

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 3rd day of April, 2013 at 7:00 PM, the meeting was called to order by Supervisor Colarusso and there were:

- PRESENT AT ROLL CALL:**
- | | |
|-------------------------|------------------------|
| Janis Colarusso | Supervisor |
| David Kaczor | Councilmember |
| Carol Hutton | Town Clerk |
| John C. Bailey | Town Attorney |
| Frederick Piasecki, Jr. | Highway Superintendent |
| Wayne Bieler | Town Engineer |
| Andrew Geist | Building Inspector |
| Mark Pacholec | Chief of Police |
| Absent Eugene Majchrzak | Councilmember |

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

RESOLVED, that the Regular Town Board Meeting minutes held on March 20, 2013 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.

New Business #1 Approve Sr. Bookkeeper Karen Barnas to attend Annual Town Finance School

2) 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 approve Karen Barnas, Sr. Bookkeeper to attend the 13th Annual Town Finance School through the Association of Towns & the NYS Office of the State Comptroller on May 9 – 10th, 2013 at the Woodcliff Hotel, Rochester, NY. Cost to the Town would be \$200.00 for registration, (one night stay approximately) \$135.00 & mileage.

The resolution was unanimously adopted.

New Business #2 Approve Opposition to Impose Limitations on Pleas Bargaining Process

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

WHEREAS, towns, villages, and cities throughout the State of New York are dependent upon the fine revenues collected in their courts, to cover a large share of Justice Court and Police enforcement budgets, and

WHEREAS, Legislation proposed in NYS Senate Bill 2605 and Assembly Bill 3005, if passed would provide that if certain vehicular and traffic violations are reduced to a lower penalty, portions of the fines that are now retained by the municipalities in these cases would be given to the State of New York, and

WHEREAS, if these Senate and Assembly bills should pass, it is most likely fewer plea bargains would be reached which would lead to more trials which would clog the Courts and mean more expenses, not only to the local municipalities but to the State of New York, and

WHEREAS, in many instances overtime would have to be paid to enforcement personnel to testify as more cases go to trial, and

WHEREAS, the NYS Association of Towns testified and opposed these bills at a hearing on the Executive Budget on Monday, January 20, 2013, and

WHEREAS, the Town Board of the Town of Orchard Park deems it in the best public interest to oppose this proposed budget

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park opposes S.2605/A.3005, and be it further

RESOLVED, that a copy of this resolution be sent to the Governor and to each Assemblyman and Senator in Western New York.

The resolution was unanimously adopted.

New Business #3 Arbor Day Tree Dedication

4) 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 approve the Arbor Day Tree Dedication to be held on April 26, 2013 at 4:30 pm. The Tree Conservancy is planting an Oak Tree at Steinwachs Oak Grove (by the Train Depot & Library) dedicated in honor of former Conservation Board Member and Chairman James J. Loesch.

The resolution was unanimously adopted.

New Business #4 Approve 2013 Stable Permits

5) 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 approve the following 2013 Stable Permits: Hammersmith Farms, owned by Beverly Hammersmith, 6243 Benning Rd., West Falls and Sandybrook Farm & Stable, owned by Sandra Nunn, 6265 Powers Rd., Orchard Park, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #5 Approve Special Events in the Town

6) 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 approve the following Town's Special Events:

1. April 28th Step to A Curé 3 mile Walk by the Cancer Awareness Club of the OP High School. Start and finish at the High School. Noon to 2 pm. Public Safety fee of \$320 has been paid.
2. June 16th Quakerman Triathlon by Eclipse Multi Sport. Start and finish at Yates Park, 7 am- 1 pm. Minimum public safety fee of \$650, will be paid.
3. June 19th Brian Moorman's PUNT Foundation 8K Run. Start and finish at Milestrip Sports Complex. Public Safety fee of \$480 has been paid.
4. June 29th 50 Yard Finish Half Marathon by Eclipse Multi Sport. Start and finish at Ralph Wilson Stadium. 7 am- 11 am. Minimum public safety fee of \$4,670 will be paid.

Final approval is dependent upon submittal of any required fees related to Police services and certificates of liability must be filed.

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to Sign SPDES General Permit for Stormwater Discharges

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

WHEREAS, per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department of Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals, and

WHEREAS, the 2012-2013 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. A draft copy will also be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby Authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification, and be it further

RESOLVED, that the Town Board does hereby schedule a public informational meeting for Wednesday, May 15, 2013 at 7:00 pm to receive public comment on the draft Stormwater Phase II annual report, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Schedule a Bid Opening for 2013 Baker Road Reconstruction Project

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

WHEREAS, the Orchard Park Engineering Department is in the final stages of preparing design plans, specifications, maps, and is coordinating utility relocations for the Baker Road Reconstruction between Milestrip Road and Michael Road, and

WHEREAS, the Highway Department or Water, Sewer and Lighting Department do not have the manpower for reconstructing this length of road, along with the replacement of watermain, the relocation of one sanitary manhole and 600 LF of sanitary sewer line. The cost is estimated at \$3,500,000, therefore, the construction work must be completed through the formal bidding process. Construction Plans and Bid Documents will be available on April 19, 2013 at the Town Clerks office, and

WHEREAS, it is expected that construction can start, as weather permits, with completion date of September 27, 2013.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for Baker Road Reconstruction between Milestrip Road and Michael Road at 2:00 P.M. on May 10, 2013 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to Apply for a NYS Local Government Efficiency Grant

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

WHEREAS, the Town of Orchard Park and the Village of East Aurora wish to collaborate to create a single, regional SWAT team to deliver a controlled response to dangerous situations requiring a specialized, technically proficient, trained team, and

WHEREAS, the Project title is Orchard Park/East Aurora Special Weapons and Tactics (SWAT) Team, and they will establish a first response jurisdiction to include the Town of Orchard Park, Village of Orchard Park, Village of East Aurora and the Town of Aurora, and

WHEREAS, funding would be provided through the NYS Department of State Local Government Efficiency grant program for the 2012-2013 program year, and

WHEREAS, the Total project cost is \$259,963.00, with the amount of the grant being requested as \$233,967.00 with a local share being 10% or \$25,996.00 to be split between the Town of Orchard Park and the Village of East Aurora, and

WHEREAS, an independent board will be created for team governance and delivery of this municipal service, and

WHEREAS, volunteers for the team will be recruited from the East Aurora and Orchard Park Police Departments

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park does hereby authorize the joint submission of a NYS Department of State Efficiency grant program for the 2012-2013 program years, and be it further

RESOLVED, that the Orchard Park Assistant Chief of Police E. Joseph Wehrfritz be the lead applicant contact person and to submit an application to the Local Government Efficiency grant program for the year 2012-2013 program year.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski - He stated that there are traffic issues at the traffic signal at South Buffalo Road and Jewett Holmwood Road. Supervisor Colarusso commented that the "No Turn" sign was at the request of her office and erected after the State conducted a traffic study. Chief Pacholec stated that this sign has been in effect for approximately 10 months. Supervisor Colarusso told Mr. Pieczynski that she would check into it further.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso – She stated that on April 15, 2013, Orchard Fresh will have their Grand Opening at 10:30 am and be open for business, and added that this store will be a great addition to the Town.

Police Chief Mark Pacholec – reported that the overnight winter parking restrictions have expired. He stated that the Orchard Park Police will be holding the First Community Forum on Tuesday, April 30th at 7:00 pm. It will be an informational meeting with an interactive comment and question session.

Highway Superintendent Fred Piasecki –He reported on the tree planting dedication for James Loesch on Friday, April 26th Arbor Day and the donation of the oak tree by George Schichtel. He reported on the ditch cleaning on Burton and Baker Roads. He reported that the Town will receive through the New York State C.H.I.P.S. program an additional \$320,490 for the Highway Department to use for the roads and infrastructure.

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 #7 following auditing by members of the Town Board and in the funds indicated:

General Fund	51,626.28
Public Safety Fund	17,112.51
Part Town Fund	600.77
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	47,942.42
Special Districts	108,575.34
Trust & Agency	2,124.44
Capital Fund	37,663.64

The resolution was unanimously adopted.

11) 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:

Communications:

- Resolution from the Town of Elma's Town Board to Opposition to Governor Cuomo's Proposals to impose limitations on the plea bargaining process as it pertains to speeding tickets, Town of Elma Resolution to Amend the NY SAFE Act, Resolution to support for NYS-Contact Information for vacant structures and resolution To reinstate School Resource Officer assignments.

Reports:

- 2012 Annual Report of the Board of Ethics.
- Orchard Park Chamber of Commerce 2012/2013 Holiday Fund detailed report of the bank account illustrating income and expenses.
- Building Inspector's Monthly Report for the Month of March, 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 7:25 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk