

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 March 2023 at 6:40 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: February 15, 2023 and Special Session: February 22, 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 the contract with Industrial Power and Lighting Corp for the Orchard Park Little Loop Announcers/Storage Building and Field Lighting Project

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

WHEREAS, The Engineering Department is requesting approval for two (2) change orders to the electrical contract with Industrial Power and Lighting Corp. for the Little Loop Football Announcer's/Storage Building & Lighting Project in the amount of \$10,756.01. If approved, these would increase the total contract amount to \$455,756.01, representing an increase of 2.417%; and

WHEREAS, Item #1 is requested to perform work not included under their original bid. The change in scope of work involves installing the light fixtures and mounting arms to erect poles. The contractor bid the project when the poles were lying flat on the ground. They planned on installing the lights and hardware from ground

level and then fully raising the poles into their final position. This change in scope requires more labor time and specialized equipment to complete the work. Item #1 totals \$6,617.58 for labor and equipment; and

WHEREAS, Item #2 is requested to perform work not clearly identified in the bid documents. The contractor bid the project as the existing scoreboard was fully assembled and ready for installation. The existing scoreboard is currently in pieces, stored at the Highway Facility. The contractor intends to pick up all of the scoreboard parts, take them back to their shop, and fully assemble the scoreboard. After everything is cleaned and assembled, it can be fully tested before it is installed in its elevated position on the field. Item #2 totals \$4,138.43 for labor and materials.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the contract with Industrial Power and Lighting Corp. for the Little Loop Football Announcer's/Storage Building & Lighting Project (Electrical Contract) in the amount of an increase of \$10,756.01 upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Schedule a Public Hearing for April 5, 2023 at 7:00PM (local time) regarding a proposed local law amending Chapter 144 Attachment 11:1 Schedule of Use Controls I-1 Industrial Use.

3) 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 on April 5, 2023 at 7:00PM (local time) regarding a proposed local law amending Chapter 144 Attachment 11:1 Schedule of Use Controls I-1 Industrial Use; and be it further

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

The resolution was unanimously adopted.

New Business #2 Schedule a Public Hearing for April 5, 2023 at 7:00PM (local time) regarding a proposed local law amending Chapter 144 Attachment 13:1 Schedule of Use Controls D-R Development and Research Use.

4) 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 on April 5, 2023 at 7:00PM (local time) regarding a proposed local law amending Chapter 144 Attachment 13:1 Schedule of Use Controls D-R Development and Research Use; and be it further

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

The resolution was unanimously adopted.

New Business #3 Approve a Special Event Permit for Orchard Park Wesleyan Church's Community Easter Egg Hunt

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

RESOLVED, that the Town Board does hereby approve the Special Event Permit request for Orchard Park Wesleyan Church's Community Easter Egg Hunt to be held on Saturday April 8, 2023 from 10:00AM-11:30AM in the Outfield of the Baseball Diamond in Yates Park. Certificate of Liability is on file in the Town Clerk's Office and all fees have been paid.

The resolution was unanimously adopted.

New Business #4 Appoint Chase Weber as Blue Collar Laborer in the Highway Department

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

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

WHEREAS, there are funds in the 2023 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Chase Weber 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, Chase Weber is appointed as a laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$22.83 per hour effective March 6, 2023.

The resolution was unanimously adopted.

New Business #5 Appoint Brian Osieja as Blue Collar Laborer in the Highway Department

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

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

WHEREAS, there are funds in the 2023 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Brian Osieja 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, Brian Osieja is appointed as a laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$22.83 per hour effective March 13, 2023.

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to sign agreement with Aqua Tech Environmental Inc for professional services for the treatment and stocking of municipal ponds and lakes.

