

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 20th day of September 2023 at 7:15 PM, the meeting was called to order by Councilmember Liberti and there were:

PRESENT AT ROLL CALL:

absent 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
absent Andrew Slotman	Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
Wayne Bieler	Town Engineer

Councilmember Liberti 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 COUNCILMEMBER LIBERTI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: September 6, 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 the 2023-2024 Commercial Parking Permits.

2) 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 approve the following 2023-2024 Commercial Parking Permits, as approved by the Chief of Police and Building Inspector:

2549 Group, LLC, 4297 Abbott Rd.	Milligan, Walter, 3892 Abbott Rd.
3819 Southwestern Blvd LLC, 3819 Abbott Rd.	Passucci, Michael, 5100 Big Tree Rd.
3920 Southwestern LLC, 3920 Southwestern Blvd	Patti, Daniel, V/L Webster near Abbott Rd.
Bell, Benjamin, 3847 Southwestern Blvd.	Przybyl, Dennis, 3976 Southwestern Blvd.
Carducci, Augustin, 3923 Southwestern Blvd.	Red Carpet Inn, 3940 Southwestern Blvd.
Clark, Zachary, 4180 Abbott Rd.	Schummer, Abby, 5554 Webster Rd.
Danny’s South, 4300 Abbott Rd.	Simoncelli, Dave, 3740 California Rd.

DeMarco, Joe, 4000 California Rd.
 DeMarco, Joe & Diane, 3964 California Rd.
 DeMarco, Nancy 4270 Abbott Rd.
 Jakubowski, Maureen, 3796 Abbott Rd.
 Janish, Joelle, 3719 Abbott Rd.
 Kane, Sue & Patrick, 3952 Southwestern Blvd.
 Kowalski, Ray & Sue, 3972 Southwestern Blvd
 Kuebler, John, 3892 Southwestern Blvd
 Leitzan, Mark, 3808 Abbott Rd.
 Leitzan, Mark, 3816 Abbott Rd.
 Leitzan, Mark, 3830 Sheldon Rd.
 Liberatore, Victor, 3807 Southwestern Blvd.
 Matwijow, Eric, 4170 Abbott Rd.
 Matwijow, Lisa, 4155 Abbott Rd.
 Milligan, Walter, 3880 Abbott Rd.

Simoncelly, Ed, 5455 Webster Rd.
 Simoncelli, Michael, 3848 California Rd.
 Smith, Scott & Linda, 3897 Southwestern Blvd.
 Stadium Mobil, Inc, 3856 Southwestern Blvd
 Stephen, Paul, 4171 Abbott Rd.
 Team Pro Auto Care 3707 Southwestern Blvd.
 Teeter, Christopher 3904 Abbott Rd.
 Tempesto, David, 3912 Southwestern Blvd
 Trella, Gary, 4317 Abbott Rd.
 Tripodi, Stephen, 3800 Southwestern Blvd
 Twin Oaks Motel 3949 Southwestern Blvd.
 Wannamacher, Leslie, 3746 Abbott Rd.
 Windom Community Church, 3766 Abbott Rd.
 Whytas, Henry, 5528 Webster Rd.
 Yemma, Joseph, 3785 Abbott Rd.

The resolution was unanimously adopted.

New Business #2 Approve the application for funding from the Justice Court Assistance Program

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

WHEREAS, the Orchard Park Town Court is in need of records management assistance and Audio Visual equipment.

NOW, THEREFORE be it

RESOLVED, that the Board of the Town of Orchard Park authorizes the Town of Orchard Park Town Court to apply for the Justice Court Assistance Program grant in the 2023-2024 grant cycle up to \$30,000.00.

The resolution was unanimously adopted.

New Business #3 Appoint full-time Building & Zoning Clerk to the Building Department

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

WHEREAS, the Orchard Park Building and Zoning Department is in need of a full time clerk, and

WHEREAS, Nicole Blum has worked as a part-time clerk in the Building and Zoning Department and gained valuable experience, and

WHEREAS, a full time clerk position has become available in the Building and Zoning Department, and

WHEREAS, this is a provisional position based on Civil Service requirements and in the White Collar union.

NOW, THEREFORE be it

RESOLVED, that Nicole Blum is appointed, retroactively effective September 11, 2023, to the position of

Full-Time Building & Zoning Clerk as a provisional hire, based on Civil Service requirements, Range 8, First Year at an hourly rate of \$22.01.

The resolution was unanimously adopted.

New Business #4 Approve a 2023 part-time Recreation Department appointment.

5) 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 resident appointment to the 2023 part-time staff for the Orchard Park Recreation Department retroactive to August 30, 2023 as recommended by the Recreation Director:

Carmila Stafford \$17.50 Director

The resolution was unanimously adopted.

New Business #5 Approve a promotion in the Highway Department

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

WHEREAS, the Town of Orchard Park Highway Department has a vacancy for the position of Heavy Equipment Operator, and

WHEREAS, John Payne has served in the Highway Department since September 27, 2021; and

WHEREAS, pursuant to the Blue Collar Contract Article 18 — Filling Vacancies, the Town has determined that John Payne is the more qualified candidate and therefore the Town has decided to promote John Payne to the job classification of Heavy Equipment Operator, and

WHEREAS, this promotion to Heavy Equipment Operator is to Step #3 of the pay scale, \$27.08 per hour, and

WHEREAS, this promotion is effective October 2, 2023

NOW, THEREFORE be it

RESOLVED, that John Payne is promoted to the position of Heavy Equipment Operator at an hourly rate of \$27.08 per hour effective October 2, 2023.

The resolution was unanimously adopted.

New Business #6 Approve an appointment to the Senior Center

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

WHEREAS, there is a vacancy in the Senior Center for the position of Recreation Instructor to the Senior Center, and

WHEREAS, Kayla Turner has the ability and availability to perform the duties of Recreation Instructor to the Senior Center, and

WHEREAS, the rate for this non-union hourly position is \$22.00 per hour.

NOW, THEREFORE be it

RESOLVED, that Kayla Turner is hired effective October 2, 2023 at a rate of \$22.00 per hour to the position of Recreation Instructor to the Senior Center department.

The resolution was unanimously adopted.

New Business #7 Approve the appointment of a full-time Public Safety Dispatcher to the Police Department.

8) 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 appoint Jennifer Brodka to the position of full time Public Safety Dispatcher, to be effective 10/9/2023, CSEA pay range 9 Step “First Year”, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #8 Approve the appointment of a full-time Public Safety Dispatcher to the Police Department.

9) 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 appoint Jeremy Ienco to the position of full time Public Safety Dispatcher, to be effective 9/30/2023, CSEA pay range 9 Step A, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #9 Approve the appointment of a temporary part-time Archives & Records Management Consultant to the Police Department.

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

WHEREAS, the Orchard Park Police Department was the recipient of a NYS Local Government Records Management Improvement Fund (LGRMIF) Grant; and

WHEREAS, the LGRMIF grant fully funds the position of a temporary part time Police Records Clerk.

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board does hereby approve the appointment of Jennifer Liber Raines to the position of temporary part time Records Clerk in the Orchard Park Police Department, at a rate of pay as defined in the grant, effective September 21, 2023, with total payment not to exceed \$18,325.00.

The resolution was unanimously adopted.

New Business #10 Approve the appointment of a part-time Records Clerk to the Police Department.

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

WHEREAS, the Orchard Park Police Department was the recipient of a NYS Local Government Records Management Improvement Fund (LGRMIF) Grant; and

WHEREAS, the LGRMIF grant fully funds the position of an Archives and Records Management Consultant.

NOW, THEREFORE be it

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board does hereby approve the appointment of James M. Tammaro to the position of Archives and Records Management Consultant to the Orchard Park Police Department, at a rate of pay as defined in the grant, effective September 21, 2023, with total payment not to exceed \$8,550.00.

The resolution was unanimously adopted.

New Business #11 Approve the Public Improvement Permit #2023-02 for the Birdsong Part 6 Subdivision Watermain Relocation

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

WHEREAS, the Engineering Department has received, from Vincent P. Celestino, Birdsong Lakes, LLC, 470 Cayuga Road, Cheektowaga, New York 14225, an application for a Public Improvement Permit to relocate a watermain to facilitate the Birdsong Part 6 Subdivision off Old Transit Road; and

WHEREAS, the project consists of the relocation of 285 L.F. of an existing 12-inch diameter watermain along Old Transit Road to serve 4 residential sublots; and

WHEREAS, the Engineering Department has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. The Town is now in receipt of all necessary fees, bond, and insurances.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2023-02 for the Birdsong Part 6 Subdivision Watermain Relocation as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Approve the Supervisor to sign a Leased Land Agreement with American Tower.

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

WHEREAS, the Town of Orchard Park has Leased Land located at 4248 S. Taylor Road to American Tower to provide cellular service to the residents of the Town, and

WHEREAS, the Lease Agreement has been in place since June of 2007 and has benefited the town residents and generated revenue for the Town of Orchard Park, and

WHEREAS, American Tower would like to extend the Lease Agreement, and

WHEREAS, upon recommendation of Town Attorney, the Orchard Park Town Board wishes to extend the Lease Agreement hereby,

NOW, THEREFORE be it

RESOLVED that:

- 1) The Town of Orchard Park Board hereby grants permission to the Town Supervisor to sign the extension to the Land Lease Agreement with American Tower.
- 2) The Contract is on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #13 Schedule a Public Hearing regarding V/L California Rd. SBL #161.03-1-5.11

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for October 18, 2023 at 7PM at the Orchard Park Municipal Center with regards to V/L California Road, located on the west side of California Road, south of Southwestern Blvd. Zoned I-1, SBL #161.03-1-5.11, the Planning Board recommends the Town Board approve the requested rezoning from R-4 and I-1 to entirely I-1 based on conditions and stipulations on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #14 Approve a site plan and building permit regarding V/L Windward Rd. SBL#152.18-2-6

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

RESOLVED, regarding V/L Windward Road, 4.288 +/- Acres, located on the north side of Windward Road across from 260 Redtail Road, Zoned I-1, SBL #152.18-2-6, the Planning Board recommends that the Town Board approve the presented Site Plan and authorize a Building Permit, to construct a 45,000 square foot medical building, per the plan received on 8/17/23, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 5/11/23 and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. The Landscape Plan, received 7/18/23, meets all Green Space regulations with 34.8% total greenspace. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$69,780 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$35,250) Conservation Board approval was granted on 8/1/23.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.

7. The applicant is to provide the Town of Orchard Park Assessor with an “independent” appraisal for the completed project by a Certified Commercial Appraiser
8. This Approval is contingent upon Town Engineering approval.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Paul Zak spoke of his concerns regarding Bieler Road traffic and speeding problems. He also submitted an illustration of a traffic route that he deems suitable to help solve the issue.

Mary Chase spoke of the ongoing traffic issues on Bieler Road that are affecting the quality of life for residents.

Sean Ralston spoke of his concerns regarding Bieler Road traffic and speeding.

Rachel Ralston spoke of damage caused by speeding traffic on Bieler Road. She also thanked the Police Department for responding and observing the traffic issues.

Tim Batt spoke of the deterioration of Bieler Road and water leaks due to increased traffic and heavy trucks.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Joseph Liberti congratulated all new hires and thanked Bieler Road residents for voicing their concerns.

Councilmember Conor Flynn congratulated all new hires and thanked the Board for considering proposals and discussing how best to help residents.

Councilmember Scott Honer congratulated all new hires and thanked Bieler Road residents for coming to address their concerns.

Councilmember Julia Mombrea congratulated all new hires and thanked Bieler Road residents for coming in and speaking.

Town Clerk Remy Orffeo thanked the IT Department for working hard to get the school tax bills online.

Building Inspector Tom Minor congratulated Nicole and looks forward to her working full-time in the Building Department. He also gave an update on Stadium Commercial Parking Permits.

Police Chief Patrick Fitzgerald congratulated the new Public Safety Dispatchers and the new Records Management Clerks that will be working with the Police Department. He looks forward to working with them. He also thanked all employees that worked as a team to make the Bills game a success.

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MOMBREA, 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 #18 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$18,122.95
Public Safety Fund	\$91,948.62
Part Town Fund	\$208.03
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$192.90
Special Districts	\$514.58
Trust & Agency	\$2,627.61
Capital Fund	\$11,782.84

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the August 2023 Building Inspector’s Monthly Report.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file in the Town Clerk’s Office the 2024 Town of Orchard Park Tentative Benefit Basis Budget.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the 2024 Orchard Park Fire District Proposed Budget.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Flynn, seconded by Councilmember Honer, the meeting adjourned at 8:05 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**