

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 15<sup>th</sup> day of January 2025 at 7:06 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 MARIANO, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: December 18, 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.**

**PUBLIC HEARING  
Community Block Development Grant and CARES Act Project 2634CVPF37-22**

At 7:10PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the Community Block Development Grant and CARES Act Project 2634CVPF37-22.

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 the Community Block Development Grant and CARES Act Project 2634CVPF37-22 at 7:11PM.

**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**, all parties were given an opportunity to speak regarding the Community Block Development Grant and CARES Act Project 2634CVPF37-22 for the Community Activity Center – Generator Installation in the amount of \$391,154.00 during the Public Hearing held today January 15, 2025; and

**WHEREAS**, the CDBG program is administered by the New York State Office of Community Renewal (OCR), and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons; and

**WHEREAS**, the hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to issue a letter of support for the Town’s CARES Act Project, in the amount of \$391,154.00.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**Old Business #1 Approve Change Order #2 to our Contract with Edbauer Construction for the Lakeview Avenue Reconstruction Project.**

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

**WHEREAS**, the Engineering Department is requesting approval of a Change Order #2 to the contract with Edbauer Construction Inc. for Lakeview Avenue Reconstruction Project, which consists of one item. The work scope includes spreading additional milling in the Town park parking lot created to serve for a construction staging area and for parking for the Town Park, as well as, snow dumping area during emergency heavy snow events. Cost is not to exceed \$1,151.00 and this cost will be applied to the Contract’s Contingency OP Line Item with no total increase in total Contract; and

**WHEREAS**, this change order will increase the contract by less than 0.01 %. The contract total amount of \$3,787,258.60 remains. The Contingency OP Bid Item will be reduced to \$34,704.47 from \$100,000.00.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #2 to the Contract with Edbauer Construction, 2790 Clinton Street, West Seneca, New York 14224 for the Lakeview Avenue Reconstruction Project, by applying the amount not to exceed \$1,151.00 to the existing Contingency OP Bid Item as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business # 2 Approve the payment of \$3,000.00 for the deposit for foundation load calculations for the Salt/Topsoil Storage Structures. This amount will be refunded with the actual material order in the future.**

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

**WHEREAS**, C&S Companies is currently completing the design of the new Salt Barn and Topsoil Storage Facilities for the Highway Department. The buildings consisted of an engineered truss structure with a non-fire rated fabric cover. In order to receive the structural loading requirements for the manufacture so that C&S can design the foundations, the Town must pay a deposit to the manufacture; and

**WHEREAS**, the manufacture is requesting a \$1,500.00 deposit per structure for a total of \$3,000.00. The total deposit will be applied to the purchase price of the structure; and

**WHEREAS**, bonding was approved and capital account AB016 OP Highway Salt Barn Rehabilitation was created.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does approve Hybrid Building Solutions, 850 Main Road, Corfu, NY 14036, deposit to release engineering calculation for the design of the OP Highway Salt Barn Rehabilitation Project in the amount of \$3,000.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #3 Authorize the Supervisor to sign the Amendment for the Snow Removal and Ice Control agreement 2022-2025 with Erie County.**

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

**WHEREAS**, the Town of Orchard Park has a current agreement with Erie County for Snow Removal and Ice Control for 2022-2025; and

**WHEREAS**, Andrew Slotman Town of Orchard Park Highway Superintendent has worked with Erie County Officials to amend such agreement to add the .5 mile section of Milestrip Road from Orchard Park Road to Southwestern Boulevard.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Supervisor to sign the amendment to the Snow Removal and Ice Control agreement 2022-2025 with Erie County Department of Public Works, upon the recommendation of the Highway Superintendent.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Accept donation from the Senior Activity Council.**

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

**WHEREAS**, the senior activity council has offered to fund the addition of purchase of a Gronk Dual Ab & Back machine from G & G Fitness which also services the other equipment in the fitness room; and

**WHEREAS**, the Community Activity Center Coordinator and Senior Center Director recommends accepting the donation of \$2,695.00 for this equipment.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby accept \$2,695.00 from the Community Activity Council of Orchard Park to fund the Gronk Dual Ab & Back machine for the Activity Center Fitness Room.

**The resolution was unanimously adopted.**

**New Business #2 Appoint a Part Time Public Safety Dispatcher**

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 accept the resignation of Full Time Public Safety Dispatcher, Katherine McEvoy; and be it further

**RESOLVED**, the Town Board does hereby appoint Katherine McEvoy as a Part Time Public Safety Dispatcher, effective December 20, 2024 at her current rate of pay, Range 0009 Step E.

**The resolution was unanimously adopted.**

**New Business #3 Budget Amendment for 2025 Wage Increase**

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

**WHEREAS**, the Town has increased the 2025 wages within the Town Clerk and Planning Department, and,

**WHEREAS**, the increases were not previously included within the 2025 budget.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorizes the following amendment of the Town’s 2025 budget to account for wage increases:

<u>Increase Appropriations:</u>	
A01410 50103	\$4,345.00
B08020 50106	\$10,400.00
<u>Decrease Appropriations:</u>	
A01910 50550	\$4,345.00
B01910 50550	\$10,000.00
B09060 50860	\$400.00

The resolution was unanimously adopted.

**New Business #4 Adjust the 2025 Non-Union Salary & Wage Schedule**

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

WHEREAS, an adjustment to the 2025 non-union salary and wage schedule has been determined for Town Clerk and Planning Department personnel as of January 1, 2025.

**NOW, THEREFORE be it**

**RESOLVED**, that effective from and as of January 1, 2025, the hourly increases be accepted and approved for the following non-union employees.

Town Clerk Department – Retroactive Wage Adjustment (Effective 1/1/2025)

Jennifer Brady	Increase from \$27.80 to \$28.49
Jennifer Spengler – Serwinowski	Increase from \$24.39 to \$25.18
Mary Perram	Increase from \$30.55 to \$31.16

Planning Department – Retroactive Wage Adjustment (Effective 1/1/2025)

Anna Worang – Zizzi	Increase from \$23.00 to \$28.00
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The resolution was unanimously adopted.

**New Business #5 Approve an advertisement for Bids for a “2018 or newer Western Star 4700 Cab and Chassis with Stellar hook lift or equal”**

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

WHEREAS, the Town Highway Department is in need of a “2018 or newer Western Star 4700 Cab and Chassis with Stellar hook lift or equal” for the Sewer and Stormwater Department and is willing to accept sealed bids for it.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Highway Superintendent to advertise for bids for a 2018 or newer Western Star 4700 Cab and Chassis with Stellar hook lift or equal for the Sewer and Stormwater Department to be opened at 9:15AM on January 31, 2025 in the Basement Meeting room located at the Municipal Center, 4295 S. Buffalo Street, Orchard Park, NY 14127; and be it further

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

The resolution was unanimously adopted.

**New Business #6 Approve the Gril Mato 5K for February 15, 2025.**

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

**RESOLVED**, that the Town Board does hereby approve the Special Event Permit request for the Gril Mato 5K Run to be held on Saturday February 15, 2025 from 9AM – 11AM pending all fees have been paid.

**The resolution was unanimously adopted.**

**New Business #7 Approve appointment of Part-time Seasonal staff to the Orchard Park Recreation Dept.**

13) 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 the following resident appointment to the 2025 part-time staff for the Orchard Park Recreation and Parks Department effective January 15, 2025 as recommended by the Recreation Director:

Catherine Kelly                      \$16.25 Program Coordinator 1

**The resolution was unanimously adopted.**

**New Business #8 Authorize advertisement for the vacant Junior Civil Engineer positions for the OP Engineering Department.**

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

**WHEREAS**, the resignation of Jonathan Gladding creates a vacancy within the Engineering Department. As you are aware, this put the department short two employees again. Due to the Engineering Department's work load and various aging infrastructure, requiring reconstruction or replacements, it would benefit the Town and projects in the Department to fill position of Junior Engineer. A Junior Engineer, although would likely have little experience could still assist with the increased technical workload associated with maintaining the Town's increasing aging infrastructure. The Junior Engineer is responsible for performing entry level professional engineering duties and liaison work in connection with the design, construction and maintenance of municipal projects; and

**WHEREAS**, distinguishing features of the classification includes: assists in planning projects, designs, sanitary sewer systems and storm drainage systems and other municipal projects; makes applications for government projects; monitors construction projects; advises on maintenance projects using sound engineering practices; computes engineering data; acts as Engineer-in-charge on minor construction projects; assists in designing, heating, ventilating, electrical, plumbing, recreational and architectural projects; and

**WHEREAS**, minimum qualifications include graduation from a regionally accredited or New York State registered college or university with a Bachelor's degree in Civil Engineering. There is no current civil service list per human resources for the Junior Engineer, Junior Municipal Engineer or Junior Civil Engineer titles.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve the advertisement for the position of Junior Engineer for the Orchard Park Engineering Department as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #9 Approve the Map Plan and Report for the Burton Road Water District Extension #17-4 and authorize the scheduling of a public hearing.**

**This item was tabled.**

**New Business #10 Approve a Site Plan and grant a Building Permit for (SBL# 161.00-5-30.11)**

**15) 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 3856 Taylor Road, located on the west side of Taylor Road, south of Southwestern Blvd. Zoned I-1 (SBL# 161.00-5-30.11), and grant a Building Permit for the purpose to construct a 50-ft. x 240-ft. Office/Warehouse Building, upon 1.3 acres, per the plan received on 3/28/2024, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an UNLISTED SEQR Action, based on the Short EAF submitted on 3/28/24, 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. An Area Variance was granted on 2/21/23 by the Zoning Board of Appeals for a 30-ft. front setback
5. No outside storage or display is permitted.
6. The Landscape Plan, received 6/04/24, was approved with the Total Green Space meeting the Town requirement of 20%. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$16,175 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$8,087.50) Conservation Board approval was granted on 5/2/23.
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. Engineering Approval was granted on 12/11/24.

**The resolution was unanimously adopted.**

**New Business #11 Schedule a Public Hearing regarding the Rezoning of 10 Cobham Drive, located in the Krog Industrial Center, Zoned I-1 & R-3.**

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

**WHEREAS**, at their 1/9/2025 meeting the Planning Board made a recommendation that the Town Board approve the request to rezone 2-parcels, (SBL# 161.18-2-2 & 161.18-2-1) totaling 6.65 +/- acres V/L from I-1 & R-3 to I-1 Industrial, to allow expansion of assembly and warehousing operations at the Mission Systems Facility addition.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby schedule a Public Hearing with regards to 10 Cobham Drive, located in the Krog Industrial Center, Zoned I-1 & R-3, “Mission Systems Orchard Park Inc.” (previously known as “Carleton Controls”), Zoned I-1 & R-3 (SBL#’s 161.18-2-2 & 161.18-2-1) to be rezoned to I-1 Industrial for February 5, 2025 at 7:00pm at the Town Municipal Center; and be it further

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

**The resolution was unanimously adopted.**

**New Business #12 Approve the appointment of a temporary part-time clerk in the Planning Department.**

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

**WHEREAS**, the Planning Department is in need of a temporary part-time clerical help due to Employee leave of absence.

**NOW, THEREFORE be it**

**RESOLVED**, that Kristin B. Mahoney be appointed to the position of Planning Clerk (temporary part-time) at the rate of \$19.00 per hour effective 1/21/25.

**The resolution was unanimously adopted.**

**New Business #13 Approve the Chief of Police’s salary and benefit changes.**

**This item was tabled.**

**New Business #14 Approve payment of Invoice for Human Resources Simplified.**

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

**WHEREAS**, Human Resources Simplified has provided services to the Town of Orchard Park for the year 2024.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board of the Town of Orchard Park does authorize the Supervisor to sign a services agreement with Human Resources Simplified for the work performed in Invoice #120524-4, and the Board does hereby authorize the Supervisor to pay invoice #120524-4 in the amount of \$8,815.25.

**The resolution was unanimously adopted.**

On the question: Councilmember Honer stated that a portion of the invoice has been paid and the remaining balance will be paid.

**BUSINESS FROM THE FLOOR**

Jamal Kousheshi spoke of 9 watermain breaks in the past two years at his address on Kent Dr. He spoke of the flooding and damage it has caused.

Ellen Geiter of Kent Dr. also spoke of the watermain breaks and damage done from them.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak thanked the Town Clerk’s Office for all their help regarding the Town Board Meetings.

Councilmember Joseph Liberti welcomed Kristin to the Planning Department, congratulated Ken Coon on his retirement and thanked the Town Clerk’s Office for their work on the Town Board agendas and minutes.

Councilmember Julia Mombrea inquired about Town Capital Improvement Projects and the order they are done in. She also thanked all the people who accepted their appointments to Town positions.

Councilmember Scott Honer congratulated Ken Coon on his retirement, thanked the Town Clerk’s Office for all their hard work and responded to comments regarding watermain breaks on Kent Dr.

Councilmember John Mariano congratulated Ken Coon on his retirement.

Town Clerk Remy Orffeo thanked the Town Board for approving departmental raises and thanked the Police Chief for offering a Police officer during tax season.

Town Engineer Wayne Bieler answered questions regarding Kent Drive watermain breaks.

Building Inspector Tom Minor told the Town Board that he will keep them informed regarding the NY Beer Project’s lighting issues.

Highway Superintendent Andrew Slotman thanked the Highway staff for all their extra hours put in during the snow storms. He also congratulated Ken Coon on his retirement.

Police Chief Patrick Fitzgerald spoke of the upcoming Bills home game and the DARE graduations at Orchard Park’s Elementary schools.

**19) 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 #1 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$168,980.32
<b>Public Safety Fund</b>	\$85,434.48
<b>Part Town Fund</b>	\$2,083.39
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$108,123.96
<b>Special Districts</b>	\$286,478.16
<b>Trust &amp; Agency</b>	\$10,114.97
<b>Capital Fund</b>	\$536,797.66

**The resolution was unanimously adopted.**

**REPORTS**

**20) 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 receive and file: The December 2024 Building Inspector Report, and be it further

**RESOLVED**, that the Town Board does hereby receive and file the 2024 Annual Building Inspectors 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 8:25 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**