

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 6th day of October 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 D. Gallagher	Town Attorney
Steve Bremer	Building Inspector
E. Joseph Wehrfritz	Chief of Police
Ernest Matthews	Deputy Highway Superintendent
Ed Leak	Director of Rec., Parks & Forestry
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: September 15, 2021 and Special Session September 27 & 29, 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 Extend Appointment of Temporary Electrical Inspector

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

RESOLVED, that the resolution of December 2, 2020 assigning Building Inspector Steven Bremer the additional duties of Electrical Inspector for the Town of Orchard Park be extended for the period effective September 20,2021 until December 31, 2021.

The resolution was unanimously adopted.

Old Business # 2 Authorize release of security for Excavation Permit # 2021-03

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

WHEREAS, on August 4, 2021, the Town Board granted approval for the Excavation, Removal, and Storage of Materials to excavate a decorative pond for a home at 7813 Behm Road. At that time, the applicant (Mr. Justin Brand of West Falls, New York 14170) provided a security cashier's check in the amount of \$2,000 in lieu of standard security bond, to be held until the work was completed and accepted by the Engineering Department; and

WHEREAS, the applicant has since completed his work, which was inspected by the Engineering Department 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 the cash security in the amount of \$2,000 to Justin Brand of West Falls, New York 14170 for the Excavation, Removal, and Storage of Materials Permit #2021-03 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint Andrew Slotman as Interim Highway Superintendent

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

RESOLVED, effective October 4, 2021 to December 31, 2021, that Andrew Slotman, is appointed Interim Highway Superintendent at a rate of \$36.22/hr. This is an exempt salary position, and be it further

RESOLVED, that in addition, Mr. Slotman will receive an hourly rate of \$19.05 for his continued responsibilities managing the Sewer, Water and Lighting Department and a stipend of \$96.16 per week until December 31, 2021 for managing the Compost Site.

The resolution was unanimously adopted.

New Business #2 Approve addition of Joseph Liberti to Elected and Appointed Officials to NYS & Local Employees Retirement System

5) 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.

New Business #3 Approve Mobile Food Vending Permit

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 received a certificate of liability insurance from Buffalo Multifit, LLC; and

WHEREAS, Buffalo Multifit LLC has agreed to comply with the Town of Orchard Parks Town Code and policies.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approves the Mobile Food Vending Permit for the year of 2021 with the first event being October 9, 2021 from 10AM-1PM at Dick’s Sporting Goods, Orchard Park, NY.

The resolution was unanimously adopted.

New Business #4 Set Public Hearing for Ad Valorem and Benefit Basis Special District Budget.

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 schedule a Public Hearing for the 2022 Preliminary Budget and Benefit Basis Special District to be held October 20, 2021 at 6 PM in the Orchard Park Municipal Center, 4295 South Buffalo Street, Orchard Park, NY 14127.

The resolution was unanimously adopted.

New Business #5 Approve a budget transfer in the Engineering Dept. for vehicle repairs.

8) 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 2021 Budget due to the vehicle repairs needed on the Engineering Department’s 2013 F150 Truck as recommended by the Town Engineer:

\$73.45 - From:A01440 50400 (Engineering Office Supplies)
To:A01440 50445 (Vehicle Repair)

The resolution was unanimously adopted.

New Business #6 Declare an Engineering vehicle as surplus

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

WHEREAS, the Engineering Department has a 2014 F150 4x4 vehicle that is experiencing minor repair issues. One of the Department's inspectors is currently using the vehicle. It has had electrical issues over the last few years causing the battery to drain overnight causing delays and additional manpower. The vehicle has been out of service for the electrical problems several times. The truck needs tires before winter, inspection and has front barring grinding. It is not cost effective for the Town to continue to run this vehicle, with the high value of used trucks, an upgrade makes sense; and

WHEREAS, a trade-offer for this vehicle from the dealer is \$14,000.00, but the Town could accept a higher amount from public auction, Auctions International Inc. The truck does run and is drivable so sending it to public auction would likely be in the Town's best interest to try to get more; and

WHEREAS, the State bid is \$27,986 for a F150XL extended cab from Delacy Ford to upgrade seven years and into an extended cab, which is better suited for inspections, deducting the tire replacement, (-/+\$600),

two front wheel barring (+/- \$800) for an additional \$12,586.00 which results in only \$1,798/year cost for the truck (due to the high values of used trucks); and

WHEREAS, there is presently funding allocated under Capital Account WS002 Water and Sewer Equipment Acquisition, A01440 50200 Engineering Equipment and WS8346 50200 Sewer General Equipment for equipment upgrades.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby declare the 2014 Ford F150 4x4 pickup (1FTNF1EF5EKE10800) as a surplus vehicle, and authorize the sale or trade of this vehicle as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize the purchase of a 2021 Ford F150SL 4X4 for the Engineering Dept.

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

WHEREAS, the Engineering Department has a 2014 F150 4x4 vehicle that is experiencing minor repair issues. One of the Department's inspectors is currently using the vehicle. It has had electrical issues over the last few years causing the battery to drain overnight causing delays and additional manpower. The vehicle has been out of service for the electrical problems several times. The truck needs tires before winter, inspection and has front barring grinding. It is not cost effective for the Town to continue to run this vehicle, with the high value of used trucks, an upgrade makes sense; and

WHEREAS, a trade-offer for this vehicle from the dealer is \$14,000.00, but the Town could accept a higher amount from public auction, Auctions International Inc. The truck does run and is drivable so sending it to public auction would likely be in the Town's best interest to try to get more; and

WHEREAS, the State bid is \$27,986 for a F150XL extended cab from Delacy Ford to upgrade seven years and into an extended cab, which is better suited for inspections, deducting the tire replacement, (-/+ \$600), two front wheel barring (+/- \$800) for an additional \$12,586.00 which results in only \$1,798/year cost for the truck (due to the high values of used trucks); and

WHEREAS, there is presently funding allocated under Capital Account WS002 Water and Sewer Equipment Acquisition, A01440 50200 Engineering Equipment and WS8346 50200 Sewer General Equipment for equipment upgrades.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the purchase of a new 2021 Ford F150XL 4x4 pickup from Delacy Ford under State/County Bid for \$27,986.00 for the Engineering Department as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize the advertisement for Bids for the Bussendorfer Drainage Improvement Project.

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

WHEREAS, the Orchard Park Engineering Department, along with DiDonato Associates, is finalizing design plans, specifications, construction documents and necessary approvals/easements for construction of the Bussendorfer Drainage project. The drainage improvements will be a key component of future drainage and flooding relief in the Bussendorfer drainage shed; and

WHEREAS, in order to keep the project on schedule, the Advertisement for Bids should be authorized to be published on October 7, 2021. Plans and specifications will be available for purchase on October 29, 2021 with the bid opening to be held on November 24, 2021 at 2:00 pm in the basement meeting room. The construction work could start with the clearing, grubbing and earthwork any time after award but likely in early March / April 2022, weather permitting the completion date is May 27, 2022.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the proposed Bussendorfer Forsythia Phase 2 Drainage Improvements as prepared by DiDonato Associates / Orchard Park Engineering and authorize advertisement in the Orchard Park Bee for sealed bids for the Bussendorfer Forsythia Phase 2 Drainage Improvements Project as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Set a Public Hearing for the 2022-2023 Community Block Development Grant

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

WHEREAS, in order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens the opportunity for input into the project selection process. Project applications are due near the end of October; and

WHEREAS, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby schedule a public hearing for Wednesday, October 20, 2021 at 7:00 PM on the possible use of 2022-2023 Community Development Block Grant Funds as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Refer to the Planning Board.

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

1. Smarty Pants Childcare, 3490 California Road, located on the western side of California Road and south of Southwestern Boulevard, currently Sports Focus Physical Therapy, is requesting a Special Use Permit to open a child care facility at this location. (SBL # 161.00-5-49)

The resolution was unanimously adopted.

New Business #11 Refer to the Architectural Overlay District Board.

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

- 1. Jack Bertsch, 3823 North Buffalo Road, located on the east side of North Buffalo Road, south of Webster Road, is proposing additions and renovations to an existing building. (SBL # 162.09-140)

The resolution was unanimously adopted.

New Business #12 Appoint Recreation Department Staff for PT Fall 2021

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 appoint the following to the Fall 2021 PT Recreation Department effective October 2, 2021:

Natalie Alfano	\$15.00	PT6-0 (Att)	Michael Kane	\$15.00	PT6-D (LG)
Zoe Aylsworth	\$15.00	PT6-D (LG)	Anders Kjellstrom	\$15.00	PT6-D (LG)
Michael Bardwell	\$15.00	PT6-D (Att)	Kelly Kubiak	\$15.00	PT6-D (LG)
Guinevere Brady	\$15.00	PT6-D (Att)	Janet Marks	\$16.75	PT6-E (Att)
Peyton Buell	\$15.00	PT6-D (LG)	Jackson Martin	\$15.00	PT6-D (Att)
Bradley Casto	\$15.00	PT6-0 (Att)	Amy Masciale	\$17.00	PT7-E (Att)
Gabriel D'angein	\$15.00	PT6-D (Att)	Diana Menz	\$15.00	PT6-D (LG)
Cassie Fowler	\$15.00	PT6-0 (Att)	Elijah Moskal	\$15.00	PT6-D (Att)
Amy Grossman	\$15.00	PT6-D (Att)	Amaya Neuwirth	\$15.00	PT6-D (Aft)
Colden Grossman	\$15.00	PT6-0 (LG)	Avery O'Brien	\$15.00	PT6-D (Att)
Sydney Grossman	\$15.00	PT6-D (LG)	Elizabeth Scott	\$15.00	PT6-D (LG)
Shannon Goodman	\$15.00	PT6-D (Att)	Judith Slade	\$16.00	P17-D (Aft)
Jessica Humby	\$15.00	PT6-D (LG)	Sebastian Stafford	\$15.00	PT6-D (Att)
Emma Johnson	\$15.00	PT6-D (LG)	Shelby Suto	\$15.00	PT6-D (Att)
Andrew Johnson	\$15.00	PT6-D (LG)	Cassidy Whalen	\$15.00	PT6-D (Att)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Ellen Burns spoke of her concerns regarding a proposed sidewalk to be installed on Freeman Rd. near Orchard Park High School.

Michael Rodems spoke of his concerns regarding the proposed sidewalk to be installed near his elderly mother's home on Freeman Rd.

Christine Weyer praised the appointment of Andy Slotman as Interim Highway Superintendent. She also thanked the Orchard Park Highway Department for the outstanding job they did fixing a sewer drain.

Larry Colern spoke of his concerns regarding a proposed sidewalk to be installed on Freeman Rd. near Orchard Park High School.

A resident spoke of his concerns regarding a proposed sidewalk to be installed on Freeman Rd. near Orchard Park High School.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Deputy Supervisor Liberti congratulated Andy Slotman and thanked Ernest Matthews.

Councilmember Majchrzak thanked the department managers for working together to produce a very good budget.

Councilmember Flynn introduced Matt Dearing from Assemblyman Burke’s office. He also reminded residents that October is breast cancer awareness month. He thanked Ernest Matthews and welcomed Andy Slotman. He also acknowledged Councilmember Majchrzak’s work in getting under the tax cap. Councilmember Flynn clarified his marijuana statements at length.

Town Clerk Remy Orffeo informed residents that early voting for the general election will take place at the Community Activity Center from October 23, 2021 – October 31, 2021. Voting on weekdays will be from noon – 9pm. Voting on weekends will be from noon – 6pm.

Town Engineer Wayne Bieler clarified that the proposed sidewalk is only from 20A down to the blacktop driveway of the High School.

Deputy Highway Superintendent Ernest Matthews informed residents that leaf pickup will begin shortly. He reminded residents to keep sticks and rocks out of leaf piles as it damages the leaf machines. Grass clippings go in the regular garbage.

Police Chief Wehrfritz advised residents to be careful of deer while driving as they are more active this time of year.

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 #18 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$103,941.96
Public Safety Fund	\$55,677.34
Part Town Fund	\$945.63
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$241,302.23
Special Districts	\$23,738.00
Trust & Agency	\$16,672.64
Capital Fund	\$12,953.40

The resolution was unanimously adopted.

REPORTS

17) 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 received and file the 2022 Orchard Park Fire District proposed Budget.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:53pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk