

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 7th day of May 2025 at 7:10 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Joseph Liberti	Councilmember
Absent 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 LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: April 2, 2025 and Special Sessions: April 23 and April 28, 2025; 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.

Proclamation

56th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 4 - 10, 2025

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars,

workshops and the annual meetings of their state, provincial, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Eugene Majchrzak, Supervisor of the Town of Orchard Park, do recognize the week of May 4 through 10, 2025, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Remy Orffeo and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclamation
FOOD ALLERGY AWARENESS WEEK
May 11 - 17, 2025

WHEREAS, Food Allergy Awareness Week was established as a national week of encouraging food allergy awareness and supporting those who are impacted by food allergies and anaphylaxis; and

WHEREAS, Food allergies affect approximately 32 million Americans, including 6 million children; and

WHEREAS, the prevalence of food allergies appears to be increasing among children under the age of 18, which is 2 students in every classroom; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), between 1997 and 2011, the prevalence of food allergies rose 50 percent and

WHEREAS, nine foods account for 90 percent of all food allergy reactions: Peanuts, Tree Nuts, Milk, Egg, Wheat, Soy, Fish, Shellfish, and Sesame.

WHEREAS, a food allergy is an immune system response to a food the body mistakenly believes is harmful. When a person with food allergy eats the food, his or her immune system releases massive amounts of chemicals, including histamine, that trigger a cascade of symptoms that can affect the respiratory system, the gastrointestinal tract, the skin, and/or the cardiovascular system; and

WHEREAS, there is no cure for food allergies, strict avoidance is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that comes on quickly and has the potential to become life-threatening; and

WHEREAS, managing a food allergy on a daily basis involves constant vigilance and trace amounts of an allergen can trigger an allergic reaction in some individuals; and

WHEREAS, Food Allergy and Anaphylaxis Connection Team (FAACT) is a national, nonprofit organization committed to their mission to educate, advocate, and raise awareness for all individuals and families affected by food allergies and life-threatening anaphylaxis; and

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby proclaim May 11-17, 2025 as Food Allergy Awareness Week in the Town of Orchard Park, NY, and encourage all residents to increase their understanding and awareness of this potentially life-threatening medical condition, improving the quality of life of the 32 million Americans affected by food allergies and anaphylaxis by visiting www.FoodAllergyAwareness.org.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of State done at the Orchard Park, NY to be affixed this 7 of May, 2025

****NYS Law Enforcement DRE Instructor Award****

Police Chief Patrick Fitzgerald presented the NYS Law Enforcement Instructor Award to Police Officer Michael Lococo in recognition of his service to our community.

Police Chief Patrick Fitzgerald recognized the retirement of Animal Control Officer Thomas McCarthy and thanked him for his years of service.

PUBLIC COMMENT ON OLD BUSINESS

Rosalind Wiltse questioned item #2.

Old Business #1 Term correction for BAR.

2) 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 a term correction for newly appointed Assessment Board of Review member, William Waltenbaugh. This term will fill a current vacancy on the Board of Assessment Review for a 5-year term, with a beginning date of 10/01/2023, and an end date of 09/30/2028, and be it further

RESOLVED, that this term supersedes the initial appointed term approved on 4/2/2025.

The resolution was unanimously adopted.

Old Business #2 Reschedule the Public Hearing for Lexington Heights.

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

RESOLVED, a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on June 4, 2025 at 7:00 PM (local time) to rezone 125 +/- acres of land located west of Transit Road and North of Jewett Holmwood Road, Lexington Heights (Birdsong Parts 4 & 5), Zoned R-1, a portion of SBL# 173.04-2-25.11. Requesting to rezone from R-1 to R-1 with a Conservation Management Overlay; and be it further

RESOLVED, a complete metes and bounds description of this property, together with a map, is on file in the Town Clerk's Office, as well as the list of conditions and stipulations if approved. At such time all interested persons will be given the opportunity to be heard.

The resolution was unanimously adopted.

Old Business #3 Approve Change Order #2 regarding Greenauer Blacktop Inc. Contract for CAC – Generators Installation Project (General)

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

WHEREAS, the Engineering Department is requesting approval of a Change Order #2 to the contract with Greenauer Blacktop Inc., for Community Activity Center Generator Installation Project (General Contract); and

WHEREAS, during the initial start up testing of the generators, Cummins determined that the gas pressure at the generators was greater than the maximum allowable pressure. They recommend that a regulator be installed at each generator to reduce the pressure to the recommended range. Because the generators have a sound reducing and protective enclosure, modification will be required to properly vent the regulator. The cost of this work is \$7,429.00; and

WHEREAS, if approved, this change order will increase the awarded Contract amount of \$157,300.00, to \$170,732.00. This is a net increase of 8.5%. There is presently funding in AB018 Community Activity Senior Bocce/Generator of \$80,352.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to the Contract with Greenauer Blacktop Inc., 391 French Road, West Seneca, New York 14224, for the Community Activity Center Generators Installation Project (General) at the amount not to exceed, \$7,429.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Roselind Wiltse questioned items #13, 14 & 21.

New Business #1 Approve two stable permits.

5) 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 following 2025 Stable Permits:

- Sandybrook Farm & Stable located at 6265 Powers Rd. Orchard Park, NY 14127
- Hammersmith Farms at 6243 Benning Rd. West Falls, NY 14170

The resolution was unanimously adopted.

New Business #2 Approve the declaration of Highway Department's surplus equipment for 2025 and authorize the auction of it.

6) 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 Andrew Slotman Highway Superintendent to declare surplus of equipment for 2025; and be it further

RESOLVED, that the Town Board does hereby authorize Andrew Slotman Highway Superintendent to auction the 2025 surplus equipment, a list of the 2025 surplus equipment will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #3 Accept the results of the Auction to sell Highway's Surplus Equipment.

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

WHEREAS, the Town Board has approved the surplus of equipment for 2025; and

WHEREAS, the Town has conducted an auction to sell the surplus equipment;

NOW, THEREFORE be it,

RESOLVED, that the Town board does hereby authorize Andrew Slotman Highway Superintendent to accept the results of the auction that closed on April 15, 2025. A list of the auction results will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #4 Authorize purchase of a 2017 Elgin Pelican Street Sweeper.

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

RESOLVED, that based on the recommendation of Andrew Slotman, Highway Superintendent, the Town Board does hereby authorize the purchase of a 2017 Elgin, Pelican P Three wheel broom street sweeper with dual side brooms and belt conveyor from Joe Johnson Equipment. The purchase is utilizing Sourcewell contract number 040924-FSC with a purchase price of \$124,000.00.

The resolution was unanimously adopted.

New Business #5 Approve appointment of Sean Kelley as Laborer in the Parks and Grounds Department.

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

WHEREAS, the Orchard Park, Parks and Grounds Department has a vacant laborer position; and

WHEREAS, there are funds in the 2025 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Sean Kelley is ready and able to serve as a laborer in the Orchard Park, Parks and Grounds Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Sean Kelley is appointed as a full time laborer in the Orchard Park, Parks and Grounds Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$24.57 per hour effective April 21, 2025.

The resolution was unanimously adopted.

New Business #6 Approve appointment of Colten Little as Laborer in the Highway Department.

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

WHEREAS, the Orchard Park Highway Department has a vacant laborer position; and

WHEREAS, there are funds in the 2025 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Colten Little is ready and able to serve as a laborer in the Orchard Park Highway Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Colten Little is appointed as a full time laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$24.57 per hour effective April 28, 2025.

The resolution was unanimously adopted.

New Business #7 Approve appointment of Seasonal Staff to the Parks and Grounds Department.

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

WHEREAS, the Orchard Park, Parks and Grounds Department has vacancies for seasonal employment positions; and

WHEREAS, there are funds in the 2025 budget to fund seasonal employment positions;

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, the following employees: Steven Blidy and Patrick Blidy, with a payrate of \$17.00 per hour and John Pangallo with a payrate of \$21.00 per hour be appointed as seasonal staff to the Parks and Grounds Department effective April 21, 2025 to October 31, 2025.

The resolution was unanimously adopted.

New Business #8 Approve appointment of 2025 Summer Seasonal Staff to the Recreation Department.

12) 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 approve the appointment of the following Summer Seasonal staff to the Orchard Park Recreation Department effective April 17, 2025 – August 29, 2025 and Part-time Seasonal Staff effective August 30, 2025 – December 31, 2025:

Benjamin Addesa	\$17.00 Lifeguard 1
Brody Campbell	\$17.00 Lifeguard 1
Anthony Dellasala	\$17.00 Lifeguard 1
Lauren Hrusa	\$17.00 Program Coordinator 2
Ethan Weingarten	\$17.00 Lifeguard 1
William Papanastasiou	\$16.50 Program Coordinator 1

The resolution was unanimously adopted.

New Business #9 Adopt Traffic Order authorizing the posting of a stop sign on Woodthrush Trail at the intersection of Kestrel Court.

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

RESOLVED, that the Town Board, the Police Chief, Highway Superintendent and the Town Engineer have reviewed the street layout for the Birdsong Subdivision Part 3B, Phase 2B PIP #2024-03. Upon dedication of the Birdsong Subdivision Part 3B, Phase 2B, the Town Board does hereby authorize the posting of a **STOP SIGN** on Woodthrush Trail at the intersection of Kestrel Court.

The resolution was unanimously adopted.

New Business #10 Authorize Supervisor to sign NYSDOT Utility Agreement (Relocation Waterline) Large Culvert Program PIN 5214.61

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

WHEREAS, part of NYSDOT Large Culvert Program, the DOT will be replacing an existing culvert on Rt. 277 in the Town of Orchard Park. As part of this project a section of Town owned waterline will be relocated; and

WHEREAS, the State's policy is to replace or make adjustments to any utilities owned by a municipality which are in conflict with highway construction work, at no expense to the municipality. The NYSDOT requires the municipality to sign a utility work agreement, which authorizes such work, The agreement also provides for the State to reimburse the municipality for any costs the municipality incurs associated with such utility modifications.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby adopt the following resolution to authorize the Supervisor to sign the HC140 Utility Work Agreement with the New York State Department of Transportation for the Large Culvert Program; North (In-house Design), US 62 & 219 and NY 18, 78, 93, 277, 400 & 429, Erie and Niagara Counties Project (P.I.N. #5214.61) permitting the relocation of the waterline at no expense to the Town of Orchard Park; and be it further

RESOLVED, the State also requires certified copies of a resolution that the Town will maintain the improvements, and the Town Supervisor has authority to sign documents in regards to this project and certified copies will be forwarded to the NYSDOT.

Resolution Granting the NYSDOT to Preform the Adjustment for the Owner And Agreeing to Maintain Facilities Adjusted Via- State-let Contract:

RESOLUTION
Resolution #14

WHEREAS, the New York State Department of Transportation processes the capital project of Large Culvert Program; North (in-house Design)
US 62 & 219 and NY 18, 78, 93, 277, 400 & 429,
Erie and Niagara Counties
PIN 5814.61, D265317
In the Town of Orchard Park located in the Erie County, and

WHEREAS, the State will include as part of the of the above mentioned project the relocation of waterline pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted facilities will not be extended, and

WHEREAS, the State will provide for the adjustment of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: that the Town of Orchard Park approves of the relocation of waterline as shown on the contract plans.

BE IT FURTHER RESOLVED: the Town of Orchard Park will maintain or cause to be maintained the adjusted facilities as shown on the contract plans.

BE IT FURTHER RESOLVED: that the appropriate Office has the authority to sign, with the concurrence of the board, any and all documentation that may become necessary as a result of this project as it relates to the name of municipality, and

BE IT FURTHER RESOLVED: that the Clerk of the Town of Orchard Park is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

The resolution was unanimously adopted.

New Business #11

- **Authorize Supervisor, Town Engineer and Town Attorney to execute the Federal Aid Local Project Agreement – Bridge Replacement, Henning Drive over Branch of Smokes Creek.**
- **Authorize the creation of capital account DB016 Henning Drive Bridge Replacement with the amount of \$309,368.00**
- **Authorize the Town of Orchard Park to pay for the upfront costs of the project. Also, if any overages occur, the Town will convene its Board to appropriate the excess amount immediately upon notification by the NYSDOT**
- **Certify the requested resolution for approval by the NYS Office of the State Comptroller.**

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

WHEREAS, the State of New York Department of Transportation has officially approved the Town's Project Application for the Bridge NY Bridge Replacement, Henning Drive over Branch of Smokes Creek; and

WHEREAS, the Henning Drive Bridge Replacement Project is estimated at \$1,927,368.00. The Grant award covers 95% (\$1,831,000.00) of the cost but requires the Town to upfront the money for the project and submit for periodic reimbursement payments. The Town is also responsible for any overages. This agreement is for the first phase of the project consisting of the Bridge Design and R.O.W. Incidentals estimated at \$309,368.00. Once this phase is complete, a supplemental agreement and resolution will be required for the funding of R.O.W. Acquisition and Construction. The attached resolution is completed in its entirety and all relevant information must be approved by the State. The resolution requires the Town to approve the signatory, upfront the cost of the project, approve the general project, allocate the money and source, accept any overages if needed, commence construction no later than 24 months after contract execution and complete the project within 30 months of starting the work.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor, Town Engineer and Town Attorney to execute the Federal Aid Local Project Agreement — Bridge Replacement, Henning Drive over Branch of Smokes Creek; and be it further

RESOLVED, that the Town Board does hereby authorize the creation of capital account DB016 Henning Drive Bridge Replacement with the amount of \$309,368.00; and be it further

RESOLVED, that the Town Board does hereby authorize the Town of Orchard Park to pay for the upfront costs of the project. In addition, if any overages occur, the Town will convene its Board to appropriate the excess amount immediately upon notification by the NYSDOT; and be it further

RESOLVED, that the Town Board does hereby certify the requested resolution; for approval by the NYS Office of the State Comptroller.

The resolution was unanimously adopted.

New Business #12 Approve Site Plan and authorize a Building Permit for V/L Windward Drive SBL# 152.14-2-24.11, 152.14-2-24.12.

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

RESOLVED, that the Town Board does hereby approve the following as recommended by the Planning Board:

V/L Windward Drive, located on the east side of Windward Drive south of Lake Avenue, zoned I-1 (SBL# 152.14-2-24.11, 152.14-2-24.12). Note: A portion of this property fronting on Lake Ave was rezoned for this project. (Ingress/egress is located on Windward Drive). The Planning Board recommends that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit, to construct 83-parking spaces based on the Site Plan submitted on 2/25/2025 with the following stipulations:

1. All public notices have been filed.
2. This is an Unlisted Action, based on the Short EAF submitted on 6/25/24 and a Negative Declaration was made on 10/10/2024.
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. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
6. Town Engineering approval was granted on 4/03/2025.
7. Removal of vegetation shall be limited to the proposed parking expansion area, excepting what may be required by the preexisting easement and safety. This stipulation “runs with the land”.

The resolution was unanimously adopted.

New Business #13 Refer to the Planning and Conservation Boards.

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

1. **3847 Southwestern Blvd., located on the south side of Southwestern Blvd. west of drive 5, in the Prohibition parking lot, zoned DR-2.** Benjamin Bell is seeking permission to park his camper and use as office space for his restaurant. (SBL# 161.00-5-18)

2. 3201-3227 Southwestern Bld., located in the Tops Plaza parking lot, zoned B-2. TNT Fireworks is seeking permission for an “Outside Display” for a tent sale to operate from June 20, 2025 through July 5, 2025, to sell fireworks. (SBL # 152.16-7-1.11)
3. 260 Redtail Road, located in the southwest corner of Windward Road and Redtail Road, zoned I-1. Genesis Development and Construction LLC is seeking to construct a 7,348 square foot addition to an existing medical building, and a parking expansion of three additional parking spaces. (SBL# 152.18-2-4)
4. V/L Webster Road, located on the south side of Webster Road, east of Deacon Road, zoned R-3. Brandon Block is proposing a 2-lot, two family home subdivision on 2.7 acres, (SBL# 161.00-3-27.3 and a portion of 161.00-3-27.2)

The resolution was unanimously adopted.

New Business #14 Authorize the connection of Decorative Light Fixtures for Birdsong Subdivision – Part 3B Phase 2B PIP # 2024-03.

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

WHEREAS, per the tariff agreement between NYSEG and the Town, NYSEG has requested the Town submit a resolution reflecting the connection of nine (9) decorative standard Spun Aluminum street light fixtures in the new Part 3B Phase 2B of the Birdsong Subdivision. At present, there are thirty two (32) single-family homes currently planned to be constructed in this Subdivision; and

WHEREAS, the LED luminaires, which are owned by the Town, have been installed under PIP # 2024-03. The Town will maintain the poles, bulbs, and the electric eye of the luminaires and NYSEG will provide the energy only per the SC4 classification. The Town purchases the electricity from the supplier, which is estimated to be \$39.43/ea. for an annual estimated cost of \$354.87 for these nine decorative light poles; and

WHEREAS, the application will add the new LED lights to our existing SC4 (service classification) account. Charges for energy to the lights may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect nine (9) LED decorative standard Spun Aluminum light fixtures in the Birdsong Subdivision Part 3B Phase 2B under PIP #2024-03 at an estimated annual increased energy cost of \$354.87 to the Consolidated Light District in accordance with the NYSEG proposal, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Approve CSEA Blue Collar Contract

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

WHEREAS, the Town of Orchard Park has been negotiating with its Blue Collar Union for a new Collective Bargaining Agreement; and

WHEREAS, the parties to those negotiations have reached a successful accord extending from January 1, 2026 through December 31, 2030; and

WHEREAS, the highlights of terms of that proposed accord include a 4% salary increase for the years 2026, 2027, 2028, 2029 and 2030 and all members of the Blue Collar Unit will be paying 20% of their Health Insurance premium by December 31, 2030; and

WHEREAS, the said accord has been approved by the Blue Collar Union and is acceptable to the Town Board of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the proposed Blue Collar Collective Bargaining Agreement as negotiated between the Town Board and the Blue Collar Union, and presently approved by the Blue Collar Union; and be it further

RESOLVED, that a copy of the Blue Collar Collective Bargaining Agreement be kept on file in the Town Clerk's Office.

The resolution was duly adopted.

On the question Councilmember Liberti recused himself due to a family relation in the CSEA.

New Business #16 Approve appointment of 2025 Summer Seasonal Staff to the Recreation Department.

20) 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 approve the appointment of the following Summer Seasonal staff to the Orchard Park Recreation Department effective May 8, 2025 – August 29, 2025, part-time seasonal August 30, 2025 – December 31, 2025:

Jordyn Malinowski	\$17.00 Program Coordinator 2
Gavin Mazgaj	\$16.50 Program Coordinator 1

The resolution was unanimously adopted.

New Business #17 Promotion of an Assistant Crew Chief in the Highway Department.

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

WHEREAS, the Orchard Park Highway Department has a vacant Assistant Crew Chief position; and

WHEREAS, there are funds in the 2025 budget to fund an Assistant Crew Chief position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Nick Welch is ready and able to serve as an Assistant Crew Chief in the Orchard Park Highway Department.

Now, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Nick Welch is promoted to an Assistant Crew Chief in the Orchard Park Highway

Department at Job Level 4 Step 9 of the Blue Collar Contract at a rate of \$35.38 per hour effective May 5, 2025.

The resolution was unanimously adopted.

New Business #18 Authorize Highway Superintendent to declare Surplus Equipment and authorize the sale of surplus equipment.

22) 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 authorize Andrew Slotman Highway Superintendent to declare surplus of equipment for 2025; and be it further

RESOLVED, that the Town Board does hereby authorize Andrew Slotman Highway Superintendent to auction the 2025 surplus equipment, a list of the 2025 surplus equipment will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #19 Approve agreement with National Fuel Gas regarding installation of Gas Service for Multi-Use Maintenance Fuel Facility.

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

WHEREAS, construction is underway for the Multi-Use Maintenance Fuel Facility. Since the main maintenance building phase or administration building phase are not moving forward, and the building backup generator is not being installed, a separate backup generator is recommended. The generator which will provide emergency power for the Fuel Facility was delivered and installed; and

WHEREAS, although propane was cheaper initially, natural gas is more cost efficient after 5 years of service. National Fuel Gas can now install the service and meter which will fuel the generator; and

WHEREAS, the work will entail the installation of 375 feet of 1" CTS Service line, meter and restoration. The cost of this work is \$4,045.50. There is presently funding allocated in Capital Account, "AB015 Highway Fuel Rehab" \$1,992,500.00 for this project.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize payment to National Fuel Gas, 365 Mineral Springs Road, Bldg. 3, Buffalo, NY 14210 in the amount not to exceed \$4,045.50, for supplying natural gas to the generators as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #20 Authorize the Supervisor to sign a purchase agreement for possible Green Lake / Town Ponds testing and treatment for algae.

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

WHEREAS, with concerns of possible planktonic algae in Green Lake this year, the Engineering Department requested a quote/references for treatment from Aqua Tech Environmental Inc. This treatment is in addition to non-pesticide aquatic vegetation control), water quality (microbes and water aeration), weir maintenance,

general consultation and fish stocking (possible grass carp stocking) of Green Lake. Microbes have proven not to be efficient on a large body of water. Attached is a quote from A-Tip Control Inc. for \$6,825.00 for applying for permits and treatment. The permit has to be applied for ahead of time due to the processing time for the permit; and

WHEREAS, in addition, the recommendation is to include Aquatic Biology Laboratory Services for various testing to identify species. The preliminary estimated cost is not to exceed \$2,000.00.

AquaTech Environmental, Inc. has the Town wide contract, \$18,000.00 for general professional consultations, non-pesticide water quality treatments, NYSDEC permitting and fish stocking, but no longer does pesticide treatments but is recommending treatment if needed.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the purchase agreement with EnviroScience, Inc. 5070 Stow Road, Stow, OH 44224 for aquatic biology laboratory testing for Green Lake and Town Ponds as needed in the amount not to exceed \$2,000.00 to provide aquatic biology services as needed; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the purchase agreement with A-Tip Control Inc. for permits and treatment to help control planktonic algae in Green Lake, in the amount not to exceed \$6,825.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #21 Approve the MOU between the Town of Orchard Park, the Cornell Cooperative Extension of Erie County, and the Scott Bieler Family Foundation, Inc.

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

WHEREAS, to facilitate public water main installation for Providence Farms and Cornell Cooperative, as well to provide service to two residential properties, the above referenced document is Memorandum of Understanding (MOU) for the proposed waterline extension for the north portion of Burton Road, district OPWD #17-4; and

WHEREAS, the Town Attorney, Engineering Department, Scott Bieler and Cornell have finalized the MOU and the Cornell Cooperative Board approved and signed the agreement.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached MOU agreement; and be it further

RESOLVED, that the Town Board does hereby approve the Cornell Cooperative Extension site plan per the Planning Board recommendation and stipulations as recommended by the Town Engineer; and be it further

RESOLVED, with regard to V/L located on the west side of Burton Road at Powers Road, (Cornell Cooperative), Zoned R-2 and A-1, that the Town Board approve the presented Site Plan and authorize a Building Permit, to construct a 7,240 +/- square foot Educational Facility with an associated Agricultural Campus, upon 15.0 acres, per the plan received on 3/5/25, 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 8/2/21, 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 3/5/25, 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 \$15,096.50 Landscaping Estimate Value shall be deposited with the Town Clerk (\$7,548.25). 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 3/6/25.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Rosalind Wiltse questioned the closed-door meeting of the Town Board at 5:30 on May 7, 2025.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak welcomed the new hires and thanked Tom McCarthy for his years of service. He also stated the items Councilmember Liberti and Councilmember Mariano brought up regarding the Special Audit and Financial irregularities of the Town Tax Receiver’s accounts should be spoken about in an Executive Session until they are no longer under discovery.

Councilmember Joseph Liberti responded to Ms. Wiltse regarding Old Business item #2, congratulated Tom McCarthy and new employees, spoke of a grant for the pavilion and inquired about discrepancies in the Tax Receiver’s financial records.

Councilmember Scott Honer welcomed the new employees.

Councilmember John Mariano welcomed the new employees and spoke of the Town’s accounting firm - Drescher Malecki questioning the Town Tax Receiver’s bank accounts and overdrafts.

Town Clerk Remy Orffeo notified the public about a Blood Drive and thanked the Highway Department for planting trees in recognition of Arbor Day for Orchard Park’s Tree Conservancy.

Town Engineer Wayne Bieler spoke of NYS’s auditing of the Engineering Department, the Town Calendar, Armour Duells and Murphy Road roundabout and a grant for stadium sidewalks.

Building Inspector Tom Minor questioned the Board about Commercial Parking Permits.

Highway Superintendent Andrew Slotman congratulated the new employees and spoke of the brush collection schedule. He also read two thank you letters from the community for Highway’s hard work.

Police Chief Patrick Fitzgerald spoke of the Special Olympics Torch Run on May 17, 2025, OPLL Parade on May 10, 2025, Bike to school day on May 7, 2025, the 3-way stop on Michael Rd. and Angle Rd., and the need to finalize questions about Commercial Parking.

26) 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 authorize the approval of all entries on Warrant #7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$593,979.66
Public Safety Fund	\$3,536.60
Part Town Fund	\$11,275.94
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$264,812.12
Special Districts	\$21,207.43
Trust & Agency	\$26,329.28
Capital Fund	\$507,469.42

The resolution was unanimously adopted.

REPORTS

27) 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 March 2025 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 8:28pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk