

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 7th day of November, 2012 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
Carol Hutton	Town Clerk
John C. Bailey	Town Attorney
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer
Andrew Geist	Building Inspector
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."

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

RESOLVED, that the Regular Town Board Meeting minutes held on October 17, 2012, & the Executive/Special Session Meeting Minutes of October 10, 17 & 24, 2012 are hereby approved, and, be it further

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

The resolution was unanimously adopted.

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 for a Special Exception Use Permit for 3900 Taylor Road, as petitioned by Ernie Dobies of Savilles Outdoor Power Equipment to relocate his business.

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.

Nicholas Taneff spoke in favor provided the building passes a fire inspection and the parking lot receives attention.

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

RESOLVED, that the Public Hearing for the request for a Special Exception Use Permit is hereby closed at 7:07 PM.

The resolution was unanimously adopted.

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 a Special Exception Use Permit for property located at 3900 Taylor Road, Zoned I-1 (SBL#161.03-1-14.21) as requested by Mr. Dobies to relocate his current business to this location, as recommended by the Building Inspector and the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted Action SEQR action, therefore no determination is necessary.
2. Fees shall be paid in accordance with §144-70C, of the Town Code prior to publication of the Public Hearing Notice.
3. The recommendation is contingent upon the applicant completing the project as proposed on the development plans dated 9/21/12, and shall revert to its original Zoning Classification if the project is not completed per §144-67 of the Town Code.
4. The proposed project is in compliance with the Town's long range comprehensive plan.
5. The applicant has demonstrated a need for the project.
6. 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.
7. The applicant has demonstrated an orderly flow of traffic ingress and egress.
8. The applicant has provided suitable parking facilities.
9. Landscaping as indicated on the proposed plan will provide adequate screening.
10. Fee areas for recreation are not required.
11. The nearness and impact on schools and utilities is not an issue.
12. The health and safety of adjacent properties is not effected.
13. A fire inspection must be conducted prior to any change through the Building Inspector's office.

The resolution was unanimously adopted.

Public Hearing

2013 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 2013 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 to be done 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.

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 12% of the taxes received, stay in the Town for Town services, 20% goes to Erie County, 68% goes back to the School District.

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.

Kathy Gorkiewicz – She stated that a few years ago, there was the suggestion of elimination of stipends in the budget. She questioned where the stipend money was coming from as the Town Account stated it was a tight budget. She stated that there should not be any reason to pay an extra stipend if an elected or appointed official can reasonably perform a particular task and suggested ending the stipends. Ms. Gorkiewicz commented on the making full-time Fire Inspector position a part-time one in the proposed budget. She stated that with the amount of inspections required, there is no benefit of cutting this essential mandated public safety position. She questioned putting three people into the retirement system.

Dave Schuster – He is disheartened by the use of stipends in the budget, as it difficult for the public to follow the compensation packages. He cited the Recreation Director and Supervisor's increased stipends. He suggested that instead of stipends, when a job scope changes, the Town should amend the job description and adjust the salary to reflect the change. He also voiced his concern in reducing the Fire Inspector to part-time. He stated the Town should have more public safety protection and less recreation staff.

Bob Eiskant – He is Chairman of the Board of the Orchard Park Fire District. He stated that in the budget, the Town is paying \$3,000.00 for HAZMAT services as well as the Fire District, which is also paying \$3,000.00. This service could be free of charge through Erie County, saving a combined total of \$6,000.00. The Board of Fire Commissioners asked to keep the Fire Inspector position full-time.

Chris Couell – He works for the Erie County Emergency Services Unit and has been an Orchard Park Volunteer Firefighter for the last 30 years. He stated that he thinks the Town Board is making a mistake and should rethink the action of cutting the Fire Inspector job to part-time. He feels that this would jeopardize the safety of first responders and the lives and property of our citizens.

Karen Bosley – She stated that in the proposed budget, full-time and part-time employees have been hired, as well as stipends and raises, so why is there a need to make the Fire Inspector part-time when it is such an important job. The Fire Inspector is required by state mandates to perform inspections of private schools, restaurants, senior housing and day care centers, apartment complexes, commercial and retail properties. Fire inspections of new build homes only constitutes a small percentage of the workload, which is the basis of the Town Board's reason for making this a part-time position. She stated that a vigorous Fire Safety Inspection program is vital to the safety of the community and the position of Fire Inspector should be reinstated to a full-time position.

Nicholas Taneff – He is in favor of a full-time Fire Inspector and the enforcement of Town codes. He encouraged the Town Board to take another look at this position and continue to move the Town forward with the strides the Building Inspector's Department has made.

Robert Mueller – Mr. Mueller is the Labor Relations Specialist for the Civil Service Employees Association Representative for the Blue Collar and White Collar Unions. He questioned the Town Board if they thought it is responsible and appropriate for the Supervisor and other Elected and Department Heads to receive increased stipends while cutting the full-time position of the Fire Inspector. He also

questioned if the Fire Inspector is made part-time, would it be realistic that he could complete the required State mandates and what would the consequences be to the Town if these mandates are not fulfilled. He stated that CSEA has filed an improper labor practice charge with the New York State Public Employment Relations Board, as it is the contention this action of this Town Board is in retaliation of Mr. Jensen's activities as the CSEA Union President. The best way to prove CSEA wrong, is to reinstate Mr. Jensen to a full-time position and the charges would be withdrawn.

David McGill – He stated that there is abuse by some employees who “take home” vehicles in the Town, which should be eliminated before someone's full-time job is.

The resolution was unanimously adopted.

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

RESOLVED, that the Public Hearing for the 2013 Preliminary Ad Valorem and Benefit Basis Budgets, is closed at 7:45 pm.

The resolution was unanimously adopted.

Supervisor Colarusso responded to the question Ms. Gorkiewicz had about adding three people to the retirement system. She explained it was a statement required by New York State to validate their service time only. She stated that the most difficult part in balancing the budget is the union contracts.

Councilmember Kaczor stated that for clarification, there is not a Fire Inspector civil service position in the Town. The Building Inspector's office has two Code Enforcement Officers with the same responsibilities. Next year the Town Board will be reviewing the departments and there may be more layoffs. There needs to be cooperation with the Town Board and the employees.

Councilmember Majchrzak stated the Town Board never wanted to get rid of public safety as noted with the new dispatch. He stated that they did their research before the decision was made to make the Code Enforcement position part-time.

New Business #1 Village request to use Town property for the “Holiday in the Park” Celebration

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 approve the request of the Village of Orchard Park to use Town property, east of the Railroad Depot, for the Annual “Holiday in the Park” Celebration scheduled for Saturday, December 1, 2011 through January 7, 2012, from 4 pm to 7 pm, to display the decorated trees. A Certificate of Liability has been submitted.

The resolution was unanimously adopted.

New Business #2 Enforce Various Unpaid Accounts for Town Services

6) 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 in accordance with New York State Town Law, §198, opt to enforce various unpaid accounts for water, sewer, refuse and other unpaid Town services, by placing a lien upon the real property for which such services were provided, and be it further

RESOLVED, that in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated against the applicable properties as provided for on the Town Assessor's master computer assessment role file, which is also hereby being delivered by the Assessor with this letter of authorization.

• Total Unpaid Water – EC & OP	\$ 3,460.91
• Total Unpaid Sewer	
• Total Unpaid Refuse – Pro rated garbage	\$ 1,078.50
• Total Agric Penalty	
• Total Other Charges – Lot clearing	\$ 1,247.50
• Total Omitted Taxes	
Total	\$ 5,786.91

The resolution was unanimously adopted.

New Business #3 Award Bid For Police Uniform Replacement Parts

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

RESOLVED, Town Board does hereby award the bid for the "Police Uniform Replacement Parts" to Sewing Technology Uniform Co., Inc, 691 Seneca Street, Buffalo, NY 14210, the lowest responsible bidder in the amount of \$923.70, the bid will run until October 1, 2013, as recommended by the Chief of Police Andrew Benz.

The resolution was unanimously adopted.

New Business #4 Town Board to Cancel Town Board Meeting Due to Thanksgiving Holiday

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

RESOLVED, Town Board does hereby authorize the cancellation of the Wednesday, November 21, 2012, Town Board Meeting, due to the Thanksgiving Holiday, and to authorize the Town Clerk to put due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #5 Establish Standard Work Days for Elected & Appt. Officials for NYS Retirement

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

RESOLVED, Town Board does hereby add Remy C. Orffeo, Planning Coordinator, John C. Bailey, Town Attorney and Joseph C. Liberti, Zoning Board Chairman 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 #6 Approve Holly Jolly 5K Run

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

RESOLVED, Town Board does hereby approve the Holly Jolly 5K Run on December 1, 2012. The run will begin at noon from the Orchard Fresh parking lot and proceed west on New Taylor Rd looping back on New Taylor ending in the Runners Roost parking lot. Race director, Eclipse Multi Sport, has met and agreed to all requirements as stated in the special events permission process which include police assistance, certification of insurance, road blocks and a FYI flyer drop one week prior to the race in the two affected neighborhoods located off New Taylor Rd.

The resolution was unanimously adopted.

New Business #7 Appointments to the Recreation Department

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 hereby make the following Fall, Winter, Spring Seasonal part time Staff Appointments

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
David Buczek	680 Indian Church Rd	\$8.50	PT1-E (Aide)

Note: The above appointment is dependent upon the applicant providing the required certifications.

The resolution was unanimously adopted.

New Business #8 Approve Final Change Order & Authorize Final Payment

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

WHEREAS, construction work on the Orchard Park Senior Center Exterior Improvements Project has been completed. A final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications and,

WHEREAS, the Engineering Department is requesting approval of a final change order to the Orchard Park Senior Center Exterior Improvements Project in the amount of \$247.08. The Change Order is requested to perform additional work - new weather stripping and a specialty door threshold. These two items were not anticipated and the original contract with Metro Development did not cover this work. The existing weather stripping could not be used again and some pieces were damaged / missing. The standard threshold was installed as planned and did not seal the door properly. The standard threshold would have resulted in major heat losses and increased utility bills and,

WHEREAS, the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents have been submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Final Change Order and authorize the Final Payment to Metro Development of WNY, LLC 54 Bank Street, Orchard Park, New York 14127 for the Orchard Park Senior Center Exterior Improvements Project in the amount of \$247.08, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Approve Public Improvement Permit

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

WHEREAS, the Town has received from Andrew Romanowski, Alliance Homes, Inc., 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the Riley Meadows Subdivision Phase 1 and;

WHEREAS, the project consists of the installation of 1,775 L.F. of new roadway and public utilities to serve 23 residential sublots as shown on the attached location map. Two stormwater treatment units and a detention basin with recreational trail system will be installed during Riley Meadows Subdivision Phase 1 construction and;

WHEREAS, Engineering reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards, and the Town is in receipt of all necessary fees, bond, and insurances

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2012-03 for the Riley Meadows Subdivision Phase 1, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Agreement for Design Professional Services for Waterline Replacement Project

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

WHEREAS, the Chestnut Ridge Road and Duerr Road Waterline Replacement Project is to be completed in 2013, and the use of a consultant for design and inspection would be necessary with current work load of the Engineering Department. Per the work session, although the number of water breaks are low, to take advantage of economy of scale for design and construction the remaining older section of Chestnut Ridge Road waterline was included in the scope of work for design and phased for construction depending on bid results and,

WHEREAS, the Town of Orchard Park received a qualifications submittal from Wm. Schutt Associates. Engineering has met with representatives of the firm to review contract language, refine a scope of services and negotiated an appropriate fee structure. The proposed scope of services and agreement with Wm. Schutt Associates is satisfactory and will accomplish the goals of the project as set forth by the Town. The work has been organized into two major work elements Basic Design Services and Construction Administration, which includes survey, design, construction general services phase and record drawings phase with an estimated total cost in the range of \$32,500 and Residential Construction Inspection if needed, this would be at a standard hourly rate plus all expenses with a 1.1 multiplier.

Construction inspection costs are estimated at an additional \$25,000 and could be added in the future as needed and,

WHEREAS, the scope of services, as set forth by the Town, consists of completion of full design plans, meetings with involved agencies, preparation of specifications and bid documents, assistance in preparing budgets, bid solicitation, clarification of design principles, preparation of presentations and providing copies of plans and specifications for the bid process, review of incoming bids, preparation of a bid tab and recommendation, attendance at job meetings, review of submittals and completion of a final punch list at construction completion, and

WHEREAS, there is presently approximately \$232,940 plus interest allocated under Capital Project H-48, District Wide Water Improvements, plus the Town has included \$1,310,000 in the 2012 bond for Town Wide Waterline projects.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Wm. Schutt Associates, 37 Central Avenue, Lancaster, New York 14086, to provide Design Professional Services for the Chestnut Ridge Road and Duerr Road Waterline Replacement Project in an amount not to exceed \$32,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Authorize Attendance at the NY Professional Land Surveying Law Conference

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

WHEREAS, the Engineering Department is required to use, implement, and maintain the Township Survey Bench System of monuments, review and approve right-of-way and easement maps and descriptions, completed surveys for reconstruction work and Town of Orchard Park Property transfers by this Department's Licensed Surveyor, Kenneth W. Partridge and,

WHEREAS, HalfMoon Education, Inc. is presenting a one-day workshop on November 7, 2012 at the Crown Plaza in White Plains, New York at a cost of \$259.00. The course agenda includes the New York Land Surveyor Licensing Law, Boundary Law and Order of Precedence, Understanding and Complying with the Surveyor's Right-of-Entry in New York, Law of Land Surveying Malpractice, Intellectual Property Rights for Surveyors and Principles of Riparian Boundary Location, and,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Kenneth W. Partridge, LS of the Engineering Department to attend the New York Professional Land Surveying Law Workshop on November 7, 2012 at Crown Plaza in White Plains, New York in an amount not to exceed \$300.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Appoint Part-Time Staff

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

WHEREAS, funds have been allocated in the 2012 budget for two seasonal employees in the Sewer, Lighting & Water Department and,

WHEREAS, Michael Cavanagh worked as summer help this past season and has proven to be a dedicated and dependable employee. Michael is currently attending Hilbert College and will attend again this fall as a Senior for his BS in Forensic Science. Michael has agreed to continue working part time while attending school until November 21, 2012.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Mr. Michael Cavanagh, 1589 East Quaker Street, Orchard Park, New York 14127, to a six (6) week seasonal position in the Sewer, Lighting & Water Department in addition to his previous approved time period at a wage rate of \$8.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #13 Authorize Purchase of Large Plotter, Scanner & Copier

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

WHEREAS, the Engineering Department has a Rikoh FW750 wide format copier (year 2000) and a HP Design-jet 800PS color plotter (year 2005). The Rikoh copier is past the designed life expectancy and parts are no longer available for repairs. The HP plotter is also quickly approaching life expectancy. These two machines are dated and utilize old technology, a new machine will complete these 2 tasks quicker and with higher quality, it will also scan full size prints so the Town of Orchard Park Departments can start digitizing drawings and archiving old drawings that are becoming brittle and damaged and,

WHEREAS, the Engineering Department has worked with Paul Warriner and we are proposing to purchase a new Hewlett Packard T2300 wide format copier/scanner/plotter. The T2300 is more than capable of replacing both machines, while improving engineering abilities to produce new work and archive past work electronically. The purchase of the T2300 would also require the purchase of a 3 year (next business day) warranty and a design-jet install.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the purchase of a Hewlett Packard T2300, 3 year warranty and the installation under state bid contract for the amount of \$10,484.73 from CDW-G, 230 N. Milwaukee Avenue, Vernon Hills, Illinois 60061 from the H67 Account, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Authorize Release of Escrow for Pleasant Acres West Part 1 -PIP 2010-01

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

WHEREAS, on November 2, 2011, the Town Board accepted dedication of the public improvements constructed in the Pleasant Acres West subdivision with the stipulation that funds paid by the Contractor be held in escrow until the following was completed:

- Provide confirmatory surveys and associated survey data for all required survey monuments (16 property and 1 "GPS" monuments) \$1,500

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Anastasi Trucking & Paving Co., 4430 Walden Avenue, Lancaster, New York 14030 the \$1,500 held in escrow for confirmatory surveys and associated survey data for all required survey monuments (16 property and 1 "GPS" monuments) in the Pleasant Acres West Subdivision Part 1., PIP #2010-01, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Authorize a Certified Resolution for CDBG projects and a Budget Transfer

19) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER, 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.

WHEREAS, per Wayne Drescher, the H49 Senior Center Building Repairs capital account and H54 Various Drainage Projects (Draudt Road Drainage) capital accounts need additional funding transferred from the H27 General Reserve account to cover the proposed costs match. Senior Center Building Repairs H49 currently has \$7,931.80 in place and needs \$21,310.00 to cover the \$29,236.50 match (Prel. total cost = \$58,473.00). The project will also include in-kind services by Town forces, which could lower the actual cost match amount and includes the existing repair project payment and close out currently being processed. Various Drainage Projects H54 (Draudt Road Drainage) currently has \$35,049.66 in place and needs \$28,550.00 to cover the \$63,591.90 match (Total cost = \$127,183.80). This project will also include in-kind services by Town forces which could lower the actual 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 following transfers and authorize the Town Clerk to send a certified resolution to Erie County Department of Planning for 2013-2014 CDBG Grant Application:

- Transfer \$21,310.00 from H27 General Reserve to H49 Senior Center Building Repairs.
- Transfer \$28,550.00 from H27 General Reserve to H54 Various Drainage Projects (Draudt Road Drainage)

The resolution was unanimously adopted.

Refer to the Planning & Conservation Boards

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

1. Automated Machine Technologies is seeking a Building Permit & Site Plan approval to construct an 8,000 sq. ft. building upon Vacant Land, located on the west side of California Road, north of Southwestern Boulevard, zoned I-1. (SBL# 161.05-4-1.21)
2. Fox Run, One Fox Run Lane, located on the south side of Route 20A, east side of California Road, Zoned B-2, is requesting a discussion regarding the access road onto California Road.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dave Schuster – He stated that Quaker Splash didn't live up to the financial expectations for the Town.

Jacqueline Briggs – She reported that the pool room at the Senior Center was painted by Albert Giovaninucci, Douglas Freeman, Donald Denzel, Mike Sacco, Dennis Stoberl and Jerry Drusbik who should be commended. The Town provided the paint. She stated the Senior Council of Orchard Park held a "Meet the Candidates" event and it was very successful. Ms. Briggs stated that they have posted a plaque for those who have donated over \$100.

Peggy Errington – She is the Director of the Orchard Park Library. She wanted to report that the Library renovations are complete and to thank the Highway Superintendent Piasecki and the Highway Department for the landscaping and the Town Engineer Bieler and the Engineering Department for the lighting of the flagpole and the *Friends of the Library* for underwriting part of the project. She also wanted to thank the residents in the community for their support of all the fundraisers that the Library has held.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the following budget transfers:

Highway

\$2,850.00	From: A7110.027 Tennis Courts
	To: A5132.0423 Hwy Garage Water
\$150.00	From : A7110.0217 Tennis Courts

	To: A7110.0419 Parks Other Expense
\$2,000.00	From: A7110.0217 Tennis Courts
	To: A7110.0477 Parks Contracted Mowing
\$2,400.00	From: DA5110.0474 Highway Culvert Pipe
	To: DA5110.0407 Highway Clothing Allow
\$7,500.00	From: DA5110.0474 Highway Culvert Pipe
	To: DA5130.0200 Machinery Hwy Equipment

The resolution was unanimously adopted.

Supervisor Colarusso – stated that she attended the *Friends of the Library* 30th year Anniversary celebration. She thanked all involved in the landscaping.

22) 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 name Daniel P. Murphy, P.E. of 34 Winterhall Road, Orchard Park to the Historic Preservation Committee. Term expiration date is 10/2017.

The resolution was unanimously adopted.

Councilmember Kaczor stated that there are two openings for the Historic Preservation Board.

Councilmember Majchrzak stated that the Quaker Splash was not purchased with taxpayers' money.

Police Chief Andrew Benz – He reminded the residents that as of November 1, 2012 the overnight snowplowing ordinance is now in effect limiting street parking between certain hours. He also stated that it would be appreciated if residents would not put the leaves in the road for collection, as it is difficult to traverse the highways and could be potentially dangerous.

Highway Superintendent Fred Piasecki stated that the Highway Department is continuing to pick up leaves.

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

RESOLVED that the Town Board does hereby authorize the approval of all entries on Warrant #21 & 22 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$54,400.04
Public Safety Fund	\$52,318.31
Part Town Fund	\$1,441.52
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$32,599.31
Special Districts	\$177,531.04
Trust & Agency	\$6,437.18
Capital Fund	\$66,020.74

The resolution was unanimously adopted.

24) 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 Communications and Reports:

Communications:

- Per NYS Agriculture & Markets Law Section 303-b, the Erie County Legislature designated November 1 through November 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district. Applications are available on the DEP website at www.erie.gov/environment.
- The Home Energy Assistance Program (HEAP) officially begins the 2012-13 season on November 19th 2012. Applications will be available on 11/19/12, please contact francep@erie.gov

Reports:

- Building Inspector's Monthly Report for the Monthly of October, 2012

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting was adjourned at 8:24 PM (local time).

Respectfully Submitted,

Carol R. Hutton
Town Clerk