

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 20th day of January at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Janis Colarusso	Supervisor
	Nancy Ackerman	Councilwoman
	David Kaczor	Councilman
	Edward Graber	Councilman
	Eugene Majchrzak	Councilman
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Andrew Benz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

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."

Supervisor Colarusso asked the Boy Scouts of Troop 230 to lead the Pledge of Allegiance

Presentation of Certificates of Appreciation

Councilwoman Ackerman awarded a Certificate of Appreciation to Boy Scout Ryan Rhoads for "Acts of Courage During Times of Emergency". Ryan assisted a girl who was injured in the water at a pilgrimage camp, and he also received the Boy Scouts "Heroism Award".

Planning Board Chairman Hal Fabinski awarded Certificates of Appreciation to Eugene Majchrzak and John Bernard for their dedication and hard work on the Planning Board, and for taking the time to make a difference in their community.

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board meeting held on December 16, 2009, as presented by the Town Clerk are hereby approved, and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board as previously received copies thereof.

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against an amendment to the Zoning Ordinance which reads as follows: To rezone property located at 2861 Southwestern Boulevard from R-3 to B-2, in order to construct a 99 ft. x 60 ft. building to be used for storage of equipment and small office, Zoned B-2 & R-3, as requested by Steven Schneckenberger

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

Supervisor Colarusso asked if anyone in the audience would like to speak for or against the rezoning of this property.

Proponents

Steven Schneckenberger
Nick Taneff

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Public Hearing in the matter of rezoning property located at 2861 Southwestern Boulevard is hereby closed at 7:15pm.

The resolution was unanimously adopted.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

WHEREAS, following due and timely notice, a Public Hearing relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park, was conducted at the Municipal Center, on the 20th day of January 2010, at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

To rezone property located at 2861 Southwestern Boulevard from R-3 to B-2, in order to construct a 99 ft. x 60 ft. building to be used for storage of equipment and small office, Zoned B-2 & R-3, as petitioned by Steven Schneckenberger, and

WHEREAS, no recommendation from the Erie County Department of Planning, pursuant to Section 239-m of the General Municipal law was received and filed by the Town Board, and

WHEREAS, approval from the Town of Orchard Park Planning Board was received and filed with the Town Board

NOW, THEREFORE, be it

RESOLVED and ORDAINED, that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from R-3 to B-2, property located at 2861 Southwestern Boulevard as follows:

All that tract or parcel of land, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 409, Township 10, Range 7 of the Buffalo Creek Reservation bounded and described as follows:

Beginning at a point on the South line of Lot No. 409, distance 1,031.5 feet west of the east line of Lot No. 409 as measured along said south line, said point of beginning being also the southwest corner of lands deeded to Antonia Gullen by Deed recorded in the Erie county clerk's Office in Liber 1728 of Deeds at page 172; thence north along the west line of lands so deeded to Antonia Gullen by aforementioned Deed and parallel with the east line of Lot No. 409 a distance of

675.75 feet to the south line of Southwestern Boulevard; thence northeasterly along the southeasterly line of Southwestern Boulevard 152.62 feet; thence southerly parallel with the east line of Lot No. 409 and the west line of herein described premises a distance of 768.76 feet to the south line of Lot No. 409; thence westerly along the south line of Lot No. 409 a distance of 121 feet to the place of beginning, and be it further

RESOLVED, that this approval is granted with the following stipulations as recommended by the Planning Board

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration shall be made.
- Acreage fees shall be paid in accordance with Section 144-70C of the Town Code prior to publication of the Public Hearing Notice
- This recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans received on 11/20/09 and shall incorporate the recommendations of the Conservation Board in #4, below. The project shall revert to its original zoning classification if the project is not completed per Section 144-67 of the Town Code.
- Per the conservation Board Meeting minutes of 12/1/09, the applicant shall:
 - a. Maintain the rear setback to be no less than 40-feet
 - b. The berm at the rear Southern part of the property is to remain as is; however, a double row of trees, adding 6 (six) additional evergreens, is to be planted to buffer the residents. This is important because of the rezoning of the residential property to commercial.
 - c. The proposed Silver Maple trees are to be replaced with Red Maple or standard Columnar English Oak
 - d. A revised Landscape Plan and Revised landscape Estimation Form must be submitted to the Planning Office.

RESOLVED, this Ordinance shall take effect ten (10) days after publication and posting in accordance with law, and be it further

RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with Section 264 and 265 of Town Law.

The resolution was unanimously adopted.

Old Business #1 310 Sterling Dr, authorize Building Permit

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board is hereby authorized to approve a Building Permit for 310 Sterling Drive, located on the west side of Sterling Drive, zoned I-1, for the construction of 13 additional parking spaces with a snow piling area at this site based on the Site Plan received 12/28/09 with the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration shall be made.
- Any additional site lighting shall be submitted to the Planning Board for approval.

- No outside storage or display is permitted
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 14-25 of the Town Code.
- Town Engineering Approval was granted on 1/13/10.
- Prior to the issuance of a Building Permit, a three (3) year landscape completion bond in the amount of \$7,600.00 shall be provided for the landscape plan received on 11/13/09. The Conservation Board requests revisions to this plan as noted in their 12/1/09 meeting minutes and agreed to per letter received on 12/9/09 from Dean Sutton Architects. The site has a total green space area of 38.7%

The resolution was unanimously adopted.

New Business #1 Board of Assessment Review Appointment

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby reappoint Thomas Valentine, 35 Coventry Lane, Orchard Park NY, to the Board of Assessment for a five year term to expire 09/30/2014, as recommended by the Town Assessor.

The resolution was unanimously adopted.

New Business #2 (not on agenda) Accept Resignation from Orchard Park Recreation Commission

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby accept the resignation of Henry J. Heppner Jr. from the Orchard Park Recreation Commission, effective immediately.

The resolution was unanimously adopted.

New Business: #3 (not on agenda) Appointment to Planning Board

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby appoint Henry J. Heppner Jr., 5 Ridgewood Drive, Orchard Park NY, as Alternate to the Planning Board for a one year term, expiring 12/31/10

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Nick Taneff – Mr. Taneff thanked Councilwoman Ackerman & Councilman Kaczor for defending the Planning Board in regards to the People Inc. request to rezoning a property for Senior Housing, while Supervisor Travers Murphy did not support them.

Sal Cerrone – Mr. Cerrone said that there is an ongoing problem with the company picking up the refuse for the Town as there is always broken glass on the roads by his house (Lakeview, Hillside, Bielak).

Lou Boehm – Mr. Boehm took exception to Mr. Taneff's statement regarding Supervisor Travers Murphy

Supervisor Colarusso took this time to state that the Business off the Floor portion of the Town Board meeting is for residents to discuss issues in a civilized manner, it is not a forum to criticize or praise individuals in Town Government. She asked that the residents honor the intent of "Business from the Floor".

Henry Heppner – Mr. Heppner thanked the Town Board for appointing him as Alternate to the Planning Board.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers

Amount	From Account #	Description	To Account #	Description
\$390.00	A3310.0442	Traffic Signal	A3310.0215	Traffic Signs
\$1562.00	A5132.0422	Hwy Garage –gas	A5132.0423	Hwy Garage water
\$581.00	A5010.0210	Hwy Other Expense	A5132.0445	Hwy Garage Bldg
\$1,341.00	A7110.0421	Parks -Electric	A7110.0402	Parks Supply
\$480.00	A7110.0215	Parks –Equipment	A7110.0200	Milestrip Field
\$810.00	A7110.0422	Parks – Gas	A7110.0423	Parks –Water
\$390.00	A7110.0425	Parks –Portable Bathroom	A7110.0445	Vehicle Repair
\$130.00	A7110.0425	Parks – Portable Bathroom	A7110.0446	Small Eng Repair
\$2,430.00	A7110.0421	Parks – Electric	A7110.0448	Fertilizer
\$820.62	DA5110.0473	Manhole	DA5130.0419	Machinery
\$5,171.23	DA5110.0474	Culvert Pipe	DA5130.0419	Machinery
\$12,933.78	DA5140.0416	Gas	DA5130.0419	Machinery
\$1170.337	DA5142.0419	Snow	DA5130.0419	Machinery
\$27,327.00	DA5140.0416	Gas	DA5742.0402	Snow supplies
\$2,604.53	A1620.0446	Contracted Repairs	A1620.0445	Renovations
\$2,791.00	A1620.0419	Other Expenses	A1620.0445	Renovations
\$3,081.11	A1620.0421	Electric	A1620.0445	Renovations
\$40,785.04	A.1330.0100	Tax Receiver	A1330.0111	Tax Receiver
\$1,921.96	A.1330.0100	Tax Receiver	A1410.0111	Town Clerk
\$1,364.00	A1410.0111	Town Clerk	A1410.0113	Overtime
\$5,000.00	A7110.0102	Milestrip Fields	A7110.0149	Parks – Part time
\$602.00	A7110.0447	Fencing	A7110.0149	Parks – Part time
\$85.00	A7110.0402	Parks	A7110.0400	Milestrip Supplies
\$385.00	A7110.0402	Parks	A7110.0419	Other expense
\$330.00	A7110.0402	Parks	A7110.0446	Small Equipment
\$53.00	DA1910.0407	Highway	DA1910.0408	First Aide Expense
\$35.00	A5132.0200	Highway	A5132.0445	Garage Bldg
\$2,879.00	DA5110.0416	Highway	DA5110.0149	Part time labor
\$288.00	DA5140.0419	Brush	DA5110.0407	Clothing Allowance
\$2,598.00	DA5110.0416	Highway	DA5110.0440	Equipment rental
\$436.00	DA5140.0464	Brush	DA5100.0464	Highway

\$3832.00	DA5110.0416	Highway	DA5130.0419	Machinery
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And be it further resolved that the Town Board does hereby authorize amending the 2009 Budget as follows:

\$311.79 Increase appropriation account:	DA5112.0200 Highway – Permanent Improvement
\$311.79 Increase estimated revenues:	DA0000.3501.0005 Highway – CHIPS Program
\$4,025.74 Increase appropriation account	DA5110.0474 Highway – Culvert Pipe
\$4,025.74 Increase estimated revenues:	DA0000.2655 Highway – Sale of Culvert Pipe

The resolution was unanimously adopted.

Highway Superintendent Fred Piasecki said that the Highway Department was audited by the EPA, and they passed with flying colors on the inspection of their drainage system, and tanks for fuel storage. He thanked the Engineering Dept. for their input when the Highway Garage was refurbished. Mr. Piasecki said they are still out picking up Christmas trees.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$78,132.55
Part Town Fund	\$1,461.33
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$62,088.59
Special Districts	\$113,003.27
Trust & Agency	\$1,905.68
Capital Fund	\$5,129.99

The resolution was unanimously adopted.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following communications and reports:

- New York State Dept of Transportation regarding a traffic engineering investigating related to a 11/30/09 request for a reduction in the 55 MPH speed limit on Rout 20 (Southwestern Blvd) in the vicinity of Hazel Court. They feel that a reduction in the existing 55 MPH speed limit is not needed at this time
- United States Census Bureau is looking for more people to take the Test to work for the 2010 Census.
- Building Inspectors Annual Report.

The resolution was unanimously adopted.

Supervisor Colarusso closed the meeting with a moment of silence in memory of Keith “Fuzzy” Carruthers, husband of Marie Carruthers, Deputy Town Clerk.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilman Kaczor, the meeting was adjourned at 7:35 PM (local time).

Respectfully Submitted,

Carol R. Hutton

Carol R. Hutton
Town Clerk

