

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 19th day of June 2024 at 7:01 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

	Eugene Majchrzak	Supervisor
	Joseph Liberti	Councilmember
	Julia Mombrea	Councilmember
	Scott Honer	Councilmember
Via Phone	John Mariano	Councilmember
	Remy Orffeo	Town Clerk
	Timothy D. Gallagher	Town Attorney
	Tom Minor	Building Inspector
	Daniel Lagoda	Police Captain of Patrol
	Andrew Slotman	Highway Superintendent
	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: June 5, 2024 and Special Session: June 12, 2024 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.

YOUTH COURT SENIOR GRADUATION CEREMONY & ACKNOWLEDGEMENT OF INCOMING EXECUTIVE STAFF

Youth Court Chief of Staff Ella Newell gave a summary of the Senior Graduating Class and acknowledged the incoming Executive Staff.

SENIOR GRADUATES

Gianna Gioia	Carter Marks	Anastaiya Varian
Kara Gioia	Shannon Murphy	Elise Witzleben
Anneliese Henrich	Michael Ricotta	
Natalie Kassirer	Will Roberts	

Executive Staff Senior Graduates

Zoe Aylsworth
Alex Cimo
Grace McCormick

New Executive Staff

Tamiya Brown	Ella Newell
Isabella Devaprasad	Maelle Ninin

**PUBLIC HEARING
Proposed Local Law Amending §144-5 Terms Defined**

At 7:09PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Local Law regarding amending §144-5 Terms Defined.

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

2) 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 close the Public Hearing for proposed Local Law Amending §144-5 Terms Defined at 7:11PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of Local Law 2024-01 was conducted on June 19, 2024, 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 adopt Local Law 2024-01 which provides as follows:

Amend current §144-5. Terms Defined

Be it enacted by the Town Board of the Town of Orchard Park
§144-5. Terms Defined

LOCAL LAW OF 2024

B. As used in this chapter, the following terms shall have the meanings indicated.

HABITABLE AREA

That space contained within the walls of the principal building that facilitates areas of living, excluding all areas of a porch, mechanical equipment room, garage, attic or the cellar.

STORY, HALF

A story under a sloping roof, having a ceiling height of 7 ½ feet or more not exceeding ½ of the floor area of the uppermost full story in the building. A Half Story prohibits all habitable living areas and shall only house mechanical systems and similar utilities.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve a Change Order to Work Order #6 with United Survey for the Sanitary Sewer Lining Project.

4) 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 a Change Order to Work Order #6 with United Survey for the Sanitary Sewer Lining Project on Abbott Rd from Rt. 20A and Armor Duell Rd in an amount not to exceed \$40,925.00, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve a Change Order #1 to our contract with Greenauer Blacktop, Inc. for the Orchard Park Little League 90ft. Baseball Diamond Thorn Ave. Duerr Rd. Facility Project

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

WHEREAS, during the construction of the Orchard Park Little League 90' Baseball Diamond Project, an existing brick masonry constructed ECSD (Old OP Village System) Sanitary Sewer Manhole was located buried in a brush area by the Contractor, Greenauer Blacktop, Inc.; and

WHEREAS, the sanitary manhole in question is located in a five-foot plus fill area to establish grades for the baseball diamond and associated field. As a result, this brick masonry Sanitary Sewer Manhole is required to be raised for the baseball diamond construction. Additionally, a gas service was discovered along the proposed driveway for the complex; and

WHEREAS, Greenauer Blacktop, Inc. needs to prepare the site and install a manhole barrel and cone section supply concrete, in conjunction with the work being completed by Gerald Wagner, Inc. The cost of this work is not to exceed \$9,532.00; and

WHEREAS, after analysis of possible options to resolve the gas service issue, it has been determined that the best option is to place 416 CY of fill over the service and regrade the proposed driveway. Existing excavation from Lakeview Reconstruction may be utilized and reduce the cost. Greenauer Blacktop, Inc. has submitted a not to exceed proposal of \$6,302.00 to complete this work; and

WHEREAS, there currently is \$30,000.00 of contingency funds built into the base contract for this project. Using this contingency line will not increase the overall contract price previously approved by the Town Board on June 5, 2024. Therefore, the remaining contingency amount is \$14,166.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award Change Order #1 to Greenauer Blacktop, Inc., 391 French Road, West Seneca, NY 14224 in the amount not to exceed \$15,834.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Authorize the Supervisor to sign an agreement with LaBella Associated D.P.C for professional services for Orchard Park Pedestrian Walkability Project.

