

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 November at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:

Janis Colarusso
Nancy Ackerman
Edward Graber
David Kaczor
Eugene Majchrzak

Supervisor
Councilwoman
Councilman
Councilman
Councilman

Carol Hutton
Leonard Berkowitz
Andrew Geist
Joseph Buccilli
Frederick Piasecki, Jr.
Wayne Bieler

Town Clerk
Town Attorney
Building Inspector
Police Lieutenant
Highway Superintendent
Town Engineer

Absent

Andrew Benz

Chief of Police

Supervisor Colarusso introduced Carl Ernst, Den Leader of Cub Scout Troop #230, who introduced his pack members working on their badges. The Troop led the Pledge of Allegiance for the meeting.

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 COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Regular Town Board minutes held on October 20, 2010 are hereby approved, and the Executive Session/Special Meeting minutes held on October 20, 2010, October 27, 2010 and are hereby approved 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.

Old Business #1 Public Hearing set for the following Conservation Easements

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

WHEREAS, Mr. Lawrence P. Bochen, 5196 Ellicott Road, located on the south side of Ellicott Road, Zoned R-2. (SBL# 185.05-3-2) has requested a renewal for 10-acres Vacant Land to be placed in to a 15 to 29-year easement, and

WHEREAS, Mr. Bartholomew Elder & Ms. Diane Perrello, 6804 Scherff Road, located on the zoned A-1. (SBL# 198.00-6-18.12) Applicant would like to place 18-acres of his 79-acre parcel into a perpetual Conservation Easement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize to set a Public Hearing for December 15, 2010 at 7:00 pm at the Orchard Park Municipal Center in the matter of the above Conservation Easements, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the Orchard Park Press, the official newspaper of the town.

The resolution was unanimously adopted.

New Business #1 Street Name Change

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

RESOLVED, that the Town Board does hereby approve the following street name change from Misty Ridge to Misty Ridge Lane, as requested by the residents.

The resolution was unanimously adopted.

New Business #2 Village of Orchard Park request use of Town owned property

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

RESOLVED, that the Town Board does hereby authorize the Village of Orchard Park to hold their annual "Holiday in the Park" Celebration scheduled for Saturday, December 4, 2010 through January 7, 2011, from 4 pm to 7 pm to display the decorated trees, on Town property, east of the Railroad Depot . A Certificate of Liability is in place.

The resolution was duly adopted.

New Business #3 Approve 2011 Membership

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

RESOLVED, that the Town Board does hereby authorize the membership payment of \$145.00 for Karen Barnas, Office Manager of the Town of Orchard Park, to the Government Finance Officer's Association for the year 2011, as recommended by the Town Supervisor.

The resolution was unanimously adopted.

New Business #4 Accept Resignation from Planning Board Chairman

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby accept the resignation of Harold T. Fabinsky as Chairman of the Planning Board, effective December 31, 2010.

The resolution was unanimously adopted.

New Business #5 Cancel Town Board Work Session for 11/24/10 & Reschedule 12/8/10 to 12/6/10

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

RESOLVED, that the Town Board does hereby authorize the cancellation of the Town Board Work Session for Wednesday, November 24, 2010, due to the Thanksgiving Day Week and be further

RESOLVED, that the Work Session for Wednesday, December 8, 2010 is hereby re-scheduled to Monday, December 6, 2010 at 6:00 PM.

The resolution was unanimously adopted.

New Business #6 Adopt Letter of Authorization in Accordance with NYS Town Law §198

8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize to adopt the Letter of Authorization regarding the enforcement of unpaid accounts for water, sewer, refuse and other unpaid town services to be included in the tax warrant, in accordance with New York State Town Law §198.

The resolution was unanimously adopted.

New Business #7 Add Planning Coordinator to NYS & Local Employees Retirement System

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

RESOLVED, that the Town Board does hereby authorize to add Remy C. Orffeo, Planning Coordinator to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the Town Clerk.

The resolution was unanimously adopted.

New Business #8 Authorize Change Order #4 to Contract with RB Mac Construction Co., Inc.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

WHEREAS, the Engineering Department is requesting Town Board approval of a Change Order to the contract with RB Mac Construction Co., Inc. for Orchard Park Municipal Center Renovations Project in the amount of \$12,116.93. This would increase the total contract amount to \$174,962.93, representing an increase of 6.93%, and

WHEREAS, this Change Order is requested to perform changes in the work scope and additional work not covered under their contract as requested by the Town Board, unforeseen conditions and lead testing and abatement. The additional items and work involve upgrades to the Court room windows, painting and patching of rooms not originally identified, rebuilding of cupola framing, additional flashing at cupolas, lead testing and abatement and a keyboard tray at the Town Clerk's Office, and

WHEREAS, the Court room window replacement involved lead testing and abatement on the existing window removals for a total of \$1,624.00, and

WHEREAS, the south cupola was found to have rotted framing and repairs, which cost an additional \$5,946.00. Both cupolas required additional copper flashing, which cost an additional \$1,759.00, and

WHEREAS, new trim was installed at the interior of the Board/Court room windows for \$750.00, and

WHEREAS, additional wallpaper removal, then patching and painting was requested for the first floor and staircase corridor areas. Security alarm conduit and pneumatic control lines were discovered in the wall being relocated in the Town Clerk's Office and had to be relocated. This work added \$1,842.93, and

WHEREAS, the remaining item is the Town Clerk changes. A sliding keyboard was requested for the Handicapped access counter. This cost \$195.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Change Order #4 to the contract with RB Mac Construction Co., Inc. for the Orchard Park Municipal Center Renovations 2010 Project in the amount of an increase of \$12,116.93, as recommended by the Town Engineer.

Councilwoman Ackerman stated she and Town Engineer Bieler found these items that demanded attention and it was a good decision to make these changes.

The resolution was unanimously adopted.

New Business #9 Appointment to Comprehensive Plan Implementation Committee

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

RESOLVED, that the Town Board does hereby authorize the appointment of Mr. Joseph J. Alfieri II, 37 Woodthrush Trail, Orchard Park, NY 14127, as a member to the Comprehensive Plan Implementation Committee, as recommended by Chairman Mark Manly.

The resolution was unanimously adopted.

New Business #10 Authorize Eclipse Multi-Sport to hold 5K race on December 30, 2010

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize Eclipse Multi-Sport to hold a 5K race on Thursday, December 30, 2010 at 7:00 PM. The race would begin at the Rite Aid parking lot on North Buffalo Street and continue down New Taylor Road and through the neighborhoods off to the left and right, back up New Taylor Road and finishing at the Runners Roost parking lot. Light sticks and necklaces will be supplies for safety and a Certificate of Liability will be submitted.

The resolution was unanimously adopted.

New Business #11 Refer to Public Safety Committee

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

RESOLVED, that the Town Board does hereby refer to the Public Safety Committee, the request of Holiday & Leisure Rinks, 75 Weiss Road, Buffalo, NY 14224 for the placement of a left hand turning lane onto Weiss Road.

The resolution was unanimously adopted.

New Business #12 Refer to Conservation Board & Planning Board

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby refer to the Conservation Board and the Planning Board, the request of Jim Sommers, to locate an empty beverage "Container Redemption Center" at 4933 Ellicott Road, to co-exist on the site with Vara's Dry Cleaning, Zoned-B-2. (SBL #173.13-1-12.2)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Nicholas Taneff – He congratulated Judge Chimes on her newly elected position and hoped that the new appointed judge will enforce the zoning codes of our Town. In removing the two officers from the Orchard Park Police Department at the Ralph Wilson Stadium on Buffalo Bills game days, Mr. Taneff asked if Erie County might pay them if they are needed or perhaps extra officers from Erie County Sheriffs Department.

David Schuster – He commented on the budget process and difficulty in obtaining information. He suggested placing a copy of the tentative budget at the library for easier access by the public. He questioned raises and appointments.

Kathryn Gorkiewicz – She stated that a copy of the proposed budget should be placed in the library to make it more accessible for citizens to review and on the day the public hearing is announced. Ms. Gorkiewicz stated that job positions for the Town should be posted on the Town's website.

Ann Horan – She and her husband are the directors and producers of the QuakerMan and QuakerKids triathlon in Orchard Park. Ms. Horan offered information on her request for December 30, 2010 for the approved 5K Race.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso stated that the budget in on the Orchard Park website at orchardparkny.org and the library has internet service.

Budget Transfers

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

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers:

Building Department

\$ 500.00 From: B. 3620.0475 Gasoline
 To: B. 3620.0413 Travel & Conference

Highway Department

\$ 800.00 From: A.5132.0422 Hwy Garage Gas
 To: A.5132.0423 Hwy Garage Water
\$2,449.00 From: A.7110.0449 Parks-Lake Water Channel Cleaning
 To: A.7110.0238 Parks Lake Water Qlty
\$5,000.00 From: A.7110.0449 Parks-Lake Water Channel Cleaning
 To: A.7110.0402 Parks-Supplies
\$13000.00 From: DA.5110.0472 Hwy Stone Gravel
 To: DA.5130.0419 Machinery-Other Expense
\$700.00 From: A.5010.021 Hwy-Other Equipment
 To: A.5010.0420 Hwy-Internet Tele Charge

The resolution was unanimously adopted.

Councilwoman Ackerman extended congratulations along with the Town Board and Department Heads, to Deborah Chimes who has done a wonderful job as Town Justice in Orchard Park and will do a wonderful job in her new position as Supreme Court Justice. Councilwoman Ackerman also congratulated Carol Hutton on her election as Town Clerk and the smooth transition combining the Offices of Receiver of Taxes with the Town Clerk's Office.

Councilman Kaczor responded to Mr. Taneff on the percentage of the Police Budget as being 47% of the Town Budget. Councilman Kaczor further explained years ago, the Buffalo Bills actually paid a stipend to the Town of Orchard Park for added Police presence. They have done away with it. The Town Board elected not to address it. The only place that the Orchard Park Police Department actually does not provide additional officers is on the grounds of the Stadium. Councilman Kaczor addressed Mr. Schuster's statements regarding the Supervisor's stipends. The previous Supervisor's stipend was adjusted and not completely eliminated. The Town Board conducted a starting salary comparison for the Supervisor position with other towns and Orchard Park was the second highest in all of Erie County. The reason for the reduction was to be more in line with other towns of our size. The negotiation process now allows for more participation by the Supervisor, therefore, the increase in salary. Mr. Kaczor stated for the public that at the next Zoning Board of Appeals meeting, a petition for a LED sign for Walgreens will be reviewed. Councilman Kaczor shared his concern with joggers not being visible to motorists after dark. He reported on the success of the 6th Annual "Holiday in the Park" Halloween parade and activities hosted by the Recreation Department.

Lieutenant Buccilli stated that joggers and walkers are required to face traffic according to New York State Law and not to be in the roadway. Bicyclists are required to go with traffic. Lieutenant Buccilli asked motorists to be aware of the deer population with the hunting season in progress, especially in the morning and evening hours. Mr. Buccilli stated that the public can call the police anytime with any safety and traffic issues.

Highway Superintendent Piasecki stated that the Erie County Sewer Authority has replaced sewer line and will finish the asphalt paving at North Lake Drive at Bank Street. He stated that the Duerr Road Bridge is re-opened to traffic and the Highway is continuing to pick up leaves.

Town Engineer Bieler reported that Federal Flood Insurance Management Agency (FEMA) has issued preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) for the Town of Orchard Park reflecting new or modified Base Flood Elevations. FEMA has published in The Orchard Park Press a legal notice indicating the start of a 90-day appeal period. Interested residents may submit an appeal to FEMA during the 90-day appeal period. The Flood Insurance Study and the Flood Insurance Rate Maps with the changes to the Base Flood Elevations can be viewed in the Town of Orchard Park Engineering Department offices during regular business hours.

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

WHEREAS, the Town of Orchard Park's GPS control network was established in 1998 by TVGA Engineering, Surveying, P.C., with the installation of eighty-two (82) new GPS monuments and the utilization of thirteen (13) existing monuments. It has been the intent of the Town to have projects (commercial, subdivision and Town projects) to reference both horizontally and vertically to the permanent control monuments as well as give the Town the ability to strengthen its existing records, and

WHEREAS, the original ninety-five (95) GPS control monuments were surveyed in NAD 83(96) Datum, referenced to the New York State Plane Coordinate System, West Zone. Since the original ninety-five (95) monuments were set in 1998, the National Geodetic Survey has issued changes to the overall GPS datum that is currently being used in New York State, and

WHEREAS, in order to continue to utilize our GPS control monuments the Town will have to reprocess the existing GPS network to the current National Geodetic Survey CORS datum. The Town of Orchard Park Engineering Department does not have the proper computer software to accomplish the needed changes. The Town will reset on all new GPS control monuments installed since the original TVGA contract, and

WHEREAS, the Engineering Department has contacted TVGA Consultants who did the original GPS monuments. TVGA can accomplish this by restoring the original project file from 1998 and reprocessing the data to the current National Geodetic Survey CORS datum. The estimated fee to reprocess the original GPS control monuments is \$500.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement for the reprocessing of the Town's original GPS control monuments to National Geodetic Survey CORS datum with TVGA Consultants, 1000 Maple Road, Elma, New York 14059 in the amount of \$500.00, 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 COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$56,762.64
Part Town Fund	\$315.99
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$15,437.19
Special Districts	\$122,692.52
Trust & Agency	\$520.82
Capital Fund	\$17,458.01

The resolution was unanimously adopted.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board does hereby receive & file the following communication & reports:

Communications:

- The Department of Public Works, County of Erie as of October 29, 2010 Duerr Road (CR 463) between Thorn Avenue and Armor Duells Road, has been re-opened to traffic. If you have any questions please contact Wayne Scibor at 858-6419.

Reports:

- Chef of Police's Monthly Report for the month of September 2010.
- County of Erie Department of Environment & Planning Report for the first & second quarter of their 2010 Program Year that extends from April, 2010 through March, 2011.
- Orchard Park Fire District 2011 Budget Summary.
- Recreation Commission Annual Reports for 2008 & 2009.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:47 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk