

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 15th day of July 2020 at 7:10 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: July 1, 2020 Executive Sessions: June 24 & July 1, 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 Partial release of Retention to IPL Electric Contract #3

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

WHEREAS, on December 17, 2019, a preliminary inspection was conducted, punch-list generated, and the contractor continues to complete the outstanding items necessary to fulfill the contract requirements, and

WHEREAS, IPL has submitted a payment request to release 50% of the retention withheld for the project totaling \$97,039.33. The remaining retention of \$97,039.33 is far in excess of the value of the outstanding punch list items left to be completed. Wendel confirmed, in a meeting on 6/26/2020, they are in agreement with the partial release of retention.

The change orders for the project were as follows:

- Alternates Awarded:
- C/O #1 — Award of Alt. #5, Senior Area Fit Out for \$46,400
- C/O #3 — Award of Alt. #4, Gymnasium Fit Out for \$104,324.73
- C/O #6 — Award of Alt. #6, Recreation Area Fit Out for \$44,400.00
- Total = \$195,124.73

- Other Change Orders of Work Scope:
- C/O #2 — Adjusted electrical service location for a credit of (\$39,952.02)
- C/O #4 — Irrigation line Extension for \$7,572.48

C/O #5 — Additional access control, CO detection and handicap entry buttons for \$25,784.36
 C/O #7 — Kitchen Modification, Sprinkler Revisions, and Retaining Wall Changes for \$0.00
 C/O #8 — Flagpole lighting for \$1,025.00
 C/O #9 — Rural Transit antenna installation for \$1,630.00
 C/O #10 — Additional Outlets for \$2,044.00
 C/O #11 — Code violation corrections and additional requested work for \$8,458.00
 Total = \$6,561.82

WHEREAS, the final contract amount to date is \$1,940,786.55. Eleven change orders for the project resulted in an increase of \$201,686.55. This represents an increase of 11.6% from the original amount bid. The final contract amount has not yet been calculated as there are some outstanding items left to be completed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the release of approximately half of IPL's retainage in the amount of \$97,039.33 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Schedule a Public Hearing for revisions to 146-46.1 (D) Senior Housing of the Town Code.

3) 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 set a Public Hearing in the matter of Local Law 4-2020, 146-46.1 Senior Housing of the Town Code, for August 5, 2020, and be further

RESOLVED, that the Town Clerk publish due notice thereof.

The resolution was unanimously adopted.

New Business #2 Approve Agreement with the Town of Hamburg Assessor’s Office

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

WHEREAS, the Town of Orchard Park and the Town of Hamburg have had a Municipal Cooperation Agreement to share a Town Assessor, and

WHEREAS, on the retirement of Assessor Milton Bradshaw, the Town of Orchard Park and the Town of Hamburg determined a new agreement to share the new Town of Orchard Park Assessor, Daniel Stanford, would be appropriate, and

WHEREAS, the Town of Orchard Park and the Town of Hamburg have negotiated an agreement satisfactory to each Municipality,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Municipal Cooperation Agreement to share an Assessor negotiated by the Town of Hamburg and the Town of Orchard Park, and be it further

RESOLVED, a complete copy of this Agreement is to be filed with the Town of Orchard Park Town Clerk and be made available for public review.

The resolution was unanimously adopted.

New Business #3 Authorize Budget Amendment for Police Insurance Recoveries

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, 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 2020 budget.

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 \$10,704.39:

Increase Appropriations:		
PS3120 50444	PS Equip Repair & Maint	\$10,704.39
Increase Estimated Revenues:		
PS0000 42680	PS — Insurance Recoveries	\$10,704.39

The resolution was unanimously adopted.

New Business #4 Award Contract for Collection, Hauling & Disposal of Mixed Municipal Solid Wastes

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

WHEREAS, the Engineering Department assembled a Waste/Recycling bid package and solicited bids from local companies and the Town's current five year contract for these services with Waste Management expires at the end of 2020 and,

WHEREAS, there is an option to extend the current contract with yearly increases but this option must be exercised in writing to the contractor by the end of July.

NOW THEREFORE, be it

RESOLVED, the Town Board does hereby extend the current contract with Waste Management as follows:

Existing Contract Extension & rate: 8 cans/bags weekly, 1 bulk/white item weekly, recycling cart biweekly
2021 rate = \$202.97/unit +/- (based on the five year average increase of a \$2.81(+/-) per unit per year)

Supervisor Keem called for a roll call vote:

Supervisor Keem	Nay
Councilmember Flynn	Aye
Councilmember Majchrzak	Aye

The resolution was duly adopted.

New Business #5 Approve PIP #2020-03 for Sheffer Farms Estates Phase 1.

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

WHEREAS, the Town Board has received from Orchard Park Equity Associates, LLC, 17 St. Louis Place, Buffalo, New York 14202, an application for a Private Improvement Permit to construct the Sheffer Farms Estates Condominiums Phase 1 Project and,

WHEREAS, the project consists of the installation of 800 L.F. of new private roadway, private utilities, and a private bioretention pond to serve 14 condominiums and,

WHEREAS, the Town Board has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, bond, and insurances.

NOW THEREFORE, be it,

RESOLVED, that the Town Board does hereby approve of Private Improvement Permit #2020-03 for the Sheffer Farms Estates Condominiums Phase 1 Project as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Authorize the Supervisor to sign an Agreement with J. O'Connell Associates, Inc.

8) 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 authorize the Supervisor to sign a one year agreement with J. O'Connell & Associates, Inc. Grant Consultants, for professional services for a sum of \$3,500.00 per month, and be it further

RESOLVED, a copy of this agreement is on file with the Town of Orchard Park Town Clerk and is available for public review.

The resolution was unanimously adopted.

New Business #7 Refer to Planning & Conservation Boards

9) 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 refer the following to the Planning and Conservation Boards:

1. Southwestern Boulevard and Angle Road, V/L, adjacent to the Dollar General Store, located on the south west corner, Zoned B-2. Speedway is requesting to develop a convenience store and fuel sales facility with access driveways.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dainis Danoa inquired about the flooding problem in the Mindin Ave. and Kingswood Dr. area. His sump pump is running every hour.

Tom Pieczynski objected to the Pawtucket Food Trucks and spoke of the damage they do to his yard and the surrounding area.

Michele Philips inquired about a Cumulative Impact Study regarding the flooding from Smokes Creek in the Village.

Ed Flowers asked about the flooding and sewer backups on Woodview Court. He also asked that the August 13, 2020 Planning Board meeting be postponed until more studies can be done.

Scott Hartung of Highland Ave. spoke of flooding issues and flood insurance making their houses unmarketable. He also asked for a better SEQR to be done of Smokes Creek and The Reserves before building starts there. He asked if the DEC is involved in these projects and stated if the area floods due to these projects there will be lawsuits filed.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem reflected on the past 4 months of COVID-19 closings and new protocols. He stated we are lucky to have our day camps open for the kids and some sports open for them as well. He addressed how some of the brush piles that people are putting out are too large for the chipper trucks to pick up in one visit. We now have a limit of 10 feet of brush to be placed out at a time. He displayed a sign that the workers will put on the residents' lawns stating that they will be back for the remainder of the pile with the grapple truck.

Councilmember Majchrzak inquired about the Police checking up on the Pawtucket Food Trucks. He asked Town Engineer Bieler about Smokes Creek and drainage issues. He stated the Smokes Creek project has been ongoing for 14 years. He is the liaison to the Planning Board and can speak to them regarding the project.

Councilmember Flynn inquired about the Food Trucks at Pawtucket Park and the flooding in the Smokes Creek area.

Town Clerk Orffeo stated after this year's Food Truck season we will gather information and revisit the Local Law to address issues of concern. He also spoke of our Town Code mandating the notification for public hearings to residents within 500 feet of the site of interest. Many times, like the Smokes Creek project, the Town extends the boundary to 1000 ft. He inquired about amending the boundary in the Town Code to be 1000 ft.

Highway Superintendent Fred Piasecki listed which roads the Highway Department has paved, milled and/or overlaid. They have also oil & chipped Benning Rd, Murphy Rd. and part of Ward Rd.

Chief Wehrfritz stated he will send a police car to the Pawtucket Food Truck area next time they are there. He also asked Mr. Pieczynski to call police if he has an issue.

Town Engineer Bieler spoke of the impact studies done at Smokes Creek and the effects of building there. He also spoke of the recent flooding in the Kingswood Dr. area.

10) 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 # 14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$63,043.09
Public Safety Fund	\$13,337.00
Part Town Fund	\$830.12
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$12,996.28
Special Districts	\$175,397.29
Trust & Agency	\$1,144.40
Capital Fund	\$200,773.40

The resolution was unanimously adopted.

11) 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 Building Inspector's Report for May and June 2020.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 8:14 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**