

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 18th day of February 2026 at 6:55 PM, the meeting was called to order by Deputy Supervisor Scott Honer and there were:

PRESENT AT ROLL CALL:

Excused Joseph Liberti	Supervisor
Excused Julia Mombrea	Councilmember
Scott Honer	Councilmember
John Mariano	Councilmember
Greg Bennett	Councilmember
William Even	Town Clerk
Excused Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Greg Sheppard	Interim Chief of Police
Andrew Slotman	Highway Superintendent
Excused Wayne Bieler	Town Engineer

Councilmember Honer read into the record the following: “If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.”

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

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: February 4, 2026 and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve the Allergy Awareness Action 5K.

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

RESOLVED, that the Town Board does hereby approve the Special Event Permit request for the Allergy Awareness 5K Run to be held on Saturday May 16, 2026 from 10AM – 11:30AM.

The resolution was unanimously adopted.

New Business #2 Approve the appointment of a Police Officer.

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

RESOLVED, that the Town board does hereby approve the appointment of Emily F. Nowak to the position of Police Officer in the Orchard Park Police Department (pending civil service approval), Step 2, effective February 28, 2026, as recommended by the interim Chief of Police.

The resolution was unanimously adopted.

New Business #3 Award contract to Legend Excavating LLC Corp for the Dennis Road Culvert Replacement Project.

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

WHEREAS, bids were opened for the Dennis Road Culvert Replacement Project on January 27, 2026. The project consists of total reconstruction/replacement of the existing concrete culvert, relocation of sanitary sewers, roadway realignment, and restoring of the roadway section accordingly; and

WHEREAS, the project was bid on a unit price basis for the associated culvert, sanitary sewer, creek embankment, and road realignment and restoration work items. The Engineering Department and C & S Consultant Engineers reviewed itemized bid prices of the four contractors who submitted bids, including comparing them in relation to the Engineer's estimate of \$1,389,000.00. The lowest responsible bidder was Legend Excavating LLC with a Bid amount of \$ 1,039,113.00; and

WHEREAS, there is an extended tabulation of bid results showing the itemized bid amounts from each bidder. Contractor submissions were checked for math errors. JMM Construction of WNY had acknowledged receiving Addendum #3, but did not use the revised bid tabulation sheets which included updated quantities for bid items additional and deletion of bid items. Therefore, after consultation with our Town Attorney, their bid was rejected; and

WHEREAS, the Town received a \$1,000,000.00 grant for this project; currently the project expenditure is in the amount of \$188,000.00 for Engineering Design Consulting Services by C & S Engineers. The bid results determined an additional \$38,113.00 is required for construction. The construction inspection and administration contract awarded to C & S Engineers, as required per N.Y.S., equated to \$189,000.00 as previously approved by the Town Board. This results in an additional \$416,113.00 needed for the Capital Project Account DB015, Dennis Road Bridge; and

WHEREAS, Legend Excavation LLC has successfully completed various storm sewer, water, sanitary sewer, and road reconstruction projects in the past. Including Acorn Circle Pond dredging for the Town of Orchard Park. The contractor provided references on relevant experience and all reference checks gave positive comments.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the additional pulldown of \$416,113.00 for the Capital Project Account DB015, Dennis Road Bridge Replacement; and be it further

RESOLVED, that the Town Board does hereby award the contract for the Dennis Road Culvert Replacement Project to the lowest responsible bidder, Legend Excavating LLC, 8080 Barnum Road, Cassadaga, New York 14718 in the amount not to exceed \$1,039,113.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve the application to the Greater Buffalo Region Transportation Council (GBNRTC) Regional Bike Master Plan Grant.

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

WHEREAS, the engineering department respectfully requests the Town Board's authorization to apply for a grant through the **Greater Buffalo-Niagara Regional Transportation Council (GBNRTC)** in support of the Regional Bike Master Plan Project; and

WHEREAS, the proposed grant application would provide funding to assist the Town of Orchard Park with planning, public outreach, and technical support for the Orchard Park Community Activity Center / Highmark Stadium Trail Project. This initiative represents an important opportunity to enhance multimodal connectivity, expand recreational access, and support long-term community development goals.

If awarded, grant funds would be utilized exclusively for consultant services related to:

- Project development and coordination
- Community outreach and stakeholder engagement
- Planning and technical guidance
- Oversight and evaluation of potential design components to ensure a well-conceived and thoughtfully planned project

WHEREAS, it is important to note that these funds are not eligible for construction or engineering design costs. Rather, they are intended to strengthen the planning framework and public engagement efforts necessary to position the project for future implementation opportunities. Selected municipalities do not receive monetary funds, award will be in the form of an allotment of technical assistance for the development of the aforementioned project; and

WHEREAS, securing this assistance would enable the Town to advance the project through a guided plan strategically, inclusively, and professionally while minimizing the impact on local resources.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the application to GBNRTC Regional Bike Master Plan Grant for project assistance and consulting services pertaining to planning and development of the Orchard Park Community Activity Center / Highmark Stadium Trail Project as well as a Master Plan for the Town.

The resolution was unanimously adopted.

On the question:

Councilmember Mariano stated he agreed with the Master Plan around the Town of Orchard Park but had questions regarding Highmark Stadium Trails.

Councilmember Bennett spoke of information he received from the AOT in favor of Bike Master Plans.

New Business #5 Authorize the Supervisor to sign an agreement with Bammel Architects PC for professional services for the design and specification assistance for the police evidence room, animal control, and miscellaneous municipal center building improvement projects.

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

WHEREAS, the Police Department forwarded information on two (2) grants for two (2) building improvement projects, the evidence room and state mandated animal control facility improvements. These projects include the creation of a larger evidence room with more secure storage and better evidence handling improvements. N.Y.S is requiring modifying animal kennels to make a "sick" isolation kennel etc. After meeting with the police, these projects will be incorporated with the work of the Evidence Room, as that is \$125,000.00 and required to be formally bid. The Municipal Building work includes the replacement of police stair treads, courtroom entry doors, first floor 12 windows, Engineering Department coat rack, and outside storage doors. The use of a consultant for the design would be necessary due to the current workload of the Town of Orchard Park Engineering Department, as well as the need for specific architectural discipline components; and

WHEREAS, the Town of Orchard Park requested a bid proposal submittal from Bammel Architects, P.C. Bammel completed the Animal Control Building remodeling in the past. The Engineering Department has met with a representative of the firm to review a scope of services and negotiated an appropriate fee structure. The Engineering Department believes that the proposed scope of services and agreement with Bammel Architects is satisfactory and will accomplish the goals of the project as set forth by the Town. The Town completed a preliminary work scope and plans for the proposed project. The Professional Design Services include detail specifications and detail assembly and is not to exceed a total of \$5,000.00; and

WHEREAS, the scope of services, as set forth by the Town, consists of providing a set of supporting specifications and details for the various project areas; and

WHEREAS, there are presently Capital Projects AB024 — Animal Control, AB025 — Police Evidence Room, and ABOO1 - Unallocated General Building Projects accounts available and transfers for the evidence room grant and miscellaneous municipal center building funding is needed per capital projects.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a professional services agreement with Bammel Architects, 6264 W Quaker St., Orchard Park, New York 14127, to provide Design Specification and Bid Document Services for the Police Department Evidence Room, Animal Control Updates, and Various Municipal Center Improvements for an amount not to exceed \$5,000.00; and be it further

RESOLVED, that the Town Board does hereby approve the transfers/pull-down of \$65,000 to Capital Account AB001, "Unallocated General Building Projects" as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve the Site Plan and Building Permit for 4297 & 4309 Abbott Rd.

7) This item was tabled.

New Business #7 Approve a Change in Use request for 3129 Orchard Park Rd.

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

RESOLVED, that the Town Board does hereby approve the requested "Change in Use" with regard to P.B. File #02-26, 3129 Orchard Park Road, located at the old Valu Plaza, Zoned B-2 (SBL# 152.12-4-8 & 9). At their February 12, 2026 meeting, the Planning Board moved to recommend the Town Board approve the requested Change in Use at 3129 Orchard Park Rd. from mercantile to multiple mercantile and restaurant businesses.

The resolution was unanimously adopted.

New Business #8 Refer to the Planning and Conservation Board.

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

- Regarding PB File # 03-26, 11 Cobham Drive, Zoned I-1, located on the South side of Cobham Drive, West of Center Drive. Applicant is proposing a change of use from Light Industrial to Vehicle Storage Facility. (SBL #161.18-2-3.12)
- Regarding PB File # 04-26, 6565 Webster Road, Bertsch Family Nature Trust. Applicant is proposing the construction of a one-story Service Shop Building to service a 17.31 +/- acre planned nature park with frontage on Webster and North Buffalo Roads. (SBL # 162.09-1-46)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Rosalind Wiltse submitted a document for the Town Board to review.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Scott Honer congratulated the newly appointed Police Officer Nowak.

Councilmember John Mariano congratulated the newly appointed Police Officer Nowak.

Councilmember Greg Bennett congratulated the newly appointed Police Officer Nowak.

Town Clerk William Even congratulated the newly appointed Police Officer Nowak.

Town Attorney Tim Gallagher congratulated the newly appointed Police Officer Nowak.

Building Inspector Tom Minor spoke of the Code Committee.

Highway Superintendent Andrew Slotman congratulated the newly appointed Police Officer Nowak.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, 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 #4 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$66,014.16
Public Safety Fund	\$29,434.28
Part Town Fund	\$694.23
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$99,286.12
Special Districts	\$228,168.05
Trust & Agency	\$5,740.83
Capital Fund	-0-

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the January 2026 Building Inspector's Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Honer, seconded by Councilmember Mariano, the meeting adjourned at 7:25 pm (local time).

Respectfully Submitted,

William C. Even
Town Clerk