

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 October 2020 at 7:10 PM, the meeting was called to order by Councilmember Majchrzak and there were:

**PRESENT AT ROLL CALL:**

Eugene Majchrzak	Supervisor
Conor Flynn	Councilmember
Joseph Liberti	Councilmember
	Deputy Supervisor
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 COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: October 7, 2020 Executive Sessions: September 20, & October 14, 2020, and Special Session: October 14, 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 Amend Approved PIP #2020-04, Pleasant Acres West Sub. Pt.3, Ph2**

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

**WHEREAS**, the Town has received from Anastasi Trucking & Paving, 4430 Walden Avenue, Lancaster, New York, 14086, a modified application for a Public Improvement Permit to construct the Pleasant Acres West Subdivision Part 3 Phase 2 to include the remaining work for the last phases of the subdivision Part 4 phase 1 through 4 — the installation of four sublots along New Taylor Road, and

**WHEREAS**, the additional project work consists of the installation of 4-farside sanitary sewer laterals under New Taylor Road and sublots drainage work to service four home sublots along New Taylor Road as shown on the location map, and

**WHEREAS**, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, insurances, and the performance bond.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby amend the approval of Public Improvement Permit #2020-04 for the Pleasant Acres West Subdivision Part 3 Phase 2 to include work for Part 4 Phases 1 through 4, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Set New Date for Ad Valorem and Benefit Basis Budgets Public Hearing**

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

**RESOLVED**, that the first Ad Valorem and Benefit Basis Budget hearing of October 21, 2020 is cancelled, and the first notice of the budget hearing is withdrawn.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board of the Town of Orchard Park does hereby set the Public Hearing for the revised Ad Valorem and Benefit Basis Special Districts Budgets for Wednesday, November 4, 2020 at 6:00 PM (local time) at the Orchard Park Municipal Building.

**The resolution was unanimously defeated.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Award Contract for the Hydrant Replacement Project**

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

**WHEREAS**, the Erie County Water Authority (ECWA) has requested that the Town replace two (2) fire hydrants located near 4805 Freeman Rd and 5033 Ellicott Rd. The hydrant at 5033 Ellicott Rd. has begun leaking and must be replaced. The Town is required to incur the costs for such replacements of defective fire hydrants per the Town Attorney and lease management agreement between the Town of Orchard Park and ECWA. The Hydrant at 4805 Freeman Rd was taken out of service due to an automobile accident. Compensation should be sought through the drivers insurance, and

**WHEREAS**, a scope of work was generated and construction companies were solicited to perform the work described. Four companies were solicited and two cost informal bids were received. The low bidder for this project was Fairway Contracting, Inc. The hydrant near 4805 Freeman Road was \$7,045.00 and near Ellicott Road was also \$7,045.00; resulting in a total of \$14,090.00. The company has successfully completed various similar projects in the past and has been found to have the qualifications and experience to perform this work adequately. I have no reservation about their capabilities, and

**WHEREAS**, there is presently, \$378,182.00 allocated under Capital Projects Account FX006 "Town Wide Water Improvements" for this work.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract to replace the fire hydrant near 4805 Freeman Road and 5033 Ellicott Road to the lowest responsible bidder, Fairway Construction, 5389 South Freeman Road, Orchard Park, NY 14127 for a total amount of \$14,090.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Memorandum of Agreement for WNY Storm Water Coalition & Pay Membership**

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

**WHEREAS**, the Town Engineer gave the Town Board the Memorandum of Agreement (MOA) continuing the Western New York Stormwater Coalition. The Town has been an active participant in the Coalition for over 15 years and has benefited from the work the Coalition has accomplished. The Town signed the original Memorandum of Agreement, December 31, 2005, October 20, 2010 and November 4, 2015.

The Coalition has assisted the Town with the six management controls:

1. Public Education and Outreach; Stormwater brochures and pamphlets, posters, displays for public meetings, banners, web page, web banners, billboards, training, and school programs.
2. Public Involvement/Participation; cleanup events, community meetings, & stakeholder meetings.
3. Illicit Discharge Detection and Elimination; mapping of Town outfalls, training, provided template for local ordinance, & secured grant money for training, testing equipment and mapping projects, & set up inspection guidelines.
4. Construction Site Stormwater Runoff Control; provided templates for local ordinance, stormwater pollution prevention plans, & review of stormwater plans, training of Town staff, local developers and contractors.
5. Post Construction Management; provided templates for inspection of post construction stormwater practices, & training.
6. Stormwater Management for Municipal Operations; assist the Town in listing municipal operations/facilities that contribute to MS4 stormwater systems, training Municipal staff on stormwater maintenance practices, perform assessment of Town stormwater facilities, & provided template for inspection of Town facilities.

**WHEREAS** The MOA is the document that will continue the Coalition and establishes the rights and responsibilities of members, including final cost obligations. The By-Laws are the rules that will govern the conduct of the Coalition proceedings and other administrative matters. Key provisions of the MOA and By-Law section include Meeting By-Laws (Section 3.1, 3.2, 3.3) for the annual meeting and regular monthly meetings, Adoption of By-Laws (By-Law section 7.1, 3.8.4), Voting Procedures (MOA Sections 3.B, 3.C; By-Laws Section 3.8), Representation (MOA Section 3.A; By-Laws Section 2.1), and Financial Obligation of Members and Fiscal Policies of the Coalition (Sections 5.A, 5.B Appendix A; By-Law Section 4.5C, 6.1, 6.2), and

**WHEREAS**, as a member of the Coalition, the Town has definitely benefited and the continued participation within the Coalition will only aid the Town in achieving many of the required, or future mandated stormwater management practices required by NYSDEC & EPA. The proposed participation fee is \$1,800 per Municipal Separate Storm Sewer System (MS4's) per year.

**NOW, THEREFORE, be it**

**RESOVLED**, that the Town Board does hereby authorize the Deputy Supervisor to sign the Memorandum of Agreement for the Western New York Stormwater Coalition and authorize the Town to pay the annual membership participation fee of \$1,800 per year until December 31, 2025.

**The resolution was unanimously adopted.**

**New Business #3 Appoint Deputy Supervisor**

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

**WHEREAS**, Patrick Keem resigned as Supervisor of the Town of Orchard Park effective October 9<sup>th</sup>, 2020 leaving that position vacant, and

**WHEREAS**, the Town of Orchard Park created the Office of Deputy Supervisor at a Special Session held on October 14<sup>th</sup>, 2020, and

**WHEREAS**, after interviewing several candidates to fill this position, the Board of the Town of Orchard Park has determined Joseph Liberti best qualified to serve as Deputy Supervisor, and

**WHEREAS**, Joseph Liberti is ready, willing, and able to take a Leave of Absence from his present position on the Town of Orchard Park Planning Board until a permanent Supervisor is elected, and

**WHEREAS**, the Town of Orchard Park wishes to pay the Deputy Supervisor an annual salary of \$12,000,

**NOW, THEREFORE, be it**

**RESOLVED** that Joseph Liberti is appointed Deputy Supervisor of the Town of Orchard Park at a salary of \$12,000 per year, and be further

**RESOVLED**, that the Town of Orchard Park hereby accepts Joseph Liberti's request for a Leave of Absence from the Town of Orchard Park Planning Board until a permanent Supervisor is elected by the people of Orchard Park.

**The resolution was unanimously adopted.**

**New Business #4 Outline Expanded Duties of Senior Councilmember & Deputy Supervisor**

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

**WHEREAS**, Joseph Liberti has been appointed Deputy Supervisor for the Town of Orchard Park, and

**WHEREAS**, Eugene Majchrzak is ready, willing, and able to accept an expanded role as a Town of Orchard Park Councilmember, and

**WHEREAS**, subject to the review and approval of Deputy Supervisor Joseph Liberti, as required by New York State Law, Councilmember Eugene Majchrzak is willing to assume the day to day management of the Town of Orchard Park, and

**WHEREAS**, Councilmember Eugene Majchrzak is willing to accept these additional responsibilities through December 31, 2020 at no increase in salary, and

**WHEREAS**, an appropriate increase in salary for Councilmember Eugene Majchrzak will be included in the Town of Orchard Park budget for 2021,

**NOW, THEREFORE, be it**

**RESOLVED** that the duties of Councilmember Eugene Majchrzak are hereby expanded to include the day to day management of the Town of Orchard Park subject to review and approval of Deputy Supervisor Joseph Liberti as required by New York State Law, and be it further

**RESOLVED**, that Councilmember Eugene Majchrzak will receive no increase in salary for these expanded duties through December 31<sup>st</sup>, 2020, but will receive an appropriate increase in salary in the Town of Orchard Park budget for 2021.

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Alyssa Zbock – Ms. Zbock introduced herself as the Community Liaison for Assemblyman Patrick Burke, and she will be representing him at the Town Board meetings.

### **ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Councilmember Majchrzak said he appreciates the confidence that Councilmember Flynn and Town Attorney Bailey have in him to lead the Town in the next fourteen months. He looks forward to the challenges of this responsibility.

Councilmember Flynn, regarding Trick or Treating, said the Town is not prohibiting Trick or Treating but encourage the residents not to and seek other ways to enjoy Halloween. If you do choose to Trick or Treat, sanitize, stay in small groups, maintain social distancing and be responsible.

Town Clerk Orffeo welcomed Joe Liberti aboard, he worked with Joe on the Zoning Board of Appeals as Chairman and on the Planning Board. Town Clerk Orffeo said he is sure Joe will bring the same dedication into this position. He also thanked the residents for their patience during this tax collection, as COVID changed the procedures, and the wire transfers came in late this year.

Town Attorney Bailey welcomed Mr. Liberti and thanked him for stepping into the position of Deputy Supervisor.

Police Chief Wehrfritz, regarding Halloween, he asked everyone to be careful and observant. He also asked people to not place their leaves in the roads, it creates dangerous situations.

Highway Superintendent Piasecki said Highway is completing several projects for the year end and said they have expanded leaf pickup. Next week they are starting the tree plantings. The Highway Department also relined the 24 in. storm line on Amanda & Amelia Drive, which saved the Town quite a bit, as they did not have to dig up the roadway and replace it. They will be implementing this procedure on other similar projects.

8) 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 authorize the approval of all entries on Warrant # 20 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$41,107.09
<b>Public Safety Fund</b>	\$6,881.51
<b>Part Town Fund</b>	-0-
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$24,729.68
<b>Special Districts</b>	\$10,514.54
<b>Trust &amp; Agency</b>	\$200
<b>Capital Fund</b>	\$313,911.82

**The resolution was unanimously adopted.**

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 receive and file the Building Inspector’s Report for September 2020.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:20 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**