

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 19th day of August 2020 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

- PRESENT AT ROLL CALL:**
- | | |
|-------------------------|------------------------|
| Eugene Majchrzak | Councilmember |
| Conor Flynn | Councilmember |
| Remy Orffeo | Town Clerk |
| John C. Bailey | Town Attorney |
| Steve Bremer | Building Inspector |
| E. Joseph Wehrfritz | Chief of Police |
| Frederick Piasecki, Jr. | Highway Superintendent |
| Wayne Bieler | Town Engineer |
- ABSENT:**
- | | |
|--------------|------------|
| Patrick Keem | Supervisor |
|--------------|------------|

Councilmember 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 COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: August 5, 2020 Executive Sessions: July 29, 2020 and August 5, & 12, 2020 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 Budget Transfer for Brenner Drive & Lexington Avenue Reconstruction Project.

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

WHEREAS, on Wednesday August 12, 2020, the Town Board awarded the contract for the Brenner Drive — Lexington Avenue Reconstruction Project to the lowest responsible bidder, Union Concrete & Construction Corp., PO Box 410, 435 Meyer Road, West Seneca, New York 14224, in the amount not to exceed \$669,669.00 with Alternate #2, and

WHEREAS, there is presently \$667,788.00 allocated under Capital Project DB007 "Brenner Drive — Lexington Avenue Reconstruction Project". An additional \$25,000 can be transferred from Capital Project DB005 Miscellaneous Culverts.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the transfer of \$25,000 from the Capital Accounts DB005 Miscellaneous Culverts to DB007 Lexington Brenner, as recommended by the Town Attorney.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Set Public Hearing for Proposed Local Law §144-12 Erie County Stadium Parking

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

RESOLVED, that the Town Board does hereby set a Public Hearing to be held on September 2, 2020 at 7:00 PM (local time) at the Orchard Park Municipal Center, in the matter of proposed Local Law #6 for the year 2020. This local law provides as follows: Section 144-12 Erie County Football Stadium Parking.

The resolution was unanimously defeated.

Councilmember Flynn, regarding Tailgating around the Erie County Football Stadium, stated that all private, commercial and residential lots are subject to the Erie County Department of Health restrictions during this pandemic. He stated, just before this meeting tonight, they received a notice that the Erie County Department of Health will shut down any tailgating activities as fans are not allowed in the Stadium. If there are no fans allowed in the Stadium, the Erie County Department of Health will not permit any tailgating activities. The Town will revisit the tailgating issue when and if fans are allowed in the Stadium this year.

Councilmember Majchrzak stated that the Town Board was not notified about the Erie County Department of Health’s decision until around 5 o’clock and therefore was not able to notify the news channels about the decision. Both he and Councilmember Flynn worked very hard on this resolution to try and make both sides of this issue happy, and feels they came up with a good solution. But it has been taken out of the Town Board’s hands for now.

New Business #2 Sign an Agreement with GHD Inc. Consulting Services for Professional Services

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

WHEREAS, the Engineering Dept. has been working with GHD, Inc. to develop a scope of services and proposal to perform the Drainage District Consolidation Study. This is the first step in creating a Town Wide Drainage District and combining the fourteen individual Town Districts, and

WHEREAS the proposal from GHD includes data collection, asset inventory, financial O&M cost evaluation, capital investment planning, user fee analysis, and a final map, plan, and report. The Engineering Dept. will be assisting GHD throughout the process by providing relevant asset data, historical maps, and other requested information. This study will also require input from the Assessor’s office, the Town Accountant, Parks & Grounds, and the Highway Dept. When requested by the consultant, all information will be provided through the Engineering Dept. as a single point of contact for the Town. GHD Inc. has extensive knowledge in this field with a professional staff capable of completing the study in a timely fashion. GHD has proposed to complete the attached scope of work for \$74,000.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the agreement with GHD Consulting Services Inc., 285 Delaware Ave Suite 500, Buffalo NY, 14202 to provide services for the Drainage District Consolidation Study for a total cost not to exceed \$74,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Award Contract to Precision Trenchless LLC. for Storm Sewer Relining Project

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

WHEREAS, a 24" CMP storm sewer has failed along Amelia Dr. and Amanda Ln. The failure has caused a large sinkhole to form causing a hazard for both vehicular and pedestrian traffic in the area. The Highway Department currently has a portion of the road closed where they excavated to locate the problem section. The SW&L Dept. has assisted the Highway Dept. by televising the line to inspect the overall condition. The overall condition of the pipe is poor with signs of rot and holes throughout. Due to the location and high cost of direct replacement, the preferred method of repair will be to utilize a UV light cured in place pipe liner, and

WHEREAS, currently, Precision Trenchless. LLC is under contract with Onondaga County to perform CIPP lining work. They have reviewed the footage and submitted a proposal based on the contract pricing to repair both a +/-290ft and +/-60ft long section of pipe. They are willing to mobilize and complete contract within 2-3 weeks of the signed contract and after their initial inspection for spot repairs requirement, and

WHEREAS, there is presently funding that can be transferred for this project, in capital account DB005, Miscellaneous Culverts of \$464,278.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the creation of capital account #DB009 "Amelia Drive and Amanda Lane Storm Sewer. Relining Reconstruction, and be it further

RESOLVED, that the Town Board does hereby authorize the Transfer of \$100,000 from #DB005 Miscellaneous Culverts to #DB009 Amelia Drive and Amanda Lane Storm Sewer Relining Reconstruction, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Precision Trenchless LLC., 1710 Erie Boulevard, Schenectady, NY 12308, per the Onondaga County CIPP Lining Pricing for the Amelia Dr. and Amanda Ln. Storm Sewer Relining Rehabilitation Project, based on Contract No. 0000004287 with the Onondaga County Purchasing Dept. in the amount not to exceed \$59,881.75, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Declare 2003 Truck as Surplus & Authorize purchase of a new 2020 Pickup Truck

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

WHEREAS, the Sewer & Lighting Department has a vehicle used by the summer help that is experiencing repair issues much more often, is badly rusted, and not able to pass inspection. The vehicle is a 2003 Chevrolet 1500 Pickup with over 80,000 miles. The truck has already had numerous repairs and is 17 years old, and

WHEREAS, the truck runs and is drivable so sending it to public auction would most likely be in the Town's best interest, and

WHEREAS, the Department would keep the current 2015 F150 and use it for numerous field construction inspections that are required with several subdivisions that currently under construction. The Engineering Department would transfer its oldest truck (2012 F150, with 60,421 miles) to the Sewer & Lighting Department to be used as the summer help vehicle, and

WHEREAS, the funds are already in the budget for this year; #A01440-50200 Engineering Equipment \$18,000 and #WS8346 50200 Water, Sewer and Lighting General Equipment \$11,279.00 = \$29,279.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby declare the 2003 Chevrolet Pickup (VIN#2GCEC19V931271911) as a surplus vehicle, and authorize the sale of this vehicle, and be it further

RESOLVED, that the Town Board does hereby authorize the purchase of a new 2020 Ford F150 from DeLacy Ford under State/County Bid for \$29,279.00 for the Orchard Park Engineering Department, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Declare 2007 Truck as Surplus & Authorize purchase of new 2020 Ford EcoSport

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

WHEREAS, Building Department is presently assigned a 2007 F-150 pickup truck for the Department's specific use, and

WHEREAS, that 2007 F-150 pick-up truck is in poor repair and needs to be replaced, declared surplus, and disposed of, and

WHEREAS, the Town of Orchard Park may replace that 2007 F-150 pickup truck with an acceptable 2020 Ford EcoSport from Delacy Ford for the acceptable price of \$18,898.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby declare the 2007 F-150 Ford pickup truck assigned to the Building Department as surplus and ordered to be disposed of, and be it further

RESOLVED, that the Town Board does hereby authorize the Building Department to purchase a 2020 Ford EcoSport at the price of \$18,898.

The resolution was unanimously adopted.

New Business #6 Approve Budget Amendment

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

WHEREAS, the Town has received funding from the NYS Justice Court Assistance Program (JCAP) in the amount of \$1,381.94, and

WHEREAS, the Town’s adopted budget for 2020 does not include revenues or appropriations for the above mentioned grant.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following amendment of the Town’s 2020 budget to account for the NYS Justice Court Assistance Program Grant:

General Fund

Increase estimated revenues:

A00000 43330 State Aid-Court Asst. Grant \$1,381.94

Increase Appropriation account:

A00000 50200 Town Justice-Office Equipment \$ 881.94

A00000 50419 Town Justice-Other Expenses \$ 500.00

The resolution was unanimously adopted.

New Business #7 Approve Budget Transfer

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

WHEREAS, the Town owes the Village for installation and removal of polling signs, and

WHEREAS, these expenditures were not included in the amount budgeted for the fiscal year ended December 31, 2020, and

WHEREAS, the funding for these adjusted appropriations is available within other appropriations accounts in the Town’s 2020 budgeted.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following transfer:

Increase Appropriations:

A05010 50419 General – Supt of Highway/Other Expense \$1,014.00

Decrease Appropriations:

A01910 50550 General – Contingency (1,014.00)

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$123,624.19
Public Safety Fund	\$3,327.76
Part Town Fund	\$541.67
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$174,295.79
Special Districts	\$181,235.65
Trust & Agency	-0-
Capital Fund	\$113,439.70

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Cynthia Crawley stated they had new neighbors move in on Milestrip Road three years ago, and they do not believe in mowing their lawn. They have 2 ½ acres of weeds, wild growth and there is debris laying all around. This has brought bugs, rats and other rodents to their area. She talked to her neighbor about this, but there was no response. They are a nice family, but she, her husband and their neighbors are requesting help with this situation.

Todd Barber came here regarding the problems on the Acorn Circle pond. He has done some research on it, and there is an overgrowth of an invasive species weed, and he was not sure the Town has identified that yet. He said that there is also excessive growth on the perimeter of the pond which inhibits use of the pond. He has found a specific aquatic herbicide that the NYS DEC has approved and has more ideas on what would help clean up that pond.

Ed Flowers, regarding the Smokes Creek subdivision, stated that it was his understanding that the Town is supposed to maintain the retention ponds. His question is who in the Town responsible for this, and how often is it maintained.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Town Clerk Orffeo said we are coming up on the season for School Taxes, and he would like to start a campaign to encourage people not to pay their taxes in cash, as we are in a COVID environment. It is preferred that residents mail in checks, use the night deposit box in the lobby, or do online payments and your receipts will be mailed to you. We are asking for the residents help in this matter.

Highway Superintendent outlined the Highway’s work for the week.

Building Inspector Bremer said he will send out someone to review the property on Milestrip Road and to talk to the residents, The Building Inspector’s office can also send them a notice to see if they will cooperate, and then go from there.

Town Engineer Bieler said they did do an extensive memo to the Town Board regarding Acorn Circle a year ago. It is a shallow pond and the NYS DEC did deny the submitted treatments the Town requested because it outlets into wetlands that need to be protected. They will check into it further. Regarding the mowing and maintenance, that would be Parks and Grounds.

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

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's Monthly Report for July 2020.

The resolution was unanimously adopted.

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

RESOLVED, the Town Board does hereby receive and file a Letter from Danny's Restaurant asking the Town Board to open up tailgating for the Buffalo Bills games.

The resolution was unanimously adopted.

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

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**