

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 19<sup>th</sup> 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
	Jennifer Brady	Deputy 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	Remy Orffeo	Town Clerk

**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: May 5, 2021 and Executive Session: May 5, 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 INFORMATION HEARING  
Storm Water Phase II Annual Report for 2020-2021**

At this time, Councilmember Majchrzak opened the “Informational Meeting” and asked Town Engineer, Wayne Bieler, to give an overview.

Mr. Bieler stated that per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department of Environmental Conservation, a Stormwater Management Program, and an Annual Report outlining the Town’s progress in meeting the Notice of Intent (NOI) goals. The Annual Report must be submitted to the NYSDEC by June 1<sup>st</sup> each year. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor. At this time, Town Engineer Bieler opened it to the public for any comments or concerns regarding the Stormwater Program.

No one came forward.

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

**RESOLVED**, that the Informational Meeting for “Stormwater Phase II Annual Report Coverage –SPEDES” is hereby closed at 7:07PM.

**The resolution was unanimously adopted**

**PUBLIC COMMENT ON OLD BUSINESS**

No one came forward

**Old Business #1 Approve the Deputy Supervisor to sign Agreement with Orchard Park Little Loop Football.**

3) 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 Loop Football.

**The resolution was unanimously adopted.**

**Old Business # 2 Final Payment Release of Retention to Union Concrete & Construction Inc.**

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

**WHEREAS**, the construction work on the Brenner Drive — Lexington Avenue Reconstruction Project has been completed; and

**WHEREAS**, on May 7, 2021, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications; and

**WHEREAS**, a two-year maintenance bond, in the amount of \$612,831.61, has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents; and

**WHEREAS**, the Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there will be a net decrease of \$65,863.99. This represents a decrease of 9.7% from the original amount bid including the addition of any approved change orders.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby approve the final payment and authorize release of the remaining retention for the Brenner Drive — Lexington Avenue Reconstruction Project to Union Concrete and Construction Corp., PO Box 410, 105 Center Road, West Seneca, NY 14224, in the amount of \$30,641.58, and be it further

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release Union Concrete's performance security in the amount of \$669,669.00 upon the recommendation of the Town Engineer.

Highway Superintendent stated that they did an outstanding job.

**The resolution was unanimously adopted.**

**Old Business #3 Authorize the Town Clerk to release funds held in escrow under PIP 2020-02**

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

**WHEREAS**, on April 7, 2021, the Town Board accepted dedication of the public improvements constructed in the Riley Meadows West Subdivision Phase 2; PIP #2020-02 with the stipulation that funds paid by the contractor be held in escrow until the decorative street lighting was completed; and

**WHEREAS**, the contractor has since installed the required poles and fixtures to portions of Autumn Lane and the completion of both Grove Road and Cypress Lane; and

**WHEREAS**, the work was inspected by the Building and Engineering Departments and found to be in compliance with Town specifications.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release to Oak Orchard Development, LLC the \$35,000 held in escrow for street lighting completion in the Riley Meadows West Subdivision Phase 2 PIP #2020-02 upon the recommendation of the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Approve 2021 Stable Permits.**

6) 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 approve the following 2021 Stable Permits:

- Skibbreen Farm – 5142 Bussendorfer Rd.
- Chestnut Creek Farm – 5624 Chestnut Ridge Rd.
- Willow View Equestrian – 7895 E. Quaker Rd.

**The resolution was unanimously adopted.**

**New Business #2 Authorize the Highway Department to purchase a 2018 Volvo DD30B**

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

**WHEREAS**, in accordance with our replacement program, the Highway Department is looking to purchase a three and a half ton roller for our paving operations; and

**WHEREAS**, this Roller will replace an existing 1983 Ferguson 4 Ton Roller, we scrapped; and

**WHEREAS**, the cost of the 2018 Volvo DD30B Tandem Drum Roller totals \$37,438.00 and is purchased on the New York State bid and monies are in the current budget.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Highway Department to purchase a 2018 Volvo DD30B Tandem Drum Roller upon the recommendation of the Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #3 Approve PIP 2021-01, for Smokes Creek Farms 22-Sublot Subdivision.**

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

**WHEREAS**, the Engineering Department has received, from Thomas Johnson, Thomas Johnson Land Development, LLC, 6435 West Quaker Street, Orchard Park, New York 14127, an application for a Public Improvement Permit to construct the Smokes Creek Farms 22-Sublot Subdivision; and

**WHEREAS**, the project consists of the installation of 1,750 L.F. of new roadway and public utilities to serve 22 residential sublots. Two bioretention ponds and a retention basin system are to be installed during this Subdivision's construction; and

**WHEREAS**, additional excavation will be performed within the floodplain along Tributary to East Branch Smokes Creek for regional flood retention; and

**WHEREAS**, the plans and specifications for the proposed project and have been found to be in compliance with current Town Specifications and Standards and the Town is in receipt of all necessary fees, bond, and insurances.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve of Public Improvement Permit #2021-01 for the Smokes Creek Farms 22-Sublot Subdivision as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Approve termination of employment of William S. Smith**

**9) 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 a desire to maintain a professional, safe and harassment free work environment for all employees, and

**WHEREAS**, William S. Smith, Employee # 030021 has been employed full-time for the Town of Orchard Park since May 15, 1989, and

**WHEREAS**, after an immediate, and through investigation it was determined that Mr. Smith acted in an inappropriate and unprofessional manner towards a fellow employee of the Town of Orchard Park, and

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) William S. Smith's employment with Town of Orchard Park is terminated effective Friday, April 30, 2021, and

- 2) Mr. Smith's medical insurance is terminated effective May 31, 2021, and
- 3) All other benefits that Mr. Smith would otherwise be entitled to upon retirement from the Town of Orchard Park will not be provided based upon his April 30, 2021 termination.

**The resolution was unanimously adopted.**

**New Business #5 Authorize the Chief of Police to hold an auction for the sale of outdated vehicle equipment.**

10) 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 Chief of Police to hold an auction for the sale of outdated vehicle equipment. This auction will be conducted by Auctions International from East Aurora, NY. It is an online auction and will commence in the month of June 2021, and be it further

**RESOLVED**, that the Town Clerk shall publish due notice in the official newspaper of the Town.

**The resolution was unanimously adopted.**

**New Business #6 Approve a salary adjustment for the Building Inspector.**

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

**WHEREAS**, Steve Bremer is currently employed as the Orchard Park Town Building Inspector; and

**WHEREAS**, Steve Bremer began his employment in the Orchard Park Building Inspector's Office on March 11, 2019; and

**WHEREAS**, Mr. Bremer has been a dedicated and efficient employee; and

**WHEREAS**, upon the recommendation of the Town Board his salary will be increased to \$78,000.00 per year; and

**WHEREAS**, Mr. Bremer will be eligible for performance increases after his adjustment takes affect.

**NOW, THEREFORE, be it**

**RESOLVED** that Steve Bremer shall continue as the Orchard Park Town Building Inspector with a salary adjustment to \$78,000.00 per year, and be eligible for performance increases after his salary adjustment, and be it further

**RESOLVED**, that this salary adjustment is effective January 1, 2022.

**The resolution was unanimously adopted.**

**New Business #7 Approve a budget amendment for the Community Activity Center.**

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

**WHEREAS**, the Recreation and Senior Citizen Departments desire to purchase items in the amount of \$4,435.30 from G&G Fitness Equipment, for the Community Activity Center, and

**WHEREAS**, the funding for said expenditures was not included in the 2021 Budget, and

**WHEREAS**, the Community Activity Council of OP donated \$4,435.30 in 2021 to cover additional costs, and

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorizes the following amendment to the Town’s 2021 budget in the General Fund to accept donations and provide funding for the aforementioned expenditures:

**General Fund:**

Increase Estimated Revenues:

A00000 42706	CAC DONATIONS	\$4,435.30
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Increase appropriations:

A07180 50419	CAC OTHER EXPENSES	\$4,435.30
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**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

No one came forward

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Deputy Supervisor Liberti thanked Jennifer Brady for stepping in for Remy Orffeo in his absence.

Councilmember Majchrzak stated that with the new CDC guidelines regarding wearing masks, the Town Board has decided to keep the same requirements in place. Inside of each office, the staff member may take their mask off if they are comfortable with that and have been vaccinated. Once you step out into a common area, masks will be required, and all residents in the Town Buildings will still be required to wear a mask.

Councilmember Flynn said the Town Board will update the mask policy as it develops

Police Chief Wehrfritz stated that with the schools being back to full attendance there is an increase in traffic at the middle school at 7:30am – 8:15am, and at 2:15pm – 3:00pm when the students are dropped off and picked up. For people who are traveling in that area during those times, you might want to find an alternate route to avoid the congestion.

Town Engineer Wayne Bieler said he looked into the ROW on South Taylor Road, and reported on his findings.

**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 authorize the approval of all entries on Warrant # 10 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$83,1789.36
<b>Public Safety Fund</b>	\$3,519.44
<b>Part Town Fund</b>	\$40.00
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$60,976.14
<b>Special Districts</b>	\$27,963.13
<b>Trust &amp; Agency</b>	\$2,419.52
<b>Capital Fund</b>	\$64,000.00

**The resolution was unanimously adopted.**

**COMMUNICATIONS**

14) 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 receive and file: The NYS Annual Update Document of the Town of Orchard Park.

**The resolution was unanimously adopted.**

**REPORTS**

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 receive and file the April 2021 Building Inspector’s Monthly Report.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Deputy Supervisor Liberti, seconded by Councilmember Majchrzak, the meeting adjourned at 7:24 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**