

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 7th day of June 2023 at 7:09 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

	Eugene Majchrzak	Supervisor
Absent	Conor Flynn	Councilmember
	Scott Honer	Councilmember
	Joseph Liberti	Councilmember
	Julia Mombrea	Councilmember
	Remy Orffeo	Town Clerk
	Timothy D. Gallagher	Town Attorney
	Tom Minor	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 17, 2023 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 Change Order #2 – Little Loop Football Announcers / Storage Building & Lighting Project

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

WHEREAS, the Engineering Department is requesting your approval of Change Order #2 to the contract with Walter S. Johnson Building Co., Inc. for the Little Loop Football Announcer's / Storage Building & Lighting Project in the amount of \$732.88. If approved, this would increase the total contract amount to \$254,140.38, representing an increase of 0.2892%; and

WHEREAS, this Change Order is requested to perform additional work not covered under their contract. The additional work involves making safety improvements to the third story. The grab bars will aid when occupants are entering or leaving the third story. The safety spring gate will greatly reduce the potential fall

hazard when the third story is occupied by little loop videographers. This change order consists of \$359.98 material costs and \$372.90 labor/fee costs; and

WHEREAS, presently, there is \$178,194.00 funding allocated under AP009 "Brush Mountain Football Field". With the \$100,000.00 donation from Orchard Park Little Loop, the project is fully funded.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to our contract with Walter S. Johnson Building. Co., Inc. for the Little Loop Football Announcer's / Storage Building & Lighting Project in the amount of an increase of \$732.88 as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 2 Authorize Supervisor to sign agreement with C&S Engineers, Inc. for professional services for the design of Orchard Park Maintenance Facility Project (OP Highway).

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

WHEREAS, the Engineering Department has negotiated a detailed scope of work and a proposed fee with C&S Companies to complete the design and required documents for the recently adopted Highway master plan facility. The professional scope is to provide detailed services entailing administrative, geo-tech, hazardous materials, site/civil, structural, architectural, mechanical, electrical, life safety, plumbing, cost estimating, bidding, construction administration, direct expenses and topsoil/salt buildings; and

WHEREAS, there is presently money being allocated (\$1,300,000.00) under Capital Project #AB-019, Orchard Park Maintenance Facility, for this project.

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, New York 14203 to provide professional services for administrative, overall design, and construction administration for the proposed Orchard Park Maintenance Facility Project (Highway Building, Salt Barn, Parks/Grounds/Police Building, Wash Bay, Outdoor Storage, & Topsoil Building) for a cost not to exceed \$1,298,065.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve 2023 Part-Time Recreation appointments.

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

RESOLVED, that the Town Board is hereby authorized to approve the following residents appointments to the 2023 part-time staff for the Orchard Park Recreation Department effective June 7, 2023 as recommended by the Recreation Director:

Abigail Kane	\$16.75 Supervisor
Griffin Halter	\$16.00 Lifeguard 1
Olivia Jurek	\$16.00 Lifeguard 1
Hailee Johnson	\$16.00 Program Coordinator 1
Jackson Merritt	\$16.00 Program Coordinator 1
Amaya Neuwirth	\$17.50 Director
Sanna Vollbrecht	\$16.00 Program Coordinator 1

The resolution was unanimously adopted.

New Business #2 Appoint Pasquale Liberti to the Highway Department

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

WHEREAS, the Orchard Park Highway Department has a vacant laborer position; and

WHEREAS, there are funds in the 2023 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Pasquale Liberti is ready and able to serve as a laborer in the Orchard Park Highway Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Pasquale Liberti is appointed as a laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$22.83 per hour effective June 26, 2023.

The resolution was unanimously adopted.

New Business #3 Approve Block Party Permit for South Lane

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

RESOLVED, that the Town Board is hereby authorized to approve a resident’s request for a block party on South Lane.

The resolution was unanimously adopted.

New Business #4 Approve Block Party Permit for Greenwood Drive

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

RESOLVED, that the Town Board is hereby authorized to approve a resident’s request for a block party on Greenwood Drive.

The resolution was unanimously adopted.

New Business #5 Award Work Order #5 CIPP Rehabilitation Contract for Sanitary Sewer Mainline Relining to United Survey Inc.

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

WHEREAS, the SW&L Department is continuing to perform video inspections of the Town's sanitary sewer infrastructure, United Survey, Inc. was awarded contract #1-4 to perform Cured-In-Place Pipe Lining throughout various areas in the Town. This Work Order #5 is awarded as a bid through the Erie County Division of Purchasing (2022) Cured-in Place Pipe Lining Term Construction Contract #222253-02. The areas are being identified through video inspections performed by the SW&L Department and prioritized by the Engineering Department and the SW&L Department. The Town has lined over ±26,251 LF to date; and

WHEREAS, the following four Work Orders are complete:

- Work Order #1, released in September 2020 to rehabilitate the sanitary main on the west side of North Benzing Road (2,643 LF). Cost of Work Order #1 was \$83,888.00.
- Work Order #2 released in February 2021 to rehabilitate the sanitary main on a portion of Bussendorfer Road (3,454 LF), California Road between Duerr Road and Armor Duells Road (1,363 LF), and a portion of Duerr Road (327 LF). Cost of Work Order #2 was \$180,986.00.
- Work Order #3 released in August 2021 to rehabilitate the sanitary mains on Shultz Road (874 LF), Meadowlawn Road (1,754 LF) and Middlesex Road (1,449 LF), all these roads are off Abbott Road. Also, an area located on Southwestern Boulevard between Mid County Drive and Pleasant Avenue (3,308 LF). Cost of Work Order #3 was \$238,370.00.
- Work Order #4 released on April 6, 2022 to rehabilitate the sanitary mains on Forsythia Court (983 LF), Red Fox Lane (1,293 LF), Willowbrook Drive (191 LF), Webster Road (south side) (4,292 LF), Webster Road (north side) (1,662 LF), Deacon Street (794 LF), and North Buffalo Street (north side) (1,554 LF). Cost of Work Order #4 was \$396,451.50; and

WHEREAS, the Engineering Department is recommending the release of Work Order #5. This work order will include the following streets/areas:

- First Route 219 Crossing from California Road to the Rear Lots on Washington Ave. and Auckland Ave. Forsythia Court, ±3,764 LF of Asbestos Cement Pipe (ACP), Auckland Ave. and Washington Ave. +/-2,942 LF of Asbestos Cement Pipe (ACP), area,
- Second Route 219 Crossing from Taylor Road to Carriage Drive +/-1,052 LF of Asbestos Cement Pipe (ACP),
- Third Route 219 Crossing from the Rear Lots Hilltowne Drive to Rear Lots on Breezewood Drive ±1,183 LF of Asbestos Cement Pipe (ACP), Berg Road (north side, from the Route 219 overpass to the Berg Road Pump Station ±2,299 LF of Asbestos Cement Pipe (ACP) Melberry Trail ±1,899 LF of Asbestos Cement Pipe (ACP) Bieler Road ±1,673 LF of Asbestos Cement Pipe (ACP); and

WHEREAS, the three sections that cross under Route 219 may require additional work to line portions of sewer main. The majority of these sewer mains are on easements and will require additional manpower as well as equipment to access the three sections that cross under Route 219. Additionally, Sewer and Lighting Crews will be needed to clean and prepare the easement for the contractor. This additional work scope is not included with the County of Erie contract. This extra cost for Work Order #5 is estimated at ±\$11,200.00; and

WHEREAS, the total cost of Work Order #5 is \$625,000.00 and the cost of the additional work for the three crossings of Route 219 is \$11,200.00 for a total of \$636,200.00; and

WHEREAS, for Work Orders #1-5 contract expenditures to date are \$1,535,895.50 with United Survey. There is presently funding remaining allocated under Capital Project G0007, "Sanitary Sewer Main Televising and Relining" \$1,091,439.14 for this work.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the CIPP Rehabilitation contract Work Order #5 to United Survey Inc., 25145 Broadway Avenue, Cleveland, Ohio 44146, in the amount not to exceed \$636,200.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve creation of capital account AB-019 “Orchard Park Maintenance Facility Project” and Authorize the transfer of SLFRF funds to be used for the Orchard Park Maintenance Facility

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

WHEREAS, for the past several years the Town has considered moving forward making needed improvements to the Orchard Park Maintenance Facility (OP HWY) by retaining professional design services from C&S Companies. To fund this proposed work, a capital account needs to be created and funded the following was drafted by Accounting; and

WHEREAS, on March 11, 2021 the American Rescue Plan Act was signed into law and established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program which is intended to provide support to State, territorial, local and tribal governments in response to the economic and public health impacts of COVID; and

WHEREAS, funding of the SLFRF program is subject to the requirements specified in the Final Rule adopted by the US Treasury on April 1 , 2022; and

WHEREAS, the US Treasury has issued Compliance and Reporting Guidance which outlines each recipient's compliance and reporting responsibilities under the SLFRF program; and

WHEREAS, one of the eligible uses of SLFRF funds as outlined in the Treasury's Final Rule is for general government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency; and

WHEREAS, the Town of Orchard Park has calculated revenue loss based upon the \$10 million revenue loss standard allowance,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Orchard Park does hereby authorize the SLFRF funds to be used for general government services as follows and modification of the 2023 budget: Transfer of funds up to \$1,300,000.00 to the Capital Projects Fund project AB019 —Orchard Park Maintenance Facility.

Increase A00000 44089 ARPA Revenue up to \$1,300,000.00

Increase A09901 50904 Transfer to Capital up to \$1,300,000.00

and be it further

RESOLVED, that the Town Board does hereby authorize the creation of Capital Account AB-019 "Orchard Park Maintenance Facility"; and be it further

RESOLVED, that the Town of Orchard Park does hereby authorize the transfer of the SLFRF funds in the amount up to \$1,300,000.00 into Capital Account AB-019 to be used for the Orchard Park Maintenance Facility design and subsequent construction administration costs, upon the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve the installation of two (2) hydrants by ECWA for the New Buffalo Bills Stadium along Abbott Road and authorize the annual fire hydrant fees paid to ECWA

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

WHEREAS, the Town received a request from the Buffalo Bills for two additional hydrants along Abbott Road. Erie County Water Authority (ECWA) has agreed to install the hydrants with the Buffalo Bills reimbursing the cost, but requires the Town of Orchard Park to pass a resolution to pay the annual hydrant fee (\$160.80/ea.) upon dedication of the hydrant infrastructure project per the lease management agreement between the Town of Orchard Park and ECWA; and

WHEREAS, the total construction of the above referenced commercial project will result in two-far side hydrants to service the construction work and future events parking lots/stadium. Attached is the draft hydrant resolution for said resolution; and

WHEREAS, the Town Board does hereby approve the installation of and authorize the annual payment of \$321.60/yr. for two (2) additional hydrants fees along Abbott Road upon dedication of associated hydrants for the Proposed New Bills' Stadium as required by the lease management agreement between the Town of Orchard Park and ECWA; and

WHEREAS, the Buffalo Bills have made an application for site plan approval for two additional hydrants on the west side of Abbott Road for the construction of a New Buffalo Bills Stadium; and

WHEREAS, in order to meet the New York State Fire Code requirements for construction, it is necessary for two fire hydrants to be located in front of the New Buffalo Bills Stadium on Abbott Road; and

WHEREAS, the Erie County Water Authority, which operates the Town of Orchard Park Water System pursuant to a Lease Management Agreement requires that prior to the installation of two new fire hydrants to the Town of Orchard Park Water System, that the Orchard Park Town Board approve such installation; and

WHEREAS, there is a cost associated with the installation of the additional two fire hydrants as well as annual hydrant fees associated with the installation of an additional hydrant, which costs the Buffalo Bills have agreed to pay.

NOW, THEREFORE, be it

RESOLVED AS FOLLOWS:

1. The Town Board does hereby consent to and approve the installation of two new fire hydrants in front of the New Buffalo Bills Stadium located on Abbott Road upon the condition that Buffalo Bills will be responsible for the costs of installation and the Town will be responsible for the annual fire hydrant fees that are assessed by the Erie County Water Authority.
2. The Town Clerk is authorized and directed to forward a copy of this resolution to the Erie County Water Authority with a request that an additional two fire hydrants be installed in front of the New Buffalo Bill Stadium on Abbott Road at locations approved by the Town Engineer.
3. This resolution shall take effect immediately as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize the Supervisor to sign a MOA with the White Collar Union to move Bill Fulton and Richard Mrugalski, Principal Engineering Assistants from range 0011 step E to range 0012 step E

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MOMBREA, 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 Orchard Park has vast time and expenses in developing and training employee's necessary experiences with Town's infrastructure, specifications, standards and procedures; and

WHEREAS, the "Civil Engineer" was requested from Civil Service and interviews conducted. No qualified candidates were interested for the 0013 salary range listed in the White Collar Union contract. Several other Civil Service titles have been requested to fill vacancies, but no current lists exist and potential, candidates are not interested for the salary offered; and

WHEREAS, Erie County Department of Personnel was called for the New York State Department of Civil Service for a promotional test for the Town of Orchard Park, Assistant Civil Engineer as approved based on job classifications and duties as well as for the two appointments to the Senior Engineer Assistants title; and

WHEREAS, since the Town was unable to fill the vacancy, and since the two existing Principal Engineer Assistants, Bill Fulton and Richard Mrugalski have stepped up to complete the work, I am requesting a change in range from 0011 step E to 0012 Step E for Bill Fulton and Richard Mrugalski, and

WHEREAS, Richard Mrugalski has worked with the Orchard Park Engineering Department for 34 years and was instrumental in completing the Town Wide Stormwater Management District and Existing Drainage District Consolidation Project, all Municipal requirements for NYSDEC/EPA Phase II mandated stormwater programs, as lead field inspector for the Community Activity Center Site work and drafts sanitary sewer relining CIPP Project work. Richard has volunteered as the Disaster Coordinator for years, and completes some of that work without pay as other Engineering Department employees where paid over time for plowing during the same winter storm event times; and

WHEREAS, Bill Fulton has worked with the Orchard Park Engineering Department for 21 years and is instrumental in GIS mapping, assisting with grant applications, grant construction paperwork and construction administration, as well as building facility maintenance/reconstruction projects and all new building projects. Recent projects include, Senior CDBG project, Senior Bocce Ball Court Project, Community Center Entrance Sign, Little Loop Announcer and Storage Building Project, OPLL Field

Lighting Project, Town Wide Stormwater Maintenance and Drainage District work as well as the OP HWY master plan; and

WHEREAS, both Richard Mrugalski and Bill Fulton have accepted the challenge of various construction inspection duties and responsibilities with enthusiasm and have performed their assignments with diligence and effectiveness. Both have proven to be dedicated and dependable employees; and

WHEREAS, funding for the Civil Engineer position is available in the Engineering Department budget. The title, per white collar union contract is range 0013, but remains vacant and funds unused. The range change for the Two Principal Engineer Assistants Range 0011 step E \$36.35/ hr. to Range 0012 Step E \$37.57/ hr. is covered.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a MOA to the White Collar Union Contract to approve the range change for Bill Fulton and Richard Mrugalski Principal Engineer Assistants from existing range 0011 step E to range 0012 step E in the White Collar Union Contract effective June 19, 2023.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Fred Oddi spoke regarding School Resource Officers.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke of the DARE program and School Resource Officers.

Councilmember Joseph Liberti spoke of School Resource Officers and recognized Officer Mazur. He also welcomed Pasquale to the Highway Department.

Councilmember Scott Honer welcomed Pasquale to the Highway Department and spoke of School Resource Officers.

Councilmember Julia Mombrea spoke of the positive relationship that the Orchard Park Police Department has with the residents and students.

Town Clerk Remy Orffeo discussed progress reports for three projects currently being worked on.

Highway Superintendent Andrew Slotman thanked the Town Board for approving the first step of the Highway Facility Plan and welcomed Pasquale to the Highway Department. He also updated residents on upcoming roadwork.

Police Chief Patrick Fitzgerald congratulated the DARE graduates and Officer Mazur. He also informed residents of the OPPD's new website (orchardparknypolice.org) and spoke regarding School Resource Officers.

12) 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:

General Fund	\$417,862.39
Public Safety Fund	\$12,423.58
Part Town Fund	\$4,131.37
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$42,848.65
Special Districts	\$43,218.96
Trust & Agency	\$6,923.82
Capital Fund	\$8,011.61

The resolution was unanimously adopted.

COMMUNICATIONS

13) 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:

- A thank you note from Runners Roost regarding help from the Town Clerk’s with the Gril-Mato 5K Race
- The invitation and approval of Orchard Park’s Town Hall to be the beginning point for this summer’s “Storywalk in the Village”
- Communication from the Town of Huntington Town Board regarding voter identification

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the April 2023 Building Inspector’s Monthly Report; and be it further

RESOLVED, that the Town Board does hereby receive and file the Erie County Southwest Agricultural District No. 8 / 8-Year Review Underway.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:35 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**