

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 3rd day of May 2023 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
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
Absent 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 FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: April 19, 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.

****Food Allergy Awareness Proclamation** was read as follows:**

WHEREAS, Food Allergy Awareness Week was established as a national week of encouraging food allergy awareness and supporting those who are impacted by food allergies and anaphylaxis; and

WHEREAS, Food allergies affect approximately 32 million Americans, including 6 million children; and

WHEREAS, the prevalence of food allergies appears to be increasing among children under the age of 18, which is 2 students in every classroom; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), between 1997 and 2011, the prevalence of food allergies rose 50 percent and

WHEREAS, nine foods account for 90 percent of all food allergy reactions: Peanuts, Tree Nuts, Milk, Egg, Wheat, Soy, Fish, Shellfish, and Sesame.

WHEREAS, a food allergy is an immune system response to a food the body mistakenly believes is harmful. When a person with food allergy eats the food, his or her immune system releases massive amounts of

chemicals, including histamine, that trigger a cascade of symptoms that can affect the respiratory system, the gastrointestinal tract, the skin, and/or the cardiovascular system; and

WHEREAS, there is no cure for food allergies, strict avoidance is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that comes on quickly and has the potential to become life-threatening; and

WHEREAS, managing a food allergy on a daily basis involves constant vigilance and trace amounts of an allergen can trigger an allergic reaction in some individuals; and

WHEREAS, *Food Allergy and Anaphylaxis Connection Team (FAACT)* is a national, nonprofit organization committed to their mission to educate, advocate, and raise awareness for all individuals and families affected by food allergies and life-threatening anaphylaxis; and

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby proclaim May 14-20, 2023 as **Food Allergy Awareness Week** in the Town of Orchard Park, NY, and encourage all residents to increase their understanding and awareness of this potentially life-threatening medical condition, improving the quality of life of the 32 million Americans affected by food allergies and anaphylaxis by visiting www.FoodAllergyAwareness.org.

IN WITNESS WHEREOF, I Supervisor Eugene Majchrzak have hereunto set my hand and caused the Seal of the Town of Orchard Park, NY

****PROFESSIONAL MUNICIPAL CLERK WEEK Proclamation** was read as follows:**

WHEREAS, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, the Office of the Professional Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Professional Municipal Clerk serves as the information center on functions of local government and community, and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE be it

RESOLVED, that I Eugene Majchrzak, Supervisor of Orchard Park, do hereby recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Remy C. Orffeo and to his Deputy Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Authorize the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

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

WHEREAS, a Project for the Town of Orchard Park Pedestrian Walkability; Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools, PIN 5764.71 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements shall be credited following FHWA’s construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and

WHEREAS, the Town of Orchard Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$400,000.00 (Prelim-Eng / ROW-Inc. = \$380,000.00.

NOW, THEREFORE the Town Board, duly convened does hereby

RESOLVED, that the Town Board hereby approves the above subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Orchard Park to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering (Design I-VI) and ROW incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$2,000,000.00 is hereby appropriated from School Sidewalks – Capital Account #ABO14 (or, appropriated pursuant to N/A) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Orchard Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

RESOLVED, that Supervisor Eugene L. Majchrzak of the Board of the Town of Orchard Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Orchard Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Kevin Masterson to the Sewer and Lighting Department

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

WHEREAS, the Sewer and Lighting Department has an opening for a laborer; and

WHEREAS, there are funds in the budget to hire a laborer; and

WHEREAS, Kevin Masterson is currently employed by the Town of Orchard Park in the Animal Control Department; and

WHEREAS, Kevin is ready, willing and able to transfer from the Animal Control Department to the Sewer and Lighting Department; and

WHEREAS, Kevin agrees to the following conditions: he will transfer in as a Step 5 Laborer within the Blue Collar Union at an hourly rate of \$27.95 per hour, his full time hire date and anniversary date for future accruals will remain January 1s^t, his current accrual balances for Sick, Personal and Vacation time will remain the same and transfer with Kevin from the White Collar to the Blue Collar Union, his future benefits will continue to be based from his original full time hire date of January 1, 2017; and

WHEREAS, the Police Chief and Highway Superintendent, based on finding a replacement for a laborer, will determine a starting date

NOW, THEREFORE be it

RESOLVED, that Kevin Masterson be transferred from the Animal Control Department to the Sewer and Lighting Department effective at a date agreed upon by the Police Chief and Highway Superintendent.

The resolution was unanimously adopted.

New Business #2 Approve the Highway Dept. to purchase a Titan Spartan Leaf Pro Plus Trailer Mounted Vacuum Leaf Collector.

8) 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 new leaf collector; and

WHEREAS, the Highway Superintendent recommends a Titan Spartan Leaf Pro Plus Trailer Mounted Vacuum Leaf Collector, as specified from Cyncon Equipment; and

WHEREAS, the leaf collector will be purchased under Sourcewell Contract #093021-GEP; and

WHEREAS, the money is included in the 2023 budget; and

WHEREAS, the purchase price is not to exceed \$104, 872.00

NOW, THEREFORE be it

RESOLVED, that the Highway Superintendent is authorized to purchase a Titan Spartan Leaf Pro Plus Trailer Mounted Vacuum Leaf Collector, as specified from Cyncon Equipment, under Sourcewell Contract #093021-GEP in an amount not to exceed \$104,872.00.

The resolution was unanimously adopted.

New Business #3 Approve the 2023 PT Orchard Park Recreation and Parks Department appointments.

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

RESOLVED, that the Town Board is hereby authorized to approve the following resident appointment to the 2023 part-time staff for the Orchard Park Recreation and Parks Department retroactive to April 26, 2023

Hayden Wisniewski \$16.00

and; be it further

RESOLVED, that the Town Board is hereby authorized to approve the following residents appointments to the 2023 part-time staff for the Orchard Park Recreation and Parks Department effective May 15, 2023 as recommended by the Recreation Director:

Peyton Dotton	\$16.00
Mark Kozar	\$16.75
Hamilton McGrath	\$16.00
Taylor McGrath	\$16.00
Andrew Relosky	\$16.50
Hannah Wierer	\$16.00
Andelain Wilson	\$16.00

The resolution was unanimously adopted.

New Business #4 Award the contract for Testing and Repair of Town Owned Backflow Prevention Devices (2023) to John W. Danforth Company.

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

WHEREAS, the Town of Orchard Park is required to test backflow prevention devices in the Community Activity Center, Library, Municipal Center, OP Highway, Compost Facility, Green Lake/Little League Park, Orchard Meadows Playground, Jolls House and Honey Crest Playground. The Town must comply with the New York State Sanitary Code Subpart 5, from the New York State Department of Health and as required by the Village of Orchard Park; and

WHEREAS, bids were opened for the Backflow Prevention Devices on April 24, 2023. The bid was for both a base bid for testing and costs of backflow prevention repair kits. Bids were for each facility and the size of the backflow prevention device that each facility currently uses; and

WHEREAS, the lowest base bid of \$2,900.00 was for all nine sites with a total low bid of \$5,970.00, including repairs and kits if needed; and

WHEREAS, the Engineering Department has an extended tabulation for bid results showing the itemized bid amounts of each contractor, and the Engineering Department has reviewed the bids for this work. The two contractors that bid the scope of work were John W. Danforth Company (\$2,900.00/\$5,590.00), and MKS Plumbing Corp. (\$4,400.00/\$9,350.00); and

WHEREAS, the lowest bidder for this project was John W. Danforth Company. The company has been in business since 1884 and has successfully completed various backflow prevention testing and installation projects in the past for Orchard Park. This company is more than capable of completing the proposed testing and repair of the various backflow prevention devices.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for Testing and Repair of Town Owned Backflow Prevention Devices (2023) to John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, New York, 14150, in an amount not to exceed \$5,970.00, including repairs and kits if needed as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Award the contract for the Milestrip Road Abandoned Water Tank Demolition Project to Regional Environmental Demolition, Inc.

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

WHEREAS, bids were opened for the Abandoned Milestrip Road Water Tank Demolition Project on April 27, 2023. The project consists of dismantling, removal and restoration of the Abandoned Milestrip Road Water Tank; and

WHEREAS, the project was bid on a lump price basis for the associated demolition and restoration work items. The Engineering Department has reviewed the lump sum prices of the seven contractors who submitted bids. The lowest bid of \$31,600 was below the engineer's estimate of \$75,000.00 for the project; and

WHEREAS, the low bidder for this project was Regional Environmental Demolition Inc. The company has successfully completed various demolition projects in the past including the removal of Town of Tonawanda water tank. The Engineering Department has no reservation about their capabilities; and

WHEREAS, there is presently \$255,751.00 allocated under Capital FX006, District Wide Water Improvements.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Abandoned Milestrip Road Water Tank Demolition Project to the lowest responsible bidder, Regional Environmental Demolition Inc., 6281 Wendt Drive, Niagara Falls, New York 14304, in the amount not to exceed \$31,600.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve an extension of time for the contract with Matt Kolo Excavating Company for the Bocce Ball Court Project.

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

WHEREAS, the Community Center Bocce Ball Courts Project was bid and awarded to Matt Kolo Excavating, LLC. In November of 2022 the Town Board granted Matt Kolo Excavating, LLC a no cost time extension change order, which extended the completion date of the contract to May 14, 2023; and

WHEREAS, due to the inclement spring Mr. Kolo has not been afforded the weather to complete this work and he is requesting the contract be extended with a final completion date of May 31, 2023.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #2, a no cost time extension until May 31, 2023, for the project completion of the contract for the Brush Mountain Community Center Bocce Ball Courts Project with Matt Kolo Excavating, LLC, 6680 Cole Rd, Orchard Park, NY 14127 upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Not on the Agenda – Authorize advertisement in the BEE for NOI to request the release of funds as required by the NYS CDBDG project.

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

WHEREAS, an item was not on the agenda and needs to be added in regards to Grant regulations.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize and direct the Engineering Department to publish a Notice Of Intent in the Orchard Park BEE to request the release of funds as required by the NYS CDBDG Project 2634CDPF3722. This is the funding for the CARES Act Improvements at the Senior Center such as the generators and door openers.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Gregg Tomani spoke about the public engagement practices and unmet offers made by the ECRT to the Orchard Park Town Residents.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak stated he was displeased with the ECRT’s business practices. They have not gone through the proper channels for approval or honored Town requests.

Councilmember Joseph Liberti thanked Amy Burnette for bringing Food Allergy Awareness to the Town’s attention. He also thanked Remy Orffeo for his and his staff’s hard work and dedication. He congratulated Kevin Masterson on his appointment. He also stated the Town met with the ECRT 17 months ago and requested them to go through the SEQR process. They have not complied.

Councilmember Conor Flynn thanked the Town Board for allowing him to add item #7 to the agenda.

Councilmember Scott Honer thanked all Emergency Services for their hard work and dedication. His family required their services over the weekend, thanks to all the Emergency Services his mother is doing fine. He also thanked Gregg Tomani for looking out for other residents and trying to bridge the concerns between them and the ECRT.

Town Clerk Remy Orffeo thanked the Town Board for the Municipal Clerk Proclamation.

Building Inspector Tom Minor stated his office received a Demolition Permit for 72 Knoche Way and the neighborhood concerns should be handled soon.

Highway Superintendent Andrew Slotman stated Brush Collection has been turned over to the contractor, for specific guidelines please visit the Town’s Website.

Police Chief Patrick Fitzgerald informed the Town of the Little League Parade on Saturday May 6 from 10am-noon. He also notified the Town about National bike to school day on Monday May 8, 2023 at South Davis Elementary School. There will be extra Police to assist with traffic.

14) 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 # 9 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$58,785.11
Public Safety Fund	\$6,601.98
Part Town Fund	\$1,456.76
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$27,230.88
Special Districts	\$22,610.10
Trust & Agency	\$5,753.36
Capital Fund	\$3,473.95

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:37 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**