

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 6th day of January at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Janis Colarusso	Supervisor
	Nancy Ackerman	Councilwoman
	David Kaczor	Councilman
	Edward Graber	Councilman
	Eugene Majchrzak	Councilman
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Andrew Benz	Chief of Police-arrived 7:45pm
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

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 KACZOR, TO WIT:

RESOLVED, that the two Executive Session meetings held on December 16, 2009, 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 as previously received copies thereof.

The resolution was unanimously adopted.

Old Business #1 Award Bid for the "Four (4) New 2010 Marked Police Patrol Vehicles" for OPPD

2) 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 award the bid for the "Four (4) New 2010 Marked Police Patrol Vehicles" to DeLacy Ford, the lowest responsible bidder, for \$66,408.00, as recommended by Town Attorney Leonard Berkowitz..

The resolution was unanimously adopted.

New Business #1 Approve request of Building Inspector and his employees to attend Conference

3) 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 Building Inspector Geist and his staff, David Jensen and Merrill Porter, to attend the 2010 Niagara Frontier Building Officials Conference to be held January 25, 26, and 27, 2010 at the Millennium Hotel on Walden Avenue. This is a budgeted item, therefore, the costs are covered.

The resolution was unanimously adopted.

New Business #2 Accept the Resignation of Eugene Majchrzak from the Planning Board

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

RESOLVED, that Eugene Majchrzak does hereby resign the position of Planning Board member, effective January 1, 2010.

The resolution was unanimously adopted.

New Business #3 Approve Appointments of the 2010 Winter/Spring Part-time Recreation Staff

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

RESOLVED, that the Town Board does hereby approve the appointments of the following applicants as requested by Recreation Director Leak, dependent upon the applicants providing the required certifications:

Name	Address	Rate	Position
Robert S. Taylor Jr.	Buffalo	\$9.50	PT2-D (Att.)
Joyce Neely	Lancaster	\$10.50	PT3-C (LG)
Brian Benz	Orchard Park	\$9.50	PT2-D (Att.)
Tressa Kennedy	Orchard Park	\$10.50	PT3-C (Att.)
Mary Schichtel	Hamburg	\$15.00	PT6-D (Att.)

The resolution was unanimously adopted.

New Business #4 Request of Village the use Municipal Center Basement to hold their Elections

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

RESOLVED, that the Town Board does hereby authorize the Orchard Park Village to use the Municipal Center Basement Conference Room for the Village Election on Tuesday, March 16, 2010, from the hours of 12:00 noon to 9:00 pm, as requested by Mayor John Wilson.

The resolution was unanimously adopted.

New Business #5, 6 & 7 Refer to the Planning Board and/or Conservation Board:

7) 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 refer the following items listed on the agenda to the Planning Board and/or Conservation Board:

- 5. **Target Store**, located at Quaker Crossing Plaza, north side of Milestrip Road and west side of Amelia Road, Zoned B-1. Applicant is seeking a Building Permit to construct an outdoor bottle recovery structure.

6. **Sahlems Roofing & Siding**, 2260 Southwestern Boulevard, located on the north side of Southwestern Boulevard, east of Angle Road, Zoned B-2. (SBL#153.07-2-1.3) Rezoning request by the Orchard Park Central School District to rezone property from B-2 to I-1 for the purpose of using the property as a school bus garage and offices.
7. **Transport National Development**, (a/k/a North American Carbide) 5720 Ellis Road, located on the north side of Ellis Road, east of California Road, Zoned I-1. (SBL#161.03-1-13.1) Applicant is requesting a Building Permit and Site Plan Approval to construct a 34 ft. x 34 ft. addition to an existing building.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Sal Cerrone – Mr. Cerrone discussed Council members pay and term limits, and he suggested roundabouts for Quaker Crossing & WalMart.

Jane Shumaker – Ms. Shumaker stated that Town residents are Supervisor Colarusso's priority now and not the Town employees, other than the fact they are residents too.

ELECTED OFFICIALS & DEPARTMENT HEADS

8) 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 following Budget Transfers:

\$ 1,605.00	From: A.3120.225 To: A.3120.443	Police Other Equipment Police Equipment Repairs
\$ 133.00	From: A.1110.200 To: A.3120.443	Justice – Equipment Justice – Other Expense
\$ 311.79	From: DA.5110.0200 To: DA.3501.0005	Highway –Permanent Improvement Highway – CHIPS Program
\$ 4,025.74	From: DA.5110.0474 To: DA.0000.2655	Highway – Culvert Pipe Highway – Sale of Culvert Pipe
\$ 390.00	From: A.3310.0442 To: A.3310.0215	Traffic – Signal Maintenance Traffic – Signs
\$ 1,562.00	From: A.5132.0422 To: A.5132.0423	Highway Garage – Gas Highway Garage – Water
\$ 581.00	From: A.5010.0210 To: A.5132.0445	Supt. Highway – Other Equipment Highway Garage – Building
\$ 1,341.00	From: A.7110.0421 To: A.7110.0402	Parks – Electric Parks – Supply
\$ 480.00	From: A.7110.0215 To: A.7110.0200	Parks – Equipment Milestrip – Field Equipment

\$ 810.00	From: A.7110.0422 To: A.7110.0423	Parks – Gas Parks – Water
\$ 390.00	From: A.7110.0425 To: A.7110.0445	Parks – Portable Bathrooms Parks – Vehicle Repair
\$ 130.00	From: A.7110.0425 To: A.7110.0446	Parks – Portable Bathrooms Parks – Small Engine Repair
\$ 2,430.00	From: A.7110.0421 To: A.7110.0448	Parks – Electric Parks – Fertilizer
\$ 820.62	From: DA.5110.0473 To: DA.5130.0419	Highway – Manhole Machinery – Others
\$ 5,171.23	From: DA.5110.0474 To: DA.5130.0419	Highway – Culvert Pipe Machinery – Others
\$12,933.78	From: DA.5140.0416 To: DA.5130.0419	Brush – Gas Machinery – Others
\$ 1,170.37	From: DA.5142.0419 To: DA.5130.0419	Snow – Other Expenses Machinery – Others
\$27,327.00	From: DA.5140.0416 To: DA.5142.0402	Brush – Gas Snow – Supplies

The resolution was unanimously adopted.

Supervisor Colarusso welcomed everyone tonight to the first meeting of the year and stated that she is very humbled and honored to be here. She stated to the Town Board members that she is eager to work with them and the residents for the betterment of Orchard Park. Supervisor Colarusso reiterated her campaign plans for 2010. She thanked previous Supervisor, Mary Travers Murphy and the Town Board members for all their work.

Councilwoman Ackerman addressed Mr. Cerrone’s question regarding tax rate history with the creation of the tax stabilization fund. Councilwoman Ackerman explained that the WalMart roundabouts are part of the Environment Form being considered and is part of the traffic study that the Town Board has asked WalMart to review.

Councilman Kaczor welcomed Councilman Majchrzak and Supervisor Colarusso and stated that he is confident that they will all work together for a successful new year.

Councilman Graber echoed the previous sentiments in welcoming Supervisor Colarusso, Councilman Majchrzak and Town Clerk, Carol Hutton.

Councilman Majchrzak thanked all the residents of Orchard Park for giving him the opportunity to serve on the Town Board and promised that he would work hard.

Town Clerk Hutton congratulated Supervisor Colarusso and Councilman Majchrzak.

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

WHEREAS, the parties hereto entered into a certain agreement regarding the Birdsong Estates subdivision dated July 17, 1997 (hereafter referred to as the "Park Agreement"), and

WHEREAS, the identity of the escrow agent set forth in Section 3.b.5. of the Park Agreement is being changed, and

WHEREAS, the parties wish to modify other terms of the Park Agreement.

NOW, THEREFORE, in consideration of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer, Birdsong Estates Homeowner's Association, Inc and the Town hereby agree as follows: The escrow agent set forth in Section 3.b.5. of the Park Agreement is now changed to be the law firm of :

Nesper, Ferber & DiGiacomo, LLP
One Towne Center, Suite 300
501 John James Audubon Parkway
Amherst, NY 14228

The resolution was unanimously adopted.

10) 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 the Highway Superintendent to advertise to receive sealed bids for one "Compost/Mulch Windrow Turner", to be opened on January 28, 2010 in the Town Board Conference Room at 11:00AM, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

11) 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 authorize the approval of all entries on Warrant #1 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$119,491.44
Part Town Fund	\$1,678.39
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$65,998.08
Special Districts	\$61,080.73
Trust & Agency	\$5,726.18
Capital Fund	\$12,804.69

The resolution was unanimously adopted.

12) 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 receive and file the following report:

- Building Inspector's Report and Building Permits for December 2009.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilman Kaczor, the meeting was adjourned at 7:40 PM (local time).

Respectfully Submitted,

Carol R. Hutton

**Carol R. Hutton
Town Clerk**