

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 27th day of January 2021 at 7:00 PM, the meeting was called to order by Deputy Supervisor Joseph Liberti and there were:

PRESENT AT ROLL CALL:

	Joseph Liberti	Supervisor
	Eugene Majchrzak	Deputy Supervisor
		Councilmember
Present Via Phone	Conor Flynn	Councilmember
	Remy Orffeo	Town Clerk
	Timothy Donovan Gallagher	Town Attorney
	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

Deputy Supervisor 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.”

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 Organizational Meeting Minutes: January 6, 2021, Regular Meeting Minutes: January 6, 2021 and Executive Session: January 6 & 13, 2021 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

This in person portion of the meeting was waived due to COVID regulations. No communications were submitted to the Town Board.

Old Business #1 Final Dedication of the Pleasant Acres West Subdivision Part 3 Phase 1 PIP#2019-02

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

WHEREAS, on December 17, 2020, a final inspection was conducted of the public improvements constructed in the Pleasant Acres West Subdivision Part 3 Phase 1. The project included the installation of a portion of Wentworth Drive and the completion of Golden Crescent Way, which consists of the installation of 1,550 L.F. of new roadways and public utilities including 810 L.F. of sanitary mainline and 950 L.F. of watermain with two hydrants to serve 14 residential sublots, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when materials are available and when the weather permits in the spring:

- Install 5 light standards with fixtures, and provide UL Inspection Certification and all required spare parts including a complete spare light standard and fixture, when parts are available \$15,000
- Complete final fine grading in ROW, and seeding and mulching in all disturbed areas \$10,000

WHEREAS, a two-year maintenance bond in the amount of \$375,500.00 has been submitted along with all other necessary documents, and

WHEREAS, the following is required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding; and

WHEREAS, Golden Crescent Way completion and portion of Wentworth Drive were constructed as a Town street in accordance with plans and specifications prepared by GPI, Inc.; and

WHEREAS, the Golden Crescent Way completion is 0.2083-miles in length and the portion of Wentworth Drive is 0.0359-miles in length, and both consist of a new drainage system, waterline, gutters, asphalt pavement, and street signage; and

WHEREAS, construction of the Golden Crescent Way completion and the portion of Wentworth Drive has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

NOW THEREFORE, be it

RESOLVED, that the Golden Crescent Way completion and the portion of Wentworth Drive shall be included in the 2021 Town Local Highway Mileage Inventory of Town Streets; and, be it further

RESOLVED, that New York State Department of Transportation is requested to include the Highcrofte Lane extension in the Town of Orchard Park's 2021 Inventory of Streets; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Pleasant Acres West Subdivision Part 3 Phase 1 constructed under PIP #2019-02, and authorize the Town Clerk to release the performance bond upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Authorize escrow release for Barricade installations for Barrington Heights Subdivision Part 2 PIP # 2020-01

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

WHEREAS, on July 30, 2020, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until the pressure treated wooden barricades were completed, and

WHEREAS, the developer has since installed the required pressure treated wooden barricades on Highcrofte Lane. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW THEREFORE, be it

RESOLVED, the Town Board does hereby authorize the Town Clerk to release to ARR Holdings, LLC, 4727 Camp Road, Hamburg, New York 14075, the \$12,000 held in escrow for the pressure treated wooden barricades in the Barrington Heights Subdivision, Part 2 - PIP #2020-01 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Approve the Map, Plan and Report for OPDD #2-3 for Birdsong Subdivision Part 3B

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

WHEREAS, the Town of Orchard Park has received a petition pursuant to Town Law Section 191 for the Town Board to establish a Drainage District for the Birdsong Subdivision Part 3B. The map, plan and report for the proposed Orchard Park Drainage District OPDD #2-3 for the Birdsong Subdivision Part 3B as well as the remaining developable land within the eastern section of the Birdsong Development encompassing +/- 218.97 acres was revised by GPI in accordance with Article 12 of the Town Law and will be available at the Town Clerk's office for public review, and

WHEREAS, the project involves the installation of the subdivision's stormwater drainage system, which includes the piping infrastructure, roadway catch basins, and storm water pollution control units and retention pond system for storm water quality, and

WHEREAS, the construction cost of the subdivision's stormwater drainage system is estimated at \$742,950.00, which is the subdivision development costs associated with drainage infrastructure construction only, and will be bore, entirely by the developer (Birdsong Development Associates, LLP.) and

WHEREAS, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity leaving the subject property as required to comply with New York State Stormwater Management Guidelines (commonly known as Phase II). The anticipated maintenance / capital costs are still approximately \$100/± per subplot, and

WHEREAS, for the drainage district creation, the applicant has completed and submitted the revised Short EAF, part one for this Unlisted SEQR action. The Planning Board has also completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the finished AMENDED Map, Plan and Report in accordance with Section 191 of the Town Law to revise the establishment of the Orchard Park Drainage District OPDD #2-3. Subsequent to the public hearing and completion of the SEQR process you may then adopt the necessary orders establishing the district. Only after the district creation can the associated subdivision project proceed with final approval as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

This in person portion of the meeting was waived due to COVID regulations. No communications were submitted to the Town Board.

New Business #1 Authorize 2 Traffic Orders

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

WHEREAS, upon the recommendation of the Police Chief, Town Engineer and Highway Superintendent, and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York, and

WHEREAS, upon dedication for Pleasant Acres West Subdivision Part 3 Phase 1 PIP #2019-01.

NOW, THEREFORE, it is hereby

ORDERED, that stop signs be erected on Golden Crescent Way at the intersection of New Taylor Road, and be it further

ORDERED, that a stop sign be erected on Wentworth Drive at the intersection of Golden Crescent Way.

The resolution was unanimously adopted.

New Business #2 Authorize a Public Notice to be published re: permits for dredging Acorn Circle Pond

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

WHEREAS, the Engineering Department has been working closely with the NYS DEC to obtain the necessary permits for the dredging of Acorn Cir. Pond. We have received a Notice of a Completed Application and the DEC has determined that the project requires the opportunity for public comment, and

WHEREAS, the DEC has included the notice to be published in the Orchard Park Bee for the week of January 18th. If published the week of January 18th, the comment period will extend until February 4th.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Notice of Completed Application to be published in the Orchard Park Bee on the Week of January 18, 2021 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize a Budget Transfer for the Engineering Department

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 authorize the following budget transfer within the 2020 Budget due to vehicle repairs needed on the Engineering Department's 2012 F150 Truck as recommended by the Town Engineer.

\$51.67 – From: A01440 50200 (Engineering Equipment)
To: A01440 50445 (Vehicle Repair)

The resolution was unanimously adopted.

New Business #4 Approve the creation of a new Capital Account AB013 “Highway and Sewer, Water & Lighting Generator Installations”

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

WHEREAS, per Capital Meetings and Town Board approval of C&S Companies for the design of 2 Emergency stand-by Generator Systems for the Highway Building, Sewer, Water & Lighting and Parks Building, plans and specifications were developed and are in their final stages, and

WHEREAS, in order to track funding and budget properly, the creation of a capital account AB013 "Highway Building, Sewer, Water & Lighting and Parks Building Generator Installations Project" is needed. In addition, the transfer of funding from ABOO7 Municipal Buildings to AB013 is necessary.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the creation of Capital Account AB013 — Highway Building, Sewer, Water & Lighting and Parks Building Generator Installations per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize the Budget Transfer from OP Municipal Bldgs. to Hwy and Sewer, Water & Lighting Generator Installations.

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

WHEREAS, per Capital Meetings and Town Board approval of C&S Companies for the design of 2 Emergency stand-by Generator Systems for the Highway Building, Sewer, Water & Lighting and Parks Building, plans and specifications were developed and are in their final stages, and

WHEREAS, in order to track funding and budget properly, the creation of a capital account AB013 "Highway Building, Sewer, Water & Lighting and Parks Building Generator Installations Project" is needed. In addition, the transfer of funding from ABOO7 Municipal Buildings to AB013 is necessary.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Transfer of \$150,000 from Account ABOO7 Municipal Buildings to Account AB013 Highway Building, Sewer, Water & Lighting and Parks Building Generator Installations Project per the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Schedule a Public Hearing for the re-creation of Orchard Park Drainage District #2-3.

