

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 2nd day of October, 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 COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Regular Town Board Meetings held on September 18, 2013, and the Executive Session Meetings held on September 18, 2013, 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**

**2014-2015 Federal Community Development Block Grant Funds**

At 7:00 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the 2014-2015 Community Development Block Grant Funds.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud, and filed with the Town Board by the Town Clerk.

Town Engineer, Wayne Bieler, stated the Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2014-2015 Program Year.

The projects proposed by the Town will be placed into a competitive pool along with projects submitted by the 34 other municipalities in the Erie County CD Consortium to determine which projects best meet the goals of the HUD program. The County anticipates that Federal funding for this program year will remain at current levels with approximately \$741,000 available for community projects. There will be a cap of \$100,000 per project with a maximum of three projects funded per municipality.

Applications must be submitted to Erie County by October 28, 2013. Town Engineer Bieler recommends that the Town apply for the Draudt Road 30" Culvert Replacement and 8' x 11' Triple Culvert Concrete

Invert Installation, Orchard Park Senior Center Improvements Project, and Rural Transit Service, in that order.

The Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) for the 2014 Program Year. The purpose of this public hearing is to provide an opportunity for citizens to discuss the needs of the community as outlined in the official notice.

To be eligible for CDBG funding, a proposed project must satisfy one or more of the following national objectives:

- I. - BENEFIT LOW AND MODERATE INCOME PERSONS
- II. - CORRECT SLUMS AND BLIGHT
- III. - MEET AN URGENT COMMUNITY NEED

It is estimated that the 2014 allotment for the Erie County CDBG Consortium Communities projects will be \$741,406.00. Funds will be granted on a competitive basis to those municipalities whose projects best meet the HUD goals described above. There is a maximum grant of \$100,000 per project with a maximum of two projects funded per municipality. Applications for this year's Community Development Block Grant funds must be submitted by October 28, 2013.

Some suggested projects in the Town of Orchard Park which may qualify for funding in 2014 include:

| PROJECT  | ESTIMATE  |
|--|---|
| Draudt Road 30" Culvert Replacement And 8' x 11' Triple Culvert Concrete Invert Installation | \$195,000.00 +/-  |
| Burmon Drive Sanitary Sewer Replacement  | \$1,180,000.00 +/-  |
| Burmon Drive Road Reconstruction   | \$2,275,000.00 +/-  |
| Orchard Park Senior Center Interior Improvements Project                                     | \$60,000.00 +/-   |
| Rural Transit Service (participation in the existing program w/ 18 towns, 7 villages)        | \$28,000.00 (no matching<br>(\$27,979.00) funds required) |

Last year the Town submitted applications for the Senior Center Improvements, Draudt Road Culvert (Replacement & Repair) and the Rural Transit Service Program. Neither of the two Town specific projects received funding. The Rural Transit Service Program was funded.

It is likely that the Town will again submit an application for funding to continue our participation in the Rural Transit Service Program. This program provides van transportation for eligible citizens. Trips can be for any reason but are prioritized for medical and health concerns. Orchard Park has 286 registered users.

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

**RESOLVED**, that the Public Hearing in the matter of the Community Block Grant Funds is hereby closed at 7:09 pm.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board is hereby authorized to submit the following three projects for the Community Development Block Grants Funds as recommended by Town Engineer Bieler as follows:

1. Draudt Road 30" Culvert Replacement & 8'x11' Triple Culvert Concrete Invert Installation
2. Burmon Drive Sanitary Sewer Replacement
3. Rural Transit Service

**The resolution was unanimously adopted.**

**New Business #1 Appointment to the Board of Assessment Review**

4) 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 appoint Mary Penn, 111 Woodview Drive, Orchard Park to the Board of Assessment Review (BAR) starting 10/1/2013 and ending 9/30/2018. Mary would be replacing Robert Wozniak.

Councilmember Kaczor gave Ms. Penn's qualifications and stated that she would be a great asset on the Board with her background and knowledge.

**The resolution was unanimously adopted.**

**New Business #2 Schedule a Public Hearing for Tentative AD Valorem & Benefit Basis Budgets**

5) 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 Schedule a Public Hearing for Wednesday, October 16, 2013 at 7:00 pm, for the 2014 Tentative AD Valorem Budget & the Benefit Basis Special District Budget.

**The resolution was unanimously adopted.**

**New Business #3 Schedule a Public Hearing to Grant Special Exception Use Permit**

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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, October 16, 2013 at 7:00 pm in the matter of the Buffalo Medical Group's request for a Special Exception Use permit to relocate their current business, to 3900 North Buffalo Road, part of the former Saville's site, located on the west side of North Buffalo Road, south of Webster Road, Zoned B-1 (SBL#161.16-1-1.21).

**The resolution was unanimously adopted.**

**New Business #4 Authorize Purchase of New ODB Trailer Mounted Vacuum Leaf Machine**

7) 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 Highway Superintendent Fred Piasecki to purchase a new ODB Trailer Mounted Vacuum Leaf Machine. The cost of this new Leaf Machine is \$23,843.00, and is allowed under piggy-backing purchases in accordance with NYS Law. The money for this purchase is in the budget.

**The resolution was unanimously adopted.**

**New Business #5 Authorize Supervisor to Sign Commitment Letter**

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

**WHEREAS**, the New York State Department of Environmental Conservation is making available Environmental Protection Funds. The Water Quality Improvement Projects program provides reimbursement for an eligible portion of the cost of implementing projects that include Municipal Separate Storm Sewer Systems (MS4) Phase II Stormwater Implementation, and

**WHEREAS**, funds are intended to assist existing MS4's with newly designated Urbanized Areas with expanding the geographic area of their Storm Water Management Program. Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Preference will be given to proposals representing cooperation among MS4s, and

**WHEREAS**, the proposed project will result in mapping storm water outfalls, conducting an outfall reconnaissance inventory and mapping the system not previously mapped. The project will also, perform other related work that is needed to comply with the storm water permit GP-0-10-002, and

**WHEREAS**, Erie County Department of Environment and Planning will oversee the administration of the grant for the Western New York Storm Water Coalition members that participate. There is a resolution authorizing Erie County Department of Environment and Planning to submit an application to the New York State Department of Environmental Conservation Round 11 grant Program.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the commitment letter to participate in the Western New York Storm Water Coalition: MS4 Assistance Project, which includes assisting newly designated MS4s with completion of a gap analysis, field verification, and GIS mapping of existing and expanded storm water outfall system. With the required matching contributions being in-kind services by the Orchard Park Engineering Department personnel.

**The resolution was unanimously adopted.**

**New Business #6 Authorize Payment of Hydrant Fees for the Hills Subdivision**

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

**WHEREAS**, as requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amount upon dedication of the phases of a public improvement project per the lease management agreement between the Town of Orchard Park and ECWA, and

**WHEREAS**, the total construction of the Hills subdivision will result in two new hydrants in service.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does here by authorize the payment of hydrant fee amount upon dedication of The Hills Subdivision and associated hydrants per the lease management between the Town of Orchard Park and ECWA.

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Jim Suplicki – He asked the Town Board that when they reinstated the position of the Assistant Building/Fire Inspector from part-time to full-time did they also reinstate his benefits? He also asked if there were any other full-time employees who worked in the Town without benefits.

Kathleen Hughes – She had issues with her sewer and asked the Town for monetary reimbursement. Supervisor Colarusso referred Ms. Hughes to Town Attorney John Bailey.

Joe Janiga – He was concerned about the soccer fields proposed at the Quaker Stables location. He questioned the zoning on the property.

Lynn Marie Phillips – She is a candidate for Orchard Park Town Council and had issues with comments from the September 4<sup>th</sup> Town Board meeting and quotes from the September 19<sup>th</sup> edition of the Orchard Park Bee News from present Councilmembers.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Colarusso – She stated that the part-time Assistant Building Inspector was reinstated as a provisional position without benefits. In the 2014 budget the full-time position has been submitted including benefits. There is no other full-time position without benefits. She stated, with reference from Building Inspector Andy Geist, that the Quaker Stables have applied for Special Exception Use and not a Rezoning action. There will be a scheduled Public Hearing set by the Planning Board at a future date.

**10) 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 transfer, as recommended by the Highway Superintendent:

Highway

\$4,000.00

From: DA 5110.0144 Highway – Labor

To: DA 5110.0145 Highway – Asst Highway

At the beginning of the year, apportionment into this line item was not made in full. Reviewed with Wayne Drescher (9/25/13), transfer needed to correct.

**The resolution was unanimously adopted.**

Councilmember Kaczor – He was surprised by Ms. Phillips comments and stated that he gave general comments regarding elections and nothing specific to anyone in particular.

Councilmember Majchrzak – He apologized to Ms. Phillips if she took his comments the wrong way. He stated that he was referring to the social media and neglected to state that.

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

**WHEREAS**, the attack of 9/11 on the World Trade Center in New York City highlighted the critical importance of modern, functioning and Interoperable communications between first responder agencies, and

**WHEREAS**, the shortcomings of the New York City communication systems on 9/11 lead to the deaths of many first responders who were not able to receive up to date building evacuation warnings, and

**WHEREAS**, in response to this situation and in an effort to fund upgrading of emergency communications systems throughout the state, New York passed, in 2002, an increase in its cell phone surcharge from \$.70 per month to \$1.20 per month on all cell phones usage in the state, and

**WHEREAS**, this increase was intended to be shared with local governments for the purposes of funding operations of 911 call centers and technology upgrades, and

**WHEREAS**, in 2011, New York State collected approximately \$190 million from this surcharge and shared only \$9.3 million with local governments and historically has averaged sharing just 6% of the total revenue collected, and

**WHEREAS**, County governments have been forced to raise property and/or sales taxes to make up for this diversion of funds in order to pay for necessary emergency call center operations and technology upgrades, and

**WHEREAS**, legislation has been submitted in the New York State Legislature by Senator Grisanti and Assemblyman Scarborough to increase the amount of funds shared with local governments to 58.3% of the total collected by the state each year, and

**WHEREAS**, Counties and first responder agencies from across the state will be mounting a coordinated effort to see that this bill is passed and signed into law during the 2013 legislative session,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board of Orchard Park is on record supporting the passage of this bill for increased revenue sharing of the E-911 surcharge with local governments, and be it further

**RESOLVED**, that the Town Board of Orchard Park is committed to dedicating any and all funds shared by New York State from the E-911 surcharge for the use in funding emergency call center operations and technology upgrades of this county's emergency communications system, and be it further

**RESOLVED**, that a copy of this resolution will be communicated to the members of the Western New York Senate and Assembly delegation, the Governor and the Lieutenant Governor.

**The resolution was unanimously adopted.**

**INFORMATIONAL MEETING**

At 7:38 PM (local time) Supervisor Colarusso called for the Informational Meeting to hear all interested parties for or against the demolition of an unsafe and dangerous house on 3428 Southwestern Boulevard SBL# 152.19-1-15.

Suzann Cushman asked the Town if it was possible to allow personnel items be removed from the house.

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

**RESOLVED**, that the Town Board closed the Informational Hearing at 7:45 pm, and tabled this item until the next Town Board Meeting on October 16, 2013.

**The resolution was unanimously adopted.**

Highway Superintendent Piasecki – He spoke about the drainage projects, the Erie County Snow Plowing Contract tentative agreement, the target date of November 15<sup>th</sup> for the completion of the South Abbott Road Bridge and striping of the Municipal Center parking lot.

**13) 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 #19 following auditing by members of the Town Board and in the funds indicated:

|                           |              |
|---------------------------|--------------|
| <b>General Fund</b>       | \$61,041.23  |
| <b>Public Safety Fund</b> | \$1,734.38   |
| <b>Part Town Fund</b>     | \$437.48     |
| <b>Risk Retention</b>     | \$0.00       |
| <b>Cemetery Fund</b>      | \$0.00       |
| <b>Highway Fund</b>       | \$11,996.83  |
| <b>Special Districts</b>  | \$117,647.65 |
| <b>Trust &amp; Agency</b> | \$867.39     |
| <b>Capital Fund</b>       | \$10,686.00  |

**The resolution was unanimously adopted.**

**14) 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 receive and file the following:

**Communications**

- Erie County Department of Senior Services Advisory Board is holding two public hearing regarding the 2014 Abstract Summary of the 2012-2016 Annual Implementation Plan for service for older adults in Erie County. The first public hearing is October 23, 2013 at the American Red Cross, 786 Delaware Ave., 14209 at 3:00 pm. The second public hearing is October 30, 2013 at the Lancaster Senior Center, 100 Oxford Pl., 14086 at 1:00 pm.

- Erie County Traffic Safety Board is looking for Erie County Association of Government Members who would be interested in being a member of the board and representing the interest of local government.
- Orchard Park Senior Center announces new logo and the new cover on their Orchard Park Senior Center October Newsletter designed by Rick Galas of Powers Road, Orchard Park.
- Town of West Seneca requesting Governor Andrew Cuomo to support resolution opposing the Closing of the Children's Psychiatric Center, located in West Seneca, NY.

15) 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 receive and file the following:

**Reports**

- Building Inspector's Monthly Report for September, 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 7:53 pm (local time).

**Respectfully Submitted,**



**Carol R. Hutton**  
Town Clerk