

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 1st day of July 2020 at 7:17 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
	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

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: June 17, 2020 Executive Sessions: June 3, 10 & 17, 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

Bridget Pacholic objected to the Police Retirement incentive due to lack of transparency. Documentation regarding the incentive was not available through the Town’s website but was found on Councilmember Flynn’s Facebook page. She stated the savings and data were incomplete and wrong.

Pat O’Brian came forward to speak against item #1 the MOA with the COA.

Councilmember Majchrzak asked for the Chief of Police to explain the MOA.

Chief of Police Wehrfritz stated the data found on Councilmember Flynn’s Facebook page was provided by the Town’s Accounting firm. He explained the savings in the data.

Old Business #1 Authorize the Supervisor to execute a Memorandum of Agreement with the Command Officers Association.

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 authorize the Supervisor to execute a Memorandum of Agreement with the Command Officers Association approving a retirement incentive for members of the

Command Officers Association based on the formula set out in that agreement is on file with the Town Clerk. Said incentive is to be characterized as longevity pay and shall not exceed \$20,000.

Supervisor Keem	Aye
Councilmember Majchrzak	Aye
Councilmember Flynn	Nay

On the question: Councilmember Flynn stated he voted Nay due to the public not having enough time to review it and provide their comments.

The resolution was duly adopted.

Old Business #2 Approve Change Order #16 to Contract with Javen Construction Company

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

WHEREAS, Javen has submitted six (6) requests for payment on items either outstanding or previously completed that they had felt was outside of their contractual scope of work. After meeting with both Javen and Wendel and discussing the items, only two of the requested items warranted work outside of their initial scope and,

WHEREAS, this work includes additional blocking at the eaves of the sloped shingled roof for \$9,915.48 and additional blocking at the gable end walls for \$6,600.02. The additional blocking was required due to the removal of the standing seam metal roof so the shingles and flashing metal could be properly affixed to the structure and maintain the warranties required and,

WHEREAS, meetings were held between Javen, Wendel, and Engineering to discuss this issue early on in the project and the work proceeded to keep the project on schedule. However, no discussions were had with the Town for additional compensation and the request was not submitted until recently. After reviewing the items, and consulting with Wendel, the request for payments on the blocking is justified and pricing is fair and,

WHEREAS, if approved, this change order totals \$16,515.50 and will increase Javen's total contract to \$12,764,965.37 representing a 0.13% increase. Javen has also agreed to not pursue further compensation for the other 4 requested items and,

WHEREAS, there is currently funding allocated under capital projects ABOO4 Brush Mountain Community Activity Center Building for this project work.

NOW THEREFORE, be it,

RESOLVED, that the Town Board does hereby approve change order #16 to our contract with Javen Construction Co.,Inc., 2575 Baird Road, Penfield, NY 14526 for additional blocking work previously completed in an amount of \$16,515.50 for the Brush Mountain Community Activity Center Project as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Summer Recreation Part Time Staff.

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 following 2020 Summer Seasonal Recreation Staff Appointments, dependent upon the applicant providing the required certifications:

RE: Item 1 2020 Summer Seasonal Part Time Staff Appointments retro-active 6/24/20 Camp Staff & Lifeguards

Emily Polonkiewicz	\$13.00	PT5-C (Att)
Anna Childs	\$13.00	PT5-C (Att)
Justine Burke	\$13.00	PT5-C (Att)
Katherine Higgins	\$13.00	PT5-C (Att)
Rachael Reimondo	\$16.00	P17-C (Att)
Emma Kirby	\$13.00	PT5-C (Att)
Michael Bardwel	\$13.00	PT5-C (Att)

The resolution was unanimously adopted.

New Business #2 Authorize the Supervisor to sign agreement with Bottling Group, LLC

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

RESOLVED, the Orchard Park Town Board authorizes the Supervisor to enter into an agreement with Bottling Group, LLC (Pepsi Beverages Company), located at 2770 Walden Ave., Cheektowaga, NY 14225 for the placement of vending machines in the Community Activities Center. The agreement is on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #3 Authorize the Supervisor to sign an agreement with 716 Fresh

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

RESOLVED, the Orchard Park Town Board authorizes the Supervisor to enter into an agreement with 716 Fresh, LLC, located at 3700 North Buffalo St., Orchard Park, NY 14127 for vending machines at various locations managed by the Town of Orchard Park. The agreement is for the period August 1, 2020 and expires on July 31, 2022. The agreement is on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #4 Authorize the Supervisor to sign an agreement with Main-Ford General Supply.

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

WHEREAS, the Town's kitchen consultant and kitchen equipment supplier for the Community Activity Center has recently gone out of business. After previously consulting with the Board and the Town

Attorney, the Engineering Department was directed to reach out to a Rochester company currently on the NYS office of General Services Contract for kitchen equipment to receive pricing on replacement equipment and,

WHEREAS, Main-Ford General supply has provided us with a quote of \$2,830.42 for the exact same make and model refrigerator that was to be supplied by the previous contractor. This price is \$219.47 less than the original purchase price. An additional expense of \$150 is included for lift gate delivery to the center and set up and,

WHEREAS, the refrigerator currently at the Community Activity Center that is not adequate, should be labeled as surplus and put to an auction to redeem some of the expense. There is presently funding allocated under Capital Projects ABOO4 for the Brush Mountain Community Activity Center.

NOW THEREFORE, be it,

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a purchase order with Main-Ford General Supply, 366 Lyell Ave. Rochester, NY 14606, to provide one replacement refrigerator for the Brush Mountain Community Activity Center in an amount not to exceed \$2,980.42, and be it further

RESOLVED, that the Town Board declares the True refrigerator Model TSD-47G-LD as surplus and authorize its sale as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Schedule a Public Information Meeting

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

WHEREAS, the Town of Orchard Park Engineering Department has completed the engineering design to reconstruct Brenner Drive and Lexington Avenue. Design plans are available to hold a public information meeting and,

WHEREAS, the Town of Orchard Park Town Board had previously secured funding for this project, and this project has advanced into a priority position in the project que. Therefore, we look forward to finalizing plans and providing information to our residents.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a public information meeting for the Brenner Drive and Lexington Avenue project on Wednesday, July 8, 2020, at 4:00 PM to 6:00 PM in the Basement Meeting Room of the Municipal Center, S-4295 South Buffalo Street to discuss the project. All interested parties are invited to attend.

The resolution was unanimously adopted.

New Business #6 Accept donation of 4 AED's for the CAC.

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

WHEREAS, the Town of Orchard Park Community Activities Center has been offered a donation of four (4) Cardiac Science Powerheart AEDs by the Orchard Park Police Foundation; and

WHEREAS, the Powerheart AEDs each have a wall-mounted alarm cabinet; and

WHEREAS, the Cardiac Science Powerheart is ideal for first time rescuers in applications such as public places or intermediate rescuers in government applications; and

WHEREAS, the total value of the donation is approximately \$7,643.22; and

WHEREAS, the donation was secured by the Community Activity Council of Orchard Park and its chairperson Audrey Ramage.

NOW THEREFORE, be it

RESOLVED, that the Town of Orchard Park and the Community Activities Center gratefully accept the donation of four (4) Cardiac Science Powerheart AEDs from the Orchard Park Police Foundation and express their appreciation and gratitude to the Foundation for their generosity.

The resolution was unanimously adopted.

New Business #7 Appoint Joel R. Raisor to position of Police Officer.

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 approve the appointment of Joel R. Raisor to the position of Police Officer, contingent, in the Orchard Park Police Department, Step A, effective July 7, 2020, at the salary of \$75,032.00.

The resolution was unanimously adopted.

New Business #8 Appoint Daniel G. Sheppard to position of Police Officer.

11) 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 appointment of Daniel G. Sheppard to the position of Police Officer, contingent, in the Orchard Park Police Department, Step A, effective July 13, 2020 at the salary of \$75,032.00.

The resolution was unanimously adopted.

New Business #9 Appoint Christian J. Clark to position of Police Officer.

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 approve the appointment of Christian J. Clark Jr. to the position of Police Officer, contingent, in the Orchard Park Police Department, Step A, effective July 20, 2020, at the salary of \$75,032.00.

The resolution was unanimously adopted.

At this time Chief of Police Wehrfritz introduced the new Officers to the Town Board and audience.

New Business #10 Appoint Paul Pepero to the position of IT Network Administrator.

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

WHEREAS, the Town of Orchard Park’s IT needs continue to expand to the point of needing a full-time IT Network Administrator, and

WHEREAS, Paul Pepero will be available to fill such a position as of October 1, 2020, and

WHEREAS, the Town of Orchard Park is willing to pay and Paul Pepero is willing to accept a salary of \$52.89 per hour,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Paul Pepero to the position of IT Network Administrator which is a Group 3 non-union exempt position, the rate of pay for this position shall be \$52.89 per hour and the effective date of this appointment is October 1, 2020.

The resolution was unanimously adopted.

New Business #11 Budget Amendment for CHIPS

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

WHEREAS, the Town has received notification of Consolidated Highway Improvement Program aid of \$175,884.01 and an additional appropriation of \$70,750.93 (PAVE NY) and \$55,730.42 (Extreme Winter Recovery) totaling \$302,365.36.

WHEREAS, the Town's adopted budget for 2020 included funding in the amount of \$154,990 for CHIPS and \$35,378 for PAVE NY, and

WHEREAS, the Town needs to adjust the budget to the level of aid awarded in order to appropriately authorize the expenditure of Town funds and the receipt of such State aid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following transfer and amendment of the Town's 2020 budget to appropriately adjust the amount of aid to be received and authorize additional appropriations for road improvement purposes:

Highway Fund Transfer:

Increase appropriation account:		
DB5112 50475	Highway — Improvement Program	\$ 35,839.00
Decrease appropriation account:		
DB5142 50105	Highway/Snow Removal — Personal Services	\$ 35,839.00

Highway Fund Amendment:

Increase estimated revenues:

DB0000 43501	State Aid — CHIPS Program	\$ 76,624.43
DB0000 43501	State Aid — PAVE NY. Program	\$ 35,372.93

Increase appropriation account:

DB5112 50475	Highway — Improvement Program	\$ 111,997.36
--------------	-------------------------------	---------------

The resolution was unanimously adopted

New Business #12 Transfer of Capitol Project Funds

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

WHEREAS, the Town needs funding to update the Kronos software to the most up to date version in the amount of \$39,500, and

WHEREAS, project ABOO1 Unallocated Building Projects has unallocated amounts of \$57,862, and

WHEREAS, the Town has reviewed the source of surplus funds and determined that the funds can be transferred to project ABOO2 Computer Asset Purchases,

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the transfer of funds in the amount of \$39,500 from ABOO1 Unallocated Building Projects to ABOO2 Computer Asset Purchases.

The resolution was unanimously adopted

BUSINESS FROM THE FLOOR

Tamara Manly came forward to speak about the dead trees in her neighborhood and the lack of town code protecting the residents from the danger of them.

Mark Manly came forward to inquire about the Town’s noise ordinance and if it will be up for review.

Benjamin Schafer came forward to raise awareness regarding the safety of the Town & Village’s streets for walkers, joggers and bicyclists. He inquired about more bike lanes, providing better lighting and demarcation at crosswalks, wider sidewalks and educating the public on proper road etiquette.

Jacquelyn Hallinan came forward to voice her frustration about how the Town offices have handled her water runoff issues.

Bridget Pacholec spoke of the pandemic, the need for better implementation of information technology and how the Town needs to take a new direction when the seats open up on the Town Board.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem stated how pleased he was to see people at the Town Board Meeting tonight and congratulated the three Police Officers that were hired today. He also addressed Mrs.Manly’s issues about

tree safety and codes in the Town by having the Town Building Inspector Steve Bremer explain the process. He also spoke of safety for pedestrians and measures that could be taken.

Councilmember Majchrzak asked the Town Building Inspector Steve Bremer to communicate with the residents of his progress when addressing problems such as Mrs. Manly’s tree issues. He also spoke of contacting the State Assemblyman regarding stripping the streets for bike lanes since the roads Mr. Schaefer was inquiring about are state roads. He congratulated the new Police Officers and thanked Ms. Hallinan for her documentation of phone calls she made to the Town while trying to resolve her water runoff and drainage issues. He stated as the liaison to the Engineering Department he would be handling this issue. He also commented on the complaints of non-transparency of the Town Board, he stated in the 19 years he has worked for this community he would like to see facts supporting non-transparency. He also objected to the misinterpretation of the phrase “Fair Market Value”.

Councilmember Flynn stated he will address the neighbor to neighbor issues regarding trees and the Town Code and make sure it has repercussions to enforce it. He stated if Mr. Schaefer would like to reach out to him, he would speak with Senator Burke about road safety for pedestrians on his behalf. He welcomed the three new Police Officers and Mr. Pepero as employees but stated he will vote “NO” on all new hires presented to the Town Board for the next 90 days or when there is a draft budget available, whichever comes first. He believes the Town should have a hiring freeze like the State and County “until we get our ducks in a row”. He also voiced his dismay towards people his age not wearing masks.

Town Clerk Orffeo asked Councilmember Flynn to clarify if he will vote against any new hire including, any new position or replacing a person retiring from a current position with the opportunity to hire someone at a lower pay rate. Councilmember Flynn stated “Yes, for 90 days”.

Highway Superintendent Piasecki stated he is still working on milling roads and inspecting drainage. He is oiling and stoning Benning, Murphy and Ward Roads.

Chief of Police Wehrfritz stated he is in favor of educating residents regarding road safety and acknowledges the trend of more people exercising and would like to speak further with Mr. Schaefer.

Town Engineer Bieler stated the State Law for Drainage Issues is not good and asked for Ms. Hallinan’s address. He stated he will be contacting her to inquire further about her complaints.

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 #13 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$86,538.19
Public Safety Fund	\$9560.60
Part Town Fund	\$27.76
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$60,429.75
Special Districts	\$32,437.61
Trust & Agency	-0-
Capital Fund	\$46,006.52

The resolution was unanimously adopted.

17) 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 receive and file the following communication as entered on the agenda:

- NYS required COVID-19 Questionnaire and Customer Tally

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:28 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**