

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 19th 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
	Edward Graber	Councilmember
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Andrew Benz	Chief of Police
	Wayne Bieler	Town Engineer
	Frederick Piasecki, Jr.	Highway Superintendent
Absent:	Nancy Ackerman	Councilmember

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

RESOLVED, the Regular Town Board Meeting minutes held on October 5, 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.

**Public Hearing
2012 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 2012 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. Since this is a tentative budget, there is still more work to do by the Town Board to see where constructive changes can be made. The New York State 2% tax cap has had a negative impact on the Town's financial situation. The revenues for the Town have decreased with the economy the way it is, while the costs and mandates have gone up. Supervisor Colarusso stated that there are 103 full time Town employees, of which 74 are in unions and under

contract. That leaves 29 employees, which includes Elected Officials and Department Heads, whose wages the Town Board has any control over. She has been working with the unions to try to bring the cost of new employees down to an affordable wage that this Town can sustain, and they have succeeded with the White Collar union. The Union contracts affect more than just wages, it affects all other benefits; vacation time, sick time, compensation, retirement, etc. The Union members have to understand that the contracts have to be reconstructed to save not only the departments within, but the future taxpayers in the Town. No Town Board member wants to see the tax rate go up, they are committed to reducing spending and the tax rate.

At this time Wayne Drescher, the Town Account, stated that the Benefit Basis is called that because it is based upon an attempt to match the services you receive with the amount you pay for the services. It includes the sewer district, the water districts, the consolidate garbage and the lighting districts. The Ad Valorem Budget makes up the General Fund, the Town Outside Village Fund, the Highway Funds. The way you are charged is based on the assessed value of your home.

Mr. Drescher outlined the reduction in revenues to the Town, and areas of the increased costs to the Town. He stated that only 13% of the taxes received, stay in the Town for Town services, 20% goes to Erie County, 67% goes back to the School District.

Councilman Kaczor stated that the Town Board in the past five years has had the Department Heads cut back their budget by 10% each year, and now they are at bare bones. Health insurance has increased dramatically over the last few years. He also stated that the Town has been very successful in obtaining grants to help rebuild roads and some of the programs we have. The Town Board will review the Budget and make more changes.

The Town Board will take tonight's comments, review them, review the budget and make adjustments. 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.

Jack Bertch – Mr. Bertch stated that his family supports the concept of the OP Police Dept. as they provide a quality service and a comfort to Orchard Park. The Police Department must also recognize that current economic conditions require a new thought process in union negotiations, which would include impacts on benefits, wages & productivity.

Katherine Gorkowicz – Ms. Gorkowicz said she knows that the Elected Officials and Department Heads do a good job, but they should lead by example and share the pain. The 3% raise should be reduced to 1½%.

Mike Liwicki – Mr. Liwicki said that he is a retired FBI Supervising Special Agent, and has worked with agencies all over the Country. He stated that Orchard Park Police Department provides one of the highest levels of Policing services anywhere. People move to Orchard Park for the schools, quality of life & safety. If you reduce the police force, you lose two out of the three reasons people move here.

Patrick O'Brien – Mr. O'Brien said he is frustrated with the Town Board's negotiation tactics with the Police Department and the Budget process. He stated there are items in the budget that could be eliminated at if the Town needs to fund the dispatch center, and provide upgrades for Fire & Police.

Mark Pacholec – Lt. Pacholec outlined some of the situations the Orchard Park police department has had to handle in the past year. He stated that the population, calls for service and the seriousness of the calls has increased, but the police staff has been reduced and under trained due to budget constraints. He questioned the recent ICMA study. Lt. Pacholec also questioned that there is no overtime budgeted for the police. Orchard Park Police Dept. covers more residents per officer, at the lowest cost per resident, compared to similar towns in Erie County.

Jeff Sweet – Mr. Sweet stated that the joint meeting between the Town Board and the OP Fire Commissioners last week was embarrassing because the Town Board was not prepared. In looking at the ICMA study, the Town has been negligent in upgrading the police department, staff training and restructuring to meet changing needs. The report also exposed problems in the police department; communication problems, and weaknesses and inefficiencies in the current ways of doing business. He wants to see both sides work to fix the problems.

James Otwell – Mr. Otwell is a retired Lt. Colonel and currently a consultant for Fire, EMS and Security services. He feels the ICMA study is flawed in many of its recommendations and conclusions, but there are recommendations that should be addressed such as training, budget, and increase in efficiency of dispatch, and use of professional dispatchers. The study was started before the Town Board approved it, was not in the budget, and portions have not been released to the public.

John Mariano – Officer Mariano, President of Orchard Park PBA, said he understands the Town Board needs to be fiscally responsible, but he does not feel the Town Board is behind the Police Department or want the Police Department in the Orchard Park.

Jim Miller – Mr. Miller has relatives in different parts of the country who pay considerably less than we do, and they still receive all the same services that Orchard Park offers. We pay too much in taxes here.

Bruce Dearborn – Officer Dearborn said that taxes are high in Orchard Park, but do not mistake what the cost of the police department is, 27 cents a day per resident.

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

RESOLVED, that the Public Hearing for the 2012 Preliminary Budget & Benefit Basis Special District Budget is hereby closed at 8:10 PM.

The resolution was unanimously adopted.

Public Hearing

Ray Laks Honda for Special Exception Use at corner of Southwestern & MidCounty Drive

At 7:00 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the rezoning of vacant land located at the Northwest corners of Southwestern Blvd. & MidCounty Drive from I-1 to I-1 Special Exception Use to operate a new car dealership, as petitioned by Ray Laks Honda.

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.

Bill Wincott – Mr. Wincott, representing Ray Laks Honda, said this is a good use for this property.

Raymond Waite – Mr. Waite is opposed to this project. He stated that the Town is opposed to losing Industrial Zoned land, and denied People Inc. rezoning to put up Senior Housing. Now, the Planning Board approves this request in an Industrial zoned area. The Planning Board said that there will no negative impact to the area, but they are wrong.

Theresa Schosek – Ms. Schosek is opposed to this project. She feels that a car dealership is undesirable, and if this project is approved, it will land lock two pieces of her property.

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

RESOLVED, that the Public Hearing regarding the rezoning of vacant land located at the Northwest corners of Southwestern Blvd. & MidCounty Drive from I-1 to I-1 Special Exception Use as petitioned by Ray Laks Honda is hereby closed at 8:18 PM.

The resolution was unanimously adopted.

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

RESOLVED, that the Town does hereby approve the request of Ray Laks Honda for a Special Exception Use Permit for vacant land located at the North West corners of Southwestern Boulevard and MidCounty Drive, Zoned I-1, as recommended by the Planning Board, 9/14/11, with the following conditions and stipulations:

- This is an unlisted SEQR Action and a negative declaration is made.
- Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing notice.
- The recommendation is contingent upon the applicant completing the project as proposed in the letter of intent received on 9/1/11 and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
- The proposed project is in compliance with the Town's long range comprehensive plan.
- The applicant has demonstrated a need for the project.
- The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
- The applicant has demonstrated an orderly flow of traffic ingress and egress.
- The applicant has provided suitable parking facilities.
- Landscaping as indicated on the proposed plan will provide adequate screening.
- Free area for recreation is not required.
- The nearness and impact on schools and utilities is not an issue.
- The health and safety of adjacent properties is not affected.

The resolution was unanimously adopted.

**Public Hearing
Establishment of OPDD 3-6 for Riley Meadows**

At 8:20 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the establishment of Orchard Park Drainage District OPDD #3-6 for Riley Meadows Subdivision.

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.

Supervisor Colarusso asked if there was anyone in the audience who would like to speak for or against the proposed Drainage District.

No one spoke.

5) 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 establishment of a new Drainage District for Orchard Park Drainage District 3-6 is hereby closed at 8:22 PM.

The resolution was unanimously adopted.

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

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Orchard Park drainage district number 3-6 as prepared by Carmina Wood Morris, P.C., duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on September 21, 2011, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying October 19th, at 7:00 in the afternoon of said day as the time, at the Town of Orchard Park Town Hall, as S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on October 19th, 2011 at 7:00 p.m. in the afternoon of said day, in the Orchard Park Town Hall, as 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient
 - b) That all property and property owners in the proposed district are benefitted thereby;
 - c) That all property and property owners benefitted are included within the limits of the proposed district;
 - d) That it is in public interest to establish said district; and be it further
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RESOLVED AND DETERMINED: That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the "Town of Orchard Park drainage district number 3-6 and shall be bounded and described as set forth as "Exhibit A" attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED: That the improvements for such drainage district are to be constructed by, Oak Orchard Development, LLC, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said drainage district shall be born by the owners of properties benefited thereby; and be it further

RESOLVED AND DETERMINED: That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Legal Description for OPDD #3-6 – Exhibit A

RILEY MEADOWS (north portion)
MURPHY ROAD (33.341±ACRES)
TOWN OF ORCHARD PARK

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 21, Township 9, Range 7 of the Holland Land, bounded and described as follows:

BEGINNING at a point in the west line of Lot No. 21 (being also the center line of Murphy Road) distant 2215.33 feet North 00°36'31" East from the southwest corner of Lot No. 21, said point being the northwest corner of lands deeded to Sisters of Mercy of the Buffalo Diocese by deed recorded in the Erie County Clerk's Office in Liber 6861 of Deeds at page 555; thence South 89°07'37" East and along the northerly line of lands so deeded to Sister of Mercy of the Buffalo Diocese 456.94 feet; thence South 41°34'37" East 1011.00 feet; thence South 89°52'37" East 529.98 feet to the westerly line of the Southern Expressway (U.S. Route 219); thence southerly along said westerly line and along the arc of a curve to the right having a radius of 7419.44 feet (the chord of which bears South 15°13'12" West and is 891.68 feet in length) a distance of 892.22 feet; thence North 60°23'29" West 1029.91 feet; thence South 75°36'31" West 559.16 feet to the west line of Lot No. 21; thence North 00°36'31" East along said west line 507.67 feet to the southwest corner of lands deeded to John C. Newell by deed recorded in the Erie County Clerk's Office in Liber 11122 of Deeds at page 8796; thence bounding on lands so deeded to Newell the following three (3) courses and distances: (1) South 89°23'29" East 250.00 feet; thence (2) North 00°36'31" East 125.00 feet; thence (3) North 89°23'29" West 250.00 feet to the west line of Lot No. 21; thence North 00°36'31" East 622.33 feet to the point of beginning, containing 33.341 acres of land more or less.

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway known as Murphy Road.
All bearings referred to True North at 78°35'00" Meridian of West Longitude.

RILEY MEADOWS (south portion)
MURPHY ROAD (8.627±ACRES)
TOWN OF ORCHARD PARK

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 21, Township 9, Range 7 of the Holland Land, bounded and described as follows:

BEGINNING at the southwest corner of Lot No. 21; thence North 00°36'31" East along the west line of Lot No. 21 (being also the center line of Murphy Road) 476.71 feet; thence South 62°23'29" East 479.34 feet; thence South 89°12'52" East 890.16 feet to the westerly line of the Southern Expressway (U.S. Route 219); thence southerly along said westerly line and along the arc of a curve to the right having a radius of 7419.44 feet (the chord of which bears South 22°36'38" West and is 280.52 feet in length) a distance of 280.54 feet to the south line of Lot No. 21; thence North 89°12'52" West 1212.16 feet to the place of beginning, containing 8.627 acres of land more or less.

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway known as Murphy Road.

All bearings referred to True North at 78°35'00" Meridian of West Longitude.

The resolution was unanimously adopted.

**Public Hearing
2012-2013 Federal Community Development Block Grant Funds**

At 8:20 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the 2012-2013 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, prepared the following statement: 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 2012-2013 Program Year.

The purpose of a public hearing is to provide an opportunity for citizens to discuss the needs of the community. The Town is one of 34 municipalities in the Erie County CDBG Consortium. To be eligible for CDBG funding, the proposed project must satisfy one or more of the following national objectives:

Benefit Low and Moderate Income Persons: To benefit low and moderate income persons, it is required that at least 41.9% of the residents of the specific area targeted be at or below the criteria of the income eligibility schedule.

Correct Slums and Blight: A slum or blighted area must be a substantial number of deteriorated or deteriorating buildings or public improvements throughout the area. Currently there are no such areas in the Town of Orchard Park.

Meet an Urgent Community Need: Meeting an urgent community need, the project must alleviate existing conditions that have developed or become critical within the past 18 months and poses a serious and immediate threat to the health and welfare of the community; the grantee is unable to finance, and other resources of funds are not available.

Eligible Activities must include:

- Acquisition of Real Property for a Project
- Public Facilities and Improvements
- Public Services
- Removal of Architectural Barriers
- Historic Preservation
- Commercial or Industrial Rehabilitation
- Special Economic Development

- Program Administration Costs
- Limited Clientele: All elderly, homeless, and handicapped residents are presumed eligible regardless of their location within the Town or their income levels. For a project to be considered under this category, at least 51% of the benefiting persons must be classified as limited clientele.

Since its inception in 1976, the Town has received over \$2.7 million in grants and loans under this Federal Program. It is estimated that the 2012 allotment for the Erie County CDBG Consortium Community's projects will be \$832,000. 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 three projects funded per municipality. Applications for this year's Community Development Block Grant funds must be submitted by October 24, 2011.

Some suggested projects recommended for the Town of Orchard Park which may qualify for funding are:

Project	Estimate
• Draudt Road 30" Culvert Replacement & Draudt Road 8' x 11' Triple Culvert Concrete Invert Installation	\$122,500
• Orchard Park Senior Center Improvement Project	\$210,000
• Rural Transit Service (participation in program w/18 towns, 7 villages) (No matching funds required)	\$ 26,671

Supervisor Colarusso asked if there was anyone in the audience that would like to speak on behalf of the 2012-2013 CDBG Funds. No one spoke.

Town Engineer Bieler discussed the suggested projects and noted that the Town submits for the Rural Transit Service every year.

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

RESOLVED, that the Public Hearing for the Community Development Block Grant funds from the U.S. Department of Housing and Urban Development (HUD) for the 2012 Program Year is hereby closed at 8:29 PM.

The resolution was unanimously adopted.

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 Janis Colarusso, Supervisor, to submit an application to the Erie County Community Development Grant Consortium requesting \$61,250.00 to excavate, remove and replace a deteriorated 30' 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 it further

RESOLVED, that the Town of Orchard Park will match funds with \$61,250 in cash and in-kind goods and services.

The resolution was unanimously adopted.

9) 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 Janis Colarusso, Supervisor, to submit an application to the Erie County Community Development Grant Consortium requesting \$25,325 to implement repairs and rehabilitation initiatives for the Orchard Park Senior Center Improvements Project and be it further

RESOVLED, 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 \$25,325 in cash and in-kind goods and services.

The resolution was unanimously adopted.

Old Business #1 West Herr Chevrolet, 3575 Southwestern Blvd. – Building Permit

10) 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 a Building Permit for West Herr Chevrolet, 3575 Southwestern Blvd, for the site plan received 10/6/11 to construct a 6,120 sq.ft. addition to the existing building and make renovations to the existing structure based on the following conditions and stipulations:

- This is an unlisted SEQR action and a Negative Declaration is made.
- The site lighting is limited to the existing light fixtures; these may be re-located on the wall.
- No outside storage or display is permitted that has not been previously approved by the Board.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- The expansion is on impervious surface so no recommendation from the Conservation Board is required.

The resolution was unanimously adopted.

Old Business #2 Bradley Walker, 10 Minden Dr., request for a Special Exception Use Permit

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

RESOLVED, that the Town Board does herby approve a Special Exception Use Permit for Bradley Walker, 10 Minden Dr., Zoned R-3, for Home Occupation to operate a Tax and Accounting business out of the residence based on the following conditions and stipulations:

- This is an Unlisted SEQR Action and based on the submitted Short EAF and a Negative Declaration is made.
- Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
- The recommendation is contingent upon the applicant completing the project as proposed in the letter of intent received on 7/21/11 and shall revert to its original Zoning classification if the project is not completed per Section 144-67 of the Town Code.
- The proposed project is in compliance with the Town's long range comprehensive plan.

- The applicant has demonstrated a need for the project.
- The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
- The applicant has demonstrated an orderly flow of traffic ingress and egress.
- The applicant has provided suitable parking facilities.
- Landscaping as indicated on the proposed plan will provide adequate screening.
- Free area for recreation is not required.
- The nearness and impact on schools and utilities is not an issue.
- The health and safety of adjacent properties is not affected.

The resolution was unanimously adopted.

New Business # 1 Authorize Supervisor to sign agreement with Erie County Board of Elections

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 authorize the Supervisor to sign an agreement with the Erie County Board of Elections for the use of the George Heintz Community Center and the Orchard Park Municipal Center as polling locations for the 2011 Elections.

The resolution was unanimously adopted.

New Business #2 Seasonal Fall, Winter & Spring Recreation Staff Appointments

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 approve the following for appointment to the staff of the Town of Orchard Park Recreation Department, which are dependent upon the applicant providing the required certification

Appointments retroactive to Friday October 7th

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title)</u>
Brian Markarian	104 Henning Dr.	\$8.50	PT1-E (att)
Rachel Klosko	244 Ashwood Ln.	\$8.50	PT1-E (LG)

Rate Change (Retro Active Saturday Sept. 17th)

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Positon (Title)</u>
John Van Remmen	60 Tracy Dr.	\$9.50	PT2-D (Att)

The resolution was unanimously adopted.

New Business #3 Award Bid for the Iroquois Drive Drainage and Reconstruction District

Tabled

New Business #4 Public Safety Committee recommendation

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 authorize a letter to be sent to the Erie County Department of Transportation to request the reduction of the speed limit from 45 mph to 40 mph on South Abbott Rd., as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Mark Pacholec – Lt. Pacholec offered some observations on the budget and stated that \$15,000.00 State Aid is listed for DWI's, but it does not get used for that, and we may lose that grant. He stated that there were discrepancies in the 2011 Police Health Care line. Lt. Pacholec also wanted to know why the Town has spent so much money in land acquisition for recreation purposes.

Councilmember Kaczor stated the land purchases were for drainage issues.

David Schuster – Mr. Schuster said why stop at having our dispatch go to Hamburg, just combine everything and become East Hamburg again. He also stated the Recreation Director makes only \$1,000 less than the Supervisor, but they are making cuts to the Police Department

Laurie Dunbar – Ms. Dunbar is concerned about traffic and safety with Bradley Walker doing business out of his house, and objected to him receiving the Special Exception Use permit.

John Marlow – Mr. Marlow had questions about the Town Website Calendar, as he was attempting to go to a Rails to Trails meeting listed on the calendar, but there was no one there. It was explained that the Rails to Trails group is not part of the Town's Boards & Committees and the Town was not notified that they changed their meeting dates.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Kaczor stated that the Recreation Department is holding its 7th annual Halloween Parade on October 29th and they are going to have a haunted house and a hay maze for the kids. He said that the Town Board is not intent on dismantling the Police Department. It used to be that the Town Board always relied on the Chief of Police to let them know what is happening in the department, but they wanted to find an outside outfit to analyze the department and make recommendations. The Police contracts are above and beyond what normal individuals receive, and the times mandate careful review as 80% of the budget is human capital. The Town Board supports the Police, but they have to become more efficient and reduce costs.

Councilmember Graber said he agrees with Councilmember Kaczor. Tough calls have to be made, and it is all about the efficiencies.

Councilmember Majchrzak asked the Town Accountant Wayne Drescher to explain the \$200,000 discrepancy in the Police Department budget. Mr. Drescher stated it was related to health care. The Police have not had a contract for two years, and if it goes to Binding Arbitration, the Town has to have the monies set aside to cover the expense. Councilmember Majchrzak stated that because of unfunded mandates and unions, the Town Board has control over only a small portion of the budget. He stated the decision to hire an outside consultant to evaluate the police department was in the interest of efficiencies.

Chief of Police Andy Benz stated that there is going to be a prescription drug drop off held on October 29th at the Mercy Ambulatory Care Center. He also said that on November 1st the snow parking ordinance takes effect.

Highway Superintendant Fred Piasecki noted that the leaf pick up has started. He also stated that the OP Emergency Disaster Committee is working on the Erie County Multi-Jurisdictional Hazard Mitigation Plan which will be submitted to Erie County by Nov. 1, by Richard Mrugalski, Chairman of the Committee.

15) 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 which were reviewed and approved.

General Fund	\$53,719.61
Part Town Fund	\$1,021.12
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$68,152.68
Special Districts	\$41,690.28
Trust & Agency	\$1,129.83
Capital Fund	157,314.58

The resolution was unanimously adopted.

16) 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:

Communication

- Orchard Park Fire District 2012 Budget Summary

Report

- Building Inspector's Monthly Report for the Month of September 2011.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting was adjourned at 9:16 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk