

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 17th day of November 2021 at 7:00 PM, the meeting was called to order by Deputy Supervisor Joseph Liberti and there were:

PRESENT AT ROLL CALL:

Joseph Liberti	Supervisor
Eugene Majchrzak	Deputy Supervisor
Conor Flynn	Councilmember
	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Steve Bremer	Building Inspector
E. Joseph Wehrfritz	Chief of Police
Andrew Slotman	Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
Wayne Bieler	Town Engineer

Deputy Supervisor Liberti 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: November 3, 2021 and Executive Session: November 3 & 10, 2021 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 Authorize release of Escrow for Pleasant Acres West Subdivision Part 3 Phase 1 PIP #2019-02

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

WHEREAS, on January 20, 2021, the Town Board accepted dedication of the public improvements constructed in the Pleasant Acres West Subdivision Part 3 Phase 1 PIP # 2019-02 with the stipulation that funds paid by the contractor be held in escrow until final fine grading in ROW, and seeding and mulching in all disturbed areas was completed; and

WHEREAS, the contractor has since completed final fine grading in ROW along Golden Crescent Way, and seeding and mulching in all disturbed areas. The work was inspected by the Building and Engineering Departments and found to be in compliance with Town specifications.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Anastasi Trucking & Paving at 4430 Walden Avenue, Lancaster, New York 14086, the \$10,000 held in escrow for final fine grading in ROW, and seeding and mulching in all disturbed areas in the Pleasant Acres West Subdivision Part 3 Phase 1 PIP #2019-02 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve Data Storage and Backup System purchase for IT Department.

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

WHEREAS, The Town IT Department desires to upgrade the current data storage and backup system; and

WHEREAS, The Town IT Department received two bids for the requested services; and

WHEREAS, The Town IT Department has selected StoneFly, Inc as the provider of the upgrade based on the significantly lower cost and overall value of the product and service; and

WHEREAS, the money required for this project is currently available in the 2021 IT budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the upgrade to the IT storage system, and shall be provided by StoneFly, Inc in the amount of \$51,532.00 as recommended by the Town IT Network Administrator.

The resolution was unanimously adopted.

New Business #2 Sign Orchard Park Fire District agreement for 2021-2025 reimbursement of dispatching services.

4) 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 Deputy Town Supervisor, Joseph Liberti, to sign the 2021-2025 Agreement between the Orchard Park Fire District and the Town of Orchard Park. The Town will be reimbursed for dispatching services for their operations.

The resolution was unanimously adopted.

New Business #3 Approve addition of Joseph Liberti to Corrected Standard Workday and Reporting Resolution for Elected and Appointed Officials to the NYS and Local Retirement System.

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

WHEREAS, Joseph Liberti has taken on additional duties as a result of being appointed Deputy Supervisor; and

WHEREAS, these additional duties has altered his record of activities that is reported to the New York State and Local Employees Retirement system.

NOW, THEREFORE be it

RESOLVED, that the Town Board adds Joseph Liberti to the corrected standard workday and reporting resolution for Elected and Appointed Officials to the New York State and Local Employees Retirement System based on the record of activities manifested and submitted by the Town Clerk and directs the Town Clerk to post the reporting resolution for 30 days.

The resolution was unanimously adopted.

New Business #4 Schedule and publish a notice for the 2022 Organizational Meeting and First Regular meeting.

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

RESOLVED, that the Town Board is hereby authorized to schedule the 2022 Organizational Meeting and 1st Regular meeting of 2022 for Wednesday, January 5, 2022 in the Municipal Building, 4295 South Buffalo Street, at 6:30 PM. The work session, also to be held in the Municipal Building, will begin at 6 PM; and be it further

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

The resolution was unanimously adopted.

New Business #5 Award Bid for Bussendorfer Rd. Paving Project to Millherst Construction.

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

WHEREAS, bids were opened for a separate Bussendorfer Road Paving Project on November 10, 2021 as directed. The project consists of 3,300 linear feet to mill and overlay a portion of Bussendorfer Road. The project was bid on a lump sum basis for the road reconstruction work items. The Engineering Department has reviewed the prices of the three contractors, who submitted bids. The Engineering Department performed a review with Andy Slotman, Highway Superintendent, of all bids submitted, and compared them against the Engineer's estimate of \$85,000.00. The lowest bid submitted for the base bid is \$84,750.00, slightly lower than the engineer's estimate for the project; and

WHEREAS, a tabulation of bid results showing the lump sum amounts from each bidder is available for viewing at the Engineer's Department. Contractor submissions were checked for math errors, NO ERRORS were found; and

WHEREAS, the low bidder for this project is Millherst Construction, Inc. The company has successfully completed various road projects in the past for the Town.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Bussendorfer Road Paving Project to the lowest responsible bidder, Millherst Construction, Inc., 10025 County Road, PO Box 430, Clarence Center, New York 14032 in the amount not to exceed \$84,750.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Award Bid for Bussendorfer Waterline Project to Fairway Contracting, Inc.

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

WHEREAS, bids were opened for the Bussendorfer Waterline replacement on September 30, 2021. The project consists of total replacement of existing watermain and restoration of adjacent disturbed lawn areas as requested by ECWA; and

WHEREAS, the project was bid on a unit price basis for the associated drainage and two alternate road reconstruction work items. The Engineering Department has reviewed those itemized prices of the five contractors who submitted bids. The Engineering Department performed a review with Andy Slotman, Highway Superintendent and compared them against the Engineer's estimate of \$973,966.70. The lowest bid submitted for the base bid is \$744,844.00, lower than the engineer's estimate for the project; and

WHEREAS, an extended tabulation of bid results showing the itemized bid amounts from each bidder is available for viewing at the Town Engineer's office. Contractor submissions were checked for math errors, NO ERRORS were found. The alternate paving (mill & overlay) project was rebid alone as directed; and

WHEREAS, the low bidder for this project is Fairway Contracting, Inc. The company has successfully completed various sewer and water reconstruction projects in the past for the Town.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the contract for the Bussendorfer Waterline Replacement Project to the lowest responsible bidder, Fairway Contracting, Inc., PO Box 352, Orchard Park, New York 14127 in the amount not to exceed \$744,844.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize Budget Transfer for Engineering Department.

9) 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 following budget transfer within the 2021 Budget due to the vehicle repairs needed on the Engineering Department's 2016 F150 Truck:

\$1,147.97

From: Budget Code A01440 50200 (Engineering Equipment)
To: Budget Code: A01440 50445 (Vehicle Repair)

The resolution was unanimously adopted.

New Business #8 Set a Public Hearing for 3490 California Rd. for a Special Exception Use Permit.

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing, Wednesday December 15, 2021 at 7:00PM (local time), as petitioned by 3490 California Rd. Zoned I-1, for a Special Exception Use to operate a Child Care Facility, as recommended by the Planning Board.

The resolution was unanimously adopted.

New Business #9 Approve expiration of Deputy Town Supervisor position on 12/31/2021.

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

WHEREAS, the Orchard Park Town Board, at a Special Meeting held on October 14, 2020, created the Office of Deputy Town Supervisor; and

WHEREAS, the Orchard Park Town Board created the position of Deputy Town Supervisor due to the resignation of Supervisor Patrick Keem which reduced the membership of the Town Board to two Councilmembers; and

WHEREAS, the Orchard Park Town Board created the position of Deputy Town Supervisor to facilitate the operations of town government in the absence of a Supervisor and while the Town Board was reduced to two members; and

WHEREAS, as a result of November 3, 2021 Town of Orchard Park elections there will be an elected Town Supervisor with all the powers and duties vested in that office by the New York State Constitution and New York State Town Law.

NOW, THEREFORE, be it

RESOLVED, that the position of Town Deputy Supervisor will expire at midnight December 31, 2021.

The resolution was unanimously adopted.

New Business #10 Approve cancellation of Work Session for 11/24/2021

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

This item was tabled, announced as informational and posted on the Town's website.

The resolution was unanimously adopted.

New Business #11 Set Public Hearing for proposed Local Law regarding On-Site Consumption Sites under NYS Cannabis Law Article 4.

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing, Wednesday December 15, 2021 at 7:00PM (local time) at the Orchard Park Municipal Center, regarding On-Site Consumption Sites under NYS Cannabis Law Article 4.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Gary Doster spoke against the Erie County Rails to Trails.
Kim Williams spoke against the Erie County Rails to Trails.
Patti Sedar spoke against the Rails to Trails.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Majchrzak stated he will work on a compromise between the ERCT and the Town. He also stated that Orchard Park has been listed as being in another State of Emergency. By being listed as such allows FEMA to compensate the Town for issues related to the pandemic. He is also holding a department meeting 11/18/21 regarding mask mandates and mandatory vaccinations.

Councilmember Flynn notified residents the work session scheduled for 11/24/21 is cancelled. He also informed the residents of a mailbox placed in the foyer of Town Hall. This mailbox will accept letters from anyone in Town that wishes to send Santa a letter. No postage is necessary and if a return address is included a letter will be sent back to them.

Highway Superintendent Andrew Slotman stated leaf collection is still going on and please separate leaves from brush and branches. They are testing out a grappling truck from the Town of Aurora.

Police Chief Wehrfritz warned residents of larceny out of vehicles parked at home. Please lock your cars. He also spoke of the Bills playing this Sunday 11/21/21 and traffic patterns. On December 1, 2021 there will be a carseat event.

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

General Fund	\$79,628.55
Public Safety Fund	\$265.54
Part Town Fund	\$1,530.16
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$15,367.20
Special Districts	\$16,451.42
Trust & Agency	\$18,240.91
Capital Fund	\$29,772.90

The resolution was unanimously adopted.

REPORTS

13) 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 October 2021 Building Inspector's Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:30 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**