

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 5th day of October 2011 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
	Nancy Ackerman	Councilmember
	Edward Graber	Councilmember
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Wayne Bieler	Town Engineer
	Frederick Piasecki, Jr.	Highway Superintendent
Absent:	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."

SPECIAL PRESENTATION

The Six Sigma Presentation was given this evening by the Orchard Park Recreation Director, Ed Leak, Orchard Park Central School District Superintendent of Facilities, Bill Bosinski and Mike Druding, Operations Director for Greatbatch Medical. Mr. Leak introduced Gary Simon, Director of Business Development from the University of Buffalo, Center of Industrial Effectiveness. UB Graduate student, Mithun Sunny, is the intern involved with this Facility Use Permit Process project. Mr. Leak stated how he got involved with Six Sigma and how the Recreation Department and the School System could bring efficiency and cost savings to the Town. He thanked the Town Board and the School Board for their support.

Councilman Kaczor stated that the experience that this group has gained with this process will be helpful for use in the different departments within the Town. He thanked the School System and Recreation Department for their collaboration.

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

RESOLVED, the Regular Town Board Meeting minutes held on September 21, 2011 and the Executive Session Meeting minutes held on September 21 & 28, 2011 as presented by the Town Clerk are hereby approved, and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

New Business #1 Authorize Supervisor to execute 2012-2013 CDBG Rural Transit Service Program

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012-2013 Community Development Block Grant Rural Transit Service Program. The purpose of this program is to provide service to individuals living independently.

The resolution was unanimously adopted.

New Business #2 Declare property at 95 Stoughton Lane as dangerous & unsafe

3) 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 declare the property at 95 Stoughton Lane. SBL# 162.15-5-59, dangerous and unsafe and begin procedures outlined in our Town Ordinance for demolition, and be it further

RESOLVED, that the Town Board does hereby schedule a hearing on Wednesday, November 2, 2011, at 7:00 pm, as requested by the Building Inspector, Andrew Geist.

The resolution was unanimously adopted.

New Business #3 Authorize Commercial Parking Permits

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

RESOLVED, that the Town Board does hereby authorize the 2011-2012 Commercial Parking Permits, for Dave Simoncelli, 3730 & 3740 California Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #4 Authorize Disaster Coordinator & Asst. Disaster Coordinators to attend training

5) 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 Richard J. Mrugalski, Disaster Coordinator and Andy Geist and Ernie Matthews, Assistant Disaster Coordinators, to attend a one day course on Fundamentals of Radiation Incident Management, to be held on October 6, 2011 from 8:30 am to 4:30 pm at the Erie County Emergency Services Training and Operations Center in Cheektowaga. There is no cost for this training.

The resolution was unanimously adopted.

New Business #5 Schedule Public Hearing for 2012 Tentative AD Valorem/Benefit Basis Budgets

6) 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 schedule a Public Hearing for Wednesday, October 19, 2011 at 7:00 PM, for the 2012 Tentative AD Valorem Budget and the Benefit Basis Special District Budget.

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to execute Agreement for Certified Local Govt. Grant

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Certified Local Government Grant Agreement awarded to the Town for \$9,000.00, effective 9/30/11.

The resolution was unanimously adopted.

New Business #7 Authorize Andrew Geist & David Jensen to attend Annual Conference

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

RESOLVED, that the Town Board does hereby authorize Andrew Geist and David Jensen to attend the Niagara Frontier Building Officials Annual Conference at the Buffalo Millennium Hotel to be held on January 23-25, 2012, with the cost not to exceed \$550.00.

Supervisor Colarusso stated that it is mandatory for the Building Inspector and his employees to be certified every year.

The resolution was unanimously adopted.

New Business #8 Authorize Final Change Order Release of Retention to Miller Enterprises, Inc.

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

WHEREAS, the General Contract insulation work for the Orchard Park Library Insulation and AC/Handling Units Project has been completed and a final inspection was conducted and all of the work has been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, the Engineering Department would request approval of a Final Change Order to the contract with Miller Enterprises Inc. for the Orchard Park Library Insulation & AC/Handling Units Project in the amount of (-) \$2,250.00. This would decrease the total contract amount to \$147,750.00, representing a decrease of 1.5%, and

WHEREAS, this change order is requested to deduct work originally covered under their contract. The deletion of work involves not installing a secondary vapor barrier in the Library attic. The architect decided that it was not necessary to install the barrier on top of the insulation, as it may trap moisture, and

WHEREAS, the two-year maintenance bond in the amount of \$147,750.00 has been submitted along with all other warranties and necessary legal documents (Affidavit of Release of Liens, Affidavit of Subcontractor Payment).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the final change order deduct of \$2,250.00 and authorize final payment and release of retention to Miller Enterprises Inc., 12 Newfield Street, Buffalo, New York 14207 for the Orchard Park Library Insulation & AC/Handling Units Project – General Contract, in the amount of \$7,387.50, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #9 Authorize Bid Award for Municipal Building Masonry Sealing

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

WHEREAS, the Municipal Building is still experiencing leaking, even after the Roof Replacement Project. The Engineering Department, Sahlem Roofing, and Morris Masonry has conducted further investigations and testing. It was discovered after these tests that water is leaching through the exterior brick masonry. As part of the Municipal Center construction of 1990, only the new masonry was waterproofed as a cost saving measure. The effective life of the previous waterproofing is 10 -15 years, and

WHEREAS, the Engineering Department has solicited informal proposals for waterproofing all exterior masonry surfaces of the Municipal Center.

Three proposals were received as follows:

- Ajax – Smith, Inc. \$15,140.00
- Morris Masonry \$19,675.00
- RB Mac \$22,627.00

WHEREAS, the low bidder for this project was Ajax – Smith, Inc. The company has been in business since 1950, specializing in building restoration services. The company has successfully completed various similar projects in the past and has been found to have the qualifications and experience to perform this work adequately, and

WHEREAS, there is presently \$41, 260.00 in H14 “Municipal Building Reserve” and \$380,475 in H88 “Municipal Center” (bond), respectfully for this project work per Capital Project meeting.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for Municipal Center Building Masonry Waterproofing to the lowest responsible bidder, Ajax – Smith, Inc., 4000 River Road, Tonawanda, New York 14150 in the amount not to exceed \$15,140.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Refer to Planning & Conservation Boards

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

RESOLVED, that the following requests be referred to the Planning Board & Conservation Board.

- Regent Companies is requesting to rezone 3.91 +/- acres vacant land, located at 3975 Southwestern Boulevard, south side of Southwestern Boulevard, adjacent to the ECC South Campus, from B-2 to R-4 for the purpose of constructing three-story buildings containing 120-two and four bedroom units for multi-family use to provide student housing with on-site parking for the ECC Campus. (SBL# 161.00-5-4)
- John Wabick, representing West Herr Chevrolet, 3575 Southwestern Boulevard, located on the east side of Southwestern Boulevard, Zoned B-2. Applicant is requesting a Building Permit and Site Plan approval to construct a 6,120 +/- sq. ft. addition to the existing building and renovations to the existing structure.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Marge Tobias – Ms. Tobias asked the Town Engineer when the Hazel Court neighborhood would be getting the sewers they were promised this year. She also asked the Highway Superintendent if she could have a schedule for leaf pick up.

Patrick O'Brien – Mr. O'Brien stated that he felt compelled to come to the meeting to express his embarrassment over what he felt was a ridiculous public fiasco that has been created over the last several months. He stated that he chose to move to Orchard Park eighteen years ago because of the strong home values, great school system and safe community with its own Police Department. He questioned the attacks on the Police Department regarding budgetary cuts. Mr. O'Brien felt contracting ICMA for their \$54,000 report was a waste of taxpayers' money when they could have just negotiated with the Police. He wished the Town Board good luck with the downsizing, remarked on the insurance coverage of Town Board members and consolidation of Village and Town.

Nicholas Taneff – He commented on posted political and fund raising signs and their removal.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso stated that Mr. O'Brien's comments were well taken. She stated that articles in the papers are very negative and there have been productive meetings with the PBA. Supervisor Colarusso complimented the Police Department and all the Town employees for their hard work.

Councilmember Ackerman responded to Mr. O'Brien's comments and explained misconception of the Town Board receiving raises, health care and retirement. She stated that the Town Board members are in the positions to serve and not to make money.

Councilmember Kaczor introduced Audrey Ramage, Chairperson of the Recreation Commission, who was in the audience and a vital part of that committee.

Councilmember Graber thanked Mike Druding for his involvement with the Town and Recreation project.

Building Inspector Geist stated that his Department is continuing to pick up signs and he has talked to the party holding the fundraisers.

Lieutenant Buccilli thanked the resident on Butternut Circle for alerting the Police Department to the robbery at Tevington Jewelry.

Highway Superintendent Piasecki stated that they are working on the Library parking and sidewalks project, Benning Road and preparing for leaf pickup. He stated he would talk with Mrs. Tobias about the leaf pickup schedule after the meeting.

Town Engineer Bieler responded to Mrs. Tobias regarding the sewers and said the project would likely go out for bid in February 2012.

12) 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 which were reviewed and approved.

General Fund	\$55,762.64
Part Town Fund	\$1,366.04
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$22,213.49
Special Districts	\$117,837.58
Trust & Agency	\$10,661.21
Capital Fund	\$27,826.92

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting was adjourned at 8:06 PM (local time).

Respectfully Submitted,

Carol R. Hutton
Town Clerk