

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 1st day of January 2022 at 7:00 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Conor Flynn	Councilmember
Scott Honer	Councilmember
Joseph Liberti	Councilmember
Julia Mombrea	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

Supervisor Majchrzak 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 SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: December 15, 2021, Special Session December 22, 2021 and Executive Session: December 22, 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 Approve payment with the release of 90% of retention to Numarco Inc. for the Highway Bldg. Generator and SWL/Parks Bldg.

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

WHEREAS, the Engineering Department requests the Town Board’s approval to reduce the standard ten percent contract retention to one percent retention for Numarco, Inc. The contractor has fully installed the generators at Highway and Sewer. Cummins has been on site, inspected all of the work, completed initial startup and commissioning of both systems. Each of the generators are functional and will provide power to the buildings as planned. Numarco has submitted all required closeout documents and their contract scope of work is 100% completed; and

WHEREAS, while the Cummins service technician was on site, he alerted us to a few items that could be improved for the longevity and safety of the Highway generator. The first of two safety issues are a bird cover

for the exterior exhaust pipe, to prevent birds from making a nest in the muffler and starting a fire. The second safety item is to wrap the vertical exhaust pipe above the generator because if someone leans on the pipe, or falls into it during prolonged operation that pipe would immediately burn the skin from their body at the point of contact. The next item we were advised on was an automatic fresh air louver system. These louvers would open when the generator is running to lower the temperature of the unit and thus prevent over heating and extra wear on the generator. These three items would be Change Order #1 and would greatly add to the safety and longevity of the Highway Generator. These issues do not apply at Sewer since the unit is outside. This one time change of contract retainage does not cost the Town any additional money. With the approval and completion of Change Order #1, the contract can be closed out; and

WHEREAS, Numarco has met all criteria to close out the contract but is willing to leave their contract open with the reduced retainage to obtain figures to complete the suggested improvements. Numarco stated the figures should be submitted no later than the 30th of December.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the reduction of contract retention with Numarco, Inc. from ten percent to one percent since they have already met all aspects of their current contract with the Town for the installation of new generators at Highway and Sewer respectfully, as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Appoint 2022 Part-time Recreation Department Employees

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

RESOLVED, that the Town Board does hereby approve the following 2022 part time recreation appointments effective January 8, 2022:

Natalie Alfano	\$15.00	Anders Kjellstrom	\$15.00
Zoe Aylsworth	\$15.00	Kelly Kubiak	\$15.00
Michael Bardwell	\$15.00	Maria Kubiak	\$15.00
Emily Bement	\$15.00	Rachael Major	\$15.00
Abbey Black	\$15.00	Jordyn Malinowski	\$15.00
Guinevere Brady	\$15.00	Janet Marks	\$16.75
Robert Brozyna	\$15.00	Abigail Marino	\$15.00
Peyton Buell	\$15.00	Jackson Martin	\$1500
Emberly Burnard	\$15.00	Amy Masciale	\$17.00
Jody Burnard	\$17.00	Alannah Mastroiani	\$15.00
Jane Carroll	\$15.00	Eve McMullen	\$16.00
Bradley Casto	\$15.00	Mason McMullen	\$16.00
Owen Casto	\$15.00	Diana Menz	\$15.00
Gabriel D'angein	\$15.00	Elijah Moska I	\$15.00
Claire Dunwoodie	\$16.00	Amaya Neuwirth	\$15.00
Julie Filipski	\$15.00	Nicole Newton	\$16.00
Megan Filipski	\$15.00	Avery O'Brien	\$15.00

John Forness	\$20.00	Claire Otis	\$15.00
Cassie Fowler	\$15.00	Rachael Reimondo	\$17.50
Amy Grossman	\$20.00	Jeff Roberts	\$15.00
Colden Grossman	\$15.00	Rebecca Roe	\$16.00
Sydney Grossman	\$15.00	Rise Santillo	\$16.00
Shannon Goodman	\$15.00	Courtney Schmidt	\$16.00
Sarah Gura	\$18.00	Elizabeth Scott	\$15.00
James Guzzino	\$15.00	Judith Slade	\$16.00
Patrick Higgins	\$16.00	Carmila Stafford	\$16.00
Madison Hornung	\$16.00	Sebastian Stafford	\$15.00
Jessica Humby	\$15.00	Christine Stevens	\$16.00
Christina Hursa	\$15.00	Shelby Suto	\$15.00
Lauren Hursa	\$15.00	Corissa Wagner	\$15.00
Emma Johnson	\$15.00	Cassidy Whalen	\$15.00
Andrew Johnson	\$15.00	Abigail Vendura	\$15.00
Molly Joyce	\$15.00	Alex Vendura	\$15.00
Michael Kane	\$15.00	Madeline Venturo	\$15.00
Jack Kinsman	\$15.00		

The resolution was unanimously adopted.

New Business #2 Appoint four (4) part time employees at the Community Activity Center

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

RESOLVED, that the Town Board does hereby approve the appointment of Robert Kostran, Bonnie Orlow, Gayle Hardick and Linda Rankin to the position of part time receptionist at the Community Activity Center at a payrate of \$14.50/hour with a \$0.50/hour increase upon completion of 3 months of employment meeting performance expectations. This will take effect January 10, 2022 and will be at the Range of Group 9, non-union upon the recommendation of the Recreation Director.

The resolution was unanimously adopted.

New Business #3 Appoint Part time Laborer to the Maintenance Department

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

RESOLVED, that the Town Board does hereby approve the appointment of Jacob Simonsen to the position of Laborer, part time with the Maintenance Department effective January 1, 2022 at a rate of \$14.60/hour, group 9 non-union upon the recommendation of the Maintenance Director.

The resolution was unanimously adopted.

New Business #4 Approve the Frozen Chosen 5K run/walk

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

RESOLVED, that the Town Board does hereby approve the Frozen Chosen 5K for St. John’s Luthern Church on Saturday January 29, 2022 from 10:00AM – 11:30PM. All fees have been paid and the Certificate of Liability has been submitted.

The resolution was unanimously adopted.

New Business #5 Approve a Budget Transfer for Orchard Park’s Informational Technology Department.

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

WHEREAS, the IT Department requires additional funding for new software and hardware requirements and,

WHEREAS, these expenditures were not included in the amount budgeted for the fiscal year ended December 31, 2021, and

WHEREAS, the funding for these adjusted appropriations is available within other appropriation accounts in the Town's 2021 budget,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following transfer:

Increase Appropriations:

A01680 50440 INFO TECH COMPUTER SOFTWARE \$ 8,506.01

Decrease Appropriations:

A01680 50420 INFO TECH TELEPHONE/CELL PHONE (\$8,506.01)

Increase Appropriations:

A01680 50200 INFO TECH COMPUTER SOFTWARE \$4,873.46

Decrease Appropriations:

A01680 50420 INFO TECH TELEPHONE/CELL PHONE (\$4,873.46)

The resolution was unanimously adopted.

New Business #6 Approve equipment repairs needed at the Compost Facility.

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

RESOLVED, that the Town Board does hereby approve \$19,790.13 be allotted from Budget Code SR8161 50444 (Equipment Maintenance) for the repair of the Morbark Chipper located at the Compost Facility.

The resolution was unanimously adopted.

New Business #7 Approve a Moratorium regarding sales of Cannabis

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

WHEREAS, the Town of Orchard Park has a desire to maintain a safe environment for all residents, non-residents, business owners, their customers, students, and employees of the Town of Orchard Park, and

WHEREAS, the effectiveness of recent New York State legislation, as it relates to the sale of Cannabis, now causes the Town of Orchard Park to purpose, consider, and pass its own legislation to maintain a safe and healthy living environment for its residents, non-residents, business owners, their customers, students, and employees of the Town of Orchard Park, and

WHEREAS, the Town of Orchard Park does not currently have zoning regulations to address the sale of Cannabis, and the Town of Orchard Park needs the ability to make, after public comment, well thought out and informed decisions with respect to public safety and convenience, and

WHEREAS, after carefully considering its options, and with public safety being the focus of such consideration, the Town of Orchard Park has determined that a moratorium be implemented to allow the Town of Orchard Park to consider and vote on necessary zoning laws for the safety and consideration of the public, and

NOW, THEREFORE, be it

RESOLVED that The Town of Orchard Park will implement a 180 day Moratorium effective immediately to allow for careful and thorough consideration for implementing lawful zoning ordinances to address the sale of Cannabis within the Town of Orchard Park.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski spoke of his heartfelt unhappiness regarding Deb Santiago leaving the Senior Center and finding other employment.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Majchrzak addressed Mr. Pieczynski's concerns about Deb Santiago and wished the residents a Happy New Year.

Councilmember Liberti wished everyone a Happy New Year.

Councilmember Flynn stated he is looking forward to working with the new Town Board and the Highway Superintendent as liaison.

Councilmember Honer wished residents a Happy New Year and stated he was looking forward to working with the Town Board for the next two years.

Councilmember Mombrea thanked the residents of Orchard Park for electing her.

Town Clerk Remy Orffeo spoke highly of Mr. George Schichtel and notified residents that he passed away last weekend and will be missed. He served with George on numerous Boards. Being one of the nicest people you will ever meet, George was an asset to the community and had an incredible wealth of knowledge of trees. He was a founding member of Steinwood's Park where each year during the Arbor Day Celebration we honor one citizen of Orchard Park. This was primarily due to George's efforts. We have lost one of the Greats, his deeds will continue beyond him. Thank you George.

Town Attorney Tim Gallagher welcomed the new Town Board.

Town Engineer Wayne Bieler welcomed the new Town Board.

Highway Superintendent Andrew Slotman welcomed the new Town Board and reminded residents of the Public Parking Ban on the streets from 11PM-7AM during the winter months, this helps when the streets need to be plowed. He also congratulated a Highway employee for getting his CDL license and thanked his employees for assisting in keeping the streets safe before, during and after the Buffalo Bills game.

Police Chief Wehrfritz welcomed the new Town Board. He notified the residents that Schools and the Community Activity Center is closed for Thursday January 7, 2022. He also informed the Board that the Police Department received a grant for \$20,000.00 for night vision goggles. He also thanked the Village DPW for allowing them to park their Police Truck in their garage this winter.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 1 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$125,777.39
Public Safety Fund	\$13,799.62
Part Town Fund	\$83,579.93
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$45,233.84
Special Districts	\$165,109.11
Trust & Agency	\$17,183.09
Capital Fund	\$47,438.00

The resolution was unanimously adopted.

COMMUNICATIONS

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

RESOLVED, that the Town Board does hereby received and file:

- The Agricultural District parcel memorandum from Erie County
- Correspondences regarding County Executive’s mandates

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Mombrea, the meeting adjourned at 7:56 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**