

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 February 2022 at 7:04 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Scott Honer	Councilmember
Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Jennifer Brady	Deputy Town Clerk
Timothy D. Gallagher	Town Attorney
Steve Bremer	Building Inspector
Patrick Fitzgerald	Acting Chief of Police
Andrew Slotman	Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
Wayne Bieler	Town Engineer
Absent	
Conor Flynn	Councilmember

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: January 19, 2022 and Executive Session: January 19 & 26, 2022 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.

Chief of Police's Letter of Commendation

The purpose of this letter is to formally commend the referenced individuals for their immediate and professional response to a person in cardiac arrest.

On the morning of November 21, 2021, members of the Orchard Park Emergency Response Team were stationed on Abbott Road in front of Highmark Stadium as part of our standby for a Buffalo Bills game, when they observed a gentleman having a seizure. This seizure soon turned into a full cardiac arrest.

SWAT Medic Officer Daniel McCarthy, of the Town of Hamburg Police Department, Captain Patrick Fitzgerald and Lieutenant Daniel Honer immediately responded to render CPR and paramedic level intervention. They were joined in their efforts by Officer Alex Vranic, Officer Darryl Purucker, Officer Christopher Tornabene, Captain Gregory Sheppard, Lieutenant Daniel Lagoda and members of the Windom

Fire Company and Orchard Park EMS inc. An AED was deployed, with several shocks delivered and the gentleman regained a pulse.

I am proud to announce that the gentleman is alive and well today thanks to the immediate and professional response by the above referenced individuals. It also shows the value of our training programs.

E. Joseph Wehrfritz
Chief of Police

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Authorize the release of escrow under PIP 2021-01 for street lighting in the Smokes Creek Farm Subdivision.

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

WHEREAS, On December 15, 2021, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until the decorative street lighting was completed; and

WHEREAS, the contractor has since installed the required poles and fixtures on Edgewood Court. 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 Thomas Johnson, Thomas Johnson Land Development, LLC, 6435 West Quaker Street, Orchard Park, New York 14127, the \$35,000 held in escrow for street lighting in the Smokes Creek Farm 22-Sublot Subdivision, PIP #2021-01 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Captain and Acting Chief of Police Patrick Fitzgerald to Chief of Police.

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

WHEREAS, Patrick Fitzgerald, an Orchard Park native, was hired as a law enforcement officer by the Town of Orchard Park on January 24, 2005, having previously served as a law enforcement officer in the City of Rochester Police Department and a Public Safety dispatcher in the Town of Orchard Park Police Department, and,

WHEREAS, Patrick Fitzgerald has served under four of the six Orchard Park Police Department Police Chiefs, and

WHEREAS, after attending Hilbert College and certifying as an instructor and a field training officer, Patrick Fitzgerald has been promoted to Lieutenant, Captain and Acting Chief, and

WHEREAS, Patrick Fitzgerald has served with distinction at every stage of advancement, and

WHEREAS, the Office of Orchard Park Police Department Chief of Police is now vacant, and

WHEREAS, the Town Board of Orchard Park wishes to promote Patrick Fitzgerald to Chief of the Orchard Park Police Department based on his sterling record of service. This will take effect February 2, 2022.

NOW, THEREFORE be it

RESOLVED that:

- I. The exempt salary of the Chief of Police shall follow step K of the Police Department pay schedule. In each succeeding year, the aforementioned step K of the Chief of Police shall remain in effect. The salary anticipates a minimum of forty-hour work week.
- II. Additional compensation for the Chief of Police shall include:
 - a. Longevity shall be at 11% of the current salary established in this resolution.
 - b. The Chief of Police shall follow the newly established sick leave accruals and vacation schedule as defined in the PBA collective bargaining agreement.
 - c. For all other benefits; [Holidays, personal leave, clothing allowance, life insurance, employer contributions to payments of medical insurance premiums (including dental and optical coverage) or welfare benefits (HRA), and employer contributions to pension and / or annuity funds], the Chief will receive, to the same extent and with the same conditions as received by a command officer pursuant to the Orchard Park Police Command Officers Association collective bargaining agreement.

The resolution was unanimously adopted.

New Business #2 Appoint Former Chief of Police E. Joseph Wehrfritz to transition/training consultant.

8) 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 appointment of Eugene J. Wehrfritz to the position of transition/training consultant as of February 2, 2022, at an hourly rate of pay as defined in step K of the Police Department pay schedule, with a weekly schedule to be determined by the Chief of Police.

The resolution was unanimously adopted.

New Business #3 Appoint Lynn Graham to the CAC

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

RESOLVED, that the Town Board does hereby approve the appointment of Lynn Graham to the position of part time evening and weekend receptionist at the Community Activity Center at a pay rate of \$14.50/hour with a \$0.50/hour increase upon completion of 3 months of employment meeting performance expectations.

This will take effect January 24, 2022 and will be at the Range of Group 9, non-union upon the recommendation of the Community Activity Center Coordinator.

The resolution was unanimously adopted.

New Business #4 Appoint Ethan Wood to the CAC

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

RESOLVED, that the Town Board does hereby approve the appointment of Ethan Wood to the position of part time evening and weekend receptionist at the Community Activity Center at a pay rate of \$14.50/hour with a \$0.50/hour increase upon completion of 3 months of employment meeting performance expectations. This will take effect January 31, 2022 and will be at the Range of Group 9, non-union upon the recommendation of the Community Activity Center Coordinator.

The resolution was unanimously adopted.

New Business #5 Schedule a Public Hearing for Proposed Local Law 1 of the Year 2022 regarding Snow and Ice Removal

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing on February 16, 2022 at 7:00PM (Local time) for proposed Local Law 1 of the year 2022 regarding amending §120-5.1, Snow removal prohibitions and the repeal of §120-11 Duties of owners, and be it further

RESOLVED, that a copy of the proposed Local Law is on file in the Town Clerk's office, and be it further

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

The resolution was unanimously adopted.

New Business #6 Authorize the Supervisor to sign the Erie County, NY Intermunicipal Highway Shared Services Agreement.

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

RESOLVED, that the Town Board authorizes the Supervisor to sign the Erie County, New York Intermunicipal Highway shared Services Agreement.

The resolution was unanimously adopted.

New Business #9 Refer to the Planning Board for review & recommendation:

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

- V/L Lake Avenue, located on the south side of Lake Avenue, between #6007 & 5971 Lake Avenue, Zoned I-1. Paul Reamsnyder is seeking to have this property rezoned from I-1 to R-3. (SBL# 152.15-1-16)

- 3678 Southwestern Blvd, located on the north side of Southwestern Blvd, to the west of U.S. Route 219, Zoned I-1. Octavius Storage LLC is proposing to demolish an existing building in order to develop storage units and an office building. (SBL# 161.06-2-15)
- 7370 Milestrip Road, request for Conservation Board review and approval of a 5.5-Acre +/- Conservation Easement renewal request, Zoned R-1. Applicant would like to extend Easement to "Perpetuity". (SBL#153.19-1-20)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Majchrzak congratulated Chief of Police Fitzgerald on his appointment.

Councilmember Liberti welcomed the Chief of Police Fitzgerald.

Councilmember Honer congratulated the Chief of Police.

Councilmember Mombrea congratulated Chief of Police Patrick Fitzgerald on his new appointment.

Deputy Town Clerk Jennifer Brady congratulated the Chief of Police on his appointment.

Town Attorney Tim Gallagher welcomed the Chief of Police Patrick Fitzgerald.

Highway Superintendent Andrew Slotman stated the Highway Department received their new plow truck and thanked Councilmember Flynn for visiting the Highway Garage and thanked the Board for the new chairs at the dias.

Police Chief Patrick Fitzgerald thanked the board for their trust and confidence and appointment to Chief of Police. He also thanked his family and predecessor E. Joe Wehrfritz.

10) 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 # 3 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$48,745.06
Public Safety Fund	\$15,601.02
Part Town Fund	\$865.56
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$237,772.50
Special Districts	\$7,945.51
Trust & Agency	\$11,744.54
Capital Fund	\$12,433.50

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:28 pm (local time).

Respectfully Submitted,

**Jennifer L. Brady
Deputy Town Clerk**