Majchrzak stated that in the future if an item is not in the budget it will not be approved, proposed projects must follow protocol.

**The resolution was unanimously adopted.**

**New Business #15 Approve signing the contract with Inside Edge Safety Surfaces for the Green Lake Splash Pad – Surface Replacement Project.**

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

**WHEREAS**, the Splash Pad at Green Lake has reached the end of its useful life and is in need of Surface Replacement, and

**WHEREAS**, the lowest responsible bidder, at \$33,082.60, is Inside Edge Safety Surfaces, 2700 Blue Water Road, #400, Eagan, MN 55121.

**NOW, THEREFORE, be it**

**RESOLVED**, that the contract for the Green Lake Splash Pad — Surface Replacement Project is awarded to the lowest responsible bidder Edge Safety Surfaces, 2700 Blue Water Rd., #400, Eagan, MN 55121.

On the question; Councilmember Flynn stated that the resolution should convey the Supervisor is authorized to sign the contract with Inside Edge Safety Surfaces. Councilmember Liberti stated; in hopes of this issue not being repeated, if other department managers could think now about next year's budget. We want to keep giving good services to our town. Supervisor Majchrzak asked if the Town could start applying for grants for upkeep of the splash pad before the warranty ends. Town Clerk Orffeo asked Councilmember Flynn if he was offering an amendment to the resolution, Councilmember Flynn answered in the affirmative.

**New Business #16 Not on the Agenda: Amend resolution #15**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the contract with Inside Edge Safety Surfaces for the amount not to exceed \$33,082.60 as recommended by the Director of Recreation, Parks & Forestry.

**The resolution was unanimously adopted.**

**New Business #17 Refer to the Planning and Conservation Boards.**

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

**RESOLVED**, that the Town Board does hereby refer the following to the Planning and Conservation Boards for review and recommendation:

- V/ L Sterling Drive, approximately 1.62-acres. located on the west side of Sterling Drive. Zoned I-I. Alliance Homes is requesting a Building Permit and Site Plan approval to construct a 5,340 SF +/- office building with driveway access and a 22-space parking lot. (SBL#152.19-1-30)

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Brian Stanton spoke against the proposed rezoning of SBL# 152.15-1-16 V/L, Lake Ave between 6007 and 5971 Lake Ave.

Howey Holmes informed the Town that this is National Physicians Week and the Jolls house will be offering tours with an open house Saturday March 26, 2022.

### **ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak congratulated Lieutenant Mackey on his promotion.

Councilmember Joseph Liberti congratulated Christopher Kuhnle, Linda Rankin and Officer Mackey on their promotions.

Councilmember Conor Flynn congratulated Christopher Kuhnle and Officer Mackey on their promotions. He also thanked Rich Mrugalski and the Emergency Management Committee for all they have done for our community during the Pandemic. He also wished everyone a Happy St. Patrick's Day.

Councilmember Scott Honer congratulated Christopher Kuhnle and Officer Mackey on their promotions.

Councilmember Julia Mombrea congratulated Christopher Kuhnle and Officer Mackey on their promotions. She also reminded residents that she and Councilmember Flynn will be at SPOT coffee on March 26, 2022 at 9:00AM for "Councilmember in your corner meeting" with a topic on the agenda being "Working Families".

Town Clerk Remy Orffeo stated the applicant applying for rezoning at today's Public hearing would change to residential; it is the only practical way he can make use of the lot. There is a house right next to it so it will be contiguous.

Town Attorney Tim Gallagher congratulated Christopher Kuhnle and Officer Mackey on their promotions.

Building Inspector Steve Bremer informed residents that the zoning ordinance for today's Public Hearing has been denied.

Highway Superintendent Andrew Slotman stated that he has crews out inspecting Sanitary Sewers with their camera truck. He also commended Christopher Kuhnle on his promotion.

Police Chief Patrick Fitzgerald informed residents of unlocked car break ins. Please lock your car. If you see something please say something. He congratulated Christopher Kuhnle and Officer Mackey on their promotions.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant # 6 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$60,093.50
<b>Public Safety Fund</b>	\$7,375.32
<b>Part Town Fund</b>	\$284.22
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$51,919.08
<b>Special Districts</b>	\$5,522.35
<b>Trust &amp; Agency</b>	\$3,565,485.00
<b>Capital Fund</b>	\$4,805.00

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 8:02 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**