



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

To: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Ianello, Treasurer

Cc: Terrence D. McCracken, Secretary to the Authority
Joyce A. Tomaka, Chief Financial Officer
Charles E. Eaton, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer
Michael J. Quinn, Director of Distribution

From: Mark S. Carney, General Counsel

Date: September 8, 2025

Subject: Authorization to Execute Settlement Agreement with Providence Farm
Collective Corporation vs. Town of Orchard Park, Wayne Bieler Town Engineer &
the Erie County Water Authority

On January 13, 2025, Providence Farm Collective Corporation (“Providence Farm”) commenced an Article 78 proceeding against the Town of Orchard Park (“Town”), Wayne Bieler as Town Engineer, and the Erie County Water Authority (“Authority”). In the proceeding, Providence Farm sought declaratory relief against the Town, its engineer, and the Authority declaring that the Town and its engineer acted arbitrarily and capriciously in denying Providence Farm the right to tie into the Town’s water system in a different water district. Providence Farm is a not-for-profit corporation.

Providence Farm, a not-for-profit farm cooperative, operates approximately thirty-seven (37) acres of farmland in the Town located at 5701 Burton Road and bordering Powers Road. Providence Farm requested the right to tie into the water distribution line on Powers Road, currently in the Town’s Water District 17 in order to utilize public water provided by the Authority for washing produce and for restrooms and showers in its new barn facility.

Providence Farm submitted an application for new service to the Authority and installed a private water line within its property from Powers Road to the new facility.

The Town and its engineer determined that the Providence Farm property was not located in the Town’s Water District 17 but instead was located within the boundary of a new district the Town was in the process of creating, Water District 17-4. Previously, the farm did not have public water.

Relying on the Town’s determination, the Authority was not able to connect Providence Farm to the distribution main located on Powers Road. Providence Farm then commenced the Article 78 proceeding. Shortly after the action was commenced, the Town approved the formation of the new water district.

The parties agreed to private mediation with Hugh M. Russ, III, acting as mediator in order to settle their dispute. In the mediation, the parties negotiated to the attached Settlement Agreement

which allowed Providence Farm to tap into the Authority's distribution line on Powers Road as an out-of-district user of the Town's Water District 17. Upon completion of the construction of a new main in Water District 17-4, Providence Farm will become an in-district user of that water district. Additionally, Providence Farm is not expected to contribute to the costs of construction of the new water main.

Providence Farm and the Town have approved and executed the Settlement Agreement. Under the Settlement Agreement, all parties have agreed to bear their own costs, expenses, and attorney's fees, which includes an equal apportionment of the mediation fees. The Legal Department recommends that Board of Commissioners authorize the Chair to sign the Settlement Agreement as it is in the best interests of the Authority, as well as Providence Farm and the Town. A resolution has been included for your consideration at the Board meeting of September 18, 2025.

MSC:mes

**ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Board Meeting Documents**

Document Name: _____ **Project No.:** _____

Description: _____

Item Description:

Choose one:

Other: _____

Action Requested:

Choose one:

Other: _____

Approvals Required:

APPROVED AS TO CONTENT:

Chief Financial Officer _____ Date: 09/08/2025

Chief Operating Officer _____ Date: 09/08/2025

Claims Rep. – Risk Manager _____ Date: 9/8/2025

Comptroller _____ Date: _____

Director of Administration _____ Date: _____

Director of Distribution _____ Date: _____

Director of Human Resources _____ Date: _____

Director of IT _____ Date: _____

Director of Production _____ Date: _____

Director of Water Quality _____ Date: _____

Executive Engineer _____ Date: 9/9/2025

General Counsel (Legal) _____ Date: 9/8/2025

Other: _____ Date: _____

APPROVED FOR BOARD RESOLUTION:

Secretary to the Authority _____ Date: 09/09/25

Remarks: _____

Resolution Date: _____ **Item No:** _____

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT made and entered into as of the ____ day of _____, 2025 by and among Providence Farm Collective Corp., a New York corporation and IRC § 501(c)(3) nonprofit corporation with a principal place of business at 5701 Burton Road, Orchard Park, New York 14127 and the Town of Orchard Park (the "Town"), a New York municipal corporation with a principal place of business at 4295 South Buffalo Street, Orchard Park, New York 14127, and the Erie County Water Authority (the "Authority"), a New York State public benefit corporation established and created by New York Public Authorities Law § 1053 with a principal place of business at 395 Main Street, Room 350, Buffalo, New York 14203-2494.

Providence Farm Collective Corp., the Town, and the Authority are sometimes hereinafter referred to as "Party" or collectively as "Parties".

RECITALS

A. WHEREAS, Providence Farm Collective Corp. has sought a public water service connection to a 10" water distribution line owned by the Town, serviced and maintained by the Authority, via a Reduced Pressure Zone ("RPZ") at that part of the northern portion of Providence Farm Collective Corp.'s property which is along Powers Road to provide water service via a 2" private lateral service line from that point to Providence Farm barn building in the southern portion of Providence Farm Collective Corp. property along Burton Road;

B. WHEREAS, Providence Farm Collective Corp. obtained approval for a permit for the construction of the RPZ and 2" lateral service line and thereafter constructed the RPZ and 2" private lateral service line, which runs north-south along its property to Providence Farm Collective Corp.'s barn building, at a cost of \$42,000.00;

C. WHEREAS, the Authority operates, services, and maintains the water service distribution in the Town through a Lease-Management Agreement by and between the Authority and the Town;

D. WHEREAS, Providence Farm Collective Corp., on or about March 26, 2025 Providence Farm Collective Corp. executed an application for out of District Water Service, in Town of Orchard Park Water District OPWD17 (District 17) on a form provided by the Town containing language approved by it, which said application was thereafter submitted to the Town Board, in accordance with the Town Code and the Rules and Regulations of the Authority's Tariff and the Lease-Management Agreement by and between the Authority and the Town;

E. WHEREAS, at a regular meeting of the Town Board, held on the 2nd day of April, 2025 the application for Out of District Water Service was approved per the Minutes of said meeting pertinent portions of which are attached hereto as **Exhibit A**;

F. WHEREAS, The water service was connected on the 20th day of May, 2025;

G. WHEREAS, the Town in conjunction with a project proposed by Cornell University through the Cornell Cooperative Extension (Cornell) at its regular Town Board Meeting held on April 2, 2025, created and established a new Town Water District, to be called Town Water District OPWD 17-4 ("District 17-4"), over that area legally described in the Public Notice and Order for Public Hearing authorized by the Town Board on January 15, 2025, which includes and encompasses the land owned and farmed by Providence Farm Collective Corp. (Exhibit A);

H. WHEREAS, Providence Farm Collective Corp. commenced a Special Proceeding under New York Civil Practice Law and Rules Article 78 and a Declaratory Judgment action in the New York State Supreme Court of the County of Erie on January 13, 2025, Index No. 800585/2025 naming the Town, Town Engineer Wayne Bieler and the Authority, seeking a determination in Providence Farm Collective Corp.'s favor;

I. WHEREAS, the Parties agreed to voluntary mediation on March 26, 2025, with a neutral third-party Mediator and did settle and resolve the forgoing dispute, Special Proceeding and Declaratory Judgment action included, on the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitals are incorporated into the terms and conditions of this Agreement.
2. The parties agree to resolve the above-described dispute in the Recitals as follows:
 - a. Providence Farm Collective Corp. has connected a 2" lateral as an Out of District User of District 17.
 - b. That Providence Farm Collective Corp. shall pay District 17 assessments in accordance with how other similar properties in Town Water District No. 17 are assessed. A copy of the signed Out of District Water Service Agreement, approved by the Town Board as hereinabove set forth, is attached hereto and incorporated by reference as **Exhibit B**.
 - c. Cornell executed a Memorandum of Understanding (MOU) and submitted same to the Town wherein and whereby, it agreed to construct all mains and appurtenances along Burton Road for the entire length of District 17-4 at its own cost and expense except for the grant of \$75,000 from the Bieler Family Foundation which is contributed for the aforesaid purpose and in no event at any cost to Providence Farm Corp. The MOU was approved by the Town Board at its Regular Town Board Meeting held on the 7th day of May, 2025, a copy of which is annexed hereto as **Exhibit C**. The pertinent terms of the MOU, as they relate to this Agreement, are as follows:

1. Cornell's frontage is 1275LF and the additional frontage of 350LF (estimated at \$32,300) will be installed by Cornell in the new proposed OPWD 17-4 District.
2. Donation of \$75,000 from the Scott Bieler Foundation to Cornell offsets the additional costs to complete the entire frontage of the proposed OPWD 17-4 district. (Engineers estimate the total public water main installation is \$150,000).
3. Public Water main installation can be completed with actual construction of Cornell site work.

d. That upon the completion of the construction of the main and other appurtenances in District 17-4 referenced in subsection ¶2(c) above, Providence Farm Collective Corp. will be an in-District user of District 17-4, provided however that it may continue its connection to the water distribution service line along Powers Road within Town Water District 17 and shall not be made to disconnect from said point and reconnect to another, but the Out of District Water Service Agreement shall terminate and Providence Farm Collective Corp. will be an in-district property in Town Water District OPWD 17-4.

e. Providence Farm Collective Corp. shall incur no capital costs, assessments or any costs whatsoever, directly or indirectly, in regard to the creation, formation, and/or initial capital improvements of District OPWD 17-4, as outlined in subsection ¶2(c) above.

f. That in the event that the anticipated creation of District 17-4 fails to occur Providence Farm Collective Corp. shall remain an Out-of-District use in District 17 and shall retain all its lawful rights under New York State General Municipal Law, Town Law, Agriculture and Markets Law, common law and any such lawful rights otherwise situate with respect to the proposed formation of any extension to Water District 17 .

g. Upon execution of this Agreement by all parties, Providence Farm Collective Corp. agrees to execute and deliver to the Town and/or the Town's counsel of record a Stipulation of Discontinuance of the above-referenced Special Proceeding and Declaratory Judgment action with prejudice, which said Stipulation shall be filed in the Erie County Clerk's Office.

h. Neither the Town Board, nor the Town officers or agents shall take any action to inhibit the completion of the barn building and the use of the barn building consistent with the Town Planning Board approval and subsequent Town Board approval on January 24, 2024.

i. Neither party waives or relinquishes any claims against the other, now existing or hereafter arising, except for the dispute as heretofore set forth which is

fully resolved and settled by this Agreement.

j. The parties acknowledge and agree that they have entered into this Agreement in settlement of the dispute and to avoid protracted and costly litigation, and the Parties do not intend, nor shall this Agreement be construed as an acknowledgment or concession of liability, fault or entitlement of any nature or sort whatsoever concerning the dispute.

k. Each party hereto will bear its own costs, expenses, and attorney's fees in connection with the preparation and negotiation of this Agreement.

l. This Agreement is subject to the approval by the Town of Orchard Park Board, the Commissioners of the Erie County Water Authority and the Providence Farm Collective, Corp. Board.

3. Modification; Waiver. This Agreement constitutes the entire agreement between the parties concerning the dispute as set forth above; it supersedes all prior and contemporaneous agreements, arrangements, negotiations, and understandings between the parties relating to its subject matter. There are no other understandings, statements, promises or inducements, oral or otherwise, contrary to or different from the terms of this Agreement respecting its subject matter. No representations, warranties, covenants or conditions, express or implied, whether by statute or otherwise, other than as set forth in this Agreement, have been made by either party to the other regarding this Agreement. This Agreement may not be modified orally, and no change or waiver of any provision contained herein shall be binding unless in writing and signed by the party to be bound.

4. Non contra proferentem. The Parties expressly agree that they are jointly and equally responsible for the creation of this Agreement and that it is the product of freely entered negotiations. They, therefore, expressly declare their mutual intention that conflicts concerning the meaning of the terms of this Agreement will be resolved without construing the language in the light of the least favorable to a party deemed to have drafted this Agreement.

5. Successors. The parties agree that this Agreement inures to the benefit of each of them, and shall be binding upon, their respective current and former agents, servants, officers, directors, stockholders, general partners, limited partners, employees, parent companies, subsidiary companies, affiliates, antecedents, heirs, executors, conservators, estates, administrators, assigns, insurers, representatives, trustees, receivers, attorneys, predecessors-in-interest and successors-in-interest.

6. Third-Parties. This Agreement is solely for the use and benefit of the parties and confers no rights or benefits upon any person or entity not a party hereto.

7. Construction; Severability; Jurisdiction. This Agreement shall be enforced, governed, and construed in accordance with the laws of New York, without regard to its conflicts of laws principles. Unless otherwise agreed by the parties in writing, any dispute concerning this

Agreement shall be submitted to the New York State Supreme Court, Erie County, and the parties submit to personal and subject matter jurisdiction of said court. The parties agree that this Agreement was freely negotiated, and that its terms shall not be construed against the drafter of the Agreement. The parties agree that the terms of this Agreement are severable and that the invalidity or unenforceability of any one or more of the provisions of this Agreement will have no effect on the validity or enforceability of any one or more of the other terms of this Agreement.

8. Read, Authorization. The parties represent, affirm and acknowledge that they have read the terms of this Agreement, that they have had the advice and assistance of counsel of their choosing in connection with same, that they fully understand and appreciate its terms, and that the terms are voluntarily accepted by them. The parties have each executed this Agreement as its own free act. Each of the parties represents and warrants that the execution, delivery and performance of this Agreement have been duly authorized by all necessary corporate or municipal actions of each respective party and that the person executing this Agreement on its behalf is authorized to do so and to bind the party on whose behalf he/she has executed this Agreement.

9. Counterparts. This Agreement may be executed in separate identical counterparts at varying times, each of which shall be considered an original and all of which together shall be deemed to be one and the same fully executed and legally enforceable document. The executed counterparts may be exchanged via facsimile transmission and facsimile signatures will be deemed the same as and as effective as original signatures.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and effective as of the date first written above.

SIGNATURE PAGES FOLLOW BEGINNING ON NEXT PAGE

Dated: Aug 11, 2025

PROVIDENCE FARM COLLECTIVE CORP.

By: Karen A Prendergast
Karen Prendergast, Co-President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 11th day of August, 2025, before me, the undersigned, a Notary Public in and for the State, personally appeared Karen Prendergast, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within/attached instrument; and who resides in Erie County, New York; that she is the Co-President of PROVIDENCE FARM COLLECTIVE CORP., the corporation described in and which executed, the foregoing instrument; and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the corporation on behalf of whom the individual acted, executed the instrument; and that her signature hereto was approved by the Board of Directors of said corporation.

Melissa M Heavern
Notary Public

MELISSA M HEAVERN
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
LIC. #01HE6340348
COMM. EXP. 04/18/2028

Dated: Aug. 25, 2025

TOWN OF ORCHARD PARK

By: Eugene Majchrzak
Eugene Majchrzak, Town Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 25 day of August, 2025, before me, the undersigned, a Notary Public in and for the State, personally appeared Eugene Majchrzak, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within/attached instrument; and who in Erie County, New York; that he is the Town Supervisor of THE TOWN OF ORCHARD PARK, the municipal corporation described in and which executed, the foregoing instrument; and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the corporation on behalf of whom the individual acted, executed the instrument; and that his signature hereto was approved by the Town Board of said municipal corporation.

Jennifer L. Brady
Notary Public

JENNIFER L. BRADY
Notary Public, State of New York
No. 01BR6373222
Qualified in Erie County
Commission Expires 4-20-26

Dated: _____, 2025

ERIE COUNTY WATER AUTHORITY

By: _____
Jerome D. Schad, Commissioner

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, 2025, before me, the undersigned, a Notary Public in and for the State, personally appeared Jerome D. Schad, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within/attached instrument; and who resides in Erie County, New York; that he is the Chair of the Board of Commissioners of THE ERIE COUNTY WATER AUTHORITY, the public benefit corporation described in and which executed, the foregoing instrument; and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the corporation on behalf of whom the individual acted, executed the instrument; and that his signature hereto was approved by the Board of Commissioners of said public benefit corporation.

Notary Public

EXHIBIT A

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 2nd day of April 2025 at 7:04 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
John Mariano	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
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: March 19, 2025 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 OLD BUSINESS

No one came forward

Old Business #1 Establishment and Creation for proposed Water District #17-4

2) 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 the Establishment and Creation for proposed Water District #17-4 was conducted on March 19, 2025, 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 the Establishment and Creation for proposed Water District #17-4 which provides as follows:

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Orchard Park Water District #17-4 as prepared by the Town of Orchard Park Town Engineer, duly licensed civil engineer

of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on April 2, 2025, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying March 19, 2025, at 7:00 in the afternoon of said day as the time, at the Town of Orchard Park Town Hall, at S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on March 19, 2025 at 7:00 p.m. in the afternoon of said day, in the Orchard Park Town Hall, at 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient
- b) That all property and property owners in the proposed district are benefitted there by;
- c) That all property and property owners benefitted are included within the limits of the proposed district;
- d) That it is in public interest to establish said district; and be it further

RESOLVED AND DETERMINED: That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the "Town of Orchard Park Water District #17-4 and shall be bounded and described as set forth as "Exhibit A" attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED: That the improvements for such water district are to be constructed by, Cornell Cooperative Extension Association of Erie County, one of the owners of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said water district shall be born by the owners of properties benefitted thereby; and be it further

RESOLVED AND DETERMINED: That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and

Control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Exhibit A-1
Legal Description

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 20, Township 9, Range 7 of the Holland Land Company's Survey (so called), bounded and described as follows:

BEGINNING at the southwest corner of parcel "A" of lands conveyed to Providence Farm Collective Corporation by a deed recorded in the Erie County Clerk's Office in Liber 11417 of Deeds at Page 6997, southwest corner also being the northwest corner of lands conveyed to David C. Winter by a deed recorded in the Erie County Clerk's Office in Liber 11378 of Deeds at Page 1783, said southwest corner being 251.42 feet northerly of the southwest corner of said Lot No. 20 as measured along said west line of Lot No. 20, said southwest corner also being on the east line of Lot No. 28 of said Township 9, Range 7 of the Holland Land Company's Survey, said point also being on the east line of lands conveyed to David P. Winter by a deed recorded in the Erie County Clerk's Office in Liber 11022 of Deeds at Page 187;

THENCE northerly along the said west line of Lot No. 20, the west line of said parcel "A" of lands conveyed to Providence Farm Collective Corporation, the said east line of Lot No. 28 and the said east line of last mentioned lands conveyed to Winter, a distance of 552.03 feet more or less to an angle point in said lands conveyed to Providence Farm Collective Corporation, said angle point is also a northerly corner of last mentioned lands conveyed to Winter, said angle point is also at the most easterly southeast corner of lands of the Southern Expressway, Section II, U.S. Route 219 to Duerr Road, Erie County as appropriated by the People of the State of New York under Map No. 177 Parcel No. 191 and the most southerly corner of lands of the Southern Expressway, Section II, U.S. Route 219 to Duerr Road, Erie County as appropriated by the People of the State of New York under Map No. 176 Parcel No. 189;

THENCE northeasterly along the northwest line of said lands conveyed to Providence Farm Collective Corporation and along the southeast line of said lands appropriated by the People of the State of New York under Map No. 176 Parcel No. 189, a distance of 221.88 feet more or less to the northwest corner of said lands conveyed to Providence Farm Collective Corporation, said northwest corner is also the southwest corner of lands conveyed to Cornell Cooperative Extension Association of Erie County by a deed recorded in the Erie County Clerk's Office in Liber 11387 of Deeds at Page 6380;

THENCE continuing northeasterly along the northwest line of said lands conveyed to Cornell Cooperative Extension Association of Erie County and along the southeast line of said lands appropriated by the People of the State of New York under Map No. 176 Parcel No. 189, a distance of 1443.55 feet more or less to the northwest corner of said lands conveyed to Cornell Cooperative Extension Association of Erie County, said northwest corner being on a south line of lands described for the establishment of Water District No. 17 in the Town of Orchard Park, County of Erie, State of New York by a deed recorded in the Erie County Clerk's Office in Liber 7520 of Deeds at Page 481 (said south line also formerly the south line of lands conveyed to Frank H. Szeliga and Dawn C. Szeliga), said northwest corner is also the northeast corner of said lands appropriated by the People of the State of New York under Map No. 176 Parcel No. 189, said northwest corner is also the southwest corner of lands of the Southern Expressway, Section II, U.S. Route 219 to Duerr Road, Erie County as appropriated by the People of the State of New York under Map No. 181 Parcel No. 249, said northwest corner is also the southeast corner of lands of the Southern Expressway, Section II, U.S. Route 219 to Duerr Road, Erie County as appropriated by the People of the State of New York under Map No. 181 Parcel No. 197;

THENCE easterly along the north line of said lands conveyed to Cornell Cooperative Extension Association of Erie County, along the said south line of lands described for the establishment of Water

District No. 17 in the Town of Orchard Park and along the south line of said lands appropriated by the People of the State of New York under Map No. 181 Parcel No. 249 (formerly the south line of lands conveyed to Frank H. Szeliga and Dawn C. Szeliga), a distance of 100.1 feet more or less to the northwest corner of lands conveyed to the Southern Expressway, Section II, U.S. Route 219 to Duerr Road, Erie County as appropriated by the People of the State of New York under Map No. 176 Parcel No. 183;

THENCE continuing easterly along the easterly extension of the north line of said lands conveyed to Cornell Cooperative Extension Association of Erie County, along the north line of said lands appropriated by the People of the State of New York under Map No. 176 Parcel No. 183 and along the said south line of lands described for the establishment of Water District No. 17 in the Town of Orchard Park (formerly the south line of lands conveyed to Frank H. Szeliga and Dawn C. Szeliga) and along the said south line of lands appropriated by the People of the State of New York under Map No. 181 Parcel No. 249, a distance of 37.0 feet more or less to a point on the west line of Burton Road, said point being the northeast corner of said lands appropriated by the People of the State of New York under Map No. 176 Parcel No. 183, said point being the southeast corner of said lands appropriated by the People of the State of New York under Map No. 181 Parcel No. 249;

THENCE continuing easterly along the easterly extension of the north line of said lands conveyed to Cornell Cooperative Extension Association of Erie County and along the said south line of lands described for the establishment of Water District No. 17 in the Town of Orchard Park (formerly the south line of lands conveyed to Frank H. Szeliga and Dawn C. Szeliga), a distance of 33 feet more or less to a point on the centerline of Burton Road, said point being the southeast corner of said lands of Szeliga, said point being an angle point in the lands described for the establishment of Water District No. 17 in the Town of Orchard Park;

THENCE southerly along the said centerline of Burton Road and a west line of the said lands described for the establishment of Water District No. 17 in the Town of Orchard Park to a southwest corner of the said lands described for the establishment of Water District No. 17 in the Town of Orchard Park, said southwest corner being 233.0 feet south of the centerline of Powers Road as measured at right angles to Powers Road;

THENCE southeasterly parallel with and 233.0 feet southerly of the said centerline of Powers Road through the lands conveyed by parcel "B" of said lands conveyed to Providence Farm Collective Corporation by said deed recorded in the Erie County Clerk's Office in Liber 11417 of Deeds at Page 6997 and along a south line of the said lands described for the establishment of Water District No. 17 in the Town of Orchard Park, a distance of 523.63 feet more or less to a point on an east line of said Parcel "B", said point also being on the west line of lands conveyed to Scott A. Tanner and Joanne M. Tanner by a deed recorded in the Erie County Clerk's Office in Liber 11422 of Deeds at Page 1376, said point also being on the west line of subplot No. 3 as shown on a map entitled Winters Subdivision filed in the Erie County Clerk's Office under Map Cover 2333;

THENCE southerly, leaving the said south line of the lands described for the establishment of Water District No. 17 in the Town of Orchard Park, along a said east line of Parcel "B", along the said west line of lands conveyed to Tanner and along the said west line of subplot No. 3 to a corner of said lands of Parcel "B", said corner being the southwest corner of said lands of Tanner, said corner also being the southwest corner of said subplot No. 3;

THENCE southeasterly along a north line of said lands of Parcel "B", along the south line of said lands conveyed to Tanner and along the south line of said subplot No. 3, a distance of 150.0 feet to an angle point

of said lands of Parcel "B" at the southeast corner of said lands conveyed to Tanner, said angle point being the southeast corner of said subplot No. 3, said angle point also being the southwest corner of lands conveyed to Debora R. Dombrowski and Robert W. Dombrowski Jr., Co-trustees of the June M. Dombrowski 2024 Trust Dated July 15, 2024 by a deed recorded in the Erie County Clerk's Office in Liber 11434 of Deeds at Page 2508;

THENCE northeasterly along a north line of said lands of Parcel "B", along the south line of said lands conveyed to the Dombrowski 2024 Trust, a distance of 146.86 feet to an angle point, said angle point being the southeast corner of said lands conveyed to the Dombrowski 2024 Trust;

THENCE northerly along the east line of said lands conveyed to the Dombrowski 2024 Trust and along a west line of lands formerly owned by Gilbert G. Winter and Marjory Winter, his wife, and George M. Winter by a deed recorded in the Erie County Clerk's Office in Liber 5362 of Deeds at Page 313 and later corrected by a deed recorded in the Erie County Clerk's Office in Liber 5627 of Deeds at Page 440, a distance of 49 feet more or less to the southwest corner of lands conveyed to Linda D. Stanchak by a deed recorded in the Erie County Clerk's Office in Liber 11150 of Deeds at Page 4959;

THENCE southeasterly along the south line of said lands conveyed to Stanchak and along the latter mentioned lands formerly conveyed to Winter, a distance of 150 feet to the southeast corner of said lands conveyed to Stanchak, said southeast corner being 283 feet south of the centerline of Powers Road, as measured from the northeast corner and along the east line of said lands conveyed to Tanner, said southeast corner also being 283 feet south of the centerline of Powers Road, as measured from the northeast corner and along the east line of latter mentioned lands conveyed to Winter, said southeast corner also being the northeast corner of said lands conveyed by parcel "B" of the lands conveyed to Providence Farm Collective Corporation, said southeast corner also being a point on the west line of lands conveyed to Louis J. Panepento and Cheryl J. Olivieri, husband and wife, by a deed recorded in the Erie County Clerk's Office in Liber 11109 of Deeds at Page 989, said west line of lands of Panepento being the west line of subplot No. 1 as shown on a map entitled Subdivision Map of Pouthier Estate filed in the Erie County Clerk's Office under Map Cover 2958;

THENCE southerly along the east line of said lands of Parcel "B" and along the said west line of lands conveyed to Panepento and along the west line of said subplot No. 1 of Map Cover 2958, a distance of 898.49 feet to the southeast corner of said lands of Parcel "B", said southeast corner also being the northeast corner of lands conveyed to Sandra Lee Winter by a deed recorded in the Erie County Clerk's Office in Liber 11237 of Deeds at Page 1328;

THENCE southwesterly along a south line of said lands of Parcel "B" and along a north line of latter mentioned lands conveyed to Winter, a distance of 665.73 feet to an angle point;

THENCE continuing southwesterly along a south line of said lands of Parcel "B" and along a said north line of latter mentioned lands conveyed to Winter, a distance of 336.61 feet to the centerline of Burton Road;

THENCE southerly along the centerline of Burton Road, a distance of 208.92 feet more or less, as measured along the centerline of Burton Road, to the southeast corner of the first mentioned parcel "A" of lands conveyed to Providence Farm Collective Corporation by said deed recorded in the Erie County Clerk's Office in Liber 11417 of Deeds at Page 6997, said southeast corner now also being the northeast corner of the remaining lands conveyed to David C. Winter by said deed recorded in the Erie County Clerk's Office in Liber 11378 of Deeds at Page 1783;

THENCE westerly, southwesterly and southerly along the south, southeast and east lines of said parcel "A" of lands conveyed to Providence Farm Collective Corporation by said deed recorded in the Erie County

Clerk's Office in Liber 11417 of Deeds at Page 6997 and the north, northwest and west lines of the remaining lands of latter mentioned lands of David C. Winter the following six courses:

1. THENCE westerly at right angles with said centerline, a distance of 102.14 feet to an angle point,
2. THENCE westerly at an interior angle of 198E12'50", a distance of 63.25 feet to an angle point,
3. THENCE southwesterly at an interior angle of 200E00'50", a distance of 130.12 feet to an angle point,
4. THENCE continuing southwesterly at an interior angle of 199□56'45", a distance of 111.88 feet to an angle point,
5. THENCE southerly at an interior angle of 208□28'35", a distance of 60.0 feet to an angle point,
6. THENCE westerly at an interior angle of 90□00', a distance of 686.63 feet to the point or place of beginning.

The resolution was unanimously adopted.

Old Business #2 Approve Change Order #1 to Consultant Agreement with LaBella for the Dorchester & Elmtree Reconstruction Project

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

WHEREAS, the Engineering Department is requesting approval of Change Order #1 to the Consultant Agreement with LaBella Associates (formerly Earth Dimensions) for the Elmtree Road and Dorchester Road Project; and

WHEREAS, LaBella Associates bought Earth Dimensions and is requesting \$362.50 for work performed during the month of February. This increase was not included in the agreement with Earth Dimension; and

WHEREAS, this change order would increase the agreement amount to \$3,937.50 from \$3,575.00, representing an increase of 9%. There is \$51,575.00 Available in Capital Account DB010, Elmtree/Dorchester.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the Consultant Agreement with LaBella Associates, 300 Pearl Street, Suite 130, Buffalo, New York, 14202, in an amount not to exceed \$362.50.

The resolution was unanimously adopted.

Old Business #3 Approve Change Order #1 to the Contract with L&O Mechanical Contractors Inc. for the Multi-Use Fuel Facility Project

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

WHEREAS, the Multi-Use Maintenance Fuel Facility Project is currently under construction and the Engineering Department has encountered four changes to the project; and

WHEREAS, the first change is a credit of \$11,550.00 for a material change of bollards to guardrail around the fuel tanks; and

WHEREAS, during the excavation of the electrical service and communication lines for the new fuel facility, two additional trees needed to be removed in order to complete this work at a cost of \$1,645.00 for the second change; and

WHEREAS, the third change is design change to install 14" PE pipe instead of 24" HDPE. This was required in order to prevent petroleum products from escaping the containment piping if a spill occurred. This was an increase of \$2,400.00; and

WHEREAS, during the construction of the Multi-Use Maintenance Fuel Facility Project, our contractor encountered organic soils including tree roots. Additional excavation and placement of additional subbase material was installed in order to stabilize the subgrade. We are estimating needing to remove soil and replace with approximately 725 CY of crusher run # 2" stone to complete the project. The contractor has agreed to do this work for a unit rate of \$72.17/CY for a cost not to exceed \$52,323.25 for the fourth change; and

WHEREAS, Bonding was approved for capital account #AB015, Highway Fuel Rehabilitation. in the amount of \$1,992,500.00. This change order will increase the awarded contract amount of \$1,978,000.00 by 2.215% for an adjusted contract amount of \$2,022,818.25. An additional \$30,318.25 will need to be pulled down from the bonding to fund this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the contract with L&O Mechanical Contractors, 835 Quaker Road, Macedon, NY 14502 for the Multi-Use Maintenance Fuel Facility Project, for an increase to the contract of \$44,818.25, per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Rosalind Wiltse spoke regarding the Smart Community Initiative Committee.

New Business #1 Establish the Smart Community Initiative Committee.

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

WHEREAS, the advancement of technology and innovation presents significant opportunities to improve the quality of life, sustainability, and economic growth within our community; and

WHEREAS, a collaborative effort involving diverse stakeholders is essential for fostering innovative solutions and ensuring equitable benefits of smart community initiatives.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby establishes the Smart Community Initiative Committee to provide guidance, recommendations, and oversight in the development and implementation of smart community projects; and be it further

RESOLVED, that the Smart Community Initiative Committee shall consist of the following members:

1. Bob Benning
2. Bill Fulton
3. Jordan Kellerman
4. Joe Liberti
5. Peter Lukasiewicz
6. Kylie Magil
7. John Mariano
8. Anna Worang-Zizzi

BE IT FURTHER RESOLVED, that the responsibilities of the Smart Community Initiative Committee shall include, but not be limited to:

Identifying and prioritizing key areas for smart community development. Researching and proposing innovative technologies and best practices. Engaging stakeholders and fostering public-private partnerships. Providing regular reports as needed and recommendations to the Town Board.

The resolution was unanimously adopted.

New Business #2 Appoint William Waltenbaugh to the Board of Assessment Review.

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

RESOLVED, that the Town Board does hereby appoint William Waltenbaugh to the Board of Assessment Review for a five year term beginning October 1, 2025 and ending September 30, 2030.

The resolution was unanimously adopted.

New Business #3 Approve resolution supporting terminated NYS Corrections Officers.

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

WHEREAS, Corrections Officers throughout New York State and the nation serve our communities performing difficult work, at times, in dangerous conditions; and

WHEREAS, New York State chose to terminate over 2000 Corrections officers following a statewide strike of corrections officers and sergeants who were fighting for safer working conditions; and

WHEREAS, New York State already suffers from a shortage of corrections officers within state prisons; and

WHEREAS, Governor Kathy Hochul has issued Executive Order 47.3 which forbids state agencies and local governments from appointing, transferring, or promoting any corrections officer who was involved in the strike; and

WHEREAS, many local municipalities suffer from staff shortages in a variety of positions that could be filled by former New York State Corrections Officers; and

WHEREAS, due to the execution of this executive order, New York State will suffer even further from staffing shortages in state prisons, which will only exacerbate the poor working conditions that existed before the strike; and

WHEREAS, to date Oneida, Rensselaer, and Chemung Counties have filed lawsuits against New York State over this ban on hiring the terminated corrections officers arguing that the order violates home rule for local governments.

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board supports New York State corrections officers and their right to have a workplace with safe working conditions; and be it further

RESOLVED, that the Orchard Park Town Board calls upon Governor Kathy Hochul to immediately rescind Executive Order No 47.3 provisions that prohibit the appointment, transfer, and promotion of former/current state corrections officers who participated in the strike; and be it further

RESOLVED, that the Orchard Park Town Board Calls upon Erie County Executive Mark Poloncarz and Erie County Personnel Commissioner Bray to rescind the personnel policy related to Executive Order 47.3; and be it further

RESOLVED, The Orchard Park Town Board calls on Erie County to join the lawsuits that have been filed by Oneida, Rensselaer and Chemung Counties to protect Erie County and its municipalities from gubernatorial overreach; and be it further

RESOLVED, that the Orchard Park Town Clerk is directed to send certified copies of this resolution to New York State Governor Kathy Hochul; Erie County Executive Mark Poloncarz, and the Erie County Department of Personnel.

The resolution was unanimously adopted.

New Business #4 Appoint staff to the Recreation Department.

8) 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 the following appointments to the staff of the Town of Orchard Park Recreation Department, Summer Seasonal effective 5/17/25-8/29/25 and Part-Time Seasonal 8/30/25-12/31/25 as recommended by the Recreation Director:

Willa Alessi	\$17.00 Program Coordinator 2
Angela Armillotti	\$17.00 Program Coordinator 2
Shay Arena-Panzetta	\$16.50 Program Coordinator 1
Zoe Aylsworth	\$17.25 Lifeguard 2
Ivy Backes	\$17.00 Lifeguard 1
Ella Boryszak	\$16.50 Program Coordinator 1
Michael Bardwell	\$17.75 Supervisor
Lila Bell	\$17.00 Lifeguard 1
Phillip Berkeley	\$17.00 Lifeguard 2
Riley Bonetto	\$16.50 Program Coordinator 1
Emma Brown	\$18.25 Director
Sophia Brown	\$16.50 Program Coordinator 1
Gloria Buckwalter	\$17.00 Program Coordinator 2
Lily Buckwalter	\$17.00 Program Coordinator 2
Chase Calpin	\$17.00 Program Coordinator 2
Griffin Cramer	\$17.00 Program Coordinator 2
Alison Carroll	\$17.25 Lifeguard 2

Jane Carroll	\$17.25 Lifeguard 2
Joseph Cole	\$17.00 Program Coordinator 2
Avery Criscione	\$16.50 Program Coordinator 1
Delaney Cunningham	\$17.25 Lifeguard 2
Brandon DeJong	\$16.50 Program Coordinator 1
Jacob Domzalski	\$17.00 Program Coordinator 2
Matthew Domzalski	\$17.00 Program Coordinator 2
Carissa Dunlap	\$16.50 Program Coordinator 1
Heather Dunlap	\$17.75 Program Supervisor
Rory Etheridge	\$17.00 Program Coordinator 2
Natalie Farrell	\$16.50 Program Coordinator 1
Jack Feneziani	\$17.00 Program Coordinator 2
Kamryn Foley	\$17.00 Program Coordinator 2
Madeline Franke	\$17.00 Program Coordinator 2
Delaney Francavilla	\$17.00 Program Coordinator 2
Renee Gall	\$16.50 Program Coordinator 1
Marisa Gambacorta	\$17.00 Program Coordinator 2
James Gardner	\$17.00 Program Coordinator 2
Matthew Gardner	\$16.50 Program Coordinator 1
Megan Gralke	\$17.00 Program Coordinator 2
Amy Grossman	\$20.00 Special Programs Supervisor
Colden Grossman	\$18.25 Director
Sydney Grossman	\$18.25 Director
Nyna Garduno	\$17.75 Supervisor
Gabriella Grover	\$17.00 Program Coordinator 2
Sarah Gutsin	\$17.00 Program Coordinator 2
James Guzzino	\$17.00 Program Coordinator 2
Leah Harrigan	\$18.25 Director
Katherine Hartman	\$17.00 Program Coordinator 2
Griffin Halter	\$17.25 Lifeguard 2
Kristen Heard	\$17.00 Program Coordinator 2
Jacob Hemingway	\$17.00 Program Coordinator 2
Nadia Hering	\$17.75 Program Supervisor
Gabriella Hill	\$16.50 Program Coordinator 1
Grace Hinterberger	\$18.25 Director
Kaeli Higgins	\$17.25 Lifeguard 2
Isabella Hinc Higgins	\$17.75 Supervisor
Samara Isbrandt	\$17.00 Program Coordinator 2
Anna Jakiel	\$17.00 Program Coordinator 2
Andrew Johnson	\$17.25 Lifeguard 2
Emma Johnson	\$18.25 Director
Daniel Johnson	\$17.00 Lifeguard 1
Hailee Johnson	\$17.00 Program Coordinator 2
Jermaine Johnson	\$17.00 Program Coordinator 2
Mara Johnson	\$17.25 Lifeguard 2
Molly Joyce	\$18.25 Director
Miranda Kassirer	\$17.00 Program Coordinator 2
Catherine Kelly	\$16.50 Program Coordinator 1
Liam Krist	\$17.00 Lifeguard 1
Claire Kubiak	\$16.50 Program Coordinator 1
Kelly Kubiak	\$17.25 Lifeguard 2
Kathryn Lapadat	\$17.25 Lifeguard 2
Paige Lapadat	\$17.00 Program Coordinator 2

Ella Lawrence	\$16.50 Program Coordinator 1
Dawn Leigh	\$16.50 Program Coordinator 1
Grace Leigh	\$17.00 Program Coordinator 2
Sean Lieberman	\$16.50 Program Coordinator 1
Grace Loughran	\$17.00 Program Coordinator 2
Gianna Mainella	\$17.75 Program Supervisor
Janet Marks	\$20.00 Special Programs Supervisor
Cate McCormick	\$17.00 Program Coordinator 2
Hamilton McGrath	\$17.00 Program Coordinator 2
Sophie McGrath	\$17.25 Lifeguard 2
Taylor McGrath	\$17.00 Program Coordinator 2
Cecilia McMullen	\$16.50 Program Coordinator 1
Eve McMullen	\$18.25 Director
Julia McMullen	\$18.25 Director
Sienna Mills	\$17.00 Lifeguard 1
Jackson Merritt	\$17.00 Program Coordinator 2
Emma Messina	\$17.00 Program Coordinator 2
Scout Moskal	\$17.00 Program Coordinator 2
Elizabeth Meyer	\$17.00 Program Coordinator 2
Jax Myers	\$17.00 Program Coordinator 2
Kaitlyn Mudrak	\$16.50 Program Coordinator 1
Kyle Nowicki	\$16.50 Program Coordinator 1
Avery O'Brien	\$17.75 Supervisor 2
Olivia Overhoff	\$17.25 Lifeguard 2
Megan Parzymieso	\$16.50 Program Coordinator 1
Josephine Patronik	\$16.50 Program Coordinator
Kaitlyn Patronik	\$17.25 Lifeguard 2
Mariella Pericak	\$16.50 Program Coordinator
Emma Popp	\$17.00 Program Coordinator 2
Mia Popp	\$17.00 Program Coordinator 2
Trisha Riehle	\$18.25 Director
Olivia Reeves	\$17.00 Program Coordinator 2
Justin Reloskey	\$16.50 Program Coordinator 1
Kelsey Robertson	\$17.00 Program Coordinator 2
Delaney Rodgers	\$16.50 Program Coordinator 1
Madeleine Roe	\$16.50 Program Coordinator 1
Anna Rosinski	\$16.50 Program Coordinator 1
Daisy Roza	\$16.50 Program Coordinator 1
William Rudnicki	\$17.25 Lifeguard 2
Rise Santillo	\$17.00 Program Coordinator 2
Grace Sauda	\$16.50 Program Coordinator 1
Courtney Schaeffer	\$17.00 Program Coordinator 2
Robert Schaeffer	\$17.00 Program Coordinator 2
Stephanie Schaeffer	\$17.00 Program Coordinator 2
Cole Smith	\$16.50 Program Coordinator 1
Carmila Stafford	\$18.25 Director
Christine Stevens	\$17.75 Supervisor
Julia Tills	\$17.00 Program Coordinator 2
Keely Thorpe	\$17.00 Program Coordinator 2
Dana Totaro	\$17.00 Program Coordinator 2
Abby Uglov	\$17.00 Program Coordinator 2
Samuel Uglov	\$16.50 Program Coordinator 1
Reagan Van Pelt	\$17.00 Program Coordinator 2

Emily Wahl	\$16.50 Program Coordinator 1
Claire Werdein	\$17.00 Program Coordinator 2
Julia Weyer	\$16.50 Program Coordinator 1
Hayden Wisniewski	\$17.25 Lifeguard 2
Eero Worang-Zizzi	\$16.50 Program Coordinator 1
Matthew Wright	\$17.00 Lifeguard 1
Leah Yazzie	\$16.50 Program Coordinator 1
Ava Zambron	\$16.50 Program Coordinator 1

The resolution was unanimously adopted.

New Business #5 Approve Public Improvement Project PIP #2025-01 for rear yard drainage in the Webster Road 5-Sublot Subdivision

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

WHEREAS, The Engineering Department has received an application for a Public Improvement Permit to construct rear yard drainage for the Webster Road 5 Sublot Subdivision from William Severyn, Severyn Development, 43 Central Avenue, Lancaster, New York 14086; and

WHEREAS, Mr. Severyn has submitted 3 building permits for houses, and the residents are anxious to start building; and

WHEREAS, the project consists of the installation of 546 L.F. of public rear yard drainage to serve 5 residential sublots; and

WHEREAS, the plans have been reviewed for the proposed project and are in compliance with current Town Specifications and Standards; and

WHEREAS, all necessary fees, bond, and insurances have been received.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the amended Public Improvement Permit #2025-01 for rear yard drainage of the Webster Road 5 Sublot Subdivision, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve the Out-of-District Water Service Agreement between Orchard Park Water District #17 and the Providence Farm Collective Corp.

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

WHEREAS, the Engineering Department has received correspondence requesting Out-of-District Water Service approval for the Providence Farms Collective Corp. located at 5701 Burton Road; and

WHEREAS, the address is located outside the boundaries of Orchard Park Water District No. 17, in the Town of Orchard Park, proposed OPWD #17-4. But the actual public main for OPWD #17-4 will not be constructed until the Cornell Project is under construction.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Out-of-District Water Service Agreement between Orchard Park Water District No. 17 and Providence Farm Collective Corp. of 5701 Burton Road, Orchard Park, New York 14127, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve the appointment extension of Anton Hastings as seasonal help in the Engineering Department

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

WHEREAS, funds have been allocated in the 2025 budget for seasonal help in the Engineering Department.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby extend the appointment of Anton Hasting in the Engineering Department for a twenty-week period, ending August 29, 2025, at a wage rate of \$17.00 per hour for a maximum of 19.5 hours a week, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Approve the appointment of Jack Kielbasa as an unpaid intern to the Engineering Department

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

WHEREAS, Jack Kielbasa has expressed an interest in an unpaid internship within the Engineering Department from April 28th through May 23rd of this year. He would like to learn during the hours of 8:00am-10:00 am, Monday through Friday; and

WHEREAS, Jack is a senior at the Orchard Park High School and is currently studying Conservation and Natural Resource Management at Erie 2 Chautauqua Cattaraugus BOCES. The focus of the program is environmental sustainability with a wide range of topics including land management fieldwork, environmental policy, forestry, ecological surveys and sustainable land management; and

WHEREAS, Jack has experience with tree/shrub identification, recreation planning and land classification. He also has experience operating & maintaining heavy equipment, vehicles, power tools and machinery used in conservation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Jack Kielbasa for an unpaid part time internship in the Engineering Department from April 28 through May 23, 2025, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Approve Island Mike's Grille Food Truck

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

WHEREAS, the Operating Permit fee and Town of Orchard Park Mobile Food Vending Permit fee for Island Mike's Grille Food Truck have been paid; and

WHEREAS, a certificate of liability insurance has been provided; and

WHEREAS, Island Mike's Grille has agreed to comply with the Town of Orchard Park Town Code and policies.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the Operating Permit and the Mobile Food Vending Permit for Island Mike's Grille Food Truck in the Town of Orchard Park for the year 2025, pending Building Inspector inspection and approval.

The resolution was unanimously adopted.

New Business #10 Appoint seasonal staff to the Compost Facility

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

WHEREAS, the Orchard Park Compost Facility has vacancies for seasonal employment positions; and

WHEREAS, there are funds in the 2025 budget to fund seasonal employment positions.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Dave Helwig and Ernie Matthews at a pay rate of \$22.50 and, James Opoka and John Forness at a pay rate of \$21.75, as seasonal staff to the Compost Facility effective April 1, 2025 to December 31, 2025, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #11 Appoint seasonal staff to the Parks & Grounds Department

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

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

WHEREAS, there are funds in the 2025 budget to fund seasonal employment positions.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Travis Storm and Brady Moran as seasonal staff to the Parks and Grounds Department effective April 7, 2025 to November 30, 2025, at a pay rate of \$17.50 per hour as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #12 Approve the extension of the Contracted Mowing Service with Jensen Lawn and Yard Care.

16) 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 extend the current 2024 contract with Jensen Lawn & Yard Care for the Mowing Service for Town owned cul-de-sacs and other entrance ways to the 2025 season, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #13 Accept the Bid from Cyncon Equipment to supply and install a 16,000 lb hook lift.

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

RESOLVED, that the Town Board does hereby accept the bid from Cyncon Equipment of \$52,122.00 for the purchase and installation of 1 (one) 16,000 lb. hook/lift to be installed on a Town owned cab and chassis for the Highway Department. Installation will be completed by September 26, 2025. This is recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #14 Authorize the Supervisor to sign the 2025 Parks & Grounds Facility and Field Use Agreement with Orchard Park Little League.

18) 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 updated 2025 Parks & Grounds Facility and Field Use agreement with Orchard Park Little League; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the updated 2025 agreement.

The resolution was unanimously adopted.

New Business #15 Authorize the Supervisor to sign the 2025 Parks & Grounds Facility and Field Use Agreement with Orchard Park Little Loop Football.

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

RESOLVED, that the Town Board does hereby approve the updated 2025 Parks & Grounds Facility and Field Use agreement with Orchard Park Little Loop Football; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the updated 2025 agreement.

The resolution was unanimously adopted.

New Business #16 Authorize the Supervisor to sign the 2025 Parks & Grounds Facility and Field Use Agreement with Orchard Park Rugby Club.

20) 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 updated 2025 Parks & Grounds Facility and Field Use agreement with Orchard Park Rugby Club; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the updated 2025 agreement.

The resolution was unanimously adopted.

New Business #17 Authorize the Supervisor to sign the 2025 Parks & Grounds Facility and Field Use Agreement with Orchard Park Soccer Club.

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

RESOLVED, that the Town Board does hereby approve the updated 2025 Parks & Grounds Facility and Field Use agreement with Orchard Park Soccer Club; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the updated 2025 agreement.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak informed residents that a social media post regarding construction of a Starbucks at Armor Duells Rd & Chestnut Ridge Rd is false.

Councilmember Joseph Liberti thanked the Police Chief for organizing the upcoming Easter Egg Hunt.

Councilmember Julia Mombrea informed residents that they can fill out an interest form on the Town website if they have interest in joining a Committee/Board.

Councilmember John Mariano asked for clarification regarding change orders including if they are normal practice.

Town Engineer Wayne Bieler answered Councilmember Mariano's question regarding change orders. He explained that they are normal practice and everything that constitutes a change order is out of scope. There are always some unknowns (for example: the number of soil borings needed). He also said that the change orders Orchard Park has are minimal in comparison to some other agencies because of contingency planning.

Town Clerk Remy Orffeo informed residents that the Board of Assessment review now has four members but is still in need of one more member.

Highway Superintendent Andrew Slotman thanked all who helped form the Parks & Grounds Department. He also informed residents that leaf collection will be ending for the season the last week of April.

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 #6 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$104,909.62
Public Safety Fund	\$8,780.59
Part Town Fund	\$1,521.55
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$186,477.39
Special Districts	\$222,377.16
Trust & Agency	\$16,980.22
Capital Fund	\$131,983.00

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:41 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk

EXHIBIT B



Town of Orchard Park, New York
Out of District Water Service Agreement
Water District 17

The undersigned, residing outside of the boundaries of Water District # 17 of the Town of Orchard Park, does hereby apply for water service in said Water District # 17. Upon approval of this agreement, the applicant(s) hereby agree with said Water District as follows:

- To pay tap charges in the amount to be determined; to preclude the installation of pipes or any other equipment to serve a property other than that property described in this agreement.
- To provide and install a Water line from the tap in the district line in accordance with the Water Ordinance of the Town of Orchard Park Water Districts.
- To obtain and deliver to the Town of Orchard Park any rights-of-way and easements, in the correct format to be recorded, which the said Town of Orchard Park considers necessary for such installation and to pay the cost of recording the same.
- To abide by and conform with the Water Ordinance of the Town of Orchard Park Water Districts.
- To pay an annual "outside-the-district-rate" of charge equal to the Town of Orchard Park tax rate of District # 17 times the assessed valuation of the undersigned's property or any portion thereof outside the boundaries of said Water District # 17 and/or such additional charges as the Town Board may determine.

The undersigned hereby submits the following information relative to the property for which this water service is sought and warrants this information to be correct and accurate:

Premises know as (address): 5701 DUTTON ROAD, Town of ORCHARD PARK, Erie County, New York
Title in the name(s) PROVIDENCE FAIRM COLLECTIVE CORP., pursuant to a Deed recorded in the Erie County Clerk's Office on the 31st day of MAY, 2023 in Liber 11417 of Deeds, Page 6997.

The Undersigned further understands and agrees that the Town Board of the Town of Orchard Park acting on behalf of Water District # 17 reserves the right to discontinue furnishing Water service to the undersigned under any circumstances and conditions which, in the sole discretion of said Town Board, shall be deemed advisable.

Dated: this 26th day of MARCH, 2025.

Signature
Signature

Karen A. Rindergast

State of New York }

County of Erie }

SS:

On this 26th day of MARCH, 2025, before me the subscriber, personally appeared KAREN RINDERGAST CO. PRESIDENT OF PFC, to me personally known, or demonstrated to be, the same person(s) described in and who executed the within instrument and acknowledged to me that executed the same.

Notary Public

Paul D. Weiss

PAUL D. WEISS
No. 02WE4984193
Notary Public, State of New York
Qualified in Erie County
Commission Expires July 15, 2027

EXHIBIT C

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 7th day of May 2025 at 7:10 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Joseph Liberti	Councilmember
Absent Julia Mombrea	Councilmember
Scott Honer	Councilmember
John Mariano	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
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: April 2, 2025 and Special Sessions: April 23 and April 28, 2025; 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.

Proclamation
56th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 4 - 10, 2025

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars,

workshops and the annual meetings of their state, provincial, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, I, Eugene Majchrzak, Supervisor of the Town of Orchard Park, do recognize the week of May 4 through 10, 2025, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Remy Orffeo and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclamation
FOOD ALLERGY AWARENESS WEEK
May 11 - 17, 2025

WHEREAS, Food Allergy Awareness Week was established as a national week of encouraging food allergy awareness and supporting those who are impacted by food allergies and anaphylaxis; and

WHEREAS, Food allergies affect approximately 32 million Americans, including 6 million children; and

WHEREAS, the prevalence of food allergies appears to be increasing among children under the age of 18, which is 2 students in every classroom; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), between 1997 and 2011, the prevalence of food allergies rose 50 percent and

WHEREAS, nine foods account for 90 percent of all food allergy reactions: Peanuts, Tree Nuts, Milk, Egg, Wheat, Soy, Fish, Shellfish, and Sesame.

WHEREAS, a food allergy is an immune system response to a food the body mistakenly believes is harmful. When a person with food allergy eats the food, his or her immune system releases massive amounts of chemicals, including histamine, that trigger a cascade of symptoms that can affect the respiratory system, the gastrointestinal tract, the skin, and/or the cardiovascular system; and

WHEREAS, there is no cure for food allergies, strict avoidance is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that comes on quickly and has the potential to become life-threatening; and

WHEREAS, managing a food allergy on a daily basis involves constant vigilance and trace amounts of an allergen can trigger an allergic reaction in some individuals; and

WHEREAS, Food Allergy and Anaphylaxis Connection Team (FAACT) is a national, nonprofit organization committed to their mission to educate, advocate, and raise awareness for all individuals and families affected by food allergies and life-threatening anaphylaxis; and

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby proclaim May 11-17, 2025 as Food Allergy Awareness Week in the Town of Orchard Park, NY, and encourage all residents to increase their understanding and awareness of this potentially life-threatening medical condition, improving the quality of life of the 32 million Americans affected by food allergies and anaphylaxis by visiting www.FoodAllergyAwareness.org.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of State done at the Orchard Park, NY to be affixed this 7 of May, 2025

****NYS Law Enforcement DRE Instructor Award****

Police Chief Patrick Fitzgerald presented the NYS Law Enforcement Instructor Award to Police Officer Michael Lococo in recognition of his service to our community.

Police Chief Patrick Fitzgerald recognized the retirement of Animal Control Officer Thomas McCarthy and thanked him for his years of service.

PUBLIC COMMENT ON OLD BUSINESS

Rosalind Wiltse questioned item #2.

Old Business #1 Term correction for BAR.

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

RESOLVED, that the Town Board does hereby approve a term correction for newly appointed Assessment Board of Review member, William Waltenbaugh. This term will fill a current vacancy on the Board of Assessment Review for a 5-year term, with a beginning date of 10/01/2023, and an end date of 09/30/2028, and be it further

RESOLVED, that this term supersedes the initial appointed term approved on 4/2/2025.

The resolution was unanimously adopted.

Old Business #2 Reschedule the Public Hearing for Lexington Heights.

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

RESOLVED, a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on June 4, 2025 at 7:00 PM (local time) to rezone 125 +/- acres of land located west of Transit Road and North of Jewett Holmwood Road, Lexington Heights (Birdsong Parts 4 & 5), Zoned R-1, a portion of SBL# 173.04-2-25.11. Requesting to rezone from R-1 to R-1 with a Conservation Management Overlay; and be it further

RESOLVED, a complete metes and bounds description of this property, together with a map, is on file in the Town Clerk's Office, as well as the list of conditions and stipulations if approved. At such time all interested persons will be given the opportunity to be heard.

The resolution was unanimously adopted.

Old Business #3 Approve Change Order #2 regarding Greenauer Blacktop Inc. Contract for CAC – Generators Installation Project (General)

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

WHEREAS, the Engineering Department is requesting approval of a Change Order #2 to the contract with Greenauer Blacktop Inc., for Community Activity Center Generator Installation Project (General Contract); and

WHEREAS, during the initial start up testing of the generators, Cummins determined that the gas pressure at the generators was greater than the maximum allowable pressure. They recommend that a regulator be installed at each generator to reduce the pressure to the recommended range. Because the generators have a sound reducing and protective enclosure, modification will be required to properly vent the regulator. The cost of this work is \$7,429.00; and

WHEREAS, if approved, this change order will increase the awarded Contract amount of \$157,300.00, to \$170,732.00. This is a net increase of 8.5%. There is presently funding in AB018 Community Activity Senior Bocce/Generator of \$80,352.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to the Contract with Greenauer Blacktop Inc., 391 French Road, West Seneca, New York 14224, for the Community Activity Center Generators Installation Project (General) at the amount not to exceed, \$7,429.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

Roselind Wiltse questioned items #13, 14 & 21.

New Business #1 Approve two stable permits.

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

RESOLVED, that the Town Board does hereby approve the following 2025 Stable Permits:

- Sandybrook Farm & Stable located at 6265 Powers Rd. Orchard Park, NY 14127
- Hammersmith Farms at 6243 Benning Rd. West Falls, NY 14170

The resolution was unanimously adopted.

New Business #2 Approve the declaration of Highway Department's surplus equipment for 2025 and authorize the auction of it.

6) 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 Andrew Slotman Highway Superintendent to declare surplus of equipment for 2025; and be it further

RESOLVED, that the Town Board does hereby authorize Andrew Slotman Highway Superintendent to auction the 2025 surplus equipment, a list of the 2025 surplus equipment will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #3 Accept the results of the Auction to sell Highway's Surplus Equipment.

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

WHEREAS, the Town Board has approved the surplus of equipment for 2025; and

WHEREAS, the Town has conducted an auction to sell the surplus equipment;

NOW, THEREFORE be it,

RESOLVED, that the Town board does hereby authorize Andrew Slotman Highway Superintendent to accept the results of the auction that closed on April 15, 2025. A list of the auction results will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #4 Authorize purchase of a 2017 Elgin Pelican Street Sweeper.

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

RESOLVED, that based on the recommendation of Andrew Slotman, Highway Superintendent, the Town Board does hereby authorize the purchase of a 2017 Elgin, Pelican P Three wheel broom street sweeper with dual side brooms and belt conveyor from Joe Johnson Equipment. The purchase is utilizing Sourcewell contract number 040924-FSC with a purchase price of \$124,000.00.

The resolution was unanimously adopted.

New Business #5 Approve appointment of Sean Kelley as Laborer in the Parks and Grounds Department.

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

WHEREAS, the Orchard Park, Parks and Grounds Department has a vacant laborer position; and

WHEREAS, there are funds in the 2025 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Sean Kelley is ready and able to serve as a laborer in the Orchard Park, Parks and Grounds Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Sean Kelley is appointed as a full time laborer in the Orchard Park, Parks and Grounds Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$24.57 per hour effective April 21, 2025.

The resolution was unanimously adopted.

New Business #6 Approve appointment of Colten Little as Laborer in the Highway Department.

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

WHEREAS, the Orchard Park Highway Department has a vacant laborer position; and

WHEREAS, there are funds in the 2025 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Colten Little is ready and able to serve as a laborer in the Orchard Park Highway Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Colten Little is appointed as a full time laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$24.57 per hour effective April 28, 2025.

The resolution was unanimously adopted.

New Business #7 Approve appointment of Seasonal Staff to the Parks and Grounds Department.

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

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

WHEREAS, there are funds in the 2025 budget to fund seasonal employment positions;

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, the following employees: Steven Blidy and Patrick Blidy, with a payrate of \$17.00 per hour and John Pangallo with a payrate of \$21.00 per hour be appointed as seasonal staff to the Parks and Grounds Department effective April 21, 2025 to October 31, 2025.

The resolution was unanimously adopted.

New Business #8 Approve appointment of 2025 Summer Seasonal Staff to the Recreation Department.

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

RESOLVED, that the Town Board does hereby approve the appointment of the following Summer Seasonal staff to the Orchard Park Recreation Department effective April 17, 2025 – August 29, 2025 and Part-time Seasonal Staff effective August 30, 2025 – December 31, 2025:

Benjamin Addesa	\$17.00 Lifeguard 1
Brody Campbell	\$17.00 Lifeguard 1
Anthony Dellasala	\$17.00 Lifeguard 1
Lauren Hrusa	\$17.00 Program Coordinator 2
Ethan Weingarten	\$17.00 Lifeguard 1
William Papanastasiou	\$16.50 Program Coordinator 1

The resolution was unanimously adopted.

New Business #9 Adopt Traffic Order authorizing the posting of a stop sign on Woodthrush Trail at the intersection of Kestrel Court.

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

RESOLVED, that the Town Board, the Police Chief, Highway Superintendent and the Town Engineer have reviewed the street layout for the Birdsong Subdivision Part 3B, Phase 2B PIP #2024-03. Upon dedication of the Birdsong Subdivision Part 3B, Phase 2B, the Town Board does hereby authorize the posting of a **STOP SIGN** on Woodthrush Trail at the intersection of Kestrel Court.

The resolution was unanimously adopted.

New Business #10 Authorize Supervisor to sign NYSDOT Utility Agreement (Relocation Waterline) Large Culvert Program PIN 5214.61

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

WHEREAS, part of NYSDOT Large Culvert Program, the DOT will be replacing an existing culvert on Rt. 277 in the Town of Orchard Park. As part of this project a section of Town owned waterline will be relocated; and

WHEREAS, the State's policy is to replace or make adjustments to any utilities owned by a municipality which are in conflict with highway construction work, at no expense to the municipality. The NYSDOT requires the municipality to sign a utility work agreement, which authorizes such work, The agreement also provides for the State to reimburse the municipality for any costs the municipality incurs associated with such utility modifications.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby adopt the following resolution to authorize the Supervisor to sign the HC140 Utility Work Agreement with the New York State Department of Transportation for the Large Culvert Program; North (In-house Design), US 62 & 219 and NY 18, 78, 93, 277, 400 & 429, Erie and Niagara Counties Project (P.I.N. #5214.61) permitting the relocation of the waterline at no expense to the Town of Orchard Park; and be it further

RESOLVED, the State also requires certified copies of a resolution that the Town will maintain the improvements, and the Town Supervisor has authority to sign documents in regards to this project and certified copies will be forwarded to the NYSDOT.

Resolution Granting the NYSDOT to Preform the Adjustment for the Owner And Agreeing to Maintain Facilities Adjusted Via- State-let Contract:

RESOLUTION
Resolution #14

WHEREAS, the New York State Department of Transportation processes the capital project of Large Culvert Program; North (in-house Design)
US 62 & 219 and NY 18, 78, 93, 277, 400 & 429,
Erie and Niagara Counties
PIN 5814.61, D265317
In the Town of Orchard Park located in the Erie County, and

WHEREAS, the State will include as part of the of the above mentioned project the relocation of waterline pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted facilities will not be extended, and

WHEREAS, the State will provide for the adjustment of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: that the Town of Orchard Park approves of the relocation of waterline as shown on the contract plans.

BE IT FURTHER RESOLVED: the Town of Orchard Park will maintain or cause to be maintained the adjusted facilities as shown on the contract plans.

BE IT FURTHER RESOLVED: that the appropriate Office has the authority to sign, with the concurrence of the board, any and all documentation that may become necessary as a result of this project as it relates to the name of municipality, and

BE IT FURTHER RESOLVED: that the Clerk of the Town of Orchard Park is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

The resolution was unanimously adopted.

New Business #11

- Authorize Supervisor, Town Engineer and Town Attorney to execute the Federal Aid Local Project Agreement – Bridge Replacement, Henning Drive over Branch of Smokes Creek.
- Authorize the creation of capital account DB016 Henning Drive Bridge Replacement with the amount of \$309,368.00
- Authorize the Town of Orchard Park to pay for the upfront costs of the project. Also, if any overages occur, the Town will convene its Board to appropriate the excess amount immediately upon notification by the NYSDOT
- Certify the requested resolution for approval by the NYS Office of the State Comptroller.

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

WHEREAS, the State of New York Department of Transportation has officially approved the Town's Project Application for the Bridge NY Bridge Replacement, Henning Drive over Branch of Smokes Creek; and

WHEREAS, the Henning Drive Bridge Replacement Project is estimated at \$1,927,368.00. The Grant award covers 95% (\$1,831,000.00) of the cost but requires the Town to upfront the money for the project and submit for periodic reimbursement payments. The Town is also responsible for any overages. This agreement is for the first phase of the project consisting of the Bridge Design and R.O.W. Incidentals estimated at \$309,368.00. Once this phase is complete, a supplemental agreement and resolution will be required for the funding of R.O.W. Acquisition and Construction. The attached resolution is completed in its entirety and all relevant information must be approved by the State. The resolution requires the Town to approve the signatory, upfront the cost of the project, approve the general project, allocate the money and source, accept any overages if needed, commence construction no later than 24 months after contract execution and complete the project within 30 months of starting the work.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor, Town Engineer and Town Attorney to execute the Federal Aid Local Project Agreement — Bridge Replacement, Henning Drive over Branch of Smokes Creek; and be it further

RESOLVED, that the Town Board does hereby authorize the creation of capital account DB016 Henning Drive Bridge Replacement with the amount of \$309,368.00; and be it further

RESOLVED, that the Town Board does hereby authorize the Town of Orchard Park to pay for the upfront costs of the project. In addition, if any overages occur, the Town will convene its Board to appropriate the excess amount immediately upon notification by the NYSDOT; and be it further

RESOLVED, that the Town Board does hereby certify the requested resolution; for approval by the NYS Office of the State Comptroller.

The resolution was unanimously adopted.

New Business #12 Approve Site Plan and authorize a Building Permit for V/L Windward Drive SBL# 152.14-2-24.11, 152.14-2-24.12.

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

RESOLVED, that the Town Board does hereby approve the following as recommended by the Planning Board:

V/L Windward Drive, located on the east side of Windward Drive south of Lake Avenue, zoned I-1 (SBL# 152.14-2-24.11, 152.14-2-24.12). Note: A portion of this property fronting on Lake Ave was rezoned for this project. (Ingress/egress is located on Windward Drive). The Planning Board recommends that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit, to construct 83-parking spaces based on the Site Plan submitted on 2/25/2025 with the following stipulations:

1. All public notices have been filed.
2. This is an Unlisted Action, based on the Short EAF submitted on 6/25/24 and a Negative Declaration was made on 10/10/2024.
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. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
6. Town Engineering approval was granted on 4/03/2025.
7. Removal of vegetation shall be limited to the proposed parking expansion area, excepting what may be required by the preexisting easement and safety. This stipulation "runs with the land".

The resolution was unanimously adopted.

New Business #13 Refer to the Planning and Conservation Boards.

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

1. 3847 Southwestern Blvd., located on the south side of Southwestern Blvd. west of drive 5, in the Prohibition parking lot, zoned DR-2. Benjamin Bell is seeking permission to park his camper and use as office space for his restaurant. (SBL# 161.00-5-18)

2. 3201-3227 Southwestern Bld., located in the Tops Plaza parking lot, zoned B-2. TNT Fireworks is seeking permission for an "Outside Display" for a tent sale to operate from June 20, 2025 through July 5, 2025, to sell fireworks. (SBL # 152.16-7-1.11)
3. 260 Redtail Road, located in the southwest corner of Windward Road and Redtail Road, zoned I-1. Genesis Development and Construction LLC is seeking to construct a 7,348 square foot addition to an existing medical building, and a parking expansion of three additional parking spaces. (SBL# 152.18-2-4)
4. V/L Webster Road, located on the south side of Webster Road, east of Deacon Road, zoned R-3. Brandon Block is proposing a 2-lot, two family home subdivision on 2.7 acres, (SBL# 161.00-3-27.3 and a portion of 161.00-3-27.2)

The resolution was unanimously adopted.

New Business #14 Authorize the connection of Decorative Light Fixtures for Birdsong Subdivision – Part 3B Phase 2B PIP # 2024-03.

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

WHEREAS, per the tariff agreement between NYSEG and the Town, NYSEG has requested the Town submit a resolution reflecting the connection of nine (9) decorative standard Spun Aluminum street light fixtures in the new Part 3B Phase 2B of the Birdsong Subdivision. At present, there are thirty two (32) single-family homes currently planned to be constructed in this Subdivision; and

WHEREAS, the LED luminaires, which are owned by the Town, have been installed under PIP # 2024-03. The Town will maintain the poles, bulbs, and the electric eye of the luminaires and NYSEG will provide the energy only per the SC4 classification. The Town purchases the electricity from the supplier, which is estimated to be \$39.43/ea. for an annual estimated cost of \$354.87 for these nine decorative light poles; and

WHEREAS, the application will add the new LED lights to our existing SC4 (service classification) account. Charges for energy to the lights may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect nine (9) LED decorative standard Spun Aluminum light fixtures in the Birdsong Subdivision Part 3B Phase 2B under PIP #2024-03 at an estimated annual increased energy cost of \$354.87 to the Consolidated Light District in accordance with the NYSEG proposal, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Approve CSEA Blue Collar Contract

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

WHEREAS, the Town of Orchard Park has been negotiating with its Blue Collar Union for a new Collective Bargaining Agreement; and

WHEREAS, the parties to those negotiations have reached a successful accord extending from January 1, 2026 through December 31, 2030; and

WHEREAS, the highlights of terms of that proposed accord include a 4% salary increase for the years 2026, 2027, 2028, 2029 and 2030 and all members of the Blue Collar Unit will be paying 20% of their Health Insurance premium by December 31, 2030; and

WHEREAS, the said accord has been approved by the Blue Collar Union and is acceptable to the Town Board of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the proposed Blue Collar Collective Bargaining Agreement as negotiated between the Town Board and the Blue Collar Union, and presently approved by the Blue Collar Union; and be it further

RESOLVED, that a copy of the Blue Collar Collective Bargaining Agreement be kept on file in the Town Clerk's Office.

The resolution was duly adopted.

On the question Councilmember Liberti recused himself due to a family relation in the CSEA.

New Business #16 Approve appointment of 2025 Summer Seasonal Staff to the Recreation Department.

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

RESOLVED, that the Town Board does hereby approve the appointment of the following Summer Seasonal staff to the Orchard Park Recreation Department effective May 8, 2025 – August 29, 2025, part-time seasonal August 30, 2025 – December 31, 2025:

Jordyn Malinowski	\$17.00 Program Coordinator 2
Gavin Mazgaj	\$16.50 Program Coordinator 1

The resolution was unanimously adopted.

New Business #17 Promotion of an Assistant Crew Chief in the Highway Department.

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

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

WHEREAS, there are funds in the 2025 budget to fund an Assistant Crew Chief position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Nick Welch is ready and able to serve as an Assistant Crew Chief in the Orchard Park Highway Department.

Now, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Nick Welch is promoted to an Assistant Crew Chief in the Orchard Park Highway

Department at Job Level 4 Step 9 of the Blue Collar Contract at a rate of \$35.38 per hour effective May 5, 2025.

The resolution was unanimously adopted.

New Business #18 Authorize Highway Superintendent to declare Surplus Equipment and authorize the sale of surplus equipment.

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

RESOLVED, that the Town Board does hereby authorize Andrew Slotman Highway Superintendent to declare surplus of equipment for 2025; and be it further

RESOLVED, that the Town Board does hereby authorize Andrew Slotman Highway Superintendent to auction the 2025 surplus equipment, a list of the 2025 surplus equipment will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #19 Approve agreement with National Fuel Gas regarding installation of Gas Service for Multi-Use Maintenance Fuel Facility.

23) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MARIANO. WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER HONER, TO WIT:

WHEREAS, construction is underway for the Multi-Use Maintenance Fuel Facility. Since the main maintenance building phase or administration building phase are not moving forward, and the building backup generator is not being installed, a separate backup generator is recommended. The generator which will provide emergency power for the Fuel Facility was delivered and installed; and

WHEREAS, although propane was cheaper initially, natural gas is more cost efficient after 5 years of service. National Fuel Gas can now install the service and meter which will fuel the generator; and

WHEREAS, the work will entail the installation of 375 feet of 1" CTS Service line, meter and restoration. The cost of this work is \$4,045.50. There is presently funding allocated in Capital Account, "AB015 Highway Fuel Rehab" \$1,992,500.00 for this project.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize payment to National Fuel Gas, 365 Mineral Springs Road, Bldg. 3, Buffalo, NY 14210 in the amount not to exceed \$4,045.50, for supplying natural gas to the generators as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #20 Authorize the Supervisor to sign a purchase agreement for possible Green Lake / Town Ponds testing and treatment for algae.

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

WHEREAS, with concerns of possible planktonic algae in Green Lake this year, the Engineering Department requested a quote/references for treatment from Aqua Tech Environmental Inc. This treatment is in addition to non-pesticide aquatic vegetation control), water quality (microbes and water aeration), weir maintenance,

general consultation and fish stocking (possible grass carp stocking) of Green Lake. Microbes have proven not to be efficient on a large body of water. Attached is a quote from A-Tip Control Inc. for \$6,825.00 for applying for permits and treatment. The permit has to be applied for ahead of time due to the processing time for the permit; and

WHEREAS, in addition, the recommendation is to include Aquatic Biology Laboratory Services for various testing to identify species. The preliminary estimated cost is not to exceed \$2,000.00. AquaTech Environmental, Inc. has the Town wide contract, \$18,000.00 for general professional consultations, non-pesticide water quality treatments, NYSDEC permitting and fish stocking, but no longer does pesticide treatments but is recommending treatment if needed.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the purchase agreement with EnviroScience, Inc. 5070 Stow Road, Stow, OH 44224 for aquatic biology laboratory testing for Green Lake and Town Ponds as needed in the amount not to exceed \$2,000.00 to provide aquatic biology services as needed; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the purchase agreement with A-Tip Control Inc. for permits and treatment to help control planktonic algae in Green Lake, in the amount not to exceed \$6,825.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #21 Approve the MOU between the Town of Orchard Park, the Cornell Cooperative Extension of Erie County, and the Scott Bieler Family Foundation, Inc.

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

WHEREAS, to facilitate public water main installation for Providence Farms and Cornell Cooperative, as well to provide service to two residential properties, the above referenced document is Memorandum of Understanding (MOU) for the proposed waterline extension for the north portion of Burton Road, district OPWD #17-4; and

WHEREAS, the Town Attorney, Engineering Department, Scott Bieler and Cornell have finalized the MOU and the Cornell Cooperative Board approved and signed the agreement.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the attached MOU agreement; and be it further

RESOLVED, that the Town Board does hereby approve the Cornell Cooperative Extension site plan per the Planning Board recommendation and stipulations as recommended by the Town Engineer; and be it further

RESOLVED, with regard to V/L located on the west side of Burton Road at Powers Road, (Cornell Cooperative), Zoned R-2 and A-1, that the Town Board approve the presented Site Plan and authorize a Building Permit, to construct a 7,240 +/- square foot Educational Facility with an associated Agricultural Campus, upon 15.0 acres, per the plan received on 3/5/25, 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 8/2/21, 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 3/5/25, was approved with the Total Green Space meeting the Town requirement of 20%. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$15,096.50 Landscaping Estimate Value shall be deposited with the Town Clerk (\$7,548.25). Conservation Board approval was granted on 11/7/23.
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. Engineering Approval was granted on 3/6/25.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Rosalind Wiltse questioned the closed-door meeting of the Town Board at 5:30 on May 7, 2025.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak welcomed the new hires and thanked Tom McCarthy for his years of service. He also stated the items Councilmember Liberti and Councilmember Mariano brought up regarding the Special Audit and Financial irregularities of the Town Tax Receiver's accounts should be spoken about in an Executive Session until they are no longer under discovery.

Councilmember Joseph Liberti responded to Ms. Wiltse regarding Old Business item #2, congratulated Tom McCarthy and new employees, spoke of a grant for the pavilion and inquired about discrepancies in the Tax Receiver's financial records.

Councilmember Scott Honer welcomed the new employees.

Councilmember John Mariano welcomed the new employees and spoke of the Town's accounting firm - Drescher Malecki questioning the Town Tax Receiver's bank accounts and overdrafts.

Town Clerk Remy Orffeo notified the public about a Blood Drive and thanked the Highway Department for planting trees in recognition of Arbor Day for Orchard Park's Tree Conservancy.

Town Engineer Wayne Bieler spoke of NYS's auditing of the Engineering Department, the Town Calendar, Armour Duells and Murphy Road roundabout and a grant for stadium sidewalks.

Building Inspector Tom Minor questioned the Board about Commercial Parking Permits.

Highway Superintendent Andrew Slotman congratulated the new employees and spoke of the brush collection schedule. He also read two thank you letters from the community for Highway's hard work.

Police Chief Patrick Fitzgerald spoke of the Special Olympics Torch Run on May 17, 2025, OPLL Parade on May 10, 2025, Bike to school day on May 7, 2025, the 3-way stop on Michael Rd. and Angle Rd., and the need to finalize questions about Commercial Parking.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$593,979.66
Public Safety Fund	\$3,536.60
Part Town Fund	\$11,275.94
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$264,812.12
Special Districts	\$21,207.43
Trust & Agency	\$26,329.28
Capital Fund	\$507,469.42

The resolution was unanimously adopted.

REPORTS

27) 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 March 2025 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 8:28pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 2, 2025

Honorable Town Board
Town of Orchard Park
4295 S. Buffalo St.
Orchard Park, NY 14127

RE: *Memorandum of Understanding (MOU), between the Town of Orchard Park, the Cornell Cooperative Extension of Erie County, and the Scott Bieler Family Foundation, Inc.*

Dear Board Members,

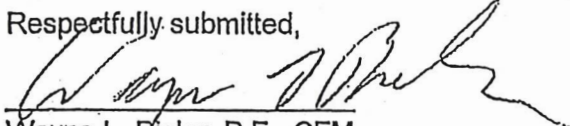
To facilitate public water main installation for Providence Farms and Cornell Cooperative, as well as to provide service to two residential properties, the above referenced document is Memorandum of Understanding (MOU) for the proposed waterline extension for the north portion of Burton Road, district OPWD #17-4.

The Town Attorney, Engineering Department, Scott Bieler and Cornell have finalized the MOU and the Cornell Cooperative Board approved and signed the agreement.

Therefore, I recommend that the Town Board adopt the following resolutions:

- 1) Authorize the Supervisor to sign the attached MOU agreement.
- 2) Approve the Cornell Cooperative Extension site plan per the Planning Board recommendation and stipulations.

Respectfully submitted,


Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment

Cc: Remy Orfeo, Town Clerk Timothy Gallagher, Town Attorney
Scott Bieler, Cornell Cooperative Ext. File #2024.029

Visit the Town's website at www.orchardparkny.org

S:\Town Projects\2024.029 Burton Road Waterline Ext. OPWD #17-4\TB Letter - MOU.docx

**A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ORCHARD
PARK, CORNELL COOPERATIVE EXTENSION OF ERIE COUNTY, AND SCOTT
BIELER FAMILY FOUNDATION**

This Memorandum of Understanding, hereinafter "MOU" is made and entered between the Town of Orchard Park, hereinafter "TOWN" and Cornell Cooperative Extension of Erie County, hereinafter "CCE ERIE" and the SCOTT BIELER FAMILY FOUNDATION hereinafter "FOUNDATION" (Individually a "Party" and together the "Parties").

WHEREAS, the parties desire to enter into an MOU to serve a public purpose, the delivery of public water for the benefit of CCE ERIE and the residents of the TOWN by installing a public water main.

NOW THEREFORE, in connection with the mutual covenants and agreements herein contained, the sufficiency of which are acknowledged, and subject to the terms and conditions hereinafter set forth agree as follows:

I. Purpose

The purpose of this MOU is to enable the TOWN and CCE ERIE to work together to allow for a construction project to be completed on TOWN Right of Way located within the Town of Orchard Park:

The TOWN through its Engineering Department has identified 1,625 Linear Feet of public water main to be installed on TOWN Right of Way to provide public water service to CCE ERIE and other town residents in Water District Extension No. 17 - 4.

In order to complete the project, the FOUNDATION, through a private donation, will provide \$75,000.00 to CCE ERIE designated for use to partially fund the installation of the water main above referenced.

CCE ERIE agrees to install the 1,625 Linear Feet of water main pursuant to the approved Map Plan and Report Plans after CCE ERIE receives a building permit from the TOWN to construct a building at the northwest corner of Burton and Powers Roads, the construction project commences, AND after receipt of the \$75,000.00 donation from the FOUNDATION.

In return the TOWN agrees to maintain the water main once it is constructed, waive the PIP fees, including SWPPP inspection fees, for the Public Water Main construction, and eliminate the ECWA tap fee from the ECWA service application.

II. Representations and Warranties

All Parties represent that they are fully authorized to enter into this MOU. The performance and obligations of any Party will not violate or infringe upon the rights of any third-party or violate any other agreements between the Parties, individually, and any other person, organization, or business or any law or governmental regulation.

III. Indemnity

The Parties each agree to indemnify and hold harmless the other Parties, their respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from the negligence of or breach of this MOU by the indemnifying party, its respective successors and assigns that occurs in connection with this MOU. This section remains in full force and effect even after termination of the MOU by its natural termination or the early termination by either party.

IV. Limitation of Liability

UNDER NO CIRCUMSTANCES SHALL ANY PARTY BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY FOR ANY DAMAGES RESULTING FROM ANY PART OF THIS MOU SUCH AS, BUT NOT LIMITED TO, LOSS OF REVENUE OR ANTICIPATED PROFIT OR LOST BUSINESS, COSTS OF DELAY OR FAILURE OF DELIVERY, WHICH ARE NOT RELATED TO OR THE DIRECT RESULT OF A PARTY'S NEGLIGENCE OR BREACH.

V. Cost Escalation

The cost of this project will be calculated based on market prices at the time the water main is constructed. The estimate for the cost of the project as of the date of this Agreement is \$150,000.00. CCE ERIE agrees to be responsible for the first \$150,000.00 of cost to construct (this includes the \$75,000.00 donation from the FOUNDATION). CCE ERIE and the TOWN will equally share in cost increases over \$150,000.00, with the TOWN total share of the increase not to exceed \$20,000.00. Any additional cost increase will be the sole responsibility of CCE ERIE.

VI. Waiver

The failure by any Party to exercise any right, power, or privilege under the terms of this MOU will not be construed as a waiver of any subsequent or future exercise of that right, power, or privilege or the exercise of any other right, power, or privilege.

VII. Legal and Binding MOU

This MOU is a legal and binding agreement between the Parties as stated above. The parties represent that they have the authority to enter into this MOU.

VIII. Governing Law and Jurisdiction


The Parties agree that this MOU shall be governed by the laws of the State of New York.

IX. Entire Agreement

The Parties acknowledge and agree that this MOU represents the entire agreement between the Parties. In the event that the Parties desire to change, add, or otherwise modify any terms, they shall do so in writing to be signed by both parties.

IN WITNESS THEREOF, Each of the PARTIES has caused this MOU to be executed by their respective, duly authorized officers.

Authorized Signatures:


BRETT KREHER, *President, Board of Directors*
Cornell Cooperative Extension of Erie County

Date: 5/2/25


DIANE HELD, *Executive Director*
Cornell Cooperative Extension of Erie County

Date: 5/2/25


EUGENE MAICHRZAK, *Supervisor*
Town of Orchard Park

Date: 8/25/25

SCOTT BIELER, *President*
Scott Bieler Family Foundation

Date: _____