

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 18th day of January 2012 at 7:00 PM, the meeting was called to order by Councilmember Kaczor and there were:

PRESENT AT ROLL CALL:	David Kaczor	Councilmember	
	Eugene Majchrzak	Councilmember	
	Carol Hutton	Town Clerk	
	John C. Bailey	Town Attorney	
	Andrew Geist	Building Inspector	
	Andrew Benz	Chief of Police	
	Frederick Piasecki, Jr.	Highway Superintendent	
	Wayne Bieler	Town Engineer	
	Absent	Janis Colarusso	Supervisor

Councilmember Kaczor 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 MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Organizational Meeting and the Regular Town Board Meeting held on January 4, 2012 and the Executive/Special Session Meetings held on January 4 & 11, 2012 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 has previously received copies thereof.

The resolution was unanimously adopted.

Old Business #1 Town Board to issue a Conditional Negative Declaration

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

WHEREAS, the Krog Corporation has submitted plans to the Town for development of 32 acres of property located along the south side of Big Tree Road for a multi-use development that will be predominantly medical facilities, which was referred to the Planning Board on November 4, 2009, and

WHEREAS, the Town Board did hereby seek Lead Agency status to conduct a coordinated SEQR review for the construction of the proposed development

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby issue a Conditional Negative Declaration based on the Long EAF Parts 1 and 2 (submitted on 8/25/11) and the Traffic Impact Study (submitted on 12/20/11) for P.B. File #43-09, Krog Corp, 32.01+/- acres Vacant Land south side of Big Tree Road, east of US Route 219, zoned DR, as recommended by the Planning Board with the following stipulations:

1. The Planning Board has reviewed the submitted Long EAF Parts 1 and 2, along with the petitioner's Traffic Impact Study, and the only environmental issue is safe traffic ingress and egress, which can be accomplished with the Site Plan's driveway being aligned with South Taylor Road and the required traffic control and mitigation as detailed in the Traffic Impact Study.
2. The Planning Board has also reviewed the Town's independent engineering consultant's review of the petitioner's Traffic Impact Study and based on the petitioner providing:
 - (a) Controlled signalized access for both South Taylor and the site driveway.
 - (b) Acceptable Level of Service for both South Taylor and the site driveway approaches.
 - (c) Adequate and safe east bound and west bound left-hand turning storage lane lengths on Big Tree Road for both South Taylor Road and the site driveway.

The Planning Board has determined the alignment option to be preferred from a planning and safety aspect.

3. Upon the petitioner cleaning up the minor descriptive issues in the SEQR Part 1 and the Traffic Report as documented by the Town's Consultant and Departments on 1/11/12, the Town Board will send the SEQR and Traffic Impact Study to the State DOT for their comment and review of said documents including the Planning Board's recommended alignment requirement, which has also been recommended by the Town's Public Safety Committee.

The resolution was unanimously adopted.

New Business #1 Town Board Appointment to Orchard Park Library Board

3) 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 appoint Marianne Hoover to the Orchard Park Library Board for a 3 year term ending December 31, 2014.

The resolution was unanimously adopted.

New Business #2 Town Board to Authorize Supervisor to Sign Contract

4) 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 authorize the Supervisor to sign the Service Agreement between the Town of Orchard Park and Tru Green Commercial Property Service for a 3 year contract, not to exceed \$1,305.00.

The resolution was unanimously adopted.

New Business #3 Town Board Appointment to Public Safety Committee

5) 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 appoint Dr. Patrick Keem, 8 Highbrook Court to the Public Safety Committee for a one year term ending 12/31/12.

The resolution was unanimously adopted.

New Business #4 Town Board Appointment to Police Procedures & Operations Review Committee

6) 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 appoint the following appointments to the Police Procedures & Operations Review Committee: Nick Baich, Chairperson, Toni Cudney, former Supervisor, Ed Graber, former Councilman, John Bailey, Town Attorney, Joseph Wales, Village Trustee, Mark Pacholec, Police Lieutenant, & resident Ed Hempling, for the year 2012.

The resolution was unanimously adopted.

New Business #5 Recreation Department Fall/Winter/Spring 2012 Seasonal Staff appointment

7) 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 authorize the Fall/Winter/Spring 2011-2012 "Seasonal" Staff appointment to the Orchard Park Recreation Department, as requested by the Recreation Director. This appointment is dependent upon the applicant providing the required certifications.

Name	Address	Rate	Position (Title)
Emily Pasternak	4559 Buckingham Lane	\$8.50	PT2-B (LG)

The resolution was unanimously adopted.

New Business #6 Authorize Final Payment/Change Order & Release of Retention

8) 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 Municipal Center Renovations Project has been completed and 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 Final Change Order #6 is a credit in the amount of \$963.00. This is work that was performed under Change Order #5 as a Time and Material basis. The installation of stainless steel corner guards, repair of drywall corners, replacement of vinyl base in the Basement Meeting Room, lowering of Town Clerk's wall cabinets, and installation of fire dampers in the Police Evidence Room all took less time than originally quoted and

WHEREAS, the two-year maintenance bond in the amount of \$188,948.30 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents.

NOW, THEREFORE, be it

RESOLVED that the Town Board recommend approval for the final Change Order in the amount of a \$963.00 credit, and authorize the Final Payment / Release of Retention to RB Mac Construction Co., Inc, P.O. Box 424, Lockport, New York 14095 for the Orchard Park Municipal Center Renovations Project in the amount of \$22,733.52.

The resolution was unanimously adopted.

New Business #7 Authorize Budget amendment for Highway – Culvert Pipe

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

WHEREAS, the Town has been successful in obtaining additional funds and

WHEREAS, the Town did not include either the revenues or the appropriations in the year 2011 adopted budget, and

WHEREAS, the Town does desire to receive additional funds,

NOW THEREFORE, be it

RESOLVED that the Town board hereby authorize the amending of the 2011 adopted budget to increase additional appropriations and estimated revenues of \$2,790.35.

Increase Appropriations:
DA 5110.0474 Highway Culvert Pipe - \$2,790.35

Increase Estimated Revenues:
DA 0000.2655 Sale of Culvert Pipe - \$2,790.35

The resolution was unanimously adopted.

New Business #8 Authorize Budget amendment for Highway –CHIPS

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

WHEREAS, the Town has been successful in obtaining additional funds and

WHEREAS, the Town did not include either the revenues or the appropriations in the year 2011 adopted budget, and

WHEREAS, the Town does desire to receive additional funds,

NOW, THEREFORE, be it

RESOLVED, that the Town board hereby authorize the amending of the 2011 adopted budget to authorize additional appropriations and estimated revenues of \$41.20.

Increase Appropriations:

DA 5112.0200 Highway – Permanent Improvement - \$41.20

Increase Estimated Revenues:

DA 0000.3501.0005 CHIPS Revenue - \$41.20

The resolution was unanimously adopted.

New Business #9 Accept Resignation from Comprehensive Implementation Committee

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

RESOLVED, that the Town Board accepts with regret the resignation of Joseph Alfieri from the Comprehensive Implementation Committee.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Lou Boehm – Mr. Boehm said that during and after the holidays, the roads around Lake Ave. were overloaded with traffic in an already overburdened areas. He feels that with New York State willing to spend one billion dollars on substantive industrial development in the Buffalo area, the Town Board should return the WalMart parcel to Industrial Use.

Tom Pieczynski – Mr. Pieczynski said the Orchard Park Senior Center is woefully lacking in space and that he and some others go to another Senior Center to get things they cannot get in Orchard Park because of lack of space. Anna Willems is outstanding as a Director and is second to none, but she only has so much space to work in. The seniors in Orchard Park are being short-shifted, hopefully not neglected, and something needs to be done to change it.

Jaqueline Briggs – Ms. Briggs thanked the Town Board for all the support they have given the Senior Center in the past and hopes they will continue to do so. She stated that the senior population in Orchard Park has increased by 23% in the past 10 years and that over 20,000 seniors have taken part in the programs at the Senior Center. The different senior groups in Town have to meet elsewhere as the Senior Center is too small. The Senior Council of Orchard Park has applied for a Capital Campaign not for profit campaign to provide for a future larger Community Senior Center and encouraged anyone who is interest to join them.

Dave Schuster – Mr. Schuster said that the pristine area of Shale Creek Preserve in Chestnut Ridge Park, which houses the Eternal Flame falls, is under attack as it is scheduled to be altered to accommodate a disk golf course. This was done by the County without notifying the public or the Chestnut Ridge Conservancy. The Park falls within the Town boundaries and the Eternal Flame site is too unique to be destroyed by uncaring people tramping through it. This area was meant to be a Preserve and he asked if the Town Board could do anything to alter this action and preserve the area.

ELECTED OFFICIALS & DEPARTMENT HEADS

12) 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 approve the following budget transfers within the 2011 Sewer, Water & Lighting Department, Highway, Compost and Courts.

Sewer, Water & Lighting Department

\$20.00 From: 001.8346.503 Vehicle Repair
To: 001.8346.475 Gasoline

Highway

\$ 92.42 From: A.7110.0445 Parks Repairs & Maintenance
To: A.7110.0402 Park Supplies

\$ 60.04 From: A.7110.0421 Parks Electric
To: A.7110.0423 Parks Water

\$ 10.77 From: A.8560.0419 Forestry – Tree Supplies
To: A.8560.0101 Forestry Tree Planting Labor

\$529.76 From: DA.5110.0420 Highway Telephones
To: DA.5110.0407 Highway Clothing Allowance

Compost

\$2.00 From: 800.8161.0401 Composting Facility Supplies
To: 800.8161.0250 Composting Equipment

\$13.23 From: 800.9161.0421 Composting Electric
To: 800.8161.0423 Composting Water

Courts

\$408.49 From: A.1110.0139 Town Justice – P/T Clerical
To: A.1110.0449 Town Justice – Court Officer

Reason: Deficit in Account – more actively then was anticipated

The resolution was unanimously adopted.

Councilmember Kaczor – Thanked seniors for their comments and said “We’re very aware of the fact that our senior facility in Orchard Park does not adequately meet the needs of our seniors”. The Town Board cut its grant writer from this year’s budget because it wanted to save the funds that would be needed to match grants and probably would not consider a project unless it impacts the health and well-being of the community. He asked Dave Schuster for the information regarding the Shale Creek Preserve.

Building Inspector Andy Giest – Sited that the Town Code states to keep sidewalks clear of snow.

Police Chief Benz – He wanted the residents to be mindful of the impending snow and please not leave snow in the street or neighbors driveways and to slow down when driving.

Highway Superintendent Piasecki – He stated that the Highway Department is picking up Christmas trees and brush for the Compost Site.

13) 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 authorize the approval of all entries on Warrant #2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$44,548.34
Public Safety Fund	\$6,041.52
Part Town Fund	\$938.53
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$40,802.57
Special Districts	\$53,937.59
Trust & Agency	\$642.32
Capital Fund	\$2,030.93

The resolution was unanimously adopted.

14) 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:

- Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2010.
- Chief Andrew Benz was elected President of the Erie County Association of Chiefs of Police for 2012. He joined the organization in March 2008 and had held the positions of 2nd & 1st Vice President before being elected President this year.

The resolution was unanimously adopted.

15) 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 & file the following report:

- Building Inspector's Annual Report for 2011.
- Building Inspector's Report for New Construction 2002-2011.

The resolution was unanimously adopted.

There being no further business, on motion by Councilmember Majchrzak, seconded by Councilmember Kaczor, the meeting was adjourned at 7:27 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk