

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 21st day of March, 2012 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:

Janis Colarusso	Supervisor
David Kaczor	Councilmember
Eugene Majchrzak	Councilmember
Carol Hutton	Town Clerk
John C. Bailey	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."

Special Presentation for Public Safety Dispatch

A Special Presentation was given by Lieutenant Wehrfritz and Lieutenant Pacholec outlining the updates for the Police Dispatch Center project. The goals of this project are: 1) to convert the Police oriented dispatch center into a Public Safety Dispatch Center and to meet the current practices in other Dispatch Centers, 2) To reduce the costs and increase the efficiency of the Dispatch Center.

The Town of Orchard Park, with the partnership of the Orchard Park Fire District, will convert dispatch from a combination of Police Officers and Public Safety Dispatchers (PSD) to all Public Safety Dispatchers by March of 2013. They will also train & test all PSDs to be certified PSDs in emergency medical dispatching, as well as updating the equipment and technology. Lt. Wehrfritz gave a time line for this project, and looks to have 5 full time PSDs, and 5 part-time PSDs when completed. This will free up officers to be on the road. Lt. Wehrfritz wanted to stress that the Fire District has come on board as partners, and have a substantial share in this. As well as the fee for calls, they are investing in technology, training and equipment. They are going a step above and beyond to get this project up and going.

By the beginning of April, they would like to see a signed agreement between the Town of Orchard Park and the Fire District. The Fire District is going to pay \$17.50 per call, and there are about 250 emergency calls per month.

The Board members stated that they have looked at different avenues for the Dispatch Center and feel this project gives the Town the best service for the costs involved. It was noted that the exam for the Public Safety Dispatchers is in April.

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

RESOLVED, that the Regular Town Board Meeting minutes held on March 7, 2012, 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 has previously received copies thereof.

The resolution was unanimously adopted.

Old Business #1 Schedule Public Hearing to Rezone Vacant Land adjacent to ECC South Campus

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing on Wednesday, April 4, 2012 at 7:00 PM in the matter of an amendment to the zoning ordinance: To rezone 4.62 ± acres located at the south side of Southwestern Boulevard, adjacent to the ECC South Campus, from B-2 to R-4 with a Collegiate Residential District Designation, for the purpose of constructing a maximum of three-buildings containing 120-two and four bedrooms units with 288 bedrooms for multi-use to provide student housing with on-site parking and one (1) leasing/maintenance building, as petitioned by Regent Companies, and be it further

RESOLVED, that the Planning Board recommends the Town Board does hereby approve this request with conditions and stipulations, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof in the Town's official newspaper and the Buffalo News.

The resolution was unanimously adopted.

Old Business #2 3494 Amelia Drive, approve Building Permit for New Restaurant

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

RESOLVED, that the Town Board is hereby authorized to approve the request of QC Properties LLC for a Building Permit, 3494 Amelia Dr. (Quaker Crossing, the site of former "Montana's") located on the west side of Amelia, north of Miletrip Road to construct a 6,266± sq.ft building to house a restaurant called Longhorn Steak House, per the plan received on 2/29/12, as recommended by the Planning Board with the following stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures will have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- Town Engineering Approval was granted on 3/14/12.
- The landscape plan received 3/1/12, includes 23.9% total Interior Green Space. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$12,482 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.

The resolution was unanimously adopted.

Old Business #3 Schedule Public Hearing to Rezone Property at 3345 Southwestern Blvd.

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing on Wednesday, April 18, 2012 at 7:00 PM in the matter of an amendment to the zoning ordinance: To rezone 1.958 acres at 3345 Southwestern Boulevard, located on the south side of Southwestern Boulevard from R-2 to B-4, for the proposed construction of two-building additions with a possible easterly driveway connection to Orchard Park Rd., as petitioned by Uniland Development Company, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof in the Town's official newspaper.

The resolution was unanimously adopted.

New Business #1 Authorize Attendance to the North American FOSS 2012 Conference

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 approve R. Paul Warriner to attend the North American FOSS 2012 Conference, (Free and Open Source Software for Geospatial) April 10th – April 12, 2012 at the Walter E. Washington Convention Center. The cost of the program will be \$300.00 conference fee, three hotel nights for \$649.22 and \$331.20 for 736 miles driven, for a total cost of \$1,280.42.

The resolution was unanimously adopted.

New Business #2 Authorize Attendance to Internal Affairs Training

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 Chief Benz and Lieutenant Wehrfritz to attend the Internal Affairs Training which is being held at ECC North, Erie County Police Academy, June 11, 12, and 13, 2012. The cost of this training is \$300.00 each for a total not to exceed \$600.00.

The resolution was unanimously adopted.

New Business #3 Town Board to Declare Property Dangerous & Unsafe

7) 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 declare the property at 3885 Taylor Road, SBL#161.00-5-32.1, as dangerous and unsafe and begin the procedures for repair or removal as described in chapter 47 of the Town Code, as recommended by Andrew Geist, Building Inspector.

The resolution was unanimously adopted.

New Business #4 Authorize Supervisor to Sign Agreement

8) 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 Supervisor to sign the agreement between MPLC (Motion Picture Licensing Corporation) and the Town of Orchard Park Senior Center retroactive to March 12th not to exceed \$295.00.

Town Attorney Bailey stated this agreement needs to be in place for the Senior Center to show movies.

The resolution was unanimously adopted.

New Business #5 Approve Petty Cash Increase

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

RESOLVED, that the Town Board approved the Recreation Department's petty cash to be increased from \$100.00 to \$250.00, as requested by Recreation Director.

Councilmember Kaczor checked with the Town Accounting Department and Town Accountant, and this request is appropriate.

The resolution was unanimously adopted.

New Business #6 Authorize Attendance on Management's Rights

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

RESOLVED, that Town Board does hereby authorize Chief Andy Benz and Lieutenant Wehrfritz to attend a class on Management's Rights. The course is being held on April 18th at the Niagara County Law Enforcement Academy. The cost is \$135.00 for the first attendee and \$115.00 for any additional attendees.

The resolution was unanimously adopted.

New Business #7 Appointment to the Historical Preservation Board

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

RESOLVED, that Town Board does hereby appoint Milton Bradshaw, Town Assessor, to the Historical Preservation Board, effective immediately with the term ending 5/13/14.

The resolution was unanimously adopted.

New Business #8 Adopt Comprehensive Emergency Management Plan for 2012

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

WHEREAS, the aim of Town emergency planning is to reduce the risk to, and potential impact from emergencies and disasters. Under Executive Law Article 2-B, authorizes the Town to prepare a comprehensive emergency management plan and

WHEREAS, this Plan was prepared by the Disaster Management Team in a planning process recommended by the New York State Office of Emergency Management. The plan will become an integral part of a statewide emergency management program and the county emergency management efforts and

WHEREAS, the Disaster Management Team working with Town officials and other agencies through a process to pre-identify hazards and likely threats; to locate the resources and equipment that will be needed should disaster strike; to establish an organization to quickly and efficiently coordinate help when help is needed; and to create a system to inform citizens of the dangers and how best to protect themselves and

WHEREAS, Emergency management responsibilities are outlined in this plan for Town departments' and agencies'. Assignments are made within the framework of the present Town capability and existing organizational responsibilities. The Town of Orchard Park will continue to use the Incident Command System (ICS) to respond to emergencies. ICS is a management tool for the command, control, and coordination of resources and personnel in an emergency and

WHEREAS, the Comprehensive Emergency Management Plan shall be reviewed and updated annually, and or after any incident requiring implementation of the plan.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the Comprehensive Emergency Management Plan for 2012, as recommended by Richard Mrugalski, Disaster Coordinator.

The resolution was unanimously adopted.

New Business #9 Approve Internship to the Engineering Department

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

WHEREAS, the funds have been allocated in the 2012 budget for seasonal and part-time help in the Engineering Department. The Engineering Department received a request from a 3rd year Civil Engineering Student of Rochester Institute of Technology to complete an internship with the Engineering Department, and

WHEREAS, Sean Conway is seeking a co-op in the field of Civil Engineering with multi-disciplined applicability that will allow him the opportunity to develop his skills as well as to support corporate objectives. Sean has completed most of his normal course work load and has used Auto CAD 2008 and Civil 3D 2011

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Sean Conway, 6 Kent Drive, Orchard Park, New York 14127 to an internship position in the Engineering Department for a five month period starting March 22, 2012 and ending approximately August 31, 2012 at a wage rate of \$11.00/hour, as

recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Authorize Payment of Hydrant Fees for Holly Ridge Estates

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

WHEREAS, as requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amounts upon dedication of the various phases of the Subdivision per the lease management agreement between the Town of Orchard Park and ECWA and

WHEREAS, the total construction of the above referenced subdivision will result in four-hydrants in service

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the payment of (4) hydrant fee amounts upon dedication of the Holly Ridge Estates Subdivision and associated hydrants per the lease management between the Town of Orchard Park and ECWA.

The resolution was unanimously adopted.

New Business #11 Authorize Payment of Hydrant Fees for Knoche Farms Estates & Order calling for a Public Hearing to establish Orchard Park Drainage District 1-2

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

WHEREAS, as requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amounts upon dedication of the various phases of the Subdivision per the lease management agreement between the Town of Orchard Park and ECWA and

WHEREAS, the total construction of the above referenced subdivision will result in fourteen-hydrants in service

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the payment of (14) hydrant fee amounts upon dedication of the Knoche Farm Estates Subdivision and associated hydrants per the lease management agreement between the Town of Orchard Park and ECWA, as recommended by the Town Engineer.

The resolution was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 1-2, which petition was signed by the sole owners of taxable real property situate on the proposed new water district owning all of the

taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Greenman-Pedersen, Inc., competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective new homeowners within the proposed district consisting of the construction and installation of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 1-2, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries (Exhibit A-1) of the proposed new Town Drainage District OPDD 1-2 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed new Town Drainage District OPDD 1-2 is bounded and described in the map, plan and report; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 1-2 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 1-2 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 1-2; and

WHEREAS, said new Town Drainage District OPDD 1-2 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, Knoche Farms, LLC and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 1-2 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it **ORDERED**, that meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 18TH day of April, 2012 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage OPDD 1-2; as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish as least once in the Orchard Park Press, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

Exhibit A-1
Legal Description

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 Lots 2 and 3, Township 10, Range 7 of the Buffalo Creek Reservation so called, bounded and described as follows:

COMMENCING in the centerline of Milestrip Road, being the southerly line of Lot 3, distant 501.65 feet easterly from the southwesterly corner thereof, said point being the southeasterly corner of lands conveyed to Milton W. Bull by deed recorded in the Erie County Clerk's Office in Liber 78 of Deeds at page 206;

THENCE: N-00°-22'-47"-E along the easterly line of said Bull, a distance of 33.00 feet to the northerly line of Milestrip Road and the POINT OF BEGINNING of the parcel hereinafter described.

THENCE: N-00°-22'-47"-E along the easterly line of said Bull Lands a distance of 2,562.33 feet to the northerly line of Lot 3;

THENCE: S-89°-50'-54"-E along the northerly line of Lot 3 a distance of 1,032.36 feet to the northeasterly corner thereof;

THENCE: N-88°-06'-32"-E along the northerly line of Lot 2 a distance of 781.44 feet to the northwesterly corner of lands conveyed to Harmon Bullis by deed recorded in Liber 24 of Deeds at page 292.

THENCE: S-00°-04'-34"-E along the westerly line of said Bullis Lands a distance of 949.85 feet to the northeasterly corner of lands conveyed by Shirley J. Knoche and Lorraine Knoche to Health Research, Inc.

THENCE S-60°-12'-35"-W along the northerly line of lands conveyed to Health Research, Inc. a distance of 517.28 feet to the northwesterly corner thereof;

THENCE: S-21°-13'-55"-E along the westerly line of lands conveyed to Health Research, Inc. and the easterly line of lands conveyed by Health Research, Inc. to Shirley J. Knoche and Lorraine Knoche a distance of 766.97 feet to the southeasterly corner of the said Shirley J. Knoche and Lorraine Knoche Lands;

THENCE: S-89°-07'-11"-W along the northerly line of lands conveyed to Isaac Baker by deed recorded in Liber 240 of Deeds at page 191 a distance of 604.49 feet to the west line of Lot 2;

THENCE: S-89°-17'-06"-W along the northerly line of lands conveyed by Liber 7217 of Deeds at page 281 and the northerly line of lands conveyed to Randall C.

Verel and Victoria M. Verel by correction deed recorded in Liber 10923 of Deeds at page 1982, a distance of 619.59 feet to the northwesterly corner of said Verel Lands;

THENCE: S-00°-57'-55"-E along the westerly line of said Verel Lands a distance of 371.04 feet to the northeast corner of lands conveyed to Jeffrey T. Gertis & Sandra J. Gertis by deed recorded in Liber 11066 of Deeds at page 1055;

THENCE: S-89°-16'-58"-W, along the northerly line of said Gertis Lands, a distance of 220.00 feet to the northwesterly corner thereof;

THENCE: S-00°-57'-55"-E, along the westerly line of said Gertis Lands, a distance of 270.00 feet to the northerly line of Milestrip Road;

THENCE: S-89°-16'-58"-E, along the northerly line of Milestrip Road, a distance of 227.32 feet to the POINT OF BEGINNING containing 78.65 acres be the same more or less.

The resolution was unanimously adopted.

New Business #12 Authorize Attendance to the State Plane Coordinate System Workshop

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

WHEREAS, the Engineering Department is required to use, implement, and maintain the Township Survey Bench System of monuments during the day-to-day survey assignments by this Department's Licensed Surveyor, Kenneth W. Partridge and

WHEREAS, HalfMoon, LLC is presenting a one-day workshop on May 17, 2012 at Holiday Inn Downtown in Buffalo, New York. The course agenda includes the Geodetic datum characteristics and applications, WG584, NAD83 & ITRF datum adjustments: past, present and future, continuously operating reference stations, proper use of State Plane coordinates, How Geodetic and State Plane Datums work together, Troubleshooting Coordinate System Problems, Basic Datum's Terminology, Online positioning user services (OPUS), NGS data sheet interpretation, error management, understanding coordinate quality and confidence levels, and how to apply the Geoid properly and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Kenneth W. Partridge, LS of the Engineering Department to attend the State Plane Coordinate System Workshop on May 17, 2012 at Holiday Inn Downtown in Buffalo, New York in an amount not to exceed \$270.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #13 Authorize Supervisor to Sign Agreement

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

WHEREAS, as part of the Town-Wide Sanitary Sewer Study, the Town of Orchard Park Engineering Department is required to develop a Town-Wide Sanitary Sewer Master Plan (SSMP). The SSMP will be an overall management strategy to address the many technical, financial, administrative, and regulatory issues related to operating a sanitary sewer system and

WHEREAS, installation of temporary flow meters is the first critical step in developing a SSMP. The meters will record sewer flows identifying potential problems within the system, determining capacity issues and ultimately aid in developing effective maintenance and rehabilitation strategies to mitigate problems in a cost-effective manner. In addition, recent US EPA regulations such as Capacity, Management, Operations & Maintenance (CMOM) are requiring municipalities to reduce and eliminate sanitary sewer system overflows. Although the Town currently has no sewer overflows, several areas do experience surcharging caused by excessive wet weather flows. These areas over time may hinder growth and development due to insufficient capacity and

WHEREAS, in an effort to properly understand and quantitatively record the problematic areas within the Town, 10 meters will need to be installed throughout the sewer system. The Engineering Department solicited three (3) companies for price quotes and is summarized below.

<i>TECsmith Environmental Services</i>	<i>\$23,100.00</i>
<i>Total Control System Services</i>	<i>\$30,617.31</i>
<i>ADS Environmental Services</i>	<i>\$60,800.00</i>

There is presently \$83,903.00 plus interest allocated under Capital Project H-35 for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the Supervisor to sign an agreement with TECsmith Environmental Services Inc. for professional services for Sanitary Sewer Flow Meters for a period of 90 days in an amount not to exceed \$23,100.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Approve Purchase of Rain Gages

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

WHEREAS, in conjunction with the Town-Wide Sanitary Sewer Master Plan (SSMP), it is necessary to install three (3) rain gauges within the Town limits with the purpose to collect and record the intensity and duration of rain events. The rain gauges will serve multiple purposes to include the Town-Wide Sewer Study and future Storm Water runoff modeling and flood control projects and

WHEREAS, the gauges will be used to document individual rain events for the duration of the sewer flow study. Each rain event will be analyzed with the sewer flow data to determine areas with excessive wet weather flows. This will assist the Town in prioritizing replacements and repair work and

WHEREAS, the Town is a participant of the Municipal Separate Storm Sewer System (MS4) Program through the Environmental Protection Agency (EPA). The gauges will also serve a long-term purpose to log the rain data that the Town receives. This data will be used to develop and implement the storm water management program involving flood control and

WHEREAS, the Engineering Department solicited three (3) companies for price quotes and they are summarized below:

<i>Total Control System Services</i>	<i>\$4,646.30</i>
<i>Hydrological Services America</i>	<i>\$4,065.00</i>
<i>Global Water</i>	<i>\$2,418.00</i>

WHEREAS, it is recommended that the Town purchase the gauges from Hydrological Services America. Although cheaper in price, the gauges from Global Water will not achieve the accuracy needed to perform the rain monitoring for both the storm water and sewer studies. In addition, the gauges from Hydrological Services America are a robust model that will be sufficient to serve as a permanent rain gauge year round and

WHEREAS, there is presently \$83,903 plus interest and H-87 "Town Comprehensive Stormwater Hydrology & Hydraulic Study respectfully allocated under Capital projects.

