

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 16th 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
Kathy Swarbrick	Deputy 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
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 LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: November 2, 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 OLD BUSINESS

No one came forward

Old Business #1 Authorize dedication of PIP #2021-02 Birdsong Part 3B Subdivision and release performance security.

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

WHEREAS, on October 20 and 25, 2022, final inspections were conducted of the public improvements constructed in Birdsong Part 3B Subdivision Phase 1 & Phase 2A. The project included completing the construction of the portions of Woodthrush Trail, Kestrel Court and the Birdsong Parkway, and the construction of Blue Heron Drive. The completion of these subdivision phases will allow 28 new single-family residential lots to be developed. All work has been satisfactorily completed in accordance with Town specifications with the exception of the following:

- Install 14 light standards with fixtures, and provide UL Inspection Certification and all required spare parts including a complete spare light standard and fixture, when parts are available. \$ 50,000

- Complete final seeding & grading of detention pond & easement areas. \$ 20,000
- Complete final fine grading in ROW, and seeding and mulching in all disturbed areas \$ 10,000

WHEREAS, the Town of Orchard Park is in receipt of the cash securities for the items noted above. A two-year maintenance bond in the amount of \$1,025,000.00 has been submitted along with all other necessary documents; and

WHEREAS, the following is required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding; and

WHEREAS, construction of portions of Woodthrush Trail, Kestrel Court, Osprey Court and the Birdsong Parkway, and the construction of Blue Heron Drive has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

NOW, THEREFORE be it

RESOLVED, that portions of Woodthrush Trail, Kestrel Court, Osprey Court and the Birdsong Parkway, and Blue Heron Drive shall be included in the 2022 Town Local Highway Mileage Inventory of Town Streets; and be it further

RESOLVED, that New York State Department of Transportation is requested to include portions of Woodthrush Trail, Kestrel Court, Osprey Court and the Birdsong Parkway, and Blue Heron Drive in the Town of Orchard Park's 2022 Inventory of Streets; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Birdsong Part 3B Subdivision Phase 1 & Phase 2A constructed under PIP #2021-02; and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the performance security in the amount of \$205,000.00; and be it further

RESOLVED, that the Town Board does hereby authorize the payment of the yearly hydrant fee per the lease management agreement with ECWA for the five hydrants installed under PIP #2021-02.

The resolution was unanimously adopted.

Old Business # 2 Approve Change Order #1 for the Brush Mountain Community Center Bocce Ball Courts Contract

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

WHEREAS, the Community Center Bocce Ball Courts Project was bid and awarded to Matt Kolo Excavating, LLC. Due to the ongoing supply chain issues for construction materials, including longer order times which results in delaying the final seeding and grading until spring, an extension to the contract will allow for the proper materials to be obtained and used for the project without substitution.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #1, a no cost time extension until May 14, 2023, for the project completion of the contract for the Brush Mountain Community Center Bocce

Ball Courts Project with Matt Kolo Excavating, LLC, 6680 Cole Rd, Orchard Park, NY 14127 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve compensation for Public Safety Officer

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

WHEREAS, fulltime Public Safety Dispatcher Joseph Gian was hired on November 1, 2021 bringing 19 years of Public Safety Dispatcher experience with him; and

WHEREAS, Public Safety Dispatcher Joseph Gian was hired at the entry level rate of pay; and

WHEREAS, the Chief of Police recommends that Public Safety Dispatcher Joseph Gian should have been compensated at CSEA Pay Schedule Range 7, Step A; and

WHEREAS, the money exists in the Public Safety Dispatch budget;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Chief of Police, Public Safety Dispatcher Joseph Gian shall be moved to CSEA Pay Schedule Range 7, Step B effective November 16, 2022 and receive retroactive compensation to January 1, 2022 for CSEA Pay Schedule Range 7 Step A in the November 18, 2022 pay roll.

The resolution was unanimously adopted.

New Business #2 Approve appointment of James Kuberka to the position of Maintenance and Set-up Attendant.

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

RESOLVED, that the Town Board does hereby approve the appointment of James Kuberka to the position of part time, non-union Maintenance and Set Up Attendant at a pay rate of \$14.60/hour. This will take effect November 14, 2022.

The resolution was unanimously adopted.

New Business #3 Approve purchase order for a 2024 Model Year Freightliner 114SD Cab & Chassis.

6) 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 the issuance of a purchase order for a 2024 Model year Freightliner 114SD Cab & Chassis to be purchased under the Town of Hornellsville contract award, with New York Municipal law section 103 “piggybacking” with a quote of \$134,782.00 from Fleet Maintenance Inc. as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #4 Approve purchase order for purchase and installation of an Everest 12 ft. Stainless Steel Dump Body and Plow System.

7) 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 approve the issuance of a purchase order for an Everest 12 ft. Stainless Steel Dump Body and Plow System to be purchased from Valley Fab and Equipment, Inc. with quote #BE27432 under Sourcewell Contract #062222-AGI-1 with a quote of \$145,418.00 as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #5 Approve purchase order for a 2023 Model HV607 SBA International Cab & Chassis with a Brush Hawg Grapple Loader with a 20 Foot Dump Body.

8) 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 issuance of a purchase order for a 2023 Model HV607 SBA International chassis with a Brush Hawg Grapple loader with a 20 foot dump body to be purchased under the Onondaga County Contract under New York State Municipal law 103 “piggybacking” with a quote of \$212,689.15 from Regional International as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #6 Approve a Budget Transfer for IT 2023.

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

WHEREAS, the Town would like to adjust the 2023 adopted budget to incorporate a stipend of \$7,000 to IT Director, Paul Pepero.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following transfer within the Town's 2023 budget:

General Fund	\$74,344.13
Public Safety Fund	\$8,797.59
Part Town Fund	\$1,411.98
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$58,925.93
Special Districts	\$33,304.93
Trust & Agency	\$1,716.00
Capital Fund	\$35,041.13

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Mombrea, the meeting adjourned at 7:15 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**