

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 3<sup>rd</sup> day of November 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
Andrew Slotman	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: October 20, 2021 and Executive Session: October 20, 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 Adoption of the 2022 Preliminary Ad Valorem Budget & Benefit Basis Special District Budget**

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

**WHEREAS**, officers and employees in charge of various administrative units of the government of the Town of Orchard Park have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2022; and

**WHEREAS**, the Senior Councilmember, as the Town's Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to this Town Board; and

**WHEREAS**, the Town Board has met and considered the preliminary budget for the year ending December 31, 2022, and a public meeting was conducted on October 20, 2021 as required by Section 108 of Town Law.

**NOW, THEREFORE, be it**

**RESOLVED**, that the preliminary budget, is hereby adopted as the annual ad valorem budget of the Town of Orchard Park for the fiscal year ending December 31, 2022.

**Benefit Basis Budgets (Special Districts)**

**WHEREAS**, the Senior Councilmember, as the Town's Budget Officer, has caused a tentative benefit basis budget to be prepared and filed with the Town Clerk's Office, as provided by law; and

**WHEREAS**, the Town Board has met and considered the preliminary budget for the year ending December 31, 2022, and a public meeting was conducted on October 20, 2021 as required by Section 108 of Town Law.

**NOW, THEREFORE, be it**

**RESOLVED**, that the preliminary benefit basis budget, is hereby adopted as the annual benefit basis budget of the Town of Orchard Park for the fiscal year ending December 31, 2022; and be it further

**RESOLVED**, that the adopted annual ad valorem budget and benefit basis budget of the Town of Orchard Park for the fiscal year ending December 31, 2022 represents a tax levy increase of 1.88 percent for the fiscal year ending December 31, 2021.

**The resolution was unanimously adopted.**

**Old Business #2 Authorize escrow release for Hazel Court Sanitary Sewer Extension Phase 2**

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

**WHEREAS**, on July 30, 2020, a final inspection was conducted of the Hazel Court Sanitary Sewer Extension Phase 2 Project. The project included the installation of +1- 1,216 LF of 8-inch PVC sanitary sewer mainline along Southwestern Boulevard to service seven residences and two commercial businesses; and

**WHEREAS**, all work has been satisfactorily completed in accordance with Town specifications at that time with the exception of over seeding with hydroseed and mulch along the properties when the weather permits this September; and

**WHEREAS**, in lieu of receiving a cash security for this over seeding, we continued to retain the contract's retention in the amount of \$10,334.15 at the August 5, 2020 Town Board Meeting until such time the work is deemed complete; and

**WHEREAS**, the contractor has since completed establishing grass for the referenced project. The work 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 retainage which was taken in lieu of escrow in the amount of \$10,334.15 to Fairway Contracting, Inc., for the Hazel Court Sanitary Sewer Extension Phase 2 Project as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #3 Authorize escrow release for Riley Meadows West Subdivision Phase 2 PIP 2020-02**

4) 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 with the stipulation that funds paid by the developer be held in escrow until fine grading of topsoil, hydro seed and mulch along all new ROW's and in all areas of disturbance within the Town right-of-way was completed; and

**WHEREAS**, the developer has since installed the required landscaping along all Right-Of-Ways. The work 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 to Oak Orchard Development, LLC, the \$10,000 held in escrow for fine grading of topsoil, hydro seed and mulch along all new ROW's and in all areas of disturbance in the Riley Meadows West Subdivision Phase 2; PIP #2020-02 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**PUBLIC COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Sign Active People, Healthy Nation Proclamation**

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

**WHEREAS**, the Town Board of Orchard Park, NY, is committed to supporting a thriving, vibrant, and healthier community for residents of all ages and abilities; and

**WHEREAS**, the government of Orchard Park, NY, recognizes the importance of providing access to safe and convenient places to be physically active for people regardless of age, race, income, socio-economic status, disability status, and geographic location; and

**WHEREAS**, approximately 1 in 5 children and 2 in 5 adults in the U.S. have obesity; and

**WHEREAS**, 1 in 2 adults live with a chronic disease and about half of this group have two or more chronic diseases; and

**WHEREAS**, about 1 in 4 young adults (25%) is too heavy to serve in our military; and

**WHEREAS**, the Physical Activity Guidelines for Americans recommend that children (ages 6-17 years) do 60 minutes or more of moderate-to-vigorous intensity physical activity each day and adults (ages 18 years and older) do at least 150 minutes a week of moderate intensity activity such as brisk walking; and

**WHEREAS**, only half of adults and one quarter of youth get the recommended amounts of aerobic physical activity they need to help reduce and prevent chronic diseases; and

**WHEREAS**, physical activity is vital for healthy aging and can reduce the burden of chronic diseases and prevent early death; and

**WHEREAS**, physically active people generally live longer and are at less risk for serious health problems like heart disease, type 2 diabetes, obesity, and some cancers; and for people with chronic diseases, physical activity can help manage these conditions and complications; and

**WHEREAS**, physical activity can benefit the workforce because physically active people tend to take fewer sick days; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) is leading Active People, Healthy Nation, a national initiative to help 27 million Americans become more physically active by 2027; and

**WHEREAS**, communities can support Active People, Healthy Nation by implementing 1 (or more) of 7 evidence-based strategies recommended by CDC to increase physical activity across sectors and settings; and

**WHEREAS**, building active and walkable communities can help increase levels of retail economic activity and employment, increase property values, support neighborhood revitalization, and reduce health care costs; and

**WHEREAS**, walkable communities can improve traffic safety for people who walk, ride bicycles, and drive; and

**WHEREAS**, individual effort alone is insufficient to improve opportunities for people to be physically active and significant policy, systems, and environmental changes are needed to support and protect individual efforts to make healthier choices; and

**WHEREAS**, the government of the Town of Orchard Park recognizes its ability to expand achievable, measurable, and sustainable efforts to increase physical activity across the community by supporting Active People, Healthy Nation strategies; and

**WHEREAS**, it is important to ensure that long-time residents have the opportunity to benefit from increased community investment and that community improvement projects do not result in community displacement; and

**WHEREAS**, reducing barriers in access to safe and equitable public spaces for people of color to be physically active is important to addressing existing health disparities; and

**WHEREAS**, every Active People, Healthy Nation strategy can be designed to support the goal of equitable and inclusive access to opportunities for physical activity.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby Effective November 3, 2021, The Town of Orchard Park, led by Councilmember Conor Flynn, recognizes that physical activity is one of the best things adults, children, and families in the Town of Orchard Park can do to improve their health. In light of the foregoing considerations, the Town of Orchard Park hereby commits to supporting Active People, Healthy Nation strategies by implementing the following strategies:

- **Activity-Friendly Routes to Everyday Destinations:** This strategy will help to make it safe and easy to walk, bicycle, or wheelchair roll for people of all ages and abilities by improving the design of Town of Orchard Park to connecting routes such as sidewalks, trails, bicycle lanes, and public transit to destinations such as grocery stores, schools, worksites, libraries, parks, or health care facilities.

- Access to Places for Physical Activity: This strategy will create or enhance access to places for physical activity and provides information to encourage their use. Places will include public parks and trails, including the Orchard Park section of the Erie Cattaraugus Rail Trail, fitness and recreational facilities, schools and universities, malls, senior centers, and worksites. Information may involve training, incentives, and teaching about healthy behaviors.
- Community-wide Campaigns: This strategy will promote physical activity by combining a variety of strategies, such as media coverage and promotions, risk factor screening and education, community events, and policy and programmatic initiatives, such as walking trails or social supports. The Town of Orchard Park's community-wide campaign will be large-scale, high-visibility, high-intensity, and sustainable.
- Social Supports: This strategy will provide supportive social networks, friendships, and actions that can help people in the Town of Orchard Park start, maintain, or increase physical activity. Social supports will include buddy systems, challenges, and walking or other activity groups.
- Individual Supports: This strategy will support individuals in the Town of Orchard Park to incorporate physical activity into their daily routines by teaching behavioral skills such as goal setting and problem-solving that are tailored to a person's individual interests and needs.
- Prompts to Encourage Physical Activity: This strategy will inform and motivate people to make active choices in places such as worksites and walkable community environments through prompts such as signs or reminders.

**The resolution was unanimously adopted.**

**New Business #2 Authorize increase pay rate for Part-time Caretakers and Cleaners**

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

**WHEREAS**, Robert Benning Maintenance Supervisor, has recommended rate increases for Gary Fisher, P/T Caretaker, Alexander Melendez, P/T Caretaker, Loida Faliero, P/T Cleaner and Cheryl Gasiorowski, P/T cleaner; and

**WHEREAS**, the Town Board is in agreement with his recommendations;

**NOW, THEREFORE be it**

**RESOLVED**, that the following rate changes shall become effective January 1, 2022: Gary Fisher, P/T Caretaker increased from \$13.50/hour to \$14.60/hour; Alexander Melendez, P/T Caretaker increased from \$13.50/hour to \$14.60 hour; Loida Faliero P/T Cleaner increased from \$13.50/hour to \$14.10/hour; and Cheryl Gasiorowski, P/T Cleaner increased from \$13.00/hour to \$14.10/hour.

**The resolution was unanimously adopted.**

**New Business #3 Approve Status change for Patrol Lieutenant Brian Gehring**

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 change the status of Brian Gehring from Patrol Lieutenant, (Provisional) to the position of Patrol Lieutenant (Probationary), effective November 4, 2021, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #4 Approve Status change for Patrol Lieutenant Brian Lukowski**

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 change the status of Brian Lukowski from Patrol Lieutenant, (Provisional) to the position of Patrol Lieutenant (Probationary), effective November 5, 2021, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #5 Appoint Court Clerk Elaine Yingling**

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

**WHEREAS**, due to the resignation of Court Clerk to the Town Justice, Cindy Jondle; and

**WHEREAS**, the Orchard Park Court is in need of a full-time Court Clerk; and

**WHEREAS**, Elaine Yingling is qualified and willing to accept the position of Court Clerk;

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Elaine Yingling to the non-union hourly position of full-time Court Clerk, effective November 15, 2021, at a rate of \$19.50/hour; and be it further

**RESOLVED**, that this appointment is contingent on the successful completion of a background check.

**The resolution was unanimously adopted.**

**New Business #6 Appoint Part-time Fall 2021 Recreation Staff**

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

**RESOLVED**, that the Town Board is hereby authorized to approve the following resident appointments to the Fall Part-time Recreation Staff retroactive to October 23, 2021, as recommended by the Recreation Director:

Emberly Burnard	\$15.00	PT6-D (Att)
Jane Carroll	\$15.00	PT6-D (Att)
Alannah Mastroiani	\$15.00	PT6-D (Att)

**The resolution was unanimously adopted.**

**New Business #7 Authorize Advertisement for Bids for Bussendorfer Road Overlay Paving 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, as directed, finalized design plans, specifications, and bid documents for a separate bid for the milling and paving of the Bussendorfer Road Overlay Paving

Project. With the replacement of the watermain and services on the northwest half of Bussendorfer Road, the pavement is going to be open cut in one driving lane for the mainline and cross cut for laterals. Asphalt binder Type .3 will be installed temporarily with the waterline project and then be milled with the rest of the work area roadway and overlaid as requested by the Orchard Park Highway Superintendent; and

**WHEREAS**, the project includes the milling of 1-1/2" to 2" of existing roadway surface. The work will start at the intersection of Abbott Road and head east for approximately 3,100' +/- with a typical width of 23' +/-, or as directed by the Town Engineer. After sweeping and prepping the surface for paving the engineer will approve the roadway before any new paving begins. Pavement shall be installed a minimum of 1-1/2" Type 7F Top course of hot mix asphalt as specified; and

**WHEREAS**, in order to keep the Watermain Project on schedule, the Advertisement for Bids should be authorized to be published on November 3rd, 2021. Plans and specifications were available for purchase on October 28, 2021 with the bid opening to be held on November 10th, 2021 at 11:00 am in the 1<sup>st</sup> floor conference room.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby accept the plans and specifications for the Bussendorfer Road Overlay Paving Project prepared by the Town of Orchard Park Engineering Department, and authorize advertisement in the Orchard Park Bee for sealed bids for the 2022 Bussendorfer Road Overlay Paving Project as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Approve Budget Amendment for the Building Department**

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

**WHEREAS**, the Building Inspector Department would like to purchase Building and Codes Enforcement Software as described in the attached software proposal, and

**WHEREAS**, the Town Outside Village Fund has fund balance within unrestricted fund balance available,

**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 \$81,549:

Increase Appropriations:		
B01680 50205	Town Outside Village Computer Software	\$81,549
Utilize Fund Balance:		
B00000 30912	Town Outside Village Unrestricted Fund Balance	\$81,549

**The resolution was unanimously adopted.**

**New Business #9 Approve Budget Amendment and Transfer for Highway Department**

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

**WHEREAS**, the Town has received notification of Consolidated Highway Improvement Program aid of \$228,821.29 and an additional appropriation of \$76,692.70 (PAVE NY) and \$48,442.59 (Extreme Winter Recovery) totaling \$353,956.58.

**WHEREAS**, the Town's adopted budget and amendments to date for 2021 included funding in the amount of \$228,290.67 for CHIPS and \$28,298 for PAVE NY totaling \$256,588.67, and

**WHEREAS**, the Town needs to adjust the budget to the level of aid awarded in order to appropriately authorize the expenditure of Town funds and the receipt of such State aid.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board hereby authorizes the following transfer and amendment of the Town's 2021 budget to appropriately adjust the amount of aid to be received and authorize additional appropriations for road improvement purposes:

**Highway Fund Amendment:**

Increase estimated revenues:

DB0000 43501	State Aid — CHIPS Program	\$ 48,973.21
DB0000 43502	State Aid — PAVE NY. Program	\$ 48,394.70

Increase appropriation account:

DB5112 50475	Highway — Improvement Program	\$ 97,367.91
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**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

No one came forward

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Highway Superintendent Andrew Slotman reminded residents to separate leaf piles from brush piles to avoid machine damage, and to keep leaf piles away from street drains. He also informed residents of the passing of a longtime colleague and friend.

Deputy Supervisor Liberti offered support and condolences to the Highway Department on the passing of their colleague and friend. He also congratulated the newly elected Town Board members.

Police Chief Wehrfritz congratulated Police Lieutenants Gehring & Lukowski for passing their exam.

Town Clerk Remy Orffeo congratulated Judge Pace on his reelection. He also informed the Town Board that documents need to be posted online 24 hours in advance of each meeting per Governor Hochul.

Councilmember Flynn congratulated the newly elected Town Board members and looks forward to meeting with them. He also congratulated Councilmember Majchrzak on the passed budget and addressed a video of his victory speech.

Councilmember Majchrzak addressed the video of his victory speech and thanked everyone who voted.



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 authorize the approval of all entries on Warrant # 21 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$74,903.05
<b>Public Safety Fund</b>	\$17,069.84
<b>Part Town Fund</b>	\$1,650.83
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$7,561.60
<b>Special Districts</b>	\$39,615.16
<b>Trust &amp; Agency</b>	\$3,836.79
<b>Capital Fund</b>	\$33,986.25

**The resolution was unanimously adopted.**

**COMMUNICATIONS**

15) 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 receive and file: The Notice of Public Hearing for proposed modifications to Agricultural Districts.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:18 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**