

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 5<sup>th</sup> day of April 2023 at 7:02 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
Absent Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
Absent Andrew Slotman	Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
Absent 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 MOMBREA, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: March 15, 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 HEARING  
Proposed Local Law 2023-01**

At 7:06PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding proposed Local Law 2023-01 amending Chapter 144 Attachment 11:1 Schedule of Use Controls I-1 Industrial Use.

Councilmember Flynn inquired about this proposed local law.

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 FLYNN, TO WIT:

**RESOLVED**, that the Town Board does hereby close the Public Hearing for proposed Local Law 2023-01 at 7:10PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, following due and timely notice, a public hearing relating to the matter of Local Law 2023-01 was conducted on April 5, 2023, at which time all interested parties were given an opportunity to speak.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board is hereby authorized to adopt Local Law 2023-01 which provides as follows:

144 Attachment 11:1  
Industrial Use  
Schedule of Use Controls

**Special Exception Uses**

Adult uses  
Day-care centers  
Contractor equipment and supplies  
Franchised motor vehicle dealerships  
Hotel/Motel  
Restaurant

**Prohibited Uses**

Drive-in service facility

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Aye
Councilmember Flynn	Nay
Councilmember Mombrea	Aye
Councilmember Honer	Aye

**The resolution was duly adopted.**

**PUBLIC HEARING  
Proposed Local Law 2023-02**

At 7:05PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding proposed Local Law 2023-02 amending Chapter 144 Attachment 13:1 Schedule of Use Controls D-R Development and Research Use.

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.

4) 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 close the Public Hearing for proposed Local Law 2023-02 at 7:06PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, following due and timely notice, a public hearing relating to the matter of Local Law 2023-02 was conducted on April 5, 2023, at which time all interested parties were given an opportunity to speak.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board is hereby authorized to adopt Local Law 2023-02 which provides as follows:

144 Attachment 13:1  
D-R Development and Research  
Schedule of Use Controls

**Special Exception Uses**

Drive-in service facility

**Prohibited Uses**

Commercial or Private Self-Storage units

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Accept the employment status change for Public Safety Dispatcher**

6) 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 accept the resignation of Full Time Public Safety Dispatcher, Courtney Kessel; and let it be further

**RESOLVED**, that the Town Board does hereby appoint Courtney Kessel as Part Time Public Safety Dispatcher effective January 20, 2023. Her current rate of pay is, range 0009 step E.

**The resolution was unanimously adopted.**

**New Business #2 Appoint 2023 part time staff for the Orchard Park Recreation Department**

7) 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 5/1/2023.

Garrett Adamy	\$16.00 Program Coordinator 1	Mari Kirby	\$16.00 Program Coordinator 1
Genevieve Arnold	\$17.50 Director	Zachary Lippitt	\$16.50 Parks Laborer
Robert Brozyna	\$16.50 Parks Laborer	Gianna Mainella	\$16.50 Program Coordinator 2
Allison Carroll	\$16.00 Program Coordinator 1	Tyler Menz	\$16.00 Program Coordinator 1
Owen Casto	\$16.50 Lifeguard 2	Scout Moskal	\$16.50 Program Coordinator 2
Delaney Cunningham	\$16.50 Lifeguard 2	Jax Myers	\$16.50 Program Coordinator 2
Heather Dunlap	\$16.50 Program Coordinator 2	Anthony Notino	\$16.00 Program Coordinator 1
Danielle Degnab	\$16.00 Program Coordinator 1	Sara O’Grady	\$16.00 Program Coordinator 1
Courtney Donovan	\$16.50 Program Coordinator 2	Madison Owczarzac	\$16.50 Program Coordinator 2
Jack Feneziani	\$16.00 Program Coordinator 1	Emma Popp	\$16.00 Program Coordinator 1
Madeline Franke	\$16.50 Program Coordinator 2	Mia Popp	\$16.50 Program Coordinator 2
Cole Grossman	\$16.50 Lifeguard 2	Jeffery Roberts	\$16.50 Parks Laborer
Nyna Garduno	\$16.50 Program Coordinator 2	Francis Robertson	\$16.00 Program Coordinator 1
James Gardner	\$16.50 Program Coordinator 2	Kelsey Robertson	\$16.50 Program Coordinator 2
Grace Haier	\$16.50 Program Coordinator 2	Gabriella Rydzewski	\$16.50 Lifeguard 2
Katherine Hartman	\$16.00 Program Coordinator 1	Courtney Schaffer	\$16.50 Program Coordinator 2
Kristen Heard	\$16.50 Program Coordinator 2	Robbie Schaeffer	\$16.00 Program Coordinator 1
Nadia Hering	\$16.50 Program Coordinator 2	Alex Tills	\$16.50 Program Coordinator 2
Katherine Higgins	\$16.50 Program Coordinator 2	Breanna Totaro	\$16.75 Supervisor
Grace Hinterberger	\$17.50 Director	Dana Totaro	\$16.50 Program Coordinator 2
Bryce Hodson	\$16.00 Parks Laborer	Thomas Utter	\$16.00 Program Coordinator 1
Vivian Jones	\$16.00 Program Coordinator 1	Raegan Van Pelt	\$16.50 Program Coordinator 2
Chloe Kirby	\$16.50 Program Coordinator 2		

**The resolution was unanimously adopted.**

**New Business #3 Authorize Supervisor to sign engagement letter with R.A. Mercer & Co., P.C. to provide a financial audit of the Town**

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

**WHEREAS**, the Town of Orchard Park's prior external auditor, Freed Maxick, has decided that they will no longer be providing attest services to governmental entities; and

**WHEREAS**, the Town of Orchard Park needs an independent external audit annually; and

**WHEREAS**, the Town of Orchard Park solicited proposals to perform such service; and

**WHEREAS**, R.A. Mercer & Co., P.C. graded as the best value based on a series of technical and pricing criteria.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes the Supervisor to sign an engagement letter with R.A. Mercer & Co., P.C. to provide a financial audit of the Town for the year ended December 31, 2022.

**The resolution was unanimously adopted.**

**New Business #4 Authorize Supervisor to sign the Parks & Grounds Agreement with Orchard Park Soccer Club.**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the 2023 Parks & Grounds Agreement with Orchard Park Soccer Club.

**The resolution was unanimously adopted.**

**New Business #5 Approve No Mow May and waiving Section 71-2 of the Town Code**

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

**WHEREAS**, the Town of Orchard Park recognizes the importance of supporting biodiversity and promoting the health of our local ecosystems, including the important role of pollinators such as bees and butterflies; and

**WHEREAS**, the No Mow May initiative encourages residents and communities to refrain from mowing their lawns during the month of May to allow native plants and wildflowers to bloom and provide vital resources for pollinators; and

**WHEREAS**, Section 71-2 of the Town Code sets standards for grass height on residential properties and mowing less frequently in May would not pose a hazard to public health or safety.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park does hereby support the No Mow May initiative and encourages residents to participate by refraining from mowing their lawns during the month of May 2023; and be it further

**RESOLVED**, that the Town of Orchard Park does hereby waive Section 71-2 of the Town Code concerning standards for grass height for the month of May 2023 to allow residents to participate in No Mow May without penalty. We hope that this resolution will promote biodiversity, support our local ecosystems, and encourage community participation in environmental initiatives.

**The resolution was unanimously adopted.**

**New Business #6 Approve Public Improvement Permit #2023-01 for the Riley Meadows West Subdivision Phase 4**

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

**WHEREAS**, an application was received for a Public Improvement Permit to construct the Riley Meadows West Subdivision Phase 4 from Andrew Romanowski, Alliance Homes, 4727 Camp Road, Hamburg, New York 14075; and

**WHEREAS**, the project consists of the installation of 355 L.F. of new roadway and public utilities to serve 4 residential sublots; and

**WHEREAS**, the plans and specifications for the proposed project have been reviewed and are in compliance with current Town Specifications and Standards; and

**WHEREAS**, all necessary fees, bonds, and insurances have been received.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Public Improvement Permit #2023-01 for the Riley Meadows West Subdivision Phase 4 upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Authorize Supervisor to sign the NYS Department of Conservation SPDES General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers Municipal Compliance Certification and schedule a public informational meeting for Wednesday, May 17, 2023 at 7:00pm to receive public comment on the draft Stormwater Phase II annual report**

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

**WHEREAS**, per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (N01) goals; and

**WHEREAS**, the 2022-2023 copy of the draft annual report will be on file in the Town Clerks Office for public review and comments; and

**WHEREAS**, a draft copy will be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments; and

**WHEREAS**, the Annual Report must be submitted to the NYSDEC each year by June 1. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification; and be it further

**RESOLVED**, that the Town Board does hereby schedule a public informational meeting for Wednesday, May 17, 2023, at 7:00 pm, to receive public comment on the draft Stormwater Phase II annual report upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Authorize Supervisor and Town Attorney to execute the GIS e-Data Confidentiality and Non-Disclosure Licensing Agreement for OP Engineering Diamond Map GIS work**

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

**WHEREAS**, the Engineering Department contacted the Erie County Water Authority to request sharing of GIS information for the Towns GIS system (Diamond Maps); and

**WHEREAS**, this information will provide staff with the most accurate water utility information in an easily accessible format for GIS map development; and

**WHEREAS**, the Erie County Water Authority is willing to share this information once the Supervisor signs their GIS e-DATA Confidentiality and Non-Disclosure Licensing Agreement.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor and Town Attorney to execute the GIS e-Data Confidentiality and Non-Disclosure Licensing Agreement for OP Engineering Diamond Map GIS work upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #9 Authorize advertisement in the Orchard Park Bee for sealed bids to be opened on April 24, 2023 at 2:00pm for the testing of backflow prevention devices**

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

**WHEREAS**, the Town of Orchard Park is required to test town owned backflow prevention devices to keep in compliance with New York State Health Department and Erie County Water Authority regulations; and

**WHEREAS**, the Town of Orchard Park currently has fourteen (14) backflow prevention devices; two (2) located in the Municipal Center, one (1) each located in the Library, Historical Building (Jolls House), Orchard Meadows Playground and Honey Crest Playground, two (2) in the Compost Facility, two (2) in Green Lake Park / Little League, and four (4) in the Brush Mountain Community Activity Center; and

**WHEREAS**, the scope of work includes testing each of the fourteen (14) backflow prevention devices during the course of the year and to perform any maintenance that may be needed if the backflow prevention device does not pass the test; and

**WHEREAS**, the Town of Orchard Park has appropriated funding for contracted building repair and maintenance, A01620 50446.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened at 2:00 pm, on April 24, 2023, in the Supervisor's Conference Room at the Orchard Park Municipal Center for the testing of backflow prevention devices upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #10 Authorize the purchase of a 2024 Freightliner SD Plus truck cab and chassis for the Highway Department**

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

**WHEREAS**, the Orchard Park Highway Department is in need of a plow truck; and

**WHEREAS**, a model year 2024 Freightliner 114 SD Plus truck cab and chassis is available through Fleet Maintenance, Inc., 67 Ransier Dr., West Seneca, NY 14224 for \$137,674.00; and

**WHEREAS**, this vehicle is part of the Highway Department's replacement plan and money has been allocated in the 2023 budget for this purchase.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the purchase of a model year 2024 Freightliner 114 SD Plus truck cab and chassis as specified from Fleet Maintenance, Inc. at an amount not to exceed \$137,674.00 per recommendation of the Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #11 Authorize the purchase and installation of an Everest 12 foot Stainless steel dump body and snow plow package for the Highway Department**

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

**WHEREAS**, the Orchard Park Highway Department is purchasing a model year 2024 Freightliner 114 SD Plus truck cab and chassis; and

**WHEREAS**, a model year 2024 Freightliner 114 SD Plus truck cab and chassis requires an Everest 12 foot Stainless steel dump body and snow plow package as specified from Valley Fab and Equipment, Inc. 9776 Trevett Rd. Boston, NY to be fully functional for the needs of the Highway Department; and

**WHEREAS**, this vehicle is part of the Highway Department's replacement plan and \$145,418.00 has been allocated in the 2023 budget for this purchase.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the purchase of an Everest 12 foot Stainless Steel dump body and snow plow package as specified from Valley Fab and Equipment, Inc. at an amount not to exceed \$145,418.00 per recommendation of the Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #12 Refer to the Planning and Conservation Boards.**

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

- 3742 Southwestern Blvd., located on the north side of Southwestern Blvd, to the west of South Benzing Road, Zoned I-1. The Applicant is requesting a Special Exception Use Permit to construct a brewery and restaurant. (SBL# 161.06-1-14)

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Chris Weyer spoke highly of Maria at the Senior Center, Andy Slotman from Highway and Ed Leak from the parks and Grounds Department. She also spoke of neighbors spraying their lawns with insecticides.

Carol Pope spoke in favor of and thanked the Town for supporting No Mow May and informed the public of the project known as Home for Gnome.

Brian Kemp inquired about 72 Knoche Way which is in need of repair from a fire.

Marianne Aldrich inquired about 72 Knoche Way which is in need of repair from a fire.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak asked if anyone has any contact information regarding how to reach the owner of 72 Knoche Way. Please notify the Supervisor’s Office with any information.

Councilmember Conor Flynn thanked the Town Board for approving No Mow May. He also asked the Town Board what the proceedings are regarding the house on Knoche Way.

Councilmember Scott Honer notified residents that there will be new information coming out from the Highway Department regarding brush collection.

Police Chief Patrick Fitzgerald asked residents to watch their speed while driving in neighborhoods.

18) 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 #7 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$73,660.83
<b>Public Safety Fund</b>	\$9,826.37
<b>Part Town Fund</b>	\$1,053.49
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$47,001.96
<b>Special Districts</b>	\$166,135.50
<b>Trust &amp; Agency</b>	\$4,117,756.62
<b>Capital Fund</b>	\$51,006.51

**The resolution was unanimously adopted.**

**REPORTS**

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

**RESOLVED**, that the Town Board does hereby receive and file the February 2023 Building Inspector's Monthly Report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:31 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**