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

WHEREAS, similar to previous years, to complete the management and maintenance of various ponds/lake including Green Lake; it is necessary to hire an environmental consulting firm that is familiar with non-pesticide aquatic vegetation control (grass carp), water quality (microbes and water aeration), general consultation and fish stocking; and

WHEREAS, the Engineering Department has again solicited services and received a proposal from a local environmental consultant firm, AquaTech Environmental, Inc., which is qualified and more than capable of completing lake management work for Green Lake and other various Town owned ponds. Fish stocking in fourteen (14) Town owned water bodies would also be completed in the necessary timeframe, weather and appropriate season; and

WHEREAS, the environmental services to be provided for the maintenance of Town ponds/lake are proposed as an annual maintenance service agreement and will include: Non-Pesticide Aquatic Vegetation Control (grass carp stocking), Initial Walkthrough (Biological, Chemical and Physical Analysis), Water Quality Analysis, Aeration Assessment, Installation and Adjustment, Stocking Permit Procurement, Fish Stocking, Fishery Assessment/Management and General Consultation Services. Aqua Tech Environmental, Inc. will provide these services on an as-needed basis for a fee of \$1,000.00 due in March. Also a \$1,000.00 stocking deposit will be due in March and will be later subtracted from the overall stocking costs; and

WHEREAS, the Birdsong Subdivision Retention Pond is being stocked with 15 grass carp this spring, more than 2022 and 2021, to maintain healthy populations that can deal with the rooted plants. The additional grass carp pose no negative side effects and are a cost effective measure to control plant populations and improve the overall quality of the pond; and

WHEREAS, the total anticipated pond treatment (weather dependent) cost for 2023 is \$0.00 for the year, ten (10) Town owned water bodies are listed with costs in case any microbial treatment is needed this year. The 2023 pond and lake maintenance proposal includes \$2,000.00 towards possible water treatment options along with 50% cost sharing opportunities from existing drainage districts (1-2, 1-3, 2-2 & 3-2). The \$2,000.00 could also be applied towards the stocking of 75 grass carp in Green Lake pending spillway modifications and NYSDEC approval/permitting. The 75 grass carp would aid in the aquatic vegetation control in the lake and are offered by AquaTech at a cost of \$1,500.00; and

WHEREAS, the continuation of the Town of Orchard Park Fish Stocking Program recommendations are for 2023. Mr. Adrian recommends continuing the feeder fish stocking (fathead minnows & golden shiners), game fish stocking (large mouth bass, crappie & yellow perch) and increasing grass carp stocking to aid in weed control. The 2023 proposed stocking cost is \$9,500.80 less the \$1,000.00 deposit; and

WHEREAS, the entire projected cost for Town Pond/Lake maintenance, possible water quality treatment and stocking for calendar year 2023, is not to exceed \$12,500.00. There are presently funds (\$15,000.00) allocated under Orchard Park Engineering Department "Water Quality Consultants" A01440 50541 for this work; and

WHEREAS, the Town Board must be aware, as previously discussed with AquaTech, that this natural means of aquatic vegetation control and water quality management is not a perfect science and is heavily influenced by outside factors such as weather, nutrient loading, oxygen levels, etc. Another factor to highlight is that, other than Green Lake, no aeration projects are funded under this agreement, which are also a major

component of improving water quality. Lastly, this amount of funding would not cover all microbial treatments in a single year if they were, for some reason, required for all proposed waterbodies, which is highly unlikely. All involved parties must know there will be a learning curve with these natural methods. The true benefit for the environment comes with eliminating pesticides.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement with AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$12,500.00 to provide the following as recommended by the Town Engineer:

- Professional consultation for yearly environmental services for Town-Owned Ponds & Lake (\$1,000.00 fee due in March).
- Non-Pesticide water quality treatment services (excluding aeration) for various Town-Owned Ponds & Lake; including Brush Mountain, Lyrica North & South, Holley Ridge, CRV Acorn Circle, CRV East & West, Milestrip Reclamation, Birdsong, Riley Meadows, Pleasant Acres East & West, and Knoche pond, also Green Lake.
- Complete NYSDEC permitting & fish stocking in specified Town-Owned Ponds/Lake as per attachment 3.0 & 3.1 Fishery Management Agreement (\$1,000.00 deposit due in March).

The resolution was unanimously adopted.

New Business #7 Award contract to Santoro Signs Inc for Orchard Park Community Activity Center Entrance Sign Project.

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

WHEREAS, bids were opened for the Orchard Park Community Activity Center Entrance Way Sign project on February 24, 2023 at 2:00pm; and

WHEREAS, the project was bid informally to five (5) companies who specialize in this type of work. Of the five vendors, only one (1) company submitted a bid. The company to bid was Santoro Signs, Inc.; and

WHEREAS, the Orchard Park Engineering Department has reviewed the bid of the company who submitted. Santoro Signs, Inc. is more than capable of completing this project in the time frame identified. The company has been found to have the qualifications and experience to perform this work; and

WHEREAS, materials need to be ordered due to a completion date of June 2nd, 2023, and funding has been allocated in the Capital Account AB003, Brush Mountain Community Activity Center Building or TA0000 20079 Community Recreation with a current balance of \$404,777.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Orchard Park Community Activity Center "Entrance Way Sign Project" to the lowest responsible bidder, Santoro Signs, Inc., 3180 Genesee St., Buffalo, NY 14225 in the amount not to exceed \$20,580.00, upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Appoint part time seasonal help to the Engineering Department.

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

WHEREAS, funds have been allocated in the 2023 budget for seasonal help in the Engineering Department; and

WHEREAS, Anton Hastings helped the Engineering Department in 2022 and will be an asset due to the current workload of the Engineering Department. Anton attends ECC South studying Architecture Technology and will be able to assist us for a maximum of 19.5 hours a week.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Anton Hastings to a seasonal position in the Engineering Department for a twenty-four (24) week period beginning March 6, 2023 at a wage rate of \$16.00 per hour, upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Carol Jo Pope spoke about the “No Mow May” initiative to create a healthier environment. She also explained the dangers that pesticides on lawns pose to pollinators and pets.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak addressed the “No Mow May” initiative and the proposed ban on natural gas heating and appliances in New York State.

Councilmember Joseph Liberti offered his thoughts and prayers to the Buffalo Fire Department. He welcomed Chase and Brian to the Highway Department and thanked Carol for speaking of the “No Mow May” initiative. He also informed residents that the DEC issued coyote avoidance information.

Councilmember Conor Flynn sends his condolences to the Buffalo Fire Department and thanked Carol for speaking about the “No Mow May” initiative.

Councilmember Scott Honer sends his condolences to the Buffalo Fire Department and spoke of researching parking issues at the Community Activity Center.

Councilmember Julia Mombrea thanked Carol for presenting the “No Mow May” initiative and sends prayers to the Buffalo Fire Department.

Town Clerk Remy Orffeo informed residents that the Giving Tree Leaf order form will be available in the Town Clerk’s office.

Highway Superintendent Andrew Slotman thanked Highway Department employees for working long hours during the recent ice storm/power outage. He also welcomed Chase and Brian to the Highway Department.

Police Chief Patrick Fitzgerald welcomed Chase and Brian to the Highway Department. He also sends his condolences to the Buffalo Fire Department.

11) 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 #5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$164,466.53
Public Safety Fund	\$13,172.32
Part Town Fund	\$1,106.03
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$24,793.78
Special Districts	\$517,162.13
Trust & Agency	\$2,062.00
Capital Fund	\$0

The resolution was unanimously adopted.

COMMUNICATIONS

12) 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 receive and file: The Giving Tree Leaf Order form to benefit the Orchard Park Senior Center and Recreation Department’s equipment, programs, classes, and events held at the Community Activity Center.

The resolution was unanimously adopted.

13) 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 receive and file: New York State Department of Transportation Designation of Restricted Highway.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:11 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk