

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 December 2020 at 7:00 PM, the meeting was called to order by Deputy Supervisor Joseph Liberti and there were:

PRESENT AT ROLL CALL:

	Joseph Liberti	Supervisor
	Eugene Majchrzak	Deputy Supervisor
		Councilmember
Present Via Phone	Conor Flynn	Councilmember
	Remy Orffeo	Town Clerk
	John C. Bailey	Town Attorney
	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
Present Via Phone	Wayne Bieler	Town Engineer

Deputy Supervisor Liberti 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 COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: November 18, 2020 and Executive Session: November 18, 2020 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

This portion was waived due to COVID regulations.

Old Business #1 Schedule a Public Hearing for Conservation Easements

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

RESOLVED, that the Town Board does hereby schedule the following public hearings on December 16, 2020 at 7 PM in the Town Municipal Center in the matter of a Conservation Easement Renewal for Henry Lewandowski, 6106 Cole Road, Orchard Park, NY 14127 and a Conservation Easement request for Donald and Jennifer Brady, 6215 Scherff Road, Orchard Park, NY 14127.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

This portion was waived due to COVID regulations.

New Business #1 Schedule a Public Hearing for proposed Local Law 9-2020

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing in the matter of proposed Local Law 9-2020, Amending Chapter 45, Building Construction, Article II, Administration and Enforcement, § 45-10. Building permits, Subparagraph I on December 16, 2020 at 7:00 PM at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #2 Approve Police Insurance Recoveries

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

WHEREAS, the Town has incurred additional costs for damages to Cars 7 & 8 that were reimbursed by insurance proceeds, and

WHEREAS, the Town has received the proceeds that were not included in the 2020 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2020 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$13,224.60:

Increase Appropriations:

PS3120 50444	PS Equip Repair & Maint	\$13,224.60
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Increase Estimated Revenues:

PS0000 42680	PS – Insurance Recoveries	\$1,499.71
PS0000 42680	PS – Insurance Recoveries	\$6,644.01
PS0000 42680	PS – Insurance Recoveries	\$5,080.88

The resolution was unanimously adopted.

New Business #3 Approve Retention and Disposition Schedule for NY Local Govt. Records (LGS-1)

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

RESOLVED, by the Town Board of the Town of Orchard Park that Retention and Disposition Schedule for New York Local Government Records (LGS-1) issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein, and be it further

RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; and (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

The resolution was unanimously adopted.

New Business #4 Appoint Steve Bremer to Temporary Electrical Inspector

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

WHEREAS, the Electrical Inspector for the Town of Orchard Park has temporarily been excused from his duties, and

WHEREAS, the Building Inspector, Steven Bremer is qualified to perform those inspections on a temporary basis, and

WHEREAS, the Town of Orchard Park is ready, willing, and able to assign Building Inspector Steven Bremer to assume his duties of Electrical Inspector on a temporary basis until March 31, 2021, which period may be extended by the Town of Orchard Park as necessary, and

WHEREAS, the Town of Orchard Park is willing to pay a stipend of \$250 per week to Building Inspector Steven Bremer for said additional duties for such duties already performed and for those to be performed,

NOW, THEREFORE, BE IT

RESOLVED that:

- 1.) Building Inspector Steven Bremer is hereby assigned the additional duties of Electrical Inspector for the Town of Orchard Park for an initial period beginning November 16, 2020 and expiring March 31, 2021, which period may be extended as necessary, and
- 2.) The Town of Orchard Park shall pay the Building Inspector Steven Bremer a stipend of \$250 weekly for such work done to date and for such work as may be done in the future.

The resolution was unanimously adopted.

New Business #5 Approve Creation of Capital Account “Birdsong Park Access Road Paving”

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

WHEREAS, the Town's grant writer has brought it to our attention that the Town is eligible for a grant to fund improvements within Birdsong Park as well as purchasing Accessrec mats; and

WHEREAS, Accessrec mats will be utilized both at Birdsong Park to allow for cane, walker, and wheelchair access as well as at the Green Lake Beach to allow for similar access on the sand and uneven surfaces. The paving proposed to the Birdsong Park existing stone access road and parking areas will create four (4) reserved handicap van accessible parking spaces; and

WHEREAS, it will also eliminate the current uneven stone to blacktop and boardwalk transitions making it more conducive to disabled park goers. The total grant is for \$50,000.00.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the creation of capital account "Birdsong Park Access Road Paving" as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Authorize Deputy Supervisor to sign the CDBG application for Birdsong Park Handicap Access Improvements.

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

WHEREAS, the Town's grant writer has brought it to our attention that the Town is eligible for a grant to fund improvements within Birdsong Park as well as purchasing Accessrec mats; and

WHEREAS, Accessrec mats will be utilized both at Birdsong Park to allow for cane, walker, and wheelchair access as well as at the Green Lake Beach to allow for similar access on the sand and uneven surfaces. The paving proposed to the Birdsong Park existing stone access road and parking areas will create four (4) reserved handicap van accessible parking spaces; and

WHEREAS, it will also eliminate the current uneven stone to blacktop and boardwalk transitions making it more conducive to disabled park goers. The total grant is for \$50,000.00.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Deputy Supervisor to sign the Community Development Block Grant Application for the Accessrec mats and Birdsong Park Handicap Access Improvements as recommended by the town Engineer.

The resolution was unanimously adopted.

New Business #7 Set a Public Hearing for Proposed Local Law 10-2020

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing in the matter of proposed Local Law 10-2020, regarding §144-49 "Approvals Required" on December 16, 2020 at 7:00 PM at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #8 Set a Public Hearing for Proposed Local Law 11-2020

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing in the matter of proposed Local Law 11-2020, regarding §144-51 Communications facility permit standards (b) Aesthetics (B)(7) on December 16, 2020 at 7:00 PM at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

This portion was waived due to COVID regulations.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Flynn stated via email he found statements made by a local business owner to be racially offensive and will have a resolution ready at the start of next year stating the Town is committed to racial equality and that this Town believes Black Lives do, in fact, matter.

Town Clerk Remy Orffeo asked that department managers get trained on record disposal and to not destroy records until they are trained in LGS-1 record retention and disposal. His office is trying to create space for records.

Highway Superintendent Fred Piasecki stated the Highway Department is focusing on brush pickup and thanked the County for the check for plowing county roads in the amount of \$51,734.47.

Police Chief Wehrfritz asked residents not to park on the road due to snow plowing needs. He also asked for everyone to watch your speed, schools are closed and there are more pedestrians out there.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER 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 # 23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$32,160.48
Public Safety Fund	\$10,776.31
Part Town Fund	\$1,713.65
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$6,203.45
Special Districts	\$10,585.48
Trust & Agency	\$2,281.40
Capital Fund	\$6,250.50

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Majchrzak, seconded by Councilmember Flynn, the meeting adjourned at 7:20 pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk