

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 18th day of April, 2012 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:

Janis Colarusso
David Kaczor
Eugene Majchrzak

Supervisor
Councilmember
Councilmember

Kathleen Swarbrick
John C. Bailey
Andrew Geist
Andrew Benz
Frederick Piasecki, Jr.
Wayne Bieler

Deputy Town Clerk
Town Attorney
Building Inspector
Chief of Police
Highway Superintendent
Town Engineer

ABSENT:

Carol Hutton

Town Clerk

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 MAJCHRZAK, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on April 4, 2012, & the Executive/Special Session Meeting Minutes of April 4 & 11, 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.

Public Hearing

At 7:04 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Rezoning of vacant land at 3345 Southwestern Blvd. from R-2 to B-4 for the proposed construction of a two-building addition.

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.

Steve Cichon – Mr. Cichon grew up on Reppien Place, which is adjacent to the proposed rezoning project, and his parents still live there. Even though there has been development around Reppien Place, it has been able to keep a rural nature to it. Mr. Cichon hopes that there will be enough of a buffer to keep it that way. He also feels that the lighting should not project into their back yards.

Elizabeth Buffano – Ms. Buffano is concerned that there is not enough landscaping in the proposed thirty foot buffer to afford the residents on Reppien Place, who back up to this project, privacy in their back yards and homes. The current lights already shine on their property. The other problem is maintenance, noise from emptying the daily waste at 6:00 AM, to the snow plowing in the early hours of the day. She wants the Town Board to make sure the residents will be able to keep their privacy with this project.

Michael Landsik – Mr. Landsik has the same concerns with the buffering, privacy and lighting. He also wanted to know how long they have to put up with the construction.

Steve Shepard – Mr. Shepard sent an email for the record. The residents of Reppien Place are concerned about the noise, privacy and drainage issue with this project. The proposal will ruin 80% of the green space and he would like the Town to enforce the 35 foot buffer zone and have enough trees and other foliage to give them privacy and absorb the noise.

2) 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 close the Public Hearing, for rezoning of vacant land at 3345 Southwestern Blvd. from R-2 to B-4 for the proposed construction of a two-building, at 7:20 pm.

The resolution was unanimously adopted.

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

WHEREAS, Uniland filed an application (dated January 30, 2012) requesting an amendment of the zoning classification of a parcel of vacant land situated on the south side of 3345 Southwestern Blvd. from R-2 to B-4, for the proposed construction of two-building additions with a possible easterly driveway connection to Orchard Park Rd., and

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, S4295 South Buffalo Street, Orchard Park, New York on the 18th day of April 2012, at which time all interested parties were given an opportunity to be heard, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board issues a Negative Declaration pursuant to SEQRA based on its determination that the project will not result in any significant adverse environmental impacts to the environment, and be it further

RESOLVED and ORDAINED that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning vacant land situated on the south side of (3345) Southwestern Boulevard, R-2 to B-4 described by the metes and bounds set forth:

All that certain piece or parcel of land, situate, lying and being in the town of Orchard Park, County of Erie, State of New York, being part of Lot 18, Township 10, Range 7 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

Beginning at the intersection of the division line between Zone R2 on the west and Zone B4 on the east, said division line being 350 feet westerly as measured at right angles from the existing centerline of Orchard Park Road with the south line of property of Erie County Industrial Development Agency by deed filed in the Erie County Clerk's Office in Liber 10244 of deeds at page 365;

Thence, westerly along the south line of Erie County Industrial Development Agency and the lands of The Uniland Partnership, L.P. by deed filed in the Erie County Clerk's office in Liber 10244 of deeds at page 334 a distance of 416 feet more or less to a point on the division line between Zone B2 on the west and Zone R2 on the east, said division line being 350 easterly as measured at right angles from the centerline of Southwestern Blvd;

Thence northeasterly, through the lands of The Uniland Partnership L.P. and through the lands of Erie County Industrial Development Agency a distance of 360 feet more or less to the north line of lands of Erie County Industrial Development Agency;

Thence easterly, along the north line of lands of Erie County Industrial Development Agency a distance of 136 feet more or less to an angle point in the north line of Erie County Industrial Development Agency;

Thence southeasterly, along the northerly line of Erie County Industrial Development Agency a distance of 59 feet more or less to the division line between Zone R2 on the west and Zone B4 on the east, said division line being 350 feet westerly as measured at right angles from the existing centerline of Orchard Park Rd.,

Thence southerly, along the division line between Zones B2 and R2 a distance of 260 feet more or less to the Point of Beginning.

And be it further

RESOLVED, that the Town Board does hereby approve the amendment of the zoning classifications subject to the following stipulations and conditions as recommended by the Planning Board.

- This is an Unlisted SEQR action based on the submitted Short EAF and a Negative Declaration is made
- Acreage Fees shall be paid in accordance with §144-70C, of the Town Code prior to publication of the Public Hearing Notice.
- Public Hearing Fees, in accordance with §144, Attachment 1:3(B) shall be paid prior to the Public Hearing
- The recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans, and shall revert to its original Zoning Classification if the project is not completed per §144-67 of the Town Code. The two year period is to be replaced by a four year period.

And be it further

RESOLVED, that 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 §264 and §265 of Town Law.

Supervisor Colarusso recommended that the residents of Reppien Place follow the project and keep abreast of what is happening. She suggested that they talk to the Planning Board members, attend the meetings, and let them know their wants and concerns.

The resolution was unanimously adopted.

Public Hearing for Establishment of OPDD 1-2 for Knoche Farms, LLC

At 7:25 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the establishment of Orchard Park Drainage District OPDD #1-2 for Knoche Farms LLC.

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 there was anyone in the audience who would like to speak for or against the proposed Drainage District.

No one spoke.

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

WHEREAS, the Town Engineer has notified the Town Board that the developer has not met some of the requirements for this project, therefore the Town Board cannot move on it, and

WHEREAS, the Town Engineer will let the Town Board know when all the requirements have been met,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby move to keep this Public Hearing open until the next regular Town Board meeting.

The resolution was unanimously adopted.

Old Business #1 Authorize Building Permit for Ray Laks Honda, Southwestern Blvd.

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

WHEREAS, Ray Laks Honda has requested a Building Permit for vacant land at the northwest corner of Southwestern Boulevard and Mid County Drive to build an automobile dealership.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize a Building Permit and Grant Site Plan Approval for the Plan received 4/10/12 to construct a maximum of two-structures, for a total of 28,000-sq.ft., based on the following conditions and stipulations, as recommended by the Planning Board.

- This is an Unlisted SEQR Action and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall 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.

- The landscape plan, received 2/10/12, includes 11.07% total Interior Green Space. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$69,700 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
- Town Engineering Preliminary Approval has been granted on 4/11/12.
- The Board designates the Chair to approve the Lighting Plan and the item will then be sent to the Town Board. (Note: Chairman Bernard approved the Lighting Plan 4/16/12).

The resolution was unanimously adopted.

New Business #1 Town Board to accept 2011 Financial Statement from Town Accountants

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 receive and file the 2011 Comprehensive Annual Financial Report and the Statement of Changes in cash balances and statements of cash receipts and disbursements with the Town Clerk-Tax office and the Town Justice office for the year ending December 31, 2011. An Independent Auditors' Report is on file in the Town Clerk's office for review, and be it further

RESOLVED, that the Town Accountant, Wayne Drescher, will review the 2011 budget in a Town Board Work Session on May 9, 2012 at 6:00 PM.

The resolution was unanimously adopted.

New Business #2 Authorize Senior Director to attend Conference

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

RESOLVED, that the Town Board does hereby approve the request of Anna Willems, Senior Director, to attend "Aging Concerns Unite Us" Conference June 5 & 6, 2012 at the Desmond Hotel, Albany, NY, at a cost not to exceed \$550.00.

The resolution was unanimously adopted.

New Business #3 North American Safe Boating Campaigns- National Safe Boating Week

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

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S., approximately 70% of these fatalities are caused by drowning, and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors, and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets, and

WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

NOW, THEREFORE, be it

RESOLVED that the Town of Orchard Park does hereby support the goals of the North American Safe Boating Campaign and proclaim May 19-25, 2012, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

The resolution was unanimously adopted.

New Business #4 Authorize Compost & Mulch Day

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

RESOLVED, that the Town Board does hereby proclaim Saturday, May 12, 2012 "Compost & Mulch Day" at the at the Town Compost site on Milestrip Road. The hours will be 8:00 AM to 4:00 PM, and the fees for residents shall be: first cubic yard is free, second cubic yard will be \$7.50, the third and successive cubic yards will be \$15.00.

The resolution was unanimously adopted.

New Business #5 Approve events in the Town of Orchard Park

10) 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 the following events to take place in Orchard Park as they have been reviewed by the Police Department and have submitted the appropriate insurance coverage:

- 6/17/12 Quakerman Triathlon
- 7/03/12 Tommy's Run 5K
- 7/22/12 Lindsay Matthews 5K

The resolution was unanimously adopted.

New Business #6 Appoint Spring/Summer 2012 Part Time Seasonal Recreation Staff

11) 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 2012 Spring/Summer Part-time Seasonal Recreation appointments which are dependent on the applicants providing the required certifications:

Seasonal Part Time Appointment (Beginning April 23)

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Mariah Glass	82 Larchmont Rd	\$10.50	PT3-C (LG)

Spring Seasonal Part Time Appointment Retro Active 4/3/12

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Nichole Geiger	50 Sitka Circle	\$8.50	PT1-E (LG)
Jenn Crissey	128 Highland Ave	\$10.50	PT3-C (Att)

Spring seasonal part time wage change (effective immediately)

<u>Name</u>	<u>Address</u>	<u>Old Rate/Position</u>	<u>New Rate Position (Title)</u>
Sarah Badagliacca	7272 Jewett Holmwood	\$8.50 PT1-E (LG)	\$9.50 PT2-D (LG)

Summer 2012 Staff Appointments

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Liam Allman	190 Highland Ave	\$8.50	PT1- E (Att)
Kristin Anders	24 Hampton Ct	\$9.00	PT2- B (LG)
Kelsey Anderson	7420 Chestnut Ridge Rd	\$9.00	PT2- B (LG)
Katie Augustine	2960 Bullis Rd	\$9.00	PT2- B (Att)
Nicole Augustine	2960 Bullis Rd	\$11.00	PT3- E (LG)
Sarah Badagliacca	7272 Jewett Holmwood	\$9.50	PT2- D (LG)
Jessica Battaglia	30 Norwood Lane	\$9.00	PT2- B (LG)
Brian Benz	17 Brookview Terrace	\$9.00	PT2- B (Att)
Kara Borowiak	230 Highland Ave	\$9.00	PT2- B (LG)
Peter Brady	14 Regalwood Dr	\$9.00	PT2- B (Att)
Justine Brennan	135 Middlebury	\$8.50	PT1- E (Att)
Jennifer Buskus	536 Birchwood Sq	\$12.50	PT5- A (Att)
Tressa Bogner	26 Oakland Place	\$11.00	PT3- E (Att)
Meghan Clough	152 Tanglewood Dr	\$9.00	PT2- B (Att)
Jenn Crissey	128 Highland Ave	\$11.00	PT3- E (Att)
Paige Cuddihy	50 Fairway Dr	\$8.50	PT1- E (Att)
Jaymie Druding	4 Lynchburg Ct	\$8.50	PT1- E (Att)
Elizabeth Egloff	105 South Lane	\$9.00	PT2- B (Att)
Jacob Eneix	36 Nina Terrace	\$8.50	PT1- E (Att)
Neil Farrell	86 Woodview Dr	\$8.50	PT1- E (Att)
Brooke Fischman	102 Lindsey Lane	\$9.00	PT2- B (Att)
Christopher Ford	5868 Woodlee Ct	\$9.00	PT2- B (LG)
Brigid Gallagher	44 Strathmore Ave	\$9.00	PT2- B (Att)
Nicole Geiger	50 Sitka Circle	\$8.50	PT1- E (LG)
Leah Gordhamer	7288 Hayes Hollow Rd	\$8.50	PT1- E (Att)
Emily Graber	37 Hampton Ct	\$9.50	PT2- D (LG)
Kelli Graber	37 Hampton Ct	\$9.50	PT2-D (LG)
Madison Hornung	91 Hunters Ridge Rd	\$8.50	PT1- E (Att)
Shannon Jablonski	121 Whitney Place	\$11.00	PT3- E (LG)
Trevor Jachimowicz	68 Middlebury Rd	\$8.50	PT1- E (Att)
Justin Jemiolo	14 Birch Run	\$9.00	PT2- B (LG)
Logan Jensen	7 South Davis St	\$9.00	PT2- B (Att)
Cassandra Kaczmarek	6 Lenny's Lane	\$9.00	PT2- B (LG)
Kyle Kazinski	8 Sandpiper Ct	\$8.50	PT1- E (Att)
Florence Kirkner	16 Bender Dr	\$11.25	PT4- A (Att)
Luke Klee	29 Cherry Tree Lane	\$9.00	PT2- B (LG)
Rachel Klosko	244 Ashwood Lane	\$8.50	PT1- E (LG)
Lucas Kozub	45 Camelot Dr	\$9.00	PT2- B (Att)
Salvatore LaDuca	220 Anderson Place	\$15.00	PT6- D (Att)
Allysa Maderer	5205 Chestnut Ridge Rd	\$9.00	PT2- B (Att)
Kelly Mahoney	12 Brimfield Ct	\$9.00	PT2- B (LG)
Bethany Mattina-Chmiel	24 Wellington Lane	\$8.50	PT1- E (LG)
Collin McArdle	55 Jolls Lane	\$9.50	PT2- D (LG)
Matthew McCormick	4977 Lynwood Ave	\$8.50	PT1- E (Att)
Danielle McGinley	596 North Buffalo Rd	\$8.50	PT1- E (Att)

John McGovern	40 Ashwood Lane	\$8.50	PT1- E (Att)
Annabelle McDonald	87 Hunters Ridge Rd	\$9.00	PT2- B (Att)
Maureen Mead	4610 Dorothy Pl	\$8.50	PT1- E (Att)
Gregory Michael	5330 Murphy Rd	\$10.50	PT3- C (LG)
Jillian Miller	5940 Seufert Rd	\$8.50	PT1- E (Att)
Matthew Mulvaney	73 Camelot Dr	\$8.50	PT1- E (Att)
Chelsea Murray	317 Highland Ave	\$8.50	PT1- E (LG)
Marleah Noonan	66 Meadow Rd	\$11.00	PT3- E (LG)
William Nowadly Jr	4231 Victorian Dr	\$8.50	PT1- E (Att)
Elizabeth Otwell	45 Falconcrest Lane	\$10.50	PT3- E (Att)
Alyssa Owczarczak	30 Ranch Trail Ct	\$9.00	PT2- B (Att)
Andrea Pawarski	3582 Eric Trail	\$9.00	PT2- B (Att)
Amphavanh Philarom	1713 Schoellkopf Rd	\$10.50	PT3- E (LG)
Erin Rapp	62 Rosedale Ave	\$8.50	PT1- E (Att)
Anne Romanello	34 Hawthorne Ct	\$10.50	PT3- C (Att)
Danielle Schaefer	60 Rolling Hills Dr	\$10.50	PT3- C (Att)
Mary Schichtel	4536 Mt. Vernon Blvd	\$15.00	PT6- D (Att)
Christi Schultz	6111 Bunting Rd	\$9.00	PT2- B (Att)
Heidi Schultz	6111 Bunting Rd	\$9.00	PT2- B (Att)
Kelsey Sheehan	19 Rene Dr	\$8.50	PT1- E (Att)
Madeline Shiley	39 Wildwood Lane	\$9.00	PT2- B (LG)
Lauren Simonsen	2 Symphony Circle	\$9.00	PT2- B (Att)
Elizabeth Simson	29 Tanglewood Drive West	\$8.50	PT1- E (LG)
Mark Simson	29 Tanglewood Drive West	\$9.00	PT2- B (LG)
Nicole Sparks	5556 Draudt Rd	\$9.00	PT2- B (Att)
Adrienne St. Jacques	64 Middlebury Rd	\$9.50	PT2- D (Att)
Christian St. Jacques	64 Middlebury Rd	\$8.50	PT1- E (Att)
Alexis Tarnowski	5940 Elmhurst	\$9.00	PT2- B (LG)
Analise Tremblay	11045 Ketchum Rd	\$10.50	PT3- E (LG)
Jonathan Van Remmen	60 Tracy Dr	\$9.00	PT2- B (LG)
Rachel Vernon	8250 Feddick Rd	\$8.50	PT1- E (Att)
Kelsey Vincent	67 Colonial Manor Ct	\$8.50	PT1- E (LG)
Emily Wiencek	4 Old Farm Rd	\$9.00	PT2- B (Att)
Amanda Wylie	53 Stonehenge Dr	\$8.50	PT1- E (Att)
Brian Wylie	53 Stonehenge Dr	\$9.00	PT2- B (Att)
Ana Zarbo	228 Steven Drive	\$9.50	PT2- D (LG)

The resolution was unanimously adopted.

New Business #7 GASB 54 Fund Balance Policy

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

WHEREAS, the fund balance of the Town's General Fund and Highway Fund has been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities, and

WHEREAS, The Town Board's objective is to maintain unassigned fund balances of the various funds at levels sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures; to ensure stable tax rates and user fees; and, to protect the Town's creditworthiness, and

WHEREAS, the Town will comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement 54, Fund Balance Reporting and Governmental Fund Type Descriptions. GASB Statement Number 54 established the following classifications depicting how specific amounts can be spent:

- Nonspendable fund balance consists of amounts that are not in a spendable form in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, and financial assets held for resale.
- Restricted fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by grantors, bondholders or laws and regulations of higher levels of governments; or through constitutional provisions or enabling legislations.
- Committed fund balance consists of amounts constrained to specific purpose by a government itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.
- Assigned fund balance consists of amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.
- Unassigned fund balance consists of amounts that are available for any purpose; these amount are reported only in the General Fund.

NOW, THEREFORE, be it

RESOLVED, that the Town Board will hereby set aside certain amounts as committed fund balance. A committed fund balance represents fund balances that have been approved by Town Board resolution prior to the end of the year. The amount of the commitment may be determined after year end but prior to the release of the financial statements. Should the amount of commitment not be known at the time of the resolution, the Town Supervisor shall determine the amounts to be committed and report such amount to the Town Board, and be it further

RESOLVED, that the Town Board does hereby delegate to the Town Supervisor the authority to determine the proper amount to be assigned for purposes as are deemed necessary. Assigned fund balances represent amounts intended to be used for a specific purpose. These assignments would provide the liquidity to respond to contingent liabilities, provide for capital asset replacements and capital projects, and set aside amounts to reduce the ensuing year's tax levy which was previously referred to as appropriated fund balance, and be it further

RESOLVED, that the Town Supervisor will set aside assigned fund balances equal to the amount of outstanding purchase orders or encumbrances, and be it further

RESOLVED, that effective as of the year ended December 31, 2011; unassigned fund balance shall be any remaining amounts, and be it further

RESOLVED, that the Town will spend, as allowed and available, the most restricted dollars before less restricted in the following order:

1. Nonspendable (if funds become spendable)
2. Restricted
3. Committed
4. Assigned
5. Unassigned

RESOLVED, that the Town Board will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues and be it further

RESOLVED, that this policy may be updated as deemed necessary.

Councilman Kaczor stated that this is another step to have more transparency to the Town Budget and to read it better by having things categorized. This identifies the different funds that are in place and change some of the nomenclature related to these accounts.

The resolution was unanimously adopted.

New Business #8 Approve Public Improvement Permit (PIP) 2012-02 for Hilltowne Park Sub.

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

WHEREAS, the Town has received from Andrew Romanowski, Alliance Homes, Inc., 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the Hilltowne Park Subdivision Part II, and

WHEREAS, the project consists of the installation of 1,035 L.F. of new roadway and public utilities to serve 11 residential sublots as shown on the location map. A stormwater treatment unit and detention basin with recreational trail system will be installed during Hilltowne Park Subdivision Part II construction, and

WHEREAS, the Engineering Department has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards, and are in receipt of all necessary fees, bond, and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2012-02 for the Hilltowne Park Subdivision Part II, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Award bid for Testing & Repair of Backflow Prevention Devices

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

WHEREAS, the Town of Orchard Park is required to test backflow prevention devices in the Senior Center, Library, Municipal Center, Compost Facility, Green Lake/Little League Park, and Honey Crest Playground. The Town must comply with the New York State Sanitary Code Subpart 5, from the New York State Department of Health and from the requirement of the Village of Orchard Park, and

WHEREAS, bids were received last year for the Backflow Prevention Devices. The bid was for both a base bid for testing and costs of backflow prevention repair kits. Bids were for each facility and the size of the backflow prevention device that each facility currently uses with an option for extending for an additional 2 years. The contractor MKS Plumbing Corp. has agreed to extend his bid number for the next two years as specified in the contract documents. The base bid gross sum for testing is \$950.00/year with an additional amount of \$550.00 for time and material cost for possible repair work, and

WHEREAS, the recommended contractor for this project is MKS Plumbing Corporation. The company has been in business since 1994 and has successfully completed various backflow prevention testing and installation projects in the past for Orchard Park. This company is more than capable of completing the proposed testing and repair of the various backflow prevention devices.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby extend the contract for Testing and Repair of Town Owned Backflow Prevention Devices to MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York, 14224, for the next two years as specified in the contract documents in an amount not to exceed \$1,500.00 per year, including minor possible repairs and kits resulting in an amount not to exceed \$3,000.00 for two years, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Sign SPDES General Permit & schedule Informational Meeting.

15) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, 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 Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals, and

WHEREAS, the 2011-2012 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.

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 16, 2012 at 7:00 pm to receive public comment on the draft Stormwater Phase II annual report, as recommended by the Town Engineer, and be it further

RESOLVED, the Town Clerk shall publish due notice thereof.

The resolution was unanimously adopted.

New Business #11 Traffic Order for Holly Ridge Subdivision

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

WHEREAS, there is currently not a stop sign on the existing street intersection adjacent to the above referenced subdivision, which is presently under construction. Although only two driveways exist on the short stub road, with the additional construction traffic, a stop sign is recommended by the Police Chief, Highway Superintendent and Town Engineer

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby adopt the following traffic order:

- Authorize the posting of a **STOP SIGN** on Holly Ridge Lane at the existing intersection of Silent Meadow Lane.

The resolution was unanimously adopted.

New Business #12 Appointment to Sewer, Water & Lighting Department

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

WHEREAS, with the Town offering the NYS incentive and the retirement of Rick Buss, the Engineering Department has been working with a part-time General Crew Chief for approximately a year and a half (two years would end in December of 2012 resulting in a 50 percent savings) for the position as required, and

WHEREAS, the Town Engineer had preliminary interviews with three candidates in anticipation of the full-time replacement in December, of which one potential employee is now available due to the death of the former company owner resulting in an option for an earlier replacement which has now been approved by Town Accountant, Wayne Drescher due to the employee savings which occurred with other departments, and

WHEREAS, the Town Engineer is pleased to recommend that you appoint Thomas D. Jolls to fill the vacancy. Thomas D. Jolls has worked in the plumbing and heating business for thirty-two years and had recently worked for Slotman, Inc. LLC, a water and sanitary sewer excavating company. He has a thorough knowledge of sanitary sewer, water and heating supply systems as well as the typical day to day operations of a utility type of business. Thomas D. Jolls has leadership ability and has shown a good work ethic throughout his career with various companies.

NOW, THEREFORE, be it

RESOLVED, that the Town Board dose hereby appoint Mr. Thomas D. Jolls, 5491 Chestnut Ridge Rd., Orchard Park, NY 14127 to the position of General Crew Chief in the Sewer, Water, and Lighting Department at level JC22A-JC-26E range E \$27.15/hr. of the non-union wage rate schedule, effective April 19, 2012, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #13 Authorize Supervisor to sign Dispatch Svces. Agreement with OP Fire Company

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

WHEREAS, 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, and

WHEREAS, the Town and the Fire Company will train & test all PSDs to be certified PSDs in emergency medical dispatching, as well as updating the equipment and technology as the Fire District has come on board as partners, and have a substantial share in this, as well as the paying fees for call. They are investing in technology, training and equipment, and

WHEREAS, 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

NOW, THEREFORE, be it

RESOLVED that the Town Board does hereby authorize the Town Supervisor to sign the Dispatch Services Agreement between the Town of Orchard Park and the Orchard Park Fire District, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business #14 Authorize Police Officer to attend NTOA 2012 Annual Training Conference

19) 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 authorize Officer David Bowersox to attend the 2012 NTOA annual training conference at the Turning Stone Resort, July 1st – 3rd, 2012, at a fee not to exceed \$230.00, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #15 Authorize the Chief of Police to attend NYS Assoc. of Chiefs of Police Conference

20) 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 authorize the Chief of Police to attend the NYS Association of Chiefs of Police annual training conference, this will be held July 29th – August 1st 2012 in Alexandria Bay at a cost not to exceed \$1300.00.

The resolution was unanimously adopted.

New Business #16 Traffic Order

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

WHEREAS, Erie County Department of Public Works has granted a permit to the Town of Orchard Park to a "40 MPH Linear Speed Limit on South Abbott Road with certain conditions

WHEREAS, pursuant to the authority granted by §1662-A of the Vehicle and Traffic Law of the State of New York, and

WHEREAS, the Public Safety Committee has recommended posting "40 MPH" signs between Newton Road on South Abbott Road and the Town of Boston line

NOW, THEREFORE, it is hereby

ORDERED, that "40 MPH" signs be posted as a linear speed limit on the above referenced highway, and it is further

ORDERED, that the Orchard Park Superintendent of Highways is hereby directed to post the proper and necessary signs following receipt of this order.

The resolution was unanimously adopted.

New Business #17 Authorize Safety Committee members attendance to course on Legal Issues and Disasters

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 authorize Richard Mrugalski, Andy Geist and Ernie Mathews to attend a one day course on Legal issues and Disasters to be held on May 4, 2012 at the Erie County Emergency Services Training and Operations Center in Cheektowaga. There is no cost for this training.

The resolution was unanimously adopted.

New Business #18 Appointment of Seasonal Employee for Compost Site

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

RESOLVED, that the Town Board does hereby appoint Roger Meissner to work as a Seasonal Employee for the Compost site at a rate of \$13.00 per hour (PT5) effective 4/16/2012, as requested by Highway Superintendent Fred Piasecki.

The resolution was unanimously adopted.

New Business #19 Appointment of Seasonal Employee for Parks & Grounds

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

RESOLVED, that the Town Board does hereby appoint Rick Bodhorn to work as a Seasonal Employee for the Parks & Grounds at a rate of \$8.50 (PT1) per hour, as requested by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #20 Arbor Day Tree Dedication in Honor of Nan Ackerman

25) 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 announce that the Arbor Day Tree Dedication is going to be held on April 27, 2012 at 4:30 PM and a Quercus Muchlenber Oak tree will be planted at Steinwach's Oak Grove (by Library and Train Depot) in honor of former Councilwoman Nan Ackerman.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dave Schuster – Mr. Schuster stated that the Quaker Splash was purchased from a German Company, and since the funds came from the Recreation Park Land account, shouldn't the Town have bought American, and followed the normal bidding process. Mr. Schuster buys locally and fights Wal Mart to help our area be profitable and would like the Town to do the same. He feels that "a whole lot of buying went on without a whole lot of thinking".

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby approve the following budget transfers:

\$50,000.00	From:	PS.1110/0135 – Public Safety Police - Court Officers P/T
\$47,000.00	To:	PS.3120.0135 – Public Safety Police - Metal Detector Salary P/T
\$ 3,000 00	To:	PS.3120.0402 – Public Safety Police - Metal Detector Expenses

The resolution was unanimously adopted.

Councilmember Kaczor stated that the Recreation Department's 7th Annual "Art Rocks the Park" is going to take place May 19, 2012 at Yates Park from 1:00 to 3:30 PM. He also mentioned that the Recreation Department is going to hold a Kick Ball Tournament on April 28, 2012 at Yates Park for 12-18 year olds. Registration is at 10:00 AM and the Tournament starts at 11:00 AM. Prizes will be given.

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

Councilmember Kaczor read a proclamation honoring Joseph Wales as "Republican of the Year" for 2012, outlined his many achievements, and his dedication to the Town of Orchard Park

The resolution was unanimously adopted.

Councilman Majchrzak wanted to address the issue of someone from "Business from the Floor" session at the last meeting saying that Councilman Kaczor is a "whiner", and challenged anyone to do 1/10th of what Councilmember Kaczor has done over the last 20 years for the Town. Councilmember Majchrzak said that most of the people who serve on the Boards & Committees understand the constraints that the Board members are under. He also said the people who do the complaining are usually the ones who do not volunteer.

28) 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 authorize Police Chief Benz to hold a Bid Opening for two (2) New 2012 Marked Police Patrol Vehicles to be held May 14th at 2:00 PM, in the Supervisor Conference Room, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

Police Chief Andy Benz announced that there will be a “Prescription Drug Drop Off” at the Mercy Ambulatory Center (MACC) on April 28, 2012 from 10:00 AM to 2:00 PM. People can get rid of their unwanted, unneeded prescription drugs appropriately.

Councilmember Kaczor also announced that the Village is holding an “Electronics Equipment” drop off this Saturday, April 21, 2012 at the Village DPW on West Highland from 9:00 AM to 5:00 PM.

Highway Superintendent Fred Piasecki said the Highway Department is continuing the brush pickup around Town, the street sweeping and started the Iroquois Drive reconstruction project. He wanted to remind everyone that “Mulch Day” is going to be on May 12th, from 8:00 AM to 4:00 PM.

Town Engineer Wayne Bieler stated that the Town has been pursuing the Burmon Drive area for the Community Development Block Grants (CDBG) and they finally have enough surveys submitted and we do qualify for funding for that area now. He said that the “Prescription Drug Drop Off” is one of the requirements for “Stormwater Phase Two”. They have found prescription drug residues in some of the aquatic animals, so it is really important to dispose of prescription drugs properly to prevent them from getting into our waterways.

29) 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 #8 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$61,323.97
Public Safety Fund	\$9,453.47
Part Town Fund	\$431.32
Risk Retention	\$1,611.17
Cemetery Fund	
Highway Fund	\$60,323.99
Special Districts	\$39,756.55
Trust & Agency	\$441.28
Capital Fund	\$90,000.00

The resolution was unanimously adopted.

30) 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 receive and file the following:

Communications:

- National Prescription Drug Drop Off is Saturday, April 28th at 10:00 AM to 2:00 PM. For Drop Off Locations in Erie County and other Counties please go to web site www.NationalPrescriptionDrugDropOff.com.

Reports

- Building Inspectors Report for March 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 7:48 PM (local time).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Swarbrick', written over a horizontal line.

Kathleen Swarbrick
Deputy Town Clerk