

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 17th day of May 2023 at 7:15PM, 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
Gregory Sheppard	Police Captain
Absent 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: May 3, 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 AND INFORMATIONAL MEETING
Draft Stormwater Phase II Annual Report for 2022-2023**

At 7:18PM (local time) Supervisor Majchrzak called for the Public Hearing/Informational Meeting regarding the draft Stormwater Phase II Annual Report for 2022-2023 and to hear all interested parties.

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.

The resolution was unanimously adopted.

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/Informational Meeting for the Draft Stormwater Phase II Annual Report for 2022-2023 at 7:21PM.

The resolution was unanimously adopted.

3) 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 the Draft Stormwater Phase II Annual Report for 2022-2023 on May 17, 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 accept the Draft Stormwater Phase II Annual Report for 2022-2023

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve Change Order #3 to contract with Matt Kolo Excavating for the Brush Mountain Community Activity Center Bocce Ball Courts project

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

WHEREAS, during the construction of the Brush Mountain Community Activity Center Bocce Ball Courts project, the design elevations of the Bocce Ball Courts were raised to better meet existing conditions, ground water table, and possible future construction of a shelter; and

WHEREAS, additional bank run gravel was needed to raise the walkways between the courts in the amount of \$2,900.00; and

WHEREAS, this will change the total contract amount to \$73,850.00 representing a 4.087% increase; and

WHEREAS, there is presently \$404,000 allocated under Parks & Recreation T20079 to fund this project as directed by the Town Board for the original contract. Brush Mountain Community Activity Center AB004 Brush Mountain Community Center also could be used.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #3 to the contract with Matt Kolo Excavating Inc. for the Brush Mountain Community Activity Center Bocce Ball Court Construction Project in the amount of an increase not to exceed \$2,900.00 per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve the Chase the Sun Summer Solstice 5K Run to be held on June 2, 2023

5) 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 Chase the Sun Summer Solstice 5K to be held on Friday June 2, 2023 from 5:30PM-8:30PM.

The resolution was unanimously adopted.

New Business #2 Authorize Supervisor to sign the Parks & Grounds Agreement, on file in the Town Clerk’s office, with Orchard Park Little League Baseball

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 authorize the Supervisor to sign the 2023 Parks & Grounds Agreement with Orchard Park Little League Baseball.

The resolution was unanimously adopted.

New Business #3 Approve the 2023 Stable Permits, on file at the Town Clerk’s office

7) 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 approve the renewal of the following 2023 Public Stable Permits as recommended by the Building Inspector:

Bella Cavallo Stables located at 6263 Benning Rd, Hammersmith Farms located at 6243 Benning Rd, Sandybrook Farm & Stable located at 6265 Powers Rd.

The resolution was unanimously adopted.

New Business #4 Accept a donation from the Orchard Park Community Activity Council for two (2) aluminum portable benches for the bocce courts at the Community Activity Center

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

WHEREAS, the Orchard Park Community Activity Council is ready, willing, and able to donate the sum of \$2,199.98 to the Town of Orchard Park for (2) Aluminum Portable Benches for the bocce courts at the Community Activity Center; and

WHEREAS, the Town of Orchard Park is ready, willing, and able to accept the donation from the Orchard Park Community Activity Council in the above amount.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept the Orchard Park Community Activity Council's donation of \$2,199.98 for the payment of (2) Aluminum Portable Benches for the bocce courts at the Community Activity Center.

The resolution was unanimously adopted.

New Business #5 Accept a donation from the Orchard Park Community Activity Council for rods which will be used to hang art work in the Community Activity Center

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

WHEREAS, the Orchard Park Community Activity Council is ready, willing, and able to donate the sum of \$207.92 to the Town of Orchard Park to purchase Walker Display, Inc. rods which will be used to hang art work in the Community Activity Center; and

WHEREAS, the Town of Orchard Park is ready, willing, and able to accept the donation from the Orchard Park Community Activity Council in the above amount.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept the Orchard Park Community Activity Council's donation of \$207.92 for the payment of Walker Display, Inc rods which will be used to hang art work in the Community Activity Center.

The resolution was unanimously adopted.

New Business #6 Accept a donation from the Orchard Park Community Activity Council to recover the billiards table at the Community Activity Center

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

WHEREAS, the Orchard Park Community Activity Council is ready, willing, and able to donate the sum of \$650.00 to the Town of Orchard Park to recover the billiards table; and

WHEREAS, the Town of Orchard Park is ready, willing, and able to accept the donation from the Orchard Park Community Activity Council in the above amount.

NOW, THEREFORE be it

RESOLVED that the Town Board does hereby accept the Orchard Park Community Activity Council's donation of \$650.00 for the payment of recovering the billiards table at the Senior Center.

The resolution was unanimously adopted.

New Business #7 Authorize Supervisor to sign the 2023 Erie County STOP-DWI contract

11) 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 authorize the Supervisor to sign the 2023 Erie County STOP-DWI contract between the Town of Orchard Park and Erie County STOP-DWI for the term of January 1, 2023 to December 31, 2023.

The resolution was unanimously adopted.

New Business #8 Approve employment status change for PSD Chelsea Schreiber

12) 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 employment status change for PSD Chelsea Schreiber from Part-time status to seasonal status from 5/17/2023 to 8/17/2023.

The resolution was unanimously adopted.

New Business #9 Appoint an Animal Control Officer

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 appoint Elizabeth Bertozzi to the position of Animal Control Officer 1, effective June 1, 2023, White Collar Union Range 0006, step "B" per the recommendation of the Chief of Police.

The resolution was unanimously adopted.

New Business #10 Approve Operating and Mobile Food Vending Permit for Polish Villa pending inspection

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

WHEREAS, the Operating Permit fee and Town of Orchard Park Mobile Food Vending Permit fee have been paid; and

WHEREAS, a certificate of liability insurance has been provided; and

WHEREAS, Polish Villa has agreed to comply with the Town of Orchard Park Town Code and policies;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Orchard Park approves the Operating Permit and the town Mobile Food Vending Permit of the Polish Villa Food Truck in the Town of Orchard Park for the year 2023, pending completion of a passing inspection by the Town of Orchard Park Fire Inspector.

The resolution was unanimously adopted.

New Business #11 Refer to the Planning and Conservation Boards.

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

- V/L Windward Road, located on the north side of Windward Road in the Sterling Park business park, Zoned I-1. The applicant is seeking to construct a 45,000 sq. ft. 1-story medical building. (SBL# 152.18-2-6).
- 3636 South Benzing Road, located on the west side of South Benzing Road, North of an existing commercial plaza, zoned I-1. Joseph Deck is seeking to construct a 1,600 sq. ft. warehouse/shop building and outdoor storage in the initial phase of development, with other warehouse/shop buildings to be potentially developed in future phases (SBL# 161.06-1-8).

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Barbara O'Connell spoke about what the Senior Center means to her and of the Club 99 program which she teaches.

Pat Lamont thanked the Town Board for their support of the Senior Center.

Matthew from Tonawanda inquired about obtaining a peddlers permit.

Tom Nola asked questions regarding the New York Beer Project being constructed behind his residence.

Sarah Muscato spoke of safety concerns regarding the New York Beer Project.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak thanked residents for speaking about the Senior Center and addressed concerns regarding the New York Beer Project.

Councilmember Joseph Liberti congratulated Elizabeth on her new position in Orchard Park, spoke of the amazing Senior Center, and meeting with the Orchard Park Chamber of Commerce. He also addressed residents concerns regarding the New York Beer Project.

Councilmember Conor Flynn thanked residents for speaking about the Senior Center and informed residents that all meetings that took place during the COVID-19 pandemic were streamed online and are still available for viewing.

Councilmember Scott Honer welcomed Elizabeth to her new position in Orchard Park, spoke about the Senior Center, and addressed the peddlers permit question.

Councilmember Julia Mombrea welcomed Elizabeth and thanked residents for speaking about the Senior Center and for volunteering their time.

Town Clerk Remy Orffeo asked residents to put questions regarding the New York Beer Project in writing and he will coordinate a response from Town Department Managers.

Town Engineer Wayne Bieler addressed the question of wetlands and the New York Beer Project.

Building Inspector Tom Minor spoke regarding the NY Beer Project and updated residents on the status of debris removal from 72 Knoche Way.

Police Captain Gregory Sheppard welcomed Elizabeth to her new position in Orchard Park and spoke of the STOP-DWI program.

16) 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 authorize the approval of all entries on Warrant #10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$129,468.76
Public Safety Fund	\$25,108.90
Part Town Fund	\$113.68
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$33,473.06
Special Districts	\$123,645.64
Trust & Agency	\$2,837.96
Capital Fund	\$57,325.32

The resolution was unanimously adopted.

REPORTS

17) 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, in the Town Clerk’s office, the Erie County Clerk’s 2022 Annual Report.

The resolution was unanimously adopted.

18) 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, in the Town Clerk’s office, the 2022 Town of Orchard Park Annual Update Document.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchszak, seconded by Councilmember Liberti, the meeting adjourned at 7:50 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**