

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 25th day of May 2011 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Janis Colarusso	Supervisor
	Eugene Majchrzak	Councilmember
	Nancy Ackerman	Councilmember
	Edward Graber	Councilmember
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Wayne Bieler	Town Engineer
	Andrew Benz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
ABSENT:	David Kaczor	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."

Recognition & Awards for the Recreation Department

Recreation Director, Ed Leak, stated that the National Parks Association designates June of every year as Recreation Month. This gives the Recreation Department the opportunity to recognize individuals and businesses that have been supportive over the last year. Mr. Leak asked Recreation Commission liaison, Councilman Kaczor and Supervisor Colarusso, along with Recreation Commission Chairperson, Audrey Ramage, to help present the Community Appreciation awards. The awards went to:

- Jim Wilson, Diane & Paul Bond and Janet Janhke for their help with producing the "Art Rocks the Park" Art Palettes.
- Corporate Sponsors – Runners Roost, Repp Construction & Urban Valet.

Recognition & Honoring the Orchard Park Town Wreckers Swim Team (TWST)

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

WHEREAS, the value of an organization to the people of a community cannot always be measured, and

WHEREAS, the Orchard Park Town Wreckers Swim Team was founded by Jean Biggane in 1969 to provide a need that did then and does now exist in the community of Orchard Park, and

WHEREAS, thousands of children from the Town of Orchard Park have benefitted from their participation on the Orchard Park Town Wreckers Swim Team, and

WHEREAS, hundreds of those swimmers have been able to continue their competitive swimming careers in college, and

WHEREAS, many of those children have grown up to become leaders in the community, leaders in finance, teachers and coaches themselves, and

WHEREAS, the Orchard Park Town Wreckers has developed dozens of swimmers who have competed at the Eastern Zone Championship meets, the highest level of competitive age-group swimming, and

WHEREAS, the Orchard Park Town Wreckers Swim Team has had seven (7) swimmers who have broken multiple Niagara District age-group swimming records, and

WHEREAS, the Orchard Park Town Wreckers Swim Team has achieved a Level 2 Certification as recognized by United States Swimming, and

WHEREAS, the Orchard Park Town Wreckers Swim Team is amongst the top 5 largest teams in the Niagara District, and

WHEREAS, the Orchard Park Town Wreckers Swim Team continues to be involved in events that benefit the community of Orchard Park and beyond (i.e. Carley's Crossing and Adopt-A-Family), and

WHEREAS, the Orchard Park Town Wreckers Swim Team continues to be led by a focused and dedicated group of professional coaches and a volunteer parent organization.

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board does hereby honor the Orchard Park Town Wreckers Swim Team and does declare the Orchard Park Town Wreckers Swim Team is indeed an asset to the community of Orchard Park; and be it further

RESOLVED that a copy of this Proclamation be transmitted to Henry Heppner, General Manager of the Orchard Park Town Wreckers Swim Team.

The resolution was unanimously adopted.

Recognition for the Youth Court Students

The Town's Youth Court is the official alternative to Erie County's Family Court, and is an integral part of the criminal justice system. It handles cases of youthful offenders petitioned by the Orchard Park Police Department. The youthful offenders are judged and sentenced by their peers to perform community service hours. The Youth Court Director, David Rebmann and members of the Youth Board, were present to hand out the awards & read the biographies for the following Youth Court members who are graduating this year:

Brendan Kane, Brian Mattina-Chmiel, Daniel Sauer, John Knauth, Madeline Klein, Paige Cuddihy, & Sarah Delmont.

The Thomas McGinty Scholarship Awards are given to members of the Youth Court who are outstanding in their service, dedication and representing what the Youth Court stands for. The members of the Youth Court voted to select the Outstanding Youth Board Member. The following individual was selected to receive the Thomas McGinty Scholarships – Paige Cuddihy.

David Rebmman stated this is the 16th year of Youth Court and he honored the founders of the Youth Court; Councilmember Nan Ackerman, Town Attorney Len Berkowitz, Town Justice Phil Marshall, Former Chief of Police Sam McCune and the former Youth Board Director, Thomas McGinty.

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

RESOLVED, that the Regular Town Board Meeting held on April 27, 2011, the Special Session/ Executive Meetings held on May 4, 11 & 18, 2011 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.

PUBLIC HEARING

At 7:55 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the proposed rezoning of vacant land on California Road, Zoned R-4 to R-4 with Senior Residential designation for the "Orchard Grove Senior Apartments" as petitioned by Bryan Young.

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.

At this time Councilmember Ackerman read the recommendations of the Planning Board to approve this request with stipulations.

Supervisor Colarusso asked if there was anyone in the audience who would like to speak for or against the proposed "Orchard Grove Senior Apartments".

Henry Dinder – Mr. Dinder is for the project but said that there are many questions and issues that need to be addressed. This area has heavy concentrations of radon gas, has very low water pressure and remedial action should be taken.

Jim Suplicki 5560 Big Tree Rd – Mr. Suplicki is not for or against this project. Traffic in this area is already overwhelming and the several projects scheduled for this area will only increase the problem. He also discussed the lack of water pressure.

Anthony Pacella – Mr. Pacella stated that the residents are not aware of what kind of project is being put in, as there have been so many changes made to this project. Currently, there are 360 projected units to be built, with the back units being Belmont assisted Senior Residents. He feels Bryan Young should explain.

Charles Wilson – Mr. Wilson has concerns about sewage and drainage after this project is built. They already have standing water in their backyard.

Patricia Courtney – Ms. Courtney has concerns with drainage and added traffic on California Road.

Blanche Corbo – Ms. Corbo wants to know why the entrance for this project can't be moved to another site. California Road has already been a dumping ground for light business and other projects, plus the traffic is horrible. She feels that the Town Board does not care about their area.

Carol Pacella – Ms. Pacella is concerned about all these units being built, when projects like Fox Run can't even fill their units. She also has the concerns of traffic, drainage and water pressure.

Tony Cirelli – Mr. Cirelli only learned about this project a few weeks ago and has many concerns. He would like Mr. Young to have an open forum to discuss the issues. He has concerns with water pressure, traffic, land value, taxes, landscaping, parking and the mess that will take place during the construction.

Bryan Young - Developer, "Orchard Grove Senior Apartments" outlined his plans for this development, and stated that all the concerns discussed tonight have been addressed. Mr. Young said he would be willing to meet with the residents to discuss the plans for this development.

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

RESOLVED, that the Public Hearing in the matter of the proposed rezoning of vacant land on California Road, Zoned R-4 to R-4 with Senior Residential designation for the "Orchard Grove Senior Apartments" as petitioned by Bryan Young is hereby closed at 8:00 PM (local time).

The resolution was unanimously adopted.

PUBLIC HEARING

At 8:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the proposed Local Law for the Year 2011 titled "*Amendments to the Town Code of Ordinances*".

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 Local Law for the Year 2011 – *Amendments to the Town Code of Ordinances*.

No one spoke.

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

RESOLVED, that the Public Hearing in the matter of the proposed Local Law for the Year 2011 – *Amendments to the Town Code*, is hereby closed at 8:02 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, this Town Board has conducted a public hearing with regard to various changes to the Town Ordinances on May 25, 2011, and

WHEREAS, notice, pursuant to §239m of the General Municipal Law, was provided to the Erie County Department of Planning, and the Erie County Department of Planning responded, indicating no objection to the passing of these ordinances, and

WHEREAS, the Towns adjacent to the Town of Orchard Park have been provided notice of the proposed amendments to the Zoning Ordinance, and

WHEREAS, this Town Board has reviewed an Environmental Assessment Form prepared at the direction of the Town Board and has taken a hard look at the environmental impact of these Ordinances, and

WHEREAS, this Town Board makes a finding that the adoption of these ordinances will not have a significant impact on the environment, and

NOW, THEREFORE, be it

RESOLVED, that the various Town Ordinances as published on the 19th day of May 2011, and as modified be adopted and read as follows:

The following sections are hereby repealed and replaced by the Amendment as set forth.

§12-3: Annual Disclosure

(3) All members of the Zoning Board, Planning Board, Board of Ethics, Trails Task Force, Board of Assessment Review, Economic Development Board, Historic Preservation Board, Insurance Review Committee, Library Board, Open Space Preservation and Farmland Protection Task Force, Public Safety Committee, Recreation Commission, Youth Board, Computer and Information Advisory Commission, Architectural Overlay, Energy Conservation and Comprehensive Plan Implementation Committee.

Amendments to Chapter 144 Zoning Ordinance

§144-17.1A

Intent: To create a floating zone to provide areas with the Town's R-1 Residential Districts for single-family detached residential development in groups on lots which vary in size but where the maximum gross density within the overall development does not exceed one (1) residential lot per acre or fraction of an acre in order to preserve the natural and scenic qualities of open land. The maximum gross density is determined by Section 144-17.1B(6). This overlay district is intended to permit single-family detached housing to be sited in closer proximity to each other, with privately contracted maintenance provided by formation of a homeowners' association approved by the New York State Department of Law (Attorney General's Office) and to further provide greater flexibility and creativity in the location of structures on the land and to utilize topography and site features to best advantage.

§144-17.1B(6)

Maximum Density. The maximum gross density for the entire subdivision shall not be more than one (1) residential building lot per acre or fraction of an acre.

§144-44C(1)(c)

Upon the completion of the installation of the landscape materials, the owner shall provide, on a form supplied by the Town of Orchard Park, an affirmation from a licensed landscape architect that the plant materials specified on the landscape plan have been installed in accordance with approved plans and specifications. All plant material must be tagged with the correct botanical names at the time of the landscape architect's certification.

§144-44 M Relationship of Business and Industrial Uses to Residential and Agricultural Districts shall be modified as follows:

- a. Site Plans for business and industrial uses adjacent to a residential or agricultural district shall be reviewed with regard to the impact of the development on that district. The Planning Board is hereby expressly authorized to require such additional front, side, and rear yard setbacks as may be required to ensure that the business or industrial use does not interfere with the quiet enjoyment of neighboring residential or agricultural property within a residential or agricultural district.
- b. Buildings and parking areas proposed for business and industrial uses, including uses on property in the business or industrial districts where such property is adjacent to a residential or agricultural district, shall be required to meet the setback requirements of the residential district.
- c. The additional setbacks are intended to provide a visual and noise buffer between residential, agricultural, and non-residential uses. The additional setback as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to provide, as much as practicable, a visual screen of the non-residential improvements from the residential uses. Species type, location, and planted height of such landscaping shall be subject to the recommendation of the Conservation Board and the Planning Board and the approval of the Town Board.
- d. This Section shall be subject to all requirements of §144-44C, entitled General Standards. §144-44C is repeated herein by reference as if it were fully set forth herein.

§144-46.1(A)(3)

The Town Board, with the advice and assistance of the Planning Board, may assign the SR designation in areas of Town currently Zoned R-3 and R-4.

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.

Old Business #1 Schedule Public Hearing to rezone 3421 N. Benzing Rd. to Special Exception Use

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

RESOLVED, that the Town Board does hereby approve the requested Special Exception use for property located at 3421 N. Benzing Road, Zoned I-1 as petitioned by Ernest Dobies of 4942 Development and Savilles Outdoor Power Equipment Inc., as recommended by the Planning Board with the following stipulations:

*Rec'd
6/8/11
#6*

- This is an Unlisted SEQR Action based on the submitted Short EAF, a Negative Declaration is made.
- Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to the publication of the Public Hearing Notice.
- The recommendation is contingent upon the applicant completing the project as proposed on the development plans dated 4/20/11, and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
- The proposed project is in compliance with the Town's long range Comprehensive Plan.
- The applicant has demonstrated a need for the project.
- The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land values or public safety.
- The applicant has demonstrated an orderly flow of traffic ingress and egress.
- The applicant has provided suitable parking facilities.
- Landscaping, as indicated on the proposed plan, will provide adequate screening.
- Free areas for recreation are not required.
- The nearness and impact on schools and utilities is not an issue.
- The health and safety of adjacent properties is not affected.
- Applicant is granted outside display of equipment (lawn/garden/power) in the front area during normal business hours. The equipment shall be moved to the rear and into the building after business hours each day. The equipment may vary according to seasons. The Building Inspector will report if there are any problems and his recommendation will determine if the applicant will need to return after the first year.

The resolution was unanimously adopted.

New Business #1 Supervisor to sign contract with Lawley Insurance

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

RESOLVED, that the Town Board does hereby authorize Supervisor Colarusso to sign the contract between the Town of Orchard Park and Lawley Insurance, for the period between May 1, 2011 to May 1, 2012.

The resolution was unanimously adopted.

New Business #2 Sign agreement with Village of OP to utilize the Compost Site.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a contract with the Village of Orchard Park to utilize the services of the compost site and be it further,

RESOLVED, that the tipping fees per contract agreement is \$6,300.00.

The resolution was unanimously adopted.

New Business #3 Highway Department Seasonal Appointment

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

RESOLVED, that the Town Board does hereby appoint Bill Schiefer to work as a Seasonal Employee, with Parks & Grounds, with a rate of (PT3) \$10.00, retroactive to May 2, 2011, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #4 Highway Department Seasonal Appointment

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

RESOLVED, that the Town Board does hereby appoint Mike Graber and Tim Welch, as Seasonal Employees, with a rate of (PT1) \$7.50, retroactive to May 9, 2011 as recommended by the Highway Superintendent

Supervisor Colarusso	Aye
Councilmember Ackerman	Aye
Councilmember Kaczor	Absent
Councilmember Graber	Recused
Councilmember Majchrzak	Aye

The resolution was duly adopted.

New Business #5 Highway Department Seasonal Appointment

11) 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 Tim Kasper (effective 5/14/11) as a seasonal laborer for the Compost Site with a rate of (PT3) \$10.00 as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #6 Highway Department Seasonal Appointment

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

RESOLVED, that the Town does hereby appoint Bill Bieler, Corey Bzibziak, Michael Carey, Kyle Dolan, Josh Gura, Alex Tomasik and Scott Welch to work as seasonal laborers PT at the Highway Department, retroactive to May 16, 2011, with a rate of (PT1 \$7.50).

The resolution was unanimously adopted.

New Business #7 VFW Post #6247 Request to hold Annual Memorial Day Parade & Ceremony

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

RESOLVED, that the Town Board does hereby approve the request of the Orchard Park Veterans of Foreign Wars Post #6247 to hold the Annual Memorial Day Parade and Ceremony on Monday, May 30, 2011, subject to approval and review of the Village and Chief of Police. The parade will start promptly at

9:00 AM from the Orchard Park Library and proceed north on South Buffalo Street to the four corners and west on West Quaker Street and end at Veterans Park for the ceremony.

The resolution was unanimously adopted.

New Business #8 Amend Budget & Transfer Funds

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

WHEREAS, the Town has purchased property to expand recreational areas and preserve green space, and

WHEREAS, the Town Board has previously designated funding for such property purchases within the Town's General Fund, and

WHEREAS, the Town Board now wishes to utilize the available funding to pay for the purchase of the property and associated costs,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the amending of the 2011 General Fund budget as follows:

Increase appropriations:

A.9901.902	Transfer to Capital Project Fund	\$250,000
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Increase appropriated fund balance:

A.599	Appropriated Fund Balance (designated for capital)	\$250,000
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BE IT FURTHER RESOLVED, that the Town Board authorizes the transfer of such funds from the General Fund to the Capital Projects Fund – project H09, Land Acquisition to be used for land acquisition and associated costs.

Councilmember Ackerman stated that this land acquisition is for the Saville's property which is contiguous to the Milestrip Road Soccer fields and gives the Town access to the site from Webster Road.

The resolution was unanimously adopted.

New Business #9 Authorize Supervisor to sign contract with TruGreen Lawn Care

15) 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 a contract with TruGreen Lawn Care for lawn maintenance for the Town Hall and the Jolls Building, at a cost not to exceed \$348.00.

The resolution was unanimously adopted.

New Business #10 Authorize Chief of Police to send employee to Colt AR-15 Armorer School

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

RESOLVED, that the Town Board does hereby authorize Chief of Police, Andy Benz, to send an employee to the Colt AR-15 Armorer School, to have a certified armorer to work on the 6 rifles that the Town owns, and be it further

RESOLVED that the course is June 21st to June 23rd, 2011 and will be held locally, with the cost of \$450.00.

The resolution was unanimously adopted.

New Business #11 Authorize Supervisor to sign Commitment Letter

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

WHEREAS, the Western New York Stormwater Coalition has been awarded a 1.05 million dollar grant for storm sewer mapping. Funds are intended to assist regulated Municipal Separate Storm Water Systems who have obtained appropriate permit coverage and who are implementing effective stormwater management programs, and

WHEREAS, the storm sewer mapping project will result in mapping a large percentage of the Town's storm sewer conveyance system, catch basins, manholes, number and size of connections, and the direction of flow. This project will assist the Town in completing the mapping of the Town storm sewer system. Currently the Town has a portion of its system mapped, and

WHEREAS, Erie County Department of Environment and Planning will oversee the administration of the grant for the Western New York Coalition members that participate. There is a MS4 letter of commitment outlining the roles and responsibilities which shall include paper and electronic maps, assigning a member of the Orchard Park Engineering Department to assist in collecting field data and to contribute in-kind services to help meet the required local match of 25%.

NOW, THEREFORE, be it,

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the commitment letter to participate in the Western New York Stormwater Coalition: Storm Sewer Mapping Project, with contributions being in-kind services by the Engineering Department personnel.

The resolution was unanimously adopted.

New Business #12 Authorize Supervisor to sign Federal Property Transfer

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

RESOLVED, that on April 14, 2011, the Town Supervisor received last in a series of letters from the United States Attorney's Office on the availability of a vacant piece of +/- 6-acres of land located off Transit Road. This vacant parcel was a part of a Federal Seizure Case and is available to the Town of Orchard Park at no cost. The future use of this vacant land to the Town can be for additional Town

Parkland with connections into the proposed park/open space corridor and existing Town trail system, and be it further,

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with legal paperwork and the Town Supervisor to sign the request and acceptance letter to the United States Attorney's Office to receive ownership of the +/- 6-acre vacant parcel (SBL# 163.09-2-100) located off Transit Road at no cost to the Town.

The resolution was unanimously adopted.

New Business #13 Appoint summer staff to Engineering Department

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

WHEREAS, funds have been allocated in the 2011 budget for seasonal help in the Engineering Department and the Sewer and Water Department

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Jennifer Tompkins, P.O. Box 92, Springbrook, New York 14140 to a seasonal position in the Engineering Department for a sixteen-week period beginning May 31, 2011 at a wage rate of \$8.50/hour, and be it further

RESOLVED, that the Town Board does hereby appoint Mr. John Holder, 6 Greenwood Drive, Orchard Park, New York 14127, to a seasonal position in the Sewer, Lighting & Water Department for approximately a twelve-week period beginning May 31, 2011 at a wage rate of \$8.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Authorize attendance to Dam Safety Workshop

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

WHEREAS, in accordance with the duties of the Town Engineer, the Town is required to implement New York Department of Conservation Dam Regulations. The Owners of Class B Dams (Green Lake Dam) are required to provide to NYSDEC an Annual Certification and by August 19, 2011 submit an Emergency Action Plan prepared by a professional engineer, and

WHEREAS, the Association of State Dam Safety Officials, (ASDSO) is presenting a one day Dam safety workshop in conjunction with the NYSDEC Conference. The workshop is on June 5, 2011 at Lake Placid Conference Center. Over night stay for Saturday is necessary and would cost \$169.00/night with registration cost of \$25/each. The amount could be taken from the Engineering Department budgeted amount under A.1670.413, and

WHEREAS, the course agenda includes Dam Types and Purpose, Basic Dam Terminology, Basic Dam Design, Causes of Dam Failures, Maintenance Problems and Solutions and NYSDEC Dam Safety Regulation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Wayne Bieler to be an Associate (government) member of Association of State Dam Safety Officials (ASDSO) at a cost of \$47.00 and authorize the attendance of two Engineering Department personnel to attend the NYSDEC Dam Safety Workshop for Owners and Operators in an amount not to exceed \$300 from A.1670.413, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Approve final change order

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

WHEREAS, construction work on the Orchard Park Municipal Center Roof Replacement Project has been completed. On November 2, 2010, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, the two-year maintenance bond in the amount of \$153,760.00 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approve the final payment/authorize Release of Retention to Sahlem's Roofing and Siding, Inc., 2260 Southwestern Blvd., West Seneca, New York 14224 for the Orchard Park Municipal Center Roof Replacement Project in the amount of \$7,688.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #16 Authorize attendance to Seminar

22) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER GRABER, TO WIT:

WHEREAS, the Town is required to implement, per New York Water Laws and Regulations, any green infrastructure practices. Half Moon LLC is presenting a Seminar in Buffalo but is also offering a CD/Manual Package for \$269.00 shipping and handling included which we feel would benefit the Town existing and proposed future buildings. The amount could be taken from the Engineering Department budgeted amount under A.1670.413, and

WHEREAS, the course agenda includes: The Geothermal Concept, Closed Loop Field Options & Design Considerations, The Heat Pump Concept – Refrigeration Cycle, Geothermal Specific Heat Distribution Systems, Understanding Operating costs & Other Benefits of Geothermal, Reviewing System Components, Designing Geothermal Systems & Choosing Components and Exploring Geothermal Case Studies.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize the Engineering Department to attend the Geothermal Heating and Cooling Technology and Applications Seminar on June 10, 2011 at a cost not to exceed \$259.00 from A.1670.413, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #17 Authorize Bid for Cole Rd. Waterline Lowering & Faahs Dr. Pit Abandonment

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

WHEREAS, the Orchard Park Engineering Department has prepared design plans, specifications, and is coordinating utility lowering for Cole Road and abandonment of a pressuring reducing valve pit on Faahs Drive. The current 8" ACP waterline on Cole Road does not have enough clearance under an existing 24" National Fuel gas line, and

WHEREAS, the Town has been requested by Erie County Water Authority and National Fuel to lower the existing 8" ACP waterline below the 24" National Fuel gas line. In order to properly construct the waterline lower than the 24" National Fuel main on Cole Road, the Town is also required to lower the 8" ACP waterline below an existing 30" Tennessee Gas line, and

WHEREAS, Faahs Drive pressure reducing valve is no longer needed to maintain the correct pressure and has become a maintenance issue for the Erie County Water Authority. The abandonment of the pit will also require the replacement of an existing fire hydrant. The current fire hydrant was manufactured by the A. P. Smith Co., which has gone out of business several years ago making it difficult to obtain replacement parts, and

WHEREAS, the Sewer, Water and Lighting Department does not have the manpower or capability of lowering the waterline on Cole Road nor the equipment to remove the pit on Faahs Drive and because the cost is estimated above \$35,000.00 the construction work must be completed through the formal bidding process. Construction Plans and Documents will be available on June 10, 2011 at the Town Clerks office, and

WHEREAS, it is expected that construction can start the middle of July, with completion date of August 26, 2011.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize advertisements in the Orchard Park Bee Publication and The Buffalo News for sealed bids to be opened for Cole Road Waterline Lowering and Faahs Drive – Pit Abandonment at 2:00 P.M. on June 20, 2011 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #18 Approve Summer Training School & Conference

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

RESOLVED, that the Town Board does hereby approve the request to send Karen Barnas, Sr. Bookkeeper and Donna Shine, Payroll Clerk to attend the 2011 KVS Summer Training School & Conference from Monday, August 22, 2011 thru Wednesday, August 24, 2011 at the Buffalo-Niagara Marriott Hotel in Amherst at the Town's expense, and be it further

RESOLVED, the cost to the Town would be \$475.00 per person.

The resolution was unanimously adopted.

New Business #19 Approve Annual Training Conference

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

RESOLVED, that the Town Board approve the request to send Chief of Police, Andrew Benz to attend the 2011 New York State Association of Chiefs of Police annual training conference, and be it further

RESOLVED, that the conference will be held at Lake Placid, July 17 thru July 21, 2011. The cost for this conference should be under \$1,300.00.

The resolution was unanimously adopted.

New Business #20 Appoint part-time seasonal staff

26) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER GRABER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize Seasonal appointments of the following applicants as requested by Recreation Director Leak, dependent upon the applicants providing the required certifications:

Seasonal Part Time Appointment (Retro Active Monday May 16th)

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Tarra James	368 Bryant St	\$10.50	PT3-C (Att)

Spring Staff Appointment (Retro Active Tuesday May 10th)

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Andrew Brydges	23 Birdsong Parkway	\$9.00	PT2-B (Att)
Emily Wiencek	4 Old Farm Rd	\$8.50	PTE-1 (Att)

Summer 2011 Staff Appointments

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Emily Calieri	1 Trillium Place	\$8.50	PTE-1 (Att)
Emily Colarusso	1216 Quaker Rd	\$9.00	PT2-B (LG)
Philip Colarusso	1216 Quaker Rd	\$9.00	PT2-B (LG)
Daniel Hodson	59 Fairway Dr	\$8.50	PTE-1 (LG)
Chelsea Hojnacki	4758 Edgewood Drive	\$9.00	PT2-B (LG)
Cassandra Kaczmarek	6 Lenny's Lane	\$8.50	PTE-1 (LG)
Allysa Maderer	5205 Chestnut Ridge Rd	\$8.50	PT1-E (Att)
Brooke Reynolds	61 May Rd	\$8.50	PT1-E (Att)
Molly Schaffstall	15 Ashwood Lane	\$8.50	PT1-E (LG)
Linda Sherry	18 Sickmon Ave	\$15.00	PT6-D (LG)
Emily Wiencek	4 Old Farm Rd	\$8.50	PT1-E (Att)
Amanda Wylie	53 Stonehenge Dr	\$8.50	PT1-E (Att)

Supervisor Colarusso	Recused
Councilmember Ackerman	Aye
Councilmember Kazcor	Absent
Councilmember Graber	Aye
Councilmember Majchrzak	Aye

The resolution was duly adopted.

New Business #21 Schedule Annual Police Bike & Property Auction

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

RESOLVED, that the Town Board does hereby authorize the Chief of Police to hold the Annual Bike & Property Auction, June 4, 2011, at 10:00 AM, in the rear of the Orchard Park Municipal Center, located at 4295 South Buffalo Street, in the Town of Orchard Park, 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.

New Business #22 Authorize Supervisor to sign renewal agreement with Pitney Bowes

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

RESOLVED, that the Town Board to authorize the supervisor to sign a 51 month renewal agreement with Pitney Bowes for the Town' Digital Mailing System & Digital Inserter at \$433/month, the money in the budget.

The resolution was unanimously adopted.

New Business #23 Approve 2011 Stable Permit

29) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER GRABER, TO WIT:

RESOLVED, that the Town Board does hereby authorize the 2011 Stable Permit for Skibbreen Farm, 5142 Bussendorfer Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #24 Authorize lawns mowed monthly

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

RESOLVED, that the Town Board authorize Building Inspector Andrew Geist to have lawns mowed monthly for the 2011 mowing season at the following addresses: 95 Stoughton Lane and 47 E. Royal Hill Dr, and be it further

RESOLVED, that the cost for mowing will be put on the tax rolls for the respective properties.

The resolution was unanimously adopted.

New Business #25 Authorize Lions Club use of Yates Pk/Green Lake for their annual Fishing Derby

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

RESOLVED, that the Town Board does hereby approve the request of the Orchard Park Lions Club the use of Yates Park/Green Lake for their Annual Fishing Derby, to be held on Saturday, June 25, 2011, with hours to be 9:00 AM to 4:00 PM.

The resolution was unanimously adopted.

New Business #26 Authorize Supervisor to sign CSEA Employee Benefit Dental Coverage

32) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER GRABER WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER ACKERMAN, TO WIT:

RESOLVED, that the Town Board authorize the Supervisor to sign the CSEA Employee Benefit fund contract for Dental Coverage with new rates effective July 1, 2011.

The resolution was unanimously adopted.

Refer to Planning & Conservation Boards

33) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER GRABER, TO WIT:

RESOLVED, that the following requests are being referred to the Conservation Board

- Gerald T. Magill, 7230 Gartman Road, request to place 9.1 acres of Vacant Land into a perpetual Conservation Easement.
- Frank & Rosetta Newton, 6463 Bunting Road, request to place 57.1 acres Vacant Land into a 15 year Conservation Easement.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Marc Pacholec – Lieutenant Pacholec wished to correct the statement at the last meeting in which it was said that the Orchard Park Police Dept. takes up over half of the Town's budget, which is not true. The Police take up about 26% of the Town budget, which is a smaller percentage than many of the surrounding Towns. He talked about the proposed efficiency study of the Police Department, and the increased demands that are being placed on the department, especially in the form of domestics.

Kathryn Gorkiewicz – Ms. Gorkiewicz complemented the police department on their service. Ms. Gorkiewicz said she does not have a problem with the Police Department efficiency study being done; she has a problem with it coming out of an executive session, which makes people wonder if they will have access to the entire report. She also thought the cost of \$54,000.00 was quite expensive.

Sheila Miller – Ms. Miller discussed HydroFracking news and reports.

Dave Schuster – Mr. Schuster asked that Sheila Miller be placed on the panel for the informational HydroFracking meeting as she is well versed in the subject and has been asked to be the Sierra Club's spokesperson on HydroFracking. Mr. Schuster feels the Town should give the VFW a little more assistance for their fundraising breakfast.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Ackerman – Councilmember Ackerman stated that she was unaware that Ms. Miller wanted to be part of the HydroFracking meeting. She has been receiving a lot of information on the subject, but has had a hard time scheduling knowledgeable representatives for this meeting.

Police Chief Andy Benz – Chief Benz wished to commend some of his officers for their hard work and dedication. He commended Lt. Detectives McMaster and Wehrfritz, and former Detective Kadi who worked many hours, and put in hard work to provide a very solid case to the DA's office for their prosecution against Mo Hassan. He also wanted to recognize Officer Jason Schiedel, Detective Larry Brand & Officer Brian Lukowski for their fast and efficient responses to emergencies calls which saved peoples lives.

Highway Superintendent Fred Piasecki – Mr. Piasecki said road construction has started around Town and the reconstruction of Puritan Place has also been started. He stated that on free Mulch day, the Compost site loaded over 900 cubic yards for the residents.

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

WHEREAS, funds have been allocated in the 2011 budget for seasonal help in the Sewer, Water & Lighting Department. To date, no applications have been received and we would like to advertise for the summer help position at an hourly rate of \$8.00-\$10.00, depending on experience

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for summer help in the Sewer, Water & Lighting Department, as recommended by the Town Engineer..

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers:

Highway Department

\$15,000.00	From: A.7110.0449 Parks-Lake Channel Clean
	To: A.7110.0215 Parks Equipment
\$ 5,000.00	From: A.7110.0217 Parks-Tennis Courts
	To: A.7110.0200 Milestrip Equipment

The resolution was unanimously adopted.

36) 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 #10 which were reviewed and approved.

General Fund	\$87,393.59
Part Town Fund	\$235.33
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$ 16,385.00
Special Districts	\$ 8,163.31
Trust & Agency	\$616.38
Capital Fund	\$ 13,010.68

The resolution was unanimously adopted.

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

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

Reports:

- Chief of Police's Monthly Report for the month of March & April, 2011
- Building Inspector's Monthly Report for the month of April, 2011

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Ackerman, the meeting was adjourned at 8:54 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk