

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 2nd day of November 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
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 MOMBREA, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: October 19, 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
Preliminary Ad Valorem 2023 Budget & Benefit Basis Special District**

At 7:02PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the 2023 Preliminary Budget & Benefit Basis Special District

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.

Presentation was made by Nicole Ruf.

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 FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby close the Public Hearing for the 2023 Preliminary Budget & Benefit Basis Special District at 7:13PM.

The resolution was unanimously adopted.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR 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, 2023; and

WHEREAS, the Town Supervisor, 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, 2023, and a public meeting was conducted on November 2, 2022 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, 2023.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Aye
Councilmember Flynn	Aye
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

The resolution was unanimously adopted.

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

Benefit Basis Budgets (Special Districts)

WHEREAS, the Town Supervisor, 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, 2023, and a public meeting was conducted on November 2, 2022 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, 2023; 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, 2023 represents a tax levy increase of 1.81 percent from the fiscal year ending December 31, 2022.

The resolution was unanimously adopted.

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

Letter of Authorization

RESOLVED, that the Town Board, in accordance with New York State Town Law, Section 198, does hereby adopt all special charges as outlined on the “Letter of Authorization” on file in the Town Clerk’s office.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve Amendment to newly passed Budget

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of the 2023 Preliminary Budget & Benefit Basis Special District was conducted on November 2, 2022, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt the Ad Valorem 2023 Budget & Benefit Basis Special District which provides as follows:

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, 2023; and

WHEREAS, the Town Supervisor, 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, 2023, and a public meeting was conducted on November 2, 2022 as required by Section 108 of Town Law.

NOW, THEREFORE, be it

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2023.

<u>Account Code</u>	<u>Decrease Amount</u>
A03310 50105Traffic Control Laborers	\$19,669
A03310 50211Traffic Control Signs	\$8,000
A03310 50211Traffic Control Electric	\$2,000
A03310 50211Traffic Control Signals	\$3,500
A03310 50211Traffic Control Repairs	\$8,000
A05010 50471Tree and Stump Removal	\$10,000
A08160 50490Brush & Weeds Hauling	\$6,500
A08540 50439Drainage Improvement	\$18,000
A08540 50444Drainage Maintenance	\$12,000
A08540 50406Drainage Fees	\$1,500
A08560 50468Forestry Beautification	\$5,000
A08560 50468Forestry Supplies	\$2,500
A08560 50468Forestry Stump Removal	\$35,000
A08710 50101Conservation Board	\$8,741
A08710 50104Conservation Clerk	\$684
A00000 41120Sales Tax	\$141,094

<u>Account Code</u>	<u>Increase Amount</u>
B03310 50105Traffic Control Laborers	\$19,669
B03310 50211Traffic Control Signs	\$8,000
B03310 50211Traffic Control Electric	\$2,000
B03310 50211Traffic Control Signals	\$3,500
B03310 50211Traffic Control Repairs	\$8,000
B05010 50471Tree and Stump Removal	\$10,000
B08160 50490Brush & Weeds Hauling	\$6,500
B08540 50439Drainage Improvement	\$18,000
B08540 50444Drainage Maintenance	\$12,000
B08540 50406Drainage Fees	\$1,500
B08560 50468Forestry Beautification	\$5,000
B08560 50468Forestry Supplies	\$2,500
B08560 50468Forestry Stump Removal	\$35,000
B08710 50101Conservation Board	\$8,741
B08710 50104Conservation Clerk	\$684
B00000 41120Sales Tax	\$141,094

The resolution was unanimously adopted.

New Business #2 Award Bid for Municipal Building Carpet Replacement Project

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

WHEREAS, bids were opened for the Municipal Building Carpet Replacement Project on October 24, 2022 at 9:00 am. This project entails carpet removal and replacement in the Assessor's, Building Inspector's, Planning and Engineering Department offices; and

WHEREAS, the project was bid formally and five companies requested bid documents. Three out of the five companies were local vendors. The other two potential bidders were from out of the state. The Town received three bids; from Hamburg Floorcovering, Inc., Custom Carpet Centers and Buffalo Commercial Flooring and Installations. These companies showed previous interest in the project and visited the site. Bids were opened and Hamburg Floorcovering, Inc. bid \$40,593.98, Custom Carpet Centers bid \$43,028.66 and Buffalo Commercial Flooring and Installations bid \$45,483.00; and

WHEREAS, the Maintenance Department has reviewed the bids of the three companies who submitted proposals. All three of these companies are more than capable of completing this project in the time frame identified. The low bidder is therefore Hamburg Floorcovering, Inc., they are familiar with the specified products and required installation methods. The company has been found to have the qualifications and experience to perform this work. There are no reservations about their capabilities; and

WHEREAS, funding for this project is in place under the "Municipal Building" capital project account.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the "Municipal Building Carpet Replacement Project" to the lowest responsible bidder, Hamburg Floorcovering, Inc. 120 South Avenue, West Seneca, New York 14224 in the amount not to exceed \$40,593.98, upon recommendation of the Town's Maintenance Supervisor.

The resolution was unanimously adopted.

New Business #3 Approve the appointment of Part-Time Supervisor Assistant

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

WHEREAS, the Orchard Park Supervisor's Office has an opening for the position of Part-Time Assistant to the Supervisor; and

WHEREAS, Carolyn Potopchuk meets the qualifications for the position of Part-Time Assistant to the Supervisor; and

WHEREAS, Carolyn Potopchuk is able and ready to accept this position.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Carolyn Potopchuk to the position of Part-Time Assistant to the Supervisor (non-union) at a rate of \$18.00 an hour, effective October 31, 2022, upon recommendation of the Town Supervisor.

The resolution was unanimously adopted.

New Business #4 Approve the appointment of a Full-Time Public Safety Dispatcher

9) 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 appoint Molly Cohen to the position of Full-Time Public Safety Dispatcher, to be effective November 10, 2022, CSEA pay range 7 Step A, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #5 Approve the appointment of a Full-Time Public Safety Dispatcher

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 appoint Kimberly Marron to the position of Full-Time Public Safety Dispatcher, to be effective November 14, 2022, CSEA pay range 7 Step “First Year”, as recommended by the Chief of Police.

The resolution was unanimously adopted.

Chief of Police Patrick Fitzgerald spoke of Public Safety Dispatcher Molly Cohen & Public Safety Dispatcher Kimberly Marron’s accomplishments.

New Business #6 Approve a Special Event Permit

11) 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 Special Event Permit request for the Gril-Mato 5K Road Race to be held on Saturday February 18, 2023 from 9:00AM – 11:00AM.

The resolution was unanimously adopted.

New Business #7 Authorize Supervisor to sign Small Wireless Facilities Agreement

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Agreement regarding Small Wireless Communications Facilities Master License between the Town of Orchard Park and Bell Atlantic Mobile Systems LLC (Verizon).

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to execute the Initial Project Proposal New York Grant contract for the Town of Orchard Park Pedestrian Walkability Project

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

WHEREAS, the Town of Orchard Park, with support from the Orchard Park School District, applied for a \$2,000,000 sidewalk project for the High School, Windom Elementary and Eggert Road Elementary areas; and

WHEREAS, the Transportation Alternates Program (TAP) allows for applications to be submitted in areas where there are potential conflicts with pedestrians and vehicular traffic; and

WHEREAS, all three (3) schools identified in the application did not have sidewalks available and students were forced to walk in vehicular travel lanes. The proposed sidewalks would provide some connectivity to areas that were previously isolated from safe pedestrian travel; and

WHEREAS, the Transportation Alternates Program provides 80% funding and requires a 20% local match. This project award is \$1,600,000 and the local match is \$400,000. The project proposes to construct 9,829 linear feet of ADA-compliant sidewalks. The Initial Project Proposal (IPP) is the next step of general scope and schedule of values before the actual grant agreement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign and submit the "Initial Project Proposal" for the Town of Orchard Park Pedestrian Walkability Project upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize Supervisor to sign Salt Barn Rehabilitation Project Agreement

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

WHEREAS, for the past several years, the Town has made and is making additional temporary repairs to the Orchard Park Highway's Salt Barn that is in disrepair; and

WHEREAS, the Town retained the services of C&S companies to prepare design plans and to assist in bidding of the OP Highway Salt Barn Rehabilitation Project; and

WHEREAS, a detailed scope of work and proposed fee with C&S companies has been negotiated to complete the design documents for the OP Highway Salt Barn Rehabilitation Project; and

WHEREAS, a capital account AB016 "OP Highway Salt Barn Rehabilitation" is being created and will be funded at the next Town Board Meeting per Accounting Capital Accounts Meeting.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with C&S Companies, 141 Elm Street, Suite 100, Buffalo, NY 14203 to provide professional design services for the OP Highway Salt Barn Rehabilitation Project for a lump sum fee not to exceed of \$15,110; and be it further

RESOLVED, that the Town Board does hereby approve the creation of Capital Account AB016 "OP Highway Salt Barn Rehabilitation".

The resolution was unanimously adopted.

New Business #10 Authorize Supervisor to sign Fuel Facility Relocation Replacement Project

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

WHEREAS, the Town has been considering replacing the Orchard Park Highway's existing underground storage tank fueling facility with an above ground storage tank in a new location; and

WHEREAS, the existing underground storage tank fueling facility is nearing the end of its service life, insurance concerns are an issue and replacement is needed before the facility has to be taken out of service; and

WHEREAS, the Town retained the services of C&S companies to prepare design plans and to assist in bidding of the Orchard Park Highway Fuel Facility Replacement Project; and

WHEREAS, a detailed scope of work and proposed fee with C&S companies to complete the design documents for the Orchard Park Highway Fuel Facility Replacement Project has been negotiated; and

WHEREAS, a Capital Account AB015 "OP Highway Fuel Facility Replacement" is being created and will be funded at the next Town Board Meeting per Accounting Capital Accounts Meeting.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with C&S Companies, 141 Elm Street, Suite 100, Buffalo, NY 14203 to provide professional design services for the Orchard Park Highway Fuel Facility Replacement Project for a lump sum fee not to exceed \$54,000 with a \$20,000 additional allowance for subcontracted services. Total not to exceed \$74,000; and be it further

RESOLVED, that the Town Board does hereby approve the creation of Capital Account AB015 "OP Highway Fuel Facility Replacement.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Bob Fortenbaugh spoke of his concerns regarding the Town not adding a third full-time Recreation Department employee.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak thanked the Town Board for their hours of review and approval of the budget. He also welcomed the Public Safety Dispatchers and addressed Mr. Fortenbaugh's concerns.

Councilmember Joseph Liberti congratulated the Public Safety Dispatchers and Supervisor Assistant. He also thanked Supervisor Majchrzak for keeping the budget under the tax cap and thanked Police Chief Fitzgerald for keeping the Town safe.

Councilmember Conor Flynn congratulated the Public Safety Dispatchers and spoke of the school sidewalks project. He also thanked Supervisor Majchrzak for crafting the budget.

Councilmember Scott Honer welcomed the Public Safety Dispatchers and Supervisor Assistant. He also thanked the Highway Department for their hard work collecting leaves.

Councilmember Julia Mombrea welcomed the Public Safety Dispatchers and thanked Supervisor Majchrzak for a successful budget.

Town Engineer Wayne Bieler spoke of the sanitary sewer consolidation study.

Highway Superintendent Andrew Slotman informed residents that leaf pickup is on an approximate two (2) week schedule.

Police Chief Patrick Fitzgerald reminded residents that the winter parking ordinance is in effect and spoke of the positive police interaction with the public on Halloween. He also thanked OPPD staff for working long hours relating to the Sunday night Bills game and congratulated the new Public Safety Dispatchers.

16) 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 #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$85,057.85
Public Safety Fund	\$18,119.62
Part Town Fund	\$2,873.19
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$40,914.34
Special Districts	\$86,243.38
Trust & Agency	\$10,650.00
Capital Fund	\$506,224.46

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:41 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**