

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 August, 2013 at 7:00 PM, the meeting was called to order by Supervisor Colarusso and there were:

PRESENT AT ROLL CALL:

Janis Colarusso	Supervisor
David Kaczor	Councilmember
Eugene Majchrzak	Councilmember
John C. Bailey	Town Attorney
Carol Hutton	Town Clerk
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer
Andrew Geist	Building Inspector
Mark Pacholec	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 SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Executive Session Meeting held on August 14, 2013 is 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.

PUBIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing for the Establishment & Creation of the Town Drainage District OPDD 3-7 in the former Saville's Property Redevelopment. Map and plans have been duly filed in the Town Clerk's Office for on site inspection during regular business hours.

The Supervisor opened up the Public Hearing to all interested persons, no one spoke.

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

RESOLVED, that the Public Hearing in the matter of the establishment the Creation of the Town Drainage District OPDD 3-7 in the former Saville's Property Redevelopment is hereby left open until September 4, 2013.

The resolution was unanimously adopted.

PUBLIC INFORMATION MEETING

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

RESOLVED, that the Town Board does hereby remove from the table Dangerous & Unsafe structures located at 5856 Lake Avenue, Orchard Park, which was tabled at the August 7, 2013 Town Board Meeting.

The resolution was unanimously adopted.

Building Inspector Andy Geist stated that a detached Barn/Garage on this property had a roof that was falling in. The owner took out a permit and the structure was pulled down and now is lying in a pile. The owner is not making very good progress in cleaning this up.

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

WHEREAS, the Enforcement Officer of the Town of Orchard Park has filed his report in writing with the Town of Orchard Park containing his findings and recommendations regarding certain structures on the premises located at 5856 Lake Avenue, designated by SBL #152.14-2-10, in which report said Enforcement Officer states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate securing or removal, and

WHEREAS, the Town of Orchard Park after reviewing said report and after hearing said Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined the said report warrants the removal of said structure.

NOW, THEREFORE, be it

RESOLVED, that (1) notice be given to Adam J. DiPirro and Peter D. DiPirro; (2) said notice be served personally upon Adam J. DiPirro and Peter D. DiPirro or the County Clerk if such persons cannot reasonably be found for such personal service and by affixing a copy thereof upon said structures, (3) said notice shall order that the barn structure on the said premises is to be demolished and the debris from that demolition is to be removed from the premises within thirty (30) days of the service of said notice and to be completed within (60) days thereafter, (4) a public hearing was scheduled for 7:00 pm on August 7, 2013, and tabled until August 21, 2013 at the Municipal Building, 4295 South Buffalo Street, Orchard Park, in relation to such dangerous or unsafe structure, and (5) the Building Inspector of the Town of Orchard Park be and he hereby is directed to prepare such notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk, and be it further

RESOLVED, that the Town Board does hereby authorize the Building Inspector to give the 30 day notice, and if the work is not completed, to contract out the removal of the debris and add the cost of such removal to the tax bill of that property.

The resolution was unanimously adopted.

Old Business #1 Rezoning Vacant Land on Webster Rd., Adjacent to 5948 Webster Road

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

WHEREAS, following due and timely notice, a Public Hearing has been held, relating to the matter of the Amendment to the Zoning Ordinance of the Town of Orchard Park, which amendment provides as follows:

To rezone vacant land adjacent to 5948 Webster Road, located on the north side of Webster Road, west of Breem Street from R-3 to B-2 for the purpose of expanding the existing West Herr, Chrysler-Jeep parking lot, as petitioned by West Herr Properties.

WHEREAS, the Public Hearing was conducted at the Municipal Center 4295 South Buffalo Street, Orchard Park NY 14127 on the 7th day of August 2013 at which time all interested persons were given an opportunity to be heard, and

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

WHEREAS, recommendations from the Town of Orchard Park Planning Board, 7/10/13, was received and filed by the Town Board.

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and hereby are amend by rezoning from R-3 to B-2 the following:

All that tract or parcel of land, situated in the Town of Orchard Park, County of Erie and State of New York bounded and described as follows: Beginning at a point in the centerline of Webster Road, said centerline being the south line of Lot 25, at the southeast corner of lands now or formerly West Herr Properties, LLC by Liber 11047 of Deeds at Page 9026, thence easterly along the centerline of Webster Road and south line of Lot 25 a distance of 213.63 feet to a point; thence northerly forming an interior angle of 89°44'44" a distance of 217.80 feet to a point at the north line of Liber 5501 of Deeds at Page 235; thence westerly a distance of 212.66 feet to the northeast corner of said lands West Herr Properties, LLC; thence southerly at right angles to Webster Road and along the east line of said West Herr Properties, LLC a distance of 217.80 feet to the point of beginning, being 1.07 acres of land, more or less.

And be it further

RESOLVED, that this approval is granted with the following stipulations as recommended by the Planning Board 7/10/13:

- The rezoning is contingent upon successful project approval by the Planning Board, Conservation Board and the Town Board.
- All stipulations must be clearly defined, screened properly, and the screening properly delineated, this includes a 175 ft. area perpendicular to Breem Street, which has not yet been addressed under the rezoning.
- It is fully understood that the parking area created will be for vehicle storage only, not utilized as a servicing staging area.
- This is an Unlisted SEQR action based on the submitted Short EAF, parts One and Two, an a Negative Declaration is made.
- Acreage fees shall be paid in accordance with §144(C) Schedule of Zoning Fees of the Town Code prior to publication of the Public Hearing Notice.

- This recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans received on 5/13/13, and as included in this motion, and shall revert to its original zoning classification if the project is not completed per §144-67 of the Town Code.
- The Planning Board makes the recommendation to have one driveway onto Webster Road to align with Errington Terrace with a berm to be constructed on either side with landscaping. A landscaped berm shall be placed north of the existing Webster and Breem corner lot house.

The resolution was unanimously adopted

New Business #1 Appointments to Fall/Winter/Spring 2013-2014 Recreation Department

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

RESOLVED, that the Town Board does hereby make the following 2013-14 Fall, Winter, Spring seasonal part-time appointments to the staff of the Town of Orchard Park Recreation Department, and these appointments are dependent upon the applicant providing the required certifications.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Liam Allman	190 Highland Ave	\$9.00	PT2- B (Att)
Kristin Anders	24 Hampton Ct	\$9.00	PT2- B (LG)
Mackenzie Anderson	7420 Chestnut Ridge Rd	\$9.00	PT2- B (Att)
Allison Anstett	4957 Marilyn Dr	\$10.50	PT3-C (Att)
Katie Augustine	2960 Bullis Rd	\$10.50	PT3-C (Att)
Nicole Augustine	2960 Bullis Rd	\$10.50	PT3-C (LG)
Sarah Badagliacca	7274 Jewett Holmwood	\$9.50	PT2-D (LG)
Kevin Batorski	5976 Elmhurst Rd	\$8.50	PT1-E (LG)
Jessica Battaglia	30 Norwood Lane	\$9.00	PT2-B (LG)
Leah Berst	76 Ashley Dr	\$8.50	PT1-E (Att)
Aimee Beyette	11510 Glenwood Rd	\$10.50	PT3-C (Att)
Andrea Buchanan	4698 Parker Rd	\$8.50	PT1-E (Att)
Toby Burns	4128 North Freeman Rd	\$15.00	PT6-D (Att)
Sarah Chamberlin	12805 Whitney Rd	\$8.50	PT1- E (LG)
Maria Chirico	79 Naples Drive	\$10.50	PT3-C (Att)
Corinne Christopherson	43 Graystone Lane	\$8.50	PT1-E (Att)
Alexander Ciolek	4475 Transit Rd	\$9.00	PT2-B (LG)
Anthony Cimorelli the Third	7464 Crestwood Circle	\$8.50	PT1-E (Att)
Alina Clough	344 Hillside Dr	\$8.50	PT1-E (LG)
Harrison Clough	152 Tanglewood Dr	\$8.50	PT1-E (Att)
Meghan Clough	152 Tanglewood Dr	\$9.00	PT2-B (Att)
Amanda Cody	73 Meadow Run	\$8.50	PT1-E (Att)
Grace Coyle	26 Edgewater Dr	\$9.00	PT2- B (LG)
Emily Crow	1951 Davis Rd	\$9.00	PT2- B (Att)
Paige Cuddihy	3694 Eckhardt Rd	\$9.00	PT2- B (Att)
Tiffany Dingeldey	6830 Canterbury	\$8.50	PT1- E (Att)
Alexander Drainville	12 Swallow Lane	\$9.00	PT2- B (Att)
Kennan Druding	4 Lynchburg Ct	\$8.50	PT1-E (Att)
John Alec Duffy	45 Pinyon Drive	\$8.50	PT1-E (LG)

Jonathan Duffy	4881 Sunway Lane	\$8.50	PT1-E (LG)
Elizabeth Egloff	105 South Lane	\$9.00	PT2- B (Att)
Aileen Farrell	86 Woodview Dr	\$8.50	PT1-E (Att)
Emily Fleetwood	50 Nina Terrace	\$8.50	PT1- E (Att)
Christopher Ford	5868 Woodlee Ct	\$10.50	PT3-C (LG)
Jillian Ford	5868 Woodlee Ct	\$8.50	PT1-E (Att)
Grant Fowler	86 Hillside Dr	\$8.50	PT1- E (LG)
Alexander Freedenberg	10 Sylvan Circle	\$8.50	PT1-E (LG)
Emily Gartenman	9 Lakewood Dr	\$8.50	PT1-E (Att)
Nichole Geiger	50 Sitka Circle	\$9.00	PT2- B (LG)
Kathleen Goodman	132 Meadowbrook	\$15.00	PT6-D (Att)]
Ellen Gotthelf	18 Forest Drive	\$10.50	PT3- C (Att)
Taylor Gorman	165 Hobby Lane	\$8.50	PT1-E (Att)
Leah Gordhamer	7288 Hayes Hollow Rd	\$9.00	PT2-B (Att)
Emily Graber	37 Hampton Ct	\$9.50	PT2- D (LG)
Kelly Graber	37 Hampton Ct	\$9.50	PT2- D (LG)
Sarah Haley	119 Henning Dr	\$9.00	PT2-B (Att)
Bridget Hall	65 Old Orchard Lane	\$8.50	PT1-E (Att)
Patrick Hogan	229 Meadowbrook Rd	\$8.50	PT1-E (Att)
Madison Hornung	91 Hunters Ridge Rd	\$9.00	PT2-B (Att)
Victoria Hutton	37 Spruceland Terrace	\$8.50	PT1-E (Att)
Shannon Jablonski	121 Whitney Pl	\$10.50	PT3-C (LG)
Trevor Jachimowicz	68 Middlebury Rd	\$9.00	PT2- B (Att)
Melanie Janesz	22 Saint Clair St	\$10.50	PT3-C (Aide)
Emily Jankowiak	6094 Berkley Dr	\$8.50	PT1-E (Att)
Justin Jemiolo	14 Birch Run	\$9.00	PT2- B (LG)
Logan Jensen	7 South Davis St	\$9.00	PT2- B (Att)
Cassandra Kaczmarek	6 Lennys Lane	\$9.00	PT2-B (LG)
Grant Karlson	4028 Midway Court	\$8.50	PT1-E (Att)
Korey Kazinski	8 Sandpiper Ct	\$8.50	PT1-E (Att)
Kyle Kazinski	8 Sandpiper Ct	\$9.00	PT2-B (Att)
Bailey King	5730 Seufert Rd	\$8.50	PT1- E (Att)
Florence Kirkner	16 Bender Dr	\$11.25	PT4- A (Att)
Margaret Klee	29 Cherry Tree Lane	\$9.50	PT2-D (LG)
Rachel Klosko	244 Ashwood Lane	\$9.00	PT2-B (LG)
Annie Rose Kostrzewski	29 Silent Meadow Lane	\$9.00	PT2- B (LG)
Hanna Kreuzer	16 Hemlock Hill	\$8.50	PT1-E (LG)
Salvatore LaDuca	220 Anderson Place	\$15.00	PT6- D (Att)
Emma Laipple	230 Fox Meadow Lane	\$8.50	PT1-E (LG)
Ryan Lehman	5162 Ellicott Rd	\$15.00	PT6-D) (Att)
Laura Lukowski	27 Clark St	\$8.50	PT1-E (Att)
Angela Luther	2184 Thiel Rd	\$10.50	PT3-C (Att)
Allysa Maderer	5205 Chestnut Ridge Rd	\$9.00	PT2- B (Att)
Kelly Mahoney	12 Brimfield Ct	\$9.00	PT2- B (LG)
Brian Manley	2 Winterhall Rd	\$9.50	PT2-D (LG)
Bethany Mattina-Chmiel	24 Wellington Lane	\$9.00	PT2- B (LG)
Jacob Mattina- Chmiel	24 Wellington Lane	\$8.50	PT1-E (Att)
Janet Marks	1203 Jewett Holmwood Rd	\$10.50	PT3- C (Att)
Collin McArdle	55 Jolls Lane	\$9.50	PT2- D (LG)
William McCauley	5860 Woodlee Ct	\$8.50	PT1-E (LG)
Anabelle McDonald	87 Hunters Ridge Rd	\$9.00	PT2- B (Att)

Travis McNichol	3662 California Rd	\$8.50	PT1- E (LG)
Gregory Michael	5330 Murphy Rd	\$10.50	PT3-C (LG)
Dana Neureuther	32 North Lane	\$8.50	PT1-E (Att)
Maygan O'Scier	56 Naples Dr	\$8.50	PT1-E (Att)
Mary Owczarczak	30 Ranch Trail Ct	\$9.00	PT2-B (Att)
Andrea Pawarski	3582 Eric Trail	\$10.50	PT3-C (Att)
Amphavanh Philarom	1713 Schoellkopf	\$10.50	PT3-C (LG)
Abigail Piccillo	5292 Oakridge Dr	\$8.50	PT1-E (LG)
Ellen Piccillo	5292 Oakridge Dr	\$9.00	PT2- B (LG)
Hanna Pollak	18 Edgewater Dr	\$9.00	PT2- B (LG)
Nicholas Ramage	35 Carlton Drive	\$9.00	PT2- B (Att)
Kelly Rand	23 Lakeridge Dr	\$8.50	PT1-E (Att)
Erin Rapp	62 Rosedale Ave	\$9.00	PT2-B (Att)
Emily Rattanaphasouk	6150 Lake Ave	\$8.50	PT1-E (Att)
Rachael Reimondo	4568 Ardmore Ct	\$9.00	PT2- B (Att)
Megan Robertson	62 Potter Ave	\$10.50	PT3-C (Att)
Joshua Saville	1 Saville Dr	\$8.50	PT1-E (Att)
Danielle Schaefer	60 Rolling Hills Rd	\$10.50	PT3- C (Att)
Molly Schaffstall	15 Ashwood Lane	\$9.00	PT2- B (LG)
Mary Schichtel	4536 Mt Vernon Blvd	\$15.00	PT6-D (Att)
Courtney Schmidt	5165 Briercliff Dr	\$8.50	PT1- E (Att)
Christopher Schiumo	28 Ascot Circle	\$9.00	PT2- B (LG)
Christi Schultz	6111 Bunting Rd	\$9.00	PT2- B (Att)
Heidi Schultz	6111 Bunting Rd	\$10.50	PT3-C (Att)
Samantha Shaffner	4462 S Buffalo St	\$8.50	PT1-E (Att)
Kelsey Sheehan	19 Rene Dr	\$9.00	PT2- B (Att)
Madelyn Sheehan	19 Rene Dr	\$8.50	PT1- E (Att)
Linda Sherry	18 Sickman Ave	\$15.00	PT6- D (LG)
Madeline Shiley	39 Wildwood Lane	\$9.00	PT2-B (LG)
Elizabeth Simson	29 Tanglewood Dr West	\$9.00	PT2-B (LG)
Rhiannon Slowik	6108 Armor Rd	\$8.50	PT1-E (Att)
Nicole Sparks	5556 Draudt Rd	\$9.00	PT2-B (Att)
Robin Steiner	89 Cherokee Dr	\$8.50	PT1-E (Att)
Morgan Szustak	4010 Bond St	\$8.50	PT1- E (Att)
Alexis Tarnowski	5940 Elmhurst Rd	\$9.00	PT2-B (LG)
Courtney Thornton	108 Harvey Drive	\$8.50	PT1-E (LG)
Analise Tremblay	11045 Ketchum Rd	\$10.50	PT3- E (Att)
Emily Tripi	5 Lockwood Lane	\$8.50	PT1- E (Att)
Emily Updike	5625 Cole Rd	\$8.50	PT1- E (Att)
Michelle Vasiloff	3578 Heatherwood Dr	\$9.00	PT2- B (LG)
Emily Wiencek	4 Old Farm Rd	\$9.00	PT2- B (Att)
Daniel Wright	150 Kenefick Ave	\$9.00	PT2- B (LG)
Amanda Wylie	53 Stonehenge Dr	\$9.00	PT2-B (Att)
Brian Wylie	53 Stonehenge Dr	\$9.00	PT2- B (Att)
Kevin Zablonksi	95 Burbank Dr	\$8.50	PT1-E (Att)

The resolution was unanimously adopted.

New Business #2 Authorization to Hold Annual Bike & Property Auction

7) 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 authorize Chief Mark Pacholec to hold the Annual Bike & Property Auction, September 14, 2013, 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 authorize the Town Clerk to put due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #3 Agreement to Accept Interpretive Sign Agreement

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

WHEREAS, the Western New York Southtowns Scenic Byway (WYNSSB), a legally authorized byway in New York State, with the purpose of promoting the culture, history, and scenery of the area surrounding its 70 mile route, is sponsoring an interpretive sign program, under the administration of the New York State Department of Transportation, and,

WHEREAS, the Town of Orchard Park is located within the limits of the Byway, and has been duly notified by the WNYSSB that it is entitled to receive one interpretive sign as part of this program.

NOW, THEREFORE, be it

RESOLVED that the Town of Orchard Park agrees to accept the interpretive sign, to own it, and to reasonably maintain it for its lifetime under the following conditions as recommended by the Town Attorney:

- The WYNSSB, as part of a grant for its interpretive sign program, has agreed to pay for the design, fabrication, and installation of the sign.
- The Town of Orchard Park, together with the WYNSSB, has agreed to its content.
- The Town of Orchard Park has agreed to its location, to be located on South Buffalo Street in front of the Jolls House & Museum, in the State of New York right of way, and agrees to abide by the requirements of the State Department of Transportation.
- The Town of Orchard Park agrees to not remove the sign at any time in the future.
- If the sign should be damaged, the Town of Orchard Park agrees to repair the sign, if it is reasonable with its own forces, or, if the damage is such that it cannot be reasonably repaired, to consult with the WNYSSB regarding a means to repair the sign. The payment of such repair would be as agreed to by the Town of Orchard Park and the WNYSSB at that time.

And be it further

RESOLVED, that a copy of this resolution will be sent to the Village of Orchard Park and the Western New York Southtowns Scenic Byway committee

The resolution was unanimously adopted.

New Business #4 Authorize the Amending of the 2013 Budget

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

WHEREAS, the Town received funds from the Orchard Park Soccer Club for the purpose of maintaining soccer fields, and

WHEREAS, weather conditions has required the Town to expend additional amounts to maintain and water such fields, and

WHEREAS, the funds received from the Soccer Club were not included in the Town's 2013 adopted budget for the General Fund,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2013 budget to recognize the amounts received from the Orchard Park Soccer Club and authorize expending such funding for the maintaining of soccer fields as follows:

Increase Estimated Revenues:

A2705.0001 Public Contributions – Recreation	\$7,400.00
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Increase Appropriations:

A7110.0400 Parks – Milestrip Fields Supplies	\$7,400.00
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The resolution was unanimously adopted.

New Business #5 Schedule a Public Hearing for Community Development Block Grant Funds

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

WHEREAS, in order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens an opportunity for input into the project selection process. Project applications are due on October 28, 2013, and

WHEREAS, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a public hearing for Wednesday, October 2, 2013 at 7:00 PM on the possible use of 2014-2015 Community Development Block Grant Funds.

The resolution was unanimously adopted.

New Business #6 PIP 2012-02 - Connecting Five 70-watt High Pressure Sodium Street Lights

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of five (5) standard street light fixtures on Hilltowne Drive in the Hilltowne II Subdivision. At present, there are three (3) single family homes occupied in this subdivision with another three (3) currently under construction of the 11 subplot Subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of standard street light poles under PIP # 2012-02. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from New Wave, which is estimated to be \$42.03/ea. for an annual total cost of \$210.15. The proposal is for a total of five (5) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$115.68. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of five (5) 70-watt high-pressure sodium Standard light fixtures in the Hilltowne II Subdivision at an annual increased cost of \$115.68 to the Consolidated Light District in accordance with the attached NYSEG proposal, as recommended by the Town Engineer. Energy will be an additional (+/- \$210.15/yr.)

The resolution was unanimously adopted.

New Business #7 Advertise for Bids for Timberlake Dr. Waterline Replacement

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

WHEREAS, the Orchard Park Engineering Department is in the final stages of preparing design plans, specifications and construction contract documents for Timberlake Drive Watermain Replacement Project. The existing watermain is approximately 57 years old and the Erie County Water Authority has had several breaks over the years, and

WHEREAS, the Sewer, Water, and Lighting Department does not have the capability of installing the amount of linear footage +/- 5500LF required for this project in the necessary timeframe and because the cost is estimated over \$35,000.00, the watermain 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 August 21, 2013. After agency approvals, plans will be available for purchase on September 30, 2013, and a bid opening on October 11, 2013. It is expected that the construction work will start mid October with completion of grading & seeding as spring weather permits near the end of May.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for Timberlake Drive Watermain Replacement Project at 2:00 P.M. on October 11, 2013 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #8 Chief of Police Appointment

13) 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 Mark Pacholec to the position of Chief of Police (Permanent), Step K, to be effective August 21, 2013. All other contractual benefits will continue as per the Orchard Park Police Command Officers Association Collective Bargaining Agreement.

The resolution was unanimously adopted.

New Business #9 Assistant Chief of Police Appointment

14) 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 appoint Eugene J. Wehrfritz to the position of Assistant Police Chief (Permanent), to be effective August 21, 2013, Step J. All other contractual benefits will continue as per the Orchard Park Police Command Officers Association Collective Bargaining Agreement.

The resolution was unanimously adopted.

New Business #10 Approve Multiple 2013-2014 Commercial Parking Permits

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

RESOLVED, that the Town Board does hereby approve the following 2013/2014 Commercial Parking Permits as recommended by Building Inspector Geist:

Diane Augustine	3968 Southwestern Blvd.
Veronica Benes	3964 Southwestern Blvd.
Kevin Bieler	3946 Southwestern Blvd.
Giancarlo & Roberta Bruni	5100 Big Tree Rd.
Zachary Clark	4180 Abbott Rd.
Sean Hanley	3944 California Rd.
Sue & Patrick Kane	3952 Southwestern Blvd.
Ray & Sue Kowalski	3972 Southwestern Blvd.
Mark Leitzan	3808 Abbott Rd.
Mark Leitzan	3816 Abbott Rd.
Mark Leitzan	3830 Sheldon Rd.
Victor Liberatore	3807 Southwestern Blvd.
John Mariano	3916 Southwestern Blvd.

Lisa Matwijow	4155 Abbott Rd.
American Hammer Holdings LLC	4170 Abbott Rd.
Niagara Frontier Recovery	3958 Southwestern Blvd.
On the Go Convenience/Petro	3975 Southwestern Blvd.
Dennis Przybyl	3976 Southwestern Blvd.
Quaker Boy, Inc.	5455 W. Webster Rd.
Red Carpet Inn	3940 Southwestern Blvd.
Michael Simoncelli	3848 California Rd.
Scott & Linda Smith	3879 Southwestern Blvd.
Southtowns Motel, Inc	3923 Southwestern Blvd.
Linda Stanley	3781 Abbott Rd.
Patrick Sullivan	3819 Abbott Rd.
Tailgaters Bar & Grill	3847 Southwestern Blvd.
David Tempestoso	3912 Southwestern Blvd.
Stephen Tripodi	3800 Southwestern Blvd.
W. J. Milligan	3864 Abbott Rd.
W. J. Milligan	3892 Abbott Rd.
Samuel Violanti & Ramon Gallardo	3763 Abbott Rd..
Henry Whytas Jr.	5528 W. Webster Rd.
Windom Community Church	3766 Abbott Rd.
Joseph Yemma	3785 Abbott Rd.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jackie Briggs- Ms. Briggs referred to an article “Future of Active Aging Adult Centers” which discussed the need to transform our current centers to adjust to the needs of our aging adult population. The “Boomers” are going to be looking to have a place for physical, mental, emotional and social stimulation in their centers, and that is what our current senior citizens are also looking for as well. The current senior facility in Orchard Park is in dire need of updating.

Kathy Gorkiewicz- Ms. Gorkiewicz stated that in the feasibility study for converting the Baker Road school into a senior center, she wants to see the total cost to cover the purchase, abatement costs, the cost of bringing the building up to code and to make sure that the cost of upkeep/maintenance for this building be included. She also wants these costs compared to the cost of the current center, and the impact it will have on the Town budget and taxes. She said no matter what is decided regarding the Senior Center, it should be put to a vote so the residents can decide.

Tom Pieczynski – Mr. Pieczynski stated that at the last meeting the Town priorities were explained to him and he asked why the seniors are always at the bottom of the pile. He was told “because they are” and “there are no requirements to do anything for the seniors”. He found that shameful. Regarding the Green Lake Dam, the Town should do what it takes to get money from the state to help with the cost.

Barbara Little – Ms. Little stated the Town Board appointed David Jensen to a full time (provisional with no benefits) until the end of the year and are talking about adding another part time person. She wondered if this is an election time ploy to satisfy her, and others of like concern, so that we it would not have to be dealt with this until after the election. The current staff in the Building Inspector’s office cannot keep up with the mandated inspections needed. After the Police Department, this office is the most important for the safety of the residents.

Alfred Szymanski- Mr. Szymanski said that historically, the Town has lacked sufficient leadership when seeking funding for the Community Center and as a result conditions at the Senior Center are not adequate for the seniors. In these financially difficult times, it is imperative that the Town Board seek funding from state and federal levels whenever prudent. The same applies to the Yates Park Dam restoration. The Town Board needs to seek appropriate funding for the betterment of our community.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso – She stated that Andy Geist requested that David Jensen be reinstated to 40 hrs. a week and demonstrated that need. Making him provisional was all that the budget would allow. Supervisor Colarusso said she feels bad that some people are opposed to investing in a new senior center, as the seniors need an adequate place to go.

Councilmember Kaczor – He stated that when he talked to Mr. Pieczynski at the last meeting, he said that at budget time the priorities are set with Public Safety as #1, Infrastructure as #2 and Quality of Life as #3. When it comes to being the bottom of considerations at budget time, #1 is that recreation would have to be cut, and possibly the seniors. New York State does not mandate what is to be provided. He apologized if Mr. Pieczynski took it the wrong way. Regarding the Town seeking aid, he takes umbrage with that. As a community, we have worked very hard and extensively to pull grants into this community. Over the last 10 years, the Town has obtained millions of dollars in grants and are always working at obtaining more grants.

Councilmember Majchrzak – He stated that the Town Board is only a three member board, with two members being part-time. They work very hard doing the best they can with the resources they have. He stated that the Town does not have fire inspectors, they have code enforcement officers. The Town Board did not reappointed Mr. Jensen to 40 hrs. a week because it is an election year. It was because the Town Board listened to the Building Inspector and what his needs are for his office.

Police Chief Pacholec – He thanked the Town Board for his permanent appointment and the support they show for the Police Department. He reminded everyone of the Buffalo Bills home game next weekend.

Highway Superintendent Piasecki – He gave a report of the paving schedule in the Town and described the reworking of the intersection of Burton Road & Newton Road.

Application for Public Improvement Permit #2013-05 Ellicott Development

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

WHEREAS, we have received from Ellicott Development 295 Main Street, Buffalo, New York 14203, an application for a Public Improvement Permit to relocate the existing sanitary sewer on the former Saville's Parcel – 3910 North Buffalo Street, now owned by Ellicott Development, and

WHEREAS, the project consists of relocating the existing sewer and installing 5 new sanitary manholes, 521 lineal feet of 8" PVC sewer line and 4 wyes – 1 for the O.P. Veterinary Hospital and 3 for future building connections, and

WHEREAS, the Town Engineer has reviewed the plan and have found it acceptable per Town code. All necessary fees and bonds have been received on August 21, 2013. Approval is contingent upon Erie County Dept. Environment & Protection, Division of Sewerage Management & Erie County Health Dept. approval which is anticipated next week.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the application for Public Improvement Permit #2013-05, to relocate the existing sewer and install 5 new sanitary manholes, 521 lineal feet of 8" PVC sewer line, and lateral connections, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Town Engineer Bieler – He stated that Wendel, the consultant for the Baker Road School, has reviewed the Environmental Report, (9/1998) compiled for the Asbestos Hazard Energy Response Act. Based on that report there is no asbestos building materials in the interior of that facility. Another clarification regarding the mold that was identified by Wendel, is only on the exterior of the building and could easily be remedied.

17) 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 #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$34,185.83
Public Safety Fund	\$4,281.29
Part Town Fund	\$555.98
Risk Retention	\$8,367.02
Cemetery Fund	\$0.00
Highway Fund	\$67,096.55
Special Districts	\$25,307.49
Trust & Agency	\$6,699.81
Capital Fund	\$364,732.30

The resolution was unanimously adopted.

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

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

Report

- Orchard Park Police Report for July, 2013.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting adjourned at 8:00 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk