

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 5th day of December, 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
	Carol Hutton	Town Clerk
	John C. Bailey	Town Attorney
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Joe Wehrfritz	Police Lieutenant
ABSENT:	Eugene Majchrzak	Councilmember
	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 SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on November 7, 2012, & the Executive/Special Session Meeting Minutes of November 7 & 14, 2012 and the Special Session Meeting Minutes of November 14 & 28, 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.

Old Business #1 Town Board to Schedule a Public Hearing

2) 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 authorize to schedule a Public Hearing on Wednesday, January 16, 2013 at 7:00 PM in the matter of an amendment to the Zoning Ordinance to rezone "Orchard Heights Care Community", 5200 Chestnut Ridge Road, 16.13 +/- acres, west side of Chestnut Ridge Road, Zoned R-2 to R-3 with (SR) Senior Residential Designation, as requested by the Hamister Group.

The resolution was unanimously adopted.

Notice of Action – At November 14, 2012 Special Town Board Meeting for Harvest Hill Golf Course

The following resolution was offered by Councilmember Kaczor, seconded by Supervisor Colarusso and adopted at a Special Town Board Meeting on November 14, 2012

RESOLVED, that the Town Board does hereby authorize the Site Plan Approval and a Building Permit to construct a Pavilion, Barn, Club House, Starters Shed and additional Bathroom Facility for Harvest Hill Golf Course, 3052 Old Transit Road, located on the west side of Old Transit Road, north of Michael Road, per the plan received on 10/26/12, as recommended by the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted SEQR Action, which was determined by the Orchard Park Town Board on 7/19/12, based on the Full EAF Parts 1,2, and 3 and a Negative Declaration was declared.
2. The property was rezoned from R-2 and R-3, to R-2 and R-3 Special Exception Use (Golf Course) by the Orchard Park Town Board on 5/5/99.
3. 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.
4. No outside storage or display is permitted.
5. The Landscape Plan, received 10/26/12, includes 10.1% total Interior Green Space and 62.8% Total Green Space. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$91,102.00 Landscaping Estimate Value shall be deposited with the Town Clerk prior to receiving a Building Permit.
6. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
7. The golf course shall be a public golf course.
8. Town Engineering Approval was granted.

New Business #1 Authorize Attendance to NYS GFOA Seminar

3) 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 Donna Shine, Sr. Payroll Manager & Karen Barnas, Sr. Bookkeeper to attend a one day seminar presented by the NYS GFOA on Thursday, December 6, 2012 at the Locust Hill Country Club, Pittsford, NY. The cost of registration is \$110.00 for both. The topics to be covered are the State Retirement System Update and the Evolving World of Public Sector Cash Management.

The resolution was unanimously adopted.

New Business #2 Appointments to the Recreation Department

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

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Tiffany Dingeldey	6830Canterbury Ct	\$8.50	PT1-E (Aide)
Johanna Fogle	18 Chisholm Trail	\$8.50	PT1-E (Aide)
Emily Gartenman	9 Lakewood Dr	\$8.50	PT1-E (Aide)
Rian Lehman	5162 Ellicott Rd	\$15.00	PT6-D (Aide)

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

The resolution was unanimously adopted.

New Business #3 Orchard Park Tri-Board to Hold Meeting

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

RESOLVED, that the Orchard Park Tri-Board (Town, Village & School) will hold a meeting on Thursday, January 17, 2013 at 7:00 pm in the basement of the Municipal Building to discuss the release of the 2012 Search Institute Survey Results being presented by the Orchard Park Community Youth Council. This is an open meeting and the entire Orchard Park Community is invited. The Town Board authorizes the Town Clerk to publish due notice of this meeting in the Orchard Park Bee and the Pennysaver.

The resolution was unanimously adopted.

New Business #4 Town Board to Cancel Town Board Work Session Due to Christmas Holiday

6) 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 cancel the Work Session for Wednesday, December 26, 2012, due to the Christmas 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 Award Bid OPPD Dispatch Floor

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

WHEREAS, bids were solicited for Orchard Park Police Dispatch Floor Replacement during November 2012. The project scope of work is to replace the worn and damaged floor in the dispatch area and the adjacent hallway. Three contractors were contacted for bids: they are Custom Carpet Center, Hamburg Floorcovering and Distinctive Tile.

