

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 19th day of April 2023 at 7:10 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Absent 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 MOMBREA, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: April 5, 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.

**** Arbor Day Proclamation 2023** was read as follows:**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE

I, Eugene Majchrzak, Supervisor of the Town of Orchard Park, do hereby proclaim April 28, 2023 as Arbor Day. In the Town of Orchard Park, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the wellbeing of this and future generations.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Authorize Supervisor to sign agreement with the Orchard Park School District for the Federal Aid Local Project, Orchard Park Pedestrian Walkability; Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools Project – PIN 5764.71, Contract #D040776.

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

WHEREAS, the Town of Orchard Park and the Orchard Park Central School District attorneys have completed an agreement for the Safe Routes to Schools; Pedestrian Walkability; Sidewalk & Crosswalk Construction Project; and

WHEREAS, the Town of Orchard Park Pedestrian Walkability; Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools Project is estimated at \$2,000,000. The Federal share will equal \$1,600,000 (80%) and the Local share is \$400,000 (20%). The Grant requires the Town/School to cover any overages over the 1.6 million dollar award; and

WHEREAS, the MOU covers the financial responsibility of both parties, based upon square footage of sidewalk to be installed on their respective properties. Currently the School is responsible for 50.95% (\$203,800) and the Town is responsible for 49.05% (\$196,200). These are preliminary cost figures and could change after design is complete and approved by the State; and

WHEREAS, the OPCSD and Town attorneys have gone back and forth on this agreement. The final document covers all issues and points brought up by both parties. The School District is presenting this MOU to the School Board at their meeting on April 19th for review and approval. Once approved the Superintendent of Orchard Park Schools will sign the MOU and forward it to the Town Supervisor for his signature.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the "Memorandum Of Understanding" between the Town of Orchard Park and the Orchard Park Central School District for the Pedestrian Walkability; Construction of Sidewalks as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Approve Change Order #1 to our Contract with Barton & Loguidice D.P.C., for the Berg Road Pump Station Project.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, 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 Barton & Loguidice, D.P.C., for the Berg Road Pump Station Replacement Project in the amount of \$1,600.00. If approved, this would increase the total contract amount to \$42,700.00, representing an increase of 3.7%; and

WHEREAS, this change order involves the cost for additional survey work to meet the requirement of the seller's bank. The additional work includes surveying the entire parcel and providing a legal description of the remaining parcel.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the contract with Barton & Loguidice, D.P.C., for the Berg Road Pump Station Replacement Project in the amount of \$1,600.00.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve Lindsay Matthews 5K Run & 1 Mile Walk

4) 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 Special Event Permit request for the Lindsay Matthews 5K & 1 Mile Walk to be held on Saturday July 30, 2023 from 10:45am to finish at 6909 Milestrip Rd. Orchard Park, NY 14127 with the stipulation that all fees are paid.

The resolution was unanimously adopted.

New Business #2 Approve addition to Standard Work Day Reporting

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

RESOLVED, that the Town Board does hereby add Town Justice Michael Pastrick to the standard workday and reporting solution for elected and appointed officials to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the Town Clerk.

The resolution was unanimously adopted.

New Business #3 Approve Police Officer Appointment

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

RESOLVED, that the Town board does hereby approve the appointment of Connor Nolte to the position of Police Officer in the Orchard Park Police Department, Step A, effective May 6, 2023.

The resolution was unanimously adopted.

New Business #4 Approve Advertisement for Bids for 3500 HD Cab and Chassis

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

WHEREAS, the Orchard Park Highway Department was approved to purchase a 2023 or newer 3500 HD Cab and Chassis and specifications of the vehicle requirements are being prepared by the Highway Department; and

WHEREAS, the Specifications will be available to be picked up at the Highway Department on April 28, 2023; and

WHEREAS, the Highway Department needs to advertise for Bids to purchase the 3500 HD Cab and Chassis.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids for a 3500 HD Cab and Chassis to be opened on May 15, 2023 at 2:15pm at the Orchard Park Municipal Center, Basement Meeting Room upon recommendation of the Highway Superintendent.

The resolution was unanimously adopted.

New Business #5 Approve Advertisement for Bids for 3500 HD 4WD Pickup with Plow.

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

WHEREAS, the Orchard Park Highway Department was approved to purchase a 2023 or newer 3500 HD 4WD Pickup with Plow and specifications of the vehicle requirements are being prepared by the Highway Department; and

WHEREAS, the Specifications will be available to be picked up at the Highway Department on April 28, 2023; and

WHEREAS, the Highway Department needs to advertise for Bids to purchase the 2023 or newer 3500 HD 4WD Pickup with Plow.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids for a 2023 or newer 3500 HD 4WD Pickup with Plow to be opened on May 15, 2023 at 2:15pm at the Orchard Park Municipal Center, Basement Meeting Room upon recommendation of the Highway Superintendent.

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to sign Parks & Grounds Agreement with OPLL

9) 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 authorize the Supervisor to sign the 2023 Parks & Grounds Agreement with Orchard Park Little Loop Football.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Phil Fuentes spoke of 72 Knoche Way being a safety hazard. The house burned down weeks ago. It needs to be attended to. He inquired as to a cleanup start date.

Theresa Waiter notified the Town Board of roadside memorials and their illegality. She finds them sad and distracting. She also thanked the Highway Superintendent for addressing debris near the railroad tracks.

Kayla Kemp informed the Town Board that Earth Day is coming up and inquired if the Town could clean up the burned down house in her neighborhood at 72 Knoche Way.

Eric Fattey notified the Town Board that 72 Knoche Way is a safety hazard and the debris is spreading down the street.

Amy Burlob asked the Town Board if they could sign a “Food Allergy Proclamation.” She notified the Board that National Food Allergy Week is coming up and she spoke of the problems her young son has encountered due to an uninformed public.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak welcomed Officer Nolte to the Orchard Park Police Department.

Councilmember Joseph Liberti congratulated Officer Connor Nolte and spoke in favor of the Food Allergy Awareness Proclamation. He also stated he will look into the roadside memorial in question and the 72 Knoche Way cleanup. He also stated the Economic Development Committee will be rezoning 4 areas.

Councilmember Scott Honer welcomed Officer Nolte to the Orchard Park Police Department and spoke of the 72 Knoche Way cleanup. He also spoke of the roadside memorial in question.

Councilmember Julia Mombrea welcomed Officer Nolte to the Orchard Park Police Department.

Town Clerk Remy Orffeo welcomed Officer Nolte to the Orchard Park Police Department.

Building Inspector Tom Minor spoke of the 72 Knoche Way cleanup.

Highway Superintendent Andrew Slotman spoke of when Brush Pickup will begin. He thanked the Orchard Park BEE, the IT department and the Clerk’s office for their assistance on notifying the public of the details regarding Brush Pickup. He also welcomed Officer Nolte to the Orchard Park Police Department.

Police Chief Patrick Fitzgerald welcomed Officer Nolte to the Orchard Park Police Department. He also spoke of the Governor’s Traffic Safety Committee.

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 authorize the approval of all entries on Warrant # 8 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$101,313.77
Public Safety Fund	\$34,504.16
Part Town Fund	\$5,861.90
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$88,592.80
Special Districts	\$21,190.23
Trust & Agency	\$4,275.07
Capital Fund	\$4,210.00

The resolution was unanimously adopted.

COMMUNICATIONS

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

RESOLVED, that the Town Board does hereby receive and file: The memo from the DEC regarding a Workshop with Invasive Species in Urban Forestry at Tift Nature Preserve on May 8, 2023. For more information visit www.dec.ny.gov/lands/30859.html

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file public notification of the Orchard Park Little League Opening Day Parade to be held on May 6, 2023 at 10AM. A map of the route is on file at the Village Office.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file public notification of the Memorial Day Parade to be held on May 29, 2023 at 9AM. A map of the route is on file at the Village Office.

The resolution was unanimously adopted.

REPORTS

14) 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 March 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 Liberti, the meeting adjourned at 7:45 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**