

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 1<sup>st</sup> day of June 2022 at 7:02 PM (local time), 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
Patrick Fitzgerald	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 LIBERTI, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: May 18, 2022 and Executive Session: May 18, 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 COMMENT ON NEW BUSINESS**

No one came forward

**New Business #1 Board of Assessment Review reappointment**

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

**RESOLVED**, that the Town Board does hereby reappoint James Rykowski of Orchard Park to the Board of Assessment Review with the term to expire September 30, 2026.

**The resolution was unanimously adopted.**

**New Business #2 Approve hiring part-time seasonal compost center employee James Opoka**

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

**RESOLVED**, that James Opoka is appointed to the position of part-time seasonal non-union employee at the compost center. His start date is effective as of June 2, 2022 with an hourly rate of \$19.00.

**The resolution was unanimously adopted.**

**New Business #3 Approve hiring 2022 part-time seasonal Recreation and Parks Department staff**

4) 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 for appointment to part-time staff of the Town of Orchard Park Recreation and Parks Department effective June 3, 2022:

Max Anderson	\$16.75	Emma Hughes	\$15.00	Mark Nemec	\$16.50
Natalia Behlok	\$16.00	Caitlin Kubera	\$15.00	Brody Stevens	\$15.50
Katelyn Dyson	\$16.00	Michael Kubera	\$15.50	Sullivan Murphy	\$15.00
Catherine Finn	\$15.00	Sophie McGrath	\$15.00	Raegan Van Pelt	\$15.00
James Gardner	\$15.00	Scout Moskal	\$15.00	Alex Vendura	\$16.00
Milani Hubman	\$15.00	Jax Myers	\$15.00	Trevor Wollen	\$15.00

**The resolution was unanimously adopted.**

**New Business #4 Approve change of employment status from part-time to seasonal for Jacob Simonsen, Alexander Melendez & Gary Fisher of the Maintenance Department**

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

**WHEREAS**, the employment classification of maintenance employees Jacob Simonsen, Alexander Melendez and Gary Fisher are currently part-time laborers; and

**WHEREAS**, it would be more efficient for them to be classified as seasonal maintenance; and

**WHEREAS**, the Head of the Maintenance Department recommends they be reclassified from part-time laborer to seasonal maintenance worker.

**NOW, THEREFORE, be it**

**RESOLVED**, that upon the recommendation of the Head of Maintenance, the employment classification of maintenance employees Jacob Simonsen, Alexander Melendez and Gary Fisher are changed from part-time laborer to seasonal maintenance laborer, non-union hourly employee, group 9, at a rate of \$14.60 per hour, effective June 1, 2022.

**The resolution was unanimously adopted.**

**New Business #5 Approve the resolution to extend the due date of the 2022 Financial Disclosure statement for the Town of Orchard Park employees**

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

**WHEREAS**, Section 12-3 of the Town of Orchard Park Code requires that all elected officials, all members of certain boards and committees and all department managers file financial disclosure forms on an annual basis; and

**WHEREAS**, the Orchard Park Town Board recognizes the importance of these disclosures as insuring the transparent decision making process and insuring the trust in the residents of the Town of Orchard Park with their Town Government; and

**WHEREAS**, the original due date for the disclosure forms for 2022 was March 1, 2022 and was extended by this Board until April 1, 2022; and

**WHEREAS**, some disclosure forms have not yet been provided as of June 1, 2022; and

**WHEREAS**, the Orchard Park Town Board and the Ethics Board believe that there is insufficient time for timely and accurate completion of these forms.

**NOW THEREFORE be it,**

**RESOLVED**, that the Orchard Park Town Board does hereby agree to change the due date for the Financial Disclosure Forms in the year 2022 from April 1, 2022 to June 30, 2022.

**The resolution was unanimously adopted.**

**New Business #6 Approve the promotional appointment of Assistant Civil Engineer title for the Engineering Department, pending meeting civil service rules and regulations.**

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

**WHEREAS**, to maintain and retain an experienced work force, filling vacancies and promotions are necessary in the Engineering Department. The Town of Orchard Park has time and expenses in developing and training employee's necessary experiences with Town of Orchard Park infrastructure, specifications, standards and procedures; and

**WHEREAS**, Erie County Department of Personnel has to be contacted for the New York State Department of Civil Service to call for a promotional test for the Town of Orchard Park, as approved based on job classifications and duties but is currently vacant; and

**WHEREAS**, distinguishing features of the class Assistant Civil Engineer includes: responsible direction and control of subordinates employees. This involves the assignments of work, approval of work, training, evaluation and discipline of employees. The supervisor aspects must be an integral part of the job, not incidental or occasional, also performs engineering duties and liaison work in connection with the design, construction and maintenance of Town projects; oversees field surveys to obtain data for projects and programs; oversees the obtaining of property line data by survey for survey and deed descriptions use; computes engineering data either manually or through the use of computer; prepares engineering drawings for projects connected with Town plans and projects from surveys either manually or with CADD, or other computer programs; coordinates of construction crews; assists in designing bridges, sewage systems, water systems, drainage systems, highways and other Town projects; draws plans and specifications; makes inspections of projects under construction for conformance to plans and standards; assist with reports by compilation of data and providing preliminary drafts; inspects construction projects; and

**WHEREAS**, after posting, three (3) emails were received showing interest in the position. After interviewing the three (3) candidates responding to the advertisement postings, it was concluded that the best qualified individual for the position is Jordan Kellerman. Mr. Kellerman has an A.A.S. in Construction Management from Erie Community College and has worked assisting the Engineering Department in survey work and construction inspection in the past; and

**WHEREAS**, Mr. Kellerman has accepted the challenge of construction inspection duties and responsibilities with enthusiasm and has performed his assignments with diligence and effectiveness. Mr. Kellerman was promoted to Senior Engineer Assistant on August 6, 2013 and promoted to Principal Senior Engineer Assistant on October 20, 2021. Again, Mr. Kellerman accepted all challenges of the Principal Engineering Assistant title. With both the Engineering and the Sewer Water & Lighting Department, Mr. Kellerman has proven to be a dedicated and dependable employee; and

**WHEREAS**, funding for the Assistant Civil Engineer position is available in the Engineering Department budget. Per the 2022 white collar union contract, Mr. Kellerman, Assistant Civil Engineer level 0013 Range E wage of \$37.42/hr. is accepted, which was two steps above his current salary.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby appoint Mr. Jordan Kellerman, to the promotional position of Assistant Civil Engineer in the Orchard Park Engineering Department at Level 0013, Range E of the union wage rate schedule, effective June 6, 2022 pending meeting Civil Service rules and regulations as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Adopt the Traffic Order authorizing the posting of two (2) stop signs on Bentley Drive at the intersections of California Road**

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

**WHEREAS**, the Police Chief, Superintendent of Highways, and Town Engineer have reviewed the street layout for Sheffer Farms Estates Subdivision PIP #2020-03 and dedication of Sheffer Farms Estates Subdivision; and

**WHEREAS**, upon recommendation of the Town Engineer and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board is hereby authorized to adopt an order to erect two (2) “STOP” signs on Bentley Drive at both intersections of California Road; and be it further

**RESOLVED**, that the Superintendent of Highways is hereby directed to erect the proper stop signs on Bentley Drive at both intersections of California Road in the Town of Orchard Park, New York, following receipt of this order.

**The resolution was unanimously adopted.**

**New Business #8 Approve the Intermunicipal Snow Removal and Ice Control Agreement**

This item was tabled.

**New Business #9 Town Board to authorize a Time and Material Contract with Fairway Contracting to repair the sanitary sewer main on Webster Rd**

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

**WHEREAS**, the sanitary sewer main on Webster Road is in need of repair; and

**WHEREAS**, Fairway Contracting is the lowest Time and Material responsible bidder; and

**WHEREAS**, Fairway Contracting is available within the timeframe that is convenient for the Town Highway Department.

**NOW THEREFORE be it,**

**RESOLVED**, that the Orchard Park Town Board, upon the recommendation of the Highway Superintendent, does hereby authorize a Time and Material Contract with Fairway Contracting.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Terry Vergien questioned the Board about obtaining a variance for a solar farm.

Linda Brueckl informed the Board that her garbage on Burmon Drive has not been picked up again and is becoming a public health issue.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Councilmember Joseph Liberti addressed the solar farm and garbage collection issues.

Councilmember Conor Flynn spoke regarding the solar farm and garbage collection issues, and wished everyone a Happy Pride Month.

Councilmember Scott Honer thanked the Recreation Department for getting the new splash pad open for the season and spoke of the Memorial Day events.

Councilmember Julia Mombrea spoke regarding the garbage collection issues.

Town Clerk Remy Orffeo stated that the solar farm Town Code change was made approximately five (5) years ago.

Building Inspector Steve Bremer informed the Board that a solar farm is against Town Code.

Highway Superintendent Andrew Slotman updated residents on road milling on Kings Ct and Queens Pl.

Police Chief Patrick Fitzgerald told residents to be aware of increased traffic on Friday June 3, 2022 due to a one hundred (100) mile bike ride benefiting the Center for Missing & Exploited Children.

10) 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 authorize the approval of all entries on Warrant #11 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$340,451.22
<b>Public Safety Fund</b>	\$5,920.67
<b>Part Town Fund</b>	\$933.53
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$24,762.76
<b>Special Districts</b>	\$4,166.99
<b>Trust &amp; Agency</b>	\$8,458.30
<b>Capital Fund</b>	\$338,142.83

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:23 PM (local time).

**Respectfully Submitted,**

**Remy C. Orffeo**  
Town Clerk