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

WHEREAS, to start the Pedestrian Walkability Sidewalks & Crosswalks to Improve Safe Routes to Schools Project in 2024, matching funding with the 2024 bond resolution has to be completed before the consultant is hired. The use of a consultant for design is necessary with NYS DOT requirements and staffing of the Town of Orchard Park Engineering Department; and

WHEREAS, the Town of Orchard Park received four responses for Requests for Qualification (RFQ's). After reviewing, a proposal was requested and submitted from LaBella Associated D.P.C. The proposed scope of services and agreement with LaBella Associated D.P.C. is satisfactory and will accomplish the goals of the project as set forth by the Town and grant; and

WHEREAS, the scope of services consists of completion of design surveying, design mapping, full design plans, intersection crossing designs, and meetings with involved agencies/public assisting with preparation of specifications and bid documents, and clarification of design principles for the bid process; and

WHEREAS, there is presently Capital Account AB014 School Sidewalk setup that will be funded from the 2024 bonding resolutions for the Town \$200,000.00 required match from the 2024 bond approval. An agreement is in place with Orchard Park Central School District for their \$200,000.00 required match because of the amount of sidewalk on their property.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with LaBella Associated D.P.C., 300 State Street, Rochester, New York 14614, to provide professional services for the Design of Orchard Park Pedestrian Walkability Project in an amount not to exceed \$380,000.00; and be it further

RESOLVED, that the Town Board does hereby approve the bonding draw of \$200,000.00 in August 2024 to Capitol Account AB014 "School Sidewalks", as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Appoint an Assistant Crew Chief to the Special Districts Department

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

WHEREAS, the Orchard Park Special District Department has a vacant Assistant Crew Chief position; and

WHEREAS, there are funds in the 2024 budget to fund an Assistant Crew Chief position; and

WHEREAS, Kevin Masterson is ready and able to serve as an Assistant Crew Chief in the Orchard Park Special Districts Department.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby promote Kevin Masterson to Assistant Crew Chief in the Orchard Park Special Districts Department as a Blue Collar Assistant Crew Chief at Job Level 4 Step 6 of the Blue Collar Contract at a rate of \$31.88 per hour effective June 24, 2024, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #4 Appoint a Data Management Laborer to the Special Districts Department

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

WHEREAS, the Orchard Park Special District Department has a vacant laborer/data management position; and

WHEREAS, there are funds in the 2024 budget to fund a laborer/data management position; and

WHEREAS, Kylie Magill is ready and able to serve as a laborer/data management in the Orchard Park Special Districts Department.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Kylie Magill as a laborer/data management in the Orchard Park Special Districts Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$23.68 per hour effective July 1, 2024, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #5 Appoint seasonal employees to the Parks Department

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

WHEREAS, the Orchard Park Parks and Grounds Department has vacancies for seasonal employment positions; and

WHEREAS, there are funds in the 2024 budget to fund seasonal employment positions under Budget Code A07110 50104.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint the following employees: Robert Brozyna, Travis Storm and Travis Thompson at a rate of \$17.00 per hour and Joe Bratek at a rate of \$20.00 per hour as seasonal staff to the Parks and Grounds Department effective June 15, 2024 to October 31, 2024, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #6 Appoint summer seasonal staff to the Recreation Department

10) 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 appoint the following residents to the 2024 summer seasonal staff for the Orchard Park Recreation Department retroactive to June 5, 2024 with seasonal hire dates of August 24, 2024 to December 31, 2024, as recommended by the Recreation Director:

Aiden Hayes	\$16.25	Program Coordinator 1
Caroline Pacifico	\$16.25	Program Coordinator 1
Trisha Riehle	\$16.25	Program Coordinator 1
Marisa Gambacorta	\$16.25	Program Coordinator 1
Willa Alessi	\$16.75	Program Coordinator 2

The resolution was unanimously adopted.

New Business #7 Appoint seasonal Engineering staff

11) 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 2024 budget for seasonal help in the Engineering Department; and

WHEREAS, with the current work load of the Engineering Department, and Anton helping with data entry for Diamond Maps (GPS), the Town Engineer recommends Anton Hastings to Seasonal help. Anton has helped our department since 2022 and will be an asset to us at this time. He has completed his studies at ECC South studying Architecture Technology.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Anton Hastings to a summer seasonal position in the Engineering Department for a maximum of thirteen weeks beginning June 24, 2024 at a wage rate of \$17.00 per hour as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Approve the Quaker Dash Ice Cream 5K

12) 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 the Special Event Permit request for the Quaker Dash Ice Cream 5K to be held on Friday July 26, 2024 from 6PM – 8PM pending all fees have been paid and insurances have been provided.

The resolution was unanimously adopted.

New Business #9 Approve PIP #2024-02 for the Orchard Meadow Part 8 Subdivision.

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

WHEREAS, the Engineering Department has received, from Nick Costa, LLC, 151 South Avenue, West Seneca, New York 14224, an application for a Public Improvement Permit to construct the Orchard Meadows Part 8; and

WHEREAS, the project consists of the installation of 960 L.F. of new roadway and public utilities to serve 12 residential sublots; and

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

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2024-02 for the Orchard Meadows Part 8, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Award a contract to Gerald Wagner, Inc. for sanitary sewer manhole masonry work at the Orchard Park Little League 90ft. Baseball Diamond Thorn Ave. Duerr Rd. Facility Project

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

WHEREAS, during the construction of the Orchard Park Little League 90' Baseball Diamond Project, an existing brick masonry ECSD (Old OP Village System) sanitary sewer manhole was discovered buried in a brush by the Contractor, Greenauer Blacktop Inc.; and

WHEREAS, the area in which the sanitary manhole in question is in a five-foot plus fill area for the baseball diamond and associated field. As a result, this brick masonry sanitary sewer manhole needs to be raised for the baseball diamond construction; and

WHEREAS, Gerald Wagner, Inc. has successfully completed thousands of manhole repairs, extensions, and installations over the Western New York area; and

WHEREAS, the estimated amount for the masonry portion of the work is \$4,700.00. There is presently funding allocated under Capital Account AP003, Yates Park Little League Ball Diamonds for this sanitary manhole work in the amount of \$518,000.00 plus an additional \$200,000.00 funding in the 2024 Capital Project Bonding Resolution.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract to raise the brick masonry sanitary sewer manhole to Gerald Wagner, Inc., 7193 Boies Road, West Falls, New York 14170 in the amount not to exceed \$4,700.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Adopt the resolution prepared by Bond Counsel for the Town of Orchard Park to declare itself Lead Agency for SEQR reviews for the 2024 Bonding Project

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

WHEREAS, the Town of Orchard Park, Erie County, New York (the “Town”) has before it proposed various capital improvements (the “Project”) consisting of: (1) (A) removal of existing underground fuel tanks and acquisition and installation of replacement 10,000-gallon diesel and 10,000-gallon gasoline fuel tanks; (B) replacement of the existing baseball diamond at Yates Park; (C) construction of a mechanical repair building to service Town equipment and trucks, (D) removal of existing collapsed topsoil storage and salt storage buildings and construction of replacement topsoil and salt storage buildings, and (E) construction and reconstruction of sidewalks, including, but not limited to, sidewalk extensions/replacements at the Windom Elementary and Eggert Road Elementary Schools, and (F) the acquisition of radio/communication equipment for use by the Police Department, all of the foregoing to include necessary site work, and acquire original furnishings, equipment, machinery or apparatus required for the purpose and the payment of costs incidental thereto at a maximum cost of approximately \$10,632,550.00 (collectively, the “Project”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Town is required to make a determination whether the “action” (as said quoted term is defined in SEQRA) to be taken by the Town may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA) and the preliminary agreement of the Town to undertake of the Project constitutes such an action; and

WHEREAS, pursuant to SEQRA, when two or more agencies are involved in the review of an action, a lead agency is designated to coordinate the environmental review process and assure compliance with the requirements of SEQRA; and

WHEREAS, to aid the Town in determining whether undertaking the Project may have a significant impact upon the environment, separate Environmental Assessment Forms (the “EAF”) have been prepared to adequately account for the scope of the Project, a copy of which is attached here as Exhibit A, with a copy of the EAF on file at the office of the Town; and

WHEREAS, based upon the Town’s examination of the EAF and related Project information, the Town classified the Project as a Type I action under SEQRA and provided written notice to all involved agencies of its intent to act as lead agency for the purpose of conducting a coordinated environmental review of the Project under SEQRA; and

WHEREAS, all involved agencies consented to the Town acting as lead agency under SEQRA; and

WHEREAS, the Town has not approved the Project; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Orchard Park as follows:

(1) Based upon an examination of the EAF prepared for the Project, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Town’s knowledge of the area surrounding the Project, and such further investigation of the Project and its environmental impacts as the Agency has deemed appropriate, the Town makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(A) The Project consists of the components described above in the first WHEREAS clause of this resolution; and

(B) The Project constitutes a “Type I Action” (as said quoted term is defined in SEQRA); and

(C) The Project will not have a significant adverse effect on the environment, and the Town hereby issues a negative declaration for the Project pursuant to SEQRA, attached hereto as Exhibit “A”, which shall be filed in the office of the Town in a file that is readily accessible to the public.

(2) A copy of this Resolution shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours.

(3) The Town’s counsel is hereby authorized to take such actions as are necessary and appropriate to assist the Town in fulfilling the requirements under SEQRA for the Project.

(4) This Resolution shall take effect immediately.

The resolution was unanimously adopted.

New Business #12 Adopt the Orchard Park Town Bonding Council resolution for the issuance and sale of Serial Bond for \$7,243,050.00 to finance construction of a mechanical repair building and topsoil and salt storage buildings, which is subject to a permissive referendum

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the “Town”) complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall (a) construct a mechanical repair building to service Town equipment and trucks, and (b) remove existing collapsed topsoil storage and salt storage buildings and construct replacement topsoil and salt storage buildings, including necessary site work, and acquire original furnishings, equipment, machinery or apparatus required for the purpose for which such buildings are to be used, including preliminary costs and costs incidental thereto, at a maximum cost of \$7,243,050.00, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$7,243,050.00 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes or specific objects or purposes, described in Section 2 herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the (a) construction of a mechanical repair building to service Town equipment and trucks, and (b) removal of existing collapsed topsoil storage and salt storage buildings and construct replacement topsoil and salt storage buildings, including necessary site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such buildings are to be used, including preliminary costs and costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$8,093,050.00, (b) no money has heretofore been authorized to be applied to the payment

of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes and other available funds.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 11(a)(2) of paragraph a Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is thirty (30) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this Resolution's adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

The adoption of the foregoing resolution was duly put to a roll call which resulted as follows:

Supervisor Majchrzak	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye
Councilmember Mombrea	Aye
Councilmember Mariano	attended meeting via phone

The resolution passed.

New Business #13 Adopt the Orchard Park Town Bonding Council resolution for the issuance and sale of Serial Bond for \$2,989,500.00 to finance various capital improvements, which is subject to a permissive referendum

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the “Town”) complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall (A) remove existing underground fuel tanks and acquire and install replacement 10,000-gallon diesel and 10,000-gallon gasoline fuel tanks; and (B) replace the existing baseball diamond at the Yates Park, at a maximum cost of \$3,789,500.00, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$2,989,500.00 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes or specific objects or purposes, described in Section 3 herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes, or specific objects or purposes (collectively, the “Purpose”), to be financed pursuant to this bond ordinance is as follows:

- (a) the removal of existing underground fuel tanks and acquisition and installation of replacement 10,000-gallon diesel and 10,000-gallon gasoline fuel tanks with four dispensers and canopy cover, including necessary site work and preliminary costs and costs incidental thereto; and
- (b) the replacement of existing baseball diamond at the Yates Park, including site work drainage, grading, seeding, replacement of fences and back stops, dugouts, batting cage, practice mounts and pole setting for future lighting, including necessary site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose, including preliminary costs and costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$3,789,500.00, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes and other available funds.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 91 of paragraph A of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is fifteen (15) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this Resolution's adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

The adoption of the foregoing resolution was duly put to a roll call which resulted as follows:

Supervisor Majchrzak	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye
Councilmember Mombrea	Aye
Councilmember Mariano	attended meeting via phone

The resolution passed.

New Business #14 Adopt the Orchard Park Town Bonding Council resolution for the issuance and sale of Serial Bond for \$200,000.00 to finance construction and reconstruction of sidewalks, which is subject to a permissive referendum

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

WHEREAS, prior to the adoption of this Resolution, the Town of Orchard Park (the “Town”) complied with the requirements of Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town shall construct and reconstruct sidewalks, including preliminary costs and costs incidental thereto, at a maximum cost of \$200,000.00, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$200,000.00 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes or specific objects or purposes, described in Section 3 herein. The proposed maturity of the Bonds will be in excess of five (5) years.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the construction and reconstruction of sidewalks, including, but not limited to, sidewalk extensions/replacements at the Windom Elementary and Eggert Road.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$2,000,000.00, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes and the proceeds of grants.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 24 of paragraph A of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is ten (10) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation

notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of this Resolution, to cause to be published a notice which sets forth the date of this Resolution’s adoption and contains an abstract of this Resolution concisely stating its purpose and effect.

Section 11. When effective, this Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution is adopted subject to permissive referendum.

The adoption of the foregoing resolution was duly put to a roll call which resulted as follows:

Supervisor Majchrzak	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye
Councilmember Mombrea	Aye
Councilmember Mariano	attended meeting via phone

The resolution passed.

New Business #15 Adopt the Orchard Park Town Bonding Council resolution for the issuance and sale of Serial Bond for \$200,000.00 to finance the acquisition of radio/communication equipment for use by the Police Department

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

BE IT RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York as follows:

Section 1. The Town is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$200,000.00 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes or specific objects or purposes, described in Section 3 herein. The proposed maturity of the Bonds will not be in excess of five (5) years.

Section 2. The Town shall acquire radio/communication equipment for use by the Police Department, including preliminary costs and costs incidental thereto, at a maximum cost of \$200,000.00, as more particularly described in Section 3 hereof.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the acquisition of radio/communication equipment for use by the Police Department, including preliminary costs and costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$200,000.00, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes and potential grants hereinafter referred to.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 32 of paragraph A of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is five (5) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and determining whether to issue the Bonds with substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Orchard Park, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town’s “official intent”, within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. The Town hereby determines that the Project has been determined to be a Type II Action pursuant to the State Environmental Quality Review Act, the implementation of which as proposed has been determined not to have a significant effect on the environment.

Section 11. This Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed to serve as Bond Counsel to the Town in connection with the Bonds and notes herein authorized.

Section 13. This Resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a roll call which resulted as follows:

Supervisor Majchrzak	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye
Councilmember Mombrea	Aye
Councilmember Mariano	attended meeting via phone

The resolution passed.

New Business #16 Approve the request to eliminate phasing on the previously approved project and authorize a Building Permit for 3636 South Benzing Road

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

WHEREAS, the Planning Board recommends that the Town Board grant the request to eliminate phasing on the previously approved project at 3636 South Benzing Road and authorize a Building Permit, allowing the work to be completed in one phase, based on Engineering approval granted on March 6, 2024.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the request to eliminate phasing on the previously approved project and authorize a building permit for 3636 South Benzing Road.

The resolution was unanimously adopted.

***Item not on Agenda* New Business #17 Schedule a Public Hearing regarding a Local Law to establish a new zoning district D-R2**

21) 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 schedule a Public Hearing regarding a Local Law to amend §144-6 and establish a new zoning district D-R2 for August 7, 2024 at 7:00pm (local time) at the Municipal Building located at S4295 South Buffalo Street Orchard Park, NY 14127; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Mary Chase spoke regarding the ongoing Bieler Road truck traffic issues.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak thanked Youth Court graduates and congratulated Kevin Masterson and Kylie Magill on their new positions.

Councilmember Joseph Liberti congratulated all new hires and Youth Court graduates.

Councilmember Julia Mombrea congratulated Youth Court graduates on their achievements and welcomed Kevin Masterson and Kylie Magill to their new positions.

Councilmember Scott Honer congratulated all new hires and Youth Court graduates.

Councilmember John Mariano congratulated Kevin Masterson on his promotion and welcomed Kylie Magill.

Building Inspector Tom Minor informed residents that the Building Department has a new Code Enforcement Officer that will be working in the field to resolve code violations.

Highway Superintendent Andrew Slotman welcomed Kylie Magill to the Special Districts Department and congratulated Kevin Masterson on his promotion.

Police Captain of Patrol Daniel Lagoda urged residents to use caution while driving due to the high number of traffic complaints.

22) 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 #12 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$263,973.30
Public Safety Fund	\$102,229.43
Part Town Fund	\$1,688.57
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$310,936.03
Special Districts	\$128,392.84
Trust & Agency	\$8,463.25
Capital Fund	\$87.50

The resolution was unanimously adopted.

REPORTS

23) 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 May 2024 Building Inspector's Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:31 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**