

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 February 2020 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

- PRESENT AT ROLL CALL:**
- | | |
|-------------------------|------------------------|
| Patrick J. Keem | Supervisor |
| Eugene Majchrzak | Councilmember |
| Conor Flynn | Councilmember |
| Timothy Gallagher | Deputy Town Attorney |
| Remy Orffeo | Town Clerk |
| Steve Bremer | Building Inspector |
| E. Joseph Wehrfritz | Chief of Police |
| Frederick Piasecki, Jr. | Highway Superintendent |
- ABSENT:**
- | | |
|----------------|---------------|
| John C. Bailey | Town Attorney |
| 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: February 5, 2020 Executive Sessions: February 5, 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 Final Payment & Release of Retention for Zoladz Construction for Burmon Drive

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

WHEREAS, the construction work on the Burmon Drive Reconstruction Project has been completed. On August 6, 2019, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, a two-year maintenance bond, in the amount of \$2,320,446.90, has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents, and

WHEREAS, the Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there will be a net decrease of \$697,002.62. This represents a decrease of 23.09% from the original amount bid with change orders. Note that Accadia Site Contracting completed most of the Sanitary Sewer Work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final payment and authorize release of the remaining retention for the Burmon Drive Reconstruction Project to Zoladz Construction, 13600 Railroad Street, Alden, New York 14004, in the amount of \$126,626.69, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release Zoladz Construction's performance security in the amount of \$2,945,704.38, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Set Public Hearing for “Special Exception Use” for Mighty Taco

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 a request for a “Special Exception Use Permit” for the proposed Mighty Taco Restaurant with a drive-through to be built at 3340-3350 Southwestern Blvd. The Public Hearing is scheduled for March 11, 2020 at 7:00pm.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint a Community Activities Center Coordinator

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

WHEREAS, the Town of Orchard Park has constructed a Community Activity Center on California Road, and

WHEREAS, the soft opening of the community Activity Center is scheduled for February 24, 2020, and

WHEREAS, the Community Center is in need of an activities coordinator, and

WHEREAS, the position of Coordinator – Community Activity Center has been advertised and posted, and several candidates were interview for the position.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Susan Hemingway to the position of Coordinator-Community Activity center (full-time) at a rate of \$23.08 per hour, Group 4 – non-union, effective February 26, 2020.

Supervisor Keem	Yea
Councilmember Majchrzak	Nay
Councilman Flynn	Yea

The resolution was duly adopted.

New Business #2 Appointment to the Parks and Grounds Department

5) 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 appoint Alexander Melendez to the Parks and Grounds Department, part-time, effective February 10, 2020 at a rate of \$11.80 hr.

The resolution was unanimously adopted.

New Business #3 Authorize the Corrected Standard Workday & Reporting for Town Officials

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

RESOLVED, that the Town Board does hereby add Patrick J. Keem, Eugene Majchrzak, Edward A Pace, John C. Bailey, Jorge S. deRosa and Lauren A. Kaczor 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 maintained and submitted by the Town Clerk.

Town Clerk Orffeo stated that in a few of the reports the Town has to file for the New York State pension system there had been a few clerical errors, and this is to correct those errors.

The resolution was unanimously adopted.

New Business #4 Approve Budget Amendment

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

WHEREAS, the Senior Center and Recreation Department desire to purchase items in the amount of \$7,123.07 from Gopher, quote number 540331, for the Community Activity Center, and the funding for said expenditures was not included in the 2020 Budget, and

WHEREAS, the Community Activity Council of OP has donated \$7,123.07 to cover additional costs, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendment to the Town’s 2020 budget in the General Fund to accept donations and provide funding for the aforementioned expenditures:

General Fund:

Increase Estimated Revenues:

A00000 42706 CAC DONATIONS \$7,123.07

Increase appropriations:

A07180 50419 CAC OTHER EXPENSES \$7,123.07

The resolution was unanimously adopted.

New Business #5 Appointment to the Public Safety Committee

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

WHEREAS, Town of Orchard Park Police Chief E. Joseph Wehrfritz has resigned from the Public Safety Committee and has recommended that Captain Jason Schiedel fill his vacancy; and

WHEREAS, Captain Schiedel is a patrol Captain with a specialty in Vehicle and Traffic laws;

NOW, THEREFORE, be it

RESOLVED that the Town Board accepts, with regret, the resignation of Police Chief E. Joseph Wehrfritz from the Public Safety Committee and appoints Captain Jason Schiedel to the vacancy on the Public Safety Committee with a term to expire on December 31, 2020.

The resolution was unanimously adopted.

New Business #6 Appointment to the Youth Court Board

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

WHEREAS, Town of Orchard Park Police Chief E. Joseph Wehrfritz has resigned from the Youth Court Board and has recommended that Captain Patrick Fitzgerald fill his vacancy; and

WHEREAS, Captain Fitzgerald is in charge of the Detective Bureau and oversees Detective Payne who runs the Youth Court; and

WHEREAS, this appointment will allow Captain Fitzgerald direct supervision over Detective Payne in the execution of his Youth Court Duties

NOW THEREFORE be it

RESOLVED that the Town Board accepts, with regret, the resignation of Police Chief E. Joseph Wehrfritz from the Youth Court Board and appoints Captain Patrick Fitzgerald to the vacancy on the Youth Court Board with a term to expire on December 31, 2020.

The resolution was unanimously adopted.

New Business #7 Budget Amendment for repair of Senior Citizens Van

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

WHEREAS, the Town's Senior Van was involved in an accident and,

WHEREAS, the Town did not include the insurance revenue and the appropriations to provide for the repair of the vehicle in the year 2020 adopted budget, and

WHEREAS, the Town does desire to repair the vehicle with insurance proceeds,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2020 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$2,907.91:

Increase Estimated Revenues:

A00000 42680 General Fund – Insurance Recoveries \$2,907.91

Increase Appropriations:

A07610 50458 General Fund – Senior Citizens Van \$2,907.91

The resolution was unanimously adopted.

New Business #8 Budget Amendment for Highway Insurance Recoveries.

11) 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 damages that were reimbursed by insurance proceeds, and

WHEREAS, the Town has received the proceeds that were not included in the 2019 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2019 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$226.00:

Increase Appropriations:

A03310 50211	Traffic Signs	\$83.70
DB5110 50105	Highway Salaries CSEA Blue	\$92.30
DB5130.50419	Machinery Other Contractual Expenses	\$50.00

Increase Estimated Revenues:

A00000 42680	General – Insurance Recoveries	\$83.70
DB0000 42680	Highway – Insurance Recoveries	\$142.30

The resolution was unanimously adopted.

New Business #9 Appointment to the Town Board of Ethics

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

WHEREAS, there is a vacancy on the Town Ethics Board, and

WHEREAS, it is appropriate and necessary for the Town of Orchard Park to have a fully staffed Ethics Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Robert Benning to the Town Board of Ethics with a term to expire December 31, 2023.

The resolution was unanimously adopted.

New Business #10 Authorize Deputy Town Clerks to attend 2020 Town Clerk’s Conference

13) 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 approve the request for Kathleen Swarbrick and Jennifer Brady, Deputy Town Clerks, to attend the 38th Annual Town Clerks Conference to be held in Albany NY from April 26 –April 29, 2020, the money is in the budget.

The resolution was unanimously adopted.

New Business 11 Refer to Planning Board, Conservation Board and Zoning Board of Appeals

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

- 5200 Chestnut Ridge Road, Zoned “SR District” Orchard Heights is requesting to expand their existing facility with a 2 story, 32-Unit Independent Living Apartment Building with onsite utility improvements and additional parking spaces.

The resolution was unanimously adopted.

New Business # 12 – not on the agenda

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

WHEREAS, Eugene J. Wehrfritz has been nominated for non-competitive promotion to Chief of Police, and all provisions of Section 52.7, New York State Civil Service Law, and Rule XII (4) of the County’s Rules for the Civil Service Classified Service are met.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the appointment of Eugene J. Wehrfritz to the position of Chief of Police (Permanent), effective February 19, 2020, Step K. All the other contractual benefits will continue as per the Orchard Park Police Command Officers Association Collective Bargaining Agreement and Town Board Resolution dated June 5, 2019.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem stated the Senior Center is moving all its programing over to the new Community Activity Center on Monday, February 24th, and they are going to have the building to themselves for a few weeks. It has taken a lot of time and work to get to this point.

Councilmember Flynn thanked Deb Santiago for inviting him to the Senior Center Valentine lunch on Friday. That was his first time in the soon to be old Senior Center and he is pleased that they are moving to the new facility. There has been some discussion in the community about the new Community Activity Center, but it is built now, and we as a community need to move forward.

Town Clerk Orffeo thanked Chief Wehrfritz for providing a Police Officer for the office on February 18th, the last day of the tax collection. Officer Mazur was very professional and we enjoyed having her in the office. He also wanted to thank his staff for this tax collection as many people and a lot of money move through the office, and it is a very stressful time for everyone.

Police Chief Wehrfritz thanked the Town Board for the Permanent Appointment. He stated that his resignation from the two boards is part of the restructuring plan going on in the Police Department.

Highway Superintendent Fred Piasecki stated that with the good weather, as long as it stays, the Town Highway is doing brush pickup, trimming trees on plow routes, checking the cold patching and have started some drainage work. There is also some machine maintenance taking place.

Supervisor Keem noted that Town Attorney Bailey and Town Engineer Bieler were in New York City attending the Annual Association of Towns meeting. He thanks Deputy Town Attorney Gallagher for taking Mr. Bailey’s place tonight.

16) 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 #4 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$3,079.59
Public Safety Fund	\$10,201.76
Part Town Fund	\$1,614.50
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$82,557.43
Special Districts	\$741,877.07
Trust & Agency	\$4,296.60
Capital Fund	\$137,913.91

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:18 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**