

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 20th day of December 2023 at 7:03 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
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
Absent 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 LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: December 6, 2023 and the Special Session Minutes: December 13, 2023; 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 Local Law**

At 7:06PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding the “Orchard Park Town Residential Truck Traffic Limitation Law of 2023”

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 Local Law 2023-03 “Orchard Park Town Residential Truck Traffic Limitation Law of 2023” at 7:08PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of Local Law 2023-03 was conducted on December 20, 2023, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law 2023-03 which provides as follows:

Delete current §131-7: Streets closed to certain vehicles

Replacing §131-7 with “Orchard Park Town Residential Truck Traffic Limitation Law of 2023”

Be it enacted by the Town Board of the Town of Orchard Park

§131-7 “Orchard Park Town Residential Truck Traffic Limitation Law of 2023”

LOCAL LAW OF 2023

A Local Law to Limit Truck Traffic on Town Residential Roads in the Town of Orchard Park Pursuant to Section 1660 of the New York State Vehicle & Traffic Law

A. Title:

This local law shall be known as the "**Orchard Park Town Residential Truck Traffic Limitation Law of 2023.**"

B. Legislative Intent:

The Town Board of Orchard Park, recognizing the need to protect the safety and well-being of residents and maintain the integrity of residential neighborhoods, hereby enacts this law to limit truck traffic on town residential roads in accordance with the authority granted by Section 1660 of the New York State Vehicle & Traffic Law.

C. Definitions:

For the purpose of this local law, the following definitions shall apply:

(1) **Truck:** Any vehicle, including but not limited to trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations, having a total gross weight in excess of ten thousand pounds as permissible by Section 1660(a)(10) of the New York State Vehicle & Traffic Law.

(2) **Town Residential Roads:** Roads within the Town of Orchard Park that are classified as residential, excluding highways maintained by the state of New York or the county of Erie.

D. Limitation of Truck Traffic:

(1) The Town Board of Orchard Park hereby designates all town residential roads, excluding highways maintained by the state of New York or the County of Erie, as restricted areas for trucks, as defined in Section C (1) of this local law, except for the purpose of local delivery or pickup of merchandise or other property.

(2) The exclusion specified in subsection (1) shall be communicated through appropriate signage at the entrances to town residential roads.

E. Exceptions:

(1) The limitation on truck traffic imposed by this local law shall not apply to:

- (i) Emergency vehicles.
- (ii) Vehicles granted permits by the Town Board for essential local pickup or delivery services, as per the provisions of Section 1660(a)(11) of the New York State Vehicle & Traffic Law.

F. Enforcement:

- (1) Violation of this local law shall be subject to penalties as provided by applicable state laws.
- (2) The Orchard Park Police Department is authorized to enforce the provisions of this local law.

G. Repeal of Prior Laws:

This local law hereby repeals and replaces all prior laws and ordinances of the Town of Orchard Park related to the subject matter herein.

H. Severability:

If any part or provision of this local law or its application to any person or circumstances is adjudged invalid, the judgment shall not affect other provisions or applications of this local law which can be given effect without the invalid part or application.

I. Effective Date:

This local law shall take effect thirty (30) days after filing with the Secretary of State.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Town Assessor

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

WHEREAS, the Town of Orchard Park is in need of an Assessor; and

WHEREAS, Nancy Kenlon has been performing the duties in the Assessor’s Office as Interim / Acting Assessor since 10/2/2023; and

WHEREAS, she has shown that she is ready, willing and able to assume the role of Assessor.

NOW, THEREFORE be it

RESOLVED, that The Town of Orchard Park hereby appoints Nancy Kenlon to the Group 3 non-union position of Town Assessor to finish out the previous Assessor’s term ending on September 30, 2025 and is able to roll over any remaining vacation days she has into 2024; and be it further

RESOLVED, the effective date of this appointment is January 1, 2024 at a salary of \$85,000.00; and be it further

RESOLVED, she will receive a 3% increase on that rate effective January 1, 2024 making her pay \$87,550.00.

The resolution was unanimously adopted.

New Business #2 Appoint Assistant Assessor

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

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

WHEREAS, Brooke Kirchmeyer has been working in the Assessor Office as a Real Property Appraiser and is ready willing and able to perform the required tasks of an Assistant Assessor.

NOW, THEREFORE be it

RESOLVED, that Brook Kirchmeyer is provisionally appointed to the Step A, White Collar Union Position of Assistant Assessor at a pay range of 0013 effective January 1, 2024 with a pay rate of \$34.06.

The resolution was unanimously adopted.

New Business #3 Appoint part-time Building & Zoning Clerk

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

WHEREAS, the Orchard Park Building and Zoning Department is in need of a part-time clerk; and

WHEREAS, Marla Fulton has demonstrated the ability and experience to perform the function of a part-time clerk in the Building Inspector's Office; and

WHEREAS, the Building Inspector Tom Minor recommends the hiring of Marla Fulton with a retroactive effective date of December 18, 2023 as a part-time clerk in the Building Inspector's Office.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Tom Minor, Building Inspector, Marla Fulton is hereby appointed as a nonunion part-time Building and Zoning Clerk at a rate of \$16.00 per hour, effective December 18, 2023. Start time and days of employment to be determined by the Building Inspector.

The resolution was unanimously adopted.

New Business #4 Accept Bid for the Combination Truck and authorize Highway Superintendent to sign letter of commitment to award Bid.

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

RESOLVED, that the Town Board does hereby accept the Bid from Joe Johnson Equipment for the Combination Truck and authorize the Highway Superintendent to sign a letter of Commitment to award the bid contingent upon the satisfactory completion of the equipment inspection.

The resolution was unanimously adopted.

New Business #5 Authorize Highway Superintendent to declare surplus Highway equipment and sell the equipment.

8) 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 Highway Superintendent to declare surplus Highway equipment and authorize the Highway Superintendent to sell the equipment; and be it further

RESOLVED, a list of the surplus equipment is on file in the Town Clerk’s Office.

The resolution was unanimously adopted.

New Business #6 Approve Change Order #1 to the Contract with Zoladz Construction Company Inc. regarding the Thorn Ave. Baseball Field Preparation Work Project.

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

WHEREAS, the Orchard Park Engineering Department is requesting your approval of Change Order #1 to the contract with Zoladz Construction Company, Inc. for Thorn Avenue Baseball Field Preparation work to install a perimeter silt sock for erosion and sedimentation control per NYSDEC Phase II Stormwater regulations; and

WHEREAS, most of the erosion control will remain in place for the baseball field construction work as well. The additional clearing and balancing of earth work enabled the survey work to be completed and results in a better cost efficient design/bid package for the baseball diamond construction; and

WHEREAS, this change order would increase the Contract amount by \$3,692.02 to \$32,492.02, representing an increase of 12.8%. There is presently approximately \$324,312.00 plus interest allocated under Capital Project AP003, Yates Park LL Ball Diamonds for this project.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to install a perimeter silt sock to the Contract with Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for the Thorn Avenue Baseball Field Preparation Project, to increase their contact to the amount not to exceed \$32,498.02 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve Budget Transfer for the Police Department

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

WHEREAS, the Police Department would like to move the amount indicated into the Information Technology budget to fund purchased equipment,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following amendments to the restricted fund balance to provide funding for such equipment:

General Fund:

Increase Information Technology Services; Equipment:
A01680 50200 IT Equipment \$ 6,601.13

Decrease Police; Equipment:
PS3120 50200 Other Equipment \$ 6,601.13

The resolution was unanimously adopted.

New Business #8 Approve a Budget Transfer in the Engineering Department

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

RESOLVED, that the Town Board does hereby authorize the following Budget Transfer within the 2023 Engineering Budget:

\$100.00

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code: A01440 50414
(Engineering Training)

AND

\$239.95

From: Budget Code: A01440 50200
(Engineering Equipment)

From: Budget Code: A01440 50238
(Engineering GIS & Mapping)

The resolution was unanimously adopted.

New Business #9 Approve a Site Plan and a second Building Permit for 5720 Ellis Road.

12) 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 approve the presented Site Plan and authorize a building permit to construct a second 4,200 square foot addition to an existing building with regard to Arch Cutting Tools, 5720 Ellis Road, located on the north side of Ellis Road, Zoned I-1, per the plan received on August 17, 2023 based on the following stipulations and conditions :

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 9/20/2023 and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. The Landscape Plan, received 10/17/23, meets all Green Space regulations with 80% total greenspace. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$12,150 Landscaping Estimate Value shall be deposited with the Town Clerk (\$6,075.00). Conservation Board approval was granted on 11/7/23.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. The applicant is to provide the Town of Orchard Park Assessor with an “independent” appraisal for the completed project by a Certified Commercial Appraiser
8. Engineering approval was granted on 11/09/2023.

The resolution was unanimously adopted.

New Business #10 Refer to Planning & Conservation Boards

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

RESOLVED, that the Town Board does hereby refer the following to the Planning & Conservation Boards, for their review and recommendation of the following request:

- 4000 California Road, located on the west side of California Road, south of Southwestern Blvd. Joseph DeMarco Jr. is requesting to construct an 11,400 sq. ft. warehouse building, Zoned I-1. (SBL #161.03-1-5.11)
- 3646 California Road, located on the west side of California Road, South of Milestrip Road, Robert and Kelly Dinero are requesting to construct a 2,500 sq. ft. warehouse addition, Zoned I-1. (SBL# 161.05-4-21)
- 3590 Southwestern Blvd., located on the northwest side of Southwestern Blvd., west of Mid County Drive. Apex Energy Tek is requesting to install EV chargers at Ray Laks Honda, Zoned B-2. (SBL #161.07-5-36.12)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Paul Zak from Bieler Rd. spoke of speed limit signage on Bieler Rd and informed the Board that traffic is increasing in volume and speed.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak congratulated Officer Kowalski and thanked Councilmember Flynn for his years of service to the Town. He spoke of a special appreciation for the 14 months they served as a two member board and the \$4.6 Million in Grants he procured for the Town and his professionalism.

Councilmember Joseph Liberti Congratulated Officer Kowalski on his Regional Traffic Alliance commendation and thanked Councilmember Flynn for his years of service.

Councilmember Conor Flynn congratulated Officer Kowalski and thanked the Town Board for taking care of Bieler Road and approving the new Traffic Law. He stated he enjoyed his years as a Councilmember, thanked his wife, the Board, Assemblyman Burke and Senator Ryan for all their support.

Councilmember Scott Honer congratulated Officer Kowalski and wished Councilmember Flynn well on his future endeavors.

Councilmember Julia Mombrea congratulated Officer Kowalski and wished Councilmember Flynn the best of luck. She also commented on the Planning Board meeting last week where a delegation from Nepal attended to observe an open government meeting.

Town Clerk Remy Orffeo stated Councilmember Flynn has done a yeoman's job as a Councilmember and thanked him for always being responsive to the needs in the Town Clerk's Office. He stated it has been a pleasure working with him.

Town Attorney Tim Gallagher stated it was a pleasure working with Councilmember Flynn.

Building Inspector Tom Minor thanked Councilmember Flynn for all his assistance and correspondence.

Highway Superintendent Andrew Slotman thanked Councilmember Flynn for his service to our community and stated the Highway department will be putting away the leaf collecting equipment soon for the season.

Police Chief Patrick Fitzgerald notified the Board of Officer Kowalski’s Regional Traffic Alliance Award and gave details his service. He also thanked Councilmember Flynn for his years of service and his efforts in regards to Grant funding.

14) 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 #24 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$83,251.31
Public Safety Fund	\$18,572.62
Part Town Fund	\$4,180.17
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$66,347.80
Special Districts	\$62,070.78
Trust & Agency	\$13,672.06
Capital Fund	\$7,528.97

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the November 2023 Building Inspector’s Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:34 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**