

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 21<sup>st</sup> day of August 2019 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	Patrick J. Keem	Supervisor	
	Eugene Majchrzak	Councilmember	
	Michael Sherry	Councilmember	
	John C. Bailey	Town Attorney	
	Remy Orffeo	Town Clerk	
	Steve Bremer	Building Inspector	
	Frederick Piasecki, Jr.	Highway Superintendent	
	E. Joseph Wehrfritz	Chief of Police	
	Absent:	Wayne Bieler	Town Engineer

**Supervisor Keem 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 KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: August 7, 2019 Executive Sessions: August 7, 2019 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 Schedule a Public Hearing for Conservation Easements**

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

**RESOLVED**, that the Town Board does hereby set a Public Hearing on September 18, 2019, in the matter of a Conservation Easement Renewal for 6900 Ward Road, V/L Scherff Road and 6813 Chestnut Ridge Road.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

Kathy Gorkiewicz asked what “Local Law 2019-6 Override the Tax Levy Limit” was and why we needed it.

Supervisor Keem stated, depending on the tax limit set by New York State we may choose to raise taxes beyond that limit to finalize the budget. We hold a Public Hearing for this.

**New Business #2 Schedule a Public Hearing for Proposed Local Law 2019-6**

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

**RESOLVED**, that the Town Board does hereby schedule a Public Hearing in the matter of the proposed Local Law 2019-6, Override the Tax Levy Limit established in general Municipal Law Sec 3-c on September 18, 2019 at 7:00pm at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #3 Approve Block Party Request**

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

**RESOLVED**, that the Town Board does hereby approve the block party request for 14 Knob Hill Road as requested by Tyrone Palaganas for August 31, 2019.

**The resolution was unanimously adopted.**

**New Business #4 Approve a Request for a Four Way Stop Sign**

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

**WHEREAS**, based on the extensive history of accidents at the intersection of California Road and Duerr Road in the Town of Orchard Park, the Orchard Town Board has determined that the intersection should be designated as a four way stop, and

**WHEREAS**, the roads in question are controlled by the County of Erie,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park hereby requests Erie County to designate the California Road/Duerr Road intersection in Orchard Pak a four way stop with all of the appropriate signage including warning signs set out before each of the four stop signs.

**The resolution was unanimously adopted.**

**New Business #5 Approve Lieutenant and Captain Position for OPPD**

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

**WHEREAS**, the Town of Orchard Park wishes to add an additional Captain's position and an additional Lieutenant's position, and

**WHEREAS**, the Erie County Department of Personnel requires a formal Town of Orchard Park Board Resolution creating these new positions,

**NOW, THEREFORE, be it**

**RESOLVED**, that one additional Lieutenant's position and one additional Captain's position is hereby created for the Orchard Park Police Department.

**The resolution was unanimously adopted.**

**New Business #6 Appoint Police Officer to OPPD**

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

**WHEREAS**, the Orchard Park Police Department has an opening for a Police Officer on its staff, and

**WHEREAS**, upon recommendation of Police Chief E. Joseph Wehrfritz, the Town Board of Orchard Park wishes to appoint John E. Star to the position of Police Officer in the Orchard Park Police Department, Step A, effective September 2, 2019, at the salary of \$72,320.00

**NOW, THEREFORE, BE IT**

**RESOLVED** that:

- 1) John E. Star is hereby appointed to the position of Police Officer in the Orchard Park Police Department, and
- 2) Mr. Star's start date will be September 2, 2019, and
- 3) Mr. Star's salary will be \$72,320.00, Step A.

**The resolution was unanimously adopted.**

**New Business #7 Appoint Detective to OPPD**

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

**WHEREAS**, the Orchard Park Police Department has an opening for a Detective on its staff, and

**WHEREAS**, upon recommendation of Police Chief E. Joseph Wehrfritz, the Town Board of Orchard Park wishes to appoint Police Officer James Mazur to the position of Detective (Probationary) with pay and benefits as set out in the appropriate Collective Bargaining Agreement effective August 24<sup>th</sup>, 2019,

**NOW, THEREFORE, be it**

**RESOLVED** that:

- 1) Police Officer James Mazur is hereby appointed to the position of Detective (Probationary) with pay and benefits as set out in the appropriate Collective Bargaining Agreement as of the day hereof, and
- 2) This appointment shall take effect at 12:00am on August 24, 2019.

**The resolution was unanimously adopted.**

At this time Chief Wehrfritz congratulated the new Officer and Detective. He outlined their accomplishments and contributions to the Orchard Park Police Department. He also outlined the restructuring of the Orchard Park Police Department.

**New Business #8 Supervisor to sign agreement regarding Animal Control Facilities.**

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

**WHEREAS**, the Town of Orchard Park and the Town of West Seneca intend to refurbish their animal control facilities, and

**WHEREAS**, the Town of Orchard Park and the Town of West Seneca wish to offer their facilities to each other for a period of time when these renovations will be shutting down their respective animal control facility,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Supervisor Keem of the Town of Orchard Park is hereby authorized to negotiate and execute an agreement to accommodate this sharing of facilities while each of the Town of Orchard Park and the Town of West Seneca animal control facilities are renovated.

**The resolution was unanimously adopted.**

**New Business #9 Approve the hiring of the Bookkeeper to the Supervisor**

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

**WHEREAS**, the Town of Orchard Park has an opening on its staff for a Bookkeeper and

**WHEREAS**, the Town of Orchard Park has conducted a search to fill that position, and

**WHEREAS**, the Town of Orchard Park has determined that Dawn Wahlen meets the necessary qualifications for this position and is an acceptable candidate to fill this position,

**NOW, THEREFORE, be it**

**RESOLVED**, that Dawn Wahlen be appointed to the non-union, competitive position of Bookkeeper to the Supervisor for the Town of Orchard Park at the rate of \$23.80/hour with a start date of August 27, 2019.

**The resolution was unanimously adopted.**

**New Business #10 Appoint 2019/2020 Fall/Winter/Spring Seasonal Part-Time Recreation Staff.**

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

**RESOLVED**, that the Town Board does appoint the following to the 2019/20 Recreation Staff effective September 1, 2019, the appointments are dependent upon the applicant providing the required certifications.

Anna Allman	Samuel Gura	Emily Mielcarek
Grace Attig	Sarah Gura	Michael Mielcarek
Emily Bement	Sarah Gutsin	David Morris
Molly Bleech	Patrick Higgins	Jake Morris
Cynthia Boncaldo	David Hoelscher	Ava Mrozik
Cayley Brege	Brandon Hoth	Madeline Musterait
Samantha Burgio	Madison Hornung	Richard Naylor

Jody Burnard	Jessica Humby	Nicole Newton
Nathaniel Burnard	Emily Izydorczak	Joshua Nowak
Shannon Callaghan	Grace Haier	Julia O'Connor
Thomas Callaghan	Brett Hall	Claire Otis
Ami Canale	Derek Hall	Emily Penn
Ana Canale	Sarah Hanlon	Katherine Powers
Jessica Carey	Griffin Harrigan	Maxim Reilly
Marissa Carrig	Susan Hemmingway	Rachael Reimondo
Shannon Clough	Emma Johnson	Jordan Reiner
Sarah Conley	Erin Joyce	Alex Reiser
Kasey Cooley	Molly Joyce	Autumn Roza
Carly Coppola	Michael Kane	Eric Ruhland
Caitlin Cyrek	Evan Kasper	Kimberly Schmelzinger
Landon DeKay	Jack Kinsman	Georgia Sherer
Andrew Doran	Maria Kubiak	Benjamin Shoop
Halle Dueringer	William Linton	Courtney Schmidt
Claire Dunwoodie	Jordyn Malinowski	Grace Scott
Elizabeth Eberhardt	Katherine Manley	Jacob Simonsen
Sarah Eneix	Janet Marks	Gace Sippel
Isabella Fazio	Wayne Martin	Sebastian Stafford
Madeline Feldman	Madison McCafferty	Delanie Suto
Jessica Ferguson	Eve McMullen	Daniel Vail
Julie Filipski	Mason McMullen	Alex Vendura
Cassie Fowler	Tanner McMullen	Madeline Venturo
Emily Frey	Diana Menz	Kathryn Visco
Karlie Gambino	Jarrod Merkel	Brendan Wenger
Mary Genzel	Richard Merlino	Grace Wiest
Sydney Grossman	Nathan Messina	Darcy Zappia
	Allie Metzger	Kyla Zybczynsky

2019 Summer Seasonal Part time staff appointments. Rate changes effective 8/19-8/31.

Name	Old Rate	New Rate
Sarah Eneix	\$12.50	\$15.50

**The resolution was unanimously adopted.**

**New Business #11 Supervisor to sign Agreement with Prentice Office Environments**

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

**WHEREAS**, the Engineering Department has solicited a proposal from Prentice Office Environments to provide design and planning services for the Community Activity Center and,

**WHEREAS**, professional services are to include meetings with the Recreation and Senior groups, special planning, conceptual layouts, as well as furniture finish and fabric selections. This proposal does not include ordering or supplying any of the furniture or equipment that will be required for the building and,

**WHEREAS**, there is presently funding allocated under Capital Projects ABOO4 Community Activity Center and additional funding is being allocated into appropriate accounts for this per Drescher & Malecki.

**NOW THEREFORE, be it**

**RESOLVED**, the Supervisor is authorized to sign an agreement with Prentice Office Environments, 472 Franklin Street, Buffalo, NY 14202, to provide professional services for the Brush Mountain Community Activity Center interior furnishing and equipment planning in an amount not to exceed \$11,122.50 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #12 Approve a Retroactive wage increase.**

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

**WHEREAS**, six non-union members of the highway/compost department received the following increases in salary:

- 1.5 percent for the period January 1, 2016 to December 31, 2016,
- 1.5 percent for the period January 1, 2017 to December 31, 2017,
- 1.5 percent for the period January 1, 2018 to December 31, 2018,
- 2.0 percent for the period January 1, 2019 to December 31, 2019, and

**WHEREAS**, the Civil Service Employees Association, Local 1000, Town of Orchard Park Blue Collar Unit and the Town of Orchard Park resolved to increase employee wages by the following:

- 2.5 percent for the period of January 1, 2016 to December 31, 2016,
- 2.5 percent for the period of January 1, 2017 to December 31, 2017,
- 2.0 percent for the period of January 1, 2018 to December 31, 2018,
- 2.5 percent for the period of January 1, 2019 to December 31, 2019, and

**WHEREAS**, the Town Board desires the non-union employees within the highway/compost department listed below to receive an increase equal to that of the Civil Service Employees Association, Local 1000, Town of Orchard Park Blue Collar Unit,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board authorizes to increase the following employees' wages: Ernie Matthews, Mike Carey, Mike Delia, Jeffrey Smith and Andrew Slotman, as follows:

- 1.0 percent for the period January 1, 2016 to December 31, 2016 effective January 1, 2016,
- 1.0 percent for the period January 1, 2017 to December 31, 2017 effective January 1, 2017,
- 0.5 percent for the period January 1, 2018 to December 31, 2018 effective January 1, 2018,
- 0.5 percent for the period January 1, 2019 to December 31, 2019 effective January 1, 2019,

and to increase the following employees' wages: James Miller, as follows:

- 0.5 percent for the period January 1, 2018 to December 31, 2018 effective October 22, 2018,
- 0.5 percent for the period January 1, 2019 to December 31, 2019 effective January 1, 2019.

**The resolution was unanimously adopted.**

**New Business #13 Authorize Budget Amendment**

**14) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:**

**WHEREAS**, the Town has incurred additional costs for recreation personnel, and

**WHEREAS**, the Town has received additional revenues to offset the costs that were not included in the 2019 budget. Actual revenues as of July 31, 2019 were approximately \$662,000 as compared to budgeted revenues of \$525,000.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorize the amending of the 2019 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$50,000:

Increase Appropriations:		
A07020 50104	Recreation Salaries — Nonunion Hourly PT	\$50,000
Increase Estimated Revenues:		
A00000 42001	General Fund Recreational Charges	\$50,000

**The resolution was unanimously adopted.**

**New Business #14 Authorize CBRNE Seminar**

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

**RESOLVED**, the Town Board authorizes Jordan Kellerman and Richard Mrugalski to attend a two and one half day training for A Prepared Jurisdiction: Integrated Response to Chemical, Biological, Radiological, Nuclear, or Explosive (CBRNE) Incident to be held on August 27-29, 2019 at Erie County Fire Training Academy in Cheektowaga. There is no cost for this training.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Tom Leone inquired about when his brush would be picked up, he stated it has been out in front of his house for 6 weeks, while his neighbor’s brush has been picked up. Why isn’t his being taken care of?

**New Business #15 Budget Transfer**

**16) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board hereby authorizes the following Budget Transfer for the Town Justice Office:

\$170.00	From: A1110 50100 – Justice Office Equipment
	To: A1110 50419 – Justice Other Expenses

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Keem congratulated the new Police Officer Star and Detective Mazur. He also stated he asked Fred Piasecki to pick up Mr. Leone’s brush. He also inquired about the Brush Contractor’s equipment. He asked if their grapple truck could help in this case and if they could do a partial pickup over the course of weeks.

Highway Superintendent Piasecki stated the Highway Department is blacktopping roads, working on the entrance to the CAC, taking down Ash trees on Burmon Drive and mowing/cleaning out retention ponds. He informed Mr. Leone according to the Town’s contracts with the Brush contractor Mr. Leone’s brush was the wrong length and amount. There are terms and limits that must be adhered to. He will send a crew to work on it.

Councilmember Majchrzak inquired about the size of the brush allotted in the contract and if partial pickup during each scheduled pickup is an option.

Councilmember Sherry clarified that it is the responsibility of the Highway Department to oversee brush pickup. The Town Board executes the agreement with the contractor. He also stated that the language in the contract should be clarified with the contractor.

**17) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, 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:

<b>General Fund</b>	\$62,458.27
<b>Public Safety Fund</b>	\$11751.40
<b>Part Town Fund</b>	\$746.32
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$337,372.04
<b>Special Districts</b>	\$7,907.50
<b>Trust &amp; Agency</b>	\$1,255.50
<b>Capital Fund</b>	\$1,548,889.24

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:32 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**