

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 2nd day of January, 2013 at 6:30 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 SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on December 19, 2012 and the Executive/Special Session Meetings held on December 5 & 19, 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.

Councilmember Majchrzak announced that Chief of Police Andrew Benz will be retiring on January 4, 2013 after serving nearly twenty five years in the Orchard Park Police Department. Lt. Mark Pacholec will be appointed as Chief of Police (Provisional) until the Civil Service Police Chief exam is held. Lt. Pacholec began working in the Police Department February 1997.

New Business #1 Part-Time Appointment to the Maintenance Department

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

WHEREAS, there has been a loss of part-time cleaners in the Maintenance Department, and

WHEREAS, Robert Benning and Supervisor Colarusso have interviewed Adam McNeight and found him to be highly qualified for the position.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Adam McNeight to part-time maintenance cleaner at a rate of \$10.00 per hour 10-15 hours a week, as recommended by Robert Benning, Maintenance Department.

The resolution was unanimously adopted.

New Business #2 Reclassify Position of Deputy Highway Superintendent

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

WHEREAS, the Town Board has reviewed the various duties and responsibilities of the Town’s Deputy Highway Superintendent, and

WHEREAS, the Town Board believes these duties and responsibilities make such position more appropriately classified as that of a salaried position, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby reclassify the position of Deputy Highway Superintendent from that of an hourly employee to that of a salaried employee.

The resolution was unanimously adopted.

New Business #3 Approve the Reappointment of Town Assessor

Item tabled.

New Business #4 Promotion of “Assistant Maintenance Worker” to “Maintenance Worker”

4) 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 promote Mr. Robert Benning from the title of “Assistant Maintenance Worker” to “Maintenance Worker” which is included in the CSEA White Collar contract as Step 9, “1st Yr”. This promotion shall be effective as of January 1, 2013, with a probation period of one (1) year.

The resolution was unanimously adopted.

New Business #5 Appointments to the 2013 Rec. Dept. Winter/Spring Seasonal Staff

5) 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> (Retro Active 12/16/12)	<u>Address</u>	<u>Rate</u>	<u>Position (Title*)</u>
Melanie Janesz	22 St. Clair St.	\$10.50	PT3-C Aide
Margaret Klee	29 Cherry Tree Ln.	\$ 9.50	PT2-D LG

<u>Name</u>	<u>Address</u>	<u>Old Rate</u>	<u>New Rate</u>	<u>Position (Title*)</u>
Ryan Lehman	5162 Ellicott Rd.	\$15.00 (PT6-D)	\$10.50	PT3-C Aide

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

The resolution was unanimously adopted.

New Business #6 Town Board to Schedule a Public Hearing

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 authorize to schedule a Public Hearing on Wednesday, January 16, 2013 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, in regard to a Proposed Local Law for the Year 2013, for the Amendments to Chapter 120-5.1: Snow Plow Ordinance. The Local Law is available for review during regular business hours at the Town Clerk's office.

The resolution was unanimously adopted.

New Business #7 Town Board to Support Legislation from Erie Co. to enact "Phoenix's Law"

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

WHEREAS, there are many pet and animal lovers throughout the Town of Orchard Park, Erie County and Western New York, and

WHEREAS, there have been numerous cases of animal abuse throughout Erie County and Western New York, and

WHEREAS, New York State has the authority to toughen penalties for people who abuse and torture animals, and

WHEREAS, Erie County Legislator McCracken has sponsored legislation in the Erie County Legislature encouraging the New York State Legislature to enact "Phoenix's Law" aimed at stiffening penalties for those who torture and abuse animals.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby support the Erie County Legislature in urging the New York State Legislature to enact "Phoenix's Law" and be it further

RESOLVED, that the Town Clerk of the Town of Orchard Park is hereby directed to send copies of this resolution to the Erie County Legislature, New York State Senator Patrick Gallivan, and New York State Assembly.

The resolution was unanimously adopted.

Refer to Planning Board and Conservation Board

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

RESOLVED, that the Town Board does hereby refer to the Planning Board and the Conservation Board the following item:

1. Ellicott Development Company request to re-develop the Savilles property, 3900 North Buffalo Road, located on the west side of North Buffalo Road, south of Webster Road, 50± acres, Zoned B1and R2. (SBL#/s 161.16-1-1,1-2,1-3.1, 1-5.2 & 161.00-3-19)

The resolution was unanimously adopted.

General Fund	\$70,578.52
Public Safety Fund	\$19,123.59
Part Town Fund	\$1,842.50
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$17,582.88
Special Districts	\$119,035.01
Trust & Agency	\$2,425.00
Capital Fund	\$15,367.00

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting was adjourned at 7:53 PM (local time).

Immediately following the 1st Town Board Regular Meeting at 6:55 PM, A Special Session Meeting was called for by Councilman Kaczor, seconded by Supervisor Colarusso to appoint Lt. Mark Pacholec as Police Chief (Provisional)

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

RESOLVED, that the Town Board is hereby authorized to appoint Lt. Mark Pacholec to the position of Police Chief (Provisional), effective January 4, 2013.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso seconded by Councilmember Kaczor, to wit: the meeting adjourned at 7:00 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk