

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 6<sup>th</sup> day of September 2023 at 7:11 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: August 16, 2023 and 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 Rezoning of 2881 Southwestern Blvd.**

At 7:13PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed rezoning of 3.69 acres of land at 2881 Southwestern Blvd, Zoned R-3 and B-2, SBL#153.06-2-3. Requesting to rezone from R-3 and B-2 to B-2 to erect a cold storage barn, as requested by Timothy Wood.

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. Supervisor Majchrzak then asked the petitioner to come forward. He inquired about the percentage of property to be rezoned.

No one else 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 rezoning of 3.69 acres of land at 2881 Southwestern Blvd, Zoned R-3 and B-2, SBL#153.06-2-3. Requesting to rezone from R-3 and B-2 to B-2 to erect a cold storage barn at 7:23PM.

**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 an amendment to the Zoning Ordinance of the Town of Orchard Park, was conducted at the Municipal Center on September 6, 2023 at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

**WHEREAS**, no recommendations from the Erie County Department of Planning, pursuant to §239-m of the General Municipal Law, was received and filed by the Town Board, and

**WHEREAS**, approval from the Conservation and Planning Board was received and filed with the Town Board.

**NOW, THEREFORE, be it**

**RESOLVED, and ORDAINED**, that the Zoning Ordinance and Zoning map of the Town of Orchard Park be and are hereby amended by rezoning SBL #153.06-2-3, 3.69 acres of land at 2881 Southwestern Blvd. from R-3 and B-2, entirely to B-2 as follows:

*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 409, Township 10, Range 7 of the Buffalo Creek Reservation described as follows:*

*Beginning at a point in the south line of said Lot No.409, distant two hundred eighty-seven (287)feet easterly from the middle line of said Lot. No. 409, said point of beginning being the southwesterly corner of lands conveyed to Samual Schaller (also known as Simon A. Schaller) by deed recorded in Erie County Clerk's Office in Liber 370 of Deed page 151; thence northerly along the westerly line of said lands conveyed to Schaller four hundred sixty-four (464.00) feet to the southeasterly line of Southwestern Boulevard (one hundred (100) feet wide); thence northeasterly along the said southeasterly line of Southwestern Boulevard three hundred sixty and on hundredth(360.01) feet to the easterly line of said lands conveyed to Schaller; thence southerly along the easterly line of said lands conveyed to Schaller and parallel with the first described course six hundred eighty-one and thirty-two hundredths (681.32) feet to the south line of Lot No. 409; thence westerly along the south line of Lot No. 409; thence westerly along the south line of Lot No. 409, two hundred eighty-seven (287.00) feet to the point or place of beginning.*

**RESOLVED**, under the authority of the Town of Orchard Park Ordinances Sections 144-66 through 144-69, and be it further

**RESOLVED**, this ordinance shall take effect ten (10) days after publication and posting in accordance with the law, and be it further

**RESOLVED**, that the Town Clerk publish and post a copy of said amendment in accordance with §264 and 265 of Town Law.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**Old Business #1 Extend Contract with Quaker Maintenance Inc.**

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

**WHEREAS**, the Town of Orchard Park has a contract with Quaker Maintenance, Inc., for hauling and disposal of tree/brush waste, and

**WHEREAS**, the contract is for the town-wide collection, hauling and disposal of tree/brush waste excluding the Village of Orchard Park; and

**WHEREAS**, sections 8 and 9 of the contract allow for an extension of the contract and an increase in the payment.

**NOW THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve the contract with Quaker Maintenance, Inc. which is extended from May 1, 2024 to November 15, 2024; and be it further

**RESOLVED**, that the Town Board does hereby approve the 5% increase of the payment in accordance with section 9 (c) of the contract.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business - Item not on the Agenda – Appointment of Police Officer Tanner Till**

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 approve the appointment of Tanner Till to the position of Police Officer in the Orchard Park Police Department, Step 2, effective September 16, 2023, contingent on approval by the Erie County Department of Civil Service.

**The resolution was unanimously adopted.**

**New Business #1 Approve a Block Party Permit**

6) 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 a resident's request to blockade a portion of Peppermill Rd. and Thornapple Ln. for a block party on September 16, 2023 from 2PM to 11:30PM.

**The resolution was unanimously adopted.**

**New Business #2 Approve a Special Event Permit for the Wicked Wayland Brewery 5K Run.**

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

**RESOLVED**, that the Town Board does hereby approve the Special Event Permit request for the Wicked Wayland Brewery 5K Run to be held on Sunday October 29, 2023 from 9AM – 10AM pending all fees have been paid and insurances have been provided.

**The resolution was unanimously adopted.**

**New Business #3 Approve a Special Events Permit for the Howl-O-Weenie 5K Run.**

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

**RESOLVED**, that the Town Board does hereby approve the Special Event Permit request for the Howl-O-Weenie 5K Run to be held on Saturday October 28, 2023 from 11AM – 12PM pending all fees have been paid and insurances have been provided.

**The resolution was unanimously adopted.**

**New Business #4 Appoint 2023 Part-time Spring Help in the Engineering Department**

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

**WHEREAS**, funds have been allocated in the 2023 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, the Town Engineer is recommending Anton Hastings to continue his appointment for the next (19) weeks. He attends ECC South studying Architecture Technology but will be able to assist us for a maximum of 19.5 hours a week.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve Anton Hastings to extend his appointment in the Engineering Department for a (19) week period beginning August 21, 2023 at a wage rate of \$16.00 per hour as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5 Extend a 2023 Engineering Department Internship.**

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

**WHEREAS**, funds have been allocated in the 2023 budget for seasonal help in the Engineering Department. With the current workload of the Engineering Department and the vacant position in the Engineering Department, the Town Engineer recommends extending Peter Lukaszewicz's appointment to assist the Department; and

**WHEREAS**, Peter is completing his second year at SUNY Buffalo State University for a Bachelor of Sciences in Urban Planning, Minor in Geographic Information System. Peter has been assisting with updating the Town Wide Trail Master Plan, GIS Town Wide Stormwater Management work, various proposed zoning changes and assisting with surveying. The Engineering Department would like him to continue and complete this work.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve Peter Lukasiewicz, to extend his Internship in the Engineering Department three days a week for no more than an eighteen week period beginning August 28, 2023 at a wage rate of \$16.00 per hour as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Approve an Agreement with the Orchard Park High School Work-Based Learning Internship Program.**

11) 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 agreement between the IT Department and the Orchard Park High School to participate in the work-based learning internship program; and be it further

**RESOLVED**, that the Town Board does hereby accept the student for 54 unpaid hours during the 2023 fall school semester to work in the IT Department upon the completion of their school day.

**The resolution was unanimously adopted.**

**New Business #7 Appoint part-time staff to the Recreation Department**

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

**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 Department retroactive to August 30, 2023 as recommended by the Recreation Director:

- Maeve Cleary                 \$16.00 Program Coordinator 1
- Hailey Guadagno           \$16.00 Program Coordinator 1
- Elizabeth Meyer           \$16.00 Program Coordinator 1

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Mary Chase spoke of speeding traffic on Bieler Rd.

Bill Burke spoke on behalf of Alliance Homes and an 80 Unit apartment complex they and the landowner Mr. Duane Platz wish to build at 4038 California Rd., a 9 acre parcel zoned R-4 residential.

Connie Rodgers lives near the Stadium and is concerned about the deterioration of the area and the increase of homes installing parking lots.

Duane Platz opposed the rezoning of his property located at 4038 California Rd.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Eugene Majchrzak congratulated Officer Till, spoke of solutions for Bieler Rd., the Stadium parking issues and addressed the Maple Grove Project. He stated the Board wasn't aware that Alliance Homes filed paperwork for the project.

Councilmember Joseph Liberti welcomed Officer Till to the Orchard Park Police Force. He addressed the Bieler Rd. traffic issue, the zoning of 4038 California Rd., and the Stadium parking problems.

Councilmember Conor Flynn welcomed Officer Till, he addressed Bieler Rd. traffic issues and inquired about reviewing Local Laws about it. He addressed Alliance Homes and their complaints. He stated he is in favor of increasing housing in all areas. He also stated that stadium parking lots should be treated as businesses.

Councilmember Scott Honer welcomed Officer Till to the OP Police Force. Spoke of the presentation from the National Weather Service and seeking Storm Certification for Orchard Park. He stated the End of Summer Bash at the Community Activity Center was a big success. He also represented the OP Chamber at the Wing Festival at the Stadium. It was also a big success. He also addressed the issues of Bieler Rd., Alliance Homes and Stadium parking.

Councilmember Julia Mombrea inquired about laws to change a speed limit on a town road. She also stated the Board will address the issues related to 4038 California Rd. She spoke of Stadium parking and related issues.

Town Clerk Remy Orffeo requested a copy of the contract from IT regarding their agreement with Orchard Park High School. He also informed the public about a change in the Area Codes in Western NY. He also spoke of the National Weather Station presentation with Mike Freeze presented by Orchard Park's Tree Conservancy Committee about climate change and topics the Town should be aware of.

Building Inspector Tom Minor spoke of the Town Code limiting parking lots. He requested a copy of any evidence she had regarding her claims.

Highway Superintendent Andrew Slotman spoke of Highway projects regarding paving.

Police Chief Patrick Fitzgerald congratulated Officer Till on his appointment.

13) 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 # 17 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$110,559.55
<b>Public Safety Fund</b>	\$7,198.38
<b>Part Town Fund</b>	\$3,706.29
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$190,302.20
<b>Special Districts</b>	\$50,931.18
<b>Trust &amp; Agency</b>	\$15,324.78
<b>Capital Fund</b>	\$5,949.78

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 July 2023 Building Inspector's Monthly Report.

**The resolution was unanimously adopted.**

**COMMUNICATIONS**

**15) 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 communication from the Department of Public Service regarding the new 624 Area Code in Erie County.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:01pm (local time).

On the question, Councilmember Flynn and Supervisor Majchrzak stated the public work session will continue at the end of this meeting, then they will break for Executive session. After that the public may stay to speak with the Town Board.

**Respectfully Submitted,**

**Remy C. Orffeo**  
**Town Clerk**