

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 21<sup>st</sup> day of December 2022 at 7:00 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
Jennifer Brady	Deputy Town Clerk
Timothy D. Gallagher	Town Attorney
	Building Inspector
Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
Wayne Bieler	Town Engineer
Absent Ed Leak	Director of Rec., Parks & Forestry
Absent Remy Orffeo	Town Clerk

**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 7, 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.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**Old Business #1 Approve Change Order #1 to our Contract with Walter S. Johnson Building Co., Inc. for the Little Loop Football Announcer’s/Storage Building & Lighting Project.**

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

**WHEREAS**, the Engineering Department is requesting the Town Board’s approval of a Change Order to the contract with Walter S. Johnson Building Co., Inc. for the Little Loop Football Announcer’s / Storage Building & Lighting Project in the amount of \$1,207.50. If approved, this would increase the total contract amount to \$253,407.50, representing an increase of 0.4787%; and

**WHEREAS**, this Change Order is requested to perform additional work not covered under their contract. The additional work involves the siding and horizontal trim pieces to the announcer’s booth. The plans call for a caulk joint, but the recommended construction method is to install a metal flashing in these areas. The contractor will have forest green aluminum stock bent in the shop by a subcontractor. Then

the flashing will be installed in the field by the contractor at the required positions. This change order consists of \$900.00 material costs and \$307.50 labor/fee costs.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #1 to our contract with Walter S. Johnson Building. Co., Inc. for the Little Loop Football Announcer's / Storage Building & Lighting Project in the amount of an increase of \$1,207.50 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Town Board to approve the implementation and funding of the Federal Aid and State “Marchiselli” Program-Aid eligible costs regarding the Town of Orchard Park Pedestrian Walkability, Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools.**

3) This item was Tabled.

**New Business #2 Approve the reappointment of Colleen Brunelle to the Board of Assessment Review.**

4) 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 reappoint Colleen Brunelle to the Board of Assessment Review with a term of 10/01/2022 to 9/30/2027.

**The resolution was unanimously adopted.**

**New Business #3 Schedule a Public Hearing regarding 3201 Southwestern Boulevard, Chase Bank.**

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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for 3201 Southwestern Boulevard, Chase Bank to request a “Special Exception Use Permit” to construct a 3,500-sq.ft Building with a Drive-Through ATM, west side of Top’s Fueling Station, east side of Starbucks, located in the Tops Plaza, Zoned B-2, on January 18, 2023 at 7:00pm (Local Time); 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 Schedule a Public Hearing regarding 3185 Orchard Park Rd, Jim’s Steak-Out**

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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for 3185 Orchard Park Road, Jim’s Steak-Out, to request a “Special Exception Use Permit” to construct a 2,810-sq.ft. Restaurant Building, with a Drive-Through, located on the east side of Orchard Park Road, north of

Delta Sonic (former Tabernacle Food Pantry), Zoned B-2, on January 18, 2023 at 7:00pm (Local Time); 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 Award Brush Contract and Release Bid Bonds.**

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

**WHEREAS**, the Brush contract for the Town-Wide (Excluding Village) Collection, hauling and disposal of tree/brush waste for the time period of May 1, 2023 to November 15, 2023 has gone out to bid; and

**WHEREAS**, the Town received 3 bids that were opened November 3, 2022 with Quaker Maintenance Inc., being the lowest responsible bidder with a base bid for item #1 a four zone collection schedule of \$208,400.00; and

**WHEREAS**, the Town has decided to award alternate #1, Contractor to collect “Large Scale” brush and tree waste for a per pickup fee of \$700.00, the Town has decided to NOT award Alternate #2 for collection of brush and tree waste in the stadium zone; and

**WHEREAS**, the Town has reviewed all the bid documents and had an interview with Quaker Maintenance Inc. to discuss the expectation for the contract and review all necessary insurance and bonding requirements will be met.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby award the Town-Wide (Excluding Village) Collection, hauling and disposal of tree/brush waste contract to Quaker Maintenance Inc., and be it further

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release the Bid Bonds or certified checks to all bidders upon completion of signing and executing a contract with Quaker Maintenance Inc.

**On the question:** Councilmember Flynn inquired about Town Code revisions to match stipulations in the Brush Contract and applying a fee schedule for noncompliance.

**The resolution was unanimously adopted.**

**New Business #6 Authorize Supervisor to sign an Agreement with C & S Engineers Inc. for professional services for the design of Dennis Road Bridge Project.**

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

**WHEREAS**, Consultant assistance services for the Dennis Road Bridge Replacement are needed for the Town of Orchard Park to complete the design per NYS/Federal BridgeNY Program grant requirements, NYSDOT Design Procedure Manual (DPM) and appropriate sections of the Federal Aid Policy Guide (FAPG). Three professional firms submitted qualifications that are on the approved for BridgeNY program list for Region 5; and

**WHEREAS**, the engineering firm of C&S Companies being involved with the BridgeNY culvert grant application process, were the selected consultant for the design services. The Engineering Department

has met with representatives of that firm to review contract language, refined the scope per grant requirement services and discussed approach roadway reconstruction, strip property acquisition, utility relocation, and stream bank armoring for erosion control, required for this project. The Town will provide existing utility location files, drainage shed maps, assist with roadway alignment options to address stream bank erosion adjacent to the sides of Dennis and Ellicott Road, culvert alignment with the stream and Dennis / Ellicott Road. The adjacent property owner was contacted to realign Dennis Road, at more of a 90 degree angle with Ellicott Road; and

**WHEREAS**, there is a Capital Account DB015 Dennis Road Culvert being setup, which per accounting, will track all project costs under Capital Project DB015, Dennis Road Culvert Replacement Project for 100% reimbursement with the BridgeNY Culvert Program.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the agreement with C&S Companies, 141 Elm Street, Suite 100, Buffalo, New York, 14203, to provide professional services for the Design of the Dennis Road Culvert Replacements Project per BridgeNY Program in an amount not to exceed \$162,000.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Approve Pay Rate Increase for Part Time Senior Center Employees.**

9) 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 a \$.50 pay increase resulting in a pay rate of \$15.50 per/hour for the following part time Senior Center staff salaries effective January 1, 2023 which was included in budget code A0 7610 50104 (non-union hourly PT) – Bonnie Orlow, Robert Kostran, and Margaret Sanna.

**The resolution was unanimously adopted.**

**New Business #8 Approve Pay Rate Increase for Part Time Community Activity Center Employees.**

10) 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 a \$.50 pay increase resulting in a pay rate of \$15.50 per/hour for the following part time Community Activity Center staff salaries effective January 1, 2023 which was included in budget code A0 7180 50104 (CAC non-union hourly PT) – Patrick Higgins, Ethan Wood and Lynne Graham.

**The resolution was unanimously adopted.**

**New Business #9 Refer a Conservation Easement to the Conservation Board.**

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

**RESOLVED**, that the Town Board is hereby authorized to refer the request for a Conservation Easement by Tommaso & Beverly Briatico, for property located at 36 Wildwood Lane, to the Conservation Board for review.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

No one came forward.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak wished everyone a Merry Christmas and a Happy New Year.

Councilmember Joseph Liberti wished everyone Happy Holidays and to stay safe.

Councilmember Scott Honer wished everyone a Merry Christmas and Happy Holidays.

Highway Superintendent Andrew Slotman asked that private plow contractors not put snow in the roads or ROW. He thanked Highway employees for working during the Bills game and wished everyone a Merry Christmas and a Happy New Year.

Police Chief Patrick Fitzgerald stated it was a busy Bills game and he recognized the team work of the Orchard Park Police Officers, Dispatch, IT and members of the command staff. ....

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

<b>General Fund</b>	\$96,221.91
<b>Public Safety Fund</b>	\$9,122.85
<b>Part Town Fund</b>	\$87.26
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$51,169.04
<b>Special Districts</b>	\$38,252.89
<b>Trust &amp; Agency</b>	\$344.00
<b>Capital Fund</b>	\$5,550.00

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:17pm (local time).

**Respectfully Submitted,**

**Jennifer L. Brady**  
**1<sup>st</sup> Deputy Town Clerk**