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 January, 2013 at 6:30 PM, the meeting was called to order by Supervisor Colarusso and there were:

PRESENT AT ROLL CALL:

Janis Colarusso David Kaczor Eugene Majchrzak

Supervisor Councilmember Councilmember

Carol Hutton John C. Bailey

Town Clerk
Town Attorney

Frederick Piasecki, Jr.

Highway Superintendent

Wayne Bieler Andrew Geist Andrew Benz

Town Engineer Building Inspector Chief of Police

Supervisor Colarusso 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 COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on December 19, 2012 and the Executive/Special Session Meetings held on December 5 & 19, 2012, are hereby approved, 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.

Councilmember Majchrzak announced that Chief of Police Andrew Benz will be retiring on January 4, 2013 after serving nearly twenty five years in the Orchard Park Police Department. Lt. Mark Pacholec will be appointed as Chief of Police (Provisional) until the Civil Service Police Chief exam is held. Lt. Pacholec began working in the Police Department February 1997.

New Business #1 Part-Time Appointment to the Maintenance Department

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

WHEREAS, there has been a loss of part-time cleaners in the Maintenance Department, and

WHEREAS, Robert Benning and Supervisor Colarusso have interviewed Adam McNeight and found him to be highly qualified for the position.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Adam McNeight to part-time maintenance cleaner at a rate of \$10.00 per hour 10-15 hours a week, as recommended by Robert Benning, Maintenance Department.

The resolution was unanimously adopted.

New Business #2 Reclassify Position of Deputy Highway Superintendent

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

WHEREAS, the Town Board has reviewed the various duties and responsibilities of the Town's Deputy Highway Superintendent, and

WHEREAS, the Town Board believes these duties and responsibilities make such position more appropriately classified as that of a salaried position, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby reclassify the position of Deputy Highway Superintendent from that of an hourly employee to that of a salaried employee.

The resolution was unanimously adopted.

New Business #3 Approve the Reappointment of Town Assessor

Item tabled.

New Business #4 Promotion of "Assistant Maintenance Worker" to "Maintenance Worker"

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

RESOLVED, that the Town Board does hereby promote Mr. Robert Benning from the title of "Assistant Maintenance Worker" to "Maintenance Worker" which is included in the CSEA White Collar contract as Step 9, "1st Yr". This promotion shall be effective as of January 1, 2013, with a probation period of one (1) year.

The resolution was unanimously adopted.

New Business #5 Appointments to the 2013 Rec. Dept. Winter/Spring Seasonal Staff

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

RESOLVED, that the Town Board does hereby make the following Fall, Winter, Spring Seasonal part time Staff Appointments.

Name (Retro Active 1 Melanie Janesz Margaret Klee	$\frac{1}{22}$	ddress 2 St. Clair St. 9 Cherry Tree Ln.	Rate \$10.50 \$ 9.50	Position (Title*) PT3-C Aide PT2-D LG
Name	Address	Old Rate	New Rate	Position (Title*) PT3-C Aide
Ryan Lehman	5162 Ellicott Rd.	\$15.00 (PT6-D)	\$10.50	

Note: The above appointment is dependent upon the applicant providing the required certifications.

The resolution was unanimously adopted.

New Business #6 Town Board to Schedule a Public Hearing

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

RESOLVED, that the Town Board does hereby authorize to schedule a Public Hearing on Wednesday, January 16, 2013 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, in regard to a Proposed Local Law for the Year 2013, for the Amendments to Chapter 120-5.1: Snow Plow Ordinance. The Local Law is available for review during regular business hours at the Town Clerk's office.

The resolution was unanimously adopted.

New Business #7 Town Board to Support Legislation from Erie Co. to enact "Phoenix's Law"

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

WHEREAS, there are many pet and animal lovers throughout the Town of Orchard Park, Erie County and Western New York, and

WHEREAS, there have been numerous cases of animal abuse throughout Erie County and Western New York, and

WHEREAS, New York State has the authority to toughen penalties for people who abuse and torture animals, and

WHEREAS, Erie County Legislator McCracken has sponsored legislation in the Erie County Legislature encouraging the New York State Legislature to enact "Phoenix's Law" aimed at stiffening penalties for those who torture and abuse animals.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby support the Erie County Legislature in urging the New York State Legislature to enact "Phoenix's Law" and be it further

RESOLVED, that the Town Clerk of the Town of Orchard Park is hereby directed to send copies of this resolution to the Erie County Legislature, New York State Senator Patrick Gallivan, and New York State Assembly.

The resolution was unanimously adopted.

Refer to Planning Board and Conservation Board

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

RESOLVED, that the Town Board does hereby refer to the Planning Board and the Conservation Board the following item:

 Ellicott Development Company request to re-develop the Savilles property, 3900 North Buffalo Road, located on the west side of North Buffalo Road, south of Webster Road, 50± acres, Zoned B1and R2. (SBL#/s 161.16-1-1,1-2,1-3.1, 1-5.2 & 161.00-3-19)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jacqueline Briggs – She read and submitted a report from the Senior Center Senior Council of Orchard Park. It included individual donations and funds that have been raised to support a new Senior Center. She stated that in 2012, the Council has raised \$37,033.96 and have a balance of \$25,825.07 after expenses. Ms. Briggs stated that the Senior Council would continue their efforts to raise money towards a larger venue and hoped that the Town Board would consider their stance about a larger Senior Center and help them obtain the use of the Baker Elementary School.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the following budget transfer as recommended by the Building Inspector:

\$200.00

From: B.3620.0445 To: B.3620.0475

The resolution was unanimously adopted.

Supervisor Colarusso thanked Ms. Briggs for her report. Supervisor Colarusso reported that she has a person willing to help with grants in the future for the Senior Center project. She commended the Village on the success of the New Year's Eve celebration. She thanked Howie Holmes, Jeff Sweet, Joe Wales, Mayor John Wilson and Chief Andy Benz.

Supervisor Colarusso stated that it was wonderful working with him for the last nineteen years and wished Chief Benz the best of luck and happiness on his retirement.

Councilmember Kaczor congratulated Ms. Briggs on the seniors' outstanding fundraising. He attended the New Year's Eve event and it proved to be good for the restaurants involved. Councilmember Kaczor wanted people to be mindful of joggers in the winter. He thanked Chief Benz for his outstanding years of service to the community. He stated that he would be missed and wished him the best of luck. Councilmember Kaczor welcomed and thanked Lt. Mark Pacholec for stepping forward.

Councilmember Majchrzak thanked Chief Benz for his service and wished him all the best. He stated that Lt. Pacholec's new position as Acting Police Chief would start at midnight, Friday, January 4, 2013.

Police Chief Benz thanked the residents of the Town and Village of Orchard Park for a very rewarding career and he appreciated all the support over the years.

Highway Superintendent Piasecki reported on the money received from Erie County for the Town snow plowing of County roads for \$49,071.24. He told Chief Benz it was a real pleasure working with him.

Town Engineer Bieler told Chief Benz to enjoy his retirement and it was a pleasure working with him.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED that the Town Board does hereby authorize the approval of all entries on Warrant #1 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$70,578.52
Public Safety Fund	\$19,123.59
Part Town Fund	\$1,842.50
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$17,582.88
Special Districts	\$119,035.01
Trust & Agency	\$2,425.00
Capital Fund	\$15,367.00

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting was adjourned at 7:53 PM (local time).

Immediately following the 1st Town Board Regular Meeting at 6:55 PM, A Special Session Meeting was called for by Councilman Kaczor, seconded by Supervisor Colarusso to appoint Lt. Mark Pacholec as Police Chief (Provisional)

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

RESOLVED, that the Town Board is hereby authorized to appoint Lt. Mark Pacholec to the position of Police Chief (Provisional), effective January 4, 2013.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso seconded by Councilmember Kaczor, to wit: the meeting adjourned at 7:00 pm (local time).

Respectfully Submitted,

Carol R. Hatter

Carol R. Hutton Town Clerk