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby authorize the purchase of three (3) rain gauges from Hydrological Services in an amount not to exceed \$4,200.00. The Town Engineer recommends the cost be shared between both Capital projects.

The resolution was unanimously adopted.

New Business #15 Refer to the Planning and Conservation Boards

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

James Jemiolo, 3919 North Buffalo Road, located on the east side of North Buffalo Road, south of “Rider Frames”, Zoned B-3. (SBL# 162.13-1-3) Applicant is requesting a Change-In-Use from Residential to Business to operate a proposed Day Care.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jackie Briggs – Ms. Briggs stated that the Senior Council has received their 501-C3 status, and they are going to start fund raising for a larger Senior Center. The current Senior Center does not have enough space to house all the different programs they have. The parking lot currently can accommodate 25 cars, and they cannot have more than 70 people at an event. They are going to be conducting fund raisers throughout the year and ask for the support from the Town and the residents.

Doug McFarland – Mr. McFarland is opposed to the Town having a “Water Park” that is open to the Public. This will increase traffic, cause parking problems, increase the noise levels and take away from the Park like setting. There are already enough recreations events there now. The money can be better spent as Green Lake is in need of repair and updating. The long term effects of such a “Water Park” will cost the Town and create many problems. There is also the liability.

Estelle Adelman – Ms. Adelman, a long-time resident, said Yates Park has been sustained by Orchard Park taxpayers since its inception. Now, we learn that the Town wants to put in a water park marketed to out-of-towners. Could our Parkland account be better utilized by focusing on improving conditions, such as Green Lake itself.

Audrey Ramage – Ms. Ramage, Recreation Committee Chair, said they expected some negative comments regarding the Water Park, and have offered to answer any and all questions, but no one has contacted them. She said it is going to be a small water feature, and it is going to be opened to small day camps like the ones they take the OP children to.

Joseph Ippolito – Mr. Ippolito said the DEC has decided to expand the wet-lands delineations, and has done so without contacting the owners. Once it is designated as wet-lands, you cannot do anything with the land. He has property that he was going to sell to a developer, but it fell through because of these new designations. Mr. Ippolito wants the Town to oppose this, and make the DEC come to the Town Boards before they start changing the delineations.

Dave Schuster – Mr. Schuster wanted to know how the Recreation Department intends to handle the people, camps & field trips coming to use the Splash Pad, how do they check for residency and membership, will they throw people off if a resident wants to use it, how do non-residents follow the permit process. He is opposed to this project, as it seems that a whole lot of buying went on without a whole lot of thinking.

Mary Ann Gravius – Ms. Gravius, a long-time resident, uses Green Lake often and she is opposed to the Splash Pad, it is not the right place for it, it is too small a lake, and park. Green Lake should remain a residents’ only park as taxpayers pay for it. Harry Yates gave the Park to the Village/Town so the

residents could enjoy the beautiful park setting, not as source of revenue. Ever since Mr. Leak has taken over as recreation director, it has been nothing like that. Mr. Leak is constantly asking for things, well other people need things too. Residents used to be able to use the shelters, now they have to pay for it.

Lisa Siemer Harvey – Ms. Siemer Harvey's family has lived on Green Lake since Mr. Yates sold land there. Being on the water, she suffers from vandalism, children trespassing on her property, kids drinking and littering. Her concern is that people will start parking on Elmhurst, as there is not enough room at the park, and will be cutting thru her property to get to the lake. The Splash Pad is not what Mr. Yates had in mind when he donated the land. Ms. Siemer Harvey said it is sad to see a decision made by a few people that will affect all of us.

Gerard Cappelli – Mr. Cappelli stated that he knows how hard it is to make ends meet and generate new revenue. This project is a great source of additional revenue for the Recreation Dept. He thanked the Town Board for their continued support and dedication to the Recreation Dept. and the Recreation Commission. Mr. Cappelli fully supports the Splash Mountain project and feels that families will enjoy it for years to come.

John Marlow – Mr. Marlow said according to the paper, the Splash Mountain would be paid off in two years to recoup the \$24,000 cost. That does not take into consideration the annual maintenance and salaries required to support the unit, such as life jackets, testing etc. Mr. Marlow calculated some of the costs. He estimated that additional wages would be from \$12,000 to \$15,000 per year, so at the end of two years when the Splash Mountain is paid off, the Recreation Dept. would have spent \$24,000 to \$30,000 on salaries to support it. He also asked what tax abatements would be associated with the proposed Student Housing planned on Southwestern Blvd.

John Spagnoli – Mr. Spagnoli was the DEC Regional Director for 18 years, and he was responsible for Recreation in the 6 counties of WNY. His staff have always said "put recreation where it comfortably fits, do not try to make the area modified to fit the recreation". He has concerns with the turbidity of the lake for safety reasons. Historically, Mr. Yates & Mr. Siemer were instrumental in designing the housing around the lake so that the houses would be set back from the lake, leaving the lake line wooded and the Park would remain a vista. Commercialization will radically alter the character of this lake. Parking will be a huge problem and residents will be upset if they cannot access their park. He questioned if SEQR review was conducted. He is opposed to the project.

Ron Stadelmaier – Mr. Stadelmaier has concerns about the lack of SEQR reviews. For the Quaker Splash, no review was conducted, and at the very least the deployment of the Splash Mountain is an unlisted action. The other two projects he has questions on SEQR reviews are the student housing proposed next to ECC South and the Uniland project. The student housing on Southwestern Blvd. is a Type 1 Action which requires a hard look at the project. The Uniland project involves three parcels which also makes that a Type 1 Action. He asked the Town Board to take a hard look at these projects.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso thanked Jackie Briggs for informing the Town Board about the Senior Council receiving their 501-3C status and updating the Town Board on their fundraising. She asked the Town Engineer about the DEC changing the Wetland delineation. Mr. Bieler said the Town received the same letter as Mr. Ippolito, and by the time the letter is received, the decisions have already been made. Supervisor Colarusso asked the Police Chief to look at the parking regulations around Green Lake. Chief Benz stated Green Lake is in the Village and they would handle any parking regulations

Councilmember Kaczor said he would like to clarify a few things. It seems people think this is a huge Space mountain, but it is not as large as people think, the highest point on the float is four feet high and the colors are green and yellow, and he feels it will have less impact than the Girl Scout camp did. It is a temporary device that will be out in July and August, from 11:00AM to 4:00PM. The Town checked the Liability Insurance and it will not be increased. Councilman Kaczor stated that he felt Mr. Leak may have been a little over zealous in his statement in the paper saying that will be open across Erie County. The only non-residents that will be allowed to use this Splash Mountain, will be individuals who are involved with summer recreations programs. The Water quality is checked by Erie County on a regular basis. Councilmember Kaczor told the Recreation Department and the Recreation Commission, that if this project causes any major problems in the park regarding parking or overcrowding, they will discontinue it. Mr. Kaczor said he is going to continue supporting this project.

Chief Andy Benz wanted to thank Highway Superintendent Piasecki. The Police Department has started taking their cars to the Highway Department to check fluid levels, tire levels and maintaining the cars.

Highway Superintendent Piasecki said with the good weather the Highway Dept. has gotten a head start on cleaning up in the Town. He also stated that in April they are going to start the total reconstruction of Iroquois Drive, which will be a four month job.

21) 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 approval of all entries on Warrant #6 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$35,589.69
Public Safety Fund	\$20,452.90
Part Town Fund	\$514.474
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$20,794.23
Special Districts	\$7,169.64
Trust & Agency	\$923.28
Capital Fund	\$38,466.15

The resolution was unanimously adopted.

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

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

- State of New York Department of Transportation has completed their traffic engineering investigation and established a *No Turn on Red* restriction for northbound Route 240/277 traffic at Jewett-Holmwood Road. The necessary signs will be installed at the earliest opportunity as scheduling permits.
- The New York State Legislature to amend the New York State Vehicle & Traffic Law, particularly §1104 to clearly articulate that if an authorized driver involved in a motor vehicle accident is operating an “authorized emergency vehicle” while involved in an “emergency operation” as those terms are defined within the Vehicle & Traffic Law.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive & file the following report:

- Chief of Police's Monthly Report for the month of February, 2012.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting was adjourned at 8:31 PM (local time).

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carol R. Hutton".

**Carol R. Hutton
Town Clerk**