

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 7<sup>th</sup> day of April at 7:00 PM, the meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	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."

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

**RESOLVED**, that the minutes of the Regular Meeting held on March 17, 2010 and the Executive Session Meetings held on March 17, 24, & 31, 2010, 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.**

**Old Business #1 People, Inc., Mid County Drive request to rezone from R-4 & I-1 to R-4 with SR**

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

**WHEREAS**, the Planning Board did not give any recommendation for the rezoning request of People Inc. to the Town Board regarding a SEQR determination, and

**WHEREAS**, the Town Board has reviewed the long Environmental Assessment Form Parts 1 & 2 and the site plan and determined that there is no negative impact.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby issue a Negative SEQR Determination based on the site plan and the long EAF Form Parts 1 & 2.

**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 to rezone vacant land on Mid County Drive from R-4 and I-1 to R-4 with a SR designation to construct a 43 unit Senior Housing Independent living facility as petitioned by People Inc., was conducted on March 17, 2010 at which time all interested parties were given an opportunity to speak, and

**WHEREAS**, the Planning Board has recommended that the Town Board deny the request of People Inc. to rezone the vacant land on Mid County Drive.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby deny the request of People Inc. to rezone vacant land on Mid County Drive from R-4 & I-1 to R-4 with a SR determination, as recommended by the Planning Board for the following reasons;

- 1) The Town's Comprehensive Plan, which was adopted by Town Board resolution on September 19, 2007, argues against rezoning of Industrial Land for other uses.
- 2) Industrially zoned land is a limited resource that needs to be protected. The limited amount of Industrial Land in Orchard Park (which is under 5% of the total land mass) must be preserved.
- 3) The inherent environment and assumed use of Industrial Land is not compatible with Senior Housing.
- 4) Rezoning of this parcel may potentially destabilize the Industrial area through conflicting land use of Residential and Industrial Use.
- 5) Other subsidized and non-subsidized Senior Housing projects have been approved, are completed, under construction or in the Planning process.
- 6) The loss of 2.1 acres of Industrial Land is significant.

**The resolution was unanimously adopted.**

**New Business #1 Authorize ACO Buczkowski to attend Training for ECHD Vector Program**

4) 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 Animal Control Officer, Dennis Buczkowski, to attend a one day re-certification for Pesticide Applicator training to allow him to participate in the Erie County Health Department Vector Control Program. The training will be held on April 15, 2010 in Amherst, NY and there is no cost to the Town.

**The resolution was unanimously adopted.**

**New Business #2 Authorize "Compost & Mulch Day" May 1, 2010 at Compost Site on Milestrip Rd.**

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

**RESOLVED**, that the Town Board does hereby authorize "Compost and Mulch Day" on Saturday, May 1, 2010 at the Town of Orchard Park Compost Site located on Milestrip Road between the hours of 8:00 AM to 4:00 PM. The fees are the same as last year with the 1<sup>st</sup> yard free of charge to residents, the second half price and the third at full price. Residents are encouraged to come celebrate and join in the fun.

**The resolution was unanimously adopted.**

**New Business #3 Authorize "Earth Day" April 17, 2010 at Yates Park/Green Lake**

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

**RESOLVED**, that the Town Board does hereby authorize "Earth Day" on Saturday, April 17, 2010 at Yates Park/Green Lake with clean up of the Park between the hours of 10:00 AM to 12:00 PM in cooperation with the Southtowns Y.E.S. Group (Youth Engaged in Service). Residents are encouraged to come celebrate and join in the fun.

**The resolution was unanimously adopted.**

**New Business #4 Authorize the Supervisor to attend "Tenth Annual Town Finance Schools"**

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GRABER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize Supervisor Colarusso to attend the "Tenth Annual Town Finance School", co-sponsored by the Association of Towns and the New York State Office of the State Comptroller from May 5<sup>th</sup> through May 7<sup>th</sup>, 2010 at Woodcliff Hotel, Rochester, NY. The cost is not to exceed \$600 and the monies are in the budget.

Supervisor Colarusso stated that she is looking forward to attending this seminar and thanked the Town Board.

**The resolution was unanimously adopted.**

**New Business #5 Authorize the Supervisor to sign the 2010 Skylighters Fireworks Display Contract**

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

**RESOLVED**, that the Town Board does hereby authorize Supervisor Colarusso to sign the 2010 Fireworks Display Contract for the 4<sup>th</sup> of July, between the Town of Orchard Park and "Skylighters of Western New York", 3362 Baker Road, Orchard Park, NY with the cost not to exceed \$5,000. The Certificate of Liability Insurance has been submitted.

**The resolution was unanimously adopted.**

**New Business #6 Authorize Highbrook Ct. & Redbrick Rd. residents to hold Block Party**

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

**RESOLVED**, that the Town Board does hereby approve the request of the residents of Highbrook Ct. and Redbrick Road to hold a Block Party at the Highbrook Ct. Circle on Saturday, June 26, 2010. The event will begin at 1:00 PM and end before dusk and the Highway Department is authorized to drop off orange cones to block traffic.

**The resolution was unanimously adopted.**

**New Business #7 Approve Recreation Spring 2010 Seasonal Staff Appointments and Rate Changes**

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

**RESOLVED**, that the Town Board does hereby authorize the Spring 2010 "Seasonal" Staff appointments and rate changes to the Orchard Park Recreation Department, as requested by the Recreation Director. These appointments are dependent upon the applicants providing the required certifications.

Name	Old Title	New Title	Old Rate	New Rate
Andrea Bautista	PT1-E (Att)	PT2-D (Att)	\$8.50	\$9.50
Brett Doster	PT2-B (LG)	PT2-D (Att)	\$9.00	\$9.50
Emily Graber	PT2-B (LG)	PT2-D (LG)	\$9.00	\$9.50
Kelli Graber	PT2-B (LG)	PT2-D (LG)	\$9.00	\$9.50
Maggie Klee	PT2-B (LG)	PT2-D (LG)	\$9.00	\$9.50
Anna McArdle	PT1-E (LG)	PT2-D (LG)	\$8.50	\$9.50
Colin McArdle	PT2-B (LG)	PT2-D (LG)	\$9.00	\$9.50
Victoria Sypniewski		PT1-E (Att)		\$8.50
Danielle Whitcomb		PT2-D (Att)		\$9.50
Jess Emerling		PT2-D (Att)		\$9.00

Supervisor Colarusso	Aye
Councilwoman Ackerman	Aye
Councilman Kaczor	Aye
Councilman Graber	Recused
Councilman Majchrzak	Aye

**The resolution was duly adopted.**

**New Business #8 & 9 Advertise for Summer Help - Sewer, Water & Lighting & Engineering Depts.**

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

**WHEREAS**, funds have been allocated in the 2010 budget for seasonal help in the Sewer, Water and Lighting Department and the Engineering Department, and the Departments would like to advertise for the summer help positions at an hourly rate of \$8.00 - \$10.00, depending on experience.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the advertisement for summer help in the Sewer, Water and Lighting Department and the Engineering Department and does direct the Town Clerk to publish due notice in the Orchard Park Press.

**The resolution was unanimously adopted.**

**New Business #10 Approve Appt. of Paul Barker, Seasonal Employee for Parks & Grounds**

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

**RESOLVED**, that the Town Board does hereby authorize the appointment of Paul Barker to work as seasonal employee for Parks and Grounds at a rate of \$10.00 per hour (PT3), retroactive to March 23, 2010, which is the same rate as 2009, as requested by Highway Superintendent Piasecki.

**The resolution was unanimously adopted.**

**New Business #11 Approve Appt. of Julie Fregelette, Seasonal Employee for Parks & Grounds**

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

**RESOLVED**, that the Town Board does hereby authorize the appointment of Julie Fregelette to work as a seasonal employee for Parks and Grounds at a rate of \$8.00 per hour (PT1-C), retroactive to March 31, 2010, which is the same rate as 2009, as requested by Highway Superintendent Piasecki.

**The resolution was unanimously adopted.**

**New Business #12 Approve Appt. of Lynn Reynolds, Seasonal Employee for Parks & Grounds**

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

**RESOLVED**, that the Town Board does hereby authorize the appointment of Lynn Reynolds to work as seasonal employee for Parks and Grounds with an additional salary budgeted of \$13,368.00 for Milestrip Field Maintenance, as requested by Highway Superintendent Piasecki.

**The resolution was unanimously adopted.**

**New Business #13 Cancellation of 4/21/2010 Town Board Mtg/Authorize 4/26/2010 Work Session**

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

**RESOLVED**, that the Town Board does hereby authorize the cancellation of the scheduled Town Board meeting on Wednesday, April 21, 2010, due to the absence of three Town Board members, and be it further

**RESOLVED**, that the Town Board does hereby authorize a Town Board work session for Monday, April 26, 2010 to approve Warrant #8 and conduct other possible business of the Town, due to the cancellation of the April 21, 2010 meeting, and direct the Town Clerk to publish due notice in the Orchard Park Press.

**The resolution was unanimously adopted.**

**New Business #14 Cancellation of 4/28/2010 Town Board Work Session**

16) 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 authorize the cancellation of the scheduled Town Board work session for Wednesday, April 28, 2010, due to the Annual Pride Dinner for the Orchard Park Seniors, and direct the Town Clerk to publish due notice in the Orchard Park Press.

**The resolution was unanimously adopted.**

**Refer to the Conservation Board and/or Planning Board**

17) 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 refer to the Conservation Board and/or Planning Board the request of Steven Schneckenberger, 2861 Southwestern Boulevard, Orchard Park, for a building permit and site plan approval to construct a 99' x 60' building for storage of equipment and to house a small office in one portion of the building. (Note: Town Board rezoned entire property to B-2 on 1/20/10).

**The resolution was unanimously adopted.**

**Refer to the Public Safety Committee**

18) 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 refer to the Public Safety Committee the request of Erin S. Meehan, 8 Knob Hill Rd., Orchard Park, to post "Children at Play" signs 20' from the entrance of Knob Hill Rd.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Kathryn Gorkiewicz – Ms. Gorkiewicz submitted a letter regarding *Dick's Sporting Goods* relocating at Quaker Crossing. She asked the Town Board about the progression of this project.

Louis Boehm – Mr. Boehm submitted a letter regarding the rezoning of property for the proposed WalMart on Southwestern Boulevard and proposed rezoning for the People Inc. Senior Housing Project on Mid County Drive.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Councilwoman Ackerman thanked Planning Coordinator, Remy Orffeo, on behalf of the Town Board for the donation of the daffodils around the Municipal Building. Councilwoman Ackerman stated that there will an Arbor Day presentation of a tree at Steinwach's Green in honor of a long standing member of the community for his public service. Councilwoman Ackerman responded to Ms. Gorkiewicz in regard to *Dick's Sporting Goods*. Building Inspector Geist added that the *Dick's Sporting Goods* project is up to date and properly approved.

Highway Superintendent Piasecki stated that Earth Day is actually on April 22, 2010, but the Town will be celebrating it on Saturday, April 17, 2010 with the cleanup of Yates Park.

Town Engineer Bieler announced that the Town has received a communication from the New York State Education Department, Library Services, Division of Library Development, stating that the Orchard Park Public Library has been awarded a New York State Construction Grant for 2009-2012 in the amount of \$251,854. The Town Board extended their thanks to Town Engineer Bieler for his efforts in obtaining these funds.

19) 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 #7 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$64,256.97
<b>Part Town Fund</b>	\$829.27
<b>Risk Retention</b>	\$0.00
<b>Cemetery Fund</b>	\$0.00
<b>Highway Fund</b>	\$73,253.66
<b>Special Districts</b>	\$114,714.56
<b>Trust &amp; Agency</b>	\$2,295.68
<b>Capital Fund</b>	\$1,462.50

**The resolution was unanimously adopted.**

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

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

- The Cystic Fibrosis Foundation will be holding its Great Strides Walk on May 15<sup>th</sup>, 2010 through the Village of Orchard Park. Check in time will begin at 10:00 AM and the walk will start at 11:00 AM. The walk will start and finish from Recreation Building at Green Lake Park.
- The Thirteenth Annual Thomas R. Gardner Memorial Scholarship Fun Run/Walk will be held on Saturday, July 3<sup>rd</sup>, 2010 and begin at 10:00 AM. The race will start and finish from the Recreation Building at Green Lake Park.
- New York State Education, Library Services, Division of Library Development has awarded the Orchard Park Public Library a NYS Construction Grant for 2009-2012. This grant will involve the HVAC replacement, removal/replacement of sidewalk and parking lot black-top, insulation, installation of roof-top fiberglass insulation, on top of new drop ceiling and the installation of a Radio Frequency Identification System (RFID) at the library, a total of \$251,854.
- Letter from John Sawicz of 50 Washington Avenue, regarding the proposed People Inc., Senior Housing Project on Mid County Drive, in reference to sidewalks, traffic, taxes, noise and location.

**The resolution was unanimously adopted.**

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:32 PM (local time).

**Respectfully Submitted,**



**Carol R. Hutton**  
**Town Clerk**

