

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 2<sup>nd</sup> day of August 2023 at 7:13 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: July 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.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve a promotion in the Building Department**

2) 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 promotion of Natalie Nawrocki, from Building and Zoning Clerk to Assistant Code Enforcement Officer, effective July 30, 2023, pay rate \$31.19 White Collar Union Range 9, Step E, as recommended by Human Resources and the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #2 Authorize a Budget Transfer**

3) 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 authorize the following transfer of the 2023 adopted budget in the amount of \$15,000.00

Increase Appropriations:		
PS3120 50200	Police Communications	\$15,000.00

Decrease Appropriations:		
A08760 50444	Emergency Management Communications	\$15,000.00

**The resolution was unanimously adopted.**

**New Business #3 Approve a Block Party Permit**

4) 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 a resident’s request to blockade a portion of Aspen Lane, Autumn Lane and Cypress Lane for a block party on August 26, 2023.

**The resolution was unanimously adopted.**

**New Business #4 Approve a change of employment status in the Police Department**

5) 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 accept the resignation of Full Time Public Safety Dispatcher Tara Scolese; and let it be further

**RESOLVED**, that the Town Board does hereby appoint Tara Scolese as a Part Time Public Safety Dispatcher-Seasonal, effective July 12, 2023. Her current rate of pay is range 0007 step E.

**The resolution was unanimously adopted.**

**New Business #5 Authorize advertisement for the Junior Engineer position for the Engineering Department**

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

**WHEREAS**, the Engineering Department has been working short staffed since the end of 2022; and

**WHEREAS**, due to the Engineering Department's work load and various aging infrastructure, requiring reconstruction or replacements, it would benefit projects in the Department to fill one of the vacant positions; and

**WHEREAS**, to date no candidates were interested with previous advertised Assistant Civil Engineer or Principal Senior Assistant titles; and

**WHEREAS**, there is currently no civil service lists for any relevant titles; and

**WHEREAS**, the vacant Junior Engineer is a possible title that the Town may find a candidate. A Junior Engineer would likely have little experience but can still assist with the increased technical workload associated with maintaining the Town's increasing aging infrastructure; and

**WHEREAS**, distinguishing features of the classification includes: performing entry level professional engineering work in the office or field in connection with design, inspection, maintenance and/or construction of civil engineering projects. The incumbent performs complex technical duties and applies the principles of civil engineering to a variety of engineering problems either as a regular assignment or as a training experience; and

**WHEREAS**, work is performed under the direct supervision of higher-ranking engineering staff with limited leeway for the exercise of independent judgement. Supervision is exercised over lower level technical and labor class employees, and does related work as required; and

**WHEREAS**, minimum qualifications include graduation from a regionally accredited or New York State registered college or university with a Bachelor's degree in Civil Engineering. There is no current civil service list, per human resources, for the Junior Engineer, Junior Municipal Engineer or Junior Civil Engineer titles.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement for the civil service classification title Junior Engineer Position for the Orchard Park Engineering Department, upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Authorize advertisement for the Lakeview Avenue Reconstruction Project.**

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

**WHEREAS**, the Orchard Park Engineering Department is finalizing plans, specifications, and bid documents for the Lakeview Avenue Reconstruction Project; and

**WHEREAS**, plans and specifications for this project are available for review in the Engineering Department Office; and

**WHEREAS**, the work will entail the complete reconstruction of the roadway and its underdrain, along with the abandonment, replacement, and relocation of approximately 3,000-lf of the existing watermain, replacement of fire hydrants, and new water service connections for residents; and

**WHEREAS**, the work will also entail the abandonment, replacement, and relocation of approximately 170-lf of the sanitary sewer mainline, and new service connections to the residents to facilitate the road reconstruction; and

**WHEREAS**, bid documents will be available August 25, 2023.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids for the Lakeview Avenue Reconstruction Project to be opened on September 28, 2023 at 10:00am at the Orchard Park Municipal Center, Basement Meeting Room, upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Authorize Supervisor to sign agreement with Atlantic Testing Laboratories for soil boring and pavement cores on the Chestnut Ridge Road Watermain Replacement Project.**

