

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 5th day of May 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 Gallagher	Town Attorney
	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
Absent	Ed Leak	Parks & Recreation Director

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: April 21, 2021 and Executive Sessions: April 21 & 28, 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.

INDUCTION OF MEMBERS TO ORCHARD PARK YOUTH COURT

The following were sworn in as members of the Orchard Park Youth Court by Town Justice Jorge DeRosa:

Zoe Aylsworth	Joshua Devaprasad	Anneliesa Henrich
Elise Brady	Gianna Gioia	William Roberts
Annika Beck	Kara Gioia	Bowen Slotman
		Elise Witzleben

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve Bid for Comprehensive Cybersecurity Risk & Vulnerability Assessment.

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

WHEREAS, the Town IT Department desires to enter into a contract for a comprehensive cybersecurity risk & vulnerability assessment; and

WHEREAS, the opening of sealed bids took place on Monday, May 1, 2021 in the Town Municipal Center at 2:00 PM (local time), and

WHEREAS, Deputy Town Clerk Jennifer Brady and IT Director Paul Pepero were present at the bid opening,

NOW, THEREFORE, be it

RESOLVED, that the 2021 contract for a comprehensive cybersecurity risk & vulnerability assessment is awarded to the low bidder Global Security IQ, 1576 Sweethome Rd., Suite 218, Amherst, NY 14228 in an amount not to exceed \$29,875.00.

New Business #2 Appoint Seasonal help in the Engineering Department

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

WHEREAS, funds have been allocated in the 2021 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department and the recent loss of Garrett Chilson and soon Craig Wilson, I am recommending Sarah Wierzba; and

WHEREAS, Sarah is completing her third year at the University of Buffalo in Civil Engineering and is scheduled to graduate in the spring of 2022.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Sarah Wierzba to a seasonal position in the Engineering Department for a fifteen-week period beginning May 17, 2021 at a wage rate of \$14.50 per hour as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Appoint Patrol Captain Gregory Sheppard

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

WHEREAS, Gregory Sheppard was promoted to the position of Patrol Captain, (provisionally) on February 1, 2021 and on April 14, 2021 Captain Sheppard received notification from Erie County Department of Personnel that he passed exam #75-828, Police Captain-Second Line supervisor.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the appointment of Gregory Sheppard to the position of Patrol Captain (Permanent), to be effective April 14, 2021.

The resolution was unanimously adopted.

New Business #4 Appoint Senior Clerk to the Town Justice.

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

WHEREAS, Marie Falzone is currently employed as a Clerk to the Town Justice; and

WHEREAS, Marie Falzone began her employment in the Orchard Park Court System on March 6, 2017; and

WHEREAS, Marie has been a dedicated and efficient employee; and

WHEREAS, upon the recommendation of Town Justice Edward Pace she will be promoted to Senior Clerk to the Town Justice with an increase of \$1.36 an hour; and

WHEREAS, Marie will be eligible for performance increases after her appointment takes affect.

NOW THEREFORE be it

RESOLVED that Marie Falzone shall be promoted to the position of Senior Clerk to the Town Justice with an increase of \$1.36 per hour and be eligible for performance increases after her appointment, and be it further

RESOLVED, that her appointment is effective January 1, 2022.

The resolution was unanimously adopted.

New Business #5 Appoint Code Enforcement Officer II

6) 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 a desire to retain experienced and well qualified personnel, and

WHEREAS, John Wittman has worked full-time for the Town of Orchard Park for the past six (6) years as Code Enforcement Officer I, and

WHEREAS, upon recommendation of Building Inspector Steven Bremer the Orchard Park Town Board wishes to promote John Wittman to the position of Code Enforcement Officer II hereby,

NOW, THEREFORE, BE IT

RESOLVED that:

- 1) The Town of Orchard Park hereby promotes John Wittman to the position of Code Enforcement Officer II, and
- 2) Mr. Wittman is assessed at a pay range of 0011 step B as per Appendix "F" – 2019 Salary Schedule, and

3) Mr. Wittman’s effective date will be May 3rd 2021, and

4) Mr. Wittman will have the formal title of Code Enforcement Officer II.

The resolution was unanimously adopted.

New Business #6 Approve a budget transfer for Animal Control and the closure of the Capital Account for Animal Control.

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

WHEREAS, the Engineering Department is in the final stages of closing out the Animal Control Renovation Project; and

WHEREAS, per capital project meeting, this capital account for the "Animal Control Renovations Project" AB010 currently has a shortfall balance of \$885.00. This project is 100% complete, inspected, approved and operational; and

WHEREAS, the construction and closeout paperwork was reviewed and approved by NYS, which released grant funds already received by the Town; and

This project consisted of four major financial components:

- Professional Services — Bammel Arch. (Design & Const. Doc.) \$18,042.00
- General Construction Services — Telco Const. \$188,953.00
- Security Services — Linstar Corp. \$12,000.00
- **TOTAL PAID TO DATE:** (\$218,995.00)

- **Grant Funds Received From NYS.** \$100,575.00

WHEREAS, given the fact that this project is 100% complete, the capital account should now be closed to clarify ledgers and spotlight funding for other projects. Besides the \$885.00 construction cost deficit, the architect is also claiming additional construction services for a fee not to exceed \$2,000.00. This additional fee is still being evaluated and negotiated between both parties.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve a budget transfer from ABOO7 "OP Municipal Building" to AB010 "Animal Control" in an amount not to exceed \$2,885.00; and be it further

RESOLVED, that the Town Board does hereby approve the closure of capital account AB010 "Animal Control" once the final bill with Bammel Architects is finalized and expended as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize an Advertisement for Seasonal help in the S,W & L Department.

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

WHEREAS, funds have been allocated in the 2021 budget for seasonal help in the Sewer, Water & Lighting Department.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Engineering Department to advertise in the Orchard Park Bee for two seasonal employees for a fifteen-week period at a wage rate of \$12.50-\$16.00/hr. upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize an Advertisement for Seasonal help in the Engineering Department.

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

WHEREAS, funds have been allocated in the 2021 budget for seasonal help in the Engineering Department.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Engineering Department to advertise in the Orchard Park Bee for one seasonal employee for a fifteen-week period in the at a starting wage rate range of \$12.50 to \$16.00 per hour depending on experience.

The resolution was unanimously adopted.

New Business #9 Authorize Webcast training for The Engineering and S,W&L Departments.

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

WHEREAS, EUCI is holding an on-line course titled “Fundamentals of Cost of Service and Rate Design for Water Utilities” on May 17th from 9am-4pm and May 18th from 9am-12pm; and

WHEREAS, this is an introductory course that will cover valuable tools on obtaining buy-in or selling the need for a revenue increase using real world examples. With the district consolidation ongoing, the Town would benefit from the on-line course, the two day course will cost \$1,195.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Engineering Department for Drainage Sewer, Water & Lighting Districts to attend this on-line course, Fundamentals of Cost of Service and Rate Design for Water Utilities in the amount of \$1,195.00.

The resolution was unanimously adopted.

New Business #10 Approve T&M Purchase Order for California Rd. Section of Sanitary Sewer Relining Work Order #2, California Rd. Sag Spot Repair.

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

WHEREAS, during the work under the Cured-In-Place Pipe (CIPP) Rehabilitation Contract by United Survey Inc., a segment of the sanitary sewer mainline along California Road was found to have a sag in it, which must be repaired; and

WHEREAS, this work does not fall under the scope of work of the CIPP Contract with United Survey Inc. O.P. Sewer, Water & Lighting does not have the manpower to complete the work. Therefore, NC Contracting Site Contractor, Inc. was solicited for a quote to make the needed spot repair of the sewer main in question, and work with the Sewer, Water & Lighting Department. The Sewer, Water & Lighting Department will perform the associated pavement and tuff restoration as weather permits; and

WHEREAS, there is presently funding for the project, in capital account G0007, Sanitary Sewer Videoing and Relining in the amount of \$1,908,525.00. This allowed the Town to award \$500,000 in CIPP rehabilitation work order #1 & #2 as needed; and

WHEREAS, purchase orders are being used as directed for spot repairs T&M work. The current contract expenditures under the CIPP Contract are \$270,999.20, roughly 50% of the authorized original 1st rehabilitation contract amount.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the P.O. Time and Material contract to repair the segment of sanitary sewer mainline along California Road to NC Contracting Site Contractor, Inc., 151 South Avenue, West Seneca, New York 14224 for a total amount not to exceed \$9,500.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Approve Parks & Grounds Agreement with Orchard Park Little League.

12) 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 Deputy Supervisor to sign the 2021 Parks & Grounds Agreement with Orchard Park Little League.

The resolution was unanimously adopted.

New Business #12 Approve Parks & Grounds Agreement with Orchard Park Little Loop Football.

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

This item was tabled.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Brian Podleski inquired about the Town’s Noise Ordinance in the Town Code. A company near his home is running machinery late at night.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Deputy Supervisor Liberti congratulated the 2021 Youth Court inductees.

Councilmember Majchrzak congratulated Officer Sheppard and the 2021 Youth Court Inductees.

Councilmember Flynn stated he would like to reevaluate the Town’s Noise Ordinance with the Building Inspector. He also spoke of the Presentation of UB Reginal Institute on their Clean Energy Communities Program during the Conservation Board Meeting on 5/4/21.

Town Clerk Remy Orffeo agreed that the Conservation Board is the appropriate Board to address the Clean Energy Communities Program.

Building Inspector Steve Bremer stated they are currently reviewing the Noise Ordinance Code.

Highway Superintendent Fred Piasecki stated they are continuing road sweeping and drainage projects. The Brush Contractor is working well also. He also stated they will be putting oil and stone on California Rd to Armor Rd., Armor Duells and Bussendorfer Rd. They will be milling and putting on overlay on Kent Dr. Fawn Terr, Swallow Lane, Eggert Rd., Sleepy Hollow Lane and Saybrook St.

Police Chief Wehrfritz stated the County will be holding a Hazardous Waste Program at ECC South on 5/8/21 from 8AM-1PM. He also stated that the Bills Stadium will be testing fireworks on 5/16/21 and other future dates too. He also congratulated Officer Sheppard and the Youth Court Members.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY DEPUTY SUPERVISOR LIBERTI, 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 # 9 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$46,681.75
Public Safety Fund	\$19,690.00
Part Town Fund	\$936.10
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$37,116.11
Special Districts	\$26,970.63
Trust & Agency	\$33,920.75
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 7:34 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**