

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 3rd day of March 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
Conor Flynn	Councilmember
	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 Regular Meeting Minutes: February 17, 2021 and Executive Session: February 24, 2021 and Special Session: February 24, 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

No one came forward

Old Business #1 Appointment to Public Safety Committee

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

WHEREAS, Captain Jason Schiedel has retired from the Orchard Park Police Department, and

WHEREAS, Captain Jason Schiedel has retired from the Public Safety Committee in both his role as a member and Chairman, and

WHEREAS, the Public Safety Committee is in need of a member to place Captain Jason Schiedel

NOW, THEREFORE, be it

RESOLVED that Orchard Park Police Captain Gregory Sheppard is hereby appointed to the Public Safety Committee with a term to expire on December 31, 2021, and be it further

RESOLVED that Captain Gregory Sheppard is appointed Chairman of the Public Safety Committee for the year 2021.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business # 1 Approve Operating Permit and Mobile Food Vending Permit

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

WHEREAS, the Town of Orchard Park has completed an inspection of the food truck for Carrubba Concessions LLC., and

WHEREAS, the Town of Orchard Park Fire Inspector has approved an Operating Permit for Carrubba Concessions LLC, and

WHEREAS, the Operating Permit fee and Town of Orchard Park Mobile Food Vending Permit fee have been paid, and a certificate of liability insurance has been provided, and

WHEREAS, Carrubba Concessions LLC., has agreed to comply with the Town of Orchard Park Town Codes and policies.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Orchard Park does hereby approve the Operating Permit, town Mobile Food Vending Permit of Carrubba Concessions LLC., in the Town of Orchard Park for the year 2021.

The resolution was unanimously adopted.

New Business #2 Authorize Deputy Supervisor to Sign agreement to update Recreation's Website

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

WHEREAS, the Orchard Park Recreation Department's web site is seven (7) years old, and

WHEREAS, it has been determined that the web site is no longer ADA compliant, and

WHEREAS, RL Computing provided the original design and ongoing hosting services,

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board directs the Deputy Supervisor to sign an agreement with RL Computing for services to include Graphic Design, Site Design/Development and Deployment of a new web site at a cost not to exceed \$1,000.00, and be it further

RESOLVED that the web site will adhere to all W3C standards and the U. S. Section 508 Accessibility Guidelines which allows users with disabilities to navigate the web site without complications.

The resolution was unanimously adopted.

New Business #3 Authorize Deputy Supervisor to sign an Agreement for Berg Rd. Pump Station

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

WHEREAS, as part of the Sanitary Sewer Study, an evaluation of the Town's sanitary sewer pump stations condition and upgrade requirements was conducted. Per the GHD evaluation report, along with O&M data collected from our SW&L Department, the Berg Road Pump Station was recommended for a complete replacement. This station wet well does not have adequate capacity, which results in increased run cycle times of pumps, no backup emergency power, no telemetry devices, and is susceptible to flooding, and

WHEREAS, the Engineering Department has received a proposal from Barton & Loguidice (B&L) to perform the necessary engineering services to assist in acquiring the property necessary to upgrade the station, coordinate with the Town's flood plain consultant contractor, design the station upgrades, and assist with technical questions and answers during the bidding and construction phases. Note, the existing station and driveway are not on Town property or easements.

WHEREAS, there is presently \$667,502 allocated in Capital Project G0006 (Berg Road Sanitary Sewer Pump Station). Additional funding may be needed for construction. An engineer's estimate will be available at the 95% design phase with property and flood plain cost known.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Deputy Supervisor to sign an agreement with Barton & Loguidice, D.P.C., 600 Riverwalk Parkway, Suite 400, Tonawanda, NY 14150 to provide professional services for the Berg Road Sanitary Sewer Pump Station Replacement for a fee not to exceed \$54,400, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Appoint Police Officer to Orchard Park Police Department

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 approve the appointment of Matthew D. Kozlowski to the position of Police Officer in the Orchard Park Police Department, Step A, effective March 6th, 2021, at the salary of \$75,032.00.

The resolution was unanimously adopted.

New Business #5 Approve Excavation, Removal & Storage of Material Permit #2021-01

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

WHEREAS, the Town has received from Mr. Christopher Preischel of 2890 Pleasant Avenue, Hamburg, New York 14075 an application for an Excavation, Removal, and Storage of Materials Permit to fill (approximately 1,400 cubic yards of soil) the lot off Duerr Road to facilitate the construction of a new house on the property, and

WHEREAS, the Town Engineer has reviewed the plan and has found it acceptable per Town code. All necessary fees and bonds have been received.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Excavation, Removal, and Storage of Materials Permit #2021-01 to fill the lot off Duerr Road to facilitate a home construction, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Deputy Supervisor to sign & adopt NYS Public Employee Health Emergency Plan

Tabled until next meeting

New Business #7 Appoint Community Representative to Community Activity Center Task Force

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 appoint Chris Kowalski to the Community Activities Center Task Force with a term to expire on December 31, 2021.

The resolution was unanimously adopted.

New Business #8 Approve Dep. Town Clerk to attend 38th Annual Town Clerk's Conference

9) 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 Jennifer Brady, Deputy Town Clerk, to attend the 38th Virtual Annual Town Clerk's Conference on April 26-28, 2021, the money is in the budget.

The resolution was unanimously adopted.

New Business #9 Appointments to the Tree Conservancy Committee

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

WHEREAS, the Tree Conservancy Committee is a seven (7) member committee, and

WHEREAS, the Tree conservancy Committee currently has two vacancies, and

WHEREAS, Fred Piasecki, and Emory Wittmeyer are willing to serve on the Tree Conservancy Committee

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Fred Piasecki and Emory Wittmeyer to the Tree Conservancy Committee for a term ending December 31, 2021.

The resolution was unanimously adopted.

New Business #10 Budget Amendment

11) 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 to Cars 5 & 8 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 \$6,669.48:

Increase Appropriations:	
PS3120 50444 PS Equip Repair & Maint	\$6,669.48
Increase Estimated Revenues:	
PS0000 42680 PS – Insurance Recoveries	\$5,811.30
PS0000 42680 PS – Insurance Recoveries	\$ 858.18

The resolution was unanimously adopted.

New Business #11 Budget Amendment

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

WHEREAS, additional funding is required for the purchase of patrol vehicles, and

WHEREAS, funding is available within the Public Safety Fund’s reserve for DARE program and reserve for vehicles,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2021 adopted budget to authorize additional appropriations in the amount of \$61,000.00:

Increase Appropriations:	
PS3120 50215 Public Safety – Patrol Cars	\$61,000.00
Increase Use of Restricted Fund Balance:	
PS0000 30858 Public Safety – Restricted for DARE Program	\$ 29,000.00
PS0000 30860 Public Safety – Restricted for Vehicles	\$ 32,000.00

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Shirley Spencer – Ms. Spencer works at Orchard Heights and asked that the Town Board not move the current position of the dumpsters, as it is farther from the building. The new positioning makes it harder for the employees to walk to in the winter time, and hard to reach.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Flynn wished to remind all Town Residents that if the Covid 19 vaccine becomes available, they should get it, as it is safe. He stated that Recreation Director/Parks Manager Ed Leak will be joining the Town Board meetings.

Highway Superintendent Fred Piasecki stated the Highway is still removing snow from cul-de-sacs, and doing some tree trimming up in Eagle Heights.

Councilmember Majchrzak, regarding omitting the “Black Lives Matters” resolution this evening, stated that he feels government should be all inclusive and not targeting just one race. “We must learn to live together as brothers, or perish together as fools” Martin Luther King Jr.

13) THE FOLLOWING RESOLUTION WAS OFFERED BY DEPUTY 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 # 5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$41,234.69
Public Safety Fund	\$9,593.38
Part Town Fund	\$1345.92
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$69,404.91
Special Districts	\$3,393.17
Trust & Agency	\$1,418.04
Capital Fund	-0-

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:27 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**