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

**WHEREAS**, to complete the Chestnut Ridge Road Waterline Replacement project, existing soil conditions and pavement sections (subgrade/subbase) need to be known; and

**WHEREAS**, with the project currently out to bid, it is important to test bore locations which have been identified; and

**WHEREAS**, due to the scope of the Chestnut Ridge Waterline Replacement Project being primarily within the paved areas of Chestnut Ridge Road, it is essential to perform a sub-soil investigation to know existing conditions to ensure that proper materials and methods are used for the construction documents development; and

**WHEREAS**, a sub-soil investigation in the form of soil bores and split spoon sampling will render the data needed to make the engineering determinations required; and

**WHEREAS**, a proposal has been obtained from Atlantic Testing Services, Limited (formally SJB Services) to perform three (3) soil bores and four (4) pavement cores between Ellicott Road and 5077 Chestnut Ridge Road as well as prepare a report to detail the findings; and

**WHEREAS**, the Town has allocated funds under Capital Project FX002 "Chestnut Ridge Road Watermain", \$592,585.00.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign agreement with Atlantic Testing Laboratories, Limited, 5167 South Park Avenue, Hamburg, NY 14075, to provide professional services for soil borings sub-surface investigation in the amount not to exceed \$7,762.50, upon recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Resolution correcting Planning/Zoning clerical error in rezoning of V/L California Rd SBL#161.03-1-7 and V/L California Rd SBL #161.03-1-5.1.**

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

**WHEREAS**, in June, 2017 certain real property in the Town of Orchard Park described in Exhibit A attached hereto and made a part hereof was zoned R-4 Residential; and

**WHEREAS**, the owner of said property described in Exhibit A petitioned the Town of Orchard Park to rezone all of said property as I-1 Industrial; and

**WHEREAS**, the said Town of Orchard Park, upon proper review and consideration on June 17, 2017 rezoned as I-1 so much of the property shown on Exhibit B attached hereto and made a part hereof and left the remaining part of said property as described in Exhibit C attached hereto and made a part hereof as R-4 Residential; and

**WHEREAS**, through Planning/Zoning error in preparing the official record of this zoning matter Exhibit B was left zoned as R-4 Residential and Exhibit C was rezoned 1-1 Industrial.

**NOW, THEREFORE be it**

**RESOLVED**, that the above Planning/Zoning error is hereby corrected so that Exhibit B is zoned 1-1 Industrial and Exhibit C is zoned R-4 Residential.

**EXHIBIT A**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot Number thirty-two (32), Township nine (9), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the center line of California Road, as now located, said point being measured a distance of four hundred twenty-one and eight hundreds (421.08) feet northerly and along the center line of California Road from the southeast corner of land formerly owned by Alfred A. Ellis, and as described in deed recorded in Liber 452 of deeds at page 602; thence westerly and at a deflection of 86° 10' left from the center line of the California Road and along the north line of lands conveyed to Karl Henry Brucker by deed recorded in Liber 640 of Deeds at page 562, a distance of one thousand five and eighty-four hundredths (1005.84) feet to the top of west bank of the east branch of Smokes Creek; thence northwesterly and along the top bank of creek to a point on the east line of lands of Niagara. Lockport and Ontario Power Company, said point on high bank being measured fourteen hundred thirty-one and ninety-seven hundredths (1431.97) feet along the east line of the property of the Niagara, Lockport and Ontario Power Company from the south line of Lot Number thirty-two (32), and being fifty-four and thirty-eight hundreds (54.38) feet easterly and at right angles with the west line of Lot Number thirty-two (32); thence northeasterly a distance of three hundred ninety-three and eighty-seven hundredths (393.87) feet to a point measured one hundred one and one hundredth (101.01) feet easterly from the west line of lot Number thirty-two (32) and measured two hundred fifty (250) feet southerly and at right angles from the north line of property of Alfred A. Ellis, as described in deed recorded in Liber 452 of Deeds at page 602; thence easterly and parallel with the north line of said Alfred A. Ellis' property and along the south line of lands conveyed to Patrick Kelly by deed recorded in Liber 3385 of Deeds at page 577, a distance of twelve hundred three and eighty-six hundredths (1203.86) feet to a point measured forty-five and fifty-five hundredths (45.55) feet easterly from the intersection of the center line of California Road and the line herewith described; thence southerly and along the center line of California Road extended northerly a distance of ninety-two and thirteen hundredths (92.13) feet to an angle point on the center line of California Road; thence continuing southerly and along the center line of California Road a distance of three hundred forty-nine and seventeen hundredths (349.17) feet to the point of beginning and containing twelve and three tenths (12.3) acres be it more or less.

**EXHIBIT B**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot Number thirty-two (32), Township nine (9), Range Seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the center line of California Road, as now located, said point being measured a distance of four hundred twenty-one and eight hundreds (421.08) feet northerly and along the center line of California Road from the southeast corner of land formerly owned by Alfred A. Ellis, and as described in deed recorded in Liber 452 of deeds at page 602; thence westerly and at a deflection of 86° 10' left from the center line of the California Road and along the north line of lands conveyed to Karl Henry Brucker by deed recorded in Liber 640 of Deeds at page 562, a distance of one thousand five and eighty-four hundredths

(1005.84) feet to the top of west bank of the east branch of Smokes Creek; thence northwesterly and along the top bank of creek to a point on the east line of lands of Niagara, Lockport and Ontario Power Company, said point on high bank being measured fourteen hundred thirty-one and ninety-seven hundredths (1431.97) feet along the east line of the property of the Niagara, Lockport and Ontario Power Company from the south line of Lot Number thirty-two (32), and being fifty-four and thirty-eight hundredths (54.38) feet easterly and at right angles with the west line of Lot Number thirty-two (32); thence northeasterly a distance of three hundred ninety-three and eighty-seven hundredths (393.87) feet to a point measured one hundred one and one hundredth (101.01) feet easterly from the west line of lot Number thirty-two (32) and measured two hundred fifty (250) feet southerly and at right angles from the north line of property of Alfred A. Ellis, as described in deed recorded in Liber 452 of Deeds at page 602; thence easterly and parallel with the north line of said Alfred A. Ellis' property and along the south line of lands conveyed to Patrick Kelly by deed recorded in Liber 3385 of Deeds at page 577, a distance of twelve hundred three and eighty-six hundredths (1203.86) feet to a point measured forty-five and fifty-five hundredths (45.55) feet easterly from the intersection of the center line of California Road and the line herewith described; thence southerly and along the center line of California Road extended northerly a distance of ninety-two and thirteen hundredths (92.13) feet to an angle point on the center line of California Road; thence continuing southerly and along the center line of California Road a distance of three hundred forty-nine and seventeen hundredths (349.17) feet to the point of beginning and containing twelve and three tenths (12.3) acres be it more or less.

**EXCEPTING THEREFROM:**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie, State of New York, being part of Lot 32, Township 9, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the southeasterly corner of lands conveyed to Joseph DeMarco in Liber 11307 of Deeds at Page 436, said point is also in the centerline of California Road as now laid out, thence, northerly along the easterly line of DeMarco, as described above, and the centerline of said California Road a distance of 49.17 feet to the TRUE POINT OF BEGINNING;

Thence westerly on a line parallel to the southerly line of Joseph Demarco as described in Liber 11307 of deeds at Page 436, and making an interior angle of 86° 10' with the centerline of California Road, a distance of about 446.55 feet to a point;

Thence northerly with the first described portion of California Road a distance of about 349.54 feet to a point on the northerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436;

Thence easterly along the said northerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436 a distance of about 400 feet to a point in the center line of California Road as now laid out.

Thence southerly along the centerline of California Road 349.17 feet to the point of beginning.

**EXHIBIT C**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie, State of New York, being part 6 of Lot 32, Township 9, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the southeasterly corner of lands conveyed to Joseph Demarco in Liber 11307 of Deeds at Page 436, said point is also in the centerline of California Road as now laid out, thence northerly along the easterly line of Demarco, as described above, and the centerline of said California Road a distance of 49.17 feet to the TRUE POINT OF BEGINNING;

Thence westerly on a line parallel to the southerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436, and making an interior angle of 86° 10' with the centerline of California Road, a distance of about 446.55 feet to a point;

Thence northerly parallel with the first described portion of California Road a distance of about 349.54 feet to a point on the northerly line of Demarco as describes in Liber 11307 of Deeds at Page 436;

Thence easterly along the said northerly line of Joseph Demarco as described in Liber 11307 of Deeds at Page 436 a distance of about 400 feet to a point in the center line of California Road as now laid out.

Thence southerly along the centerline of California Road 349.17 feet to the point of beginning.

**The resolution was unanimously adopted.**

**New Business #9 Refer to the Planning Board for recommendation on rezoning.**

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

1. Tim Wood requesting rezoning of rear portion of property from R-3 to B-3, Southwestern Blvd, SBL #153.06-2-3 (PB #19-23).
2. Potential rezoning from R-4 to I-1, 4038 California Rd, SBL #161.03-1-4 (PB #20-23).

**The resolution was unanimously adopted.**

**New Business #10 (Not on Agenda) Approve additional modifications to Employee Handbook.**

**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 approve additional modifications to the Employee Handbook.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Mary Chase spoke about the ongoing issues on Bieler Road regarding speeding vehicles and heavy truck traffic. She also thanked the Police Officers who have come to observe and help with the issue.

Jerry Severino spoke regarding cars speeding down Larned Lane and thanked the Board and Police Department for their public service.

Paul Zak spoke regarding the ongoing speeding and truck traffic issues on Bieler Road and inquired about street width regulations. He also thanked the Police Officers who have helped deter speeding.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak spoke of road width issues and infrastructure.

Councilmember Joseph Liberti congratulated Natalie Nawrocki on her promotion and addressed the concerns of Bieler Road residents. He also reminded residents that the rescheduled Touch a Truck event is Sunday, August 6<sup>th</sup> from 10:00am-2:00pm.

Councilmember Conor Flynn addressed the Bieler Road and Larned Lane speeding issue. He also congratulated Natalie Nawrocki on her promotion.

Councilmember Scott Honer congratulated Natalie Nawrocki on her promotion and addressed the concerns of Bieler Road residents. He also spoke of the huge success of Quaker Days events.

Councilmember Julia Mombrea discussed the need for effective solutions regarding Bieler Road traffic issues. She also inquired about the possibility of Epi Pens in police vehicles.

Town Clerk Remy Orffeo congratulated Natalie Nawrocki on her promotion. He also informed residents that NYPIRG (New York Public Interest Research Group) may solicit within the Town. As a charitable organization, they do not require a permit to do so.

Town Engineer Wayne Bieler spoke regarding street width regulations.

Building Inspector Tom Minor congratulated Natalie Nawrocki on her promotion.

Highway Superintendent Andrew Slotman updated residents on current paving projects.

Police Chief Patrick Fitzgerald thanked everyone involved with Quaker Days events, including Kristin Manne and Officer Kristen Mazur whose significant amount of work made the events a huge success. He also informed residents of the rescheduled Touch a Truck event and spoke of the new rescue high clearance vehicle donated by the federal government.

12) 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 authorize the approval of all entries on Warrant #15 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$93,928.75
<b>Public Safety Fund</b>	\$161,750.43
<b>Part Town Fund</b>	\$7,131.21
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$49,229.59
<b>Special Districts</b>	\$2,940.16
<b>Trust &amp; Agency</b>	\$5,375.53
<b>Capital Fund</b>	\$30,020.00

The resolution was unanimously adopted.

COMMUNICATIONS (Not on Agenda)

13) 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: two (2) NYS Consolidated Funding Applications (2023 Stadium Zone Economic Development Study and 2023 Orchard Park Stormwater Flood Mitigation).

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:58 pm (local time).

Respectfully Submitted,

Remy C. Orffeo  
Town Clerk