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 2-3, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map, plan and report prepared by Greenman-Pedersen, Inc., competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective property owners within the proposed district consisting of the construction, installation and maintenance of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 2-3, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries (Exhibit A-1) of the proposed new Town Drainage District OPDD 2-3 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed new Town Drainage District OPDD 2-3 is bounded and described in the map, plan and report, and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 2-3; and

WHEREAS, said new Town Drainage District OPDD 2-3 is to be constructed and paid for by or on behalf of the petitioner, D.P.S. Southwestern Corp. and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 2-3 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it

ORDERED, that meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 17th day of February, 2021 at 7:00p.m.(prevailing time);to consider the establishment and creation of the new Town Drainage OPDD 2-3; as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it further

ORDERED, that the Town Clerk publish as least once in the Orchard Park Bee, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

The resolution was unanimously adopted.

New Business #7 Approve an ADA Compliant web site update for the Recreation Department.

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 table this item.

The resolution was unanimously adopted.

New Business #8 Approve the STOP DWI contract for 2018.

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 authorize the Deputy Supervisor to sign the STOP DWI Contract between the Town of Orchard Park and Erie County STOP DWI Program for the term of January 1, 2018 and December 31, 2018.

The resolution was unanimously adopted.

New Business #9 Appoint Patrol Lieutenant.

13) 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 promote Police Officer Brian J. Lukowski to the Position of Patrol Lieutenant, (provisional) effective February 6, 2021, rate of pay as defined in the Collective Bargaining Agreement as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #10 Authorize the purchase of a 2022 Freightliner.

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

WHEREAS, in accordance with the Highway Department's truck replacement program, the Highway Department is looking to purchase one (1) New 2022 Freightliner 108 SD 4x2 Cab and Chassis, and

WHEREAS, the cost of this new truck, cab and chassis is \$176,974.00 under New York State Bid Contract, and

WHEREAS, monies are in place in the budget for this purchase.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the purchase of this truck upon recommendation of the Highway Superintendent.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

This in person portion of the meeting was waived due to COVID regulations. No communications were submitted to the Town Board.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Deputy Supervisor Liberti spoke of Senate Bill #1064. It proposes that police will be required to have liability insurance to be paid by their employer. He has written a letter to our Senator not in favor of the bill and would like the Board to review it.

Councilmember Flynn spoke of a round table discussion he held regarding tax relief.

Councilmember Majchrzak offered his congratulations to Lieutenant Lukowski. He also commented on Councilmember Flynn’s tax relief meeting.

Town Clerk Remy Orffeo commented on Councilmember Flynn’s tax relief meeting. He also asked residents to pay their Town/County Taxes by mail, night deposit box, online with a bank convenience check or credit card. He strongly advised against paying with cash. He encouraged residents to not come into the office to pay their taxes due to COVID-19 restrictions and efforts to stop the spread of this illness. This is for your safety and ours. If you choose to mail your payment please have it hand stamped at the post office. We can accept the hand stamp but not a metered stamp as a payment date.

Building Inspector Steve Bremer asked residents to keep their sidewalks clear. It is their responsibility.

Highway Superintendent Fred Piasecki stated the Highway Department has been busy salting, plowing and changing road signs.

Police Chief Wehrfritz congratulated Lieutenant Lukowski on his promotion. He also congratulated Officer Purucker on the Traffic Alliance Officer of the Year Award. He also commended Officers Kadi and McGraw. Their quick response to a call resulted in a lifesaving incident. They received letters of accommodation.

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 authorize the approval of all entries on Warrant # 2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$48,713.24
Public Safety Fund	\$15,927.25
Part Town Fund	\$871.98
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$59,044.24
Special Districts	\$25,333.98
Trust & Agency	\$895.04
Capital Fund	\$221,990.32

The resolution was unanimously adopted.

REPORTS

17) 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 December 2020 Building Inspector’s Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:34 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk