

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 22nd day of June 2011 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	Janis Colarusso	Supervisor
	David Kaczor	Councilmember
	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

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

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

**RESOLVED**, that the Regular Town Board Meeting held on May 25, 2011, the Special Session/ Executive Meetings held on June 1, & 8, 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 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the proposed amendment of the Zoning Ordinance of the Town of Orchard Park, to consider 3421 N. Benzing Rd. from I-1 to I-1 with Special Exception Use Permit, as petitioned by Ernest Dobies, of 4942 Development & Savilles Outdoor Power Equipment, Inc.

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.

Supervisor Colarusso asked if there was anyone in the audience who would like to speak for or against the proposed Special Exception Use Permit.

Jim Suplicki 5560 Big Tree Rd – Mr. Suplicki is not for or against this project, but expressed that Savilles is a wonderful business and is glad they are staying in Orchard Park.

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

**RESOLVED**, that the Public Hearing to consider the amendment of the Zoning Ordinance on 3421 N. Benzing Rd. from I-1 to I-1 with Special Exception Use Permit, as petitioned by Ernest Dobies, of 4942 Development & Savilles Outdoor Power Equipment, Inc., is hereby closed at 7:07 PM (local time).

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby approve the amendment of the Zoning Ordinance of 3421 N. Benzing Rd. from I-1 to I-1 with Special Exception Use Permit, as petitioned by Ernest Dobies, of 4942 Development & Savilles Outdoor Power Equipment, Inc.

**The resolution was unanimously adopted.**

**Old Business #1 Authorize Building Permit for Bryant & Stratton, Phase II**

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

**RESOLVED**, that the Town Board does hereby authorize a Building Permit to Bryant and Stratton, Phase II, vacant land located on Redtail Drive, Zoned I-1, as recommended by the Planning Board, for a revised project to construct a 40,000+/- sq. ft., two-story building with 98-parking spaces and approve the Site Plan received 5/18/11, based on the following conditions and stipulations:

1. The building occupies the same footprint and the Site Plan substantially matches the Site Plan approved on 3/10/10. Phase II exterior elevations were received on 6/3/11.
2. This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two, and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
4. No outside storage or display is permitted.
5. The dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with
6. §144-25 of the Town Code.
7. Town Engineering Approval was granted on 3/10/10.
8. No changes were made to the landscape plan; therefore the information remains the same with the Applicant providing a three (3) year landscape completion bond in the amount of \$22,720.00, the total interior green space is 10%, if the applicant revises the planting of the Colorado Spruce trees a revised plan must be submitted to the Conservation Board, prior to the issuance of a Building Permit.
9. A Cross Parking agreement received on 6/8/11, with metes and bounds for Parcel A and Parcel B and a Site Plan, is hereby approved and incorporated as part of this recommendation.

**The resolution was unanimously adopted.**

**Old Business #2 Authorize Building Permit for the Tabernacle**

5) 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 a Building Permit to Mr. Brian Louis of Schneider Design Architects representing The Tabernacle, 3210 Southwestern Blvd., located on the north side of Southwestern Blvd., Zoned B-2, as recommended by the Planning Board, for a 3,041+/- sq.ft. building addition with various improvements to the site that include exterior canopies, new signage, reconstruction of access steps and the construction of a wheel chair ramp and approve the Site Plan received 4/07/11 based on the following conditions and stipulations:

1. This is a Type II action and therefore no determination of SEQR is necessary.
2. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan.
3. No outside storage or display is permitted.
4. Dumpsters as shown, as well as any additional dumpsters shall be screened in accordance with
5. §144-25 of the Town Code.
6. The Applicant has agreed to merge the Sub Lots into one parcel as described in the plan submitted at the Planning Board meeting of 6/8/11. No Certificate of Occupancy shall be issued until the Sub Lots are merged into parcels as described in the plans submitted on June 8, 2011.

**The resolution was unanimously adopted.**

**Old Business #3 Request to Rezone property from I-1 to B-2, 1972 Southwestern Blvd., vacant land**

**Town Board Tabled this item.**

**Town Board to set public Informational Meeting**

A special public meeting will be held on July 20, 2011 at 7:00 PM in the Board Room at the Town of Orchard Park Municipal Center, 4295 South Buffalo Street, Orchard Park, NY regarding "What is Hydrofracking." The purpose of this meeting is to provide an opportunity for citizens to hear from a panel of experts in this field. Councilmember Ackerman stated that there will be a neutral party to monitor the meeting.

**New Business #1 Village of Orchard Park requesting permission to display Banner**

6) 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 approve the request of the Village of Orchard Park to display the banner for their "Ice Cream Social & Street Dance" on the front lawn of the Municipal Center beginning Tuesday, July 5<sup>th</sup>, which will be held July 29<sup>th</sup> & 30<sup>th</sup>. The size of the banner is 2' x 5 1/2'.

**The resolution was unanimously adopted.**

**New Business #2 Accept Resignation from Historic Preservation Board**

7) 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 resignation, with regret, of Dan Ransom from the Historic Preservation Board.

Councilman Kaczor stated that Mr. Ransom was instrumental in creating the Historic Preservation Board and has been a great supporter of the community and his presence would be deeply missed by the Board.

**The resolution was unanimously adopted.**

**New Business #3 Accept Resignation from Courts**

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

**RESOLVED**, that the Town Board does hereby authorize the resignation with regret, of Toni J. Violanti from the part time Court Clerk position effective June 24, 2011.

Supervisor Colarusso thanked Ms. Violanti for her service and stated that she has been an asset in the Court Office and would be greatly missed by all her co-workers.

**The resolution was unanimously adopted.**

**New Business #4 Approve 2011 Stable Permit**

**9) 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 Sandybrook Farm, 6265 Powers Road, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #5 Highway Department Seasonal Appointments**

**10) 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 appointments of Ryan VanLew and Lee Shular as part-time Seasonal Laborers with Parks & Grounds with a rate of PT1 \$7.50, retroactive to May 23, 2011, as requested by Highway Superintendent Piasecki.

**The resolution was unanimously adopted.**

**New Business #6 Highway Department Seasonal Appointment**

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

**RESOLVED**, that the Town Board does hereby authorize the appointment of Jacob Mariano as part-time Seasonal Laborer with Parks & Grounds with a rate of PT1 \$7.50, retroactive to May 23, 2011, as requested by Highway Superintendent Piasecki.

**The resolution was unanimously adopted.**

**New Business #7 Authorize Recreation Department 2011 Seasonal Staff Appointments**

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

**RESOLVED**, that the Town Board does hereby authorize the following staff appointments contingent upon applicant's certification:

<u>NAME</u>	<u>ADDRESS</u>	<u>RATE</u>	<u>POSITION</u>
Lauren Kaczor	Orchard Park	\$ 9.50	PT2-B(Att.)
Lucas Kozub	West Seneca	\$ 8.50	PT1-E(Att.)
Rachael Reimondo	Orchard Park	\$ 9.00	PT2-B(Att.)
<b>Rate Change</b>			
Matthew Kordrupel	Orchard Park	\$10.50	PT3-C(Att.)
Kate Sloane	Blasdell	\$ 9.50	PT2-D(LG)

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

**The resolution was duly adopted.**

**New Business #8 Authorize request of Orchard Meadows to hold Annual 4<sup>th</sup> of July Parade**

13) 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 the request of the residents of Orchard Meadows to hold their Annual 4<sup>th</sup> of July Parade on Monday, July 4<sup>th</sup> to begin at 9:45 AM on Bittersweet Lane and end at the Orchard Meadows Playground.

**The resolution was unanimously adopted.**

**New Business #9 Authorize attendance for 2011 Planning & Zoning Summer Schools**

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

**RESOLVED**, that the Town Board does hereby authorize Remy Orffeo, Planning Coordinator and Rose Seivert, Secretary, to attend the 2011 Planning & Zoning Summer Schools, July 19<sup>th</sup>, 2011 at the Marriott Hotel, Amherst, New York at a cost not to exceed \$140.00.

**The resolution was unanimously adopted.**

**New Business #10 Authorize permit for public display of Fireworks**

15) 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 permit for public display of fireworks requested by the Buffalo Bills Organization, 1 Bills Drive to be held June 24, 2011 at 7:30 PM, and be it further

**RESOLVED**, the exact location planned for display is the stadium scoreboard & a temporary stage in the stadium. A Certificate of Liability Insurance is on file in the Town Clerk's office.

**The resolution was unanimously adopted.**

**New Business #11 Authorize lawn mowed monthly**

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

**RESOLVED**, that the Town Board authorize Building Inspector Andrew Geist to have the lawn mowed monthly for the 2011 mowing season at the following address: 4 Cherokee 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 #12 Authorize clean up of property**

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

**RESOLVED**, that the Town Board authorize Building Inspector Andrew Geist to have the property on 3625 California Rd, to be cleaned up and dispose of the trash monthly for the 2011 season, 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 #13 Advertise for Bid**

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

**WHEREAS**, the Orchard Park Engineering Department is in the final stages of preparing Concrete Gutter & Driveway Apron design plans, specifications and construction contract documents for the above listed projects. The reconstruction of Puritan Place, currently underway, and Iroquois Drive, will have a closed drainage system and standard county concrete gutters along each side of the pavement and

**WHEREAS**, the Library parking lot paving project will include a new eight-foot wide concrete sidewalk from Highland Avenue to the Library entrance. Miscellaneous Concrete Repair Areas Replacement includes concrete gutter work due to ECWA repair work at a water main break last winter and.

**WHEREAS**, the Highway Department does not have the capability of installing the amount of concrete gutters required for this project in the necessary time frame and because the cost is estimated at \$300,000.00, the concrete gutter, and sidewalk work must be completed through the formal bidding process and

**WHEREAS**, in order to keep the project on schedule, the Advertisement for Bids should be authorized to be published on June 30, 2011. Plans will be available for purchase on July 8, 2011, and a bid opening on July 26, 2011. It is expected that the construction work will start mid-August for Puritan Place, mid-October for Iroquois Drive with completion near the end of October. The work on the Library sidewalk and the Miscellaneous Repair Areas gutter replacement will be started by mid-September.

**NOW THEREFORE be it,**

**RESOLVED**, that the Town Board does hereby authorize advertisements in the Orchard Park Bee, The Buffalo News and the Buffalo Challenger for sealed bids to be opened for Iroquois Drive & Puritan Place Reconstruction Concrete Gutters & Driveway Installations and Orchard Park Library Sidewalk Replacement & Miscellaneous Concrete Repair Areas at 2:30 P.M. on July 26, 2011 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #14 Advertise for Bid**

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

**WHEREAS**, our Consultant Engineer, Nussbaumer & Clarke, Inc., is finalizing the plans and specifications for the Municipal Center & Library Fire Alarm Improvements Project. This project consists of the complete removal and replacement of both fire alarm and detection systems in these buildings, and

**WHEREAS**, in order to keep on the project schedule, the Advertisement for Bids should be published on June 24, 2011, plans will be available for purchase on July 5, 2011 and the bid opening scheduled for July 26, 2011.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board recommend that you accept the plans and specifications for the proposed Municipal Center & Library Fire Alarm Improvements Project as prepared by Nussbaumer & Clarke, Inc. and authorize advertisements in the Orchard Park Bee, and The Buffalo News for sealed bids to be opened at 2:00 P.M. on July 26, 2011 in the Engineer's Conference Room at the Orchard Park Municipal Center.

**The resolution was unanimously adopted.**

**New Business #15 Authorize Town & ECWA to take Milestrip Road Water Tank out of service**

**Town Board Tabled this item.**

**New Business #16 Award Bid for Cole Road Waterline Lowering & Faahs Drive Pit Abandonment**

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

**WHEREAS**, bids were opened for the Cole Road Waterline Lowering and Faahs Drive Pit-Abandonment on June 21, 2011 and,

**WHEREAS**, the project was bid both with a base bid and an alternate bid. The alternate bid is for two additional hydrant replacements on 6170 Boston Ridge Road and 4606 Freeman Road and,

**WHEREAS**, the project was bid on a unit price basis for the associated waterline work items. The Engineering Department has reviewed those itemized prices of the six contractors who submitted bids. The lowest bid of \$53,408.10 was below the engineer's estimate of \$88,614.76 for the project and,

**WHEREAS**, attached is an extended tabulation of bid results showing the itemized bid amounts of each contractor and,

**WHEREAS**, the low bidder for this project was Fairway Contracting. The company has successfully completed various similar projects in the past and has been found to have the qualifications and experience to perform this work adequately with no reservation about their capabilities.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board recommend that you award the contract for the Cole Road Waterline Lowering and Faahs Drive Pit-Abandonment to the lowest responsible bidder, Fairway Contracting, 5389 South Freeman Rd., Orchard Park, New York 14127 in the amount of \$53,408.10.

**The resolution was unanimously adopted.**

**New Business #17 Schedule a Public Hearing for Orchard Park Drainage District OPDD #3-5**

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

**WHEREAS**, a petition was received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Orchard Park Commerce Center. The map, plan and report for the proposed Orchard Park Drainage District OPDD 3-5 for the Orchard Park Commerce Center prepared by Carmina, Wood & Morris, PC, in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review and,

**WHEREAS**, the district is defined as the watershed under post-development conditions for the existing/proposed developments within the Orchard Park Commerce Center. The purpose of the stormwater drainage district is to provide a mechanism to finance, at the expense of the district, improvements or services in connection with the operation and maintenance of the storm water management system including storm water quality improvement and sampling. The provisions of this district cover only those storm water facilities outside the public Right of Ways, unless otherwise depicted, which serve to convey, treat and temporarily store storm water from two (2) or more lots. Stormwater facilities within the public Right of Ways and those facilities located on privately owned land, which serve only the occupants of those lands, shall be excluded from the provisions of this district and



**WHEREAS**, the facilities covered under the provisions of this district include catch basins, manholes, storm water treatment units and pipes ranging from 36-inch to 42-inch in diameter. These items are sized to accommodate the tributary watershed within the park and convey the water to the existing dry detention basin located in the northwest portion of the park. The basin outlet discharges north approximately 875-lineal feet through 30-inch and 36-inch diameter pipes, then turns west and discharges to a swale, which flows under the US Route 219. The construction / development costs associated with this drainage infrastructure were bore entirely by the developer (Orchard Park Commerce Center Association, Inc.) and

**WHEREAS**, the establishment of a Drainage District is in the public interest because the district will service prospective owners in this industrial park with the required drainage control of water quality and quantity leaving the subject property per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system and

**WHEREAS**, for the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action.

**NOW, THEREFORE it be**

**RESOLVED**, that the Town Board recommend that you adopt the following resolutions:

Accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 3-5.

Authorize the Town Attorney and Town Engineer to schedule a Public Hearing for July 27, 2011 regarding the creation of Orchard Park Drainage District 3-5 for the Orchard Park Commerce Center pending the submittal of the necessary petition and legal documents.

Subsequent to the public hearing and completion of the SEQR process, you may then adopt the necessary orders establishing the district.

**The resolution was unanimously adopted.**

**New Business #18 Authorize Supervisor to sign an Agreement**

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

**WHEREAS**, revisions to the NYSDEC's Dam Safety Regulations including to 6 NYCRR Part 673 ("Dam Safety") were made effective August 19, 2009. As a part of these changes to NYSDEC dam safety regulations, owners of Class B Dams must develop and submit to the NYSDEC an Emergency Action Plan by August 19, 2011 and annually updates thereafter to stay compliant. The Green Lake Dam is listed on the NYSDEC inventory of dams as a Class B dam, and

**WHEREAS**, the Emergency Action Plan must be followed and used in the event of a developing dam failure or other uncontrolled release of stored water. This plan has two main required critical components: (1) emergency notification procedures / notification flowchart: and (2) inundation mapping of the zone of impact from a dam failure or other uncontrolled release of stored water. To develop these required inundation maps, you must have complex hydraulic modeling programs and be properly trained to run

these modeling programs. The Town does not currently have the capability to run modeling programs. Due to the experience of the firm GHD Consulting Engineers with Dam regulations, a meeting was setup and scope information exchanged, and

**WHEREAS**, the Town Engineer has met with representatives of the firm to review contract language, refine the scope of services and negotiate an appropriate fee structure. The proposed scope and agreement with GHD Consulting Engineers, LLC, is satisfactory and will accomplish the goals of the project that were set forth by the Town. The work has been organized into a lump sum fee inclusive of travel and other expenses, and

**WHEREAS**, there is presently \$169,948.00 plus interest allocated under Capital Project H-19, Green Lake Dam Rehabilitation for this project.

**NOW, THEREFORE be it,**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with GHD Consulting Engineers, LLC, University Centre, 415 North French Road, Suite 100, Amherst, New York 14228, to provide professional services for the development of and associated work for the Green Lake Dam Regulations Review and development of an Emergency Action Plan in an amount not to exceed \$15,700.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Refer to Planning & Conservation Boards**

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

**RESOLVED**, that the following request be referred to the Planning Board & Conservation Board

Saville's Florist, 4020 North Buffalo Road, Zoned B-1 (SBL#161.16-1-11) Request to construct a 3,140+/- addition and a 1,080+/- greenhouse addition to their existing building.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

**Louis Boehm** – Mr. Boehm stated that he applauds that the Town Board is considering reinstating two public meetings per month. He also stated that residents of the proposed WalMart area would like the Town Board to reinstate the parcel's zoning to industrial.

**Dave Schuster** –Mr. Schuster discussed the following items: purpose for holding Executive Sessions, political diversity representation of the Ethics Committee members, County Executive Collins requesting the Library be responsible for utility payments and a WalMart store size update.

**Jim Biggers** – Mr. Biggers stated that a vacant lot in his neighborhood needs attention by the Town.

**Jim Suplicki** – Mr. Suplicki asked about placing advertising signs on his lawn. He commended the Highway Department, but had some issues with Brush Contractors.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

**24) 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 following Budget Transfers:

**Town Court**

\$150.00      From: A.1110.0200 Town Justice – Office Equipment  
                 To:    A.1110.0445 Town Justice – Equipment Maintenance

Reason: Increase in Court Room Program annual License/Maintenance Agreement

**The resolution was unanimously adopted.**

**Supervisor Colarusso** – Supervisor Colarusso thanked the Highway Department and the Maintenance Department for their work on the grounds of the Municipal Center. She also reported that the work session for July 6, 2011 would be cancelled due to the July 4<sup>th</sup> Holiday, as some Town Board members would be unable to attend.

**Councilmember Ackerman** – Councilmember Ackerman noted the art work from the senior citizens from the Senior Center in the halls of the Municipal Center.

**Councilmember Graber** – Councilman Graber reported on the upcoming events in July.

**Councilmember Majchrzak** – Councilman Majchrzak commented on the reason for holding one Town Board meeting a month was due to the need for extra work sessions to meet with Department Heads, preparation for Budget and other various issues, rather than limiting the public to speak. He stated that things will change when the Town Board is reduced to three members.

**Town Attorney Leonard Berkowitz** – Mr. Berkowitz stated that under New York State law, the issue of the lawn mowing can be treated as other lots in the past and added to the tax rolls.

**Police Chief Andy Benz** – Chief Benz wanted to remind drivers to be aware of children with the start of summer neighborhood street parties taking place.

**Highway Superintendent Fred Piasecki** – Mr. Piasecki stated that the Highway Department has received an award for the Ellis Road design and workmanship and he presented the plaque to the Town Board. He gave an update on the Town roadwork projects.

**25) 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 #12 which were reviewed and approved.

General Fund	\$434,448.45
Part Town Fund	\$16,006.07
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$ 91,015.87
Special Districts	\$34,323.901
Trust & Agency	\$4,215.30
Capital Fund	\$ 24,438.80

**The resolution was unanimously adopted.**

26) 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:

**Communications:**

- The following projects submitted by the Town of Orchard Park for funding assistance through the Erie County Consortium Community Development Block Grant Program have been approved for the noted dollar amounts: Rural Transit Service, \$253,115.34 & Iroquois Drive Reconstruction, \$100,000.00.
- New York Public Interest Research Group Fund, Inc. (NYPIRG) is a non-partisan corporation that will be conducting door-to-door outreach in the community between 6/13/11-7/31/11. Their activities will entail circulating support statements soliciting small contributions, distributing information & recruiting support (letters, calls, participation) primarily on the issue of Hydro Fracking & Climate change policy.
- The Town has received notice from The New York State Department of Parks Recreation & Historic Preservation for approval of a Grant of \$9,000.00 for the second phase of the Historic Preservation Study.

**Reports:**

- Building Inspector's Monthly Report for the month of May, 2011

**The resolution was unanimously adopted.**

There being no further business, on motion by Councilmember Ackerman, seconded by Supervisor Colarusso, the meeting was adjourned at 7:59 PM (local time).

**Respectfully Submitted,**



**Carol R. Hutton  
Town Clerk**