

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 3rd day of October, 2012 at 7:00 PM, the meeting was called to order by Supervisor Colarusso and there were:

PRESENT AT ROLL CALL:

Janis Colarusso
David Kaczor
Eugene Majchrzak

Supervisor
Councilmember
Councilmember

Carol Hutton
John C. Bailey
Wayne Bieler
Andrew Geist
Andrew Benz

Town Clerk
Town Attorney
Town Engineer
Building Inspector
Chief of Police

ABSENT:

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

RESOLVED, that the Regular Town Board Meeting minutes held on September 5 & 19, 2012, & the Executive/Special Session Meeting Minutes of September 5, 12 & 19, 2012 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.

New Business #1 Proclamation: "Freedom From Bullies Week"

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

WHEREAS, the Town of Orchard has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses and if left unchecked, costly litigation; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, age, or disability;

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby proclaim October 14-20, 2012 "Freedom From Bullies Week".

The resolution was unanimously adopted.

New Business #2 Approve 2012-2013 Commercial Parking Permits

3) 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 2012/2013 Commercial Parking Permits, as recommended by Building Inspector Geist: Dave Simoncelli, 3730 & 3740 California Road.

The resolution was unanimously adopted.

New Business #3 Schedule a Public Hearing for Tentative AD Valorem & Benefit Basis Budgets

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

RESOLVED, that the Town Board does hereby Schedule a Public Hearing for Wednesday, November 7, 2012 at 7:00 pm, for the 2013 Tentative AD Valorem Budget & the Benefit Basis Special District Budget.

The resolution was unanimously adopted.

New Business #4 Authorization for Director of Senior Center to Attend Conference

5) 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 Anna Willems, Director of the Orchard Park Senior Center to attend a one day conference at Samuel's Grande Manor on Thursday, November 1, 2012. Focus of the conference is to better understand wellness, aging, spirituality and stress management. The cost is \$105.00 which includes the \$55.00 membership fee for Network in Aging, which Anna has belonged to for 14 years.

The resolution was unanimously adopted.

New Business #5 Approve Public Improvement Permit for Lyrica Park

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

WHEREAS, the Town has received from Dominic Piestrak, 5684 Glen Brook, Clarence, New York, representing Lyrica Park LLC., an application for a Public Improvement Permit to construct the Lyrica Park CMO Subdivision Phase 1; and

WHEREAS, the project consists of the installation of 950 L.F. of new roadways, 1,600 L.F. of sanitary mainline, 950 L.F., street lighting, and 2,300 L.F. trail system to service an eleven patio home sublots. Installation of stormwater treatment unit and excavating a retention basin will be completed in this Lyrica Park CMO Phase 1 Construction Project. As required by the ECWA, the project also includes the regional waterline system improvements to disconnect associated pipeline to start the abandonment of the Milestrip Water Tank, which per the reports and field testing will improve the static water pressures in the immediate area around the tank; and

WHEREAS, the plans and specifications for the proposed project have been found to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees and insurances, but the performance bond (irreparable letter of credit is scheduled to be received on October 4, 2012). In addition, per the Town Board's directions, the necessary fees associated with this Public Improvement Permit were reduced by \$20,000 to a total of \$17,350 to facilitate completing the regional waterline system improvements. Per Stormwater Phase II regulations agreement requirement, the formation of a stormwater public improvement district has been completed by the Town of Orchard Park Town Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2012-04 for the Lyrica Park CMO Subdivision Phase 1, contingent upon the performance bond irreparable letter of credit being received/ approved and the Town of Orchard Park received a copy of the filed subdivision map cover.

The resolution was unanimously adopted.

Refer to the Planning & Conservation Boards

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 to refer to the Planning Board and Conservation Board the following items:

1. Mr. Ernie Dobies of Saville's Outdoor Power Equipment, Inc is requesting a Special Exception Use Permit to be granted for property located at 3900 Taylor Road, Zoned I-1. (SBL# 161.03-1-14.21) Mr. Dobies would like to relocate his current business to this location, He is also seeking Planning Board approval to operate an Outdoor Display of equipment (lawn/garden/power) during normal business hours.
2. The Hamister Group is requesting a Rezoning of the property to be granted for the site known as "Orchard Heights Care Community" that currently is operating as an Assisted Living Facility, upon 17 +/- acres located at 5200 Chestnut Ridge Road, located on the west side of Chestnut Ridge Road, Zoned R-2. (SBL# 184.08-1-1.1) Mr. Hamister is requesting that 16.13 acres of the site be rezoned from R-2 to R-3, with a Senior Residential District (SR) designation to allow the expansion of the site to construct new building for Senior Housing, and .83 acres be rezoned from R-2 to B-3 to construct a proposed 8,000 sq.ft. Day Care Facility.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No One Spoke

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the following budget transfers as recommended by the sewer, Water & Lighting Department:

| | | |
|------------|--------------------|--------------|
| \$1,000.00 | From: 001.8346.529 | Ldscp Repair |
| | To : 001.8346.592 | Sewer Repair |

The resolution was unanimously adopted.

Supervisor Colarusso stated the 2013 Tentative Budget has been filed in the Town Clerk's office for review, and it can also be found on the Town website. She stated that this budget was challenging to say the least. The Board members attempted to balance the services for all the residents while holding down the costs. In the budget review they look at three areas: 1) services that are vital to the health and safety of the residents; 2) services that promote quality of life and 3) do the taxpayers have the ability to pay for those services.

Pension costs and expansion of the public safety dispatch department account for two large increases in spending. Payments to the retirement system for employees will go up about \$500,000 next year. After hearing from the Fire Department Officers, Police and Town residents that they want to keep Orchard Park dispatch within the Town, they are hiring two full time and six part time dispatchers which accounts for \$249,000 (this does not include the cost of the public safety upgrades). Health care, gasoline and salaries account for some of the other increases.

The Town is within the Tax Cap guidelines that have been established. The combined general, public safety, and highway fund tax rate for village resident would be \$6.19 per \$1,000 of assessed value (3.96% increase), residents outside the village would be \$5.84 per \$1,000 of assessed value (3.55% increase).

No member of this Board likes to see tax increases, and is committed to reducing spending, but the Town Board feels it is vital to provide for the health and safety of this community as well.

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

WHEREAS, The Village of Orchard Park, in conjunction with Orchard Park schools are participating in a program called "Safe Routes to School", and

WHEREAS, the Village and the Orchard Park schools are applying for a grant for new sidewalks that will create safe routes for children to walk to school, and

WHEREAS, they are going to include Bank Street and portions of Yates Park in this grant, and

WHEREAS, the Mayor of Orchard Park has asked the Town to participate, in a non-financial capacity in which the Village will administer this Grant

NOW, THEREFORE, be it

RESOLVED, that the Town Board does here by authorize the Supervisor to sign a letter of support and participation for the joint Village & School Grant for sidewalks, specifically in Yates Park.

The resolution was unanimously adopted.

Councilman Kaczor stated that on September 23rd, the Recreation Department held their “Tails on Trails” where 53 dogs brought their owners out to participate in the run and other events. On October 27th the Recreation Department is holding the Halloween Parade & Party in Yates Park. The “Breakfast with Santa” program and “Holiday in Park” will both be held on December 1st, with the breakfast in the morning, and “Holiday in Park” to be from 4:00pm to 7:00pm. All are welcome.

Police Chief Benz stated that the Federal Government handed out an indictment for the homicide in Orchard Park, three years ago, when Angela Moss was murdered on California Rd. Chief Benz wanted to publicly thank and show his appreciation to the officers who put in a lot of time and dedication to solving that case, Detective Lieutenant McMaster and Detective Payne, who never gave up over the past three years. Chief Benz said that the department received help from the State Police, Sheriff’s office, Amherst PD, Bureau of Alcohol, Tobacco, Firearms and Explosives and the US Attorney’s office, which helped to crack it open and to bring closure to this case.

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

WHEREAS, The Town of Orchard Park is required to provide matching fund resolutions as part of the CDBG applications,

NOW, THEREFORE, be it

RESOLVED, that the Town board does hereby authorize Supervisor Colarusso, to submit an application to the Erie County Community Development Grant Consortium requesting \$63,591.90 to excavate, remove and replace a deteriorated 30 in. culvert on Draudt Road, in the town, apply concrete to the inverts of three 8’ x 11’ culverts, and dredge adjoining channels on Draudt Road, and be it further

RESOLVED, that upon notification of award, the board further authorizes the Supervisor to enter into and execute a contract with the County of Erie, and be further

RESOLVED, that the Town of Orchard Park will match funds with \$63,591.90 in cash and in-kind goods and services.

AND BE IT FURTHER

RESOLVED, that the Town Board does hereby authorize Supervisor Colarusso, to submit an application to the Erie County Community Development Grant Consortium requesting \$29,236.50 to implement repairs and rehabilitation initiatives for the Orchard Park Senior Center Improvements Project and be it further

RESOLVED, that upon notification of award, the board further authorizes the Supervisor to enter into and execute a contract with the County of Erie, and be it further

RESOLVED, that the Town of Orchard Park will match funds with \$29,236.50 in cash and in-kind goods and services.

The resolution was unanimously adopted.

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

RESOLVED that the Town Board does hereby authorize the approval of all entries on Warrant #19 following auditing by members of the Town Board and in the funds indicated:

| | |
|--------------------|--------------|
| General Fund | \$31,150.31 |
| Public Safety Fund | \$9,340.95 |
| Part Town Fund | \$528.97 |
| Risk Retention | \$1,792.16 |
| Cemetery Fund | \$0.00 |
| Highway Fund | \$38,283.42 |
| Special Districts | \$137,338.14 |
| Trust & Agency | \$353.18 |
| Capital Fund | \$63,316.16 |

The resolution was unanimously adopted.

12) 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 receive and file the following Reports:

- Building Inspector's Monthly Report for the month of September, 2012.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting was adjourned at 7:21 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk