

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 1st day of February 2023 at 7:25 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
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: January 18, 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 COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve Change Order #1 to our contract with Industrial Power & Lighting Corp. for the Brush Mountain Park 90’ Baseball Diamond Miscellaneous Lamp Replacement Project.

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

WHEREAS, Industrial Power & Lighting Corp., was retained by the Town Board on September 1, 2021 to replace miscellaneous lamps at the 90’ baseball diamond outfield. The estimated not to exceed cost was \$5,100.00; and

WHEREAS, an invoice from Industrial Power & Lighting Corp. was received January 12, 2023 with an amount due of \$362.10. The \$362.10 Change Order request was due to trouble shooting of the baseball diamond lights, resulting in 3 extra hours of work. The additional services were necessary to complete the project. This will increase total contract amount to \$5,462.10.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the contract with Industrial Power & Lighting, Corp., 60 Depot Street, Buffalo, NY, 14206 for the Brush Mountain Park 90' Baseball Diamond miscellaneous lamp replacement project in the amount of \$362.10 upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Reappoint Nick Baich to the Ethics Board

3) 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 Nicholas Baich to the Ethics Board with a term to expire on December 31, 2027.

The resolution was unanimously adopted.

New Business #2 Appoint Charles Messina to the Ethics Board

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

WHEREAS, Jacqueline Mattina has resigned from the Orchard Park Ethics Board; and

WHEREAS, this resignation creates a vacancy on the Orchard Park Ethics Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Charles Messina to the Ethics Board with a term to expire on December 31, 2024.

The resolution was unanimously adopted.

New Business #3 Approve Second Notice Requirement from Erie County Real Property Tax Services

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

WHEREAS, the Governor of New York State has signed legislation (RPTL 467) that provides "second notices" to residential property owners; and

WHEREAS, the Town of Orchard Park and the Orchard Park School District offer exemptions for low-income seniors; and

WHEREAS, property owners must own and live in the home, be age 65 by December 31, 2023 and have a household combined income of less than \$37,399.00; and

WHEREAS, the deadline for filing the application for the 2023 assessment roll is March 1, 2023; and

WHEREAS, residents may contact the Assessor's office at 716-662-6420 with any questions; and

WHEREAS, the language on the Town/County and School Tax bills meets the requirements of the Governor's legislation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the Governor's "second notice" legislation for Town/County and School taxes.

The resolution was unanimously adopted.

New Business #4 Approve Recreation Department part-time appointments for 2023

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

RESOLVED, that the Town Board does hereby appoint the following part-time 2023 Recreation Department staff to the Town of Orchard Park Recreation Department effective 1/30/2023.

Lisa Henrich	\$20.00	Special Programs Supervisor
Morgan Rodgers	\$16.00	Program Coordinator 1
Hamilton McGrath	\$16.00	Program Coordinator 1
Sophie McGrath	\$16.50	Lifeguard 2
Taylor McGrath	\$16.00	Program Coordinator 1
Olivia Overhoff	\$16.00	Lifeguard 1
Hayden Wisniewski	\$16.00	Lifeguard 1

The resolution was unanimously adopted.

New Business #5 Approve Resolution adopting Non-Union Salary Schedule

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

WHEREAS, hourly wages and salaries have been determined for the non-union personnel, excluding Elected Officials as of January 1, 2023;

NOW, THEREFORE, be it

RESOLVED, that effective from and as of January 1, 2023, the salaries, be accepted and approved for non-union employees, excluding Elected Officials; and be it further

RESOLVED, that a copy of the hourly wages and salaries are on file in the Town Clerk's office.

The resolution was unanimously adopted.

New Business #6 Approve resolution for Closure of Capital Projects and Transfer of Capital Projects Funding – 2022 Year End

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

WHEREAS, certain capital projects are complete and can be closed; and

WHEREAS, certain projects are in need of funding that is available in other projects; and

WHEREAS, the Town has reviewed the source of funds within each project and determined that the funds can be transferred to projects as described.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the closure of the following capital projects and transfers of funding as of December 31, 2022:

Close ABOO8 Highway Building \$4,474.52 to AB017 Highway Master Plan.

Close AB010 Animal Control Building (\$4,975.82).

Transfer \$4,975.82 from ABOO1 Unallocated Building Projects.

Close AB011 Water & Lighting Sewer Remodel \$748.09 to ABOO1 Unallocated Building Projects.

Close AB013 HW, SWL, Parks Generator Install \$100,728.83 to AB015 Highway Fuel Rehab.

Close AD008 Acorn Circle (\$9,000). Transfer \$9,000 from AD002 Bussendorfer Drainage.

Close SLOO2 Light Pole Replacement \$32,744.36 to 5L004 NYSEG Overhead Cobras.

Close FX003 Duerr Road \$19,633.53 to FX001 Unallocated Water District Projects.

Close DB007 Lexington/Brenner \$71,645.29 to DB001 Unallocated Highway Projects.

Transfer \$20,000 from DB001 Unallocated Highway Projects to DB014 Bussendorfer Overlay.

Transfer \$30,024.18 from ABOO7 OP Municipal Buildings to AB017 Highway Master Plan.

Transfer \$80,000 from ABOO4 CAC Building to AB018 CAC Senior Bocce/Generators.

The resolution was unanimously adopted.

New Business #7 Approve the site plan and authorize a building permit regarding New York State Beer Project.

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

The Planning Board, at their 01/12/2023 meeting, recommended the following to the Town Board: With regard to; "New York State Beer Project", V/L Windward Road, located at the northwest corner of Windward Road in the Sterling Business Park off of Milestrip Road, Zoned I-1, that the Town Board APPROVE the presented Site Plan and AUTHORIZE a Building Permit, to construct a 32,000 gsf. Two-story Building, per the plan received on 12/28/2022, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is a Type 1 SEQR Action, based on the Full EAF and a Negative Declaration was made on 10/14/2021.
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. An updated Landscape Plan, received 1/11/2023, meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$59,680 Landscaping Estimate Value shall be deposited with the Town Clerk (\$29,840). Conservation Board approval was granted on 11/01/2022.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. The applicant is to contact the Town of Orchard Park Assessor regarding an "independent" appraisal for the completed project, by a Certified Commercial Appraiser, and see what he requires.
8. The Town Board granted this project a "Special Use Permit" for the Restaurant in 2020.
9. A swale will be constructed along the north property site woods line with an outlet into the basin. The swale will be designed to cut-off drainage from the site and snow storage melt from Lake Avenue properties.
10. In Spring, 2023 representatives of the Town Engineering Department and Town Planning Board will meet on the property with representatives of Costich to determine placement of evergreen trees (minimum height of five feet) so as to provide screening for the adjacent Lake Avenue properties.
11. Final Engineering Approval is GRANTED, on 1/30/2023, as required, prior to issuing a Building Permit.

The resolution was unanimously adopted.

New Business #8 Approve Resolution to create an Employee Handbook Committee for the Town of Orchard Park.

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

WHEREAS, the Town of Orchard Park Town Board desires to update the Town Human Resources policy and the Employee Handbook that reflects those policies; and

WHEREAS, the Town of Orchard Park Town Board seeks input from human resources, legal, and management on recommended updates to such policies and how the policies are reflected in the employee handbook.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park resolves; that

1. An advisory Employee Handbook Committee is hereby created to provide advice and assistance to the Town Board on the update of Town Human Resources policy and the Town Employee Handbook.
2. The Employee Handbook Committee shall have seven to ten members including at least one Town Board member, one department manager, and one member of the Town Attorney's office. The Committee will be chaired by one member of the Committee as designated by the Town Board.
3. The duties shall include:
 - a. Review current Town Human Resources policy and provide recommendations to the Town Board on updating where needed.
 - b. Review the Town's Employee Handbook and provide recommendations to the Town Board on updating where needed to reflect the Town's Human Resources policy.

The Town of Orchard Park Employee Handbook Committee will meet as frequently as needed as determined by the Chair in order to complete the assigned duties. The Committee will provide a report and recommendation to the Town Board by the May 10, 2023 Town Board Work Session; and be it further

RESOLVED, that the Employee Handbook Committee will automatically terminate May 31, 2023, unless extended by resolution of the Orchard Park Town Board.

The resolution was unanimously adopted.

New Business #9 Appoint individuals to the Employee Handbook Committee for the Town of Orchard Park.

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

WHEREAS, the Town of Orchard Park Town Board has created the Town of Orchard Park Employee Handbook Committee; and

WHEREAS, the Town of Orchard Park Town Board seeks input from Human Resources, Legal, and Management on recommended updates to such policies and how the policies are reflected in the employee handbook.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park hereby appoints the following individuals to the Employee Handbook Committee:

1. Julia Mombrea (Chair)
2. Scott Honer (Vice Chair)
3. Andrew Slotman
4. Sue Hemingway
5. Bob Benning
6. Paul Pepero
7. John Bailey

The resolution was unanimously adopted.

New Business #10 Refer to the Planning and Conservation Boards.

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

- Vacant Land, 0 Big Tree Road, located on the south side of Big Tree Road, Route 20A, west of Shadow Lane, Zoned R-3. NYSEG Corporation, "Big Tree Substation", proposed fence project. (SBL#172.05-9-3)

The resolution was unanimously adopted.

New Business #11 Item not on Agenda

Designate Lead Agency for State Environmental Quality Review Act (SEQRA)

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

WHEREAS, the Town of Orchard Park (the "Town") has previously established twenty (20) separate, non-contiguous drainage and stormwater management districts (the "Existing Districts") organized under the New York State Town Law (the "Town Law"); and

WHEREAS, the Town Board (the "Board") plans to examine property drainage and stormwater conditions and existing facilities, prepare and develop a general map, plan, and report, including estimated costs (collectively the "Report") to determine whether to consolidate and/or extend the Existing Districts, merge into, consolidate and establish a new, Town-wide drainage and stormwater management district that would be congruent with the Town's borders, excluding, however, properties within the Village of Orchard Park (the "Town Drainage and Stormwater Management District"), in accordance with the Town Law; and

WHEREAS, the Board has retained GHD Consulting Services, Inc. ("GHD") to provide the engineering and planning services to prepare the Report; and

WHEREAS, the Board has been provided with an Environmental Assessment Form, Part I (the "EAF") pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Board desires to be designated as the Lead Agency under SEQRA for review of the EAF and compliance with SEQRA with respect to the Town Drainage and Stormwater Management District; and

WHEREAS, upon the Board's acceptance of the Report, the Board will file the Report in the Office of the Town Clerk and make it available for public inspection and will review and determine the environmental impact of the Report regarding establishing a Town Drainage and Stormwater Management District, will conduct a public hearing concerning such Report and determine whether to adopt the Report.

NOW, THEREFORE, be it

RESOLVED, that the Town Board be, and it hereby is, designated as the Lead Agency under SEQRA for review of the EAF and compliance with SEQRA with respect to the Town Drainage and Stormwater Management District; and be it further

RESOLVED, that the Town Clerk be, and hereby is, directed to post and publish a notice of this resolution in accordance with the Town Law, and notify involved and all interested persons/agencies in compliance with the SEQRA requirements and schedule a public hearing; and be it further

RESOLVED, that the Town Supervisor and the Town Engineer are hereby authorized to take any and all actions, execute and deliver any instrument, certificate or documents to effectuate or in furtherance of this resolution.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak thanked D.A.R.E Officer Mazur and congratulated Ed Leak for the OP Recreation Summer Camp registrations.

Councilmember Joseph Liberti congratulated the D.A.R.E graduates and D.A.R.E Officer Mazur. He also congratulated Ed Leak on the early success of OP Recreation Summer Camp registrations.

Councilmember Conor Flynn thanked all volunteers on the Employee Handbook Committee.

Councilmember Julia Mombrea congratulated the D.A.R.E graduates.

Highway Superintendent Andrew Slotman spoke regarding the new brush collection rules.

Police Chief Patrick Fitzgerald congratulated the D.A.R.E. program graduates and spoke of D.A.R.E. Officer Mazur’s exemplary work. He also thanked Supervisor Majchrzak for attending the graduation ceremonies.

13) 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 approval of all entries on Warrant #3 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$92,388305
Public Safety Fund	\$7,655.00
Part Town Fund	\$700.43
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$46,790.15
Special Districts	\$9,185.16
Trust & Agency	\$3,169.67
Capital Fund	\$82,337.57

The resolution was unanimously adopted.

REPORTS

14) 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 receive and file the December 2022 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 7:55 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**