

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 20<sup>th</sup> day of April 2022 at 7:09 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

**PRESENT AT ROLL CALL:**

Eugene Majchrzak	Supervisor
(Absent) 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 MOMBREA, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: April 6, 2022, Executive Session: April 6, 2022 and Special Session: April 13, 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.**

**\*\*Arbor Day Proclamation\*\* was read as follows:**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**WHEREAS**, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE**

I, Eugene Majchrzak, Supervisor of the Town of Orchard Park, do hereby proclaim April 20, 2022 as Arbor Day. In the Town of Orchard Park, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**FURTHER**, I urge all citizens to plant trees to gladden the heart and promote the wellbeing of this and future generations.

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve an Excavation, Removal and Storage of Material Permit #2021-02**

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

**WHEREAS**, we have received from Paul R. Perry, an application for an Excavation, Removal, and Storage Permit to excavate a decorative pond for his home at 5497 Dennis Road; Orchard Park, New York 14127; and

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

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve the application for the Excavation, Removal, and Storage Permit to excavate a decorative pond for the home at 5497 Dennis Road; Orchard Park, New York 14127 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Approve Change Order #1 to Fairway Contracting Contract for Bussendorfer Waterline Replacement Project.**

This item has been tabled.

**New Business #3 Appoint Part-Time Spring & Summer Staff to the Recreation Department**

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

**RESOLVED**, that the Town Board does hereby approve the following resident appointments to the part-time Spring and Summer Recreation staff, as recommended by the Recreation Director:

Guy Collins	\$20.00
Faith Leigh	\$15.50
Kaitlyn Patronik	\$16.00

**The resolution was unanimously adopted.**

**New Business #4 Appoint Assistant Code Enforcement Officer II to the Building Department**

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

**WHEREAS**, the Building Inspector's office has a vacancy for Assistant Code Enforcement Officer II; and

**WHEREAS**, interviews were conducted for the vacant Assistant Code Enforcement Officer II position; and

**WHEREAS**, upon the recommendation of Building Inspector Steve Bremer that Robert Rendon is the best qualified person to fill the position of Assistant Code Enforcement Officer II.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Robert Rendon to the white collar union position of Assistant Code Enforcement Officer II, labor grade 9, at an hourly rate of \$29.35/hour effective May 9, 2022 and is eligible to use one (1) week of earned vacation upon completion of six (6) months of service.

**The resolution was unanimously adopted.**

**New Business #5 Supervisor to sign a Parks and Grounds Agreement with Orchard Park Little League.**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the 2022 Parks & Grounds Agreement with Orchard Park Little League.

**The resolution was unanimously adopted.**

**New Business #6 Supervisor to sign a Parks and Grounds Agreement with Orchard Park Soccer Club.**

6) 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 authorize the Supervisor to sign the 2022 Parks & Grounds Agreement with Orchard Park Soccer Club.

**The resolution was unanimously adopted.**

**New Business #7 Approve Budget Amendment for the Tree Inventory and Management Plan.**

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

**WHEREAS**, the Town has received approval for a grant in the amount of \$33,038 for tree inventory and management plan, and

**WHEREAS**, the total cost of the project is \$35,619, and

**WHEREAS**, the Town's share of the project is \$2,581, and

**WHEREAS**, the Town's adopted budget for 2022 does not include revenues or appropriations for the above mentioned grant,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorizes the following amendment of the Town's 2022 budget:

**General Fund:**

Increase estimated revenues:

A00000 43000 State Aid	\$ 33,038.00
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Increase appropriation account:

A08560 50400 Forestry – Trees and Supplies	\$ 35,619.00
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Decrease appropriation account:

A01910 50550 Contingency	\$ 2,581.00
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**The resolution was unanimously adopted.**

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

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

1. V/L Southwestern Boulevard, located at the northeast corner of Southwestern Boulevard and South Benzing Road, Zoned I-1. West Herr Automotive Group is proposing to develop a 37,198 +/- sq. ft. automobile dealership (SBL# 161.06-2-9).

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Tom Pieczinski spoke of his concern regarding the safety of the Rails to Trails in Orchard Park and some safety issues at Pawtucket Park in Eagle Heights.

Eirene Chorosor spoke of the information she received from her first FOIL request regarding the Holy Face Church construction and informed the Board that she hasn't received information on her second request yet. She also spoke of the Tax Exempt Certificate and the Buffalo News article regarding the Church.

Gary Doster spoke of the basketball court and batting cage that was installed against deed restrictions in a tree preservation area near his home. He informed the Town Board that he would be reaching out to legal counsel to settle this matter since his certified letter to the board on 2/3/2022 received no response.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak spoke of the Surface Transportation Board which regulates the use of the ECRT. He stated there are safety issues that need to be addressed, for example: parking, road crossings, emergency vehicles turning around, sink holes and safety device availability. He also spoke of the proposed cannabis in the Industrial Zone legislation.

Councilmember Joseph Liberti congratulated Robert Rendon on his appointment to the Building Department.

Town Clerk/Planning Coordinator Remy Orffeo commented on the basketball court and batting cage built on RedBrick Road. He also spoke of Orchard Park being designated as a Tree City USA by the Arbor Day Foundation.

Town Attorney Tim Gallagher commented on the basketball court and batting cage built on Redbrick Road.

Town Engineer Wayne Bieler stated the Engineering Department will address the master plan at Highway regarding storage and other needs. He also spoke of the generator needed for the Community Activity Center.

Building Inspector Steve Bremer spoke at length about the Town approvals required for the Newton Road Holy Face Church addition. He also spoke of the basketball and batting cage that was built on Redbrick Road.

Highway Superintendent Andrew Slotman stated the Highway Department has the street cleaners out and they are still ready for snow. They are also assessing roads for repair.

Police Chief Patrick Fitzgerald stated the Police Department will have a car seat event 4/23/22. He also spoke of the Middle School DARE program that Office Starr is running. It is very well received by the children. He also spoke of the No Empty Chair Campaign. It is a targeted traffic enforcement and Operation Safe Stop. This is a bus route traffic enforcement. It will also teach students about drinking and driving and underage drug and alcohol consumption.

9) 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 the approval of all entries on Warrant # 8 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$92,104.58
<b>Public Safety Fund</b>	\$15,299.16
<b>Part Town Fund</b>	-0-
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$35,735.32
<b>Special Districts</b>	\$12,321.85
<b>Trust &amp; Agency</b>	\$445.00
<b>Capital Fund</b>	\$3,230.00

**The resolution was unanimously adopted.**

## **COMMUNICATIONS**

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

**RESOLVED**, that the Town Board does hereby receive and file: The notification of the Household Hazardous Waste Event for April 30, 2022 and be it further

**RESOLVED**, that the Town Board does hereby receive and file: The recognition of Orchard Park achieving Tree City USA status.

**The resolution was unanimously adopted.**

**REPORTS**

**11) 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 received and file the 2021 Uniform Code Administration and Enforcement Report for the Building Department.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:03pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**