Custom Carpet Center	\$ 8,180.00
Hamburg Floorcovering	\$ 8,592.26
Distinctive Tile	\$10,400.00

WHEREAS, the low bidder for this project is Custom Carpet Center at a cost of \$8,180.00. The Dispatch Floor Replacement Project will use funds from the maintenance A1620.0446 Buildings Construction, Repair and Maintenance budget line.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the 2012 Orchard Park Police Dispatch Floor Replacement Project to Custom Carpet Center, 2847 Southwestern Boulevard, Orchard Park, NY 14127 in the amount of \$8,180.00, as recommended by Robert Benning, Maintenance Department.

The resolution was unanimously adopted.

New Business #6 Approve Change Order #1 for Forest Drive Bridge Project

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

WHEREAS, per the November 28, 2012 Town of Orchard Park Town Board work session, as requested Greenman-Pedersen Inc. has submitted a change order of preliminary designs that will lower the approach to the bridge on the east side of the Bridge and,

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the contract with Greenman-Pedersen, Inc. for the Forest Drive Bridge Replacement Project in the amount of \$10,000.00. If approved, this would increase the total contract amount to \$207,995.00, representing an increase of 5.05% and,

WHEREAS, the Change Order requested is to perform additional work under the original contract to reduce the approach construction work for the bridge as requested by the Town Board and meet NYSDOT/federal grant requirements. The additional work involves adding four vertical curves meeting AASHTO standards for vertical curvature as related to sight distances, preliminary re-design the length of roadway, re-define project termination, re-establish road cross-sectional elements including grading limits, drainage and guiderail features and,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to our original contract with Greenman-Pedersen, Inc. for the Forest Drive Bridge Replacement Project in the amount of an increase not to exceed \$10,000.00, as recommended by Wayne Bieler, Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize Release of Escrow for PIP #2012-01, Holly Ridge Estates

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

WHEREAS, on September 19, 2012, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the Developer be held in escrow (\$6,000) until re-seeding and mulching of 12.35-acres of disturbed field areas was completed with an acceptable stand of grass present and,

WHEREAS, the Contractor has since completed the required re-seeding and mulching in the disturbed field areas and the grass has grown in properly for erosion control. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize the Town Clerk to release to DJC Land, Inc., 2635 Millersport Highway, Getzville, New York 14068 the \$6,000 held in escrow for re-seeding and mulching in 12.35-acres of disturbed field areas in the Holly Ridge Estates Subdivision, PIP #2012-01, as recommended by Wayne Bieler, Town Engineer.

The resolution was unanimously adopted.

New Business #8 Approve Purchase of Underground Utility

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

WHEREAS, utility locating is the process of identifying and labeling public utility mains that are underground. These mains may include lines for wastewater, water, natural gas, cable television, and streetlights and,

WHEREAS, Dig Safely New York is the State underground service alert system that allows construction companies, homeowners, and municipalities to notify utility owners that they will be digging in an area and any underground services must be identified and marked on the surface with a depth and location. Currently the Sewer, Water, and Lighting Department (SWLD) is responsible for marking the sewer and decorative street light wiring whenever they are notified by Dig Safely. This is done by using maps to locate these utilities although they often lack the pinpoint precision needed to mark the locations and if the marking is not within the 2 ft., the contractor is not responsible if damage occurs. This locating equipment will allow the SWLD to precisely locate the utilities while providing not only location but also a better depth. Funds have been budgeted in the Street Lighting Special District account #700.5182.000.203 and,

WHEREAS, the SWL Department's Vivax CCTV camera, which has located many obstructions, and structurally deficient sections of sewer line that needed replacement is equipped with a sonde, and when used with the underground locating equipment, the crew will be able to determine exact locations and depth of the sewer line before excavation begins. This will save time and money with less damage to Town utilities and less dig time. I am recommending that the Town purchase a Vivax vLOCPro2 from POW-R Mole for \$3,528.00, which includes a vLoc PRO 2 receiver, passive RX frequencies – power radio 60 Hz 45 choices conductive from 60 Hz to 200 Hz, 5 watt transmitter with 33K & 5K induction, receiver bag, transmitter bag & 5" signal clamp, RX Lithium ION rechargeable battery, TX alkaline batteries. The equipment from Vivax has proved to be reliable and the company has been excellent with technical support. This device will allow the department to quickly find and mark different sites, improve efficiency, and lessen the chance of making a mistake in the field.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approve the purchase of a Vivax vLOC Pro 2 in an amount not to exceed \$3,528.00 from Pow-R Mole as included with the budget, as recommended by Wayne Bieler, Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize to Advertise for Sealed Bids for Baker Rd. reconstruction

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

WHEREAS, the Orchard Park Engineering Department is in the final stages of preparing design plans, specifications, maps, and is coordinating utility relocations for the Baker Road Reconstruction between Milestrip Road and Michael Road and,

WHEREAS, the Highway Department or Water, Sewer and Lighting Department do not have the manpower for reconstructing this length of road, along with the replacement of watermain, the relocation of one sanitary manhole and 600 LF of sanitary sewer line. The cost is estimated above \$35,000.00. Therefore,

the construction work must be completed through the formal bidding process. Construction Plans and Bid Documents will be available on January 24, 2013 at the Town Clerks office and,

WHEREAS, it is expected that construction can start, as weather permits, likely beginning in March, with completion date of September 3, 2013.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for Baker Road Reconstruction between Milestrip Road and Michael Road at 2:00 P.M. on February 14, 2013 in the Supervisor’s Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski – He wanted to acknowledge Highway Superintendent Fred Piasecki and the Highway Department, as well as the response from the Supervisor’s office, for the fine job in collection of the leaves and the impending snow removal.

Tom Huebert – He had concerns about snow plow drivers. He stated that potentially dangerous situations could occur from the snow being plowed into the streets. He stated that he has contacted the Police, Town Board members and gone to a safety meeting without any response to his request. He stated that this is his last attempt to resolve the snow problems created by snow plow drivers.

David Schuster – He spoke about reinstating Fire Inspector, Dave Jensen to full-time and voting “no” on WalMart.

Christine Weyer – She thanked Highway Superintendent Fred Piasecki and the Highway Department for the leaf collection and snow plowing. She commented on the Town Board passing their pay increase, while the Highway Department doesn’t have a contract and these “unskilled laborers” deliver wonderful services and deserve to have their union contract passed soon.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

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

Town Justice:

\$200.00 From: PS.1110.0420 Town Justice – Law Books
To: PS.1110.0419 Town Justice – Other Expenses

Compost:

\$1,000.00 From: 800.8161.0111 Compost crew Chief
To: 800.8161.0149 Compost PT Personnel

\$4,000.00 From: 800.8161.0250 Compost Equipment
To: 800.8161.0443 Compost Equipment Maintenance

Recreation:

\$1600.00 From: A7020 201 Playground Equipment
To: A7020 433 Special Events

\$750.00 From: A7020 421 Electric
From: A7020 422 Gas
To: A7020 420 Telephone

13) 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 announce that the 2013 Organizational Meeting will be held on Wednesday, January 2, 2013 at 6:00 pm and the first regular Town Board Meeting will begin at 7:00 pm.

The resolution was unanimously adopted.

Supervisor Colarusso – She asked Lt. Wehrfritz to check into the snowplowing request and what can be done to help resolve this issue.

Councilmember Kaczor – He stated that the “unskilled laborers” was not meant as derogatory, but rather as a comparison by the accountants regarding the budget.

Highway Superintendent Fred Piasecki – He thanked the residents for their compliments to the Highway Department.

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 approval of all entries on Warrants #22 & #23 following auditing by members of the Town Board and in the funds indicated:

General Fund War #23	\$404,870.72
War #22	\$11,296.85
Public Safety Fd War #23	\$749,702.20
War #22	\$3,587.72
Part Town Fd War #23	\$52,317.98
War #22	\$447.40
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund War #23	\$307,167.80
War #22	\$2,027.02
Special Districts War #23	\$201,389.12
War #22	\$4,873.72
Trust & Agency War #23	\$8,140.18
War #22	\$419.20
Capital Fund War #23	\$39,646.45

The resolution was unanimously adopted.

15) 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 receive and file the following Reports:

- Chief of Police Monthly Report for Month of September, 2012
- Building Inspector's Monthly Report for Month of November, 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 7:39 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk