

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 4th day of November 2020 at 6:00 PM, the meeting was called to order by Councilmember Majchrzak and there were:

PRESENT AT ROLL CALL:

| | | |
|-------------------|-------------------------|------------------------|
| | Eugene Majchrzak | Supervisor |
| | Joe Liberti | Councilmember |
| | | Deputy Supervisor |
| Present via phone | 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 |

Deputy Supervisor Joseph Liberti 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.”

PUBLIC HEARING

Preliminary Ad Valorem 2021 Budget and Benefit Basis Special District Budget

At 6:00PM (local time) Deputy Supervisor Liberti called for the Public Hearing to hear all interested parties regarding the proposed Preliminary Ad Valorem 2021 Budget.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Councilmember Majchrzak stated during the following power point presentation you will see a slide stating the Town will stay at or below a 4.7 percent tax levy increase, the Town Board will try to bring that down even more.

Nicole Ruf from Drescher Malecki presented a power point presentation of the 2021 Preliminary Budget.

Deputy Supervisor Liberti asked if anyone is interested in speaking or making a comment.

No one came forward.

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 close the Public Hearing for the proposed Preliminary Ad Valorem 2021 Budget and Benefit Basis Special District Budget at 6:15pm.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

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

Ad Valorem Budget (General, Public Safety, Town Outside Village, and Highway Funds)

WHEREAS, officers and employees in charge of various administrative units of the government of the Town of Orchard Park have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2021, and

WHEREAS, the former Supervisor, as the Town’s Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to this Town Board, and

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2021, and a public meeting was conducted on November 4, 2020 as required by Section 108 of Town Law,

NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2021.

Benefit Basis Budgets (Special Districts)

WHEREAS, the Supervisor, as the Town’s Budget Officer, has caused a tentative benefit basis budget to be prepared and filed with the Town Clerk’s Office, as provided by law, and

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2021, and a public meeting was conducted on November 4, 2020 as required by Section 108 of Town Law.

NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2021.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

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

Ad Valorem Budget (General, Public Safety, Town Outside Village, and Highway Funds)

WHEREAS, the former Supervisor, as the Town’s Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to this Town Board, and

NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2021:

| <u>Fund, Department & Description</u> | <u>Budget Code</u> | <u>2021 Original Proposed*</u> | <u>Added</u> | <u>Deleted</u> | <u>2021 Adjusted Total</u> |
|--|------------------------|--------------------------------|--------------|----------------|----------------------------|
| Sewer Districts: | | | | | |
| Estimated Revenue & Fund Balance: | | | | | |
| Fund Balance | Sewer Districts | (301,485) | (37,386) | | (338,871) |
| Tax Levy | Sewer Districts | (1,230,818) | | 37,386 | (1,193,432) |
| Water Districts: | | | | | |
| Estimated Revenue & Fund Balance: | | | | | |
| Fund Balance | Water Districts | (125,003) | (60,134) | | (185,137) |
| Tax Levy | Water Districts | (1,222,606) | | 60,134 | (1,162,472) |

* +/- any effects from resolutions 1 and 2

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

Councilmember Majchrzak Aye
 Councilmember Flynn Aye

The resolution was unanimously adopted.

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

Ad Valorem Budget (General, Public Safety, Town Outside Village, and Highway Funds)

WHEREAS, the former Supervisor, as the Town’s Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to this Town Board, and

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2021, and a public meeting was conducted on November 4, 2020 as required by Section 108 of Town Law, and

WHEREAS, the Town Board desires to amend the tentative ad valorem budget for proposed salaries of Town Officers, and,

NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2021:

General Fund:

Appropriations:

Town Board

| | | | | | | | | | |
|-------------------|--------------|----|--------|----|--------|----|--------|----|--------|
| Councilmember (1) | A01010 50100 | \$ | 21,591 | \$ | 81,330 | \$ | 21,591 | \$ | 81,330 |
| Councilmember (1) | A01010 50100 | \$ | 21,591 | | | | | \$ | 21,591 |

Supervisor

| | | | | |
|-------------------|--------------|-----------|-----------|-----------|
| Supervisor | A01220 50100 | \$ 81,330 | \$ 81,330 | \$ |
| Deputy Supervisor | A01220 50101 | \$ - | \$ 12,000 | \$ 12,000 |

Estimated Revenues and Fund Balance:

| | | | | |
|-----------------|--------------|--------------|----------|--------------|
| Tax Levy | A00000 41001 | \$ 2,717,470 | \$ 9,591 | \$ 2,707,879 |
|-----------------|--------------|--------------|----------|--------------|

* +1- any effects from resolutions 1, 2 & 3

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

AT THIS TIME TOWN ATTORNEY JOHN BAILEY SWORE IN JOSEPH LIBERTI AS DEPUTY TOWN SUPERVISOR

6) 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 close this portion of the Town Board meeting and will reopen it at 7:00PM.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

THE TOWN BOARD MEETING REOPENED AT 7:00PM

7) 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 21, 2020 Executive Sessions: October 21 & 28, 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 question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve final change order/final payment to Precision Trenchless

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

WHEREAS, Precision Trenchless has completed the 24" cured-in-place pipe rehabilitation for the degraded storm system on Amanda Ln. and Amelia Dr. The project was the first use of the CIPP lining method for the Town of Orchard Park and was successfully implemented. By embracing this form of construction, the Town saved an estimated \$91,000 compared to the Highway Dept. estimate of \$150,000 for a traditional open cut replacement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final payment of \$59,881.75 (P.O. No.2000999) to Precision Trenchless LLC., 1710 Erie Boulevard, Schenectady, NY 12308, for the Amelia Dr. and Amanda Ln. Storm Sewer Relining Rehabilitation Project, and be it further

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

Old Business #2 Authorize a transfer of funds re: Amelia Dr. & Amanda Ln. Storm Sewer Relining.

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

WHEREAS, Precision Trenchless has completed the 24" cured-in-place pipe rehabilitation for the degraded storm system on Amanda Ln. and Amelia Dr. The project was the first use of the CIPP lining method for the Town of Orchard Park and was successfully implemented. By embracing this form of construction, the Town saved an estimated \$91,000 compared to the Highway Dept. estimate of \$150,000 for a traditional open cut replacement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Transfer of remaining funds from #DB009 Amelia Drive and Amanda Lane Storm Sewer Relining Reconstruction, back to DB005 Miscellaneous Culverts, and close out the project account, as recommended by the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

No one came forward

New Business #1 Adopt all special charges, in accordance with NYS Law §198

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

WHEREAS, in accordance with New York State Law, Section 198, the Town Board had opted to enforce unpaid accounts for water, sewer, refuse and other unpaid Town services as indicated below, by placing a lien upon the real property for which such services were provided, and

WHEREAS, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town Assessor's master computer assessment roll file, which is also hereby being delivered by the Assessor with this letter of authorization:

| | |
|--|-------------|
| Total Unpaid Water Erie County and Orchard Park- | \$ 4,513.08 |
| Total Unpaid Refuse & Pro-Rated Garbage- | \$ 2,449.46 |
| Total Property Maintenance & Code Enforcement | \$ 6,767.40 |

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in accordance with New York State Law, Section 198, does hereby adopt all special charges as outlined on the "Letter of Authorization" as recommended by the Town Accountant.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

New Business #2 Appoint Patrick Kaler to the Economic Development Committee

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

RESOLVED, that the Orchard Park Town Board does hereby appoint Patrick Kaler to the Economic Development Committee for a term ending December 31, 2020.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

New Business #3 Appoint Christian Triglio to the position of Public Safety Dispatch

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 appoint Christian Trigilio to the position of Public Safety Dispatcher, to be effective November 7, 2020, CSEA pay range 0007 "1st year" \$18.34 per hour, as recommended by the Chief of Police.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

New Business #4 Award Green Lake Maintenance Dredging Project to Legend Excavating

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

WHEREAS, bids were opened for the Green Lake Maintenance Dredging Project on October 19, 2020 at 10:00 AM. The project was bid, as requested, with the base bid being the removal of sediment from the weir at Green Lake and included an alternate to dredge +/-1,100CY from Acorn Cir. Pond. The bid results are attached. The Engineering Department has reviewed the bids and conducted de-scoping meetings with the two lowest bidders; and

WHEREAS, Legend Excavating is the apparent low bidder with a submitted Base Bid for \$47,500 and a cost to complete Alternate #1 for \$16,000. After meeting with Legend Excavating, and consulting neighboring municipal references, Legend has established their capability to complete the project as bid and I have no reservations about their ability; and

WHEREAS, the Engineering Dept. is continuing to work with the DEC and the neighboring owners of the Acorn Cir. Pond to receive all necessary permits as well as establish payment responsibilities. While we cannot move forward with the Alternate to dredge Acorn Cir. Pond at this time, Legend Excavating has agreed to hold their bid price until the end of 2021; and

WHEREAS, Ed Leak has provided two Parks & Grounds accounts with sufficient funding to cover the costs associated with this project. Money within the accounts was earmarked for the purchase of a Ventrac mower and pickup truck but have not been approved by the Board per Ed Leak, Parks and Grounds Department.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the creation of capital account #AP013 - Green Lake Maintenance Dredging; and be it further

RESOLVED, that the Town Board does hereby authorize the Transfer of \$5,800 from #A07110-50544 Lake Maintenance and Chanel cleaning, Yates Park to Account #AP013; and be it further

RESOLVED, that the Town Board does hereby authorize the Transfer of \$49,200 from #A07110-50200 Parks Equipment, to Account #AP013; and be it further

RESOLVED, that the Town Board does hereby award the contract for the Green Lake Dam Maintenance Dredging Project to the lowest responsible bidder, Legend Excavating, 8080 Barnum Road, Cassadaga, New York 1718 in the amount not to exceed \$47,500.00 as recommended by the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

New Business #5 Authorize Deputy Supervisor to sign contract re: Acorn Circle Maintenance Dredging Project.

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

WHEREAS, New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake; and

WHEREAS, the Orchard Park Engineering Department has attached the SEQR Short Form for the Acorn Circle Pond Maintenance Dredging Project and has determined the project is classified as a "Type II Action" in accordance with section 617.5 (c)(8) of the SEQR regulations as maintenance of existing landscaping or natural growth; and

WHEREAS, actions that are classified as "Type II Actions" under the SEQR regulations do not require any further SEQR review, including an Environmental Assessment Form. The Short Environmental Assessment Form has been completed; and

WHEREAS, along with completing the SEQR requirements, a joint application for permit will is required to be submitted to the NYSDEC and ACOE. The draft application requires a \$200 application fee.

NOW THEREFORE, be it,

RESOLVED, that the Town Board does hereby determine the Acorn Circle Maintenance Dredging Project is classified as a "Type II Action" as the project will not have a significant adverse impact on the environment and is precluded from further environmental review under Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617; and be it further

RESOLVED, that the Town Board does hereby authorize the Deputy Supervisor to sign the Joint application for permit for the USACOE and NYSDEC for the Acorn Circle Maintenance Dredging Project as recommended by the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

New Business #6 Refer 3371 N. Benzing Rd. to the Planning & Conservation Boards for review

15) 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 refer the following to the Planning & Conservation Boards for review:

- 1. 3371 N. Benzing Road, OP Self-Storage, located on the west side of N. Benzing Road, Zoned I-1.
Requesting to have temporary storage units allowed. (SBL#152.18-1-2.1)

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Majchrzak thanked Highway Superintendent Fred Piasecki for putting up and taking down the Election signs.

Councilmember Flynn congratulated Deputy Supervisor Joseph Liberti for being sworn in.

Chief of Police Wehrfritz informed the public of a new seatbelt law that was passed; it states everyone in a vehicle must be buckled. He also reminded residents that there is no on street overnight parking in the village from midnight to 7AM and no on street overnight parking in the Town from 1AM-7AM from November 1, 2020 - March 15, 2021.

Highway Superintendent Fred Piasecki stated the Highway Dept. has already started salting and plowing the roads.

16) 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 #21 following auditing by members of the Town Board and in the funds indicated:

| | |
|---------------------------|-------------|
| General Fund | \$70,430.84 |
| Public Safety Fund | \$10,624.56 |
| Part Town Fund | \$860.58 |
| Risk Retention | -0- |
| Cemetery Fund | -0- |
| Highway Fund | \$12,041.39 |
| Special Districts | \$43,049.87 |
| Trust & Agency | \$1,019.40 |
| Capital Fund | \$6,629.59 |

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

16) 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 received and file the 2021 Orchard Park Fire District Budget Summary.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

| | |
|-------------------------|-----|
| Councilmember Majchrzak | Aye |
| Councilmember Flynn | Aye |

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:14 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**