

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 21st day of July at 7:00 PM, the meeting was called to order by the Supervisor and there were:

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

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 COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the minutes of the Regular Town Board held on July 7, 2010 and Executive Session/Special Meetings held on July 7, 2010 & July 14, 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.

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 Local Law for the Year 2010 titled "Conservation Easements"

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 2010 – Conservation Easements.

No one spoke.

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

RESOLVED, that the Public Hearing for the Local Law 2010, Conservation Easements, is hereby closed at 7:07 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a public hearing relating to the matter of Local Law #1 of 2010, Conservation Easements, was held on July 21, 2010 at which time all interested parties were given an opportunity to be heard,

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #1 for 2010, Conservation Easements, which provides as follows:

This Local Law is adopted pursuant to §491 of the Real Property Tax Law.

Section 1: Definitions

The following terms shall have the following meanings:

“Open space” or “open area” means any space or area characterized by natural scenic beauty whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance conservation of natural or scenic resources.

“Natural Resources” shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

Section 2: Procedures for Obtaining a Conservation Easement Agreement

- A. Any owner of land may submit a proposal to the Town Board of the Town of Orchard Park for the granting of interest or rights in real property for the preservation of open space or area. Such proposal shall be submitted in such a manner and form as may be prescribed by the Conservation Board of the Town of Orchard Park.
- B. Upon receipt of such proposal, the Town Board shall convey the proposal to the Conservation Board of the Town of Orchard Park. The Conservation Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town and may negotiate the terms and conditions of the offer. If the Conservation Board determines that it is in the public interest to accept such proposal, it shall recommend to the Town Board that it hold a public hearing for the purpose of determining whether or not the Town should accept such proposal.
- C. The Town Board shall, within 30 days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the Town. At least ten (10) days notice of the time and place of the hearing must be published in a paper of general circulation in the Town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within 500 feet of the boundaries of said proposed area, and to the school district in which it is located.

- D. The Town Board after receiving the reports of the Conservation Board, and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate. It may reject it in its entirety.
- E. If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the Erie County Clerk's Office.
- F. Such agreement may not be canceled by either party. However, the owner or owners thereof, may petition the Town Board for cancellation upon good cause shown, and such cancellation be granted only upon payment of the penalties provided in this law.
- G. Conservation Easements have been granted by this Town Board under the prior Local Law adopted by this Town Board. Those Conservation Easements shall remain in effect. The owners of property which are encumbered by such easements shall be entitled to exemptions upon compliance of Section 3 of this Local Law.

Section 3: Computation

- A. An exemption granted pursuant to this section shall commence on the effective date of the Conservation Easement Agreement, and shall terminate upon the expiration or termination of such Conservation Easement Agreement.
- B. The following table shall illustrate computation of the exemption:

Commitment	% of Exemption
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the State Board. Such application shall be filed with the assessor of the Town on or before the taxable status date of such Town.

- C. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special as valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.
- D. Whenever a Conservation Easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

Section 4: Penalties for Offenses

If there is a violation of the terms and conditions of the Conservation Easement Agreement or if such Conservation Easement Agreement is canceled by the Town Board upon petition, then the owner or owners of such property must pay to the Town the following amounts:

- A. All taxes abated pursuant to the Conservation Easement Agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and special improvement districts and all other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a Conservation Easement Agreement exemption, plus interest of six (6%) percent per year compounded annually for each year in which an exemption was granted, not exceeding five (5) years.
- B. Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the Conservation Easement or such Conservation Easement if cancelled.

Section 5: Chapter 52 Repealed

- A. Chapter 52 of the Code of the Town of Orchard Park, State of New York, entitled Conservation Easements, is hereby repealed, including §52-1 through §52-9 inclusive.

The question of the adoption was duly put to a roll call vote which resulted as follows:

Supervisor Colarusso	Aye
Councilman Kaczor	Aye
Councilman Graber	Aye
Councilman Majchrzak	Aye

The resolution was unanimously adopted.

Old Business #1 Southtown's Financial Group, 3438 Orchard Park Rd., request for Change in Use

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

WHEREAS, Daniel Blake of Southtowns Financial Group, Inc., 3438 Orchard Park Rd, located on the west side has requested a Change in Use to allow the applicant to convert the existing Residential home to Office Use,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request for a Change in Use at 3438 Orchard Park Road, Zoned B-4, as petitioned by Daniel Blake, to allow the applicant to convert the existing Residential Home to Office Use as recommended by the Planning Board July 14, 2010 with the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
- If changes to the exterior are done in the future, the petitioner must seek approval from the Architectural Overlay District committee.
- The Front Yard Parking, as presented requires a Variance from the Zoning Board of Appeals. (The variance was granted by the ZBA).

The resolution was unanimously adopted.

Old Business #2 Pet Heaven Funeral Home, 3604 North Buffalo Road, request for Change in Use

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

WHEREAS, Joseph Wales of Pet Heaven Funeral Home, Inc., 3604 North Buffalo Road, located on the west side, Zoned B-3, has requested a Change in Use at 3604 North Buffalo Road to convert the existing residence into an Office for Commercial Use to relocate his existing business

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request for a Change in Use for 3604 North Buffalo Road, Zoned B-3, as requested by Joseph Wales to convert the existing residence into an Office for Commercial use, as recommended by the Planning Board July 14, 2010 based on the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, parts One and Two, and a Negative Declaration is made.
- If changes to the exterior are done in the future, the petitioner must seek approval from the Architectural Overlay District Committee and other appropriate Town Boards.

The resolution was duly adopted.

Old Business #3 6860 So. Abbott Rd., Boston Valley Terra Cotta, request for rezoning.

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

WHEREAS, following due and timely notice, a Public Hearing relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park was conducted on the 7th of July 2010, at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

To rezone land located at 6860 South Abbott Road from A-1 to I-1, as petitioned by Boston Valley Terra Cotta,

WHEREAS, no recommendation from the Erie County Department of Planning pursuant to Section 239-m of the General Municipal Law was received and filed by the Town Board, and

WHEREAS, approval from the Planning Board was received and filed with the Town Board

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, that the Zoning Ordinance and the Zoning map of the Town of Orchard Park be and are hereby amended by rezoning from A-1 to I-1 property located at 6860 South Abbott Road as follows:

Parcel A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot 25, Township 9, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the intersection of the centerline of South Abbott Road (66' wide) with the south line of Lot 25; Thence westerly along said south line of Lot 25, a distance of 247.64 feet to the northeasterly line of lands now or formerly conveyed to the Buffalo and Susquehanna Railway Company, as recorded in the Erie County Clerk's Office under Liber 997 of deeds at page 177; Thence northwesterly along northeasterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company a distance of 667.9 feet to an angle point therein; Thence southwesterly along a northwesterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company a distance of 16.0 feet to an angle point therein; Thence northwesterly along northeasterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company a distance of 665.90 feet to a point in the northerly line of the lands now or formerly conveyed to Boston Valley Pottery, Inc., as recorded in the Erie County Clerk's office under Liber 10918 of deeds at page 8530; Thence easterly along the northerly line of said lands conveyed to Boston Valley Pottery, Inc., a distance of 104.02 feet to its intersection with the southeasterly line of a purported 50 foot wide Tennessee Gas Pipeline easement; Thence northeasterly at an exterior angle of $133^{\circ}01'01''$, along the southeasterly line of said purported Tennessee Gas Pipeline easement, a distance of 150.99 feet to an angle point therein; Thence northeasterly at an interior angle of $161^{\circ}35'25''$, continuing along the southeasterly line of said purported Tennessee Gas Pipeline easement a distance of 44.38 feet to an angle point therein; Thence northeasterly at an interior angle of $164^{\circ}36'06''$ continuing along the southeasterly line of said purported Tennessee Gas Pipeline easement, a distance of 138.73 feet to the said centerline of South Abbott Road;

Thence southeasterly along said centerline of South Abbott Road, a distance of 754.10 feet to a an angle point therein; Thence southeasterly continuing along said centerline of South Abbott Road a distance of 691.02 feet to the point and place of beginning, containing 8.602 Acres more or less.

Parcel B

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot 25, Township 9, Range 7, of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the intersection of the south line of Lot 25 and the southwesterly line of the lands now or formerly conveyed to the Buffalo and Susquehanna Railway Company, as recorded in the Erie County Clerk's Office under Liber 997 of deeds at page 177, said point being distant 247.64 feet westerly of the centerline of South Abbott Road as measured along said south line of Lot 25; Thence westerly along said south line of Lot 25, a distance of 1521.43 feet to the easterly line of the Southern Expressway (U.S. Route 219) as shown on Appropriation Map 238, Parcel No.291, as recorded in the Erie County Clerk's Office under Liber 7800 of deeds at page 293; Thence northerly along the easterly line of said Southern Expressway a distance of 143.62 feet to a point of curvature therein; Thence continuing northerly along the easterly line of said Southern Expressway being a curved line to the right having a radius of 2560.367 an arc distance of 722.53 feet to a point of tangency; Thence northerly continuing along the easterly line of said Southern Expressway a distance of 264.44 feet to an iron pin; Thence easterly at an interior angle of $84^{\circ}36'51''$ along a line a distance of 1172.20 feet to a point in the southwesterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company; Thence southeasterly along the southwesterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company a distance of 679.14 feet to an angle point therein; Thence southwesterly continuing along the northwesterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company a distance of 16.0 feet to an angle point therein; Thence southeasterly continuing along the southwesterly line of said lands conveyed to the Buffalo and Susquehanna Railway Company a distance of 592.0 feet to the point or place of beginning, containing, containing 35.032 Acres more or less.

RESOLVED, that this approval is granted with the following conditions and stipulations:

- This is Type 1 SEQR action and the Town Board completes the SEQR action I compliance with the state regulations notifying the adjacent towns, involved agencies including the New York State Agricultural Department, based on the submitted Short EAF.
- Acreage fees shall be paid in accordance with Section 144-70C of the Town Code prior to publication of the Public Hearing Notice.
- At the 12/16/08 Zoning Board of Appeals meeting Mr. Krouse stated that if further expansion became necessary he would seek a rezoning of the property.
- The rezoning will aid to foster smoother operation and expansion of a currently valued business in the Town of Orchard Park.
- This property has been used as a manufacturing facility since 1889.

RESOLVED, that this Ordinance shall take effect ten (10) days after publication and posting in accordance with Law, and be it further

RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with Sections 264 and 265 of Town Law.

The resolution was unanimously adopted.

New Business #1 Schedule Public Hearing for Local Law – Abolish the position of Receiver of Taxes and Assessments, and consolidate the duties of Receiver of Taxes & Town Clerk's Office

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Wednesday, August 4, 2010 at 7:00 PM, for a Proposed Local Law for the Year 2010: To abolish the position of Receiver of Taxes and Assessments, and consolidate the duties of the Receiver of Taxes and Assessments with the Office of the Town Clerk's Office, to be effective January 1, 2011, 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 #2 Proclamation – Orchard Park & Angola Fire Districts grant application

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

WHEREAS, Erie County Emergency Services has secured funding through the Public Safety Interoperable Communications Grant to construct a new 400mhz infrastructure for radio communications between firefighters and first responders, and

WHEREAS, while Erie County is funding the infrastructure, volunteer fire departments will be responsible for the purchase and maintenance of equipment that can be used on the new 400mhz communications system, and

WHEREAS, a total of 10 volunteer fire departments in the Orchard Park Fire District and the Angola Fire Control have applied for a 2010 AFG Regional Communications Grant with the federal government, and

WHEREAS, the grant applications request of \$208,216 for the Orchard Park Fire District and \$630,761 for the Angola Fire Control, in funding to purchase interoperable and standardized radio equipment, specifically 400mhz digital capable mobile radios, portable radios and pagers, and

WHEREAS, the purchase of this equipment will be used to improve communications among the 490 active volunteer firefighters and first responders in the Orchard Park and Angola Fire Control, and

WHEREAS, this equipment will bring the partner agencies into statutory compliance with FCC P25 narrow-banding requirements, and

WHEREAS, these organizations protect an area comprising 103 square miles of suburban and rural communities in Erie county, and

WHEREAS, target hazards in the area served by the Orchard Park Fire District include a suburban community with rural areas, a 1200 acre County Park and an NFL stadium, in the Angola Fire Control there are major transportation lines including the New York State Thruway (I-90), two New York State Roads (NYS Route 5 and U.S. Route 20) and 15 miles of CSX and Norfolk rail lines that transport various materials including fuel, lumber and chemicals, and

WHEREAS, the organizations applying for the grants do not have the resources to purchase this 400mhz radio equipment.

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board supports the Orchard Park Fire District and the Angola Fire Control 2010 AFG Regional Communications Grant Applications, and be it further

RESOLVED, that the Orchard Park Town Board asks the assistance of our federal representatives to help secure this grant funding that will assure the safety and reliability of the communications systems between firefighters and first responders throughout the region, and be it further

RESOLVED, that copies of this certified resolution be sent to Sen. Charles Schumer, Sen. Kirsten Gillibrand, Rep. Brian Higgins, Rep. Louise Slaughter, Rep. Christopher Lee, Erie County Legislature and the Orchard Park Fire Company.

The resolution was unanimously adopted.

New Business #3 Authorize mowing of property located at 95 Stoughton Lane

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

WHEREAS, the Town has received a complaint regarding the lack of lawn care at 95 Stoughton Lane, and upon investigation, the property appears to be abandoned and the back yard does not appear to have been mowed at all this year, and

WHEREAS, the Building Inspector has sent a letter to the owner listed with the town Assessor's office and have had no response or mowing done,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to have this property mowed monthly for the rest of the 2010 mowing season, with the cost to be applied to the tax rolls of this property.

The resolution was unanimously adopted.

New Business #4 Authorize membership with Digital Towpath Cooperative

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

WHEREAS, the Town of Orchard Park will establish and maintain a municipal website using the Digital Towpath Municipal Website Template, and

WHEREAS, the Town of Orchard Park expects to realize an increase in service to the residents of our Town through the operation of our website, and

WHEREAS, the continued operation and expansion of our website will continue to enhance our citizens' e-government interaction with our Town, and

WHEREAS, the municipalities in New York State using the Digital Towpath Municipal Website Template are banding together to form the Digital Towpath Cooperative, and

WHEREAS, the intermunicipal joint service agreement establishing this cooperative has been presented to and reviewed by this board,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Intermunicipal Joint Service Agreement establishing the Digital Towpath Cooperative and hereby designate Paul Warriner to represent our town in all proceedings of the that body.

The resolution was unanimously adopted.

New Business #5 4000 S. Buffalo St., OPCS Credit Union request to reapply for a building permit

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

WHEREAS, the OPCS Federal Credit Union, 4000 North Buffalo St. applied for a Building Permit to accommodate a Drive-thru ATM and teller window on the existing site, and

WHEREAS, the Town Board did approve a Building Permit for the OPCS Federal Credit Union, 4000 North Buffalo St, and the Site Plan received by the Planning Board 4/13/09 to accommodate a Drive-thru ATM and teller window on the existing site, and

WHEREAS, the Site Plan Approval expired in May of 2010, and the OPCS Federal Credit Union is now requesting a re-approval so they may obtain a Building Permit.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby reapprove a Building Permit and Site Plan for the OPCS Federal Credit Union at 4000 North Buffalo Road, as recommend by the Planning Board with the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with § 144-25 of the Town Code.
- Town Engineering Approval was granted on 5/13/09.

The resolution was unanimously adopted.

New Business #6 Recreation Dept. Seasonal Staff appointments

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, 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>
Brittany Popovski	Orchard Park	\$8.50	PT1-E(LG)

The resolution was unanimously adopted.

New Business #7 Approve Change Order with RB Mac for Municipal Building 2010 renovations

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

WHEREAS, the Engineering Department is requesting approval of a Change Order to the contract with RB Mac Construction Co., Inc. for the Orchard Park Municipal Center Renovations Project in the amount of \$16,579, and

WHEREAS, this Change Order is requested to perform changes in the work and additional work not covered under their contract. The additional work involves changes to the door hardware to the Evidence Room, an increase in cost of the renovations to the cupola, and the addition of wire partitions to each side of the Evidence Room, and

WHEREAS, the hardware for the Evidence Room doors was changed to a more efficient and proper hardware than what was specified. This change resulted in a deduction of \$650.00. Security louvers were added to the doors to provide ventilation to this room for an increase of \$800.00, resulting in a net change of \$150.00, and

WHEREAS, the Town received an estimate from a local contractor prior to bid for the reconstruction of the cupolas on the Municipal Center and Board/Court Room, then placed an allowance of \$12,000.00 in the bid for this work based on the estimate. The estimate used failed to include prevailing wage rates. RB Mac has solicited estimates for this work to be completed properly and legally, the lowest being \$26,365.00, resulting in an increase of \$14,365.00, and

WHEREAS, the addition of wire mesh partitions on each side of the new Evidence Room will block access to the various electrical and communications panels as well as the sump pump on the north side and provide the Police Department with additional secure storage on the south side, adjacent to the Evidence Room. The installation of these partitions will result in an additional cost of \$2, 064.00.

NOW, THEREFORE, be it

RESOLVED, the Town Board is hereby authorized to approve Change Order #1 to our contract with RB Mac Construction Co., Inc. for the Orchard Park Municipal Center Renovations Project in the amount of an increase of \$16,579 and appropriate additional funding to this project to cover the increase in cost, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize Advertisement of Bids for Floor Cleaning Services for Municipal Bldg.

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

WHEREAS, as the Town Board requested, the Engineering Department has assembled bid documents for floor cleaning services for all Town Buildings. All departments have been notified and the desired contract timeframe will be included with the specifications. The scope of work includes cleaning all open areas of the terrazzo tile, vinyl tile, carpet, as well as some minor furniture and miscellaneous upholsteries unit bids. Carpets and hard floors will be cleaned twice a year in the spring and fall, and

WHEREAS, in order for the cleaning to stay on the schedule, the Advertisement for Bids should be published on July 26, 2010. Bid documents would then be available August 5, 2010 and the bid opening will be on August 12, 2010 with possible award at the August 18, 2010 Town Board meeting, and

WHEREAS, the Town has appropriated funding for contracted building repair and maintenance, A.1620.0446. The typical expenditures from this account are being checked. Additional funding will likely be needed.

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby authorize advertisements in the Orchard Park Press and The Buffalo News for sealed bids to be opened for the Orchard Park 2010 Floor Cleaning Services Contract at 2:00 P.M. on August 12, 2010 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Refer to Planning Board and Conservation Board

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

RESOLVED, that the Town Board does hereby refer the following to the Planning Board & Conservation Board: 3847 N. Buffalo Road, located on the east side of North Buffalo Road, Zoned B-1. Mr. and Mrs. Jack Bertsch are requesting a Change-In-Use for this property from its current use as a Residential home to Commercial use as an office.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one came forward to speak.

ELECTED OFFICIALS & DEPARTMENT HEADS**Budget Transfers**

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

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers to facilitate the Assessors office to have their data mailers printed, folded & stuffed in envelopes:

\$ 650.00	From: A.1355.0414	Assessor (training)
\$ 700.00	From: A.1355.0200	Assessor (equipment)
\$ 150.00	From: A.1355.0450	Assessor (BOR)
	To: A.1355.0450	Assessor (publishing)

The resolution was unanimously adopted.

Councilman Kaczor said that the Town Board sent a letter to the NYS Dept. of Transportation regarding the Milestrip Rd. intersection with No. Buffalo Rd./Orchard Park Rd. last year and the state outlined the reasons that a turn signal could not be put in at this time. But, the Town Board is going to resend the letter, and contact our legislators for some help.

Councilman Kaczor discussed some of the thought process that went into the possible purchase of 75 Bank St. by the Recreation Commission. The main issue with the recreation programs and the senior center is that there is not enough room to hold the programs, therefore, rooms have to be rented from various sources. There was some discussion about building a new structure at Yates Park, but most people did not want to intrude on the parkland. The property at 75 Bank Street is adjacent to Yates Park and has a structure that could house the administrative duties and offer more rooms for the recreation programs. Nothing has been finalized with this purchase, and further discussion will take place.

Supervisor Colarusso stated that the Senior Center and senior groups are struggling with capacity issues as well. The senior center had over 11,000 sign into the building last year, and it only holds about 100 people for the lunches. They are renting buildings around town to hold their meetings and projects.

Officer Joseph Buccilli mentioned that the Police Department relies on the public's eyes and ears to assist them to notify the police when they see any suspicious activities going on. He stated that the Police Department is hosting an open house on Friday, July 30th, from 10:00AM to 2:00 PM, and everyone is welcome.

Highway Superintendent Fred Piasecki stated that the crews are out paving, and doing overlays on several roads in the Town.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$45,788.45
Part Town Fund	\$3,175.29
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$58,944.64
Special Districts	\$19,184.22
Trust & Agency	\$2,286.30
Capital Fund	\$25,060.26

The resolution was unanimously adopted.

COMMUNICATIONS

18) 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 receive & file the following communication:

- Orchard Park Police is having an Open House Friday, July 30, 2010. Police Station tours will be available by signing up at the dispatch desk. Various Brochures will also be available in the rotunda area. Hot dogs, drinks and snacks will be served for a DARE donation.
- Village of Orchard Park Quaker Day Events can be viewed at www.QuakerDays.com.
- The Town Board Work Session for, Wednesday, July 28, 2010 will be canceled due to the Village of Orchard Park Quaker Day Events, which start at 6:00 PM.

The resolution was unanimously adopted.

REPORTS

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

- Chief of Police's Monthly Report for the Month of June 2010
- Building Inspector's Monthly Report & Building Permits for June, 2010

There being no further business, on motion by Supervisor Colarusso, seconded by Councilman Kaczor, the meeting was adjourned at 7:49 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk

