

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 19th day of May at 7:00 PM, the meeting was called to order by the Supervisor and there were:

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

ABSENT:	Frederick Piasecki, Jr.	Highway Superintendent
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Supervisor Colarusso read into the record the following: "If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."

Supervisor Colarusso stated that Highway Superintendent, Fred Piasecki, was excused this evening, as he is being installed as 1st Vice President of the Erie County Highway Association this evening, and congratulated him on this appointment.

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 Executive Session/Special Meetings held on May 5, 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 has previously received copies thereof.

The resolution was unanimously adopted.

Stormwater Phase II Annual Report Coverage – SPDES – Informational Meeting

At this time the Supervisor opened the "Informational Meeting" and asked the Town Engineer, Wayne Bieler, to give an overview.

Mr. Bieler stated that 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, and an Annual Report outlining the Town's progress in meeting the Notice of Intent (NOI) goals. 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.

The Supervisor asked if there was anyone who wanted to speak. **No one came forward.**

Old Business #1 Set Pubic Hearing 3730 Transit Rd., request for Special Exception

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

WHEREAS, Keith Bernard, 3730 Transit Road on the west side of Transit, south of Milestrip Rd, has petitioned the Town to rezone the property from R-1 to R-1 Special Exception Use for the purpose of constructing a tennis court,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize to set a Public Hearing for June 16, 2010 at 7:00 pm at the Orchard Park Municipal Center in the matter of the above rezoning request, and be it further

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

The resolution was unanimously adopted.

Old Business #2 Mercy Ambulatory Care Center request for a Building Permit

This item was tabled so that the Town Board could become more familiar with this project.

New Business #1 Town Assessor to attend NYS Assessor's Association Fall Conference

3) 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 to approve the request of the Town Assessor, Milton Bradshaw, to attend the New York State Assessor's Association Fall Conference in Lake Placid from September 26 to September 29, 2010 as there is money in the budget.

The resolution was unanimously adopted.

New Business #2 Highway Department Seasonal Appointment

4) 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 appoint Roland Pigeon to work as a Seasonal Employee, with a rate of (PT1) \$7.50, retroactive to April 19, 2010, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #3 Highway Department Seasonal Appointment

5) 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 appoint Bill Schiefer to work as a Seasonal Employee, with a rate of (PT3) \$10.00, retroactive to April 19, 2010, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #4 Highway Department Seasonal Appointment

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

RESOLVED, that the Town Board does hereby appoint Dan Welch and Tim Welch, as Seasonal Employees, with a rate of (PT1) \$7.50, as recommended by the Highway Superintendent, and be it further

RESOLVED, that the Town Board does hereby appoint Ryan Van Lew and Scott Welch as Seasonal Employees, with a rate of (PT1) \$7.50, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #5 Sign Agreement with TVGA for Municipal Building Remodeling Project

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

WHEREAS, the Engineering Department has completed preliminary plans and construction estimates for the Orchard Park Municipal Center Renovations Project. The project includes a new roof for the Municipal Center area and Court Room area, additional insulation and ventilation, cupola restoration, repointing damaged brickwork, new carpeting and painting in selected areas, replacement of damaged ceiling tiles, replacement of broken sidewalk, remodeling of Town Clerk and former Tax Receiver Offices and addition of an Evidence Room in the basement unallocated area, and

WHEREAS, the Engineering Department has contacted TVGA Consultants to submit a proposal to provide architectural services for this renovation project. Their services would include finalizing the design, providing construction specifications and bid documents, verifying the design for code, stamping the drawings and assistance with the construction administration for an amount not to exceed \$15,750.00, and

WHEREAS, the Town has received a grant from the New York State Capital Improvements Project Program in the amount of \$125,000 to cover a portion of this project. There is presently \$45,837 and \$5,809.84 allocated under Capital Projects H-14 "Municipal Building Reserve" and H-70 "Police Wing Remodeling". The remaining construction cost, per the Town Board bond meeting and as recommended by the Town Engineer's "2010 Potential Future Projects for Bonding", is to be bonded.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with TVGA Consultants, 1000 Maple Road, Elma, New York 14059, to provide professional services for the Orchard Park Municipal Center 2010 Renovations Project in an amount not to exceed \$15,750.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Engineering Department Seasonal Appointment

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

WHEREAS, funds have been allocated for seasonal help in the Engineering Department, and

WHEREAS, Katherine A. McCarthy has worked for the Orchard Park Engineering Department in 2007, 2008 & 2009, and is a senior at Alfred State majoring in Architecture, and has complete two years of CADD (drafting) training,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Katherine A. McCarthy, 6978 Scherff Road, Orchard Park to a seasonal position in the Engineering Department for a four-week period beginning May 18, 2010 at a wage rate of \$9.25 an hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Refer to Planning Board and Conservation Board

9) 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 refer the following petitions to the Planning Board and the Conservation Board:

- Boston Valley Terra Cotta, 6860 South Abbott Road, Zoned A-1. (SBL#197.00-1-12.1) Applicant is requesting to rezone property from A-1 to I-1 as the current use of the property is as a manufacturing facility.
- Taylor Road property, vacant land located on the east side of Taylor Road, north of New Taylor Road, Zoned R-3. (SBL# 161.00-3-26) Town Board to set a public hearing to rezone property back to I-1. Notifications are to be sent to residents living within 1,000-ft. of subject property and to the owner of the premises.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

David Schuster - Mr. Schuster outlined some news items regarding WalMart: Tearing down Melody Fair to build a supercenter; demolished Evans Drive In, and then abandoned the project after opening supercenter in Hamburg; selling toxic jewelry and drop in customer base for the fourth quarter.

Howie Holmes - Mr. Holmes stated the 2010 Political season is just getting underway and he wanted to remind everyone that the four major political parties in Orchard Park have a gentlemen's agreement not to use signs.

ELECTED OFFICIALS & DEPARTMENT HEADS

10) 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 approve the following Budget Transfers for the Planning Coordinator:

\$200.00	From: B.8010.0413	Zoning, Travel & Conference
	To: B.8010.0139	Clerk

\$200.00	From: B.8020.0413	Planning, Travel & Conference
	To: B.8020.0139	Clerk

The resolution was unanimously adopted.

Councilwoman Ackerman stated that "Art Splash", the art work of Orchard Park students, is on display at HSBC, and a selection committee will be meeting to decide which of that artwork will be displayed in the Town Hall. She also congratulated the newly elected School Board Members.

Councilman Kaczor stated that the Municipal Center has some improvements and he wanted to thank those involved. Shanahan Landscaping donated their time to landscape the Municipal Center and Ray Stevens donated his time and equipment to put up a new flagpole. Councilman Kaczor also wanted to compliment the Recreation Department, and the Recreation Commission, for their great work in putting together "Art Rocks the Park", which was a huge success.

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

RESOLVED, that the Town Board does hereby appoint John Colarusso to a seasonal part-time position in the Maintenance Department, retroactive to May 14, 2010, at a wage rate of \$10.00 an hour, job class 04 step A, as recommended by Highway Superintendent Fred Piasecki, and Recreation Director, Ed Leak.

Supervisor Colarusso stated that she would abstain from this vote.

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

The resolution was duly adopted.

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

WHEREAS, the Village of Orchard Park is once again sponsoring Summer in Park. This year the Ice Cream Social will be held on Friday, July 30th and the Street Dance will be on Saturday, July 31st, and

WHEREAS, in the past the Town has given permission for the use of the Library grounds for these events and the Village is again asking permission for the use of the Library grounds for the Ice Cream Social on July 30th from 7:00 PM to 10:00 PM and also the use of the grounds on July 31st from 7:30 PM to 11:30 PM. Set up will begin at 5:00 PM each day after the Library closes for the day, and

WHEREAS, the Village would like to sell alcoholic beverages at the Street Dance and this requires that the Town, as property owner, sign a form granting the Village permission to do so.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby give support and approval to the Village of Orchard Park to hold their Annual Ice Cream Social, Friday, July 30th and the Street Dance, Saturday, July 31st, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the appropriate forms for the Village to sell alcoholic beverages at the Street Dance, and be it further

RESOLVED, that all necessary insurance documents are submitted to the Town prior to the events.

Councilwoman Ackerman stated that the Village only sells beer at the Street Dance.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby approve the request of National Grid to work on Sunday, May 23, 2010 in the area from Structure No. 48 (Bussendorfer Road) to structure No. 69 (California Road), in the vicinity of Ralph Wilson Stadium for the entire day (7:00am to 5:00pm). In addition to several bucket trucks, it is expected that an excavator, a bulldozer, a hardline wire-puller, and a reel trailer will be used.

The resolution was unanimously adopted.

Chief of Police Andy Benz announced that his Assistant Chief of Police, Ted Gura, who has been with the Police Department for 33 ½ years is retiring this Friday.

14) 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 accept the resignation of Assistant Chief of Police, Theodore Gura, with regret, and thank him for his many years of service to the Town of Orchard Park.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$92,170.07
Part Town Fund	\$3,068.85
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$34,616.88
Special Districts	\$133,678.26
Trust & Agency	\$866.54
Capital Fund	\$40,993.00

The resolution was unanimously adopted.

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

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

- Erie County Household Hazardous Waste Drop-Off Day, to be held Saturday, June 19, 2010 at 9:00 a.m. – 2:00 p.m. at Erie Community College, South Campus, Orchard Park, NY (enter from Big Tree Road – Route 20A via Abbott Road. For more information: call 858-6800 or visit www.erie.gov/environment.
- Free Residential Computer & Electronics Recycling Collection, to be held Saturday May 22, 2010, at 9:00 a.m. – 2:00 p.m. at the West Seneca West Senior High School, 3330 Seneca Street. In cooperation with Regional Computer Recycling & Recovery, call 888-563-1340 or visit www.eWASTE.com.
- Free Residential Computer & Electronics Recycling Collection, to be held Saturday May 22, 2010 at 9:00 a.m. – 2:00 p.m. at the Saint Mary's Swormville Faith Community School, 6919 Transit Road. In cooperation with Regional Computer Recycling & Recovery call 888-563-1340 or visit www.eWASTE.com.
- The American Legion of Orchard Park Post 567 will be hosting the Erie County American Legion Convention on June 5, 2010. The day will start with a memorial service at the flag on North Buffalo Street at 9:00 AM with full honors. At 10:00 AM the convention will be opened and there will be greetings from government officials. Later in the day at 4:30 PM they will be having a parade down North Buffalo Street from the M & T Bank area to the Post. A Steak dinner will follow at the Post for a cost of fifteen dollars.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive & file the Chief of Police's Monthly report for April 2010.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:33 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk