

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 16th 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."

Erie County Legislator John Mills read a Proclamation honoring David Rebmman for his 50 years of service to this community as a teacher and mentor in the Orchard Park Central School.

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 October 2, 2013, and the Executive Session Meetings held on October 2, 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

Special Exception Use Permit – for 4760 Freeman Road as petitioned by the Orchard Park Soccer Club is tabled to a date to be determined.

PUBLIC HEARING

At 7:00 PM (local time), the Supervisor called for the Public Hearing to hear all interested parties for or against a request of the Buffalo Medical Group for a Special Exception Use Permit to relocate their current business to 3900 North Buffalo Road, as petitioned by Ellicott Development – Webster Block LLC.

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.

Lynne Clark – Ms. Clark stated that she received a notice for this Public Hearing, but most of her neighbors did not. They would like to be notified of any other hearing regarding this development. She wanted to know if a Negative Declaration has been made according to SEQR, if so when, and does it apply to Phase I only, or does it include Phase II as well. She and her neighbors want to know if an

Environmental Impact Study was done under SEQR law for Phase II. Ms. Clarks stated that they have concerns about the following issues: lighting, traffic, drainage, wet lands, and noise and odor pollution.

Sharon Sipowitz – Ms. Sipowitz has concerns about the Environmental Impact Study being done according to SEQR laws, specifically with Phase II as that will affect the neighbors more. Noise is already an issue with Phase I work taking place, and it is intolerable. She is very worried about Phase II.

Brian Casey – Mr. Casey wants to be sure the Environmental Impact Study is done properly, especially with Phase II and Phase III. He wants the Landscaping done to isolate the project from the residential areas. This area already has problems with standing water and he is concerned about the drainage. Lighting is also an issue.

Greg Zablonski – Mr. Zablonski has the same concerns already mentioned and wants to make sure they are addressed. He stated the noise from the current worksite starts at 7:00 am, Monday through Saturday.

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

RESOLVED, that the Public Hearing in the matter of the Special Exception Use Permit for Buffalo Medical Group to relocate their current business to 3900 N. Buffalo St. is hereby closed at 7:13 pm.

The resolution was unanimously adopted.

Councilman Kaczor stated that this Public Hearing has to do with a Special Exception Use Permit, which allows them to put in a medical facility and is not an approval of any portion of the project.

Town Engineer Wayne Bieler stated that the Environmental Impact Study (EIS) that was done addresses all the impacts and is available in the Planning Department. All the issues raised by the Town were addressed. The EIS does take into consideration the future phases from a Planning stand point. SEQR will be conducted at every phase and is done at different levels, with the Environmental Impact Study being the highest level. If required, they could be made to do another Environmental Impact Study. Supervisor Colarusso stated that residents could go on line to read the Planning Board meetings minutes and talk to the Planning Office & Engineering Office. The residents should follow the project to keep up on what is taking place.

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 approve the requested “Special Exception Use Permit” for Buffalo Medical Group to relocate their current business to 3900 North Buffalo Road (former Saville’s site) Zoned B-1, as recommended by the Planning Board with the following stipulations:

1. This is an unlisted SEQR Action based on the previously submitted Long EAF, Parts One and Two, and a Negative Declaration is made.
2. Public Hearing Fees have been paid.
3. Acreage fees have been paid in accordance with §144 Attachment (C) Schedule of Zoning Fees of the Town Code prior to publication of the Public Hearing Notice.

4. This recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans received on 9/17/13 and shall revert to its original zoning classification if the project is not completed per §144-67 of the Town Code.

The resolution was unanimously adopted.

PUBLIC HEARING

2014 Preliminary Budget & Benefit Basis Special District Budget

At 7:00 PM (local time), Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the 2014 Preliminary Ad Valorem and Benefit Basis Budgets.

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.

Supervisor Colarusso stated that the Supervisor's Tentative Town Budget has been prepared with the help of the Town's Accounting Firm Drescher & Malecki and is filed in the Town Clerk's office, and is on the Town Web site. She wanted to note some of the Budget's highlights. The Board has heard from the residents that Public Safety is a priority for our community and the greatest increase in the Budget is in the Public Safety sector which includes: funding for Public Safety dispatchers, one additional police position, overtime for emergencies, special events and training, police vehicles and equipment, restoring a full time animal control officer and a full time code enforcement officer. While these previous items do require more funding, it displays our commitment to keeping our community a safe place. They have also committed to continue funding our capital improvements for the Town's infrastructure. The Budget also provides for many quality of life services; recreation program, youth services, senior service, parks and sports facilities.

Wayne Drescher, Town Accountant, stated there are two budgets being considered this evening. Benefit Basis Budget, termed such because taxes are levied based on the level of services rendered, which include sewer, water, garbage and lighting districts. The Ad Valorem Budget, termed such because taxes are levied based on the assessed real property value, which includes the General Fund, Public Safety, Drainage, Town-Outside Village and Highway Funds. The challenges they faced with this budget, as no one wanted to increase the tax rate, are the previously mentioned public safety funding, the New York State Retirement mandated payments, wage changes, fuel costs, additional taxes and health insurance costs. The Revenue side the challenges are the aid from NYS are anticipated to have no increase, Justice Court fines and forfeitures are down significantly and interest income is at its lowest level for many years.

Supervisor Colarusso asked Police Chief Mark Pacholec to comment on the Public Safety Budget, and police overtime. Chief Pacholec stated that overtime has not been budgeted for the last six years, but it happens. He took office in January and started working on the budget in April. Next year there are certain events that the police know will happen (Bills games, 4th of July, Halloween, Town events) and they have to supply officers. Other issues are vacation staffing, officers that deal with disturbed individuals, detectives conducting investigation. The costs for these items alone is approximately \$239,000, and they have to be budgeted for.

By November 20th, the Town Board must adopt a Budget and submit it to Erie County. If the Town Board fails to adopt a budget, then the Supervisor's budget automatically becomes the Town's Adopted Budget.

At this time, the Public Hearing was opened up to comments from the floor.

Barbara Little – Ms. Little wanted to make sure that there were going to be three full time code enforcement officers budgeted for next year. Supervisor Colarusso stated that there would be.

4) 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 2014 Preliminary Budget & Benefit Basis Special District Budget is hereby closed at 7:47pm.

The resolution was unanimously adopted.

Old Business #1 Demolition of 3428 Southwestern Blvd. as dangerous & unsafe

Town Attorney John Bailey said this is the house that was discussed last month. It has been determined that there may be a foreclosure procedure taking place. Mr. Bailey asked to table this hearing for 30 days so that he may investigate if there is a foreclosure ongoing and which bank it is with. The Town may have to serve the bank before going forward.

Old Business #2 Building Permit & Site Plan Approval for 2220 Southwestern Blvd.

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

RESOLVED, that the Town Board is hereby authorized to grant Site Plan approval, and authorize a Building Permit to Bryan Young, for vacant land on the southeast corner of Southwestern Blvd. and Angle Rd, to construct a 15,750-sq.ft Multi-Tenant Retail Plaza, per the plan received on 10/2/13, as recommend by the Planning Board based on the following conditions & stipulations:

1. This is an unlisted SEQR Action, based on the Full EAF Parts 1, 2, and 3, and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site. If additional lighting is requested to added at a later date, it will need Planning Board approval.
3. No outside storage or display is permitted.
4. The Landscape Plan, received 8/13/13, meets all Green Space regulations. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$26,885.00 Landscaping Estimate Value shall be deposited with the Town Clerk prior to receiving a Building Permit.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
6. The Zoning Board of Appeals granted a variance on 3/19/13 for Front Yard Parking.
7. Town Engineering Approval was granted on 10/9/13.
8. The Applicant has resubmitted a revised color rendering for the proposed building showing the color scheme from the front of the building extended along to the back of the building (east elevation) as discussed by the Board.
9. Four (4) parking spaces will be banked as green space. In the future, if determined by the Building Inspector, this shall be converted to parking spaces.
10. The Applicant shall submit a request for Outdoor Seating for a review by the Planning Board.
11. The Applicant has submitted the Lease Agreement detailing that only one restaurant is allowed at this site.

The resolution was unanimously adopted.

New Business #1 Holly Jolly 5K Run on 11/7/13

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

RESOLVED, the Town Board does hereby approve the Holly Jolly 5k Run on Dec 7th 2013 from noon until 1:00 pm. All requirements and financial commitments have been met according to the special events application process. Fees will be paid to the Town if additional costs are incurred for plowing of the streets on the run route other than the normal coverage, as recommended by the Police Chief and Recreation Director.

The resolution was unanimously adopted.

New Business #2 Police Lieutenant to attend NYS Highway Safety Symposium

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 approve Lt. Jason Schiedel to attend the NYS Highway Safety Symposium in Liverpool, NY from October 20th to 22nd. The registration and rooms are being paid by the NYS Governor's Traffic Safety Council (GTSC). The cost for gas and meals will be paid by the Orchard Park Police Department, and it is in the budget.

The resolution was unanimously adopted.

New Business #3 Retirement of Senior Payroll Manager

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 accept, with regret, the retirement of Donna M. Shine, Senior Payroll Manager, on October 31, 2013.

Supervisor Colarusso stated that Ms. Shine has worked in the Supervisor's office for over 20 years and will be truly missed. She read Ms. Shine's retirement letter.

The resolution was unanimously adopted.

New Business #4& 5 Community Development Block Grant requirements

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

WHEREAS, in recent years CDBG projects have been awarded to Municipalities that have not been able to fund their projects, which were not completed resulting in grant money that had to be surrendered. Erie County DEP is now requesting formal proof that funding for the recently applied grant projects has been dedicated and is secure. The Town needs to send a certification letter with proof that there is adequate money in the appropriate capital accounts, and

WHEREAS, the H49 Senior Center Building Repairs capital account and H54 Various Drainage Projects (Draudt Road Drainage) capital accounts currently have adequate funding to cover the proposed costs match. Senior Center Building Repairs H49 currently has \$42,076.00 in place, which is adequate to cover the \$30,000.00 match (Total cost = \$60,000.00). The project will also include in-kind services by Town

forces, which could lower the actual cash match amount. Various Drainage Projects H54 (Draudt Road Drainage) currently has \$1,069,635.33 in place to cover the \$97,500.00 match (Total cost = \$195,000.00). This project will also include in-kind services by Town forces, which could lower the actual cash match amount. The funds will not be utilized unless the grants are awarded to the Town.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to send a certified resolution to Erie County Department of Planning for 2014-2015 CDBG Grant Application prioritizing the CDBG requests:

- Priority #1 = Draudt Road 30" Culvert Replacement and 8' x 11' Triple Culvert Concrete Invert Installation - \$195,000.00 project total and \$97,500.00 required match. (The funding amount of \$1,069,635.33 is allocated in the Various Drainage Projects Account – Draudt Road Drainage H54 to cover the Town's 50 percent share of \$97,500.00)

Priority #2 = Orchard Park Senior Center Improvements Project - \$60,000.00 project total and \$30,000.00 required match. (The funding amount of \$42,076.00 is allocated in the Senior Center Buildings Repairs Account H49 to cover the Town's 50 percent share of \$30,000.00)

- Priority #3 = Rural Transit Service - \$27,979.00 total and \$0 match required.

And be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign, submit and execute applications/contracts for the Erie County Community Development Block Grant program for the 2014-2015 year, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to issue a letter of support for the Rural Transit Service-Van Program.

The resolution was unanimously adopted.

New Business #6 PIP 2012-02 Hilltowne Sub. Part II, Release Lighting Escrow

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

WHEREAS, on October 17, 2012, the Town Board accepted dedication of the public improvements constructed Hilltowne Subdivision Part II with the stipulation that escrow be held until the installation of light bases, poles and fixtures, and all associated conduits, wiring, fuses and 'special' pull boxes, and UL Inspection Certification. (Escrow) \$8,000 was completed, and

WHEREAS, the Contractor has since completed the above referenced work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications and the UL Inspection Certification was completed and submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Hilltowne Estates LLC, Road, Hamburg, New York 14075, the \$8,000 in escrow for light bases and poles and fixtures, and all associated conduits, wiring, fuses and 'special' pull boxes, and UL Inspection Certification in the Hilltowne Park Part II Subdivision. (PIP #2012-02), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 PIP 2012-04 Lyrica Park Escrow Adjustment

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

WHEREAS, on August 28, 2013, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that the following funds be paid by the Contractor and be held in escrow:

- Install eight (8) light poles and fixtures, and all associated conduits, wiring, fuses, junction boxes, and 'special' pull boxes, etc., and provide UL Inspection Certification. In addition, supply required spare fuses, poles, and fixtures per Town Standards. \$56,000
- Complete Landscaping for Phase 1 per the plans near the entrance and behind 7805 Milestrip (total of 81 plantings). \$24,300
- Install street signage naming the intersection of Milestrip Road and Sonnet Drive. \$500
- Complete the following watermain work items: At Milestrip and Ponderosa set all valve boxes to grade; at Milestrip and Old Transit set all valve boxes to grade; address shoulder settlement at 7911, 7913, 7934, and 7960 Milestrip Road; add topsoil to yard settlement at 7934 Milestrip, re-hydroseed, and replace broken service valve box; and remove valve box west of tank access drive; 14-feet north of edge of pavement. \$3,000
- Finish grading former staging area between San MH 2 and San MH 1. This area needs to properly drain and additional stone needs to be installed over the 6-inch PVC weep pipes—12-inches minimum cover over piping is required. \$5,000

The escrow checks were deposited, but did not clear, and

WHEREAS, since that time, the Contractor has partially addressed these work items, and the amended escrow checks were submitted, deposited, and cleared. The work was inspected by the Engineering Department and found to be in compliance with Town specifications; therefore, resulting in the following amounts of required escrow to be reduced and 'released':

Completed installation of street light bases	\$ 16,000
Completed landscaping planting minus hydroseeding	\$ 23,300
Completed street signage	\$ 500

NOW, THEREFORE, be it

RESOLVED, that the Town Board does authorize the Town Clerk to amend the amount of money held in escrow to be \$40,000 for street lighting and associated work, \$1,000 for landscaping, \$4,000 for finishing grading at former staging area, \$3,000 for watermain work items, and 'release' \$500 for street signage at Lyrica Park CMO Subdivision, Phase 1 constructed under PIP #2012-04, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Friends of Libraries Week Proclamation

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

WHEREAS, Friends of the Orchard Park Public Library have been providing financial support for the Orchard Park Public Library since 1982 to provide resources for additional programming, much needed equipment, support for children's summer reading and special events throughout the year, and

WHEREAS, the Friends are currently raising money for a capital fund to assist the library in long range plans for expansion of the Library building, and

WHEREAS, the work of the Friends highlights, on an on-going basis, the fact that our Library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present, and

WHEREAS, the Friends understand the critical importance of well-funded libraries and advocate to ensure that our Library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, reader's advisory, and children's services, and

WHEREAS, the Friend's gift of their time and commitment to the Library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community

NOW, THEREFORE, be it

RESOLVED, that the Town Board of Orchard Park proclaims October 20-26, 2013 as Friends of the Libraries week in Orchard Park, NY and urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

The resolution was unanimously adopted.

Refer to Planning Board & Conservation Board

13) 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 refer the request of Lowell Dewey, of C & S Companies, is proposing to construct a 29,965 sq. ft. Medical Office Building at the intersection of Windward Road and Redtail Drive, Zoned I-1 to the Planning Board and Conservation Board.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jim Suplicki – Mr. Suplicki said that when people decide who to vote for, they should consider what the person has done and not what their affiliation is. He said the Town has had great people on the Town Board and it did not matter what their affiliation was, rather what they did for the Town.

Dave Schuster – Mr. Schuster said the OP Historical Society hosted an exhibit by one of their members and on that Saturday morning, the Republican candidates were doing a photo shoot in front of the Jolls House. It would have been nice if one of them stayed to support the Historical Society. Over the last seven years the Town Board has threatened the Historical Society by taking away their storage space; denying them a permit to put up a storage shed; would not even meet with them to discuss the operations and use of the building, they only received a letter from the Town Attorney. The Town has not put in a handicap parking spot for access to the Historical Society.

Suzann Cushman – Ms. Cushman said that the son of the man who owns the property at 3428 Southwestern Blvd. would like to be informed of the Town Boards actions regarding this property. She also stated that she has been receiving anonymous mail regarding a company called Contech, and would like to turn the documents over to the Ethics Committee to see if they are authentic and if they are, was this relationship permitted and disclosed properly. Ms. Cushman presented a FOIL request for all Town information regarding Contech. She also had questions regarding the Assistant Town Attorney and what his pay, stipends and benefits are.

Daniel Horan – Mr. Horan thanked the Town Board for approving the Holly Jolly run, as he and his wife own Eclipse Multi-Sport who sponsors the run. He also wanted to thank the Police Department for the outstanding assistance they provide for these events. Mr. Horan said that a candidate came to his house, with the Assistant Town Attorney, and there was talk that the Erie County Sheriffs Department could do just as good a job protecting the Town as the current police force. Mr. Horan said he had an incident at his house around 2:30 in the morning, he called 911 and within three minutes were 3 patrol vehicles arrived. He does not feel that he would have gotten the same service from the Erie County Sheriffs Department.

ELECTED OFFICIALS & DEPARTMENT HEADS

14) 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 transfers:

Assessor's Office

\$400.00	From: A.1355.0414	Assessor - Training
	To: A.1355.0412	Assessor – Mileage

Engineering Office

\$300.00	From: A.1440.111	Engineering
	To: A.1440.412	Engineering - Mileage

The resolution was unanimously adopted.

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

OCTOBER IS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, since the passage of the Violence Against Women Act (VAWA) nearly 20 years ago, our Nation's response to domestic violence has greatly improved. What was too often seen as a private matter best hidden behind closed doors is now an established issue of national concern, and

WHEREAS, we have changed our laws, transformed our culture, and improved support services for survivors. We have seen a significant drop in domestic violence homicides and improved training for police officers, prosecutors, and advocates. Yet we must do more to provide protection and justice for survivors and to prevent violence from occurring. Every day, three women lose their lives in this country as a result of domestic violence. Millions of Americans live daily in silent fear within their own homes, and

WHEREAS, ending violence in the home is a national imperative that requires vigilance and dedication from every sector of our society. We must continue to stand alongside advocates, victim service providers, law enforcement, and our criminal justice system as they hold offenders accountable and provide care and support to survivors, and

WHEREAS, during *National Domestic Violence Awareness Month*, we celebrate our Nation's progress in combatting these despicable crimes, and resolve to carry on until domestic violence is no more. This past spring, the “*Violence against Women Reauthorization Act*” was signed by the President

NOW THEREFORE BE IT

RESOLVED, the Town Board does hereby proclaim each October, in every year forward, as *National Domestic Violence Awareness Month* in the Town of Orchard Park by promoting peace in our communities, and be it further

RESOLVED, the Town Board does hereby call on all Americans to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need, and be it further

RESOLVED, each October hence forward, the Orchard Park Police Department will hold a fundraiser by asking all officers of the department to join in and raise monies for the Justice Center here in Orchard Park by growing a-goatee starting October 1st until the week before the Christmas Holiday, it will be decided who grew the best goatee!

The resolution was unanimously adopted.

Councilmember Kaczor said the Town Board had a meeting last week regarding the potential purchase of the Baker Road school to convert it to a Senior Center. It is the decision of the Town Board, that the Town is not going pursue the purchase of the Baker Road School. They did look at all angles of the building and it would be too costly to convert the building to the needs of a Senior Center. The Town Board is going to continue with a needs and utilization assessment and look at other options. Councilmember Kaczor announced that on October 26th the annual Halloween parade will take place starting at the South Davis School at 6:00pm with the party to follow at Yates Park.

Councilmember Majchrzak stated that Contech is a company that he used to work for and all purchases the Town made from Contech were off of the NYS OGS bid, which he had nothing to do with. He stated in 2005, he took it upon himself to ask to be reviewed by the Town Board of Ethics committee, and he was given an opinion that there was no conflict of interest, just to be careful and mindful of what business was conducted with the Town. Councilmember Majchrzak said he has been talking with the Town Engineer about the Forest Ave. Bridge project and this project could have cost over a million dollars. Highway Superintendent Piasecki found an 80/20 grant, and Town Engineer Bieler has found even more money. A project that could have cost over a million dollars will now cost the Town \$275,000 or less. Councilmember Majchrzak said he has been working with the Town Engineer on other projects such as the Bussendorfer Drainage project and the Timberlake Waterline project.

Police Chief Pacholec stated that with the fall season he wants to remind people that they cannot put their leaves in the roadway. It is against the law and an accident waiting to happen. He also wanted to remind the residents that on November 1st, the winter parking restriction goes into effect. Chief Pacholec has been meeting with the NYS DOT, the Erie County DOT, the Buffalo Bills and a consulting agency regarding the Bills traffic. Tentatively, at the next home game November 3rd there is going to be a traffic change. Any traffic for 45 minutes to an hour, post-game, where the traffic on 20A going west bound will not be able to travel west bound from the 219 to Abbott Road. This will facilitate traffic exiting the Stadium. The decision will be made next week.

Highway Superintendent Piasecki said the Highway Department has started to pick up leaves. Last week the Town was audited for Stormwater II and the Highway Department was found to be in good order.

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

WHEREAS, per the October 1, 2013 NYSDOT meeting and October 2, 2013 Town of Orchard Park Town Board work session, as requested Greenman-Pedersen Inc. has submitted a Change Order of final designs that will lower the profile of the bridge, and

WHEREAS, the Engineering Department is requesting the Town Board approval of a Change Order to the contract with Greenman- Pedersen, Inc. for the Forest Drive Bridge Replacement Project in the amount not to exceed \$75,000.00. If approved, this would increase the total contract amount to \$282,995.00, representing an increase of 36.06% but resulting in a lower construction cost, and provides the federal funding short fall for the project, and

WHEREAS, the Change Order requested is to perform additional work beyond the original contract to lower the profile of the Bridge per NYSDOT review comments to provide 1-foot of freeboard above the 50-year design storm, eliminate freeboard for the 100-year design storm requirement, lowering the roadway approach profile/limits, and additional flood plain evaluation. This Change Order also addresses additional work related to additional right-of-way surveying, and flood plain evaluation, bank releases, addressing additional cultural resource impact of the project, and perform additional utility coordination as a part of the original design revision, and

WHEREAS, there is presently funding allocated and bonded under Capital Projects H-68 Forest Drive Bridge Replacement Project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to our original contract with Greenman-Pedersen, Inc. for the Forest Drive Bridge Replacement Project in the amount of an increase not to exceed \$75,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

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 #20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$50,904.44
Public Safety Fund	\$38,085.22
Part Town Fund	\$1,330.28
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$70,593.59
Special Districts	\$51,385.63
Trust & Agency	\$17,611.24
Capital Fund	\$694,738.05

The resolution was unanimously adopted.

18) 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:

Reports

- Update from Anne Bergantz the Orchard Park Representative to the 2013 Conference on the Environments.
- Orchard Park Recreation Commission 2012 Annual Report.
- Orchard Park Trails Task Force reviewed the 57.64 acre (+/-) of Riley Meadows West Subdivision proposal on Murphy Road. The committee recommends the town require the donation of 9% of open space land for recreation purposes and that flood plains, protected wetlands or existing drainage areas shall not be used to meet the requirement.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting adjourned at 8:40 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk