

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 6th day of December 2023 at 7:07 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 LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: November 15, 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 Special Event Permit for the Gril-Mato 5K to be held on February 17, 2024 at 9:30AM.

2) 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 approve the Special Event Permit request for the Gril-Mato 5K Run to be held on Saturday February 17, 2024 from 9:30AM – 11:30AM pending all fees have been paid and insurances have been provided.

The resolution was unanimously adopted.

New Business #2 Authorize a budget transfer within the 2023 Engineering Budget.

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 a budget transfer within the 2023 Engineering Budget in the amount of \$142.50.

From: Budget Code A01440 50400
(Engineering Office Supplies)

To: Budget Code A01440 50414
(Engineering Training)

The resolution was unanimously adopted.

New Business #3 Authorize advertisement for intent to revise flood hazard information per the National Flood Insurance Program regulations.

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

WHEREAS, the Town received a request from Insite Development Services, LLC. (Insite) to place an advertisement per National Flood Insurance Program 65.7(b)(1) for intent to revise the flood hazard information generally located between Lake Avenue and the Hammocks Drive, along Smokes Creek approximately 650-feet upstream from Orchard Park Road to just downstream of Southwestern Boulevard. This is the revision of the flood hazard information at this location for the Aldi's commercial development in this area. Insite will reimburse the Town for the cost of the advertisement.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement per National Flood Insurance Program 65.7(b)(1) for intent to revise the flood hazard information generally located between Lake Avenue and the Hammocks Drive, along Smokes Creek approximately 650-feet upstream from Orchard Park Road to just downstream of Southwestern Boulevard as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Award contract for the Lakeview Avenue Reconstruction Project.

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

WHEREAS, bids were opened for the Lakeview Reconstruction Project on November 28, 2023. The project consists of total reconstruction/replacement of Storm Sewers, Waterlines, and Roadway, and partial reconstruction/replacement of the Sanitary Sewers; and

WHEREAS, the project was bid on a unit price basis for the associated waterline, sanitary sewer, storm sewer, and road restoration work items. The Engineering Department has reviewed those itemized prices of the four contractors who submitted bids. The Project also included two alternates for cold milling the roadway and construction of a park maintenance driveway and parking lot. This area can be used as a staging area for the current project and for future highway snow storage as well as various park uses. The Orchard Park Engineering Department performed a review of the four bids submitted, and compared them against the Engineer's estimate of \$3,890,229.68. The lowest responsible bidder with base bid and the two alternates is \$3,787,258.60. As discussed, the low bidder does switch from Occhino Corporation if alternates #1 and #2

are awarded. Both Occhino Corporation and Edbauer Construction reference checks were very positive and could complete the project; and

WHEREAS, contractor submissions were checked for math errors. No errors were identified. The lowest responsible bidder was McLaughlin Construction Corp. DBA Edbauer Construction (Edbauer Construction) for \$3,787,258.60 with A1 and A2 Alternatives; and

WHEREAS, there is presently approximately \$2,791,397.00 plus interest allocated under Capital Accounting Projects, Lakeview HWY DB008, Lakeview Water FX011 and Lakeview Sanitary Sewer G0011 for this project work. An additional \$995,861.60 is recommended, this includes \$100,000.00 contingency and typically a unit price bid does not cost 100 % of contract. Edbauer Construction has successfully completed various storm sewer, water, sanitary sewer, and road reconstruction projects in the past. The contractor provided references on relevant experience and all gave positive comments.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Lakeview Reconstruction Project to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, New York 14224 in the amount not to exceed \$3,787,258.60 (Base Bid and A1 & A2 Alternates); and be it further

RESOLVED, that the Town Board does hereby authorize the additional drawdown of \$995,862.00 from Highway bond funding approved but not issued on December 15, 2021 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Award contract for the Traffic Study for the Intersection of Lake Avenue and North Benzing Road.

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

WHEREAS, over the years, there has been an increase in traffic patterns through the North Benzing and Lake Avenue intersection; and

WHEREAS, many residents have also called to complain about the amount of time it takes to make a left turn onto Lake Avenue from North Benzing. The residents are requesting that the signal be changed from flashing yellow to 3 phase; and

WHEREAS, the signal is on a County Highway, however, it is owned and maintained by the Town of Orchard Park; and

WHEREAS, in order to change its function, a traffic study needs to be conducted. Once the study is complete, it needs to be reviewed and approved by Erie County Department of Public Works; and

WHEREAS, the cost of the review permit is \$600.00 and funding is allocated under Account B03310 50444 "Traffic Control Contractual Expenses".

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Passero Engineering Architecture, 242 West Main St, Suite 100, Rochester, NY 14614, to provide professional services for a traffic study in the amount not to exceed \$8,200.00; and be it further

RESOLVED, that the Town Board does hereby authorize payment of the associate ECDPW application permit in the amount of \$600.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Appoint part-time staff to Orchard Park's 2023 Recreation Department.

7) 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 authorize the following resident appointment to the 2023 part-time staff for the Orchard Park Recreation and Parks Department retroactive to December 4, 2023 as recommended by the Recreation Director:

Lily Buckwalter \$16.00 Program Coordinator 1

The resolution was unanimously adopted.

New Business #7 Refer to the Planning and Conservation Boards.

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

1. Birdsong Lakes LLC is requesting to rezone 63.7+/-acres in Part 5 of the Birdsong Development, from R-1 to a Conservation Management Overlay (CMO) District.
2. 3697 Abbott Road, located on the east side of Abbott Road, north of Webster Road, Zoned B-2. Tom Kam, of Armor Heating, is requesting to erect a fence. (SBL#161.09-1-3)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Maureen Nash spoke about ongoing issues involving a Newton Road property.

Mary Chase thanked Councilmember Flynn and the Town Engineer for their efforts towards solving the Bieler Road traffic issues. She also urged all involved to keep making forward progress.

Jim Serwinowski spoke of issues regarding New York Beer Project on Windward Road that borders Lake Avenue residential properties. These issues include: building height, inadequate screening in transition yards, noise ordinance violations, and security concerns. A full transcript of his remarks are on file in the Town Clerk's office.

Beth DiCembre spoke of traffic concerns on Jewett Holmwood Road. She inquired about the possibility of lowering the speed limit.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak thanked residents for speaking and addressed their concerns.

Councilmember Joseph Liberti spoke regarding the traffic concerns of Bieler Road and Jewett Holmwood Road residents.

Councilmember Conor Flynn thanked the Supervisor and Town Board for their work with the Budget. He also thanked the residents for speaking and addressed their concerns.

Councilmember Scott Honer thanked residents for speaking and addressed their concerns.

Councilmember Julia Mombrea addressed the concerns of the residents that spoke.

Town Attorney Tim Gallagher discussed a Public Hearing Notice.

Town Engineer Wayne Bieler addressed concerns regarding the New York Beer Project construction.

Highway Superintendent Andrew Slotman updated residents on brush and leaf collection. He reminded the public that information can be found on the Town website.

Police Chief Patrick Fitzgerald discussed a Public Hearing Notice.

9) 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 #23 following auditing by members of the Town Board and in the funds indicated:

| | |
|---------------------------|----------------|
| General Fund | \$525,860.77 |
| Public Safety Fund | \$1,315,875.80 |
| Part Town Fund | \$66,414.56 |
| Risk Retention | -0- |
| Cemetery Fund | -0- |
| Highway Fund | \$272,330.74 |
| Special Districts | \$73,898.39 |
| Trust & Agency | \$5,665.78 |
| Capital Fund | \$326,829.64 |

The resolution was unanimously adopted.

COMMUNICATIONS

10) 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 receive and file: The Erie County Water Authority amendments for 2024.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:46 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**