

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 24th day of January 2024 at 6:05 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
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.”

PUBLIC COMMENT ON NEW BUSINESS

No one came forward.

New Business #1 Authorize the purchase of a plow truck for the Highway Department

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 authorize the purchase of a plow truck from Henderson Equipment under Sourcewell Contract Pricing with a purchase price of \$304,135.00 with Henderson quote # 178772. The Freightliner 114SD Plus as specified with Henderson Plow Equipment will be purchased from Henderson Products, Inc 22686 Fisher Rd. Watertown, NY 13601 as recommended by the Highway Superintendent.

On the Question: The Highway Superintendent stated that truck quote #178772 was sold but they can purchase truck quote #178882 at the same price and with the same specs.

The resolution was unanimously adopted.

New Business #2 Authorize advertisement for bids regarding Mowing Contract for the Town of Orchard Park Cul-De-Sacs.

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

WHEREAS, our Parks Department has completed the plans and specifications for the Mowing Contract of Town Wide cul-de-sacs and,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby authorize the Parks Department to advertise for bids in the Orchard Park Bee, to be opened at 11:00 AM on Thursday, February 1, 2024 in the Basement Meeting Room in Town Hall; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

New Business #3 Authorize advertisement for bids regarding Porta-Potties and Dumpster Service Contract

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

WHEREAS, our Parks Department has completed the plans and specifications for the Porta-Potties and Dumpster Service and,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby authorize the Parks Department to advertise for bids in the Orchard Park Bee, to be opened at 11:00 AM on Thursday, February 1, 2024 in the Basement Meeting Room in Town Hall; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

New Business #4 Authorize advertisement for bids regarding resurfacing of Tennis Courts Contract.

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

WHEREAS, our Parks Department has completed the plans and specifications for the resurfacing of Tennis Courts at Orchard Meadows Park and,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby authorize the Parks Department to advertise for bids in the Orchard Park Bee, to be opened at 11:00 AM on Thursday, February 1, 2024 in the Basement Meeting Room in Town Hall; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

New Business #5 Schedule a Public Hearing for a Conservation Easement of 6458 Bunting Road.

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

RESOLVED, that the Town Board does hereby schedule a public hearing on February 7, 2024 at 7 PM in the Town Municipal Center in the matter of a Conservation Easement for 6458 Bunting Road, located on the west side of Bunting Road, south of Newton Road, Kathleen and Joseph Zizzi, requesting a 15-year Conservation Easement for 29.57 Acres, Zoned A-1. (SBL# 197.00-2-3.21), as recommended by the Conservation Board.

The resolution was unanimously adopted.

New Business #6 Approve Site Plan and Building Permit for 5701 Burton Rd.

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

RESOLVED, that the Town Board does hereby approve the presented Site Plan for Providence Farm, 5701 Burton Road, located on the east side of Burton Road Zoned A-1/R-2., and authorize a Building Permit, to construct a 6,000-sq.ft. Pole Barn, per the plan received on 11/08/2023, as recommended by the Planning Board from their January 11, 2024 meeting based on the following conditions and stipulations:

1. All public notices have been filed.
2. A SEQR document is not necessary.
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. Conservation Board approval has been waived for this farming community.
6. Town Engineering approval was granted on 1/11/2024

On the question Councilmember Liberti inquired about the water draw from area wells. The Town Engineer stated there will be no impact.

The resolution was unanimously adopted.

New Business #7 Approve Site Plan for 3580 Southwestern Blvd and Building Permit for 3552 Southwestern Blvd.

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

RESOLVED, that the Town Board does hereby approve the presented Site Plan for "3580 Southwestern Boulevard LLC", 3552 Southwestern Boulevard, located on the North West side of Southwestern Boulevard, South of Milestrip Road, Zoned B-2., and grant a Building Permit for the purpose of constructing a two-story building addition and expanding the West Herr parking lot at 3552 Southwestern Boulevard as recommended by the Planning Board from their January 11, 2024 meeting based on the following conditions and stipulations:

1. All public notices have been filed.
2. Acreage fees were paid in accordance with Section 144 Attachment (C) Schedule of Zoning Fees of the Town Code.
3. This is an Unlisted SEQR Action, based on the Short EAF submitted on 11/20/23 and a Negative Declaration is made.

4. 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.
5. No outside storage or display is permitted.
6. The Landscape Plan, received 11/20/23, meets all Green Space regulations with 34.8% total greenspace. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$69,780 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$35,250) Conservation Board approval was granted on 8/1/23.
7. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
8. The applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project by a Certified Commercial Appraiser
9. This approval is contingent upon Town Engineering approval.

The resolution was unanimously adopted.

Due to it being a Special Session, business from the floor was removed from this meeting.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak reminded the Town Board that items addressed in Executive Session are to be discussed only with fellow Board members. He also stated according to the Association of Towns; a Resolution is effective the day it is passed as long as there is no future date stated in the resolution.

Councilmember Joseph Liberti thanked all workers for helping during the winter storms and inquired about snowmobiles on the ECRT.

Councilmember Scott Honer thanked all workers for helping during the winter storms.

Town Clerk Remy Orffeo stated the last day to pay Town and County taxes without penalty is February 15th. He also thanked his staff for handling the many glitches that have been presented during this tax season, tax questions, and all other Clerk issues so well during this extremely busy time in his department. He also thanked the Police Chief for allowing an Officer to staff his department on the last day of taxes.

Town Attorney Tim Gallagher stated Executive Session items should not be discussed outside of Executive Session, and also any conflicts of interest should be divulged and the Board members that have a conflict of interest would need to be removed from any conversation for ethical consideration.

Town Engineer Wayne Bieler spoke of the traffic study done for Lake Ave., Bond Resolutions and also the Townwide Stormwater Management Drainage District.

Building Inspector Tom Minor spoke of the New York Beer Project and fencing behind the project. He stated they are interested but are financially strapped at this point and cannot move forward with the fence.

Highway Superintendent Andrew Slotman spoke of the equipment the Highway Department borrowed from the Town of Concord during the past two snow storms.

Police Chief Patrick Fitzgerald thanked town employees for their assistance during the winter storms and the value of "Rescue One" during such time.

8) 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 #2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$43,942.21
Public Safety Fund	\$2,776.01
Part Town Fund	\$757.32
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$32,684.20
Special Districts	\$173,399.63
Trust & Agency	\$6,064.57
Capital Fund	\$299,697.66

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 6:12 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**