

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 19th day of January 2022 at 7:17 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Via Phone	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
Absent	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: January 5, 2022, Organizational Meeting Minutes: January 5, 2022, Executive Sessions 1 & 2: January 12, 2022 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 HEARING
CDBG / CARES ACT Program**

At 7:19PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the Community Development Block Grant (CDBG) / CARES ACT program.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Majchrzak asked if anyone is interested in speaking or making a comment.

No one came forward.

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

RESOLVED, that the Town Board does hereby close the Public Hearing for the Community Development Block Grant (CDBG) / CARES ACT program at 7:21PM.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to address the CDBG / CARES ACT at the Town Board meeting to be held on February 2, 2022 at the Orchard Park Municipal Building.

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Authorize release of escrow for Knoche Farms Estates Subdivision

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

WHEREAS, on October 27, 2021, the Town Board accepted dedication, of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the contractor be held in escrow to submit for review and approval hard and electronic copies of the required record drawings for this subdivision to include Real Time Kinematic (RTK) coordinates for the subdivision's infrastructure in general (storm, roadway, water, street lighting, etc.) for the Knoche Farms Estates Subdivision, Phase 3; and

WHEREAS, the developer has since had the above referenced work completed. The work was reviewed and approved 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 \$10,000 held in escrow under PIP #2020-05 for hard and electronic copies of the required record drawings for this subdivision that include Real Time Kinematic (RTK) coordinates for the subdivision's infrastructure in general (storm, roadway, water, street lighting, etc.) for the Knoche Farms Estates Subdivision, Phase 3 to Knoche Farms, LLC, PO Box 1275, Williamsville, New York 14231-1275 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Approve final payment release of retention with North Spur Const. LLC for the Duerr Rd. Creek Crossing Waterline Replacement Project.

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

WHEREAS, the construction work on the Duerr Road Creek Crossing Watermain Replacement Project has been completed. On January 6, 2022, 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 \$54,500, has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final payment and authorize release of the retention for the Duerr Road Creek Crossing Watermain Replacement Project to North Spur Construction, LLC.; 156 Garrison Road, Buffalo, New York 14221, in the amount of \$2,725.00, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release North Spur Construction's performance security in the amount of \$54,500 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve Retirement for Chief of Police E. Joseph Wehrfritz

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

WHEREAS, Police Chief E. Joseph Wehrfritz has announced his intention to retire effective January 31, 2022; and

WHEREAS, the Police Department will be in need of an Officer in charge, until a time that the Town Board selects a new Police Chief; and

WHEREAS, Captain Patrick Fitzgerald is the most senior Police Captain.

NOW, THEREFORE, be it

RESOLVED, Captain Patrick Fitzgerald will be in charge of the Police Department until further notice, effective January 31, 2022.

The resolution was unanimously adopted.

New Business #2 Approve Part Time Recreation Staff

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

RESOLVED, that the Town Board does hereby approve the following for appointment to the staff of the Town of Orchard Park Recreation Department part time for 2022 effective 1/8/2022:

Mara Johnson	\$15.00
Robert Rochett	\$15.00

Note: The above appointment is dependent upon the applicant providing the required certifications.

The resolution was unanimously adopted.

New Business #3 Approve appointment of Part Time Maintenance Department Laborers

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

WHEREAS, the Maintenance Department is in need of two laborers (part-time) for janitorial cleaning, and

WHEREAS, Maintenance Director Robert Benning recommends hiring John M. Lowery and Karen Lowery

NOW, THEREFORE be it

RESOLVED, that John M. Lowery and Karen Lowery are hired as laborers (part-time), non-union hourly employees at a rate of \$14.60 per hour. This resolution is effective January 20, 2022.

The resolution was unanimously adopted.

New Business #4 Appoint Members to the Tree Conservancy Committee

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

RESOLVED, that the Town Board does hereby appoint Fran Hogenkamp to the Tree Conservancy Committee with a term ending December 31, 2022, and be it further

RESOLVED, that David Ward is hereby designated as Chairperson of the Tree Conservancy Committee for the Year 2022.

The resolution was unanimously adopted.

New Business #5 Approve Mobile Food Vending Permit

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

WHEREAS, the Town of Orchard Park has received Operating Permit Fees and Mobile Food Vending Permit Fees paid in full; and

WHEREAS, a certificate of liability Insurance has been provided; and

WHEREAS, Buffalo Brothers Dogs and Catering Food Truck has agreed to comply with the Town of Orchard Park Town Code and policies; and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Orchard Park approves the Mobile Food Vending Permit for Buffalo Brothers Dogs and Catering Food Truck in the Town of Orchard Park for the year 2022 pending the completed and approved Fire Inspection of their food truck.

The resolution was unanimously adopted.

New Business #6 Award contract to Telco Construction for Highway Bldg. Motorized Louver Installation Project.

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

WHEREAS, during the commissioning of the Highway generator by Cummins, it was highly recommended to increase the fresh air intake in the generator area for the new larger generator; and

WHEREAS, the generator contractor submitted a change order to complete the louver work for \$4,720.00. A second company, Telco Construction was contacted and they submitted a proposal to complete the work for \$3,670.00, a savings of \$1,050.00; and

WHEREAS, Telco Construction of East Aurora has completed numerous projects, specifically for the Town and also privately throughout the Town. The Town Engineer has zero concerns about their capabilities to complete this job in a professional and timely matter; and

WHEREAS, the funds for this work have been allocated with capital account #AB-008.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the proposal for the Highway Building Fresh Air Louver Generator Project to the lowest responsible bidder, Telco Construction, Inc., 500 Buffalo Road, East Aurora, New York 14052 in the amount not to exceed \$3,670.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize Supervisor to sign the 2022 Erie County NY Hazard Mitigation Plan.

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

WHEREAS, all jurisdictions within Erie County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, BE IT

RESOLVED that the **TOWN OF ORCHARD PARK:**

- 1) Adopts in its entirety, the 2022 Erie County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.

- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

The resolution was unanimously adopted.

New Business #8 Approve Special Event, Runner's Roost 5K

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

WHEREAS, Runner's Roost seeks to have a 5K road race, and

WHEREAS, the race is to be held on February 19, 2022 from 9 AM to 10 AM, and is based on the agreed map between the Orchard Park Police Department and Runner's Roost, and

WHEREAS, all fees shall be paid and a certificate of liability insurance will be provided prior to the event date, and

WHEREAS, Orchard Park Police overtime is not to exceed \$600.00

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the Runner's Roost 5K race on Saturday, February 19, 2022 between 9:00 AM and 10:00 AM based on the approved map and the understanding that Orchard Park Police overtime will not exceed \$600.00.

The resolution was unanimously adopted.

New Business #9 Refer to the Planning Board.

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

1. 3823 North Buffalo Road, located on the east side of North Buffalo Road, south of Webster Road, Zoned B-3. Jack Bertsch is requesting a Change of Use Permit from a residence to office space. (SBL# 162.09-1-40)
2. 6145 West Quaker Street, located on the south side of West Quaker Street, East of Thorn Avenue, Zoned B-2. Kitchen Tune Up is requesting a Change of Use Permit to a kitchen showroom and sales floor. (SBL# 172.08-4-28.2)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Richard Shelley spoke of a house that was recently built behind his that is causing a flooding problem, on his property. He requested that the Building Inspector, Town Engineer, Town Attorney and Supervisor look into what can be done to assist him.

Mary Shelley spoke of flooding in her yard due to a newly built house behind her home. She stated Morrano Homes never put in the required swale to take care of the flooding. She requested that the Town get involved as the flooding occasionally reaches the road and the homeowner should never have been given a certificate of occupancy.

Andrew Zelmer III spoke of Divide NY.

Pat LaMonte informed the Town Board of a contest that ran in a magazine called Forever Young. Orchard Park's Senior Center was named best Senior Center, Best Outdoor space, Best Entertainment and Best Exercise Program. She also spoke highly of Maria Galley the Assistant Senior Center Director.

Leslie Shields informed the Town Board of an article written in the Forever Young magazine and stated how local businesses are benefitting from the positive press the Senior Center is receiving.

David Ruh asked the Town Board to consider promoting Maria Galley to the position of Director of the Senior Center.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Majchrzak congratulated Chief of Police E. Joseph Wehrfritz on his retirement, praised the Highway Department for handling the snow storm so well and asked Building Inspector Steve Bremer about the drainage issue on Scherff Rd. that Mr. & Mrs. Shelley spoke about.

Councilmember Liberti thanked Chief of Police E. Joseph Wehrfritz for his exemplary leadership of the Police Department. He also stated that due to the winter storm garbage pick-up will be one day delayed.

Councilmember Flynn congratulated Chief of Police E. Joseph Wehrfritz on his retirement.

Councilmember Honer congratulated Chief of Police E. Joseph Wehrfritz on his retirement. He also informed the residents that there is a Federal Program that will make 4 free COVID tests available to each household. To apply just go to www.COVIDtest.gov

Councilmember Mombrea congratulated Chief of Police E. Joseph Wehrfritz on his retirement.

Town Clerk Remy Orffeo congratulated Chief of Police E. Joseph Wehrfritz on his retirement and notified residents that the Town/County Tax bills were mailed out today.

Town Attorney Tim Gallagher congratulated Chief of Police E. Joseph Wehrfritz on his retirement.

Building Inspector Steve Bremer congratulated Chief of Police E. Joseph Wehrfritz on his retirement. He also stated the property owner that built behind Mr. & Mrs. Shelley is responsible to install a swale and they have been told to fix it. Mr. Bremer will also meet with the Supervisor, Town Engineer and Town Attorney to discuss alternative/temporary solutions for the drainage problems. He also spoke of revising the Town Code regarding snow removal on sidewalks.

Highway Superintendent Andrew Slotman congratulated Chief of Police E. Joseph Wehrfritz on his retirement. He also commended his staff for doing a great job with the recent snowstorm. His staff worked long hours and dealt with equipment repairs too.

Police Chief Wehrfritz thanked the Town board for all the support they have given him over the years.

15) 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 authorize the approval of all entries on Warrant # 2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$137,083.87
Public Safety Fund	\$4,702.80
Part Town Fund	\$71.80
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$32,676.63
Special Districts	\$24,739.76
Trust & Agency	\$9,655.81
Capital Fund	\$71,183.45

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the December 2021 Building Inspector’s Monthly Report; and be it further

RESOLVED, that the Town Board does hereby receive and file the Orchard Park Historical Society 2021 Annual Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:01 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**